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PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
FIRST SESSION.

SENATE.

MONDAY, *October 6, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee day by day lifting up our hearts for Thy guidance and blessing. We pray that as we come this morning we may have the touch of the divine spirit upon our hearts. We unite our hearts in asking Thy blessing upon the President of the United States. We seek Thy guidance and blessing upon those who minister to him that he may speedily be restored to health and strength. We pray Thee to keep in Thy tenderest care the life and health and strength of all those whom Thou hast called into places of authority and power in this testing time of our national life. May they all, preserved by Thy grace and power and led by Thy spirit, so cooperate in the great movement of the world to-day as that Thy name may be glorified and the people of this country blessed. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATES OF APPROPRIATIONS (S. DOC. NO. 119).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the United States Employees' Compensation Commission, submitting supplemental estimates of appropriations in the sum of $1,283,000 required by the commission for the compensation fund and contingent expenses of the commission for the fiscal year ending June 30, 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 253) for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914.

The message also announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) to amend an act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, approved August 10, 1917, insists on its disagreement to the amendments of the Senate, requests a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAUGEN, Mr. MCLAUGHLIN of Michigan, and Mr. RUBEY managers at the further conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 396. An act to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation in South Dakota;

H. R. 400. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims;

H. R. 685. An act for the relief of Frank S. Ingalls;

H. R. 974. An act for the relief of W. T. Dingler;

H. R. 1761. An act for the relief of the Farmers National Bank of Wilkinson, Ind.;

H. R. 1812. An act making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States;

H. R. 1853. An act to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture;

H. R. 5348. An act for the relief of Mrs. Thomas McGovern;

H. R. 5665. An act for the relief of Carlow Avellina; and

H. R. 6413. An act granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7417) to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, and it was thereupon signed by the Vice President.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. HITCHCOCK. Mr. President, I ask, if there is no objection, that the Secretary may read a telegram received by me this morning.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

LOS ANGELES, CALIF., *October 5, 1919.*

HON. GILBERT HITCHCOCK,
United States Senate, Washington, D. C.:

The following telegram is sent you by the Los Angeles branch of the League to Enforce Peace as a brief summary of important actions that have been taken by individuals and organizations in southern California on the subject of the league of nations and its ratification by the Senate of the United States during and following the visit and address here of Senator HIRAM JOHNSON, and is intended as a recital of the principal facts showing that the sentiment of the people of the State of California is overwhelmingly in favor of the league of nations and directly opposed to the attitude taken on the subject by Senator JOHNSON.

The morning after Senator JOHNSON'S speech in Los Angeles the following letter, as an answer thereto, was addressed to him by more than 150 men and women widely representative of all southern California:

"Your recent statements that California stands with you in your opposition to the covenant of the league of nations is incorrect. Hundreds of polls taken by newspapers, clubs, and societies indicate that at least 75 per cent of the votes are for immediate ratification without amendment, which will be the first great step toward allaying the unrest of the world. Present chaotic world conditions will not, in our judgment, improve until the Allies reach a common understanding in matters of such grave import. We believe a representative ought to reflect the sentiments of the majority."

The above telegram was signed by 21 judges and members of the bar; 43 business men; 9 ministers; 5 educators and college presidents; 10 Federal, State, and county officials; 3 labor leaders; 5 bankers; 4 professional men; and 61 club-women leaders.

The board of directors of the Los Angeles Chamber of Commerce, representing a membership of over 3,600, unanimously passed the following resolution:

"*Resolved*, That it is to the best interests of the country that the United States Senate speedily ratify the treaty and league of nations as it now stands, without amendment."

The following signed statement was published by prominent judges and attorneys:

"We have given careful study to the covenant of the league of nations and have given due attention to the arguments which have been advanced in support and in opposition to the covenant; further, we see clearly that unless the Senate ratifies the peace treaty, with the league of nations, that our country must stand alone against the world and we must enter upon a stupendous program for naval and military armament, which

means a crushing burden of taxation upon every man and woman in America, and that our thought and energy must go for munition manufacturing rather than for reconstruction and development of our resources for peaceful pursuits. We urge every thinking man and woman to consider this matter wholly apart from partisan bias, racial hatred, and national jealousy, and to lend his or her influence to secure the ratification of the peace treaty with the league of nations.

"(Signed) N. P. Conrey, presiding justice, department 1, second district court of appeals; W. J. Hunsaker, ex-president of the bar association; Benjamin F. Bledsoe, judge, United States district court; James A. Anderson, ex-president of the bar association; Oscar A. Trippet, judge, United States district court; W. H. Thomas, judge, department 2, second district court of appeals; Frank G. Finlayson, presiding justice, department 2, second district court of appeals; Leslie R. Hewitt, judge, superior court; Henry W. O'Melveny, ex-president of the bar association; John Perry Wood, judge, superior court; John D. Fredericks, former district attorney; W. A. Sloane, justice, department 2, second district court of appeals; Silas Evans, president Occidental College; Roy Malcolm, professor of political science, University of Southern California; Louis W. Meyers, judge, superior court; Dana R. Weller, judge, superior court; Fred H. Taft, judge, superior court; Russ Avery, judge, superior court; Dr. Ernst Carroll Moorehead, Southern Branch, University of California; George F. Bovard, president University of Southern California."

The Central Labor Council of Los Angeles unanimously adopted the following resolution:

"Whereas the American Federation of Labor at its last convention at Atlantic City declared the labor movement in favor of the covenant of the league of nations by practically a unanimous vote—29,000 to 400; and

"Whereas Senator HIRAM W. JOHNSON, while governor of this State, proved himself to be a friend of organized labor on many occasions, and is still highly regarded in consequence; and

"Whereas Senator JOHNSON is now one of the most active opponents of the covenant, so earnestly desired by the organized wage earners of the United States: Therefore be it

"*Resolved by the Central Labor Council of Los Angeles, the parent body of 40,000 trade unionists of this city*, That we deplore the position taken by Senator JOHNSON, and ask him to cease his opposition to the covenant of the league of nations."

At a meeting of Southern California Club Women, 300 club presidents being in attendance and 16,000 club members being represented, the following resolution was unanimously adopted:

"*Resolved*, That the Presidents' Council of the Los Angeles District Federation of Women's Clubs, assembled September 27, 1919, approved the ratification of the peace treaty and the covenant of the league of nations, and that telegrams be sent to Senators JOHNSON and PHELAN, notifying them of such action and requesting their support of the same in the United States Senate."

On the morning of Senator JOHNSON's arrival in Los Angeles Mayor Meredith P. Snyder was requested by the Johnson committee to make an address of welcome to the Senator. His response was a 500-word signed statement in support of the league of nations, of which the following is the opening paragraph:

"Whether a man be a high representative of the people of California at Washington or a lowly citizen here at home, he is doing something for which he should be condemned if he attempts to prevent the ratification of the covenant of the league of nations, without offering a substitute for it which will be an improvement."

In addition the mayors of a number of southern California cities, including places of importance, such as Santa Monica, San Bernardino, Pomona, Santa Ana, Passadena, and Ventura, sent signed statements to this organization enthusiastically indorsing the league of nations and requesting its immediate ratification.

The lay and ministerial conferences of the Methodist Episcopal Church of California, representing a total joint membership of approximately 85,000, in two meetings adopted strong resolutions indorsing the league of nations. One of these conferences, representing 50,000 church members, passed at Santa Barbara, Calif., on October 3 the following resolution in the form of a telegram addressed to Senator JOHNSON:

"The Laymen's Association of the Southern California Conference of the Methodist Episcopal Church, in annual session at Santa Barbara, most heartily indorse the league of nations covenant and urge its speedy ratification. We respectfully call upon you to withdraw your opposition."

President Blaisdell and 52 members of the Pomona College faculty presented a petition personally to Senator JOHNSON, urging that he support the peace treaty and league of nations as presented to the Senate by the President of the United States.

The following telegram was sent to Senator JOHNSON, signed by 32 officials and business men of Riverside County, all Republicans:

"We, the undersigned Republicans of Riverside City and County, do not approve of the stand taken by you on the league of nations. We are strongly for the league of nations."

This telegram was signed by the sheriff, city attorney, judge, chief of police, and 18 business men and church women.

The Church Federation of Los Angeles, representing a constituency of approximately 75,000 church members, adopted the following resolution:

"We believe the treaty of peace and the covenant for the league of nations should be ratified without reservation or amendment at the earliest possible date."

Twenty-two of the members of Senator JOHNSON's Los Angeles reception committee, both men and women, all but two Republicans, publicly withdrew their names from the committee on the ground that they were not in agreement with the Senator on the subject of the league of nations. Included among these were the speaker of the California Legislature, a State senator and assemblyman, superior court judge, two county supervisors, and others prominent in the commercial and club life of this city. Among the letters of withdrawal from the committee the following, by Capt. Walter Brinkop, Three hundred and sixty-fourth Infantry, United States Army, in France, and now president of the American Legion. Here is an example:

"I not only repudiate the use of my name, but I bitterly resent it. There is no pro-Germanism in my blood and therefore I am not with JOHNSON's fight against the league, but am unequivocally for it. Americanism is the big question of the hour, and the league of nations is the big hope of all of us who are true, loyal Americans."

One other member of the Johnson reception committee, who was JOHNSON's former campaign manager in the important city of Pomona, in withdrawing his name from the committee, wrote as follows:

"My name was used without my authority. I consider the policy of the Johnson committee in naming a large list of vice presidents, without securing their consent as unfair and unjust, because it implies an indorsement of Senator JOHNSON's position. I am heartily in favor of the league of nations, and after reading Senator JOHNSON's speeches I can say that I so heartily disapprove of his methods and his attacks upon England and France that I do not want to support him in any manner whatsoever."

A petition circulated for only a few hours among the returned soldiers expressing unqualified approval of the league of nations covenant and calling upon the Senate to ratify without amendment was signed by a total of 212 ex-soldiers, many of whom had just returned from service in France, and including Col. Charles F. Hutchinson, of the One hundred and sixtieth (Los Angeles) Infantry, United States Army; and Capt. Walter Brinkop, of the Three hundred and sixty-fourth Infantry, United States Army, machine-gun commander, and president of the American Legion in Los Angeles.

Many editorial expressions from Republican newspapers in various sections of the State favoring "immediate ratification" of the league covenant, challenging Senator JOHNSON's claim that support of the treaty is "un-American," and voicing the opinion that "the people unmistakably want the peace treaty and the league of nations covenant ratified without hampering amendments" have also been transmitted to our headquarters.

One of the strongest of such expressions, antagonistic to the cause of Senator JOHNSON, came from Chester H. Rowell, proprietor of the Fresno Republican, an intimate friend and former political supporter of Senator JOHNSON. The two Republican daily newspapers of this city, the Los Angeles Times and Los Angeles Express, are unqualified supporters of the league of nations, demanding its immediate ratification and repudiating Senator JOHNSON's attitude.

At a public meeting to-day, Sunday afternoon, every seat in auditorium filled and about 2,000 turned away. JOHNSON's

speech was answered by John D. Fredericks, former Republican district attorney and leading attorney of Los Angeles; A. J. Wallace, former Republican lieutenant governor with JOHNSON; and J. Stitt Wilson, distinguished orator and former mayor of Berkeley, Calif., who for more than three hours compared statements of Senator JOHNSON in his Los Angeles address with the language of the treaty and covenant. At the conclusion of the meeting a rising vote was taken on the question of the league of nations, with result that entire audience of nearly 4,000 stood up as favoring the league of nations, with only 20 remaining seated.

LEAGUE TO ENFORCE PEACE, COUNTY ORGANIZATION,
By WM. BOWEN, *President*.
ROY MALCOM, *Secretary*.

Mr. BORAH. Mr. President, the telegram which has just been read into the RECORD from the League to Enforce Peace lays stress upon the proposition that some of the former political friends of Senator JOHNSON, of California, disagree with him as to the league of nations, I suppose drawing the inference that he would thereby suffer politically. It may be possible, Mr. President, that Senator JOHNSON will be able to recoup his losses of Republicans in California by gains from the Democrats in Massachusetts. I desire to read a portion of the platform which was adopted by the Massachusetts Democrats, in convention assembled on last Saturday. They favor the ratification of the treaty, "provided the covenant is so amended"—not that reservations shall be made in it but that it shall be so amended—"as to give to no other nation more votes than the United States; to protect the sovereignty of the American people; to protect the right of self-determination, and to refrain from adding to the burden of peoples wanting to be free and independent."

Mr. TRAMMELL. Mr. President——

Mr. NELSON. Will the Senator from Florida permit me to ask the Senator from Idaho a question?

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. NELSON. If the Senator from Idaho will allow me, I desire to interrupt him. Why does the Senator not also ask to have inserted in the RECORD the Republican platform which was adopted in Massachusetts in juxtaposition to the Democratic platform? It might possibly throw some further light on the subject.

Mr. BORAH. No; I do not think it would throw any light upon the particular subject; but if the Senator from Minnesota can see any light in it, I shall be very glad to have it inserted. So, Mr. President, I ask also to insert the Republican platform, although I have not it upon my desk at this moment. I desire to have inserted in the RECORD both platforms as soon as full copies can be secured.

While I am on my feet I desire to say that, notwithstanding the assurances that this question would not enter the domain of politics, there seems to be some danger of its getting into the political arena, for every political organization and every political meeting which has gathered together since this matter came before the people has declared upon this question, one way or the other. I now yield to the Senator from Florida.

Mr. TRAMMELL. I was going to make an observation along the lines of the statement made by the Senator from Minnesota that I thought the Republicans would probably offset the Democrats in Massachusetts.

Mr. BORAH. In what respect does the Senator think so?

Mr. TRAMMELL. In regard to their indorsement of the league of nations with no modifications or amendments which would result in reopening negotiations. That seems to have been the indorsement of the Republicans in Massachusetts.

Mr. BORAH. I am perfectly willing to have the Republican platform inserted in the RECORD; and, so far as my construction of it is concerned, I understand it to be an indorsement of reservations, unmistakable and efficient to accomplish certain things which they define. While that is not my program, it is far from being the program, as I understand, of those who are in favor of the treaty upon the other side of the Chamber. So I do not see any particular consolation to them in that platform. However, I shall be glad to insert it in the RECORD.

Mr. HITCHCOCK. Mr. President, the Senator from Idaho has somewhat mistaken my purpose in presenting the telegram from California showing a tremendous repudiation of Senator JOHNSON'S views upon the league of nations. My purpose was not to show that Senator JOHNSON had lost personal following there; my purpose was to show that the Republicans of that State, the business men, the laboring men, the churches, the women, large portions of the reception committee, and many of his former campaign managers repudiated his attitude upon the league of nations. I am not saying that those elements of the community in California may not still be in favor of the Senator from California as a Republican candidate for President of the United States; I am introducing it to show that Republican sentiment and public sentiment generally in California is so overwhelmingly strong in favor of a league of nations that they repudiate even the attitude of a favorite son upon that subject, which shows a strength greater than any that I can conceive of in any State in the Union.

Mr. BORAH. How does the Senator construe the Democratic platform in Massachusetts with reference to the amendment of Senator JOHNSON? Does he construe that to be in harmony with his position?

Mr. HITCHCOCK. I am not construing platforms. If I were to construe platforms, I would construe the platform which was adopted by the Republican convention in Massachusetts, to which reference has already been made and which, with the Senator's permission, I should like to read at length——

Mr. BORAH. I will permit the Senator to read it; but the difference between the Senator from Nebraska and the Senator from Idaho is that I am perfectly willing to construe both platforms; it does not make any difference to me which platform the Senator reads; but will not the Senator before he takes his seat state what he understands to be the position of the great Democratic Party in the State of Massachusetts with reference to the particular proposition which Senator JOHNSON represents?

Mr. HITCHCOCK. Mr. President, the Democratic Party of the State of Massachusetts has on so few occasions been of any service to the national Democratic Party that I am not so much interested in their attitude. However, there is one notable exception, which has given us the presence of the able Democratic Senator from Massachusetts, Mr. WALSH, but such events are so rare and depend so largely on personal strength that we who represent debatable States and Democratic States are not worrying about the resolutions that may be adopted by the Democrats of Republican Massachusetts. We see, however, a peculiar significance when the dominant Republican Party of the State from which the Republican leader hails speaks on the treaty. The chairman of the Foreign Relations Committee is the Senator from Massachusetts [Mr. LODGE], and in a platform adopted in his presence the Massachusetts convention denounces and condemns amendments to the treaty reported by the committee of which he is chairman and supported by him in the Senate. We see in the attitude of those Republicans from Massachusetts, as we see in the attitude of the Republicans of California repudiating the attitude of their favorite son, a tremendous evidence that the Republican as well as the Democratic sentiment of the people of the United States is overwhelmingly in favor of the league of nations.

Mr. BORAH. It seems to me that the Senator's reference to the Democrats in Massachusetts is hardly justified by the facts; the Democrats of Massachusetts have furnished quite as much strength to this Chamber in the present situation as have the Democrats in Nebraska. The Democrats of Nebraska have furnished one Senator and the Republicans have furnished one, and that is what the Democrats of Massachusetts have done.

Mr. HITCHCOCK, Mr. McCORMICK, and Mr. EDGE addressed the Chair.

Mr. BORAH. Just a moment.

The VICE PRESIDENT. This is not a chorus.

Mr. BORAH. It is true, Mr. President, that the Democrats of Nebraska have furnished a candidate for President more often than have the Democrats of Massachusetts, but they are not any nearer the White House than the Democrats of Massachusetts.

Mr. THOMAS, Mr. McCORMICK, and Mr. EDGE addressed the Chair.

The VICE PRESIDENT. Four Senators are on their feet. To whom does the Senator from Idaho yield?

Mr. BORAH. I yield first to the Senator from Colorado.

Mr. THOMAS. I merely wish to ask the Senator from Idaho if he does not think that this discussion powerfully supports the President of the United States in so far as he has urgently requested the people of the United States not to make this a partisan question?

Mr. BORAH. I do not know that it is a partisan question, but it is a political question, and that is a matter in which I have always been interested. It is not so material to me which side either party gets on. I expect them to take positions, though, and they have taken positions, and they will continue to take positions. Now, I yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, I wanted to ask if our seniors in experience would not enlighten the novices in the Senate as to the significance of the Alabama elections? In Massachusetts politicians assembled in conventions spoke; but in Alabama the people spoke.

Mr. EDGE. Mr. President, may I interrupt the Senator from Idaho?

Mr. BORAH. Yes; I shall be very glad to have more light.

Mr. EDGE. It occurred to me that the Senator from Nebraska was somewhat critical as to Democracy in Massachusetts and did not seem to be very much impressed with the action of the Democratic convention in that great State. I thought it perhaps appropriate to draw his attention to the action of the Democratic Party in the State of New Jersey in the State convention only a week ago. The Democratic Party in New Jersey, perhaps unfortunately, has been of some consequence to the Democratic development throughout the country, and a week or 10 days ago, when the Democratic convention was held in the city of Trenton, they passed unanimously a resolution as part of their platform that they would not indorse the league of nations—mind you, the President's own State—unless it took proper care of the people of Ireland.

Mr. UNDERWOOD. Mr. President, this is out of order from the standpoint that we have enough discussion of the league of nations in the afternoon; but the Senator from Illinois [Mr. McCORMICK] recently referred to the election in Alabama. There were a good many issues involved in that election, but undoubtedly the issue over the ratification of the league of nations was one of the issues. The Republican candidate was occupying a position in emphatic repudiation of the league and the ratification of the treaty with the league in it, while the Democratic candidate was sustaining the position of the President of the United States. I do not know what the exact official returns are, but my information is that the Democratic candidate carried the district by a normal majority.

I have seen some statements in the paper recently with reference to this district that are very misleading. I saw in one of the papers yesterday the statement that the usual majority was 4,000. As a matter of fact, since I have been in Congress that district has been twice represented by a Republican. Mr. Burnett, who represented it for 20 years, carried it largely on account of his great personal popularity; but he rarely got a majority of over 1,000, and one time his majority was only 326. I think, though, in the last elections during the war, due to war conditions, Mr. Burnett got the largest majority that his district ever had, and that was a majority of something over 3,000. I think, though, that if you will take the trouble to estimate the results, you will see that the present candidate was elected by a majority that equaled the average majority in the district.

Now, Mr. President, I do not think that decides the question as to how we should vote on the league of nations, or as to how public opinion is divided on the subject. The seventh Alabama district is a good deal like the eastern Tennessee district and the western Virginia district. It is the district in the State of Alabama where the largest number of Republicans live. It is largely a white district. There are very few negroes in it. It is what we call a mountain district; and although the league of nations was an issue, the vote was along old-time party lines, and largely determined along those lines, and our candidate won out by a majority that I think was about an average majority. So I do not claim that there was anything very remarkable in the vote in favor of the league of nations, and I am sure there was nothing in that vote or that election that sustained the Republican contention that the league of nations ought to be eliminated from the treaty.

Mr. BORAH. Mr. President, I quite agree with the Senator from Alabama that there is nothing in the popular vote which should determine how Senators should vote here; but it is a fact, nevertheless, that the Republican candidate was pronouncedly and uncompromisingly against the league of nations and made his campaign upon that issue.

Mr. UNDERWOOD. And got beaten.

Mr. BORAH. And got beaten by 45 votes, according to the last telegram.

Mr. UNDERWOOD. I think the Senator will find he is mistaken about that.

Mr. BORAH. I received a telegram just before I came into the Chamber from Mr. Pollack, with whom I have been in touch since the campaign opened, in which he said that, according to the count at the present time, the Democratic candidate was 45 votes ahead. That is my authority.

ADDRESS OF HERBERT C. HOOVER.

Mr. HITCHCOCK. Mr. President, I ask to have inserted in the RECORD the report which I send to the desk of an address by Mr. Hoover on the league of nations, which was delivered in Palo Alto, Calif., on October 2.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PALO ALTO, CALIF., *October 2.*

Herbert C. Hoover explained his views on the peace treaty to the students of Stanford University and his own townspeople. He stated he had been urged to do so by ex-President Taft and others.

Mr. Hoover began by saying he was not impatient of honest debate and did not criticize the Senate for not accepting the treaty out of hand. He touched on the difficult situation in Paris and said none could have been more disappointed than the American delegation that great wrongs, the result of secret treaties, were not eradicated by the conference.

NO OBLIGATION TO FIGHT.

Coming specifically to the league of nations, he said in part:

"We hear the cry that the league obligates that our sons be sent to fight in foreign lands. Yet the very intent and structure of the league is to prevent war. There is no obligation for the United States to engage in military operations or to allow any interference with our internal affairs without the full consent of our representatives in the league. If there is any danger that we should be charged with an obligation to go to war, either direct or implied, without the full consent and approval of Congress, I believe the President will be the first to agree to any interpretation that this can not be.

THE FRENCH VIEW.

"The French Government so far takes this view: That it has requested from us a separate military guaranty for themselves. The league is founded expressly in the attempt to secure the specific settlement of these questions without military force. To me every line of it is the complete negation of militarism. Its opposition in Paris arose entirely from the representatives of the old militaristic régimes and from the reactionaries of the world in general. They saw in it truly the undermining of militarism. What they foresaw has already happened in a great military nation, the British, where the population, broken under a load of taxation, is responding quickly to the new possibility of international safety without the burden of gigantic naval armament. It would have been impossible to give liberty to the score of new nations of militarily weak yet liberty-loving people without the league to safeguard them from invasion.

"I paid a recent visit to many of the capitals of the new States, and the first anxious question of their officials was, 'Will America ratify the league?' Their invariable statement was that without it their only course was the hopeless effort to arm themselves against stronger neighbors; to do it in the midst of misery; to endeavor to set up groups and military alliances, all the old treadmill of oppression of arms and ultimate war.

WANT TREATY TO FAIL.

"There are many elements in Europe who wish to see the treaty break down and the league of nations disappear. For instance, during the last five months our allies have been growing weaker from a military point of view, due to the necessity of demobilizing their armies, while at the same time the reactionary group in Germany has been growing in strength through the hope of yet securing a division of the Allies.

"At the time I left Europe, a month ago, a German militarism had already reestablished itself as a well disciplined, well officered army of at least 400,000 men, largely congregated on the Polish frontier, and even defying the Government at Berlin. If the treaty is ratified the German Army will be reduced to 200,000 men. The failure of the treaty means the invasion of the Polish State.

"This is only one of the powder magazines in Europe which can not be destroyed until this treaty is ratified, and during every day of delay more explosives are poured into them.

"If the balance of power is to supplant the league of nations we will have torn asunder the only hope that Europe will not break into further wars of races, classes, and combinations that will take civilization back to the Middle Ages.

CHAOS WITHOUT TREATY.

"I am confident that if we attempt now to revise the treaty we shall tread a road through European chaos. Even if we managed to keep our soldiers out of it, we will not escape fearful economic losses. If the league is to break down we must at once prepare to fight.

"Few people seem to realize the desperation to which Europe has been reduced. During the coming winter some of them will look with longing eyes on this rich, fat Nation, possessing great surpluses of every human necessity, while they endure inevitable hunger and cold. Others of them will be plunged into war with their neighbors, and we have already experienced the impossibility of maintaining neutrality with self-respect and safety.

"We can not fiddle while Rome burns. The Allies may themselves ratify this treaty without us, and thus assemble a council

of nations of their own in an endeavor to solve the problems of Europe. It would be a council of Europe, and in the midst of these terrible times, considering the debts they owe us, the material they must have from us or starve, I would rather that we be represented therein lest it become a league of Europe against the Western Hemisphere. A peace without us means more Army and Navy for us, with the old treadmill of taxes and dangers for us.

"Neither the gospel of hate nor the gospel of unpreparedness is the road to peace. The true road lies in every effort to remove the causes of war, not in tearing down such structure of peace as we have, nor in blindness to present dangers. Those who think we can isolate ourselves seem to ignore the fact that modern communication has shortened our distance from our neighbors from a month to an hour.

ECONOMIC LOSSES.

"We are an overseas people and we are dependent upon Europe for a market for the surplus products of our farmers and laborers. Without order in Europe we will at best have business depression, unemployment, and all their train of troubles. With renewed disorganization in Europe, social diseases, and anarchy thrive, and we are infected by every social wind that blows from Europe.

"Our expansion overseas has entangled us for good or ill, and I stand for an honest attempt to join with Europe's better spirits to prevent these entanglements from involving us in war. We are not dealing with perfection, we are dealing with the lesser of evils. These are reasons of interest.

"There are also reasons of idealism and true national interest lies along the path of practical ideals. It was with the hope of ending war that we went into it. To fix peace in international law—that idea dominated our representatives in the peace conference. We have expended the lives of our sons and an enormous portion of our wealth hoping to see these ends made secure. For us to refuse to enter into a joint attempt with the well-thinking sections of a large part of the world, to establish a continuing moral conscience against war, is the utmost folly in our own interests.

SHALL WE DESERT NOW?

"We fought the attempt to impose autocracy on the world. We won. We imposed democracy all over Europe. We set up a score of new democracies, and there are in many of them peoples of our own blood—in the Baltic, Polish and Slav races. Are we to refuse our counsels to these peoples now struggling to realize our own ideals?

"I am one of those who hold that this war would never have happened if the nations of Europe had accepted the invitation of Sir Edward Grey to a conference of civilians in July, 1914. We have now seen the most terrible five years of history, because the reactionaries of Europe refused to come into a room to discuss the welfare of humanity. From this mighty political, social, and economic upheaval there has resulted a host of outstanding problems which can breed war at any minute. The liberal world is not asking for soldiers, it is asking for our economic and moral weight, our idealism, and our distinterested sense of justice. Are we not to take the responsibility that rests on the souls of those men in Europe who refused this invitation in 1914?"

ADDRESSES OF PRESIDENT WILSON.

Mr. HITCHCOCK. I also ask to have inserted in the RECORD the remaining addresses of the President of the United States upon his recent trip in the West.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

THE PRESIDENT AT SAN DIEGO, CALIF., SEPTEMBER 19, 1919.

"Mr. Mayor, ladies, and gentlemen, it is very agreeable to have been indirectly introduced by my friend Mr. Gage, for whom I have so affectionate a regard. I know he will not mind my saying that I first met him when we were both 'lame ducks.' I had just come out of the hospital after an operation and he had one arm out of commission from neuritis, and we met sitting, rather helplessly and perhaps hopelessly, on one of the broad piazzas of one of the hotels at Palm Beach. Being fellow sufferers and comrades in misery, we were drawn toward each other and drawn into confidences which I greatly enjoyed, and which I now recall with peculiar pleasure in seeing Mr. Gage without his hand bound up and in the sort of health I would wish to see him in. What he has said has reminded me of one of the thoughts which has been prominent in my mind of late. He has spoken of our dealings with the Philippine Islands. One of the perplexities under which we have suffered is that, although we were leading the Philippine Islands toward independence, we were in doubt of what would happen to them when they obtained their independence. Before this conference at Paris, the only thing that could be suggested was that we should get a common guaranty from all the nations of the world that the Philippines should be regarded as neutral, just as Belgium was once regarded as neutral, and that they should guarantee her inviolability, because it was certainly to be expected that she would not be powerful enough to take care of herself against those who might wish to commit aggression against her. That serves as a very useful illustration of one of the purposes for which the league of nations has been established, for do you not observe that the moment we are ready to give independence to the Philippines her independence is already guaranteed, because all the great nations of the world are under engagement of the most solemn sort to respect and preserve her territorial integrity and her existing political independence as against external aggression? Those words 'external aggression' are sometimes left out of the exposition of article 10. There was not a member of that peace conference with whom I conferred who did not hold the same opinion that I hold as to the sacred right of self-determination and did not hold the principle which all Americans hold, that it was not the right of any nation to dictate to another nation what sort of government it should have or under what sort of sovereignty it should live.

"For us the problem of the future of the Philippines is solved by the league of nations. It is the first time that the world has come to this mind about matters of that sort, and what brought it to that mind? The breakdown of the neutrality of Belgium. You know you can not establish civil society if anybody is going to be a neutral with regard to the maintenance of the law. We are all bound in conscience, and all public officers are bound in oath, not to remain neutral with regard to the maintenance of the law and the vindication of the right, and one of the things that occurred in this conference, as a sort of practical joke on myself, was this: One of the principles that I went to Paris most insisting on was the freedom of the seas. Now, the freedom of the seas means the definition of the right of neutrals to use the seas when other nations are at war, but under the league of nations there are no neutrals, and, therefore, what I have called the practical joke on myself was that by the very thing that I was advocating it became unnecessary to define the freedom of the seas. All nations are engaged to maintain the right, and in that sense no nation can be neutral when the right is invaded, and, all being comrades and partners in a common cause, we all have an equal right to use the seas. To my mind it is a much better solution than had occurred to me, or than had occurred to anyone else with regard to that single definition of right.

"We have no choice, my fellow citizens, in this matter except between these alternatives: We must go forward with this concert of nations or we must go back to the old arrangement, because the guaranties of peace will not be sufficient without the United States, and those who oppose this covenant are driven to the necessity of advocating the old order of balances of power. If you do not have this universal concert, you have what we have always avoided, necessary alignment of this or that nation with one other nation or with some other group of nations. What is disturbing me most about the present debate—not because I doubt its issue, but because I regret its length—is that it is heartening the representatives of Germany to believe that at last they are going to do in this way what they were not able to do by arms, separate us in interest and purpose from our associates in the war. I am not suggesting, I have no right to suggest, that the men who are opposing this covenant have any thought of assisting Germany in their minds, but my point is that by doing what they are doing they are assisting Germany, whether they want to do so or not. And it is not without significance, my fellow countrymen, that coincidentally with this debate there has been a revival of the pro-German propaganda all over the United States, for this is Germany's calculation that, inasmuch as she is obliged to stand apart and be for the time suspected and have other nations come slowly to accommodation with her, if we hold off other nations will be similarly alienated from us, as they will be, and that there will be, whether we design it or not, a community of interest between the two isolated nations. It is an inevitable psychological result. We must join this arrangement to complete the psychology of this war.

"The psychology of this war is this, that any nation that attempts to do what Germany did will certainly have the world combined against it. Germany not only did not know she would have the world combined against her, but she never dreamed she would. Germany confidently expected that Great Britain would not go into the war; she never dreamed that America would go into the war, and in order not absolutely to disheaven

her people she had continuously to lie to them and tell them that the submarine warfare was so effective that American troops could not be sent to Europe. Friends of mine who, before we went into the war, conversed with Germans on the other side and told them that they had come over since the submarine warfare began were not believed. The Germans said, 'Why, you can not cross the sea.' The body of the German people actually thought that the sea was closed, and that we could send 2,000,000 men over there without losing any of them, except on a single transport, was incredible to them. If they had ever dreamed that that would happen they never would have ventured upon so foolish an attack upon the liberties of mankind.

"What is impressed upon my mind by my stay on the other side of the water more than any one thing is that, while old rivalries and old jealousies and many of the intricate threads of history woven in unhappy patterns have made the other nations of the world suspect one another, nobody doubts or suspects America. That is the amazing and delightful discovery that I made on the other side of the water. If there was any place in our discussions where they wanted troops sent, they always begged that American troops might be sent, because they said none of the other associated powers would suspect them of any ulterior designs, and that the people of the country itself would know that they had not gone there to keep anything that they took, that they had not gone there to interfere with their internal affairs; that they had gone not as exploiters but as friends. That is the reputation of American soldiers throughout Europe, and it is their reputation because it is true. That is the beautiful background of it. That is the temper in which they go; that is the principle upon which they act and upon which the Government back of them acts, and the great people whom that Government represents. There is something more than the choosing between peace and armed isolation, for that is one aspect of the choice. We are choosing between a doubtful peace and an assured peace, guided and led by the United States of America.

"I was very much interested to scan the names on a very beautifully engrossed communication that was put in my hands to-day by Mr. Gage, a communication from the representatives of the League to Enforce Peace. I found upon it the names of many of the principal and most representatives citizens and professional men of San Diego, and it happened, I believe, unless I am misinformed, that practically all the signers were Republicans. There is one thing against which I wish to enter a protest. I have had, I do not know how many, men come to me and say, 'Mr. President, I am a Republican, but I am for the league of nations.' Why but? For as a Democrat you will permit me to remind you who are Republicans that you have always boasted that your party was the party of constructive programs. Here is the most constructive, the greatest constructive, program ever proposed. Why should you say but? If I were in your place and had in my heart the pride which you very properly entertain because of the accomplishments of your party, I would say, 'I am a Republican, and for that reason I am in favor of the league of nations.' But I am not going to say that I am a Democrat, and therefore in favor of the league of nations, because I am not in favor of it because I am a Democrat. I am in favor of it because I am an American and a believer in humanity, and I believe in my heart that if the people of this country, as I am going about now, were to suspect that I had political designs they would give me evident indication that they wanted me to go back to Washington right away. They would not give me the splendid and delightful welcomes they are giving me. Men and women would not come up to me as they are doing now and take my hand in theirs and say, 'Mr. President, God bless you!' I wonder if you realize, as I have tried to realize, what that gracious prayer means. I have had women who had lost their dearest in the war come up to me with tears upon their cheeks any say, 'God bless you!' Why did they bless me? I advised the Congress to go into the war and to send their sons to their death. As Commander in Chief of the Army and Navy, I sent their sons to their death, and they died, and their mothers come and say 'God bless you!' There can be only one explanation. They are proud of the cause in which their sons died; and, my friends, since we all have to die, the way those fellows died is the best way after all. There was nothing in it for them, no possible personal gain, nothing except the noble performance of a disinterested duty, and that is the highest distinction that any man can achieve.

"I remember years ago reading an essay that left a permanent impression on my mind. It was entitled 'Christmas, Its Unfinished Business.' It was a discourse upon what was then a very common occurrence—the meeting of assemblies to promote peace. You know, we used to be always having conventions to promote peace, and most of the men who sat on the platform were men who were doing everything they could to bring on war by unjustly exploiting other countries and taking advantages that they should not take, that were sure to exasperate the feeling of people elsewhere. But they did not realize that they were really bringing on wars; they, in their minds, were trying to bring on peace, and the writer of the essay called attention to this. His thesis was, 'There will be peace when peace is as handsome as war.' He hurried to explain that what he meant was this: That leaving aside the men who may have unjustly and iniquitously plotted war—like the general staff in Germany—the men in the ranks gave everything that they had, their lives included, for their country, and that while you would always hang the boy's musket or the boy's sword up over the mantelpiece, you never would hang up his ledger or his yardstick or his spade; not that civil employments meant to support yourself are dishonorable, but that they are centered upon yourself, whereas the sword and the gun mean that you had forgotten yourself and remembered only the call of your country. Therefore, there was a certain sacredness about that implement that could not attach to any implement of civil life. 'Now,' said my essayist, 'when men are devoted to the purposes of peace with the same self-forgetfulness and the same thought for the interest of their country and the cause that they are devoted to that they display under arms in war, then there will be no more war. When the motives of peace are as disinterested and as handsome as the motives of war for the common soldier, then we will all be soldiers in an army of peace and there will be no more wars.' Now, that comes about when there is a common conception of peace, and the heart of this covenant of peace is to bring nations together into consultation so that they will see which of their objects are common, so that they will discuss how they can accommodate their interests, so that their chief objective will be conciliation and not alienation; and when they understand one another, they will cooperate with one another in promoting the general interest and the common peace. It is the parliament of nations at last, where everyone is under covenant himself to do right, to respect and preserve the territorial integrity and existing political independence of the others, and where everyone engages never to go to war without first trying to settle the matter by the slow-cooling, disinterested processes of discussion. It is what we have been striving for for generation after generation, and now some men hesitate to accept it when the golden thing is placed in their hand. It would be incredible to me if I did not understand some of them, but it is not permitted to one occupying my present office to make personal remarks. After all, personal remarks are neither here nor there. What does any one of us matter in so great a thing as this? What difference does it make whether one man rises and another falls, or we all go down or go up together? We have got to serve humanity. We have got to redeem the honor of the United States. We have got to see this thing through to its great end of justice and peace."

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THE PRESIDENT AT HOTEL ALEXANDRIA, LOS ANGELES, CALIF., SEPTEMBER 20, 1919.

"Mr. Toastmaster and ladies and gentlemen, may I not first thank you, Mr. Toastmaster, for your very generous introduction. It spoke in the same delightful tone of welcome that I have heard in the voices on the street to-day, and, although I do not accept for myself the praise that you have so generously bestowed upon me, I nevertheless do recognize in it that you have set just the right note for the discussion which I wanted for a few moments to attempt.

"There is only one thing, my fellow citizens, that has daunted me on this trip. My good father used to teach me that you can not reason out of a man what reason did not put in him, and, suspecting—may I not say knowing—that much of the argument directed against the league of nations is not based upon reason, I must say I have sometimes been puzzled how to combat it, because it is true, as your toastmaster has said, that there is a great constructive plan presented, and no man in the presence of the present critical situation of mankind has the right to oppose any constructive plan except by a better constructive plan. I will say now that I am ready to take ship again and carry back to Paris any constructive proposals which appear a suitable and better substitute for those which have been made.

"There is a peculiarity about this constructive plan which ought, I think, to facilitate our acceptance of it. It is laid out in every part upon American principles. Everybody knows that the principles of peace proposed by America were adopted, were adopted as the basis of the armistice and have been acted upon as the basis of the peace, and there is a circumstance about those American principles which gives me absolute confidence in them. They were not principles which I originated. They

would have none of the strength in them that they have if they had been of individual origination. I remember how anxiously I watched the movements of opinion in this country during the months immediately preceding our entrance into the war. Again and again I put this question to the men who sat around the board at which the Cabinet meets: They represented different parts of the country, they were in touch with the opinion in different parts of the United States, and I would frequently say to them, 'How do you think the people feel with regard to our relation to this war?' And I remember, one day, one of them said, 'Mr. President, I think that they are ready to do anything you suggest.' I said, 'That is not what I am waiting for. That is not enough. If they do not go in of their own impulse, no impulse that I can supply will suffice, and I must wait until I know that I am their spokesman. I must wait until I know that I am interpreting their purpose. Then I will know that I have got an irresistible power behind me.' And that is exactly what happened.

"That is what is now appreciated as it was not at first appreciated on the other side of the sea. They wondered and wondered why we did not come in. They had come to the cynical conclusion that we did not come in because we were making money out of the war and did not want to spoil the profitable game; and then at last they saw what we were waiting for, in order that the whole plot of the German purpose should develop, in order that we might see how the intrigue of that plot had penetrated our own life, how the poison was spreading, and how it was nothing less than a design against the freedom of the world. They knew that when America once saw that she would throw her power in with those who were going to redeem the world. And at every point of the discussion I was attempting to be the mouthpiece of what I understood right-thinking and forward-thinking and just-thinking men without regard to party or section in the United States to be purposing and conceiving, and it was the consciousness in Europe that that was the case that made it possible to construct the peace upon American principles. The American principles were not only accepted. They were acted upon, and when I came back to this country with that plan I think you will bear me out that the Nation was prepared to accept it. I have no doubt, and I have not met anybody who had any well-reasoned doubt, that if immediate action could have been secured upon the treaty at that time only a negligible percentage of our people would have objected to its acceptance, without a single change in either the wording or the punctuation. But then something intervened, and, my fellow citizens, I am not only not going to try to analyze what that was, I am not going to allow my own judgment to be formed as regards what it was. I do not understand it, but there is a certain part of it that I do understand. It is to the immediate interest of Germany to separate us from our associates in the war, and I know that the opposition to the treaty is most acceptable in those quarters of the country where the pro-German sentiment was strongest. I know that all over the country German propaganda has lifted its hideous head again, and I hear the hiss of it on every side.

"When gentlemen speak of isolation, they forget we would have a companion. There would be another isolated nation, and that is Germany. They forget that we would be in the judgment of the world in the same class and at the same disadvantage as Germany. I mean sentimental disadvantage. We would be regarded as having withdrawn our cooperation from that concerted purpose of mankind which was recently conceived and exercised for the liberation of mankind, and Germany would be the only nation in the world to profit by it. I have no doubt there are scores of business men present. Do you think we would profit materially by isolating ourselves and centering upon ourselves the hostility and suspicion and resistance of all the liberal minds in the world? Do you think that if, after having won the absolute confidence of the world and excited the hope of the world, we would lead if we should turn away from them and say, 'No; we do not care to be associated with you any longer; we are going to play a lone hand; we are going to play it for our single advantage'? Do you think after that there is a very good psychology for business, there is a very good psychology for credit? Do you think that throws foreign markets open to you? Do you remember what happened just before we went into the war? There was a conference in Paris, the object of which was to unite the peoples fighting against Germany in an economic combination which would be exclusively for their own benefit. It is possible now for those powers to organize and combine in respect of the purchase of raw materials, and if the foreign market for our raw materials is united, we will have to sell at the price that they are willing to pay or not sell at all. Unless you go into the great economic partnership with the world, you have the rest of the world economically combined against you. So that if you bring the thing down to this lowest of all bases, the bases of material self-interest, you lose in the game, and, for my part, I am free to say that you ought to lose.

"We are told that we are strong and they are weak; that we still have economic or financial independence and they have not. Why, my fellow citizens, what does that mean? That means that they went into the redemption of the freedom of the world sooner than we did and gave everything that they had to redeem it. And now we, because we did not go in so soon or lose so much, want to make profit of the redeemers! The thing is hideous. The thing is unworthy of every tradition of America. I speak of it not because I think that sort of thing takes the least hold upon the consciousness or the purpose of America but because it is a pleasure to condemn so ugly a thing.

"When we look at the objections which these gentlemen make, I have found in going about the country that the result has been that in the greater part of the United States the people do not know what is in the treaty. To my great surprise, I have had to stand up and expound the treaty—tell the people what is in it—and I have had man after man say, 'Why, we never dreamed that those things were in the treaty. We never heard anything about that.' No; you never heard anything about the greater part of the enterprise; you only heard about some of the alleged aspects of the method in which the enterprise was to be carried out. That is all you have heard about. I remember saying—and I believe it was the thought of America—that this was a people's war and the treaty must be a people's peace. That is exactly what this peace treaty proposes. For the first time in the history of civilized society, a great international convention, made up of the leading statesmen of the world, has proposed a settlement which is for the benefit of the weak and not for the benefit of the strong. It is for the benefit of peoples who could not have liberated themselves, whose weakness was profitable to the ambitious and imperialistic nations, whose weakness had been traded in by every cabinet in Europe; and yet these very cabinets represented at the table in Paris were unanimous in the conviction that the people's day had come and that it was not their right to dispose of the fortunes of people without the consent of those people themselves.

"At the front of this great settlement they put the only thing that will preserve it. You can not set weak peoples up in independence and then leave them to be preyed upon. You can not give a false gift. You can not give to people rights which they never enjoyed before and say, 'Now, keep them if you can.' That is an Indian gift. That is a gift which can not be kept. If you have a really humane purpose and a real knowledge of the conditions of peace in the world, you will have to say, 'This is the settlement and we guarantee its continuance.' There is only one honorable course when you have won a cause—to see that it stays won and nobody interferes with or disturbs the results. That is the purpose of the much-discussed article 10 in the covenant of the league of nations. It is the Monroe doctrine applied to the world. Ever since Mr. Monroe uttered his famous doctrine we have said to the world, 'We will respect and preserve as against external aggression the territorial integrity and the political independence of every State in the Western Hemisphere,' and those are practically the words of article 10. Under article 10 all the members of the league engage to respect and preserve as against external aggression the territorial integrity and existing political independence of the other member States, and if that guaranty is not forthcoming the whole structure of peace will crumble, because you can not point out a great war that has not begun by a violation of that principle; that has not begun by the intention to impair the territorial integrity or to interfere with the political independence of some body of people of some nation. It was the heart of the Pan-German plan. It is the heart of every imperialistic plan, because imperialism is the design to control the destinies of people who did not choose you to control them. It is the principle of domination. It is at the opposite extreme from the principle of self-determination and self-government, and in that same covenant of the league of nations is the provision that only self-governing States shall be admitted to the membership of the league. No influence shall be injected there which is not sympathetic with the fundamental principle, namely, that ancient and noble principle that underlies our institutions, that all just government depends upon the consent of the governed.

"You have no choice, my fellow citizens, because the peoples of the world, even those that slept, are awake. There is not a country in the world where the great mass of mankind is not now aware of its rights and determined to have them at any cost, and the present universal unrest in the world, which renders return to normal conditions impossible so long as it continues, will not stop until men are assured by some arrangement

they can believe in that their rights will be protected and that they can go about the normal production of the necessaries of life and begin to enjoy the ordinary pleasures and privileges of life without the constant shadow of some cloud of terror over them, some threat of injustice, some tyranny of control. Men are not going to stand it. If you want to quiet the world, you have got to reassure the world, and the only way in which you can reassure it is to let it know that all the great fighting powers of the world are going to maintain that quiet, that the fighting power is no longer to be directed toward aggression, but is to be directed toward protection. And every great fighting nation in the world will be in the league—because Germany for the time being is not a great fighting power. That great nation of over 60,000,000 people has consented in the treaty to reduce its standing armed force to 100,000 men and to give up all the war material over and above what is necessary to maintain an army of 100,000 men; so that for the time being we may exclude Germany from the list of the fighting nations of the world. The whole power of the world is now offered to mankind for the maintenance of peace, and for the maintenance of peace by the very processes we have all professed to believe in, by substituting arbitration and discussion for war, by substituting the judgment of mankind for the force of arms. I say without qualification that every nation that is not afraid of the judgment of mankind will go into this arrangement. There is nothing for any nation to lose whose purposes are right and whose cause is just. The only nations that need fear to go into it are those that have designs which are illegitimate, those which have designs that are inconsistent with justice and are the opposite of peace.

"The whole freedom of the world not only, but the whole peace of mind of the world, depends upon the choice of America, because without America in this arrangement the world will not be reassured. I can testify to that. I can testify that no impression was borne in deeper upon me on the other side of the water than that no great free peoples suspected the United States of ulterior designs, and that every nation, the weakest among them, felt that its fortunes would be safe if intrusted to the guidance of America; that America would not impose upon it. At the peace table one of the reasons why American advice constantly prevailed, as it did, was that our experts, our financial experts, our economic experts, and all the rest of us—for you must remember that the work of the conference was not done exclusively by the men whose names you all read about every day; it was done in the most intensive labor of experts of every sort who sat down together and got down to the hardpan of every subject that they had to deal with—were known to be disinterested, and in nine cases out of ten, after a long series of debates and interchanges of views and counterproposals, it was usually the American proposal that was adopted. That was because the American experts came at last into this position of advantage, they had convinced everybody that they were not trying to work anything, that they were not thinking of something that they did not disclose, that they wanted all the cards on the table, and that they wanted to deal with nothing but facts. They were not dealing with national ambitions, they were not trying to disappoint anybody, and they were not trying to stack the cards for anybody. It was that conviction, and that only, which led to the success of American counsel in Paris.

"Is not that a worthy heritage for people who set up a great free Nation on this continent in order to lead men in the ways of justice and of liberty? My heart was filled with a profound pride when I realized how America was regarded, and my only fear was that we who were over there would not have wisdom enough to play the part. Delegations from literally all parts of the world came to seek interviews with me as the spokesman of America, and there was always a plea that America should lead; that America should suggest. I remember saying to one of the delegations, which seemed to me more childlike in its confidence than the rest, 'I beg that you gentlemen will not expect the impossible. America will do everything that she can, but she can not do some of the things that you are expecting of her. My chief fear is to disappoint, because you are expecting what can not be realized.' My fear was not that America would not prove true to herself, but that the things expected of her were so ideal that in this practical world, full of obstacles, it would be impossible to realize the expectation. There was in the background the infinite gratification at the reputation and confidence that this country had won.

"The world is in that situation industrially, economically, politically. The world will be absolutely in despair if America deserts it. But the thing is inconceivable. America is not going to desert it. The people of America are not going to desert it. The job is to get that into the consciousness of men who do not understand it. The job is to restore some of our fellow citizens to that large sort of sanity which makes a man bigger than himself. We have had a great many successful men in America, my fellow citizens, but we have seldom erected a statue to a man who was merely successful in a business way. Almost all the statues in America, almost all the memorials, are erected to men who forgot themselves and worked for other people. They may not have been rich, they may not have been successful in the worldly sense, they may have been deemed in their generation dreamers and idealists, but when they were dead America remembered that they loved mankind, America remembered that they embodied in those dreamy ideals of theirs the visions that America had had, America remembered that they had a great surplus of character that they spent not upon themselves but upon the enterprises of humanity. A man who has not got that surplus capital of character that he spends upon the great enterprises of communities and of nations will sink into a deserved oblivion, and the only danger is that in his concentration upon his own ambitions, in his centering of everything that he spends upon himself, he will lead others astray and work a disservice to great communities which he ought to have served. It is now an enterprise of infection ahead of us—shall I call it? We have got to infect those men with the spirit of the Nation itself. We have got to make them aware that we will not be led; that we will not be controlled; that we will not be restrained by those who are not like ourselves; and that America now is in the presence of the realization of the destiny for which she has been waiting.

"You know, you have been told, that Washington advised us against entangling alliances, and gentlemen have used that as an argument against the league of nations. What Washington had in mind was exactly what these gentlemen want to lead us back to. The day we have left behind us was a day of alliances. It was a day of balances of power. It was a day of 'every nation take care of itself or make a partnership with some other nation or group of nations to hold the peace of the world steady or to dominate the weaker portions of the world.' Those were the days of alliances. This project of the league of nations is a great process of disentanglement. I was reading only this morning what a friend of mine reminded me of, a speech that President McKinley made the day before he was assassinated, and in several passages of that speech you see the dawn of this expectation in his humane mind. His whole thought was against isolation. His whole thought was that we had by process of circumstance, as well as of interest, become partners with the rest of the world. His thought was that the world had grown little by quickened methods of intercommunication. His whole thought was that the better we knew each other and the closer we drew together, the more certain it would be that the processes of arbitration would be adopted; that men would not fight but would talk things over; that they would realize their community of interest; and shot all through that speech you see the morning light of just such a day as this. It would look as if the man had been given a vision just before he died—one of the sweetest and most humane souls that have been prominent in our affairs, a man who thought with his head and with his heart. This new day was dawning upon his heart, and his intelligence was beginning to draw the lines of the new picture which has been completed and sketched in a constructive document that we shall adopt and that, having adopted it, we shall find to reflect a new glory upon the things that we did. Then what significance will attach to the boy's sword or the boy's musket over the mantelpiece—not merely that he beat Germany but that he redeemed the world."

THE PRESIDENT AT AUDITORIUM, LOS ANGELES, CALIF., SEPTEMBER 20, 1919.

"Mr. Mayor, Mrs. Cowles, my fellow countrymen, I esteem it a great privilege to stand before this audience, and I esteem it one of the most interesting occasions that I have had to expound a theme so great that I am always afraid that I am inadequate to its exposition. I esteem it a privilege to be in the presence that I find myself in, on the stage with this committee of gentlemen representing the nations with whom we have been associated in the war, with these men who saved the Union and with these men who saved the world.

"I feel that there is a certain sense in which I am rendering my account to the soldiers and sailors whose Commander in Chief I have been, for I sent them across the sea believing that their errand was not only to defeat Germany but also to redeem the world from the danger to which Germany had exposed it, to make the world a place in which arbitration, discussion, the processes of peace, the processes of justice should supplant the brutal processes of war. I came back from the other side proud that I was bringing with me a document which contained a great constructive plan to accomplish that very thing. It is a matter

of unaffected amazement on my part, my fellow citizens, that there should be men in high station who oppose its adoption. It is a matter of amazement that they should devote their scrutiny to certain details and forget the majesty of the plan, that they should actually have made is necessary that I should go throughout the country telling the people of the United States what is in the treaty of peace. For they have not told you. They have given you no conception of its scope. They have not expounded its objects. They have not shown you how it is a people's and not a statesmen's peace. They have not shown you how at its heart lies the liberation of nations. They have not shown you that in it is the redemption of our promise that we were fighting for the right of the weak and not for the power of the strong. These promises are redeemed in that great document, these hopes are realized, and the only buttress for that great structure is the league of nations. If that should fail, there is no guaranty that any part of the settlement will stand. If that should fail, nations will once more sink back into that slough of despond in which they formerly struggled, suspecting one another, rivaling one another in preparation for war, intriguing against one another, plotting against the weak in order to supplement the power of the strong.

"And they did more than that, because mankind is now aware that the rights of the greater portion of mankind have not been safeguarded and regarded. Do not for a moment suppose that the universal unrest in the world at the present time, my fellow citizens, is due to any whim, to any newborn passion, to any newly discovered ambition. It is due to the fact, the sad, the tragic fact, that great bodies of men have throughout the ages been denied the mere rights of humanity. The peoples of the world are tired of a time with governments that exploit their people, and they are determined to have, by one process or another, that concerted order of conciliation and debate and conference which is set up in the great document that we know as the covenant of the league of nations. The heart of that document is not in the mere details that you have heard about. The heart of that document is that every great fighting nation in the world—for Germany at present is not a great fighting nation—solemnly engages that it will never resort to war without first having done one or other of two things, either submitted the matter in dispute to arbitration, in which case it agrees to abide by the verdict, or, if it does not choose to submit it to arbitration, submit it to the discussion and examination of the council of the league of nations, before whom it promises to lay all the documents, to whom it promises to disclose all the pertinent facts, by whom it agrees all the documents and facts shall be published and laid before the opinion of the world. It agrees that six months shall be allowed for the examination of those documents and facts by the council of the league and that, even if it is dissatisfied with the opinion finally uttered, it will still not resort to war until three months after the opinion has been rendered. All agree that there shall be nine months of deliberate discussion and frank weighing of the merits of the case before the whole jury of mankind before they will go to war.

"If any one of them disregards that promise and refuses to submit the question in dispute either to arbitration or to discussion, or goes to war within less than the nine months, then there is an automatic penalty that is applied, more effective, I take leave to say, than war itself, namely, the application of an absolute boycott. The nation that disregards that promise, we all agree, shall be isolated; shall be denied the right to ship out goods or to ship them in, to exchange telegraphic messages or messages by mail, to have any dealings of any kind with the citizens of the other members of the league. First, the pressure of opinion and then the compelling pressure of economic necessity—those are the great bulwarks of peace. Do you say they are not sufficient? I put this proposition to you: You want insurance against war. Wouldn't you rather have 10 per cent insurance than none? If you could get 20 per cent insurance, wouldn't you be delighted? If you got 50 per cent insurance, wouldn't you think it Utopian? Why, my fellow citizens, if you examine the provisions of this league of nations, I think you will agree with me that you have got 99 per cent insurance. That is what we promised the mothers and wives and sweethearts of these men that they should have—insurance against the terrible danger of losing those who were dear to them, slain upon the battle field because of the unhallowed plots of autocratic governments. Autocratic governments are excluded henceforth from respectable society. It is provided in the covenant of the league of nations that only self-governing peoples shall be admitted to its membership, and the reason that Germany is for the time being excluded is that we want to wait and see whether she really has changed permanently her form of constitution and her habit of government. If she has changed her mind in reality, if her great people have taken charge of their own affairs and will prove it to us, they are entitled to come into respectable society and join the league of nations. Until then they are on probation, and to hear some of them talk now you would think the probation had to be rather long, because they do not seem to have repented of their essential purpose.

"Now, offset against this, my fellow citizens, some of the things that are being said about the covenant of the league and about the treaty. I want to begin with one of the central objections which are made to the treaty, for I have come here disposed to business. I do not want to indulge in generalities. I do not want to dwell more than it is proper to dwell upon the great ideal purposes that lie behind this peace and this covenant. I want to contrast some things that have been said with the real facts. There is nothing that is formidable in this world in public affairs except facts. Talk does not matter. As I was saying the other night, if you suspect any acquaintance of yours of being a fool, encourage him to hire a hall. Your fellow citizens will then know whether your judgment of him was right or wrong, and it will not be you that convinced them, it will be he who does the convincing. The best way to dissipate nonsense is to expose it to the open air. It is a volatile thing, whereas fact and truth are concrete things and you can not dissipate them that way. Perhaps I may tell a rather trivial story. When I was governor of New Jersey I got rather reluctant support for a certain measure of reform that I was very much interested in from a particular member of the senate of the State who, I think, if he had been left to his own devices, would probably have not voted for the measure, but to whom an influential committee of his fellow townsmen came and, so to say, personally conducted his vote. After they had successfully conducted it in the way that they wished, they solemnly brought him into my office to be congratulated. It was a great strain upon my gravity, but I pulled as straight a face as I could and thanked him and congratulated him. Then, tipping a very heavy wink indeed he said, 'Governor, they never get me if I see them coming first.' Now, I have adopted that as my motto with regard to facts. I never let them get me if I see them coming first. The danger for some of the gentlemen we are thinking about to-night, but not mentioning, is that the facts are coming and they do not see them. My prediction is that the facts are going to get them and make a very comfortable meal off of them.

"Let us take up some of these things, to grow serious again. In the first place, there is that very complex question of the cession of the rights which Germany formerly enjoyed in Shantung Province, in China, and which the treaty transfers to Japan. The only way in which to clear this matter up is to know what lies back of it. Let me recall some circumstances which probably most of you have forgotten. I have to go back to the year 1898, for it was in March of that year that these cessions which formerly belonged to Germany were transferred to her by the Government of China. What had happened was that two German missionaries in China had been murdered. The central Government at Peking had done everything that was in its power to do to quiet the local disturbances, to allay the local prejudice against foreigners which led to the murders, but had been unable to do so, and the German Government held them responsible, nevertheless, for the murder of the missionaries. It was not the missionaries that the German Government was interested in. That was a pretext. Ah, my fellow citizens, how often we have made Christianity an excuse for wrong! How often in the name of protecting what was sacred we have done what was tragically wrong! That was what Germany did. She insisted that, because this thing had happened for which the Peking Government could not really with justice be held responsible, a very large and important part of one of the richest Provinces of China should be ceded to her for sovereign control, for a period of 99 years, that she should have the right to penetrate the interior of that Province with a railway, and that she should have the right to exploit any ores that lay within 30 miles either side of that railway. She forced the Peking Government to say that they did it in gratitude to the German Government for certain services which she was supposed to have rendered but never did render. That was the beginning. I do not know whether any of the gentlemen who are criticizing the present Shantung settlement were in public affairs at that time or not, but I will tell you what happened, so far as this Government was concerned.

"One of the most enlightened and humane Presidents we have ever had was at the head of the Government—William McKinley, a man who loved his fellow men and believed in justice—and associated with him was one of our ablest Secretaries of State—Mr. John Hay. The state of international law was such then that they did not feel at liberty to make

even a protest against these concessions to Germany. Neither did they make any protest when, immediately following that, similar concessions were made to Russia, to Great Britain, and to France. It was almost immediately after that that China granted to Russia the right of the possession and control of Port Arthur and a portion of the region of Talien-Wan. Then England, not wishing to be outdone, although she had similar rights elsewhere in China, insisted upon a similar concession and got Weihaiwei. Then France insisted that she must have a port, and got it for 99 years. Not against one of those did the Government of the United States make any protest whatever. They only insisted that the door should not be shut in any of these regions against the trade of the United States. You have heard of Mr. Hay's policy of the open door. That was his policy of the open door—not the open door to the rights of China, but the open door to the goods of America. I want you to understand, my fellow countrymen, I am not criticizing this, because, until we adopt the covenant of the league of nations, it is an unfriendly act for any government to interfere in the affairs of any other unless its own interests are immediately concerned. The only thing Mr. McKinley and Mr. Hay were at liberty to do was to call attention to the fact that the trade of the United States might be unfavorably affected and insist that in no circumstances it should be. They got from all of these powers the promise that it should not be—a promise which was more or less kept. Following that came the war between Russia and Japan, and at the close of that war Japan got Port Arthur and the rights which Russia enjoyed in China, just as she is now getting Shantung and the rights her recently defeated enemy had in China—an exactly similar operation. That peace that gave her Port Arthur was concluded, as you know, on the territory of the United States—at Portsmouth, N. H. Nobody dreamed of protesting against that. Japan had beaten Russia. Port Arthur did not at that time belong to China; it belonged for the period of the lease to Russia, and Japan was ceded what Japan had taken by the well-recognized processes of war.

"Very well, at the opening of this war, Japan went and took Kiaochow and supplanted Germany in Shantung Province. The whole process is repeated, but repeated with a new sanction. In the meantime, after this present war began, England and France, not at the same time, but successively, feeling that it was essential that they should have the assistance of Japan on the Pacific, agreed that if Japan would go into this war and take whatever Germany had in the Pacific she should retain everything north of the Equator which had belonged to Germany. That treaty now stands. That treaty absolutely binds Great Britain and France. Great Britain and France can not in honor, having offered Japan this inducement to enter the war and to continue her operations, consent to an elimination of the Shantung provision from the present treaty. Very well, let us put these gentlemen who are objecting to the Shantung settlement to the test. Are they ready to fight Great Britain and France and Japan, who will have to stand together, in order to get this Province back for China? I know they are not, and their interest in China is not the interest of assisting China, but of defeating the treaty. They know beforehand that a modification of the treaty in that respect can not be obtained, and they are insisting upon what they know is impossible; but if they ratify the treaty and accept the covenant of the league of nations they do put themselves in a position to assist China. They put themselves in that position for the very first time in the history of international engagements. They change the whole faith of international affairs, because after you have read the much-debated article 10 of the covenant I advise you to read article 11. Article 11 says that it shall be the friendly right of any member of the league to call attention at any time to anything, anywhere, that threatens to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends. That in itself constitutes a revolution in international relationships. Anything that affects the peace of any part of the world is the business of every nation. It does not have simply to insist that its trade shall not be interfered with; it has the right to insist that the rights of mankind shall not be interfered with. Not only that, but back of this provision with regard to Shantung lies, as everybody knows or ought to know, a very honorable promise which was made by the Government of Japan in my presence in Paris, namely, that just as soon as possible after the ratification of this treaty they will return to China all sovereign rights in the Province of Shantung. Great Britain has not promised to return Weihaiwei; France has not promised to return her part. Japan has promised to relinquish all the sovereign rights which were acquired by Germany for the remaining 78 of the 99 years of the lease, and to retain only what other Governments have in many other parts of China, namely, the right to build and operate the railway under a corporation and to exploit the mines in the immediate neighborhood of that railway. In other words, she retains only the rights of economic concessionaires. Personally, I am frank to say that I think all of these nations have invaded some of the essential rights of China by going too far in the concessions which they have demanded, but that is an old story now, and we are beginning a new story. In the new story we all have the right to talk about what they have been doing and to convince them, by the pressure of the public opinion of the world, that a different course of action would be just and right. I am for helping China and not turning away from the only way in which I can help her. Those are the facts about Shantung. Doesn't the thing look a little different?

"Another thing that is giving some of our fellow countrymen pangs of some sort—pangs of jealousy, perhaps—is that, as they put it, Great Britain has six votes in the league and we have only one. Well, our one vote, it happens, counts just as heavily as if every one of our States were represented and we had 48, because it happens, though these gentlemen have overlooked it, that the assembly is not an independent voting body. Great Britain has only one representative and one vote in the council of the league of nations, which originates all action, and its six votes are in the assembly, which is a debating and not an executive body. In every matter in which the assembly can vote along with the council it it necessary that all the nations represented on the council should concur in the affirmative vote to make it valid, so that in every vote, no matter how many concur in it in the assembly, in order for it to become valid, it is necessary that the United States should vote aye.

"Inasmuch as the assembly is a debating body, that is the place where this exposure that I have talked about to the open air is to occur. It would not be wise for anybody to go into the assembly with purposes that will not bear exposure, because that is the great cooling process of the world; that is the great place where gases are to be burned off. I ask you, in debating the affairs of mankind, would it have been fair to give Panama a vote, as she will have, Cuba a vote, both of them very much under the influence of the United States, and not give a vote to the Dominion of Canada, to that great energetic Republic in South Africa, to that place from which so many liberal ideas and liberal actions have come, that stout little Commonwealth of Australia? When I was in Paris the men I could not tell apart, except by their hats, were the Americans and the Australians. They both had the swing of fellows who say, 'The gang is all here, what do we care?' Could we deny a vote to that other little self-governing nation, for it practically is such in everything but its foreign affairs, New Zealand, or to those toiling—I was about to say uncounted—millions in India? Would you want to deprive these great communities of a voice in the debate? My fellow citizens, it is a proposition which has never been stated, because to state it answers it. But they can not outvote us. If we, as I said a minute ago, had 48 votes in the assembly, they would not count any more than our 1, because they would have to be combined, and it is easier to combine 1 than to combine 48. The vote of the United States is potential to prevent anything that the United States does not care to approve. All this nonsense about six votes and one vote can be dismissed and you can sleep with perfect quiet. In order that I may not be said to have misled you, I must say that there is one matter upon which the assembly can vote, and which it can decide by a two-thirds majority without the concurrence of all the States represented in the council, and that is the admission of new members to the league.

"Then, there is that passion that some gentlemen have conceived, that we should never live with anybody else. You can call it the policy of isolation or the policy of taking care of yourself, or you can give any name you choose to what is thoroughly impossible and selfish. I say it is impossible, my fellow citizens. When men tell you that we are, by going into the league of nations, reversing the policy of the United States, they have not thought the thing out. The statement is not true. The facts of the world have changed. It is impossible for the United States to be isolated. It is impossible for the United States to play a lone hand, because it has gone partners with all the rest of the world with regard to every great interest that it is connected with. What are you going to do? Give up your foreign markets? Give up your influence in the affairs of other nations and arm yourselves to the teeth and double your taxes and be ready to spring instead of ready to cooperate? We are tied into the rest of the world by kinship, by sympathy, by interest in every great enterprise of human affairs. The United States has become the economic center of the

world, the financial center. Our economic engagements run everywhere, into every part of the globe. Our assistance is essential to the establishment of normal conditions throughout the world. Our advice is constantly sought. Our standards of labor are being extended to all parts of the world just so fast as they can be extended. America is the breeding center for all the ideas that are now going to fecundate the great future. You can no more separate yourselves from the rest of the world than you can take all the tender roots of a great tree out of the earth and expect the tree to live. All the tendrils of our life, economic and social and every other, are interlaced in a way that is inextricable with the similar tendrils of the rest of mankind. The only question which these gentlemen can ask us to decide is this: Shall we exercise our influence in the world, which can henceforth be a profound and controlling influence, at a great advantage or at an insuperable disadvantage? That is the only question that you can ask. As I put it the other night, you have got this choice: You have got to be either provincials, little Americans, or big Americans, statesmen. You have got to be either ostriches with your heads in the sands or eagles. I doubt if the comparison, with the head in the sands, is a good one, because I think even an ostrich can think in the sand. What he does not know is that people are looking at the rest of him. Our choice is in the bird kingdom, and I have in my mind's eye a future in which it will seem that the eagle has been misused. You know that it was a double-headed eagle that represented the power of Austria-Hungary, you have heard of the eagles of Germany, but the only proper symbol of the eagle is the symbol for which we use it—as the bird of liberty and justice and peace.

"I want to put it as a business proposition, if I am obliged to come down as low as that, for I do not like in debating the great traditions of a free people to bring the debate down to the basis of dollars and cents; but if you want to bring it down to that, if anybody wants to bring it down to that, reason it out on that line. Is it easier to trade with a man who suspects and dislikes you or with one who trusts you? Is it easier to deal with a man with a grouch or with a man who opens his mind and his opportunities to you and treats you like a partner and a friend? There is nothing which can more certainly put a drop of acid into every relationship we have in the world than if we now desert our former associates in this war. That is exactly what we should be doing if we rejected this treaty, and that is exactly what, speaking unwisely and too soon, the German leaders have apprised us that they want us to do. No part of the world has been so pleased by our present hesitation as the leaders of Germany, because their hope from the first has been that sooner or later we would fall out with our associates. Their hope was to divide us before the fighting stopped, and now their hope is to divide us after the fighting. You read how a former German privy councillor, I believe he was, said in an interview the other day that these debates in the Senate looked to him like the dawn of a new day. A new day for the world? No; a new day for the hopes of Germany, because he saw what anybody can see who lifts his eyes and looks in the future—two isolated nations; one isolated nation on probation, and then two, the other a nation infinitely trusted, infinitely believed in, that had given magnificent purpose of its mettle and of its trustworthiness, now drawing selfishly and suspiciously apart and saying, 'You may deceive us, you may draw us into broils, you may get us into trouble; we will take care of ourselves, we will trade with you and we will trade on you.' The thing is inconceivable. America is no quitter, and least of all is she a quitter in a great moral enterprise where her conscience is involved. The only immortal thing about America is her conscience. America is not going to be immortal because she has immense wealth. Other great nations had immense wealth and went down in decay and disgrace, because they had nothing else. America is great because of the ideas she has conceived. America is great because of the purposes she has set herself to achieve. America is great because she has seen visions that other nations have not seen, and the one enterprise that does engage the steadfast loyalty and support of the United States is an enterprise for the liberty of mankind.

"How can we make the purpose evident? I was saying in one place to-night that my dear father had once taught me that there was no use trying to reason out of a man what reason did not put in him, and yet here to-night I am trying to apply the remedy of reason. We must look about and find some other remedy, because in matters of this sort remedies are always homeopathic—like must cure like. Men must be made to see the great impulses of the Nation in such a fashion that they will not dare to resist them. I do not mean by any threat of political disaster. Why, my fellow citizens, may I indulge in a confidence? I have had men politically disposed say to me, as a Democrat, 'This is all to the good. These leaders of the Republican Party in Washington are going to ruin the party.' They seem to think that I will be pleased. I do not want to see the great Republican Party misrepresented and misled. I do not want to see any advantage reaped by the party I am a member of because another great party has been misrepresented, because I believe in the loyalty and Americanism and high ideals of my fellow citizens who are Republicans just as much as I believe in those things in Democrats. It seems almost absurd to say that; of course I do. When we get to the borders of the United States we are neither Republicans nor Democrats. It is our privilege to scrap inside the family just as much as we please, but it is our duty as a Nation in those great matters of international concern which distinguish us to subordinate all such differences and to be a united family and all speak with one voice what we all know to be the high conceptions of American manhood and womanhood.

"There is a tender side to this great subject. Have these gentlemen no hearts? Do they forget the sons that are dead in France? Do they forget the great sacrifice that this Nation has made? My friends, we did not go to France to fight for anything special for America. We did not send men 3,000 miles away to defend our own territory. We did not take up the gage that Germany had thrown down to us because America was being specially injured. America was not being specially injured. We sent those men over there because free people everywhere were in danger and we had always been, and will always be, the champion of right and of liberty. That is the glory of these men that sit here. The hardest thing that I had to do, and the hardest thing that a lot of you had to do, was to continue to wear civilian clothes during the war, not to don a uniform, not to risk something besides reputation—risk life and everything. We knew that an altar had been erected upon which that sacrifice could be made more gloriously than upon any other altar that had ever been lifted among mankind, and we desired to offer ourselves as a sacrifice for humanity. And that is what we shall do, my fellow citizens. All the mists will pass away. A number of halls are being hired. All the gases are being burned off; and when you come down, as the gases have passed away, to the solid metal of which this Nation is made, it will shine as lustrously and bright as it has ever shone throughout the history of the Nation we love and the Nation we will always consecrate ourselves to redeem."

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THE PRESIDENT FROM REAR PLATFORM, SACRAMENTO, CALIF., SEPTEMBER 22, 1919.

"My fellow countrymen, it is impossible in these circumstances for me to attempt a speech, but I can not let the occasion go by without telling you how strong it makes my heart that you should have given me so extraordinary and delightful a welcome as this. It is the more delightful to me because I believe that it is not only a desire to welcome me, but a desire to show your interest and your support of the great cause I have come out to advocate. The happy circumstance of this journey is that I have not come out to advocate anything personal to myself; that I have not come out to seek the fortunes of any man or group of men, but to seek the safety and the guaranted peace of mankind. We undertook a great war for a definite purpose. That definite purpose is carried out in a great treaty. I have brought the treaty back, and we must not much longer hesitate to ratify it, because that treaty is the guaranty of peace; it is the guaranty of permanent peace, for all the great fighting nations of the world are combined in it to maintain a just settlement. Without this treaty, without the covenant of the league of nations which it contains, we would simply sink back into that slough of despond in which mankind was before this war began, with the threat of war and of terror constantly over them. We can not go back. We will not go back.

"It is more than a guaranty of peace. It is a guaranty of justice. For example, it affords the only hope that China can get of the restoration to herself not only of the sovereignty of Shantung, but of the sovereignty which other nations as well have taken away from her. It affords the only expectation, in similar cases elsewhere, that by the pressure, the terrible, irresistible pressure of public opinion throughout the world, ancient wrongs will be righted and men will get the chance to live that they never had before. It is the first combination of the power of the world to see that justice shall reign everywhere. We can not turn away from such an arrangement, and I am sure, my fellow citizens, not only from this great outpouring here, but from the great outpourings I have seen everywhere in this country, that the heart of America is right and her purpose is irresistible."

THE PRESIDENT FROM REAR OF PLATFORM AT OGDEN, UTAH, SEPTEMBER 23, 1919.

"I can not make a real speech in the circumstances, but it would be ungracious of me if I did not say how delightful I have felt the welcome of Ogden to be and how refreshing it is to me to come into contact with you, my fellow citizens, in this part of the world which I wish I knew much better. You will understand that the theme that I have most at heart needs a lot of sea room to turn in, and I would despair of making any adequate remarks about so great a matter as the treaty of peace or the league of nations; but I do find this, my fellow countrymen, that the thing is very near the heart of the people. There are some men in public life who do not seem to be in touch with the heart of the people, but those who are know how that heart throbs deep and strong for this great enterprise of humanity, for it is nothing less than that. We must set our purposes in a very definite way to assist the judgment of public men. I do not mean in any way to coerce the judgment of public men, but to enlighten and assist that judgment, for I am convinced, after crossing the continent, that there is no sort of doubt that 80 per cent of the people of the United States are for the league of nations, and that the chief opposition outside legislative halls comes from the very disquieting element that we had to deal with before and during the war. All the elements that tended toward disloyalty are against the league, and for a very good reason. If this league is not adopted we will serve Germany's purpose, because we will be dissociated from the nations, and I am afraid permanently dissociated from the nations, with whom we cooperated in defeating Germany. Nothing is so gratifying, we now learn by cable, to public opinion in Germany as the possibility of their doing now what they could not do by arms, separating us in feeling when they could not separate us in fact. I for my part am in to see this thing through, because these men who fought the battles on the fields of France are not now going to be betrayed by the rest of us; we are going to see that the thing they fought for is accomplished, and it does not make any difference how long the fight or how difficult the fight, it is going to be won, and triumphantly won."

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THE PRESIDENT AT RENO, NEV., SEPTEMBER 22, 1919.

"Gov. Boyle, Mr. Chairman, my fellow countrymen, the governor and your chairman have both alluded to the fact that it does not often happen that the President comes to Nevada. Speaking for this President, I can say that it was not because he did not want to come to Nevada more than once, because from the first, when I have studied the movements of the history of this great country, nothing has fascinated me so much or seemed so characteristic of that history as the movement to the frontier, the constant spirit of adventure, the constant action forward. A wit in the East recently said, explaining the fact that we were able to train a great army so rapidly, that it was so much easier to train an American army than any other because you had to train them to go only one way. That has been true of America and of the movement of population. It has always been one way. They have never been returning tides. They have always been advancing tides, and at the front of the advancing tide have always been the most adventurous spirits, the most originative spirits, the men who were ready to go anywhere and to take up any fortune to advance the things that they believed in and desired. Therefore, it is with a sense of exhilaration that I find myself in this community, which your governor has described as still a frontier community. You are a characteristic part of this great country which we all love.

"And it is the more delightful to look at your individual aspect, because the subject that I have come to speak about is a forward-looking subject. Some of the critics of the league of nations have their eyes over their shoulders; they are looking backward. I think that is the reason they are stumbling all the time; they are always striking their feet against obstacles which everybody sees and avoids and which do not lie in the real path of the progress of civilization. Their power to divert, or to pervert, the view of this whole thing has made it necessary for me repeatedly on this journey to take the liberty that I am going to take with you to-night, of telling you just what kind of a treaty this is. Very few of them have been at pains to do that. Very few of them have given their audiences or the country at large any conception of what this great document contains or of what its origin and purpose are. Therefore, I want, if you will be patient with me, to set the stage for the treaty, to let you see just what it was that was meant to be accomplished and just what it was that was accomplished.

"Perhaps I can illustrate best by recalling some history. Something over a hundred years ago the last so-called peace conference sat in Vienna—back in the far year 1815, if I remember correctly. It was made up, as the recent conference in Paris was, of the leading statesmen of Europe. America was not then drawn into that general family and was not represented at that conference, and practically every Government represented at Vienna at that time, except the Government of Great Britain, was a Government like the recent Government of Germany, where a small coterie of autocrats were able to determine the fortunes of their people without consulting them, were able to use their people as puppets and pawns in the game of ambition which was being played all over the stage of Europe. But just before that conference there had been many signs that there was a breaking up of that old order, there had been some very ominous signs, indeed. It was not then so long ago that, though there were but 3,000,000 people subject to the Crown of Great Britain in America, they had thrown off allegiance to that Crown successfully and defied the power of the British Empire on the ground that nobody at a distance had a right to govern them and that nobody had a right to govern them whom they did not choose to be their government; founding their government upon the principle that all just government rests upon the consent of the governed. And there had followed, as you remember, that whirlwind of passion that we know as the French Revolution, when all the foundations of French Government not only, but of French society, had been shaken and disturbed—a great rebellion of a great suffering population against an intolerable authority that had laid all the taxes on the poor and none of them on the rich, that had used the people as servants, that had made the boys and men of France play upon the battle field as if they were chessmen upon a board. France revolted and then the spirit spread, and the conference of Vienna was intended to check the revolutionary spirit of the time. Those men met in order to concert methods by which they could make monarchs and monarchies safe, not only in Europe but throughout the world.

"The British representatives at that conference were alarmed because they heard it whispered that European governments, European monarchies, particularly those of the center of Europe, those of Austria and Germany—for Austria was then stronger than Germany—were purposing to extend their power to the Western Hemisphere, to the Americas, and the prime minister of Great Britain suggested to Mr. Rush, the minister of the United States at the Court of Great Britain, that he put it in the ear of Mr. Monroe, who was then President, that this thing was afoot and it might be profitable to say something about it. Thereupon, Mr. Monroe uttered his famous Monroe doctrine, saying that any European power that sought either to colonize this Western Hemisphere or to interfere with its political institutions, or to extend monarchical institutions to it, would be regarded as having done an unfriendly act to the United States, and since then no power has dared interfere with the self-determination of the Americas. That is the famous Monroe doctrine. We love it, because it was the first effective dam built up against the tide of autocratic power. The men who constituted the Congress of Vienna, while they thought they were building of adamant, were building of cardboard. What they threw up looked like battlements but presently were blown down by the very breath of insurgent people, for all over Europe during the middle of the last century there spread, spread irresistibly, the spirit of revolution. Government after government was changed in its character; people said, 'It is not only in America that men want to govern themselves, it is not only in France that men mean to throw off this intolerable yoke. All men are of the same temper and of the same make and same rights.' So the tide of revolution could not be stopped by the conclusions of the Congress of Vienna; until it came about, my fellow citizens, that there was only one stronghold left for that sort of power, and that was at Berlin. In the year 1914 that power sought to make reconquest of Europe and the world. It was nothing less than the reassertion of that old, ugly thing which the hearts of men everywhere always revolt against, the claim of a few men to determine the fortunes of all men, the ambition of little groups of rulers to dominate the world, the plots and intrigues of military staffs and men who did not confide in their fellow citizens what it was that was their ultimate purpose. So the fire burned in Europe, until it spread and spread like a great forest conflagration, and every free nation was at last aroused; saw the danger, saw the fearful sparks blowing over, carried by the winds of passion and likely to lodge in their own dear countries and destroy their own fair homes; and at last the chief champion and spokesman of liberty, beloved America, got into the war, and said, 'We see the dark plot now. We promised at our birth to be the champions of humanity and we have never made a promise yet that we will

not redeem.' I know how the tides of war were going when our men began to get over there in force, and I think it is nothing less than true to say that America saved the world.

"Then a new congress of peace met to complete the work that the congress of Vienna tried to stop and resist. At the very front of this treaty of peace, my fellow citizens, is the covenant of the league of nations, and at the heart of that lies this principle, that no nation shall be a member of that league which is not a self-governing and free nation; that no autocratic power may have any part in the partnership; that no power like Germany—such as Germany was—shall ever take part in its counsels. Germany has changed her constitution, as you know—has made it a democratic constitution, at any rate in form—and she is excluded for the time being from the league of nations only in order that she may go through a period of probation to show that she means what she professes; to demonstrate that she actually does intend permanently to alter the character of her constitution and put into the hands of her people what was once concentrated as authority in Wilhelmstrasse in Berlin. If she can prove her change of heart and the permanency of her change of institutions, then she can come into respectable society; but if she can not, she is excluded forever. At last the cycle is completed, and the free peoples who were resisted at Vienna have come into their own. There was not a single statesman at Paris who did not know that he was the servant, and not the master, of his people. There was not one of them who did not know that the whole spirit of the times had changed and that they were there to see that people were liberated, not dominated; that people were put in charge of their own territories and their own affairs. The chief business of the congress was to carry out that great purpose, and at last, in the covenant of the league of nations, the Monroe doctrine became the doctrine of the world. Not only may no European power impair the territorial integrity or interfere with the political independence of any State in the Americas but no power anywhere may impair the territorial integrity or invade the political independence of another power. The principle that Mr. Canning suggested to Mr. Monroe has now been vindicated by its adoption by the representatives of mankind.

"When I hear gentlemen ask the question, 'Is the Monroe doctrine sufficiently safeguarded in the covenant of the league of nations?' I can only say that it is, if I understand the English language. It says in plain English that nothing in that covenant shall be interpreted as affecting the validity of the Monroe doctrine. Could anything be plainer than that? And when you add to that that the principle of the Monroe doctrine is applied to the whole world, then surely I am at liberty to say that the heart of the document is the Monroe doctrine itself. We have at last vindicated the policy of America, because all through that treaty, and you will presently see all through the Austrian treaty, all through the Bulgarian treaty, all through the Turkish treaty, all through the separate treaty we must make with Hungary, because she is separated from Austria, runs the same principle, not only that no government can impose its sovereignty on unwilling people, but that governments which have imposed their sovereignty upon unwilling people must withdraw it. All the regions that were unwillingly subject to Germany, subject to Austria-Hungary, and subject to Turkey are now released from that sovereignty, and the principle is everywhere adopted that territories belong to the people that live on them, and that they can set up any sort of government they please, and that nobody dare interfere with their self-determination and autonomy. I conceive this to be the greatest charter—nay, it is the first charter—ever adopted of human liberty. It sets the world free everywhere from autocracy, from imposed authority, from authority not chosen and accepted by the people who obey it.

"By the same token it removes the grounds of ambition. My fellow citizens, we never undertake anything that we do not see through. This treaty was not written, essentially speaking, at Paris. It was written at Chateau-Thierry and in Belleau Wood and in the Argonne. Our men did not fight over there for the purpose of coming back and letting the same thing happen again. They did not come back with any fear in their heart that their public men would go back on them and not see the thing through. They went over there expecting that the business would be finished, and it shall be finished. Nothing of that sort shall happen again, because America is going to see it through, and what she is going to see through is this, what is contained in article 10 of the covenant of the league. Article 10 is the heart of the enterprise. Article 10 is the test of the honor and courage and endurance of the world. Article 10 says that every member of the league, and that means every great fighting power in the world, Germany for the time being not being a great fighting power, solemnly engages to respect and preserve as against external aggression the territorial integrity and existing political independence of the other members of the league. If you do that, you have absolutely stopped ambitious and aggressive war. There is one thing you have not stopped, and that I for my part do not desire to stop, and I think I am authorized to speak for a great many of my colleagues, if not all of my colleagues at Paris, that they do not wish to stop it. It does not stop the right of revolution. It does not stop the choice of self-determination. No nation promises to protect any government against the wishes and actions of its own people or of any portion of its own people. Why, how could America join in a promise like that? She threw off the yoke of a government. Shall we prevent any other people from throwing off the yoke that they are unwilling to bear? She never will, and no other government ever will, under this covenant. But as against external aggression, as against ambition, as against the desire to dominate from without, we all stand together in a common pledge, and that pledge is essential to the peace of the world.

"I said that our people were trained to go only one way, that our soldiers were trained to go only one way, and that America will never turn about upon the path of emancipation upon which she has set out. Not once, but several times, German orders were picked up, or discovered during the fighting, the purport of which was to certain commanders, 'Do not let the Americans capture such and such a post, because if they ever get there you can never get them out.' They had got other troops out, temporarily at any rate, but they could not get the Americans out. The Americans were under the impression that they had come there to stay, and I am under that impression about American political purposes. I am under the impression that we have come to the place where we have got in order to stay, and that some gentlemen are going to find that no matter how anxious they are to know that the door is open and that they can get out any time they want to they will be allowed to get out by themselves. We are going to stay in. We are going to see this thing finished, because, my fellow citizens, that is the only possibility of peace; and the world not only desires peace but it must have it. Are our affairs entirely in order? Isn't the rest of the world aflame? Have you any conception of the restlessness, of the insubordinate restlessness, of the great population of Europe and of great portions of Asia? Do you suppose that these people are going to resume any sort of normal life unless their rulers can give them adequate and ample guaranty of the future? And do you realize—I wonder if America does realize—that the rest of the world deems America indispensable to the guaranty? For a reason of which we ought to be very proud. They see that America has no designs on any other country in the world. They keep in mind—they keep in mind more than you realize—what happened at the end of the Spanish-American War. There were many cynical smiles on the other side of the water when we said that we were going to liberate Cuba and then let her have charge of her own affairs. They said, 'Ah, that is a very common subterfuge. Just watch. America is not going to let that rich island, with its great sugar plantations and its undeveloped agricultural wealth, get out of its grip again.' And all Europe stood at amaze when, without delay or hesitation, we redeemed our promise and gave Cuba the liberty we had won for her. They know that we have not imperialistic purposes. They know that we do not desire to profit at the expense of other peoples. And they know our power, they know our wealth, they know our indomitable spirit; and when we put our names to the bond then Europe will begin to be quiet, then men will begin to seek the peaceful solutions of days of normal industry and normal life, then men will take hope again, then men will cease to think of the revolutionary things they can do and begin to think of the constructive things they can do, will realize that disorder profits nobody and that order can at last be had upon terms of liberty and peace and justice. Then the reaction will come on our own people, because, do you think, my fellow citizens, does any body of Americans think, that none of this restlessness, this unhappy feeling, has reached America? Do you find everybody about you content with our present industrial order? Do you hear no intimations of radical change? Do you learn of no organizations the object of which is nothing less than to overturn the Government itself? We are a self-possessed Nation. We know the value of order. We mean to maintain it. We will not permit any minority of any sort to dominate it. But it is rather important for America, as well as for the rest of the world, that this infection should not be everywhere in the air, and that men everywhere should begin to look life and its facts in the face and come to calm counsels and purposes that will bring order and happiness and

prosperity again. If you could see the stopped, the arrested factories over there, the untilled fields, the restless crowds in the cities with nothing to do, some of them, you would realize that they are waiting for something. They are waiting for peace, and not only for peace but for the assurance that peace will last, and they can not get that assurance if America withholds her might and her power and all the freshness of her strength from the assurance. There is a deep sense in which what your chairman said just now is profoundly true. We are the hope of humanity, and I for one have not the slightest doubt that we shall fulfill that hope.

"Yet, in order to reassure you about some of the things about which you have been diligently misinformed, I want to speak of one or two details. I have set the stage now, and I have not half described the treaty. It not only fulfills the hopes of mankind by giving territories to the people that belong to them and assuring them that nobody shall take it from them, but it goes into many details. It rearranges, for example, the great waterways of Europe, so that no one nation can control them, so that the currents of European life through the currents of its commerce may run free and unhampered and undominated. It embodies a great charter for labor by setting up a permanent international organization in connection with the league of nations which shall periodically bring the best counsels of the world to bear upon the problem of raising the levels and conditions of labor for men, women, and children. It goes further than that. We did not give Germany back her colonies, but we did not give them to anybody else. We put them in trust in the league of nations, said that we would assign their government to certain powers by assigning the powers as trustees, responsible to the league, making annual report to the league and holding the power under mandates which prescribe the methods by which they should administer those territories for the benefit of the people living in them, whether they were developed or undeveloped people. We have put the same safeguards, and as adequate safeguards, around the poor, naked fellows in the jungles of Africa that we have around those peoples almost ready to assume the rights of self-government in some parts of the Turkish Empire, as, for example, in Armenia. It is a great charter of liberty and of safety, but let me come to one or two details.

"It sticks in the craw of a great many persons that in the constitution of the league of nations, as it is said, Great Britain has been given six votes and the United States only one. That would be very interesting if true, but it does not happen to be true; that is to say, it is not true in this sense, that the one American vote counts as much as the British six. In the first place, they have not got six votes in the council of the league, which is the only body that originates action, but in the assembly of the league, which is the debating and not the voting body. Every time the assembly participates in any active resolution of the league that resolution must be concurred in by all the nations represented on the council, which makes the affirmative vote of the United States in every instance necessary. The six votes of the British Empire can not do anything to which the United States does not consent. Now—I am mistaken—there is one thing they can do. By a two-thirds vote they can admit new members to the league, but I do not think that is a formidable privilege since almost everybody is going to be in the league to begin with, and since the only large power that is not in the league enjoys, if I may use that word, a universal prejudice against it, which makes its early admission, at least, unlikely. But aside from admission of any members, which requires a two-thirds vote—in which the six British votes will not count a very large figure—every affirmative vote that leads to action requires the assent of the United States, and, as I have frequently said, I think it is very much more important to be one and count six than to be six and count six. So much for this bugaboo, for it is nothing else but a bugaboo. Bugaboos have been very much in fashion in the debates of those who have been opposing this league. The whole energy of that body is in the council of the league, for whose every action in the way of formulating policy or directing energetic measures a unanimous vote is necessary. That may sometimes, I am afraid, impede the action of the league; but, at any rate, it makes the sovereignty and the sovereign choice of every nation that is a member of that league absolutely safe. And pray do not deceive yourselves. The United States is not the only Government that is jealous of its sovereignty. Every other Government, big or little or middle sized, that had to be dealt with in Paris, was just as jealous of its sovereignty as the United States. The only difference between some of them and us is that we could take care of our sovereignty and they could not take care of theirs, but it has been a matter of principle with the United States to maintain that in respect of rights there was and should be no difference between a weak State and a strong State. Our contention has always been, in international affairs, that we should deal with them upon the principle of the absolute equality of independent sovereignty, and that is the basis of the organization of the league. Human society has not moved fast enough yet or far enough yet, my fellow citizens, for any part of that principle of sovereignty to be relinquished, by any one of the chief participants at any rate.

"Then there is another matter, that lies outside the league of nations, that I find my fellow citizens, in this part of the continent particularly, are deeply interested in. That is the matter of the cession of certain German rights in Shantung Province in China to Japan. I think that it is worth while to make that matter pretty clear, and I will have to ask you to be patient while I make a brief historical review in order to make it clear. In the first place, remember that it does not take anything from China, it takes it from Germany, and I do not find that there is any very great jealousy about taking things from Germany. In 1898 China granted to Germany for a period of 99 years certain very important rights around Kiaochow Bay, in the rich and ancient Province of Shantung, together with the right to penetrate the interior with a railway and exploit such ores as might be found in that Province for 30 miles on either side of the railway. We are thinking so much about that concession to Germany that we have forgotten that practically all of the great European powers had exacted similar concessions of China previously; they already had their foothold of control in China; they already had their control of railways; they already had their exclusive concessions over mines. Germany was doing an outrageous thing, I take the liberty of saying, as the others had done outrageous things, but it was not the first; at least, it had been done before. China lay rich and undeveloped and the rest of the world was covetous and it had made bargains with China, generally to China's disadvantage, which enabled the world to go in and exploit her riches. I am not now going to discuss the merits of that question, because it has no merits. The whole thing was bad, but it was not unprecedented. Germany obliged China to give her what China had given others previously. Immediately thereafter China was obliged, because she had done this thing, to make fresh concessions to Great Britain of a similar sort, to make fresh concessions to France, to make concessions of a similar kind to Russia. It was then that she gave Russia Port Arthur and Talien-Wan.

"Now, remember what followed. The Government of the United States did not make any kind of protest against any of those cessions. We had at that time one of the most public-spirited and humane men in the Executive Chair at Washington that have ever graced that chair—I mean William McKinley—and his Secretary of State was a man whom we have all always delighted to praise, Mr. John Hay. But they made no protest against the cession to Germany, or to Russia, or to Great Britain, or to France. The only thing they insisted on was that none of those powers should close the door of commerce to the goods of the United States in those territories which they were taking from China. They took no interest, I mean so far as what they did was concerned, in the liberties and rights of China. They were interested only in the rights of the merchants of the United States. I want to hasten to add that I do not say this even to imply criticism on those gentlemen, because as international law stood then it would have been an unfriendly act for them to protest in any one of these cases. Until this treaty was written in Paris it was not even proposed that it should be the privilege of anybody to protest in any such case if his own rights were not directly affected. Then, some time after that, followed the war between Russia and Japan. You remember where that war was brought to a close—by delegates of the two powers sitting at Portsmouth, N. H., at the invitation of Mr. Roosevelt, who was then President. In that treaty, Port Arthur—China's Port Arthur, ceded to Russia—was ceded to Japan, and the Government of the United States, though the discussions were occurring on its own territory, made no suggestion even to the contrary. Now, the treaty in Paris does the same thing with regard to the German rights in China. It cedes them to the victorious power, I mean to the power that took them by force of arms, the power which was in the Pacific victorious in this war, namely, to Japan, and there is no precedent which would warrant our making a protest. Not only that, but, in the meantime, since this war began, Great Britain and France entered into solemn covenants of treaty with Japan that if she would come into the war and continue her operations against Germany in the Pacific they would lend their whole influence and power to the cession to Japan of everything that Germany had in the Pacific, whether on the mainland or in the islands, north of the Equator, so that

if we were to reject this provision in the treaty Great Britain and France would not in honor be at liberty to reject it, and we would have to devise means to do what, let me say with all solemnity only war could do, force them to break their promise to Japan.

"Well, you say, 'Then, is it just all an ugly, hopeless business?' It is not, if we adopt the league of nations. The Government of the United States was not bound by these treaties. The Government of the United States was at liberty to get anything out of the bad business that it could get by persuasion and argument, and it was upon the instance of the Government of the United States that Japan promised to return to China what none of these other powers has yet promised to return—all rights of sovereignty that China had granted Germany over any portion of the Province of Shantung—the greatest concession in that matter that has ever been made by any power that has interested itself in the exploits of China—and to retain only what corporations out of many countries have long enjoyed in China, the right to run the railroad and extend its line to certain points and to continue to work the mines that have already been opened. Not only that, but I said a minute ago that Mr. Hay and Mr. McKinley were not at liberty to protest. Turn to the league of nations and see what will be the situation then. Japan is a member of the league of nations, all these other powers that have exploited China are members, and they solemnly promise to respect and preserve the territorial integrity and existing political independence of China. Not only that, but in the next article the international law of the world is revolutionized. It is there provided that it is the friendly right of any member of the league at any time to call attention to anything anywhere that is likely to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends. If we had had the covenant at that time, Mr. McKinley could, and I venture to say would, have said to Germany, 'This is directly none of our business, for we are seeking no competitive enterprise of that sort in China, but this is an invasion of the territorial integrity of China. We have promised, and you have promised, to preserve and respect that integrity, and if you do not keep that promise it will destroy the good understanding which exists between the peaceful nations of the world. It will be an invasion, a violation of the essential principle of peace and of justice.' Do you suppose for one moment that if the matter had been put in that aspect, with the attention of the world called to it by the great power of the United States, Germany would have persisted in that enterprise?

"How had she begun it? She had made the excuse of the death of two German missionaries at the hands of irresponsible mobs in certain Provinces of China an excuse for taking this valuable part of China's territory. Ah, my fellow citizens, it makes anybody who regards himself as a Christian blush to think what Christian nations have done in the name of protecting Christianity! But it can not be done any more under the league of nations. It can not be done without being cited to the bar of mankind, and if Germany had been cited to the bar of mankind before she began her recent tragical enterprise she never would have undertaken it. You can not expose such matters to the cool discussion of the world without disclosing all their ugliness, their illegitimacy, their brutality. This treaty sets up, puts in operation, so to say, puts into commission the moral force of the world. Our choice with regard to Shantung, therefore, is to keep out of the treaty, for we can not change it in that respect, or go in and be an effective friend of China. I for one am ready to do anything or to cooperate in anything in my power to be a friend, and a helpful friend, to that great, thoughtful, ancient, interesting, helpless people—in capacity, in imagination, in industry, in numbers one of the greatest peoples in the world and entitled to the wealth that lies underneath their feet and all about them in that land which they have not as yet known how to bring to its development.

"There are other things that have troubled the opponents of the league. One thing is they want to be sure they can get out. That does not interest me very much. If I go into a thing, my first thought is not how I can get out. My first thought is not how I can scuttle, but how I can help, how I can be effective in the game, how I can make the influence of America tell for the guidance and salvation of the world—not how I can keep out of trouble. I want to get into any kind of trouble that will help liberate mankind. I do not want always to be thinking about my skin or my pocketbook or my friendships. Is it just as comfortable to die quietly in your bed, never having done anything worth anything, as to die as some of those fellows that we shall always love when we remember them died upon the field of freedom? Is there any choice? Do you think anybody outside the family is going to be interested in any souvenir of you after you are dead? They are going to be interested in souvenirs of the boys in khaki, whether they are of their family or not. They are going to touch with reverence any sword or musket or rapid-fire gun or cannon that was fired for liberty upon the fields of France. I am not thinking of sitting by the door and keeping my hand on the knob, but if you want to do that you can get out any time you want to. There is absolutely nothing in the covenant to prevent you. I was present at its formulation, and I know what I am talking about, besides being able to understand the English language. It not only meant this, but said it, that any nation can, upon two years' notice, withdraw at any time, provided that at the time it withdraws it has fulfilled its international obligations and its obligations under the covenant, but it does not make anybody judge as to whether it has fulfilled those obligations, except the nation that withdraws.

"The only thing that can ever keep you in the league is being ashamed to get out. You can get out whenever you want to after two years' notice, and the only risk you run is having the rest of the world think you ought not to have got out. I, for my part, am not very sensitive about that, because I have a memory. I have read the history of the United States. We are in the habit of keeping our international obligations, and I do not believe that there will ever come a time when any just question can be raised as to whether we have fulfilled them or not. Therefore, I am not afraid to go before the jury of mankind at any time on the record of the United States with regard to the fulfillment of its international obligations; and when these gentlemen who are criticizing it once feel, if they ever should feel, the impulse of courage instead of the impulse of cowardice, they will realize how much better it feels. Your blood is at least warm and comfortable, and the red corpuscles are in command, when you have got some spunk in you; but when you have not, when you are afraid somebody is going to put over something on you, you are furtive and go about looking out for things, and your blood is cold and you shiver when you turn a dark corner. That is not a picture of the United States. When I think of these great frontier communities, I fancy I can hear the confident tread, tread, tread of the great hosts that crossed this continent. They were not afraid of what they were going to find in the next canyon. They were not looking over their shoulders to see if the trail was clear behind them. They were making a trail in front of them and they had not the least notion of going back.

"What I have come to suggest to you, my fellow citizens, is that you do what I am sure all the rest of our fellow countrymen are doing—clear the deck of these criticisms, that really have nothing in them, and look at the thing in its large aspect, in its majesty. Particularly, look at it as a fulfillment of the destiny of the United States, for it is nothing less. At last, after this long century and more of blood and terror, the world has come to the vision that that little body of 3,000,000 people, strung along the Atlantic coast of this continent, had in that far year 1776. Men in Europe laughed at them, at this little handful of dreamers, this little body of men who talked dogmatically about liberty, and since then that fire which they started on that little coast has consumed every autocratic government in the world, every civilized autocratic government, and now at last the flame has leaped to Berlin, and there is the funeral pyre of the German Empire."

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THE PRESIDENT AT TABERNACLE, SALT LAKE CITY, UTAH, SEPTEMBER 23, 1919.

"Gov. Bamberger, President Grant, my fellow countrymen, it is indeed inspiring to stand before this great audience, and yet I feel that I have come to present a theme which deserves the greatest of all audiences. I must admit to a very considerable degree of unaffected diffidence in presenting this theme, because the theme is so much bigger than any man's capacity to present it adequately. It is a theme which must engage the enthusiastic support of every lover of humanity and every man who professes Christian conviction, because we are now as a nation to make what I can not help characterizing as the most critical decision we have ever made in the history of America. We sent our boys across the sea to defeat the purposes of Germany, but we engaged that after we had defeated the purposes of Germany we would complete what they had begun and effect such arrangements of international concert as would make it impossible for any such attempt ever to be made again. The question therefore is, Shall we see it through or shall we now at this most critical juncture of the whole transaction turn away from our associates in the war and decline to complete and fulfill our sacred promise to mankind?

"I have now crossed the continent, my fellow countrymen, and am on my way East again, and I feel qualified to render testimony as to the attitude of this great Nation toward the covenant of the league. I say without the slightest hesitation that an overwhelmnig majority of our fellow countrymen purpose that this covenant shall be adopted. One by one the objections to it have melted away. One by one it has become evident that the objections urged against it were without sufficient foundation. One by one it has become impossible to support them as objections, and at last we come to the point of critical choice as to the very heart of the whole matter.

"You know it troubled some of our public men because they were afraid it was not perfectly clear that we could withdraw from this arrangement whenever we wanted to. There is no justification for doubt in any part of the language of the covenant on that point. The United States is at liberty to withdraw at any time upon two years' notice, the only restriction being that when it withdraws it shall have fulfilled its international obligations and its obligations under the covenant of the league, but it is left to its own conscience and to no other tribunal whatever to determine whether those obligations have been fulfilled or not. I, for one, am not afraid of the judgment of mankind with regard to matters of this sort. The United States never has failed to fulfill its international obligations. It never will fail, and I am ready to go to the great jury of humanity upon that matter at any time that within our judgment we should withdraw from this arrangement. But I am not one of those who, when they go into a great enterprise, think first of how they are going to get out of it. I think first of how I am going to stay in it and how, with the power and influence I can command, I am going to promote the objects of the great concert and association which is being formed. And that is the temper of America.

"I was quoting the other night the jest of an American wit who, commenting upon the extraordinary rapidity with which we had trained an army, said that it was easier to train an army in America than anywhere else; it took less time, because you had to train them to go only one way. They showed the effects of the training. They went only one way, and the issues that we are now debating were really decided at Chateau-Thierry and Belleau Wood and in the Argonne. We are now put to the test by these men who fought, as they were put to the test by those of us who ordered them to the field of battle. And the people of the United States have the same training as their army; they do not look back, they go only one way.

"The doubt as to whether some superior authority to our own Congress could intervene in matters of domestic policy is also removed. The language of the covenant expressly excludes the authorities of the league from taking any action or expressing any judgment with regard to domestic policies like immigration, like naturalization, like the tariff, like all of those things which have lain at the center so often of our political action and of our choice of policy.

"Nobody doubts any longer that the covenant gives explicit, unqualified recognition to the Monroe doctrine. Indeed, it does more than that. It adopts the principle of the Monroe doctrine as the principle of the world. The principle of the Monroe doctrine is that no nation has the right to interfere with the affairs or to impose its own will in any way upon another nation in the Western Hemisphere, and President Monroe said to the Governments of Europe, 'Any attempt of that sort on the part of any Government of Europe will be regarded as an act unfriendly to the United States.' The covenant of the league indorses that. The covenant of the league says that nothing in that document shall be construed as affecting the validity of the Monroe doctrine, which means that if any power seeks to impose its will upon any American State in North America, Central America, or South America, the world now acknowledges the right of the Government of the United States to take the initiative and check that action.

"The forces of objection being driven out of one position after another are now centering upon the heart of the league itself. I have come here to-night, my fellow countrymen, to discuss that critical matter that you constantly see in the newspapers, which we call 'reservations.' I want you to have a very clear idea of what is meant by reservations. Reservations are to all intents and purposes equivalent to amendments. I can say, I believe with confidence, that it is the judgment of the people of the United States that neither the treaty nor the covenant should be amended. Very well, then; look at the character of the reservations. What does a reservation mean? It means a stipulation that this particular Government insists upon interpreting its duty under that covenant in a special way, insists upon interpreting it in a way in which other Governments, it may be, do not interpret it. This thing, when we ratify it, is a contract. You can not alter so much as the words of a contract without the consent of the other parties. Any reservation will have to be carried to all the other signatories, Germany included, and we shall have to get the consent of Germany, among the rest, to read this covenant in some special way in which we prefer to read it in the interest of the safety of America. That, to my mind, is one of the most unacceptable things that could happen. To my mind, to reopen the question of the meaning of this clearly written treaty is to reopen negotiations with Germany, and I do not believe that any part of the world is in the temper to do that. In order to put this matter in such a shape as will lend itself to concrete illustration, let me read you what I understand is a proposed form of reservation:

"The United States assumes no obligation under the provisions of article 10 to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, whether members of the league or not, or to employ the military and naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which under the Constitution has the sole power to declare war or authorize the employment of the military and naval forces of the United States, shall by act or joint resolution so declare.

"That is a rejection of the covenant. That is an absolute refusal to carry any part of the same responsibility that the other members of the league carry. Does the United States want to be in on that special footing? Does the United States want to say to the nations with whom it stood in this great struggle, 'We have seen you through on the battle field, but now we are done. We are not going to stand by you'? Article 10 is an engagement on the part of all the great fighting nations of the world, because all the great fighting nations are going to be members of the league, that they will respect and preserve as against external aggression the territorial integrity and the existing political independence of the other members of the league. That is cutting at the heart of all wars. Every war of any consequence that you can cite originated in an attempt to seize the territory or interfere with the political independence of some other nation. We went into this war with the sacred promise that we regarded all nations as having the same rights, whether they were weak or strong, and unless we engage to sustain the weak we have guaranteed that the strong will prevail, we have guaranteed that imperialistic enterprise may revive, we have guaranteed that there is no barrier to the ambition of nations that have the power to dominate, we have abdicated the whole position of right and substituted the principle of might. This is the heart of the covenant, and what are these gentlemen afraid of? Nothing can be done under that article of the treaty without the consent of the United States. I challenge them to draw any other deduction from the provisions of the covenant itself. In every case where the league takes action the unanimous vote of the council of the league is necessary; the United States is a permanent member of the council of the league, and its affirmative vote is in every case necessary for every affirmative, or for that matter every negative, action.

"Let us go into particulars. These gentlemen say, 'We do not want the United States drawn into every little European squabble.' Of course, we do not, and under the league of nations it is entirely within our choice whether we will be or not. The normal processes of the action of the league are certainly to be this: When trouble arises in the Balkans, when somebody sets up a fire somewhere in central Europe among those little nations, which are for the time being looking upon one another with a good deal of jealousy and suspicion, because the passions of the world have not cooled—whenever that happens, the council of the league will confer as to the best methods of putting out the fire. If you want to put out a fire in Utah, you do not send to Oklahoma for the fire engine. If you want to put out a fire in the Balkans, if you want to stamp out the smouldering flame in some part of central Europe, you do not send to the United States for troops. The council of the league selects the powers which are most ready, most available, most suitable, and selects them only at their own consent, so that the United States would in no such circumstances conceivably be drawn in unless the flame spread to the world. And would they then be left out, even if they were not members of the league? You have seen the fire spread to the world once, and did not you go in? If you saw it spread again, if you saw human liberty again imperiled, would you wait to be a member of the league to go in?

My fellow citizens, the whole thing goes directly to the conscience of the Nation. If the fight is big enough to draw the United States in, I predict that they will be drawn in anyhow, and if it is not big enough to bring them in inevitably, they can go in or stay out according to their own decision. Why are these gentlemen afraid? There is no force to oblige the United States to do anything except moral force. Is any man, any proud American, afraid that the United States will resist the duress

of duty? I am intensely conscious of the great conscience of this Nation. I see the inevitableness, as well as the dignity and the greatness, of such declarations as President Grant has made aligning all the great organized moral forces of the world on the same side. It is inconceivable they should be on different sides.

"There is no necessity for the last part of this reservation. Every public man, every statesman, in the world knows, and I say that advisedly, that in order that the United States should go to war it is necessary for the Congress to act. They do not have to be told that, but that is not what this resolution says. This resolution says the United States assumes no obligation under the provisions of article 10 to preserve the territorial integrity or political independence of any other country—washes its hands of the whole business; says 'We do not want even to create the presumption that we will do the right thing. We do not want to be committed even to a great principle, but we want to say that every time a case arises the Congress will independently take it up as if there were no covenant and determine whether there is any moral obligation; and after determining that, determining whether it will act upon that moral obligation or not, it will act.' In other words, that is an absolute withdrawal from the obligations of article 10. That is why I say that it would be a rejection of the covenant and thereby a rejection of the treaty, for the treaty can not be executed without the covenant.

"I appeal, and I appeal with confidence, my fellow countrymen, to the men whose judgment I am told has approved of reservations of this sort. I appeal to them to look into the matter again. I know some of the gentlemen who are quoted as approving a reservation of that sort; I know them to be high-minded and patriotic Americans, and I know them to be men whose character and judgment I entirely respect, and whose motives I respect as much as I respect the motives of any man, but they have not looked into the matter. Are they willing to ask the rest of the world to go into this covenant and to let the United States assume none of its obligations? Let us have all the advantages of it and none of the responsibilities? Are they willing that proud America should ask for special exemptions, should show a special timidity, should ask to go into an arrangement depending upon a judgment when its own judgment is a different judgment? I confidently believe, my fellow citizens, that they will do no such thing. This is not an interpretation of the covenant. I have been trying to interpret it to you. This is a rejection of the covenant, and if this is adopted, the whole treaty falls to the ground, for, my fellow citizens, we must realize that a great and final choice is between this people. Either we are going to guarantee civilization or we are going to abandon it. I use the word with perhaps the admission that it may carry a slight exaggeration, but nevertheless advisedly, when I say abandon civilization, for what is the present condition of civilization? Everywhere, even in the United States, there is an attitude of antagonism toward the ordered processes of government. We feel the evil influence on this side of the Atlantic, and on the other side of the Atlantic every public man knows that it is knocking at the door of his government.

"While this unrest is assuming this menacing form of rebellion against authority, of determination to cut roads of force through the regular processes of government, the world is waiting on America, for—I say it with entire respect for the representatives of other governments, but I say it with knowledge—the Government of the United States is the only government in the world that the rest of the world trusts. It knows that the Government of the United States speaks for the people of the United States, that it is not anybody's master, but the servant of a great people. It knows that that people can always oblige its governors to be its servants. It knows that nobody has ever dared defy the public judgment of the people of the United States, and it knows that that public judgment is on the side of right and justice and of peace. It has seen the United States do what no other nation ever did. When we fought the war with Spain there was many a cynical smile on the other side of the water when we said that we were going to win freedom for Cuba and then present it to her. They said, 'Ah, yes; under the control of the United States. They will never let go of that rich island which they can exploit so much to their own advantage.' When we kept that promise and proved our absolute disinterestedness, and, notwithstanding the fact that we had beaten Spain until she had to accept anything that we dictated, paid her $20,000,000 for something that we could have taken, namely, the Philippine Islands, all the world stood at amaze and said, 'Is it true, after all, that this people believes and means what it says? Is it true, after all, that this is a great altruistic force in the world?'

"And now look what has happened, my fellow citizens. Poland, Bohemia, the released parts of Roumania, Jugo-Slavia—there are kinsmen, I dare say, of these people in this audience—these could, none of them, have won their own independence any more than Cuba could have won hers, and they were under an authority just as reckless in the exercise of its force, just as regardless of the people and of humanity, as the Spanish Government ever was in Cuba and the Philippines; and by the force of the world these people have been liberated. Now the world is waiting to hear whether the United States will join in doing for them what it sanely did for Cuba, guaranteeing their freedom and saying to them, 'What we have given to you no man shall take way.' It is our final heroic test of character, and I for one have not the slightest doubt as to what the result of the test is going to be, because I know that at heart this people loves freedom and right and justice more than it loves money and material prosperity or any of the things that anybody can get but nobody can keep unless they have elevation of spirit enough to see the horizons of the destiny of man.

"Instead of wishing to ask to stand aside, get the benefits of the league, but share none of its burdens or responsibilities, I for my part want to go in and accept what is offered to us, the leadership of the world. A leadership of what sort, my fellow citizens? Not a leadership that leads men along the lines by which great nations can profit out of weak nations, not an exploiting power, but a liberating power, a power to show the world that when America was born it was indeed a finger pointed towards those lands into which men could deploy some of these days and live in happy freedom, look each other in the eyes as equals, see that no man was put upon, that no people were forced to accept authority which was not of their own choice, and that out of the general generous impulse of the human genius and the human spirit we were lifted along the levels of civilization to days when there should be wars no more, but men should govern themselves in peace and amity and quiet. That is the leadership we said we wanted, and now the world offers it to us. It is inconceivable that we should reject it. It is inconceivable that men should put any conditions upon accepting it, particularly—for I speak this with a certain hurt pride, my fellow citizens, as an American—particularly when we are so safeguarded that the world under the covenant can not do a thing that we do not consent to being done. Other nations, other governments, were just as jealous of their sovereignty as we have been, and this guarantees the sovereignty of all the equal members of this great union of nations. There is only one nation for the time being excluded. That is Germany, and Germany is excluded only in order that she may go through a period of probation, only in order that she may prove to the world that she has made a real and permanent change in her constitution, and that hereafter, not Wilhelmstrasse but the votes of the German people will determine the policy of the German Government.

"If I may say so without even by implication involving great public men whom I entirely respect, I want to say that the only popular forces back of serious reservations, the only popular forces back of the impulse to reject any part of this treaty, proceed from exactly the same sources that the pro-German propaganda proceeded from. I ask the honorable and enlightened men who I believe thoughtlessly favor reservations such as I have read to reflect upon that and examine into the truth of it, and to reflect upon this proposition: We, by holding off from this league, serve the purposes of Germany, for what Germany has sought throughout the war was, first, to prevent our going in, and then to separate us in interest and purpose from the other Governments with which we were associated. Now, shall we by the vote of the United States Senate do for Germany what she could not do with her arms? We shall be doing it, whether we intend it or not. I exculpate the men I am thinking of entirely from the purpose of doing it; it would be unworthy of me to suggest such a purpose; but I do suggest, I do state with confidence, that that is the only end that would be gained, because Germany is isolated from the other nations, and she desires nothing so much as that we should be isolated, because she knows that then the same kind of suspicion, the same kind of hostility, the same kind of unfriendliness—that subtle poison that brings every trouble that comes between nations—will center on the United States as well as upon Germany. Her isolation will be broken; she will have a comrade, whether that nation wants to be her comrade or not, and what the lads did on the fields of France will be undone. We will allow Germany to do in 1919 what she failed to do in 1918!

"It would be unworthy of me, my fellow citizens, in the responsible position into which you have put me, if I were to overstate any of these things. I have searched my conscience with regard to them. I believe I am telling you the sober truth, and I am telling you what I get, not by intuition, but through those many voices that inevitably reach the Government and do not always reach you from over sea. We know

what the leading men of Germany are thinking and saying, and they are praying that the United States may stand off from the league. I call upon you, therefore, my fellow citizens, to look at this thing in a new aspect, to look upon it not with calculations of interest, not with fear of responsibility, but with a consciousness of the great moral issue which the United States must now decide and which, having decided, it can not reverse. If we keep out of this league now, we can never enter it except alongside of Germany. We can either go in now or come in later with our recent enemies, and to adopt a reservation such as I have read, which explicitly renounces responsibility under the central engagement of the covenant, is to do nothing less than that.

"I hope that in order to strengthen this impression on your minds you will take pains to read the treaty of peace. You need not read all of it; a lot of it is technical and you can skip that; but I want you to get a picture of what is in this great document. It is most too narrow a view of it to think of it as a treaty of peace with Germany. It is that, but it is very much more than a treaty of peace with Germany; it is a treaty in which an attempt is made to set up the rights of peoples everywhere, for exactly the lines of this treaty are going to be projected—have been projected—into the treaty with Austria, into the treaty with Bulgaria, into the treaty with Hungary, into the treaty with Turkey. Everywhere the same principle is adopted, that the men who wrote the treaties at Versailles were not at liberty to give anybody's property to anybody else. It is the first great international agreement in the history of civilization that was not based on the opposite principle. Every other great international arrangement has been a division of spoils, and this is an absolute renunciation of spoils, even with regard to the helpless parts of the world, even with regard to those poor benighted people in Africa, over whom Germany had exercised a selfish authority which exploited them and did not help them. Even they are not handed over to anybody else. The principle of annexation, the principle of extending sovereignty to territories that are not occupied by your own people, is rejected in this treaty. All of those regions are put under the trust of the league of nations, to be administered for the benefit of their inhabitants—the greatest humane arrangement that has ever been attempted—and the rules are laid down in the covenant itself which forbid any form of selfish exploitation of these helpless people by the agents of the league who will exercise authority over them during the period of their development.

"Then see how free course is given to our sympathies. I believe that there is no region of the world toward which the sympathies of the United States have gone out so abundantly as to the poor people of Armenia, those people infinitely terrified and infinitely persecuted. We have poured out money, we have sent agents of all sorts to relieve their distress, and at every turn we have known that every dollar we spent upon them might be rendered useless by the cruel power which had authority over them, that under pretense of not being able to control its own forces in those parts of the empire, the Turkish Government might say that it was unable to restrain the horrible massacres which have made that country a graveyard. Armenia is one of the regions that are to be under trust of the league of nations. Armenia is to be redeemed. The Turk is to be forbidden to exercise his authority there, and Christian people are not only to be allowed to aid Armenia but they are to be allowed to protect Armenia. At last this great people, struggling through night after night of terror, knowing not what day would see their land stained with blood, are now given a promise of safety, a promise of justice, a possibility that they may come out into a time when they can enjoy their own rights as free people, as they never dreamed they would be able to exercise them before. All of the great humane impulses of the human heart are expressed in this treaty, and we would be recreant to every humane obligation if we did not lend our whole force and, if necessary, make our utmost sacrifice to maintain its provisions. We are approaching the time in the discussions of the Senate when it will be determined what we are going to say about it, and I am here making this public appeal to you and, through you, to gentlemen who have favored such utterances as I have read to you to-night, to take a second thought upon the matter, to realize that what they are after is already accomplished. The United States can not be drawn into anything it does not wish to be drawn into, but the United States ought not to be itself in the position of saying, 'You need not expect of us that we assume the same moral obligations that you assume. You need not expect of us that we will respect and preserve the territorial integrity and political independence of other nations.'

"Let me remove another misapprehension about that clause, my fellow citizens. Almost every time it is quoted the words 'external aggression' are left out of it. There was not a member of that conference with whom I conferred who wanted to put the least restraint upon the right of self-determination by any portion of the human family, who wished to put the slightest obstacle in the way of throwing off the yoke of any Government if that yoke should become intolerable. This does not guarantee any country, any Government, against an attempt on the part of its own subjects to throw off its authority. The United States could not keep its countenance and make a promise like that, because it began by doing that very thing. The glory of the United States is that when we were a little body of 3,000,000 people strung along the Atlantic coast we threw off the power of a great empire because it was not a power chosen by or consented to by ourselves. We hold that principle. We never will guarantee any Government against the exercise of that right, and no suggestion was made in the conference that we should. We merely ourselves promised to respect the territorial integrity and existing political independence of the other members of the league and to assist in preserving them against external aggression.

"And if we do not do that the taproot of war is still sunk deep into the fertile soil of human passion. I am for cutting the taproot of war. I am for making an insurance against war, and I am prudent enough to take 10 per cent insurance if I can not get any more. I would be very pleased to get 25 per cent. I would be delighted to get 50 per cent, and here, in conscience, I believe we are getting 99 per cent. No man, no body of men, can give you absolute 100 per cent insurance against war any more than they can give you 100 per cent insurance against losing your temper. You can not insure men against human passion, but notice what this covenant does. It provides nine months as a minimum for the cooling off of human passion. It is pretty hard to be crazy mad for nine months. If you stay crazy mad, or crazy anything else, for nine months, it will be wise to segregate you from your fellow citizens. The heart of this covenant, to which very few opponents ever draw attention, is this, that every great fighting nation in the world engages never to go to war without first having done one or the other of two things, without having either submitted the point in controversy to arbitration, in which case it promises absolutely to abide by the verdict or submit it to the council of the league of nations, not for decision but for discussion; it agrees to lay all the documents and all the pertinent facts before the council and agrees that the council shall publish the documents and the facts to mankind, that it will give six months to the council for the consideration of the matter and that, even if it does not accept the result, it will not go to war for three months after the opinion is rendered. You have nine months in which to accomplish all the gentle work of mediation, all the same work of discussion, all the quieting work of a full comprehension of what the result of bringing the matter to the issue of war would be upon the nations immediately concerned and upon the nations of the world. And in article 11, which follows article 10, it is made the right of any member of the league to call attention to anything, anywhere, which is likely to affect the peace of the world or the good understanding between nations upon which the peace of the world depends. So that, after the storm begins to gather, you can call the attention of the world to it, and the cleansing, purifying, cooling processes of public opinion will at once begin to operate.

"When a very important part of Shantung Province was ceded by China to Germany in March, 1898, the Government of the United States uttered not a single protest. One of the most enlightened and humane men that have ever sat in the executive chair was President of the United States, William McKinley. One of the ablest Secretaries of State in the long list of distinguished men who have occupied that office was associated with him as Secretary of State, the Hon. John Hay. They made not a single intimation of protest. Why? Because under international law as it was, and as it is until this covenant is adopted, it would have been a hostile act for them to do any such thing unless they could show that the material or political interest of the United States was directly affected. The only ground which they insisted upon was that Germany should not close Shantung Province to the trade of the United States. They could not lift a little finger to help China. They could only try to help the trade of the United States. Immediately after that cession China made similar cessions to England, to Russia, to France, and again no protest, only an insistence that the door should be kept open to our goods—not to our moral ideas, not to our sympathy with China, not to our sense of right violated, but to our merchandise. You do not hear anything about the

cessions in that year to Great Britain or to France, because, unhappily, they were not unprecedented, as the cession to Germany was not unprecedented. Poor China had done the like, not once but many times before. What happened afterwards? In the treaty between Japan and Russia, after the Japanese-Russian war, a treaty signed on our own territory—in Portsmouth, N. H.—Port Arthur, the Chinese territory ceded to Russia, was transferred to Japan. Here were our own people sitting about, here was our own Government that had invited these gentlemen to sit at Portsmouth—did they object to Port Arthur being, not handed back to China, but handed to Japan?

"I am not going to stop, my fellow citizens, to discuss the Shantung provision in all its aspects, but what I want to call your attention to is that just so soon as this covenant is ratified every nation in the world will have the right to speak out for China. And I want to say very frankly, and I ought to add that the representatives of those great nations themselves admit, that Great Britain and France and the other powers which have insisted upon similar concessions in China will be put in a position where they will have to reconsider them. This is the only way to serve and redeem China, unless, indeed, you want to start a war for the purpose. At the beginning of the war and during the war Great Britain and France engaged by solemn treaty with Japan that if she would come into the war and continue in the war, she could have, provided she in the meantime took it by force of arms, what Germany had in China. Those are treaties already in force. They are not waiting for ratification. France and England can not withdraw from those obligations, and it will serve China not one iota if we should dissent from the Shantung arrangement; but by being parties to that arrangement we can insist upon the promise of Japan—the promise which the other Governments have not matched—that she will return to China immediately all sovereign rights within the Province of Shantung. We have got that for her now, and under the operations of article 11 and of article 10 it will be impossible for any nation to make any further inroads either upon the territorial integrity or upon the political independence of China. I for one want to say that my heart goes out to that great people, that learned people, that accomplished people, that honest people, hundreds of millions strong but never adequately organized for the exercise of force, therefore always at the mercy of anyone who has effective armies or navies, always subject to be commanded, and never in a position unassisted by the world to insist upon its own rights.

"It is a test—an acid test: Are you willing to go into the great adventure of liberating hundreds of millions of human beings from the threat of foreign power? If you are timid, I can assure you you can do it without shedding a drop of human blood. If you are squeamish about fighting, I will tell you you will not have to fight. The only force that outlasts all others and is finally triumphant is the moral judgment of mankind. Why is it that when a man tells a lie about you you do not wince, but when he tells the truth about you, if it is not creditable, then you wince? The only thing you are afraid of is the truth. The only thing you dare not face is the truth. The only thing that will get you sooner or later, no matter how you sneak or dodge, is the truth; and the only thing that will conquer nations is the truth. No nation is going to look the calm judgment of mankind in the face for nine months and then go to war. You can illustrate the great by the little. I dare say you have taken time to cool off sometimes. I know I have. It is very useful for a person, particularly with a Scotch disposition like mine, to withdraw from human society when he is mad all through and just think about the situation and reflect upon the consequences of making a conspicuous ass of himself. It is for that reason that I have always said that if you have an acquaintance whom you suspect of being a fool, encourage him to hire a hall. There is nothing that tests a man's good sense like exposure to the air. We are applying this great healing, sanitary influence to the affairs of nations and of men, and we can apply it only by the processes of peace which are offered to us after a conference, which I can testify was taken part in in the knowledge and in the spirit that never obtained before in any such conference; that we were not at liberty to work out the policy and ambition of any nation, but that our single duty and our single opportunity was to put the peoples of the world in possession of their own affairs.

"So, as much of the case, my fellow citizens, as I can lay before you on a single occasion—as much of this varied and diversified theme—is laid before you, and I ask your assistance to redeem the reputation of the United States. I ask you to make felt everywhere that it is useful to make it felt, not by way of threat, not by way of menace of any sort, but by way of compelling judgment, that the thing for us to do is to redeem the promises of America made in solemn presence of mankind when we entered this war, for I see a happy vision before the world, my fellow countrymen. Every previous international conference was based upon the authority of governments. This, for the first time, was based upon the authority of peoples. It is, therefore, the triumphant establishment of the principle of democracy throughout the world, but only the establishment of the principle of political democracy. What the world now insists upon—order and peace in order to consider and in order to achieve—is the establishment of industrial democracy, is the establishment of such relationships between those who direct labor and those who perform labor as shall make a real community of interest, as shall make a real community of purpose, as shall lift the whole level of industrial achievement above bargain and sale, into a great method of cooperation by which men, purposing the same thing and justly organizing the same thing, may bring about a state of happiness and of prosperity such as the world has never known before. We want to be friends of each other as well as friends of mankind. We want America to be united in spirit as well as the world. We want America to be a body of brethren, and if America is a body of brethren, then you may be sure that its leadership will bring the same sort of comradeship and intimacy of spirit and purity of purpose to the counsels and achievements of mankind."

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THE PRESIDENT AT CHEYENNE, WYO., SEPTEMBER 24, 1919.

"Gov. Carey, my fellow countrymen, it is with genuine satisfaction that I find myself in this great State, which I have only too seldom visited, and I appreciate this close contact with a body of its citizens in order that I may make clear some of the matters which have emerged in the discussion in the midst of which we now find ourselves. Gov. Carey is quite right in saying that no document ever drew upon it more widespread discussion than the great treaty of peace with which your representatives returned from Paris. It is not to be wondered at, my fellow citizens, because that treaty is a unique document. It is the most remarkable document, I venture to say, in human history, because in it is recorded a complete reversal of the processes of government which had gone on throughout practically the whole history of mankind. The example that we set in 1776, which some statesmen in Europe affected to disregard and others presumed to ridicule, nevertheless set fires going in the hearts of men which no influence was able to quench, and one after another the Governments of the world have yielded to the influences of democracy. No man has been able to stay the tide, and there came a day when there was only one bulwark standing against it. That was in Berlin and Vienna—standing in the only territory which had not been conquered by the liberal forces of the opinion of the world, continued to stand fast where there was planted a pair of Governments that could use their people as they pleased, as pawns and instruments in a game of ambition, send them to the battle field without condescending to explain to them why they were sent, send them to the battle field to work out a dominion over free peoples on the part of a Government that had never been liberalized and made free.

"The world did not realize in 1914 that it had come to the final grapple of principle. It was only by slow degrees that we realized that we had any part in the war. We started the forces in 1776, as I have said, that made this war inevitable, but we were a long time realizing that, after all, that was what was at issue. We had been accustomed to regarding Europe as a field of intriguing, of rival ambitions, and of attempts to establish empire, and at first we merely got the impression that this was one of the usual European wars, to which, unhappily, mankind had become only too accustomed. You know how unwilling we were to go into it. I can speak for myself. I made every effort to keep this country out of the war, until it came to my conscience, as it came to yours, that after all it was our war as well as Europe's war, that the ambition of these central empires was directed against nothing less than the liberty of the world, and that if we were indeed what we had always professed to be, champions of the liberty of the world, it was not within our choice to keep out of the great enterprise. We went in just in time. I can testify, my fellow countrymen, that the hope of Europe had sunk very low when the American troops began to throng overseas. I can testify that they had begun to fear that the terror would be realized and that the German power would be established. At first they were incredulous that our men could come in force enough to assist them. At first they thought that it was only a moral encouragement they would get from seeing that gallant emblem of the Stars and Stripes upon their fields. Presently they realized that the tide was real, that here came men by the thousands, by the hundreds of thousands, by the millions; that there was no end to the force which would now be asserted to rescue the free peoples of the world from the

terror of autocracy; and America had the infinite privilege of fulfilling her destiny and saving the world. I do not hesitate to say, as a sober interpretation of history, that American soldiers saved the liberties of the world.

"I want to remind you of all this, my fellow citizens, because it is pertinent to the discussion that is now going on. We saved the liberties of the world, and we must stand by the liberties of the world. We can not draw back. You remember what happened in that fateful battle in which our men first took part. You remember how the French lines had been beaten and separated and broken at Chateau-Thierry, and you remember how the gates seemed open for the advancement of the Germans upon Paris. Then a body of men, a little body of men—American soldiers and American marines—against the protests of French officers, against the command of the remote commanders, nevertheless dared to fill that breach, stopped that advance, turned the Germans back, and never allowed them to turn their faces forward again. They were advised to go back, and they asked the naïve American question, 'What did we come over here for? We did not come over here to go back; we came over here to go forward.' And they never went in any other direction. The men who went to Chateau-Thierry, the men who went into Balleau Wood, the men who did what no other troops had been able to do in the Argonne, never thought of turning back, not only, but they never thought of making any reservations on their service. They never thought of saying, 'We are going to do this much of the job and then scuttle and leave you to do the rest.' I am here, I am on this journey, to help this Nation, if I can by my counsel, to fulfill and complete the task which the men who died upon the battle fields of France began, and I am not going to turn back any more than they did. I am going to keep my face just as they kept their face—forward toward the enemy.

"My friends—I use the words advisedly—the only organized forces in this country, outside of Congressional Halls, against this treaty are the forces of hyphenated Americans. I beg you to observe that I say the only organized forces, because I would not include many individuals whom I know in any such characterization, but I do repeat that it is the pro-German forces and the other forces that showed their hyphen during the war that are now organized against this treaty. We can please nobody in America except these people by rejecting it or qualifying it in our acceptance of it. I want you to recall the circumstances of this Great War lest we forget. We must not forget to redeem absolutely and without qualification the promises of America in this great enterprise. I have crossed the continent now, my friends, and am a part of my way back. I can testify to the sentiment of the American people. It is unmistakable. The overwhelming majority of them demand the ratification of this treaty, and they demand it because, whether they have analyzed it or not, they have a consciousness of what it is that we are fighting for. We said that this was a people's war—I have explained to you that it was, though you did not need the explanation—and we said that it must be a people's peace. It is a people's peace. I challenge any man to find a contradiction to that statement in the terms of the great document with which I returned from Paris. It is so much of a people's peace that in every portion of its settlement every thought of aggrandizement, of territorial or political aggrandizement, on the part of the great powers was brushed aside, brushed aside by their own representatives. They declined to take the colonies of Germany in sovereignty, and said they would consent and demand that they be administered in trust by a concert of the nations through the instrumentality of a league of nations. They did not claim a single piece of territory. On the contrary, every territory that had been under the dominion of the Central Powers, unjustly and against its own consent, is by that treaty and the treaties which accompany it absolutely turned over in fee simple to the people who live in it. The principle is adopted without qualification upon which America was founded, that all just government proceeds from the consent of the governed. No nation that could be reached by the conclusions of this conference was obliged to accept the authority of a government by which it did not wish to be controlled. It is a peace of liberation. It is a peace in which the rights of peoples are realized, and when objection is made to the treaty, is any objection made to the substance of the treaty? There is only one thing in the substance of the treaty that has been debated seriously, and that is the arrangement by which Japan gets the rights that Germany had in Shantung Province in China. I wish I had time to go through the story of that fully. It was an unavoidable settlement, and nothing can be done for China without the league of nations.

"Perhaps you will bear with me if I take time to tell you what I am talking about. You know that China has been the common prey of the great European powers. Perhaps I should apologize to the representatives of those powers for using such a word, but I think they would admit that the word is justified. Nation after nation has demanded rights, semisovereign rights, and concessions with regard to mines and railways and every other resource that China could put at their disposition, and China has never been able to say 'No'—a great learned, patient, diligent people, numbering hundreds of millions; has had no organized force with which to resist, and has yielded again and again and again to unjust demands. One of these demands was made upon her in March, 1898, by Germany—unjustly made. I will not go into the particulars, but I could justify that word 'unjustly.' A concession was demanded of her of the control of the whole district around Kiaochow Bay, one of the open doors to the trade and resources of China. She was obliged to yield to Germany practically sovereign control over that great region by the sea, and into the interior of the Province Germany was privileged to extend a railway and to exploit all the deposits of ore that might be found for 30 miles on either side of the railway which she was to build. The Government of the United States at that time, presided over by one of the most enlightened and beloved of our Presidents—I mean William McKinley—and the Department of State, guided by that able and high-minded man, John Hay, did not make the slightest protest. Why? Not because they would not if they could have aided China, but because under international law as it then stood no nation had the right to protest against anything that other nations did that did not directly affect its own rights. Mr. McKinley and Mr. Hay did insist that if Germany took control of Kiaochow Bay, she should not close those approaches to China against the trade of the United States. How pitiful, when you go into the court of right, you can not protect China, you can only protect your own merchandise! You can not say, 'You have done a great wrong to these people.' You have got to say, 'We yield to the wrong, but we insist that you should admit our goods to be sold in those markets!' Pitiful, but nevertheless it was international law. All nations acted in that way at that time. Immediately following these concessions to Germany, Russia insisted upon concessions and got Port Arthur and other territories. England insisted, though she had had similar concessions in the past, upon an additional concession and got Weihaiwai. France came into the game and got a port and its territory lying behind it for the same period of time that Germany had got her concession, namely, 99 years.

"Then came the war between Russia and Japan, and what happened? In a treaty signed on our own sacred territory, at Porthmouth in New Hampshire, Japan was allowed to take from Russia what had belonged to China, the concession of Port Arthur and of Talienwan, the territory in that neighborhood. The treaty was written here; it was written under the auspices, so to say, of our own public opinion, but the Government of the United States was not at liberty to protest and did not protest; it acquiesced in the very thing which is being done in this treaty. What is being done in this treaty is not that Shantung is being taken from China. China did not have it. It is being taken from Germany, just as Port Arthur was not taken from China but taken from Russia and transferred to Japan. Before we got into the war, Great Britain and France had entered into solemn covenant by treaty with Japan that if she would take what Germany had in Shantung by force of arms, and also the islands lying north of the Equator which had been under German dominion in the Pacific, she could keep them when the peace came and its settlements were made. They were bound by a treaty of which we knew nothing, but which, notwithstanding our ignorance of it, bound them as much as any treaty binds. This war was fought to maintain the sacredness of treaties. Great Britain and France, therefore, can not consent to a change of the treaty in respect of the cession of Shantung, and we have no precedent in our history which permits us even to protest against it until we become members of the league of nations.

"I want this point to sink in, my fellow countrymen: The league of nations changes the international law of the world with regard to matters of this sort. You have heard a great deal about article 10 of the covenant of the league, and I will speak of it presently, but read article 11 in conjunction with article 10. Every member of the league, in article 10, agrees never to impair the territorial integrity of any other member of the league or to interfere with its existing political independence. Both of those things were done in all these concessions. There was a very serious impairment of the territorial integrity of China in every one of them, and a very serious interference with the political independence of that great but helpless kingdom. Article 10 stops that for good and all. Then, in article 11, it is provided that it shall be the friendly right of any member of the league at any time to call attention to

anything anywhere that is likely to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends, so that the ban would have been lifted from Mr. McKinley and Mr. Roosevelt in the matter of these things if we had had the covenant of the league; they could have gone in and said, 'Here is your promise to preserve the territorial integrity and political independence of this great people. We have the friendly right to protest. We have the right to call your attention to the fact that this will breed wars and not peace, and that you have not the right to do this thing.' Henceforth, for the first time, we shall have the opportunity to play effective friends to the great people of China, and I for one feel my pulses quicken and my heart rejoice at such a prospect. We, a free people, have hitherto been dumb in the presence of the invasion of the freedom of other free peoples, and now restraint is taken away. I say it is taken away, for we will be members of the covenant. Restraint is taken away, and, like the men that we profess to be, we can speak out in the interest of free people everywhere.

"But that is not all. America, as I have said, was not bound by the agreements of Great Britain and France, on the one hand, and Japan on the other. We were free to insist upon a prospect of a different settlement, and at the instance of the United States Japan has already promised that she will relinquish to China immediately after the ratification of this treaty all the sovereign rights that Germany had in Shantung Province—the only promise of that kind ever made, the only relinquishment of that sort ever achieved—and that she will retain only what foreign corporations have all over China—unfortunately but as a matter of fact—the right to run the railroad and the right to work the mines under the usual conditions of Chinese sovereignty and as economic concessionaires, with no political rights or military power of any kind. It is really an emancipation of China, so far as that Province is concerned, from what is imposed upon her by other nations in other Provinces equally rich and equally important to the independence of China herself. So that inside the league of nations we now have a foothold by which we can play the friend to China.

"And the alternative? If you insist upon cutting out the Shantung arrangement, that merely severs us from the treaty. It does not give Shantung back to China. The only way you can give Shantung back to China is by arms in your hands, armed ships and armed men, sent against Japan and France and Great Britain. A fratricidal strife, in view of what we have gone through! We have just redeemed France. We can not with arms in our hands insist that France break a covenant, however ill judged, however unjust; we can not as her brothers in arms commit any such atrocious act against the fraternity of free people. So much for Shantung. Nobody can get that provision out of that treaty and do China any service whatever, and all such professions of friendship for China are empty noise, for the gentlemen who make those professions must know that what they propose will be not of the slightest service to her.

"That is the only point of serious criticism with regard to the substance of the treaty. All the rest refers to the covenant of the league of nations. With regard to that, my fellow citizens, I have this to say: Without the covenant of the league of nations that treaty can not be executed. Without the adherence of the United States to that covenant, the covenant can not be made effective. To state it another way, the maintenance of the peace of the world and the execution of the treaty depend upon the whole-hearted participation of the people of the United States. I am not stating it as a matter of power. I am not stating it with the thought that the United States has greater material wealth and greater physical power than any other nation. The point that I want you to get is a very profound point; the point is that the United States is the only nation of the world that has sufficient moral force with the rest of the world. It is the only Nation which has proved its disinterestedness. It is the only Nation which is not suspected by the other nations of the world of ulterior purposes. There is not a Province in Europe in which American troops would not at this moment be welcomed with open arms, because the population would know that they had come as friends and would go so soon as their errand was fulfilled. I have had delegations come to me, delegations from countries where disorder made the presence of troops necessary, and beg me to order American troops there. They said, 'We trust them; we want them. They are our friends.' And all the world, provided we do not betray them by rejecting this treaty, will continue to regard us as their friends and follow us as their friends and serve us as their friends. It is the noblest opportunity ever offered to a great people, and we will not turn away from it.

"We are coming now to the grapple, because one question at a time is being cleared away. We are presently going to have a show-down, a show-down on a very definite issue, and I want to bring your minds to that definite issue. A number of objections have been made to the covenant of the league of nations, but they have been disposed of in candid minds. The first was the question whether we could withdraw when we pleased. That is no longer a question in the mind of anybody who has studied the language and real meaning of the covenant. We can withdraw, upon two years' notice, when we please. I state that with absolutely no qualification. Then there was the question as to whether it interfered with self-determination; that is to say, whether there was anything in the guarantee of article 10 about territorial integrity and political independence which would interfere with the assertion of the right of great populations anywhere to change their governments, to throw off the yoke of sovereignties which they did not desire to live under. There is absolutely no such restraint. I was present and can testify that when article 10 was debated the most significant words in it were the words 'against external aggression.' We do not guarantee any government against anything that may happen within its own borders or within its own sovereignty. We merely say that we will not impair its territorial integrity or interfere with its political independence, and we will not countenance other nations outside of it making prey of it in the one way or the other. Every man who sat around that table, and at the table where the conference on the league of nations sat there were 14 free peoples represented, believed in the sacred right of self-determination, would not have dared to go back and face his own people if he had done or said anything that stood in the way of it. That is out of the way. There was some doubt as to whether the Monroe doctrine was properly recognized, though I do not see how anybody who could read the English language could have raised the doubt. The covenant says that nothing contained in it shall be construed as affecting the validity of the Monroe doctrine, so that by a sudden turn in the whole judgment of the world the Monroe doctrine was accepted by all the great powers of the world. I know what their first impressions were about it. I know the history of their change of mind, and I know the heartiness and unanimity of the conclusion. Nothing can henceforth embarrass the policy of the United States in applying the Monroe doctrine according to her own judgment. But there was apprehension that some kind of a supergovernment had been set up which could some day interfere in our domestic affairs, say that our immigration laws were too rigorous and wrong; that our laws of naturalization were too strict and severe; that our tariff policy did not suit the rest of the world. The covenant expressly excludes interference with domestic questions, expressly states that it shall not be the right of any authority of the league to interfere in matters of that sort. That matter is cleared away by everybody who can understand the clauses in question.

"There is another matter in that connection I want to speak of. The constitution of the league of nations is not often enough explained. It is made up of two bodies. One body, which is a comparatively large body, is called the assembly. The assembly is not an originative body. The assembly is, so to say, the court of the public opinion of the world. It is where you can broach questions, but not decide them. It is where you can debate anything that affects the peace of the world, but not determine upon a course of action upon anything that affects the peace of the world. The whole direction of the action of the league is vested in another body known as the council, and nothing in the form of an active measure, no policy, no recommendation with regard to the action of the governments composing the league, can proceed except upon a unanimous vote of the council. Mark you, a unanimous vote of the council. In brief, inasmuch as the United States of America is to be a permanent member of the council of the league, the league can take no step whatever without the consent of the United States of America. My fellow citizens, think of the significance of that in view of the debates you have been listening to. There is not a single active step that the league can take unless we vote aye. The whole matter is, in that negative sense, in the ability to stop any action, in our hands. I am sometimes inclined to think that that weakens the league, that it has not freedom of action enough, notwithstanding that I share with all of my fellow countrymen a very great jealousy with regard to setting up any power that could tell us to do anything, but no such power is set up. Whenever a question of any kind with regard to active policy—and there are only three or four of them—is referred to the assembly for its vote, its vote in the affirmative must include the representatives of all the nations which are represented on the council. In the assembly, as in the council, any single nation that is a member of the council has a veto upon active conclusions. That is my comment upon what you have been told about Great Britain having six votes and our having

one. I am perfectly content with the arrangement, since our one offsets the British six. I do not want to be a repeater; if my one vote goes, I do not want to repeat it five times.

"And is it not just that in this debating body, from which without the unanimous concurrence of the council no active proceeding can originate, that these votes should have been given to the self-governing powers of the British Empire? I am ready to maintain that position. Is it not just that those stout little Republics out in the Pacific, of New Zealand and Australia, should be able to stand up in the councils of the world and say something? Do you not know how Australia has led the free peoples of the world in many matters that have led to social and industrial reform? It is one of the most enlightened communities in the world and absolutely free to choose its own way of life independent of the British authority, except in matters of foreign relationship. Do you not think that it is natural that that stout little body of men whom we so long watched with admiration in their contest with the British Crown in South Africa should have the right to stand up and talk before the world? They talked once with their arms and, if I may judge by my contact with them, they can talk with their minds. They know what the interests of South Africa are, and they are independent in their control of the interests of South Africa. Two of the most impressive and influential men I met in Paris were representatives of South Africa, both of them members of the British peace delegation in Paris, and yet both of them generals who had made British generals take notice through many months of their power to fight—the men whom Great Britain had fought and beaten and felt obliged to hand over their own government to, and say, 'It is yours and not ours.' They were men who spoke counsel, who spoke frank counsel. And take our neighbor on the north—do you not think Canada is entitled to a speaking part? I have pointed out to you that her voting part is offset, but do you not think she is entitled to a speaking part? Do you not think that that fine dominion has been a very good neighbor? Do you not think she is a good deal more like the United States than she is like Great Britain? Do you not feel that probably you think alike? The only other vote given to the British Empire is given to that hitherto voiceless mass of humanity that lives in that region of romance and pity that we know as India. I am willing that India should stand up in the councils of the world and say something. I am willing that speaking parts should be assigned to these self-governing, self-respecting, energetic portions of the great body of humanity.

"I take leave to say that the deck is cleared of these bugaboos. We can get out if we want to. I am not interested in getting out. I am interested in getting on. But we can get out. The door is not locked. You can sit on the edge of your chair and scuttle any time you want to. There are so many who are interested first of all in knowing that they are not in for anything that can possibly impose anything on them. Well, we are not in for anythng that we do not want to continue to carry. We can help in the matters of self-determination, as we never helped before. The six votes of the British Empire are offset by our own, if we choose to offset them. I dare say we shall often agree with them; but if we do not, they can not do anything that we do not consent to. The Monroe doctrine is taken care of. There is no danger of interference with domestic questions.

"Well, what remains? Nothing except article 10, and that is the heart of the whole covenant. Anybody who proposes to cut out article 10 proposes to cut all the supports from under the peace and security of the world, and we must face the question in that light; we must draw the issue as sharply as that; we must see it through as distinctly as that. Let me repeat article 10. I do not know that I can do it literally, but I can come very near it. Under article 10 every member of the league engages to respect and preserve as against external aggression the territorial integrity and existing political independence of the other members of the league. That cuts at the taproot of war. The wars of the past have been leveled against the liberties of peoples and territories of those who could not defend them, and if you do not cut at that taproot, that upas tree is going to grow again; and I tell you, my fellow countrymen, that if you do not cut it up now it will be harder to cut it up next time. The next time will come; it will come while this generation is living, and the children that crowd about our car as we move from station to station will be sacrificed upon the altar of that war. It will be the last war. Humanity will never suffer another, if humanity survives. My fellow countrymen, do you realize that at the end of the war that has just closed new instruments of destruction had been invented and were about to be used that exceeded in terrible force and destructive power any that had been used before in this war? You have heard with wonder of those great cannon from which the Germans sent shells 70 miles into Paris. Just before the war closed shells had been invented that could be made to steer themselves and carry immense bodies of explosives a hundred miles into the interior of countries, no matter how great the serried ranks of their soldiers were at the border. This war will be child's play as compared with another war. You have got to cut the root of that upas tree now or betray all future generations.

"And we can not without our vote in the council, even in support of article 10, be drawn into wars that we do not wish to be drawn into. The second sentence of article 10 is that the council shall advise as to the method of fulfilling this guaranty, that the council, which must vote by unanimous vote, must advise—can not direct—what is to be done for the maintenance of the honor of its members and for the maintenance of the peace of the world. Is there anything that can frighten a man or a woman or a child, with just thought or red blood, in those provisions? And yet listen. I understand that this reservation is under consideration. I ask your very attentive ear.

"The United States assumes no obligation under the provisions of article 10 to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, whether members of the league or not, or to employ the military and naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which under the Constitution has the sole power to declare war or authorize the employment of the military and naval forces of the United States, shall by act or joint resolution so declare.

"In other words, my fellow citizens, what this proposes is this: That we should make no general promise, but leave the nations associated with us to guess in each instance what we were going to consider ourselves bound to do and what we were not going to consider ourselves bound to do. It is as if you said, 'We will not join the league definitely, but we will join it occasionally. We will not promise anything, but from time to time we may cooperate. We will not assume any obligations.' Observe, my fellow citizens, as I have repeatedly said to you and can not say too often, the council of the league can not oblige us to take military action without the consent of Congress. There is no possibility of that. But this reservation proposes that we should not acknowledge any moral obligation in the matter; that we should stand off and say, 'We will see, from time to time; consult us when you get into trouble, and then we will have a debate, and after two or three months we will tell you what we are going to do.' The thing is unworthy and ridiculous, and I want to say distinctly that, as I read this, it would change the entire meaning of the treaty and exempt the United States from all responsibility for the preservation of peace. It means the rejection of the treaty, my fellow countrymen, nothing less. It means that the United States would take from under the structure its very foundations and support.

"I happen to know that there are some men in favor of that reservation who do not in the least degree realize its meaning, men whom I greatly respect, men who have just as much ardor to carry out the promises of the United States as I have, and I am not indicting their purpose, but I am calling their attention to the fact that if any such reservation as that should be adopted I would be obliged as the Executive of the United States to regard it as a rejection of the treaty. I ask them, therefore, to consider this matter very carefully, for I want you to realize, and I hope they realize, what the rejection of the treaty means—two isolated and suspected people, the people of Germany and the people of the United States. Germany is not admitted to respectable company yet. She is not permitted to enter the league until such time as she shall have proved to the satisfaction of the world that her change of government and change of heart is real and permanent. Then she can be admitted. Now, her dearest desire, feeling her isolation, knowing all the consequences that would result, economic and social, is to see the United States also cut off its association with the gallant peoples with whom side by side we fought this war. I am not making this statement by conjecture. We get it directly from the mouths of authoritative persons in Germany that their dearest hope is that America will now accomplish by the rejection of the treaty what Germany was not able to accomplish by her arms. She tried to separate us from the rest of the world. She tried to antagonize the rest of the world against the United States, and she failed so long as American armies were in the field. Shall she succeed now, when only American voters are in the field? The issue is final. We can not avoid it. We have got to make it now, and, once made, there can be no turning back. We either go in with the other free peoples of the world to guarantee the peace of the world now, or we stay out and on some dark and disastrous day seek admission to the league of nations along with Germany. The rejection of this treaty, my fellow citizens,

means the necessity of negotiating a separate treaty with Germany. That separate treaty between Germany and the United States could not alter any sentence of this treaty. It could not affect the validity of any sentence of this treaty. It would simply be the Government of the United States going, hat in hand, to the assembly at Weimar and saying, 'May it please you, we have dissociated ourselves from those who were your enemies; we have come to you asking if you will consent to terms of amity and peace which will dissociate us, both of us, from the comradeship of arms and liberty.' There is no other interpretation. There is no other issue. That is the issue, and every American must face it.

"But I talk, my fellow citizens, as if I doubted what the decision would be. I happen to have been born and bred in America. There is not anything in me that is not American. I dare says that I inherit a certain stubbornness from an ancient stock from which I am remotely derived; but, then, all of you are derived, more or less remotely, from other stocks. You remember the exclamation of the Irishman who said when he was called a foreigner, 'You say we are furriners; I'd like to know who sittled this kintry but furriners!' We were all foreigners once, but we have undergone a climatic change, and the marvel of America is its solidarity, is its homogeneity, in the midst of its variety. The marvel about America is that, no matter what a man's stock and origin, you can always tell that he is an American the minute he begins to express an opinion. He may look sometimes like a foreigner, but tap him and you will find that the contents is American. Having been bred in that way myself, I do not have to conjecture what the judgments of America are going to be about a great question like this. I know beforehand, and I am only sorry for the men who do not know. If I did not know the law of custom and of honor against betting on a certainty, I would like to bet with them. But it would not be fair; I would be taking advantage of them.

"If I may close with a word, not of jest but of solemnity, I want to say, my fellow citizens, that there can be no exaggerating the importance of this peace and the importance of its immediate ratification, because the world will not and can not settle down to normal conditions, either in America or anywhere else, until it knows what the future is going to be. If it must know that the future is going to be one of disorder and of rivalry and of the old contests of power, let it know it at once, so it can make its arrangements and its calculations and lay its taxes and recruit its armies and build its ships for the next great fight; but if, on the other hand, it can be told that it will have an insurance against war, that a great body of powerful nations has entered into a solemn covenant to substitute arbitration and discussion for war, for that is the heart of the covenant, that all the great fighting peoples of the world have engaged to forego war and substitute arbitration and discussion—if it can know that the minds will be quieted, the disorders will presently cease; then men will know that we have the opportunity to do that great, that transcendent duty that lies ahead of us, sit quietly down in council chambers and work out the proper reforms of our own industrial and economic life. They have got to be worked out. If this treaty is not ratified, they will be worked out in disorder throughout the world. I am not now intimating, for I do not think, that disorder will shake the foundations of our own affairs, but it will shake the foundations of the world, and these inevitable, indispensable reforms will be worked out amongst disorder and suspicion and hatred and violence, whereas if we can have the healing influences of assured peace they will be worked out in amity and quiet and by the judgment of men rather than by the passions of men. God grant that that day may come, and come soon! Above all, may God grant that it may come under the leadership of America!"

THE PRESIDENT AT AUDITORIUM, DENVER, COLO., SEPTEMBER 25, 1919.

"Mr. Chairman, my fellow countrymen, I always feel a thrill of pride in standing before a great company of my fellow citizens to speak for this great document which we shall always know as the treaty of Versailles. I am proud to speak for it, because for the first time in the history of international consultation men have turned away from the ambitions of governments and have sought to advance the fortunes of peoples. They have turned away from all those older plans of domination and sought to lay anew the foundations for the liberty of mankind. I say without hesitation that this is a great document of liberation. It is a new charter for the liberty of men.

"As we have advanced from week to week and from month to month in the debate of this great document, I think a great many things that we talked about at first have cleared away. A great many difficulties which were at first discovered, or which some fancied that they had discovered, have been removed. The center and heart of this document is that great instrument which is placed at the beginning of it, the covenant of the league of nations. I think everybody now understands that you can not work this treaty without that covenant. Everybody certainly understands that you have no insurance for the continuance of this settlement without the covenant of the league of nations, and you will notice that, with the single exception of the provision with regard to the transfer of the German rights in Shantung in China to Japan, practically nothing in the body of the treaty has seemed to constitute any great obstacle to its adoption. All the controversy, all the talk, has centered on the league of nations, and I am glad to see the issue center; I am glad to see the issue clearly drawn, for now we have to decide, Shall we stand by the settlements of liberty, or shall we not?

"I want, just by way of introduction and clarification, to point out what is not often enough explained to audiences in this country, the actual constitution of the league of nations. It is very simply constituted. It consists of two bodies, a council and an assembly. The assembly is the numerous body. In it every self-governing State that is a member of the league is represented, and not only the self-governing independent States, but the self-governing colonies and dominions, such as Canada, New Zealand, Australia, India, and South Africa, are all represented in the assembly. It is in the assembly that the combined representation of the several parts of the British Empire are assigned six votes, and you are constantly being told that Great Britain has six votes and we have one. I want you to appreciate the full significance of that. They have six votes in the assembly, and the assembly does not vote. That bubble is exploded. There are several matters in which the vote of the assembly must cooperate with the vote of the council, but in every such case an unanimous vote of the council is necessary, and, inasmuch as the United States is a permanent member of the council, her vote is necessary to every active policy of the league. Therefore the single vote of the United States always counts six, so far as the votes of the British Empire are concerned, and if it is a mere question of pride, I would rather be one and count six than six and count six.

"That affords emphasis to the point I wish you to keep distinctly in mind with regard to reservations and all the qualifications of ratification which are being discussed. No active policy can be undertaken by the league without the assenting vote of the United States. I can not understand the anxiety of some gentlemen for fear something is going to be put over on them. I can not understand why, having read the covenant of the league and examined its constitution, they are not satisfied with the fact that every active policy of the league must be concurred in by a unanimous vote of the council, which means that the affirmative vote of the United States is in every instance necessary. That being the case, it becomes sheer nonsense, my fellow citizens, to talk about a supergovernment being set up over the United States; it becomes sheer nonsense to say that any authority is constituted which can order our armies to other parts of the world, which can interfere with our domestic questions, which can direct our international policy even in any matter in which we do not consent to be directed. We would be under our own direction just as much under the covenant of the league of nations as we are now. Of course, I do not mean to say that we do not, so to say, pool our moral issues. We do that. In acquiescing in the covenant of the league we do adopt, and we should adopt, certain fundamental moral principles of right and justice, which, I dare say, we do not need to promise to live up to, but which we are certainly proud to promise to live up to. We are not turning any corner. We always have lived up to them, and we do not intend to change our course of action or our standards of action. And it is American standards of action that are set up in the covenant of the league of nations.

"What is the covenant for? To hear most of the debate, you would think that it was an ingenious contrivance for a subtle interference with the affairs of the United States. On the contrary, it is one of the most solemn covenants ever entered into by all the great fighting powers of the world that they never will resort to war again without first having either submitted the question at issue to arbitration and undertaken to abide by the verdict of the arbitrators or submitted it to discussion by the council of the league of nations, laying all the documents, all the facts, before that council, consenting that that council should lay all those documents and all those facts before the world; they agree to allow six months for that discussion, and, even if they are not satisfied with the opinion, for it is only an opinion in that case, rendered by the council, they agree not to go to war for three months after the opinion has been rendered. There you have nine months' submission to the moral judgment of the world. In my judgment, that is an almost complete assurance against war. If any such covenant as that

had existed in 1914, Germany never would have gone to war. The one thing that Germany could not afford to do, and knew that she could not afford to do, was to submit her case to the public opinion of the world. We have now abundant proof of what would have happened, because it was the moral judgment of the world that combined the world against Germany. We were a long time, my fellow citizens, seeing that we belonged in the war, but just so soon as the real issues of it became apparent we knew that we belonged there. And we did an unprecedented thing. We threw the whole power of a great nation into a quarrel with the origination of which it had nothing to do. I think there is nothing that appeals to the imagination more in the history of men than those convoyed fleets crossing the ocean with millions of American soldiers aboard—those crusaders, those men who loved liberty enough to leave their homes and fight for it upon distant fields of battle, those men who swung out into the open as if in fulfillment of the long prophecy of American history. There is nothing finer in the records of public action than the united spirit of the American people behind this great enterprise.

"I ask your close observation to current events, my fellow countrymen. Out of doors, that is to say, that out of legislative halls, there is no organized opposition to this treaty except among the people who tried to defeat the purpose of this Government in the war. Hyphens are the knives that are being stuck into this document. The issue is clearly drawn. Inasmuch as we are masters of our own participation in the action of the league of nations, why do we need reservations? If we can not be obliged to do anything that we do not ourselves vote to do, why qualify our acceptance of a perfectly safe agreement? There can be only one object, my fellow citizens, and that is to give the United States a standing of exceptional advantage in the league, to exempt it from obligations which the other members assume, or to put a special interpretation upon the duties of the United States under the covenant which interpretation is not applied to the duties of other members of the league under the covenant. I, for my part, say that it is unworthy of the United States to ask any special privilege of that kind. I am for going into a body of equals or staying out. That is the very principle we have been fighting for and have been proud to fight for, that the rights of a weak nation were just as sacred as the rights of a great nation. That is what this treaty was drawn to establish. You must not think of this treaty alone. The lines of it are being run out into the Austrian treaty and the Hungarian treaty and the Bulgarian treaty and the Turkish treaty, and in every one of them the principle is this, to deliver peoples who have been living under sovereignties that were alien and unwelcome from the bondage under which they have lived, to turn over to them their own territory, to adopt the American principle that all just government is derived from the consent of the governed. All down through the center of Europe and into the heart of Asia has gone this process of liberation, taking alien yokes off the necks of such peoples and vindicating the American principle that you can not impose upon anybody a sovereignty that is not of its own choice. And if the results of this great liberation are not guaranteed, then they will fall down like a house of cards. What was the program of Pan-Germanism? You know the formula—from Bremen to Bagdad. Very well; that is the very stretch of country over which these people have been liberated. New States, one after another, have been set up by the action of the conference at Paris all along the route that was intended to be the route of German dominion, and if we now merely set them up and leave them in their weakness to take care of themselves, then Germans can at their leisure, by intriguing, by every subtle process of which they are master, accomplish what they could not accomplish by arms, and we will have abandoned the people whom we redeemed. The thing is inconceivable. The thing is impossible.

"We therefore have come to the straight-cut line—adoption or rejection. Qualified adoption is not adoption. It is perfectly legitimate, I admit, to say in what sense we understand certain articles. They are all perfectly obvious in meaning, so far as I can see, but if you want to make the obvious more obvious I do not see any objection to that; if by the multiplication of words you can make simple words speak their meaning more distinctly, I think that that is an interesting rhetorical exercise, but nothing more. Qualification means asking special exemptions and privileges for the United States. We can not ask that. We must either go in or stay out. Now, if we go in what do we get? I am not now confining my view to ourselves. America has shown the world that she does not stop to calculate the lower sort of advantage and disadvantage; that she goes in upon a high plane of principle, and is willing to serve mankind while she is serving herself. What we gain in this treaty is, first of all, the substitution of arbitration and discussion for war. If you got nothing else, it is worth the whole game to get that. My fellow citizens, we fought this war in order that there should not be another like it. I am under bonds, I am under bonds to my fellow citizens of every sort, and I am particularly under bonds to the mothers of this country and to the wives of this country and to the sweethearts, that I will do everything in my power to see to it that their sons and husbands and sweethearts never have to make that supreme sacrifice again. And when I passed your beautiful Capitol Square just now and saw thousands of children there to greet me, I felt a lump in my throat. These are the little people that I am arguing for. These are my clients, these lads coming on and these girls that, staying at home, would suffer more than the lads who died on the battle field, for it is the tears at home that are more bitter than the agony upon the field. I dare not turn away from the straight path I have set myself to redeem this promise that I have made.

"If you say, 'What is there? An absolute insurance against war?' I say, 'Certainly not.' Nobody can give you an insurance against human passion, but if you can get a little insurance against an infinite catastrophe, is it not better than getting none at all? Let us assume that it is only 25 per cent insurance against war. Can any humane man reject that insurance? Let us suppose that it is 50 per cent insurance against war. Why, my friends, my calm judgment is that it is 99 per cent insurance against war. That is what I went over to Europe to get, and that is what I got, and that is what I have brought back.

"Stop for a moment to think about the next war, if there should be one. I do not hesitate to say that the war we have just been through, though it was shot through with terror of every kind, is not to be compared with the war we would have to face next time. There were destructive gases, there were methods of explosive destruction unheard of even during this war, which were just ready for use when the war ended—great projectiles that guided themselves and shot into the heavens went for a hundred miles and more and then burst tons of explosives upon helpless cities, something to which the guns with which the Germans bombarded Paris from a distance were not comparable. What the Germans used were toys as compared with what would be used in the next war. Ask any soldier if he wants to go through a hell like that again. The soldiers know what the next war would be. They know what the inventions were that were just about to be used for the absolute destruction of mankind. I am for any kind of insurance against a barbaric reversal of civilization.

"And by consequence, the adoption of the treaty means disarmament. Think of the economic burden and the restraint of liberty in the development of professional and mechanical life that resulted from the maintenance of great armies, not only in Germany but in France and in Italy and, to some extent, in Great Britain. If the United States should stand off from this thing we would have to have the biggest army in the world. There would be nobody else that cared for our fortunes. We would have to look out for ourselves, and when I hear gentlemen say, 'Yes; that is what we want to do; we want to be independent and look out for ourselves.' I say, 'Well, then, consult your fellow citizens. There will have to be universal conscription. There will have to be taxes such as even yet we have not seen. There will have to be a concentration of authority in the Government capable of using this terrible instrument. You can not conduct a war or command an army by a debating society. You can not determine in community centers what the command of the Commander in Chief is going to be; you will have to have a staff like the German staff, and you will have to center in the Commander in Chief of the Army and Navy the right to take instant action for the protection of the Nation.' America will never consent to any such thing.

"Then, if we have this great treaty, we have what the world never had before—a court of public opinion of the world. I do not think that you can exaggerate the significance of that, my fellow countrymen. International law up to this time has been the most singular code of manners. You could not mention to any other Government anything that concerned it unless you could prove that your own interests were immediately involved. Unless you could prove that it was your own material interest that was involved, it was impolite to speak of it. There might be something brooding that threatened the peace of the world, and you could not speak of it unless the interests of the United States were involved. I am going to allude for a moment to a matter so interesting that I wish I could develop it. This cession in Shantung Province in China, which China gave to Germany in 1898, was an iniquitous thing at the outset; but our great President, William McKinley, and our great Secretary of State, John Hay, did not protest against it. It was an outrageous invasion of the rights of China. They not

only did not protest, but all they asked was that Germany, after she got what did not belong to her, would please not close the doors against the trade of the United States. I am not saying this by way of criticism. That is all that under international manners they had a right to ask. International law has been the principle of minding your own business, particularly when something outrageous was up; and article 11 of the league of nations makes matters of that sort everybody's business. Under article 11, any member of the league can at any time call attention to anything, anywhere, which is likely to affect the peace of the world or the good understanding between nations upon which the peace of the world depends. The littlest nation, along with the biggest—Panama, to take one of our own near neighbors—can stand up and challenge the right of any nation in the world to do a thing which threatens the peace of the world. It does not have to be a big nation to do it.

"The voice of the world is at last released. The conscience of the world is at last given a forum, and the rights of men not liberated under this treaty are given a place where they can be heard. If there are nations which wish to exercise the power of self-determination but are not liberated by this treaty, they can come into that great forum, they can point out how their demands affect the peace and quiet of the world, they can point out how their demands affect the good understanding between nations. There is a forum here for the rights of mankind which was never before dreamed of, and in that forum any representative has the right to speak his full mind. If that is not a wholesome moral clearing house, I wish somebody would suggest a better. It is just a moral clearing house that the world needs. There have been a great many things unspoken that ought to have been spoken. There have been voiceless multitudes all over the world who had nobody to speak for them in any court of conscience anywhere, and now they are given spokesmen. All forward-looking men may now see their way to the method in which they may help forward the real processes of civilization.

"There is another matter which I am sure will interest a great many within the sound of my voice. If we do not have this treaty of peace, labor will continue to be regarded, not as it ought to be regarded, a human function, but as a purchasable commodity throughout the world. There is inserted in this great treaty a Magna Charta of labor. There is set up here a means of periodic examination of the conditions of labor all over the world, particularly the labor of women and children and those who have not the physical force to handle some of the burdens that are put upon them, and it is made the duty of the nations of the world constantly to study the methods of raising the levels of human labor. You know what that means. We have not done our full duty with regard to the amelioration and betterment of the conditions of labor in America, but the conditions here are better than they are anywhere else. We now have an opportunity to exercise our full influence to raise the levels everywhere to the levels which we have tried to maintain in this country, and then to take them higher into the fields of that sort of association between those who employ labor and those who execute it as will make it a real human relationship and not a mere commercial relationship. The heart of the world has never got into this business yet. The conscience of the world has never been released along lines of action in regard to the improvement of the conditions of labor. And more than that, until we find such methods as I have been alluding to, we are never releasing the real energies of this people. Men are not going to work and produce what they would produce if they feel that they are not justly treated. If you want to realize the real wealth of this country, then bring about the human relationship between employers and employees which will make them colaborers and partners and fellow workers. All of that is open to us through the instrumentality of the league of nations under this great treaty, and still we debate whether we should ratify it or not.

"There is a great deal of pleasure in talking, I admit; and some men, even some men I do not agree with, I admit, talk very well, indeed. It is a pleasure to hear them when they are honest; it is a pleasure to be instructed by them when they know what they are talking about. But we have reached the stage now when all the things that needed to be debated have been debated and all the doubts are cleared up. They are cleared up just as thoroughly as the English language can clear them. The people of the United States are no longer susceptible to being misled as to what is in this covenant, and they now have an exceedingly interesting choice to make. I have said it a great many times, my fellow countrymen, but I must say it again, because it is a pleasant thing to testify about—the fundamental thing that I discovered on the other side of the water was that all the great peoples of the world are looking to America for leadership. There can be no mistaking that. The evidences were too overwhelming, the evidences were too profoundly significant, because what underlay them was this: We are the only Nation which so far has not laid itself open to suspicion of ulterior motives. We are the only Nation which has not made it evident that when we go to anybody's assistance we mean to stay there longer than we are welcome. Day after day I received delegations in Paris asking—what? Credits from the United States? No. Merchandise from the United States? Yes, if possible; but that was not the chief point. They were asking that I send American troops to take the place of other troops, because they said, 'Our people will welcome them with open arms as friends who have come for their sakes and not for anything that America can possibly in the future have in mind.' What an extraordinary tribute to the principles of the United States! What an extraordinary tribute to the sincerity of the people of the United States! I never was so proud in my life as when these evidences began to accumulate. I had been proud always of being an American, but I never before realized fully what it meant. It meant to stand at the front of the moral forces of the world.

"My fellow citizens, I think we must come to sober and immediate conclusions. There is no turning aside from the straight line. We must now either accept this arrangement or reject it. If we accept it, there is no danger either to our safety or to our honor. If we reject it, we will meet with suspicion, with distrust, with dislike, with disillusionment everywhere in the world. This treaty has to be carried out. In order to carry this treaty out, it is necessary to reconstruct Europe economically and industrially. If we do not take part in that reconstruction, we will be shut out from it, and by consequence the markets of Europe will be shut to us. The combinations of European Governments can be formed to exclude us wherever it is possible to exclude us; and if you want to come to the hard and ugly basis of material interest, the United States will everywhere trade at an overwhelming disadvantage just so soon as we have forfeited, and deserved to forfeit, the confidence of the world. I ask merchants, 'Who are good customers, friends or enemies? Who are good customers, those who open their doors to you or those who have made some private arrangement elsewhere which makes it impossible for them to trade with you?' I have heard Europe spoken of as bankrupt. There may be great difficulties in paying the public debts, but there are going to be no insuperable difficulties to rebeginning the economic and industrial life of Europe. The men are there, the materials are there, the energy is there, and the hope is there. The nations are not crushed. They are ready for the great enterprises of the future, and it is for us to choose whether we will enter those great enterprises upon a footing of advantage and of honor or upon a footing of disadvantage and distrust.

"Therefore, from every point of view, I challenge the opponents of this treaty to show cause why it should not be ratified. I challenge them to show cause why there should be any hesitation in ratifying it. I do not understand delays. I do not understand covert processes of opposition. It is time that we knew where we shall stand, for observe, my fellow citizens, the negotiation of treaties rests with the Executive of the United States. When the Senate has acted, it will be for me to determine whether its action constitutes an adoption or a rejection, and I beg the gentlemen who are responsible for the action of the United States Senate to make it perfectly clear whether it is an adoption or a rejection. I do not wish to draw doubtful conclusions. I do not wish to do injustice to the process of any honest mind. But when that treaty is acted upon I must know whether it means that we have ratified it or rejected it, and I feel confident that I am speaking for the people of the United States.

"When it is around election time, my fellow citizens, a man ought to be doubtful of what the meaning of his intercourse with his fellow citizens is, because it is easy for applause to go to the head; it is easy for applause to seem to men more than it does; it is easy for the assurances of individual support to be given a wider implication than can properly be given to them. I thank God that on this occasion the whole issue has nothing to do with me. I did not carry any purpose of my own to Paris. I did not carry any purpose that I did not know from the action of public opinion in the United States was the purpose of the United States. It was not the purpose of a party. It was not the purpose of any section of our fellow citizens. It was a purpose subscribed to by American public opinion and formally adopted by the Governments with which we had to deal on the other side, and I came back with a document embodying the principles insisted upon at the outset and carried by the American delegation to Paris. Therefore I think that I have the right to say that I have the support of

the people of the United States. The issue is so big that it transcends all party and personal things. I was a spokesman; I was an instrument. I did not speak any privately conceived idea of my own. I had merely tried to absorb the influences of public opinion in the United States, and that, my fellow citizens, is the function of all of us. We ought not in a great crisis like this to follow any private opinion; we ought not to follow any private purpose; we ought, above all things, to forget that we are ever divided into parties when we vote. We are all democrats—I will not insist upon the large 'D'—we are all democrats because we believe in a people's government, and what I am pleading for is nothing less than a people's peace."

THE PRESIDENT AT PUEBLO, COLO., SEPTEMBER 25, 1919.

"Mr. Chairman and fellow countrymen, it is with a great deal of genuine pleasure that I find myself in Pueblo, and I feel it a compliment that I should be permitted to be the first speaker in this beautiful hall. One of the advantages of this hall, as I look about, is that you are not too far away from me, because there is nothing so reassuring to men who are trying to express the public sentiment as getting into real personal contact with their fellow citizens. I have gained a renewed impression as I have crossed the continent this time of the homogeneity of this great people to whom we belong. They come from many stocks, but they are all of one kind. They come from many origins, but they are all shot through with the same principles and desire the same righteous and honest things. I have received a more inspiring impression this time of the public opinion of the United States than it was ever my privilege to receive before.

"The chief pleasure of my trip has been that it has nothing to do with my personal fortunes, that it has nothing to do with my personal reputation, that it has nothing to do with anything except great principles uttered by Americans of all sorts and of all parties which we are now trying to realize at this crisis of the affairs of the world. But there have been unpleasant impressions as well as pleasant impressions, my fellow citizens, as I have crossed the continent. I have perceived more and more that men have been busy creating an absolutely false impression of what the treaty of peace and the covenant of the league of nations contain and mean. I find, moreover, that there is an organized propaganda against the league of nations and against the treaty proceeding from exactly the same sources that the organized propaganda proceeded from which threatened this country here and there with disloyalty, and I want to say—I can not say too often—any man who carries a hyphen about with him carries a dagger that he is ready to plunge into the vitals of this Republic whenever he gets ready. If I can catch any man with a hyphen in this great contest I will know that I have got an enemy of the Republic. My fellow citizens, it is only certain bodies of foreign sympathies, certain bodies of sympathy with foreign nations that are organized against this great document which the American representatives have brought back from Paris. Therefore, in order to clear away the mists, in order to remove the impressions, in order to check the falsehoods that have clustered around this great subject, I want to tell you a few very simple things about the treaty and the covenant.

"Do not think of this treaty of peace as merely a settlement with Germany. It is that. It is a very severe settlement with Germany, but there is not anything in it that she did not earn. Indeed, she earned more than she can ever be able to pay for, and the punishment exacted of her is not a punishment greater than she can bear, and it is absolutely necessary in order that no other nation may ever plot such a thing against humanity and civilization. But the treaty is so much more than that. It is not merely a settlement with Germany; it is a readjustment of those great injustices which underlie the whole structure of European and Asiatic society. This is only the first of several treaties. They are all constructed upon the same plan. The Austrian treaty follows the same lines. The treaty with Hungary follows the same lines. The treaty with Bulgaria follows the same lines. The treaty with Turkey, when it is formulated, will follow the same lines. What are those lines? They are based upon the purpose to see that every government dealt with in this great settlement is put in the hands of the people and taken out of the hands of coteries and of sovereigns who had no right to rule over the people. It is a people's treaty, that accomplishes by a great sweep of practical justice the liberation of men who never could have liberated themselves, and the power of the most powerful nations has been devoted not to their aggrandizement but to the liberation of people whom they could have put under their control if they had chosen to do so. Not one foot of territory is demanded by the conquerors, not one single item of submission to their authority is demanded by them. The men who sat around that table in Paris knew that the time had come when the people were no longer going to consent to live under masters, but were going to live the lives that they chose themselves, to live under such governments as they chose themselves to erect. That is the fundamental principle of this great settlement.

"And we did not stop with that. We added a great international charter for the rights of labor. Reject this treaty, impair it, and this is the consequence to the laboring men of the world, that there is no international tribunal which can bring the moral judgments of the world to bear upon the great labor questions of the day. What we need to do with regard to the labor questions of the day, my fellow countrymen, is to lift them into the light, is to lift them out of the haze and distraction of passion, of hostility, out into the calm spaces where men look at things without passion. The more men you get into a great discussion the more you exclude passion. Just so soon as the calm judgment of the world is directed upon the question of justice to labor, labor is going to have a forum such as it never was supplied with before, and men everywhere are going to see that the problem of labor is nothing more nor less than the problem of the elevation of humanity. We must see that all the questions which have disturbed the world, all the questions which have eaten into the confidence of men toward their governments, all the questions which have disturbed the processes of industry, shall be brought out where men of all points of view, men of all attitudes of mind, men of all kinds of experience, may contribute their part to the settlement of the great questions which we must settle and can not ignore.

"At the front of this great treaty is put the covenant of the league of nations. It will also be at the front of the Austrian treaty and the Hungarian treaty and the Bulgarian treaty and the treaty with Turkey. Every one of them will contain the covenant of the league of nations, because you can not work any of them without the covenant of the league of nations. Unless you get the united, concerted purpose and power of the great Governments of the world behind this settlement, it will fall down like a house of cards. There is only one power to put behind the liberation of mankind, and that is the power of mankind. It is the power of the united moral forces of the world, and in the covenant of the league of nations the moral forces of the world are mobilized. For what purpose? Reflect, my fellow citizens, that the membership of this great league is going to include all the great fighting nations of the world, as well as the weak ones. It is not for the present going to include Germany, but for the time being Germany is not a great fighting country. All the nations that have power that can be mobilized are going to be members of this league, including the United States. And what do they unite for? They enter into a solemn promise to one another that they will never use their power against one another for aggression; that they never will impair the territorial integrity of a neighbor; that they never will interfere with the political independence of a neighbor; that they will abide by the principle that great populations are entitled to determine their own destiny and that they will not interfere with that destiny; and that no matter what differences arise amongst them they will never resort to war without first having done one or the other of two things—either submitted the matter of controversy to arbitration, in which case they agree to abide by the result without question, or submitted it to the consideration of the council of the league of nations, laying before that council all the documents, all the facts, agreeing that the council can publish the documents and the facts to the whole world, agreeing that there shall be six months allowed for the mature consideration of those facts by the council, and agreeing that at the expiration of the six months, even if they are not then ready to accept the advice of the council with regard to the settlement of the dispute, they will still not go to war for another three months. In other words, they consent, no matter what happens, to submit every matter of difference between them to the judgment of mankind, and just so certainly as they do that, my fellow citizens, war will be in the far background, war will be pushed out of that foreground of terror in which it has kept the world for generation after generation, and men will know that there will be a calm time of deliberate counsel. The most dangerous thing for a bad cause is to expose it to the opinion of the world. The most certain way that you can prove that a man is mistaken is by letting all his neighbors know what he thinks, by letting all his neighbors discuss what he thinks, and if he is in the wrong you will notice that he will stay at home, he will not walk on the street. He will be afraid of the eyes of his neighbors. He will be afraid of their judgment of his character. He will know that his cause is lost unless he can sustain it by the argu-

ments of right and of justice. The same law that applies to individuals applies to nations.

"But, you say, 'we have heard that we might be at a disadvantage in the league of nations.' Well, whoever told you that either was deliberately falsifying or he had not read the covenant of the league of nations. I leave him the choice. I want to give you a very simple account of the organization of the league of nations and let you judge for yourselves. It is a very simple organization. The power of the league, or rather the activities of the league, lie in two bodies. There is the council, which consists of one representatve from each of the principal allied and associated powers—that is to say, the United States, Great Britain, France, Italy, and Japan—along with four other representatives of smaller powers chosen out of the general body of the membership of the league. The council is the source of every active policy of the league, and no active policy of the league can be adopted without a unanimous vote of the council. That is explicitly stated in the covenant itself. Does it not evidently follow that the league of nations can adopt no policy whatever without the consent of the United States? The affirmative vote of the representative of the United States is necessary in every case. Now, you have heard of six votes belonging to the British Empire. Those six votes are not in the council. They are in the assembly, and the interesting thing is that the assembly does not vote. I must qualify that statement a litle, but essentially it is absoluely true. In every matter in which the assembly is given a voice, and there are only four or five, its vote does not count unless concurred in by the representatives of all the nations represented on the council, so that there is no validity to any vote of the assembly unless in that vote also the representative of the United States concurs. That one vote of the United States is as big as the six votes of the British Empire. I am not jealous for advantage, my fellow citizens, but I think that is a perfectly safe situation. There is no validity in a vote, either by the council or the assembly, in which we do not concur. So much for the statements about the six votes of the British Empire.

"Look at it in another aspect. The assembly is the talking body. The assembly was created in order that anybody that purposed anything wrong should be subjected to the awkward circumstance that everybody could talk about it. This is the great assembly in which all the things that are likely to disturb the peace of the world or the good understanding between nations are to be exposed to the general view, and I want to ask you if you think it was unjust, unjust to the United States, that speaking parts should be assigned to the several portions of the British Empire? Do you think it unjust that there should be some spokesman in debate for that fine little stout Republic down in the Pacific, New Zealand? Do you think it was unjust that Australia should be allowed to stand up and take part in the debate—Australia, from which we have learned some of the most useful progressive policies of modern time, a little nation only five million in a great continent, but counting for several times five in its activities and in its interest in liberal reform? Do you think it unjust that that little Republic down in South Africa, whose gallant resistance to being subjected to any outside authority at all we admired for so many months and whose fortunes we followed with such interest, should have a speaking part? Great Britain obliged South Africa to submit to her sovereignty, but she immediately after that felt that it was convenient and right to hand the whole self-government of that colony over to the very men whom she had beaten. The representatives of South Africa in Paris were two of the most distinguished generals of the Boer Army, two of the realest men I ever met, two men that could talk sober counsel and wise advice, along with the best statesmen in Europe. To exclude Gen. Botha and Gen. Smuts from the right to stand up in the parliament of the world and say something concerning the affairs of mankind would be absurd. And what about Canada? Is not Canada a good neighbor? I ask you, Is not Canada more likely to agree with the United States than with Great Britain? Canada has a speaking part. And then, for the first time in the history of the world, that great voiceless multitude, that throng hundreds of millions strong in India, has a voice, and I want to testify that some of the wisest and most dignified figures in the peace conference at Paris came from India, men who seemed to carry in their minds an older wisdom than the rest of us had, whose traditions ran back into so many of the unhappy fortunes of mankind that they seemed very useful counselors as to how some ray of hope and some prospect of happiness could be opened to its people. I for my part have no jealousy whatever of those five speaking parts in the assembly. Those speaking parts can not translate themselves into five votes that can in any matter override the voice and purpose of the United States.

"Let us sweep aside all this language of jealousy. Let us be big enough to know the facts and to welcome the facts, because the facts are based upon the principle that America has always fought for, namely, the equality of self-governing peoples, whether they were big or little—not counting men, but counting rights, not counting representation, but counting the purpose of that representation. When you hear an opinion quoted, you do not count the number of persons who hold it; you ask, 'Who said that?' You weigh opinions, you do not count them, and the beauty of all democracies is that every voice can be heard, every voice can have its effect, every voice can contribute to the general judgment that is finally arrived at. That is the object of democracy. Let us accept what America has always fought for, and accept it with pride that America showed the way and made the proposal. I do not mean that America made the proposal in this particular instance; I mean that the principle was an American principle, proposed by America.

"When you come to the heart of the covenant, my fellow citizens, you will find it in article 10, and I am very much interested to know that the other things have been blown away like bubbles. There is nothing in the other contentions with regard to the league of nations, but there is something in article 10 that you ought to realize and ought to accept or reject. Article 10 is the heart of the whole matter. What is article 10? I never am certain that I can from memory give a literal repetition of its language, but I am sure that I can give an exact interpretation of its meaning. Article 10 provides that every member of the league covenants to respect and preserve the territorial integrity and existing political independence of every other member of the league as against external aggression. Not against internal disturbance. There was not a man at that table who did not admit the sacredness of the right of self-determination, the sacredness of the right of any body of people to say that they would not continue to live under the Government they were then living under, and under article 11 of the covenant they are given a place to say whether they will live under it or not. For following article 10 is article 11, which makes it the right of any member of the league at any time to call attention to anything, anywhere, that is likely to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends. I want to give you an illustration of what that would mean.

"You have heard a great deal—something that was true and a great deal that was false—about that provision of the treaty which hands over to Japan the rights which Germany enjoyed in the Province of Shantung in China. In the first place, Germany did not enjoy any rights there that other nations had not already claimed. For my part, my judgment, my moral judgment, is against the whole set of concessions. They were all of them unjust to China, they ought never to have been exacted, they were all exacted by duress from a great body of thoughtful and ancient and helpless people. There never was any right in any of them. Thank God, America never asked for any, never dreamed of asking for any. But when Germany got this concession in 1898, the Government of the United States made no protest whatever. That was not because the Government of the United States was not in the hands of high-minded and conscientious men. It was. William McKinley was President and John Hay was Secretary of State—as safe hands to leave the honor of the United States in as any that you can cite. They made no protest because the state of international law at that time was that it was none of their business unless they could show that the interests of the United States were affected, and the only thing that they could show with regard to the interests of the United States was that Germany might close the doors of Shantung Province against the trade of the United States. They, therefore, demanded and obtained promises that we could continue to sell merchandise in Shantung. Immediately following that concession to Germany there was a concession to Russia of the same sort, of Port Arthur, and Port Arthur was handed over subsequently to Japan on the very territory of the United States. Don't you remember that when Russia and Japan got into war with one another the war was brought to a conclusion by a treaty written at Portsmouth, N. H., and in that treaty, without the slightest intimation from any authoritative sources in America that the Government of the United States had any objection, Port Arthur, Chinese territory, was turned over to Japan? I want you distinctly to understand that there is no thought of criticism in my mind. I am expounding to you a state of international law. Now, read articles 10 and 11. You will see that international law is revolutionized by putting

morals into it. Article 10 says that no member of the league, and that includes all these nations that have demanded these things unjustly of China, shall impair the territorial integrity or the political independence of any other member of the league. China is going to be a member of the league. Article 11 says that any member of the league can call attention to anything that is likely to disturb the peace of the world or the good understanding between nations, and China is for the first time in the history of mankind afforded a standing before the jury of the world. I, for my part, have a profound sympathy for China, and I am proud to have taken part in an arrangement which promises the protection of the world to the rights of China. The whole atmosphere of the world is changed by a thing like that, my fellow citizens. The whole international practice of the world is revolutionized.

"But you will say, 'What is the second sentence of article 10? That is what gives very disturbing thoughts.' The second sentence is that the council of the league shall advise what steps, if any, are necessary to carry out the guaranty of the first sentence, namely, that the members will respect and preserve the territorial integrity and political independence of the other members. I do not know any other meaning for the word 'advise' except 'advise.' The council advises, and it can not advise without the vote of the United States. Why gentlemen should fear that the Congress of the United States would be advised to do something that it did not want to do I frankly can not imagine, because they can not even be advised to do anything unless their own representative has participated in the advice. It may be that that will impair somewhat the vigor of the league, but, nevertheless, the fact is so, that we are not obliged to take any advice except our own, which to any man who wants to go his own course is a very satisfactory state of affairs. Every man regards his own advice as best, and I dare say every man mixes his own advice with some thought of his own interest. Whether we use it wisely or unwisely, we can use the vote of the United States to make impossible drawing the United States into any enterprise that she does not care to be drawn into.

"Yet article 10 strikes at the taproot of war. Article 10 is a statement that the very things that have always been sought in imperialistic wars are henceforth forgone by every ambitious nation in the world. I would have felt very lonely, my fellow countrymen, and I would have felt very much disturbed if, sitting at the peace table in Paris, I had supposed that I was expounding my own ideas. Whether you believe it or not. I know the relative size of my own ideas; I know how they stand related in bulk and proportion to the moral judgments of my fellow countrymen, and I proposed nothing whatever at the peace table at Paris that I had not sufficiently certain knowledge embodied the moral judgment of the citizens of the United States. I had gone over there with, so to say, explicit instructions. Don't you remember that we laid down 14 points which should contain the principles of the settlement? They were not my points. In every one of them I was conscientiously trying to read the thought of the people of the United States, and after I uttered those points I had every assurance given me that could be given me that they did speak the moral judgment of the United States and not my single judgment. Then when it came to that critical period just a little less than a year ago, when it was evident that the war was coming to its critical end, all the nations engaged in the war accepted those 14 principles explicitly as the basis of the armistice and the basis of the peace. In those circumstances I crossed the ocean under bond to my own people and to the other governments with which I was dealing. The whole specification of the method of settlement was written down and accepted beforehand, and we were architects building on those specifications. It reassures me and fortifies my position to find how before I went over men whose judgment the United States has often trusted were of exactly the same opinion that I went abroad to express. Here is something I want to read from Theodore Roosevelt:

"'The one effective move for obtaining peace is by an agreement among all the great powers in which each should pledge itself not only to abide by the decisions of a common tribunal but to back its decisions by force. The great civilized nations should combine by solemn agreement in a great world league for the peace of righteousness; a court should be established. A changed and amplified Hague court would meet the requirements, composed of representatives from each nation, whose representatives are sworn to act as judges in each case and not in a representative capacity.' Now there is article 10. He goes on and says this: 'The nations should agree on certain rights that should not be questioned, such as territorial integrity, their right to deal with their domestic affairs, and with such matters as whom they should admit to citizenship. All such guarantee each of their number in possession of these rights.'

"Now, the other specification is in the covenant. The covenant in another portion guarantees to the members the independent control of their domestic questions. There is not a leg for these gentlemen to stand on when they say that the interests of the United States are not safeguarded in the very points where we are most sensitive. You do not need to be told again that the covenant expressly says that nothing in this covenant shall be construed as affecting the validity of the Monroe doctrine, for example. You could not be more explicit than that. And every point of interest is covered, partly for one very interesting reason. This is not the first time that the Foreign Relations Committee of the Senate of the United States has read and considered this covenant. I brought it to this country in March last in a tentative, provisional form, in practically the form that it now has, with the exception of certain additions which I shall mention immediately. I asked the Foreign Relations Committees of both Houses to come to the White House and we spent a long evening in the frankest discussion of every portion that they wished to discuss. They made certain specific suggestions as to what should be contained in this document when it was to be revised. I carried those suggestions to Paris, and every one of them was adopted. What more could I have done? What more could have been obtained? The very matters upon which these gentlemen were most concerned were, the right of withdrawal, which is now expressly stated; the safeguarding of the Monroe doctrine, which is now accomplished; the exclusion from action by the league of domestic questions, which is now accomplished. All along the line, every suggestion of the United States was adopted after the covenant had been drawn up in its first form and had been published for the criticism of the world. There is a very true sense in which I can say this is a tested American document.

"I am dwelling upon these points, my fellow citizens, in spite of the fact that I dare say to most of you they are perfectly well known, because in order to meet the present situation we have got to know what we are dealing with. We are not dealing with the kind of document which this is represented by some gentlemen to be; and inasmuch as we are dealing with a document simon-pure in respect of the very principles we have professed and lived up to, we have got to do one or other of two things—we have got to adopt it or reject it. There is no middle course. You can not go in on a special-privilege basis of your own. I take it that you are too proud to ask to be exempted from responsibilities which the other members of the league will carry. We go in upon equal terms or we do not go in at all; and if we do not go in, my fellow citizens, think of the tragedy of that result—the only sufficient guaranty to the peace of the world withheld! Ourselves drawn apart with that dangerous pride which means that we shall be ready to take care of ourselves, and that means that we shall maintain great standing armies and an irresistible navy; that means we shall have the organization of a military nation; that means we shall have a general staff, with the kind of power that the general staff of Germany had, to mobilize this great manhood of the Nation when it pleases, all the energy of our young men drawn into the thought and preparation for war. What of our pledges to the men that lie dead in France? We said that they went over there, not to prove the prowess of America or her readiness for another war but to see to it that there never was such a war again. It always seems to make it difficult for me to say anything, my fellow citizens, when I think of my clients in this case. My clients are the children; my clients are the next generation. They do not know what promises and bonds I undertook when I ordered the armies of the United States to the soil of France, but I know, and I intend to redeem my pledges to the children; they shall not be sent upon a similar errand.

"Again and again, my fellow citizens, mothers who lost their sons in France have come to me and, taking my hand, have shed tears upon it not only, but they have added, 'God bless you, Mr. President!' Why, my fellow citizens, should they pray God to bless me? I advised the Congress of the United States to create the situation that led to the death of their sons. I ordered their sons oversea. I consented to their sons being put in the most difficult parts of the battle line, where death was certain, as in the impenetrable difficulties of the forest of Argonne. Why should they weep upon my hand and call down the blessings of God upon me? Because they believe that their boys died for something that vastly transcends any of the immediate and palpable objects of the war. They believe, and they rightly believe, that their sons saved the liberty of the world. They believe that wrapped up with the liberty of the world is the con-

tinuous protection of that liberty by the concerted powers of all civilized people. They believe that this sacrifice was made in order that other sons should not be called upon for a similar gift—the gift of life, the gift of all that died—and if we did not see this thing through, if we fulfilled the dearest present wish of Germany and now dissociated ourselves from those alongside whom we fought in the war, would not something of the halo go away from the gun over the mantelpiece, or the sword? Would not the old uniform lose something of its significance? These men were crusaders. They were not going forth to prove the might of the United States. They were going forth to prove the might of justice and right, and all the world accepted them as crusaders, and their transcendent achievement has made all the world believe in America as it believes in no other nation organized in the modern world. There seems to me to stand between us and the rejection or qualification of this treaty the serried ranks of those boys in khaki, not only these boys who came home, but those dear ghosts that still deploy upon the fields of France.

"My friends, on last Decoration Day I went to a beautiful hillside near Paris, where was located the cemetery of Suresnes, a cemetery given over to the burial of the American dead. Behind me on the slopes was rank upon rank of living American soldiers, and lying before me upon the levels of the plain was rank upon rank of departed American soldiers. Right by the side of the stand where I spoke there was a little group of French women who had adopted those graves, had made themselves mothers of those dear ghosts by putting flowers every day upon those graves, taking them as their own sons, their own beloved, because they had died in the same cause—France was free and the world was free because America had come! I wish some men in public life who are now opposing the settlement for which these men died could visit such a spot as that. I wish that the thought that comes out of those graves could penetrate their consciousness. I wish that they could feel the moral obligation that rests upon us not to go back on those boys, but to see the thing through, to see it through to the end and make good their redemption of the world. For nothing less depends upon this decision, nothing less than the liberation and salvation of the world.

"You will say, 'Is the league an absolute guaranty against war?' No; I do not know any absolute guaranty against the errors of human judgment or the violence of human passion, but I tell you this: With a cooling space of nine months for human passion, not much of it will keep hot. I had a couple of friends who were in the habit of losing their tempers, and when they lost their tempers they were in the habit of using very unparliamentary language. Some of their friends induced them to make a promise that they never would swear inside the town limits. When the impulse next came upon them, they took a street car to go out of town to swear, and by the time they got out of town they did not want to swear. They came back convinced that they were just what they were, a couple of unspeakable fools, and the habit of getting angry and of swearing suffered great inroads upon it by that experience. Now, illustrating the great by the small, that is true of the passions of nations. It is true of the passions of men however you combine them. Give them space to cool off. I ask you this: If it is not an absolute insurance against war, do you want no insurance at all? Do you want nothing? Do you want not only no probability that war will not recur, but the probability that it will recur? The arrangements of justice do not stand of themselves, my fellow citizens. The arrangements of this treaty are just, but they need the support of the combined power of the great nations of the world. And they will have that support. Now that the mists of this great question have cleared away, I believe that men will see the truth, eye to eye and face to face. There is one thing that the American people always rise to and extend their hand to, and that is the truth of justice and of liberty and of peace. We have accepted that truth and we are going to be led by it, and it is going to lead us, and through us the world, out into pastures of quietness and peace such as the world never dreamed of before."

SCANDINAVIAN-AMERICAN BANK, FARGO, N. DAK.

Mr. SHERMAN. Mr. President, I present a press report taken from the Washington Post of October 3, 1919, under the date line of October 2, from Fargo, N. Dak., relating to the affairs of the Scandinavian-American Bank of Fargo, interwoven with which is a league of another kind which enthusiastically indorsed a large quantity of collateral. The bank examiners, however, did not receive it as valid for the loan, and they declared it necessary to put the bank into the hands of a receiver. The collateral was indorsed by the Nonpartisan League, not by the league of nations.

[From the Washington Post, Oct. 3, 1919.]

FARGO, N. DAK., BANK HELD INSOLVENT—LOANS TO NONPARTISAN LEAGUE SAID TO BE UNSATISFACTORY.

FARGO, N. DAK., *October 2.*

The Scandinavian-American Bank of Fargo, with liabilities aggregating more than $1,600,000, was to-day declared insolvent by the banking board of North Dakota. It was ordered closed and placed in the hands of a temporary receiver.

The bank has an authorized capital of $50,000 and surplus of $10,000.

Citing a list of loans, mostly to the Nonpartisan League, aggregating $734,194.82, the report to the banking board by the examiners says:

"The above represents the excess loans carried by the bank and constitute more than 60 per cent of the total loans. Their general character is extremely unsatisfactory. The security in almost every case is entirely inadequate, and, in most instances, constitutes second liens on the property held as collateral. Total lack of judgment and unwarranted optimism is responsible for the extension of credit displayed by the list of 20 excess loans, which appears in each instance to be increasing rather than decreasing. In every case neither the financial standing of the makers nor the collateral held by the bank for the loans justifies the credit extended."

The list in question includes the following loans: Nonpartisan League, $148,824.26; Consumers Stores Co., $170,000; league exchanges, $66,182.28; Publishers National Service Bureau, $47,950.06. The last three are classed as subsidiary corporations of the Nonpartisan League, and the report cites that the collateral is largely post-dated checks and notes given by farmers, which, the report says, are controlled by an agent of the Consumers United Stores Co. and the Nonpartisan League.

LEAGUE OF NATIONS.

Mr. GRONNA. Mr. President, I have studiously avoided presenting petitions either for or against this important measure, and I ask unanimous consent at this time, for a minute or two, to make a few remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. GRONNA. Mr. President, during the last two or three months I have received, both for and against the ratification of the covenant for a league of nations, a number of letters and some petitions. As these letters and petitions have been addressed to me personally, asking me to vote either for the covenant or against it, without making any argument or giving any particular reasons why I should support or oppose this measure, I have not deemed it of sufficient importance to the Members of this body to have them printed in the RECORD.

I think it is fair to say that most of the letters that I have received in favor of the proposed pending covenant have come from professors of our educational institutions and from some of the preachers in the State.

I would assume that a minister, whose duty it is to preach the gospel of Christ, would naturally advocate treaties and covenants of peace, and no criticisms or comments would be warranted if such were the case, but the singular fact is that some of these ministers preached war with such vehemence and eagerness that one who abhors war would feel justified in at least commenting in a friendly way whether or not universal brotherhood and peace is desired or a one-sided made-to-order agreement shall be ratified.

About the time that Congress adjourned last March I commented upon the attitude of some of the preachers, and especially mentioned that some of the Lutheran ministers seemed to favor the proposed covenant for a league of nations. What I said at that time was greatly amplified and was considered by some of the Lutheran preachers to be an unjust criticism of their position. At that time I received a number of letters from prominent men who are members of the Lutheran Church, asking for an explanation as to why this criticism was made. I did not consider that I would be warranted in entering into a controversy—which, of course, would be printed in the newspapers—with the ministers of any particular church, and for that reason I purposely declined to answer the letters addressed to me upon this subject.

I might say in passing that I belong to the Lutheran Church, and I felt that it was not only a privilege but my duty to call to the attention of the preachers of that denomination the fact that I believed it was an unwarranted interference and that they should withhold their judgment until they had carefully considered this important measure. I did not say that all the preachers of that denomination favored it, and I explicitly stated that I had received letters from only a few.

I am in receipt of a letter dated Valley City, N. Dak., September 28, 1919, calling my attention to the fact that at a conference held at Valley City on the 24th day of September resolutions were passed asking me to use my influence against the league of nations in its present form and asking me to vote against it in its present form.

I want to state most emphatically that it was surely not my purpose to misrepresent or misquote the men who occupy the responsible position of preaching the true gospel of the Im-

maculate Master, and it is for that reason that I am making these few remarks. The letter is very brief, and I will read it.

VALLEY CITY, N. DAK., *September 29, 1919.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.

DEAR FRIEND: A conference of 30 ministers, as representatives of the Lutheran Church of this State and of different parts of the State, were in conference at Valley City the 24th and 25th of September. They passed a resolution asking that you use all your influence so that the league of nations will not be passed in its present form, as we believe in America first and Americanism only. The league of nations in its present form is not in harmony with our forefathers, and it only means that we will be entangled with European affairs. It seems to us that some authority in Washington cares more for Great Britain than they do for our country. From what I can learn, as I travel throughout the State and from what these representatives heard and saw, the people in North Dakota are not in favor of the league of nations in its present form; and as we believe in a representative government, the wish of the people should be law.

Hoping that you see your way clear to serve the people, I am,
Yours, with regards,

J. F. L. BOHNHOFF.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a letter which will be read.

The Secretary read as follows:

LAKE VIEW, OHIO, *October 2, 1919.*

THOMAS R. MARSHALL, Vice President,
Washington, D. C.

MY DEAR FRIEND: I will ask you to do me a favor. I had a big, fine baby boy to come at my house last Monday morning, September 29. He weighed 12 pounds 8 ounces. I have no name for him. He is a big, fine-looking baby, and I want some bright man to name him. Will you please put this to the Senate and the House of Congress? The man who will give the baby the biggest prize can have the name. Dr. Barrett attended; E. L. Van Horn, Gusty Wales, and Martha Griffin present when the baby was born. This is no fraud. I said before the baby was born if it should be a boy, I would ask some Member of Congress to name him.

This is our first baby, Mr. Marshall. See what you can do for me in regard to getting the biggest prize for naming the baby. I will close for this time. Please let me know soon.

Yours, respectfully,

ANDERSON T. THOMAS.
NANCY J. THOMAS.

Mr. FLETCHER. I have received some petitions from merchants engaged in the grocery business and in general merchandise along the east coast of Florida, several at the following points: De Land, Sanford, New Smyrna, Titusville, City Point, Cocoa, Indian River City, Oak Hill, Lake Helen, De Leon, Mims, Hobe Sound, Salerno, Stuart, Fort Pierce, Vero, Melbourne, Malabar, Okeechobee, Jupiter, and Deerfield. I ask that one of the petitions be printed in the RECORD, it being brief, and that all be referred to the Committee on Agriculture and Forestry.

There being no objection, the petitions were referred to the Committee on Agriculture and Forestry, and one was ordered to be printed in the RECORD, as follows:

To our Senators:

We, the undersigned merchants of Florida, favor a measure to subject the big meat packers to regulation similar to that provided by the Kenyon bill. We are opposed to the existing monopoly of meat products, cheese, etc., and we believe that this monopoly should be regulated. We understand that the Kenyon bill provides for Government regulation, but not ownership or operation; that it allows the present owners to operate their plants so long as their operations are fair, nondiscriminatory, and competitive; that it provides for the separate operation of stockyards; and that it puts private refrigerator car lines on a common-carrier basis. We desire hereby to withdraw any petitions, letters, or telegrams in opposition to the Kenyon bill to which our names may have been affixed, for the reason that our former action was taken without an understanding of the contents of the bill and at the request of the packers.

Mr. LA FOLLETTE. I present a resolution adopted by the Federated Trades Council of Milwaukee, Wis., protesting against the dismissal from the public service of 11 members of the Postal Employees' Union for alleged activities within their union. I ask to have it printed in the CONGRESSIONAL RECORD.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

MILWAUKEE, WIS., *October, 1919.*

Whereas it has come to our notice that 11 members of the Postal Employees' Union, Minneapolis, Minn., have been notified of their dismissal from the Postal Service for their activities in the labor movement; and

Whereas this is only another example of the autocratic attitude of Postmaster General Burleson in depriving employees of the Postal Service of their individual rights of citizenship, and if this practice is to go unheeded and unchallenged no Government employee in the future will be safe from persecution nor free to enjoy the liberties guaranteed them by the Constitution of these United States: Therefore be it

Resolved, That the Federated Trades Council of Milwaukee, Wis., protests against the dismissal of these 11 employees, which dismissal is additional proof that in the person of Postmaster General Burleson the Government has an official whose very acts belie the fundamental principles of democracy and freedom of thought and speech upon which our Government is founded: And be it further

Resolved, That we herewith demand the reinstatement of these 11 postal employees, and that copies of these resolutions be forwarded to President Wilson and each of the United States Senators and Congressmen from Wisconsin, to the press, and the Postal Employees' Union.

[SEAL.] THE MILWAUKEE FEDERATED TRADES COUNCIL,
By FRANK J. WEBER, *Corresponding Secretary.*

Mr. SIMMONS presented a telegram in the nature of a petition from sundry citizens of Gastonia, N. C., praying for the adoption of the so-called league of nations treaty, which was ordered to lie on the table.

Mr. CURTIS presented memorials of sundry citizens of Northbranch, Moundridge, Buhler, and Inman, all in the State of Kansas, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a memorial of the International Farm Congress, of Kansas City, Mo., remonstrating against the present policy adopted by strikers and labor leaders and requesting of the farmers more production and demanding of its members less production, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Wea Township, Miami County, Kans., remonstrating against the adoption of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of the Herkimer County Pomona Grange, Patrons of Husbandry, of Herkimer, N. Y., praying for the passage of the so-called Capper-Hersman bill granting collective-bargaining privileges to farmers and producers, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Lodge No. 751, Brotherhood of Railway Carmen of America, of Topeka, Kans., and a memorial of Local Lodge No. 231, Brotherhood of Railway Carmen, of Wichita, Kans., remonstrating against the passage of the so-called Cummins bill providing for private ownership and control of railroads, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Wichita, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. COLT presented a petition of the Board of Aldermen of Providence, R. I., praying that Italy be allowed to settle the Fiume question without interference, which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a petition of the Lithuanian Dramatic Society, of Waterbury, Conn., praying for the recognition by the United States of the independence of Lithuania, which was referred to the Committee on Foreign Relations.

LEAGUE OF NATIONS.

Mr. FRANCE. Mr. President, I desire to announce that on Wednesday next, at the close of the morning business, if the convenience of the Senate will permit, I shall discuss the league of nations.

Mr. McCUMBER. Mr. President, I gave notice the other day that immediately after the close of the morning business to-day I would ask the Senate for the privilege of discussing the Johnson amendments to the treaty, but I have been informed this morning that there are a number of Senators who wish to call up from now until 2 o'clock bills on the calendar. I therefore will wait until the expiration of the morning hour before proceeding with the discussion of those amendments.

STOLEN MOTOR VEHICLES.

Mr. CUMMINS. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 171.

Mr. FLETCHER. Mr. President, before we get to that, have we had reports of committees? That is the next order, I believe. We have not reached the calendar yet.

The VICE PRESIDENT. We are on petitions yet.

Mr. CUMMINS. I withdraw my request, but will renew it. I will say it is a bill to provide for the punishment of persons stealing automobiles and other motor vehicles. I think everyone in the Chamber will agree that something ought to be done in this respect. It is a House bill and we ought to pass it.

Mr. FLETCHER. I shall not object to the consideration of the bill when it is in order to call it up.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 575) to establish load lines for certain vessels, reported it with amendments and submitted a report (No. 246) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 46) for the protection of the water supply of the town of Sunnyside, Utah (Rept. No. 247);

A bill (S. 2189) to provide for agricultural entries on coal lands in Alaska (Rept. No. 248); and

A bill (S. 2789) for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes (Rept. No. 249).

Mr. WADSWORTH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2444) to create the Commission on Rural and Urban Home Settlement, reported it with amendments and submitted a report (No. 250) thereon.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (S. 2300) for the relief of the estate of Henry A. V. Post, reported it without amendment and submitted a report (No. 245) thereon.

FRANCES SCOVILLE-MUMM.

Mr. STERLING. From the Committee on Immigration I report back favorably, without amendment, the joint resolution (S. J. Res. 90) to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States, and I submit a report (No. 243) thereon. I call the attention of the Senator from Kansas [Mr. CURTIS] to the joint resolution.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the immediate consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole, and was read as follows:

Whereas Frances Scoville-Mumm, daughter of C. C. K. Scoville, a citizen of the United States residing in the State of Kansas, being a native-born citizen of the United States, married in 1913 Walter Mumm, a subject of the then Emperor of Germany, and emigrated to Germany, becoming thereby, under the laws of Germany, a naturalized German subject, to be recognized as such by the United States, according to the provisions of the then existing treaties relating to naturalization between the United States and Germany; and

Whereas the said Frances Scoville-Mumm has since returned to the United States and renewed her residence therein and petitioned Congress to be readmitted to the character and privileges of a citizen of the United States under and by virtue of the power and laws of the United States of America: Therefore

Resolved, etc., That Frances Scoville-Mumm, daughter of the said C. C. K. Scoville, be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States.

Mr. KIRBY. I should like to know why a joint resolution has been introduced for this purpose?

Mr. CURTIS. The beneficiary married a man who had lived in France for about 20 years, but he had never taken out citizenship papers in France, and when the war broke out he was ordered back to Germany, and the French Government took possession of his property and also the property of his wife, who had never lived in Germany. This resolution should pass in order to protect her property rights.

Mrs. Mumm refused to live in Germany, and has since brought a suit for divorce against her husband in Germany, but because of the condition of the courts there she is unable to get any action. The husband and wife have entered into an agreement under which she is free to take any action she may please, go to any country she may please, and take up her residence in any country she may desire; and they entered into an agreement in regard to the property.

Mr. KIRBY. How long has she lived here?

Mr. CURTIS. She was born in the State of Kansas, lived there all her life until she married this man, and following her application for a divorce returned to her home.

Mr. KIRBY. Did the Senator say that she lived for 20 years in France?

Mr. CURTIS. No; she was in France and Switzerland for only about six years. I hope the resolution may pass in order that Mrs. Mumm's property rights may be protected.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was reported from the Committee on Immigration with an amendment to strike out "a subject of the then Emperor of Germany, and emigrated to Germany, becoming thereby, under the laws of Germany, a naturalized German subject, to be recognized as such by the United States, according to the provisions of the then existing treaties relating to naturalization between the United States and Germany," so as to make the preamble read:

Whereas Frances Scoville-Mumm, daughter of C. C. K. Scoville, a citizen of the United States residing in the State of Kansas, being a native-born citizen of the United States, married in 1913 Walter Mumm, an alien of German birth and parentage but at the time of, and for many years prior to, said marriage a resident of France; and

Whereas the said Frances Scoville-Mumm has since returned to the United States and renewed her residence therein and petitioned Congress to be readmitted to the character and privileges of a citizen of the United States under and by virtue of the power and laws of the United States of America.

The amendment to the preamble was agreed to.

The preamble as amended was agreed to.

RESTORATION OF EXCESS DUTIES.

Mr. LA FOLLETTE. I am directed by the Committee on Finance, to which was referred the bill (S. 495) for the relief of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., and of the Philadelphia & Reading Coal & Iron Co., to report it back favorably without amendment, and I submit a report (No. 244) thereon. I ask unanimous consent for the present consideration of the bill. I would not do that, Mr. President, if I thought it would meet with objection or provoke any debate. If I may be permitted, I will make a brief statement as to the nature and character of the bill pending my request for unanimous consent. I will say that this bill is for the payment of a claim amounting to $92,192.83, as found by the Court of Claims. It is to reimburse the claimants for duties exacted from them by the Treasury Department many years ago in excess of the amount of duty which legally they should have been required to pay. The bill has been reported favorably and has passed the Senate four times. It has also been reported favorably from the Committee on Claims of the House. It has been referred to the Treasury Department, and I have incorporated in the report the approval of the Treasury Department for the payment of the claim. It was also sent to the Court of Claims to report the facts, which it did fully. Upon the question of laches on the part of the claimants, the Court of Claims found that they had paid the money into the Treasury under duress and fully acquitted them of any laches.

The VICE PRESIDENT. The Senator from Wisconsin asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., the sum of $65,792.53, and to the Philadelphia & Reading Coal & Iron Co. the sum of $26,400.30, these being the amounts severally found due the said Walston H. Brown & Co. and the Philadelphia & Reading Coal & Iron Co. by the Court of Claims, and transmitted to Congress on the 7th day of February, 1914.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HENRY A. V. POST.

Mr. McCUMBER. I ask unanimous consent for the present consideration of Senate bill 2300, which was just reported by me from the Committee on Finance. It is one of three bills of similar nature to that which the Senate has just passed. A similar bill has passed the Senate the same number of times as the bill reported by the Senator from Wisconsin [Mr. LA FOLLETTE] that has just been passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of the late Henry A. V. Post the sum of $50,359.35 for a refund of import duties paid by Henry A. V. Post, Archer N. Martin, Clarence H. Clark, and others, who com-

posed the late firm of Clark, Post & Martin, in excess of the duties imposed by law on steel blooms imported by them, in accordance with Senate Document No. 406, Sixty-third Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3163) to validate certain declarations of intention to become citizens of the United States; to the Committee on the Judiciary.

By Mr. KENDRICK:

A bill (S. 3164) authorizing the Northern Arapahoe Tribe and the Northern Cheyenne Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. KELLOGG:

A bill (S. 3165) for the relief of the widow of Bernard Cavanaugh; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 3166) for the relief of E. J. Hendrycks; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 3167) granting a pension to Caldona Vaughn (with accompanying papers);

A bill (S. 3168) granting a pension to Alice P. Knapp (with accompanying papers); and

A bill (S. 3169) granting a pension to Anderson Hogue (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A joint resolution (S. J. Res. 113) to appropriate money to the Fort Peck Indians, in the State of Montana, on behalf of delinquent homesteaders, and providing for reimbursement by such homesteaders; to the Committee on Indian Affairs.

By Mr. CURTIS:

A joint resolution (S. J. Res. 114) defining what shall constitute a crop failure under the rules and regulations issued by the departments of the Government in making loans of seed wheat to farmers for crop purposes; to the Committee on Agriculture and Forestry.

FOREIGN TRADE ZONES.

Mr. JONES of Washington. I introduce a bill by request. I will simply say that there is a bill known as the free-zone bill which has been prepared and introduced by those interested in the proposition. The bill has been changed to a considerable extent, and it has been introduced in the House. Hearings are desired in the Senate, and they are very hopeful that the bill as introduced in the House would also be presented in the Senate, and I am glad to introduce it so that it may be before the committee when the hearings are held.

The bill (S. 3170) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

ANGLO-PERSIAN TREATY.

Mr. McCORMICK. I offer the following resolution, and ask that it may be read and lie on the table.

The resolution (S. Res. 205) was read, as follows:

Resolved, That the Secretary of State be requested to inform the Senate, if not incompatible with the public interest, what representations, if any, have been made to the British Government relative to the Anglo-Persian treaty and what reply, if any, the British Government has made thereto.

The VICE PRESIDENT. The resolution will go over under the rule and be printed.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. PENROSE submitted the following resolution (S. Res. 207), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and is hereby, authorized to employ an assistant clerk at the rate of $1,800 per annum, to be paid out of the contingent fund of the Senate until otherwise provided by law.

EMMA GOLDMAN.

Mr. MYERS. Mr. President, I offer a Senate resolution, and ask that it be read.

The Secretary read the resolution (S. Res. 206), as follows:

Whereas the following Associated Press dispatch appeared in the Washington Post of the issue of October 4, 1919, to wit:

"GOLDMAN CASE POSTPONED.

"NEW YORK, *October 3*.

"Emma Goldman, anarchist writer and lecturer, recently released from Missouri penitentiary, who was to have appeared to-day before United States immigration officials on Ellis Island to answer to the charge of being 'an undesirable citizen,' has had her case indefinitely postponed upon orders from Washington, it was stated here to-day at the offices of the commissioner of immigration."

Therefore be it

Resolved, That the Secretary of Labor be, and he is, requested, if not incompatible with the public good, to inform the Senate: (1) If it be true that, as reported, a case against Emma Goldman, as an undesirable citizen, has been indefinitely postponed upon orders from Washington; and if so, (2) for what purpose and cause and (3) by whose orders.

Mr. MYERS. Mr. President, I ask unanimous consent for the immediate consideration of the resolution. I have no remarks to make. I think it should be adopted without debate.

The resolution was considered by unanimous consent and agreed to.

ROBERT MINOR.

Mr. KING. Mr. President, in connection with the resolution which has just been adopted, I desire to inquire whether the War Department has answered a resolution which was adopted here many weeks ago inquiring as to the reasons why the charges against Robert Minor were withdrawn, why he was not prosecuted, or what steps were taken by the authorities of the War Department in Europe which led to the abandonment of the prosecution and the release of Robert Minor.

I am prompted to make the inquiry because, as I am advised, the War Department has treated with silence the resolution, and I see that Mr. Minor is now in the United States, appearing in various parts of the Union, carrying on a radical propaganda, of course in favor of Bolshevism and the radical elements of this and other lands. May I make bold to inquire whether any reply has been submitted by the War Department?

The VICE PRESIDENT. The Chair always speaks with great hesitancy about such inquiries. When the replies come they are immediately handed down. The Chair has no recollection of any reply ever having come, or having been handed down.

Mr. KING. I would be very glad to call the attention of the War Department to their dereliction of duty. If a reply is not submitted within the next day or two, I shall present another resolution and ask that the Secretary of War be directed to immediately comply with the request involved in the first resolution.

CONTROL OF FOOD PRODUCTS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) to amend an act to provide further for the national security and defense by encouraging the production, conserving the supply and controlling the distribution of food products and fuel, approved August 10, 1917, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GRONNA. I move that the Senate further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of Georgia conferees at the further conference on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 685. An act for the relief of Frank S. Ingalls;

H. R. 974. An act for the relief of W. T. Dingler;

H. R. 1761. An act for the relief of the Farmers' National Bank of Wilkinson, Ind.;

H. R. 1812. An act making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States;

H. R. 1853. An act to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture;

H. R. 5348. An act for the relief of Mrs. Thomas McGovern;

H. R. 5665. An act for the relief of Carlow Avellina; and

H. R. 6413. An act granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard.

The following bills were each read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 396. An act to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota; and

H. R. 400. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

NATIONAL PROHIBITION—CONFERENCE REPORT (S. DOC. NO. 118).

Mr. STERLING. I submit the report of the committee of conference on House bill 6810, being the national prohibition bill, which I ask to have printed as a document, printed in the RECORD, and lie on the table to be called up later for consideration.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 25, 46, 47, 61, 66, 72, 90, 118, 123, 127, 133, 134, 164, 178, 184, 219, 232, and 233.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 26, 27, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 48, 51, 52, 53, 54, 55, 56, 57, 64, 67, 68, 69, 70, 71, 73, 75, 76, 78, 79, 82, 83, 84, 86, 87, 88, 89, 92, 93, 94, 96, 97, 98, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 124, 125, 126, 128, 131, 132, 135, 136, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 162, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 220, 221, 222, 223, 224, 227, 228, 229, 230, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, and 285, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

" : *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of Title II of this act, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

" : *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: ", and the commissioner is authorized to make such regulations"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Officers mentioned in said section 1014 are authorized to issue search warrants under the limitations provided in Title XI of the act approved June 15, 1917 (40 Stat. L., p. 217, et seq.)"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert the following: "to the end that the use of intoxicating liquor as a beverage may be prevented.

"Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished, and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor: *Provided*, That nothing in this act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in Government bonded warehouses, and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate insert the following: " use as a beverage, or for intoxicating beverage purposes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and preserved sweet cider"; and on page 11, line 15, of the engrossed bill strike out the words "other article"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the articles named in paragrapns b, c, and d of this section which may be"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert the following: "29"; and on page 12, line 7, of the engrossed bill strike out the words "the person"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "any known principal for"; and, on page 12, line 8, of the engrossed bill strike out the words "if any"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such rules, regulations, and conditions as the commissioner shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "transport liquor, may be issued for one year, and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "*Provided*, That the commissioner may without formal application or new bond extend any permit granted under this act or laws now in force after August 31 in any year to December 31 of the succeeding year: *Provided further*, That permits to purchase liquor for the purpose of manufacturing or selling as provided in this act shall not be in force to exceed 90 days from the day of issuance. A permit to purchase liquor for any other purpose shall not be in force to exceed 30 days. Permits"; and on page 13, line 22, of the engrossed bill strike out the words "Every permit"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In addition to the words proposed to be stricken out by the Senate amendment, strike out, on page 13, line 25, of the engrossed bill the words "and shall not be in force more than"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "ten"; and beginning on page 13, line 25, of the engrossed bill, strike out the words "ten days from the day of its issuance," which end on page 14, line 1; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with

an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", unless the sale is to be made through a pharmacist designated in the permit and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Nothing in this title shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rites, except section 6 (save as the same requires a permit to purchase) and section 10 hereof, and the provisions of this act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "liquor. And no"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In addition to the matter proposed to be stricken out by the Senate amendment strike out, on page 15, lines 11 and 12 of the engrossed bill, the words "its use as a medicine by the one for whom he prescribes" and insert "the use of such liquor as a medicine by such person"; also on page 15, line 13, after the word "some," of the engrossed bill, insert the word "known"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85 and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "the purpose or ailment for which it is to be used and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "holding permits to prescribe"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "prescription blanks have been"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "except in cases of emergency, in which event a record and report shall be made and kept as in other cases"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the judicial district and within"; and on page 17, line 16 of the engrossed bill, after the word "occurred," insert ", unless the parties agree on another place"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", which shall at all times be open to inspection as in this act provided"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "of the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "to purchase or ship the same, together with the name and address of the person using the permit"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "No one shall permit any sign or billboard containing such advertisement to remain upon one's premises"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "No"; and on page 22, line 12, after the word "receive" of the engrossed bill, insert the following: ", nor knowingly permit his employee to solicit or receive"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 23. That any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant, or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things.

"In such proceedings it shall not be necessary to show any intention on the part of the accused to continue such violation if the action is brought within 60 days following any such violation of the law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "the containers thereof"; and, on page 27, line 17, of the engrossed bill, strike out the words "other property" and insert "such property so"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "unless the court shall otherwise order"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The term 'private dwelling' shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "brought for violation of law," and on page 30, line 13, after the word "of" in the engrossed bill, insert ", if not claimed within 60 days from the date this section takes effect"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "reported, provided"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the record is kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the commissioner when called for"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "shall be assessed against, and collected from, the person responsible for such illegal manufacture or sale"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

": *Provided*, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per cent of alcohol by volume, and sold to such manufacturers for conversion into such beverages."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved.

"When fortified wines are made and used for the production of nonbeverage alcohol, and dealcoholized wines containing less than one-half of 1 per cent of alcohol by volume, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this act, whether carbonated or not, shall not be subject to the tax on artificially carbonated or sparkling wines, but shall be subject to the tax on still wines only.

"In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any malt, vinous, or fermented liquids containing one-half of 1 per cent or more of alcohol by volume, or in any case where the manufacturer, having been permitted by the commissioner to develop a liquid such as ale, beer, porter, or wine containing more than one-half of 1 per cent of alcohol by volume in the manner and for the purpose herein provided, is charged with failure to reduce the alcoholic content of any such liquid below such one-half of 1 per cent before withdrawing the same from the factory, then in either such case the burden of proof shall be on such manufacturer to show that such liquid so manufactured, sold, or withdrawn contains less than one-half of 1 per cent of alcohol by volume. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", except such executive officers as may be appointed by the commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this act, and persons authorized to issue permits, and agents and inspectors in the field service,"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "required"; and on page 37, line 5, after the word "act," in the engrossed bill, insert "including personal services in the District of Columbia, and for the fiscal year ending June 30, 1920, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000 for the use of the Commissioner of Internal Revenue and $100,000 for the use of the Department of Justice for the enforcement of the provisions of this act, including personal services in the District of Columbia and necessary printing and binding"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or for use in any hospital or sanatorium"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 20. That it shall be unlawful to import or introduce into the Canal Zone, or to manufacture, sell, give away, dispose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous, malt, or spirituous liquors, except for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President, and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: *Provided*, That this section shall not apply to liquor in transit through the Panama Canal or on the Panama Railroad.

"That each and every violation of any of the provisions of this section shall be punished by a fine of not more than $1,000 or imprisonment not exceeding six months for a first offense, and by a fine not less than $200 nor more than $2,000 and imprisonment not less than one month nor more than five years for a second or subsequent offense.

"That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this act had not been passed."

And the Senate agree to the same.

THOMAS S. STERLING,
KNUTE NELSON,
LEE S. OVERMAN,
Managers on the part of the Senate.

A. J. VOLSTEAD,
DICK T. MORGAN,
E. Y. WEBB,
Managers on the part of the House.

PREVENTION OF INFLUENZA.

Mr. FRANCE. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases, in order to determine their cause and methods of prevention. It is a joint resolution which must be passed immediately if benefits are to be derived from it. It proposes to appropriate $1,000,000 for use of the Public Health Service in investigating the cause and methods for the prevention of the spread of influenza. I believe it to be imperative that the joint resolution should be passed at once.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I ask that the joint resolution be read.

Mr. KING. Reserving the right to object, I should like to have the joint resolution read.

The Secretary read the joint resolution.

Mr. SMOOT. I object to the present consideration of the joint resolution.

The VICE PRESIDENT. It will go over. Morning business is closed.

STOLEN MOTOR VEHICLES.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

Mr. SMOOT. Let the bill be read.

Mr. CUMMINS. I want Senators to know what the bill is. The favorite place for such thefts is near a State line, where vehicles are carried quickly across the State line, and there is very great difficulty in securing the punishment of the offender. The bill is for the purpose of giving the Federal courts jurisdiction for the punishment of such an offender.

Mr. FLETCHER. May I inquire of the Senator on what ground he bases the right of Federal authorities to prosecute for theft?

Mr. CUMMINS. It is found in section 3 of the bill, as follows:

That whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle, knowing the same to have been stolen, shall be punished by a fine.

and so forth.

The VICE PRESIDENT. The Senator from Utah has requested that the bill be read. The Secretary will read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on Interstate Commerce with an amendment, on page 2, line 18, after the word "offender," to strike out the remainder of the bill in the following words: "A judgment of conviction or acquittal upon the merits under the laws of any State, Territory, or the District of Columbia, of any defendant charged with stealing any motor vehicle shall, as against any such defendant, be a bar to a prosecution hereunder for transporting such motor vehicle in interstate commerce," so as to make the bill read:

Be it enacted, etc., That this act may be cited as the national motor vehicle theft act.

SEC. 2. That when used in this act:

(a) The term "motor vehicle" shall include an automobile, automobile truck, automobile wagon, motor cycle, or any other self-propelled vehicle not designed for running on rails;

(b) The term "interstate or foreign commerce" as used in this act shall include transportation from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

SEC. 3. That whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both.

SEC. 4. That whoever shall, with the intent to deprive the owner of the possession thereof, receive, conceal, store, barter, sell, or dispose of any motor vehicle, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both.

SEC. 5. That any person violating this act may be punished in any district in or through which such motor vehicle has been transported or removed by such offender.

Mr. BRANDEGEE. Mr. President, I am heartily in accord with the object to be accomplished by the passage of such a statute. I notice in section 4, on page 2, the bill provides—

That whoever shall, with the intent to deprive the owner of the possession thereof, receive, conceal, store, barter, sell, or dispose of any motor vehicle, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both.

The previous section, 3, penalizing the transportation of such a vehicle by anybody knowing the same to have been stolen, does not contain the clause providing that the same must have been done "with the intent to deprive the owner of the possession thereof." I have no familiarity with the bill or with the testimony that was given in connection with the hearings, but I wondered, if you prove that a person knows the vehicle to have been stolen, why the Government also has to prove that it was stored or received with the intent to deprive the owner of the possession of it. I think that language might possibly be eliminated and strengthen the statute a little without conferring any hardship upon the thief or the receiver of the stolen goods.

Mr. CUMMINS. This is a House bill, and the Senate committee accepted in the main the work of the House. I see no substantial objection, however, to the point made by the Senator from Connecticut. The practice is to steal an automobile close to a State line and run it across the State line. The first section is intended to punish anyone who does that thing, knowing the vehicle to have been stolen. The further practice is, if possible, to dispose of the vehicle to some other party, confederate or otherwise, when it gets across the State line, and section 4 is for the purpose of punishing a man who barters or sells or disposes of the property with intent to deprive the owner of the possession thereof, or if he conceals it knowing it to have been stolen. I think that would probably embrace every case that could be reached.

Mr. BRANDEGEE. I do not know that I would propose an amendment, if an amendment has not already been recommended by the committee which necessitates further action by the House. My first impression would be that a man who receives and stores or helps to transport goods he knows to have been stolen ought not to be able to require the Government to prove that he rendered this assistance with intent to deprive the owner of the possession thereof, because, I think, it would be very difficult to prove that a garage keeper, when he knew an automobile had been stolen and he was requested to receive it overnight and equip it and repair it and furnish it with gasoline to continue its flight, did it with intent to deprive the owner of the possession. He might well say that although he knew the automobile was stolen, he sheltered it to prevent it from being damaged, and if there was any chance for its recovery, it was certainly a benefit to the owner to have it restored to him in good condition rather than in the condition which would have resulted if he had not afforded it shelter. In other words, I think the insertion of the language to which I have called attention in section 4 throws a burden upon the Government which it is not necessary, in the interest of justice, to cast upon it, and provides a loophole for the accessory to the theft to escape penalty; and I wonder if the Senator would not agree to a suggestion to strike out those words for the purpose of letting the matter go to conference.

Mr. CUMMINS. We can at least let it go to conference.

Mr. BRANDEGEE. That was all I was going to suggest. In section 4, page 2, line 9, I suggest that there be stricken out the words "with the intent to deprive the owner of the possession thereof." I do that simply for the purpose of giving the conferees an opportunity to consider the advisability of striking that language out.

Mr. CUMMINS. I think the language would have to be changed a little further, for we could not very well make a criminal of a person who received the stolen vehicle, even though he knew it to be stolen, if he were holding it in order to enable the owner to recover it.

Mr. BRANDEGEE. No; but the language is——

Mr. NELSON. If the Senator from Iowa will allow me, I desire to say that if he will examine the authorities he will find that one of the elements of the offense of stealing is the deprivation of the owner of the thing stolen without his consent, and the words referred to by the Senator from Connecticut do no harm, though they are really surplusage. Their meaning is implied in the word "theft" or in the stealing. If the Senator will look at the textbooks he will find that a part of the element of the offense is depriving the owner thereof without his consent.

Mr. CUMMINS. I think the Senator from Minnesota is entirely right about that, although the section covers persons other than those who commit the theft. That is the reason, I presume, the language referred to by the Senator from Connecticut is found in the bill.

Mr. BRANDEGEE. If there is a reason for the language being used there at all, I suggest for the consideration of the Senator from Iowa whether the section ought not to be so modified as not simply to provide as to depriving the owner of the possession but depriving the party who is entitled to the possession of the vehicle of such possession, for many of these vehicles are leased by the month.

Mr. CUMMINS. That probably is a case that may arise; and I am willing to accept an amendment along the line of that proposed by the Senator from Connecticut in order to bring the matter into conference.

Mr. BRANDEGEE. I would not offer an amendment if the matter could be brought into conference without an amendment.

Mr. CUMMINS. But it could not be.

Mr. BRANDEGEE. No. Therefore, in section 4, page 2, line 9, I move to strike out the words "with the intent to deprive the owner of the possession thereof," simply for the purpose of bringing the subject before the conference committee.

Mr. CUMMINS. With that idea in mind, I shall not oppose the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 4, page 2, line 9, after the word "shall," it is proposed to strike out the words "with the intent to deprive the owner of the possession thereof."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

The VICE PRESIDENT. Without objection, the committee amendment to section 5 is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. KING. I desire to inquire of the Senator from Iowa whether there was any amendment made to section 5 of the bill?

Mr. CUMMINS. Such an amendment to that section as the Senator has in mind, I think, was not thought necessary; and I do not think it would be wise if it were necessary.

Mr. KING. I desire to make an inquiry of the Senator. I have but hastily read the bill and was not present in committee when it was considered.

Mr. CUMMINS. This bill was considered by the Committee on Interstate Commerce. It was not considered by the Judiciary Committee.

Mr. KING. The language of the bill would indicate that the prosecution might be instituted in a State or district other than

that in which the defendant, who is charged with the reception and concealment of the automobile, resided.

Mr. CUMMINS. I do not catch the Senator's point.

Mr. KING. As I have hastily read the bill, section 5 would seem to indicate that if an automobile, for instance, were stolen in Maryland and were concealed by some person in New York, knowing it to have been stolen, if it passed through the State of Pennsylvania or Delaware en route to New York, the prosecution of the defendant who concealed the automobile in the State of New York might be instituted in Pennsylvania or in Delaware.

Mr. CUMMINS. It would only be a question of priority of jurisdiction. If a person steals an automobile or is alleged to have stolen an automobile and is prosecuted for that offense and is acquitted upon the merits, of course, he could not be convicted of transporting the stolen vehicle into any other jurisdiction. I think the Senator from Utah will agree with me upon that.

Mr. KING. I agree with the Senator as to that; but I do not think he comprehends the point I am trying to make. The question is, where would the action be brought against an offender where the vehicle had been taken from one State through a number of States and had finally reached the State in which the offender concealed it? Where would he be prosecuted?

Mr. CUMMINS. That question is answered by the first part of section 5, which reads:

That any person violating this act may be punished in any district in or through which such motor vehicle has been transported or removed by such offender.

Mr. KING. That is the thing of which I am complaining. If I read that language aright, it would seem to indicate that some person who concealed an automobile in the State in which he resided might be punished in any one of the half dozen States through which the vehicle was conveyed after it had been stolen. If that is true, it seems to me it is very dangerous legislation. I think the venue in which the prosecution may be had ought to be where the defendant resides.

Mr. CUMMINS. Of course, that would destroy the bill entirely. I can not conceive how anyone could be unduly punished or punished in a jurisdiction in which he ought not to be punished under the provision—

That any person violating this act may be punished in any district in or through which such motor vehicle has been transported or removed by such offender.

The person who takes an automobile or vehicle in his garage contrary to the provisions of section 4 and does not assist in the transportation of the vehicle into some other jurisdiction can not be punished save in his own jurisdiction, because the vehicle must be transported or removed by the offender in order to bring him within section 5.

Mr. KING. If that is the interpretation, I think that the section is all right.

Mr. CUMMINS. I think that is the interpretation that should be placed upon it.

Mr. KING. But I had in mind a person who merely received an automobile which had been conveyed through a half dozen States and concealed it in the State in which he resided and in the State where it was delivered to him, in which event it is obvious to me that he ought not to be prosecuted in some other State through which the automobile was carried.

Mr. CUMMINS. That would be objectionable, but I do not think that could happen under this provision because of the words I have just read, namely, "in or through which such motor vehicle has been transported or removed." If we stop there, the objection of the Senator from Utah would be sound, but it says further, "by such offender." Therefore, it can not reach the case suggested by the Senator from Utah.

Mr. KING. If Senators on the committee are clear that this would not permit the prosecution of a person who merely received, knowing it to be stolen, a stolen automobile, in some State through which it had passed rather than in the State where he resided, I would have no objection to the provision.

Mr. CUMMINS. I think that is the understanding of the committee.

Mr. HITCHCOCK. Mr. President, will the Senator permit me to ask him a question?

Mr. CUMMINS. Yes.

Mr. HITCHCOCK. Would it not be possible to prevent the theft of automobiles by a method of Federal taxation? Suppose the Federal Government levies a tax upon the sale of every automobile and requires every sale, even of a second-hand vehicle, to be registered, say, with the postmaster of the community or with the internal-revenue officer, so that anyone in possession of an automobile must also be in possession of the certificate of purchase upon which a tax of a small amount has been paid, would not that, while it would raise perhaps a moderate amount of money, make it impossible for any person to operate an automobile without being in possession of the certificate of purchase?

Mr. CUMMINS. I can see that that might be a means of detection and possibly a great protection to the owners of automobiles; but, unfortunately, the House has not proposed a measure of that kind, and the Senate can not propose a measure of that kind.

Mr. HITCHCOCK. I realize that what the Senator says is true; but it seems to me a large number of automobile thefts are chiefly for the purpose of sale; most of the men who steal automobiles sell them; it is a regular business. If every sale must be under a certificate and must be registered, without any regard to interstate commerce or passing from one State to another, it seems to me it might be possible to put a stop to that illegitimate business.

Mr. CUMMINS. That is a thought well worthy of consideration; but I am just advised by two members of the Finance Committee, who sit near me, that that has been found impracticable; that it has been considered and been rejected.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

RETIREMENT AS LIEUTENANT GENERAL.

Mr. KNOX. I ask unanimous consent for the present consideration of Calendar No. 173, being the bill (S. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general.

Mr. SMOOT. Mr. President, I will not at this time object to the request of the Senator from Pennsylvania, but I am going to ask as soon as the bill to which he has referred is considered that we go on with the calendar regularly, as this is Calendar Monday.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments on page 2, line 1, after the word "pay," to strike out "and emoluments," and in the same line, after the word "grade," to insert "as fixed by section 24 of the act of Congress approved July 15, 1870," so as to make the bill read:

Be it enacted, etc., That in view of the long and faithful services of Maj. Gen. E. H. Crowder, Judge Advocate General of the United States Army, and especially his conspicuous services as Provost Marshal General in conjunction with the various State and Territorial executives and the local and district boards, in the execution of the selective-service law, the President is hereby authorized, when that officer retires, to place him on the retired list of the Army as a lieutenant general, with the pay of that grade as fixed by section 24 of the act of Congress approved July 15, 1870; and to grant him a commission in accordance with such advanced rank.

Mr. KNOX. Mr. President, the purpose of this bill may be expressed in a sentence. It would permit Gen. Crowder to be placed upon the retired list of the Army as a lieutenant general. This is in recognition of his long and faithful service of 42 years in the Army, and especially of his conspicuous services as Provost Marshal General in the execution of the selective-service law.

When we entered suddenly, all unprepared, into the Great World War the Nation was confronted with a thousand problems, none simple and many of such magnitude as to appear appalling and almost impossible of timely solution. Of all of these problems none was of greater magnitude than that one which involved the raising of armies. It was not a mere question of raising a sufficient number of brave and able men, however great that number might be. We doubted neither the courageous patriotism of American manhood nor the self-sacrificing encouragement of American womanhood.

But our experience in former wars, and particularly the experience of Great Britain in this war, had proven the great danger of permitting the volunteer system to strip the fields, to cripple the factories, and to deprive the wife and children of protector and breadwinner, while the slacker, the drone, and the unessential, failing in their paramount duty to their country, skulked behind to fatten on the profits of war. On the other hand, our own experience in the War between the States made most of us fearful of forcible conscription.

There was urgent and instant need, if we were to reach a correct and timely solution of this problem, for a man of almost unheard of qualifications, amounting, indeed, to those of genius. We must have not only a military man of exhaustive learning and experience in that field but a man so thoroughly trained in municipal and international law as to be able to propose, to draft, to interpret, and to administer laws; a man of such social and economic learning as to protect and preserve our social and economic institutions; a man of such broad

knowledge, such rich imagination, and such prescient vision as to foresee every danger and avoid every pitfall.

The question has American genius produced such a man had already been answered. Early in 1913, before war or the rumor of war had begun to convulse the world, the then President of the United States, about to retire from the White House, was impelled to spread upon the official and public records of the War Department his official estimate of a man whose service to the Nation had, for many years and in many climes, been performed under his personal observation. In a letter addressed on January 9, 1913, to Secretary of War Stimson, President Taft, after relating the long and brilliant military, governmental, and international career of an officer of the United States Army, said of that officer:

Whenever contingency arises in which it is necessary to have a man of great experience, a law administrator and a lawgiver, Gen. Crowder would be peculiarly fitted to satisfy the governmental need. I regard him as the best Judge Advocate General we have had in a long time. He is a real lawyer; his opinions are based on his own judgment and do not respond merely to the wishes of the man who asks his opinion. He is a student of law and politics and economics, and therefore makes a rare combination in that reserve of useful men available for governmental exigency which fits a nation to meet any crisis.

In placing upon the public records of the War Department this official recognition of Gen. Crowder's efficiency, Secretary Stimson also placed himself on record by writing to the President:

All that you say of his ability and efficiency has been confirmed by what I have seen of him during the year and a half that I have been in this department. In the many acute questions of Army reorganization which have come up in connection with the legislation of last year, as well as in connection with the number of bills of proposed legislation which have as yet not become law, he has evinced a sound judgment, a capacity, and a reliability which are beyond all praise. Upon him have fallen the legal problems of a very difficult period, and his opinions have been thoroughly independent as well as sound and broad. I quite concur with your view of his possession of a combination of rare qualities which place him "in that reserve of useful men available for governmental exigency which fits a nation to meet any crisis."

And so when the crisis arose the present Secretary of War turned to Enoch H. Crowder to solve the great problem of the day. Without an instant's hesitation Gen. Crowder, with an exhaustive and all-inclusive knowledge of our own experience and that of the British, declared himself for selective conscription as against the volunteer system; and before the ink was well set upon our declaration of war the Secretary of War and the President had approved Gen. Crowder's plan and forwarded to the Congress his draft of an act destined to achieve complete success and perfect popularity, and now come by common and universal consent to be known by its true name, the selective-service law.

It has been well and truly said that Enoch H. Crowder was the architect of this law and the genius of its execution. I shall not endeavor to relate the brilliant history of this superb accomplishment. Let me rather read to you the expressions of the mature judgment of those men best fitted to speak of it because of their intimate knowledge and broad vision. On June 7, 1917, two days after the first registration, the Secretary of War, in a public letter, said to Gen. Crowder:

You have done the biggest thing of its kind we have ever been called upon to try and you have surrounded it with an atmosphere which not only created the success but made of it a stimulating demonstration of our national solidarity and patriotism.

A little more than a month later the Secretary of War again expressed in a public letter to Gen. Crowder official recognition and appreciation of his great work. He said:

When this letter reaches you the actual drawing of the numbers selecting the men for the first National Army of 500,000 men will have been completed and the third stage in your great task brought to a successful conclusion. First, you drafted the law for this great undertaking; second, you perfected with extraordinary accuracy the registration; and third, you worked out with infinite patience and zeal the arrangements for the great choice which affects the careers and lives of so many of the young men of our country.

It is not necessary for me to recount the embarrassments and difficulties which you have had to face; they would have discouraged, if not appalled, one having less devotion or less clear and serviceable knowledge.

There remain, of course, the difficulties of applying the exemptions provided by the statute, and to this task I know you will give the same splendid service; but I can not allow this epoch-making achievement to pass even this stage of its accomplishment without tendering you my personal and official thanks and expressing my judgment that the country owes to you the success which has attended the steps so far taken.

And a month later, on August 19, 1917, when the task of selecting the first increment of our armies had begun to show tangible results, only three months after the passage of the law, that great American, Theodore Roosevelt, speaking for all Americans, said:

I regard Gen. Crowder's work with the draft as one of the best specific bits of work our Army has done in my time. I knew he would do it well, but I had no idea of how very well it would be. Of all our people in the first six months of the war, he is the man who has actually accomplished most, the man to whom all good Americans should be most grateful. I respect—and I fear that I envy—the man who has earned the right to have this said of him.

Three months later, when the first half million selected Americans had been mobilized, the Secretary of War, in a public address in New York, again gave Gen. Crowder ungrudging and unstinted credit for the great work he was accomplishing.

As the civilian head of the War Department—

He said—

I have had an intimate, a most intimate, opportunity to observe the writing and working out of the selective-service law. I know better than anybody else who wrote it, who interpreted it, and who accomplished in the main its success. There are in the lives of all men some moments which, above all others, are supreme, and this moment is justly entitled to be a supreme moment in the life of Gen. Crowder.

From the first moment when this matter was considered it absorbed his attention. It was a period of labor most abundant, of devotion most complete and entire, bringing a long and brilliant military career and a wide, intimate acquaintance with military law and a deep knowledge of human nature to the perfection of a task believed to be impossible, and perhaps in anybody else's hands many times more difficult. And the United States has achieved this great victory, for this is a victory in this war. We are entitled to-night to lay the credit where it belongs and to salute the draftsman of this law and its interpreter as our guide, our counselor, and our helper in the entire matter.

Mr. President, allow me to quote one other man who, as a former Secretary of State, as a former Secretary of War, and as a great citizen, has the right to speak for the American people.

At the end of August of last year, when our great endeavor was reaching fruition, in an address to the American Bar Association, Elihu Root said:

It was a fortunate circumstance that the President placed in the hands of the head of the law department of the Army the application of the law for conscription and for the raising of the vast army already in France and the still greater army which is about to follow, for, in the first place, the Judge Advocate General, Gen. Crowder, when he became Provost Marshal General, applied the new law under the war power of the Constitution to the people of the country with a just sense of their legal rights and the legal principles to which they were accustomed. I do not want to pass his name without expressing a sense of satisfaction and doing honor to that admirable and able and effective officer, Gen. Crowder. We have had much criticism, many things have necessarily gone wrong, many things have made us unhappy, but we could always turn to him and to his work as proof that virtue still remained in the American people. Whatever has gone wrong it has not gone wrong with him, and the result of his work is a million and a half of American soldiers in France to-day, and a million and more that are yet to go. Gen. Crowder, as I say, applied the new law under war powers to the American people with a just sense of their legal rights. The result is that the draft has taken its place throughout America with the good will and the satisfaction and the undiminished patriotism and the enthusiasm of the entire people, and the boys who have been drafted and have gone into the National Army are as full of patriotism as any man that ever marched in any army.

If we look abroad, Mr. President, for unbiased estimates of America's accomplishments, we are immediately confronted with unhesitating recognition of the great work of this great soldier and citizen. When the end of the fighting came and the world paused to measure results, Lord Northcliffe, with the keen insight of a skilled journalist and the impartial judgment of an outside observer, spontaneously proclaimed to all the world that America had performed the two greatest miracles of modern days—the one, the raising by scientific selection of her gigantic and invincible armies without a disastrous effect upon her social or economic life; the other, the safe and speedy transportation of those armies to the far-flung lines of battle.

Mr. President, little remains for me to say. I have called the witnesses and they have made the case. My personal and official acquaintance with Gen. Crowder began when, as Secretary of State, I had the pleasure of conferring with him about those grave and intricate questions upon whose correct solution depended the fate and fortune of the young Republic of Cuba. I then formed the same opinion of his great ability, of his broad learning, of his superior wisdom, and of his disinterested loyalty and patriotism as that expressed by those whom I have quoted. As the years have passed and those characteristics have led him from great to greater accomplishment so has my high opinion grown higher.

His long and brilliant military career of 42 years, succinctly set out in the report furnished to the committee by the War Department, shows his full and rich experience as a soldier, as a lawyer, as a diplomat, and as an executive. From the young lieutenant of the early eighties, with long and active service in the Indian wars, he ran the gamut until he became a member of the General Staff, whence he went to Manchuria to serve as our military observer for a year with the first army of Kuroki in the Russo-Japanese War; after which he was chief of the first division of the General Staff. From the position of military instructor at the University of Missouri, where he studied law upon his native heath, he went through all the legal

experience of the Army officer, including service as an associate justice of the Supreme Court of the Philippine Islands, until he became Judge Advocate General.

Time forbids further reference to this bald but extensive record of his career, and I shall ask that it be printed as part of these remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CROWDER, ENOCH H.

Cadet, United States Naval Academy, September 1, 1877.
Second lieutenant, Eighth Cavalry, June 11, 1881.
First lieutenant, July 5, 1886.
Major, judge advocate, January 11, 1895.
Accepted, January 24, 1895.
Lieutenant colonel, judge advocate, June 22, 1898.
Accepted, June 24, 1898.
Vacated, August 18, 1899.
Lieutenant colonel, Thirty-ninth United States Infantry, August 17, 1899.
Accepted, August 18, 1899.
Honorably discharged, May 6, 1901.
Lieutenant colonel, judge advocate, May 21, 1901.
Brigadier general, June 20, 1901.
Accepted, June 21, 1901.
Honorably discharged, June 30, 1901.
Colonel, judge advocate, April 16, 1903.
Brigadier general, Judge Advocate General (act Feb. 2, 1901), February 15, 1911.
Accepted, February 15, 1911.
Major general, October 6, 1917.
Served on frontier duty at Fort Brown, Tex., September 29 to October 30, 1881; Santa Maria, Tex., to December 28, 1881; Fort Brown, Tex., to April 1, 1882; Santa Maria, Tex., to June 2, 1882; and Fort Brown, Tex., to July 21, 1884; on leave of absence to October 1, 1884; on duty at Jefferson Barracks, Mo., to June 30, 1885; as professor of military science and tactics at the University of Missouri, Columbia, Mo., to July 23, 1886; scouting in New Mexico to October 7, 1886; as professor of military science and tactics at the University of Missouri, Columbia, Mo., October 11, 1886, to September 1, 1889; and on frontier duty at Fort Yates, N. Dak., to April 19, 1891; captain and acting judge advocate, headquarters department of Platte, from April 21, 1891, to January 11, 1895; at Omaha, judge advocate, department of Platte, until March 13, 1898; at same place, judge advocate, department of Missouri, to April 17, 1898; judge advocate, First Independent Division, and Fourth Army Corps, Mobile, Ala., April 17 to May 22, 1898; judge advocate, expeditionary forces, May 28 to June 23, 1898; judge advocate Department of Pacific, and Eighth Army Corps, June 23, 1898, to June 3, 1899; associate justice of supreme court, Philippine Island, May 29, 1899 to ——; detached service, Iloilo, P. I., with verbal instructions from corps commander, December 26, 1898, to January 8, 1899; member of commission to determine capitulation of Manila and Spanish Army, August 14, 1898; commissioner to treat with commission appointed by Gen. Aguinaldo, January 9 to February 1, 1899; commissioner to receive records of Royal Spanish Court at Manila, April 17 to June 26, 1899; President board of claims, Philippine Islands, April 18 to ——; special duty, law department, military governor's office in the Philippines, June 4, 1899, to November, 1901; on commission to receive surrender of Manila, and as judge advocate Department of the Pacific and Eighth Army Corps; judge advocate Philippines Division; associate justice of the supreme court (civil branch); legal adviser and secretary to the military governor; president board of war claims; on board of officers for conference with commissioners of Aguinaldo; on board of officers for revision of customs, tariff, and regulations, Philippine Islands; counsel for the Government, 1902, in the Deming case in the United States circuit court and circuit court of appeals, and on appeal therefrom to the Supreme Court of the United States; assigned to the General Staff, August 15, 1903; detached for duty in 1904, as observer with the armies of Japan, being with the First Army of Kuroki from May 15, 1904, to April 1, 1905; returned to duty with the General Staff, War Department, and served as Acting Judge Advocate General from May 16 to September 7, 1906; was assigned as chief of staff Atlantic Division September 21, 1906, and shortly thereafter was detailed for duty with the Provisional Government of Cuba, serving as legal adviser to the Provisional Government since October 2, 1906; supervisor of the departments of state and justice since that date; president of the advisory commission since January 3, 1907; and in charge of the electoral administration in Cuba since April 1, 1908; returned to the United States from Cuba February 2, 1909, and thereafter on the duty in the office of the Judge Advocate General, Washington, D. C., until June 16, 1909; judge advocate Department of California from July 23 to October 22, 1909; and on duty as assistant to Judge Advocate General, United States Army; appointed delegate to fourth Pan American conference, Buenos Aires, Argentine, March 5, 1910; in the office of the Judge Advocate General, Washington, D. C., to March, 1919 (Judge Advocate General of the Army from Feb. 15, 1911); detailed as Provost Marshal General in General Orders, No. 65, War Department, May 22, 1917, to July 15, 1919, the functions of that office having terminated; reappointed Judge Advocate General of the Army February 15, 1919; detailed as special representative of the United States to assist in the revision of Cuban electoral laws March, 1919, and was relieved from that duty on completion of same, August 15, 1919, in Washington, D. C., to date.

By direction of the President awarded distinguished-service medal for especially meritorious and conspicuous service as Provost Marshal General in the preparation and operation of the draft laws of the Nation during the war by General Orders, No. 144, War Department, December, 1918.

Mr. KNOX. In transmitting this record the Secretary of War has written:

MY DEAR SENATOR WADSWORTH: The clerk of the Senate Military Affairs Committee has brought to my attention Senate bill 2867, by Mr. KNOX, "to authorize the President, when Maj. Gen. Crowder retires, to place him on the retired list as lieutenant general."

I beg leave to inclose herewith a copy of the record of Gen. Crowder from September 1, 1877, when he entered the United States Military Academy as a cadet, to the present date. It would be idle for me to attempt to illustrate a record of service so long, so zealous, and so distinguished.

My own contact with Gen. Crowder, of course, began when I became Secretary of War in March, 1916, from which time until America's entry into the World War he continued actively in charge of the duties of Judge Advocate General and was in daily conference with me about difficult legal problems. I then conceived an admiration, which has daily increased, for his great range of knowledge and experience in questions of law, military and civil, and the detailed history of the Military Establishment of the United States. In 1917 Gen. Crowder prepared in consultation with me the selective-service law, and I appointed him Provost Marshal General to execute that law, a service delicate and intricate, requiring the institution of Nation-wide machinery which would function harmoniously and with such visible and obvious justice as to commend both the law and its execution to public favor. This service he performed with conspicuous ability, and it is one of the outstanding features of America's military mobilization that although we resorted to conscription there is a general consensus of opinion to the effect that the law was executed without fear or favor, and that justice and wisdom characterized its interpretations and applications.

I am very happy to be able to assure the committee of my belief that the services rendered by Gen. Crowder merit the recognition of Congress, and the bill proposed by Mr. KNOX seems to me a suitable reward for a great service rendered self-sacrificingly by a soldier as the latest act of a life devoted to the service of his country.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

Even now, after 42 years of splendid service, and hardly free from the most arduous and most successful work of his long career, he has just concluded for the Cuban Republic a revision and amplification of its electoral laws, for which the Cuban Congress voted him the thanks of that Republic, and the University of Cuba conferred upon him the degree of doctor of laws, as have also the leading universities of this country.

Will the Congress of his own country fail to honor and reward him? It can not be so. Republics are not always ungrateful. Therefore I have no doubt that this bill will pass, and I hope it may pass without a dissenting voice, because I believe it is the universal desire of the American people that this honor and reward, at least, should be bestowed upon the man who has served them so long, so faithfully, and so well.

It has been asked why Gen. Crowder's case should be acted on now and in advance of taking up the rewards due to other officers for distinguished service. The answer is twofold: First, and least important, because the bill does not propose to promote the general while he is on the active list, in which case he would receive the pay and emoluments of the advanced rank, whereas under the bill he would receive but two-thirds of the pay and no emoluments upon retirement. I do not understand that there is any case which in this particular is like Gen. Crowder's case. The other promotions suggested have been for men who will remain in active service and receive the full benefits of their advanced rank.

But the real reason that justifies considering this case by itself and on its own merits is the nature of the duties Gen. Crowder performed in the construction of the Army, which has been so much appreciated by the distinguished men I have quoted and by the people at large. In this work the general officers whose claims rest upon distinguished service in the field had no part. They, as individuals, commanded fractions of the great organization which Gen. Crowder was charged with the onerous duty of constructing. His labors began long before theirs. The draft act was passed May 18, 1917, and this was weeks after Gen. Crowder began to prepare it and the machinery for its enforcement. Our first troops under Gen. Pershing landed in France June 27, 1917. Gen. Pershing has received his reward, and properly enough, without connecting it with or making it dependent upon what is to be done for others. His relation to the war was likewise distinctive and different from that of any others. Gen. Crowder's is equally distinctive and perhaps more fundamental. There was no one else in his class and no one else except those whom he had gathered around him for his assistance that were connected with the vast subject with which he was charged with responsibility.

Mr. CHAMBERLAIN. Mr. President, I understand that the Senate gave unanimous consent for the immediate consideration of this bill.

The VICE PRESIDENT. It did.

Mr. CHAMBERLAIN. I desire to offer two amendments to the bill. I send to the desk the first of them, and ask to have it stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 1, page 2, it is proposed to insert the word "retired" before the word "pay," so that, if amended, it will read "with the retired pay of that grade."

Mr. CHAMBERLAIN. It may be that the Senator from Pennsylvania will accept that amendment, because in his statement to the Senate he said that the officer was to receive retired pay in case the bill takes effect. My reason for offering it is

that as a matter of fact there is a distinction between pay of a soldier and retired pay, and I wanted to cure that.

Mr. KNOX. My recollection is that we discussed that in committee, and I thought there had been an amendment inserted.

Mr. CHAMBERLAIN. I do not think it was quite broad enough.

Mr. KNOX. I accept that amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. CHAMBERLAIN. I now present the second amendment, and upon this and other phases of the bill I desire to make some observations. I ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That these officers of the Army who now hold or previously during the present war held the rank herein set before their respective names, to wit, Lieut. Gens. Hunter Liggett and Robert L. Bullard and Maj. Gens. James W. McAndrew, James G. Harbord, Ernest Hinds, Merritte W. Ireland, Harry L. Rogers, William C. Langfitt, William L. Kenly, Henry P. McCain, Charles P. Summerall, and Leonard Wood, shall, when retired from active service, have the rank of lieutenant general and the pay hereinbefore provided for an officer retired with said rank.

Mr. CHAMBERLAIN addressed the Senate. After having spoken for a few minutes,

Mr. BRANDEGEE. Mr. President, I ask the Senator, if he will be kind enough to permit me to do so, in view of the fact that we have been in the habit of proceeding to the consideration of executive business at 2 o'clock for the purpose of taking up the treaty, whether he has any suggestion to make as to whether action can be had upon this bill before that time? Does the Senator wish to conclude his remarks, or what will be the course of procedure? I do not want in any way to defeat action upon the pending bill, if it can be passed within a reasonably short time.

Mr. CHAMBERLAIN. I believe that it is customary, unless the rule is invoked, when a bill is taken up by unanimous consent, to conclude the debate on it before any other business is taken up, even when there is unfinished business pending. But I do not want to invade the rule of the Senate.

Mr. BRANDEGEE. The only rule I am aware of covering this situation is that the morning hour expires two hours after the Senate has convened, which to-day will be at 2 o'clock. I was not here when the Senator from Pennsylvania [Mr. KNOX] called up this measure, and I do not know its parliamentary situation. Is it before the Senate by unanimous consent?

Mr. KNOX. It is before the Senate by unanimous consent. I have always understood the rule to be as stated by the Senator from Oregon, that if a matter is taken up by unanimous consent it shall be disposed of before any other business is taken up.

Mr. BRANDEGEE. There is no unfinished business, strictly speaking; it is simply a course of procedure we have been pursuing, to take up the treaty at 2 o'clock. Of course, a motion to proceed to the consideration of executive business, while a privileged motion, can not be made unless a Senator has the floor to make it, and the Senator from Oregon would have to yield for that purpose, I assume.

Mr. CHAMBERLAIN. I have no disposition at all, I may say to the Senator from Connecticut, to claim any such privilege as that, but I shall yield to the wishes of the Senate. I made no objection to taking up the bill, because the Senator from Pennsylvania was anxious to have it disposed of, although I reserved the right to object to it. I readily assented to the request for unanimous consent. I am willing now to yield the floor for the purpose of going into executive session, but I reserve the right still to conclude my argument on this measure.

Mr. KNOX. A parliamentary inquiry, Mr. President. Referring to the statement I made a moment ago, what is the rule if a bill is taken up by unanimous consent? Is it superseded at the end of the morning hour by anything but unfinished business?

The VICE PRESIDENT. The pending question before the Senate at the present time is the amendment of the Senator from Oregon [Mr. CHAMBERLAIN]. The bill, of course, was taken up by unanimous consent.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.

A motion to proceed to the consideration of executive business will be in order at any time.

Mr. BRANDEGEE. But the Senator who makes the motion must have the floor, I assume.

The VICE PRESIDENT. He must get the eye of the Chair.

Mr. BRANDEGEE. The Senator who has the floor, I understand, can not be swept off his feet by some one rising and shouting out that he moves to proceed to the consideration of executive business.

The VICE PRESIDENT. No.

Mr. HITCHCOCK. I understand the Senator from Oregon has already expressed a willingness to yield for the purpose of allowing the Senator from Connecticut to make the motion if he can continue his address, as he undoubtedly has the right to do.

Mr. BRANDEGEE. He has so stated, Mr. President. As far as I am concerned, that is perfectly satisfactory; but when the Senate has gone into executive session, I do not see how this bill could be passed except by unanimous consent and as in legislative session. I simply wanted to submit these views to the Senate for its consideration, to see if we could, by unanimous consent, arrive at any understanding.

The VICE PRESIDENT. Now, let the Chair express his view, which I feel compelled to restate. This must be the rule. There is no unfinished business. This bill has been taken up by unanimous consent. There is a pending question before the Senate, to which the Senator from Oregon is addressing himself. If he yields to a Senator to make a motion to go into open executive session, the motion is in order, and the Senate would probably go into open executive session; but the Chair would be compelled to rule, unless I have additional light on the subject, that when the German treaty is laid before the Senate, it being an executive session and this being a legislative matter, the Senator from Oregon can not discuss a legislative matter in an executive session of the Senate without unanimous consent.

Mr. BRANDEGEE. I presume the Senator from Oregon could undoubtedly say he was discussing the German treaty and continue his observations on whatever view he took of that instrument. My only point is that I do not think the Senator from Pennsylvania could secure action upon the bill, if that course were taken, without the unanimous consent of the Senate to do it as in legislative session, in which case the Senator from Oregon could exercise his prerogatives in such line as he saw fit.

Mr. KNOX. I would have very little doubt about the action of the Senate. This is going to be a very short matter, anyhow. The Senator from Oregon told me he was going to speak only a short time, and I have nothing further to say. I think that when the Senate gave its unanimous consent to have it heard at all it could certainly renew that consent, even though it was in executive session, and allow it to be heard as in legislative session.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of executive business in open executive session for the purpose of considering the treaty of peace with Germany, if the Senator from Oregon will yield to me for that purpose.

Mr. CHAMBERLAIN. I yield for that purpose. I am yielding because I realize the importance of the treaty. I know how anxious the Senator from Pennsylvania [Mr. KNOX] is to dispose of this bill, and I consented to have it taken up for that reason, but I am willing to yield.

Mr. McCUMBER. May I inquire what the motion is?

The VICE PRESIDENT. The motion is to proceed to the consideration of executive business in open executive session.

Mr. McCUMBER. For the consideration of the treaty?

The VICE PRESIDENT. Yes.

The motion was agreed to.

Mr. CHAMBERLAIN. Have I the floor when the treaty is before the Senate?

The VICE PRESIDENT. The Senator from Oregon has the floor and, in the judgment of the Chair, has the right to proceed unless there is objection. If there is objection, the Chair does not think he has a right to discuss the bill in open executive session.

Mr. McCUMBER. Inasmuch as notice has been given to take up a certain phase of the treaty at this time, and inasmuch as the Senator is desirous of going on with the discussion of another matter, may I be bold enough to ask how long he expects to discuss it?

Mr. CHAMBERLAIN. I will say to the Senator from North Dakota that I am willing to resume my discussion of the bill after his discussion of the peace treaty. I do not want to interfere with that at all. Or I assume that the Senate will permit me, in the morning hour to-morrow, to resume my address on this subject. I am perfectly willing for that reason to suspend now.

Mr. McCUMBER. I rather assume that the address of the Senator from Oregon will take some little time yet?

Mr. CHAMBERLAIN. Probably an hour.

Mr. McCUMBER. If that be true, it would seem to me that we ought to go on with the treaty at this time.

Mr. KNOX. As the Senator from North Dakota [Mr. McCUMBER] has given notice that at 2 o'clock he would begin discussion of one phase of the treaty, and as I know of no one else who has given notice of an intention to speak this afternoon on the treaty, I ask unanimous consent that upon the conclusion of the remarks of the Senator from North Dakota we may proceed as in legislative session with the consideration of the bill.

Mr. HITCHCOCK. I shall be compelled to object to that. It is a short enough time that has been allotted for the consideration of the treaty, from 2 o'clock on. My own judgment is that we ought to begin the consideration of the treaty earlier in the day. I do think it would be a very simple matter for the Senator from Oregon [Mr. CHAMBERLAIN] to continue his remarks in the morning hour to-morrow if the Senator from Pennsylvania will call up the bill. So far as I am concerned, there will be no objection to its consideration at that time.

Mr. KNOX. If the parliamentary situation is such that I may call it up before 2 o'clock to-morrow, that is quite satisfactory, though I was afraid I might run into a similar situation to-morrow.

Mr. HITCHCOCK. That might possibly be true to-morrow, but other bills have been considered and passed within the morning hour recently, and I think the Senator, no doubt, can accomplish the same result within the next two or three days.

Mr. CHAMBERLAIN. That course will be perfectly satisfactory to me.

Mr. KNOX. If the Senator from Nebraska has that thought about the matter, I will consent. It would do no good if I felt otherwise, because objection would no doubt be made. I give notice that to-morrow morning, at the conclusion of morning business or during the morning hour, I shall call up this measure.

Mr. CHAMBERLAIN. I yield the floor then, and will conclude to-morrow what I have to say.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. McCUMBER. Mr. President, I shall confine these remarks exclusively to the so-called Johnson amendments to the peace treaty, and I purpose to demonstrate not only the lack of necessity for such amendments to balance any supposed inequality in the voting strength of any power but also the great injustice, the gross wrong, such proposed amendments would do to Canada, Australia, New Zealand, and South Africa.

Mr. President, of all the many false declarations that have been made concerning the league of nations covenant, none has been so persistently indulged in as the one concerning the voting power of Great Britain. And from the letters I have received and the press reports I have read, these unfounded assertions concerning this voting power have taken a deeper root in the mind of the public than any other criticism aimed at the league. The press of the country publishes the bald declaration of the enemies of peace by concord of nations that Great Britain will have upon every dispute between nations six votes and the United States but one, without ever informing their readers of the real truth concerning this matter. Even Senators who in private conversation would never dream of attempting to deceive one another seem unable to resist the temptation to take advantage of a prejudice created by this deception and, with studied avoidance of the real and full truth, give this prejudice another boost.

The public, Mr. President, can not be blamed if it draws false conclusions from false premises. If any one of us had not read the treaty, and a Senator should declare, as has been declared again and again on this floor, that in any dispute between the United States and Great Britain, or between the United States and Canada or Australia, the United States would have one vote and Great Britain would have six votes, he would very naturally be misled. And he would most naturally say: "That is unfair and we will not stand for it." So, Mr. President, a misled public would say the same thing. The difference, however, between the position of the Senator and that of the public is that the Senator has the treaty on his desk before him and can readily correct any misstatement of the terms of that treaty. The public has not the treaty and can not refute the assertion.

I know the CONGRESSIONAL RECORD is too voluminous to be of much use in overcoming the prejudice created by speakers throughout the United States in thus unfairly presenting this phase of the subject. Though one had the greatest amount of leisure, he could not read the one-hundredth part of the CONGRESSIONAL RECORD, and the number who ever see the RECORD are infinitesimal.

But slight as is this opportunity for publicity through the medium of the RECORD, the questions involved in the treaty are so momentous that I am impelled to adopt this meager opportunity to place the truth of this question of the voting strength of the several nations before the American people.

Mr. President, the average man, busy with the perplexing problem of how to make his income—or what is left of it after the tax collector has taken his share—square with the present cost of living, has little time to apply even first principles of his reasoning powers to the subject. If he did so, this question would immediately present itself to his contemplative mind: Why did France agree that Great Britain should have six votes and France only one? France has been the most persistent stickler for her rights and her safety of all the nations which signed this compact. This average citizen would be compelled to say to himself: Is it not strange that France should have consented to this great disparity in voting strength without even a dissent? Next to France comes Italy, a country with a population as great as that of Great Britain, and partially surrounded by about as disorderly and eruptive a set of States as there are on the face of the earth. Is it not strange that Italy, represented by one of the most able statesmen in Europe, never said one word about being outvoted 6 to 1 by Great Britain? Is it not equally strange that Spain and Portugal made no protest? Is it not wonderfully strange that in a matter of such transcendent importance it never occurred to any one of these old astute nations that they were giving to Great Britain a power in their councils six times as great as any one of them would have? Is it not wonderfully strange that nations which have seen alliances and friendships change almost annually during the last century—nations that have seen their allied friends change to allied enemies in a single day—nations which live in this hotbed of international broils—never gave a thought to the fact that they were putting their heads into the lion's mouth, that they were giving in some instances to another power with which they had been in death grips time and again a voting strength six to their one in all their future disputes?

Well, Mr. President, the conclusion of this average citizen, after cogitating over the awful and dire results that would follow this disparity in voting strength, would be that there must be some mistake—that it could not be true that such extraordinary favors should have been granted to one nation without protest—that it was too absurd to be true. And, Mr. President, his conclusion would be correct. It is not true. If it had been true that this covenant gave Great Britain six votes to one given each of the other members in disputes with her, or in fact in any dispute, the other members to this compact never would have signed it.

What are the real facts in relation to this voting strength? To clearly understand them we must first understand just what powers the council or the assembly has. We must understand:

First. That neither the council nor the assembly is a board of arbitration.

Second. That neither of them decides international disputes at all.

I wish those two simple propositions could be understood by all the American people.

Third. That the only jurisdiction which either the council or the assembly can have over a dispute between nations is the right to investigate and report what the true facts are concerning the dispute and make recommendations in regard thereto.

Fourth. That even in the matter of determining what these true facts are and what the recommendations should be for a peaceful settlement, both parties to the dispute are excluded.

Fifth. That a dispute with a part of a nation or an empire is a dispute with the whole, and a dispute with the whole must necessarily be a dispute with each part. Therefore, a dispute between one country and another country composed of a dominant power and its dominions or possessions is a dispute with each and every part of such country, and, hence, that in a dispute between the British Empire or any member thereof and any other country, all parties to the dispute would be excluded even in determining the facts of the dispute under article 15.

Sixth. That the British Empire, being a member of the council which consists of nine nations, has but one vote in such council; that as neither Canada nor any other British dominion or possession has a separate membership in such council, of course neither could have a vote therein.

Seventh. That if the investigation of the facts concerning the dispute should be transferred to the assembly, then Canada, Australia, and other British dominions would still have no vote if either the British Empire or any one of its constituent parts was a party to the controversy.

Eighth. Here is the only kind of a case in which Canada or other self-governing dominion of the British Empire would be entitled to a vote: If the case is transferred from the council to the assembly, and if neither the British Empire nor any one of its dominions or possessions is a party to the dispute, as, for instance, if the dispute were between Serbia and Roumania, then Canada and these other self-governing dominions mentioned could vote, not in settlement of the dispute, but on the question of what are the true facts bearing on the dispute, and also on what should be recommended to the disputants as a basis of settlement of the dispute.

In such case Canada, Australia, or other wholly self-governing dominion would have a right to have a voice in the ascertainment of those facts and the making of such recommendation equal to that of Haiti, or Liberia, or Hejaz, or Cuba, or Panama. Can anyone see any possible danger to the United States in according to Canada such equal right in the investigation and report? On the contrary would we not select Canada in preference to any of these mentioned nations?

Ninth. Great Britain can not and will not control the vote of Canada on any question on which Canada would be entitled to vote. As Canada controls her own foreign as well as domestic affairs, by her own parliament, and wholly independently of Great Britain, she will cast her vote with equal independence on any subject on which she would have a right to vote. And as she would have no right to vote on any question in the council, not being a member of that body, and no right to vote in the assembly on any question in which the British Empire or any of its dominions or possessions would be a party, and as the only dispute she could vote on at all would be limited to disputes between other nations, and further limited to the mere ascertainment of the facts of the dispute and recommendations for its settlement, it is worse than idle, it is absolutely false, to say that she will not control her own vote. In such case Great Britain would be no more liable to control the vote of Canada than would the United States. And what is true of Canada is equally true of Australia, New Zealand, and South Africa. Great Britain would have no voice in appointing the representatives of these dominions and the appointees would be responsible only to their own governments. In the case of India the relation may be more close, but I am certain that this relation will not be more close than that which exists between the United States and Cuba, or Panama, or Haiti, or Honduras.

I purpose to make a very short explanation and elucidation of these declarations.

What is the procedure under this league of nations in case of a dispute between nations which would be liable to lead to war?

First. Members agree to submit the dispute either to arbitration or to an inquiry by the council (article 12). Mark you, they do not agree to submit the matter to arbitration *by* the council, but merely either to submit the case to arbitration by arbitrators entirely outside the council, or to submit it to an inquiry by the council. If the matter is submitted to arbitration, that takes it out of the council and out of the league of nations, and it remains out unless a party against whom an award is made by these outside arbitrators fails to abide by the award, which would again raise another dispute, which dispute could not be submitted to the council except for the purpose of investigating the facts as to why the award was not complied with.

Second. They agree that if they recognize that a dispute is suitable for arbitration they will arbitrate it. That arbitration, however, is to be by such method as shall be agreed upon by the parties and entirely outside and independent of the council or league of nations.

Nearly every nation now has by treaty with other nations made provision to arbitrate such differences, and they will remain outside of the jurisdiction of the council or the assembly.

Third. They further agree that if the matter is not suitable for arbitration—and each nation must itself determine whether the matter is suitable for arbitration—they will first attempt to settle the dispute by diplomacy; that is, through their own diplomatic officials. That is an agreement which they make with each other.

So, Mr. President, up to this time neither the council nor the assembly has acquired any jurisdiction over the dispute. The members themselves have mutually agreed that they will make these efforts on their own part without submitting anything to the council or assembly. In ninety-nine cases out of a hundred the disputes will be so settled. Their agreement, faithfully observed, that they will attempt the settlement by diplomacy, will bring about the settlement.

Fourth. But there may arise a dispute where the disputants, through stubbornness or selfishness, have failed to settle by diplomacy and where one or both claim that the matter is not suitable for arbitration; that is, that it is not a justiciable question. What then is to be done? The parties then agree, under article 12, that they will submit the matter for inquiry only to the council. Here the council obtains its right to act; but to act how? To what end and to what extent is the matter submitted? It is submitted to the end that (a) the council may endeavor to bring about a settlement through the friendly offices of the council; (b) that if the persuasive powers of all these nations in the council can not induce the parties to come to an agreement, a report containing a statement of the real facts of the dispute shall be published so that the people of each country, understanding what the real facts are, would not permit their country to wage war for a wrongful purpose; and that as one side or the other must be wrong the wrongfully inclined Government would be compelled to back down by the force of public opinion. This, in my opinion, would take care of the other one case out of the hundreds of national disputes.

To effectuate such peaceful settlement, the members agree among themselves, that if the council fails through persuasion to effect a settlement of the dispute, it may either unanimously or by a majority vote make and publish a statement of the facts of the dispute and recommendations which it deems just and proper. (Art. 15, 3d paragraph.)

This report has no binding effect on any party. Its purpose is simply to apprise the people of both disputing countries what the real facts are, and to trust to the sense of justice of the people themselves to prevent a wrongful war.

That if all the members of the council, other than the disputants, join in the report on the facts and the recommendations for its just settlement, then all the members agree that none of them will go to war against the disputant that complies with the recommendations. (Ib., 5th paragraph.)

That if the council fails to reach a unanimous agreement, exclusive of the disputants, as to what are the true facts of the dispute or what ought to be done in settlement, then again no one is bound, and the members of the league—not the council or the assembly but the members of the league themselves separately—can take such steps as they deem necessary for the maintenance of right and justice. (Ib., 6th paragraph.) That means that the several nations through diplomatic channels will make still another attempt to compose their disputes when the council and the assembly of the league of nations shall have failed to do so.

Mr. President, almost every argument made on the floor of the Senate, and every one without exception made to the public by Senators opposed to any league of nations, has given the impression to the people of the world that the council or the assembly, as the case might be, is a sort of court or tribunal that decides the disputes between nations, and it is because of these misstatements of the facts and the misapprehension of many of our people arising therefrom that the ground is made fertile for the development of about all the animosities toward this league and especially toward the claimed voting power of Great Britain. I have no doubt the letter read by my colleague [Mr. GRONNA] this morning from the State of North Dakota was entirely founded upon that general misapprehension.

I wish the public could just once fully understand, first, that not one case of dispute out of a hundred would ever go to the council or assembly; second, that even if all other efforts provided for the settlement of disputes should fail, the only thing submitted to the council or assembly is the right to investigate and report the facts to the public. If, despite all these efforts, a nation, criminally inclined, insists upon making war of aggression on another country, all the council or all the assembly can do is to report that fact and recommend to the other countries the military or naval force the other members ought to furnish to prevent one country from destroying another. And, Mr. President, that will prevent war, because no country will ever attempt to fight the world. The league compact simply applies to world relations the same rules that govern individual relations in every community.

To illustrate: Suppose a community should consist of 100 families of different physical power and strength, and, like nations at the present time, each is perfectly independent of any of the others and may commit any act of aggression it has the power to commit. If driven by the exigencies of self-protection, three of these stronger families should ally themselves for offense and defense against three other strong families, that

might check offenses for a time against any one of these six families, but it would allow the families which had thus prepared themselves for aggression toward each other to direct their war machinery against the weaker families, and through annexations disturb the balance of power and thereby bring about the very thing the alliance sought to prevent. But, on the other hand, if all these 100 families enter into a compact, each one with the 99 others, that they will join to prevent any one family from doing a wrong to another, any family inclined to do such a wrong would desist from so doing, not through inclination, perhaps, but perhaps because it would know it would be defeated and ultimately punished for the attempt.

Now, every community, large and small, in every civilized country is governed entirely by such a compact. Every man in every city and county and State is under a legal obligation, by the very form of the government of his community, to protect the life, liberty, and property of every other citizen. Is he ever called upon to do this? Why, there is not one man in a thousand that would be called upon once in a thousand years to use his physical efforts to accomplish this result. The fact that he is ready to do it, the fact that he is bound to do it, and the would-be offender knows that he is ready and bound to do it, is what maintains peace throughout every civilized community on the face of the earth. The same rule will work exactly the same way between nations, which are but bigger collections of individuals, and if we will have the courage just once to establish the rule, there will be no calling upon the soldiery of all nations to carry on distant war. That is the key to the whole situation—national courage to do what individual courage has done in every community. I have never been summoned to Denver or San Francisco to quell a disturbance, and I will never be summoned to Pittsburgh or Cleveland for such purpose.

So, Mr. President, you will see that even if it were true that Canada had a vote in the assembly, the only thing on earth the Canadian representative could vote on would be the question of what are the facts in any given dispute, and he could not even exercise his judgment on that if the dispute were one in which Canada or any other part of the British Empire had an interest.

What awful danger, therefore, is there or would there be in allowing this fully self-governing country to exercise a vote on this simple proposition of what are the facts in a given dispute, or what ought in fairness to be done to secure peace and tranquillity?

But you say Canada might be added to the council. Mr. President, that is an impossibility under any reasonable construction of this compact. The power to admit new members to the council is contained in the second paragraph of article 4, which reads:

> With the approval of the majority of the assembly, the council may name additional members of the league—

Keep that in mind—

> whose representatives shall always be members of the council; the council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council.

I call special attention to the fact that the countries whose representatives shall be so selected by members of the council are to be "additional members of the league." As these self-governing dominions are, by the terms of the instrument itself, already made members of the league, they could not be included in the phrase "additional members of the league." Therefore, neither Canada nor any other British dominion could, by any possibility, be made members of the council.

It is clearly evident that the purpose of the framers of this instrument was to permit the inclusion of Germany and Russia as soon as they should become fit for membership in the council. But, Mr. President, there seem to be those who claim that Canada or other British dominions could be voted into the council. They can only adopt that construction by insisting that the word "additional" related to the council and not to membership in the league when it speaks of "additional members of the league," a meaning that would grossly violate the true meaning of the language used.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. BALL in the chair). Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. I have stated that I would rather not yield until I get through, because I wish to make my remarks as compact as possible. Then I will gladly yield.

Mr. McCORMICK. Very well.

Mr. McCUMBER. But even if that could be done, it would still require a unanimous vote on the part of every member of the council, including the United States.

Let us look a moment to see how any new member can be placed on this select committee of nine constituting the council.

The first five can never be removed. They are the United States, the British Empire—not Great Britain—France, Italy, and Japan. Article 4, relating to the other four members of the council, whose membership in this important body is not quite absolute, says:

> These four members—

That is, the four to be selected for membership in the council—

> shall be selected by the assembly from time to time in its discretion.

That discretion can be exercised only by a unanimous vote, because article 5 provides that—

> Except where otherwise expressly provided in this covenant or by the terms of this treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

And this is not one of the cases where it is "otherwise expressly provided."

Suppose, now, Canada wishes to secure this place, even giving it that wrong construction, and that Spain or Brazil or Belgium or Greece must be removed. Then the member which must be displaced must vote for its own displacement, and the United States must also vote that Canada must come in, and Brazil or some other nation must go out. Such a thing never can and never will take place, even if that construction were possible.

But, it is said, you may add to the membership of the league and thereby give those additional members a place on the council without displacing an old one. Yes; but I insist that this selection can be only from additional members of the league, and not from those who are upon the original membership roll, because it always speaks of "additional members of the league." But here again, even adopting the contrary construction, you are up against the requirement for unanimity of vote in the council. The second paragraph of article 4 provides:

> With the approval of a majority of the assembly the council may name additional members of the league, whose representatives shall always be members of the council.

You will observe here, again, that two steps are necessary to name additional members of the league who shall always be members of the council: First, a majority of the assembly must approve the addition. This is one of the cases "otherwise expressly provided," where less than a unanimous vote is required. Second, the council must also name such approved additional members and the vote of the council is not "otherwise expressly provided," and must, therefore, be unanimous to become effective. Therefore, such newly proposed member can obtain admission to the council only by unanimous vote of that council. That relates to those who are to have a permanent place in the council.

This same second paragraph of article 4 also provides:

> The council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council.

Undoubtedly this last provision means the possible addition to the four transient members of the council. The vote of the council in admitting additional members to the transient class, for the same reason, must also be unanimous.

Mr. President, though I have never heard the paragraph explained I can see the unexpressed purpose, the expectation that Germany and Russia shall soon be added to the class of unremovable members of the council. And this is as it should be. The Germans are a great as well as a powerful people, numerically and otherwise. And when that nation shall have renounced its diabolical doctrine that a State can commit no wrong except the offense of failure, justice as well as world peace demands that she should hold her place among the nations, not as a disturber but as a protector of world tranquillity.

Is there a case in which a dominion of the British Empire could have a vote separately from the Empire itself? Of course it could not in the council because it is not a member of the council and can not become a member. But could Canada vote in the assembly, and if so under what circumstances?

Once more I must caution Senators, as well as the American public, that neither council nor assembly is constituted a board of arbitration. Neither ever enters a judgment or an award. All that either can do under the covenant, so far as disputes are concerned, is to say what the facts are concerning those disputes.

Every member of the league is a member of the assembly. Therefore, the British Empire is a member of the assembly, as well as of the council. Canada is also a member of the league (see article 1 and Annex). Therefore Canada is a member of the assembly. Article 3 provides that each member of the assembly shall have one vote. Therefore Canada has a vote in the assembly. But on what has she that one vote? Mr. President, if the assembly is deciding what the facts are between Czechoslovakia and Turkey, both the British Empire and Canada would, I think, have a vote. If the

question were one in arriving at the facts pertaining to a dispute between any member of the British Empire and any other nation, neither that nation nor any member of the British Empire would have a vote. Why? Because the parties to a dispute are eliminated from the decision by the provisions of article 15, and the dispute with a part of an empire, as I have stated, is a dispute with the whole empire, and a dispute with a dominant member is necessarily a dispute with each part. I do not think anyone seriously questions that conclusion on that proposition.

But to eliminate any possibility of doubt, I have suggested a reservation which reads as follows:

Sixth. That the United States understands and construes the words "dispute between members" and the words "dispute between parties" in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies; and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member but also its dominions, colonies, and dependencies.

Mr. President, that proposed reservation does not change the true intent of article 15, which excludes representatives of the parties to the dispute. It simply makes certain that construction which everyone has given to this section, except a few opponents who would prefer the other construction in order to bolster up their opposition, namely, that a dispute with a part is a dispute with the whole, and a dispute with the whole is necessarily a dispute with every part. It is intended to make absolutely certain that in a dispute with any member of the British Empire every part of that Empire would be excluded from participation.

But the opponents of any league of nations are not satisfied with this exclusion. They wish to obtain for the United States a power on every occasion six times as great as that of any other country. If there should be a dispute between Great Britain and Austria, neither Great Britain nor her colonies nor her dependencies could cast a vote in the assembly. They, together with Austria, would be excluded in the findings of fact. But the United States, France, Italy, and Spain, and every other country would each have one vote as the league provisions now stand. They would be absolutely equal.

And now comes the Johnson amendment and demands that the United States shall have six votes on every dispute and each of these other countries but one vote. And, Mr. President, the very Senators who are making this most selfish demand are shouting from the housetops that Great Britain has packed the jury because Canada and Australia, not as a part of Great Britain but as wholly self-governing nations, who fought this grim war to a finish, demand and receive a recognition on matters to which Great Britain is not a party, a recognition equal to that of a score of other little insignificant states that never turned a hand to safeguard the world when all that civilization holds dear was at stake. The only nation that would hold a real advantage over the other nations in this league is the United States of America.

By virtue of our peculiar situation we would have an advantage over not only Great Britain but over every other nation in the world. We not only enter this league with special reservations in our favor, such as that relating to the Monroe Doctrine, but also other proposed reservations intended to relieve us from duties imposed on our allies. But these are the least important of our advantages. The far greater advantage lies in the fact that we shall, by reason of our relationship with other countries, control an overwhelming voting strength in every controversy.

At a mere nod from the United States our begotten child Panama, our foster-child Cuba, our wards Nicaragua, Haiti, Guatemala, Honduras, Uruguay, Ecuador, Bolivia, Peru, and even Brazil declared war on Germany. If by the mere raising of a finger these 10 countries declared war against a country that had certainly committed no offense against them, can any unprejudiced mind fail to understand that in every controversy that can affect our interest in the remotest degree the votes of all these States will be cast en bloc for whatever we may desire?

Yes, Mr. President, not only these countries but practically every country in the Western Hemisphere would follow our lead.

Talk about Great Britain having an advantage. Why, Mr. President, if Great Britain should have a quarrel with Guatemala about an oil lease, Great Britain and her dominions would be eliminated. But these children and stepchildren and wards of the United States, numbering a score, would follow the lead of this great country just as surely as the satellite follows the course of the planet.

We all know very well that if we should ask this further advantage of six votes every other country would ask the same. France and Italy and Greece would ask the same, and finally you would get back to Guatemala and Haiti and Liberia, and each of them would ask and demand their six votes. to be equal as a national unity. Mr. President, no world conference having a sense of gratitude in its heart or of justice in its soul would deny to Canada or Australia or New Zealand or South Africa also six votes. Our position will always make us a dominant power. But notwithstanding this advantage, the other nations are willing to rely upon our national honor. With that advantage can we not accord therefore to these other nations some confidence of integrity?

But, Mr. President, let us for a moment look at this subject from the standpoint of the right of Canada to admission as a separate self-governing nation, and I use Canada as typical of Australia, New Zealand, and South Africa.

I would like to put this question straight to every American man, woman, and child: Has Canada, a fully self-governing, independent dominion, earned by her sacrifices in blood and treasure through more than four years of this bloody war a right to a seat in the assembly that would give her a voice in effect equal to Haiti, or Hejaz, or Honduras, or Liberia, or Nicaragua, or Panama, or Peru, or San Salvador. or Guatemala, not one of which ever sacrificed a single soldier or a single dollar in defense of this great world principle? I know what the American people would answer if it were put directly to them.

Every delegate in that great peace conference declared that Canada had earned this recognition. Every nation signatory to this compact declared that it had no fear of Canada. The Senate of the United States is the first body that has ever challenged this slight recognition to Canada for her great sacrifices in this war.

Why were all these other little South or Central American States included in this compact? They were included because they had made a paper declaration of war against Germany. Why did they make this paper declaration of war against Germany? Who asked them to do so? The United States requested them to do so. Would any one of them have declared war except to please the United States and to show that they were on the same side? Did any one of them declare war until after we had declared it? Has any country in Europe complained that the United States, by reason of her position as the protector of all these Central and South American States against European aggression, has a control over every one of them, and would exercise a control over the votes of every one of them by a much stronger pressure than the pressure which even Great Britain could exercise upon Canada on the only questions on which Canada could exercise judgment?

Canada, a country whose population is about one-fourteenth that of the United States, furnished about 500,000 soldiers. If I remember rightly her losses were about 100,000. exclusive of the wounded and permanently injured. Her expenses were enormous. Her debts will be a heavy burden for many years. You say Great Britain controls the Canadian vote. Does she control the Canadian vote any more than the United States controls the Cuban vote or the Panaman vote or any Central American vote? Did Great Britain vote Canada into this war, or did Canada vote herself into it? Does Great Britain govern Canada's vote in the matter of tariffs? If Great Britain did control her there would be no tariffs levied against British goods. Does Great Britain control the action of Canada against the immigration of Asiatics, or does Canada control her own domestic affairs? When Canada made an agreement for reciprocity with the United States some years ago, was the agreement made with Great Britain or was it made with Canada? All you can say is that by reason of the relationship Canada still holds a kindly sympathy for the mother country. So do the German-Americans for Germany. So do the Irish-Americans for Ireland. So do the Scandinavian-Americans for Scandinavia. But do you disfranchise them because of that kindly feeling toward the fatherland?

Compare Canada with all these other nations that have signed this agreement. In territory she is the greatest of all. In population there are but 9 countries that exceed hers, and 22 which have a less population. Some of these countries have a population less than the city of Washington, and yet you give them a vote simply because they declared a paper war. And yet you say that Canada, who did so much to win this war, whose declaration was sealed with the blood of 100,000 of her sons, must be excluded.

All over the country Senators are shouting day and night that Great Britain, with a diplomacy which had outwitted every other country, had secured an advantage of a six-to-one vote over each and every other country represented in this world conference. What a compliment that is to the intelligence of the representatives of every other country!

As a matter of fact Great Britain never asked that these self-governing dominions of hers should have separate membership in the league at all. She was quite willing to assume the responsibility of representing them. But, Mr. President, they preferred to represent themselves just as they had represented themselves in declaring war—just as they had represented themselves on every field of carnage during the four long years of the bloodiest battles this old earth has ever witnessed. These nations, rising from the battle trenches, bleeding and blood begrimed—these nations with the fever of battle yet in their hearts—these nations which for four years had witnessed their brave sons mowed down by the merciless machine guns and mangled by bursting shells—these nations standing by the sanctified graves of their noble dead—these nations that have passed through the mouths of a thousand hells that this earth might be made safe for free people and free governments, demanded of their own right the privilege of sitting in the council chambers of the assembly, demanded the modest right to speak on the affairs of the world they had fought to save, with a voice as potent as that of Haiti or Uruguay or Liberia.

Mr. President, no nation represented at this great world conference had the conscience or the right to deny them this little recognition. And as an American who honors heroism and loves justice I shall never cast a vote of distrust against a single one of these brave little nations.

Mr. President, these nations were allowed a separate vote, independent of the British Empire, in this assembly, not in the council, but in the lower body, because, measured by what they had done, no nation could deny that they had earned this right. Every nation recognized Canada to all intents and purposes as an independent, self-governing nation. Every nation knew that if you were to deny nations a vote because of their sympathy with other nations and because other nations might influence them, you would deny the right of practically all but the greatest nations to vote in this assembly.

Strange as it may seem when we stop to contemplate it, every country engaged in this war thinks that it was the particular country that won the war. Not only this, but each subdivision of each army thinks that it was the particular subdivision whose efforts won the war. Great Britain says the war never could have been won except by her Navy, which held the command of the seas. France is certain that she won the war; the United States that the war could not have been won without her sons at Chateau-Thierry; and Canada, whose soldiers fought so valiantly on every field of contest, feels exactly the same. Well, the whole truth of the matter is that they all won this war, and each, acting with the others to win this war, is entitled to the same credit and the same honor for what each one did and the same place in any forum established to discuss world troubles.

Sometimes in arriving at a conclusion as to what particular army gave the final blow that broke the enemy, it might not be out of place to consult the enemy. I have been reading Ludendorff's history of the war. Gen. Ludendorff says that in the British offensive which started on the 8th day of August, 1918, the great assault made that day by the Canadians and the Australians was the blow that initiated the final defeat of the German armies. That may or may not be conceded by other nations, but it is an enemy admission that at least pays a high compliment to our neighbor, Canada, and our friend, Australia.

Senators opposed to this league seem to be imbued with the idea that we ought not to enter into this compact unless we can so dominate the situation that there never can be any possibility of any decision against us, even if we should be in the wrong. They are not even willing to take a chance where, excluding the parties to the dispute, the vote must be unanimous even as to what the facts are in the case—to have the force even of a moral suggestion.

From all these debates against the league one would conclude that the moment the armistice was declared last November we became the allies of Germany and Turkey and Bulgaria, and our old allies in this awful carnage, those who had stood the brunt of the war and suffered all its horrors for four years before we could be prepared to joint them, became our deadly enemies; that the thousands of brave seamen who dared the hidden mine and the deadly submarine, and whose comrades went down to watery graves by thousands that ships so sorely needed by their own countries might transport our soldiers to perform their great part in this war for human rights, are now enemies at heart of the United States; and that while all these other allied nations trust each other and trust us, we can not afford to put the slightest trust in their honor or integrity. We ought to be ashamed to harbor such everlastingly selfish motives and distrust against our allies.

There were in the Senate gallery when the Senator from New Jersey was making an address the other day a number of New Zealand officers who were on their way home from France, and who, landing at New York, decided they would take advantage of the opportunity to visit the Senate of this country, their great, strong, and friendly ally in this war, with whose sons they had so often fought and bivouacked on the fields of France. There were some Canadian officers with them. I can appreciate their feeling of disappointment as they heard from this eloquent Senator words that breathed distrust and hatred against them and their mother country. I was particularly struck by the expression of sadness which I saw on the face of each one as they departed after listening to this speech, though none said a word. The Senator in that speech said he would deprecate any Anglo-Saxon misunderstanding, and yet he would kick this great Anglo-Saxon self-governing Canada out of this league because in a dispute between Belgium and Germany, or between Italy and Austria, this neighbor of ours and our good Australian friend would have a vote on what the truth of those facts in dispute might be. He would not have any Anglo-Saxon misunderstanding, but he would have Australia out of this league as unfit to associate in the assembly with Hejaz, with black Liberia, or blacker Haiti, with effervescent Guatemala, or discordant Honduras.

Now, do you want to give Canada a place anywhere in this league? Do you believe that by her sacrifices she has earned a right to sit in the assembly with Uruguay or Haiti? If you do, then let her have that voice in the assembly. Let her have it upon questions in which neither Canada nor Great Britain is a party. Let her have it on the only question that can really be decided, so far as disputes are concerned, the question of what the facts are in any given dispute, a question that binds no one, but the decision of which appeals only to the conscience of the people of any country.

Give her, whose blood commingled in unstinted stream with her allies on every battle field of Europe, whose soldiers fought and bled and died side by side with our brave American boys, this slight honor. In the name of the brave and the true of all nations who fought the battle for human rights, in the name of the noble dead and the wounded and bleeding survivors of this awful conflict, let us accord to Canada what France and Belgium, the graveyards of her heroic sons, have accorded her—a confidence in her integrity and sense of justice and a place of honor among the nations of the world that dared to die to save that world from military slavery.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. BALL in the chair). Does the Senator from Montana rise to make a request? The Chair had promised to recognize the Senator from Illinois [Mr. McCORMICK].

Mr. McCORMICK. I do not desire to prevent the Senator from Montana addressing the Senate at this time, if he so desires.

Mr. WALSH of Montana. Mr. President, I am in the same frame of mind with reference to the Senator from Illinois. I have no desire to claim any precedence at all. I am very glad to yield to the Senator from Illinois if he desires to address the Senate.

Mr. McCORMICK. Mr. President, I had intended to speak very briefly upon the resolution which I introduced during the morning hour and upon no other phase of the general question before the Senate, but I do not feel that I can allow the remarks of the Senator from North Dakota [Mr. McCUMBER] to pass without comment.

It is an unhappy circumstance of this debate that Senators find it necessary to impute bad faith to those who differ from them; to insinuate that they are wittingly misrepresenting facts; to challenge, by innuendo, the patriotism which has animated Senators of the United States through the long years. When last he spoke, the Senator from California [Mr. JOHNSON], whose amendment the Senator from North Dakota has discussed this afternoon, expressly disclaimed for himself and for others who are supporting his amendment any desire to withdraw from Canada the vote accorded her under the terms of the covenant or to deny to the other self-governing dominions of the British Empire or even to deny India the votes which the covenant bestows upon them. As I recall his speech, the Senator from California asserted then that what he sought through this amendment was not the denial of votes to any of the component parts of the British Empire, but an equal vote for the United States, which has twice the self-governing population of the British Empire.

The Senator from North Dakota has ascribed to the supporters of this amendment not only the desire to deny Canada and the other self-governing dominions a vote in the assembly of the league, but has categorically denied that there was any possibility of Canada or any other of the dominions being

represented in the council of the league. If that be true, why the letter addressed to Sir Robert Borden? If that be true, why should the Prime Minister of Great Britain, the president of the council of France, and the President of the United States join in an unequivocal assertion to the contrary? Surely the Senator from North Dakota does not ascribe to the three signers of the letter addressed to Sir Robert Borden any want of intellectual integrity or any intention to deceive the Canadian Parliament in order that it might be induced to ratify the covenant. The letter itself, if one may judge from the debate in the Canadian House of Commons, was obviously a part of the negotiation which led to the inclusion of the dominions and of India as voting powers in the assembly of the league. It was to make manifest to the parliaments of the dominions that they came in on a legal or constitutional equality with other members of the assembly; that they were represented not by voices only but by equal votes and enjoyed equal rights.

Mr. MOSES. Mr. President——

Mr. McCORMICK. I yield to the Senator from New Hampshire.

Mr. MOSES. I should like to ask the Senator if the question has not obviously been discussed and disposed of in the course of the genesis of the covenant of the league as presented to us by reason of the fact that in the earlier draft proposed for the covenant of the league the representatives of the constituent nations were to be the diplomatic representatives of those nations, accredited to a certain unnamed capital? It being apparent that Canada, Australia, New Zealand, South Africa, and India had no diplomatic representatives, and therefore could not have representation in the league under that basis, the entire structure of the league as originally proposed was changed in order to give these dominions, colonies, and parts of the Empire a clear and unequivocal representation in the league, with the ultimate privilege, as pointed out in the letter of the big three to Sir Robert Borden, of seats in the council itself.

Mr. McCORMICK. The Senator from New Hampshire, if he will permit me to say so, merely adds evidence to evidence which is already conclusive on that point. Nobody would deny Canada a vote. There is no one here who belittles her splendid sacrifices, nor is there anyone here who belittles the great and splendid part in the war played by Great Britain when during the long years, while she awaited the coming of the conquering legions from overseas, she held the bloody breach. Never in her greatest days was England greater than she was during the long agony of this war; but, Mr. President, I do not think that any proponent of the covenant as it stands or that even any among those who believe that the British Empire should have six votes to one for the United States would hold that the measure of sacrifice, actual or relative, should be the gauge of representation, whether in the assembly or the council of the league.

It would be invidious to draw comparisons in this regard, but among those who first made sacrifice upon the altar of liberty and those who spent most liberally of their treasure and their blood France ranks as chief, and yet nowhere have Frenchmen ever asserted that on that score France should enjoy a primacy in the league.

Mr. MOSES. Mr. President——

Mr. McCORMICK. I yield to the Senator.

Mr. MOSES. May I ask the Senator if it is not a fact that others of the nations constituting the league have colonies or dependencies quite as much entitled to representation as the British dependency of India? Is it not a fact that, upon the basis of Indian representation in the assembly of the league, the French, if they saw fit to do so, could quite as well demand representation for their African and Asian dependencies, and Belgium also for her African colonies?

Mr. McCORMICK. Mr. President, the Senator's question is opportune at this moment. In connection with the remark of the Senator from North Dakota that no one save Senators of the United States has challenged the disproportionate representation of the British Empire in the league, Sir Robert Borden, who is a credible witness, remarked during the course of the debate in the Canadian House of Commons that the representatives of every great power had challenged the proposal that the dominions of the British Empire be represented in the league. If he is to be believed, the representatives of the United States, then, as well as those of the other powers, challenged the very representation which now they support upon the stump and in the Senate of the United States.

The Senator from New Hampshire, who, like myself, has followed the debates in the French Chamber through the Journal Officiel of the French Chamber of Deputies, will bear me out when I say that not once but repeatedly critics of the treaty in the French Chamber have based their criticisms, in part, upon that disproportionate representation.

M. Angagnew, in a speech which might be characterized as bitter, argued that French colonies no less than those of Britain deserved representation in the assembly if British dominions and dependencies were there to be represented.

M. Franklin-Bouillon, who is known to many Senators, who himself is a graduate of an English university, and who is the chairman of the committee on foreign relations in the French Chamber, has twice spoken against the treaty on the score of the representation of the British dominions and the Empire of India in the assembly of the league.

It is the habit of men when they are engaged in debate, and especially when they are supporting a cause which hitherto they have opposed in principle, to become more royalist than the king. In this case they are prone to be, as a distinguished British editor has pointed out, more English than the English themselves.

Mr. MOSES. Mr. President——

Mr. McCORMICK. I yield to the Senator from New Hampshire.

Mr. MOSES. I hope the Senator will not pass from his interesting discussion of the debate in the French Chamber without permitting me to call attention to the fact that the French critics of the treaty in regard to the disproportionate representation of the French Republic and the British Empire felt constrained not to press that criticism to the point of textual amendment of the instrument because they hesitated to add further irritation to a strained situation between the French and British, already well-nigh to the breaking point, growing out of incidents connected with the publication of the British-Persian agreement, and that it was only because they hesitated to see themselves flying in the face of their allies that they desisted.

Mr. McCORMICK. Oh, no; the Senator is not quite accurate on that point. They forbore to press textual amendments because, under the French constitution, the Parliament is forbidden to amend a treaty.

Mr. MOSES. Ah, yes, Mr. President——

Mr. McCORMICK. If you please, during the debate their criticism was restrained in view of the bitterness engendered by the treaty. They substituted for amendments resolutions, of which more will be heard during the debate in the Senate.

Mr. MOSES. Yes, Mr. President; but that particular resolution was not pressed at the moment in the French Chamber because of the situation which I have described.

Mr. McCORMICK. I think that is true.

I was saying, Mr. President, when the Senator from New Hampshire interrupted me, that in the course of this debate Senators have become more royalist than kings and more English than the English themselves. The most conspicuous supporter of the league covenant in England, who has not held office under the coalition government, is A. G. Gardiner, until recently editor of the London Daily News, which is the foremost of the so-called "cocoa" press in London, widely read, and as influential as any of the organs of liberalism in England—the most powerful, perhaps, of the British liberal organs.

Great Britain—

Writes Mr. Gardiner—

doesn't want any loaded dice; the British Empire is a unit, one and indivisible.

Admitting—

And I now quote the correspondent—

that the present draft of the league of nations covenant gave the Empire a preponderance of votes in the assembly, A. G. Gardiner, editor of the London Daily News, advocated to-day an amendment—

Not a reservation, but an amendment—

stipulating expressely that when one section of the British Empire is involved in a matter all other sections be prevented from voting.

"If asked to accept such an amendment, I am sure the British people willingly would do so," Gardiner said.

"The spirit of the covenant certainly contemplates the British Empire as a unit. But it fails to specify this, probably, because the omission never came to the attention of the peace conferees. Now that the issue has been raised, however, it will not be difficult to make the wording conform to the spirit and to eliminate America's cause for fear. Perhaps the wording could be changed without resubmitting the covenant to the nations concerned if Great Britain, as the interested party, would request the change."

Here, Mr. President, the English are purposing to do in our behalf what Senators shrink from doing in the service of the United States.

Mr. Gardiner continues:

"Although the intention of the conferees obviously was **not to** give the British Empire more votes than the United States, the **text of** the covenant justifies Senator REED'S assertion. He believes that in **case** of a dispute between the United States and one section of the Empire, the other sections would be sitting in judgment on the matter. Personally, I think it is debatable how much the scales would be **loaded.**

It is conceivable that Canada's or South Africa's interests might be opposed to those of the Empire, or even allied with America's. But I readily understand the American concern in the matter and recognize it as a real objection which should be met. Perhaps the best way would be to insert a ruling in the covenant specifically covering this exigency."

Mr. President, unless the grounds for differences in the covenant, in the treaty, or in diplomatic negotiations and instruments which have been consummated contemporaneously with the treaty be debated now and with candor we shall enter the league, if enter we do, threatened from the beginning with bitter controversies.

The dice, some of the parties to the covenant will feel, are loaded. It is, perhaps, one of the penalties of intimate association between powers that acrimonious disputes should arise which do not arise between powers whose relations are few and are simple. It is for that reason that many of us shrink from entering into intimate bonds with the old powers, whose European interests have engendered recurring animosities and recurring wars for generations.

If I have ventured to quote so distinguished a supporter of the league as Mr. Gardiner, so unwavering and so unqualified a supporter of the President as is Mr. Gardiner, on the matter of equal representation of the great powers in the assembly of the league, it is because Mr. Gardiner's position demonstrates what happily may prove true in the future as in the present—that when differences arise between countries candid, courageous, and fair-minded men will speak out, wherever they may be found. At present public opinion in Europe is aroused over the Anglo-Persian treaty in a degree——

Mr. LENROOT. Mr. President——

Mr. McCORMICK. I yield to the Senator from Wisconsin.

Mr. LENROOT. Before the Senator leaves this discussion of inequality of voting, I want to ask him whether he thinks the best remedy for this inequality is to increase the number of votes of the United States?

Mr. McCORMICK. Mr. President, the Senator from Wisconsin knows, of course, that I am opposed to the terms of the covenant as they stand; but if the covenant is to remain a political instrument I am inclined to believe that that is the better remedy.

Mr. LENROOT. Will the Senator, then, tell me how, in his opinion, an increase in the number of votes of the United States would protect the United States in any matter in which she was vitally interested? If the Senator will permit me to give him an illustration——

Mr. McCORMICK. I was going to ask the Senator from Wisconsin to elaborate his point.

Mr. LENROOT. If the vote of the United States is increased to six in a given case, and we should have a dispute with some member other than Great Britain—because there is another amendment which takes care of that—what difference could it make to the United States in that dispute whether it had one vote or a hundred? None of them could be utilized in any case in which she was a party to a dispute.

Mr. McCORMICK. I think the Senator from Wisconsin means to ask me if I believe that the addition of five to the number of votes of the United States would be protection enough. I do not.

Mr. LENROOT. In any case where we were a party to a dispute we would have no vote at all, whether one or five.

Mr. McCORMICK. Precisely. I was saying, Mr. President, that I had ventured to quote the former editor of the London Daily News in this connection, because I believed that one of the promises of better relations between the powers lies in the increasing readiness of candid and courageous and fair-minded men to speak out upon these differences.

The Anglo-Persian treaty has provoked more bitterness and more discussion in Europe than it has in the United States. It has engendered a sharp difference of opinion in England, no less than in France. During a recent debate in the Senate upon the relation of Persia to the British Empire under the proposed covenant, and under the treaty consummated between Persia and the British Empire, allusion was made to the disclaimers on the part of the British Government, disclaimers of any intent to impose a protectorate upon Persia or to establish one by negotiation. In order that there may be no assumption, on the part of those who defend the British course more unequivocally than do the British themselves, that I for one seek to impute to the British Government a dishonorable motive, or to the British people an all-conquering lust of territory, I want to read, in part, Lord Curzon's statement. It is the more interesting because of his long study and long experience in Egypt, in the Levant, and in India, where he served as viceroy. Speaking of Persia and the establishment of a protectorate over Persia, Lord Curzon says:

On the contrary, she would have resented and resisted it. I should have been opposed to it because it would have been contrary to our repeated engagements, and, in the last resort, because I should have regarded it as inimical to British interests.

We have, or shall have, as a result of this war, enough to do in the eastern parts of the world. If a nation assumes a protectorate, it also assumes certain responsibilities which have a tendency to attain the weight of a heavy burden. Above all, it is compelled to give financial assistance on a scale which may ultimately be overwhelming. Therefore, neither I nor my colleagues would have consented to or acquiesced in anything like the creation of a British protectorate over Persia.

Mr. Cecil Harmsworth, under secretary for foreign affairs, in the House of Commons spoke as follows:

The policy of His Majesty's Government is to assist Persia to reestablish herself on a sound basis. There is not the slightest foundation for a suspicion that the Government proposed, or that the Persian Government would have consented, to create anything in the nature of a protectorate.

Before I advert to similar disclaimers in the past I beg leave to read from current comment in the British press. The British Manchester Guardian, which in the north of England is the fellow of the London Daily News, says:

If these things had been done by any other power, we should say that they amounted to a veiled protectorate.

The Daily News, presumably under its new editor, bitterly dissents from the disavowal of the Government, saying:

Our record up to the present in this matter is anything but creditable. We have committed ourself to an agreement with France incompatible with any genuine belief in the efficacy of the league. We have concluded an agreement with Persia constituting an open mockery of the principles that the league embodies. We have announced a scheme for the preference for mandate territories no less incompatible with the spirit underlying the whole covenant.

The London Post, which represents the opposite pole of British political opinion, speaks in the same vein.

I have here the English Review for September of this year:

The first test—

Of the new era among peoples, says the editor—

is the petty controversy between France and Britain over the small division of the spoils that has its "spiritual home" or material oil fields in Persia. There we have at least neutral territory. Persia did not come within the zone of war, but Persia is to come within the settlement, and so for £2,000,000, invested at the comfortable return of 7 per cent, we are to guarantee Persian integrity and self-determination. Those who remember the Persian delegation knocking at the door of the "big three" at Paris must indeed smile when they read of this accord so profiteeringly yet happily arranged "on the spot," far from the importunities of the league of nations, for though to the general public the deal may signify little, to those who have oil shares it means much, and to the diplomatists of the old secret school it is a master stroke. Persia is settled. We assume responsibility. Persia enters the British imperial orbit.

The trouble is France, for the French are logical, and, looking at Persia, they not unnaturally ask where they come in, seeing that oil is good business and Persia occupies a highly important strategic position, the railways for which they, at any rate, would like to control or contract for pari passu.

I said a few moments ago that I quoted Mr. Harmsworth and Lord Curzon in order that none of the supporters of the Anglo-Persian treaty in the Senate might attribute to me the assumption that the British Government was not speaking in good faith.

Mr. KING. Will the Senator permit an interruption?

Mr. McCORMICK. Certainly.

Mr. KING. Mr. President, of course I am very much interested in the exposition the Senator is giving of the action of Great Britain with reference to the negotiation of the Persian treaty; and it is also interesting to know the views of the liberal press in Great Britain relative to the action of their Government; but this is the question I am about to propound to the Senator—and I do not do it with any purpose to be offensive——

Mr. McCORMICK. Although that may be the consequence.

Mr. KING. What does the Senator suggest should be done by this Government? How are we, in the view of the Senator, to interpose ourselves to prevent the execution of the terms of that treaty? If Persia is satisfied, is the Senator from Illinois dissatisfied with the treaty; and if so, is it the purpose of the Senator from Illinois to suggest that our Government should intervene and try to set aside the treaty and interpose itself or the league of nations to bring Great Britain and Persia within the league of nations as a subject of review?

Mr. McCORMICK. In the language of Francis, answering that other incomparable philosopher and parliamentarian, the friend of Sir John Falstaff, I say "Anon." I will touch upon that point later. But let me ask if the Senator has read the text of the resolution which I introduced this morning?

Mr. KING. I heard it read this morning from the desk.

Mr. McCORMICK. The Senator doubtless has noted in the press that the State Department has made representations to the British Government on the score that the Anglo-Persian

treaty was not in consonance with the negotiations which have been so happily consummated at Paris.

Mr. KING. I recall that the newspapers published something respecting the attitude which the State Department had taken, and yet I was curious to know upon what theory the State Department of our Government was interposing and was calling to account either Persia or Great Britain for the negotiation of a treaty which seems, so far as I can ascertain, to be quite satisfactory to both England and Persia.

Mr. McCORMICK. I am not less curious than the Senator from Utah as to the terms which our State Department addressed to the British Government. Perhaps he may be more successful than other Senators have been, and perhaps than I shall be, in eliciting those terms.

Mr. WALSH of Montana. Mr. President——

Mr. McCORMICK. I yield to the Senator from Montana.

Mr. WALSH of Montana. I think perhaps I can shed some light on the question in answer to the inquiry of the Senator from Utah. The covenant of the league of nations provides that any treaty contrary to its provisions, and in violation of its spirit, shall be void; and consequently the United States, if the existing treaty should be adopted and the league of nations become effective, would be entirely within its rights in calling the attention of Great Britain to the fact that the Persian treaty was in violation of the covenant. But if it were not for the present treaty, as a matter of course the United States would be guilty of questionable propriety in making any suggestion of the kind. I take it, therefore, that the Senator from Illinois, who protests so vigorously against the Anglo-Persian treaty, is quite pleased that the Government of the United States has this opportunity to call attention to the inconsistency between it and the present treaty.

Mr. McCORMICK. I have said to the Senator from Utah, "Anon." I will say to the Senator from Montana—

> There are more things in heaven and earth, Horatio,
> Than are dreamt of in your philosophy.

But I wish to dwell upon the aspects of the Persian treaty as they were discussed here upon the floor the other day in connection with the guaranties under article 10.

When the Senator from Utah interrupted, I had referred to the statements of Lord Curzon and Mr. Cecil Harmsworth, and I wish to recall at this time that thirty-odd years ago similar statements were made by Lord Granville and Lord Dufferin, and more notably by Lord Salisbury and Mr. Gladstone, in connection with a like situation. British troops were in occupation of Egypt, as they were quartered in Persia at the time the recent treaty was negotiated. An anomalous diplomatic relation, a sort of irregular political intimacy, had been established between the Egyptian and British Governments, as now one has been established between the Persian and British Governments. Mr. Gladstone remarked at the time that occupation prolonged would be an annexation.

> We are against it—

Said he—that is, against annexation—

> on the ground of the specific and solemn pledges given to the world in the most solemn manner and under the most critical circumstances—pledges which have earned for us the confidence of Europe at large during the course of difficult and delicate operations, and which, if one pledge can be more sacred and solemn than another, special sacredness in this case binds us to observe.

It was Lord Salisbury who retorted in the House of Lords to the suggestion that the occupation should become permanent, that a protectorate should be established or that Egypt should be annexed to the Empire—

> My noble friend pays an insufficient regard to the sanctity of the obligations which the Government of the Queen have undertaken and by which they are bound to abide.

In Egypt, as in Persia, the British entered into political relations and economic relations with the native Government, to assure the payment of the Egyptian bonded debt, to restore and establish order, to advance the economic interests of the country, to insure its development.

Senators will recall that French opinion at the time was restive, as it was at intervals, until ultimately, when Commander Marchand crossed the Sahara and arrived at Eashoda, France and Britain were at swords' points. There was engendered an animosity and a tension as great as that which preceded the outbreak of the Great War, greater than that which followed the Agadir incident by far. It was only relieved when France renounced the explorer's title to the countries discovered by Marchand.

There were British advisers appointed, as British advisers are to be appointed in Persia, to the vast material benefit of Egypt; advisers in the administration of the railway; in irrigation; in agriculture; advisers civil and advisers military. British capital was sought to encourage the economic development of the country. The material development of Egypt under Lord Cromer is a monument to the administrative genius of Britain and to the impartial justice meted out under the heavy hand of the occupying power. Egypt blossomed like a garden, enjoyed a peace and a prosperity unequaled since the time of the Ptolemies, prospered until during the war cotton lands at the mouth of the Nile Delta rose to a value of something like $2,000 an acre. The fellaheen were glutted with profits, assured by their support of the Allies as well as by the peace and the order established by Britain. Then there was given to the world as a panacea the self-determination of peoples, prescribed ad libitum, with equal doses for all, no matter whether or not their stomachs were habituated to democracy and representative institutions. Egypt, witnessing self-determination in the Hedjaz and wherever else the addition of a machine gun to the breechclout made possible the vindication of that doctrine, decided for self-determination, too.

I do not argue that Egypt was ready, but Egypt thought so and attempted to assert its sovereign right. The league has denied the sovereignty of the Egyptian people, and, in cynical contradiction of our course in Costa Rica, for example, our administration, recognized the right of Britain to nominate the sovereign head of the Egyptian government. The British protectorate over Egypt was recognized by this Government and then by the peace treaty to which the powers have become signatory.

I have made this long excursion to show what very well may be in store for Persia. Civil and military advisers are to be appointed, moneys are to be advanced, government is to be organized, all by the greatest of colonizing powers, which has carried civilization further afield than any power since Rome. The spokesmen for that great power have disclaimed any intention to infringe the sovereignty of Persia. Oh, I have heard it said that Persia agreed to the terms of the new treaty. So did Egypt. I hear it said that Persia will vastly benefit by the occupation. I dare say; I do not doubt it; but the secretary of the Persian delegation in Paris, from whom the negotiation of the treaty and its consummation were privy, protested at length, even though the foreign minister, who signed the treaty in Teheran, defended it. I do not believe that anyone will argue that the treaty came into being under conditions which made for the free choice of Persia, nor will any British statesman argue that there was no selfish impulse on the part of Britain in the negotiation of the treaty. It makes for the security of Persia's northern frontier. It completes the "sanitary cordon" to the south of Russia. It supplies the missing link in the chain which is to bind Calcutta to Cairo, and links India with the other all-red route from Cairo to the Cape.

Now, the Senator from Utah [Mr. KING], who is worn with long waiting for my answer to his question, has gone, and must read to-morrow, if he will, what I have to say on the point.

Great lawyers will assert that Persian sovereignty is unimpaired. I dare say so. Also unimpaired is the sovereignty of Haiti, which is fast in the grip of 1,100 American marines, while the Haitien President never moves within or without his palace unless accompanied by his body guard, a gunner's sergeant of the Marine Corps.

If any of those who are interested in the Anglo-Persian situation have followed the financial columns of the British press they will have noted certain consolidations of oil interests. The Royal Dutch and Shell have consummated a union and are seeking capital in the United States, where the great international bankers have an interest purely altruistic in article 10 of the league. The smaller Scottish oil companies are being united in one corporation, which is to become the Scottish selling agent of the Anglo-Persian Oil Co., which is going to bring together the oil interests of the Persian Gulf and the Burmese-Siamese Peninsula. We need not take too seriously the London gossip that the British Government's support of the Anglo-Persian Oil Co. was one of the precipitant causes of the war; but here are material interests, obviously of enormous importance in the current development of oil, growing up in Persia precisely as they did in Egypt. Whatever the technical situation of Persia, however intact may be its sovereignty, de jure de facto, we have Britain already exploiting to the advantage of mankind the Persian oil fields and making ready to supply fuel for the development of Mesopotamia. We have here the establishment of tremendous material interests, the safeguarding of which, the public supervision of which, will be in fact the charge of the stronger party to the Anglo-Persian treaty. The usufruct will belong to that power.

It was said during the debate to which I have alluded that, under article 10, we would not be guaranteeing Persia to the British Empire. We would, however, be guaranteeing the status quo in which Persia finds herself under the treaty. I see the

Senator from Montana [Mr. WALSH] nodding denial of the statement, and I shall be interested to hear his argument on that point.

Mr. WALSH of Montana. Mr. President——

Mr. McCORMICK. I yield to the Senator from Montana.

Mr. WALSH of Montana. I had not intended to say anything at all upon that subject, but I am quite ready to express my views about the matter very briefly, although they were so clearly expressed by the Senator from Nebraska [Mr. HITCHCOCK] the other day that I can not conceive that there can be very much doubt about the views entertained on this side of the Chamber.

The question was presented whether Great Britain could call upon the United States, under the provisions of article 10, to protect her in her occupancy of Persia. The Senator from Nebraska clearly pointed out that the treaty provides—whether that is hypocritical or otherwise—that Persia remains a sovereign country, and consequently Great Britain could not possibly claim that any war would be calculated to deprive her of independence or territorial sovereignty if it were directed in any wise against Persia.

Mr. McCORMICK. Yes, Mr. President, and the Persian minister of foreign affairs, coifed with an astrakhan fez, robed in a single-breasted frock coat, with Shah orders on his bosom, will act upon the advice of a blonde gentleman in a pith helmet and cotton suit, and invite the guaranty of Persian territory by American troops if it should be invaded by a power which could not be repelled by the force organized by Britain under the treaty. If this treaty were as innocent as its face, why were the negotiations conducted in secret? Why were they conducted privy from the Persian delegation at the Paris peace conference?

There are material objections to the covenant and to the treaty, but I think there are none greater than the dark circumstances which environed the negotiation of the treaty of peace and of the Anglo-Persian treaty. Nothing can militate more against the success of the ambassadors of good will everywhere, whether they be accredited diplomatic agents or merely travelers; nothing can do more to negative the mission of the greatest and most distinguished of all ambassadors, Lord Grey, accredited to this Government by Great Britain, than the secrecy in which the Persian treaty and the treaty of peace have been negotiated.

Mr. WALSH of Montana. Mr. President, on Friday last the junior Senator from Wisconsin [Mr. LENROOT] undertook to call the attention of the Senate to what he conceived to be an inconsistency between the interpretation given to article 10 of the covenant for the league of nations by the Senator from Delaware [Mr. WOLCOTT] and that which had been previously given it by myself. This was quite in keeping with a very noticeable effort to point out what are alleged to be ambiguities and uncertainties in this document as a justification either for rejecting the entire treaty or for the introduction of amendments or reservations. Often these ambiguities and uncertainties are magnified where doubt exists and oftentimes created where none can possibly arise. In that connection the Senator called attention to my attitude upon the significance of article 10 as recorded in the RECORD. I am quoted as saying, and quite correctly:

> Under the first sentence of article 10, I repeat, our obligation is absolute and perfect whenever a war of aggression is made against any other member of the league.

And again:

> I assert that whenever this country is in any manner called upon, or it is suggested that its obligation under article 10 has arisen, the Congress of the United States determines whether the condition set out under article 10 exists, namely, whether the territorial integrity and existing political independence of another member of the league is threatened by aggression. If it is, then it is the duty of the United States, under this treaty, to do whatever is reasonably necessary upon its part to prevent that threat from being accomplished.

I followed with some degree of care, Mr. President, the exceedingly able address of the Senator from Delaware as it was being delivered in the Senate, and I was not able then to perceive, nor am I able now to recognize, any inconsistency whatever between the position taken by him at that time and my own position as expressed in the brief extract from my remarks just quoted. The Senator from Delaware, among other things, said:

> These considerations therefore prompt me to take the view that, considered in the light of the whole covenant and its purposes, several action on the initiative of the respective nations in keeping article 10 is in nowise contemplated. In other words, whatever is done or suggested to be done in keeping the obligations of article 10 is to be the result of the common judgment of the council, arrived at after joint deliberation.

And again:

> Therefore it seems clear to me that when the external aggression has been committed by one nation in violation of the provisions of article 10, no duty rests on any member of the league to immediately rush to the defense of the aggrieved nation; that the council, in considering the case, can only give advice, in which case still there is no duty upon any particular nation to follow the advice.

The Senator from Delaware was meeting, and very successfully, the idea, to inculcate which no little effort has been made, that the real obligation of this whole article rested upon the United States. The article in question, article 10, is continually discussed as though the obligation thereof rested upon the United States alone; that whenever war broke out in any quarter of the globe, however remote, the duty fell upon the United States, as the general policeman of the whole world, to go there and quell the disturbance. It is never even suggested that the same obligation rests upon every other nation which is a member of the league; but the United States is obligated no more than any other nation here.

Mr. President, there is not the slightest doubt in the world that whenever a war of aggression is actually precipitated or threatened, all the nations of the earth—at least, those who are members of the league; and the council, being in session, will be the appropriate body to represent them—will confer together in relation to the means by which the obligation shall be carried out according to the provisions of the second sentence of the article; so that, while the obligation rests upon the United States, and rests upon every other member of the league, in all reasonable probability no one will take action with reference to the matter until after the council considers the matter and outlines a procedure by which the disturbance is to be quelled and the aggressor is restrained in his criminal designs.

Why, Mr. President, when we went into this war we did not start off on our own account, outlining a plan of campaign, devising a system under which we, independent from all the other nations involved in the contest upon our side, were going to undertake to suppress Germany or overcome her pretensions. We simply went in with the other nations; we conferred with them by our proper representatives; we had our representative upon the general war council sitting in Paris; and concerted action was taken. Of course, that is the model for the procedure that will occur under article 10; and undoubtedly this country, as well as every other country bound by the obligation, will await the advice which is given by the council.

But, Mr. President, it must be borne in mind that the council acts only by unanimity. It starts in with nine members. Those may increase from time to time. Now, I do not think it can be fairly argued that if the offending nation is able to secure the adherence of only one member of the nine, so that there can not be any unanimous decision, thereby it will be able to paralyze and destroy the effect of article 10.

For instance, Mr. President, the capacity of Germany for intrigue has been sufficiently demonstrated. She starts a war of aggression against some neighboring country—Poland, for instance. I do not think anybody can reasonably contend that if Germany is only able to get one nation out of the nine represented upon the council to disagree to the plan that is proposed by the other eight, she will thus escape the risk she runs under the provisions of article 10, nor that thereby all the nations of the earth will be exonerated from their obligation thereunder. I scarcely believe that anyone who feels that there is any force or efficacy whatever to article 10 will make that contention; but if there be any such, Mr. President, he must then confess that article 10 thunders in the index but is woefully silent in the body of the book, because it is not at all improbable that there will be disagreement with respect to one; and how easily a purpose to aid the aggressive nation in its purpose could be concealed under a mere disagreement to the plan of action that is proposed by the other eight members of the council. If that is the case, the other members are not released from their obligations, to my mind at least, in any degree whatever; but the obligation still rests upon them to repress, so far as they can, the nation which has broken the common peace by uniting, if they can, outside of the provisions of article 10, pursuing a concerted plan other than that which was proposed in the league, but which was not assented to.

In that view, Mr. President, I do not conceive that there is the slightest difference of opinion between the Senator from Delaware and myself. In other words, I agree fully with the Senator from Delaware that that would be the course that would be pursued; but I can not agree that no obligation rests upon any member of the league under the provisions of article 10 provided you can not get a unanimous action of the council.

The Senator from Wisconsin then asks, if the Senator from Delaware entertains the view concerning the significance of article 10 which he, the Senator from Wisconsin, attributes to him, why he, the Senator from Delaware, should object to a

reservation which would expressly so state; and then he adds, if the construction given to the article by the Senator from Montana is correct, how any nation should ever bind itself to such an obligation. I have no means of knowing just exactly what answer the Senator from Delaware would make to the inquiry addressed to him by the Senator from Wisconsin. He is here, I observe, and will undoubtedly be able fully to satisfy the Senator from Wisconsin; but if the question were addressed to me, if I had the same idea of it that the Senator from Wisconsin seems to think the Senator from Delaware has, I would say to the Senator from Wisconsin that I should object to a reservation so stating, and I should object to a reservation so stating for the sole reason that if you attach any such reservation to your ratification, Germany is not bound by her signature or her act of ratifying the treaty. In other words, if you attach any such reservation to your resolution of ratification, you put Germany, so far as the United States is concerned, in exactly the position that these two countries would occupy with relation to each other if, immediately upon the cessation of hostilities, every soldier except the few that are there now were withdrawn from German territory. You put us in the same situation that we would be in if we had no means of compelling Germany to sign the treaty on the 11th day of November, 1918. You put us in exactly the position we would be in if we had recalled every soldier forthwith to this country, even before the armistice was signed.

It is true that, by reason of the commanding position which the United States now holds as the center of the financial world, we can exercise commercial pressure upon Germany which may possibly compel the acceptance of such a reservation, or of other reservations; but, Mr. President, every advantage which we secure by reason of our military triumph over Germany has gone to the winds.

I do not see how any Senator who really attends to the fundamental legal principles can take the view that a change may be effected in part 1, constituting the covenant of the league of nations, without the assent of Germany. It seems to be conceded that the assent of the other signatories to the treaty, at least of those who become members of the league, is necessary either if any substantial change is made in the text or if any substantial addition is made to the resolution of ratification, either by way of reservation or proviso or amendment. But it is said that the consent of Germany to such changes is not necessary because Germany is not a member of the league. I pointed out the other day, however, that many provisions of the treaty of the most vital concern to Germany introduce the league of nations and the council of the league of nations. The council of the league of nations determines a vast number of questions in which Germany is interested. Consequently she is interested in the constitution of the assembly as well as the constitution of the council; and any amendments or changes that in any manner interfere with the constitution of either of these bodies, or with the powers they exercise, is a matter of the greatest concern to Germany.

Mr. LENROOT rose.

Mr. WALSH of Montana. If the Senator will pardon me for just a minute, after Germany has signed this treaty or ratified it she then becomes bound by every provision, and she has consented that the covenant may be modified without her consent; but on fundamental principles she is not bound either by her signature or by her ratification, so far as we are concerned, unless we sign and ratify.

Mr. President, this does not require any intimate acquaintance with the principles of international law. It addresses itself to the plain judgment of the ordinary business man. A has certain negotiations with B concerning some business matter. A sits down and writes out a contract and signs it and sends it to B, saying, "This, I believe, is the agreement which we entered into, at least as I understand it. I have signed it. I send it to you in duplicate. You sign it and return to me a duplicate with your signature, if you are satisfied." B, however, signs with certain reservations, and sends it back to A. A is not bound. He can say, "No; I shall not agree to the reservations you suggest, and I will not abide by the thing even as I proposed it to you in the first place." He can not even be held to his original proposition, and after A has signified his attitude with reference to the matter, B is too late to say. "Well, I will withdraw the reservations." His day of grace has gone.

So, Mr. President, if there were no other reason, and I were taking the attitude with respect to article 10 that is attributed to the Senator from Delaware, I would say, "No; I am satisfied that that is the meaning of article 10. I do not want to give Germany an opportunity to get out of the obligations which we forced her to accede to at the close of a successful war."

But, Mr. President, the Senator asks why any nation should ever care to obligate itself in that way if the interpretation given to the article by myself is the correct one. Speaking for myself, I am quite willing that the United States should obligate itself in that way, because I believe that by so obligating itself, together with all the other members of the league—bearing in mind that it is not the United States alone that is obligating itself, but all the members so obligating themselves—there will be no war until, indeed, the world is again divided into two hostile camps, neither of which will observe any obligation to the requirements of this covenant.

Why do I say so? Mr. President, it has been said before, but it will bear repeating, that that is exactly what the Monroe doctrine is. The United States published to all the world 100 years ago that if any nation should attack any Republic on the Western Hemisphere we would make war upon them. That has served to keep all Europe and all Asia from any act of aggressive warfare upon any Republic on this continent, and we never had to spend a dollar, nor did it cost us the life of a single American citizen.

What is the reason for doubting that, if we and every nation in Europe say that if any nation shall attempt to invade the sovereignty of another in aggressive warfare all the world will proceed to engage them? I referred some time ago to our treaty with Panama. We have asserted the Monroe doctrine by the treaty with Panama, by which we have guaranteed the territorial integrity and political independence of that State. No nation dare attack the Republic of Panama without hearing the screams of the eagle, and no nation will, Mr. President, on this continent or upon any other continent. It has preserved the peace of that country ever since. Colombia long since would have made war upon Panama did she not know that the moment she put her troops across the border, whether in a righteous war or in an unrighteous war, whether in a just war or in an unjust war, whether with provocation or without provocation, we would be there with all our power, all our military, all our financial resources, and all our resources in men. Thus there is not the slightest fear about anybody making war upon the Republic of Panama, whether on this continent or any other continent.

The other day the Senator from New York [Mr. WADSWORTH] made a very impressive speech, and a very temperate one, in which he presented the case of Greece making war against Bulgaria over the boundary between those two countries, the outgrowth of the controversy over the division of Thrace. He called attention to the fact that there are 700,000 Greeks in this country, and to the provisions of article 16, as follows:

> Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

He called attention to the fact that a most deplorable state of circumstances would arise here in this country if Greece, in view of these provisions, should make war upon Bulgaria. The Senator stated, in that connection, that it would be a violation of law for one to go into a Greek delicatessen store to buy a pound of cheese or into a Greek shoe-shining parlor to have his shoes shined. So it would. That would be exceedingly distressing to the 700,000 Greeks in this country. I suppose the probabilities are that there are at least three times 700,000 Greeks scattered all over the civilized world, in Great Britain and in her colonies, and in the States along the Mediterranean Sea; and in each one of those States every Greek would be subjected to exactly the same disadvantages and annoyances that the 700,000 Greeks would in this country. And yet it seems never to have occurred to the Senator from New York at all that the Government of Greece, realizing the plight in which it would place all of its nationals all over the world by going to war with Bulgaria, might be deterred from going to war against Bulgaria.

Moreover, Mr. President, when Greece recognizes that not only would her nationals be thus placed in peril in all the countries of the world, but she herself, by such an act, would bring down upon her possibly the military forces of all the world, not of the United States alone, but of Italy, France, Spain, Great Britain, Japan, Belgium, Norway, Sweden, Denmark, and of all the world, how can we conceive that Greece would go to war with Bulgaria over the dividing line? In all reasonable probability Greece would say, under those circumstances, "Well, the best we can do is to submit this controversy to the council of the league of nations, under the provisions of article 15, which are as follows:

"If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council."

That is the way Greece would act.

The Senator from Idaho [Mr. BORAH], whose eloquence we all admire, according to the newspaper reports was applauded generously and vigorously at a meeting held at one of the churches in this city a short time ago, when he propounded to his listeners the question, "Suppose China should make war upon Japan to get back Shantung; would you be willing to send your sons over to Japan to help Japan beat off the Chinese?"

Mr. President, how could such a thing occur? China is no match for Japan as it is. They tried conclusions some 12 or 15 years ago and the contest did not last long. It would not be necessary now, nor at any time in the future that the mind can very readily conceive of, for Japan to call upon anyone for aid in beating off China.

But if she were impelled to call upon anyone, she would not only call upon the United States but she would call upon every other member of the league, and all would be called upon to respond—Brazil, Argentina, Peru, Great Britain, and all her colonies, Canada, Australia, France, and Italy. Nations never go to war unless there is some chance at least of emerging successfully. Nations do defend themselves against overwhelming odds, determined to do or to die, to preserve their liberties or to expire in the effort. But when it comes to waging aggressive war upon another nation, they never undertake it without a careful calculation of means and ends. How, under these circumstances, is China going to war with Japan? The thing is impossible, if article 10 is operative at all. In other words, if it calls upon us to rush, as it is expressed, to the aid of the country attacked, so it does all other nations of the earth. And then there is not going to be the war that a great many of the Senators apprehend.

I spoke of the Senator from Idaho, who expressed some considerable horror a few days ago at the view I then expressed that if an act of aggression actually exists, the Congress of the United States does not stop to inquire into the justice or the injustice, the right or the wrong, of the war, but goes to the aid of the country attacked. Mr. President, why should anybody entertain any sentiments of horror at such an idea? In the view of this covenant there are no righteous wars of aggression; there are no just wars of aggression. They are all wrong. Of course, I understand that many people do not agree with that. Apparently the Senator from Idaho entertains views somewhat similar to those, or at least related to those, expressed by Bernhardi, that wars are great public benefits, that they are the civilizers of the earth. Perhaps there was a time when there were some righteous wars. The crusades were preached as a matter of course to all the nations of the earth as holy wars, and I am not undertaking to say that they did not result in much benefit. But we have undertaken to propose a different plan in this covenant for settling the disputes that arise between nations.

Article 13 of the covenant provides:

The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Article 15 provides:

If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council.

Article 16 provides:

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league.

Article 17 provides:

In the event of a dispute between a member of the league and a State which is not a member of the league, or between States not members of the league, the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, upon such conditions as the council may deem just.

Thus, Mr. President, we offer a tribunal for settlement of these international disputes, without allowing them to be determined by the arbitrament of war.

When a nation violates its covenants under this league and makes war against a neighbor for the purpose of despoiling it of its territory or overturning the liberties of its people and its independence, we do not stop to inquire whether upon any theory of moral right or wrong the war is justifiable or unjustifiable, righteous or unrighteous. We say to them: "Submit your matters to the tribunal which has been constituted by the league."

When the Hatfields go out to shoot up the McCoys or the McCoys to shoot up the Hatfields, as the case may be, we do not stop to inquire whether the Hatfields deserve shooting or the McCoys deserve hanging. In all probability they do. Their crimes, perhaps, amply justify whatever punishment they get. We do not permit them to execute their own vengeance. We do not stop to inquire whether they have a righteous cause or an unrighteous cause, upon any theory of morals whatever. We seize the man or the body of men who break the general peace, and incarcerate them, and their acts are regarded as murder. If the McCoys have any criticism to make of the Hatfields, if they have suffered any wrongs at their hands, the courts are open to them.

Just a word more, Mr. President. There has been some criticism of article 10 made by the eminent statesman, formerly a Member of this body, Mr. Elihu Root. He advises that article 10 ought to be stricken from the covenant, because, he said, there are many different races in this country, our citizenship is made up of men with European connections, descendants of Europeans, and the question would always be presented as to whether the war was a righteous one or an unrighteous one, and those dissensions would spring up among our people.

I agree that if you have reposed in Congress the power to determine whether the war is a righteous war or an unrighteous war, a just war or an unjust war, those differences will crop out.

Of course, if Germany invades Poland every German in this country, or at least a very considerable number of Germans, will be sure that it is a righteous war and consequently would endeavor by every artifice, by every persuasion that they can command, to have Congress so determine and not enter into the controversy under article 10. Of course, if France desires to prosecute a war against Germany all those of French descent, or at least a very considerable number of them, will be naturally predisposed to regard the war as a righteous one and thus induce Congress to withdraw.

Mr. President, we are not called upon to enter into that question at all. If it is the fact of aggression that fixes our liability, as I insist it does, then it is utterly immaterial, and then all these supposed differences and strifes and contentions among our own people will disappear, when once we adhere to the proposition that all these wars are wrong and that the proper solution of international troubles and disputes is in accordance with the other provisions of the covenant.

Mr. LENROOT. Mr. President, with reference to the argument the Senator from Montana has just made, we need not call up an imaginary case as to what the obligation of the United States would be under article 10, if the treaty should be ratified without reservations relieving us of that obligation. Let us take this case which is present to-day. Suppose the Fiume controversy shall be settled in such way as is dictated by the United States. Suppose that controversy is settled against the claim of Italy, and agreed to by the other parties to the conference because the United States says that it must settle it this way. Suppose Italy some time in the future, strong and powerful, begins a war of aggression to get back Fiume. Is it not entirely possible that the other nations will say, "The United States committed this; let the United States defend with her men the boundaries of Jugo-Slavia," and it will be the appeal from the country upon whom aggression is made that will come to us, and if we remain a self-respecting Nation, pretending to keep pledges that we have made, we will keep our obligation exactly as the Senator from Montana says article 10 should be construed. So it is not an imaginary case in any degree. If the treaty is to be ratified with the obligations of article 10 remaining as they are, it is well within the probabilities that within 12 months we will be called upon to fulfill our obligations under article 10, with our khaki-clad boys crossing the seas to die.

So much for that, Mr. President.

Mr. WALSH of Montana. But let me ask the Senator why he reaches the conclusion that every other nation will not accept and fulfill the same obligation?

Mr. LENROOT. I stated that if the controversy should be settled according to the dictation of the United States, and it looks to-day as if it might be, the other countries being willing to settle it upon a different basis, if the United States dictates the boundaries the other nations are very likely to say to the United States, "The nation that dictated these boundaries must defend them."

Mr. WALSH of Montana. If the Senator believes Great Britain or France would endeavor to escape every obligation on such a flimsy pretext as that, as a matter of course, there is no basis for a league at all.

Mr. LENROOT. Perhaps the Senator may have a higher opinion of the honor of those nations, but after what happened with reference to Shantung I should think even the Senator from Montana would be somewhat skeptical.

Mr. WALSH of Montana. I merely desire to say that I am not one of those who believe that in every controversy the

United States will be actuated by high and holy motives and every other country by the reverse.

Mr. LENROOT. I shall not pursue that further, but I do want very briefly to refer to another matter before I get to the Senator's reply to a statement that I made the other evening.

The Senator from Montana has repeatedly said that no amendment to the league of nations covenant, or part 1 of the treaty, can be made without its being assented to by Germany.

Mr. President, I have been opposed to amendments to other portions of the treaty, and whether I shall oppose any amendments to the league of nations portion of the treaty will depend upon the merits of the proposition, but I shall not oppose them for the reason that I have opposed other amendments, because amendments can be made to the league of nations portion of the covenant irrespective of any assent or dissent upon the part of Germany.

Let us see if that is not true. This treaty becomes effective, so far as Germany is concerned, whenever three of the principal allied and associated powers have ratified it. That is to say, the treaty will be effective, so far as Germany is concerned, when it is ratified by the British Empire, by France, and by Japan.

Mr. WALSH of Montana. Will not the Senator concede that it will be effective only between Germany and those countries?

Mr. LENROOT. I will come to that if the Senator will just have a little patience. The treaty becomes effective as to those three nations when ratified by them, and I think we will all concede that before this body votes upon final ratification of the treaty it will have been ratified by those three great powers and will be effective. Then when it is ratified by those three great powers the league of nations comes into being, consisting of such members as have ratified the treaty or have accepted the invitation to become members of the league, so that when France, the British Empire, and Japan have ratified the treaty the league of nations will consist of the representatives of those three powers, assuming that none others have ratified it, and those three powers, under Germany's agreement in the treaty, can rewrite and amend the league of nations covenant in any way that they see fit. They might rewrite the entire covenant and Germany could not for a moment object, because Germany has agreed that any amendment that may be made to the league covenant will be accepted by her so long as they are made by those who subscribe to the league. Inasmuch as the reservations in the resolution of ratification that will be proposed will, I assume, require that those reservations be assented to by three of the principal powers. those three powers, before our ratification becomes effective, can themselves amend the league, making it read word for word as we desire to have it read.

Has Germany anything to say about it? Can Germany complain or object if our resolution of ratification is in the exact language of the league covenant as the league covenant stands at the time our ratification is deposited? Why, of course not. There can be no doubt about it, unless the Senator takes the position that the league of nations does not come into being until all the nations recited in the preamble as members of it have ratified it.

Mr. WALSH of Montana. Of course, the Senator does not take any such position.

Mr. LENROOT. I supposed not.

Mr. WALSH of Montana. But this is a treaty. We become a member of the league by virtue of the treaty which we make with Germany and we can not be a member of the league if we refuse to sign the treaty with Germany.

Mr. LENROOT. Let us see then. Suppose to-day the treaty is ratified by three of the principal powers——

Mr. WALSH of Montana. Let me ask the Senator, suppose the United States absolutely rejects the treaty, is it the contention of the Senator from Wisconsin that under those circumstances the United States could sit as a member of the council and pass upon German questions or German interests?

Mr. LENROOT. Of course not. We can not sit as a member of the council unless we go into the league in the way provided in the treaty. That is very plain. But suppose that to-day three of the principal nations have ratified the treaty, that the treaty was to-day effective as between those nations and Germany, and to-morrow those nations should amend the league covenant, does the Senator from Montana say that we could not make a treaty of peace with Germany unless we ratified that covenant in the form that it was before it was amended, and if that be so that we could not get into the league of nations because when we amend it it is not the covenant that we entered into? The Senator can take either horn of the dilemma that he chooses.

There can not be any doubt about it, Mr. President. Germany's assent is not required, provided those nations that have ratified before we ratify desire to have us in the league, because they can amend the treaty, Germany has specifically agreed that they may amend the covenant in any way they see fit, and if they see fit to amend it in the way we want to have it amended, Germany has no right to complain.

One word more. The Senator, if I understood him correctly—and it does not seem possible that I could have understood him correctly—said that he saw no inconsistency between his position as to the construction of article 10 and the position of the Senator from Delaware. Why, Mr. President, the only difference between these two distinguished lawyers—and I wish to repeat what I said on Friday, that they are two of the ablest and most distinguished lawyers in this body—is that one of them says that here is a several obligation binding upon the United States; that the only inquiry that the United States can make is whether there has been unlawful external aggression, and if there has been, it is our duty to protect the nation invaded to the full extent and with all the power we have. That is the position of the Senator from Montana, while the position of the Senator from Delaware is simply that there is no obligation of any kind. He says that there is no individual obligation upon the part of the United States. The Senator from Montana says there is. The Senator from Delaware says that the only obligation is to consider the advice of the council, and that we are under no obligation to follow that advice. Mr. President, the positions of the Senator from Montana and the Senator from Delaware are as far apart as the poles; and yet the Senator from Montana would ask the Senate to ratify a treaty as to which upon the most vital matter that has ever confronted the United States in any treaty he and his colleague, the Senator from Delaware, give entirely different constructions.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Tuesday, October 7, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *October 6, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, fountain of light and life and love, we realize our weakness, the foibles of human nature, and come to Thee at the beginning of the new week which stretches before us with its opportunities and possibilities; that we may drink deep of the fountain, receive new light to guide us, new life to sustain us and larger love, that it may go out in sympathy to our fellow-men in all the conditions and circumstances of life; that Thy kingdom may come in all our hearts and Thy will be done and our work be of the highest order. Under the leadership of the world's great Redeemer. Amen.

The Journal of the proceedings of Saturday was read and approved.

STRIKING CERTAIN MATTER FROM THE RECORD.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York ask unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, on Wednesday last the gentleman from Massachusetts [Mr. WALSH], who had apparently spent a pretty bad night, found in the CONGRESSIONAL RECORD a poem by Israel Zangwill, inserted by me. If he had looked in the RECORD on pages 6194, 6195, 6196, he would have found three pages by Zangwill, also inserted in another body.

The gentleman from Massachusetts had been away on a trip in the far West and, I thought, had returned full of joviality and good spirits; but, lo and behold! he seizes the first opportunity to demonstrate his ability as a statesman by moving in my absence to expunge the poem. I do not deny for a moment that he could have exercised his privilege to do so; but, lo and behold! some other gentlemen also participated in the discussion. If they are satisfied and contented with the kind of record they made after they read it, I am.

On Saturday last the gentleman from Florida [Mr. SEARS] rose on the floor of the House and made inquiry about the same matter. That gentleman, with his statesmanlike ability, two years ago on the floor of this House said:

Briefly I want to call my colleague's attention to the fact that the high cost of living is getting higher, the price of clothing is increasing, the price of groceries continues to soar, and flour will soon pass the high-water mark established of approximately $15 per barrel. I trust the day is not far distant when the able statesmen upon the floor of this House will give their best thought and lend their best efforts in working out some relief.

More than two years have run away and the gentleman from Florida, notwithstanding his wisdom and his statesmanship, has produced no bill, has produced no resolution, has produced nothing to reduce the cost of living. But he rose on Saturday and asked why action had not been taken to strike out the poem.

In the same speech appears the following:

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SEARS. I refuse to yield to the gentleman or any other gentleman. Fickle fate has indeed been unkind, Mr. Chairman, when it selected the distinguished gentleman from California to lead the fight for Prussianism. I have read of the oppression of his people, and as an American citizen my heart has gone out to them, and it ill befits that gentleman to try to place upon my people, and now his people, the militarism that will, in my opinion, be harder on them than any his people have ever been subjected to.

These people to whom he refers left in France 3,100 of their best who lie buried over there. It ill becomes any man on the floor of this House, or any other place, to deride or ridicule either the Irish people or those of Jewish faith.

Now, Mr. Speaker, in order that I may relieve the minds of these gentlemen, big and broad-minded, in order that they may be able to rest in peace over night and carefully repose during the daytime, I ask unanimous consent that the poem may be omitted from the permanent RECORD. The newspapers of the country have discussed it editorially and given it a wider circulation than could ever be possible to obtain through the RECORD. The poem is not in cold storage, as some of my friends here think it is, but it has gone down in the history of the world much further than some actions and deeds of these gentlemen, small as they are. As the years roll away perhaps they will be contented with the record, but I think their consciences will eventually lead them to regret.

The SPEAKER. The gentleman from New York asks unanimous consent that the poem he has inserted in the RECORD be omitted from the permanent RECORD. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for five minutes. Is there objection?

Mr. WALSH. Reserving the right to object, upon what topic?

Mr. HEFLIN. In regard to an election held in Alabama, replying to a statement in the Post.

Mr. WALSH. Is it a statement reflecting on the gentleman from Alabama?

Mr. HEFLIN. It misstates the facts about a campaign that I participated in, and I want to correct it.

Mr. WALSH. I object.

The SPEAKER. To-day being the first Monday in the month, it is for the consideration of bills on the Calendar for Unanimous Consent. The Clerk will report the first bill on the calendar.

ADJUSTMENT OF DISPUTES ARISING FROM FAULTY SURVEYS IN FLORIDA.

The first bill on the Calendar for Unanimous Consent was the bill (S. 55) to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to equitably adjust disputes and claims by entrymen, selectors, grantees, and patentees of the United States, their heirs or assigns, against the United States and between each other, arising from faulty surveys in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, the said surveys having been shown to have been faulty by the resurvey of certain lands in said townships, and for this purpose the said Secretary is authorized to accept conveyances from and grant patents to any such entrymen, selectors, grantees, patentees, their heirs or assigns, of any of the lands of the United States in the said townships open to entry or settlement which, in the judgment or discretion of said Secretary, it shall be just and equitable to grant or convey to such parties or any of them, to make up any deficiency or loss sustained by any such parties by reason of such faulty surveys, or by the meander lines, location, or existence of lakes or other bodies of water, not shown or incorrectly shown by such original faulty surveys of the United States in said townships, to the end that such entrymen, selectors, grantees, patentees, their heirs or assigns, may be duly vested with the title to such part of the lands of the United States as shall be necessary or proper to make up any deficiency in acreage or loss, as far as possible, due to such faulty survey, as shown by the resurvey of the said townships, preserving to the owners who have lands shown by the former faulty surveys to be actually bounded by lakes or other bodies of water, as far as practicable, the right to have patented to them the lands shown by such new resurveys to lie between their holdings and such lakes or bodies of water: *Provided*, That in the said adjustment no greater area shall be patented to any claimant than that which is surrendered by him or of which he is deprived by the fact that, under the corrected survey, the area to which title, derived from the United States, is now asserted by the entryman, selector, grantee, patentee, his heirs or assigns, is found to have no existence in fact, or to be covered by water and to have been so covered at the time of the faulty survey: *Provided further*, That nothing herein shall be construed as authorizing the Secretary of the Interior in the said settlement to patent to any entryman, selector, grantee, or patentee, or his heirs or assigns an area which, when added to the area retained by the said entryman, selector, grantee, patentee, or his heirs or assigns, shall give a larger acreage than that originally entered or thought to be acquired from the United States, or any grantee of the United States.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman from Florida [Mr. DRANE] if he agrees with the contention of the Secretary of the Interior that section 3 of this bill is unnecessary and whether it is expected that that would be eliminated.

Mr. DRANE. Mr. Speaker, in reply to the gentleman, I would state that at the time I introduced the twin measure, it being introduced simultaneously in the House and in the Senate, I was perfectly willing that that section should be stricken out. When my bill came up for consideration before the Committee on the Public Lands, it was found that the Senate bill was also pending there, having passed the Senate, and that it contained section 3, which it had originally been suggested should be stricken out. I presume the Senate committee left it in there so as to make assurance doubly sure. It does not hurt the bill and it does not make any difference whether it stays in or not.

Mr. WALSH. Will the gentleman state when these original surveys were made, and just how they came to get into this mix up?

Mr. DRANE. The history of that survey in Florida is this: In the late fifties surveys were made of certain public lands in the country in which I have since lived, which at that time contained almost no people at all, except a few of the remnants of the Indian fighters. The survey was made under contract. The contract, as I have been told, was to be paid for at so much per mile. The probabilities are that there was no survey made there at all. I am told in the Land Department that it was simply a pretense at a survey; that it was so faulty as to appear fraudulent upon its face. Be that as it may, a lot of innocent people went in there and established themselves, made their homes and raised their orange groves there, and were not disturbed in their possession until probably within the past two or three years. Within the past two or three years that land, which was supposed in the old days to have had no value, has been penetrated by railroads. It is now rapidly settling up and is of great value.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. DRANE. Yes.

Mr. HICKS. Was this survey made by Government surveyors or by private people?

Mr. DRANE. It was made by the Government.

Mr. HICKS. It says in the report that in places that the original monuments are impossible of identification.

Mr. DRANE. A few of them are shown, but none are, in the opinion of the Land Department, absolutely dependable.

Mr. HICKS. Is it the fact that there have been monuments, or were there none established at all?

Mr. DRANE. There were a few established in one or two places, but it seems were never completely located and a reliable survey completed.

Mr. HICKS. What harm is being done at the present time? Is it the fact that the different landowners can not identify their parcels of land?

Mr. DRANE. If the House will indulge me for a few moments, I will read from the report of the Secretary of the Interior as made to the chairman of the Committee on the Public Lands. He makes it very much clearer than I can make it.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. DRANE. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DRANE. Under date of June 12, 1919, the Secretary of the Interior wrote to Mr. SINNOTT, chairman of the Committee on the Public Lands, in part, as follows:

In reporting upon this proposed legislation I am advised by the Commissioner of the General Land Office that the matter of the resurvey of the above-named townships was initiated in January, 1916, by formal application submitted by the settlers and interested landowners. The petition contains the following caption:

"We hereby bind ourselves to fully cooperate in the effort that is now being made to get the United States Land Office to order a resurvey and relocation or retracement of township, range, and section lines in the township above mentioned, and others, if there be such as known to be in error."

The application was supported by certain maps, field notes, and exhibits submitted by the applicants as evidence both of the conditions then existing and of the necessity for resurvey.

After consideration of the data presented, and after conference with the proponents of the resurvey, the Commissioner of the General Land Office reached the conclusion that no general resurvey of the townships in question was necessary or desirable, particularly on account of the fact that the interest retained in the premises by the United States appeared to be so small as to render the petition inadmissible under the departmental ruling of May 22, 1909.

It appeared, however, that the obliteration of the evidences of the original survey was so general as to preclude the possibility of restorations by local surveyors, and that there was considerable confusion and uncertainty as to the boundary lines which the settlers, entrymen, and owners were unable to overcome. Under the circumstances the commissioner was disposed to grant whatever relief could properly be offered short of a general resurvey, and was of the opinion that inasmuch as practically all of the individual entries and unpatented lands were confined to a highly restricted area, the execution of a corrective survey limited to the western portions of townships 36, 37, and 38 south, range 30 east, would be sufficient to clear the situation and accomplish the purpose of the applicants. No action appeared to be necessary in townships 36, 37, and 38 south, range 29 east.

A field examination was accordingly authorized and it was developed that only a small portion of the monuments of the original surveys could be identified with any degree of certainty, sufficient in number, however, and bearing a satisfactory relation to one another to afford a satisfactory control for the reestablishment of the lines of the original surveys.

It was shown by the applicants for the resurvey and by the examiner who made the preliminary investigation that very large discrepancies existed in townships 36 and 37 south, range 30 east, with respect to the position of numerous lakes which exist in these townships. The original township plats show several lakes, but these lakes were not represented in their correct position—i. e., the lakes are located in a different position from that represented on the approved township plats, and with different sinuosities of the shore lines. There are also numerous lakes in these townships which are not represented on the original township plats. The information before the department indicated that much of the doubt and confusion of the settlers in regard to the true position of their boundary lines was due to the discrepancies in the position of the lake areas in these townships. The resurvey of certain lines and boundaries in which the Government has an interest in the proper location of public lands, was, therefore, authorized by the department on December 11, 1916. Such resurvey has been made, and it shows conclusively that the old survey was erroneous in certain details, particularly with reference to the location and identification of numerous lakes in this region, such lakes being in some instances entirely omitted from the original plats, and in other cases not correctly located.

This condition complicated the resurvey, but in no measure disqualifies the identification of the position of the original section lines. Careful technical examination of the resurvey demonstrates that only one position can result from the control based upon the best available evidences of the original survey to be found upon the ground.

A condition developed by the resurvey heretofore made is that an extension of the resurvey to include adjoining areas will probably disclose additional areas of unsurveyed public land, and likewise show that areas disposed of as land will prove to be lake, or that areas shown on the original plats as lake will be found to be land. It is this condition that has led to the introduction of this bill.

While the Land Department may, under existing law (2372 R. S.), by amendment of entries and patents, correct mistakes in descriptions to the end that the Government's patents shall convey the land intended to be entered, such law is hardly broad enough to cover what I understand is desired to be done here, namely, to authorize an exchange of the areas originally entered now found to be lake for vacant areas of public land. As the provisions of the bill appear to be entirely discretionary with the Land Department, I see no objections to it, and it may enable us to make equitable adjustments which might otherwise result in loss or damage by reason of these old erroneous surveys.

I do not think section 3 is necessary, and it best be omitted from the bill, for the President has ample authority under the act of June 25, 1910 (36 Stat., 847), as amended by the act of August 24, 1912 (37 Stat., 497), to make withdrawals in aid of legislation or for other purposes, and I have already submitted to the President a proposed Executive order for the temporary withdrawal of the areas that may be affected by this legislation until the adjustments contemplated may be brought about.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Mr. SINNOTT. Is not that the real trouble, that lakes were shown to be land and land shown to be lakes?

Mr. DRANE. And there were lakes which were shown in an imaginary way; that is, the sinuosities of the lakes were not shown. The whole thing, in brief, is this: The settlers and nonresident landowners in there are at loggerheads with each other. They are going into court, and there is very great confusion. There is no place for proper relief except through the Land Department. The Land Department says this bill will afford the proper relief.

Mr. McLAUGHLIN of Michigan. How much of this land is still in possession of the Federal Government?

Mr. DRANE. I could not tell, except this, that the report of the Secretary says that the amount of land in which the Government is interested is not large enough to make the resurvey of the whole country desirable, and therefore he suggests this as the remedy to save expense to the Government.

Mr. McLAUGHLIN of Michigan. If the Government is interested very little, in very few parcels of land, in fact has very little interest in the entire proposition, why should the Government be asked to do this and how will it in any way be binding upon those who have an interest in the matter?

Mr. DRANE. In this way: Whatever the faulty survey is, the fault was originally caused by a Government surveyor.

Mr. McLAUGHLIN of Michigan. But as far as my information extends, when the Federal Government has parted with its interest in lands it has thereafter nothing whatever to do with it, and the conflicting claims thereafter are private claims and must be settled by the respective contestants. If they can not settle they must go into the courts. After the Government has parted with its interest it washes its hands of the matter entirely. In my judgment the Government ought not to be asked to go to this expense. If it does and establishes new lines they will have no force whatever except as the individual owners down there may be willing to abide by the result of the Government survey.

Mr. MONDELL. Mr. Speaker, will the gentleman from Florida yield?

Mr. DRANE. Certainly.

Mr. MONDELL. What the gentleman from Michigan [Mr. McLAUGHLIN] just stated is entirely true, and yet the fact remains that this is probably the only way in which these errors, discrepancies, and conflicts can be settled. This is one of the faulty surveys of years past with which people living in public-land States are familiar. Nobody knows just how those errors arose. They probably grew out of the fact that the surveyor who made the survey, knowing that the survey would never be checked in his time, did not run all of the lines. That has been true with regard to surveys in many parts of the West, and it may have been true in this survey in Florida. Some of the lines probably were never run except on paper. Those that were run may have been run so carelessly that they are probably valueless. Until we established the system of marking corners with metal monuments they were marked with monuments which were easily destroyed, quickly decayed, and after a few years could not be identified. Now, it is true that the Federal Government can not now make anything more than a retracement. The Federal Government can go in there and can declare what were the original corners. Upon the best evidence obtainable the retracement can be made which is binding unless it can be proven that the retracement is not accurate. But the Federal authorities have the right to retrace and to say where the old corners were, and to a certain extent that would settle the controversy, because ordinarily the private owner does not contest a retracement by the Federal Government, but in that event he must prove that the retracement is not accurate. But the retracement does not fully settle the situation because of the fact that the original survey was faulty, but people have so high a regard for Federal surveys they are much more inclined to accept the judgment of a Federal surveyor than that of the local surveyor.

The SPEAKER. The 10 minutes of the gentleman from Florida has expired.

Mr. MONDELL. I ask unanimous consent that the gentleman may have five minutes more.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the time of the gentleman from Florida be extended for five minutes.

Mr. SEARS. Mr. Speaker, I ask that his time be extended for 10 minutes.

Mr. MONDELL. Well, give the gentleman the five minutes, and if necessary he can be given more time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. While these local readjustments are frequently impossible by surveys run by local surveyors and through suits in local courts to settle and readjust these matters, it has proven that it is frequently possible for the Federal Government by making a retracement to make a readjustment of lines that will be accepted by the people locally. That is particularly true where, in this particular case, it seems that a faulty survey left some areas, probably small, that do not seem to have

been included in any of the tracts surveyed. So there is a little leeway, there is an opportunity to adjust by giving the man a small tract that may be in a hiatus between two lines, thus saving him from the loss that he would suffer by readjustment with his neighbor on the other side under suggestion of a Government surveyor. The plan proposed by this bill is a wise one, in my opinion. It is the only plan that I know of whereby a readjustment, an equitable readjustment, can be had without a long series of lawsuits.

Mr. McLAUGHLIN of Michigan. Recognized unless it is disputed, proved unless disproved.

Mr. MONDELL. I understand, but the question is simply this: Here is a condition under which these people for years have been trying to settle their differences and have been unable to do it, and for reasons that are well known to men who have lived under similar conditions elsewhere. Here is a proposition of an equitable adjustment under Federal auspices that in all probability will settle all of these questions by agreement of the parties. It will cost Uncle Sam a few dollars, but the cost will be comparatively small.

Mr. DRANE. It is by petition, too.

Mr. McLAUGHLIN of Michigan. The gentleman says this is to be an adjustment under Federal auspices of a matter with which the Government has nothing to do and concerning which the Government has no authority. All over the public-land States differences have arisen, doubts have arisen as to where the lines are, and in no case does the Government go in and try to settle differences, because they arise between private owners, nor should it do so. The Government having parted with its title has quit entirely its supervision of and control over and makes no attempt to control these lands; and now to authorize the Federal Government to go in and mix in a private controversy I think is wrong in principle. It will invite such interference by the Federal Government in private quarrels all over this country. It seems to me to be wrong. The Government has no interest in the matter; the Government has no authority over it. Its finding and recommendation can be accepted or set aside by either interested party and at any time. The dispute continues, and the parties to it find themselves at last in a State court, where they belong. Why the Government should be asked to have anything to do with it I can not see.

Mr. MONDELL. Now, Mr. Speaker, what the gentleman from Michigan says would be of great force if it accurately stated the facts. We are doing this very thing in every public-land State in the Union, and we have been doing it for years. Twenty per cent of all the money appropriated for public-land purposes can be used for this sort of retracement, but in this particular case it so happened that the original survey left some lands in hiatus between surveyed lines, and there is a situation that can not be met——

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. There is a situation that can not be met by the ordinary methods of retracement and resurvey that are being carried on every day in the year. In Nebraska township after township has been retraced practically as proposed here. In my State many townships have been retraced. In Colorado vast areas have been retraced.

Mr. TAYLOR of Colorado. Will the gentleman yield for a suggestion?

Mr. MONDELL. I will.

Mr. TAYLOR of Colorado. Congress made an appropriation of $50,000 to resurvey two entire townships in my State where there was not a soul left in them. Yet they were officially surveyed.

Mr. MONDELL. That sort of retracement and survey would apply in the case of these Florida lands, except that a condition rather unusual exists there, apparently, under which the old surveys did not seem to embrace all the area of water and land. And therefore legislation somewhat supplementing the legislation under which we make ordinary retracements and surveys is necessary. But the principle involved, the policy proposed, the work to be done, the ends sought, are what is being accomplished all over the Northwest every day of the year under retracement surveys.

Mr. DRANE. Now, Mr. Speaker——

Mr. OSBORNE. Will the gentleman permit an inquiry?

Mr. DRANE. I will.

Mr. OSBORNE. Is it not a fact that the original fault in this matter is the fault of the Government?

Mr. DRANE. That is right.

Mr. OSBORNE. And that the people are thrown into this confusion by reason of the fault of the Government employees, the surveyors, and is it not a fact that these mistakes do occur, as the gentleman from Wyoming [Mr. MONDELL] has said, in every public-land State? Is it not a fact that it results in bloodshed and in all kinds of trouble, and that the cost to the Government in making these retracings is so insignificant in comparison with the good to be accomplished it is hardly worth while to be taken into account?

Mr. DRANE. That is true, and here is something else that should not be lost sight of, and that is that all the people interested have petitioned the Land Department agreeing to abide by the decision of that department. The Land Department feels that it has not the authority under the law to adjust these differences, though it is in sympathy with it.

Mr. SINNOTT. Will the gentleman yield?

Mr. DRANE. Certainly.

Mr. SINNOTT. With reference to the interest of the Government, that is referred to in the first paragraph of the Secretary's letter on page 2. That was his opinion before the resurvey was made, the first preliminary resurvey; but in the third paragraph from the bottom of the Secretary's letter he states that a condition developed by the resurvey which showed that additional areas of unsurveyed public lands might be disclosed by the resurvey or the retracement referred to in this letter.

Mr. DRANE. It is believed the Government will find land that it did not know it owned.

Mr. SINNOTT. As to retracement, the Government does concern itself with land after it has parted title with it at the present time, but not after the first grantee from the Government has sold the land. So if there are any transfers from the original entrymen they would be shut out from the benefits of the retracement act referred to by the gentleman from Wyoming.

Mr. DRANE. Mr. Speaker, the matter has been very thoroughly covered by what these gentlemen have said, and I am going to submit three amendments——

The SPEAKER. To this paragraph?

Mr. DRANE. Yes, sir; to the first and subsequent paragraphs.

The SPEAKER. The gentleman from Florida offers an amendment, which the Clerk will report.

Mr. GARD. Mr. Speaker, a parliamentary inquiry. Has the right to consideration of the bill been given?

The SPEAKER. It is being read for amendment.

The Clerk read as follows:

Amendment offered by Mr. DRANE: Page 1, line 7, after the word "in," insert "township 29 south, range 28 east; also in."

Mr. DRANE. That simply adds township 29 to it; and I will simply say before doing this that I submitted it to the Secretary of the Interior and asked him, in view of his having indorsed the original bill, if he objected to this amendment; and I have a letter from him in which he states:

I am advised that lands in this township have recently been surveyed, and that the same condition of affairs exists with respect to lands there as regards those originally described in the bill. Such being the case, I have no objection to the amendment proposed by you, and believe it might be advisable to include them in the measure.

Mr. WALSH. Will the gentleman yield?

Mr. DRANE. Certainly.

Mr. WALSH. Have the people residing in the township also joined in the petition?

Mr. DRANE. I can not say as to that. I do not know.

Mr. WALSH. You do not know whether they will agree to abide by it or not?

Mr. DRANE. As to township 29, I can not say.

Mr. WALSH. Well, it seems to me that unless we are sure of that——

Mr. DRANE. I may say that this bill is not mandatory on the department. It simply leaves it discretionary.

Mr. CANNON. I want to ask the gentleman one question.

Mr. DRANE. Certainly.

Mr. CANNON. A has an improvement here on an entry that he claims to have made on lands that were surveyed, and on which he has put $50,000 of improvement or $5,000 of improvement. To-day they are litigating about it. B says, "No; you are on my land." Now, the Government retraces, we will say. That does not amount to anything provided that in litigation this $50,000 of improvements that A is in possession of is claimed by B. And then, I think the report shows that there is enough in that region or corner that has been established, where they could run from one township and range to another township and range and reestablish. Now, what would be the equities between A and B?

Mr. DRANE. You understand, sir, that that survey was made probably more than 50 years ago.

Mr. CANNON. Yes.

Mr. DRANE. A few of the old settlers went in there and raised their families and developed orange groves there. Now, a new generation has come on, and they are seeking to get in. They find another survey, and there is inexplicable confusion between Mr. A and Mr. B. There seems to be no other way in which to settle it. They appeal to the constituted authorities here in Washington. The authorities say, "We are willing to settle it, provided we have legislative authority." There is all there is in it.

Mr. CANNON. Precisely. But all of us who have grown up on the border understand that corners disappear. I know some litigation that lasted for years, and was fairly expensive, in the State of Illinois and also in the State of Indiana, about corners and ranges, but finally it was fought out and the title was settled. Would the Government be responsible if it makes this resurvey?

Mr. DRANE. No, sir. The bill provides that no man shall receive any more land than the Government originally intended to give him.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. HEFLIN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Alabama moves to strike out the last word.

Mr. HEFLIN. Mr. Speaker, in the Washington Post of yesterday reference was made to the election just held in the seventh Alabama district. The article that I refer to states that the election is still in doubt, and that the normal Democratic majority is about 4,000. Both of these statements are incorrect.

Mr. Speaker, death is no respecter of persons. He knows no difference between Democrats and Republicans, and whether they be in the private walks of life or Members of this august and honored body, sooner or later he visits them all. He invaded the ranks of our Alabama delegation a few weeks ago and took away an honored Member, Hon. John Lawson Burnett, one of the ablest and best Representatives that have sat in this body since I have been a Member. [Applause.] On the 30th day of September the district he represented so faithfully and well for 20 years was called upon to elect his successor. The Democrats in a primary nominated L. B. Rainey, an able and splendid young Democrat from Gadsden, the home city of Mr. Burnett. The Republicans nominated C. B. Kennamer. They did not do so, however, until two more prominent Republicans had been offered but declined the nomination. One of them stated that he was in favor of the league of nations. Both of these Republicans knew that the district that had just elected Mr. Burnett to represent that district in the Sixty-sixth Congress would be sure to elect a Democrat to fill out his unexpired term. While the Democratic majority in the district is not always as large as we would like for it to be, the district is safely Democratic, and can always be carried by a Democrat when we make a thorough canvass, as we did this time. Representative Burnett had been elected from that district by some rather small majorities. At one time his majority was 523 and at another time 133 and at one election his majority in the district was only 15 votes.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. WOOD of Indiana. At the time his majority was small is it not a fact that there was a county in his district that was 550 Republican, which was taken out after those elections?

Mr. HEFLIN. I do not know what the Republican majority was in that county, but it was small.

Mr. WOOD of Indiana. Is it not a further fact that another county was added to the district which was normally 150 Democratic?

Mr. HEFLIN. I do not know the exact majority; about 100, I should say.

Mr. WOOD of Indiana. Is it not a fact that Mr. Burnett's majority at the last election was over 1,300?

Mr. HEFLIN. Sometimes his majority was large and sometimes it was small. There are more Republicans in that district than there are in any other district in the State, but there are not enough of them to carry the district. The district is safely Democratic. I made 21 speeches in the district in the campaign just closed, and I enlightened the Republicans as best I could all over the district. [Laughter and applause.]

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. SMITH of Idaho. If the district was safely Democratic, why was it necessary for the gentleman to make 21 speeches? [Laughter.]

Mr. HEFLIN. In order to arouse the Democrats to the importance of voting the Democratic ticket—to get out the Democratic vote. As I said at the outset, the Democratic majority is not very large in that district. The unrest produced by the World War and the misunderstanding of the league of nations produced by the speeches of Senator LODGE, Senator REED, and other Republicans [laughter], circulated over the district, confusing and misleading the people, had to be met, explained, and combated by us. Mr. Rainey, the Democratic nominee, declared for the league of nations and the Democratic administration, while Mr. Kennamer, the Republican candidate, declared against the league of nations and the administration. The official count gives Mr. Rainey a clear majority of 406 votes, and this is a clear victory for the league of nations and the Democratic administration. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. Mr. Speaker, I would like to have three minutes more.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield again?

Mr. HEFLIN. Just for a question.

Mr. WOOD of Indiana. I will ask if it is not a fact that the Democratic speakers, and also the Democratic press in that district, because of the fact that the sentiment was so largely against the league of nations, proclaimed throughout the district that the league of nations was not an issue; that it mattered not who was elected, because the House had nothing to do with the question of determining the league of nations; and did not the gentleman himself say that in his speech at Center on Saturday before the election?

Mr. HEFLIN. I did say that the House had no vote on the league of nations, and I also said that there was a good deal that the Representatives in the House would have to do if we kept our wholesome Democratic laws upon the statute books. [Applause.]

Mr. WOOD of Indiana. Did not the Gadsden papers, for several days immediately before the election, warn the people not to be fooled about the league of nations, and did they not say that the league of nations was not the issue at all?

Mr. HEFLIN. Your candidate insisted that the league of nations was the issue, and that if he were elected it would go out to the world that the district was against it.

Mr. WOOD of Indiana. Please answer the question.

Mr. HEFLIN. And Rainey, our candidate, said, "I am for the league of nations and for the Democratic administration," and he was elected by 406 majority. [Applause on the Democratic side.]

Mr. WOOD of Indiana. Did not the Gadsden papers, as I have stated repeatedly, say that the league of nations was not the question, and that that was a false issue, and not to be fooled by it?

Mr. HEFLIN. These papers stated, and correctly, that the Member elected would not have a vote on the ratification of the treaty. But the Republican candidate and his helpers all insisted that the league of nations was the issue. The gentleman from Indiana [Mr. WOOD] was down there and contributed to our success, as did Mr. FESS, of Ohio. [Laughter and applause.] A speech made in this House by Mr. FESS April 24, 1916, helped us with all right-thinking people in the seventh district. [Applause on the Democratic side.]

I will print in the RECORD a telegram from Judge Herzberg, of Gadsden, giving the Democratic majority as disclosed by the official count of all the votes cast in the district:

GADSDEN, ALA., *October 3, 1919—4.34 p. m.*

Hon. J. THOS. HEFLIN,
House of Representatives, Washington, D. C.:

Official count, entire district, gives Rainey, Democrat, 406 majority.

L. L. HERZBERG.

Mr. FESS. Mr. Speaker, I rise in opposition to the pro forma amendment.

Gentlemen of the House, the reference made by the gentleman from Alabama [Mr. HEFLIN] to the late Congressman Burnett is one that we all appreciate and indorse. [Applause.] I looked upon him as one of the bravest of our Members, one of the clearest in his views, and one of the most amiable Members that it has been my pleasure to know since I have been in Congress.

Now, as to the election on the 30th. Prior to 1915 the seventh district of Alabama started on the extreme east of the State with Cherokee County, and ran across to the extreme west side

of the State, including Franklin County, with eight counties altogether. The elections were uncomfortably close, as the gentleman from Alabama [Mr. HEFLIN] has just mentioned. In 1915 the State was redistricted, and two counties, Franklin and Winston, strongly Republican, were lopped off, and the Democratic county of Blount was added to it, and with these changes the normal majority of the Democrats was between 3,000 and 3,600.

When this vacancy occurred in the House there was some concern as to whether there was any chance of a high-grade, clear-cut, aggressive campaign on the part of the Republicans. It was thought that there was some chance for breaking into the very heart of the solid Southland. I have reasons for believing that that situation is present and has been for some time. If you could eliminate certain prejudices the South would not remain solidly Democratic. There is not an intelligent Member on either side of the aisle who will not admit that, privately at least, if not publicly.

Mr. BANKHEAD. Will the gentleman allow me an interruption?

Mr. FESS. I will.

Mr. BANKHEAD. What character of prejudices does the gentleman refer to?

Mr. FESS. Prejudices that grow largely out of the race question.

Mr. OLIVER. Will the gentleman permit a question?

Mr. FESS. I will.

Mr. OLIVER. Does the gentleman know that the candidate of the Republicans in that contest condemned the appointment of negro lieutenants for negro troops by the President, and likewise condemned the appointment of a negro to act as special agent of the War Department in looking after the welfare of negro soldiers?

Mr. FESS. I am not aware of that. I am aware, however——

Mr. OLIVER. I will state that that is a fact. Is the gentleman further aware, when he speaks of a high-grade campaign, that the Republican candidate was strong in his opposition to tick eradication?

Mr. FESS. Republicans are not running campaigns on the issue of tick eradication.

Mr. OLIVER. That was one of the issues made by the Republican candidate, and my understanding is that the gentleman who now has the floor wrote letters to the seventh Alabama district indorsing the policies that the Republican candidate stood for.

Mr. FESS. I will state to my friend from Alabama who has just interrupted me that the Republicans do not conduct campaigns on the issue of tick eradication or any other issue that looks to the Federal Government to see how much money can be taken out of the Treasury. That is a thing that we object to—your pork-barrel methods. [Applause.]

In the second place, if our Democratic friends can take any encouragement from the result of this election, in which the official report says there is a majority of 406 for the Democratic candidate in a district which was redistricted in order to make it safely and solidly Democratic with a normal majority of from 3,000 to 3,600 cut down to 406, they are welcome to all the encouragement they can get from that. [Applause.] Let the Republicans, as well as the Democrats, note that five counties out of the seven were carried by the Republican candidate, including the Democratic county added in 1915, and but two counties out of the seven were carried by the Democratic candidate, and this upon an issue in which my name was used, as the gentleman from Alabama, our genial friend, Mr. HEFLIN, suggested, on a cheap basis of racial prejudice. If that sort of thing can go, it is only a question of the Democratic constituency and not a matter of intelligence, which has no permanent importance, and I will say to my Democratic friends, you may claim the Congressman, but we shall claim the victory; for if our Democratic friends in solidly Democratic communities can be made so impatient and uncertain that you have got to import the force of your committee and your Congressman into the district to hold it in order to hold your own seats on your own ash heap, the victory is ours and not yours. [Applause.] It is only a suggestion of what our friends may look for in the very near future.

Mr. HEFLIN. We will carry it by 2,000 majority next time.

Mr. CARAWAY. I ask unanimous consent to address the House for two minutes on this subject.

The SPEAKER pro tempore (Mr. TOWNER). The gentleman from Arkansas asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. CARAWAY. I am always amused when our friend from Ohio, Dr. FESS, talks politics. He said a minute ago that if they could eliminate certain conditions they could break the solid South. I should like to tell him what those conditions are. Whenever they can banish intelligence down there, he may expect the solid South to go Republican. [Laughter.]

But until that happens the doctor is going to have to content himself, as he said he would, by letting us have the offices and he claim the victory. [Laughter on the Democratic side.] There is not any more use, seriously speaking, of talking about the South going Republican than there is to talk about the Republican Party growing patriotic on the question of the league of nations—not a bit. [Laughter.] If the gentleman can get any real consolation by claiming an empty victory, why, God bless his soul, he will be happy all his life. [Laughter on the Democratic side.]

The gentleman from Alabama [Mr. OLIVER] suggests that the Republican candidate in Alabama ran on his opposition to tick eradication, and the gentleman from Ohio says he wants it understood that the Republican Party is not a tick eradicator. [Laughter.] Well, you know there is considerable resemblance between the Republican Party and a cow that has not been dipped. [Laughter.] And, I take it, the same thing is the matter with both of them, and until they get rid of the tick we may have the kind of politics that the gentleman from Ohio says fills him with glory. [Laughter and applause on the Democratic side.]

Mr. WOOD of Indiana. Mr. Speaker, the gentleman from Alabama [Mr. BANKHEAD] a few moments ago asked Dr. FESS in regard to the character of the prejudice resorted to in this special campaign in Alabama. I desire to give him an example. When I arrived at Brimingham on my way to the district I was handed a paper, the Birmingham Ledger, or Herald, announcing my coming and giving the places where I was to speak. Among other things it stated that I was a carpetbagger [laughter]; that I was afflicted with what was known as Wilsonphobia; that I had come down there to drop poison; that I was there for the purpose of deluding the people; that they would resent any man from the North coming down there to tell them how to vote. That was a sample of the prejudice to which they resorted. When I arrived at the place of my first speaking, Cullman, I was met by a committee. I did not know but that it was a committee to carry out the spirit of the article to which I have just referred, but they turned out to be friends.

I was instructed as to the manner of procedure. I was informed that the gentleman from Alabama [Mr. HEFLIN] had spoken there the day before, and I was told something about his speech. It was suggested to me that there were three things that they would like to have me do: First, to give HEFLIN hell; second, to give Wilson hell, and especially to give the league of nations hell. [Laughter.] I declined the first proposition. I informed the audience the next day that they did not appreciate the gentleman from Alabama; that it was a demonstration of the old adage that a prophet is not without honor save in his own country; that he was easily the biggest man in the Alabama delegation, and you did not have to prove it, for he would admit it. [Laughter.] I also informed them that they did not appreciate his influence; that the gentleman was desirous of entering the war; that he was chafing like a war horse to get into the fray, and would have gone if it had not been for the urgent request of the President of the United States to remain here; that for him to go would deprive him, the President, of his mouthpiece in the House. [Laughter.]

I informed them that he was appreciated fully, however, by the President from the fact that when it came to selection of an Assistant Secretary of War during this trying period he went to Alabama to get him; that this Assistant Secretary came from the district of Mr. HEFLIN, and notwithstanding he was black as a coal he was nevertheless appointed Assistant Secretary of War. I told them that as another evidence of his influence that when the ship *George Washington* sailed across to the other side they were looking for some one to represent that section, and the gentleman from Alabama was again called upon to name that representative. The man he selected was as black as the ace of spades; but this did not matter to this great champion of the colored race. Therefore I declined to do what they wanted me to do in regard to the gentleman from Alabama [Mr. HEFLIN].

That the league of nations was an issue down there there can be no manner of doubt. Although the speakers and the press in every issue were disclaiming the fact that the league of nations was the issue, the Gadsden Democratic paper came out every day and said it was a false issue and was done for the purpose of fooling the people; that no matter who was

elected he would have no voice and nothing to say, and appealing to the fact that the letter sent by Dr. FESS, chairman of the congressional committee, for the people down in that section to vote for Kenneman was based on the fact that Kenneman had promised to vote for certain issues inimical to the South. The main appeal made by the gentleman from Alabama was that in the event that the treaty was ratified cotton automatically would go to 60 cents a pound. [Laughter.] I told the people that I expected he knew what he was talking about, and by that same token the boll weevil would be exterminated. Also, the cattle tick about which the gentleman from Alabama [Mr. OLIVER] had spoken, was an issue down there, and I assured them upon the same authority the cattle tick would be eradicated immediately upon the adoption of the league of nations, cotton would go to 60 cents a pound, and the cattle tick would turn up its toes, the roup in the chickens would disappear, and all other diseases of animals and men would be no more. [Laughter.]

Mr. HEFLIN. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. HEFLIN. I stated that when Mr. LODGE started his fight on the league of nations cotton was 36 cents, and that at the time I was speaking it was 29 cents, and that if it was ratified it would go to 60. [Laughter.]

Here is what I said about the gentleman coming down there: I said that Mr. WOOD had made more bitter attacks on the South being in the saddle and attacking the President than any Republican I knew of, and that if Mr. SANDERS of Indiana or Mr. PURNELL or Mr. BLAND should be sent down there they would not be open to that kind of an attack, but that the man they had sent was open to that kind of an attack, and that was why we were attacking the gentleman—on the question of the solid South and the South being in the saddle, and the gentleman helped us very much.

Mr. WOOD of Indiana. Well, you ought to have given me a vote of thanks, and you did not do it anywhere. But, Mr. Speaker, in all seriousness, I wish to bear witness to the fact that in all my experience, in all the campaigns that I have ever had to do with, I never received at the hands of any people a warmer reception or more cordial welcome than I did from the Republicans in that community. I want to say as to the proposition, which comes in large measure from the other side, that the Republicans of the South are the scalawag Republicans, Republicans merely to get the plunder when we are in power, is a base slander, that it is not true in any sense of the word, and that the Republicans in the seventh district of Alabama are composed of the best citizens of Alabama, and if they have the courage to stand up and be knocked down year after year, as they have been doing, ever ready to fight for the principles of the Republican Party, gaining strength with each encounter, so that in this campaign it became necessary for the entire Alabama delegation, with one or two exceptions, to go to the rescue of one of their Democratic candidates, it augurs well, and demonstrates that there is still hope and that the light is breaking for a better day. [Applause.]

Mr. DRANE. Mr. Speaker, I think all this shows that I am a very good-natured man. I now move the adoption of my amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the said Secretary of the Interior be, and is hereby, authorized to cause to be made such surveys or resurveys in said townships as may in his judgment be necessary in order to carry out the provisions of this act.

Mr. DRANE. Mr. Speaker, I offer the following amendment, which I have sent to the desk.

The Clerk read as follows:

Page 3, line 21, after the word "in," insert "township 29 south, range 28 east, also in."

Mr. GARD. Mr. Speaker, I do not see the necessity for putting in "township 29" in section 2 when it has already been put in by the gentleman's amendment in section 1.

Mr. DRANE. It does not belong in section 2, I would state. It should be in section 3.

Mr. GARD. The gentleman offered the amendment, in line 21 of section 2 on page 3. Mr. Speaker, may we have the amendment again reported?

The SPEAKER. Without objection, the Clerk will again report the amendment of the gentleman from Florida.

There was no objection, and the Clerk again reported Mr. DRANE'S amendment.

Mr. DRANE. Mr. Speaker, I ask unanimous consent to withdraw that amendment for the purpose of offering a perfecting amendment.

The SPEAKER. We are in the House now, and the gentleman has the right to withdraw it without unanimous consent.

Mr. DRANE. Mr. Speaker, the Secretary in his letter suggested the striking out of section 3 of the bill, stating it is not necessary, and I now move that section 3 be stricken out.

The SPEAKER. That can be done only after it has been read. The Clerk will read.

The Clerk read as follows:

SEC. 3. That from and after the date of the introduction of this bill the lands in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, shall be withdrawn from all settlement and entry and shall remain so withdrawn until the adjustments hereinbefore alluded to shall have been completed.

Mr. DRANE. Mr. Speaker, I move to strike out the section.

The SPEAKER. The gentleman from Florida moves to strike out the section. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DRANE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DRANE. Mr. Speaker, I ask unanimous consent that the title be amended to conform to the text of the bill.

The SPEAKER. Without objection, the title will be amended to conform to the text of the bill.

There was no objection.

By unanimous consent, Mr. DRANE was granted leave to extend and revise his remarks in the RECORD.

SCHOOL LANDS IN GOVERNMENT TOWN SITES ON RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 794) granting lands for school purposes in Government town sites on reclamation projects.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like the gentleman from New Mexico [Mr. HERNANDEZ] to state how many different districts there are in which it is necessary that some such withdrawal as this should be made.

Mr. HERNANDEZ. I do not know; there are several. There are 39 reclamation projects in which relief is sought by this bill.

Mr. WALSH. We ought to know how many before we passed a general law just to cover a few districts, particularly when you are asking to pass it by unanimous consent. This report does not give very much information.

Mr. HERNANDEZ. The Committee on the Public Lands makes but one amendment to the bill as it came from the Senate, on page 1, line 3, after the word "be," to insert the words "and he is."

Mr. WALSH. Well, unless——

Mr. MONDELL. Whose bill is this?

Mr. HERNANDEZ. This is Senator SMOOT'S bill.

Mr. MONDELL. Will the gentleman from Massachusetts yield?

Mr. WALSH. I will yield.

Mr. MONDELL. I know of town sites on one reclamation project to which this legislation would apply, and while I have not had my attention called to the legislation I can readily understand how important it is. I can not see any possible objection to a general provision of this sort. There are not a great many Government-owned town sites on reclamation projects. There are a few, but on every one of them the question would necessarily arise as to the disposition of land for school purposes.

Mr. WALSH. Does not the gentleman think there should be some limit to the amount of undisposed land that can be used for that purpose rather than leave it to the discretion of the Secretary of the Interior?

Mr. MONDELL. I should imagine that it would be perfectly safe to leave the discretion with the Secretary and his officers for the reason that the gentleman knows that they are not going to be overliberal in a matter of this sort. It might be limited to a block to a school district, and that would not be excessive in a town which was growing. I should say, however, that it is pretty difficult for the Congress to determine whether this should be a block or a quarter of a block. I can not imagine any condition under which the grant to a school district would be excessive, and I think the tendency would be to be conservative and possibly not grant as much as ought to be granted.

Mr. WALSH. Well, does not the gentleman think that Congress would be warranted in placing a maximum? Now, if you do not, in some districts the Secretary in the exercise of his discretion might convey 40 acres of property and in another district it might be three.

Mr. MONDELL. I imagine that the most that would be granted in any case would be a block, or there might be a town site large enough to necessitate and warrant the passing of title to two tracts in the town site for school purposes, but that certainly would be the maximum for anyone to suggest or propose. But what I fear is that if we fix a maximum it will be rather in the direction of a larger area than would ordinarily be granted than otherwise. I imagine there can be no objection to a maximum of not to exceed a block, say, for any one school. There might be a town site in which several school sites were desired.

Mr. SMITH of Idaho. In many town sites on reclamation projects, I wish to say to the gentleman from Massachusetts, the people are very poor, and it is very difficult for them to secure money enough to buy school sites. This legislation will have the tendency to build up the community. The Government donates land which is unappropriated and not desired for building purposes. The fact that it is undisposed of would indicate that nobody wants it, and it seems to me to be unfair to impose a tax upon those people, most of whom are poor, in these new towns, and require them to buy land for school purposes. It is all for the general welfare. Everyone in the town is benefited and the Government is not assuming any burden or responsibility.

Mr. WALSH. Of course, that is a stock argument of these people in these States, who are depending upon the Federal Treasury for everything they get.

Mr. SMITH of Idaho. It does not cost the Government anything.

Mr. MONDELL. Will the gentleman from Massachusetts allow me?

Mr. WALSH. I will.

Mr. MONDELL. As a matter of fact, it is not a grant of something that belongs to the Government to some one who has no interest. Now, let us see what happens. If these lands in the town site are sold they go to the credit of the project.

Mr. WALSH. Yes.

Mr. MONDELL. The people on the projects, all of them, get the benefit of the sums paid, whereas if they are granted to a school district the people of the school district—that is, of the town and of the adjacent country—have the benefit. It is simply a question of whether the people of an entire project, which might be 50 miles long, secure the benefits of the selling price of a block of land or the people of the school district, that is somewhat a smaller area, have the benefit of the tract for school purposes.

Mr. WALSH. What are those people doing on those tracts for school facilities now? There are some of them who have school facilities and school buildings?

Mr. MONDELL. I think in some cases the school district has purchased land. I should not be surprised if they purchased it at a rather nominal price.

Mr. SUMMERS of Washington. I suggest to the gentleman from Massachusetts that it is sufficiently explicit when it says such lands as "are necessary for said district for school buildings and grounds."

Mr. WALSH. In the discretion of the Secretary of the Interior.

Mr. SUMMERS of Washington. "*Provided*, That if any land so conveyed cease entirely to be used for school purposes the title thereto shall revert to and revest in the United States."

Mr. WALSH. But the Secretary of the Interior never passes any opinion upon it; it will be passed upon by some clerk down here or somebody in the office down here.

Mr. SUMMERS of Washington. Suppose a canyon is to serve as a playground adjacent to where the building is located——

Mr. WALSH. A canyon?

Mr. SUMMERS of Washington. A canyon.

Mr. WALSH. We have got bills here where we are asked to give some land because they are afraid of falling into a canyon or canal.

Mr. SUMMERS of Washington. The gentleman from Massachusetts [Mr. WALSH], the State of culture, would not want to deprive the children on one of these projects of a little bit of land, which would amount to $5 or $10 or $15, possibly?

Mr. LONGWORTH. Can the gentleman from New Mexico [Mr. HERNANDEZ] tell me how many reclamation projects there are now in his State?

Mr. HERNANDEZ. There are 39 in the United States.

Mr. LONGWORTH. How many in the gentleman's State?

Mr. HERNANDEZ. In my State there are two.

Mr. LONGWORTH. Is Government work being prosecuted on them now?

Mr. HERNANDEZ. Yes.

Mr. LONGWORTH. Is it continuously going on?

Mr. HERNANDEZ. One of the projects—the Carlsbad project—is finished now. That is being operated to great advantage and is very successful. The Rio Grande project is still unfinished so far as the canals are concerned.

Mr. WALSH. Would the gentleman from New Mexico have any objection to inserting in line 8, after the word "lands," the words "not exceeding five acres in area"?

Mr. HERNANDEZ. I would accept that amendment.

Mr. TAYLOR of Colorado. If the gentleman will permit, in these days the tendency in the country is to make larger and more commodious grounds for school children to play in. Five acres is not large enough to play baseball on.

Mr. WALSH. If the gentleman will come to Massachusetts we will show him where they are teaching people to play baseball, and who will become famous in the game, upon sand lots of less than 1 acre in area.

Mr. TAYLOR of Colorado. Of course, your land is very valuable.

Mr. WALSH. The more valuable the land, the more valuable the player.

Mr. HICKS. Do I understand from the gentleman from Colorado [Mr. TAYLOR] that you can not play a ball game on a 5-acre lot?

Mr. TAYLOR of Colorado. That is not big enough. They can throw over that.

Mr. HICKS. You must have big ball players out in Colorado.

Mr. TAYLOR of Colorado. Well, the schools have to have accommodations, and they need buildings and outbuildings.

Mr. HICKS. These ball players that the gentleman refers to must be members of the Rocky Mountain League?

Mr. WALSH. Does the gentleman from Colorado in all seriousness believe it would be necessary in any of these reclamation projects to utilize more than 5 acres for school purposes?

Mr. TAYLOR of Colorado. Why, yes; and I will tell you why. Very often they have the children plan little gardens, and that is a part of the curriculum of the school. They ought to have them, and ought to be encouraged to have them.

Mr. WALSH. That is something that has not been offered here. I think I shall object to the consideration of this bill.

The SPEAKER pro tempore. Does the gentleman from Massachusetts object?

Mr. WALSH. I withdraw it.

The SPEAKER pro tempore. The question is, Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object——

Mr. MONDELL. With the understanding that the committee accepts the amendment limiting the area to 5 acres.

The SPEAKER pro tempore. Is there or is there not objection to the consideration of the bill?

Mr. MONDELL. It is proper for the House to understand what the attitude of the committee is in the matter.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The bill is on the Union Calendar.

Mr. HERNANDEZ. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from New Mexico asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be hereby authorized, upon application by the proper officers of a school district located wholly or in part within the boundaries of a project of the United States Reclamation Service, to issue patent conveying to such district such unappropriated undisposed of lands within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds: *Provided*, That if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States.

Also the following committee amendment was read:

Page 1, line 3, after the word "be," insert the words "and he is."

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Speaker, I move to amend, on line 8, after the word "lands," by inserting the words "not exceeding 5 acres in area."

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 1, line 8, after the word "lands," insert the words "not exceeding 5 acres in area."

The SPEAKER pro tempore. The question is on the amendment.

Mr. FESS. Mr. Speaker, I think I shall support the amendment, but I want to say a word in reference to the tendency of enlarging the space about school buildings. It used to be that about all there was to a school was the building, with a small inclosed space that was regarded a necessity for a playground, but within the last 10 years there has been a very pronounced change of sentiment, to the effect that all that there is in school work is not confined within a building, that much of it is outside of the building, and especially is that true since the drift has been toward vocational education. There has been a movement to increase the agricultural possibilities of scientific methods, and to-day in Ohio, as well as in most other States of the Union, there has been a very pronounced tendency to make agriculture a part of the educational work of the schools, and while land in this particular part of the country is not limited, and while there would be a tendency to not limit it in the bill, I shall vote to limit it to 5 acres. But I wanted to take the time to say that the larger land area is preferred to the smaller, as used to be the rule. I think the whole country realizes that intensive agriculture, as started through the school gardens, is one of the most pronounced advancements in education in the last decade.

Mr. WALSH. Will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. WALSH. Of course, this tendency to increase the area for play and agricultural pursuits is followed and can be seen in even crowded cities.

Mr. FESS. Very distinctively so. It has gotten to be so to-day that to leave a vacant lot in a city uncultivated is looked upon not only as a lack of interest but actual waste in making the most out of the educational facilities that go with the educational system. I know that in the cities, as much so as in the country, the school gardens requiring an enlarged space for school grounds have come to be distinctive demands.

Mr. TAYLOR of Colorado. Mr. Speaker, I rise in opposition to the amendment. I want to supplement what the gentleman from Ohio [Mr. FESS] has said. I think possibly I am responsible for enlarging this acreage for school purposes. As I recall it, at first only 1 acre was provided for for schoolhouse and grounds. I wanted it increased to 10 acres. We are building for the future and this bill applies to all the Government reclamation projects.

I do feel that we ought to encourage them and provide for large school sites. That land is now vacant and barren land, comparatively worthless, and we want to encourage the children to do gardening and field cropping, to carry on practical plant industry, and give them room to make it a practical subject of study; and it seems to me if they had 10 acres for every one of these country schools it would be splendidly well applied. I regret to see gentlemen suggest cutting it down. I feel that that really is a great mistake. If the gentleman will stop to think of the utilization which can be made of that extra land he will feel that he is really doing an injustice to the youth and welfare of all those communities in asking to limit it to just enough for a schoolhouse and the immediate necessary surroundings. Give the children enough ground for a playground and cropping grounds and gardens and a baseball field besides.

Mr. SUMMERS of Washington. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Washington moves to strike out the last word.

Mr. SUMMERS of Washington. Mr. Speaker, I want also to call attention to what the gentleman from Ohio [Mr. FESS] and the gentleman from Colorado [Mr. TAYLOR] have said, and to emphasize that same thing. The tendency at this time is decidedly in favor of obtaining land to be used for agricultural and demonstrational purposes in connection with schools, and this is especially important on irrigation projects. There are many people who move from localities that know nothing of irrigation, where the children know nothing of irrigation, and know nothing of intensive cultivation and development of the land, and it is the belief of the county agricultural agents and county superintendents in the irrigation States that there will be no better opportunity offered in those communities for teaching children the things they have to learn in order to bring about the highest development of these lands. When you have children in school they are assembled in mass, so that it should be left discretionary, and if it should seem advisable in any case to have a few more than 5 acres of land in order to teach this very thing that must be taught in order to bring the best development to that tract, it seems to me it would be highly advisable. I really believe it ought to be left discretionary, not as a matter of land granting for any community, but to bring the highest development to that community.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. FESS. Would not the gentleman admit that it would be good policy, however, to limit the amount rather than to leave it unlimited?

Mr. SUMMERS of Washington. It is left optional with the Secretary.

Mr. FESS. I am rather of opinion that it is an unwise policy to proceed without any limitation at all.

Mr. SUMMERS of Washington. I know that often we have to acquire as much as 5 or 10 acres. How do we know whether it should be 5 or 6 or 8 acres, or, in this particular instance, 3?

Mr. TAYLOR of Colorado. Years from now, when they want an additional playground, they will have to pay an enormous price for it, whereas the land now is not worth 15 cents.

Mr. SUMMERS of Washington. It is for the upbuilding of the farming community that I plead.

Mr. FESS. If the tendency is to run toward agricultural development, I should not object to the enlargement.

Mr. SUMMERS of Washington. It most certainly is in that direction.

Mr. WALSH. Mr. Speaker, I can not see any reason for any opposition on the part of any of these gentlemen to this measure, and particularly from both of these gentlemen who are members of the Committee on the Public Lands. This land is now undisposed of. Why is it undisposed of? Is it because it lacks value? And if it lacks value, how is it possible to establish a school there and cultivate valuable gardens upon it?

Mr. TAYLOR of Colorado. The chances are that the schoolhouse will be one of the very first buildings erected in a town site. When there are buildings constructed there and water is put on those projects that will be found useful.

Mr. WALSH. The danger of this bill is to pass it without any limit and to permit the Secretary of the Interior or some of his subordinates, upon representation made, to grant away 15 or 20 acres for school purposes on the pretext that the children are coming in there, and that they are going to get water on it, and they are going to have valuable school gardens. Well, the children out there will not make any more effort to cultivate valuable school gardens than they do in the States where the citizens from taxation raise money and buy land and build schoolhouses and do not have the opportunity to have the Federal Government turn over tracts, and it seems to me, Mr. Speaker, that Congress ought to put a limit in all this legislation, as it has heretofore put a limit in other directions. The plea is that you should not limit the children. You would think that they were going to put up five or six story school buildings and have thousands of children upon these reclamation projects. The fact is, you will have very few of them.

Mr. BROOKS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. BROOKS of Illinois. Does not the gentleman know that in the West, as far east as Illinois, the children have to go 5 or 6 or 8 miles to school?

Mr. WALSH. Oh, you do not have to go as far West as that to find such a condition. In New England, too, the children sometimes have to go as far as 10 or 12 miles.

Mr. BROOKS of Illinois. Or, I should say, sometimes children have to go 15 miles.

Mr. WALSH. Well, say they go 15 miles.

Mr. BROOKS of Illinois. There should be farms for horses and gardens, so that the children can be taught agriculture. There is need for more than 5 or 6 acres where the land is cheap.

Mr. SUMMERS of Washington. It is not as a school garden, as such, to which I refer, but as an agricultural training station for the children who will go out here for miles and miles around, who have not had training for this sort of cultivation.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield to me?

Mr. WALSH. Yes.

Mr. LONGWORTH. I should like to add, as to the concern expressed by some gentlemen of the enormous prices to be paid in the future for these lands in case 5 acres is not enough, that it is not very tenable, because I have been hearing lately from gentlemen interested to the effect that unless we appropriate now $50,000,000 immediately for reclamation, none of these reclaimed lands will be worth anything. There is now pending before the Committee on Ways and Means a bill to

draw from the Treasury and transfer to the reclamation fund $50,000,000, on the ground that, as things are going now, none of these projects can be completed otherwise.

Mr. WALSH. I will direct the attention of the gentleman from Ohio to the fact that this land is for school buildings and grounds. Now, that does not mean for prairie gardens, to grow wheat and other enormous crops. It means for school grounds, the same as in any city.

Mr. LONGWORTH. But the gentleman from Colorado [Mr. TAYLOR] said that this land was worth now only 15 cents, and that if we provided a limit of 5 acres, enormous sums would be required to buy the land in the near future.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. EVANS of Nevada. The figures regarding values are altogether speculative. It seems a wise provision to limit the number of acres. I think the limit of 5 acres is a little small, but nevertheless the gentleman from New Mexico [Mr. HERNANDEZ] is not objecting to it. It is always wise to make such a provision, of course.

Mr. WALSH. I am very glad to hear the gentleman's views on that point.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Massachusetts [Mr. WALSH].

Mr. TAYLOR of Colorado. Why not make it 6 acres? That will make a rectangle, and 5 acres will make an irregular piece of ground.

Mr. WALSH. I ask unanimous consent to modify my amendment by striking out "5" and raising the limit to "6."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Strike out the word "five" in the amendment and insert in lieu thereof the word "six."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts, as modified.

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. HERNANDEZ, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of Georgia as the conferees on the part of the Senate.

ZION NATIONAL PARK, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 425) to establish the Zion National Park, in the State of Utah.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, will the gentleman from Utah [Mr. MAYS] state the necessary annual expenditure for the maintenance of this park?

Mr. MAYS. I think this park will probably require about the same expenditure as the Rocky Mountain National Park to start with, which was $10,000 per year.

Mr. WALSH. Will the expense increase the same as that of the Rocky Mountain National Park?

Mr. MAYS. It probably will increase as the park is more generally used. Sixty thousand people visited the Yellowstone last year. Of course, that park now costs a great deal.

Mr. WALSH. Will it require any extensive expenditures for roads within the reservation?

Mr. MAYS. The Government has already built the road through the main canyon.

Mr. WALSH. And the State has built some roads up to it?

Mr. MAYS. Yes.

Mr. WALSH. Will it require any additional outlay in order to make it accessible to tourists?

Mr. MAYS. It is now accessible to tourists, and is being so used; but, of course, as the area visited is extended there may have to be some new roads.

Mr. WALSH. How far is this from the railroad?

Mr. MAYS. I think about 60 miles, is it not?

Mr. WELLING. About 60 miles from the present station of Lund on the Salt Lake route.

Mr. WALSH. I have no further questions.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is public land, is it?

Mr. MAYS. All except about 80 acres, which are in private ownership.

Mr. BLANTON. How much public land is there in the park in addition to the 80 acres?

Mr. MAYS. Seventy-six thousand acres.

Mr. BLANTON. How much of that is land that is adapted to cultivation?

Mr. MAYS. I should say none of it.

Mr. BLANTON. Is it adapted to any purpose of commercial value other than park purposes?

Mr. MAYS. It is not.

Mr. BLANTON. It is fit for nothing but park purposes?

Mr. MAYS. That is all.

Mr. BLANTON. Is there any great necessity for this additional public park?

Mr. MAYS. There is a demand for it.

Mr. BLANTON. I mean outside of the immediate locality in Utah?

Mr. MAYS. Utah has no national park. There are parks established in most of the other States of the West.

Mr. BLANTON. Most of the States have no national parks.

Mr. MAYS. The Western States have. If the gentleman desires it, I will read the list of national parks in the West.

Mr. BLANTON. What I mean is that the great majority of our States have no national parks.

Mr. MAYS. Probably that is true. A great many of them have no scenery well adapted to park purposes. Of course, these great natural curiosities exist mostly in the West.

Mr. BLANTON. At this particular time, when every legislator realizes the urgent necessity for retrenchment in public expenditures, does not the gentleman believe we could hold this matter in abeyance for a few years until we recuperate a bit?

Mr. MAYS. There is no demand for immediate expenditure of money on this park. The Secretary of the Interior recommends that it be set aside as a national park. It was established as a national monument 12 or 14 years ago.

Mr. BLANTON. I understood the gentleman to say that the legislation carried with it an initial appropriation of $10,000.

Mr. MAYS. No; it does not carry a cent.

Mr. BLANTON. But it will require about that amount?

Mr. MAYS. Well, I assume so.

Mr. BLANTON. For the first year?

Mr. MAYS. I assume that ultimately, as the park develops, it would require probably about the same amount as the Rocky Mountain National Park.

Mr. WELLING. If my colleague will yield for a suggestion, I will state to the gentleman from Texas that the area involved in this proposed national park is withdrawn as a national monument already—every acre of it. Please let me say further, this proposed national park is located in southwestern Utah, in Washington County. The State has constructed at great expense an automobile highway from Salt Lake City to the gateway of the park. The Salt Lake route, connecting Salt Lake with Los Angeles, passes within 50 miles of the park opening, and visitors leaving the railroad at Lund can reach the park through regular stages from that point over a perfect State road.

The original act authorizing the withdrawal of this land as a national monument was passed by the Congress on June 8, 1906. Under authority of this act the first withdrawal of land was made by the proclamation of President Taft July 31, 1909. In this withdrawal there were 15,840 acres. At this time the monument was known as the Mukuntuweap National Monument. Mukuntuweap is an Indian name of doubtful origin and was never adopted by the white settlers who had grown to love the majestic beauties which nature had so lavishly revealed at this place. Later on, in March, 1918, the monument was enlarged by proclamation of President Wilson to the extent of 76,800 acres; and responding to the well-known wish of the people living adjacent to the park, the President designated it as Zion National Monument. It is now proposed in the measure which I have introduced to make of this national monument a national park.

The reasons for this change are perfectly obvious. The national parks of the West are becoming the familiar playgrounds of the American people, and rightly so. This year, long before

the close of the tourist season, 60,000 people had visited the Yellowstone National Park through the Salt Lake gateway. The Zion National Park will in every way be worthy of similar approval and patronage by people who love nature in her sublimest moods.

This region obtained its name, Zion Canyon, because of the devout reverence of the Mormon pioneers who settled upon the Virgin River more than 60 years ago. Its perpendicular walls presented an impassable barrier to hostile tribes of Indians, who infested these regions, and these people looked upon Zion Canyon as a convenient and hospitable refuge when threatened by attack from these troublesome Indian tribes.

An enthusiastic admirer of this region once said: "Zion Canyon is an extraordinary gorge cut from brilliantly colored sedimentary rocks by the North Fork of the Virgin River. Its proportions are about equal to those of Yosemite Valley, in Yosemite National Park; the walls are several hundred feet lower and the canyon is considerably narrower. In the cutting of the gorge, however, the torrential stream and wind and rain have carved domes, spires, towers, and other curious forms that strikingly resemble many of the features of Yosemite Valley. More interesting than the carving of Zion's cliffs is their exquisite coloring. Red predominates, as it does in the Grand Canyon in Arizona, but there are amazing combinations of brown, black, and white colors with the red and with each other. White sandstone is superimposed on the red strata, and other layers of the red rock lie in turn upon the white. The action of water upon the exposed surfaces of these rocks has produced a symphony of color that gives the canyon its greatest charm. The finishing touches are given by the forests of the valley floor and the trees on the rim and in the niches of the nearly perpendicular canyon walls. Early scientific explorers of the Southwest, including Maj. J. W. Powell, who made the first trip through the Grand Canyon of the Colorado River, visited Zion Canyon and wrote of the great beauty of the gorge and the brilliance of its coloring, and several artists, including Thomas Moran, have conveyed the wonders of the region to the world by paintings of distinction."

I call particular attention to the fact that the bill does not necessarily involve the expenditure of a dollar of additional money. If the National Park Service, under the direction of the Secretary of the Interior, feels that work should not be begun on the park at this time, no money at all need be expended. It is thought, however, that this great park should be preserved in its primitive grandeur for the benefit of posterity. Along the perpendicular walls of Zion Canyon are the prehistoric homes of the cliff dwellers of ancient America. It is a favorite field of research for the archaeologist and the scientists who are interested in unfolding the history of this ancient people. On its granite walls are carved the symbols and characters which contain the imperishable record of the life history of these ancient races. I appeal to the House to take such action to-day as is necessary to preserve these records before the despoiling hand of man has forever effaced them.

The people of Utah are naturally intensely interested in this region. Historically it is a sacred spot to them as a refuge from hostile Indian tribes. Scientifically, it contains the record of one of the great unread volumes of past generations. Its scenic beauties can not be surpassed in any region of America to-day, and I trust the time is not far distant when hundreds of thousands of men will find its semitropical climate an inviting field for tourist travel in the winter months.

I may say already an enterprising national-park enthusiast and frontiersman, Mr. W. W. Wylie, has, under the direction of the Secretary of the Interior, established camps and regular stage traffic through the proposed park and many thousands have already enjoyed a visit to this wonderland of nature. I ask the House to permit its present consideration by unanimous consent.

Mr. BLANTON. I will state to my colleague that I am heartily in favor of establishing as many parks over the country as we can and just as fast as we can do so. The suggestion I was making was not in opposition to the general purpose of the measure, but to call attention to the fact that probably within the next few years most of the citizens of the United States will be occupied in trying to help the Government to raise interest to pay on its indebtedness and trying to meet that indebtedness as it matures. It is going to require a lot of effort in that direction. I think we ought to hesitate a little before we go into new ventures.

Mr. MAYS. The gentleman from Texas will realize that for the following year there will be many millions spent on the other side of the seas by American tourists.

Mr. BLANTON. Yes; and they could find much finer scenery in this country.

Mr. MAYS. That was what I was about to say. The parks, such as the Yellowstone Park, are of great benefit to the country. I have lately seen the record that 60,000 visitors, a greatly increased number, were through the Yellowstone Park this year, a great increase as compared with other years. It should be the policy of our Government to keep the tourists in this country till they see America first.

Mr. HICKS. Will the gentleman yield?

Mr. MAYS. Yes.

Mr. HICKS. I think the question of the betterment of national parks is something that every citizen is deeply interested in. I would like to ask the gentleman if this proposed park is contiguous to the Grand Canyon of the Colorado. I can not, from the report, determine it.

Mr. MAYS. It is not in the vicinity, but some distance north.

Mr. HICKS. How far from the rim of the Grand Canyon?

Mr. MAYS. I can not tell the gentleman exactly.

Mr. WELLING. It is 90 miles northwest of Bright Angel Point on the Grand Canyon.

Mr. MAYS. I might say to the gentleman that the Secretary of the Interior is greatly interested in the preservation of this park, particularly because it affords the most interesting illustration of American antiquities. The cliff dwellers had their homes in the sides of these perpendicular walls. These dwellings of prehistoric man are to be preserved. Evidences of a high degree of civilization are found in these villages. The curator of the National Museum has lately returned from an examination of these antiquities and tells me he intends to return soon.

Mr. HICKS. Does the gentleman know how these compare with the Mesa Verde National Park, in southwest Colorado?

Mr. MAYS. They are very similar. I would not want to say better, for I would not seek any issue with the gentleman from Colorado on that point.

Mr. BLANTON. The gentleman says that this carries no appropriation whatever and will require none for the next fiscal year.

Mr. MAYS. Not at all, except as already required as a national monument.

Mr. BLANTON. It is simply to be set apart as a national park?

Mr. MAYS. That is all.

Mr. BLANTON. May I ask the gentleman whether he or anyone is going to urge, in the case of the passage of this measure, an appropriation in the immediate future?

Mr. MAYS. I have not any such thought in mind at all.

Mr. BLANTON. I am not going to object to a measure which merely sets aside this land as a park. I would object to it if it carried an appropriation.

Mr. TAYLOR of Colorado. May I make the suggestion that at the present time as a monument there is a small amount of money expended upon it.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. GARD. Further reserving the right to object for a moment, I notice in the last paragraph of the letter the Secretary says:

> Practically all of the land affected by the pending legislation is unappropriated public land. The alienated lands within the boundaries of the proposed park are properly classified in the lists attached hereto.

How much land is there outside of the public land?

Mr. MAYS. My colleague has the list in detail.

Mr. Speaker, we have established 16 national parks, as follows:

Yosemite National Park, Calif.
Sequoia National Park, Calif.
General Grant National Park, Calif.
Mount Rainier National Park, Wash.
Crater Lake National Park, Oreg.
Rocky Mountain National Park, Colo.
Glacier National Park, Mont.
Mesa Verde National Park, Colo.
Hawaii National Park, Hawaii.
Lassen Volcanic National Park, Calif.
Hot Springs Reservation, Ark.
Platte National Park, Okla.
Wind Cave National Park, S. Dak.
Sullys Hill National Park, N. Dak.
Lafayette National Park, Me.
Mount McKinley National Park, Alaska.
Grand Canyon National Park, Ariz.
Yellowstone National Park, Wyo.

It will be observed that the Congress has reached out to far-away Hawaii and Alaska, establishing national parks in those places. It is well to do so. Our magnificent resources

in scenery should be preserved and made available to the people, thus diverting hundreds of millions of dollars from the eager clutches of the Old World and impressing our people with the unparalleled grandeur of their own country.

Of all the 16 national parks and 23 monuments established, the Zion National Park will be the most remarkable in many particulars. Travelers tell us that these wonderful canyons are as imposing as the walls and depths of the Grand Canyon itself, and afford a much more varied example of remarkable colorings. I will insert a statement from the well-known author and traveler "Jack Lait":

AN APPRECIATION OF ZION NATIONAL MONUMENT.

[By Jack Lait. Written especially for the United States Railroad Administration.]

Zion Canyon is an epic, written by mother nature in her most ecstatic humor, illustrated by creation in its most majestic manifestations, published by God Almighty as an inspiration to all mankind.

Far from the foot-worn ways of conventional journeying, its remote and intimate preserves unfold to the traveler whose eye seeks the extraordinary a masterpiece in magnitude, incredible colorings, vastnesses of those mystic influences which mark the earth's contour, and a haven of distant peace beyond the understanding of him who has never entered the mouth of Zion Canyon, where the hubbub of the affairs of men has not yet penetrated, where nature is so big that one may not think small thoughts, where one is embraced in the spirits of mystery and history and those fascinating elements untouched by the rude fingers of destroying humans.

I spent 10 delicious days and nights between the unscaled walls of Zion; I explored it over fords and fallen giant trees down to where, between great, sheer altitudes of rock, no man has ever gone farther—the stream becomes too deep to wade, too rocky to canoe, too narrow to swim. On every side was crude but marvelous nature in bird and foliage and fish and rock and running water. I stood there and I gasped, though I had become almost familiar with the miracles of Zion. I gasped: I gasped a prayer, for one may not behold what one beholds there without knowing that there is a God; that His ways are inexplicable to man and to be taken in faith alone.

Zion Canyon is the most beautiful spot on this continent. I think I have seen all the famed show places that the evolutions of the earth's formation has made. And of them all Zion to me stands first, stands alone. In this opinion I may stand alone. But I saw Zion at its best, and it captured me. Rich with a phase of American history seldom touched upon in popular literature, pregnant like the page of knowledge with the spoils of time, it gives to one who stands within its magnificent dimensions a sounder affection and admiration for the courage of men and a more profound impression of the wonder-works of God.

Also a paragraph from the letter of the Secretary of the Interior:

I have dwelt particularly upon Zion Canyon because it is now so readily accessible and because it is actually being used as a tourist resort, but there are other canyons in the reservation that are bigger and even more beautifully colored. Still more remain to be entered and explored. In time they will all be open to the public. Furthermore, there are in the reservation mountains, waterfalls, natural bridges, ancient cliff dwellings, and numerous other features interesting to the tourist and exceedingly valuable to the scientist and student. The entire area should be protected for all time as a national park, and I recommend that the bill under consideration receive the approval of your committee and of Congress. I have no criticism to make of the form and substance of this bill.

Mr. WELLING. There are 80 acres of land in private ownership in the entire 76,000 acres.

Mr. GARD. How is that to be acquired?

Mr. WELLING. It unquestionably would be turned over to the park service at a merely nominal sum. It is not worth anything as agricultural land.

Mr. BLANTON. May I ask the gentleman if it would not be a wise policy to make some provision now for such acquirement, because gentlemen know that if we surround that private land with a public park the price of that land will go up to an immense amount of money.

Mr. WELLING. There has never been a public park established with so little privately owned land as this, and I assure the gentleman there will be no trouble about this private property.

Mr. DOWELL. Mr. Speaker, I demand the regular order.

Mr. BLANTON. It would be an easy matter to make provision to acquire the land.

Mr. GARD. I regret that the gentleman from Iowa is demanding the regular order when we are simply making inquiries for information.

Mr. MAYS. There is no disposition to withhold any information. My colleague has a description of the land in private ownership.

Mr. DOWELL. I demand the regular order.

Mr. BLANTON. Then, for the present, Mr. Speaker, until we can go into the matter further, I must object.

Mr. WELLING. Mr. Speaker, I hope that the gentleman will not object. This matter is perfectly simple and there ought to be no objection to it.

Mr. BLANTON. The gentleman ought not to rush us, because we are trying to find out something about it, and now is the time to find it out.

Mr. GARD. If the gentleman will withdraw his request for the regular order and let us understand it, I think we will get along.

Mr. BLANTON. If the gentleman from Iowa will withdraw his demand for the regular order, I shall withdraw my objection.

The SPEAKER pro tempore. Objection is heard.

Mr. BLANTON. Mr. Speaker, if the gentleman will withdraw his request for the regular order and give us a few minutes in which to look into the matter, probably there will be no objection.

Mr. DOWELL. But the proper way to get information is when the bill comes before the House. I have no objection to taking a few minutes now, but I shall insist on the regular order if it takes very long. For the present I withdraw the demand.

Mr. BLANTON. And I withdraw my objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GARD] reserves the right to object.

Mr. GARD. Mr. Speaker, what I desire to call attention to is that I think we should place some safeguard in the matter requiring this alienated property to be purchased at a certain amount, because I believe, as the gentleman from Texas [Mr. BLANTON] has said, that sometimes when the United States steps in and establishes a park, land hitherto thought of little value becomes of immense value, and the Government is called upon to spend a lot of money for a small acreage of land. I think we ought to be protected in this circumstance.

Mr. WELLING. I am so certain of the fact that these 80 acres can be returned to the Government at a merely nominal figure that I am willing to accept any amendment that the gentleman desires to present in respect to it.

Mr. GARD. What does the gentleman suggest?

Mr. WELLING. Say that we provide that it shall be purchased at the price at which public land out there is now ordinarily held—perhaps $5 an acre.

Mr. EVANS of Nevada. It is not at all material that the Government have those 80 acres. Let some one own it. It will be all for the better, for then you will have a resident there and it will never interfere with the park.

Mr. RAKER. Mr. Speaker, I call the gentleman's attention to the fact that in the first place there are only 80 acres out of about 70,000, and in all of the other parks which have been set aside there has been a very much greater amount of privately owned land. A good part of it is obtained at a nominal figure and the balance still remains in private ownership. To set a precedent that you could not establish a private park because there would be one part in private ownership I think would be a very bad thing to do.

Mr. GARD. I certainly am in accord with the purpose of the bill, which is to preserve this great national antiquity. I think it should be preserved. There is only a small amount of land, 80 acres, and some say that piece of land is not necessary at all. If it is necessary, I think some additional reservation should be placed in the bill limiting the price at which it shall be purchased. I confess that I am not familiar with the form in which it should be offered, but I suggest that those in charge of the bill place somewhere in the bill the statement that it shall be purchased at a price not to exceed $5 an acre.

Mr. MAYS. That is entirely satisfactory to me.

Mr. RAKER. You can not acquire it now.

Mr. MAYS. But you can limit the price to be paid eventually.

Mr. RAKER. I know, but that is all up to the action of Congress later.

Mr. GARD. No; it is up to it now.

Mr. MAYS. That would limit the Secretary of the Interior to $5 an acre.

Mr. RAKER. But he can not buy the land.

Mr. MAYS. I am willing to accept such an amendment.

Mr. RAKER. There is no authorization for him to buy the land.

Mr. GARD. This does not authorize it. If the gentleman will offer such an amendment, I would have no objection.

Mr. MAYS. I will offer the amendment.

Mr. GARD. Then I have no objection.

Mr. BLANTON. Mr. Speaker, reserving the right to object further, the only reason I raised the question is this: We do know that if a public park is established there and tourists begin to go there every year, the owner of the 80 acres of land could erect big hotels upon it and charge a thousand dollars an acre for it, and reap the benefit of the act of Congress in establishing this as a public park. For that reason an amendment should be adopted to the effect that this is not made a public park until the 80 acres referred to are acquired at a price not to exceed a maximum amount of $5 an acre. That should be a condition precedent. The right of egress and ingress to a per-

son's property is something that the law fixes. This property is entirely surrounded by land owned by the United States, and the minute you put a public park there you can not regulate it so that the owner has not the right of ingress and egress to his property.

Mr. MAYS. We accept the amendment.

Mr. BLANTON. With that understanding, I shall not object.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MAYS. Mr. Speaker, I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Zion National Monument, in the county of Washington, State of Utah, established and designated as a national monument under the act of June 8, 1906, entitled "An act for the preservation of American antiquities," by presidential proclamations of July 31, 1909, and March 18, 1918, is hereby declared to be a national park and dedicated as such for the benefit and enjoyment of the people, under the name of the Zion National Park.

SEC. 2. That the administration, protection, and promotion of said Zion National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provision of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and acts additional thereto or amendatory thereof.

Mr. WELLING. Mr. Speaker, I offer an amendment which I send to the Clerk's desk. Unfortunately I should have offered the amendment at the end of section 1, and I ask unanimous consent to return to the end of section 1 for the purpose of offering this amendment.

The SPEAKER. The gentleman from Utah asks unanimous consent to return to the end of section 1 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, strike out the period, insert a comma, and add the following: "under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monument until such time as an independent appropriation is made therefor by Congress."

The question was taken, and the amendment was agreed to.

Mr. WELLING. Mr. Speaker, in order to answer the objection raised to the bill I offer the following amendment, which I hope will meet the approval of the House. I desire the amendment added after the amendment which has just been adopted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add after the amendment just adopted: "provided alienated land shall be acquired in the discretion of the Secretary of the Interior at a cost of not more than $5 per acre.

Mr. BLANTON. Mr. Speaker, I desire to offer an amendment to the amendment. After the word "acre" insert the following: "before said Zion National Park shall be established."

Mr. MAYS. That gives the people a chance if they are so disposed to hold up the situation.

Mr. BLANTON. It requires them to come in before the establishment of the park. After it is once established it puts a value on the property.

Mr. MAYS. It is very common to have privately owned land within the exterior boundaries of these national parks, and if you state that before the park can be established you must buy these 80 acres, these people have a chance to hold up the Government.

Mr. BLANTON. If they know the park is not going to be established until they come in and object to the establishment by not turning over land at a reasonable value, it should not be established.

Mr. MAYS. They may or may not be interested in the establishment of this park.

Mr. BLANTON. I am sure the public-spirited people of Utah could prevail upon the ownership of merely 80 acres of land——

Mr. WELLING. Mr. Speaker, the amendment which I offer gives the Secretary of the Interior the discretion to acquire this land that has been alienated—this is simply 80 acres—at a price not to exceed $5 an acre to the Government, and I think it has been covered fully.

Mr. BLANTON. Mr. Speaker, I ask to be recognized in opposition to the amendment offered by Mr. WELLING.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

After the word "acre" insert "before said Zion National Park shall be established."

Mr. BLANTON. Mr. Speaker, the very minute that this bill becomes a law and this park is thereby established, that very minute this act of Congress gives unusual value to this 80 acres of privately owned land. It has been stated here that more than 70,000 acres of public land will be embraced in this public park, which completely surrounds this 80-acre tract of privately owned land.

Mr. MAYS. The gentleman will remember since 1906 this has been a national monument.

Mr. BLANTON. The point I am trying to make is that if we want to prevent an act of Congress from putting an extraordinary unreasonable value upon this little 80-acre tract of land, now of insignificant value, we should protect the people of the United States right at this time, because whenever you establish this national park——

Mr. CARAWAY. Will the gentleman yield?

Mr. BLANTON. I regret that I can not now yield to the gentleman from Arkansas. By reason of the money Congress will be called upon to spend thereafter, and by tourists who visit this national park each year on the plan of visitation with respect to the Yellowstone National Park, you will find hotel after hotel placed upon this privately owned property. You will find a corporation soon organized to make profit out of this particular land unless we safeguard the matter right at this time.

Mr. DICKINSON of Iowa. What is to prevent the building of a hotel on any of the other tracts of land?

Mr. BLANTON. Oh, well, the United States can control its own property on the inside by regulation, but, as I said before, it can not control the right of reasonable ingress and egress to this private property. The person owning this 80 acres, with Government land surrounding it on all sides, will have the right to come in and go from the property under reasonable regulations.

Mr. SUMMERS of Washington. Does the gentleman think it could be a very exorbitant price when it is specified at $5 an acre?

Mr. BLANTON. Now, with all due respect to the gentleman from Utah, his amendment does not mean anything as proposed. It merely gives the Secretary of the Interior, in his discretion, the right to acquire this land at $5 an acre. It does not compel the owner to sell his land at $5 an acre, because we have not the right to compel him in that way. And while we authorize the Secretary of the Interior, in his discretion, to try to acquire this land at $5 an acre, the owner would probably laugh at him if he would go to him with such a proposition after we established the national park completely surrounding the land and thereby making it of great value.

Mr. SUMMERS of Washington. How about the other 78,000 acres privately controlled trying to build hotels?

Mr. BLANTON. Oh, it is on the outside, and not greatly affected, but this owner is on the inside. This 80 acres is privately controlled land that will be on the inside of this proposed national park, and its owner may reap a fortune by reason of this act of Congress, and I take it that we want properly to protect and safeguard this legislation right at this time.

Mr. RAKER. Has the gentleman observed what the experience has been of those who have owned lands within——

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. I ask unanimous consent for one minute more in order to answer the question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. The experience has been that the very minute a private citizen gets a chance to gouge the Public Treasury he usually gouges it to the maximum limit. To take this chance and opportunity away from the owner of this 80 acres of land, whoever he may be, I am seeking now to get an amendment to this bill.

Mr. RAKER. Mr. Speaker, I am disappointed that the committee even consented, although, of course, they had to consent, that the Secretary should purchase the land. But the gentleman from Texas evidently is not familiar with the history of owners within the boundaries of parks. Their use of the land is practically of no value. They can not travel over the public land, in and out, as they would; they can not do as they please. They have got to come to the Government to get the right to go over the land. If the gentleman will read the last case in the Supreme Court in regard to the interest a man has from the Government in the Yosemite National Park, he will see that this man will be only too glad to sell and sell at a reasonable

price. He has no monopoly there. He can not establish a hotel or run over the public land without getting their consent.

Mr. WELLING. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. WELLING. Is it not true that in all the national parks that have been created there has been a great deal larger proportion of deeded land than there is in this?

Mr. RAKER. This is the only one in which it is practically infinitesimal. They have run from a thousand to fifteen thousand acres and more in the national parks. And you establish a policy that every bit of the land must be in public ownership before you can establish a park, and that is unfortunate. The national parks are an asset to this Government, they are of inestimable value, and will continue to grow each day as this Government continues, and we ought to encourage the appropriation for and the proper establishment of national parks instead of trying to curtail them. And by every dollar we spend in the maintenance and upkeep of them, we add that much value to this country. Not only the Government land but surrounding land, whole counties, have an interest, and it is for the interest of humanity in general that the people should get the benefit and use of these parks, and that they have hotels and other accommodations so that they can go there and enjoy the benefits of that park. It is unfortunate that anyone should say that a park can not be established until they have acquired all the private land. Now, that will defeat this bill entirely, because there is no provision in the bill or any authorization to condemn, because there is no park. If you establish a park, then under the law authorizing the national parks you can proceed to acquire the land. Why not establish the park and then proceed to acquire the privately owned land?

Mr. BLANTON. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. BLANTON. The gentleman states in one breath that the land would be of no value to the owner; that he would be glad to turn it over to the United States, and in the next breath the gentleman says that if you may not acquire the land at $5 an acre you never would acquire it.

Mr. RAKER. Oh, no. I said there was no authority to give the Secretary of the Interior to commence action of condemnation.

The SPEAKER. The time of the gentleman from California has expired.

Mr. RAKER. Just two minutes more.

There is no park established until the land is acquired. You make no provision for the acquiring of the land, and therefore you have a dead act, of no effect and no avail, and which no one can use. And clearly if you give the Secretary discretion, if he desires later to exchange it for some public land on the outside, for this particular park, an equal exchange, we will get the land for the benefit of the park. Nobody is going to be injured. They never have been injured. There have been fair deals and fair transfers, and as to this policy of saying in advance that you can not establish a national park until you have acquired the privately owned land, and the next policy, that you can not establish a national park unless you will agree in advance to expend no money upon it. I wish to ask, Why should the Government own a valuable property worth a great deal to it and its citizens and then not improve it? Ordinary business men do not do those things. If they have a property that is of value they expend a reasonable amount of money on it in order to make it more valuable, so that they can get some return for it. And it is the same way with this as in every other park.

Mr. WELLING. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON] to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The committee divided; and there were—ayes 6, noes 32.

So the amendment to the amendment was rejected.

The SPEAKER. The question is on the amendment of the gentleman from Utah [Mr. WELLING].

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. WELLING, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WELLING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill.

The SPEAKER. The gentleman from Utah asks unanimous consent to extend his remarks on the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. MAYS. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Utah makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. BROOKS of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARD. I object.

The SPEAKER. The gentleman from Ohio objects. On what subject does the gentleman want to extend his remarks?

Mr. BROOKS of Illinois. I wish to extend my remarks on the war with Silesia.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on the war with Silesia. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks that I made a little while ago.

The SPEAKER. The gentleman from Alabama asks unanimous consent to revise and extend the remarks which he made a little while ago. Is there objection?

There was no objection.

Mr. EVANS of Nevada. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short extract from a report of the Department of Agriculture as to crop conditions in Georgia and my remarks in connection therewith.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting a letter in regard to crop conditions in Georgia and his own remarks in connection therewith. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, may I ask the gentleman in what way the Members of Congress or the people of this Nation would be particularly interested just now in the crop conditions of Georgia, aside from general interest?

Mr. LANKFORD. This is an extract from a report from the Department of Agriculture to the effect that the cotton yield in Georgia will be about 33⅓ per cent of the normal yield.

Mr. BLANTON. Then it will tend to help the farmer, and I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Following are the statement and extract referred to:

Mr. LANKFORD. Mr. Speaker, I was simply crushed and horrified this morning when I read from the Georgia October 1 cotton report from the Department of Agriculture, as follows:

That the State's yield will be the lowest since 1896, that the total production will be the smallest since 1903, that loss of more than 150,000 bales representing $30,000,000, has been incurred since last report date are three astounding statements of the cooperative crop reporting service established by Union of State Department of Agriculture, J. J. Brown, commissioner, and United States Bureau of Crop Estimates, Leon M. Estabrook, chief. Not only that, these are true and conservative figures, as can easily be verified by reading reports of thousands of trustworthy and trained observers maintained by this service in every cotton county in Georgia.

These figures simply mean that the weevil has swept Georgia, doing a maximum damage. Only some 17 cotton counties remain which are not infested, and at the rate of present progress most of these will be invaded before the season closes. As is history in all territory injured for the first time, north central Georgia did not appreciate and would not believe the damage actually taking place, and even the keenest observer hesitated to indicate the full extent of the loss.

Auxiliary to the loss through the weevil, and scarcely second to him in destructiveness, has been the adverse weather. Long periods of flooding rains early in the season were followed in August and September by severe drought and heat. The first wrought destruction on low lands; promoted soft, tender growth where cotton had escaped; and was ideal for weevil propagation. The dry weather caught the plants and stripped them of upper fruit and even their leaves.

Ordinary cotton troubles like rust, blackroot, worms and red spiders, though as bad as usual, in presence of the greater pests have been almost forgotten.

All of these factors, together with labor shortage, have resulted in the greatest abandonment in years. Most of this occurred before the acreage estimate was made and hence included in it, but that since June 25 is still double the average since weevil infestation.

Mr. Speaker, my district is the greatest sufferer in the State, according to the report, and will make less than a third of a normal crop of cotton.

I was raised on a small farm in Clinch County in my district, and actually know what privation and suffering this shortage of a cotton crop means to the people of my section and State.

This great calamity of crop shortage is a most powerful unanswerable argument against the imposition of a potash tariff or any other unnecessary burden on the farmers at this time.

Let us pray to God for a chance to help them instead of a chance to hurt them.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the proposed bonus to be given soldiers by inserting a letter from Capt. C. C. Helmer, of Carroll, Iowa.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by inserting a letter as indicated. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, is the letter from some one in authority or from one of the gentleman's constituents?

Mr. DICKINSON of Iowa. It is from one of my constituents. He is a captain in the Regular Army.

Mr. GARD. And does his letter throw any light on the subject?

Mr. DICKINSON of Iowa. I think it does. He is one of the soldier boys.

Mr. BLANTON. Mr. Speaker, some days ago objection was made to a request to insert a communication from a certain organization of soldiers taking the stand that they did not want a bonus. Now, in view of the fact that an objection was made to a general statement by a whole organization in the way of resolutions passed by that organization concerning a particular bill, it occurs to me that until the whole organization is permitted to be heard from, surely no particular soldier should be heard from, and therefore for the time being I shall have to object.

The SPEAKER. The gentleman from Texas objects. The Clerk will report the next bill.

RIGHT OF WAY THROUGH PUBLIC LAND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2946) to amend acts to permit the use of right of way through public lands for tram roads, canals, and reservoirs, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. SINNOTT. Mr. Speaker, reserving the right to object, I understand the gentleman from Idaho has an amendment to submit to this bill excluding the forest reserves from the provisions of the act.

Mr. SMITH of Idaho. Yes. After the report was made on the bill a communication was received from the Secretary of Agriculture, asking that the amendment be inserted.

Mr. GARD. I object.

The SPEAKER. The gentleman from Ohio objects.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman from Ohio let me make an explanation in regard to this bill? It passed both branches of Congress last year. The Senate made a slight amendment to the bill, but it came here just two days before the adjournment.

Mr. GARD. I have objected, and I shall object. I will reserve my objection for a moment; but there seem to be so many objections to the bill from gentlemen on the Committee on Public Lands that I do not think it should be taken up at the present time.

Mr. SMITH of Idaho. I hope the gentleman from Ohio will not resort to that sort of tactics.

Mr. GARD. The Secretary of the Interior says the bill is objectionable to him.

Mr. SMITH of Idaho. I do not think he makes any such statement.

Mr. GARD. In his letter he says, "The bill in its present form is objectionable to this department."

Mr. SMITH of Idaho. Oh, that letter was written on the 12th of January during the last Congress, and he suggests now that if the amendment recommended by him is adopted he has no objection. He approved the bill in a letter the 18th of last June.

Mr. GARD. If the gentleman wants his bill to come in with proper amendments, all right.

Mr. SINNOTT. I will say to the gentleman from Ohio that that objection has been obviated.

Mr. WELLING. The objection has been eliminated by the acceptance of the amendment proposed.

Mr. SMITH of Idaho. Yes. The bill has been amended by the adoption of the amendment suggested by the Secretary of the Interior in January last.

Mr. GARD. The gentleman from Oregon suggested that the gentleman from Idaho has another amendment. Now, I object to having bills come up and after authority is given to consider them have gentlemen come in with amendments changing their character.

Mr. SMITH of Idaho. After the bill was reported the Secretary of Agriculture volunteered a letter to the chairman of the Committee on Public Lands suggesting an amendment that this proposed legislation should not apply to forest reserves. We have accepted that amendment because the Secretary of Agriculture has requested it. That is what the gentleman from Oregon had reference to.

Mr. RAKER. I know, but that is an important matter, and this is the first I have heard of it. I would not want to let legislation of this kind go through, proposing to say to men whose property is there that they can not have the same rights over forest reserves that others have.

Mr. SMITH of Idaho. But there is a general law applying to rights of way over forest reserves.

Mr. WALSH. Has the gentleman from Ohio [Mr. GARD] withdrawn his objection?

The SPEAKER. He reserved his objection.

Mr. GARD. I withdrew the absolute objection, so as to allow the gentleman from Idaho [Mr. SMITH] and the gentleman from California [Mr. RAKER] and the gentleman from Oregon [Mr. SINNOTT] to explain the bill.

Mr. WALSH. I think they ought to do a little explaining for the benefit of the rest of the House. They have been doing it over on that side, where nobody except the gentleman from Ohio can hear it.

Mr. GARD. I would be very glad if they would explain it to the House.

Mr. SMITH of Idaho. It is a very important bill, and it passed both Houses of Congress last year. There is no new matter in the bill except that suggested by the Secretary of Agriculture, and it seems to me we ought to consider the bill in the House.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. GARD. Further reserving the right to object, Mr. Speaker, I would ask the gentleman from Idaho if he intends to offer an amendment to this bill carrying out, in effect, the amendment suggested by the gentleman from Oregon?

Mr. SMITH of Idaho. Yes.

Mr. GARD. What is that amendment?

Mr. SMITH of Idaho. Simply the amendment suggested by the Secretary of Agriculture, that this act shall not apply to lands within national forests, because we already have general legislation controlling rights of way in national forests and the uses to which the national forests shall be put.

Mr. GARD. What is the reason for the granting of the rights granted by this bill?

Mr. SMITH of Idaho. As indicated in the report, it is necessary to have ditch riders stationed along these great canals which cross the public domain, and in many instances go up into the canyons. In order that these employees may have some place to build their homes and their corrals to take care of their horses, it has been deemed advisable to secure legislation giving them the title to 5 acres of land for this purpose. Otherwise they would be trespassers on the public domain.

Mr. GARD. Are there no tracts of land where under present authority these men may have 5 acres for a house?

Mr. SMITH of Idaho. No; the rights of way are only 200 feet in width, and there is no place for them to erect their houses and build their barns. The only place they could build them would be on the public domain, and then they would be trespassers and liable to prosecution. The land is useless. It is not now utilized for any purpose, because it is away out on the plains or up in the canyons, where it could not be used for any other purpose, and is not desired for any other purpose.

Mr. RAKER. If the gentleman will yield, this brings a new feature onto the forest reserves. I remember when the bill was considered I was very much interested, but this proposed amendment eliminates practically three-fourths of the value of the bill, if not nine-tenths of it. Most of these ditches, canals, and rights of way are over forest reserves.

Mr. SMITH of Idaho. Oh, no.

Mr. RAKER. Oh, but they are in my country and in Nevada, Oregon, and other places. Now, I am going to ask the gentleman a fair question. This never was considered by the committee. Why should we eliminate this right as to forest reserves when that question was not considered or raised in the committee?

Mr. SMITH of Idaho. For the reason, as I explained, that the suggestion from the Secretary of Agriculture was not received until three weeks after the bill was reported.

Mr. RAKER. I know; but that is an entire change of the bill.

Mr. SMITH of Idaho. We are bringing it up here for consideration now. That is what we are trying to secure—con-

sideration of the amendment offered by the Secretary of Agriculture.

Mr. RAKER. If this legislation is advisable as to the public domain, does not the same reason exist for its application to forest reserves?

Mr. SMITH of Idaho. No; for the reason that——

Mr. SINNOTT. If the gentleman will yield, the Agricultural Department reports that there is existing legislation under which the department has no difficulty in meeting the demands of persons who desire to use national forest lands for the purposes contemplated by this proposed legislation, so that there is no trouble upon the forest reserves at the present time. There is legislation that enables these privileges to be granted.

Mr. RAKER. That legislation is simply the right to occupy the land for not more than 20 years, but this gives them a permanent title to the land in connection with their reservoirs, ditches, and so forth, so that they may have it for actual use. I will ask the gentleman if that is not correct?

Mr. SMITH of Idaho. That is true; but the gentleman knows that the jurisdiction over forests is in the Department of Agriculture and the jurisdiction over the public domain is in the Secretary of the Interior, and there is a law which applies to the national forests which authorizes their use for the purposes mentioned in the bill.

Mr. RAKER. I want to be fair with the gentleman. The law in regard to the forest reserves provides that the Department of Agriculture may authorize the occupancy and use of certain lands for a period of not exceeding 20 years.

Mr. SMITH of Idaho. But that right can be renewed at any time.

Mr. RAKER. It can be renewed, but if a man puts a large amount of money into a reservoir and ditch and other waterworks, why should he not have the same right of permanent occupancy if the land is forest reserve as though it were a part of the public domain?

Mr. SMITH of Idaho. We have no objection to it, and we want to meet the wishes of the Secretary of Agriculture in this regard and avoid a controversy which might result in objection to the consideration of the bill.

The SPEAKER. Is there objection?

Mr. GARD. There seems to be such confusion among the membership as to what the bill should be that I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 796) for furnishing water supply for miscellaneous purposes in connection with reclamation projects.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. I object.

Mr. TAYLOR of Colorado. Will the gentleman withhold his objection so as to give us an opportunity to explain the bill?

Mr. WALSH. If the gentleman desires to make a statement, I will reserve the right to object in order that he may do so.

Mr. TAYLOR of Colorado. Let me say that this little bill is one that has been passed before by the Senate and been favorably considered by this committee at the last session of Congress. Throughout nearly all of the thirty-odd Government reclamation projects in the West there are at times every season occasions when the officials want to furnish some water for something else than irrigation purposes—for instance, as the Secretary of the Interior says, for sugar-beet factories and alfalfa mills and for domestic purposes to the people. Sometimes they have to furnish water for railroad engines on trains running through the projects. It is some little temporary use, the amount of water being usually insignificant, but at the same time it is very important to the community. We have put in an amendment that such water shall only be furnished on the approval of the water users' association of that project. So if it is with their approval and the approval of the Secretary of the Interior and is for a general public benefit, and at a time and under conditions where it does not take any water away from the irrigators, I do not see what objection there can be to it. It is in the interest of development, accommodates everybody, and is objected to by nobody. It applies to all the reclamation projects. I trust that the gentleman from Massachusetts will not object to this provision, because it certainly harms nobody. I can not see what objection can be made to it, and I ask the gentleman from Massachusetts to withdraw his objection to this bill, which is for the benefit and development of the country. I do not know whether I have had any effect upon the gentleman's views.

Mr. FESS. You have.

Mr. TAYLOR of Colorado. I wanted to make an appeal that would melt the heart of a wooden Indian tobacco sign to allow this bill to pass and let those deserving people have some water.

Mr. KINKAID. Will the two gentlemen allow me an interruption? This is to relieve very necessitous conditions which occur in a great many places in the arid West when water is extremely scarce. Water is no more important for farming purposes than it is for domestic purposes, but where there is adequate water and some left over from irrigation and domestic purposes, then this is to relieve those necessitous conditions such as the gentleman from Colorado has named. It is a very conservative measure. We have restricted it by four provisos, that the water users must consent, and that it must not be a damage to the project, and furthermore the Government is protected.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WALSH. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill may not be stricken off, but retain its place, and go to the foot of the calendar.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill may go to the foot of the calendar. Is there objection?

There was no objection.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that the bill H. R. 2041 retain its place on the calendar.

Mr. WALSH. No; it ought to go to the foot of the calendar.

Mr. MONDELL. Mr. Speaker, I hope the gentleman from Massachusetts will withdraw his objection for a moment.

Mr. WALSH. I will withhold it.

Mr. MONDELL. I did not hear what the gentleman from Massachusetts said was the ground of his objection.

Mr. WALSH. I did not say anything, but I objected.

Mr. TAYLOR of Colorado. It is pretty hard to argue against a blank objection, without there being any reason whatever given for the objection.

Mr. MONDELL. Mr. Speaker, I take it that the gentleman knows what the situation is. The difficulty as the matter now stands is that it is exceedingly difficult for town sites to get a water supply on reclamation projects. Under the law as it now stands, or is interpreted, the only water rights are those that become appurtenant to the land, and therefore are irrigation water rights. The towns on reclamation projects must have a water supply. The only source of water supply for these towns in many instances is the water on the project. The amount of water needed for this purpose is infinitesimal as compared with the amount used for irrigation. But it is the most essential of all the water supplies.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. Let me illustrate the situation on a reclamation project with which I am familiar. The only way the town on the reclamation project secures water at all is by a notion that a municipal water supply is an irrigation water supply. That is a fiction that can be questioned at any time. It is true that the people on the town site have invested a considerable amount of money in providing for a reservoir and a pressure pipe, but the water supply is still, so far as its legal status is concerned, an irrigation water supply. As a matter of fact, it is a municipal water supply. I imagine the amount of water needed for that town site is probably not more than the amount of water that would be needed for the irrigation of, say, 40 acres of land. But there is no need higher than that of the need of water for municipal purposes. This is a simple little bill for the purpose of enabling the Secretary to recognize that situation and make provision for these municipal water supplies.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. Why can not the town get the water now?

Mr. MONDELL. In this particular case I am speaking of the town can get no other water except that which comes from the project, because there is no water within many miles of the project except the water that comes through the canal to the project. The town is many miles from water except that which comes through the canal. It is the only water in the locality and is brought down for the purpose of irrigating the land. It reaches the little town site built on the project for the purpose of affording the necessary business houses, the railway station, and so forth.

There is no way under heaven of securing water for that town except securing it from this project, water that irrigates the land.

Mr. WALSH. That is not the only section connected with those projects. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. They have no authority to purchase this water from the users now.

Mr. MONDELL. I do not know that the House wants to give me the time to explain the process of appropriation of water for irrigation, but this water supply was appropriated by the Secretary of the Interior for the benefit of the people on the project. The Secretary of the Interior is simply a trustee, and eventually, after all of the lands are sold, that water supply is the property of the people owning the land on the project, a part of whom are those who happen to live in this little town. The water supply is sold to the landowners. That is, the water is not sold; it can not be under the laws of the State; we use that term because there is no other to express what is really done. What is done is to make a charge for the distribution and delivery of water that belongs to the people and land of a project, and that is the charge that is referred to here under the term "sale." He simply makes a charge to the town, as he would to a settler, for a certain amount of water to be used, in this case for municipal purposes, and the sum paid goes into the reclamation fund to help pay for that project. Under the present law there is no way in which that charge for distribution and delivery to a community on the project can be made except under the fiction that the water is being used to irrigate land when, as a matter of fact, it is being used to irrigate the inhabitants thereof, and it is much needed, of course, in these dry times, when there is nothing else to drink.

Mr. WALSH. Mr. Speaker, in view of the very interesting statement of the gentleman from Wyoming, supplementing the statement of the gentleman from Colorado [Mr. TAYLOR], I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I hope the gentleman will not object to letting it retain a place on the calendar.

Mr. WALSH. At the foot of the calendar. We can not have bills objected to remain in the same place on the calendar.

Mr. TAYLOR of Colorado. I am not asking to have it remain in the same place, but to go to the foot of the calendar.

The SPEAKER. The House has already consented to that.

SALE OF CERTAIN LANDS AT MINIDOKA, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2945) to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, will the gentleman from Idaho state what the bill is?

Mr. SMITH of Idaho. This is a bill to authorize the sale of about 67 acres of land on a reclamation project to the railroad company, upon which it desires to build a roundhouse and also extend its switches. It is favorably recommended by the Secretary of the Interior, and a provision has been inserted that the land shall not be sold for less than $50 an acre, the proceeds of which will go into the reclamation fund for that particular project. The land has never been applied for, and is really now worth nothing excepting for such purposes as those indicated in the bill. The railroad company is willing to pay $50 or whatever sum above that the Secretary of the Interior estimates the land to be worth.

Mr. GARD. Does the bill carry an amount at which it is to be sold?

Mr. SMITH of Idaho. The bill provides that it shall not be sold for less than $50 an acre. The land is really quite a distance from the land that is irrigated, and it has never been applied for, although the project has been open for nearly 10 years.

Mr. GARD. What is the amount of the land?

Mr. SMITH of Idaho. Sixty-seven and eighty-seven one-hundredths acres.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Idaho whether or not the mineral rights are reserved in this transaction?

Mr. SMITH of Idaho. The bill does not provide for that, but I have no objection to it. It is in the Great Snake River plain where there are no minerals but lava rock.

Mr. BLANTON. I would state to the gentleman that in two counties in my district to-day there are 200,000 barrels of oil flowing out of the ground every day——

Mr. SMITH of Idaho. But that is a different country from this.

Mr. BLANTON. And they are in a country which until a short time ago people never dreamed had any mineral rights at all. I think that where property is sold at a nominal value—and this is a nominal value, is it not?

Mr. SMITH of Idaho. No; it is not.

Mr. BLANTON. When you consider it is within a reclamation project.

Mr. SMITH of Idaho. Oh, there is no water there to irrigate it. It is 6 or 8 miles from the high-line canal.

Mr. BLANTON. If the gentleman will offer an amendment reserving the mineral rights to the Government, I shall not object.

Mr. SMITH of Idaho. I have no objection to the gentleman's offering such an amendment.

Mr. BLANTON. Would the gentleman offer it at the proper place in the bill?

Mr. SMITH of Idaho. I am not interested in offering such an amendment, but if the gentleman wishes me to draw it up I will be very glad to do it.

Mr. BLANTON. The gentleman can draw it up and offer it. I have no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the State of the Union.

The SPEAKER. The gentleman from Idaho asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to Oregon Short Line Railroad Co., a corporation organized and existing under the laws of the State of Utah and authorized to do business in the State of Idaho, its successors and assigns, for railroad purposes, and at a price to be fixed by appraisement at not less than $50 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, the following-described land, situated in Minidoka County, Idaho:

All that part of the west half of the southeast quarter and the southeast quarter of the southwest quarter of section 2, and the northwest quarter of the northeast quarter and the north half of the northwest quarter of section 11, all in township 8 south, range 25 east of the Boise meridian, within the following-described area:

Beginning at the intersection of the present southeasterly right of way boundary of the Twin Falls Branch of the Oregon Short Line Railroad Co. with the section line common to said sections 2 and 11, 100 feet southeasterly from and at right angles to the center line of main track of said railroad, said intersection also bearing north 89° 5′ west, 460.1 feet from the quarter section corner common to said sections 2 and 11; thence north 40° 25′ east along said southeasterly right of way boundary, being 100 feet southeasterly from and parallel to said center line of main track, for a distance of 1,726.8 feet; thence south 0° 1′ east, and parallel to the north and south center line of said section 2, for a distance of 1,332.6 feet, to a point in the section line common to said sections 2 and 11; thence continuing south 0° 1′ east, and parallel to the north and south center line of said section 11, for a distance of 1,320 feet, to the south line of the northwest quarter of the northeast quarter and the north half of the northwest quarter of said section 11; thence north 89° 5′ west, along said south line, for a distance 2,229.5 feet, to a point in the present southeasterly right of way boundary of said railroad; thence north 40° 25′ east, along said right of way boundary, and being 100 feet southeasterly from and parallel to said center line of main track, for a distance of 1,710.4 feet, to the point beginning, and containing in all 67.87 acres, more or less, within the proposed pumping unit of the Minidoka project of the United States Reclamation Service.

The committee amendment was read, as follows:

Page 1, line 8, strike out the word "appraisement" and insert "the Secretary of the Interior in order to return the expenditure heretofore made or proposed to be made for the irrigation of the land."

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "company," insert a comma and add the following: "reserving all mineral rights to the Government."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7404) to repeal section 7 of the act of October 7, 1917, entitled "An act making appropriation to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HICKS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Idaho some particulars in regard to this bill. From a reading of the report, is it a proper conclusion to reach that there are two purposes in view, one to raise salaries and the other to facilitate the exchange of employees from one department to another?

Mr. SMITH of Idaho. Mr. Speaker, in drawing this report I hoped to make it full enough so that all Members who took the time to read the report might understand the merits of the legislation. At the beginning of the war, when we had quite a number of war bureaus created, it was necessary to have a great

many additional clerks, and those new war bureaus commenced to draw from the old established bureaus in the various departments, and there were so many requests for transfers that it was necessary, for the good of the service and to avoid disorganization of established bureaus, to have the act referred to prohibiting such transfers. Now that the war is over and conditions are resuming normal, it is desired by the Civil Service Commission, also by two Cabinet officers, that this law prohibiting transfers from one department to another be repealed. The law works a great injustice to a great many competent people. From my own district two men came here to Washington and were given positions in a permanent branch of the department. When their skill and experience were discovered transfers were asked for them to other bureaus, but they could not be transferred because of the fact that they had not been in the department for one year.

Mr. HICKS. Let me interrupt the gentleman, if I may, for a moment. On page 2 of the report in the second paragraph at the bottom it states:

It also prevented one department bidding against another, in cases where one of them happened to be more advantageously situated than another with respect to the use of lump-sum appropriations.

Now, if the old law prevented and this does away with the prohibition, then we are going to establish a custom of departments bidding against each other, I would presume.

Mr. SMITH of Idaho. In establishing new bureaus the clerks have to be compensated from a lump sum and the gentleman's objection would apply, but there are only three or four bureaus now where clerks are paid from a lump-sum appropriation—the Shipping Board, the Revenue Department, and perhaps in the Census Office. This legislation is intended to make it possible for those bureaus when some one especially qualified who is now in a permanent department for particular work in another department may be transferred without having to serve one year in the department in which he was originally appointed.

Mr. HICKS. There is one other question I would like to ask the gentleman, and that is on page 4 of the gentleman's report in the letter received by Mr. LEHLBACH from Secretary Baker he states that there should be a provision or an amendment put in "prohibiting one department from tendering, either directly or indirectly, a position to an employee of another department at an increased salary without the prior consent of the head of the department desiring the transfer." Was that proviso put in the bill?

Mr. SMITH of Idaho. No; it was not put in the bill, because we considered it unnecessary. Under the civil-service law permitting transfers, transfers can not be made from one classified position to another without the consent of the head of the department from which the clerk is transferred and the consent of the head of the department to which the clerk is transferred.

Mr. HICKS. Then why did Mr. Baker refer to it in his letter of July 29?

Mr. SMITH of Idaho. Perhaps he was not advised on what the law is, as you can not now make a transfer without securing the consent of the heads of the departments interested in the transfer. The Civil Service Commission has written a letter to the committee, which, it seems to me, should appeal to the judgment of Members and is incorporated in the report.

Mr. HICKS. From whom?

Mr. SMITH of Idaho. From Mr. Morrison, the chairman. This legislation is simply in the interest of the public service and the proper transaction of the public business. These gentlemen charged with the administration of the law seem to think it is very important. The House Committee on Reform in the Civil Service considered it and reported it out favorably.

Mr. HICKS. Mr. Speaker, I always dislike to make objections to bills which have been considered by a committee, but it does seem to me that this bill may throw the gates open to increases in salaries, and also to the enlargement of our bureaus and the increase of our civilian employees, and for that reason I am constrained to object to the bill.

The SPEAKER. The gentleman from New York objects.

Mr. SMITH of Idaho. I ask unanimous consent that the bill go to the foot of the calendar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CARIBOU NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4311) to authorize the addition of certain lands to the Caribou National Forest.

The SPEAKER. Is there objection to the immediate consideration of this bill?

Mr. GARD. Reserving the right to object, I desire to have the gentleman explain the necessity for the bill with the amendments which are inserted by the committee.

Mr. SMITH of Idaho. The amendment in italics, inserted on the first page of the bill, conforms to the recommendation of the Secretary of the Interior, who desired to have the land examined in order to determine whether or not, in his judgment, it should be included in the national forest, and the amendment on the last page is simply to protect pending entries.

Mr. GARD. I note that the Secretary of the Interior says in the report, on page 3:

I am without information as to the necessity for the proposed legislation. While generally opposed to placing lands more valuable for agricultural uses in forest reserves, it is not very clear that these lands are more valuable for such uses, and I would interpose no objection to the legislation proposed if additions to the forest be restricted to lands of the character contemplated by the bill in its present form.

Mr. SMITH of Idaho. That was the reason we put in the provision that he should first examine the land, when he would be in a position to determine whether he wished to approve of the transfer or not.

Mr. GARD. Why is it that the Secretary of the Interior, who is in charge of these matters, is without information as to the necessity for public land in the Caribou National Forest, and what is the necessity for it?

Mr. SMITH of Idaho. The reason the Secretary is not advised is because the land is up on the top of the mountains, and none of his special agents has ever been in there to make examination of the land. The necessity for the legislation is to further protect the stream flow in that country, and simply connects up the forest reserve lying on the west side of Wyoming with the forest reserve lying on the east side of Idaho. It is just a strip of townships which should be placed under the jurisdiction of the national forest administration.

Mr. GARD. Mr. Speaker, I object.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that the bill go to the foot of the calendar.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman if it is not better policy for the Secretary of the Interior to have this proposition investigated first, before the legislation is taken up and passed, as to the necessity for increasing the size of the reserve?

Mr. SMITH of Idaho. The safeguard was put in the bill so that he could examine the land before he determined the matter.

Mr. BLANTON. Has there ever been such a piece of legislation passed until the Secretary of the Interior has had the matter investigated and made a favorable report?

Mr. SMITH of Idaho. We have passed a number of bills of that character, both in this Congress and in the last Congress. In this instance, because his recommendation was not absolute, we inserted the provision as he suggested.

The SPEAKER. Is there objection to the bill going to the foot of the calendar? [After a pause.] The Chair hears none.

HOMESTEAD ENTRIES IN FORT PECK INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 183) providing additional time for the payment of purchase money under homestead entries of land within the former Fort Peck Indian Reservation, Mont.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SINNOTT. Mr. Speaker, I ask that this bill be passed for the present without prejudice.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the next bill.

RAILROAD RIGHT OF WAY FOR PUBLIC-ROAD PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2100) authorizing the Union Pacific Railroad Co., or its successors, to convey for public-road purposes certain parts of its right of way.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The bill is on the Union Calendar.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Union Pacific Railroad Co., or any of its successors or assigns, is hereby authorized to convey to any State, county, or municipality any portion of its right of way to be used as a

public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of said railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

Mr. RAKER. Mr. Speaker, I wondered whether or not there should be an amendment on line 4.

Mr. WALSH. Has consent been granted for the consideration of the bill?

Mr. RAKER. Yes. It is before the House as in the Committee of the Whole.

The SPEAKER. Consent was granted.

Mr. RAKER. I want to call the committee's attention to the fact and ask if they do not believe the words "or assigns" ought to be stricken out of line 4?

Mr. KINKAID. To remove obstacles to the construction of the Lincoln Highway is the immediate purpose, yet streets in villages and cities are also equally involved. While the suggestion of the gentleman from California seems to be plausible, I think, on the whole, the word "assigns" had better not be stricken out.

Mr. RAKER. Originally there was some little doubt in my mind in regard to this, authorizing the transfer, but I simply want to call the gentleman's attention to this fact, that there could be no valid assignee of the Union Pacific Railroad Co. to this land. That is right, is it not?

Mr. SINNOTT. Will the gentleman yield right there?

Mr. RAKER. Yes.

Mr. SINNOTT. This bill is for the purpose of curing that. The Union Pacific Co. had no right under the original grant to assign or deed away any of this land. Some of the land has been deeded for wagon-road purposes, and this would cure that.

Mr. RAKER. That has already been done? In other words, the Union Pacific Railroad Co. has already transferred some of this land within the right of way for public-road purposes?

Mr. SINNOTT. Yes. And that grant was invalid, except as it was cured by the former act.

Mr. RAKER. Now, the purpose of this is not only to authorize them to assign further land for road purposes but to confirm that which has already been transferred?

Mr. SINNOTT. For road purposes.

Mr. RAKER. For road purposes only?

Mr. SINNOTT. Yes.

The SPEAKER. The question is on ordering the Senate bill to be read a third time.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

ENTRIES UNDER THE HOMESTEAD LAWS.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 167) making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WALSH. I object.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the resolution remain on the calendar and go to the foot thereof.

The SPEAKER. The gentleman from California asks unanimous consent that the resolution remain on the calendar and go to the foot thereof. Is there objection?

Mr. McLAUGHLIN of Michigan. Mr. Speaker, reserving the right to object, what is the parliamentary effect under the rule of bills and resolutions going to the foot of the calendar? Does that mean that they are to be put on next week, next time, and, if that process is continued in the case of this resolution, kept up from time to time indefinitely?

The SPEAKER. It can not.

Mr. McLAUGHLIN of Michigan. Whereas under the rule a bill or resolution can be put on only twice, as I understand it, there are some of these bills and resolutions that I have objected to with the idea of disposing of them, not with a view of permitting them to be brought up another time, and I think the Members of the House should have that in mind when they are making objection.

The SPEAKER. The gentleman can cure that by objecting.

Mr. TAYLOR of Colorado. The gentleman understands they could not be brought up to-day. They would have to go over two weeks.

Mr. WALSH. Mr. Speaker, I object to the request of the gentleman from California [Mr. RAKER].

The SPEAKER. The gentleman from Massachusetts objects.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The Speaker holds that when objection is made bills go off the calendar? That is the usual practice with all the bills?

The SPEAKER. Yes. The Clerk will report the next one.

RECLAMATION OF ARID LANDS IN NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (S. 9) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Nevada [Mr. EVANS] a question, whether this measure in its present form conforms in all respects to the bill that was up in the last Congress? Does the gentleman know?

Mr. EVANS of Nevada. I am a new Member. It has passed the Senate. It has the unanimous approval of the Committee on Irrigation of Arid Lands.

Mr. WALSH. Will some one on the committee advise me? Was this passed in the last Congress?

Mr. KINKAID. It was passed in the Senate in the last Congress. It has been pending for some time, and it has had several favorable reports from the Senate committee, and it has passed the Senate at least once before.

Mr. WALSH. This is too important a measure to be passed by unanimous consent.

Mr. EVANS of Nevada. Mr. Speaker, will the gentleman yield for a moment?

Mr. WALSH. I will withhold my objection for a moment, but I shall object.

Mr. EVANS of Nevada. Mr. Speaker, if I may make a short statement, I think something should be done to change the status in Nevada, where population in the entire State in 1910 was less than 82,000. This serious situation was not because of natural resources but for failure of the Federal Government to enact laws suitable to our peculiar conditions, which are unique, being the only State of its kind in all our Union. The rainfall there is less than in any other State. The waters of Nevada occur in a most peculiar way. Of all our several flowing streams none extend beyond our State boundaries, but sink into the ground and entirely disappear beneath the surface.

Therefore we plan by this measure which applies solely to Nevada Government lands now unreserved, unappropriated, nonmineral, nontimbered, public lands, to invite private capital to sink deeply, tapping the underground flow known to exist beneath arable and productive soil, with the hope of establishing an artesian flow, or raising water by pumping to irrigate and reclaim this section of idle soil to production and progress.

Mr. WALSH. Mr. Speaker, is the gentleman reading a letter from the department?

Mr. EVANS of Nevada. No, sir. I am reading my own thought, to make it a little more cohesive.

The Carey Act and land law now in force have failed to induce settlement and development of these vast areas of level and fertile sections, because after 50 years Nevada is owned 5½ per cent of area by individuals, 5½ per cent further by railroads, and 89 per cent by our Government. It has always been the purpose of the Government to pursue a liberal policy toward western development of public lands, granting all that was needed to encourage genuine settlers to develop western sections from Territories into States of most prosperous communities and cities.

I wish to say that the proposed legislation is to some extent experimental, and will be watched with intense interest by all adjoining States where the governmental policy is to place the title to those areas into private ownership, and encourage bona fide settlers. That vast productive section awaits the coming of the prospector and the farmer, the only men qualified to subdue and restore the West, who, in spite of failure, are ever hopeful that the future will bring its sure reward. They need, and should have, your confidence and encouragement. They are the men who have brought cultivation to the arable and the arid lands of the West. They pioneer into sections unsafe for the newcomer.

The western man has a certain respect and admiration for the eastern man, because in him he recognizes the builder, the doer of big worth-while things; therefore the ambition rises strong within the western mind to reclaim, restore, and build the West. Be advised by the western man as to western needs. Repeal

laws obstructive to true progress. Invite and encourage the pioneers and prospectors, who in their own western way are the real constructive spirits that will cause the West to prosper as does the East, joining hands to make all problems easy and the future beyond compare.

Mr. KINKAID. Mr. Speaker, I wish to say for the benefit of the gentleman from Massachusetts [Mr. WALSH], as well as of the House generally, that the membership of the Committee on Irrigation of Arid Lands was of the opinion that this is a very meritorious measure. The Committee on Irrigation in the last Congress was of the same opinion, and made a favorable report on a similar bill.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. KINKAID. Yes.

Mr. TAYLOR of Colorado. Is it not true that the objections that were made in former Congresses to the measure as it originally came from the Senate have been eliminated from this? At least that is my understanding and judgment, and as chairman of the former Committee on Irrigation I am glad to corroborate what the present chairman says. We all feel that there should be no objection to this bill, and we feel that the State of Nevada is peculiarly entitled to this legislation.

Mr. KINKAID. Yes. The State of Nevada is situated very peculiarly in this respect——

Mr. WALSH. Mr. Speaker, I withdraw my objection.

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the gentleman permit and agree to an amendment to reserve the mineral rights of the Government?

Mr. KINKAID. They are reserved.

Mr. EVANS of Nevada. They are already reserved.

Mr. BLANTON. The way I caught the bill it just spoke of the lands as nonmineral lands. Many lands classified as nonmineral and nonagricultural lands are, as a matter of fact, mineral and agricultural in some instances.

Mr. TAYLOR of Colorado. Those reservations are made now by general law. It is not necessary to put that in. You can not get oil land by homesteading nowadays.

Mr. BLANTON. It is all reserved?

Mr. TAYLOR of Colorado. Yes.

Mr. BLANTON. These lands come under the general reservation?

Mr. TAYLOR of Colorado. Yes.

Mr. BLANTON. These homesteads to-day do not contain any oil?

Mr. TAYLOR of Colorado. When you get a homestead, you do not get any oil under it. The oil that may be underneath it is reserved.

Mr. BLANTON. This is not with respect to any homestead rights. It carries with it the right to exploitation with regard to the reclaiming of arid lands.

Mr. TAYLOR of Colorado. Yes; by expending a lot of money and digging an artesian well.

Mr. BLANTON. If the mineral rights are properly reserved, I have no objection.

Mr. EVANS of Nevada. They are properly reserved. I am glad the gentleman has asked the question.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. KINKAID. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

SEC. 5. That on establishing at any time within two years from the date of the permit to the satisfaction of the Secretary of the Interior that underground waters in sufficient quantity to produce at a profit agricultural crops other than native grasses upon not less than 20 acres of land has been discovered and developed and rendered available for such use within the limits of the land embraced in any permit, the said permittee shall be entitled to a patent for one-fourth of the land embraced in the permit, such area to be selected by the permittee in compact form, according to the legal subdivisions of the public land surveys, if the land be surveyed or to be surveyed at his expense, under rules and regulations established by the Secretary of the Interior, if located on unsurveyed land.

Mr. RAKER. I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER: After the word "land," in line 19, page 4, add:

"*Provided*, That within the limits of a railroad grant land cornering shall be considered as contiguous and in compact form."

Mr. WALSH. Mr. Speaker, a point of order. Have we not passed that section?

The SPEAKER. The Clerk informs the Chair that we have not.

Mr. RAKER. Mr. Speaker, this applies to California as well as Nevada, and I offer the amendment to see if we can establish a rule. Here is a section of public land containing 640 acres. Back over here is another section of 640 acres, and the two sections corner. There is no other available land, the alternate sections being railroad lands. Because these two sections corner and are not contiguous, a man can not take the two tracts of land for the purpose of developing water. There is a great deal of land in Nevada and considerable in California that is in this situation.

Mr. KINKAID. If the gentleman will allow me to suggest a word in furtherance of his argument, the Interior Department holds that they are not contiguous, because they do not lie alongside each other, but merely corner on each other.

Mr. RAKER. That is correct.

Mr. McLAUGHLIN of Michigan. Does the gentleman know that the courts have held that lands which corner on each other are contiguous?

Mr. RAKER. Just to the contrary. All of the land decisions hold that where lands simply corner they are not contiguous. That is the universal and unvarying rule.

Mr. McLAUGHLIN of Michigan. I beg the gentleman's pardon. The law, with reference to the laying out of congressional districts, requires that the territory included in a congressional district shall be contiguous. Two counties corner on each other have been held to be contiguous.

Mr. RAKER. That does not apply to the public lands.

Mr. McLAUGHLIN of Michigan. The gentleman said it was a uniform rule.

Mr. RAKER. It is uniform and unvarying in the Land Department and everywhere, unless there is special legislation. For illustration, here are two sections cornering. A quarter section in one corner is public land and a quarter section in the other section across the corner is public land. You can take only one of the quarters, because the two are not contiguous but corner on each other. That is the rule. Now, I wish to read this letter written by Mr. Arthur L. Coggins, a very high-class man:

DUNSMUIR, CALIF., *September 25, 1919.*

Hon. JOHN E. RAKER,
Washington, D. C.

MY DEAR MR. RAKER: Re S. 9, Report No. 286, irrigation arid lands in Nevada:

Section 5 of this act, line 15, provides that the land shall be "in compact form." The interpretation of the Land Office of this term is as "near a square as possible," contiguous, and "lands cornering are not considered as contiguous." Now, within the limits of the railroad grant, where every other section is owned by the railroad, it very often happens, that to the interest of the homesteader, and, in this case, the prospector for water, that he will have to go into two sections for a suitable selection of land. If you go out of one section of Government land into the next adjoining section of Government land, these lands, although cornering, are not considered contiguous, and could not be filed upon within the meaning of these acts.

That is as it has been determined by the Land Department, and it is the law. Mr. Coggins says:

I would suggest an amendment to this act: "*Provided*, That within the limits of the railroad grant, lands cornering should be considered as contiguous and in compact form."

That applies to this particular condition, and it is the amendment which I have offered.

Mr. KINKAID. There is no objection to the amendment.

Mr. RAKER. I want to read this one statement which illustrates the matter before the House:

I ran onto a case like this in Nevada, where there was plenty of water available from underground sources in section 12, but the land was unfit for agricultural purposes, being strongly alkaline. The land, however, in the cornering section 14 was entirely suited to agriculture and could be irrigated from the water developed in section 12, where the poor land was. Under section 14 the water table was at a great depth and in an insufficient quantity for irrigation purposes. It was not possible under any law to so combine the source of the water with that of the good land. It was either to stick in section 14 with plenty of good land and no water or else remain in section 12 with plenty of water and the poorest of the poor land.

In the interest of the true development of these arid lands I would ask that you place before the proper committee the suggestion that I have made in order that it may be incorporated into the bill.

Thanking you for your help in these matters, I am,

Very truly, yours,

ARTHUR L. COGGINS.

This condition applies not only to Nevada but also to California, and I think it ought to be corrected so as to permit a man

in that territory, where the railroad land is in alternate sections, to make use of section 12, for instance, and also section 14, so as to utilize both. That is all this is for; but under the bill as it stands now he can not take it.

Mr. JOHNSON of Washington. I should like to ask a question. The lands in Nevada are used largely for grazing purposes rather than agricultural purposes. Suppose a man takes one of these two-year permits and does not do any work at all but digs a well?

Mr. EVANS of Nevada. The bill provides that he shall do his work expeditiously.

Mr. JOHNSON of Washington. What does "expeditiously" mean?

Mr. EVANS of Nevada. Within six months.

Mr. JOHNSON of Washington. Does it say within six months?

Mr. EVANS of Nevada. He must make a showing within six months.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. RAKER. Yes.

Mr. GREEN of Iowa. In the first part of the bill it provides that the land shall not be fenced or otherwise exclusively used by the permittee, except as provided in the bill.

Mr. RAKER. He can not fence it. He can only use the land.

Mr. MONDELL. Mr. Speaker, I rise in opposition to the amendment of the gentleman from California [Mr. RAKER].

I doubt the advisability of enacting this legislation, though I do not know that I want to advise anybody to vote against it. I do not want to be on record, however, as having indicated that I believe that this is helpful and safe legislation. I hope it may turn out better than I think. My prophecy is that under it many applications will be made and permits will be granted to people who will make little or no effort to develop water, but will seek to withhold the land from entry. I think I can readily see how under it the very condition would arise that arose years ago under an apparently innocent bill, which provided for the construction of storage reservoirs on public domain. Under that law the Department of the Interior was compelled to draw regulations contrary to the provisions of the law in order to prevent the public domain in vast areas being taken and held without any intent to improve. I hope we shall not have the same result under this law.

As to those who do in good faith go on this land with the view of developing water, it may be that the provisions of the bill are not too liberal. There is so much land in Nevada that needs water, and of so little value without water, that perhaps it is right to grant it without the restrictions that we have required elsewhere. Under this law we give a man 640 acres for reclaiming 20 acres; perhaps that is wise. I have some doubts, but under the provisions of the law there is great danger of the practice growing up which I have just suggested of claiming vast areas of land under this law without development and withholding it from any other development, with the expectation of securing some special grazing benefits for the time being.

But, Mr. Speaker, whatever we may think of the bill the amendment offered by the gentleman from California [Mr. RAKER] has no virtue at all as far as I can see. Within the railroad land grants the railroad owns the alternate sections, checkerboard form. If one should be entitled to take four sections of land, separated from each other by the alternate railroad sections, and if on one of them the permittee should develop water, he ought not to be allowed to select from two sections which simply corner on each other. There would not be one case in a hundred that the applicant would have any purpose in doing that. But permission to secure a permit covering four sections of land so situated would multiply four times the very danger I have suggested, of people going in without any intent or purpose to really develop water, establish a claim to four sections of land cornering on each other and separated by a railroad land grant land which the applicant would probably own. It would be a wonderful opportunity to secure a large range area, or control it, under the pretense that the party was endeavoring to secure water.

Mr. RAKER. What good would it do him except to bore for water? He could not fence it; he could not use it; he could not put it to any other use.

Mr. MONDELL. That was exactly the argument, almost word for word, made at the time we passed the apparently innocuous reservoir bill; but the fact was that locations were made covering whole counties. I recall well one county in one of the Western States, every acre of which was covered by one of these reservoir locations. For the time being it paralyzed all development except such as might come under that particular law, and little or no development did come under that law, so that it did paralyze development. At the end of the filing period another filing was put on the land. Of course, the Secretary of the Interior could not send enough agents out there to keep track of each filing on four sections of land to detemine whether the permittee was proceeding with due diligence to sink a well. That is impossible unless we are to increase greatly the force of public land agents. Therefore, questionable as the bill is as a whole, the amendment is much more questionable than the other provisions of the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Speaker, I desire to offer an amendment to page 4, section 5, line 15.

The Clerk read as follows:

Page 4, line 15, after the word "selected," insert the words "with the approval of the Secretary of the Interior."

Mr. GARD. Mr. Speaker, in the policy of this bill it seems we are embarking on a decidedly new field, and it may be that the conditions in the State of Nevada are such as authorize this legislation. It is entirely local. It is made, I suspect, in realization of the limited agricultural and grazing area in the State of Nevada now and the very small population of the State. At the same time, as the gentleman from Wyoming has said, it opens a new field for what may be the desire of some persons to get beyond the law, to do something beyond the mere boring for water, to do something that may not advance the agricultural interests in the State of Nevada. If there be anything concealed in the bill by which the Government might be defrauded out of valuable land, if there be any obscure and ambiguous language by which the Secretary of the Interior may not at all times have the proper jurisdiction or control of the allotment of the land, I think that should be made clear.

Therefore, the amendment that I have offered is intended to have a continuing authority in the hands of the Secretary of the Interior until the final allotment is made by the permittee. The law as it is now written permits an arbitrary selection by the permittee, and surely in the conferring of this great public boon, in conferring private title to public lands on a man who says that he is going to bore for water and who does in fact secure some water, it would seem that continuing jurisdiction of the Secretary of the Interior should apply until the land is actually transferred.

Mr. EVANS of Nevada. Mr. Speaker, I would call the gentleman's attention that on page 2 of the bill there is a provision that the land shall not be fenced or otherwise exclusively used by the permittee except as therein provided, and there is a further provision that the land shall theretofore have been designated by the Secretary of the Interior subject to disposal under the provisions of this act.

Mr. GARD. I understand that, but that is not what I mean.

Mr. EVANS of Nevada. And also on the first page there is provision that it should be unreserved, unappropriated, nonmineral, nontimber. The idea all the way through is to allay any suspicion. If there is a joker in this bill, I do not know it.

Mr. GARD. And I do not say that there is, but those in charge should admit that the allotment to the permittee should be at all times under the control of the Secretary of the Interior. Does not the gentleman believe that that is true?

Mr. EVANS of Nevada. Yes. The amendment is agreeable to me, but it would have to go back to conference.

Mr. GARD. Mr. Speaker, the gentleman says that the amendment is agreeable to him, and it would seem to me that we are embarking upon such an unusual procedure in giving up the public domain to private enterprise that this amendment as it has been accepted by the gentleman in charge of the bill should be adopted.

Mr. KINKAID. Mr. Speaker, the amendment proposed by the able gentleman from Ohio [Mr. GARD] would not change the effect of the bill in the least degree, in my humble opinion, and, therefore, it would do the bill no serious injury to adopt the amendment. But I do not rise to oppose the amendment, but wish to speak briefly with reference to the attitude of our very able floor leader, the gentleman from Wyoming [Mr. MONDELL], to whom I always accord a comprehensive knowledge of the public-land laws and public-land conditions. I think there is no Member of Congress who is any better grounded on this subject matter than is the gentleman from Wyoming. I have always regarded his opinion as highly valuable on all public-land questions. However, I think the objection which the gentleman from Wyoming has made here should not operate against the enactment of this bill upon its merits, because his objection only goes to the possibility that the Secretary of the Interior might not be able with his usual amount of diligence and vigilence to prevent fraud in the operation of the measure. This may occur with regard to any public-lands measure. If

a loophole be open in this bill for the perpetration of fraud, I suggest that the gentleman from Wyoming, who is very capable of preparing a proper amendment, do so and preclude anything of this kind. The great area in the State of Nevada which yet belongs to the Government should not be allowed to remain a desert merely for the want of water to reclaim it to a profitable cultivation or merely for the want of appropriate language to prevent fraud in the operation of the law.

Mr. Speaker, the bill wisely provides that the development shall be commenced within six months, and it also provides that on a showing made to the Secretary of the Interior that if diligence is not being shown in the development the right to the privilege granted under the application and entry may be revoked.

Mr. Speaker, the homestead laws of the United States are a misfit for the State of Nevada; that is, the ordinary homestead laws under which homesteads were taken up in the humid regions of the West—in the States of Illinois, Iowa, Nebraska, Kansas, the Dakotas, and Oklahoma.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINKAID. And the desert-land law which used to permit acquiring title to 640 acres in these desert regions is a misfit in respect to the State of Nevada, because there are no streams there from which water may be taken by gravity and carried on to the lands to be reclaimed. So that the desert-land law is not applicable to the State of Nevada. But here is a proposition which I am sure will appeal very persuasively to this Congress, which wants to restrict appropriations as far as may be. The public treasury is not called upon to exepend one cent, and attention has been called to the fact that a bill for $50,000,000 is pending in the Committee on Appropriations, and I will say there is another for $100,000,000, for appropriation for reclamation purposes, which I introduced myself for the reclamation of arid lands. The Government would be out this money for the time being, although eventually it would be reimbursed every dollar; but here the individuals and the corporations who may make applications under this proposed law would be out all of the money and would assume all the risk, and it is a gamble as to whether they will get any water or not. The Government will not be out one dollar, and individuals, enterprising individuals, public spirited individuals in the State of Nevada who want to see their desert areas developed will assume all the cost and risk. Mr. Speaker, we should give the people of Nevada the chance to do for themselves what the Government has been doing for other regions and localities.

The SPEAKER. The time of the gentleman from Nebraska has again expired.

Mr. HUDSPETH. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from Ohio. Here is a State of 81,000 population, just one-third the number of people in the usual congressional district in my State. Here is a bill permitting the drilling for water in an unsettled country in order to develop it. The only purpose that the amendment of the gentleman from Ohio could have would be to send this bill back to conference. The very provision that he attempts to place in this bill is well guarded in the section read and referred to by the gentleman from Nevada [Mr. EVANS]. This is the history, gentlemen, of the Western States, that you have to pass liberal laws permitting development before you will get them settled up by substantial people. The western part of Texas for many years lay there dormant until liberal laws were passed by the Legislature of Texas that enabled men to go there and drill 400 to 800 feet and develop that section of the country. Ten years ago there were 80,000,000 acres of school lands in western Texas undeveloped. Liberal laws were passed permitting men to go there and settle and develop and get homes, and to-day they are settled by small farms, which never would have been done if it had not been for those liberal laws. This bill permits men to develop the State of Nevada, that has about one-third the area of my State and one-third the population of my congressional district. I say the bill ought to pass in its present form, and the amendment of the gentleman from Ohio ought to be voted down, because the only purpose it can have is to send this bill back to conference. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 8. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other valuable minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other valuable mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior, and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the surface of the land.

Mr. ELSTON. Mr. Speaker, I would like to inquire of the gentleman in charge of the bill whether or not more than one patent can be issued to a single permittee?

Mr. KINKAID. No; that is expressly prohibited.

Mr. ELSTON. No; I can not find it in the bill. There is a provision here that only one permit shall be issued to any person in any 40 square miles. Does the bill authorize a permit to be issued to that same person outside of that area? If so, the process may be multiplied so that a single permittee may acquire an area of land greatly in excess of 640 acres. It might give him many thousands of acres. Now, I do not know whether that is good or bad policy, and I would like to know whether that is protected in the bill?

Mr. TAYLOR of Colorado. If a man bored a well once every 40 miles, he could not bore a great many before he would get across the State, and I do not see where——

Mr. ELSTON. I understand it is not 40 miles square, but 40 square miles. That is 4 by 10.

Mr. EVANS of Nevada. It is 40 miles square.

Mr. TAYLOR of Colorado. I do not see how anybody could monopolize anything by that.

Mr. ELSTON. I understood it was 40 square miles. The gentleman's explanation minimizes my objection.

Mr. KINKAID. I will suggest to the gentleman that all entries of this kind under public-land legislation is limited to one entry to one individual or corporation. That is the system of public-land legislation throughout. It is all in the hands of the Secretary of the Interior.

Mr. ELSTON. A man could not get many 640-acre tracts with the larger limitation of area?

Mr. KINKAID. No; it is all in the hands of the Secretary of the Interior.

Mr. ELSTON. The gentleman means the number of patents that may be issued after permits have issued. Of course, the permits are not restricted in number, except as to this restriction as to area.

Mr. KINKAID. I understand there will be but one application granted.

Mr. ELSTON. The bill does not say that at all. It says as many applications as——

Mr. KINKAID. I am sure it is implied. That is the system of public-land legislation in general. The homestead law does not say a man shall have but one entry, but he can not have but one entry except where it is provided he can make up for what he lacks in area.

Mr. JOHNSON of Washington. If anybody can be found who would bore a half dozen wells in 640 acres in Death Valley, it seems to me it ought to be permitted.

Mr. KINKAID. The very object is to encourage that procedure.

Mr. JONES of Pennsylvania. Will the gentleman permit a question? Do I understand that the "valuable mineral deposits" would include oil and gas?

Mr. KINKAID. Oh, yes; certainly, those are all minerals.

Mr. SINNOTT. And the courts have determined that?

Mr. JONES of Pennsylvania. I know that some courts have not determined that.

Mr. SINNOTT. The Interior Department and the Supreme Court have decided that.

Mr. KINKAID. That is thoroughly covered.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. EVANS of Nevada, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

COMMUTATION OF QUARTERS FOR OFFICERS OF THE NAVY AT SEA.

Mr. KELLEY of Michigan. Mr. Speaker, I move to suspend the rules and pass House joint resolution 213.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 213) continuing temporarily certain allowances to officers of the Navy.

Whereas since it now appears that peace will not have been declared by October 1, 1919, on which date officers of the Navy, by operation of law, will cease to receive the benefits prescribed in the act of April 16, 1918 (Public, No. 129).

Whereas said benefits will accrue to officers of the Army until peace shall have been declared: Therefore be it

Resolved, etc., That the paragraph in the act of July 11, 1919 (Public, No. 8), which reads as follows:

"The act of April 16, 1918 (Public, No. 129), granting under certain conditions to every commissioned officer of the Army the right to quarters in kind for their dependents or the authorized commutation therefor, including the allowances for heat and light, shall hereafter be construed to apply to officers of the Navy and Marine Corps only during the period of the war and in no event beyond October 1, 1919," be, and the same is hereby, repealed.

The SPEAKER. Is a second demanded?

Mr. PADGETT. Mr. Speaker, I demand a second.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan [Mr. KELLEY] is recognized for 20 minutes and the gentleman from Tennessee [Mr. PADGETT] for 20 minutes.

Mr. KELLEY of Michigan. Mr. Speaker, under the act of April 16, 1918, commutation of quarters and for heat and light for officers in the Army serving abroad was authorized. Under general law, passed in 1907, that carried with it commutation of quarters and for heat and light for the officers of the Navy and Marine Corps also serving similarly. The whole period of this authorization of April 16, 1918, was for the duration of the emergency. When the Congress passed the last naval appropriation bill we supposed that the emergency would be over by October 1, 1919, and we put a provision in the naval appropriation bill granting commutation of quarters and for heat and light until October 1, 1919, only.

Mr. WALSH. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. WALSH. Does the gentleman contend that repealing this section now—October 1 having passed—continues these allowances?

Mr. KELLEY of Michigan. That is my understanding.

Mr. WALSH. Then, if that continues them, it certainly does not continue them temporarily?

Mr. PADGETT. The original law simply provided that the commutation should continue during the emergency, and the language of the naval appropriation bill provided that for the Army and Marine Corps it should not be considered to extend beyond October 1. Now, repealing that clause in the naval appropriation bill lets it revert back on the original act and just allows it to them during the emergency, the same as the Army is getting, and puts the Army and Navy and Marine Corps back on the same basis.

Mr. WALSH. Now, let us see if that is so, if the gentleman will yield further. October 1 has passed. The law was in effect which prohibited these allowances being continued beyond October 1. Now, I suppose the assumption is that on the 1st of October these allowances ceased?

Mr. KELLEY of Michigan. They did.

Mr. WALSH. And you contend that subsequent to October 1, by repealing this statute, you can revive another law to which this was an amendment?

Mr. KELLEY of Michigan. I will say to the gentleman, no. The act which gives the officers of the Navy and Marine Corps the right to commutation of quarters was passed April 16, 1918, for the Army alone. Now, by a prior act, I think passed in 1907——

Mr. WALSH. March 2.

Mr. KELLEY of Michigan. March 2, 1907, the commutation of quarters and for heat and light for the Navy and Marine Corps is the same as that for similar grades in the Army. Now, if we repeal this provision put in the last naval appropriation bill it puts it back upon the same basis as though this paragraph we are seeking to repeal had never been passed at all, from this date forward.

Mr. FESS. Will the gentleman yield? As I understand the gentleman, if this bill you seek to repeal were not on the statute books there would be no limitation?

Mr. KELLEY of Michigan. There would be no limitation until the emergency is over.

Mr. FESS. And the existing law would continue it up to the time of the end of the emergency?

Mr. KELLEY of Michigan. That is correct.

Mr. FESS. The repeal of this simply repeals the limitation on the original law?

Mr. KELLEY of Michigan. The gentleman states it perfectly, I think.

Mr. WALSH. If the gentleman will yield, I would want to be pretty sure that the Comptroller of the Treasury would hold that way before I would make that contention. They were getting these allowances under the law which had been amended——

Mr. KELLEY of Michigan. No. The gentleman is mistaken about that. They were getting these allowances under the law passed in 1907, which made the commutation of quarters for officers in the Navy and Marine Corps the same as for the officers in the Army. We did not change that law at all. That has not been changed in any respect.

Mr. WALSH. It has been modified.

Mr. KELLEY of Michigan. Not that law. The laws of 1907 and also of 1918 have not been modified in any respect. We amended neither of those acts. What we really did was to approximate the date of the ending of the emergency as October 1, 1919.

Mr. WALSH. Well, October 1 has come and gone. Allowances have been discontinued. Now, you can not, after a date has passed and beyond which the law shall not be effective after that date has passed, then come in and repeal that paragraph and revive and put into force the original law again.

Mr. PADGETT. It would meet your objection, then, if you would say, where the words are "is hereby repealed," to strike out the period and insert "effective September 30." And that would make the repeal——

Mr. KELLEY of Michigan. That is not the gentleman's contention.

Mr. PADGETT. That is not necessary under this law. That is the idea he has.

Mr. KELLEY of Michigan. The gentleman is wrong about it. Let me state this question so as to have it clear.

The law of 1907 provides that commutation of quarters for the Navy and Marine Corps shall be the same as for corresponding officers in the Army. Now, in 1918 a law was passed giving commutation of quarters to the officers of the Army serving abroad. That carried with it automatically, without any legislation at all, commutation of quarters for the officers of the Navy and Marine Corps serving similarly. When we passed the last appropriation bill we put in a proviso that it should not go further than October 1, 1919. Now, by removing that proviso it leaves the legislation just as it stood before the passage of the last naval appropriation bill.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. RICKETTS. That law is dead, as I understand it?

Mr. KELLEY of Michigan. No; the law is not dead.

Mr. RICKETTS. The provision you made in the appropriation bill is ended?

Mr. PADGETT. It simply said it would not be construed as applying to the Navy.

Mr. KELLEY of Michigan. We simply said that this commutation of quarters should not go forward longer than October 1, because we supposed the emergency would be over at that time.

Mr. RICKETTS. Is it not out of the way?

Mr. PADGETT. No.

Mr. RICKETTS. I take it that you limited the effect of that law up to October 1, 1919.

Mr. KELLEY of Michigan. No. We sought to fix the time of the emergency.

Mr. RICKETTS. In other words, you said the emergency would end on October 1?

Mr. KELLEY of Michigan. Yes; but it has not ended.

Mr. RICKETTS. It has not ended?

Mr. KELLEY of Michigan. No. If we repeal the paragraph placed in the last naval bill, the commutation of quarters will continue as long as the emergency lasts. I think the situation is prefectly clear.

Mr. HICKS. Are we not doing this—we are just killing a provision that we put on the existing law; and, therefore, by removing that it really puts the old law into continuous operation?

Mr. KELLEY of Michigan. Yes.

Mr. WALSH. But you are killing that provision which expires by its own limitation.

Mr. KELLEY of Michigan. No.

Mr. WALSH. That date has gone, and if the Army and the Navy have been receiving these allowances since October 1 they have been doing it in violation of the law.

Mr. KELLEY of Michigan. The provision we put on did not affect the Army.

Mr. WALSH. One further question. Does the gentleman know whether or not the Navy and the Marine Corps have been receiving these allowances from the 1st of October to date?

Mr. KELLEY of Michigan. They have not.

Mr. WALSH. Have they been receiving any allowances?

Mr. PADGETT. They have been receiving allowances under the general law, but this was a special act passed at the beginning of the war that extended commutation to the Army, and which was to continue during the emergency.

Mr. WALSH. You want these allowances continued?

Mr. PADGETT. We repealed that law.

Mr. WALSH. Then, if you want these allowances continued, what difference is it whether you repeal this or not?

Mr. PADGETT. They stopped on October 1, and by repealing that limitation they go right on under the general law that was passed in 1907. I believe that was the date.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. MONDELL. I want to know if I understand the situation correctly. My understanding is that after we got into the war a law was passed under which, for the period of the emergency, and limited to the period of the emergency, certain allowances were made to the officers of the Navy.

Mr. KELLEY of Michigan. Officers of the Army.

Mr. MONDELL. This applies to the Navy.

Mr. PADGETT. Another general law makes it apply to the Navy.

Mr. KELLEY of Michigan. Another law, passed in 1907, provides that allowances for the Navy shall be the same as for the corresponding officers in the Army. That took in the Navy and the Marine Corps, although they were not mentioned specifically in the act of 1918. It has been so ruled, and they have been so paid. When we passed the naval appropriation bill we assumed that the emergency would end by October 1, and so we provided that these allowances for the Navy should not go beyond October 1. Now the emergency has not ended. The Army officers similarly situated go on drawing the commutation of quarters if serving abroad, but the Marine Corps and naval officers serving abroad or at sea can not draw commutation for quarters since October 1 on account of this limitation.

Mr. MONDELL. Then the effect of your legislation will be to reestablish, from the time this law passes until the end of the emergency, the right to these allowances?

Mr. KELLEY of Michigan. That is it exactly.

Mr. MONDELL. It probably will not warrant the payment of these allowances from October 1 up to the present time?

Mr. KELLEY of Michigan. Possibly not.

Mr. GREEN of Iowa. I differ with the gentleman there. It is perfectly easy for us to make a law retroactive so far as allowances are concerned. Up to the time of the date mentioned in this act—that is, up to April 16, 1918—you had a general law that makes these allowances?

Mr. KELLEY of Michigan. Yes; and that is still in force.

Mr. GREEN of Iowa. At that time you put a limitation on it?

Mr. KELLEY of Michigan. No. We passed a new act providing for certain allowances during the emergency for officers of the Army serving abroad. Before that they could not get commutation of quarters and of heat and light if serving outside of the jurisdiction of the United States. So that law was passed. The old law of 1907 made that automatically apply to both the Army and Navy, and if we had not put any provision in the naval appropriation bill to change it, everything would have gone on smoothly until the emergency was over. We supposed it would be over on October 1, and so we put in that date.

Mr. GREEN of Iowa. These allowances were going on, and would have continued until some other arrangement was made if you had not put this provision in the last naval appropriation bill?

Mr. KELLEY of Michigan. Yes.

Mr. MONDELL. And by this present provision you simply take off the limitation?

Mr. KELLEY of Michigan. Yes.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. LONGWORTH. Could not the process sought to be accomplished be carried out by simply striking out the words "and in no event beyond October 1, 1919"?

Mr. KELLEY of Michigan. That could be done, but the entire paragraph may as well come out. No part of it is needed.

Mr. LONGWORTH. Then you do not have to repeal the whole provision. It certainly, according to——

Mr. KELLEY of Michigan. We did not need to affirmatively provide in the naval appropriation bill for payment to October 1. That would have been done had we simply let the matter stand as it was.

Mr. LONGWORTH. According to the gentleman's statement, as I understand to-day, these allowances will be continued in the case of the Army, but not in the case of the Navy and Marine Corps after October 1.

Mr. KELLEY of Michigan. After October 1; yes.

Mr. LONGWORTH. Why not strike out the words "and in no event beyond October 1"?

Mr. KELLEY of Michigan. Well, we may as well strike it all out, leaving it as if no provision had been in the naval appropriation bill at all.

Mr. LONGWORTH. I confess I do not get that clearly.

Mr. SAUNDERS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. SAUNDERS of Virginia. I am like the gentleman from Ohio [Mr. LONGWORTH]. I confess I am in a fog.

Mr. LONGWORTH. It is as clear as mud to me.

Mr. SAUNDERS of Virginia. This act of April 16, 1918, provided that the provisions for special allowances should hereafter be considered to apply to officers of the Navy and Marine Corps only during the period of the war, and in no event beyond October 1, 1919.

Mr. LONGWORTH. That is the point the gentleman is trying to avoid, because the period of the war is still on.

Mr. KELLEY of Michigan. I will say to the gentleman that it did not apply by its terms to the officers of the Navy or Marine Corps at all.

Mr. SAUNDERS of Virginia. Why not? It says it shall be construed to apply to the officers of the Navy and Marine Corps only during the period of the war, and in no event beyond October 1, 1919.

Mr. KELLEY of Michigan. If the gentleman will listen to me carefully, I will state it once more. I think anybody ought to be able to understand it: In 1918 Congress passed an act giving certain allowances to officers in the Army, who were serving abroad, for commutation of quarters and for heat and light. Nothing was said in that act about the Navy or the Marine Corps at all, but by a previous act passed in 1907 automatically those same commutations and allowances applied to officers of the Navy and the Marine Corps of similar rank. Now, last summer when we passed the naval appropriation bill we put on a provision saying that these allowances should end on October 1. If we repeal that provision, the acts of March, 1907, and April, 1918, will control the payment of commutation of quarters for officers in the Army and the Navy and the Marine Corps alike, and that is all we have got to do.

Mr. SAUNDERS of Virginia. What was the effect of that law? Did it take anything away from the officers in the Army or Navy?

Mr. KELLEY of Michigan. It did not take anything away from the officers of the Army.

Mr. SAUNDERS of Virginia. Did it add something to them?

Mr. KELLEY of Michigan. No; it did not touch the legislation respecting the Army in any way.

Mr. SAUNDERS of Virginia. But with respect to the Navy? Why did the naval act of 1919 say that the act of April, 1918, should apply to officers of the Navy and Marine Corps in no event beyond October 1, 1919?

Mr. KELLEY of Michigan. We thought that the emergency would be over by that time, and fixed that date, and based our appropriation accordingly.

Mr. SAUNDERS of Virginia. Conceding that you thought the emergency would be over by that time, what was the object of the law?

Mr. KELLEY of Michigan. To stop these commutations on that date.

Mr. SAUNDERS of Virginia. Why did you want to stop these commutations on that date?

Mr. KELLEY of Michigan. Because we thought the necessity would be over, and that the officers would be back in their usual status.

Mr. SAUNDERS of Virginia. In other words, before that time they were getting something which, as of October 1, 1919, you wanted to take away from them?

Mr. KELLEY of Michigan. Yes.

Mr. SAUNDERS of Virginia. Why do you want to restore it to them now after October 1 has arrived and passed?

Mr. PADGETT. Because the emergency still exists.

Mr. SAUNDERS of Virginia. You passed that provision while the emergency existed, with the purpose of taking away these allowances from them on October 1, 1919. You declared that in no event, that is to say, whether the war was over, or not, should they receive the allowances after October 1, 1919. Now when October has arrived you say you want to give the allowances back to them.

Mr. KELLEY of Michigan. Officers in the Army who are serving abroad are now drawing these allowances for their families, but Marine Corps officers serving in the Army also, in the same field abroad, are not permitted, if this law stands after October 1, to draw their allowances, and it would be a discrimination against the Navy and Marine Corps such as Congress never intended should be made. That is why.

Mr. SAUNDERS of Virginia. We ought to pay these officers, not according to what somebody else is getting, but according to what is just and proper in their respective cases. If in the summer of 1919 you thought that these allowances ought to be taken from these officers as of October 1, 1919, why do you now think that they ought to be restored? The fighting is long since over.

Mr. LONGWORTH. Would there be any necessity for the repeal of this section if the words "and in no event beyond October 1, 1919," were not in it?

Mr. KELLEY of Michigan. Not at all.

Mr. LONGWORTH. Why, then, do you not simply eliminate those words?

Mr. KELLEY of Michigan. That could be done in that way, but we do not need any part of the paragraph, so we eliminated all of it.

Mr. LONGWORTH. Then why was the paragraph ever passed? Why did you adopt it at all if there was no necessity for it?

Mr. KELLEY of Michigan. It was unnecessary, very likely, except in so far as it describes the situation we intended to limit.

Mr. LONGWORTH. And the committee guessed wrong about it, but why not simply eliminate their wrong guess?

Mr. PADGETT. We are doing that.

Mr. LONGWORTH. I am afraid you are not.

Mr. KELLEY of Michigan. We made the appropriation for the commutation of quarters for officers, being an appropriating committee, and we had to have some particular date in mind in fixing the amount of money. We felt quite sure that peace would be officially declared by October 1, and so we put that date in the bill as marking the end of the emergency.

Mr. PADGETT. It was in a spirit of overeconomy.

Mr. LONGWORTH. The gentleman wants to accomplish the same thing I do, but in a different way.

The SPEAKER. The time of the gentleman has expired. The gentleman from Tennessee [Mr. PADGETT] has 20 minutes.

Mr. SAUNDERS of Virginia. I am opposed to this proposition, and I imagine the gentleman from Tennessee [Mr. PADGETT] favors it.

The SPEAKER. The Chair thinks some one who is opposed to the joint resolution should be recognized.

Mr. PADGETT. I will yield to the gentleman from Virginia such time as he desires.

Mr. BRIGGS. Will the gentleman yield?

Mr. PADGETT. Let me make my statement first.

Mr. BRIGGS. Certainly.

Mr. PADGETT. Let us bear in mind that nothing has been repealed. The act of 1907 provided that the commutation of quarters for the Army, the Navy, and the Marine Corps should be the same; in other words, that the Navy and the Marine Corps should have the same commutation as is provided by law for the Army. That is the general law. That law is in force now, unamended and unrepealed.

After we got into the war the act of April 16, 1918, provided for an extension of commutation of quarters, light, and heat for the Army. The Navy was not mentioned in the act; the Marine Corps was not mentioned. It just provided for the Army. That was to continue during the emergency.

As soon as that was enacted the Comptroller of the Treasury held that the Navy and the Marine Corps were entitled to the same additional commutations as provided by this act for the Army under the provisions of the general law of 1907, and they have been receiving it, and were receiving it, up to October 1. In this past summer, when we were making up the naval appropriation bill, there was a provision inserted which read as follows:

> The act of April 16, 1918, granting under certain conditions to every commissioned officer of the Army the right to quarters in kind for their dependents or the authorized commutation therefor, including the allowances for heat and light, shall hereafter be construed to apply to officers of the Navy and Marine Corps only during the period of the war, and in no event beyond October 1, 1919.

Now, the effect of that was that it did not repeal anything, did not change the law except that it should not be construed to apply to the Navy and Marine Corps, but left it in force as to the Army.

When you come down to brass tacks, the Naval Committee in the spirit of extreme economy that was prevailing, trying to bring the bill down to bedrock, put on that limitation, guessing that the war would be over by October 1. Now, that guess has not materialized. The result is that now the Army is receiving it, and by this provision which we are repealing we are providing that it shall not be construed to apply to the Navy and Marine Corps after October 1.

Mr. LONGWORTH. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LONGWORTH. By repealing it you provide that it shall not apply to the Navy at all, even during the emergency.

Mr. PADGETT. No; we simply repeal the provision of July 11, 1919, which leaves the act of April, 1918, in full force, and applying to the Navy as well as to the Army.

Mr. LONGWORTH. Let me ask the gentleman if the words "and in no event beyond October 1, 1919," had not been put in as a result of a bad guess, would you need this legislation?

Mr. PADGETT. No.

Mr. LONGWORTH. Then, why not just strike it out?

Mr. PADGETT. If we strike it out, we strike out the whole provision in the act of July 11, 1919, which provided that the act of April 18 should not be construed as applying to the Navy beyond October 1. The phraseology is entirely correct.

Mr. BRIGGS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRIGGS. What serious objection could there be to an amendment to this effect, that "the benefits of the act of April 16, 1918, shall continue to apply to officers of the Navy and Marine Corps"?

Mr. PADGETT. That would be all right; that would be doing just what this does, taking the obstruction out of the way. Mr. Speaker, I yield five minutes to the gentleman from Virginia, Mr. SAUNDERS.

Mr. SAUNDERS of Virginia. Mr. Speaker, I have been trying in vain to secure light on one point that has been developed in this argument. The gentleman from Tennessee speaks of seeking to remove an obstruction which appears to have been the creation of the Naval Committee. Why did this committee create this obstruction? I have asked that question of all of the gentlemen who have spoken for this resolution and up to the present time have received no satisfactory reply. Why was obstruction created, I ask again?

Mr. PADGETT. I have stated that it was in a spirit of overeconomy, trying to reduce the naval appropriation bill to the uttermost limit. We put it in, assuming that the emergency would be over by October 1.

Mr. SAUNDERS of Virginia. And to convey the impression that these officers would not receive these allowances after October 1?

Mr. PADGETT. And they would not have gotten it, and they will only get it if this is enacted, up to the expiration of the emergency.

Mr. SAUNDERS of Virginia. Not at all. As I understand this, if you adopt this resolution, these payments will continue for all time.

Mr. KELLEY of Michigan. Oh, the gentleman is entirely wrong.

Mr. PADGETT. The act of April 11, 1918, authorizes only up to the termination of the emergency.

Mr. SAUNDERS of Virginia. Where is that?

Mr. PADGETT. The act of April 11, 1918.

Mr. KELLEY of Michigan. On page 2 of the report the gentleman will find it—

> *Be it enacted, etc.,* That during the present emergency—

And everything following that is qualified by that statement, "During the present emergency." It will stop for the Army, the Navy, and the Marine Corps altogether then.

Mr. SAUNDERS of Virginia. Then this "obstruction" that the gentleman speaks of was created during the war, and took

away from the naval officers as of October 1 the benefits that they would receive up to that time.

Mr. KELLEY of Michigan. That is right.

Mr. SAUNDERS of Virginia. And you want to wipe the "obstruction" so that they will continue to receive these benefits so long as the war goes on?

Mr. KELLEY of Michigan. That is correct.

Mr. PADGETT. And no longer.

Mr. MONTAGUE. To put them upon the same footing as the Army.

Mr. SAUNDERS of Virginia. Oh, that does not appeal to me at all. We have passed more vicious legislation since I have been in the Congress upon the suggestion that the Army or the Navy was not getting something that the other was getting than I think is to our credit. We ought to deal with these matters on their merits, and when a bill is presented dealing with a situation in the Navy, it should not be sufficient to say that because the Army is getting something, therefore the Navy ought to get it, or if it is an Army bill that because the Navy is getting something, the Army ought to get the same thing. I am concerned more with the merits of the pending proposition.

Mr. PADGETT. The merit of the proposition is simply this, that the law provides that the commutations of the three services, the Army, the Navy, and the Marine Corps, shall be the same. That is fundamental.

Mr. MONTAGUE. And have been for many years.

Mr. PADGETT. Since 1907.

Mr. SAUNDERS of Virginia. If that is so, you do not need this legislation.

Mr. PADGETT. Oh, yes; we do. On April 11, 1918, we provided some additional commutations on account of war conditions, to continue during the emergency, and under that first provision the Navy and the Marine Corps were getting the benefit of it. Now, we come along on July 11, 1919, and say that the act which says that they shall be the same shall not be construed to give these additional commutations to the Navy and the Marine Corps beyond October 1. Now, we are just taking out that obstruction.

Mr. SAUNDERS of Virginia. In other words, the show of economy that you were seeking to make to the House and to the country at that time, you are now seeking to make of no effect as soon as the law begins to operate.

Mr. PADGETT. To continue during the emergency.

Mr. SAUNDERS of Virginia. You provided that the allowances should not continue beyond the 1st of October in any event.

Mr. PADGETT. Yes.

Mr. SAUNDERS of Virginia. Creating thereby the idea that the Naval Committee was effecting an economy, but as soon as the economy begins to be effective, the Naval Committee hastens forward with a resolution to wipe out the law that is operating in this unexpected fashion. The economy that you were arranging for could not operate before October 1, and as soon as it begins to operate, why the committee comes forward, and says that it ought not to operate. I do not think that puts either the House or the committee in a very desirable light.

Mr. KELLEY of Michigan. Oh, the gentleman is entirely under a misapprehension as to the attitude of the committee.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS of Virginia. The gentleman from Tennessee [Mr. PADGETT] has used at least two minutes of my time, and I ask him to yield me that much time.

Mr. PADGETT. I yield the gentleman two minutes more.

Mr. KELLEY of Michigan. The Naval Appropriation Committee was endeavoring to appropriate all the money that the Navy would require, but no more.

Mr. SAUNDERS of Virginia. Certainly.

Mr. KELLEY of Michigan. If this pay went on for an entire year, the sum to be fixed in the naval appropriation bill would be one thing and we would have to spread it out on the country.

Mr. SAUNDERS of Virginia. Yes.

Mr. KELLEY of Michigan. And so we thought we made a reasonably good guess that the whole matter would be settled by October 1, and we made the appropriation accordingly and that is all there is to the history of the transaction.

Mr. SAUNDERS of Virginia. Oh, that is not all.

Mr. PADGETT. And there is another thing that was before the committee, and that is this, that if the declaration of peace is proclaimed there might be some little controversy holding on definitely, running along after the declaration of peace, and we said the pay should not go beyond October 1.

Mr. LONGWORTH. May I ask the gentleman from Tennessee a question?

Mr. SAUNDERS of Virginia. I will yield.

Mr. LONGWORTH. If this law is repealed, what law is in effect?

Mr. PADGETT. The act of April 11, 1918, stands in full force, and the act of 1907, which provides commutation for the Navy and the Marine Corps shall be the same as the Army; and the act of April, 1918, simply provided for the Army, and by interpretation of the other acts the Navy got the benefit of that legislation. I will yield the gentleman from Virginia two more minutes.

Mr. SAUNDERS of Virginia. I think I will certainly get through in two minutes unless the gentleman from Tennessee wants more time. Mr. Speaker, I think that at last I understand the legal effect of what the committee is proposing to do and the legal effect is undoubtedly to leave the situation as I have stated that it would be. The committee has given to the country the impression that they were going to save money through the provision in the last naval bill, that they would certainly reduce expenses of this Government by cutting off certain allowances as of October 1, 1919. The gentleman can not controvert that proposition. I again call attention to the fact that the very moment that this reduction becomes effective, the committee comes forward to say that this would be all wrong, that they wish to take back what they have done, that they made a bad guess, and that these allowances which were proposed to be cut off, and which we have cut off for a few days as a result of the legislation of July, 1919, ought to continue, in other words that this reduction which we hoped to secure by this legislation of July, 1919, shall not become really effective. It will not become effective if we pass this resolution. As soon as the hope of reduction held out in the act of July becomes a reality we are asked to efface the reality. The promise of reduction appears to have created vain hopes.

Mr. WALSH. Will the gentleman yield?

Mr. PADGETT. I will yield.

Mr. WALSH. Will the gentleman state what the emergency is that makes it desirable to repeal this limitation which has already expired?

Mr. PADGETT. The emergency is the high cost of living and the general law which provides that the Navy shall have the same that the Army has, and this simply puts the Navy and Marine Corps in the same condition of the Army, and the law says they shall be under this condition and is temporary.

Mr. WALSH. Was the guess about the high cost of living or the termination of the war when it was fixed in October 1? Nobody expected the high cost of living was going to cease by October 1.

Mr. PADGETT. That is one thing the Navy is up against as well as all the people.

Mr. WALSH. Every branch of the service.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. PADGETT. I do.

Mr. SAUNDERS of Virginia. Is the meaning of the word "emergency" as given by the gentleman the high cost of living, and not the duration of the war?

Mr. PADGETT. No.

Mr. SAUNDERS of Virginia. How long will this emergency last?

Mr. PADGETT. Which one?

Mr. SAUNDERS of Virginia. Only one has been mentioned.

Mr. PADGETT. The emergency referred to is the termination of the war.

Mr. SAUNDERS of Virginia. Is that perfectly clear?

Mr. PADGETT. That is the act of April 16, 1918, and that stands in full force.

Mr. SAUNDERS of Virginia. New and troublesome conditions might arise after peace is declared, would you speak of them as an emergency?

Mr. PADGETT. Mr. Speaker, I ask for a vote.

Mr. LONGWORTH. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. LONGWORTH. I am still a seeker after the light. If this paragraph which we now propose to repeal had never been enacted would the Navy to-day draw exactly the same commutation?

Mr. PADGETT. Exactly, and when this is enacted they will draw just exactly what they have been drawing up to October 1.

Mr. LONGWORTH. Then this paragraph was purely a restrictive measure?

Mr. PADGETT. Exactly so.

Mr. LONGWORTH. I think I follow now, and I am prepared to vote.

Mr. SAUNDERS of Virginia. Mr. Speaker, I think we ought to have a record vote on a proposition like this.

The SPEAKER. The question is, Shall the bill pass under suspension of the rules?

The question was taken.

Mr. SAUNDERS of Virginia. Mr. Speaker, I make the point of order of no quorum.

The SPEAKER. The gentleman from Virginia makes the point of order of no quorum present. It is clear there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. KELLEY of Michigan. Mr. Speaker, a parliamentary inquiry. Will this vote——

The SPEAKER. It is too late now for a parliamentary inquiry.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

ADJOURNMENT.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, October 7, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9223) granting a pension to Ezra Shanks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7425) granting a pension to Martha J. Comstock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAMSEY: A bill (H. R. 9752) for the purchase of a site and erection of a public building at Englewood, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. GREENE of Massachusetts: A bill (H. R. 9753) to prevent deception in the sale of baled cotton in transactions in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HUSTED: A bill (H. R. 9754) to create a national monetary commission; to the Committee on Banking and Currency.

By Mr. VESTAL: A bill (H. R. 9755) to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. PARKER: A bill (H. R. 9756) to amend the Judicial Code to permit terms of the district court for the northern district of New York to be held in Rensselaer County; to the Committee on the Judiciary.

By Mr. HULL of Tennessee: Resolution (H. Res. 323) providing for the appointment of a select committee to consider all legislation relating to honorably discharged officers, soldiers, sailors, and marines of the present war; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9757) granting an increase of pension to George W. Willard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9758) granting an increase of pension to Johanna Dowling; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 9759) granting a pension to John Pennington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9760) granting an increase of pension to James M. Foss; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 9761) for the relief of David C. Bays; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 9762) for the relief of certain settlers in Oregon for losses sustained during the Rogue River Indian outbreak in southern Oregon in 1855; to the Committee on Indian Affairs.

Also, a bill (H. R. 9763) granting a pension to John J. Moll; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 9764) granting a pension to Charles C. Chilson; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9765) granting an increase of pension to Rebecca Johnson; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 9766) for the relief of the estate of George W. Lee, deceased; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 9767) granting an increase of pension to William W. Blachly; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 9768) granting an increase of pension to Jacob P. Marling; to the Committee on Pensions.

Also, a bill (H. R. 9769) granting a pension to Worthy Poling; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 9770) granting an increase of pension to Joseph W. Santee; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 9771) granting a pension to William C. Jacobs; to the Committee on Pensions.

Also, a bill (H. R. 9772) granting a pension to Lucy A. Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9773) granting an increase of pension to Harman B. Benton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9774) granting an increase of pension to Josephus McMurtrey; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 9775) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Petition of the Anti-Saloon League of America, protesting against legislation granting liquor permits to pharmacists; to the Committee on the Judiciary.

By Mr. FOCHT: Papers to accompany House bill 9549, granting a pension to Mrs. Sadie Doan; to the Committee on Invalid Pensions.

By Mr. HERSEY: Petition of sundry citizens of Brownville, Me., urging repeal of tax on soda, ice cream, etc.; to the Committee on Ways and Means.

By Mr. KIESS: Papers to accompany House bill 9076, for the relief of James A. Roche, alias James Brady; to the Committee on Invalid Pensions.

By Mr. OSBORNE: Petition of Angel City Court, No. 579, Catholic Order of Foresters, Los Angeles, Calif., protesting against the enactment of the Smith-Towner bill, to provide for a department of education, and for other purposes; to the Committee on Education.

By Mr. WASON: Petition of Maxwell Grey and 21 other residents of Whitefield, N. H., urging the repeal of motion-picture taxes; to the Committee on Ways and Means.

By Mr. WHITE of Maine: Petition of American Legion of Maine, praying for an investigation of alleged unjust punishments and other wrongs to members of the American Expeditionary Forces and for the punishment of officers responsible therefor; to the Committee on Military Affairs.

SENATE.

TUESDAY, *October 7, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the folowing prayer:

Almighty God, we seek Thy favor and guidance for the tremendous duty that is upon us this day, with far-reaching influence, that we may have the divine sanction upon that which we say and do, and that out of all our planning and purposing there may come a sweeter comradeship in a common service and a unity of faith and purpose and ideals among all the people of this land, that we may live and serve and sacrifice for the advancement of Thy kingdom of righteousness and truth in the world. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Beckham	Chamberlain	Cummins
Ball	Borah	Colt	Dial
Bankhead	Brandegee	Culberson	Dillingham

Edge	Kendrick	New	Smith, Ariz.
Elkins	Kenyon	Newberry	Smith, Md.
Fletcher	Keyes	Norris	Smoot
France	King	Nugent	Spencer
Frelinghuysen	Kirby	Overman	Stanley
Gay	Knox	Page	Sterling
Gerry	La Follette	Penrose	Sutherland
Gronna	Lenroot	Phelan	Townsend
Hale	Lodge	Poindexter	Trammell
Harding	McCumber	Pomerene	Underwood
Harris	McKellar	Robinson	Wadsworth
Harrison	McNary	Sheppard	Walsh, Mass.
Hitchcock	Moses	Sherman	Watson
Jones, Wash.	Myers	Shields	Williams
Kellogg	Nelson	Simmons	Wolcott

Mr. NEWBERRY. The Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and the Senator from Colorado [Mr. PHIPPS] are engaged in a committee hearing.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. GAY. The senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] is detained from the Senate by illness in his family. The Senator from Nevada [Mr. PITTMAN] and the Senator from Montana [Mr. WALSH] are absent on official business. The junior Senator from Oklahoma [Mr. GORE], the senior Senator from Oklahoma [Mr. OWEN], the junior Senator from Nevada [Mr. HENDERSON], and the Senator from New Mexico [Mr. JONES] are detained from the Senate on public business.

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 9. An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; and

S. 2100. An act authorizing the Union Pacific Railroad Co., or its successors, to convey for public-road purposes certain parts of its right of way.

The message also announced that the House had passed the bill (S. 425) to establish the Zion National Park in the State of Utah, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 794) granting lands for school purposes in Government town sites on reclamation projects, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 55) to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 2945) to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes, in which it requested the concurrence of the Senate.

REPUBLICAN PLATFORM IN MASSACHUSETTS.

Mr. BORAH. Mr. President, yesterday I stated, in response to an interrogatory, that I would have inserted in the RECORD the Republican platform adopted at Boston, Mass., a few days ago, which I now ask leave to do. I also ask permission to have inserted in the RECORD an account in the Boston Herald of the adoption of the platform in the convention, and also the speech of the Senator from Massachusetts [Mr. LODGE].

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Boston Herald, October 5, 1919.]

SPEEDY RATIFICATION IS FAVORED, BUT WITH RESERVATIONS—SENATOR'S STAND FULLY INDORSED.

The delegates to the Republican State convention, held yesterday in Tremont Temple, adopted resolutions on the league of nations designed to satisfy those of their party who desire speedy ratification of the peace treaty and its integral covenant. They then proceeded by tumultuous applause and deafening cheers to express themselves in heartfelt accord with Senator LODGE in his leadership against the treaty in its present form, even though he and his associates in the United States Senate may by their opposition finally cause the death of the plan by which the peace council at Paris hopes to bring about practically the cessation of war in the world. * * *

The determination of a majority of the delegates to stand by Senator LODGE was first indicated when Speaker Joseph E. Warner, chairman of the committee on resolutions, began reading the all-absorbing resolution. "We therefore favor prompt ratification of the treaty of peace without amendment—" He got no further, for his unusually strong voice was drowned by the shouts of "No!" "Never!" "Nothing of the sort!" and similar expressions of disapproval that came from all parts of the great auditorium. A few cries of "Yes" were heard, but they were as nothing compared with the volume of hostile demonstration.

EXTRACT FROM PLATFORM.

"We therefore favor prompt ratification of the treaty of peace, without amendment, but with such unequivocal and effective reservations as will make clear the unconditional right of the United States to withdraw from the league upon due notice; as will provide that the United States shall assume no obligation to employ American soldiers or sailors unless Congress shall, by act or resolution, so direct; as will make it clear that no domestic questions, such as the tariff and immigration, will be taken from the control of the United States, and that the United States shall be sole judge as to the interpretation of the Monroe doctrine. There must be no abridgment of the sovereignty of the Nation, of the control of its own domestic affairs, or of the maintenance of its national policies.

COMMENDS SENATOR LODGE.

"The Republican Party commends the broad and far-sighted statesmanship of its senior Senator, HENRY CABOT LODGE, whose experience, integrity, and wisdom continue to reflect honor upon the State, which is proud to regard him as its senior and foremost representative in the Congress of the United States, and heartily indorses his efforts to bring about prompt action on the treaty."

SENATOR HERO OF THE HOUR IN CONVENTION—ACCEPTS PLATFORM IN SPEECH THAT STIRS HEARERS—BOUND BY HONOR TO WAGE BATTLE—DECLARES SHANTUNG ARTICLE MORALLY INDEFENSIBLE—POLITICAL ERROR—WOULD GIVE UNITED STATES EQUAL VOTE—SAYS TREATY CAN NOT BE HURRIED THROUGH SENATE LIKE A BRIDGE BILL.

Senator HENRY CABOT LODGE was given a tremendous ovation in the Republican State convention yesterday when he arose to explain to the delegates his attitude toward the peace treaty and its accompanying covenant of the league of nations. The convention had earlier adopted the compromise plank on the subject, as printed in another column. His address was frequently interrupted by cheers and applause.

"I know that the hour is late—I will try to be as brief as possible—but there are a few words that I must say," he began. "I am glad you have adopted that platform of principles without debate. With the statement in regard to reservation, it is needless to say that I am in full accord. I accept the platform. I have no desire to discuss it. But there is one single point on which, in simple honesty to you and to myself, I must make a statement.

"The words are there, 'without amendment'—'ratification without amendment.' That is the opinion of the convention—of the committee first, then of the convention. I did not contest it, but I must express my own opinion upon it, in justice to you as well as to myself.

"I have already voted for amendments. I voted for the only amendments that have been presented by the Committee on Foreign Relations. I voted for them as chairman of that committee, and I am bound, not only by custom, but also by honor, to keep faith with the committee. I can not reverse or change what has happened, even if I desired to, and I do not so desire, for I should not have voted for the amendments in the committee or the Senate on Thursday unless I thought they were right.

AMENDMENT VS. RESERVATION.

"Far too much emphasis is placed, I think—both in the Senate and elsewhere—on the difference between an amendment and a reservation. There is a difference, of course. But the amendment requires the assent of every signatory, and the argument is made that it would cause great delay—the reconvening of the conference. You can not reconvene it, for it has never adjourned," he said, amid laughter. "It is sitting in Paris now.

"Every nation which signed the treaty is there fully represented today, and I had a letter from one of our delegates the other day saying he had hoped to get home at an earlier date, but saw no prospect of it yet. They are still rearranging the map of Europe. The Turkish treaty is not yet made; the Bulgarian treaty, so far as I know, is not yet made. As they are there on the ground, no great time would be wasted.

"But I do not wish to argue that point. I wish merely to say to you that there are only two more amendments of consequence now before the Senate, which I voted for in committee, which I reported to the Senate. One is the amendment striking out the provision regarding Shantung from the treaty. In the very platform in which you have enbodied these words 'without amendment' you have condemned Shantung yourselves. Three of our delegates to Paris protested against it. The President himself had no word in its favor. He said that it was necessary to secure the adhesion of Japan. The Secretary of State testified on the stand that in his belief, even if it had been refused, Japan would have signed. The President said when we talked with him at the White House that he thought the Secretary of State was wrong.

GREAT WRONG TO CHINA.

"In the Shantung provision we turned over the control of a great Province with nearly 40,000,000 people to Japan—turn over a great and friendly people, a democratic people, who were allies and associates with us in the war against Germany, as was Japan. We take Shantung from China and hand it over to Japan with an indefinite promise that some time she will turn it back. It is a great wrong. It is morally indefensible as well as politically shortsighted.

"Gentlemen of the convention, I must vote against Shantung, whether it be by amendment or by reservation, whenever it is presented to me—I can not do otherwise. I would do it if I voted alone. Though I am drawing near the end, I will not leave as a legacy to my children and my grandchildren an apology for my having voted for the confirmation of a great wrong.

"The other amendment is to give the United States an equal vote in the league with any other nation. I think perhaps it is an old-fashioned idea, but I think that at whatever council table the United States may sit her vote should be the equal of any other nation there. ('Massachusetts will stand by you,' cried a voice in the audience.)

"Just a few words about delay. Yes, there has been delay. It is nearly a year now since the armistice was signed, and seven months of that time with the treaty has been passed in Paris. What caused the delay? Attaching the league of nations to the treaty with Germany. If the treaty with Germany had been taken up and disposed of we should have had peace with Germany last April. That treaty as it is, with

the league of nations tied to it, came into the hands of the Foreign Relations Committee for action on July 14. There it is," he said, holding up a bulky report. "How many of you have read it? How many of you have read article 1? Don't too many speak at once.

CAN NOT HURRY THE SENATE.

"Article 1 is the league of nations. That treaty, in 270 quarto pages, was put into the hands of the committee on July 14. We had 45 working days and we sat on 37; the intervals were caused by the failure to get witnesses. We had 42 sittings. We did all that men could do to get through with that treaty as rapidly as possible. We reported it to the Senate on September 4. I have kept it before the Senate every day from that time to this, and gentlemen who think that the United States Senate—and I am speaking of both sides—can be easily hurried had better try it.

"The debate is just as much from one side as the other, and it is fundamentally right. This is the greatest question ever presented to the Senate of the United States—the question of the future of the country, of the character of our Government. This is an agreement we are entering into for all time, and it certainly deserves the consideration of the United States Senate, whose responsibility is equal to that of the President of the United States. It has been pressed; it will be pressed. But you can not hurry it; you can not shove it through; you can not dispose of it as if it were a bridge bill. That is impossible and would be wrong.

"I want a league of nations. My idea of a league of nations was that we should start building on The Hague conventions, which did a great and good work. I wish to see, as Mr. Root himself desired above all things, a codification of the international law which has been torn to pieces and cast to the winds by Germany. I wish to see the great feature of an international court with judges. Those are the purposes which the league should serve first. What have we got? We have got a document that never mentions The Hague conventions, that never says anything about international law, and the only court is pushed into one article.

PURELY POLITICAL ALLIANCE.

"Who decides the questions before this league? Men politically appointed—every one of them. It is a political alliance and nothing more and nothing less. Every member of the council and in the assembly are political appointments, and they vote necessarily—I do not blame them—for expediency and in the interest of their own countries. But when we enter into a political alliance it is right that we should be careful. Remember that they all—I do not grudge them a thing they have got—but they all get great advantages in territory, in money, in commercial benefit. We have taken nothing, and I am proud of it. We ask nobody to guarantee our boundaries. We have no territory we want to seize. We have no commercial advantages we want to take. But as we ask nothing, surely we shall have a right to say what our burden shall be when we enter the league.

"I am not disturbed by the cry of isolation. You can not isolate the United States. It may be, as I heard an eloquent orator once say, that eminence is always isolated. It may be that we have a high level. But we shall have our share in the affairs of the world.

"Now I have told you briefly what this is—a political alliance. Here are the reservations—those you have indorsed and approved in your platform, for an agreement upon which I have been laboring all summer long. They are known by my name. I have not been willing to take less—I have not sought to get others, although others will no doubt be offered.

RIGHT OF WITHDRAWAL.

"The first refers to the right of withdrawal. In the first draft you could not withdraw at all. Owing to some expostulations on the part of Senators and of other perverse people outside, like Mr. Root, they came back with a provision giving the right of withdrawal on two years' notice. But they added to it a proviso that all international duties and all duties in the league must be fulfilled, and the vote would have to be unanimous.

"Under the rules of the league one vote could prevent withdrawal. The council is not only to see whether we had fulfilled our duties to the league, but, in case we asked to withdraw, whether we had fulfilled all our international obligations, and it would go over all our treaties and ask whether we had kept our faith. Now, we have never yet broken faith in a treaty, and I object to submitting the good faith of the United States on international matters to a council of nine members, of which we have one.

"The next is Article X—the famous article which provides for a guaranty against external aggression of the territorial integrity and political independence of all the members of the league. It is an individual guaranty; it requires no action on the part of the league to operate. We to-day are guaranteeing Panama for obvious reasons. If there were 10 other countries guaranteeing Panama joined with us, and Panama called upon us for the fulfillment of the guaranty, we are bound, no matter whether she calls on the other indorsers or not.

AS TO OBLIGATIONS.

"This Article X guarantees every boundary in the world, and the political integrity of every country, and once decided by this treaty, they can never be changed.

"Here is a case which might arise very easily: Suppose China wanted to aid the people of Shantung who had risen in revolt against the Japanese Government—and it is a harsh government—we should be bound under that treaty to send troops to aid Japan to put down China. I can not consent to give to any other nations the power to enter into war or to send American soldiers and sailors abroad without the consent of the American people and their representatives in Congress.

"The obligation, they say, is a moral one. Ah, Mr. President, I can draw no distinctions between moral and legal obligations when the United States sets her name to a treaty. All treaties, except those under duress—like the one imposed on Germany—rest on moral obligations, and I want it made clear as the sunlight that no foreign nations can ever order United States troops or United States ships anywhere without the free action of Congress, untrammeled by any obligation. I will vote—I say it to you frankly, for I have no secrets—I will vote to reject any treaty which contains a provision that gives to foreign nations any possible control over the United States.

DOMESTIC QUESTIONS.

"The next reservation covers domestic questions. There are contingencies in which the league would have the power to pass upon our domestic questions, and if we were a disputant we could not vote. I will take only one example. I can never vote to permit any country to say who shall come into the United States. The right regarding entrance is essential to any country, and the country which does not control admission to its citizenship and its shores is a subject and a conquered country, whether it is such by treaty or by arms. We can not assent to that. When the President—whose illness we all deplore—presented the article about the Monroe doctrine to the conference he said it was new, and that was all he said. The delegates of Great Britain explained—and it has never been contradicted—that if any question about the Monroe doctrine arose under article 22 the league would decide. It is called 'a regional understanding.' It never has been an understanding. An understanding requires more than one in international law. It is our policy—it is all our own. We never asked anybody to accept it. We have never asked anybody to share it. We have sustained it, and we propose to continue it, to have it our own doctrine, to be interpreted by us alone.

ONLY WAY TO SAVE TREATY.

"These are the reservations. When I studied the situation in Washington it became perfectly clear to me that that treaty could be saved in but one way, if it was to be saved at all, and that was by reservations. If those reservations I have described should fail to be put in, that treaty is dead. Three days ago that would have been merely my assertion, just as true three days ago as it is to-day, but on Thursday we demonstrated it.

"The Fall amendments were simply intended to take our commissioners—out of 30 or 40 commissions to settle boundaries—to take them out of the commissions in regard to business which did not concern us which were not vital. They will all be covered in the reservations. The first one was a very unimportant one, and, in a full Senate, even that amendment had 34 votes. If anyone takes the trouble to calculate one-third of 96 and then add two to 32, he will find there were two more than a third. The next one showed 37 on a full vote of the Senate, and the last one, which involved troops in Silesia—we have just sent two regiments to see to the plebiscite—that one on a full vote of the Senate would have shown 41 votes.

OBTAINED AN AGREEMENT.

"If those amendments, all to be covered by reservation, received such votes as that, what chance do you think that treaty has unless the reservations I have described are made? There would be nearly half the Senate voting against it without the reservations. People forget what is the truth with many Senators to-day on this question. They do not care a straw what becomes of them or their fortunes; personally, they have been deaf and are deaf to cries of party expediency either for or against. They believe, rightly or wrongly, down in the depths of their being, that that treaty as it stands puts America in danger. They will not let it live unless it is safe for the United States.

"There are men there, strong men, too, who would kill it at all hazards. I have stood there trying to get an agreement on these four reservations. I think I have succeeded completely, and if those reservations are adopted the treaty will be saved—saved probably with not more than one amendment. Why, Mr. Taft has come out twice last week, deploring the President's attitude and urging the adoption of reservations. And they must be real reservations—they must mean something. Shams—"interpretive" shams. The purpose of a reservation is distinct from an amendment in that it applies to the reserving power alone; it takes the reserving power out so far as the reservation defines it. Those reservations must make the United States safe. They must be real reservations. They will be.

NEVER A PARTY QUESTION.

"This is not a party question, never has been, can not be. It is an American question. At the same time, as the discussions have gone on, we have to-day practically all Republican Senators agreeing on these reservations. The chairman of the national committee is for them; an overwhelming number of the members of the national committee are for them. I am getting telegrams day by day from State committees all over the country who are for them. Even Mr. Taft has found them necessary, and the Republicans of Massachusetts, in my judgment, are strongly for them, too.

"One word more and I have done. The fight I have made has been in the interests of America, in the interests of the United States. If I have gone too far, that is the height of my offending, and I would rather go too far in defense of the interests of the United States than go too short a way.

"I wish for peace—no one more than myself. No one who has had to take the dread responsibility of declaring war can ever want anything but peace. But beware that a great and good name is not used for unhappy purposes, as a cover for evil methods. The highest aspiration of man is the religious aspiration by which he tries to lift himself from earth to heaven. And yet what crimes, what wars, what persecutions from the dawn of man's recorded history have been made in the name of religion.

LEAGUE ENDANGERS INDEPENDENCE.

"A great French woman, we are told, stood on the guillotine in the French Revolution and said, 'O, liberty, what crimes are committed in thy name.' There is no nobler impulse in the human heart, no finer desire than liberty. Tacitus, the great Latin historian, in his 'Life of Agricola,' puts into the mouth of a British chieftain trying to rouse his people against the Roman Empire the words, said of the Romans, 'They make a solitude and call it peace.' That is one bad method by which to get peace. There are others almost equally bad.

"There may be bad methods for a noble purpose. I know thousands of good men and women who desire peace, the peace of the world, who ask for this league, but who have not stopped to study it. This league, this political alliance, as it stands, will, in my judgment, cause more wars than would have ever come without it. But however this may be, it is certain that it will endanger the welfare, the sovereignty, and the independence of the United States.

"We can do more for the world, strong, free, disinterested, than we can by tangling ourselves in every quarrel in Europe. They say the world looks to us. The world looked to us in 1917. Did we fail? We went in and turned the wavering scale. No league sent us there. The United States will always go to the defense of human liberty and civilization. Under the pressure of the great menace of German autocracy, I helped to send the United States on that mission. On a like demand I would do it again, much as I hate war. But I will not, if I can prevent it, have my beloved country tangled in every petty broil of Europe. We shall all be better liked by them, stronger to help them, if we are true to ourselves. That is not selfish. Keep the United States strong, keep her free, keep her untrammeled. I tell you that is the best service we can render to the peace of the world, for when the United States fails, the world and peace fail with her."

INDUSTRIAL DISTURBANCE.

Mr. SHERMAN. I present an editorial from the Manufacturers' News, of Chicago, relating to some labor agitation. I ask to have it read.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

[From the Manufacturers' News.]

"WHY SHOULD THEY BE TOLERATED.

"Why a few people are permitted to create the industrial disturbance that now exists in this country without being locked up is something no man can answer. Such is the case, however, and as long as such conditions do obtain it is the duty of every decent citizen to recognize his obligation to the community, put his shoulder to the wheel and do his part toward maintaining peace and quiet. We have had all the 'safe for democracy' talk we want. We would like to see some kind of a government where each citizen recognizes the right of each and every other citizen; a government where property and the individual rights of each and every other citizen are recognized, and a government that gives protection.

"The Fitzpatricks, and the Fosters, and the Gompers, and their kind of people are a very small portion of the community. Why should they be tolerated? Why should they have the power to stop a great business like the steel industry, starve a lot of people, break up homes, ruin families, deprive babies of their milk, and bring on as much distress and suffering as the plague brought to the children of Israel? Yet Mr. Fitzpatrick has the entree to the Executive Mansion. He is recognized by other public officials and men in authority and yet, politically, he can not lift a pound. There is not a politician of any note in the State of Illinois who gives 2 cents for what John Fitzpatrick thinks or does from a political standpoint.

"He was brought before the bar of the house of the Illinois Generaly Assembly a few years ago, sputtered and stewed, made threats—and never carried out one of them. No one was defeated. No one was the worse off and Fitzpatrick was forced to take his medicine like a spoiled child. In Illinois, from a political standpoint, he is a joke and a shining example of the biblical saying, that a prophet is not without honor save in his own country."

STRIKE OF STEEL WORKERS.

Mr. MYERS. Mr. President, in a recent issue of the Washington Post appeared the following Associated Press dispatch, which I will read:

PITTSBURGH, PA., *October 3, 1919.*

While the virtual deadlock continued to-day in the steel strike in the Pittsburgh district, leaders of the organized workers were making plans to finance a prolonged struggle.

The 24 international presidents of the unions involved in the strike will meet with the executive council of the American Federation of Labor at Washington Monday for the purpose of discussing plans for the paying of strike benefits, it was announced at national headquarters here. The federation is expected to levy assessments on all its members to aid the benefit fund, it was stated. The individual international unions are reported to have large defense funds available for paying benefits.

The average benefit paid by some unions is $7 per week for single men and $9 for married men, H. C. Hughes, international president of the coopers' union, said. The amount varies in the different unions. He estimated that $2,000,000 per week will be necessary to cover the benefit fund.

From this article I suppose that every Federal employee who is a member of the Federal Employees' Union, which is affiliated with the American Federation of Labor, will soon be paying money that he has drawn from the taxpayers of the country, through the United States Government, to keep up a strike which is actively led in part by William Z. Foster, who was recently, if, indeed, he be not now, a notorious syndicalist, revolutionist, and enemy of organized government and of all orderly society.

It was testified recently, I understand, before the Senate Committee on the District of Columbia that the police forces of 37 cities in this country are now unionized and affiliated with the American Federation of Labor. If this article be true—and I suppose it is, coming from an authentic source—I assume that very soon each one of the policemen of the police forces of those 37 cities of the United States will be contributing money to maintain a strike and maintain industrial unrest and disorder, led by a man who has been very recently an acknowledged enemy of all organized government, and it is generally believed that he has not changed his heart on that subject any more than he has changed the color of his skin, and that he is now just what he was recently, in that respect. I do not believe he has changed a particle, and I think few others, if any, believe it.

I see the steel strike is resulting in riot, lawlessness, and defiance of the duly constituted authority of the land; that the United States armed forces have been called out in two States—Indiana and Illinois—to preserve the peace and to defend peaceable people against the attacks of strikers who resort to lawlessness. Yet if this article be true—and I have no doubt it is—the policemen who are affiliated with the American Federation of Labor and every employee of the Government who belongs to the Federal Employees' Union, which is affiliated with the American Federation of Labor, will soon be paying taxpayers' money, which they have drawn through appropriations by law, to support those strikers who are indulging in rioting, lawlessness, and disorder, and who are led by a man who was very recently, if he is not now, an enemy of this Government and of all organized society.

I simply mention these matters in order to call attention to some of the results of the unionization of Federal employees when affiliated with the American Federation of Labor, and especially to the result of policemen being affiliated with the American Federation of Labor. The police force of the District of Columbia is now affiliated with the American Federation of Labor; it has a charter from that organization, and the affiliation is complete. It is true a good many of the policemen, doubting the wisdom of the action, have withdrawn, but I am informed the majority of them remain affiliated with the American Federation of Labor, and, based on this information, I suppose that those policemen of the District of Columbia who are now affiliated with the American Federation of Labor will very soon be contributing money out of their pockets, which Congress has voted to them, taxpayers' money, in order to keep up this industrial unrest, this disturbance, this strike, which is led by a man who is generally believed to be just as much an enemy of this Government and of organized society to-day as he ever was—William Z. Foster, acknowledged former syndicalist and revolutionist, now active in the steel strike, which, in my opinion, is one of the most unjustifiable strikes which was ever precipitated upon the American people.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, on yesterday morning the Senator from Nebraska [Mr. HITCHCOCK], with the consent of the Senate, had inserted in the RECORD several pages of a telegram sent to him by the California branch of the League to Enforce Peace. I now send to the desk a letter received from that organization by a constituent of mine and ask that the Secretary may read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

"LEAGUE TO ENFORCE PEACE,
"*New York, September 29, 1919.*

"*To friends of the league of nations:*

"In the past the nations of the world have been organized for war; the league of nations proposes to organize them for peace. It proposes to substitute the rule of international justice for the rule of force. Without the league of nations the world faces a crushing race of armaments, another war more destructive than all former wars, and the suicide of civilization.

"And yet in the face of these alternatives the league is now facing a bitter partisan attack in the United States Senate. The next few weeks must decide whether or not the United States shall enter the league of nations, whether or not, indeed, there shall be a league of nations; for as the opposing Senators themselves have said, 'Without us the league is a wreck, and all the gains from a victorious peace are imperiled.'

"There must be courageous action. Public opinion in every State must be organized and trained on Washington. The campaign must go on until the Senate vote on ratification is taken.

"All this will require funds, immediate and adequate. We are going ahead with our work, confident that the real patriots of America—those who understand why our country fought this war—will rally to the call. Are you one of them?

"We are not asking you to sign a pledge card; the time is too short for that. Won't you send your check to-day? Next month may be too late.

"Yours, very truly,

"HERBERT S. HOUSTON,
"*Treasurer.*"

Mr. BRANDEGEE. Mr. President, the "suicide of civilization" is, of course, of some interest, but I think comparatively slight as compared to the "coin"; certainly the exhortation to send a check to-day is extremely interesting. That communication was preceded by a telegram which I will now ask the Secretary to read. This league lets no grass grow under its feet, Mr. President.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

"NEW YORK, *September 17, 1919.*

"Personal and confidential.

"Humanity, commerce, industry, labor, and the whole social order need immediate ratification of the peace treaty and the covenant of the league of nations. It is vitally important that you shall communicate with your Senators, preferably by telegraph, urging them to ratify promptly and unreservedly. If you have already done so, do it again in a positive and conclusive manner, get others to do the same. This is the time for us to strike straight from the shoulder with all our strength behind the blow. There is no time to lose.

"LEAGUE TO ENFORCE PEACE."

Mr. BRANDEGEE. Mr. President, if you have done it already, "hit 'em again." Mr. President, here is the sequel. They do not "weary in well-doing," and it is profitable to the telegraph companies, I have no doubt. I ask that the Secretary read the telegram which I send to the desk.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the telegram.

The Secretary read as follows:

"NEW YORK, *October 2, 1919.*

"Mr. EDWIN BINNEY,
"Sound Beach, Conn.:

"The League to Enforce Peace—William Howard Taft, president, A. Lawrence Lowell, chairman—is conducting an active and necessarily expensive campaign to secure an expression of public opinion that will compel ratification of the peace treaty without reservations that would require resubmission to the Paris conference or a separate treaty with Germany. Will you not help the cause by a substantial contribution?

"HERBERT S. HOUSTON,
"Treasurer,
"GEORGE W. WICKERSHAM,
"VANCE MCCORMICK,
"CLEVELAND H. DODGE,
"OSCAR S. STRAUS,
"Finance Committee."

Mr. BRANDEGEE. Mr. President, of course it is necessarily "very expensive," but such poor men as Cleveland H. Dodge and Mr. Straus have to be helped out in time of trouble. I ask the Secretary to read the response of my constituent to that pathetic appeal.

The Secretary read as follows:

"THE LEAGUE TO ENFORCE PEACE,
"Bush Terminal Sales Building, New York:

"I'm strongly opposed to league of nations covenant unless it be properly amended to protect America.

"If quick action is necessary, suggest you appeal to President Wilson to remove his objections to proper amendments.

"EDWIN BINNEY."

Mr. BRANDEGEE. They will not take no for an answer, Mr. President, so they come again. This is the way the money they ask for is being spent. I ask the Secretary to read the communication I send to the desk.

The Secretary read as follows:

"LEAGUE TO ENFORCE PEACE,
"New York, October 3, 1919.

"MY DEAR MR. BINNEY: This is to confirm the telegram of our finance committee, as follows:

"'The League to Enforce Peace—William Howard Taft, president, A. Lawrence Lowell, chairman—is conducting an active and necessarily expensive campaign to secure an expression of public opinion that will compel ratification of the peace treaty without reservations that would require resubmission to the Paris conference or a separate treaty with Germany. Will you not help the cause by a substantial contribution? Herbert S. Houston, treasurer; George W. Wickersham, Cleveland H. Dodge, Vance McCormick, Oscar S. Straus, finance committee, Bush Terminal Sales Building, New York.'

"The alternative to a league of nations is a crushing race for armament, another war more destructive than all former wars, and the suicide of civilization. The crisis is at hand. We must act quickly, and trust that you will send us the largest check convenient by return mail.

"We need your help and cooperation at this time if we are to overcome the vast amount of studied and intentionally confusing misinformation with which the country is being flooded regarding the provisions and working of the league of nations as organized in the Paris covenant. All this will require funds, immediate and adequate. We can go ahead with our work only as those who understand why our country fought this war rally to the call.

"Yours, very truly, HERBERT S. HOUSTON,
"Treasurer.

"Mr. EDWIN BINNEY,
"South Beach, Conn."

Mr. BRANDEGEE. Mr. President, it is too bad, the rate at which civilization is committing suicide. I thought, once dead, it would stay put; but no; the "suicide of civilization" has become a weekly occurrence. Mr. President, I have another letter written by Mr. Binney to me, which I ask the Secretary to read.

The Secretary read as follows:

"NEW YORK, *October 6, 1919.*

"Hon. FRANK B. BRANDEGEE,
"United States Senator,
"Senate Chamber, Washington, D. C.

"MY DEAR SIR: While I presume you have seen all this stuff, I am handing you the circular letter, folder, etc., from the League to Enforce Peace, which followed the telegrams I mailed to you on the 4th instant.

"Very truly, yours, EDWIN BINNEY."

Mr. BRANDEGEE. Mr. President, it is very edifying to observe public opinion in the process of being manufactured by the contributions of patriotic and deluded citizens. I do not know how many people in other parts of the country have been taken into camp by this persistent and expensive propaganda, but I think there are a few in my section of the country who estimate this sort of an appeal at about what it is worth. For the people who contribute their hard-earned money to this sort of scheme I have little sympathy, because if their money is not taken from them by this organization they are sure to have it taken from them by somebody else. It helps the telegraph companies and the printers and stationers. Col. Sellers said that there was "a sucker born every minute," and I presume the birth rate in that line continues uniform. I judge it must, from the constant output of this sort of literature.

Mr. President, we are all familiar with the character of propaganda. Hardly a measure comes before the Senate that somebody does not appoint himself a solicitor of funds to ask the "come on" people who are scattered throughout the country to please help finance the propaganda. So far as I am concerned I shall pay no more attention to this matter; but I simply wanted the Senate and the country to realize that this sort of stuff, as my constituent so well calls it, will not change a vote in this body. Votes in the Senate are not affected in that way.

Mr. SHERMAN. Mr. President, I should like to add something to the Senator's statement. Connecticut is not the only sufferer from this foray. My own mails are filled with literature of the same kind. It all makes frantic appeals for instant contributions to relieve a depleted exchequer. It varies in the form of circular letters, telegrams, and typed letters, but it all amounts to the same thing—that they are in urgent need of funds, and now.

Mr. SMITH of Arizona. Mr. President, I send to the desk, and ask to have read, a telegram which explains itself.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

MESA, ARIZ., *October 6, 1919.*

Senator SMITH,
Washington, D. C.:

We, the members of the Methodist Episcopal Church in congregation assembled, representing a membership and constituency of 500, do declare in favor of a league of nations as the most feasible plan to prevent war and promote the Christian democracy and brotherhood for which Christ and His Church stand. We therefore urge our Representatives in Congress to vote to ratify the peace covenant, thus taking immediate steps in the name of God and humanity to allay the unsettled condition now confronting the world.

FIRST METHODIST CHURCH,
W. R. STEWART,
Special Committeeman.
D. H. REID, *Pastor.*

Mr. POINDEXTER. Mr. President, in explanation of the resolution of the church in Arizona that the Senator from Arizona has just introduced, in order to show the origin of it, and that it was not altogether spontaneous interest in the league of nations on the part of that congregation, I submit and ask to have read a letter from the national committee on the churches and the moral aims of the war, signed by Henry Atkinson, secretary. I will say that this, also, will explain the flood of letters and telegrams from ministers throughout the country on this subject.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NATIONAL COMMITTEE ON THE CHURCHES AND THE MORAL AIMS OF THE WAR,
New York, September 22, 1919.

DEAR SIR AND BROTHER: This committee, as you undoubtedly know, carried on a very extensive campaign in behalf of the war. It has been clear from the very beginning that the war would not be won, and the moral aims for which it was fought achieved, until a league of nations is established. A determined effort is now being made, however, within the United States Senate to defeat this necessary end.

Public sentiment alone will convince our Senators that America is resolved to help put an end to war by helping to control the forces which make war inevitable.

It would seem that the churches had done everything possible to impress the Senate with their determination to have the covenant adopted, but in the present exigency we feel that they must make one final effort. Anything less than this would be to fall short of our duty.

There are four things which can be done which will be of inestimable value in this crisis, and which may turn the scale and save the covenant:

(1) Write to your two Senators and send a copy of the letter to the Hon. HENRY CABOT LODGE, chairman of the Foreign Relations Committee. Make your letter brief but emphatic, asking for speedy ratification of the peace treaty, including the covenant for a league of nations without any amendments which would send the treaty back to Paris.

(2) Influence at least 10 of your most influential friends to do the same thing.

(3) Arrange for a community meeting or a meeting in your church, where the matter may be discussed, and a new set of resolutions adopted to be sent to the Senators and to the Hon. HENRY CABOT LODGE.

(4) Preach one more sermon on the subject.

Inclosed you will find copy of statements made by leading church bodies and a leaflet by Dr. Frank Crane.

I am also inclosing a postal card asking for your signature and permission to use it in a monster petition that is to be sent to Congress. If you will sign this card and mail it so that it will reach me by return mail, we shall very greatly appreciate your cooperation.

Yours, in behalf of a league of nations,
HENRY A. ATKINSON, *Secretary.*

P. S.—Please sign and mail the inclosed postal card at once.

Mr. HITCHCOCK. Mr. President, I am very glad the Senator from Washington has had this letter inserted in the RECORD, because I am glad to know that a new organized effort is being made among the churches of the country for this great purpose. It is very true that religious sentiment may be overwhelmingly in support of a measure and yet may not make itself felt without an organized effort. Even the great work of the Red Cross and the universally supported work of selling bonds during the war had to be organized; and so it seems to be necessary in this case to make an effort to show what the real religious sentiment of the people is on this great moral question now before the country. The Senator from Washington has done a distinct service in showing that an organized effort is now being made among the churches to develop the sentiment.

One thing is very evident. There will be no organized effort among the churches of the country to oppose the league of nations. There is not enough sentiment of that sort to organize; and the fact that the churches are being appealed to to organize anew for this great work is very good evidence that the sentiment is there. It may not reach some of the Senators here who have made up their minds to stand through thick and thin, but it is going to show and it is going to be shown in the future development of sentiment on this subject in this country.

Mr. President, it is not only the churches, but it is the women of the country, it is the business men of the country, it is the laboring interests of the country, it is the public-spirited sentiment of the country, that is making itself felt, and it will make itself felt more and more the longer this fight lasts. I send to the desk a telegram from the Woman's Club of Central Kentucky, which I ask to have read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

LEXINGTON, KY., *October 6, 1919.*

Hon. G. M. HITCHCOCK,
United States Senate, Washington, D. C.:

At the opening session of the Woman's Club of Central Kentucky the following resolution was passed:

"*Resolved*, That the Woman's Club of Central Kentucky request the United States Senate to ratify without delay and without amendment the peace treaty and the covenant of the league of nations, and that a telegram to that effect be sent to HENRY CABOT LODGE, leader of the majority, and to G. M. HITCHCOCK, leader of the minority of the United States Senate."

Mrs. SAMUEL HAMPTON HALLEY,
President.
Miss N. ISABEL SCHMIDT,
Recording Secretary.

Mr. HITCHCOCK. Mr. President, it is very significant that these various organizations, representing the various elements of society, are speaking for the league of nations, and nowhere against it. Everywhere it is the women speaking for the league of nations; everywhere it is the churches speaking for the league of nations; everywhere it is the business organizations like the chambers of commerce speaking for the league of nations; everywhere it is the labor organizations speaking for the league of nations, and the bar associations. All of the high-class and intellectual and vital organizations of the country, wherever they speak, speak for the league of nations and for the ratification of the treaty.

Mr. President, I ask unanimous consent to have printed as a Senate document the various addresses of the President on his recent trip, already printed in the RECORD. I ask to have them printed as a Senate document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. POINDEXTER. Mr. President, in reply I should like to say to the Senator from Nebraska that my purpose in introducing the appeal from Mr. Atkinson, secretary of the Church Union on the Moral Aims of the War, was to show that this sentiment which is being expressed in telegrams and resolutions from church congregations and ministers is not indicative of any interest in the league of nations, or any information in regard to the contents of the covenant for a league of nations on the part of those persons who are communicating these telegrams and resolutions, but that on the contrary it is a manufactured propaganda, that it is being sent in at the request of this permanent organization, of which the Church Peace Union founded by Mr. Andrew Carnegie, whose name appears on the letterheads, is one of the principal agencies; that it is in response to requests sent out by a paid official, who is not a minister of the gospel in the sense that he is preaching the gospel in a church, but who is a man who earns his living by the activities of this organization, and that it is in response to his appeal from that one central source that this great propaganda has manifested itself.

Mr. HITCHCOCK. Mr. President, in partial answer to what the Senator says, I want to call his attention to the fact that it was necessary, even in organizing the Red Cross for the great work that it performed, to spend money on organization. It was necessary to organize and pay men in selling bonds of the United States in that great campaign. No organization that can be nation wide can be operated without the expenditure of money.

I received a telegram yesterday giving important news from California—a telegram comprising nearly 2,000 words. That had to be paid for by somebody. What is done is done openly; what is done is done legitimately and very properly.

I want to say to the Senator, in conclusion, if he wants to see the organized effort against the league of nations, let him look at the socialist and anarchist meetings of the country, the Bolshevik meetings of the country, the newspapers published in the interest of the anarchists and socialists and Bolshevists of the United States. Every one of them, without exception, is fighting the league of nations. They are his allies. They are his organs in this fight.

Mr. POINDEXTER. Mr. President, the Senator talked a great deal about the Bolsheviki and it is not very long since he was talking about the pro-Germans being opponents of the league. It seems to be quite a bold attitude for a Senator to take who, while the fighting was good between the Allies and Germany, was doing what he could to retard it instead of forwarding it, at least up to the point where the United States declared war; who on various occasions introduced bills and resolutions in Congress for the purpose of thwarting the efforts of our allies in their war with Germany and to cut off the supplies of munitions that were necessary for them in order to carry on the war; who declared on various occasions in Congress that he sympathized with the Germans, and on other occasions that he was neutral in this war; who was not conspicuous at any time, even after we entered the war, in this great campaign that he speaks of, which was carried on for the purpose of waging it to a victorious conclusion. He only becomes prominent in his anti-Germanism and his denunciation of pro-Germanism after the fight is over, after the victory has been won.

There is always a certain type of men who safely place themselves on the very outskirts of a fight while the fight is going on, to observe, apparently, how it is going, and after it is over they immediately take the center of the stage and become exceedingly belligerent.

I remember also, while this great contest for civilization that the Senator from Nebraska speaks of was being waged, when one of the nations that were allied in the struggle against Germany abandoned the fight, made peace with Germany, and deserted its allies, those who are now advocating continued animosity toward Germany, who are launching their philippics against pro-Germans and Bolshevists, leaders, I may say, in this movement for a league of nations, were eulogizing the Bol-

sheviks, were then proposing that we should make peace with Germany ourselves on the same terms that the Bolsheviks made peace with them, quoting the language of the Bolsheviks, saying that the terms that they stated were the terms which appealed to reasonable men everywhere.

It is quite enlightening to refresh our minds on the attitude of these gentlemen by looking back over the records of Congress for a few months, comparing their attitude when the war was on with their attitude after the war is won.

Mr. HITCHCOCK. The Senator's reply is no answer to my statement that all the Bolshevists of the country, all the anarchists of the country, all the lawless elements of the country, are opposing this league of nations.

The Senator has charged me with being pro-German. He has charged me with not being a sincere supporter of the war. The Senator should remember that it was I who conducted the fight here in the Senate for the resolution for armed neutrality. The Senator should remember that it was I who conducted through to its passage the resolution declaring war on Germany. The Senator has no ground for saying that during the war which has passed I did not support the war to the uttermost of my strength, doing everything that I could to add to the efficiency of our departments fighting the war. The Senator knows that very well.

The Senator knows very well also that I have not charged him with being pro-German. I am talking about socialism and anarchy and Bolshevism organized to defeat this league of nations, not only in the United States but in every country in the world.

The Senator lugs in here the question of my record before the war. It is true that I did not get into the war until Congress voted the war. It is true that I was not a participant in the war when the United States was neutral. I stood for the neutrality of the United States, and I stood for it in my own way, independently. But when it came time for the United States to act, the Senator knows very well that I was one of those who did act here in the Senate, and I think the Senator will not find another Senator who acted more promptly or more energetically. He simply drags in now the charge of pro-Germanism, when I have not talked about pro-Germanism. I have not denounced Germany. I have not charged anybody with pro-Germanism. The time has passed to be either pro-German or pro-British. Now is the time when the question is whether we are going to stand for peace, a peace settlement that is going to be permanent.

I repeat my assertion that all the splendid elements of this country, the religious element, the high professional element, the organized working element, the organized women of the country, the organized laboring element of the country, all the organizations of the country that are nonpartisan and struggling for the good of the country, have spoken.

The Senator says we are organizing them. Why does not the Senator and some of the bitter-end fighters against this treaty seek to organize them? It can not be done, because the overwhelming sentiment of the country among all those nonpartisan organizations is for the league, and they know it. They can not organize them; they can not appeal to them. The influence that they can appeal to, and the only organizations in this country they can appeal to, are uncompromising, bitter partisanship, the anarchists, the Bolshevists, and the lawless elements of the country, which, like the lawless elements of all other countries, are against any effort to stabilize government and make the peace settlement secure and permanent.

Mr. PENROSE. Mr. President, may I inquire of the Senator whether he included the Friends of Irish Freedom in the list of imposing organizations mentioned by him? I did not quite catch whether he did.

Mr. HITCHCOCK. I did not include that. I will be very glad to include it if the Senator has any evidence.

Mr. PENROSE. I have no evidence. I was interested in knowing whether he had included them in the brilliant galaxy of associations that had indorsed the league.

Mr. McCORMICK. Mr. President, I ask unanimous consent that the letter which I send to the desk be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"CHICAGO, ILL., *October 3, 1919.*

"The Hon. MEDILL MCCORMICK,
"*United States Senator,*
"*Washington, D. C.*

"HONORABLE SIR: Propaganda which seems quite unfair is being carried on by an organization calling itself 'The National Committee on the Churches and the Moral Aims of the War.' As a clergyman, I have received some communications from this committee, and inclose one just received, thinking you might be especially interested in it, and that possibly some counterpropaganda in favor of the proposed amendments to the league document might be carried on.

"I was at the Auditorium at the meeting on the league of nations over which you presided, and greatly admire the splendid stand which you and your colleagues have taken.

"Respectfully, yours,

"PERCY W. STEPHENS."

Mr. McCORMICK. Mr. President, I send up another letter from a clergyman, one of a great many, and ask that the last paragraph be read.

The Secretary read as follows:

"I am a Christian minister, but I would rather give up my church, take a gun and fight than see the United States knuckle down to the present half-baked 'covenant.' My best wishes to you in your efforts to secure a square deal for China and for the United States.

"Very sincerely, yours,

"EDWARD J. WEBSTER."

Mr. McCORMICK. Mr. President, I merely wish to call the attention of Senators who have received copies of these letters of the League to Enforce Peace and of the National Committee on Churches and the Moral Aims of the War to the duplication, the overlapping, of the names of the distinguished gentlemen who are on the staff of the two organizations, Hon. William H. Taft, Alton B. Parker, Hamilton Holt, Sydney Gulick, of pro-Japanese fame. The same gentlemen patriotically enough, earnestly enough, generously enough, are engaged in the organization of the League to Enforce Peace and the National Committee on the Churches. They are within their rights, availing themselves of the funds supplied to them by other patriotic gentlemen, like Mr. Lamont and his colleagues in that house. Those of us who differ from the proponents of the league have not the financial resources to carry on this tremendous propaganda; but I venture to state that other Senators have received, as I have, letters from very many clergymen objecting to the propaganda as carried on.

Mr. SPENCER. Mr. President, the Senator from Nebraska inadvertently referred to the bar association of the Nation twice in his eloquent remarks. I assume he referred to the American Bar Association, which is the great national bar association of the Nation.

Mr. HITCHCOCK. I did not really refer to the national bar association, because I understood it was only the executive committee of that association which reported in favor of the league.

Mr. SPENCER. May I say to the Senator that he is mistaken about the executive committee. The fact of the matter is that the president of the association, perhaps without authority, appointed an independent committee of five to make a report on the league of nations. This committee of five reported three in favor of a league of nations and two opposed to it. One of the three, at the meeting of the bar association in Boston, which I had the pleasure of attending, was prompt in telling me that he did not agree with the report which he had signed with a majority of the committee. When that report came before the association, the association promptly refused to consider it, and postponed the entire matter for a year.

PETITIONS AND MEMORIALS.

Mr. TRAMMELL presented a petition of sundry citizens of Tampa, Fla., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hastings, Starke, Baldwin, and Palatka, all in the State of Florida, praying for Government regulation of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE. I present a memorial from the Philadelphia Board of Trade opposing the so-called Plumb plan for the ownership and management of the railroads of the country. I move that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. TOWNSEND presented a petition of sundry citizens of Croswell, Mich., and a petition of sundry citizens of Dimondale, Mich., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a memorial of Local Grange No. 697, Patrons of Husbandry, of Kalkaska, Mich., remonstrating against the ratification of the proposed league of nations treaty unless amended to meet certain requirements, which was ordered to lie on the table.

He also presented a petition of Local Union No. 431, Brotherhood of Railway Carmen of America, of Bay City, Mich., and a petition of the Odd Fellows Lodge, of Bay City, Mich., praying for the granting of a Liberty bond to each discharged soldier, sailor, and marine for every month of service, which were referred to the Committee on Military Affairs.

He also presented a petition of Iron Post, No. 17, American Legion, of Iron River, Mich., praying for an investigation into the alleged unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Association for the Advancement of Colored People, of Lansing, Mich., praying for an investigation into the recent race riots throughout the country, which was referred to the Committee on the Judiciary.

He also presented a petition of the Common Council of Detroit, Mich., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of Artesia Chapter No. 253, Order of the Eastern Star, of Artesia, Calif., and a petition of the Parent Teachers' Association, of Burbank, Calif., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. ROBINSON presented a petition of sundry citizens of Black Rock, Ark., praying that a tax be placed on the importation of pearl buttons, which was referred to the Committee on Finance.

Mr. NEWBERRY presented a petition of sundry citizens of Grand Rapids, Mich., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of the National Association for the Advancement of Colored People, of Lansing, Mich., praying for an investigation into the recent race riots in the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of the Common Council of Detroit, Mich., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor, reported it with an amendment and submitted a report (No. 253) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2323) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," reported it with amendments and submitted a report (No. 254) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 1356) for the relief of Patrick Savage, reported adversely thereon, and the bill was postponed indefinitely.

ISSUANCE OF SECURITIES.

Mr. OWEN. On September 26 I reported favorably from the Committee on Banking and Currency the joint resolution (S. J. Res. 88) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to supervise the issuance of securities, and for other purposes," which is now on the calendar, being Order of Business No. 187. I desire at this time to submit, from the Committee on Banking and Currency, a report to accompany the joint resolution.

The VICE PRESIDENT. The joint resolution will be placed printed.

THE POSTAL SERVICE.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report back favorably, with an amendment, the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor, and I submit the majority and minority reports thereon.

I desire to say that to-morrow morning, or as soon thereafter as possible, I shall call up this joint resolution for consideration.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

POSTAL SERVICE IN HAWAII.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report back favorably, with amendments, the bill (H. R. 7972) to improve the administration of the Postal Service in the Territory of Hawaii, and I submit a report (No. 252) thereon. This is an emergency measure brought to our attention by the Postmaster General and calls for no appropriation. I ask for its immediate consideration.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 4, after the words "Islands of Hawaii," to insert "in Porto Rico and the Virgin Islands," and in line 6, after the word "Honolulu," to insert "San Juan and Charlotte Amalie, respectively," and at the end of the bill to insert the following proviso: "*Provided*, That the Postmaster General be authorized to fix the salary of the postmaster at Honolulu at not to exceed $4,000 per annum," so as to make the bill read:

Be it enacted, etc., That the Postmaster General is hereby directed to establish in the Islands of Hawaii in Porto Rico and the Virgin Islands, under appropriate regulations to be prescribed by him, such branch offices, nonaccounting offices, or stations of Honolulu, San Juan, and Charlotte Amalie, respectively, as in his judgment may be necessary to improve the service and as may be required for the convenience of the public: *Provided, however*, That such branches, nonaccounting offices, and stations shall be conducted under the name of the existing post offices affected so as to maintain the identity of the offices concerned: *Provided*, That the Postmaster General be authorized to fix the salary of the postmaster at Honolulu at not to exceed $4,000 per annum.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to improve the administration of the Postal Service in the Territory of Hawaii, in Porto Rico and the Virgin Islands."

RED RIVER BRIDGE.

Mr. JONES of Washington. From the Committee on Commerce and for the Senator from New York [Mr. CALDER] I report back favorably, without amendment, the bill (S. 3096) to authorize the construction of a bridge across the Red River at or near Moncla, La., and I submit a report (No. 251) thereon. This is a bridge bill, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That the Parish of Avoyelles, in the State of Louisiana, be, and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, at or near Moncla, in said parish and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT IN RENSSELAER COUNTY, N. Y.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably, with an amendment, the bill (S. 2999) to authorize the holding of terms of the United States district court in Rensselaer County, N. Y. I call the attention of the Senator from New York [Mr. WADSWORTH] to the bill.

Mr. WADSWORTH. I ask for the consideration of the bill reported by the Senator from North Carolina.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was to strike out all after the enacting clause and insert:

That section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it is, amended so as to read as follows:

"SEC. 97. The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, and with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, Frank-

lin, and Rensselaer as he may from time to time appoint; such appointment to be made by notice of at least 20 days, published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of any resident judge entered in the minutes of the court, and in such cases such judge shall have the same powers as are vested in the resident judge."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 97 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911."

THE COMMITTEE ON IMMIGRATION.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 204 submitted by Mr. COLT on the 2d instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Immigration, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-sixth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost of not exceeding $1 per printed page, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3172) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication; to the Committee on Foreign Relations.

By Mr. CALDER:

A bill (S. 3173) to provide for increasing the rank and grade of officers and enlisted men of the Army on retirement, and for other purposes; to the Committee on Military Affairs.

By Mr. KENYON:

A bill (S. 3174) granting a pension to Ella Blake (with accompanying papers); to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 3175) granting an increase of pension to Cecelia B. Chauncey; to the Committee on Pensions.

By Mr. DIAL:

A bill (S. 3176) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 3177) authorizing commercial service by naval radio plants; to the Committee on Naval Affairs.

A bill (S. 3178) for the establishment of a light vessel to mark the entrance to Grays Harbor, Wash.; to the Committee on Commerce.

By Mr. NEW:

A bill (S. 3179) granting an increase of pension to William A. Downs; and

A bill (S. 3180) granting a pension to Louis J. Boling (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3181) granting an increase of pension to John Walton; and

A bill (S. 3182) granting an increase of pension to George W. Lyons; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3183) authorizing and directing the Interstate Commerce Commission to conduct investigations and to make orders relating to warehouse facilities of certain common carriers at certain ports; to the Committee on Interstate Commerce.

A bill (S. 3184) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes; to the Committee on the Judiciary.

EXCESS IMPORTATIONS OF FOREIGN GOODS.

Mr. SMOOT. I introduce a bill and ask that it be read, and then I am going to ask the Senate to indulge me for just a few moments to speak upon it.

The bill (S. 3171) to promote domestic industry by prohibiting the dumping of foreign goods in the United States, and for other purposes, was read the first time by its title, and the second time at length, as follows:

A bill (S. 3171) to promote domestic industry by prohibiting the dumping of foreign goods in the United States, and for other purposes.

Be it enacted, etc., That this act may be cited as the antidumping act.

SEC. 2. That when used in this act—

The term "person" includes an individual, partnership, corporation, or association.

The term "cost of production" means the average cost, within a period to be prescribed from time to time by the Tariff Commission, of producing by the same producer at the same place of production merchandise of the same kind as that offered for importation.

The term "foreign market value at the place of production," when used in reference to any imported merchandise, means the average price, within a period to be prescribed from time to time by the Tariff Commission, at which merchandise of the same kind is freely sold or offered for sale for local consumption in wholesale quantities at the principal markets of the country where such imported merchandise was produced. If the Tariff Commission finds that such merchandise has no foreign market value at the place of production or that such market value is less than the cost of production as above defined, the term "cost of production" shall be substituted for "foreign market value at the place of production" wherever used in this act.

The term "foreign market value at the place in which purchased," when used in reference to any imported merchandise, means the average price, within a period to be determined from time to time by the Tariff Commission, at which merchandise of the same kind is freely sold or offered for sale for local consumption in wholesale quantities in the principal markets of the country in which such imported merchandise is purchased. If the Tariff Commission finds that such merchandise has no foreign market value at the place in which purchased, or that such market value is less than the cost of production, then the term "foreign market value at the place of production," shall be substituted for "foreign market value at the place in which purchased," wherever used in this act; except that if the Tariff Commission finds that such merchandise has no foreign market value at the place of production, or that such market value is less than the cost of production as above defined, then the term "cost of production" shall be substituted for "foreign market value at the place in which purchased" wherever used in this act.

The terms "foreign producer" or "importer" include any person acting for, in combination with, or accounting to, the foreign producer or importer, respectively.

The term "United States" includes the possessions of the United States except the Philippine Islands, the islands of Guam and Tutuila, the Virgin Islands, and the Isthmian Canal Zone.

The term "comparable domestic merchandise" means merchandise produced in the United States which is closely comparable to foreign produced merchandise imported or offered for importation, as respects the process of production, value, quality, or use to which it is applied.

SEC. 3. That the dumping duty provided in section 4 shall be levied, collected, and paid, under the provisions of existing law, upon any merchandise imported from any foreign country into the United States whenever the Tariff Commission certifies to the Secretary of the Treasury that an industry in the United States is being or likely to be injured or is prevented from being established, by reason of the application of any of the following methods in connection with such merchandise:

(1) The purchase of such merchandise in any foreign country by or for the importer at a price below the foreign market value at the place of production or purchase;

(2) The offering for sale of such merchandise in the United States by or for the importer, at a price which gives the importer less than a fair profit over and above the sum of (a) the foreign market value at the place in which purchased, or in case the importer is the foreign producer, the foreign market value at the place of production of such merchandise; (b) the value of any wrapping, package, container, or covering; (c) the value of packing materials; (d) the value of other costs, charges, or expenditures incident to placing such merchandise in condition for shipment; (e) the cost of transportation to the United States, including insurance; and (f) customs duties and excise tax upon such merchandise;

(3) The importation of such merchandise into the United States under any agreement, understanding, or condition that any person shall not use, purchase, or deal in or shall be restricted in his use, purchase, or dealing in the merchandise of any other person; or

(4) The employment in connection with any such merchandise of any other method which places at an unfair disadvantage purchasers in the United States as compared with foreign purchasers of the same kind of merchandise.

SEC. 4. That if the imported merchandise is purchased by or for the importer previous to importation, the dumping duty shall be twice the difference between (1) either the foreign market value at the place of production if purchased from the foreign producer, or the foreign market value at the place in which purchased if purchased from a person other than the foreign producer, and (2) the purchase price.

If the imported merchandise is imported by or for the foreign producer, the dumping duty shall be twice the difference between (1) the foreign market value at the place of production plus the sum of the

items in clauses (b) to (f), inclusive, of subdivision (2) of section 3, and (2) the price at which such merchandise is offered for sale in the United States by or for the foreign producer or at which other imported merchandise of the same kind is sold or offered for sale in the United States by or for the same foreign producer.

Any dumping duty shall be in addition to any other duty or excise tax now or hereafter imposed by law.

Any dumping duty in respect to imported merchandise shall continue in effect until the Tariff Commission certifies to the Secretary of the Treasury that the conditions which led to the certification to the Secretary of the Treasury in respect to such merchandise no longer exist.

SEC. 5. That whenever the Tariff Commission is of the opinion that merchandise offered for importation may be made subject to a dumping duty as provided in section 3, but has not information sufficient to determine whether it should certify the necessary facts to the Secretary of the Treasury, the Secretary of the Treasury shall forbid entry to such merchandise until the Tariff Commission completes such hearings, investigations, and proceedings as it deems necessary.

Whenever any importer or producer refuses to make available to the Tariff Commision in respect to merchandise imported or offered for importation such information as may be necessary for its hearings, investigations, and proceedings under this act, the Secretary of the Treasury shall forbid entry to such merchandise until the Tariff Commision notifies the Secretary of the Treasury that such information has been made available.

The Secretary of the Treasury may release under such bond as he deems sufficient and permit temporary entry of any merchandise forbidden entry under this section.

SEC. 6. That the Tariff Commission shall give such notice and afford such hearings with opportunity to offer testimony, oral or written, as it deems sufficient to a full presentation of the facts involved in any proposed certification under section 3. No certification under section 3 shall be made to the Secretary of the Treasury until after due notice and hearing. Any such certification to the Secretary of the Treasury shall include such facts as will aid such officer in ascertaining the rate of the dumping duty to be levied, collected, and paid upon the imported merchandise in dispute and upon similar importations.

SEC. 7. That the Tariff Commission is authorized to hold such hearings and enter upon such investigations and proceedings as may be necessary to the administration of this act, under such rules and regulations as such commission may prescribe. The powers granted the Tariff Commission under section 706 of the revenue act of 1916 shall also be available for carrying into effect the provisions of this act.

SEC. 8. That the Tariff Commission is authorized to make all rules and regulations necessary for determining (1) that a method has been employed in respect to any merchandise imported or offered for importation that is or is likely to be injurious to or prevents the establishment of an industry in the United States, and (2) what constitutes comparable domestic merchandise.

The Secretary of the Treasury is authorized to make any rules or regulations necessary in connection with levying, collecting, or paying any dumping duty or in administering the provisions of section 5.

Mr. SMOOT. Mr. President, just a moment. I promise the junior Senator from Pennsylvania [Mr. KNOX] that I will occupy but a few minutes of the time of the Senate.

Mr. President, the House of Representatives has passed five bills covering certain commodities which are manufactured and produced in this country. On September 26, 1919, the House passed a bill to regulate the importation of coal-tar products and to promote the establishment of the manufacture thereof; on August 21, 1919, a bill to promote the production of tungsten ore and manufactures thereof; on September 2, 1919, a bill to establish and maintain the production of zinc ores and manufactures thereof; on September 2, 1919, a bill for the increase of tariff on buttons of shell and of pearl; and on August 2, 1919, a bill to establish and maintain the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments.

I presume every Member of the Senate is receiving untold numbers of letters from manufacturers of the articles which are enumerated in the bills to which I have just referred, and asking for favorable action on them. I thought this would be a proper time to have Congress consider an antidumping bill and enact it into law, even though the bills referred to shall be placed upon the statute books. We should have had an antidumping law years ago, but never in the history of the country has one been so necessary as at the present time. I simply desire to refer to two of these bills, but, perhaps, what I shall say in relation to those two bills will be equally applicable to the other three.

In reference to the manufacture of coal-tar products, I desire to state that since the beginning of the war wonderful strides have been made in that industry in the United States; in fact, at the present time, with the exception of a very few of the very finest and most delicate colors, the manufacturers of such dyes in the United States are producing all that are required in this country; but to-day there are stored at the ports of embarkation in Germany coal-tar products sufficient to furnish the United States with all we shall need for at least two years to come.

The policy of Germany in the past has been whenever coal-tar products were successfully produced in the United States to sell the German product for very much less than the cost of their manufacture, if necessary, until they could thereby close the American establishments. If the American manufacturers of such products to-day are compelled to close their factories for two years—and I have no doubt that Germany would gladly place such goods upon the market at far below the cost of manufacture in order to do so—the American industry, Mr. President, will be destroyed. The enactment of an antidumping law would prevent such an undertaking on the part of Germany, or at least prevent such an action from becoming successful. It is for that reason that I hope the legislation suggested in the bill which I have just introduced will be enacted into law at a very early date.

Take, for instance, the manufacture of scientific and surgical instruments. The House has passed a bill to take care of the manufacture of those articles. Before the war America made none of those instruments worth speaking of, the amount manufactured in the United States being so small that it was but a fraction of 1 per cent of what was required of that class of goods. Since the war industrial establishments manufacturing surgical and scientific instruments have sprung up in different parts of the United States, until to-day there is manufactured in this country a sufficient quantity of this class of articles to furnish all of the needs of the people of the United States; but I have recently seen copies of at least 50 orders which have been placed with Germany for such instruments at prices which make it absolutely impossible for the American manufacturer to compete; and if we are going to maintain this industry, either the bill which was passed by the House must be enacted into law or an antidumping law must be placed upon our statute books.

Mr. FLETCHER. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. FLETCHER. The Senator made the statement that Germany is willing to sell certain products at a loss, and will do so for a period of years, if necessary, in order to run out the American manufacturer. Whatever the condition in that respect might have been before the war, does the Senator think that at present Germany can afford to manufacture and sell articles at a loss?

Mr. SMOOT. I will say to the Senator that so far as coal-tar dyes are concerned they are already manufactured. Germany required the by-products of coal-tar manufactures for the munitions of war; she had to manufacture coal-tar dyes; and such dyes have piled up, as I have said, at ports of embarkation to-day in Germany in quantities sufficient not only to furnish the general trade of the world, but to furnish enough of these products to the United States to fill the requirements of all the manufacturers of the United States for two years.

I simply wanted to say this much upon the bill which I have introduced.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

TREATY OF PEACE WITH GERMANY.

Mr. WALSH of Massachusetts. Mr. President, I desire to give notice that on Thursday next, when the Senate goes into open executive session, I shall submit some remarks on the pending treaty with Germany.

Mr. NELSON. Mr. President, I shall ask the indulgence of the Senate to-morrow, not to exceed one-half hour, to submit some remarks on the treaty of peace.

THE RAILROAD SITUATION.

Mr. SHEPPARD. Mr. President, I present and desire to have inserted in the RECORD two articles on the railroad question.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Dallas Morning News.]

"THE CUMMINS BILL.

"Judge Cowan, of Fort Worth, speaking as chairman of a joint committee created by the Southwestern Traffic League and the Texas Industrial Traffic League to make a study of the several measures which have been proposed for the solution of the railroad problem, issued the other day what may be called a preliminary criticism of the Cummins bill. Whether this bill was chosen for that kind of treatment because of the belief that it enjoys an advantage in having for its author the chairman of the Senate Committee on Interstate Commerce or because of the belief that it is the most pernicious of all the proposals that have been made one is left to conjecture. Our own guess would be that it is to this last-named circumstance that it owes the distinction of being singled out for attack. Certainly one must infer from Judge Cowan's statement that he and the committee of which he is chairman regard it as the worst and most indefensible measure on that subject that has been offered, excepting, of course, the Plumb plan.

"With some of the criticisms of Judge Cowan the News can not agree. For example, it is not a fault of the bill, in the News's opinion, that it provides for the consolidation of all the railroads in the country under the ownership of from 20 to 35 corporations to be chartered by the Federal Government. The

News believes that even a greater consolidation than is thus contemplated could be effected without depriving the country of any competition that is desirable. Neither is it a fault of the bill, in the News's opinion, that it recognizes and affirms the supremacy of the Interstate Commerce Commission's authority in rate making, even to the extent of permitting it to readjust intrastate rates when it finds them to be out of alignment with interstate rates. The News thinks that some such centralization of authority is essential and that if exercised as this bill contemplates only on such occasions as that which was presented in the Shreveport rate case the States will have no just reason to complain.

"But while not in harmony with these criticisms of Judge Cowan's, and perhaps some others, the News is much inclined to concur in his judgment that the Cummins bill is defective in ways so fundamental as to render it doubtful if it can be made a foundation for such a structure of railroad regulation as needs to be built. These defects, if fundamental, are also varied in character. It seems to the News, for example, that it is at least questionable if the Constitution could be cajoled into countenancing either that section which provides for compulsory consolidations or that which would empower the Government to expropriate all earnings in excess of the 'fair return,' which is left to the determination of the Interstate Commerce Commission. Whether constitutional or not, that provision would be unjust, for the reason that, in addition to the fact that what constitutes a fair return is left to the determination of the Interstate Commerce Commission, it affords no guaranty that any of the railroads would be allowed to earn a 'fair return.' For, while the commission is specifically directed to make such rates as will enable them to earn a fair return, it provides no redress for the railroads in the event the rates should fail to yield such a return. In essence, the Government would become the lessee of the railroads without giving a guaranty that the lessors would receive a fair compensation for the use of their property. Such an inequitable proposition is unjust, and it ought to be unconstitutional.

"It is evident, and rather painfully so, that Senator CUMMINS has tried to make his bill strike a compromise as between those who have proposed that the Government guarantee a fixed rate of return to the owners of the railroads and those who have proposed that the employees shall share in the earnings of the railroads. But it is doubtful if his bill would realize one or the other of those proposals to a degree that would reconcile either group to it. There is no guaranty in it for the owners of the railroads, but only a promise, and one which, although specific, will command no great confidence in the money markets; and since the problem is largely that of restoring railroad credit, it is there that any bill must win approval if it is to be successful. Neither does it afford employees an assurance that they would derive anything from the operation of the railroads in excess of their wages. Its stipulation is that if earnings for any year should be above the amount decided to be a 'fair return,' plus 'a just allowance to provide reasonably for future years in which there may be insufficient earnings'—a surplus, namely—the excess shall accrue to the Government. Of that excess, half is to be the portion of the employees. But it would not inure to them in the form of additional wages, necessarily, nor even probably, one might think. That half of the excess earnings—assuming always there would be any—is to be used '(a) for the promotion of invention and research to ameliorate the conditions of labor and lessen the hazards of employment; (b) to extend and improve hospital relief; (c) to supplement existing systems of insurance and pensions; (d) to afford opportunities for the technical education of employees; (e) to establish a system of profit sharing by employees.' A promise so phantom-like as that is not likely to excite a more attractive expectation among the proponents of the Plumb plan than will the promise of a 'fair return' among those owners of the railroads whose demand is for a guaranty of a fixed rate of earning.

"In thus criticizing this overture to the employees, the News does not mean to commit itself to the idea that the employees are entitled to share in the earnings of the railroads beyond the extent that they would do so in receiving liberal wages for their services. Ethically, the proposal to give a share of railroad earnings to the employees in the form of a bonus is at least questionable. For that additional remuneration can not be given to them except at the cost either of the owners of the railroads or of the patrons of them, the general public, whose industry is the source of both wages and dividends. To create a fund for distribution among the employees without depriving the stockholders of anything they are entitled to, rates of transportation must be above the fair cost of the service. There may be some reason of expedience for making that exaction of the public, but what moral warrant is there for doing so? If the employees are fairly paid for their services—and assuredly they should be not only fairly but liberally paid—what ethical reason is there for levying an additional tax on the commerce of the country in their behalf and for their profit? This is not to say that some such partnership scheme may not be advisable; considerations of expedience may show it to be desirable. It is merely to challenge the notion of growing popularity that the employees have inherently a moral right to share in the earnings of the railroads without themselves contributing more toward their success than they are obligated to in return for their wages and without sharing in the losses to which the railroads would be liable under the provisions of the Cummins bill."

RAILROAD MEASURE OPPOSED BY COWAN—PROPOSED CONSOLIDATIONS WOULD ELIMINATE COMPETITION, HE DECLARES.

"The following statement relative to the Cummins bill has been received from S. H. Cowan, of Fort Worth:

"'Referring to your editorial of the 21st regarding my statements about the new railroad bill recently introduced by the subcommittee of the Committee on Interstate Commerce, by Senator CUMMINS, the chairman, I desire to say:

"'The News states that in the opinion of its editor it is not a fault in the bill that it provides the consolidation of the railroads of the country under the ownership of 20 to 35 corporations to be chartered by the Federal Government, and that even a greater consolidation could be effected without depriving the country of competition, if desirable. Thus the issue on that point is squarely drawn, and that is the most dangerous part of the bill. It would scarcely be denied that there is no precedent whereby Congress can compel the railroads, simply because they perform a transportation service in interstate commerce under a charter granted by the State, to become incorporated under an act of Congress. Many States have aided the construction of railroads in the beginning, by donations and otherwise, and in many instances have exacted a promise, at least, that when the earnings exceeded a certain per cent the same should be paid to the State in one form or another. Your idea seems to be that the Government can spit on the slate and wipe them off.

CAN NOT COMPEL OPERATION.

"'That the Government can provide for the incorporation of railroads there is no doubt. The Government may have the power to acquire the railroads, but it can not compel one railroad company, whether it is chartered by the Government or by the State, to take over and operate another road, to purchase it, or to sell a part of its property to another. To my mind, that is very clear, unless, of course, it would be in case where a railroad was incorporated under an act of Congress reserving to the Government that right or providing for it by charter. I proceed upon the belief that only such consolidations as both or all of the consolidated railroads entering into the arrangement shall see fit to make can take place under this bill or any other bill that falls short of exercising the powers of the Government to take over the railroads in the first instance.

"'If I am correct in that, then it need not be expected that these separate railroad corporations will take the opportunity of permissive consolidation, except for some advantageous reasons. The only one that I have observed and that has been put forward at all, wherein the public would be benefited, is the reduction of expenses of operation and increased efficiency. A correct analysis of the situation or respective lines of railroads which may choose to consolidate will demonstrate that such benefit is more imaginary than real. The stronger companies naturally do not want to take over the weaker ones unless it would benefit them. The weaker company would not want to sell out unless it gets a price that suits the owners of it.

ELIMINATE COMPETITION.

"'The elimination of competition or the equivalent of pooling earnings is certain to be the objective in all such consolidations as do not amount to the acquisition of lines which merely extend the geographical area to be served by the stronger company which acquires the smaller lines. There is no obstacle now to accomplishing that if both parties see fit to do it. When it comes to an analysis of what goes to make up the operating expenses of the railroads, we find that unless the traffic can be increased so as to have a greater number of units of traffic for a given cost, consolidation does not lessen the expenses per unit, unless it involves large investments of capital in the improvement of the line, so as to reduce expenses in that way.

"'Presently there is no disposition to enter that field, nor does this law require it after such consolidation may have been

made. The matter of improvements to better the condition of transportation or service on the weak lines is missing.

"'The operating expenses consist of the five subdivisions, viz: First, maintenance of way and structures; second, maintenance of equipment; third, the conducting of transportation; fourth, the traffic expenses; and fifth, general expenses, to which should be added taxes, not precisely as an expense but as a fixed charge.

NO REDUCTION IN EXPENSES.

"'Space forbids an analysis of each one of these, but there are more than 100 accounts in making up these grand subdivisions, and if any one will examine he will find so little that can be eliminated or reduced by consolidation that it would not amount to anything. Furthermore, if he will examine into the consolidations which have taken place he will find there was no reduction in expenses. In Texas, for example, take the Texas Central, which was taken over by the Missouri, Kansas & Texas. There is a possible elimination of a small amount in the matter of superintendence and general expenses. I don't mean a reduction that has, in fact, taken place in such instances, but that which is possible, and which might amount to one-half of 1 per cent. Did the Government reduce expenses on any line by unification? Just tell us about that.

"'Now, this bill permits the consolidation of competing lines and leaves it to the board of transportation to determine what will be permitted, and there is no remedy to prevent it. Who selects these systems? Answer: The railroads themselves. There is also a provision in this bill prohibiting the construction of any new line except by permission of this board or the Interstate Commerce Commission. Looking at past experience and viewing the matter from a rational standpoint with full knowledge that the expectation in all consolidations will be to make money out of the transaction, I am willing to indulge myself in the prophecy that only those consolidations will take place which eliminate competition and ultimately will be injurious to the public interest if permitted. Where does the demand for it come from? If the Government would now provide to lend money to railroads for extensions or the purchase of physical property of lines which will extend existing systems further, and thus enable them to concentrate under one head and one control the aggregate of tonnage from a wider geographical area that will enable the extension of railroad systems in such way as will benefit the public interest by the economies resulting from the concentration of a large volume of traffic on their trunk lines and not abolish the incentive for the development of the country to produce that traffic it would create the incentive. The plan proposed will not accomplish that; it will retard it.

"'My effort in behalf of live-stock interests in these remote places is to wake them up in time to stop this thing.

"'The man who thinks there has been a change of heart in the railroad world so that they now have become benevolent institutions looking to benefit the public interests when it does not at the same time benefit their own is simply making a mistake.

SHOULD NOT TAKE SURPLUS.

"'There is one section to the bill and that is the taking of the surplus from the railroads that earn more than what may be denominated by the commission as a fair return to be devoted one-half to the purchase of equipment and facilities to be rented out to the roads that need it and the other to be put into an employees' welfare fund.

"'It would seem preposterous to turn the roads back to private ownership when they must pay a reasonable wage for all services performed and then make use of the surplus of roads that have been wisely constructed and are efficiently operated for any such purpose or to take it away from the roads which earn it. What they earn belongs to the corporations operating the properties, and it is nothing less than confiscation to take it. If the rates are too high, then they should be reduced, but the carrier should not have its revenue taken and devoted to some purposes, however benevolent.

"'The constitution of Texas makes many provisions in regard to the incorporation and operation of railroads in this State and their rights, duties, and liabilities, and prohibits the railroads from owning or having under their control parallel or competing lines, and prohibits the consolidation of any railroad company organized under the laws of this State and any railroad organized under the laws of any State or the United States, and it provides that no railroad corporation which was in existence at the time of the adoption of the constitution should have the benefit of any future legislation except on condition of complete acceptance of all of the provisions of the constitution applicable to railroads.

"'If this bill becomes a law, then Congress will have by the enactment placed it within the power of every railroad company in the State of Texas to abolish the constitution as applicable to them and to escape any and all manner of regulation by the State. Of course, they would do that. Does the News advocate that, I wonder? The purpose of the bill can not be carried out without accomplishing that.

TO AVOID STATE CONTROL.

"'The plan for this legislation was propagated by a conference participated in and under the control of those connected with the railroads themselves, their securities, finances, and manufacturing interests, which interests have from the beginning opposed the regulation by the State, the enactment of the Hepburn bill, or extending the powers of the Interstate Commerce Commission for the shippers. They held 22 meetings between December, 1918, and June, 1919. Their plan is set out in the CONGRESSIONAL RECORD, together with the bill that they propose, of date September 15. This bill is very largely the same as the Senate bill in the superstructure and practically the same in its effect in abolishing State control. The Senate bill, however, has a proviso in section 43 reflecting the view against the abolishing of State control of the Senate subcommittee, as follows:

"'"Nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation or the lawful police powers of the several States, including the power to make and regulate intrastate rates, except as in this act otherwise provided." The exception, however, destroys the reservation. The bill was proposed in its essence by this aggregation that stands behind this legislation and the prime object of it was to get away from State control and regulation rather than preserve it as this proviso does. So it comes to the point that you must favor abolishing the State constitution or oppose this consolidation and national incorporation. It is a matter of paramount concern.

"'I can not believe that this revolutionary method of abolishing the State constitution, even if the railroads see fit to comply with the requirement, without question should be considered for a moment, and I have no idea that the subcommittee of the Senate or Senator CUMMINS, its chairman, intends to accomplish that end, because the foregoing proviso in the bill expresses a negative idea, but I am perfectly satisfied that it is the intention of the proponents of the scheme and superstructure on which the bill is founded to accomplish that end.

"'Lest there might be the misconception from the criticism I have made of the bill that the criticism extends to Senator CUMMINS and the subcommittee which reported the bill, I wish to say that I know of no man in public life more alive to the public interests or better qualified than Senator CUMMINS, as evidenced by his record of years in the public life. Both in point of ability and high standing, the same can be said of the other members of the subcommittee, and hence it may appear presumptuous to challenge this bill, but those who have made a study of it from the shippers' viewpoint are constrained to conclude that the necessary results would be to accomplish the complete dethronement of the States as factors in regulation which is the prime purpose of the proponents of the bill, as they admitted in their statements recently made before the House committee in proposing the same scheme.'"

ARTICLE BY GEORGE W. PERKINS.

Mr. OWEN. Mr. President, I ask to have printed in the RECORD an article on profit sharing by George W. Perkins, which I think is a very important and interesting contribution.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROFIT SHARING, OR THE WORKER'S FAIR SHARE.

[By George W. Perkins.]

"'The worker's fair share' has been a real problem ever since the world began. It has changed greatly as civilization has progressed, and has crowded harder and harder for solution as intelligence and education have spread and broadened.

"The worker's fair share was an unsolved problem when the expression that designated the relationship between the man of capital and the man of labor was 'owner and slave.'

"It still existed when the expression of relationship became 'master and man.'

"It still exists in these days when the expression of relationship is 'employer and employee.'

"These very changes in the expressions used to designate the relationship between capital and labor show that steady progress has been made toward solving the problem of the worker's fair share.

"I take it that everyone believes that we can not go back to the old conditions; that we must move forward to an even better relationship than that expressed by the term 'employer and employee.'

"You ask, 'What is this newer relationship to be and what term will express it?' I answer that I believe it must be 'partners.'

"If I am right, then the next question is how can this relationship be worked out so as to bring the best results to all concerned?

"This problem has greatly interested me for 30 years. I have studied it earnestly, not from books but from experience obtained in the hard knocks of everyday work in the various business undertakings with which I have been connected.

"Twenty-five years ago I became convinced that only through profit sharing that was real, honest, and open could we hope to find anything like a satisfactory and permanent method of arriving at the worker's fair share.

"Ever since that time I have improved every opportunity to spread the gospel of profit sharing and to have its principles adopted by business organizations, and I have greatly appreciated the honor of serving as chairman of your profit-sharing committee since it was organized.

"I recall that I read a profit-sharing paper before this organization about 12 years ago, and I find little, if anything, to change in the basic principles then laid down. I believe the work that has been accomplished meanwhile has been worth while and that the time is now ripe for us to push it harder than ever along constructive lines.

"I have found that my views on profit sharing, and my beliefs as to how to apply it, differ radically from those of many other people; that the plans I have been instrumental in having adopted are very different in application and in results from many other so-called profit-sharing plans. I want, if possible, to point out wherein these differences lie.

PROFIT SHARING NOT PHILANTHROPY.

"In the first place, I do not look upon profit sharing as philanthropy or a form of benevolence.

"I do not put it in the same class with gifts at Christmas time or bonuses at the end of the year. I do not approve or believe in any plan that even savors of giving a man something for nothing.

"I do not believe any self-respecting man wants any such arrangement, and I do not believe that any broad-minded, self-respecting employer can, in the long run, afford to have any such arrangement.

"The profit sharing I believe in is the kind that is real; the kind that promotes thorough and efficient cooperation between employer and employee; the kind that makes partners of employees; the sort of profit sharing that is practiced between partners in a business.

"Anything short of this is bound to result in failure and will widen rather than narrow the breach between employer and employee.

"Close observation, coupled with considerable experience, has convinced me that practically all the many failures in profit sharing, both in this country and in Europe, have occurred because at bottom the plans were not honestly devised nor equitably worked out.

"In nine cases out of ten, at some point in the practical application of the plans that have failed, the fact has developed that they were not mutually beneficial; they either did not enhance the efficiency of the men in such a way as to satisfy the employer, or else did not distribute profits in such a way as to benefit and satisfy the employees.

"No partnership where the profits are shared by two or a half dozen partners could last any length of time unless mutually beneficial, and the same rule holds good in a larger partnership where the profits are shared among many partners.

"No man or firm or corporation that is thinking of adopting profit sharing can hope for success, unless prepared to approach the subject in this spirit and deal with it in an absolutely honest, open, and broad-minded manner.

"As I have said, the relation between employer and employee has changed with the centuries.

"Originally it was owner and slave; then it was master and man; now it is employer and employee, each stage of development bringing the employer and employee into closer cooperation. What has caused this change in relationship?

"In my judgment, the cause is found in the vast and broad educational forces that have been at work in the world.

"Since we founded this country we have spent approximately as much money on our educational systems as on our railroad systems.

"We consider our railroads financially successful if they earn dividends.

"If our educational systems are successful the dividends we get from them are minds that think better, more clearly, more independently.

"Right now this country is getting such dividends from its vast investments in educational plants.

"In the industrial world, in the relations between capital and labor, between employer and employee, we are getting these very dividends, and getting them direct and in cumulative fashion on the wage question.

"In the past the man who was not educated or trained to think independently struck because he wanted $2 a day if he was only getting $1.75; and for quite a period labor differences were settled on this basis.

"I believe that we are rapidly passing out of that period, for our laboring people are so well educated and so able to think independently that, in many cases, they are no longer striking for a definite increase in wages, but for what they regard as a fairer proportion of the profits of the business in which they are engaged.

"If I am right about this, then we are rapidly leaving behind the period when labor disputes could be settled by a mere increase in wages and are entering the period when profit sharing in some form must be practiced.

"Therefore the question is, How can it be practiced effectively?

OUTLINE OF A CORRECT PROFIT-SHARING PLAN.

"A good many years of actual experience have made me very optimistic regarding profit-sharing plans worked out along the following lines:

"First. Every business has, first of all, to earn operating expenses, depreciation, and fair returns on honest capitaliz tion.

"Second. I believe that every business should consider that the compensation paid employees is for the purpose of earning a sum of money sufficient to pay the above-mentioned items.

"Third. I believe that any profits over and above such sum should, on some percentage basis, be divided between the capital used in the business and the employees engaged in the business.

"Fourth. I believe that in neither case should these profits be immediately withdrawn from the business; that they should be left in the business for a reasonable length of time, to protect and increase its financial strength and safety; that, in the case of capital, its share of these profits should be carried to surplus; that, in the case of employees, their share of these profits should be distributed to them in some form of security representing an interest in the business, and that each employee should be required to hold such security for a reasonable length of time, say three to five years.

"Fifth. I believe that the employees' share of these profits should be allotted to them as nearly as possible on the basis of the compensation they receive. Up to date, this has proved to be the best method.

RESULTS ATTAINED BY A PROPER PLAN.

"Now, let us see what such a plan means: In the first place, it means that under such an arrangement each employee becomes a working partner in the business.

"He is on the same footing as the financial partners, for if the concern is a partnership with, say, four or five members, the partners themselves are drawing out each year what, in a way, might be called salaries, namely, approximately the amount of money necessary to meet their general living expenses, leaving their surplus profits in the business.

"Any partnership or any profit-sharing plan that divided up the profits and withdrew them in cash at the end of every year could not last very long.

WHY SOME PROFIT-SHARING PLANS FAIL.

"Many profit-sharing plans have divided profits with employees on a cash basis, and turned the money over to the employees every so often, usually once a year.

"The result has been that if a man earning $1,000 a year received $200 at the end of the year from a profit-sharing plan, he promptly lifted his living expenses from a $1,000 basis to a $1,200 basis, and began to look upon his income as $1,200 rather than $1,000, and the extra $200 did little to increase his activity and efficiency, or to promote his intellectual efforts in the business concerned.

"Then, if a period came when business was dull or poor and he did not get the extra $200, he found fault with the owners of the business and became grouchy and inclined to lose interest in his work.

"If he did not use the $200 for his living expenses, he probably invested it in a suburban lot or in some stock that was recommended to him, or in something that he knew little or nothing about.

"Then, if his investment began to go wrong, he worried about it, and part of the time which he was being paid to devote to the business in which he was engaged would be expended in worrying about his investment in the business in which he

was not engaged; whereas, if his money were invested in the business in which he was engaged, his desire to see his investment succeed and bring him further profits would be converted into efforts that would be of some practical benefit, not only to himself, but to the stockholders and his coworkers.

"In short, little real substantial benefit comes from a profit-sharing plan where the profits are paid out in cash, except perhaps where a man uses the money toward buying a home.

"There is therefore a serious weakness somewhere in such a plan, and the weakness lies in the fact that profit sharing can not be really beneficial, either for employer or employee, unless conducted on a partnership basis and coupled with profit saving.

"Looking at it from the viewpoint of capital, the object to be accomplished through the adoption of profit sharing is added interest in the business on the part of employees, which in turn brings higher efficiency.

"Looking at it from the standpoint of the employee, the object to be accomplished is a fairer remuneration for services rendered.

"Therefore any profit-sharing plan that fails to accomplish both of these results breaks down sooner or later.

FULL PUBLICITY NEEDED ABOUT THE BUSINESS.

"In establishing profit sharing it is of the utmost importance that the entire organization, the wage and salary earners, know in advance exactly what they are expected to accomplish.

"I mean by this that, on entering a new year, they should know exactly what the preceding year's accomplishments have been. The annual statement of the concern should be full and explicit, so that every man engaged in the enterprise will know what business was done in the preceding year and on what basis profits were and are to be distributed.

"An honest, detailed annual statement tells him officially what the profits were, if any, and this fixes a minimum goal for the coming year, which everyone, individually and collectively, will bend every energy to reach and exceed by as large an amount as possible.

"Under such an arrangement as this, each man, in place of working solely for himself in his own department, will pass on to other departments any ideas that occur to him that might help that other department, and in that way benefit the organization as a whole.

"In my judgment, some profit-sharing plans are radically wrong in this respect. They distribute profits by departments or in some way other than on the basis of the company's success as a whole.

"This narrows the vision of the individual, and he lacks the proper incentive to help wherever he can, whether in his own or another department.

"The right kind of profit sharing offers definite goals that an organization, individually and as a whole, can buckle down and work for, and it is astonishing how such a plan of profit sharing will heighten the esprit de corps.

"It removes petty jealousies; it makes a man eager to pass his ideas on to the man in the next department, and causes them to vie with one another to reach and exceed the figures reached in the preceding year.

"A detailed annual report by the company is not only necessary to show the organization in prosperous years how the profits were arrived at and what they amounted to, but equally necessary in lean years to show how the losses were arrived at, what they amounted to, and why there are no profits to distribute. Gradually, as the employees in the organization become part owners in the business, you broaden and deepen their interest in their work.

"They begin to think and speak of the business as their business; they work for it as their business, not your business or somebody else's, and in place of 'knocking' it they praise it and 'boost' it in every way they can, for they have become part owners through being security holders and are receiving their interest or dividends at the same time and in the same manner as other security holders receive theirs.

"In other words, once the employees become security holders, they share in interest or dividend distributions and other profits, not only as security holders but as employees.

SOME OBJECTIONS TO THE PLAN ANSWERED.

"Many people have said to me: 'Oh, but it takes a long while for a man who is only saving a small sum each year to acquire much of a financial interest in the concern by which he is employed.'

"I have always found that such criticism comes from some one who has not given sufficient thought to the subject, for a small interest means as much to the man having a comparatively small salary as a large interest does to the man of large affairs.

"Let us summarize some of the advantages of this method of profit sharing:

"First. It is real; it is genuine. The organization, as a whole, and each individual in it has a definite goal for the year's work;

"They know at the beginning of the year how much money must be earned to cover what we will call fixed charges;

"They know that they are being paid salaries to earn those fixed charges;

"They know that they share in all profits over and above those fixed charges; and

"They know the basis on which they share, and that the amount of such profits largely depends on the individual and collective effort of each individual in the organization.

"This in itself is of great practical value to the business from a dollar-and-cent standpoint. There is no philanthropy about it.

"The employees have a certain definite goal to reach. If they reach it, they are paid a definite percentage for doing so.

"It is a definite business proposition, based on the principle of profit sharing as practiced in partnerships.

"Second. Having reached the goal set, the money over and above the salaries they are paid—in other words, their profits—is invested in the business in which they are engaged and on which their whole time and thought and energy should be centered.

"What a great advantage this is to the employer and what a spur and incentive to the employee!

"What more valuable insurance policy could an employer have against a year of poor earnings?

"What a real, genuine interest it arouses in the worker for the business in which he is engaged!

"The whole atmosphere, the whole relationship is changed.

"The employer need give little thought to whether or not his men are 'soldiering' on him, whether or not they are really giving to their work the best that is in them; and the employee need spend little time wondering whether or not he is being properly compensated.

"The whole relationship is placed on a new basis, not antagonistic as heretofore, but cooperative.

"This plan is vastly different from the one now practiced by which one set of men working in a business, viz, the capitalists and partners, leave most of their profits in the business, while another set of men, working shoulder to shoulder with them, viz, the employees, each year take their profits out of the business and put them somewhere else.

THE KIND OF A PROFIT SHARING THAT DOES HARM.

"It is also vastly different from the many bonus schemes in vogue.

"It differs greatly from the plan of arbitrarily setting aside in a prosperous year a certain lump sum of money and dividing it on a percentage basis among the employees.

"Under such an arrangement no man who gets any of the money has any very definite idea of what he did to earn it, what it represents, or what he individually can do to insure the receipt of some such sum during the following year.

"In fact, I am convinced that such bonus giving, erroneously called profit sharing, has done more harm than good, for in many instances it has caused employees to feel that said bonuses were given them because the business was earning fabulous sums of money, a tiny little bit of which was thrown to them as a sop to make them feel kindly disposed toward the owners or in order to ward off a demand for a general increase in wages.

"In short, such bonus giving simply stirs up trouble rather than alleviates it.

"Profit sharing on the basis I favor is sometimes objected to by men or concerns who do not wish to let even their own employees know how little or how much money they are making each year.

"To such men I always say—and each year I am more and more certain that I am right in saying it—that they are very shortsighted if they do not hasten to change their policy.

"If they are not making enough money and the business is running on a close margin each year, then by all means they should set their situation before their men, adopt such a profit-sharing plan as I have outlined, and get the genuine cooperation of every man toward increasing the profits and putting the business in a prosperous condition.

"They are now paying wages and salaries, and many a night go home wondering whether the employees are really earning their salaries.

"Under such a profit-sharing plan as I have outlined they have a substantial guaranty that the salaries will be earned because in aiming to share in profits over and above fixed

charges the men are all the more certain to earn at least the fixed charges.

"And would any proprietor or manager hesitate to pay a handsome premium each year for an insurance policy guaranteeing that every employee in the business would have the business on his mind and work as hard for its success as the proprietor or manager does?

"One more thought in this connection.

"The man who is running on a small margin and making little profit may object to making his business affairs public property, on the ground that he would be putting a weapon into the hands of his competitors.

"Such a man's best protection against his competitors is a loyal, closely knit organization of the highest efficiency, and this important advantage he can only secure through a bona fide profit-sharing plan.

"As for the man who is making so much money that he is afraid to let even his own employees know how much he is making, to that man I say that he is the man who, more than any other, is responsible for the serious differences to-day existing between capital and labor, for with the growing intelligence of the masses, how can he expect such a situation to continue?

"Every year, yes, every day, it becomes clearer and clearer that such a condition will no longer be tolerated and must speedily pass away.

"Would it not be better for him to use some intelligent foresight and meet what clearly are to be the immediate future demands of public opinion?

"As for the man who is making large profits, but who objects to profit sharing on the ground that he wants to put those profits away against the day when business may be poor.

"To such a man I say that he had better use some of those profits to more deeply interest his men in his business, and do this to such an extent that if the dark days come he can be pretty certain that his men will stand by the business in a way that capital alone never can.

"Profit sharing on the basis I favor is also sometimes objected to by concerns whose securities are closely held. There are many ways to obviate this difficulty.

"Some concerns can increase their capital.

"Others that can not, or can not do so for a time, can obviate the difficulty by issuing certificates of participation that will draw the same percentage of profit as the regular securities of the business.

"In other words, where there is a genuine desire to share profits a way can always be found.

"The day of secretive methods is passing rapidly. The day of publicity is at hand. The change is a perfectly natural evolution due to broader education and improved intercommunication, and has also come about because it is second nature to be less suspicious and afraid of that which is known than of that which is unknown.

"Any profit-sharing plan without an open, honest balance sheet and detailed annual report will never succeed.

"I am convinced that labor is entirely willing that capital should have its fair reward and proper protection, but in this country we have had too many instances where capital had demanded improper protection and taken exorbitant reward; and one of the main reasons why the serious problems confronting us to-day are so difficult of solution lies in the fact that too many men of capital are still arrogant and unreasonable, and absolutely unwilling to look with sufficient care and fairness into the causes that are producing the views and opinions so largely held by our people at this time.

"On the other hand, one of the most serious drawbacks to increased output and economical production is the listless, indifferent service rendered by a large percentage of employees.

"Making partners of employees, through profit sharing, would correct this as nothing else could.

PROFIT SHARING THAT HAS BEEN A SUCCESS.

"Some companies with which I am connected have realized the trend of the times and have for some time been practicing profit sharing along the lines I have indicated.

"They believed that profit-sharing plans based on such principles would so knit their vast organizations together, and would so strengthen and develop the esprit de corps, as to make it possible for the companies to increase their business and their earnings, and they were willing to share this increased success with their employees.

"So far they have every reason to congratulate themselves on the results.

"In all parts of their business, at home and abroad, in the office force, in the factories, in the sales department, everywhere, the individual employee's interest in the business is much greater than formerly.

"The saving in waste everywhere is noticeable.

"The employees are vying with one another more and more to improve their respective and other branches of the business.

"All this means success for the company, profits for the stockholders, extra compensation for the employees.

"It means getting men on salaries and wages to have a live, keen interest in the management of the business.

"It means getting an organization of men to work as real partners.

"It means recognizing the right of the employee to a fairer share of the earnings of the business in which he is engaged.

"In short, it means cooperation that is complete, in that it benefits stockholder, employer, and employee.

"While all this can more readily be accomplished in a large business, it can also be successfully accomplished in a small business if approached in the proper spirit; and if applied generally it would remove to a considerable degree the dangers that are menacing modern industry, and which are largely caused by the feeling on the part of the masses that, through wages, they are not getting their proper proportion of the money earned in a given industry.

"An industrial democracy of the most ideal sort is found in true profit sharing; an industrial democracy that makes real partners of capital and labor, and yet preserves the right of private property; that preserves and promotes the great business asset that comes from individual initiative; that retains the capitalist's incentive to enterprise, while giving the worker a new inspiration for effort that humanizes large organizations of men; that promotes good will and industrial peace.

"All these things this country of ours needs now as never before.

"The shelves of the world are bare. The entire world needs supplies—supplies of food, clothing, building material, everything.

"As long as the supply of these things is so low and the demand for them all over the world is so great, the cost to the consumer will remain high.

"Therefore one of the surest paths leading to a reduction in cost to the consumer is to raise and manufacture a large supply of these necessities as quickly as possible.

"Linked with the desire to supply ourselves with food, clothing, and other necessaries at low cost is our desire to furnish the world with these and other articles, in order to extend our trade and foster the prosperity of our people as a whole.

"But as practically every other nation hopes to secure a large part of this trade for herself, is it not a certainty that competition among the nations will be keener and sharper in the immediate future than it has ever been in the history of the world?

"How can we possibly meet this increased competition if we are divided among ourselves?

"Could there be two more potential reasons why we Americans should have the closest possible cooperation between capital and labor?

"Could anything bring higher efficiency, greater production?

"The only way to secure this cooperation in the highest degree is by eliminating the distrust that has existed between capital and labor for so many years and establishing confidence in its place.

"Nothing will do this except frank, open dealing, publicity as to earnings, and a fair division of earnings.

"Since the beginning of time no country has ever had such an opportunity to extend its trade, increase its prosperity, and better the material condition of every one of its people as has the United States of America at this very hour.

"The only factor missing is that of close cooperation here at home among ourselves.

"It seems inconceivable that we will fail to realize where our weakness lies and fail to adopt the one and only remedy for it.

"In the strenuous competition with the rest of the world that this country is on the eve of facing, could we have a stronger weapon than complete cooperation between capital and labor at home?"

ZION NATIONAL PARK, UTAH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 425) to establish the Zion National Park in the State of Utah.

Mr. SMOOT. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SMOOT, Mr. FALL, and Mr. MYERS conferees on the part of the Senate.

LANDS FOR SCHOOL PURPOSES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 794) granting lands for school purposes in Government town sites on reclamation projects, which were: On page 1, line 3, after the word "be" to insert "and he is"; and on page 1, line 7, after the word "lands" to insert "not exceeding 6 acres in area."

Mr. MYERS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LANDS IN FLORIDA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 55) to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in townships 36, 37, and 39 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes, which were: On page 1, line 7, after the word "in" to insert "township 29 south, range 28 east; also in"; on page 3, to strike out lines 20 to 24, inclusive, and on page 4, lines 1 and 2, and to amend the title so as to read: "To authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in township 29 south, range 28 east; also in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes."

Mr. FLETCHER. I move that the Senate concur in the amendments.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 2945. An act to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes, was read twice by its title and referred to the Committee on Public Lands.

RETIREMENT AS LIEUTENANT GENERAL.

The VICE PRESIDENT. Is there any further morning business?

Mr. KING obtained the floor.

Mr. KNOX rose.

Mr. KING. I yield to the Senator from Pennsylvania, if he desires to call up the measure which was under consideration yesterday.

Mr. KNOX. That was my purpose in rising.

Mr. KING. I yield to the Senator for that purpose.

Mr. KNOX. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 173, being Senate bill 2867.

The VICE PRESIDENT. Morning business is closed. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the reired list of the Army as a lieutenant general.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. President——

Mr. THOMAS. May I ask the Senator whether his amendment contemplates retiring men with the rank of lieutenant general who have only reached the grade of major general or brigadier general?

Mr. CHAMBERLAIN. If they desire to retire; and I am including only those men who have distinguished themselves in the war.

Mr. THOMAS. I am aware that some of those named by the Senator's amendment are major generals, and one or two of them brigadier generals. That is the reason of my inquiry.

Mr. CHAMBERLAIN. If it comes to that, I may say that but for the act of April 27, 1914, 38 Statutes at Large, 356, Gen. Crowder himself, after his retirement from the office of Judge Advocate General, would have gone back to the rank of colonel in the Judge Advocate General's department.

Mr. THOMAS. I had in mind one of the names included in the list in the Senator's amendment just read by the Secretary. I think he was a brigadier general.

Mr. CHAMBERLAIN. I will give the Senator from Colorado the rank of each of these gentlemen:

Lieut. Gen. Liggett and Lieut. Gen. Bullard; permanent rank, major general.

Maj. Gen. McAndrew, Chief of Staff, American Expeditionary Forces; permanent rank, brigadier general.

Maj. Gen. Harbord, Chief of the Supply Service, American Expeditionary Forces; permanent rank, brigadier general.

Maj. Gen. Ernest Hinds, Chief of Artillery, American Expeditionary Forces; permanent rank, colonel of Field Artillery.

That, possibly, is one of the names the Senator from Colorado has in mind.

Maj. Gen. Merritte W. Ireland, chief surgeon, American Expeditionary Forces, now Surgeon General of the Army under a four-year commission; permanent rank, colonel of the Medical Corps.

Maj. Gen. Harry L. Rogers, chief quartermaster, American Expeditionary Forces, now Quartermaster General of the Army under a four-year commission; permanent rank, colonel, Quartermaster Corps.

Maj. Gen. Langfitt, chief engineer, American Expeditionary Forces; permanent rank, colonel, Corps of Engineers.

Maj. Gen. Kenly, American Expeditionary Forces, Chief, Air Service, United States Army; permanent rank, colonel, Field Artillery.

Maj. Gen. McCain, The Adjutant General of the Army under a four-year commission; permanent rank, colonel, The Adjutant General's Department.

Maj. Gen. Charles P. Summerall, who commanded the First Division and later a corps; permanent rank, colonel, Field Artillery.

Maj. Gen. Leonard Wood, senior major general of the Regular Army.

So the Senator from Colorado will see that some men whose rank is below that of major general—as low as the rank of colonel—are included in my amendment for retirement as lieutenant generals when they do retire. As I said a while ago, but for the saving grace of the act of April 27, 1914, Thirty-eighth Statutes at Large, page 356, Gen. Crowder would, upon his failure of reappointment, either have gone back into private life, if his place had been filled, or he would have gone back, if a place had been left open for him, to the rank of colonel in the Judge Advocate General's Department. That would have been his status.

But the act of 1914 provided that "whenever the President shall deem it inadvisable to reappoint, at the end of a four-year term, any officer who, under the provisions of section 26 of the act approved February 2, 1901, or acts amendatory thereof, has been appointed for such a term, in any staff corps or staff department, to an office with rank above that of colonel, but whose commission in the lower grade held by him in said staff corps or staff department at the time of his appointment under said act to an office of higher grade has been vacated, the President may, by and with the advice and consent of the Senate, appoint said officer to be an officer of the grade that he would have held, and to occupy the relative position that he would have occupied, in said staff corps or staff department if he had not been appointed to said office with rank above that of colonel; and if under the operation of this proviso the number of officers of any particular grade in any staff corps or staff department shall at any time exceed the number authorized by law other than this act, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced below the number so authorized."

I can not see any reason for the recognition of the services of Gen. Crowder over and above the services of the distinguished men whom I have named, and I might say others in the service who are equally entitled to the distinction. I myself voted at one time to increase the rank of Gen. Crowder. I have no disposition to minimize the services he has rendered the country. But by his very preferment, under the terms of this bill, we do minimize the services of other men who did as great service as he, if not greater.

The basis for this proposed distinction is the service that he rendered the country as Provost Marshal General. It is true that those services were valuable from more points of view than one. It is true that Gen. Crowder, or Gen. Crowder's office, prepared the original or groundwork of the so-called selective-service act, which was submitted to the House of Representatives and to the Senate in 1917. But he was not the author of the idea of compelling every man of military age and fitness to serve, because the idea had been advanced by many men in the country before Gen. Crowder ever thought of it or at least ever urged it. Washington urged it in the Revolution, as has every military leader since. I remember very well that Mr. Gardner, of the House of Representatives, from Massachusetts, who later gave up his life in the service of his country, was a most ardent advocate of the system long before Gen. Crowder prepared the bill. There were other Members of the House and Senate who advocated not only compulsory service but universal compulsory military training as

one of the steps necessary for the preparation of this country for defense, or, if need be, for offensive war. The President of the United States, in his war message, advocated compulsory service, and all of this, if you please, was before Gen. Crowder had prepared the bill, and long before any utterance of his upon the subject that I remember.

But the selective-service act, as it finally passed, did not require a man of any peculiar brains or extraordinary capacity to carry into effect its provisions, and without attempting to minimize the service which Gen. Crowder rendered under it, I am going to call attention to this fact: The bill as it was prepared by Gen. Crowder in its substantial provisions, and particularly in the provision which made it a popular measure and which enabled the civilian population of the country to participate in the execution of the law, was prepared by the Military Committees of the House and Senate; and whenever the committee of the Senate or the committee of the House desired assistance and advice from the Judge Advocate General's department, who came to advise with them? Gen. Crowder? No. The man who came before the committee, both before it passed either body and after it got into conference, was Mr. Warren, a distinguished civilian lawyer from Detroit, Mich.

May I say, parenthetically, that the Secretary of War and the Judge Advocate General seem to have resolved themselves into a mutual admiration society, because whenever the Secretary of War has occasion to address Gen. Crowder it is in complimentary terms, and whenever the Judge Advocate General has occasion to address the Secretary of War it is practically in the same kind of terms.

[At this point a colloquy occurred, and the bill went over until to-morrow.]

Mr. CHAMBERLAIN. Mr. President, when the Senate went into executive session yesterday I was discussing the propriety of recognizing Gen. Crowder by having him appointed a lieutenant general after his retirement, while ignoring the men who abroad had done the actual fighting, and men in this country who had rendered just as efficient and just as effective service in the prosecution of the war as Gen. Crowder did as Provost Marshal General. Without any intent to minimize the service of Gen. Crowder, but rather commending him for what he did, it seems to me he is not entitled to any higher commendation than other men who, whether at home or abroad, did their patriotic duty in prosecuting this war to a successful conclusion.

The Secretary of War, in commenting upon the bill which is now before the Senate, says what I am about to read in a letter dated September 2, 1919, to the chairman of the Military Affairs Committee. After referring to the bill, he says:

> My own contact with Gen. Crowder, of course, began when I became Secretary of War in March, 1916, from which time until America's entry into the World War he continued actively in charge of the duties of Judge Advocate General and was in daily conference with me about difficult legal problems. I then conceived an admiration, which has daily increased, for his great range of knowledge and experience in questions of law, military and civil, and the detailed history of the Military Establishment of the United States. In 1917 Gen. Crowder prepared, in consultation with me, the selective-service law, and I appointed him Provost Marshal General to execute that law, a service delicate and intricate, requiring the institution of nation-wide machinery which would function harmoniously and with such visible and obvious justice as to commend both the law and its execution to public favor. This service he performed with conspicuous ability, and it is one of the outstanding features of America's military mobilization that, although we resorted to conscription there is a general consensus of opinion to the effect that the law was executed without fear or favor, and that justice and wisdom characterized its interpretations and applications.

That, Mr. President, may be all true; and yet why should Gen. Crowder, as I said awhile ago, be recognized over and above any of these other men who participated in the splendid work of prosecuting the war? I remember that the Secretary of War not very long ago sent to the Senate the names of Gen. Bliss, Gen. Liggett, Gen. March, and several other officers, in a bill that would have had the effect of promoting these distinguished officers of the Army. That was before he sent in the bill in behalf of Gen. Crowder. Why are they omitted now, and why is Gen. Crowder's name singled out from all the rest?

Mr. President, I am going to show from the record that the part of the selective-service law that made it popular as well as possible with the American people was not prepared by Gen. Crowder. I am going to show from the record itself that if Gen. Crowder's bill had become the law not only would the selective-service law have been a failure, but it would have been one of the most unpopular laws that was ever passed by the Congress, because it might have left the conscripting of the youth of America largely in the hands of the Military Establishment. In order to prove what I say, I call the attention of the Senate to the so-called selective-service law as introduced in the House of Representatives on the 19th of April, 1917.

In that bill, in section 3, is this proviso:

> That the President is authorized and empowered to constitute and establish throughout the United States tribunals for the purpose of enforcing and carrying into effect the terms and provisions of this act, together with such regulations as he shall prescribe and determine necessary for its administration. A majority of the members of each tribunal shall be citizens of the United States not connected with the Military Establishment: *Provided further*, That upon the complaint of any person who feels himself aggrieved by his enrollment or draft as is herein provided, any court of record, State or Federal, having general jurisdiction in matters pertaining to the writ of habeas corpus, according to local laws or by act of Congress, shall have jurisdiction, by proceedings in the nature of the writ of habeas corpus, to hear summarily and determine the rights of such person.

In other words, it left to the Judge Advocate General the power to appoint the men who were to pass upon the qualifications of these young men; and if there was any appeal at all, it had to be to the several courts rather than to tribunals in the locality from which the young men came.

That bill was introduced by Mr. DENT in the House, and that particular provision was amended in committee. The House tried to popularize what might have been entirely a military measure by modifying it so as to bring it a little nearer to the people; but the provision as amended by the House Military Affairs Committee and as adopted by the House did not bring it entirely within the jurisdiction of the local civilian authorities. When the bill came into the Senate, the Senate still further undertook to amend it so as to remove its enforcement as far as it was possible to do so from active military control.

Now, Mr. President, I am going to read the provision as it passed the Senate:

> The President shall make rules and regulations to carry out the terms and provisions of this section, and provide for the issuance of certificates of exemption or partial or limited exemption, and for a system to exclude and discharge individuals from selective draft.

Now, note:

> There shall be created under the direction of the President local tribunals in the several States or subdivisions thereof, composed of the members of the local civil government, to decide all questions of exemption under this act, and also all questions arising under the draft for partial military service or for including or discharging individuals or classes of individuals from the selective draft, which shall be made under the rules and regulations aforesaid, and shall also provide for an appeal tribunal.

That amendment for the first time provided that local tribunals should have to do with the young men who were being taken into the Army under the selective draft. Now, that was not sufficient to do it.

Mr. STANLEY. Mr. President, will the Senator yield for a question?

Mr. CHAMBERLAIN. Yes, sir.

Mr. STANLEY. What was the date of the introduction of that bill?

Mr. CHAMBERLAIN. The 19th of April, 1917.

Mr. President, that provision was not entirely satisfying to the Military Affairs Committee, and I think my colleagues will bear me out in that statement. However, when the bill passed the House and was referred to the Military Affairs Committee of the Senate, the Senate committee substituted this bill for the measure as it passed the House. It went back to the House, and the Senate amendments were disagreed to, and the bill, of course, went into conference.

Now, Mr. President, the one thing in that measure that was discussed in conference with great deliberation was the question of local tribunals where the young men could have their claims for exemption properly adjudicated.

Did Gen. Crowder come before the conferees to assist them? Not at all. It was recognized by some of the members of that committee, at least, that Gen. Crowder was not the man to undertake to popularize that measure. The man who was called into consultation was Mr. Charles Warren.

Mr. BRANDEGEE. Charles Warren, of Detroit, Mich. He afterwards went into the service.

Mr. WARREN. Mr. President, I think the Senator will remember that Mr. Warren was in the Provost Marshal General's Department, and really was the next man and ranked next to Crowder, and came before us by direction of Gen. Crowder.

Mr. CHAMBERLAIN. Yes; that is right.

Mr. WARREN. I think he was a lieutenant colonel.

Mr. CHAMBERLAIN. He was when he went out of the service. I am not criticizing that. I am suggesting the fact that the man who was sent before the committee for the purpose of assisting in perfecting this bill and bringing the local communities into touch with the Military Establishment was a civilian lawyer of distinction from Detroit, Mich., as I have before stated; and I want to pay him the compliment of saying here and now that there never was a man who appeared before the committee who tried harder to give to the country the best service that was in him, without fear or favor.

and without any regard to what effect his course might have upon himself.

Now let us see what the conferees did in reference to that matter.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. CHAMBERLAIN. Yes, sir.

Mr. FLETCHER. The whole plan of the draft was all settled, decided on, arranged for, and prepared before Mr. Warren came to the department at all, was it not?

Mr. CHAMBERLAIN. I do not know whether that is a fact or not. The bill may have been prepared long before it was introduced on the 19th day of April, 1917, and it may be that Mr. Warren was not in the department. It may be that he did not participate in its framing. It is claimed, however, by the Secretary of War that practically all credit is due to Gen. Crowder after consultation with him. However that may be, the man who did assist the conferees in order to try to get a tribunal that would not only be fair but whose decisions would satisfy the communities in which these young men lived was Mr. Warren.

Now, Mr. President, let us see what the conferees did.

Mr. STANLEY. Mr. President, at this point, referring to the contention made by the Senator that popularizing the draft was due to the introduction of the Dent bill to control the discretion of the draft boards, while it is perfectly true that Mr. Dent did introduce that bill, which was a most exemplary measure, it appears from the records that it carried out the preconceived notions of Gen. Crowder. There was no difference of opinion between them.

In a letter prepared several days beforehand—because it was sent to all the governors of the United States, and to me among them—he said, if the Senator will permit me to read just a line:

A permanent board in each county, composed of citizens who could be relied upon * * * to provide for avoiding the misery that war brings to dependents at home and for a choice of those whose military service the Nation most needs and whose civil and domestic service can best be spared—

Should be selected.

He not only suggests a civilian board, but he suggests the exercise of that power in such a way as to entail no unnecessary hardship upon the people of the country.

I thought it was due to Gen. Crowder that I should make that statement.

Mr. CHAMBERLAIN. Of course, Mr. President, I can best judge what was in Gen. Crowder's mind by the bill that he is said to have prepared, and I have read that particular section to the Senate. Under that bill he might or might not have carried out the things that he had in his mind, and, judging from some of the things to which I shall refer a little later on, I am disposed to believe that he never would have done anything to take away from the strong arm of the military any modicum of power that he might see fit to exercise. I am willing to do him the credit of saying that he had in his mind the appointment of distinctively civilian boards in the various counties, but the bill did not compel him to do it, and that is what I am complaining about. Neither did the Senate bill compel him, although the Senate bill as amended did provide that there should be civil local tribunals to handle the situation. When the conferees of the House and Senate got together here is what they provided:

The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be created and established one such local board in each county or similar subdivision in each State, and one for approximately each 30,000 of population in each city of 30,000 population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce. Such boards shall be appointed by the President and shall consist of three or more members, none of whom shall be connected with the Military Establishment, to be chosen from among the local authorities of such subdivisions or from other citizens residing in the subdivision or area in which the respective boards will have jurisdiction under the rules and regulations prescribed by the President. Such boards shall have power within their respective jurisdictions to hear and determine, subject to review as hereinafter provided, all questions of exemption under this act and all questions of or claims for including or discharging individuals or classes of individuals from the selective draft, which shall be made under rules and regulations prescribed by the President, except any and every question or claim for including or excluding or discharging persons or classes of persons from the selective draft under the provisions of this act authorizing the President to exclude or discharge from the selective draft "persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency."

Mr. President, there was the bringing home to the citizens of a community the power to pass upon the claims of the young men who went from that community to fight for their country.

Further:

The President is hereby authorized to establish additional boards, one in each Federal judicial district of the United States, consisting of such number of citizens, not connected with the Military Establishment, as the President may determine, who shall be appointed by the President. The President is hereby authorized, in his discretion, to establish more than one such board in any Federal judicial district of the United States, or to establish one such board having jurisdiction of an area extending into more than one Federal judicial district.

Mr. President, there was an appeal to no military satrap, to no military autocrat, but an appeal from a local board that passed upon the claims for exemption of these young men, and then an appeal to another tribunal of the same State, both entirely civilian boards.

One would think, from the encomiums passed upon the Judge Advocate General, acting as Provost Marshal General, that he was entitled to all of the credit for formulating as well as for putting the law into execution. I say that the American people are entitled to at least a little of that credit. The law itself was written in terms so plain that anybody might have carried out the provisions of it. It did not require any excess of brain to enforce it. If a man had the money furnished him by the Government of the United States and had the men under him to do what he desired to have them do, there was not any question about how it should be carried out, because the law said exactly what should be done.

What was done—not under the bill as written by Gen. Crowder but under the bill as it was finally passed by Congress—and who did it? Let us see.

Referring to the second report of the Provost Marshal General in 1918, page 478, Appendix, Table 91–A, we find that the force that was at work to make this law successful were the following:

In State headquarters: 54 governors, 49 adjutants general, 49 assistants to the adjutants general, 49 medical aids, 624 civilian clerks, 174 enlisted clerks.

District boards: 155 district boards, 915 members of district boards, 124 additional members, 944 civilian clerks, 145 enlisted clerks, 411 industrial advisers.

Local boards: 4,648 local boards, 14,416 members, 9,227 civilian clerks, 3,218 enlisted clerks, 4,679 Government appeal agents, 12,039 additional examining physicians.

Legal advisory boards: 3,646 legal advisory boards, 10,915 members, 108,367 associate members.

Medical advisory boards: 1,319 medical advisory boards, 9,577 members, 411 civilian clerks, 246 enlisted clerks.

Boards of instruction: 2,952 boards, 16,055 members.

A total civilian personnel of 192,688, most of them acting without pay, and all for much less than their services were worth.

These distinguished citizens who gave their services and neglected their business for months at a time in order to serve their country I do not believe have been recognized even by a vote of thanks. I may be mistaken about that, and if I am I hope some Senator will correct me. The question of their fitting recognition has been before Congress a number of times. It may be, as the Senator from Kentucky [Mr. STANLEY] says, that Gen. Crowder had it in mind to do the very things that were done. But there was nothing in his proposed bill to compel it. The law as passed by the Congress compelled it, and these men were volunteers to assist in putting it into execution. They are the people who made the law popular. They are the men who made the carrying out of the law possible.

Mr. President, may I digress here to remark that there was a time under the old volunteer system where whole communities were unrepresented in the Army, and in those communities where there was no such representative, treason sometimes dared rear its head. But under this system, where every community in the United States had one or more representatives in the Army of the United States, treason became practically impossible, because every man, whether of military age and fitness or not, as well as every woman and child, saw to it that those who were guilty of anything that squinted toward treason were promptly brought to the bar of public opinion and sometimes to the bar of justice and punished for their disloyalty.

When it is claimed by the partisans of Gen. Crowder that he conceived the idea of the draft for the raising of an army I call attention to the fact that the Southern Confederacy resorted to the draft in the first days of the War Between the States, and the Union Congress followed very shortly after-

wards, because it learned, as all countries have learned by experience, that an army the size of that proposed to be raised by the United States could not be raised to carry on the war except under some form of compulsion.

I think the ablest paper I ever read in support of the draft, its feasibility, its advisability, and its constitutionality, was written by President Lincoln himself. I do not think it can be successfully contended that Gen. Crowder was the author of the idea, and I think I have shown, that he did not frame that portion of the law which gave every community a voice in passing upon the qualifications and claims of the young men who went to make up the Army.

I think, without detracting from Gen. Crowder's efforts, that his supporters might at least be willing to concede some of the glory to the men from civil life who were acting from purely patriotic motives. I believe it was Admiral Schley who, in speaking of the battle in Santiago Harbor, said there was glory enough for all. There is glory enough for all who participated in making this war a success, and in making the draft law a success as well.

Passing over that, what is Congress going to do for men like Gen. McCain, who rendered such signal service as Adjutant General of the Army, a man who could always be approached by civilian and soldier alike, and one who could always be found at his post ready to give information and advice to all comers without any military red tape to be cut in order to approach him?

Gen. McCain was removed from his post as Adjutant General almost between suns and another put in his place. I doubt if there is a man in either branch of Congress who will claim for a moment that Gen. McCain did not render splendid service to his country as Adjutant General and did not do as much in a more quiet way as Gen. Crowder or anyone else. You never saw his name in print; you never saw him out undertaking to get eulogistic letters from the Secretary of War or anybody else; but he was at his post just the same all the time, undertaking to and doing his duty as a gallant and splendid soldier. The military conscience, as well as the civilian conscience, was shocked at the removal of this distinguished man. The Committee on Military Affairs of the Senate called on the Secretary of War and the Chief of Staff to find out why a man who had discharged his duty so efficiently, so promptly, and so well was removed from a post when there seemed to be no complaint against him. These gentlemen, in a hearing before the committee, testified to his splendid work, testified to his efficiency, and assured the committee he was not being removed because of inefficiency, but the lame excuse, which everybody who heard the testimony believed was a subterfuge, was given that they wanted fighting men, and they sent him up to train and command a division in Massachusetts, I believe, a duty that he had never performed before; but, like a soldier, he did not raise his voice in protest or complain to anybody for the injustice being done him. I think I may say, without violating any confidence, that I talked to Gen. McCain and asked him if possibly any of his friends might speak a kindly word to the Secretary of War or the Chief of Staff in his behalf, and he said: "No; I am a soldier. I go wherever I am ordered, and I shall try to make good, no matter where I may be called to serve."

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. CHAMBERLAIN. I yield.

Mr. BRANDEGEE. I should like to ask the Senator from Oregon who were the officials of the War Department who resorted to what the Senator calls a subterfuge?

Mr. CHAMBERLAIN. I will say to the Senator that I do not hesitate to give names when I make a statement to the Senate. The men responsible were the Secretary of War and the Chief of Staff, of course. If that be treason, make the most of it.

Mr. BRANDEGEE. I am not so much interested in whether it is treason or not; I assume it is true, and it was the source of my regret, that it is true there was such a charge.

Mr. CHAMBERLAIN. We called the men up who we thought were responsible for it and had them give Gen. McCain a clean bill of health as to efficiency, courage, and soldier-like conduct and character.

Now, Mr. President, Gen. McCain has only the temporary rank of major general, I believe, and will in due course revert to the rank of a colonel. There is no saving grace for him in the act of 1914. Why pass him by while we are granting distinguished certificates to gentlemen who rendered service for our country at home? It hardly seems right to me. And what of Gen. Liggett, who commanded troops on the firing line in France, and whose name was at one time presented in the form of a bill by the Secretary of War for higher and permanent rank in the Army because of his distinguished service? Why pass him by? And then, too, what of Gen. Bullard, who commanded over there and rendered distinguished service, baring his breast to the bullet of the Hun? Why pass him by? And Gen. Summerall? I think he is recognized in the Army as one of the most distinguished men who ever commanded a division or corps. Why pass him by?

It is not necessary, if it is intended to honor these, to retire them as a condition to conferring such honor upon them. All that is necessary is to adopt the amendment I suggest and provide for the retirement, and let them retire or not as they please. Many of them are young men and probably would not avail themselves of it by retiring.

It is necessary to dwell upon all the names indicated in the proposed amendment of mine. Everyone knows of their services. My proposition is not to leave heartburnings in men who have rendered distinguished service to their country in emergency by recognizing the merits of one and discriminating against all others.

Mr. President, I sometimes fear that some of the swivel-chair artists here in Washington receive greater recognition than some of the officers and men who were on the firing line and doing their duty overseas. I might name some who were on the battle front and who received the croix de guerre, who came back to America and were promptly reduced to their original rank in the Army. Why pass those men by? And now, by the recognition of the services of one man, say to the balance of the Army, "He stands par excellence the man that ought to be promoted in this magnificent Army of ours."

But, Mr. President, if for the sake of the argument we concede to Gen. Crowder the right above all others to be recognized by this distinguished rank upon his retirement, if we concede that he was not only the author of the idea of the selective draft, but that he prepared the law, if we concede that he put it into effect, if we concede that he has done all that was necessary to raise the army which was raised, then, Mr. President, there ought to come with it and he ought not to attempt to share the greater responsibility for the proper care and attention and protection of the young men for whose service in the war he was so absolutely responsible under the contention of some of his friends. If all these things be conceded, the man who was able to accomplish so much and the man who was responsible for raising the Army ought to have seen to it, if it was humanly possible, that the Army which was raised by him received justice at the hands of those who administered the law in the Army. I do not hesitate to say that the man who had the power to do that was Gen. Crowder himself.

I see one of my colleagues upon the Committee on Military Affairs smiling. I know he differs from me.

Mr. WADSWORTH. I was not smiling.

Mr. CHAMBERLAIN. I thought the Senator was smiling. I was not offended by it, even if the Senator was. I have too high a regard for the Senator. We may differ quite radically occasionally, but they are always friendly differences, and out of differences there ought sometimes to come the proper adjustment of conditions.

But I say the one man who was responsible, the one man who by his word might have changed the conditions with regard to the administration of military law in the Army, was Gen. Crowder. I entertained a very different opinion of Gen. Crowder up to the time the controversy about the court-martial system arose from the opinion which I have reluctantly formed of him since that controversy arose. Gen. Crowder, while he was acting as Provost Marshal General, was holding down pretty tight another job of equal if not greater importance, and that was the position of Judge Advocate General of the Army. It is true, he had a distinguished officer as Acting Judge Advocate General a part of the time while he was Provost Marshal General, but when the differences over the administration of military law became acute between the Judge Advocate General and the Acting Judge Advocate General, the latter had to step aside and finally step out of the Army of the United States, occupying, as he did, a position which no honorable man could occupy under the situation that developed in the differences to which I am going to allude.

Let us see about that. There were men in the Judge Advocate General's Department who looked upon a court-martial as simply an executive agency. There were others in the Judge Advocate General's Department who looked upon the courts-martial as courts under our system of jurisprudence, but the later decisions of the courts are that they are, in fact, courts under our system of jurisprudence, just as much so as the civil courts. But, however that may be, I am going to call the

attention of the Senate to the text of the provision of the law about which all the storm has raged about the court-martial system, and incidentally the harshness of the sentences and the cruelties practiced against American troops.

Section 1199 of the Revised Statutes provides as follows:

The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army.

The construction placed upon that statute by the Judge Advocate General was that the power to revise gave no other or greater power than to advise the commanding officer who appointed the court in all cases where the court had jurisdiction and the trial was regular. While those who differed from him held that the power to revise gave power to the Judge Advocate General as an appellate tribunal to reverse and to modify and to change the decisions in cases where prejudicial error was disclosed by the record.

Mr. President, this matter was first brought to the attention of the department of military justice by a flagrant case or flagrant cases that happened in the administration of military law in Texas prior to November, 1917. That was where 12 or 15 noncommissioned officers of Battery A, of the Eighteenth Field Artillery, who were charged with mutiny, were tried and sentenced to dishonorable discharge and long terms of imprisonment. Those cases came up to the office of the Judge Advocate General, and it was conceded by everybody—there was not any difference of opinion, I believe, upon the subject—that those men ought not to have been convicted of mutiny. But it seemed that the court had jurisdiction and the trial was regular, and in that view there was no appellate relief for the accused except clemency.

Here were 12 or 15 honorable men, who had been faithfully serving their country, charged with a crime, of which they were not guilty under the law. In view of that, on the 10th day of November, 1917, the Acting Judge Advocate General prepared a memorandum of great length and of distinguished ability urging upon the Secretary of War for his personal consideration that the authority vested in the Judge Advocate General of the Army by section 1199 of the Revised Statutes to "receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army" carried with it the power to modify and to change the decisions.

Gen. Ansell, in the brief which he presented for the consideration of the Secretary of War and the Judge Advocate General, reasoned it out, showing by analogous decisions in connection with other legislative acts where courts had been called upon to determine the meaning of the word "revise" that the word meant more than simply the power to take up a record by the four corners, look at it, and send it back to the commanding officer and say that he was the reviewing and revising authority and alone had the power to revoke, modify, or set aside the sentence of a court-martial. I am not going to read that brief, but I hope that some of the Senators at least will read it.

It will be found in the hearings, part 2, on the Establishment of Military Justice, held by the Committee on Military Affairs, United States Senate, on S. 64, at page 57. I do not think, Mr. President, that any impartial lawyer can read that opinion and come to any other conclusion than that the power to revise meant more than the mere power to look over the papers and to say that the only power granted under the statute was the power to send a case back to the commanding officer who appointed the court.

Let us see who agreed with the opinion of Gen. Ansell when the memorandum was prepared by him and presented to the Secretary of War for his personal consideration. Gen. Ansell expressed the preference and hope that each one of the distinguished officers in his department would read the record and express their concurrence or dissent. These are the men who read it, assented to it, and concurred with Gen. Ansell: James J. Mays, lieutenant colonel, judge advocate; George S. Wallace, major, judge advocate, Officers' Reserve Corps; Guy D. Goff, major, judge advocate, Officers' Reserve Corps; William O. Gilbert, major, judge advocate, Officers' Reserve Corps; Lewis W. Call, major, judge advocate, United States Army; Edward S. Bailey, major, judge advocate, Officers' Reserve Corps; William B. Pistole, major, judge advocate, Officers' Reserve Corps; E. M. Morgan, major, judge advocate, Officers' Reserve Corps; Eugene Wambaugh, major, judge advocate, Officers' Reserve Corps; E. G. Davis, major, judge advocate, Officers' Reserve Corps; Maj., later Lieut. Col. Alfred E. Clark, judge advocate, Officers' Reserve Corps; R. K. Spiller, whose rank is not given, judge advocate, Officers' Reserve Corps; Herbert A. White, lieutenant colonel, judge advocate.

These men all concurred in that opinion; and on the 27th day of November—just 17 days afterwards—Gen. Crowder prepared for the Secretary of War a memorandum in opposition to the contention that a revisory power was reposed in the Judge Advocate General.

There is no question that the opposition brief of Gen. Crowder was ably written, but he harks back to the days of the Civil War and undertakes to extract—and I think rather unsuccessfully—opinions of former Judge Advocates General and of the courts, if you please, that sustain his view of the proposition that the power to revise only means the power to look over a record and, where the court had jurisdiction, only to advise the commanding officer who appointed the court.

On the 11th day of December, 1917, Gen. Ansell prepared another brief on the subject. The incident which brought the matter to the attention of these men was the cruelty that had been practiced against the 12 or 15 sergeants in Texas. Oh, say some of them, there is only an occasional injustice, just as there is in the civil courts. Mr. President, if it is possible because of the system that any injustice may be done, something ought to be done to remedy the situation.

Mr. OWEN. They are not rare exceptions, either.

Mr. CHAMBERLAIN. They are not rare exceptions. I may say to the Senator that, although I have not done so, I have been threatening to place in the RECORD, and I am going to put in the RECORD, the cases to show that instances of injustice are not of infrequent occurrence. Without going into the subject, take the case of the negro soldiers in Houston who were convicted and sentenced to be shot. Without discussing the question of their guilt or innocence—for I assume that they were guilty—these men were executed, Mr. President, without anybody ever having seen the record except the commanding officer and those connected directly with the trial.

Mr. WATSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. GERRY in the chair). Does the Senator from Oregon yield to the Senator from Indiana?

Mr. CHAMBERLAIN. Yes, sir.

Mr. WATSON. Does the Senator claim that Gen. Crowder had knowledge of all of these cases, or that they were all brought to his attention?

Mr. CHAMBERLAIN. Of course, for they happened during his term as Judge Advocate General.

Mr. WATSON. Yes; but I was wondering whether or not in the midst of the many burdens he was bearing and the many difficulties there were to encounter he had personal knowledge of the various transactions of which the Senator speaks.

Mr. CHAMBERLAIN. He had the time to prevent any reform of conditions. He had the time to write a very able brief in order to sustain the position he was taking, and I am referring to one right now. If he could not take care of both jobs he ought to have gotten out of one. I say that if he was responsible for organizing our huge Army—and he is given credit for it—he was responsible for these cruelties as long as he held the other position.

The execution of those colored men in Texas led to the adoption of a regulation—not a law but a regulation—that in cases where the death sentence was imposed the sentence should not be carried into effect until the reviewing authorities had an opportunity to pass upon it; but the cases of these men did not reach the reviewing authority until the daisies were growing over the graves of the convicted men. Anything permitting such a thing in America is outrageous. It makes no difference what the color of an American soldier's skin is, he is an American citizen just the same, fighting for his country, and he is entitled to have the benefit of a fair, honest, and impartial trial.

Gen. Crowder wrote a brief, as I have said, in opposition to the views of Gen. Ansell. That was perfectly proper; I make no objection to that—and he presented the subject ably. I am merely calling attention to these matters, Mr. President, to show you that the subject has been a storm center.

Again Gen. Ansell prepared a memorandum in answer to the latter brief, which was concurred in by the distinguished officers associated with him. Maj. Wambaugh prepared a separate brief suggesting regulations that would measurably protect the soldier. Then Gen. Ansell prepared a special brief to show that the Judge Advocate General had reviewing and appellate power. Then, on the 17th day of December, 1919, Gen. Crowder presented another brief, and, without calling attention to the number of them, I ask Senators who are interested in the subject—and they will become interested in it because their hearts will become involved—to read the arguments pro and con by these distinguished Army officers and civilian officers temporarily in the Judge Advocate General's department.

Mr. President, to get down to a concrete proposition everybody in the Army recognized, Gen. Crowder amongst the rest,

that there ought to be some appellate jurisdiction somewhere in somebody to cure the radical wrongs which all conceded to exist. Now, let us see whether or not I state the fact when I make that statement. I am going to dwell on it just a little while, because I have been criticized somewhat in connection with it, and I think I can justify the position which the Committee on Military Affairs of the Senate took in reference to it.

The Secretary of War, after all these discussions had been had that I have been calling attention to about the power of the Judge Advocate General's office, sent up a letter to the Military Affairs Committee of the Senate, on the 19th day of January, 1918, just a month after the last brief had been submitted to him on the subject, and inclosed to me, as the chairman of the Military Affairs Committee, a bill that was to do what—to vest in some authority the power to revise and to reverse and to modify these unjust sentences. Now, I am going to read that letter to the Senate. It is very short. It shows, first, a recognition of the necessity of vesting appellate jurisdiction in some forum somewhere, with power to relieve these men; but it does more than that, Mr. President. It retains in the Military Establishment, which was responsible for these cruelties, instead of in some civilian or partly civilian tribunal, a power it ought not to have.

Now, let us see if I am stating it correctly. It was a proposed amendment to section 1199 of the Revised Statutes. It is as follows:

> The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions—

That is an exact copy, so far, of section 1199, as it is to-day. Then it goes on:

> And report thereon to the President, who shall have power to disapprove, vacate, or set aside any finding, in whole or in part, to modify, vacate, or set aside any sentence, in whole or in part, and to direct the execution of such part only of any sentence as has not been vacated or set aside. The President may suspend the execution of sentences in such classes of cases as may be designated by him until acted upon as herein provided, and may return any record through the reviewing authority to the court for reconsideration or correction. In addition to the duties herein enumerated to be performed by the Judge Advocate General he shall perform such other duties as have been heretofore performed by the Judge Advocate General of the Army.

Mr. President, there is provided an appeal from Philip drunk to Philip sober. On the face of it, it is an appeal to the President of the United States. As a matter of fact, it is an appeal from the Judge Advocate General and through the Judge Advocate General to the Chief of Staff. It was keeping the control of military justice within the power of a military autocracy.

Mr. President, that bill was introduced in the Senate by me at the request of the Secretary of War. The distinguished chairman of the committee will agree with me when I say that we usually introduce these bills in the Senate at his request, whether they meet our approval or not. Then the bill goes to the committee for discussion. That bill was introduced in the House by the then chairman of the House committee, Mr. DENT, and was then referred to the committee. The House held some hearings on it, and never reported it out. The Military Affairs Committee of the Senate did not act on it, for the simple reason that it was not necessary. It not only did not relieve the situation that then existed, about which there was so much complaint, but it made the situation actually worse.

I want to call attention to the fact that the proposed amendment sustains me in charging that the Judge Advocate General was turning over the subject of military justice to the Chief of Staff. Now, the Chief of Staff might on occasion be a very just, a very learned, and a very tender-hearted man, but there may be occasions when he may be a very hard-hearted man, wholly unskilled in the law. Let us see what the power of the Chief of Staff is under the General Staff act of 1903. It provides:

> The Chief of Staff, under the direction of the President, or of the Secretary of War under the direction of the President, shall have supervision of all troops of the line and of The Adjutant General's, Inspector General's, Judge Advocate's, Quartermaster, Subsistence, Medical, Pay, and Ordnance Departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President.

In other words, Mr. President, the Chief of Staff, in the last analysis, has jurisdiction and power over the Judge Advocate General. So that the addition which was intended to be put on section 1199 of the Revised Statutes made the last condition of the soldier worse than the first condition. It simply meant that these appeals that professed to be taken to the President of the United States went from the Judge Advocate General to the Chief of Staff, and never reached the President at all; and, in the very nature of things, we know that it is a physical impossibility for the President of the United States to consider or to revise these hundreds of thousands of court-martial cases—a physically, humanly impossible thing to be done. It proposed to place the jurisdiction over the life, liberty, and limb of the private soldier in the hands of the Chief of Staff, and practically gave him, as the military adviser of the President and the Secretary of War, the right to say whether or not these cases should be even considered by the President of the United States.

Mr. President, if anybody doubts the effect of this in practical life, I call his attention to the fact that the Chief of Staff now is practically the only man who can reach the Secretary of War, while men who come here with honorable and honored service can not reach him. The thing must go through military channels or it does not go there at all. So these poor, unfortunate fellows against whom harsh sentences have been rendered can only reach the President through the Judge Advocate General first, and then through the Chief of Staff; but even if they all reached the President, as the Secretary of War said in one of his letters the other day in referring to his own position, it is impossible for him to look over all of these cases.

But this is not all. Look again at that bill and you will see that in other respects it perpetuates the very worst features of the existing system. It expressly authorizes the Chief of Staff, acting for the President, (a) to set aside an acquittal and have the accused, though acquitted, tried again; (b) to substitute a conviction of a more serious offense for a less serious one; (c) to increase the punishment; and (d) to return the proceedings to the court, with directions to reconsider, for the purpose of doing all these things. Of this Gen. Crowder expressly approved in his statement before the House committee.

Now, Mr. President, if the Judge Advocate General and the Secretary of War, when they proposed that amendment to the Congress in 1918, really wanted a revisory power that meant something, all in the world they had to do was to construe the law as the Acting Judge Advocate General and his corps of assistants construed it, and say that the power to revise gave the power to modify and to change the sentence in the court below. In order to sustain his position, the Judge Advocate General had to go down into dusty tomes and shelves and dig out dicta of courts and dicta of Judge Holt and others who had acted in the distinguished capacity of Judge Advocate General.

That was all he needed to do, Mr. President. In view of the fact that he saw fit to place a harsher construction upon the statute, in view of the fact that he has constantly held, and the Secretary of War has stood by him, that where the court had jurisdiction the Judge Advocate General could only send the record back to the commanding officer with his advice upon it, which the commanding officer could pay some attention to or disregard, as suited his own sweet will, I make the suggestion, and sustain my position by the record, that that proposed amendment was not offered in good faith. Now, I am going to show you why, and I appeal to the record to sustain the suggestion I now make.

That proposed amendment came to the Military Affairs Committees of the House and Senate at a time when this storm had not only brewed but was raging around the cruelties that were being practiced against American troops in France, and not only in France but in the United States. About the time that that proposed amendment was presented to Congress by the Secretary of War, Gen. Kreger was sent over to France as the representative of the Judge Advocate General, and was later appointed acting judge advocate there, so that he could be on the ground as the representative of the Judge Advocate General, and hear these cases, and, may I say, revise the sentences in France, and advise the commanding officers appointing the courts. The only effect that appointment had was to save the time necessary to send records of courts-martial from France to the United States. It meant no change in the court-martial system, and no change of policy in the course of the Judge Advocate General with regard to the law.

In other words, it quickened action, whether it was just or unjust. It did not help the soldier who had been unjustly convicted or who had been harshly sentenced.

The suggestion I make is that that acting judge advocate general was sent to France as the representative of Gen. Crowder as a piece of camouflage, because trouble was brewing here, both in and out of Congress, as to the views and course of the Judge Advocate General, and an investigation of the system was threatened, and therefore something had to be done, and that, too, promptly, to allay the feeling that was being engendered, because these boys, notwithstanding the strict censorship, were writing to their homes; and this was done to act as oil upon the troubled waters in the discussion which was taking place within the department itself, and discussions which were suggested by the very cruelties themselves.

Now, here is what happened: It seems, from the correspondence which followed, that Gen. Pershing did not like this new

policy very well. As a good soldier—and he was a good soldier—he did not say, "I will not have it," but he rather disliked the idea of having a man come over there to practically supplant a man like Gen. Bethel, who was the chief judge advocate on his staff. That is what it amounted to. Crowder then wrote a letter to Gen. Bethel, the judge advocate over in France on Gen. Pershing's staff, and that letter leads me to make the suggestion that this proposed amendment was not made in good faith, and I am going to read it.

It is not very long, Mr. President; but on the 5th day of April, 1918, shortly after this proposed amendment to section 1199 had been submitted to Congress, Gen. Crowder wrote the letter referred to to Gen. Bethel. It is as follows:

APRIL 5, 1918.

Brig. Gen. WALTER A. BETHEL,
American Expeditionary Forces, France.

MY DEAR BETHEL: I am going to spend the necessary time out of a very busy day in an attempt to clear up the situation in respect to the establishment in France of a branch of the Judge Advocate General's office, regarding which matter there seems to have been more or less misapprehension at your headquarters. You are, of course, familiar with the cable correspondence which has passed on the subject.

I would like to see that cable correspondence. We have never had it.

For your convenience in reference, however, I inclose a copy of a memorandum that I have had prepared for the Chief of Staff—

Reporting always to the Chief of Staff, which was proper in his view of the matter—

in which that correspondence is reviewed and set out in sequence.

First, let me say that it is difficult for me to understand why, upon receipt of the two cablegrams of January 20, 1918—

Bear that in mind, Senators. The proposed amendment was sent to the House and Senate on the 18th day of January, 1918, and the cablegrams having reference to sending over a representative of Gen. Crowder were sent over to France on the 20th day of January, 1918—

one cabling Gen. Pershing the contents of General Order No. 7, and the other designating you as Acting Judge Advocate General, the branch office of the Judge Advocate General was not immediately established. I assume that it was in operation from that time, and continued of this view until the receipt of Gen. Pershing's cablegram of February 25, 1918, wherein he says:

"Brig. Gen Walter A. Bethel has not established branch office and will not do so pending further instructions."

You see, Gen. Pershing did not want it. He had a good man over there as his staff judge advocate.

This leads me to comment upon the situation which is presented by Gen. Pershing's cablegram No. 779, which seems to imply some dissent from the action here taken in establishing the branch office. He appears to view it as a possible obstruction to the administration of military justice and as a mistake of judgment.

I do not blame Gen. Pershing for not wanting to have the affairs of this chaotic office here transferred to his command.

I wish you would assure Gen. Pershing (whom I would address directly but for the reason that I know he has no time to read letters) that every thought of this office, and I believe every thought of the War Department, is directed toward the discovery of ways and means to help him in his enormous task; that our idea was to expedite and not delay, and that he will understand better the occasion for this order if he will consider the following:

This is what I call the attention of the Senate to, and this is what makes me suggest that the proposed amendment in January, 1918, was not made to Congress in good faith. I continue reading:

Prior to the issue of General Order No. 7 it had become apparent that, due to the large increase in commissioned personnel, which included many officers with little or no experience in court-martial practice, *a large number of proceedings were coming in which exhibited fatal defects. A congressional investigation was threatened and there was talk of the establishment of courts of appeal.*

Think of it!

The remedy for the situation was immediate executive action which would make it clearly apparent that an accused did get some kind of revision of his court-martial proceedings other than the revision at field headquarters, where these prejudicial errors were occurring. At this point permit me to say that very few errors have been discovered in cases coming up from your headquarters. It was primarily with reference to errors occurring at field headquarters other than in France that this step was taken.

Accordingly we formulated the scheme of General Order No. 7. The Secretary of War gave personal consideration to the matter, and on three or four occasions discussed it exhaustively with this office. He finally approved the order and contemplated, as I did, the establishment of the branch office promptly upon the receipt of our two cables of January 20. I may say here that at other headquarters the scheme has worked beautifully It has silenced all criticism, and I believe that no invalid sentences are now beyond the reach of remedial action.

Your own intimate knowledge of court-martial procedure makes it quite unnecessary for me to enter upon a lengthy discussion of the merit of the new system which, I feel quite sure, will not fail to commend itself to you as a substantial step in the right direction. As stated in my memorandum to the Chief of Staff, it is believed that had Gen. Pershing fully understood the purpose and operation of General Order No. 7 his cablegram No. 779 of March 24, 1918, would not have been sent. I trust that the cablegram which I have recommended be sent him in reply, a draft of which is contained in the concluding paragraph of the inclosed memorandum, will serve to convince him of the wisdom and propriety of the issue of this order and that the procedure it contemplates will materially aid rather than obstruct the prompt and efficient administration of military justice in the American Expeditionary Forces.

With best wishes, I am,
Very truly, yours,

E. H. CROWDER,
Judge Advocate General.

The italics are mine.

Think of the Judge Advocate General of the Army sending a letter the information contained in which was to be communicated to Gen. Pershing, giving as a reason for his proposal to create a branch of his office in France that an investigation was being threatened, that there was talk of the establishment of a tribunal of appeal, and that it was necessary, in this state of the public mind, to make it appear that an accused should get some kind of a revision of his court-martial sentence.

Mr. President, was there ever committed to paper a more outrageous proposition than that to mislead and to deceive the mothers and the fathers of the young men who were serving in France and the young men themselves who were suffering under the sentences of these courts-martial? That is the reason I say that when these investigations were being threatened, and this storm was raging about the power of the Judge Advocate General to review and to reverse these sentences, the proposition for an amendment to the existing statute was not made in good faith, but was intended to deceive the American youths, half a million of them, if you please, who had undergone sentence of court-martial, summary and general, and make them feel and believe that they were getting some sort of revision of court-martial sentences. It is not stated that they would get it, but to make it appear that they were getting it. But the American youths were not deceived by any such pretense as that, and the American people are not being deceived by any such pretense as that, and there are those in the Senate and in the House of Representatives who will undertake to undeceive those few who have been deceived by it.

That condition in the administration of so-called military justice from April 5, 1918, to and through the latter part of the year, both in France and here, continued, and the cases of injustice were so numerous and so flagrant that reports of them continued to come to me and to many other Members of Congress. I am frank to say that the whole situation touched my heart very deeply. I felt that there ought to be some way to correct them. I felt that I ought to call the attention of the Senate to the situation. On the 31st day of December, 1918, the situation had become so acute and the complaints so numerous of these injustices that I addressed the Senate on the subject, calling attention to the situation. That was only supplementing what Gen. Ansell and other men in the establishment had called attention to, only they were limited in their criticisms by restrictive rules of the Military Establishment. But I was not restrained by any such rules, and I gave a few cases, and only a few, of extremely arbitrary action of and severe sentences imposed by courts-martial.

The Secretary of War immediately took up the cudgels and inclosed me a letter written to him by Gen. Crowder criticizing my statements as to the cases that I had cited, and the letter was so full of misstatements that I did not undertake to make it public. I did not want even to place Gen. Crowder or the Secretary of War in a position where they would be embarrassed by statements contained in that letter; and before the ink was dry on the letter of the Judge Advocate General he was sending letters through the Secretary of War to me, correcting criticisms that he had indulged in, both as to form and substance.

But Gen. Crowder was evidently not satisfied with my course. He gave to the press either the letter or the substance of it. I thereupon issued a public statement, Mr. President, which I ask may be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CHAMBERLAIN.

Gen. Crowder, Judge Advocate General, has seen fit in the press to attack me concerning my position on the present court-martial system in the Army, to criticize statements made by me concerning that system in my speech to the Senate on December 31, 1918, and at the same time to defend the system.

Gen. Crowder's reply to my charges was also contained in a memorandum from the Secretary of War to me, which I received several weeks ago. His reply contained so many misstatements of fact that I hesitated to make it public, because I did not care to embarrass the Secretary by having him stand sponsor and be responsible for such erroneous and false statements in an official communication from the War Department to the Senate of the United States.

Since Gen. Crowder himself has made his reply public, apparently with the Secretary's consent, I no longer have this feeling of hesitancy. I therefore propose to show his misstatements, and, further, the insincerity of the entire defense of the present court-martial system.

In my speech I called attention to certain specific cases which illustrated the unfairness of the court-martial trials and the excessive sentences imposed by these courts. I based my criticism of the present system and my constructive suggestions as to the changes that should be made in it on the strength of those cases.

Gen. Crowder now says that had I asked him for the facts and circumstances of these cases before making my speech he would have supplied me with the "authentic data that would throw light on the correctness of my complaints." He attempts to furnish such data in his published statement. This data is wholly incorrect and misleading and is furnished by the general either with an astounding lack of knowledge of the facts or with a deliberate intention to mislead the public.

The first case cited by me in my speech was the following:

"A soldier doing military police duty who entered a shop during the night, because, according to his own story, he heard a noise which he thought was made by a burglar, was found in the shop and himself accused of burglary. The court-martial which tried him found him not guilty. The commanding officer who had appointed the court disapproved the verdict and 'recommended' that the court reconsider the case. The court did 'reconsider,' and found the man guilty and imposed a long term of imprisonment. The evidence was wholly circumstantial. On final review of the record in this case it was recommended that the verdict of guilty be set aside and the man discharged. The commanding officer, disapproving of this recommendation, has allowed the verdict to stand, and the man is now serving his sentence. This case, while not typical, illustrates the control which the military commander exercises over the administration of military justice."

Gen. Crowder in his endeavor to furnish me "authentic data" in this case says nothing about the court-martial first acquitting this soldier at his trial, and then subsequently, at the direction of the commanding officer who appointed the court, reversing itself and finding the soldier guilty and imposing a long term of imprisonment. He simply states "that the accused soldier's story was disbelieved, and he was found guilty." This statement is wholly inaccurate; I have read the record and he apparently has not.

The story told by the accused boy in this case was believed by the court which heard his testimony and that of the other witnesses—and mark this very important fact in these proceedings which is omitted from Gen. Crowder's statement of the case—that court did not find him guilty; it found him not guilty, and did "therefore acquit the accused." It was what happened after the court-martial had rendered a verdict of not guilty that aroused my particular objections to the handling of this case by the military authorities. There followed the exercise of an arbitrary personal individual control over the proceedings of the court the like of which can not be found in any other criminal tribunal in our jurisprudence. The camp commander, seated in his office away from the trial, without contact with the witnesses or the accused, disapproved the verdict of not guilty returned by the court and ordered the court to reconvene and reconsider. In his indorsement ordering reconsideration and practically conviction Brig. Gen. Burnham, the camp commander, stated that the facts raised a presumption which he declared to be very incriminatory.

The next criticism I made of the court-martial system, as the result of this case, was that the Judge Advocate General's office had no power to revise the finding made by a court and approved by a commanding officer, even though the record contained serious irregularities and insufficient evidence on which to base a conviction.

Gen. Crowder now states, in regard to the review of this case by his office: "On revision of the record no legal error could be found; this office reached the opinion that there was sufficient evidence to sustain the finding."

That is not an accurate statement of what the record in the case clearly shows. The Judge Advocate General's review, written by Maj. Millar, concluded with this emphatic statement: "After a careful consideration of the evidence, this office is firmly convinced of the absolute innocence of the accused." In the face of this declaration of the innocence of the accused Gen. Crowder's report says that his office reached the conclusion that "there was sufficient evidence to sustain the finding of guilty." This action may be negligent statement, but it looks like misrepresentation. This case throws an interesting light on the nature of the review which the Judge Advocate General's office makes of a record of this sort Despite the fact that the reviewing officer states that the evidence convinced the officer of the "absolute innocence" of the accused, the Judge Advocate General made no recommendation to the camp commander. Col. Mayes was then acting judge advocate. He but performed the function of his office as laid down by Gen. Crowder when he addressed the following note to the camp commander:

"At this stage of this case the matter of the sufficiency of the evidence to sustain a conviction is wholly within the discretion of the reviewing authority, the court having already passed thereon. However, since, in examining the case as to its legality, one of the assistants in this office has made a study of the sufficiency of the evidence, it is deemed to be in the sphere of propriety to say that this office entertains grave doubts whether the guilt of the accused is established by the evidence. This doubt seems to have been shared by the court in its first finding and acquittal. The guilt of the accused must, of course, be established beyond a reasonable doubt. In order that the reviewing authority may have the benefit of the study referred to, a copy thereof is inclosed herewith for such consideration as the court may deem advisable to give it."

It should be noted that the Acting Judge Advocate General himself refers to the result of his review, not as a decision, not as a recommendation, but as a "study," and in the subsequent papers filed in the record in this case there are many contemptuous references by the military authorities at the camp to this "study."

Continuing the statement of what happened in this case, Gen. Crowder's report says: "In such a situation no supreme court in the United States would interfere and set aside a jury's verdict." It is a fortunate fact that we are able to say for our civil jurisprudence at least that no supreme court ever gets a chance to pass upon a verdict of not guilty. Aside from this, however, I think it fair to say that no court would permit a finding of guilty to stand in the face of its conclusion from a review of the evidence that it was "firmly convinced of the absolute innocence of the accused."

It would seem difficult for anyone, in the brief statement of the facts of this case which is contained in Gen. Crowder's report, to make more misstatements of the important steps which were taken in the railroading of this soldier to the penitentiary than those which have already been outlined. But this is not all. That report says: "It (the verdict) was in fact reconsidered; but the court adhered to its finding." This can not be other than a deliberate misrepresentation. After the Acting Judge Advocate General had finished his "study" of the case it never went back to the court. That "study" was simply sent to the camp commander. The court which had tried and acquitted and then, under instructions from the commander, had convicted, never saw or considered this case or the record. What really happened was that the Acting Judge Advocate General's "study" went to the camp commander, who declined to be influenced by it and who eventually sustained and ordered executed the sentence which had been imposed. It is true, as Gen. Crowder's report states, that the judge advocate on the staff of the camp commander wrote a memorandum sustaining the conviction, but he was the same judge advocate who had recommended the trial, who had advised the camp commander to disapprove the verdict of not guilty, and of course the subordinate officer of the camp commander. Even in this review, however, the camp judge advocate refers to the fact that the court-martial was impressed "with the ring of sincerity" in the accused soldier's story when it voted for his acquittal, and he added that he himself had been similarly impressed when he first examined the accused.

As if determined to miss no opportunity for misrepresentation of the circumstances of this extraordinary case, Gen. Crowder's report proceeds to say that this judge advocate on the camp commander's staff who wrote this memorandum endeavoring to justify the conviction is a judge advocate "not commissioned in the Regular Army" but an "experienced lawyer fresh from civil practice." It is hard to believe that Gen. Crowder could have known the contents of this report when he attached his signature to it. The evident purpose of this description of this judge advocate was to indicate that he still retained the judicial views that characterize lawyers who have recently come from civil life. The facts are these: That judge advocate on the staff of the camp commander was commissioned in the Army from civil life in 1898. He served as a line officer from that time until 1916. Indeed, he was a typical line officer, a graduate of military schools at Leavenworth, where he was taught the military view that a camp commander absolutely controls his staff. Upon the opinion of this line officer, transferred to the staff as a camp judge advocate, Gen. Crowder relies for his statement that "the case is a good illustration of a feature in which the system of military justice sometimes does even more for the accused than a system of civil justice." Surely it may be admitted that in some cases military justice does more for the accused than does civil justice. It does it hard and a plenty.

But the most remarkable part of the effort made by Gen. Crowder's report to becloud and belittle the criticisms which I had made in this case and the conclusions which I had drawn from it lies in the fact that on the very day on which he signed that report he also signed a memorandum directed to The Adjutant General in which he recommended that the victim of this miscarriage of military justice should be released from the penitentiary and restored to his previous status in the Army. When I brought this case to the attention of the Senate this boy was in the penitentiary. He was there despite a court-martial's verdict acquitting him of the charge against him. He was there despite the Acting Judge Advocate General's emphatic declaration that he believed him absolutely innocent. He remained there until a few days ago, when as the result of my criticism the circumstances of his case were again reviewed, and as the result of this enforced review he has to-day been recommended by Gen. Crowder for restoration to his previous status. In his memorandum, which as I have said, he signed on the same day he signed the report in which he attempts to justify the sentence in this case, Gen. Crowder said: "This office is strongly of the opinion that an injustice may have been done to this man and that it should be righted as far as possible." Think of it. Arguing on the one hand, against my criticisms, that there was no injustice in this case and at the very moment entering this solemn declaration in another document that he believes injustice was done. It is a terrible indictment of so-called military justice that this man, whom everyone now seems to believe was the victim of rank injustice, served for nearly a year his penitentiary sentence. Such things happen in civil punishment, but not after a jury has acquitted the accused and not after a careful review has held the facts insufficient to sustain the verdict of guilty. These were the very features of this case which had impressed themselves on my mind and which seemed to me so forcibly to illustrate the defects and the dangers of our court-martial methods. At no point in the procedure in this case did the law intervene to assert its majesty for the protection of the accused. At no point was there a responsible law officer who had the power to break the purpose of the camp commander to send this boy to the penitentiary.

I have gone at length into the misstatements of Gen. Crowder concerning this case, so as to show conclusively how unworthy of acceptance his reply to me is. In regard to other cases cited by me, it is sufficient to state that the same false answers are made. If Gen. Crowder pursues his attack, I shall have more to say concerning these fabrications.

But there is one point in his reply which I must not overlook. He states with great emphasis that one of the virtues of the present court-martial system, as compared with the system of civil courts, is that it costs the accused nothing to be tried by these courts. Certainly this statement shows the utter incomprehension of the military mind to the spirit which prompts the present attack on the court-martial system—the blindness of that mind to all the considerations of humanity of administering real justice by which our soldiers shall be tried fairly and convicted according to their deserts. Certainly no mind which is not blind to the human side of military justice could in all seriousness make the statement that it costs the accused nothing to be convicted and sentenced to years of confinement in the military prison.

In making my original attack on the present court-martial system, I said that I did not regard the injustices done by courts-martial as directly chargeable to the Secretary of War, because I realized that he inherited the present system and did not himself create it. He came to the department heralded as a humanitarian, and I believed that if the facts of this system were made known to him he would without delay change the system. I have been much disappointed that he has permitted himself to be guided by the reactionary elements of the Army, and that he seems to be so completely under their domination that he can not acquaint himself with conditions as they really exist. Acting on their advice, he has placed himself in opposition to this most important and necessary reformation. But he has done more, judging by his reply to Congressman GOULD'S letter in reference to the demotion of Gen. Ansell. He is determined to demote Gen. Ansell by recalling Gen. Bethel, so that Gen. Anseli can not act as the Judge Advocate General during Gen. Crowder's absence in Cuba. The next step will be to reduce the rank of Gen. Ansell. No man who is not wholly impervious to the inhumanity of the court-martial system and to the opinion of the country could not only refuse to change the conditions but also punish the man who is responsible more than anyone else for the conditions being made known and for such steps as have been taken by the military authorities to change and correct them.

Mr. CHAMBERLAIN. There is not a word or a sentence in that public statement that I desire to retrace or retract.

I have been charged with inconsistency in criticizing the court-martial system, because I opposed adopting the amendment suggested in 1918 by the War Department. The man who could have approved of such an amendment, Mr. President, with the knowledge I had of conditions in France and in America, would have been false to the interests of our soldiers at home and abroad. Notwithstanding the views of the Secretary of War and of Gen. Crowder, the purpose of that amendment was to deceive the American people and to confer upon the military authorities absolute and unconditional jurisdiction over the men composing the Army of the United States. Of course I did not stand for it; neither did the House stand for it; nor was it ever insisted upon again, because the people had come to understand just what it meant.

That did not end the controversy. No question is ever settled in law or in morals until it is settled right. This question has not been settled right, and the American people are not going to be satisfied until it is settled right.

The matter dragged along during the year 1918, and it is being considered and discussed in both branches of Congress still. It will continue to be discussed until it is finally and properly adjusted.

Now, I am going to call the attention of the Senate to the unusual methods adopted both by the Secretary of War and by the Judge Advocate General as well. It was determined by them that by fair means or by foul they were going to keep in force a system that was concededly unjust to the American soldier. I make that as a charge, and I think I can convict the gentlemen whose names I mention out of their own mouths and by the most convincing testimony that any man can offer, and that is the evidence of their own handwriting and over their own signatures.

Mr. President, I am going to call, as my first witness to sustain the charge that the War Department intended, by fair or by foul means, to maintain and sustain the system of military injustice, Mr. Baker himself. The Secretary of War addressed a letter to Gen. Crowder under date of March 1, 1919, couched in language that would indicate that the Secretary of War had not been in touch with the situation and did not know what was going on in the War Department when it had been under discussion for more than a year.

He starts out not by investigating but by prejudging the situation and by saying:

> I have been deeply concerned, as you know, over the harsh criticism recently uttered under our system of military justice. During the times of peace, prior to the war, I do not recall that our system of military law ever became the subject of public attack on the ground of its structural defects. Nor during the entire war period of 1917 and 1918, while the camps and cantonments were full of men and the strain of preparation was at its highest tension, do I remember noticing any complaints, either in the public press or in Congress or in the general mail arriving at this office.
>
> The recent outburst of criticism and complaint, voiced in public by a few individuals whose position entitled them to credit, and carried throughout the country by the press, has been to me a matter of surprise and sorrow. I have had most deeply at heart the interests of the Army and the welfare of the individual soldier, and I have the firmest determination that justice shall be done under military law.

How beautifully that is expressed! The whole letter is couched in tenderest language!

The criticisms referred to came from my humble self in the Senate, and from some Members of the House, and from the daily press. I have no apologies to make for those criticisms. I shall show that they compelled the reluctant War Department to loose the chains and tear off the manacles from the hands and feet of a splendid body of young men both in France and in America.

I ask that the letter may be printed in the RECORD without reading, Mr. President.

The PRESIDING OFFICER (Mr. GERRY in the chair). Without objection, it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington March 1, 1919.

MY DEAR GEN. CROWDER: I have been deeply concerned, as you know, over the harsh criticisms recently uttered upon our system of military justice. During the times of peace, prior to the war, I do not recall that our system of military law ever became the subject of public attack on the ground of its structural defects. Nor during the entire war period of 1917 and 1918, while the camps and cantonments were full of men and the strain of preparation was at its highest tension, do I remember noticing any complaints either in the public press or in Congress or in the general mail arriving at this office. The recent outburst of criticism and complaint, voiced in public by a few individuals whose position entitled them to credit and carried throughout the country by the press, has been to me a matter of surprise and sorrow. I have had most deeply at heart the interests of the Army and the welfare of the individual soldier, and I have the firmest determination that justice shall be done under military law.

I have not been made to believe by the perusal of these complaints that justice is not done to-day under the military law, or has not been done during the war period. And my own acquaintance with the course of military justice (gathered, as it is, from the large number of cases which in the regular routine come to me for final action) convinces me that the conditions implied by these recent complaints do not exist and had not existed. My own personal knowledge of yourself and many of the officers in your department and in the field corroborates that conviction and makes me absolutely confident that the public apprehensions which have been created are groundless. I wish to convey to you here the assurance of my entire faith that the system of military justice, both in its structure as organized by the statutes of Congress and the President's regulations, and in its operation as administered during the war, is essentially sound.

But it is not enough for me to possess this faith and this conviction. It is highly important that the public mind should receive ample reassurance on the subject. And such reassurance has become necessary, because all that the public has thus far received is the highly colored press reports of certain extreme statements, and the congressional speeches placing on record certain supposed instances of harsh and illegal treatment. The War Department and its representatives have not been in a position to make any public defense or explanation and have refrained from doing so. The opportunity recently afforded the members of your staff to appear before the Senate Committee on Military Affairs has been an ample one, and it has furnished, I hope, entire satisfaction to the members of that committee. But of the proceedings of that committee I perceived no general public notice; the testimony, when published, will be somewhat voluminous, and its publication will not take place for some time yet, and it will certainly not reach the thousands of intelligent men and women who read the original accounts. And yet it is essential that the families of all those young men who had a place in our magnificent Army should be reassured. They must not be left to believe that their men were subjected to a system that did not fully deserve the terms law and justice. And this need of reassurance on the part of the people at large is equally felt, I am sure, by the Members of Congress in both Houses, who have, of course, not yet become acquainted with the proceedings before the Senate committee. It is both right and necessary that the facts should be furnished. It is indeed a simple question of furnishing the facts; for when they are furnished I am positive that they will contain the most ample reassurance.

Those facts are virtually all in your possession, on record in your office. I am aware that they are voluminous, and that a complete explanation and answer to every specific complaint is impracticable. But I believe that you are in a position to make a concise survey of the entire field and to furnish the main facts in a form which will permit ready perusal by the intelligent men and women who are so deeply interested in this subject.

I have been asked by a Member of the House of Representatives to furnish him with such a statement. And I am now calling upon you to supply it to me at your early convenience.

Faithfully, yours,

(Signed) NEWTON D. BAKER,
Secretary of War.

To Maj. Gen. E. H. CROWDER,
Judge Advocate General,
War Department, Washington, D. C.

Mr. CHAMBERLAIN. Note this language in the body of the letter:

> I wish to convey to you here the assurance of my entire faith that the system of military justice, both in its structure as organized by the statutes of Congress and the President's regulations and in its operation as administered during the war, is essentially sound.
>
> But it is not enough for me to possess this faith and this conviction. It is highly important that the public mind should receive ample reassurance on the subject. And such reassurance has become necessary, because all that the public has thus far received is the highly colored press reports of certain extreme statements and the congressional speeches placing on record certain supposed instances of harsh and illegal treatment. The War Department and its representatives have not been in a position to make any public defense or explanation, and have refrained from doing so.

How innocently does the Secretary get around the situation! And no opportunity to make any public defense in explanation! And yet every once in a while and as often as they expressed a desire to come before any committee of the House or Senate they had an opportunity to do so.

On the 8th day of March, 1919, Gen. Crowder answered the letter of the Secretary of War. In that letter he undertook again to criticize those who complained of the system and to insist again that everything was lovely in his department and even and exact justice done to all. I ask that that letter be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, March 8, 1919.

MY DEAR MR. SECRETARY: I was very glad to receive your letter of March 1, calling upon me for a brief statement of the facts concerning the organization for and the practice of the administration of military justice during the war. I agree heartily with you that there has been no opportunity for our people to hear through the press more than reports of fragmentary and inflamed criticisms based on sensationalized allegations, and that they are entitled to a statement of the case as it is recorded in and viewed by the department.

The circumstances that have most amazed me in my following of the press reports are that the public interest has been carried and sustained by a supposed controversy between myself and an officer of my department, Gen. Ansell, and yet that the exceedingly small margin of actual controversy is entirely lost to sight in a murk of supposed instances of harsh or unjust treatment of soldiers which bears little or no relation to Gen. Ansell's lack of concurrence with the views of the War Department. I think, therefore, that a clear statement of the organic basis of that difference of opinion will go far to clear the atmosphere and

leave us in a position to discuss separately the allegations of harshness or injustice.

Gen. Ansell contends that there is a fault in the organic structure of the court-martial system in the fact that after a man has been tried by court-martial and the record of trial has been reviewed by the authority that appointed the court (usually a military officer of high rank) and by him finally approved and carried into execution there is no further appellate body or officer who can review the appointing officer's review and modify, affirm, or reverse his action.

With this I agree, and there is no controversy about it. I submitted and you approved in January, 1918, a draft of legislation vesting such a further appellate or reviewing power in the President. The draft was introduced, and died in the Senate Military Committee, which no doubt considered it of less actual importance than other pressing business of the war. If this were the only alleged difference of opinion within the department, therefore, it vanishes with this simple statement, and it is difficult to perceive a cause for unusual interest.

The storm centers, however, about three briefs—two from Gen. Ansell and one from myself—to you. Strange to say, these briefs were not addressed primarily to the desirability of such a power of review. That is conceded. They were addressed solely to the question of whether that power had not actually been granted by section 1199, Revised Statutes—a law that had been on the statute books for 55 years, with but a single attempt to deduce from it the grant of so broad a power in any officer of the Government. That single attempt was made in a desperate effort to obtain the release of a convicted soldier by habeas corpus. The precise question on which Gen. Ansell and I do not agree was carried into a circuit court of the United States and there decided once for all in a manner binding on all administrative officers sworn to execute the law as they find it. I shall not prolong this statement by discussion of that question. That any administrative officer would be justified in finding in the unequivocal language of a statute so old, against the reasoned judgment of a Federal court and the administrative practice of 55 years, a hidden meaning revolutionizing the entire system of military justice is simply preposterous. Gen. Ansell's argument was an eager, earnest plea for a forbidden short cut based on expediency rather than on reason. With the desirability of such an appellate power in the President you agreed, and forthwith requested it of Congress, which alone could grant it. Countenance of a plan to play ducks and drakes with a statute of the United States you refused. The briefs are in the CONGRESSIONAL RECORD or in the reports of committee hearings, and they may confidently be left to the reading of any fair-minded man—lawyer or layman. That thread of the story is at an end.

But if the controversy is not over the advisability of such an appellate power and not in a substantial sense in the famous briefs, where is it? It lies in this: First, that Gen. Ansell believes that the power, when granted, should be vested in the Judge Advocate General, and that a complete judicial system with faithful analogies to the organization and procedure of civil courts should be substituted for the present simple and direct system of Army discipline, while the department believes that the power should be vested in the President; that with such a grant of power the faults of the existing system will be completely removed with the exercise of those powers and with the improvements that have been instituted in the last two years.

These are the real issues and the only ones.

The case is one of technical ramifications, and I am sorry that limitations of space will not carry to the American people the wealth of fact and argument to be found in the files of the department. Each of the points of controversy must be discussed briefly and without avoidable technicality.

What is proposed is to carry the principles of the civil code and civil court principles of procedure into our military system. Appeal is made to the Anglo-Saxon conviction of the net desirability for the guarded procedure, the technicalities of indictment and pleading, and the stays, delays, and rights of appeal, which characterize our criminal courts. The real effect of such a change has not been examined, but it is, in fact, a divorcement of the power to control discipline from the power to command armies. Indeed, an analogy has been suggested between an army and a government, and it is urged that our governmental distinction and separation between the executive and judicial system must be carried into the Army, and that no commanding officer should be permitted to appeal to the disciplinary measure of trial by court-martial without the concurrence of his law officer or judge advocate, who should be, and usually is, a man learned in the technicalities of civil practice. Thus, if a division commander intrusted with a major part of the Argonne offensive had contumaciously declined to carry out his part of the general plan, he could not be brought to trial by Gen. Pershing unless the judge advocate of the American Expeditionary Forces concurred.

Our civil code is good. It protects our most sacred liberties, but gentlemen who contend that it should be substituted for our military code—which is also good—forget that the purposes of the two systems are diametrically opposed. The civil code is designed to encourage, permit, and protect the very widest limit of individual action consistent with the minimum necessities of organized government. The military code, and especially our military code, is designed to operate on men hurriedly drawn from the liberal operation of the civil code, and to concentrate their strength, their thought, their individual action, on one common purpose—the purpose of victory.

The common purpose is the plan of action. The plan of action can not be, as we have heard it is in the Bolshevik army, the debated sense of the Army. The plan of action is and must be the plan of the commander. Therefore individual liberty of action inconsistent with that common purpose must be restricted. The military code is designed to accomplish that purpose.

The truth is—and our people have lately seen it demonstrated in a thousand ways—that peace and war both demand sacrifices of individual liberty to a common purpose, but such sacrifices in war are infinitely greater in number and degree than they are in peace. The soldier, from the day he dons his uniform, must be prepared to sacrifice much of his old freedom of action, and, indeed, he swears to do so in his oath to obey the orders of his commander.

What is the essence of all this? It is that for the purposes of peace we demand an intricate legal system, even at the cost of technicalities, delays, and abstruse rules of law; we demand the admirable system of checks and balances that is illustrated by the divorce of our executive from our judicial system. We intrust ourselves to these devices rather than to the fairness and justice in the hearts of men. The very nature of war is such that men forget the sordid views that made those checks and balances necessary. They give the Nation, willingly and eagerly, their fortunes and their lives, and in such a time of patriotic exaltation we willingly give over, and the peril is such that we must give over, this adherence to artificial safeguard of complex rules and trust our individual rights more and more to the principles of humanity, honor, and justice in the breasts of our fellow citizens who are offering their lives and fortunes, as we are offering ours, to the perpetuation of our institutions and for the common good. On this theory the soldier is remitted to the simple and direct procedure for the enforcement of discipline in the Army. His court has its inception in the old courts of chivalry and honor and the essential principle remains. His conduct is taken before his comrades who determine whether it is the conduct of a soldier or no.

In this lies the difference between the systems for civil and military justice. The War Department naturally adheres to the latter system. It repels the thought of an army in the field with two commanders—one in charge of its discipline and one in charge of its strategical and tactical maneuver. The picture is, to the student of war or to the man with the slightest familiarity with things military, nothing less than ridiculous.

I should be willing to rest with this statement were it not that it has been said that without such a radical change as is proposed, we have witnessed atrocities of injustice, and that they are traceable to faults in the existing system of military justice. I have said that there is one such fault. That fault is imposed by a statute of the United States. I presented it to Congress for correction and it was not corrected. The fault lies not in the lack of a civil judicial system, but in the lack of a power to reverse, modify, or affirm the action of a military commander on the findings and sentence of a court-martial. I think we have disposed of the contention that the power should lie in the Judge Advocate General. It should lie in the President.

But what actual harm has resulted from this fault? I have covered the facts in my letter to you of February 13. I can not repeat them here. It is only the executed portion of a sentence that the present power of the President does not reach. In order that such power as he now has may reach every case of injustice, excessive sentence, and illegality appearing in a trial by general court-martial, a mechanism has been created in the office of the Judge Advocate General that gives, I venture to say, a scrutiny more far-reaching and exacting than is possible under any civil system under the sun. I shall not repeat its description or its record as shown in my letter to you of February 13, but I shall content myself with an assertion that I stand upon its record and that its record is complete and open to the public.

That mechanism added to the power of final review in the President asked for over a year ago will make the system such that I am willing to stand or fall by it.

So much for the controversy that has been magnified in the press and on the floor of Congress. This statement would not be complete, however, without reference to the allegations that have shocked the Nation and in respect of which the Nation is entitled, most of all, to assurance. It is asserted and attempted to be established by example that the sentences of courts-martial during the war have been atrociously severe.

Let me say, first of all, that the criticism that they are severe is not a criticism of the system of military justice, it is not a criticism of my administration of that system. It is a criticism of the officers who imposed, for instance, sentences of death for sentinels convicted of sleeping on post, for soldiers willfully and contumaciously refusing to obey the direct orders of their commanding officers, and for desertion in time of war, and it is a criticism of the Congress which authorized a death penalty, in plain statutory terms to be assessed on convictions for these offenses. I do not mean to say that if criticism in the connection is due I am immune. I am not. I agree with the statute and shall defend it, but I am not responsible for it.

Considering the charges from the standpoint of the officers who assessed the sentences, let us see who they are. Are they military zealots—men ground in an iron and heartless system until the liberal views of civil practice are ironed out of their souls? They are not. They are men taken in a general dragnet through the Nation so lately that the civilian clothes they left behind them are not yet out of style. They come from every walk of life. There are 200,000 of them. They comprise a faithful cross section of our whole people and our national life.

What is this charge of severity by them? We have seen that it can not be an indictment of the system. It is simply a difference between the opinions of well-meaning and humane critics far removed from the scene of the offenses punished and with only a partisan, inadequate, and highly colored statement of that case to guide them, and the opinions of men who considered the facts under the solemn obligations of an oath to be honest, impartial, and fair, who lived in the environment of the offense and were steeped in the reasons making it grave, and who assessed the sentence in the performance of the highest civic duty of man—the defense of home and country.

These men can not merit the indictment and diatribe that has been heaped upon their action. As Burke has said, you can indict a few individuals but you can not indict a nation. These men are a portion of the Nation—the portion that has been dedicated to death, if need be, to save the Nation from destruction. Their expression, and not that of men 3,000 miles from the field of action, is certainly the voice of the Nation on the punishments that should be meted out to men who imperil its honor and its safety.

Why should the offenses by a soldier of sleeping on a post of the guard, desertion, disobedience of orders, be punishable by death? Because cities and fortifications and armies have been lost through the drowsiness of sentinels; because armies have been disintegrated and nations humbled by desertion; because battles have been lost and peoples sold into captivity by the disobedience of soldiers.

I can not enter this discussion further. To us at home, in comfort and in present peace, it is next to impossible to reconcile the almost unanimous view of soldiers in the field or theater of war on the gravity of these and many other lesser offenses by their comrades. Therefore the execution of not one sentence of death for these things has been approved by me, and not one such sentence has been executed. Also, as I showed you in my letter of February 13, heavy sentences have been reduced comprehensively and uniformly. But even with that said, I can neither condemn the 100,000 officers who assessed the sentences, nor the law of Congress nor the system under that law that made them possible.

There, Mr. Secretary, are the main issues of principle. I shall discuss at this place neither individual cases nor minor principles that have been put in issue. They all come back to the essential bases that are here stated. I am willing at the proper time to take up either subject or any variation under either. I can defend them all to the satisfaction of any fair-minded citizen.

Hostile critics will undoubtedly assert that the observations I have submitted commit me to a support of excessive sentences, which, of course, is not true. I only speak the probable viewpoint of the officers who have assessed these sentences. But it may be said with entire accuracy that on the day the armistice was signed, November 11, 1918, no person was serving the sentence of a general court-martial who had

on that date entered upon the execution of the excessive portion of his sentence. As you are aware, shortly after my resumption of full charge of the office of the Judge Advocate General I recommended the convening of a board of clemency to undertake with the greatest expedition the adjustment of war-time punishments to peace-time standards, and that an admonition was issued, upon my recommendation, to courts-martial and reviewing authorities, both at home and abroad, to conform, unless special reasons influenced them to a contrary course, to the limits of punishment observed in time of peace.

I come now, with the utmost reluctance, to a few distasteful paragraphs of personal vindication. My motives and my actions have been attacked, and I have been advertised as having hampered the efforts of Gen. Ansell. I have been set off against him as reactionary.

It has been said that the present military code is archaic. I merely say that I began what proved a tedious and heart-breaking task of years to obtain a complete revision of the old military code early in my service, personally conducted that task beginning with my appointment as Judge Advocate General, and at the end of four annual disappointments obtained its complete revision in 1916.

During much of this time Gen. Ansell was one of the most promising and trusted officers in my office. During all the time that the code was in revision he never suggested to me, nor, so far as I can learn, to anyone else, any of the changes he is suggesting now. He participated in preparing the manual for courts-martial which was based upon the new code, but he advanced none of these new views.

Indeed, the first time that I was advised of such a view was in November, 1917, on the occasion of his presenting to you—not through me and entirely without consulting me—the first of the elaborate briefs about which so much has been made.

It has been charged that, as a result of that brief an order designating him as Acting Judge Advocate General was revoked, and further that he was relieved from his duties of supervising the administration of military justice. Nothing could be farther from the truth. He was never relieved from his duties supervising the administration of military justice except to take a trip to France, which he was eager to do, and this was considerably after the submission of the brief, and after the revocation of the order appointing him Acting Judge Advocate General and relieving me of my functions. That order was killed before I knew anything about the brief. It had never been published. It had been obtained by him from the Chief of Staff without consulting you and without your knowledge, and it was revoked by you because it was contrary to your wishes.

Gen. Ansell asked me in a formal written memorandum to help him secure an order appointing him Acting Judge Advocate General in charge of my functions. I did not wish to be relieved, but did not wish to embarrass you. I therefore replied in writing that he could take the matter up directly with the Secretary of War in his own way. He did not take the matter up with the Secretary of War at all. He took it up with the Acting Chief of Staff, with the remark that I concurred. Upon this showing the Chief of Staff marked the draft of an order that Gen. Ansell had prepared for suspended publication. By accident I learned of this order. This was before I had any intimation from any source of the preparation of the first brief, or any intimation that Gen. Ansell had reached a conclusion as to the desirability of an appellate power in the Judge Advocate General. I called your attention to the circumstance, and you directed that the order be not published.

While it is true that Gen. Ansell's attempt to secure an order giving him my functions as Judge Advocate General was concurrent with his preparation of a brief urging a revolution in the military system and his circulation of a document of such grave consequence among every officer in my office without giving me the slightest information of his efforts, it is not true that I knew of the brief until after you directed the rescinding of the unpublished order appointing him Acting Judge Advocate General. But I deem it unnecessary to enter this field of accusation further and discuss the many issues of fact which have been raised, as I am informed that the Inspector General of the Army has been designated to conduct a thorough investigation and make all the ascertainments of fact that are necessary to elucidate the administration of military justice during the war period.

(Signed) E. H. CROWDER,
Judge Advocate General.

Mr. CHAMBERLAIN. Notwithstanding the statement of the Secretary of War that they had no opportunity to come before the public with their views, while impulsive and uninformed Congressmen were indulging in criticisms which were not just, that letter of Mr. Baker to the Judge Advocate General and the letter of the Judge Advocate General to Mr. Baker were released on the 10th day of March, 1919, and printed in full in all the newspapers of the country. I have no objection to that, Mr. President. I do not consider it lese majesty to criticize either Gen. Crowder or Mr. Baker, and they have the same right to criticize their critics. It is the right of every American citizen to criticize the acts of a public servant, even if he wears a uniform.

The remarkable thing about this letter was this: Immediately upon its publication, and on the 11th day of March, 1919, Gen. Ansell, who was largely responsible for calling attention of the right of these soldiers to a fair and just trial, addressed a letter to the Secretary of War giving his views of the law and his version of the controversy and asking that it might be given the same publicity that Gen. Crowder's letter was given.

Now, Mr. President, if the Secretary of War had intended to be fair, he would have given it the same publicity as he did the Crowder letter, because as a great public servant administering the War Department he ought to have been interested only in getting the truth before the American people. Now, it happened that the Secretary of War, with his Chief of Staff, was visiting the cantonments throughout the country, a very laudable thing to do. I wish he might have visited the prisons here and in France; maybe he did; I hope that he did, but I have not heard of it if he did. I immediately indited a letter to the Secretary of War and asked that I might be furnished with a copy of Gen. Ansell's letter. The Assistant Secretary of War, Mr. Crowell, courteous at all times, sent me a copy of the Gen. Ansell letter, but stated he was not at liberty to publish it or to act on Gen. Ansell's request that it be given the same publicity as Gen. Crowder's letter. It was a complete answer, it seemed to me, to the letter of the Secretary of War and of the Judge Advocate General.

Then, in the hope that the Secretary of War might be induced to let this go to the public, so that the public might have an opportunity to hear both sides of the controversy, I wired to him on March 16 making the same request at San Francisco, Calif. Mr. President, Gen. Ansell's request was refused, my telegram to the Secretary of War was refused, and here is what he said in his answer to my telegram:

> Your telegram received. More than a year ago I asked of the Military Committees, both Senate and House, legislation to correct the evils in present court-martial system. I shall renew request when Congress reassembles. There would seem to be, therefore, no controversy on the merits of the subject. Have not seen letter in question and can not imagine any reason why my consideration of it on my return will not be time enough.

In the meantime the Judge Advocate General had revised and much amplified his letter, and the Secretary of War was giving the greatest publicity to the Judge Advocate General's letter and his own view of the matter, and prejudicing the minds of the American people by stories in the press and by circular letters prepared by a coterie of officers of Gen. Crowder's selection, headed by a civilian lawyer in uniform at work at the Government expense, sending out over the country hundreds of thousands of these so-called Crowder and Baker defenses of the court-martial system. The Government was footing the bills for the work and for sending the matter through the mails in envelopes, in part at least, bearing the frank of a bureau which had gone out of existence with the ending of the war. I have no idea how much it cost the Government of the United States.

But we find the Secretary claiming that the military authorities had no way to get to the public, while he was expending public money maintaining a bureau in the War Department giving the people one side of this very much controverted question and paying no attention to the other side which had been submitted to him with equal force as had the side of Gen. Crowder.

His reason for not giving any other than one side of the controversy is the proposed amendment of January, 1918, which the Military Affairs Committees of the House and Senate declined to report out or to ask Congress to pass. He could see no reason, therefore, in view of the fact that over a year ago he had sent his famous amendment to Congress, why this letter of Gen. Ansell's should receive any consideration at his hands.

On the 19th day of March, 1919, after I got that telegram from Mr. Baker, I wrote him a letter, which I ask may be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

MARCH 19, 1919.

HON. NEWTON D. BAKER,
Secretary of War.

SIR: On the 16th instant I addressed you a telegram in which I asked that you give to the public a statement made by Lieut. Col. (formerly Gen.) Samuel T. Ansell, in reply to statements made by you yourself and by Gen. Crowder, the Judge Advocate General of the Army, in which you both gave warm support and approval to the present court-martial system, and in which Gen. Crowder besides indulged in severe personal criticism and accusation against Gen. Ansell, who in testimony recently given before the Senate Committee on Military Affairs had condemned the existing system of military justice and the administration under it. I asked you to make the statement public, primarily because it was a clarifying contribution to the subject now agitating the people, to which the people are entitled, and, secondarily, because it was only fair and just to this officer that you should do so. I believed that you would make this statement public, and do so immediately, in order that the people might have the opportunity of considering it as nearly contemporaneously as possible with the opposing views publicly expressed by you and the Judge Advocate General. In that I am disappointed.

I have just received from you the following telegram:

"Your telegram received. More than a year ago I asked of the Military Committees of both the Senate and House legislation to correct the evils in the present court-martial system. I shall renew the request when Congress reassembles. There would seem to be, therefore, no controversy on the merits of the subject. Have not yet seen the letter in question, and can not imagine any reason why my consideration of it on my return will not be time enough.

"(Signed) NEWTON D. BAKER,
"Secretary of War."

It is painful to me, Mr. Secretary, to find you fencing upon a question which means so much to the tens of thousands of enlisted men who have suffered injustice under the present system, a question which means so much to you, the Army, the Nation. In the instant telegram you say that more than a year ago you recognized the evils of the present court-martial system and requested legislation to correct them, and that inasmuch as you intend to renew that request, there can be no controversy on the merits of the subject.

Your present recognition of existing evils of the court-martial system is strangely irreconcilable with your published statement no more remote than March 10. In that statement of warm approval of the existing system, you seemed blind to any deficiency. You say therein:

"I have not been made to believe by a perusal of these complaints that justice is not done to-day under the present law, or has not been done during the war period, and my acquaintance with the course of military justice—gathered as it is from the large number of cases which in the regular routine come to me for final action—convinces me that the conditions implied by these recent complaints do not exist and had not existed."

You further say that you are "absolutely confident that the public apprehensions which have been created are groundless." And then you put the capstone upon your monumental confidence in the system by further saying:

"I wish to convey to you here the assurance of my entire faith that the system of military justice, both in its structure as organized by the statutes of Congress and the President's regulations and in its operation as administered during the war, is essentially sound."

And finally you call upon the Judge Advocate General to make a statement for the purpose of reassuring the people who "must not be left to believe that their men were subjected to a system that did not fully deserve the terms of law and justice"; and then you conclude, rather lightly, that after all it is but "a simple question of furnishing the facts, for when they are furnished I am positive that they will contain the most ample reassurances." On March 10 you were blind to any deficiencies in the existing system, as, indeed, the evidence abundantly shows you have been deaf throughout the war to complaints about the injustice of this system, complaints which should at least have challenged your earnest attention rather than provoked your undisguised irritation.

But, as you say, you did propose certain legislation to the committees which they did not see fit to recommend for enactment and which, very fortunately, did not become law. I can hardly believe that that bill, prepared by the Judge Advocate General of the Army and submitted by you, was a bona fide effort to reform the existing system, and the slightest consideration of the bill will show that had it been enacted into law it would have made the system even more reactionary, if possible, than it is now. I can hardly believe that this was a bona fide effort at reform, because you already had had an opportunity to establish in your department a legitimate and necessary revisory power over and supervision of courts-martial procedure. Gen. Ansell was at that time Acting Judge Advocate General of the Army, and his opinions were entitled to be respected as such, and in all other matters they were so respected.

In order to keep courts-martial procedure within just and legal limitations he wrote an office opinion, in which he clearly demonstrated that this power of supervision was to be found in existing law, and in that opinion all the officers of the department, among whom were many most distinguished lawyers from civil life, concurred. And yet, in order that that opinion might be overruled and that you might rely upon the theory that you were entirely without power, you either ordered or permitted Gen. Crowder himself, who was not at that time connected with the office, to return thereto and write for you an overruling opinion, which you approved, and in doing so voluntarily denied that it was your right and duty under existing law to supervise the system. You approved the opinion of the Judge Advocate General, which was to the effect that this supervisory power did not exist, and, furthermore, ought not to exist, inasmuch as the law military is the kind of law that should be left to be executed at the will of the camp commander. If you had really desired to establish a legitimate legal supervision of courts-martial you could have done so simply by approving the opinion of the Acting Judge Advocate General, which was not a personal opinion, but was an office opinion, which in ordinary course of administration would have been adopted. Advised to do the proper thing by your chief law officer and having been shown by him the way to do it, you declined to do so upon some slight legal technicality. This is evidence to me that you did not desire to do so.

You supplanted the officer who had seen fit to call to your attention at the beginning of the war the necessity of keeping the strictest supervision over courts-martial procedure, by an officer who contended that such supervision was not necessary, and that such supervision would derogate from the power of the commanding officer and destroy discipline. You elbowed aside the one officer who even then had the courage to condemn the system and the prevision to point out its terrible results, Gen. Ansell, and took into the bosom of your confidence a trio of men who are pronounced reactionaries—Gen. Crowder, the then Acting Chief of Staff, and the Inspector General—the last named of whom is even this day engaged, by your order, in a so-called "investigation" designed, in my judgment, to destroy the man who exposed the injustice of the present system. You accepted those views. But, in order that any future responsibility might be shifted from your shoulders to Congress, you presented a bill which, even if you did not, your advisers did, know could not be passed. Your advisers did not wish any modification of the existing system. They and you declined to accept the views of the Acting Judge Advocate General that would have gone far toward alleviating the situation on the ground that those views were not fully justified by the letter of the statute. You were thus solicitous that your power be found in the letter of the statute. And yet in the very bill proposed you asked for the power of suspension of sentences, when you were already suspending sentences by administrative order without one word of legal authority therefor.

There is another evidentiary circumstance that indicates the effort was not made in good faith, but was simply designed to allay public apprehension and inquiry by the appearance of doing something. It is shown by the records of your department that the Judge Advocate General of the Army, in correspondence with the senior officer of his department in France shortly thereafter, said, with respect to an administrative makeshift which he had proposed for adoption, and which you did adopt, that it was necessary to do something to head off a threatened congressional investigation, to silence criticism, to prevent talk about the establishment of courts of appeal, and to make it appear to the soldier that he did get some kind of revision of his proceedings other than the revision at field headquarters. How can it be said that such an attitude of mind is consistent with an honest desire to alleviate the situation? It is significant also that your interest upon this subject was not such as to produce that active participation of the department which characerizes its efforts when it desires to secure legislation.

The bill to which you refer and the nonenactment of which you plead as shifting the responsibility for the maladministration of military justice from you to Congress, if honestly submitted, is conclusive evidence that you yourself are entirely reactionary or that you have been imposed upon and deceived by advisers who are. That bill is Senate 3692, and provides, so far as immediately pertinent to this discussion, that section 1199, Revised Statutes, be amended to read as follows:

"The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and report thereon to the President, who shall have power to disapprove, vacate, or set aside any finding, in whole or in part, to modify, vacate, or set aside any sentence, in whole or in part, and to direct the execution of such part only of any sentence as has not been vacated or set aside."

Do you really know, Mr. Secretary, the purpose and legal effect of that bill? In the first place, it would have to be construed together with that statute which makes the Chief of Staff the trusted military adviser of the President and Secretary of War, whose authority he habitually exercises, on the one hand, and places him in supervision and control of all bureau officers, including the Judge Advocate General of the Army, upon the other hand. The President's power, therefore, as a matter of law, over the control of courts-martial cases would under that bill be habitually exercised by the Chief of Staff, an ultramilitary official, without the slightest competency to pass upon those errors of law which prejudice the rights of the accused and thereby render it necessary to modify the judgment and with a disposition to disregard such rights. And also, the Chief of Staff, and not the President, would be the one to exercise this power, in fact. There were some 350,000 courts-martial from the time we raised the new Army until July 1 last. Nobody would expect the President to review such a number or any appreciable part of them. Nobody, indeed, could expect the Chief of Staff himself to do so. The work would have to be intrusted to some military minion, inexperienced in law and the administration of justice, and whose training had disqualified him for such functions.

The Judge Advocate General, when he appeared representing you before the Military Committee, admitted that this would be the course of administration and contended that the Chief of Staff ought to have that power. He said that that was necessary in order to maintain discipline.

But worse than this, that bill would authorize the Chief of Staff to disapprove, vacate, and set aside a finding of "not guilty" and substitute upon his review of the evidence a finding of his own. Notice the language is that he shall have the power to disapprove, vacate, or set aside "any finding" and also to modify, vacate, or set aside "any sentence." This is a power which ought not to be granted to any man, and I feel safe in saying will never be granted by Congress. This alone was sufficient not only to condemn the bill in the mind of Congress, but to show the attitude of those who proposed it. Do you believe, Mr. Secretary, that the President of the United States, the Secretary of War, the Chief of Staff, or any other official, should have the power to set aside an acquittal and substitute for it a conviction, or to set aside one sentence and substitute for it a harsher one, or to set aside a finding of guilty of a greater one? That is what the bill which you proposed authorizes.

But the bill further provides "that the President may return any record through the reviewing authority to the court for consideration and correction." This power is on a par with and supplemental to the absolute power which I have just referred to. If the Chief of Staff were not satisfied with a finding of "not guilty," he could return the record to the court-martial with instructions to make a finding of guilty. If not satisfied with a light sentence he could instruct the court to award a heavier one. If not satisfied with a finding of guilty of a minor offense, he could instruct the court to find the accused guilty of a more serious one. Do you believe that the President, the Secretary of War, or the Chief of Staff, or any other official, should have such power? If you stand for that bill you evidently do.

The Judge Advocate General, who appeared before the committee in representation of your views, testified:

"I want the President authorized to return the record which we get here, back through the convening authority to the trial court, and ask a reconsideration of their action, so that he may proceed, if he desires, upon the revised findings of the court, and thus make the court participate with him in the final judgment."

When asked the question whether a commanding general could disapprove a finding of not guilty and send it back, he said:

"Yes; when in his opinion the finding is not sustained by the evidence"; and he argued that that power was necessary to the maintenance of discipline, was now possessed by all commanding officers, and ought to be possessed by the President and Chief of Staff. In further argument sustaining that view he said with respect to cases in which very small sentences had been awarded:

"I do not know anything that could attack discipline more if the commanding general, who is also the reviewing authority, or the Secretary of War, or the President, who will become the reviewing authority of that class of cases under this legislation, could not invite the attention of the court to the effect of such a sentence upon the discipline of the Army generally. I do not think this power would have survived throughout the centuries if it were intrinsically wrong."

Obviously he was unaware that this is one of the few countries in which such a barbaric practice has survived. These views you doubtless approved, inasmuch as in your letter to the committee you invited it to hear the views of the Judge Advocate General in explanation and support of the proposed legislation.

For the moment, at least, you now conceive that there should be a power of revision. That, to use your language, is "structural," "organic." The lack of a proper revisory power is a lack of legal control at the top. There are many other deficiencies of the same character. There is an absolute lack of legal control at the bottom and throughout the proceedings. You have said that the cases that come to you in regular routine convince you that the complaints against the system are groundless. Unfortunately, Mr. Secretary, you are not in touch, and apparently do not desire to get in touch, with the administration of military justice. You must know that under the existing system the Secretary of War sees and takes action only upon that relatively insignificant number of cases which are required under existing law to go to the President for confirmation. He sees none others. These few cases consist in the far greater part of a few sentences of dismissal of commissioned officers. These are not the class of cases in which appears the injustice of which I have complained. The courts-martial system is such, and the regard for rank in the Army is such, that a commissioned officer appears before a court-martial to far better advantage than does a private soldier. You do not see the system in operation. You do not see its tragic results. When you denied the department the revisory power over all courts-martial cases you denied yourself the opportunity to keep in touch with the administration of justice throughout the Army. Your knowledge is obtained from this insignificant number of cases of commissioned officers and from those persons surrounding you who are interested in supporting the existing reactionary system.

The existing system does injustice—gross, terrible, spirit-crushing injustice. Evidence of it is on every hand. The records of the Judge Advocate General's Department reek with it, and upon proper occasion

I shall show the people that this is true. The organization of the Clemency Board, now sitting daily and grinding out thousands of cases, is a confession of it. Clemency, however, can never correct the injustice done.

You have, of course, adopted the statement of the Judge Advocate General, which you invited and published. That statement is involved in as inextricable confusion and patent inconsistencies as your own pronunciamentos upon this subject. In one and the same breath it declares the system unusually excellent, and then blames Congress because it has failed to enact the bill which you proposed and has heretofore been referred to; it declares that military law can best be administered finally in the field, but at the same time argues that the system would be much improved by the establishment of a departmental appellate power; it contends that courts-martial should be subject, not to legal control, but only to the power of military command, and at the same time objects to assuming responsibility for the outrageously excessive sentences awarded when courts and commanding officers go wrong, without legal restraint. It admits that our soldiery must be hurriedly drawn from civilian life and from the operations of the more liberal civil code, but assumes that for that very reason the military law ought to be more harshly applied in order to obtain discipline. It argues that courts-martial are not courts of justice, but "courts of chivalry and honor," and concludes that since the soldier must on occasion yield up his life on the battle field, he should not be heard to complain if it be taken away by these courts of chivalry; it places courts-martial in high esteem, though admitting that they apply not the modern rules of right, but medieval principles that govern over lord and armed retainer. It says that the officers who sit in judgment upon the private soldier can not be military zealots, because it was only yesterday that they got out of their civilian clothes, but in the next paragraph asserts that they are most competent to award military punishments because of their military appreciations. It argues that the primary purpose of a court-martial is to maintain discipline, as though discipline in any real sense could be maintained in our Army without doing justice.

I beg to assure you that there is controversy on the merits of the subject. There is great difference between you and me. That would be relatively unimportant. But there is great difference between you and Congress, and there is great difference between you and the American people. I do not believe that a court-martial should be controlled from beginning to end by the fiat of military command. I do not believe that a commanding officer should order the trial of an enlisted man on a charge that is legally insufficient. I do not believe that he should order a court to overrule pleas made in behalf of an accused which upon established principles of law would bar the trial. I do not believe that the court and the commanding officer can cast established rules of evidence to the winds and insist upon the conviction of a man upon evidence that no court for a moment would entertain. I do not believe that the court and the commanding officer should be permitted to deprive an accused of the substantial right of counsel and railroad him, unheard and unrepresented, to a conviction. It was only yesterday that I was shown a record in which the counsel for the accused was intimidated from examining his superior officer as a witness by a threat made in open court by the superior officer that any question asked him, reflecting upon his credibility, would promptly bring charges against the youthful counsel. I do not believe that the conduct of a court should be controlled by a commanding officer. I do not believe that a court should be directed or instructed to reverse its finding of innocence or to impose a harsher punishment than that originally awarded. On the other hand, I believe, and I insist that the courts-martial having in their care and keeping the lives and liberties of every single one of our soldiers shall be courts of justice, acting as judges, controlled by and responsible to no man controlled by and responsible to their own oaths, and to the great principles of law which have been established by our civilization to protect an accused wherever he is placed on trial.

Surely you have been misled. Officers of your department who have supported the iniquitous system and who have imposed upon you, or most unfortunately persuaded you, have been busy preparing their defense. You have been presented lengthy reports designed to controvert the speech which I made in the Senate on this subject, which reports I have shown you to be misleading and utterly unreliable. Volumes of statistics are being prepared to show that, after all, the system is not so bad. Whether you do or not, the American people see and have the evidence; Members of Congress have the evidence. You have taken a terrible stand upon a subject which lies close to a thousand American hearthstones. The American people will not be deceived by such self-serving, misleading reports and statistics. Too many American families have made a Pentecostal sacrifice of their sons upon the altar of organized injustice.

Very sincerely, GEO. E. CHAMBERLAIN.

Mr. CHAMBERLAIN. Mr. President, it is not a pleasant duty that I have undertaken to assume. It is unfortunate that in times of war Congress is so engrossed with the forward movement of troops and the preparations for their successful advancement that they forget or do not have time to take up the things that so intimately touch the homes and hearts of the American people. I have no criticism about that, but the thing that distresses me most is the fact that with the thousands of letters coming to us all Congress can not lend an attentive ear to the suggestions which are being made to reform the military code, which has been in force and effect practically since 1806, so that there may be less of injustice done to our fighting men.

But they say, "Why, as chairman of the Committee on Military Affairs in 1916, did you not suggest some of these remedies?" Mr. President, these things had not then been done; and besides the Military Affairs Committee was listening to suggestions of Gen. Crowder. That revision was, in the main, a recodification of the laws that were scattered through the statute books involving changes of phraseology and the collating of the laws upon the subject. There were only two things inserted in that recodification that really have been of great benefit to the morale of the Army, and they were the suspended-sentence law and the establishment of the disciplinary barracks, where these young soldiers can be sent instead of being sent to the penitentiary, and can restore themselves to the colors. Those changes have been of great benefit, but aside from those and one or two other minor changes there was very little done in the revision of the Articles of War in 1916.

Mr. President, I have trespassed too long upon the time of the Senate, but I want to call attention to the statement that has been made by the Secretary of War, by Gen. Crowder, and by many of those who sustain their views that there is no inherent imperfection in the system, and that no injustice is perpetrated against the soldier by the system. With at least the knowledge and indorsement of the Secretary of War, a committee of the American Bar Association was appointed to hold hearings and to make suggestions with reference to creating an appellate tribunal and to suggest proper amendments to the Articles of War. There evidently seemed to be some little fear on his part that that committee would not do its duty strictly from the military viewpoint, and so a little later on the Secretary of War, for some reason which I have not had explained to me—and I did not expect to have it explained to me—appointed a strictly military tribunal on the subject and for the same purpose. There was not so much danger from them, apparently, in the minds of the authorities as there was in the committee of the bar association. Both of those committees recommended some sort of an appellate tribunal. It is true they differed as to the constitution of that appellate tribunal, but they both recommended it, and even Gen. Crowder favored an appellate tribunal of some kind. So the very appointment and the recommendations of these distinguished men are admissions that there are defects in the system. If there are no defects in the system, structurally or otherwise, and if no injustices are perpetrated under it, why change the law at all? Why not let the system go on just as it is, with the power of life and death in the commanding officer?

Why, Mr. President, there is no stronger admission of the fact that there were and are injustices in the court-martial system than that made by Gen. Crowder when he testified before the Military Affairs Committee in February, 1919, in substance, that there would be practically a jail delivery made by him in 60 days. Why a jail delivery if there were no injustices, Mr. President? That is not done even in the case of State courts or the Federal courts; there is no general jail delivery, because there can be no assumption that the men are not being fairly punished. If these men were properly punished, there could be no need of a general jail delivery.

I commend the War Department for what it has done in releasing these young men. I commend them for having had a prison delivery. They could not let them out too quickly for me. Why, Mr. President, this Army of ours of 4,000,000 men was a cross section of the citizenship of America. It was no ordinary army. The American people are not going to stand for any system that will make possible these acts of injustice in the years to come.

Mr. President, some may say that the discussion upon which I have entered is not germane to the subject of retiring Gen. Crowder as a lieutenant general. I say if he is entitled to the credit of having made this Army possible, in view of the fact that he had the power to correct the evils and did not do it, he is responsible for the injustices that have been perpetrated against this Army, and any man from the highest to the lowest who is responsible for such things as have been done ought not to be recognized by the Congress of the United States over and above men who have performed gallant service at the front and equally with Gen. Crowder have performed gallant service in making it possible to win the war by their efforts on this side of the water.

So I conclude, Mr. President, with this summarization: First, I oppose this bill unless the amendment which I have suggested is placed on it that recognizes other distinguished soldiers. I think even then it is not a proper measure to be passed by the Congress until some committee or somebody somewhere has had an opporunity to weigh the records which have been made by the men in the Army and selections made for advancement either to the grade of lieutenant general or some other high rank. Second, I oppose the bill giving Gen. Crowder credit to the exclusion of the 192,000 civilians who stood behind him and helped him in the work of organizing our Army and making it possible. Furthermore, because he had it in his power to have adopted a system of hearing appeals and remedying the cruelties that were being practiced against the young men constituting the Army and did not do it, I oppose this measure with all the power that is within me.

Mr. McKELLAR. Mr. President, I regret very much to differ with the distinguished Senator from Oregon. For nearly three years I have served on the Military Affairs Committee

of the Senate with him. There is not an abler man on that commttee or in this body, and there is not a better man anywhere, than my good friend from Oregon. He has been a tower of strength in practically all of our war activities. He is safe, he is sane, he is honest, he is courageous, forceful in debate, logical, and one of the most lovable men in the world, and for these reasons I greatly regret to have to differ with him on anything; but I do differ with him as to the measure of honor and distinction that is due Gen. Crowder for his great services to the country in originating the draft law and in his remarkably successful execution of that law.

I want to say that I do not differ with him on the subject of courts-martial. As he knows, a measure introduced by me has been pending for quite a while to correct what I believe is the grievous defects in our court-martial system. I think the present court-martial system is a disgrace to a free and an enlightened people, and it ought to be corrected; but the fact that we have that system, and the fact that the officer at the head of the Judge Advocate General's Department has seen fit to enforce that system when it came before him, is no reason why this bill should not pass.

If I had my way, I would turn out of prison every young soldier who is there, except those who are there on account of felonies. I think we are entirely too technical in keeping them there, and the Congress ought to pass a bill changing the system; but before it even does that it ought to authorize and to require the Secretary of War to look into all courts-martial records with a view only of the equity and justice of the case, and turn out hundreds of young men who are there improperly now, or there because of small or technical violations of military law, many of whom have already served longer terms than they ought to have served. I agree with the distinguished Senator from Oregon on that subject.

This bill proposes the following:

Be it enacted, etc., That in view of the long and faithful services of Maj. Gen. E. H. Crowder, Judge Advocate General of the United States Army, and especially his conspicuous services as Provost Marshal General in conjunction with the various State and Territorial executives and the local and district boards in the execution of the selective-service law, the President is hereby authorized, when that officer retires, to place him on the retired list of the Army as a lieutenant general, with the pay of that grade as fixed by section 24 of the act of Congress approved July 15, 1870, and to grant him a commission in accordance with such advanced rank.

I say the bill ought to pass, and the reason why it ought to pass is because this officer has earned this recognition at the hands of Congress. His official record is second to none. From the very beginning he rose to the necessity of our military situation. He showed initiative. He showed a remarkable grasp of the situation. He had been well tranied for just such a task. He had the confidence of the President. He had the confidence of the Army. The people did not then know him, but they soon found him out, and he had their confidence and cooperation all along the line.

On yesterday the Senator from Oregon inadvertently, as I believe, made a mistake in saying that Gen. Crowder was not entitled to the credit for having adopted the plan of having civilian boards to pass upon and enforce the selective-draft law. As will be seen by a simple inspection of the bill, what is known as the draft bill, or the selective-service law, S. 1871, was introduced April 17, 1917, by the Senator from Oregon [Mr. CHAMBERLAIN]. That bill, as stated by the Senator, did not at that time have in it the provision for civilian boards. In section 5 it did give the President power to appoint such boards, but the civilian board provision was not specifically in the bill and was afterwards put there by the committee, as the Senator from Oregon recited, with one exception, and that exception is all important. That bill was reported from the committee on April 22. It was reported just as it was introduced. On April 23, nearly a month before the enactment of this selective-service law, Gen. Crowder wrote a letter of announcement to the governors of the States in which he set forth the plan that he had fixed to govern the selective-draft law. I am going to read an excerpt from that letter to the governors, which shows that Gen. Crowder was the real author of the plan of having civilian boards pass upon the selective-draft law—a plan that everyone admits was one of the principal reasons why the draft law was a success.

In this letter Gen. Crowder, among other things, says:

For the purpose of securing prompt replies and of orderly administration and centralization of control and for further execution of the law, a local authority supervising an appropriate number of precincts is necessary. The county is, without exception, I believe, the territorial and political subdivision into which all voting precincts integrate without overlapping. For this reason, registration in the precincts must be under supervision of a county board of control. Other reasons are these: After the registration is complete, selections of persons to be called to the colors must be made based upon the information found in the registration lists. While the class from which soldiers are to come is to be segregated by draft, the law is careful to provide for avoiding the misery that war brings to dependents at home and for a choice of those whose military service the Nation most needs and whose civil and domestic service can best be spared.

Now, listen to this:

The important duty of making the selection from the drafted class can best be performed by a permanent board in each county composed of citizens who can be relied upon to execute this solemn function with even justice and with apprehension of its gravity.

He elaborates the scheme. On April 23, or later, the very scheme that he elaborated in this letter was put in the bill. Now, I am a member of the Military Affairs Committee, and I do not want to take away from that committee one particle of credit that properly belongs to it. The committee did insert it, but it inserted it after it had been originated or created by Gen. Crowder, and he is entitled to the entire credit of it.

It has been suggested, as a reason why we should not give this honor to Gen. Crowder, that political reasons have actuated him at times. I do not know whether that is true or not. In my dealings with him I have never seen any suggestion of that in his conduct; but I want to say that that kind of an argument comes with poor grace at this time. A Democratic administration used the services of Gen. Crowder during the war; and surely after having used Gen. Crowder's services to organize the greatest army that was ever organized in the history of the world there is no reason why, as Democrats, we should not be generous enough to give him the credit that is due him. I want to say, looking at it in that light, and remembering what Gen. Crowder has done, that political considerations do not weigh with me in the matter. He has rendered a vitally patriotic service and rendered it in such a manner as to win the approval of thinking men all over the country, and he should receive his reward.

Now, Mr. President, what has Gen. Crowder done? Everybody who knows the history of his country is familiar with the draft law that was attempted to be put into force in the Civil War—a constant series of mistakes, one after another. It was the most difficult thing in the world to conscript men in the late Civil War on both sides. It was thought by many of us—and I was one of those who thought so—that it would be difficult to enforce the draft in this war, and I believe it would have been difficult to enforce in this war but for the peculiar genius of Gen. Crowder.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WARREN. Years ago, when I first knew Gen. Crowder, while he was yet a young junior officer, I talked to him about the very subject that the Senator has now mentioned—the draft in the Civil War. The subject of a possible draft thereafter was on his mind; and I know that he had gone over the subject years and years ago in all its particulars of application and minutiæ, so that, next to experience itself, he was prepared, to the very limit that any man could be prepared, for the exigency in which he did so well and for which he made such splendid provision.

Mr. McKELLAR. Mr. President, it was a great undertaking to draft into the service of the United States the nearly 4,000,000 men who were drafted into it. I believe nearly 5,000,000 either were drafted or prepared for the draft. It was a tremendous undertaking to select these men in such a way as not to break down the industries and the productive enterprises of the country. It was a task that seemed to many men almost impossible of successful carrying out. It was put into the hands of Gen. Crowder, and by his diplomacy, by his endeavors to be fair, by his building up of the local civilian boards, by his cooperation with the local authorities, by his cooperation with the various governors of the States, I say without fear of successful contradiction that that plan of conscripting our boys in the Army has succeeded as no other plan has done in the history of the world in any nation. The local draft boards and the district boards all over this country learned to admire and respect the fairness and the ability of Gen. Crowder. Almost to a man they have felt that he was entitled to honor at the hands of the Congress, and I have received many petitions from my State urging that some honor should be done Gen. Crowder. Mention is made that Gen. Crowder never has been across the seas in this war as a reason why this bill should not pass. That is not his fault. He performed a greater work here than he could have possibly performed across the ocean. There are few men who could have performed it in the satisfactory way that Gen. Crowder has performed it.

I say it was just as important to secure this Army at home, to build it up and put it in motion, as it was to use it and operate it after it had been built up and put in motion. The whole country a year ago was filled with praise for Gen. Crowder for the great work he had done. But since the war is over—like many people—Senators forget the great services that some of our officers actually performed in time of stress.

I do not know what the Senate is going to do with this bill. It may reverse itself. Men may go back on their records. I do not know. But more than a year ago I offered an amendment, as I recall, to one of the military bills, in which it was provided that Gen. Crowder should be promoted to the rank of lieutenant general, and this body overwhelmingly voted in favor of Gen. Crowder at that time. I think there were only 6 votes cast against the amendment. What has happened since to render him any less worthy? If he has faults, we knew them at that time. If there were objections, we were fully advised of the objections, because Gen. Crowder was then in the public eye as perhaps no other man in this country has ever been. There are no reasons why he should not be accorded this honor. I think the two outstanding officers of the Army in this war have been Gen. Pershing, who had charge of our Army on the other side, and Gen. Crowder, who created it on this side. I say that without reflection upon any of the other splendid officers who have earned great reputations in this war. But, preeminently and above all others, Gen. Pershing on the other side is entitled to the greatest credit and Gen. Crowder to the greatest credit on this side.

But it is said that, by reason of his acts as Judge Advocate General, he ought not to have the honor; that whatever of credit he was entitled to has been negatived by his acts as Judge Advocate General in court-martial cases. I do not subscribe to that view, and I want to say why. During the war Gen. Crowder practically had nothing to do with the Judge Advocate General's department. That was in the hands of the Acting Judge Advocate General, Gen. Ansell, in that department. He was responsible for its acts more largely than Gen. Crowder, and should be held responsible now if wrongs were committed in that department, because he virtually had charge of it all during the war.

An amendment has been offered to kill this bill. It is by way of proviso, and reads as follows:

Provided, That these officers of the Army who now hold, or previously during the recent war held, the rank herein set before their respect names, to wit, Lieut. Gens. Hunter Liggett and Robert L. Bullard, and Maj. Gens. James W. McAndrews, James G. Harbord, Ernest Hinds, Merritte W. Ireland, Harry L. Rogers, William C. Langfitt, William L. Kenly, Henry P. McCain, Charles P. Summerall, and Leonard Wood shall, when retired from active service, have the rank of lieutenant general and the pay hereinbefore provided for an officer retired with said rank.

Mr. President, no such amendment ought to be agreed to. There are some names here of men who are entitled to recognition by Congress. Certainly Gen. Liggett and Gen. Bullard, two of the ablest and best generals in the Army, who fought on the fields of France, are entitled to the highest rewards. But this is no way to give it to them. They ought to have it on their own merits, not as a proviso but in a bill introduced for the purpose, just as we have a bill for Gen. Crowder. I have known Gen. Bullard practically all his life, and there is not a better or more splendid soldier or man in this country, and no man for whom I would rather vote to honor. But this is not the way to honor him. It is a left-handed compliment at best, and a left-handed promotion. I want Gen. Bullard honored in the same manner this bill would honor Gen. Crowder.

Here is another on the list, Maj. Gen. Henry P. McCain, a splendid officer during this war, who made one of the best records of any officer of the Army, and who is entitled to be rewarded. But he ought to be rewarded on the merits of Henry P. McCain, and not as a sop thrown to him in any such manner as provided in this proviso. Some of these names on this list are not entitled to honors equal to those which should be accorded to Gen. Crowder. But even if they were, the honor should not be given in this way. I think the amendment ought to be defeated. I think the bill ought to be passed. I think it is a proper bill. I think Gen. Crowder has earned this reward by faithful, intelligent, and splendid service, and it makes no difference what we think of him personally, it makes no difference what we think of him politically, it makes no difference about what his shortcomings may be; he has served his country in one of the greatest crises that was ever before it, he has served it in such an unusual manner as to win the plaudits of the American people, and it is as little as Congress can do to carry out their will and give him this reward that he has earned for himself. I earnestly hope that this just measure will overwhelmingly pass the Senate, just as it did more than a year ago when I introduced it.

Mr. SPENCER. Mr. President, 24,234,021 men were enrolled in the selective-service draft of the United States. It was not only the greatest single achievement of the war, it was the most wonderful mobilization of man power in the history of the world. Back of every step of this great achievement was the patience and the courtesy and the efficiency of Gen. Crowder. It was the fact that we had this man power that enabled the United States to put 2,000,000 men in France in 18 months, when it took England three years to put the same number of men upon the fields of France.

Undoubtedly there are others who served in connection with the office of the Provost Marshal General who are entitled to share the honor with Gen. Crowder; and they are the men who, of all others, have been insisting that this just recognition of the service which that office rendered should be given to the chief, in whose name it was done.

Mr. President, it was my happy privilege, during almost the entire operation of the selective-service law, to be the chairman of the district board in the city of St. Louis. More than 25,000 appeal cases were acted upon by that board, and it is not only my duty but it is a pleasure to bear witness before my fellow Senators that in the execution of that work, in every step of the process, the genius and sympathy and guiding hand of Gen. Crowder made it possible. No one could better dispose of the amendment of the Senator from Oregon [Mr. CHAMBERLAIN] than did the eloquent Senator from Tennessee [Mr. MCKELLAR]. It has no place in the consideration of this bill. The bill is the recognition of the Provost Marshal General's Office, and as such we do credit to ourselves in passing the bill and defeating the amendment.

Mr. WADSWORTH. Mr. President, I have been compelled to be absent from the Chamber during a good portion of this discussion and therefore am not in a position to discuss all the points which have been referred to by other Senators, and particularly by the Senator from Oregon [Mr. CHAMBERLAIN].

I very much regret that the Senator from Oregon has offered an amendment to this bill which seeks to confer upon a large number of officers, 12 in number, an honor similar to the one sought to be conferred upon Gen. Crowder. I regret it, not because I am convinced that those officers are not worthy of recognition at the hands of Congress, but because I believe the Senate at this time is not in a position to weigh the arguments pro and con which might be offered in connection with the names submitted by the Senator's amendment.

I think the Senate should know that the Committee on Military Affairs, at the time the bill presented by the junior Senator from Pennsylvania [Mr. KNOX] was reported, instructed its chairman to appoint a subcommittee to take up the matter of conferring honors of this kind or of a similar kind upon other officers of the Army. The chairman of the committee has endeavored to consult with Senators who are members of the committee upon that very important question. A good many consultations have been had, and it is hoped that within a reasonable time the Military Affairs Committee as a whole may have some formal suggestions to make to the Senate as to what officers of the Army shall receive especial recognition, and as to the character of that recognition.

As the matter stands to-day, it is quite impossible, I believe, for Senators in open session, and, as it were, upon a moment's notice, to act upon the records and the qualifications of 12 officers whose names are suddenly submitted to the Senate for appointment on the retired list with the grade of lieutenant general.

Apparently the Senator from Oregon, in addition to naming the two officers who held the temporary grade of lieutenant general in the American Expeditionary Forces, and with two other exceptions, those of Gen. Summerall and Gen. Leonard Wood, has taken the officers who were at the head of the staff corps or services of the American Expeditionary Forces merely taking a list of all those names and submitting them en bloc to the Senate, and now requesting the Senate to act upon them. I shall not say at this time that any of those officers are unworthy of this recognition; but I do say that the Committee on Military Affairs of the Senate has not given these names any consideration at all, nor have the records of most of these officers been looked up, nor is the Senate itself in possession of the information.

I do not intend, Mr. President, to comment at length upon some of the arguments made by the Senator from Oregon. I know how strongly he feels about our system of military justice. Apparently he would give the Senate and the country to understand that Gen. Crowder is solely and entirely responsible for everything and anything that has occurred in the administration of military justice. I can not agree with that contention. I know the general well enough to know that he has spent many hours of careful study, and has exerted every atom of his great ability to a proper solution of that perplexing question, which is still undecided.

It seems to me verging upon unfairness at this time, while that legislation is pending, to attack the Judge Advocate General of the Army, the Provost Marshal General that was, and give that as the reason, apparently, why he should not be re-

warded by the Congress for the really remarkable work he did as Provost Marshal General, an office that has no connection whatsoever with the office of Judge Advocate General.

At one point in the remarks of the Senator from Oregon he interjected the observation that he saw one of his colleagues smiling. It so happened I was the Senator to whom he alluded, and I interjected the observation that I was not smiling. That may have been somewhat inaccurate. Perhaps I was smiling rather in deprecation of the assertion which the Senator from Oregon made in connection with Gen. Crowder. The Senator from Oregon stated to the Senate that Gen. Crowder, having been Provost Marshal General of the draft and having conducted these millions of young men into the Army, should thereafter have seen to it that they were properly treated in the Army, and attempted to give the impression that it was the duty of the Provost Marshal General in charge of the draft to follow the careers and treatment of millions of men after they were mustered into the service and placed under the command of line officers. It seemed to me that criticism was so far-fetched and so unwarranted as to legitimately give rise to the impression that the Senator from Oregon was stretching things to make a case against Gen. Crowder. However, it would take but a moment's thought to thoroughly understand that it would be quite impossible, and in fact illegal from a military standpoint, but certainly impossible for the Provost Marshal General to make himself in whole or in part responsible for the conditions in the cantonments or in the American Expeditionary Forces itself. It was at that point in the Senator's discussion at which it may be said I smiled deprecatingly.

It is true, as the Senator said, that he and I have gotten along splendidly in all the work we have had together in the Military Committee for many, many months. I have no purpose at this time, and certainly I have no intention in the future, of clashing with the Senator from Oregon, because I realize and admire the tremendously valuable and patriotic service he has rendered to his country as chairman of the Committee on Military Affairs at a most trying period in the country's history. He and I and the other members of the committee sat during the war and conducted what has been known as an investigation or inquiry into the operations of the War Department. The committee nearly always acted unanimously, and at no time during those investigations into the condition of the troops, into the condition of equipment, into the operations of the Army, as a whole or in detail—and those investigations of inquiry went into many details—at no time during those many, many months did either the Senator from Oregon or any other member of the committee suggest that Enoch Crowder was responsible for any of the shortcomings which may have existed in the Army itself.

I wanted to bring that point out, because I think the criticism is unwarranted and far-fetched in every way.

Mr. President, the Senator from Oregon, while I was still in the Chamber, seemed to be attempting to belittle the services of Gen. Crowder in connection with the operation of the selective draft law by creating the impression that the 192,000 civilians who were employed in one capacity or another in the enforcement of that law should share the credit with him. I heartily agree with that proposal, but at the same time I will not permit that, if I can help it, to detract from Gen. Crowder. Gen. Crowder himself has been most generous in his attitude toward the members of the local draft boards and the district boards. In fact it was he who sent word to the Military Committee, and I think told them personally, that the members of these draft boards should receive some recognition from Congress in the way of a bill extending the thanks of Congress to them. I happen to know, Mr. President, that he wanted that done before any suggestion came forward as to his receiving a reward. The services rendered by those men have been in his mind from the very beginning. I might say to the Senator from Oregon, and to other Senators who may be interested in this phase of the matter, that there is no more enthusiastic group of supporters of any man in public life than that represented by the men who worked in the local draft boards and in the district draft boards in their support of Gen. Crowder, who was their leader in the operation of that remarkable law. If there are any people in the country who will rejoice at the conferring of an honor upon Gen. Crowder, it is those very members of the draft boards who worked under him during all those months. It was he who guided them; it was he who answered the thousands and thousands of letters from them; it was he who kept in touch with the governors and adjutants general of the States and the chairmen of the district boards who were constantly writing to Washington to the office of the Provost Marshal General to get his opinion upon this thing and upon that thing down to the smallest detail; and in not one instance that I can remember did Gen. Crowder fail to respond to the demands made upon him; and his messages and opinions, his orders and suggestions, are models of clear statement coming from clear thinking, based in turn upon a complete comprehension of the spirit of the statute and of our institutions.

Mr. SHEPPARD. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Texas.

Mr. SHEPPARD. Is it not a fact that recognition of Gen. Crowder in this way would, in a sense, be a recognition of those engaged in the draft service under him?

Mr. WADSWORTH. I believe so, Mr. President, and I say again that no group of people will rejoice so much as those very people who served on these boards.

Mr. KNOX. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Pennsylvania.

Mr. KNOX. Following up the suggestion of the Senator from Texas [Mr. SHEPPARD], the Senator from Oregon mentioned but one name of a subordinate of Gen. Crowder who has been conspicuously useful. I know, because I visited the Senator from Oregon with Col. Warren, who urged upon the Senator from Oregon the proposition that in honoring Gen. Crowder they honored every man who had worked under him.

Mr. WADSWORTH. I am obliged for the interruption of the Senator from Pennsylvania.

Referring once again to the suggestion that this bill in some way reflects an attempt on the part of either Gen. Crowder or his supporters to seize all the credit for the operation of this law for Gen. Crowder alone and to deny it to other people, let me say to the Senate that this very Col. Warren, who did such remarkably good work at Gen. Crowder's shoulder, was recommended by Gen. Crowder for a distinguished-service medal, showing that the general appreciated the help Col. Warren had given him and was generous in his attitude toward all the men who by their teamwork made this thing possible.

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Tennessee.

Mr. McKELLAR. In that connection I desire to call attention to a mistake that I think was made by the Senator from Oregon in reference to Mr. Warren. It seems that the Senator from Oregon thought that Mr. Warren was the real author of the local district civilian board plan. That plan was given out in a letter of April 23, 1917, by Gen. Crowder, and the record shows that Mr. Warren came to the department—I have the date here and will give it—on April 27, or four days after the scheme of local boards or district boards had been adopted by Gen. Crowder. He came here after that time and became an officer in the department of the Judge Advocate General.

While I am on my feet, if the Senator from New York will permit me, I will call the attention of the Senate to the proviso that was passed by the Senate on June 29, 1918, to which I referred, but the actual proviso I had forgotten just when and how it had passed. On June 29, 1918, the Senate adopted this amendment introduced by me to the then pending bill:

Provided, That section 8 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, shall be held and construed to authorize the President, in accordance with the provisions of said act and for the period of the existing emergency only, to appoint as lieutenant general the officer detailed by the direction of the President to perform the duties of provost marshal general in the execution of so much of the aforesaid act as relates to the registration and the selective draft.

On page 8473 of the RECORD of that session that amendment was agreed to. In other words, the Senate has already, by an overwhelming majority, as I recall, gone on record as giving this honor and emolument to Gen. Crowder. I thank the Senator from New York for permitting me to call the attention of the Senate to it.

Mr. WADSWORTH. Mr. President, I think the only difference in the situation to-day as compared with that of the time referred to by the Senator from Tennessee is the attitude of the Senator from Oregon, which apparently in the interim has been changed. I know of no other Senator who has changed his attitude. I venture the opinion that the Senator's attitude has not been changed as the result of a revision of his opinion as to Gen. Crowder's management of the selective law. It has to do with something entirely different from the selective-draft law.

Something was said a moment ago about Col. Warren. The services which he rendered are deserving of the highest praise. I think it fair to say he was Gen. Crowder's right-hand man. He helped him in an infinite number of details. When Gen. Crowder could not come before the Military Committee on account of press of business in the Provost Marshal General's office—and Gen. Crowder was there day and night for months—he would put his memoranda and statements in the hands of Col.

Warren and send Col. Warren to the committee. He had absolute faith in him, and upon many occasions Col. Warren was given the responsibility and took the responsibility of giving us his opinion as to this or that amendment in the law or as to how it was operating in this way or that. There was a degree of trust and confidence between the two men which was inspiring and which incidentally helped the Military Affairs Committee tremendously. For that service rendered to his superior, Maj. Warren, who was originally a major, was promoted to lieutenant colonel, and the information which came to me just the other day is that as a further reward for this service Gen. Crowder endeavored to secure for him, by his official recommendation, the bestowal of a distinguished-service medal.

I assume the pending question is on the amendment offered by the Senator from Oregon?

The VICE PRESIDENT. It is.

Mr. WADSWORTH. Adding a list of 12 officers to receive similar honors. I know it is embarrassing for the Senate to vote "nay" upon an amendment of this sort, and yet, in the interest of a proper adjustment of the matter of awards and recognition to distinguished men in the United States Army, in the interest of having an intelligent comprehension of the records of the men who led our armies in the field as well as in the Staff Corps, I am constrained to ask that the Senate decline to accept the amendment and at the same time express the earnest hope that Gen. Crowder, by the passage of this bill unamended, shall receive the honor which he has so well deserved.

Mr. NEW. Mr. President, I do not know, really, that I can add anything to what the chairman of the Committee on Military Affairs [Mr. WADSWORTH] has said with reference to this matter. He has covered the case so completely, so clearly, and so admirably that I indorse every word that he has said with respect to Gen. Crowder and Col. Warren and the others to whom he alluded in the course of his remarks.

Yet, as a member of the Committee on Military Affairs, who served with that committee during the entire period from the declaration of war until the present time, I feel that it would be remiss in me if I were to fail now to say my word of commendation in behalf of Gen. Crowder. I have the honor of a personal acquaintance with him, which has permitted me to know some of his own thoughts and what his preferences would have been at the outbreak of the war if he could have had the privilege of indulging them. I know that it was his earnest desire to serve actively with the troops, and that it was a great disappointment to him that circumstances which were entirely beyond his control prevented his doing so. He was one of those who were kept at home to perform the service assigned them; and, Mr. President, no man connected in any capacity with the war, from its beginning to its end, performed his service better than did Gen. Crowder.

I have the very highest respect—in fact, it amounts almost to affection—for the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Military Affairs Committee during most of the time I have been connected with that committee; and yet I can not share his view on this question. For the first time, I think, during my connection with that committee I part company with the Senator from Oregon in his opinions on the question now before the Senate, which came under the jurisdiction of that committee.

The committee had many complaints, directed at all classes of officers, military and semimilitary, connected with the management of the war, but never once, in my recollection, did we have anything but commendation for the administration of the office of the Provost Marshal General. I think, certainly, that Gen. Crowder as Provost Marshal General has earned any honor which the Senate and the Government of the United States can pay him. So I very earnestly hope that the amendment to the bill may be defeated and that the bill itself may be passed as a matter of justice to a highly deserving officer.

Mr. WARREN. Mr. President, I have only a few words to say. Perhaps I ought first to say that I am in favor of the bill with relation to Gen. Crowder and that I am against the amendment naming 12 other officers to be included, for all of whom I have the greatest respect and admiration, and on none of whom do I wish to reflect in any way. For that reason I think we ought not to undertake to change the bill, especially so since my good friend from Oregon [Mr. CHAMBERLAIN]—and he is my friend, and I am glad to say I am his friend—while going over a wide field in discussing this measure, is confessedly against the bill without adding these names and really against the bill even though they should be added.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I yield.

Mr. POMERENE. I merely wish to ask the Senator a question. As I understand this amendment, it is proposed to confer certain honors on perhaps a dozen different officers. May I ask the Senator from Wyoming, as he is a member of the Committee on Military Affairs, whether the officers named in the amendment have been considered in this behalf by the committee, or has the committee taken any action in reference to them?

Mr. WARREN. They have not been considered; but I was about to say that the argument of the Senator from Oregon, when finally summed up, is simply against the bill. It seems to me unfair, both to Gen. Crowder and to the other 12 officers, that their names should be proposed here to be inserted in the bill for the purpose of killing the bill by making it top-heavy through the insertion of matter which has not yet been duly considered by the Military Affairs Committee.

Now, answering further the question of the Senator from Ohio [Mr. POMERENE], I will say that the matter of increased rank for Gen. Crowder has been once acted upon months ago in the Senate. He was then indorsed by the passage of a bill proposing to make him a lieutenant general on the active list. Gen. Crowder asked that his name be withdrawn; and that action was taken. It is now proposed to make him a lieutenant general when he retires.

When the matter was under discussion in the committee, I think I am permitted to say that, generally speaking, other names were mentioned as among those who might be considered; and the chairman of the committee was authorized to select and to act with, I think, four other members of the committee in making such selections of officers as they wished to present to the full committee as deserving of some special indorsement or promotion. I assume that that committee now has the matter under consideration.

On the other hand, the bill in charge of the Senator from Pennsylvania [Mr. KNOX] was supported without any opposition, so far as recorded votes were concerned, although it is true that the Senator from Oregon reserved the privilege of objecting to and opposing the bill on the floor of the Senate. So the question in reference to Gen. Crowder has been fully considered by the former committee, before the changes in membership during the last year, and by the existing full committee, and I may say that the proposition has had enthusiastic and earnest support.

There is a difference between Gen. Crowder and the other officers mentioned. Let us presume that they are equally entitled to the benefits of promotion; yet at the same time Gen. Crowder has had a service of some 42 years; he has arrived at an age when the President on any day can ask him to step aside and go on the retired list; and, of course, he has long since passed the time when he can in justice to the service and to himself ask for retirement. Many of the other generals, including some of those whose names are best known, are still very much younger than Gen. Crowder; and the question arises whether or not some of them should not be promoted on the active list and not wait until the time of retirement comes to receive this benefit. At all events, there is plenty of time for these matters to be considered and for the committee to take under advisement the other names and to report to the Senate their views as to the deserts of the different officers named without incurring any specific loss of time in any one of the other cases, because if this privilege is to be accorded only on retirement, it is presumed that no one of the others is at present seeking retirement.

So I may say that it seems to me in respect to the other names—and they are the names of some of the best generals of the Army—in fairness and in justice to them as well as to Gen. Crowder, we ought to vote down the amendment and let this matter of preferment come directly upon the promotion of Gen. Crowder himself, upon his reputation, upon his deserts, and upon what the Senate may think of him standing alone.

Mr. POMERENE. Mr. President, if I may say a word, I was prompted to ask the question which I did because I share with the Senator from Oregon the very highest opinion of Adjt. Gen. McCain. It was my privilege and pleasure to get into touch with him very frequently while he was serving as Adjutant General. I am very frank to say that I have the utmost confidence in his ability, his patriotism, and his very high character, and I felt I did not want to be put in the attitude of voting against the promotion of an officer of that character if the amendment was presented here with the recommendation of the committee.

Mr. WARREN. Mr. President, I know Gen. McCain well. I have known him long, just as I have known Gen. Crowder—since they were lieutenants, in fact. I have the highest regard for Gen. McCain, and under no circumstances would I vote against preferment for him were it a clean bill of health with a desire really to promote him. The other generals mentioned

in the amendment have my esteem, and I hope to support them from time to time, as I have done heretofore, when their cases are reviewed by the Committee on Military Affairs.

Mr. FLETCHER. Mr. President, just a word in regard to this matter. I feel that the country owes a debt to Gen. Crowder which it is impossible to pay. In the beginning of any important enterprise it is very necessary to start right. There is no question that Gen. Crowder outlined and spent infinite labor and time and skill in the development of the selective-draft system which resulted so advantageously in every way. We ought to recognize that service; the country has recognized it; the Senate has once recognized it; and we ought to-day, it seems to me, without hesitation to pass this bill.

As the Senator from Wyoming [Mr. WARREN] has said, I regret to be put in the position of voting against the preferment of the splendid officers who are named in the amendment. I would not say or do one single thing to detract from the glory which they have earned, and I am willing to admit our obligations and indebtedness to them in every way, for they have made magnificent records and all of them deserve preferment, but I think we ought to let each case stand upon its own merits. The cases of the other officers have not been considered by the committee. I do not even know, and I presume no member of the committee knows, what the preference of these officers would be. As the Senator from Wyoming has said, they may prefer, as undoubtedly some of them do, that they be continued on the active list and promoted there, and not be retired. Gen. Crowder has reached the age where there is involved the question of his retirement from the service, after the magnificent work he has done, which has resulted to our great benefit, in handling a problem which at the very inception of the war it was vitally essential to solve correctly. We have considered his case, and the bill deals with his case. He is about to retire, and when he does retire we simply recognize this obligation and vote this rank to him.

It means that the compensation to the retired officer with this rank will be about the compensation he is now receiving—very little more, if any.

I think we ought to pass the bill, without its being encumbered by these amendments, and I shall feel obliged to vote against the amendments, because I believe they endanger the bill. I shall be prepared to deal at the appropriate time with any measure intended to make proper provision for the splendid officers mentioned in the amendment.

Mr. BRANDEGEE. Mr. President, I am not a member of the Committee on Military Affairs, and so I know very little technically about Army matters; but it was my good fortune several years before this country entered the Great War to make the acquaintance of Gen. Enoch H. Crowder, and during the war my acquaintance with him continued and ripened into friendship; and I had occasion many times to advise and consult with him as to the legislation that became necessary for the prosecution of our part in the war.

I simply desire to say that I would not like to have this occasion pass by without my saying just a word to indicate my respect and affection for Gen. Crowder. As has been well said, he performed a magnificent and a peculiar service for this country. If I am not mistaken, there were very few men in the Army who had a special capacity for the peculiar service that he performed. He is an admirable lawyer, if I know one when I see him and talk to him. He is especially versed in constitutional questions in addition to his military knowledge. He is a man of great courage and of absolute fidelity to the Government and to his country. I should be glad to pay tribute to other generals, and I appreciate the fact that in the public mind many times there exists an impression that those who participate actively in the field in time of hostilities are entitled to more credit than those who give their learning and knowledge and work their brains in trying to make conditions possible for those who are in the field, so that they can use their efforts to the best advantage. But, Mr. President, I think Gen. Crowder is peculiarly entitled to this legislation. I do not consider it so much an honor to him, and I do not vote for this bill with the idea that I am conferring upon him any favor. I think such a measure should come from us as a tribute of our appreciation of the services rendered and a desire upon our part to do justice to the man who has done so much for his country.

I know that Gen. Crowder was indefatigable in his industry. He worked night and day. He wrestled with the most original and intricate problems, and, so far as I know, he succeeded in every problem which he attacked and accomplished a great work for this country. I shall vote with great pleasure for this bill without amendment.

Mr. KNOX. Mr. President, I have had no opportunity to say a word about this amendment, and I will say only a word.

There are a number of officers named in the amendment for whom I entertain as high an opinion, as gentlemen and as officers, as I do of Gen. Crowder; and on a separate measure, or where the relative claims as between themselves and other officers, have been thrashed out in the committee or in the Senate, I would with the greatest cheerfulness vote for equal honors with those we are proposing to confer upon Gen. Crowder. But it seems to me, Mr. President, a very doubtful compliment that is sought to be paid to these gentlemen by this amendment. I am perfectly certain that I would not want an honor from Congress that came as a rider on a proposition to reward some one else for services, and I doubt very much whether these officers would appreciate a compliment or reward that came in that way.

Mr. LODGE. Mr. President, I hope we can get a vote now, and dispose of the bill. I do not intend to ask for an executive session until this bill is disposed of, but I hope it will be disposed of to-night.

Mr. POMERENE. Mr. President, one of the Senators who is absent has asked that I suggest the absence of a quorum if there is about to be a roll call.

Mr. LODGE. All right; that is just what I want.

Mr. POMERENE. I do not care to do that if there is going to be any further debate.

Mr. LODGE. Certainly; I should propose it myself.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	Nelson	Smith, Ariz.
Bankhead	Kellogg	New	Smoot
Borah	Kendrick	Nugent	Spencer
Brandegee	Kenyon	Overman	Stanley
Calder	Keyes	Owen	Sutherland
Capper	King	Page	Townsend
Chamberlain	Kirby	Penrose	Trammell
Colt	Knox	Phelan	Wadsworth
Curtis	La Follette	Phipps	Walsh, Mass.
Dial	Lenroot	Pittman	Warren
Dillingham	Lodge	Poindexter	Watson
Fall	McCormick	Pomerene	Williams
Fletcher	McKellar	Sheppard	Wolcott
Gay	McNary	Sherman	
Gerry	Moses	Shields	
Harrison	Myers	Simmons	

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The Secretary will state the amendments of the Committee on Military Affairs.

The SECRETARY. On page 2, line 1, strike out the words "and emoluments."

The amendment was agreed to.

The SECRETARY. On page 2, line 1, after the word "grade," insert "as fixed by section 24 of the act of Congress approved July 15, 1870."

The amendment was agreed to.

The VICE PRESIDENT. The bill is as in Committee of the Whole, and open to amendment.

Mr. KNOX. I offer the following amendment: On page 1, line 4, I move to strike out the capital "E" and substitute the word "Enoch," so as to read "Maj. Gen. Enoch H. Crowder."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. CHAMBERLAIN. I ask for the yeas and nays.

Mr. TRAMMELL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with him during his absence, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. OWEN (when his name was called). I transfer my pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. McLEAN], and in his absence I transfer my pair to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is absent on official business. He has a general pair with the junior Senator from Ohio [Mr. HARDING].

Mr. JONES of Washington. I transfer my pair with the junior Senator from Virginia [Mr. SWANSON] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted; but I find that the Senator from Maryland [Mr. SMITH], with whom I have a general pair, has not voted. I transfer my pair with the Senator from Maryland to the junior Senator from Michigan [Mr. NEWBERRY] and will allow my vote to stand.

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer my pair to the Senator from Maine [Mr. HALE] and allow my vote to stand.

Mr. CALDER (after having voted in the affirmative). I have a pair with the junior Senator from Georgia [Mr. HARRIS]. I transfer my pair to the junior Senator from West Virginia [Mr. ELKINS] and let my vote stand.

Mr. TOWNSEND. I desire to announce the necessary absence of my colleague [Mr. NEWBERRY].

Mr. McCORMICK (after having voted in the affirmative). I note that the Senator from Nevada [Mr. HENDERSON], with whom I have a general pair, has not voted. I transfer my pair to the Senator from Maryland [Mr. FRANCE] and let my vote stand.

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BALL], who is absent. I am informed that if he were present he would vote the same way I voted. Therefore I will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine (Mr. FERNALD) with the Senator from South Dakota [Mr. JOHNSON];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

Mr. GERRY. The Senator from Colorado [Mr. THOMAS], the Senator from Nevada [Mr. HENDERSON], and the Senator from Georgia [Mr. SMITH] are detained from the Senate on public business. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families. The Senator from Louisiana [Mr. RANSDELL] is detained by personal illness. The Senator from Kentucky [Mr. BECKHAM], the Senator from Georgia [Mr. HARRIS], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Maryland [Mr. SMITH], and the Senator from Arkansas [Mr. ROBINSON] are detained on official business.

The result was announced—yeas 49, nays 11, as follows:

YEAS—49.

Ashurst	Kendrick	Nugent	Smoot
Borah	Kenyon	Overman	Spencer
Brandegee	Keyes	Page	Stanley
Calder	Kirby	Penrose	Sutherland
Capper	Knox	Phelan	Townsend
Colt	Lenroot	Phipps	Wadsworth
Curtis	Lodge	Pittman	Walsh, Mass.
Dial	McCormick	Poindexter	Warren
Dillingham	McKellar	Pomerene	Watson
Fall	Moses	Sheppard	Wolcott
Fletcher	Myers	Sherman	
Jones, Wash.	Nelson	Simmons	
Kellogg	New	Smith, Ariz.	

NAYS—11.

Bankhead	Gerry	La Follette	Trammell
Chamberlain	Harrison	Owen	Williams
Gay	King	Shields	

NOT VOTING—36.

Ball	Edge	Frelinghuysen	Harding
Beckham	Elkins	Gore	Harris
Culberson	Fernald	Gronna	Henderson
Cummins	France	Hale	Hitchcock
Johnson, Calif.	McNary	Reed	Sterling
Johnson, S. Dak.	Martin	Robinson	Swanson
Jones, N. Mex.	Newberry	Smith, Ga.	Thomas
McCumber	Norris	Smith Md.	Underwood
McLean	Ransdell	Smith, S. C.	Walsh, Mont.

So the bill was passed.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. I ask that the reading of the treaty be continued.

Mr. MOSES. I would like to ask the Senator in charge of the treaty if he will attempt to proceed with the consideration of the treaty in the absence of the Senator from Nebraska [Mr. HITCHCOCK], who is in charge on the part of the minority of the committee?

Mr. LODGE. Yes, Mr. President, I shall go on with the reading for the present, if the Senate will permit.

The Secretary resumed the reading of the treaty and read as follows:

"Article 112.

"All the inhabitants of the territory which is returned to Denmark will acquire Danish nationality *ipso facto*, and will lose their German nationality.

"Persons, however, who had become habitually resident in this territory after October 1, 1918, will not be able to acquire Danish nationality without permission from the Danish Government.

"Article 113.

"Within two years from the date on which the sovereignty over the whole or part of the territory of Schleswig subjected to the plebiscite is restored to Denmark:

"Any person over 18 years of age born in the territory restored to Denmark, not habitually resident in this region, and possessing German nationality, will be entitled to opt for Denmark;

"Any person over 18 years of age habitually resident in the territory restored to Denmark will be entitled to opt for Germany.

"Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

"Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to the State in favour of which they have opted.

"They will be entitled to retain the immovable property which they own in the territory of the other State in which they were habitually resident before opting. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

"Article 114.

"The proportion and nature of the financial or other obligations of Germany and Prussia which are to be assumed by Denmark will be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

"Further stipulations will determine any other questions arising out of the transfer to Denmark of the whole or part of the territory of which she was deprived by the Treaty of October 30, 1864.

"Section XIII.

"HELIGOLAND.

"Article 115.

"The fortifications, military establishments, and harbours of the Islands of Heligoland and Dune shall be destroyed under the supervision of the Principal Allied Governments by German labour and at the expense of Germany within a period to be determined by the said Governments.

"The term 'harbours' shall include the north-east mole, the west wall, the outer and inner breakwaters and reclaimed land within them, and all naval and military works, fortifications and buildings, constructed or under construction, between lines connecting the following positions taken from the British Admiralty chart No. 126 of April 19, 1918.

"(*a*) lat. 54° 10′ 49″ N.; long. 7° 53′ 39″ E.;
"(*b*) — 54° 10′ 35″ N.; — 7° 54′ 18″ E.;
"(*c*) — 54° 10′ 14″ N.; — 7° 54′ 00″ E.;
"(*d*) — 54° 10′ 17″ N.; — 7° 53′ 37″ E.;
"(*e*) — 54° 10′ 44″ N.; — 7° 53′ 26″ E.

"These fortifications, military establishments and harbours shall not be reconstructed nor shall any similar works be constructed in future.

"*Section XIV.*

"RUSSIA AND RUSSIAN STATES.

"*Article 116.*

"Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

"In accordance with the provisions of Article 259 of Part IX (Financial Clauses) and Article 292 of Part X (Economic Clauses) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and of all other treaties, conventions and agreements entered into by her with the Maximalist Government in Russia.

"The Allied and Associated Powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present Treaty.

"*Article 117.*

"Germany undertakes to recognize the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein.

"PART IV.

"GERMAN RIGHTS AND INTERESTS OUTSIDE GERMANY.

"*Article 118.*

"In territory outside her European frontiers as fixed by the present Treaty, Germany renounces all rights, titles and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers.

"Germany hereby undertakes to recognize and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

"In particular Germany declares her acceptance of the following Articles relating to certain special subjects.

"*Section I.*

"GERMAN COLONIES.

"*Article 119.*

"Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

"*Article 120.*

"All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories, on the terms laid down in Article 257 of Part IX (Financial Clauses) of the present Treaty. The decision of the local courts in any dispute as to the nature of such property shall be final.

"*Article 121.*

"The provisions of Sections I and IV of Part X (Economic Clauses) of the present Treaty shall apply in the case of these territories whatever be the form of Government adopted for them.

"*Article 122.*

"The Government exercising authority over such territories may make such provision as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession in them.

"*Article 123.*

"The provisions of Article 260 of Part IX (Financial Clauses) of the present Treaty shall apply in the case of all agreements concluded with German nationals for the construction or exploitation of public works in the German oversea possessions, as well as any sub-concessions or contracts resulting therefrom which may have been made to or with such nationals.

"*Article 124.*

"Germany hereby undertakes to pay, in accordance with the estimate to be presented by the French Government and approved by the Reparation Commission, reparation for damage suffered by French nationals in the Cameroons or the frontier zone by reason of the acts of the German civil and military authorities and of German private individuals during the period from January 1, 1900, to August 1, 1914.

"*Article 125.*

"Germany renounces all rights under the Conventions and Agreements with France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. She undertakes to pay to the French Government, in accordance with the estimate to be presented by that Government and approved by the Reparation Commission, all the deposits, credits, advances, etc., effected by virtue of these instruments in favour of Germany.

"*Article 126.*

"Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26, 1885, the General Act of Brussels of July 2, 1890, and the conventions completing or modifying the same.

"*Article 127.*

"The native inhabitants of the former German oversea possessions shall be entitled to the diplomatic protection of the Governments exercising authority over those territories.

"*Section II.*

"CHINA.

"*Article 128.*

"Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

"*Article 129.*

"From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:

"(1) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff;

"(2) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional suplementary Arrangement of April 4, 1912.

"China, however, will no longer be bound to grant to Germany the advantages or privileges which she allowed Germany under these Arrangements.

"*Article 130.*

"Subject to the provisions of Section VIII of this Part, Germany cedes to China all the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property belonging to the German Government, which are situated or may be in the German Concessions at Tientsin and Hankow or elsewhere in Chinese territory.

"It is understood, however, that premises used as diplomatic or consular residences or offices are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the German public and private property situated within the so-called Legation Quarter at Peking without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain Parties to the Final Protocol of September 7, 1901.

"*Article 131.*

"Germany undertakes to restore to China within twelve months from the coming into force of the present Treaty all the astronomical instruments which her troops in 1900–1901 carried away from China, and to defray all expenses which may be incurred in effecting such restoration, including the expenses of dismounting, packing, transporting, insurance and installation in Peking.

"*Article 132.*

"Germany agrees to the abrogation of the leases from the Chinese Government under which the German Concessions at Hankow and Tientsin are now held.

"China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade. She further declares that the abrogation of the leases under which these concessions are now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in these concessions.

"*Article 133.*

"Germany waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of German nationals in China and their repatriation. She equally renounces all claims arising out of the capture and condemnation of German ships in China, or the liquidation, sequestration or control of German properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties inter-

ested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

"Article 134.

"Germany renounces in favour of the Government of His Britannic Majesty the German State property in the British Concession at Shameen at Canton. She renounces in favour of the French and Chinese Governments conjointly the property of the German school situated in the French Concession at Shanghai.

"Section III.

"SIAM.

"Article 135.

"Germany recognises that all treaties, conventions and agreements between her and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

"Article 136.

"All goods and property in Siam belonging to the German Empire or to any German State, with the exception of premises used as diplomatic or consular residences or offices, pass *ipso facto* and without compensation to the Siamese Government.

"The goods, property and private rights of German nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

"Article 137.

"Germany waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the seizure or condemnation of German ships, the liquidation of German property, or the internment of German nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

"Section IV.

"LIBERIA.

"Article 138.

"Germany renounces all rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German Receiver of Customs in Liberia.

"She further renounces all claim to participate in any measures whatsoever which may be adopted for the rehabilitation of Liberia.

"Article 139.

"Germany recognizes that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

"Article 140.

"The property, rights and interests of Germans in Liberia shall be dealt with in accordance with Part X (Economic Clauses) of the present Treaty.

"Section V.

"MOROCCO.

"Article 141.

"Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

"In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

"Article 142.

"Germany having recognized the French Protectorate in Morocco, hereby accepts all the consequences of its establishment, and she renounces the régime of the capitulations therein.

"This renunciation shall take effect as from August 3, 1914.

"Article 143.

"The Sherifian Government shall have complete liberty of action in regulating the status of German nationals in Morocco and the conditions in which they may establish themselves there.

"German protected persons, semsars and 'associés agricoles' shall be considered as having ceased, as from August 3, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

"Article 144.

"All property and possessions in the Sherifian Empire of the German Empire and the German States pass to the Maghzen without payment.

"For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

"All movable and immovable property in the Sherifian Empire belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

"Mining rights which may be recognised as belonging to German nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall form the subject of a valuation, which the arbitrators shall be requested to make, and these rights shall then be treated in the same way as property in Morocco belonging to German nationals.

"Article 145.

"The German Government shall ensure the transfer to a person nominated by the French Government of the shares representing Germany's portion of the capital of the State Bank of Morocco. The value of these shares, as assessed by the Reparation Commission, shall be paid to the Reparation Commission for the credit of Germany on account of the sums due for reparation. The German Government shall be responsible for indemnifying its nationals so dispossessed.

"This transfer will take place without prejudice to the repayment of debts which German nationals may have contracted towards the State Bank of Morocco.

"Article 146.

"Moroccan goods entering Germany shall enjoy the treatment accorded to French goods.

"Section VI.

"EGYPT.

"Article 147.

"Germany declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt.

"This renunciation shall take effect as from August 4, 1914.

"Article 148.

"All treaties, agreements, arrangements and contracts concluded by Germany with Egypt are regarded as abrogated as from August 4, 1914.

"In no case can Germany avail herself of these instruments and she undertakes not to intervene in any way in negotiations relating to Egypt, which may take place between Great Britain and the other Powers.

"Article 149.

"Until an Egyptian law of judicial organization establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over German nationals and property by the British Consular Tribunals.

"Article 150.

"The Egyptian Government shall have complete liberty of action in regulating the status of German nationals and the conditions under which they may establish themselves in Egypt.

"Article 151.

"Germany consents to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

"Article 152.

"Germany consents, in so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

"She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, in so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

"Article 153.

"All property and possessions in Egypt of the German Empire and the German States pass to the Egyptian Government without payment.

"For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

"All movable and immovable property in Egypt belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

"Article 154.

"Egyptian goods entering Germany shall enjoy the treatment accorded to British goods.

"Section VII.

"TURKEY AND BULGARIA.

"Article 155.

"Germany undertakes to recognise and accept all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Germany or her nationals in Turkey and Bulgaria and which are not dealt with in the provisions of the present Treaty."

Mr. LODGE. Mr. President, the Secretary in the reading of the treaty has reached section 8, which relates to Shantung. The Committee on Foreign Relations has reported an amendment to that section, and there will be a number of speeches made on the amendment. As the hour is late, I now ask that the reading be discontinued, and I move as in legislative session that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Wednesday, October 8, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *October 7, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We approach Thee, our Father in heaven, because we believe in Thee and know that those who seek Thee in faith and confidence are not turned away empty.

If it is wisdom sought, Thou dost give it; if it is strength to meet the temptations and responsibilities of life, Thou dost impart it; if it is a sorrowing heart, Thy loving arms are round about us.

Impart unto us the needs of the day, that at its close we shall have merited Thine approbation; and glory, and honor, and praise be Thine, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ACKERMAN (at the request of Mr. BROWNING), for 30 days, on account of important business in Europe.

To Mr. O'CONNOR (at the request of Mr. DUPRÉ), for 10 days, on account of important business.

To Mr. LARSEN (at the request of Mr. CRISP), for two weeks, on account of important business.

To Mr. BRAND (at the request of Mr. CRISP), for 10 days, on account of sickness in family.

Mr. DUPRÉ. Mr. Speaker, in connection with the leave of absence that was granted to my colleague, Mr. O'CONNOR, I desire to state, for his protection as well as my own, that the request was left at the desk on yesterday. I understand why it could not be presented on yesterday, but I want to make this statement to carry out the facts.

LIST OF PRESENTS TO THE PRESIDENT.

Mr. BYRNES of South Carolina. Mr. Speaker, I desire to ask unanimous consent to have printed in the RECORD the statement of the Secretary to the President in reply to the resolutions introduced by the gentleman from Illinois [Mr. RODENBERG] and the gentleman from Iowa [Mr. RAMSEYER].

The SPEAKER. The gentleman from South Carolina asks unanimous consent to have printed in the RECORD a letter from the Secretary to the President. Is there objection? [After a pause.] The Chair hears none.

The following is the statement:

STATEMENT BY MR. TUMULTY.

While on his western trip the President's attention was called to the resolution of Representative RODENBERG, of Illinois, and the statements of Senators PENROSE and SHERMAN in regard to gifts received by the President and Mrs. Wilson while they were in Europe.

Senator SHERMAN indicated the basis of the various stories touching this matter when he said that "cloakroom gossip lays the value of these gifts at half a million dollars." Senator PENROSE said he had been informed that the presidential party "brought back to this country presents from crowned heads and foreign Governments amounting to several million dollars."

Here are the facts:

Outside of a considerable number of small gifts, such as books, walking sticks, an old silver dish found in the ruins of Louvain, war souvenirs made by soldiers or out of war material, and numerous medals struck off in his honor, the following are the only important gifts received by the President in Europe:

In England:

Photograph of the King and Queen of England.

A book relating to Windsor Castle.

The freedom of the city of London, presented in a gold casket, by the lord mayor at Guild Hall.

In Italy:

A water color picture, on bronze easel, presented by the Queen of Italy.

A bronze figure presented at the capitol in Rome—a gift from the people.

A figure of "Italia Victoria," sent to the train at Genoa, either by a school or by the citizens of Genoa.

A set of books from the citizens of Genoa.

A mosaic, presented by the pope.

In France:

A bronze figure, presented by a body of students.

The President also received numerous honorary degrees from nearly all of the countries of Europe, and many resolutions of respect and gratitude.

Knowing that there is a constitutional inhibition against the President receiving gifts from foreign rulers or States, the President, after consulting the Secretary of State, was preparing a list of the presents he intended to ask the permission of Congress to retain just before he started on his western trip.

In addition to the gifts received by the President, the following tokens were presented to Mrs. Wilson while she was in Europe:

In France:

A pin of Parisian enamel with tiny diamond chips, presented in Hotel de Ville by the city of Paris.

Linen hand-embroidered lunch set (small cloth and dozen napkins) in a case, presented through Madame Poincare and Madame Pichon by the working women of France.

In Belgium:

A small medal, by Cardinal Mercier.

A Belgian lace table cover, presented by the Queen.

A complete file of the Libre Belgique, the paper published during the German occupation, presented by the King, in leather folder.

In Italy:

A reproduction of the "Wolf and Romulus and Remus," in gold, presented by the people through private subscription.

A piece of lace in leather case, presented by Signor Orlando in behalf of "his colleagues."

A small reproduction in silver of a pitcher found in the ruins of Pompeii.

In making this statement I am acting upon the express direction of the President and Mrs. Wilson.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

EXTENSION OF CREDITS.

Mr. PLATT. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 7478, and agree to the Senate amendments.

The SPEAKER. The gentleman from New York [Mr. PLATT] calls up the bill H. R. 7478, on the Speaker's table, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States, as amended by acts of June 22, 1906, and September 24, 1918.

The Senate amendments were read.

Mr. PLATT. Mr. Speaker, I move to concur in the Senate amendments.

Mr. CANNON. Mr. Speaker, what is this matter about?

Mr. WALSH. I think we ought to have the bill read with amendments.

The SPEAKER. The gentleman from New York will explain the amendments.

Mr. PLATT. I will say to the gentleman from Massachusetts that the only Senate amendment that is not merely verbal, or in the line of correction, is one to increase the security for loans. This is a bill which allows national banks to loan on readily marketable, nonperishable staples up to 25 per cent of their capital and surplus, and the only important Senate amendment is one increasing the security from 110 to 115 per cent, to which, I think, there should be no objection.

Mr. LONGWORTH. Mr. Speaker, when did it pass the House?

Mr. PLATT. It passed the House on July 31 and it passed the Senate on October 2.

Mr. CANNON. The bill is not here.

Mr. PLATT. It is on the Speaker's table. This bill is to amend section 5200 of the Revised Statutes, which restricts loans to one person, firm, or corporation to 10 per cent of a bank's capital and surplus. It is a bill chiefly of value just now in the marketing of the fall crops. It allows banks to loan up to 25 per cent of their capital and surplus to one per-

son, firm, or corporation, on the security of readily marketable, nonperishable agricultural, or other staples secured by warehouse receipts or shipping documents. It does not really extend any privileges which the banks have not been using as a rule, but is passed to meet certain rulings of the Comptroller of the Currency. It was fully explained and debated when it passed the House. The Senate amendment increases the security, which is required, by 5 per cent.

Mr. CANNON. So far as I am concerned, I am trying to find out what it is. I have a dim recollection of it having passed the House. But I have listened to the gentleman's explanation, and I know more about it than I did. I could not get any information at the desk here.

Mr. CLARK of Missouri. It was debated here for a couple of days.

Mr. CANNON. The gentleman's recollection is much better than mine. This happened in July.

The SPEAKER. The gentleman from New York moves to concur in the Senate amendments.

The Senate amendments were agreed to.

COMMUTATION OF QUARTERS FOR OFFICERS OF NAVY AT SEA.

Mr. KELLEY of Michigan. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KELLEY of Michigan. To submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KELLEY of Michigan. Last night upon adjournment the question of the passage of a bill upon which I had moved to suspend the rules had reached the stage where the Speaker had put the question. I desire to inquire whether or not we had not reached the stage where it would be unfinished business for to-day?

The SPEAKER. Under the rules of the House that would not come up again until the next suspension day.

Mr. KELLEY of Michigan. May I just submit an observation or two, Mr. Speaker?

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. KELLEY of Michigan. I understand the rule to be when any of these special-day matters do not reach the voting stage and the previous question has been moved that in those cases they come up on the following day as unfinished business. But where the previous question has not been moved and further time of the House might be consumed they go over until the next special day.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. In just a moment. Now, the question we had up yesterday was brought up under suspension of the rules and was one of those questions where a second was demanded and 20 minutes on a side taken and the time entirely exhausted and the question actually put by the Speaker, and for all intents and purposes the previous question had been moved. Voting was the only thing in order at the time the adjournment was taken.

Mr. CLARK of Missouri. You can not move the previous question.

Mr. KELLEY of Michigan. You can not move it, but the time was exhausted and nothing was in order but voting.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. In a moment. And not only that, but the procedure had gone further than if the previous question had been moved. The matter was fully disposed of. All time was exhausted. The Speaker had put the question. Therefore it was further advanced as a matter of legislative procedure than it would have been had the previous question been moved; so that every reason that exists for permitting a matter of this kind to come up as unfinished business on the next legislative day, when the previous question has been moved, exists in this case. I see no reason for a different rule where a second has been demanded than where the previous question has been ordered.

The SPEAKER. The difficulty is that the precedents of the House are well established, and it has long been determined that this can not come up until the next unanimous-consent day.

Mr. KELLEY of Michigan. I would like to have the Speaker refer me to some case where a matter of this kind, under a suspension, and the time fully exhausted, and the Speaker has put the question, where it has been held that it can not come up on the following day. What would have been the sense or reason for such a rule?

Mr. WALSH. That is covered by section 6814 of Hinds' Precedents.

The SPEAKER. The Chair refers the gentleman to section 6814 of Hinds' Precedents, which exactly covers the case. The Chair does not feel like overruling an established precedent.

Mr. KELLEY of Michigan. My understanding is that in that case adjournment was taken before the 40 minutes had expired.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. LAZARO. Mr. Speaker and gentlemen of the House, some of the Members of Congress have complained about the high price of cotton; in fact, not long ago a bill was introduced in this House to fix the price of cotton at 20 cents a pound.

The trouble with a good many is that they fail to understand conditions outside of their districts. While it is true that we are here to represent our districts, we must not forget the fact that we are also here to represent the country as a whole.

When one section of the country prospers, the people of the entire country are benefited by it; and when one section fails, all of our people suffer from the effects of it. We know that the cotton crop last year was small. Last week the Department of Agriculture issued its last report on this year's crop, and the estimate is 10,696,000 bales, the shortest crop in the history of the country, if we take into consideration the acreage and population. This short crop was caused by bad weather, boll weevils, and shortage of labor.

Now, gentlemen of the House, I ask you to pause and think what this means to the cotton-producing section of the United States. All practical men who have had experience on the farm understand that the same work, the same expense for drainage, fertilizer, agricultural implements, seed, feed, and foodstuff are required to produce a small crop as is required to produce a large one. With these facts in mind, how can reasonable men outside of the cotton section claim that the price of cotton is too high? Not only that we of the cotton section are entitled to the present price but we are entitled to more in order to meet our expenses this year and start another crop next year. You gentlemen who represent northern and eastern constituencies, and who complain about the high price of cotton, leave your consumers under the impression that the producers of cotton are responsible for the price they pay for manufactured goods. If your people will take into consideration the price paid for the raw product and the price paid for the manufactured product, you will readily see that the gap between the two is entirely too wide and that some of the middlemen are making entirely too much out of it.

A good deal has been said on the floor of this House recently about the high cost of living, unrest, and strikes. Different remedies have been suggested for the relief of the people. Now, my friends, let us not deceive ourselves nor the people we represent here. Let us keep in mind the fact that after the profiteers will have been punished—and I am willing to go as far as anyone here in enacting a law that will not only fine them, but will give them jail sentences as well—we will still be face to face with the high cost of living.

Let us remember that before the war more than half of the people were living in the towns and cities, and that during the war many more from the farm went into the military service, which, of course, served to curtail production. It may be true that there was sufficient production in some places, but when we take into consideration that this is a world problem, because nations do business with one another, we must admit that there is a shortage. Now, gentlemen of the House, let us come together and see what the real remedy is.

Of course, we are enacting laws to punish the profiteers, to regulate the cold-storage business, and to prevent hoarding. But let us not forget that after all the main remedy is to get back to a peace basis as soon as possible, to go back to work and increase production and practice economy. Let us bear in mind, too, that it is not only a question of increasing production, but it is a question of transportation also. The Federal Government should cooperate with the States, so as to build a transportation system in this country that will keep up with the needs of the American people; so that the products of the farm, especially the perishable products, shall move as quickly as possible from the country to the city in order to supply all the people's needs. Goods, and not money, are the means of life. Better standards of living are impossible without increasing production. Man can not consume what has not been produced. High salaries and cheap money can not buy food or clothes when it has not been produced.

When I say a complete transportation system, I have in mind the good road from the farmers' farms to the railway station and to the waterway. I also have in mind the improvement of railway facilities and waterways. And, when we reach the seaboard, I have in mind an American merchant marine that

will move our surplus products to the foreign markets of the world. Pause and think what it meant to the cotton section when war broke out and cotton dropped from 14 to 6 cents because we lacked ships to carry our surplus cotton to the markets of Europe. In other words, in peace time they carried our surplus cotton to their countries, but when war broke out they looked after their own business and left us to suffer the consequences. It is just as foolish for a great country with the resources that we have to do business without an American merchant marine as it is for a great big department store to attempt to do business and depend on its competitors to deliver its goods to its customers.

In connection with transportation, I want to say a few words relative to the unrest and threatened railroad strikes. Let us pause and picture the unemployment, the loss in money and goods, and the suffering among the people that would result if we have a railroad strike. If ever there was a time in the history of the country when our people should keep cool and work together for a satisfactory solution of these problems it is now. We went through one of the most horrible wars in the history of the world. Reduced to its last analysis it was a war between two systems of government—autocratic government and democratic government.

The United States was forced into this war and gave the blow that won the victory. When war was declared the President, as Commander in Chief, appealed to the people and the greatest army in the world responded to the call of duty. Young men responded from the farms, from the factories, from the mines, and from the business houses. They were trained, equipped, and went to the firing line and won the greatest victory in the history of the world. The people at home responded to every call of the Government so that those who were in the military service could be furnished with all they needed.

The victory is won. To-day we are going through the reconstruction period. Why should not our people remain united and respond as well during the reconstruction period as they did during the war? Why should we not be able to get together in a calm, cool, and deliberate way and settle our difficulties without strikes and bloodshed, when we know that these things only paralyze the wheels of industry and cause unhappiness and suffering? Let us hope that organized capital and organized labor, in considering their difficulties, will brush aside all selfish motives, prejudices, and hobbies and be guided solely by a sense of justice, and take into consideration not only the interests of organized capital and organized labor but also the interests of the millions of people in this country who are not organized.

The interests of organized capital and organized labor are bound up with the interests of the community as a whole. One of the outstanding facts which they should keep in mind is that the interests of all are bound together in the interests of the Nation. It is impossible to separate the interests of any class or of any association. Mutual consideration is not only the manifestation of a Christian spirit but good business. We must have capital, labor, and genius in order to develop the resources of a country and make it possible for all the people to find employment and be happy and prosperous.

The man who sows the seed of discord between capital and labor is an enemy of society and good government. [Applause.] The Bolsheviki who have come from other lands and who are spreading their propaganda with the view of overthrowing our Government by revolution will fail in the United States. Our country is no place for any man or set of men who advocate the overthrow of its Government by revolution.

Of course, our Government is not perfect, because it is made by human beings, but when changes are necessary for the good of all, it must be done in an orderly way under its Constitution. And here is where lies the strength of our representative democratic Government, because here every citizen is a sovereign, here the man of humble circumstances and the man of wealth meet at the ballot box on terms of equality and the voice of the one is as effective as the voice of the other.

The trouble with these agitators who are constantly preaching revolution is that they do not understand or appreciate our form of government. For more than 100 years it has stood every crisis, and it will continue to do so as long as every true American does his duty. The arm of the executive branch of the Government has been made strong enough to meet these attacks by prosecutions and deportations, but we must not forget that the greatest danger is not from those who attack us in the open, but from those who spread the poison of Bolshevism and anarchy under cover and who seek to capitalize all forms of discontent in order to accomplish their purpose.

Besides enacting laws to deal with this condition, we must also appeal to the schools of the land to teach the youth that human liberty can only be obtained and enjoyed through the means of established government. An understanding of the fundamental principles of our Government must be inculcated in the heart of every child until it becomes a part of his very soul, so as to make him strong and impervious to the influences of those who would destroy this great American Government. [Applause.]

Mr. SEARS rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. SEARS. To ask unanimous consent to address the House for not exceeding 10 minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for not exceeding 10 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, I regret to object, but we have had a good deal of discussion of late, and I think it is very important that we should get to the legislation before the House.

Mr. SEARS. Will the gentleman reserve his objection?

Mr. MONDELL. I have no doubt but that what the gentleman has to discuss is very important, but it is still more important that we should get to the discussion of the bill reported by the Committee on Ways and Means.

Mr. SEARS. Yesterday the gentleman from New York [Mr. SIEGEL] made certain remarks in which he referred to me. The bill we are now considering has been before the House for six days. I agree with the gentleman that you should speed up, but I would like to have a few moments. If the gentleman wants to object, that is his privilege.

The SPEAKER. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, for four years and a half I have had the pleasure and privilege of serving in Congress with many of my colleagues who are here to-day. During those four years and a half I challenge any Member of Congress to point to one single instance where I have criticized the vote of another, or criticized his activities, either on or off the floor of the House of Representatives. I hesitate now to depart from that rule. Yesterday, after reading the remarks of the gentleman from New York [Mr. SIEGEL], I called him up over the telephone and called his attention to the fact he had done me an injustice, and that he had not stated exactly the facts in the matter, and requested him to correct the RECORD in order that the reflection, which was not deserved, would not appear in the RECORD against myself. The gentleman from New York kindly stated that he had made all the corrections he desired to make, but that if there was anything in the RECORD to-day to which I would take offense, he would gladly correct the RECORD. I replied that the RECORD having gone out all over the country it would be immaterial to me whether he made the correction after to-day or not.

Mr. Speaker, on the 4th of October I propounded to you a parliamentary inquiry, to wit: If that motion of the gentleman from Massachusetts [Mr. WALSH] to strike from the RECORD the extension of the remarks of the gentleman from New York [Mr. SIEGEL] had been disposed of, and if so, how? I neither indicated how I would vote nor what my attitude was on the matter. I simply say that during my term of office I have never made a motion to strike from the RECORD the remarks of any gentleman, nor have I objected to the extension of the remarks of any of my colleagues, either on the Republican side or on the Democratic side. Yet the gentleman from New York sees fit to severely criticize me and jokingly refers to the gentleman from Massachusetts [Mr. WALSH].

Now, the facts are that on the 2d day of October the gentleman from Massachusetts [Mr. WALSH] made the following motion:

> Mr. WALSH. Mr. Speaker, in view of the consent that was granted, and in view of what appears to me to be a plain infraction of the rules of the House in making this extension, I move that the poem in the RECORD of October 1, entitled "Our Own—A Cry Across the Atlantic," * * * be stricken from the RECORD.

If the gentleman from New York had any quarrel, it was with the distinguished gentleman from Massachusetts. But, in view of the remarks of the gentleman from New York yesterday, I doubt if he has any quarrel with the gentleman from Massachusetts, for he says, "I do not deny for a moment that he could have exercised his privilege to do so," and practically admitted that he had violated the confidence of this House in inserting the remarks in the RECORD which the House had not granted him permission to insert.

Now, Mr. Speaker, as I said, he only referred to the gentleman from Massachusetts in a jocular way; but in his remarks he referred to a speech I made about two years ago, quoting me, and I plead guilty to every word in that speech, wherein I endeavored to reduce the high cost of living. I made the remarks quoted by the gentleman from New York. I am glad

it made such a deep impression on the mind of the gentleman from New York, and now that he is on the majority side I still insist and repeat I trust he will try to reduce the cost of living; and, Democrat that I am, I will gladly cooperate with anyone in an effort to reduce the cost of living. But he says for two years I have done nothing to reduce the cost of living, either by introducing bills or resolutions or in any other way. The introduction of resolutions, Mr. Speaker, is nothing but a species of demagogy. Anybody can introduce a bill. I was not on a committee having that matter in hand, and to introduce a bill would accomplish nothing. But the House will recall that on the freight and express rates increase I made an effort to prevent the increasing of freight and express rates, because that would increase the cost of living. On the increase of postage I offered the motion that kept drop letters at 2 cents instead of 3 cents, and on every proposition made either on the Republican or the Democratic side where I thought it would reduce the high cost of living I voted for every such amendment, notwithstanding the statement of the most learned and most distinguished, but not careful, gentleman from New York.

Mr. Speaker, further on the gentleman goes back and refers to a certain paragraph in my speech in which I referred to the gentleman from California and stated that he was leading the fight for Prussianism. His remarks as they appear in the RECORD are not exactly as he stated them on the floor of the House, but either intentionally or unintentionally in the next paragraph he says these people to whom he refers left 3,100 of their dead over in France, thereby trying to imply that I had reflected on the Irish people or those of the Jewish faith. I deny any such accusation made by the gentleman from New York, and if he has been on the floor of the House he will verify my statement, or even if he has stayed in New York most of the time; if he has read the CONGRESSIONAL RECORD, he will have to verify my statement. I refuse to believe that the Jews of the district that the gentleman from New York represents have so far forgotten the teachings of their fathers and mothers and their forefathers as to forsake or forswear their religion and now worship at the shrine of the gentleman from California. They certainly have not in my district. The gentleman from California is broad-minded enough never to have taken exception to my remarks, because they were made in the heat of debate.

I want to say further to the gentleman that I sent my speech all over my district. It was made an issue in the last campaign. It was one of the principal issues, and I only carried 16 counties out of 16.

Ah, the gentleman says it will not do for anyone to reflect on the Irish or the Jew, again referring, no doubt, to myself, because it is just following my remarks in reference to the gentleman from California. I state emphatically I have never reflected on, neither have I criticized, the Irish or the Jew, and I am glad to say they have always been loyal and true to me.

Now, I want to make three guesses, Mr. Speaker; first, that a good many Jews reside in the district of the gentleman from New York; second, that some Irish reside in the district of the gentleman from New York; third, although I had believed to the contrary, I am almost forced to believe that the gentleman from New York is French, and that a few Frenchmen live in New York, and he is simply appealing to get their votes if he should run for reelection.

Now, as I said before, Mr. Speaker, the gentleman has practically admitted that the gentleman from Massachusetts was correct.

It was a beautiful poem, and well written. The sentiments in the poem were beautifully expressed, and not by a single word did I intimate to the Speaker—and the RECORD will bear me out—whether I was for striking same from the RECORD or not; and that motion having been made by a Republican colleague of a Republican, I believed the motion should be disposed of, and simply asked the Speaker what disposition had been made of that motion.

Mr. Speaker, again I regret exceedingly to have been called upon to make these remarks, but I felt that if I sat idly by, after giving the gentleman from New York a chance to correct his remarks; if I did not make some answer to the same it would naturally go out and be construed as a confession that everything this most learned statesman had said was admitted by me to be true.

Again, in conclusion, I urge upon this gigantic mind, this peer of the delegation from New York, this man who would not appeal to any particular race for votes, this man who has neither Irish nor Jew in his district, that he devote more of his time to reducing the cost of living and giving some relief to the people of this great country, rather than to devote so much of his time in incorrectly referring to me. [Applause.]

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. FORDNEY. My good friend, I will let you get in under the five-minute rule. Members have severely criticized the Ways and Means Committee for allowing so much time for outside debate.

Mr. SIEGEL. I think I ought to have the time, in justice to myself.

Mr. FORDNEY. Can not the gentleman take it under the five-minute rule? I shall have to object, Mr. Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. FORDNEY. I am compelled to object.

Mr. SIEGEL. I make the point of no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. FORDNEY. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Ellsworth	Lesher	Rowan
Andrews, Md.	Emerson	Little	Rucker
Andrews, Nebr.	Evans, Mont.	Lonergan	Sabath
Anthony	Fields	Luce	Sanders, N. Y.
Babka	Fisher	Lufkin	Saunders, Va.
Bell	Fitzgerald	McAndrews	Schall
Benson	Flood	McArthur	Scully
Blackmon	Focht	McClintic	Sells
Blanton	Fuller, Ill.	McCulloch	Sherwood
Bowers	Fuller, Mass.	McGlennon	Shreve
Brand	Gallagher	McKinley	Sinclair
Britten	Gallivan	McKinley	Sisson
Brumbaugh	Ganly	McLaughlin, Nebr.	Slemp
Burdick	Goldfogle	McPherson	Small
Burke	Goodall	MacCrate	Smith, Ill.
Butler	Goodwin, Ark.	Madden	Smith, Mich.
Byrns, Tenn.	Goodykoontz	Maher	Smith, N. Y.
Caldwell	Gould	Mann	Snyder
Cantrill	Graham, Pa.	Mason	Steele
Carew	Greene, Mass.	Mead	Stephens, Miss.
Chindblom	Hamill	Merritt	Stephens, Ohio
Classon	Hamilton	Mooney	Stiness
Cole	Harrison	Moore, Pa.	Sullivan
Collier	Haugen	Moores, Ind.	Swope
Costello	Hersman	Morin	Taylor, Ark.
Crago	Howard	Mudd	Taylor, Tenn.
Cullen	Hull, Iowa	Murphy	Thompson
Currie, Mich.	Hutchinson	Nicholls, S. C.	Tilson
Davey	Ireland	Nichols, Mich.	Tinkham
Davis, Minn.	Johnson, S. Dak.	O'Connor	Upshaw
Davis, Tenn.	Johnston, N. Y.	Overstreet	Vaile
Dempsey	Kahn	Paige	Vare
Dewalt	Kennedy, Iowa	Park	Vestal
Donovan	Kennedy, R. I.	Parker	Ward
Dooling	Kettner	Peters	Watson, Va.
Doremus	Kiess	Porter	Webster
Doughton	LaGuardia	Rainey, H. T.	Whaley
Drane	Langley	Ramsey	White, Kans.
Dyer	Larsen	Reed, N. Y.	Wilson Ill.
Eagan	Lea, Calif.	Riordan	Wise
Edmonds	Lee, Ga.	Robinson, N. C.	Wood, Ind.
Elliott	Lehlbach	Robsion, Ky.	Woodyard

The SPEAKER. On this call 260 Members have answered to their names. A quorum is present.

Mr. FORDNEY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5218, the magnesite bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

1. Magnesite, commercial ore, either crushed or ground, three-fourths of a cent per pound.

Mr. KITCHIN. Mr. Chairman, has the Clerk read paragraph 1?

The CHAIRMAN. He has.

Mr. FORDNEY. The Clerk must have an old bill, because he read "three-fourths of a cent."

The CHAIRMAN. The Clerk has not yet read the committee amendment.

Mr. FORDNEY. I move the adoption of the committee amendment, on line 9, substituting "one-half" for the words "three-fourths."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 9, strike out "three-fourths" and insert "one-half."

Mr. KITCHIN. I offer the following amendment to the committee amendment.

The Clerk read as follows:

Strike out the word "one-half" and insert "one-eighth."

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina to the committee amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the committee amendment.

The committee amendment was agreed to.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

Mr. FORDNEY. Mr. Chairman, unless the gentleman can confine himself to the subject matter of the bill I shall have to object. The gentleman has already consumed 40 minutes.

Mr. SIEGEL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the question of "pound" is important in a bill or a line, and still more important on an occasion for a man to get an opportunity to answer the gentleman who proceeded him. So I intend to say a few words about what the gentleman from Florida [Mr. SEARS] had to say this morning. As long as the gentleman from Florida confined himself to giving us the accurate facts, it was of very little interest to me what he might say about me personally.

Mr. FORDNEY. Mr. Chairman, I submit that the gentleman from New York is not talking on the subject matter before the House, and I object.

Mr. SIEGEL. I presume the gentleman from Michigan does not wish to have the subject of "pound" discussed.

Mr. FORDNEY. I object, Mr. Chairman. The gentleman from New York has not acted fairly on this matter. I offered to let him in, but he called for a quorum.

Mr. SIEGEL. Mr. Chairman, I ask that the words of the gentleman be taken down, as to whether I have acted fairly or not to this House.

The CHAIRMAN. The gentleman will proceed in order.

Mr. SIEGEL. It is very surprising to me to have the gentleman from Michigan [Mr. FORDNEY] act in the manner he is acting. I refer to his stating to the House that I have not acted fairly with it this morning. The fair proposition would have been to permit me to follow the gentleman from Florida [Mr. SEARS] and dispose of the matter. Let me add that I have taken less time on the floor of this House than many men on both sides, and I have had only one extension in the RECORD——

Mr. FORDNEY. Mr. Chairman, I insist that the gentleman is not talking to the amendment.

The CHAIRMAN. The gentleman from Michigan makes the point of order that the gentleman from New York is not discussing the amendment. The gentleman from New York will proceed in order.

Mr. CLARK of Missouri. Mr. Chairman, did not the gentleman from New York demand that the words of the gentleman from Michigan be taken down?

Mr. SIEGEL. Oh, I withdraw that request.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes out of order.

Mr. FORDNEY. I object. I will not permit it under the circumstances. If the gentleman will go on as I have requested him to do, I shall see to it that he gets the time, but I am not going to yield now.

Mr. SEARS. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

Mr. FORDNEY. I object.

Mr. SIEGEL. Mr. Chairman, there are some amendments in some of the bills brought to the attention of the House by gentlemen who are a little bit aged, who have been here a long time, and who at all times have been extremely friendly, agreeable, and genial, but who occasionally do get upset because they can not have their own way. I think I have acted——

Mr. FORDNEY. Mr. Chairman, if the gentleman will wait, I will let him have his five minutes, but I will not agree to it now.

Mr. SIEGEL. Let me say to the gentleman right now that I have a very important appointment at the State Department.

Mr. FORDNEY. Why did not the gentleman think of that before he made the point of no quorum?

Mr. SIEGEL. For the reason that I still believe that I had a perfect right to reply to the gentleman from Florida immediately after he vacated the floor.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Is this a part of a public proceeding, or is it a private conversation that is going on?

The CHAIRMAN. The gentleman will have to put his inquiry to the gentleman from New York [Mr. SIEGEL].

Mr. FORDNEY. I say to the gentleman that I am objecting to the gentleman from New York proceeding, except to discuss the amendment before the House.

Mr. SIEGEL. Mr. Chairman, if the gentleman is getting into a humor where he really believes that this bill may be passed more quickly by my discussing the amendments, I will discuss them. I will say to the gentleman that I think that no part of this bill should have been introduced or presented to the House at the present time, because the other body having jurisdiction will probably not take it up.

Mr. FORDNEY. Let me say, Mr. Chairman——

The CHAIRMAN. The gentleman from Michigan must not interrupt the gentleman from New York without his permission.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. FORDNEY. I would say to the gentleman that I shall be more fair than he has been, and will permit him to proceed now, if he will not carry on this performance again.

Mr. SIEGEL. I say to the gentleman that I have always respected him for his age and ability.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. KITCHIN. As I understand it, after the conclusion of the magnesite tariff bill, now under consideration, the gentleman from Michigan proposes to take up the repeal of the Canadian reciprocity?

Mr. FORDNEY. Yes.

Mr. KITCHIN. Why not let this gentleman and other gentlemen who desire to talk wait until that comes up?

Mr. FORDNEY. I am going to ask unanimous consent that the gentleman proceed now out of order.

Mr. SIEGEL. Mr. Chairman, let me say at the outset to the House that I have always tried to be fair and square with every Member. This is the first point of no quorum that has ever been made by me in the four or five years that I have been on the floor of this House. No man here or in any other place can say that I have not been as fair and square as every other man.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIEGEL. Mr. Chairman, I ask that the five minutes be counted from the time when the gentleman from Michigan [Mr. FORDNEY] said that he would ask that I have five minutes.

Mr. FORDNEY. Mr. Chairman, I request that the gentleman have five minutes out of order.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from New York may proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Chairman, the gentleman from Florida [Mr. SEARS] undoubtedly has a very good memory. Memory, as I understand it, requires three things—the acquisition of knowledge, the retention of it, and the recollection of it—I am sure that if he will recollect what occurred yesterday he will immediately realize that he was mistaken, and very much mistaken, in what he told the House a few moments ago as to the occurrence of yesterday. The gentleman from Florida came to me while I was sitting over on the Republican side of the aisle and asked me whether I had any objection to his getting the reporter's transcript when it was returned to our friend here, Jake. The gentleman from Florida got the transcript and kept it for a couple of hours and around 4 o'clock I received it back from Jake. I revised it right here and made practically no changes at all. I discussed the matter from a jocular standpoint. The gentleman from Florida called me up on the telephone about half past 5 or a quarter to 6 o'clock, at my office, and he said, "Do you realize that you have treated Mr. WALSH, a Republican, in a very gentlemanlike manner, but that you have sailed into me, a Democrat?" I said that the question of

Democrats or Republicans had not entered my mind when I was discussing the matter, but I am more generous than the gentleman from Florida is or ever has been. I want to remind him that in April last his Key West project was up on the floor of the House. The chairman of the Rivers and Harbors Committee, the gentleman from North Carolina [Mr. SMALL] was opposed to it. The gentleman from Florida [Mr. SEARS] came over on April 16, 1918, and appealed to me and the other New York City Members to stand by him and put it through for him.

We told him we considered the project a fair one. Thirteen Members of the House from the city of New York here voted for the Key West project, regardless of party. With those 13 votes against it the project would have been badly beaten. With those 13 Members voting for it, there were 151 yeas and 133 nays. Now, the gentleman referred to the proposition of reducing the high cost of living. I quoted part of his speech two and one-half years ago on the floor of the House. I have introduced a bill or two in the House which have attracted considerable attention. Members of the Committee on Interstate and Foreign Commerce have been flooded with mail in reference to it. One gentleman from Massachusetts [Mr. WINSLOW] has had to employ two stenographers for the purpose of answering correspondence in regard to it. Now, the gentleman from Florida must have been worried very much about the ability of the gentleman from Massachusetts [Mr. WALSH] to take care of the motion to strike out the poem from the RECORD, because on Saturday, probably for the purpose of assisting the gentleman from the State of Massachusetts in this most gigantic legislative act to be performed, he rose and made inquiry. I am quite sure the gentleman from Massachusetts [Mr. WALSH] was capable of making the motion, for we all know his ability and capacity. The gentleman from Massachusetts had followed the usual procedure. Yesterday I referred to his western trip and his coming back full of humor and wit and geniality. I said perhaps during the night of Wednesday, September 30, he had not slept well, and when he woke up in the morning he found the RECORD containing this poem. The gentleman from Florida should realize that in public life one should have the skin of a rhinoceros, for if one is thin skinned he does not belong in the House of Representatives. Members are going to be criticized for what they know is right and for what they know in their hearts and souls is best for the American people. The destructive critic can be found everywhere. As far as my congressional district is concerned, let me say to the gentleman I was nominated by both parties, and I have stood for the Government of the United States, without sectionalism, every time on the floor of the House and throughout the country. I do not know sectionalism when I cast my vote here. Many times I have voted for western projects when Members from the East, as a whole, have voted against them. Members from the far West will bear that out. I know only one country; I know the whole of this country—not one part of it, but the whole country. When our boys went to the other side and fought their way through the Argonne Forest they were not fighting for Florida, they were not fighting for New York, they were fighting for these United States. They gave their lives away for this country as a whole; they did not give them for a solitary State. They have, I hope, by their heroic deeds united our people and cemented their love for our institutions. I will say to the gentleman from Florida, when he considers in years to come his part of this whole transaction, that I hope that his conscience may be clear. I earnestly hope that what I said yesterday may be true. That by day he may repose very quietly and at night he may rest very peacefully, and where'er he may be, in any part of the country, whether in New York, Florida, or anywhere else, I am always glad to help him, and any project of his which is deserving will receive my vote upon its merits. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURROUGHS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 495. An act for the relief of Walston H. Brown, etc.;

S. 2300. An act for the relief of the estate of Henry A. V. Post; and

S. J. Res. 90. Joint resolution to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States.

The message also announced that the Senate had passed with amendments the bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 425) entitled "An act to establish the Zion National Park, in the State of Utah," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. FALL, and Mr. MYERS as the conferees on the part of the Senate.

DUTY ON MAGNESITE ORE.

The committee resumed its session.

The Clerk read as follows:

2. Magnesite, calcined, dead burned, and grain, 1¼ cents per pound.

The committee amendment was read, as follows:

Strike out "1¼ cents" and insert "three-fourths of a cent."

Mr. KITCHIN. Mr. Chairman, I move to amend the amendment by striking out the words "three-fourths" and inserting "one-fourth."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN: Page 1, line 11, strike out the words "three-fourths" and insert in lieu thereof "one-fourth."

Mr. KITCHIN. Mr. Chairman, magnesite embraced in paragraph 2, now under consideration, was on the free list under the McKinley Act, under the Dingley Act, under the Payne-Aldrich Act, and now under the Underwood Act. Three-fourths of a cent a pound provided for in the amendment of the gentleman from Michigan, or the committee amendment, means $15 a ton on magnesite. The normal prewar import price of magnesite was $10 a ton. The committee amendment imposed a tariff duty of $15 a ton, or an ad valorem rate of 150 per cent. It jumps from the free list under the McKinley Act, under the Dingley Act, under the Payne-Aldrich Act, under the Underwood Act to 150 per cent ad valorem based upon normal or prewar times price. I believe that this House will agree with me inside, though not by their vote, because the majority of the votes here are Republican, that this is an outrageously high tariff—150 per cent! I want to say it is absolutely prohibitive. I can not see, if you want to levy a tariff on the Republican theory of covering the difference in the cost at home and abroad, how any Republican can vote for this 150 per cent prohibitive rate. That rate more than pays for the whole labor cost. My amendment reduces the rate from the committee amendment from three-quarters of a cent to a quarter of a cent a pound. That one-quarter of a cent a pound will be $5 a ton. If we should get back to normal and normal prewar price, that will be 50 per cent ad valorem. While the one-fourth cent per pound, or 50 per cent ad valorem, is a very high tariff, I am offering this because it is so much better, it is so much less burden than the three-quarters of a cent, or 150 per cent ad valorem, provided for in the committee's amendment. Both Republicans and Democrats ought to vote for this amendment of one-fourth of a cent a pound, which is $5 a ton duty.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I wish to say to the committee that the rate of duty provided for, three-fourths of a cent per pound on dead-burned magnesite, does not compensate the difference in the cost between the price of dead-burned magnesite delivered at Atlantic coast ports and the price at which imported magnesite is sold for by the people who own the magnesite mines in Austria. The testimony before the committee is, Mr. Chairman, that the average cost of production of dead-burned magnesite at the mines in the States of Washington and California averages $25.13 per ton. The price to Atlantic coast ports is $16.07 per ton.

It makes a total cost, laid down at Atlantic and Gulf ports, of $41.20 a ton, whereas dead-burned magnesite imported from Austria, according to the statement of the gentlemen who claim to own the mines in Austria, has been sold in Philadelphia f. o. b. cars for less than $16 a ton. Therefore the rate of duty provided for by the committee, $15 a ton, is not sufficient to offset the difference between the cost of production in this country and the cost of production of magnesite produced in Austria, and no testimony has been presented to the committee on that subject except by the people who own the mines in Austria and want to bring in Austrian magnesite. The fight is absolutely between the people who own Austrian magnesite mines and the people who own the magnesite mines in this country. And my duty is, as I see it, to give adequate protection to American capital and American labor employed in the United States. I hope the amendment of the gentleman fails.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina to the committee amendment.

The question was taken, and the Chair announced that the noes semed to have it.

Mr. KITCHIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 30, noes 65.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

Mr. KITCHIN. Mr. Chairman, I move to amend the committee's amendment by inserting in lieu of the word "three-fourths" the word "one-half."

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the committee amendment, which the Clerk will report.

Mr. FORDNEY. Mr. Chairman, just one word.

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN to the committee amendment: Strike out the word "three-fourths" and insert "one-half."

Mr. KITCHIN. Mr. Chairman, this rate which I have offered in this amendment is, in my judgment, much too high, but it is just 33⅓ per cent lower than the rate carried in the committee's amendment, and therefore just that much better than the committee's rate. The gentleman from Michigan [Mr. FORDNEY] said a moment ago that the evidence was that it cost $41.50 to put this magnesite from the northwest coast to the eastern coast, while the Austrian magnesite could be laid down on the east coast for $15.50 or $16. Why, there is no evidence of that. That $15.50 or $16 price testified to by witnesses was the price in 1914, before the war. Before the war the import price was $10, and ocean and rail freight and commissions made it $16. The fact is that the only evidence we had as to the probable price now was that it would cost $30 or more. The committee is assuming by its amendment that the cost conditions, the labor and transportation conditions, and all the abnormal conditions now existing in this country are going to remain forever, while the normal prewar conditions in Austria or other nations abroad are going to be at once restored. Of course, if that be true, the rate, from the Republican viewpoint, ought to be $15 a ton, or three-fourths of a cent per pound, as is provided in the committee's amendment.

Now, the normal price was $10 a ton—the import price. My amendment of one-half cent per pound makes it at normal prices 100 per cent ad valorem, when it had been on the free list for 25 or 30 years under both Democratic and Republican tariff acts. This amendment is entirely too high, but it is lower than the rate which the committee offer, and I am giving the Republicans a chance to vote to substitute this rate for the committee's prohibitive rates, even from the protective standpoint. The Government should not subsidize by a tariff any industry in this country that can not exist on a tariff of less than 100 per cent. [Applause on the Democratic side.]

Now, this rate—three-fourths of a cent a pound, or $15 a ton—proposed by the committee is going to put upon the people of this country an additional cost of nearly $3,000,000 a year. It will prove in normal times, and even now, absolutely prohibitive. It equals at normal prewar prices a duty of 150 per cent ad valorem. I would not discredit American ingenuity; I would not discredit American management; I would not discredit the efficiency of American labor by asserting here, as the Republicans do, that to maintain an American industry requires a tariff of 150 per cent ad valorem.

Mr. KREIDER. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. KREIDER. In the estimated cost of delivering this product to Atlantic ports, of $41 and some cents, what portion of that is freight charges?

Mr. KITCHIN. I am coming to that. The freight charges in that "claimed" cost are $16.07. All admit that the freight on magnesite is going to be greatly reduced. And now they can ship it by way of the Panama Canal for $7, the war freight rate. This will be reduced. Before the war the freight by the Panama Canal was $4 a ton. It went up during the war to $7, and now it is believed that it will go back to $4. But there was evidence before our committee that the president and manager of the largest magnesite industry in this country, who filed a paper before the committee saying his company could produce 75 per cent of the magnesite used by the steel companies, said he could produce magnesite for between $10 and $12 a ton. The freight through the Panama Canal will be $4, and if this company can produce at from $10 to $12, the cost to deliver in the East will be $16—the cost of delivery to Pittsburgh and Philadelphia. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KREIDER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. KREIDER. Mr. Chairman and gentlemen, it is not often that I oppose a tariff, but I am inclined to believe that the levying of almost a prohibitive duty on magnesite will be the same kind of an error that was made when the Underwood bill was passed and the tariff was increased on manganese ore. If I am correctly informed, the only place where they have magnesite is on the Pacific coast, and the reason I asked the gentleman from North Carolina what those freight charges were was to find out the cost of transportation.

Now, I believe that if you put too high a tariff on this ore it will entirely prohibit its importation. As I understand it, it is a very necessary ore, needed by all basic industries, such as in the manufacturing of steel, copper, and so forth, where it is used for the lining of the blast and other furnaces. I am reliably informed that at the present time the price of magnesite brick is $400 per thousand, and it has become quite a burden upon the users of the brick and certain other products to pay these exorbitant prices. I believe that if we laid a lower tariff and allowed our magnesite deposits to be developed, first, by sales near source of production it would not be long before the product could be sold in free and open competition with the product brought in from Austria or any other country. We want to develop this industry, but I do not believe that it is good business to shut out the Austrian product entirely. As I understand it, this product is an essential to many of our manufacturers and to many industries.

The tariff should be as low as we can make it, consistent with the development of our own resources. I am going to vote for the amendment offered by the gentleman from North Carolina [Mr. KITCHIN], because I believe a duty of $10 per ton will be sufficient protection to permit the magnesite industry to be fully developed. [Applause.]

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. FORDNEY. I expected Democratic applause from that side to a speech of that kind from a Republican. Mr. Allen, who is vice president of the Refractories Co., whose people own the mines in Austria that our magnesite comes in competition with, testified here, on page 45 of the hearings of the Ways and Means Committee:

However, I can say that before the war we sold magnesite at $15.75 per ton f. o. b. cars Philadelphia, and we could have furnished with our capacity all the magnesite that was used in the United States.

From Austria, produced by Austrian labor.

The gentleman from Pennsylvania [Mr. KREIDER] says that it will work a hardship on the people who use magnesite brick. The steel men of Pennsylvania! Pennsylvania has become famous in the manufacture of steel because of the protection given to that industry by the Republican Party. Who will deny that? The gentleman from Pennsylvania [Mr. KREIDER] will not deny that. And yet if all this duty provided—three-fourths of a cent per pound—is added to the cost of production of steel in Pennsylvania, how much does it amount to, to your steel manufacturers? Three and three-fourths cents per ton. Oh, my dear friends, just a little more than a 3-cent postage stamp on a ton of steel if all this duty is added to the cost of production, which the gentleman says will be such a great burden on the steel manufacturers of Pennsylvania.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. In a moment. How much magnesite was produced in this country before the war? We must expect to see normal conditions returning to this country after the war has been settled, and the league of nations has been adopted, and the President gets well, and everything goes along smoothly once more. We must expect normal conditions once more when the Republican Party gets into power, and that will be but a short time. [Applause on the Republican side.] There was but 1 producer of magnesite in this country before the war, and now there are 65. Nine thousand tons of raw magnesite was produced in the country before the war, and in 1917, 316,000 tons were produced. Oh! Three and three-fourths cents per ton—a great burden to the steel manufacturer. You can not make me believe it, gentlemen.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. FORDNEY. Yes.

Mr. COOPER. I would like to ask the chairman of the Committee on Ways and Means if the committee did not receive some

protest from the steel manufacturers on the ground that the American magnesite was of an inferior quality to the Austrian magnesite, and that was the reason why they were opposing a prohibitive tariff, because they would like to have the privilege of using the Austrian magnesite?

Mr. FORDNEY. There was such a protest. But, my good friend, the steel companies—and I do not know how many were represented—sent a gentleman to me after the hearings, and he asked to withdraw their opposition, and said, "We want to take no part in this matter at all, because the cost in the production of steel in this country is so insignificant that it is inconsistent with the interests of the steel men of this country to protest," and they withdrew their protest, I say.

Another thing. It was stated by Mr. Allen and his associates who created this opposition among the steel manufacturers, so I am informed—by the way, Mr. Allen is a manufacturer of magnesite brick—some of them said that the brick made from American magnesite was not as good as if made from foreign magnesite, and yet they came back afterwards and withdrew their opposition, and said they did not know whether the brick they had referred to was made from American magnesite or from foreign magnesite; and again, they did not know whether it was the fault of the manufacturer or the fault of the material in the brick.

Mr. COOPER. Mr. Chairman, will the gentleman yield for another moment?

Mr. FORDNEY. I yield.

Mr. COOPER. I have received a great many letters from the steel manufacturers in my district, protesting against a prohibitive tariff upon magnesite on the ground that the American product was of an inferior quality to the Austrian magnesite, and they wanted to be permitted to use the Austrian magnesite.

Mr. FORDNEY. My friend, the Geological Survey, the Bureau of Mines, and the Tariff Commission report—and we have their reports in these hearings—that there is no magnesite in the world superior to that produced in the United States, and that is the best authority we have. [Applause on the Republican side.] There is none in the world so good as that in the United States.

Now, let me go a little further.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FORDNEY. Let me go further. Mr. Allen states here that he has sold and delivered, f. o. b. cars at Philadelphia, foreign magnesite, Austrian magnesite, for $15.75 a ton. I assume this was before the war in Europe he made such sales.

The freight at the present rate, which the gentleman from North Carolina [Mr. KITCHIN] refers to, is 25 per cent higher than it was in prewar times, $16.07, or a total of $31.82 a ton, including the price referred to of sales at Philadelphia. Will any man here with any common knowledge of the cost of production in this country and abroad say that our production in this country is as cheap as that of Austria? Mr. Allen admitted that the wages paid by his firm in his magnesite mines in Austria, the highest wages to male labor were $1.10 a day, while the wages in the magnesite mines of this country are $4.50 on an average. Will any gentleman say that we can produce magnesite in this country as cheaply as Mr. Allen can produce it in Austria? If so, please furnish the evidence.

Mr. TREADWAY. Is it not rather significant that the opposition to this tariff rate, as reported by the Ways and Means Committee, comes from the strongly protective tariff sections, in view of the fact that the Austrian mine is owned by a Pittsburgh concern?

Mr. FORDNEY. Absolutely, a Pittsburgh concern, which sells to the Steel Co.; and I have it from pretty good authority that the only opposition presented by the steel men of Pennsylvania came through the request of Mr. Allen and his associates in the manufacture of magnesite brick.

Mr. TREADWAY. In other words, it is not opposition to Austrian importation, but it is a question whether people in Pittsburgh owning an Austrian product can sell it in this country cheaper than the people on the Pacific coast can produce it. Is not that the question?

Mr. FORDNEY. Yes; that is the question. Magnesite is produced in three of the States of the Union. The gentleman from North Carolina [Mr. KITCHIN] says we can now bring it through the Panama Canal. I ask you, Is it practical to haul it from the mines in the northeastern part of the State of Washington to Spokane, transport by rail from 300 to 500 miles to the Pacific coast, then transfer the magnesite aboard ship, send it around the Horn or through the canal, unload it on the docks in an Atlantic seaport, and then ship it to the interior? Is that practical? Why, any practical man would never present such a fool proposition. [Laughter.]

Mr. ROSE. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. ROSE. Will the adoption of the committee amendment make the importation of the Austrian product prohibitive?

Mr. FORDNEY. No, sir.

Mr. ROSE. Then I would like to know what would be the cost of a ton of Austrian magnesite as compared with a ton of magnesite produced in this country after the adoption of the committee amendment?

Mr. FORDNEY. My good friend, this is the situation: The cost of production now in this country and in Austria undoubtedly is greater than in normal prewar times. We hope to see the costs come down; how much no man can tell until the time comes. We do know that the freight rate is 25 per cent higher than it was in prewar times, because the administration has advanced freight rates all over the country 25 per cent. We do hope to see the cost of production come down in this country. We do know from the reports of the Bureau of Mines and the Geological Survey and the Tariff Commission that we have enough magnesite in sight to-day in this country to furnish us with all the magnesite we will use, if we use the maximum amount that has ever been used in any one year, for the next 25 or 30 years. I hope the gentleman's amendment will be voted down.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HADLEY. Mr. Chairman, I move to strike out the last word. I discussed this matter at length in the general debate and shall not take much time upon it now; but in view of the discussion upon the amendment, I wish to make three or four observations.

In the first place, the gentleman from Michigan has definitely and correctly stated that the average cost of laying down dead-burned magnesite produced on the Pacific coast is $41.20 at Atlantic ports. That includes an item of $16.07 freight. Twenty-five dollars and thirteen cents is the mine production cost without profit, so that the $41.20 at Atlantic ports is without profit.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. HADLEY. I can not yield now. I will yield later, but I want to make this statement.

Mr. KREIDER. What is the cost of production in Austria?

Mr. HADLEY. The prewar cost of dead-burned magnesite in Austria, it is stated, averaged $16.15. Manifestly, if that cost of production should continue after the war the differential would be $25.05, and that would require a tariff rate of one cent and a quarter a pound, or $25 a ton on dead-burned magnesite. The committee did not reach the conclusion that the Austrian cost and the transportation cost would remain upon a basis that would justify the conclusion that that differential would continue. The committee will note the wide discrepancy between $25 and the $15 rate which the committee has reported here.

There was some testimony at the hearing that the labor cost of production in Austria was very low, as low as 20 cents a day for women and 40 or 50 cents a day for men. Mr. Allen testified, as stated by the gentleman from Michigan [Mr. FORDNEY] that they paid an average in their mines of $1.10 a day. All right; we will assume that they did. To-day the cost of labor in the magnesite mines in this country is stated by the gentleman from Michigan [Mr. FORDNEY] to be on an average $4.50 a day. As a matter of fact, my information is that the lowest cost of such common labor is $4.50 a day. It was $4 during the war, and it is $4.50 to-day for shovelers now, and it ranges from that to $10 a day in the mines in this country. I wish to call the attention of the committee to an extract in the Commerce Reports on the subject of wages which I have received at my desk since I spoke in general debate. This is the issue of September 29, which has come to the desk, I suppose, of all Members. This is a statement as to the cost of production in two coal-mining districts in Poland. Referring to one district, page 1667 of the Commerce Reports, it says:

> Wages are low, and the average laborer's purchasing power is insufficient to meet these needs. Laborers on public works are getting 15 marks (about 75 cents at the present rate of exchange), but are now asking that the wage be raised to 22½ marks ($1.12) per day. A special commission is to investigate the needs of the district and to consider the increase in the workmen's wages.

I called up the Department of Commerce to ascertain if they had any statistical figures on wages in Austria since the war and they said they had not. This is a report of wages in Poland since the war. I submit that the wages in Austria could not be

more favorable than they are in Poland. I think we need not debate that fact when the recent history of that war-stricken country is considered.

So we have in Poland under the existing rate of exchange a going rate of wages, in that neighboring country of Poland, of 75 cents at the present rate of exchange, and they are seeking to have it raised to $1.12, 2 cents higher than it was before the war in Austria, according to the statement of Mr. Allen.

Of course, the prevailing war freight rate was high from the Pacific to the Atlantic ports, but the trans-Atlantic rate was high, and these figures and deductions are made on the rates relatively high both across the Atlantic and across the country here.

The fact is that the committee's deduction of $15 a ton, when you take into consideration that profit is included in the $16.50 Austrian cost on the product laid down at the Atlantic ports, is barely adequate to cover the differential on recent quotations.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HADLEY. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HADLEY. Mr. Chairman, I do not wish to intrude on the time other gentlemen wish to take, but I want the gentlemen to bear in mind that this is a key, a basic industry underlying the production of steel. It did not exist to any appreciable extent before the war because it had not been developed. It has developed during the war that we have a self-sustaining industry in this country if adequately protected. Prior to the war we absolutely depended on Austria for the commodity. We ought not to strike down this industry and be again dependent on Austria when I have shown that the wages in the neighboring country of Poland are such that this industry can not compete with similar wages which undoubtedly prevail in Austria. If these rates of wages obtain in Austria, under the rate specified in the bill we can not compete, and much less under the rate proposed by the gentleman from North Carolina. I hope that the amendment will fail and that the committee amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent that the gentleman be allowed time to answer a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HARDY of Texas. Can the gentleman give any idea as to how much the output per miner is per day in tons?

Mr. HADLEY. We have no definite information on that subject.

Mr. HARDY of Texas. There ought to be some information.

Mr. HADLEY. It may be that there is, but I do not know.

Mr. HARDY of Texas. Is it as much as a ton a day?

Mr. HADLEY. I regret to say that I have no personal knowledge on that matter. I never saw it mined. It does not exist in my district, although it does in my State.

Mr. HARDY of Texas. Could a miner mine as much as a ton a day?

Mr. HADLEY. I am not an expert on the subject, and I am not qualified to testify on the production per man.

Mr. CANNON. Mr. Chairman, I will not use the five minutes. I am a Republican. I believe in the protective policy of the Republican Party, but not in spots. This is a little spotty as it strikes me, and I have listened carefully to all the debate. I suppose I have spent weeks in defending out in Illinois in my district and in the State, sometimes moving over into Indiana, and yelling to maintain a duty of $28 a ton on steel rails when they were selling from $100 to $150. Now the steel industry in the United States is immense, one company alone putting out a greater product, or did before the war, than all Germany. It was established under a protective policy. The steel industry is the greatest industry in the United States. Before the war prices were reduced. They did not get $120 and $130 for steel rails.

The evidence seems to be—I have not read the hearings—but it is not disputed that by the report, by a majority of the Democratic Tariff Board, and by the Bureau of Standards, that magnesite of this country is of good quality, as good as any magnesite in the world. When the war came we had to have magnesite, and it was developed that we had it in sufficient quantities in the United States, the flag of which, thank God, protects all the United States. Yet our good Democratic friends, many of them—yes, all of them—my personal friends, want to sell in the dearest and buy in the cheapest markets, when development under the protective policy of the Republican Party, the South has increased many times the production of its principal crop—cotton—and many times its price, and to-day is manufacturing in the South more of its cotton crop than is manufactured in the Northern States, and, strange to say, is still worshiping the ghost of free trade.

Mr. GARLAND, Mr. FOCHT, and other gentlemen rose.

The CHAIRMAN. The Chair would suggest that debate is exhausted on this amendment.

Mr. GARLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. There is but one word in the amendment.

Mr. GARLAND. Then I move to strike out the section.

Mr. HARDY of Texas. Mr. Chairman, as there have been several speeches made on that side, I would like to have five minutes in support of the amendment.

Mr. KITCHIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KITCHIN. How does it occur that debate is exhausted on this amendment?

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] offered the amendment and discussed it. The gentleman from Michigan [Mr. FORDNEY] rose in opposition to the amendment, and the gentleman from Washington [Mr. HADLEY] moved to strike out the last word, and the gentleman from Illinois [Mr. CANNON] was recognized in opposition to that motion.

Mr. KITCHIN. Then the Chair is holding us down to a strict construction of the rule that we can have five minutes for and five minutes against?

The CHAIRMAN. That is the rule.

Mr. KITCHIN. That is true; but this is the first time I have ever known it to be invoked when there is a bona fide discussion going on.

The CHAIRMAN. The gentleman from North Carolina will bear in mind that with amendments usually there are four or five words, but in this case there is but one.

Mr. FORDNEY. Mr. Chairman, as several gentlemen wish to be heard further, I ask unanimous consent that debate upon this amendment close in 30 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon the pending amendment close in 30 minutes. Is there objection?

There was no objection.

Mr. GARLAND. Mr. Chairman, I am in exactly the same position with reference to the protective tariff as is the gentleman from Illinois [Mr. CANNON]. Protection to American labor is what we mean by the protective tariff. During the war it was discovered that a great many, about 30, different minerals, I believe, were shipped into this country from foreign countries, and that a great many of the States in the Union contained the ores out of which those minerals could be developed. The War Materials Board and the departments came before the Committee on Mines and Mining and asked for a bill that would appropriate $50,000,000 for the purpose of developing these ores that we must have and that we could not get because of the war and a lack of shipping facilities. Finally in the course of time the Congress did pass a bill appropriating $8,500,000 for the purpose of paying those who had laid out money in the development of these materials during the war, and a board was appointed for the purpose of allotting that sum, and they are still at the work.

Among the ores to which I refer was magnesite. As I understand it, we have magnesite in this country, and there has been in the neighborhood of $300,000 invested in the development of mines. They are getting good magnesite ore. The only opposition to the bill comes from or through an American firm whose interests are over in Austria, which firm about 10 or 12 years ago went over there and purchased mines, put up a large burning or drying plant, and hired Austrian labor to do the work. At that time—and I get this from one of the members of the firm who went over there each year—they hired a great many women for about 40 cents a day, children for less, and the miner got 80 cents a day, and the burner or furnace men got 80 cents a day. There may have been a few positions that paid more than that, but that was the general run of wages at that time. I understand that there has been some advance since. Whether Mr. Allen meant that the average wage was $1.10 to the men or that that average included all of the workers, I do not know.

Mr. FORDNEY. That was the wage paid to male labor, and he said that from 40 to 50 cents was paid for female labor.

Mr. GARLAND. Anyway, there is a material that is coming into this country without practically any tariff rate upon it. The Democrats have always claimed that they were for a tariff

that would equalize the cost of labor between a foreign country and this country.

SEVERAL MEMBERS. Oh, no!

Mr. JONES of Pennsylvania. They have been for a tariff for revenue purposes.

Mr. GARLAND. Well, that is what they said, many of them, on the outside—that they believed that that was good policy; but, as a matter of fact, here is a bill with proper amendments by the committee that does not do any more than take care of the difference in the cost of labor abroad and at home.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GARLAND. I would like to have about one minute more.

The CHAIRMAN. The time was limited by the committee to 30 minutes, and the Chair does not feel that it is in order to submit a request for an extension.

Mr. LONGWORTH. Mr. Chairman, I am entitled to five minutes, and I would gladly yield one minute of that time to the gentleman from Pennsylvania.

Mr. GARLAND. Mr. Chairman, that would be sufficient. All I want to do is to say this in closing, that here is a situation where American labor must be protected, and it is the difference between what is paid labor in that country and in this country and nothing else. If we are in earnest in trying to protect the American wage earner, this is the time for us to do it.

Mr. HARDY of Texas. Mr. Chairman, it seems to me that the question I asked a moment ago illustrates how utterly indifferent the labor problem is to gentlemen on the other side. They say this tariff is imposed to offset the difference in the cost of labor in production of this material abroad and in this country. I asked the gentleman from Washington [Mr. HADLEY] how much of this ore—in tons—can one miner produce in one day. He said he did not know, and that the committee had heard no evidence on that question.

The whole burden of the Republican song is that they want this tariff to protect American labor against cheap Austrian labor.

And yet we have not got a scintilla of evidence to show what the amount of the cost in this country of this material is labor. We do not know what is the labor cost of mining a ton of magnesite. Now, my judgment is that hardly any mineral that is mined requires much over a day's labor to mine a ton of it. Without knowing, and nobody else seems to know any more than I do as to what the cost of labor is that is involved in the mining of a ton of this ore, yet I would be willing to bet that a ton of ore does not cost in labor $15 to mine it in this country, and the tariff you put upon it is enough to pay over three full days' wages even at the price you say the mine owner pays.

Mr. GARLAND. Will the gentleman yield?

Mr. HARDY of Texas. I do.

Mr. GARLAND. The mining is not the only process this goes through.

Mr. HARDY of Texas. Do not you say that you base this tariff on the difference in the cost of this ore at the mine in Austria and here?

Mr. GARLAND. Oh, no; in this country.

Mr. HARDY of Texas. The gentleman from Michigan made a statement of what it cost at the mine.

Mr. FORDNEY. Dead-burned magnesite at the mine.

Mr. HARDY of Texas. And it takes 2 pounds of the raw crude ore to make 1 of dead burned?

Mr. FORDNEY. Yes.

Mr. HARDY of Texas. Now, if a man will mine 1 ton of crude ore per day, and it takes 2 tons of crude ore to make a ton of dead burned, that is two days' labor to produce a dead-burned ton of magnesite in this country at the mine, and for that labor you will pay on your own testimony $9, while you make the duty $15 per ton.

Mr. FORDNEY. Has the gentleman any evidence what a ton of magnesite here can be mined for by the miner in a day? If so, where does the gentleman get it?

Mr. HARDY of Texas. Certainly, I have not, because the gentlemen who are favoring this tariff professedly to protect labor told me they did not know how much labor there was in producing a ton of ore.

Mr. FORDNEY. There is no evidence presented.

Mr. HARDY of Texas. And if the gentleman was seeking to protect labor the first thing he would have done would be to inquire how much labor it required to mine a ton of this ore.

Mr. FORDNEY. On page 27 the gentleman will find the cost at the mine, but the labor is not segregated from the other costs.

Mr. HARDY of Texas. That is absolutely true, and demonstrates that you are protecting the profits of the mine owner and not labor. I asked the gentleman from Washington how much it cost in labor and he said nobody knew. No evidence was taken. You are very anxious about the laboring man, but you did not inquire——

Mr. HADLEY. The gentleman is mistaken if he asked me as to how much is labor. He asked how much one man could produce a day and the labor cost, and the statements varied, varied from 65 to 75 per cent as being the labor cost.

Mr. HARDY of Texas. I asked the gentleman this question: How much, in tons, can one man mine per day? And the gentleman said there was no evidence. That would determine how much labor there was in a ton of ore; and if we had the labor cost in mining a ton of ore here and in Austria we could tell what the difference is and so tell what tariff would surely protect American labor.

Mr. GARLAND. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. GARLAND. Does it make any difference what the labor cost is per ton when you have two people working together, one getting 80 cents and the other $5 a day?

Mr. HARDY of Texas. It makes this difference: If there is only $4.50 of labor in a ton of ore, and the tariff is made $15 per ton, then at least $11.50 of your tariff is protection of the profits of the mine owner, and that is how it is. [Applause on the Democratic side.]

Mr. GARLAND. Is not the ratio between 80 cents and $5 sufficient to warrant that?

Mr. HARDY of Texas. When you get a tariff that covers all the labor cost of the production of an article in this country you can not claim any higher tax for protection to labor. Even Republicans ought to see that a tariff higher than the whole labor cost here is not for the benefit of labor, but of the tariff baron, who levies his tribute upon the masses of the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, there is only one feature of this matter I want to discuss, and that was raised by the speech of the gentleman from Pennsylvania [Mr. KREIDER]. The gentleman, from one of the most highly protected districts in this country, stated it would cost a tremendous sum of money to the consumers of this dead-burned magnesite if the rates of duty provided by this bill should be maintained. Now, let us see just what amount that represents. The difference between the committee bill and the amendment offered by the gentleman from North Carolina [Mr. KITCHIN], which the gentleman from Pennsylvania supports, is one-quarter of a cent a pound. Now the fact is that it takes about 5 pounds of this material to make a ton of steel. What is the duty upon these 5 pounds at the rate of one-quarter of a cent a pound? It is 1¼ cents a pound. Take a ton of steel rails, which in ordinary times used to sell at $28 a ton. What is the additional cost by reason of this duty? One and a quarter cents, which would be about four one-hundredths of 1 per cent. Now, it is utterly absurd for any gentleman to come into this House and talk about the cost to the consumer in a matter of this sort. The difference between what the committee proposes and what the gentleman from North Carolina proposes is one-quarter of a cent a pound. It illy becomes, in my opinion, a gentleman from the State of Pennsylvania to talk about the tremendous amount that it is going to cost the manufacturers of his State. It is utterly absurd and beneath the dignity of this House to debate it for one moment. [Applause.]

Mr. KITCHIN. Mr. Chairman, how much time is there remaining? We had 30 minutes, and how much time is now remaining?

The CHAIRMAN. There are 18 minutes remaining.

Mr. KITCHIN. Let me say to the gentleman from Michigan there are 18 minutes remaining. Let me have 10 and the gentleman have 8.

Mr. FORDNEY. I only have five minutes. The gentleman from Pennsylvania [Mr. FOCHT] wants to divide time with me.

Mr. KITCHIN. Well, let the gentleman from Pennsylvania use three minutes.

Mr. FORDNEY. He wants five minutes.

Mr. FOCHT. Mr. Chairman and gentlemen, this bill has been characterized as piecemeal legislation. I agree with the gentleman from Illinois [Mr. CANNON] that if we are going to get broad and effective results in tariff legislation it must be done as a whole. That, I believe, is the theory of protectionists, and I am one. But, nevertheless, the bill is here in process of formation and for action. I have heard the observations made by the distinguished gentleman from North Carolina [Mr. KITCHIN]. He dwelt largely upon the question of percentages; that 180 per cent is too much and 150 per cent is too much; but, my friends, to me it is not a question of percentage at all, nor can it be to any person who is a protectionist and comprehends the force of the true theory. A protectionist is not one imbued with the idea of a tariff for revenue

only; that we want it graduated and standardized, so that we may get as much goods in as we can in order to get the revenue, and which means desolation and ruin to American industry and labor. As to this question here, and on similar occasions, I know that sometimes Democrats laugh and smile about the tariff. They think it is a dead issue. In this they are mistaken and hug a delusion. It is the livest thing to-day, following this war. Let me call your attention, as has been done many times, to the steel-rail issue. There are none here so young but can recall how that industry grew up in Pennsylvania. They can remember when there was paid $125 for a ton of unpunched rails, rails with no rivet holes in them, sent here from Europe. And, coming from Pennsylvania, I think I can not say too much in credit of that State, for from there has radiated all this prosperity throughout the Nation, all based upon the protective tariff. We had the issue of tin plate, but as to this what was the result?

The minute we put the tariff on it American industry and ingenuity mined the Black Hills, and we made all the tin used in America and can make sufficient to supply the markets of the world. It is not a question of percentage; it is not a question of 120 or 150 per cent. It is a question of protecting this infant industry, and I do not care if it is 10,000 per cent. If you have this magnesite in these hills of the Western States and other States, and a protective tariff mountain high will develop it, that is what I am for, and which everybody else in America ought to be for. [Applause on the Republican side.] And in this we do for industry and labor that thing which our boys did for our honor and safety when they went across the sea to fight for American homes and firesides. When we pass a bill like this, protecting an infant industry, what do we do? We make this particular industry absolutely secure and independent from the aggression and machinations of foreign profiteers who would first destroy our industries then fix their own price and leave us helpless.

Several years ago there was before Congress the question of reciprocity with Canada, and the biggest farce and blow aimed at our agricultural industry ever pulled off on the American people. There was passed a reciprocity bill that did not mean reciprocity at all, and I am glad to have spoken and voted against it. There was a big "snake" in that bill, which was an amendment attached to it repealing the tariff on wood pulp. I myself bought many a quantity of paper for less than 2 cents a pound, and now pay 6 cents a pound to the monopoly in Canada following the closing down of American mills.

There is no puzzle, no mystery, no black art about the tariff. It is the simplest thing in all the world. It is a difference, as suggested here, between the cost of production abroad and home, and that other fundamental and underlying principle, that of protecting American industries so that they may develop and we may be safe and free from the merciless foreigner who knows no pity when we must buy from him what by sane and sensible protective tariffs we might produce in America. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] is recognized.

Mr. KITCHIN. Mr. Chairman, let me say before I discuss the merits of the pending amendment one thing in reply to the gentleman who has just taken his seat. He said that it was the Republican tariff that had made the great iron and steel industry in Pennsylvania and other States, that has radiated prosperity out through the length and breadth of this country, and that it was the Republican tariff that had protected American labor. I admit that "Republican protection" has done a great deal for the iron and steel corporations of the country, and especially the United States Steel Corporation, but it has done very little for American labor in the iron and steel industry, and especially in the industry of the United States Steel Corporation. Let me remind the gentleman——

Mr. FOCHT. Will the gentleman yield right there?

Mr. KITCHIN (continuing). That during the reign of "Republican protection" the poorest paid labor in any manufacturing industry in the United States was the labor in the iron and steel industry. That in this industry under Republican rule and Republican tariff, American labor—the red-blooded born and naturalized American employee—was forced into competition not abroad but here at home, at his very doorway, with the cheap, pauperized labor of every country on earth. [Applause. on the Democratic side.] The Republican Party put upon the high, dutiable list everything that the American laborer wore, everything that he ate, everything that he used, increasing thereby the price of every article of necessity, while it put upon and kept upon the free list every cheap, pauperized laborer of every nation in the world. [Applause on the Democratic side.] During its entire rule under high protective tariff the Republican Party and the protected manufacturers invited to these United States the pauper laborers from the four quarters of the globe to compete here with our honest, patriotic home laborer. [Applause on the Democratic side.] And they came; they were imported free and without restriction, and ran out of our markets, out of our manufacturing and mining plants, hundreds of thousands of red-blooded, honest, patriotic American laborers. [Applause on the Democratic side.] The United States Steel Corporation alone took into its employ over 200,000 of this foreign pauper labor, which the Republicans had "free listed," and now these Republican free-list foreign laborers are giving not only the Steel Corporation but the entire country much trouble.

I want to say that the Democratic Party under Woodrow Wilson was the first party, and the only party, that ever tried to protect American labor against the Republican free-list importation of the cheap pauper labor of all the world. [Applause on the Democratic side.] Ours is the only party that ever passed an immigration act that restricted the foreign pauperized labor from coming over here and competing with the real American labor. [Applause on Democratic side.]

Mr. FOCHT. I will ask you whether he is not the gentleman who vetoed the bill to prohibit this labor from coming in from foreign countries?

Mr. KITCHIN. The Democratic Party in the House and Senate was so strong in their position on the question, and the question was so strong, that we passed it over that veto and put it on the statute books, although your party, which had been in power for 40 years, had never dared to touch it. [Applause on Democratic side.] Why? Because the big iron and steel corporation and other big manufacturing corporations that wanted to employ this cheap foreign labor instead of American labor—to displace the American employee—opposed any restriction of immigration of foreign labor. [Applause on Democratic side.]

It remained for the Democratic Party in the House and the Democratic Party in the Senate to override the demands and the protests of the big tariff-fattened corporations, and pass a fair immigration act to protect American labor against this cheap, free-list pauper labor that had been, under the Republican control, flooding the American labor market for 40 years. [Applause on the Democratic side.]

Now, to the pending amendments. The gentleman from Ohio [Mr. COOPER] raised a very important question when he asked the gentleman from Michigan [Mr. FORDNEY] if the American iron and steel companies were not protesting against the prohibitive rates in the bill and in the committee amendments. The United States Steel Corporation is not protesting, because it is able to pay to the magnesite producers here any tariff you put on. This does not hurt them. They can pay $15 or $25 a ton. But it is the little independent steel and iron companies throughout the United States that have to compete with the United States Steel Corporation which are protesting against this unjust, prohibitive tariff. The gentleman from Ohio asked if the American companies did not prefer to buy the Austrian product, because it was a better and more suitable product than the American product. The gentleman from Michigan said, "Oh, no; ours is better than any other on earth," and the Republicans applauded.

Gentlemen, here is the report on that question from the Tariff Commission. Listen now. Mr. COOPER is right. The independent iron and steel producers are willing to stand a protective tariff, and my amendment gives a high protective tariff, at least twice as high as it ought to be, but it is not prohibitive like that of the committee. They do not want a prohibitive tariff to prevent them from getting the material that is more adaptable and better suited to their business. Here is what the Tariff Commission says:

> On the other hand, there is a decided preference among the refractory users—

They are the concerns that make the brick from the magnesite and sell to the steel and iron companies; they are the direct consumers of magnesite—

> for the magnesite that carries a certain percentage of iron, as does the Austrian magnesite.

Mr. COOPER, of Ohio, was right in asking the question; not that these steel companies want it free, not that they do not want a protective tariff, but they do not want a prohibitive tariff. They want to pay a reasonable tariff and get what they have proven by experience is a superior product. They know this rate is absolutely prohibitive, and the evidence before the committee shows that it is absolutely prohibitive and so intended.

Now, let me show you the hypocrisy that is always shown here in the debates on the tariff in the Republican cry that they are levying the tariff to protect American labor, to equalize the difference in the cost at home and abroad. Why, gentlemen,

the rate proposed is $15 a ton. This rate not only pays the difference of cost between the Austrian labor and the American labor but it pays more than every cent these magnesite industries pay their labor here. Here is the evidence if you want it. Turn to pages 33 to 35 of the hearings. There you will find it. The total cost of this magnesite now, from the mouths of the magnesite producers, is there given.

This is what one company swears to: One company says it costs it $25.13 a ton to produce—total cost, labor, overhead charges, insurance, taxes, depreciation, amortization, and so on. They swear that 53 per cent of the total cost is for labor. Fifty-three per cent of the total cost is $13.75. That $13.75 is the total cost per ton which this company pays for all its labor. Yet this tariff that they propose is $15 a ton. That more than pays every cent of the labor cost here. Yet they say this rate is to equalize the difference between labor cost here and abroad!

The next company that exhibited its cost of production said it cost it $24.53 and that 53 per cent was labor cost. The total labor cost of that company is only $12.80. Yet this tariff is $15.

The next company, the biggest company, stated that the cost to produce a ton was $21.15. Fifty-three per cent of it is labor. Eleven dollars and twenty cents a ton is every dollar it pays labor for its production. And yet this tariff is $15, and that, they say, is to differentiate between the cost of labor abroad and the cost here. As a matter of fact, upon their own testimony this $15 tariff covers not only the difference between the cost abroad and here, but all the labor cost here, with a margin left of $3.80 per ton, enough itself to pay the difference between labor cost here and abroad.

Gentlemen, there never was a more hypocritical cry in this land—I hate to say it—than when you say this rate is levied to protect the labor in the magnesite industry. [Applause on the Democratic side.]

Mr. FORDNEY. Mr. Chairman, great applause on the Democratic side when they are advocating free trade! Always look for applause on that side when anything free is offered. [Laughter on the Republican side.] The gentleman from North Carolina [Mr. KITCHIN] has a conniption fit about doing something for American labor. Under existing law, the Underwood tariff law, which the gentleman from North Carolina helped to frame and voted for, 74 per cent of all the imports—$3,095,000,000 of imports last year—came in free. Free! Yes; free silver, free trade, free lunch, free souphouses, always! That is what gentlemen on the Democratic side of the House are in favor of. [Applause on the Republican side.]

What have they done for American labor? They have voted to rob American labor on every vote when a proposition is brought in here to increase a duty on imports. In every instance they have voted against American labor because free trade for the United States is always against American labor and in favor of foreign labor. Talk about the cost to the consumer! If all this duty that we are proposing in this bill, $15 a ton, is added to the cost of the producer of steel, for instance.

Take a mechanic, a carpenter who uses steel tools. It imposes on him an additional cost of 1 cent on 500 pounds of tool steel. Oh, what an awful burden upon the American people! I wonder that the House could stand any such burden—1 cent for 500 pounds of tool steel, more tool steel than is used by any mechanic in all his life. Oh, what an awful burden; nonsense. The men who are manufacturing magnesite brick are the only men protesting against this duty, they and the Democrats who protest against any rate of duty above free trade. The magnesite brick manufacturers, paying $40 a ton for their raw material, charge $450 a thousand for the bricks, and they have no competition. Mr. Allen admitted that the 10 per cent ad valorem in existing law had prohibited the importation of brick, and not one magnesite brick has been imported into this country in 20 years; yet they are protesting against the duty on the raw material. Here comes Mr. Allen, vice president of the Refractories Co., producing magnesite brick, asking for protection on his finished product and demanding free trade on his raw material, magnesite. Oh, how inconsistent! No matter what State he is from, no matter whether he is black or white or brown, no matter what his religion or politics may be, he ought to be laughed out of court.

Talk about the labor in the steel mills of this country, it is the highest-paid labor in America to-day. I defy any man to show in any other class of labor in this country the average of wages that is paid to the employees in the steel mills and mines of this country, unless it be on the railroads.

Mr. BLANTON. Will the gentleman yield right there?

Mr. FORDNEY. In just a moment I will yield. I made the statement on the floor of the House the other day that under Government control there were 170,000 more men employed on the railroads to-day than were employed when the Government took over the control of the railroads. The Director General of Railroads, Mr. Hines, came back quickly in a letter to me and said, "Mr. FORDNEY, you are greatly in error. We have only 140,000 more." One hundred and ninety million dollars a month is lost under Government tomfoolery in the handling of the railroads of this country since we took over the railroads as a war measure, and every man of common sense knows it was unnecessary to take over the management of the railroads; it was purely a political move by the President. The Government took over the steamboat lines, and there was a steamboat with officers at Baltimore. The Government took over their steamships and took the money in their treasury, some $650,000, and last winter tendered their ships back to the company without any money, and the Government had lost $100,000 a month on that steamship line while under Government control.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. What was the testimony as to the comparative value of the American magnesite product and the Austrian product in its use?

Mr. FORDNEY. All the testimony before the committee, except from the people who owned the magnesite mine in Austria, is that there is no better magnesite produced in the world than is produced in the United States.

Mr. BLANTON. Now will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. I am sorry I could not yield to the gentleman from Texas.

The CHAIRMAN. All time has expired.

Mr. FORDNEY. I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. KITCHIN] to the amendment of the committee.

The question being taken, on a division (demanded by Mr. KITCHIN and Mr. BLANTON), there were—ayes 51, noes 79.

Accordingly the amendment to the amendment was rejected.

Mr. KITCHIN. I offer the following amendment.

Mr. FORDNEY. Let us have a vote on the committee amendment first.

Mr. KITCHIN. I will offer my amendment after the committee amendment is voted on.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. KITCHIN. I move to add at the end of paragraph 2, line 11, after the word "pound" the following:

Provided, That the duties provided for in this paragraph shall not apply unless it be shown to the satisfaction of the Secretary of the Treasury that the industry producing magnesite described in this paragraph is paying for the labor in the production of such magnesite as much as $12.50 a ton.

Mr. LONGWORTH. I make a point of order against that amendment.

Mr. KITCHIN. I am going to call the gentleman's hand, to see whether you are really doing this for the benefit of labor.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN: Page 1, line 11, after the word "pound," insert: "*Provided*, That the duties provided for in this paragraph shall not apply unless it be shown to the satisfaction of the Secretary of the Treasury that the industry producing magnesite described in this paragraph is paying for the labor in the production of such magnesite as much as $12.50 per ton."

Mr. LONGWORTH. I make a point of order against that amendment that it is not germane to this paragraph and contrary to paragraph 3 of rule 21.

Mr. KITCHIN. Where is your authority in the rules?

Mr. LONGWORTH. There is nothing whatever in this bill which gives authority to the Secretary of the Treasury to determine that question.

Mr. KITCHIN. The Secretary of the Treasury has got absolute authority in making rules and regulations as to the entry and the import duties, and construing the law, and it is absolutely his duty to enforce any provision we put in.

Mr. LONGWORTH. Mr. Chairman, I call attention to paragraph 3 of rule 21.

Mr. KITCHIN. Read it. There is nothing in it about this.

Mr. LONGWORTH. I call the attention of the Chair to it.

The CHAIRMAN. The gentleman from Ohio will proceed.

Mr. LONGWORTH. Mr. Chairman, this introduces an entirely new element in this bill.

Mr. KITCHIN. I know it introduces a new element.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. LONGWORTH. It is not only not germane to the paragraph to which it is offered, but it is not germane to the bill itself.

Mr. GREEN of Iowa. Will the gentleman yield to have the amendment reported? There is some dispute about it.

Mr. LONGWORTH. Yes.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

The amendment was again read.

Mr. LONGWORTH. I submit to the Chair that that amendment is not germane to this bill in any respect. It gives the Secretary of the Treasury the authority to investigate and determine whether labor is being paid a certain price or not. The rule as to revenue bills is clear. It was first adopted by the party now in the minority, then in the majority, to prevent just this sort of thing—to prevent the introduction of new matter on revenue bills, entirely new questions not at all germane to the object of the bill.

It seems to me that the reading of the amendment makes it clear that an entirely new element is introduced into the whole question; that it is not germane to the bill, not germane to the paragraph to which it is offered, and clearly violates paragraph 3 of rule 21.

Mr. KITCHIN. Mr. Chairman, if the Chair will read the rule, it seems as plain as language can make it:

No amendment shall be in order to any bill affecting the revenue which is not germane to the subject matter of the bill.

What is the subject matter of this bill? The levying of a duty upon the importation of magnesite. My amendment simply imposes a condition upon which that duty is to be levied. It relates to magnesite, it relates to the importation and duty on it, and to nothing else. It provides that it shall not bear that duty unless it be shown that the industry here seeking protection pays under $12.50 per ton to labor to produce it. The advocates of the bill claim that the duty of $15 a ton levied by the committee amendment is for the protection of the labor that produces magnesite.

It is conceded that it is in order for me to offer an amendment to strike out all of this paragraph, so that there would be no duty, or to change the rate of duty; but instead of doing this I qualify it by providing that this duty can be levied provided they show that the industry is paying $12.50 a ton for labor in its production. I permit by the amendment importations to come in at the committee's rate, with that qualification or upon that condition. This qualification relates to the "subject matter" of the bill and to "an item" of the bill.

Having the right to strike out all the paragraph or to change the rate and to provide that no duty shall be imposed on magnesite, by what process of reasoning can it be concluded that an amendment qualifying the importation or rate of duty is not in order? This amendment relates to the subject matter of the bill, and is germane to such subject matter, and is, therefore, under the letter and spirit of the rule, in order.

The other part of the rule is:

Nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The special items refer to "dead-burned magnesite." My amendment refers to the paragraph having in it this item, and relates to this item, and only to this item.

Mr. Chairman, in my judgment, and I believe in the judgment of the parliamentarians of this House on both sides, this is clearly germane. It may not be wise or expedient from a Republican standpoint. The question is not whether it is wise or expedient, but the question is, Is it germane? It is bound to be germane under the rule. It refers to magnesite, qualifies or imposes a condition upon levying of the duty upon the importation of magnesite. It refers to nothing else. The subject matter in the bill is the imposition of a duty on magnesite, and the only item this amendment refers to is "magnesite, dead burned or calcined." I know that the gentleman from Ohio does not want this House to vote squarely on the merits of my amendment, because he knows and every Republican knows that if Republicans of the House vote against it they will vote to repudiate everything they said in favor of protecting labor. A vote against it will prove conclusively that they do not favor protection for labor. They therefore, by making a point of order, wish to avoid a square vote on the merits of the amendment.

Mr. LONGWORTH. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

Mr. GREEN of Iowa. Mr. Chairman, the purpose of this bill is, as shown by the title thereof, "To provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States." If the amendment of the gentleman from North Carolina, contained in his motion to recommit, prevails, it should be entitled a bill not only to do this but to give the Secretary of the Treasury unheard-of powers, which have never been exercised before and which nobody ever thought of giving him. More than that, I doubt whether we could give him those powers constitutionally.

It would change this tariff bill to a bill that provided for the entry of these articles according to the judgment of the Secretary of the Treasury. It would no longer be a tariff bill if this amendment is added to it. It changes the whole nature of the bill from a tariff bill to something that has no relation to the tariff whatever, except as it may incidentally affect the entry of goods into this country.

An amendment which engrafts these new powers, which gives this control to the Secretary of the Treasury of the whole subject matter, is entirely foreign to the purpose of a bill to raise revenue for the Government and determine the amount of tariff, and has no relation to the rates contained in the bill. In this case, if the amendment prevailed, the whole matter is left to the Secretary of the Treasury, and the purpose is entirely foreign to the original bill, clear away from the original subject, and has no relation to it whatever. Therefore the gentleman's motion to recommit is not germane either to the particular paragraph which he seeks to change or to the subject matter of the bill as a whole.

Mr. CRISP. If the Chair is ready to rule, I have no desire to address the Chair.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CRISP. Mr. Chairman, I do not think this point of order is well founded, and I am frank to say that I do not think I can add anything to the argument of the gentleman from North Carolina, for, in my judgment, he made the clearest, most logical, most unanswerable argument on a point of order that I have heard in this House in a long time. Whether the amendment is wise or unwise is no concern of the Chair, and I know that the present occupant recognizes that, for I know that no Member of the House is more anxious to follow the rules and precedents of the House than the present chairman.

When a bill is up for consideration the Committee of the Whole is not bound to accept the bill as reported by the committee having the matter in charge. This is a larger committee and has jurisdiction of the subject matter, except that it is limited by the rules of the House in its consideration. The rules of the House say that in revenue bills the amendment must be germane. That rule applies generally to every bill, but as to revenue bills there is a special rule, which is clause 3 of Rule XXI, which limits and narrows the general parliamentary law as to considering bills, and says that an amendment shall not be in order to a revenue bill unless it relates to some item in the bill.

What is the subject matter of this bill? The subject matter of the bill is to levy an import duty on magnesite. What is the item? The item levies an import duty of $15 a ton on magnesite. What does the amendment seek to do? The amendment seeks to engraft onto this bill levying a tax of $15 a ton on magnesite a provision that that duty shall not apply, shall not be collected unless the manufacturers of magnesite in this country pay their labor $12.50 per ton. The subject matter is magnesite, the item in the bill is levying a tariff of $15 a ton upon it, and this is an amendment dealing with the subject matter of magnesite and attempts to attach to this very item in the bill a proviso that this import duty shall not apply unless the manufacturer pays his labor $12.50 a ton for producing it.

It is most certainly germane. To save my life I do not see how anyone can escape the conclusion that it is not only germane, but is closely related and germane to the item in the bill, and under the rules of the House is clearly in order. In my opinion the point of order is not good.

Mr. LONGWORTH. Mr. Chairman, I desire to call the attention of the Chair to a ruling made by the gentleman from Missouri [Mr. ALEXANDER], referred to in the Manual and Digest at page 518, where the gentleman from Missouri quotes with approval a decision made by the Chair in 1897 when a tariff bill was under consideration. The first paragraph of that bill provided as follows:

Be it enacted, etc., That on and after the 1st of May, 1897, unless otherwise specially provided for in this act, there shall be levied, collected, and paid upon all articles imported from foreign countries or withdrawn for consumption, and mentioned in the schedules herein contained, the rates of duty which are by the schedules and paragraphs, respectively, prescribed, viz:

To that Mr. Dockery, of Missouri, offered an amendment, which was in substance the same sort of an amendment as that now offered by the gentleman from North Carolina [Mr. KITCHIN], and which read as follows:

Provided, That when it is shown to the satisfaction of the Secretary of the Treasury that such articles are manufactured, controlled, or produced in the United States by a trust or trusts, the importation of

such articles from foreign countries shall be free of duty until such manufacture, control, or production shall have ceased, in the opinion of the Secretary of the Treasury.

A point of order was made against that amendment, and the Chair ruled that the amendment was not germane—just as I make the point of order that precisely the same kind of an amendment is not germane. The point I make now is even stronger, it seems to me, than the case referred to, because the rule has been very much limited in respect to germaneness on revenue bills since the day that decision was rendered. That amendment sought to do the same sort of thing that the amendment offered by the gentleman from North Carolina seeks to do, namely, give to the Secretary of the Treasury discretion to limit or control in some way the operation of the bill. It seems to me that that decision is on all fours and is even more apropos to-day than it was at that time, because the House, since that time, has greatly limited the rule in respect to germaneness of amendments to revenue bills.

Mr. HICKS. Mr. Chairman, if I may, I would like briefly to say a word to strengthen the argument made by the gentleman from Ohio by referring to section 943a of the Digest, where a decision was rendered by Mr. Speaker CLARK along lines somewhat similar to this one. The amendment now under consideration provides for the obtaining of information by the Secretary of the Treasury, constituting him a sort of embyro tariff commission. Our bill provides for the collection of revenue; the amendment for the collection of statistics. They are different subjects, and the question of germaneness can be raised. Here is the decision rendered by Mr. Speaker CLARK, on page 486 of the Manual and Digest, wherein he ruled out of order as not germane a proposition to recommit a tariff bill with instructions to report forthwith a provision for the creation of a tariff commission. This amendment comes under exactly the same rule as a question to recommit would come under, although, of course, no new office is created in this instance; but it is a delegation of power and provides for the ascertainment of facts and not for the procurement of money. This is what Mr. Speaker CLARK at that time said:

The subject matter of this tariff bill is the raising of revenue. The subject matter of the part of the motion to recommit which relates to the Tariff Commission is to gather information; or, to state it in other words, the purpose of the tariff bill is to get money and the purpose of the Tariff Commission is to get information.

Mr. Speaker CLARK ruled that proposition out of order, and I feel, therefore, Mr. Chairman, that this amendment should be ruled out of order and that the point of order should be sustained.

Mr. CLARK of Missouri. Mr. Chairman, that decision of mine was entirely correct, but it does not fit this case. That was a proposition to create a new body of officeholders that had nothing in the world to do with the bill, and was an effort to shunt the bill that was before the House out of the way or to weaken its effect. In this case the amendment is in order not only for the reasons stated by the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Georgia [Mr. CRISP] but it is in order as a limitation.

The CHAIRMAN. Does the gentleman contend that the rule with reference to limitations has effect as applying to germaneness of amendments to revenue bills?

Mr. CLARK of Missouri. It has been ruled on, I suppose, one hundred times, and is one of the favorite ways of getting matter into a bill which those in charge of it do not want to come in.

Mr. LONGWORTH. Oh, that has reference to appropriation bills.

Mr. CLARK of Missouri. I understand, but the subject matter of this bill is to raise revenue, and the item that the gentleman from North Carolina is trying to amend is the very same subject.

Now, I believed for a long time—and this has got nothing to do with this point of order, and I ask to proceed for a minute outside of it—I have contended for a long time that if it could pass the courts that the best way to settle this whole tariff question would be to rig up a scheme of fixing certain rates and then give the Secretary of the Treasury authority to put them up or down owing to the per cent the imports bore to the entire body of the consumption. I do not know whether it would pass the courts or not. If I had believed it would I certainly would have gotten up a bill long ago. But this amendment of Mr. KITCHIN's simply fixes the condition——

Mr. LONGWORTH. Will the gentleman from Missouri yield?

Mr. CLARK of Missouri. I will.

Mr. LONGWORTH. Does the gentleman from Missouri draw a distinction between giving the Secretary of the Treasury the right to determine whether an article is made by a trust and between this proposition that the labor producing it shall be paid a certain fixed wage?

Mr. CLARK of Missouri. No. I do not think——

Mr. LONGWORTH. Because in that case the gentleman from Missouri must necessarily support the proposition this is not germane, because it has been held and never since overruled that on a tariff bill to give the Secretary of the Treasury authority to determine whether it is made by a trust or not is not germane to the bill.

Mr. CLARK of Missouri. That might be, but here is a flat proposition——

Mr. LONGWORTH. It is exactly the same.

Mr. CLARK of Missouri. The proponents of this bill claim that the reason they want this high tariff is because they want American laborers to have high wages. That is a nebulous kind of theory. Here is the concrete proposition which Mr. KITCHIN offers, that unless these laborers get at least $12.50 out of the $15 tariff protection that it shall not be collected. Well, now, I am in favor, and always have been, that if you are going to levy a tariff to pay laborers high wages you should give the laborers the wages and not let some fellow who does not work any stick it down in his pocket and make an enormous profit out of the labor that produces the thing. [Applause on the Democratic side.] I do not think there is any question about the morality of that proposition, whatever the parliamentary situation may be.

Mr. KITCHIN. Mr. Chairman, the gentleman from Ohio cited a case to the Chair on page 518 of the rules. The way the gentleman read it, it looks like a point-blank case in his favor.

Mr. LONGWORTH. I always read that way.

Mr. KITCHIN. Yes; the gentleman reads that way, but it is the wrong way. When you examine it, you will find that it is really against him. Let me call the attention of the Chair, if the Chair has the rules before him, and I see he has, to page 518. Now, the Dingley bill was before the House. Immediately after the Clerk read the paragraph following the enacting clause, and before the list of articles upon which the rates of the tariff was to be levied or the rates had been reached, Mr. Dockery, of Missouri, offered this amendment:

Provided, That when it is shown to the satisfaction of the Secretary of the Treasury that such articles are manufactured, controlled, or produced in the United States by a trust or trusts—

And so forth. They should be exempt from duty. Now, the point made by Mr. Dingley was not that that was not germane at some section or provision of the bill, but that it was not germane "at that point" of the reading of the bill.

Let me quote from citation in the rules:

Mr. Nelson Dingley, of Maine, made a point of order against the amendment.

The Chairman ruled as follows, etc.:

"To the first paragraph, the gentleman from Missouri [Mr. Dockery] offers an amendment providing that under certain conditions all articles upon the dutiable list shall be transferred to the free list. To that amendment the gentleman from Maine, Mr. Dingley, raised the point of order that it is not in order *at that point of the bill.*"

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GREEN of Iowa. The gentleman only gets himself in a deeper hole because his amendment relates back to the same matter to which this amendment does, otherwise it would make no sense whatever as applied to the clause where the gentleman has inserted it. It relates right back to this phrase "there shall be levied and collected, provided," and so forth.

Mr. KITCHIN. No. The gentleman does not understand the question at issue at all.

Mr. GREEN of Iowa. The decision is exactly in point.

Mr. KITCHIN. No; it is not. I think I can show that the gentleman from Iowa is very much mistaken. My amendment relates, and so declares, only to "paragraph 2." Now, suppose I had offered that amendment after line 7, page 1 of the bill, before we had reached the magnesite provision or any rate provision at all, then Mr. LONGWORTH could have made the point of order that the amendment was not in order "at that point in the bill," just as Mr. Dingley did, in the case referred to. But I did not offer the amendment "at that point" but at the proper place in the bill as the Clerk reached it, when he had read for amendment "paragraph 2" of the bill.

Mr. GREEN of Iowa. Has not the gentleman overlooked the fact that we have only one section in the bill?

Mr. KITCHIN. We do not read for amendments tariff bills by sections, but by paragraphs, and there are several paragraphs in the bill.

Mr. GREEN of Iowa. But we interpret them by sections.

Mr. KITCHIN. The gentleman from Iowa might possibly have been right if I had been foolish enough to offer the amendments immediately after the Clerk had read line 7.

The CHAIRMAN. The Chair is ready to rule. The rule applicable to the question under consideration is as follows:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

It is clear that the rule here prescribed applies only to revenue bills and that it seeks to limit very closely the possibility of amendment of revenue bills by requiring that an amendment shall be germane, not only to the subject matter of the bill but to the specific item under consideration. The item under consideration imposes a duty upon magnesite, calcined, dead burned, and grain, of three-fourths of a cent a pound. The amendment of the gentleman from North Carolina proposes that that duty shall not apply unless it shall be shown to the satisfaction of the Secretary of the Treasury that the industry producing the magnesite described in the paragraph is paying for the labor in the production of such magnesite as much as $12.50 per ton.

The Chair thinks that the amendment of the gentleman from North Carolina introduces an entirely new matter, a matter of administration, and increases the existing authority of the Secretary of the Treasury and does not directly relate to the paragraph which in itself simply imposes a duty upon magnesite described in it. If the rule were construed as the gentleman proposing the amendment insists it should be construed, and if the rule could be evaded by putting an amendment in the form of a limitation, as this amendment is in the form of a limitation, the whole reason and purpose of the rule would be destroyed. The Chair therefore sustains the point of order.

Mr. KITCHIN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

Mr. LONGWORTH. Mr. Chairman, I move to lay the appeal on the table.

Mr. CRISP. That is not in order in the Committee of the Whole.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. KITCHIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 95, noes 81.

Mr. KITCHIN. Tellers, Mr. Chairman.

Tellers were order, and Mr. FORDNEY and Mr. GARNER took their places as tellers.

The committee again divided; and there were—ayes 104, noes 81.

So the decision of the Chair stood as the judgment of the committee.

The Clerk read as follows:

3. Magnesite brick, 25 per centum ad valorem.

Also the following committee amendment was read:

Line 1, insert after the word "brick" "three-fourths of a cent per pound and"; and in line 2, strike out "25" and insert "10."

The CHAIRMAN. The question is on the committee amendment.

Mr. KITCHIN. Mr. Chairman, I move to insert "one-fourth" instead of "three-fourths."

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KITCHIN to the committee amendment: Strike out "three-fourths" and insert "one-fourth."

Mr. FORDNEY. On the gentleman's amendment I want to say one word. I wish to call the attention of the House to the fact that the gentleman's amendment is right in line with a report of a good Democrat, Mr. Arthur Brisbane, published in the noon edition of to-day's Washington Times, as follows:

Strikes are expensive luxuries. The English railroad strike cost the Government $5,000,000 a day and a loss to business of two hundred and fifty millions. The minimum wage is maintained for a year at $12.50 a week, which in America would hardly be worth striking for. After Europe catches up with its own work, American workmen and business men will have to think earnestly on the problem of protection.

[Applause on the Republican side.]

The CHAIRMAN. The question is on the adoption of the amendment to the amendment, offered by the gentleman from North Carolina [Mr. KITCHIN].

The question was taken, and the amendment to the amendment was rejected.

Mr. KITCHIN. Mr. Chairman, I move to strike out in line 2, the words: "and 10 per centum ad valorem."

Mr. FORDNEY. Mr. Chairman, I ask for a vote on the amendment.

Mr. KITCHIN. I have five minutes on this.

Mr. FORDNEY. Does the gentleman want to speak on the amendment?

Mr. KITCHIN. Yes, sir.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN: Page 2, line 2, strike out the words "10 per centum ad valorem."

Mr. KITCHIN. Mr. Chairman, it is probably not inappropriate that the gentleman from Michigan [Mr. FORDNEY] should have read that extract from Mr. Brisbane's article. Of course, from the vote just taken it would have been more appropriate for a gentleman on this side to have read it. But it may be equally appropriate for the chairman of the Committee on Ways and Means to have read that extract. Mr. Brisbane, in that article, was demanding protection that should be actually in the interest, and not protection simply claimed by its advocates to be in the interest, of American labor.

That is exactly what every Democrat in the House voted for a moment ago and what every Republican voted against. [Applause on the Democratic side.] We demanded in our amendment the actual protection of American labor, and the gentleman from Michigan [Mr. FORDNEY] had the audacity to read what Mr. Brisbane said, when we had just taken a vote by which every Republican in this House refused to give of the $2,500,000 protection granted in the bill one single dollar of it to the American labor that produced the article protected. [Applause on the Democratic side.] If you are honest, if you are sincere, and really believe in and agree with Mr. Brisbane in what he says, what can you say to the labor conference in Washington now; what can you say to the labor, organized or unorganized, throughout this country when they ask you, "Why in the name of common sense and justice, if you wanted to protect American labor in the tariff, did you vote unanimously against the only proposition that was presented in the House at this session to really give labor one dollar of protection"? [Applause on the Democratic side.]

Gentlemen, as I said a while ago, this Republican cry of protecting American labor is pure hypocrisy, and every intelligent laboring man in the United States, every intelligent man in the United States, knows it is hypocrisy. You have been writing tariff laws for nearly 50 years and claimed in every bill that you were writing it in the name and interest of American labor. The Whigs wrote tariff laws for nearly 25 years before the war, all claimed in the name of American labor. [Applause on the Republican side.]

Ah, gentlemen, by pure brute force of the lungs you Republicans can not drown out the injustice and hypocrisy of that vote against the American laborer that you cast just a moment ago unanimously. [Applause on the Democratic side.] Yes; all the tariff bills you have written in the last 50 years were claimed by you to have been written in the name and in the interest of the laboring man, none for the manufacturer. As a result of such tariff bills name one American laborer that has a summer home or a seaside cottage or a mountain resort. Name one that has his Packard or Pierce Arrow. Name one that has his yacht. Name one that has his theater box. Name one that has his boys and girls in our big colleges and universities. How many sons of the American laborer, whom you profess to have protected for a half of a century, are graduating at Yale and Harvard and Princeton or other such institutions?

Gentlemen, in this House there are two Members who belong to organized labor and not one of them will vote with you on this proposition. Both of them voted with all the Democrats a moment ago for an opportunity to put on record every Republican and every Democrat in this House as to whether or not he was willing for the American laborer, the American employee, to share in the direct benefit of a Republican protective tariff. Every Republican present in the House voted against that opportunity.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. AYRES. I desire the gentleman to correct that statement. Mr. KELLER, of Minnesota, voted to overrule the Chair.

Mr. KITCHIN. I am glad to say that Mr. KELLER was one of the gentlemen to whom I referred, who voted to give the Republicans here a chance to show by a record vote whether or not Republicans of this House were keeping faith with labor. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. KITCHIN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That paragraph 539 of the tariff act of October 3, 1913, is hereby expressly repealed; and that so much of paragraph 71 of said tariff act and of any heretofore existing law or parts of law as may be inconsistent with this act are hereby repealed.

With committee amendments.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Line 4, page 2, after the word "hereby," strike out the word "expressly."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 5, page 2, after the word "any," strike out the word "heretofore."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report to the House, with the recommendation that the amendments to the bill be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Michigan moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. KITCHIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from North Carolina offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. KITCHIN moves to recommit the bill to the Committee on Ways and Means with instructions to report the same back instanter with the following amendment: After line 7, page 2, add a new section, as follows:

"The duties provided for in this act shall not apply unless it be shown to the satisfaction of the Secretary of the Treasury that the industry producing magnesite, described in this act, is paying for the labor in the production of such magnesite as much as $12.50 per ton."

Mr. LONGWORTH. Mr. Speaker, I make a point of order against the motion of the gentleman from North Carolina [Mr. KITCHIN] and would call the attention of the Chair to the fact that the Chairman of the Committee of the Whole House on the state of the Union has recently ruled out of order just such an amendment.

The SPEAKER. Is this substantially the same amendment that was offered in the committee?

Mr. KITCHIN. Yes; offered as a new section. Mr. Speaker, I do not think the recent erroneous ruling of the Chairman of the Committee of the Whole House on the state of the Union is really an authority. [Applause.] It is not over five minutes old.

Mr. CARTER. It is not dry behind the ears yet.

Mr. BLANTON. Now is the best time to change it.

Mr. KITCHIN. The Chairman of the Committee of the Whole made an erroneous ruling, as the precedents show, and the very precedent cited by the gentleman from Ohio [Mr. LONGWORTH] to prove that it was not germane shows when you read it that it is absolutely germane. I think that the Speaker, who is the Presiding Officer of the House, ought to reverse an erroneous ruling of the Chairman of the Committee of the Whole House on the state of the Union at the earliest possible moment. [Applause.] That moment has arrived, and in order that it shall not hereafter become a precedent I think he ought now to reverse the ruling of the Chairman of the Committee of the Whole House on the state of the Union and rule in accordance with the rule and the precedents.

The SPEAKER. The Chair, of course, as the gentleman suggests, is not bound by the ruling of the Chairman of the Committee of the Whole, but always a ruling of a Chairman of the Committee of the Whole would have great weight, and naturally the Chair would not wish to disturb that unless he felt bound by the precedents to do so. That is peculiarly so in the present instance, because the gentleman from North Carolina [Mr. KITCHIN] appealed from the decision of the Chairman of the Committee of the Whole House, and the Committee of the Whole, by a substantial majority with a very full attendance, sustained the opinion of the Chairman of the Committee of the Whole. The Chair sustains the point of order.

Mr. KITCHIN. Mr. Speaker, I appeal respectfully from the decision of the Chair.

Mr. LONGWORTH. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Ohio moves to lay the appeal on the table.

The question being taken, the Speaker announced that he was in doubt.

Mr. KITCHIN. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of laying the appeal on the table will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 142, nays 111, answered "present" 4, not voting 172, as follows:

YEAS—142.

Anderson	Fordney	Kraus	Rodenberg
Andrews, Nebr.	Foster	Kreider	Rogers
Bacharach	Freeman	Lampert	Rose
Barbour	French	Layton	Rowe
Begg	Garland	Longworth	Sanders, Ind.
Benham	Glynn	Luhring	Scott
Bland, Ind.	Good	McFadden	Siegel
Boies	Gould	McLaughlin, Mich.	Sinnott
Brooks, Ill.	Graham, Ill.	MacGregor	Smith, Idaho
Brooks, Pa.	Green, Iowa	Magee	Smith, Mich.
Browne	Griest	Mapes	Snell
Browning	Hadley	Michener	Steenerson
Burroughs	Hardy, Colo.	Miller	Strong, Kans.
Campbell, Kans.	Haskell	Monahan, Wis.	Summers, Wash.
Cannon	Haugen	Mondell	Sweet
Christopherson	Hawley	Moore, Ohio	Temple
Cooper	Hays	Morgan	Timberlake
Copley	Hernandez	Mott	Tincher
Crampton	Hersey	Mudd	Towner
Crowther	Hickey	Nelson, Wis.	Treadway
Curry, Calif.	Hicks	Newton, Minn.	Vestal
Dale	Hill	Nichols, Mich.	Volstead
Dallinger	Hoch	Nolan	Walsh
Darrow	Houghton	Ogden	Walters
Davis, Minn.	Hulings	Olney	Wason
Dickinson, Iowa	Husted	Osborne	Watson, Pa.
Dowell	Hutchinson	Platt	Webster
Dunbar	James	Purnell	Wheeler
Dunn	Jefferis	Radcliffe	White, Kans.
Echols	Johnson, Wash.	Ramseyer	White, Me.
Edmonds	Jones, Pa.	Randall, Wis.	Williams
Elston	Juul	Reavis	Wood, Ind.
Evans, Nebr.	Kelly, Pa.	Reber	Young, N. Dak.
Fairfield	King	Reed, N. Y.	Zihlman
Fess	Kinkaid	Reed, W. Va.	
Focht	Kleczka	Ricketts	

NAYS—111.

Alexander	Connally	Johnson, Miss.	Randall, Calif.
Almon	Crisp	Jones, Tex.	Rayburn
Ashbrook	Davis, Tenn.	Keller	Romjue
Aswell	Dickinson, Mo.	Kincheloe	Rouse
Ayres	Dominick	Kitchin	Rubey
Bankhead	Doremus	Lanham	Rucker
Bee	Dupré	Lankford	Sanders, La.
Benson	Eagan	McDuffie	Sears
Black	Evans, Mont.	McKeown	Small
Blackmon	Evans, Nev.	McLane	Steagall
Bland, Mo.	Gard	Mansfield	Stedman
Bland, Va.	Garner	Martin	Sumners, Tex.
Blanton	Garrett	Minahan, N. J.	Taylor, Colo.
Booher	Griffin	Moon	Thomas
Box	Hardy, Tex.	Neely	Tillman
Briggs	Hastings	Nelson, Mo.	Venable
Brinson	Hayden	O'Connell	Vinson
Buchanan	Heflin	Oldfield	Watkins
Byrnes, S. C.	Hersman	Oliver	Weaver
Campbell, Pa.	Holland	Overstreet	Webb
Candler	Howard	Padgett	Welty
Caraway	Huddleston	Parrish	Wilson, La.
Carrs	Hudspeth	Pell	Wilson, Pa.
Carter	Hull, Tenn.	Phelan	Wingo
Casey	Humphreys	Pou	Woods, Va.
Clark, Mo.	Igoe	Quin	Wright
Cleary	Jacoway	Rainey, J. W.	Young, Tex.
Coady	Johnson, Ky.	Raker	

ANSWERED PRESENT—4.

Byrns, Tenn.	Kearns	Knutson	Major

NOT VOTING—172.

Ackerman	Fisher	Luce	Sabath
Andrews, Md.	Fitzgerald	Lufkin	Sanders, N. Y.
Anthony	Flood	McAndrews	Sanford
Babka	Frear	McArthur	Saunders, Va.
Baer	Fuller, Ill.	McClintic	Schall
Barkley	Fuller, Mass.	McCulloch	Scully
Bell	Gallagher	McGlennon	Sells
Bowers	Gallivan	McKenzie	Sherwood
Brand	Gandy	McKinley	Shreve
Britten	Ganly	McKinley	Sims
Brumbaugh	Godwin, N. C.	McLaughlin, Nebr.	Sinclair
Burdick	Goldfogle	McPherson	Sisson
Burke	Goodall	MacCrate	Slemp
Butler	Goodwin, Ark.	Madden	Smith, Ill.
Caldwell	Goodykoontz	Maher	Smith, N. Y.
Cantrill	Graham, Pa.	Mann	Smithwick
Carew	Greene, Mass.	Mason	Snyder
Chindblom	Greene, Vt.	Mays	Steele
Clark, Fla.	Hamill	Mead	Stephens, Miss.
Classon	Hamilton	Merritt	Stephens, Ohio
Cole	Harrison	Montague	Stevenson
Collier	Hull, Iowa	Mooney	Stiness
Costello	Ireland	Moore, Pa.	Strong, Pa.
Crago	Johnson, S. Dak.	Moore, Va.	Sullivan
Cullen	Johnston, N. Y.	Moores, Ind.	Swope
Currie, Mich.	Kahn	Morin	Taylor, Ark.
Davey	Kelley, Mich.	Murphy	Taylor, Tenn.
Dempsey	Kendall	Newton, Mo.	Thompson
Denison	Kennedy, Iowa	Nicholls, S. C.	Tilson
Dent	Kennedy, R. I.	O'Connor	Tinkham
Dewalt	Kettner	Paige	Upshaw
Donovan	Kiess	Park	Vaile
Dooling	LaGuardia	Parker	Vare
Doughton	Langley	Peters	Voigt
Drane	Larsen	Porter	Ward
Dyer	Lazaro	Rainey, H. T.	Watson, Va.
Eagle	Lea, Calif.	Ramsey	Welling
Elliott	Lee, Ga.	Rhodes	Whaley
Ellsworth	Lehlbach	Riddick	Wilson, Ill.
Emerson	Lesher	Riordan	Winslow
Esch	Linthicum	Robinson, N. C.	Wise
Ferris	Little	Robsion, Ky.	Woodyard
Fields	Lonergan	Rowan	Yates

So the motion to lay the appeal on the table was agreed to.

The following pairs were announced:

Until further notice:

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. PAIGE with Mr. CALDWELL.

Mr. RAMSEY with Mr. ROBINSON of North Carolina.

Mr. SHREVE with Mr. MCANDREWS.

Mr. STEPHENS of Ohio with Mr. BRAND.

Mr. MOORES of Indiana with Mr. FIELDS.

Mr. HAMILTON with Mr. MCGLENNON.

Mr. ACKERMAN with Mr. WISE.

Mr. SINCLAIR with Mr. CANTRILL.

Mr. SLEMP with Mr. BYRNS of Tennessee.

Mr. SMITH of Illinois with Mr. BRUMBAUGH.

Mr. MORIN with Mr. FERRIS.

Mr. MURPHY with Mr. EAGLE.

Mr. ANDREWS of Maryland with Mr. WHALEY.

Mr. ESCH with Mr. SAUNDERS of Virginia.

Mr. FREAR with Mr. SABATH.

Mr. TAYLOR of Tennessee with Mr. O'CONNOR.

Mr. NEWTON of Missouri with Mr. DOUGHTON.

Mr. PARKER with Mr. DOOLING.

Mr. ANTHONY with Mr. WELLING.

Mr. HULL of Iowa with Mr. MCCLINTIC.

Mr. LAGUARDIA with Mr. LAZARO.

Mr. LANGLEY with Mr. LARSEN.

Mr. LEHLBACH with Mr. KETTNER.

Mr. LITTLE with Mr. JOHNSTON of New York.

Mr. LUCE with Mr. HARRISON.

Mr. MCKENZIE with Mr. HAMILL.

Mr. MCKINLEY with Mr. GODWIN of Arkansas.

Mr. BOWERS with Mr. WATSON of Virginia.

Mr. BURKE with Mr. UPSHAW.

Mr. IRELAND with Mr. MCANDREWS.

Mr. JOHNSON of South Dakota with Mr. LONERGAN.

Mr. KELLEY of Michigan with Mr. LINTHICUM.

Mr. PORTER with Mr. DEWALT.

Mr. RHODES with Mr. DAVEY.

Mr. KEARNS with Mr. CULLEN.

Mr. SANDERS of New York with Mr. COLLIER.

Mr. FULLER of Illinois with Mr. ROWAN.

Mr. FULLER of Massachusetts with Mr. HENRY T. RAINEY.

Mr. MCLAUGHLIN of Nebraska with Mr. GOLDFOGLE.

Mr. MACCRATE with Mr. GODWIN of North Carolina.

Mr. MADDEN with Mr. GANLY.

Mr. MANN with Mr. GANDY.

Mr. GOODYKOONTZ with Mr. PARK.

Mr. BUTLER with Mr. STEELE.

Mr. CHINDBLOM with Mr. TAYLOR of Arkansas.

Mr. COLE with Mr. SULLIVAN.

Mr. PETERS with Mr. DONOVAN.

Mr. STINESS with Mr. BARKLEY.

Mr. STRONG of Pennsylvania with Mr. BABKA.

Mr. KENNEDY of Iowa with Mr. LESHER.

Mr. THOMPSON with Mr. NICHOLLS of South Carolina.

Mr. TINKHAM with Mr. MOORE of Virginia.

Mr. VARE with Mr. MOONEY.

Mr. WARD with Mr. MEAD.

Mr. WILSON of Illinois with Mr. GALLAGHER.

Mr. WINSLOW with Mr. FLOOD.

Mr. WOODYARD with Mr. FITZGERALD.

Mr. GRAHAM of Pennsylvania with Mr. MAYS.

Mr. GREENE of Massachusetts with Mr. MAHER.

Mr. COSTELLO with Mr. STEVENSON.

Mr. CRAGO with Mr. STEPHENS of Mississippi.

Mr. CURRIE of Michigan with Mr. SMITHWICK.

Mr. DEMPSEY with Mr. SMITH of New York.

Mr. DENISON with Mr. SIMS.

Mr. KENNEDY of Rhode Island with Mr. LEE of Georgia.

Mr. KIESS with Mr. LEA of California.

Mr. GREENE of Vermont with Mr. MCKINLEY.

Mr. SANFORD with Mr. CLARK of Florida.

Mr. SELLS with Mr. CAREW.

Mr. YATES with Mr. RIORDAN.

Mr. MASON with Mr. GALLIVAN.

Mr. MOORE of Pennsylvania with Mr. FISHER.

Mr. DYER with Mr. SHERWOOD.

Mr. EMERSON with Mr. SCULLY.

Mr. KNUTSON (yes) with Mr. BELL (no).

On this vote:

Mr. KAHN (yes) with Mr. DENT (no).

Mr. ELLIOTT (yes) with Mr. DRANE (no).

Mr. ROBSION of Kentucky (yes) with Mr. MONTAGUE (no).

Mr. KNUTSON. Mr. Speaker, I wish to withdraw my vote of "aye" and answer "present," as I am paired with the gentleman from Georgia, Mr. BELL.

Mr. DENISON. Mr. Speaker, I heard my name called, but I was in the lobby.

The SPEAKER. The gentleman is not entitled to vote.

Mr. BAER. Mr. Speaker, I could not get here in time, but if I had been here I would have voted "aye."

The vote was announced as above recorded.

Mr. KITCHIN. Mr. Speaker, I offer the following motion to recommit:

The Clerk read as follows:

Mr. KITCHIN moves to recommit the bill to the committee with instructions to report the same forthwith to the House, with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following: "That on and after the day following the passage of this act there shall be levied, collected, and paid upon the articles named herein, when imported from any foreign country into the United States or into any of its possessions, the rates of duties which are herein prescribed, namely:

"1. Magnesite, commercial ore, either crushed or ground, one-eighth of a cent per pound.

"2. Magnesite, calcined, dead burned, and grain, three-eighths of a cent per pound.

"3. Magnesite brick, three-eighths of a cent per pound and 10 per cent ad valorem.

"SEC. 2. That paragraph 539 of the tariff act of October 3, 1913, is hereby repealed; and that so much of paragraph 71 of said tariff act and of any existing law or parts of law as may be inconsistent with this act are hereby repealed."

Mr. LONGWORTH. Mr. Speaker, I make the point of order against the motion to recommit on the ground that it effects changes in amendments adopted in Committee of the Whole and agreed to in the House. It is a way of attempting to get around amendments adopted in Committee of the Whole and agreed to by the House.

Mr. KITCHIN. What authority has the gentleman got for his position?

Mr. LONGWORTH. The authority of a wise judgment. [Laughter.]

Mr. KITCHIN. The gentleman's wisdom?

Mr. LONGWORTH. Yes.

Mr. KITCHIN. All right, the Chair would like to hear the gentleman's reasons.

Mr. LONGWORTH. Mr. Speaker, it would not have been in order for the gentleman to offer any amendment which would have changed in any manner a committee amendment, but by a subterfuge of striking out all after the enacting clause he seeks to do what he otherwise could not do legitimately. I make the point of order that the gentleman's motion is out of order.

The SPEAKER. Can the gentleman cite the Chair any authorities?

Mr. LONGWORTH. Mr. Speaker, section 948 of the Manual, page 522, holds that it is not in order to move to recommit with

instructions to eliminate an amendment adopted by the House. That is exactly what the gentleman from North Carolina [Mr. KITCHIN] is seeking to do by this motion. The committee adopted an amendment placing a duty of one-half a cent a pound on magnesite ore. The gentleman by his motion attempts to reduce that duty and make another rate of duty. The effect is to amend a committee amendment, which is not in order, that amendment having already been adopted by the House. The Chair will recall that the House has adopted all of the committee amendments, which fixed a certain specific rate of duty in each one of these three paragraphs of the bill. It is a mere subterfuge to move to strike out all after the enacting clause and to change those rates of duty. The gentleman would not have the right to change the rate of duty in any one of these paragraphs. Therefore he has not the right to change them in all three.

Mr. CRISP. Mr. Speaker, I will say frankly to the gentleman from Ohio [Mr. LONGWORTH] that the gentleman from North Carolina [Mr. KITCHIN], when he moved to strike out the enacting clause, had no desire whatever to claim and did not think it gave him any advantage. The gentleman simply adopted that method to get his different rates before the House.

The object of a motion to recommit is clearly to give the minority of the House—the legislative minority and not the political minority—a chance affirmatively to go on record as to what they think this legislation should be, and if a motion to recommit does not permit that, then the motion is futile. I know the decision to which the gentleman has cited the Chair. That simply provides that you can not offer to strike out some amendment that the House has adopted, upon the theory that when the House had once acted on a matter there ought to be an end to it.

Mr. LONGWORTH. But the gentleman will concede that the effect of the motion of the gentleman from North Carolina is to amend the committee amendments, the amendments already adopted by the House.

Mr. CRISP. I will concede that the effect of the motion is to change the rates in this bill, and that is the only office of a motion to recommit. It is to give the minority the right affirmatively to go on record as to their views. If the motion to recommit does not mean that, it is absolutely a useless motion.

Mr. GARNER. And may I suggest to the gentleman that the difference in the rule that he suggests and the provision now before the House is this: It would not be in order to strike out an amendment that had been adopted by the House, but I know of no rule that would require one not to change that amendment.

Mr. LONGWORTH. But the effect is precisely the same, whether you strike out and insert or whether you move to strike out all of the amendment and substitute. If one is not in order, the other is not.

Mr. WALSH. Mr. Speaker, the Chair will find the precedent cited by the gentleman from Ohio [Mr. LONGWORTH] on page 524 of the later edition of the Manual. It will be noted that in the motion to recommit the only changes made are in the rates which have been fixed in the bill, which have been adopted by the House. If the gentleman offered a motion to recommit and proposed in his motion to change those rates, it would clearly be out of order; and I submit that even if he offered a motion to strike out all of that enacting clause and then reinserted all of the bill, which he does not seek to change, and only changes on the rates, that does not bring it without the provisions of the rule, and that is what the gentleman has done, as the gentleman from Ohio has most clearly stated. The only changes in this bill which the gentleman from North Carolina seeks to make are changes in the rates fixed in the committee amendments which have already been adopted by the House. The mere fact that he seeks to strike out all after the enacting clause and reinsert the provisions of the bill which he does not propose to change, and then changes the rates that have already been adopted by the House in the form of committee amendments, clearly brings it within the ruling made by former Speaker CLARK. If in his motion to strike out all after the enacting clause he had substituted an entirely different bill, the rule probably would not apply; but he has not done that. He simply seeks to change the amendments which have already been adopted by the House, and it would seem as though that would bring it within the rule that a motion to recommit can not be made to eliminate or modify amendments which have been acted upon and adopted by the House.

Mr. GARRETT. Mr. Speaker, let us see to what point the reasoning of the gentleman from Massachusetts [Mr. WALSH], if followed, would carry us. First, let us bear in mind that the motion to recommit is regarded as so sacred that it is one of the few things protected against the Committee on Rules by the general rules of the House. It is expressly provided in the general rules of the House that the Committee on Rules may not bring in a resolution which will prevent one motion to recommit. Of course, the reason for that is to protect, as the gentleman from Georgia [Mr. CRISP] has so well expressed it, the minority of the House—that is, the legislature, not the political, minority—in its right to present a concrete, comprehensive proposition of legislation. If the reasoning of the gentleman from Massachusetts be followed to its logical end, what is the result? Appropriation bills may be brought before the House, considered and amended in Committee of the Whole, reported to the House with amendments, and those amendments adopted, and a motion would not be in order to recommit, reducing by a single cent one of the appropriations that have been made in any amendment to the bill as adopted by the House. If the Speaker should sustain this point of order, the practical effect of that ruling would be to do by a parliamentary decision that which the Committee on Rules and the House itself can not do under the general rules of the House. It will practically destroy the efficacy of the motion to recommit with instructions.

Mr. LONGWORTH. Mr. Speaker, let us see where the logic of the gentleman from Tennessee would lead us. It would lead us to the proposition that the well-settled rule that no amendment adopted in committee and afterwards adopted by the House can be changed——

Mr. GARRETT. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. GARRETT. As I remember the ruling of Mr. Speaker CLARK, the case was this: The amendment which was to be affected by the motion to recommit was one that had been adopted by the House. It was to be affected by striking out the amendment—destroying it, not modifying it, not changing it, but striking it out—and of course the House had had its opportunity to do that when it voted upon the proposition. But to say that upon a revenue bill the minority of the House shall not have an opportunity to amend an amendment in one motion to recommit—oh, the gentleman surely does not propose to insist upon that.

Mr. LONGWORTH. Do I understand the gentleman to contend that you can on a motion to recommit amend an amendment, but you can not strike it out?

Mr. GARRETT. I do. You can not strike it out, because the House has already adopted it. That would be taking two bites at the cherry, but surely you may present in one motion to recommit a germane proposition modifying that amendment. Otherwise the minority has no chance to make an affirmative record.

Mr. LONGWORTH. The fact is simply this: The House has adopted three committee amendments to the bill, to wit, a committee amendment in line 9, page 1; a committee amendment in line 11, page 1; and a committee amendment in lines 1 and 2, page 2. Now, clearly it would not be in order for the gentleman from North Carolina to move to recommit and offer to strike out or amend any one of those amendments. How, if that is the case, can he by the subterfuge of moving to strike out all after the enacting clause make that in order which is clearly not in order under the rules? That would then leave us at a stage where a committee amendment would be subject to change in the House.

Mr. GARRETT. Committee amendments are subject to change in the House——

Mr. LONGWORTH. Not when adopted by the House. They are not changed in a motion to recommit after they have been adopted.

Mr. GARRETT. After the House has once voted an amendment in you can not by subterfuge bring about a vote to strike it out. That is reasonable, that is logical, that is sensible; but in the previous question being ordered on the main proposition, surely it is in order to offer a germane motion to recommit.

Mr. WALSH. Will the gentleman yield? How can this amendment of the gentleman from North Carolina be construed except that it is to strike out an amendment and insert new rates?

Mr. GARRETT. Because it is to strike out an amendment and insert different rates. That is the very point.

Mr. WALSH. It is striking out amendments already adopted.

Mr. LONGWORTH. Precisely.

Mr. GARRETT. It is striking out an amendment and inserting a different concrete germane proposition. The insistence to which the gentlemen are holding destroys absolutely the motion to recommit with instructions and thereby present a tangible legislative proposition indicating the affirmative position of the minority.

Mr. WALSH. If I understand the gentleman correctly, it is to the effect that instead of striking out all after the enacting clause the gentleman from North Carolina could have made his motion to recommit striking out one of these committee amendments and inserting new rates?

Mr. GARRETT. I think that is true if he presented a tangible, germane, legislative proposition.

Mr. LONGWORTH. If that were true there would be no use in adopting the committee amendments in the House.

Mr. GARRETT. But the gentleman must bear in mind that there can be only one motion to recommit. No matter of delay is involved. The House has never passed upon this proposition presented by the gentleman from North Carolina. The House has passed upon amendments, but it has never passed upon the legislation proposed in the motion to recommit, legislation admittedly germane.

Mr. LONGWORTH. The amendments adopted in committee were adopted in the House thereafter, and now the gentleman seeks by a motion to recommit to do what he could not do on a motion previous to this time.

Mr. CRISP. Will the gentleman yield? We all agree, I apprehend, that the object of the motion to recommit is to give the minority a chance to go on record. Now, what is the practical effect if this motion is not in order? We are dealing now with the rights of the minority. The gentleman in charge of a bill when it is reported to the House at once demands the previous question. The Speaker properly recognizes that gentleman. He demands the previous question. The minority has absolutely no chance to offer amendments because the majority is going to adopt the previous question and the minority has absolutely no right, and the only chance that the minority has to put its legislative proposition before the House so as to get a record vote is on the motion to recommit.

Mr. WALSH. Will the gentleman yield?

Mr. CRISP. I will.

Mr. WALSH. Does the gentleman controvert this proposition, which arose, I think, when he was the honored parliamentarian——

Mr. CRISP. I am familiar with that decision.

Mr. WALSH. That the House can not do indirectly, on a motion to recommit, that which it can not do by amendment, before engrossment and third reading?

Mr. CRISP. I do not controvert it. I put that proposition in the Manual myself when I was clerk at the Speaker's table. I know what it is. The gentleman from Colorado, Mr. Martin, in the Committee of the Whole offered an amendment striking out a certain part of a bill. When it went to the House there was a motion offered to recommit, striking out just exactly those words and did not substitute anything in lieu of them. It was too late to offer a motion to reconsider and Mr. Martin sought by indirection by a motion to recommit to do what he could not directly do, to strike out that amendment engrafted in the bill by the Committee of the Whole, and the Speaker held it was improper to do by indirection what could not be done directly.

Mr. WALSH. That is what is trying to be done here.

Mr. LONGWORTH. That is precisely what is trying to be done.

The SPEAKER. Suppose the motion to recommit, instead of adopting the new bill, striking everything out after the enacting clause, simply struck out the amendments adopted by the committee, and the House inserted, as in the motion to recommit, one-tenth of 1 per cent, would the gentleman think that was in order?

Mr. CRISP. Mr. Speaker, I do not think the question of striking out all after the enacting clause has anything to do with this motion, and the gentleman from North Carolina—and I have talked to him privately—did not offer it for that purpose. He simply offered it because he thought it was an easier way to get his changed rates before the House, and we do not contend that the striking out of the enacting clause gives the motion any more rights than it would have if it simply proposed to change the rates.

The SPEAKER. The gentleman contends, then, though an amendment is adopted by the committee and later adopted by the House, it is permissible by a motion to recommit to change the figures adopted in the amendment?

Mr. CRISP. I do, and for this reason: All these rules have a reason to them. Now, notwithstanding what has been said in the press about the rules of the House, they are good rules if you understand them, and they have a reason. This decision that we have is a good decision. There was a case where a person simply wanted to strike out something the committee had adopted and did not substitute anything else for it.

Now, what is the object of this motion to recommit, Mr. Speaker? It is simply to give the House, or rather give the legislative minority, a chance to go on record as to their views. And, as I said a moment ago, the only possible way for the minority to get a chance is by this motion to recommit, and if you can not change the bill the motion amounts to nothing, for if we offered some amendment here that did not deal with rates it would properly be held not germane and be ruled out of order. And the only thing involved is rates, and it seems to me undoubtedly that the legislative minority has a right to go on record through a motion to recommit on the question of changing the rates.

The SPEAKER. The Chair will state, to save the time of the House, that it does not seem to the Chair it is of very great importance in immediate effect which way he rules now, and the Chair would like to state his ruling provisionally, so that it will not bind him in the future. It is a subject that is somewhat intricate, and he would like to look up all the rulings and consider the principles and results before he comes to a final decision. But it does seem to the Chair that technically the decision which has been cited by the gentleman from Ohio [Mr. LONGWORTH] covers this case and makes it out of order. On the other hand is the fact that a motion to recommit is intended to give the minority one chance to express fully their views so long as they are germane. And so it seems to the Chair that the general spirit and purpose of the motion ought to admit one like this. As the Chair says, the decisions cited seem to him very technical, but they do seem to him to be in the other direction; and therefore the Chair, to save time, overrules the point of order, reserving the right not to be bound by it in the future, when he shall have had opportunity to thoroughly study the question.

Mr. CAMPBELL of Kansas. Mr. Speaker, I want to go on record as calling the attention of the Chair to the fact that——

The SPEAKER. The Chair will hear the gentleman.

Mr. CAMPBELL of Kansas. While a motion to recommit is of such high privilege in the House that even the Committee on Rules can not set aside that motion, a motion to recommit can only give the House an opportunity to go upon record on a matter that it has had no other opportunity to go on record upon. The House has had opportunity to go on record with every one of these rates. The Committee of the Whole House on the state of the Union passed upon them and sent them up to the House, and the House agreed to them one after another. The gentleman from North Carolina [Mr. KITCHIN] could have demanded a separate vote on each one of these amendments. The demand was not made. Then the House voted to agree to every one of these amendments. We can not now refer these amendments in a motion to recommit, because it has just agreed to them, and it can not be called upon to substitute for the rates which have just been agreed to rates proposed in a motion to recommit. A motion to recommit is for the sole and only purpose of giving the House an opportunity to go on record on a matter it can not otherwise go on record upon.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. GARNER. I want to call the gentleman's attention to the fact that the policy which he suggests would nullify the rule for recommital. Let us suppose a committee composed of two-thirds of the majority and one-third of the minority, as composed now, would decide that they would want to prevent the House of Representatives from going on record with reference to a proposition reported from their committee; the result would be that they would introduce a bill and to that bill they would provide certain amendments. These would be adopted by the majority of the Committee of the Whole, and when they came back to the House, under the point of order made by the gentleman from Ohio there would be no such thing as getting a record vote on the minority proposition.

Mr. CAMPBELL of Kansas. But a separate vote could have been demanded on every one of these amendments, and the House could go on record on every one of them.

Mr. GARNER. You might get a separate vote on each one of these amendments, but they might not be the amendments that the majority would like to go on record upon, and so it would be impossible to get a record vote on the issue that exists between the majority and the minority. I could take this ruling, and if it were sustained on the point of order made by the gentleman from Ohio [Mr. LONGWORTH], it would be impossible to get a record vote for the minority and impossible for the minority to make a motion to recommit, because you could go into the original committee and report the bill with certain amendments, and therefore you could not entertain that motion to recommit, and therefore you could not fulfill the object of the institution of the motion to recommit, which was in order that

the two parties of the House of Representatives might squarely place their issue before the American people on a record vote. If you should adopt the policy you suggest here, you would deprive them of having that issue, and I would think the decision of the Chair was a wise one, whether we were in the majority or in the minority.

Mr. CAMPBELL of Kansas. The motion to recommit can not commit the House to the folly of immediately recommiting a matter upon which it has just passed and upon which it has had an opportunity to have a record vote. That is exactly what is being done here. The gentleman from North Carolina [Mr. KITCHIN] could have demanded a separate vote on each of these amendments, and could have had a record vote in the House, but he did not do so.

The SPEAKER. The gentleman from North Carolina under the circumstances would have had no chance to put forward the rates which the minority wanted.

Mr. CAMPBELL of Kansas. But even so, Mr. Speaker, the minority of the House, if it were opposed to the rates as they are, could record themselves on a record vote, and then it would be for the House to consider such a rate as might be agreeable to the House.

Mr. GARNER. Mr. Speaker, may I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. In this instance that the gentleman speaks of he would give an opportunity for a negative vote; but nowhere, unless you have a motion to recommit, have you the right to obtain a positive vote, an affirmative vote. You have a right to vote against these rates, but no opportunity to vote for another rate; and the motion to recommit was intended to make an issue, I repeat, and give us an opportunity for an affirmative vote as to what we would like the law to be. [Applause and cries of "Regular order!"]

The SPEAKER. The gentleman from Kansas has stated with much force the argument, which to the Chair is perplexing. The House has had an opportunity to vote upon each one of these amendments.

Mr. LONGWORTH. Mr. Speaker, will the Chair pardon me?

The SPEAKER. As the Chair stated before, the Chair intends to look this subject up carefully, and before it shall arise again he will have had an opportunity to thoroughly determine upon it.

Mr. LONGWORTH. May I interrupt the Chair to say that not only is it true that both the committee and the House has had a chance to vote upon these amendments, but also as to the amendment offered by the gentleman from North Carolina?

Mr. GARNER. But that was in the Committee of the Whole.

The SPEAKER. The whole purpose of this motion to recommit is to have a record vote upon the program of the minority. That is the main purpose of the motion to recommit, and while the decision has been cited—and the argument of the gentleman from Kansas does seem to the Chair to forcibly point in the direction a committee wishing to avoid allowing the minority to get a record vote could always ingeniously bring in a bill and perfect it by amendments, and then have those amendments adopted in the House, and thereby, according to this ruling, prevent the minority from ever bringing its program before the House, yet it seems to the Chair that thereby they would nullify the main purpose of the motion to recommit. So the Chair will provisionally decide that the point of order is not good. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. KITCHIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from North Carolina demands the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the motion to recommit will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 117, nays 154, answered "present" 2, not voting 156, as follows:

YEAS—117.

Alexander	Bland, Va.	Candler	Davis, Tenn.
Almon	Blanton	Caraway	Dickinson, Mo.
Ashbrook	Booher	Carss	Dominick
Aswell	Box	Carter	Doremus
Ayres	Briggs	Casey	Dupré
Bankhead	Brinson	Clark, Mo.	Eagan
Bee	Buchanan	Cleary	Evans, Mont.
Benson	Burke	Coady	Ferris
Black	Byrnes, S. C.	Connally	Gard
Blackmon	Byrns, Tenn.	Cooper	Garner
Bland, Mo.	Campbell, Pa.	Crisp	Garrett
Godwin, N. C.	Kincheloe	Padgett	Taylor, Colo.
Griffin	Kitchin	Parrish	Thomas
Hardy, Tex.	Lanham	Pell	Tillman
Hastings	Lankford	Phelan	Venable
Hayden	Lazaro	Pou	Vinson
Heflin	Linthicum	Quin	Watkins
Holland	Lonergan	Rainey, J. W.	Watson, Va.
Howard	McDuffie	Rayburn	Weaver
Huddleston	McKeown	Romjue	Webb
Hudspeth	McLane	Rouse	Welty
Hull, Tenn.	Mansfield	Rubey	Wilson, La.
Humphreys	Minahan, N. J.	Sanders, La.	Wilson, Pa.
Igoe	Moon	Saunders, Va.	Wingo
Jacoway	Neely	Sears	Woods, Va.
Johnson, Ky.	Nelson, Mo.	Small	Wright
Johnson, Miss.	O'Connell	Smithwick	Young, Tex.
Jones, Tex.	Oldfield	Steagall	
Keller	Oliver	Stedman	
Kelly, Pa.	Overstreet	Sumners, Tex.	

NAYS—154.

Anderson	Foster	Kreider	Reed, W. Va.
Andrews, Nebr.	Frear	Lampert	Ricketts
Bacharach	Freeman	Layton	Rodenberg
Baer	French	Lea, Calif.	Rogers
Barbour	Garland	Longworth	Rose
Begg	Glynn	Luhring	Rowe
Benham	Good	McCulloch	Sanders, Ind.
Bland, Ind.	Gould	McFadden	Scott
Boles	Graham, Ill.	McKenzie	Siegel
Brooks, Ill.	Green, Iowa	McLaughlin, Mich.	Sinnott
Brooks, Pa.	Greene, Vt.	MacGregor	Smith, Idaho
Browne	Griest	Magee	Smith, Mich.
Browning	Hadley	Mapes	Snell
Burroughs	Hardy, Colo.	Martin	Steenerson
Campbell, Kans.	Haskell	Michener	Strong, Kans.
Cannon	Haugen	Miller	Strong, Pa.
Christopherson	Hawley	Monahan, Wis.	Summers, Wash.
Copley	Hays	Mondell	Sweet
Cramton	Hernandez	Moore, Ohio	Temple
Crowther	Hersey	Morgan	Timberlake
Curry, Calif.	Hersman	Mott	Tincher
Dale	Hickey	Mudd	Towner
Dallinger	Hicks	Nelson, Wis.	Treadway
Darrow	Hill	Newton, Minn.	Vestal
Davis, Minn.	Hoch	Newton, Mo.	Volstead
Denison	Houghton	Nichols, Mich.	Walsh
Dickinson, Iowa	Hulings	Nolan	Walters
Dowell	Husted	Ogden	Wason
Dunbar	James	Olney	Watson, Pa.
Dunn	Jefferis	Osborne	Webster
Echols	Johnson, S. Dak.	Platt	Wheeler
Edmonds	Johnson, Wash.	Purnell	White, Kans.
Elston	Jones, Pa.	Radcliffe	White, Me.
Evans, Nebr.	Juul	Raker	Williams
Evans, Nev.	Kearns	Ramseyer	Wood, Ind.
Fairfield	King	Randall, Calif.	Young, N. Dak.
Fess	Kinkaid	Randall, Wis.	Zihlman
Focht	Kleczka	Reavis	
Fordney	Kraus	Reed, N. Y.	

ANSWERED "PRESENT"—2.

Knutson	Major

NOT VOTING—156.

Ackerman	Fisher	McArthur	Sabath
Andrews, Md.	Fitzgerald	McClintic	Sanders, N. Y.
Anthony	Flood	McGlennon	Sanford
Babka	Fuller, Ill.	McKiniry	Schall
Barkley	Fuller, Mass.	McKinley	Scully
Bell	Gallagher	McLaughlin, Nebr.	Sells
Bowers	Gallivan	McPherson	Sherwood
Brand	Gandy	MacCrate	Shreve
Britten	Ganly	Madden	Sims
Brumbaugh	Goldfogle	Maher	Sinclair
Burdick	Goodall	Mann	Sisson
Butler	Goodwin, Ark.	Mason	Slemp
Caldwell	Goodykoontz	Mays	Smith, Ill.
Cantrill	Graham, Pa.	Mead	Smith, N. Y.
Carew	Greene, Mass.	Merritt	Snyder
Chindblom	Hamill	Montague	Steele
Clark, Fla.	Hamilton	Mooney	Stephens, Miss.
Classon	Harrison	Moore, Pa.	Stephens, Ohio
Cole	Hull, Iowa	Moore, Va.	Stevenson
Collier	Hutchinson	Moores, Ind.	Stiness
Costello	Ireland	Morin	Sullivan
Crago	Johnston, N. Y.	Murphy	Swope
Cullen	Kahn	Nicholls, S. C.	Taylor, Ark.
Currie, Mich.	Kelley, Mich.	O'Connor	Taylor, Tenn.
Davey	Kendall	Paige	Thompson
Dempsey	Kennedy, Iowa	Park	Tilson
Dent	Kennedy, R. I.	Parker	Tinkham
Dewalt	Kettner	Peters	Upshaw
Donovan	Kiess	Porter	Vaile
Dooling	LaGuardia	Rainey, H. T.	Vare
Doughton	Langley	Ramsey	Voigt
Drane	Larsen	Reber	Ward
Dyer	Lee, Ga.	Rhodes	Welling
Eagle	Lehlbach	Riddick	Whaley
Elliott	Lesher	Riordan	Wilson, Ill.
Ellsworth	Little	Robinson, N. C.	Winslow
Emerson	Luce	Robsion, Ky.	Wise
Esch	Lufkin	Rowan	Woodyard
Fields	McAndrews	Rucker	Yates

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BRITTEN with Mr. BABKA.

Mr. BURDICK with Mr. CULLEN.

Mr. CLASSON with Mr. SIMS.

Mr. CURRIE of Michigan with Mr. DOUGHTON.

Mr. KENDALL with Mr. MCKINIRY.
Mr. LUFKIN with Mr. HAMILL.
Mr. MERRITT with Mr. MAYS.
Mr. TILSON with Mr. RUCKER.
Mr. VOIGT with Mr. UPSHAW.
On this vote:
Mr. DRANE (for) with Mr. ELLIOTT (against).
Mr. MONTAGUE (for) with Mr. ROBSION of Kentucky (against).
Mr. BELL (for) with Mr. KNUTSON (against).
Mr. DENT (for) with Mr. KAHN (against).
The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it, the ayes had it, and the bill was passed.

Mr. KITCHIN. Mr. Speaker, one minute. I want a division on the passage of the bill.

The SPEAKER. In the opinion of the Chair the gentleman is entitled to recognition. The Chair did not suppose there was to be another vote.

Mr. KITCHIN. There was so much confusion that I did not understand the statement of the Chair.

The SPEAKER. The Chair recognizes the gentleman.

Mr. KITCHIN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 113, answered "present" 2, not voting 160, as follows:

YEAS—154.

Anderson	Fordney	Lea, Calif.	Rowe
Andrews, Nebr.	Foster	Longworth	Sanders, Ind.
Bacharach	Frear	Luhring	Sanford
Baer	Freeman	McCulloch	Scott
Barbour	French	McFadden	Siegel
Begg	Garland	McKenzie	Sinnott
Benham	Glynn	McLaughlin, Mich	Smith, Idaho
Bland, Ind.	Gould	MacGregor	Smith, Mich.
Boies	Graham, Ill.	Magee	Snell
Brooks, Ill.	Green, Iowa	Mapes	Steenerson
Brooks, Pa.	Greene, Vt.	Martin	Strong, Kans.
Browne	Griest	Michener	Strong, Pa.
Browning	Hadley	Miller	Summers, Wash.
Burroughs	Hardy, Colo.	Monahan, Wis.	Sweet
Campbell, Kans.	Haskell	Moore, Ohio	Taylor, Colo.
Campbell, Pa.	Haugen	Morgan	Temple
Cannon	Hawley	Mott	Timberlake
Christopherson	Hays	Mudd	Tincher
Copley	Hernandez	Nelson, Wis.	Towner
Cramton	Hersman	Newton, Minn.	Treadway
Crowther	Hickey	Newton, Mo.	Vestal
Curry, Calif.	Hicks	Nichols, Mich.	Voigt
Dale	Hill	Nolan	Volstead
Dallinger	Hoch	Ogden	Walsh
Darrow	Husted	Olney	Walters
Davis, Minn.	James	Osborne	Wason
Denison	Jefferis	Platt	Watson, Pa.
Dickinson, Iowa	Johnson, S. Dak.	Purnell	Webster
Dowell	Johnson, Wash.	Radcliffe	Wheeler
Dunn	Jones, Pa.	Raker	White, Kans.
Echols	Juul	Ramseyer	White, Me.
Edmonds	Kearns	Randall, Calif.	Williams
Elston	King	Randall, Wis.	Winslow
Esch	Kinkaid	Reed, N. Y.	Wood, Ind.
Evans, Mont.	Kleczka	Reed, W. Va.	Yates
Evans, Nebr.	Kraus	Ricketts	Young, N. Dak.
Fairfield	Kreider	Rodenberg	Zihlman
Fess	Lampert	Rogers	
Focht	Layton	Rose	

NAYS—113.

Alexander	Crisp	Kitchin	Rubey
Almon	Davis, Tenn.	Lanham	Rucker
Ashbrook	Dickinson, Mo.	Lankford	Sanders, La.
Aswell	Dominick	Lazaro	Saunders, Va.
Ayres	Doremus	Linthicum	Sears
Bankhead	Dupré	Lonergan	Sims
Bee	Eagan	McDuffie	Smithwick
Black	Eagle	McKeown	Steagall
Blackmon	Ferris	McLane	Stedman
Bland, Mo.	Gard	Mansfield	Stevenson
Bland, Va.	Garner	Minahan, N. J.	Sumners, Tex.
Blanton	Garrett	Moon	Thomas
Booher	Griffin	Moore, Va.	Tillman
Box	Hardy, Tex.	Neely	Venable
Briggs	Hastings	Nelson, Mo.	Vinson
Brinson	Hayden	O'Connell	Watkins
Buchanan	Heflin	Oldfield	Watson, Va.
Burke	Huddleston	Oliver	Weaver
Byrnes, S. C.	Hudspeth	Overstreet	Webb
Byrns, Tenn.	Hull, Tenn.	Padgett	Welty
Candler	Humphreys	Parrish	Wilson, La.
Caraway	Igoe	Pell	Wilson, Pa.
Carter	Jacoway	Phelan	Wingo
Casey	Johnson, Ky.	Pou	Woods, Va.
Clark, Mo.	Johnson, Miss.	Quin	Wright
Cleary	Jones, Tex.	Rainey, J. W.	Young, Tex.
Coady	Keller	Rayburn	
Connally	Kelly, Pa.	Romjue	
Cooper	Kincheloe	Rouse	

ANSWERED "PRESENT"—2.

Knutson	Major

NOT VOTING—160.

Ackerman	Fields	Lee, Ga.	Rhodes
Andrews, Md.	Fisher	Lehlbach	Riddick
Anthony	Fitzgerald	Lesher	Riordan
Babka	Flood	Little	Robinson, N. C.
Barkley	Fuller, Ill.	Luce	Robsion, Ky.
Bell	Fuller, Mass.	Lufkin	Rowan
Benson	Gallagher	McAndrews	Sabath
Bowers	Gallivan	McArthur	Sanders, N. Y.
Brand	Gandy	McClintic	Schall
Britten	Ganly	McGlennon	Scully
Brumbaugh	Godwin, N. C.	McKiniry	Sells
Burdick	Goldfogle	McKinley	Sherwood
Butler	Good	McLaughlin, Nebr.	Shreve
Caldwell	Goodall	McPherson	Sinclair
Cantrill	Goodwin, Ark.	MacCrate	Sisson
Carew	Goodykoontz	Madden	Slemp
Carss	Graham, Pa.	Maher	Small
Chindblom	Greene, Mass.	Mann	Smith, Ill.
Clark, Fla.	Hamill	Mason	Smith, N. Y.
Classon	Hamilton	Mays	Snyder
Cole	Harrison	Mead	Steele
Collier	Hersey	Merritt	Stephens, Miss.
Costello	Holland	Mondell	Stephens, Ohio
Crago	Houghton	Montague	Stiness
Cullen	Howard	Mooney	Sullivan
Currie, Mich.	Hulings	Moore, Pa.	Swope
Davey	Hull, Iowa	Moores, Ind.	Taylor, Ark.
Dempsey	Hutchinson	Morin	Taylor, Tenn.
Dent	Ireland	Murphy	Thompson
Dewalt	Johnston, N. Y.	Nichol's, S. C.	Tilson
Donovan	Kahn	O'Connor	Tinkham
Dooling	Kelley, Mich.	Paige	Upshaw
Doughton	Kendall	Park	Vaile
Drane	Kennedy, Iowa	Parker	Vare
Dunbar	Kennedy, R. I.	Peters	Ward
Dyer	Kettner	Porter	Welling
Elliott	Kiess	Rainey, H. T.	Whaley
Ellsworth	LaGuardia	Ramsey	Wilson, Ill.
Emerson	Langley	Reavis	Wise
Evans, Nev.	Larsen	Reber	Woodyard

So the bill was passed.

The following additional pairs were announced:

On this vote:

Mr. KNUTSON (for) with Mr. BELL (against).
Mr. KAHN (for) with Mr. DENT (against).
Mr. ELLIOTT (for) with Mr. DRANE (against).
Mr. ROBSION of Kentucky (for) with Mr. MONTAGUE (against).
Mr. HUTCHINSON (for) with Mr. CARSS (against).
Mr. HOUGHTON (for) with Mr. HOLLAND (against).
Mr. SNYDER (for) with Mr. BENSON (against).
Mr. MONDELL (for) with Mr. SMALL (against).
Mr. BRITTEN (for) with Mr. CLARK of Florida (against).
Mr. REAVIS (for) with Mr. HOWARD (against).
The result of the vote was announced as above recorded.

On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks that I made this afternoon in the RECORD.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

PROHIBITION OF INTOXICATING LIQUORS.

Mr. VOLSTEAD. Mr. Speaker, I present a conference report upon the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in development of fuel, dye, and other lawful industries, for printing under the rules.

Mr. GARD. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The gentleman from Minnesota presents a conference report for printing under the rules.

BRIDGE ACROSS RED RIVER, LAMAR COUNTY, TEX.

Mr. BLACK. Mr. Speaker, I ask unanimous consent for the further consideration of the bill (H. R. 8986) granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, what is the urgency for taking this matter up at this time?

Mr. BLACK. Mr. Speaker, plans are ready for the construction of the bridge and the company is very anxious to make the contracts. The matter is very urgent, that they be able to do so during the present month of October.

Mr. BLANTON. Mr. Speaker, reserving the right to object—and I shall not do so—I would suggest to the gentleman from Massachusetts that if he had ever attempted to cross the Red

River without a bridge, he would never raise any objection to building a bridge across it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Paris-Hugo Bridge Co., a corporation, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Red River from a point on its south bank, north of and near Arthur City, in Lamar County, Tex., to a point immediately north of said beginning and located in Choctaw County, Okla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

With the following committee amendments:

Line 5, page 1, after the word "operate," insert the words "at a point suitable to navigation interests."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BLACK, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DONOVAN, for three days, owing to death in family.

To Mr. DRANE, for to-day, on account of important business.

To Mr. ANDREWS of Maryland, for one week, on account of illness.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 495. An act for the relief of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., and of the Philadelphia & Reading Coal & Iron Co.; to the Committee on Claims.

S. 2300. An act for the relief of the estate of Henry A. V. Post; to the Committee on Claims.

S. J. Res. 90. Joint resolution to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States; to the Committee on Immigration and Naturalization.

EXTENSION OF REMARKS.

Mr. DALE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD upon the subject of my speech a few days ago, Cardinal Mercier.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Wednesday, October 8, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of San Bernard River, Tex. (H. Doc. No. 259), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 9755) to establish standard of weights and measures for the following wheat-mill and corn-mill products, namely, flour, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, reported the same without amendment, accompanied by a report (No. 359), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROMJUE, from the Committee on Claims, to which was referred the bill (H. R. 6522) for the relief of F. M. Barfield, reported the same without amendment, accompanied by a report (No. 354), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 822) for the relief of James W. Cross, reported the same without amendment, accompanied by a report (No. 355), which said bill and report were referred to the Private Calendar.

Mr. MacCRATE, from the Committee on Claims, to which was referred the bill (H. R. 6881) for the relief of Joseph A. McCarthy, reported the same with amendment, accompanied by a report (No. 356), which said bill and report were referred to the Private Calendar.

Mr. ROMJUE, from the Committee on Claims, to which was referred the bill (S. 728) for the relief of the Buffalo River Zinc Mining Co., reported the same without amendment, accompanied by a report (No. 357), which said bill and report were referred to the Private Calendar.

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 2740) for the relief of Maude H. Mosher, reported the same with amendment, accompanied by a report (No. 358), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 80) to correct an error in the wording of the appropriation of $71,000 made in the act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto, reported the same with amendment, accompanied by a report (No. 361), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOMINICK: A bill (H. R. 9776) for the purchase of a site for and the erection of a post-office building, courthouse, and other Government offices at Anderson, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9777) for the purchase of a site for and the erection of a post-office building, courthouse, and other Government offices at Greenwood, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. NOLAN: A bill (H. R. 9778) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9779) providing for the deportation of aliens who evaded military service and that aliens admitted to the United States shall take the necessary steps to become citizens of the United States; to the Committee on Immigration and Naturalization.

By Mr. EVANS of Montana: A bill (H. R. 9780) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 9781) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Post Office and Post Roads.

By Mr. ROGERS: A bill (H. R. 9782) to regulate further the entry of aliens into the United States; to the Committee on Foreign Affairs.

By Mr. GOOD: A bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes; to the Select Committee on the Budget.

Also, a resolution (H. Res. 324) to provide changes in the rules of the House in connection with the establishment of a national budget; to the Select Committee on the Budget.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9784) granting an increase of pension to Hannah M. Clark; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9785) granting an increase of pension to Orlando Markler; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 9786) granting an increase of pension to William Strang; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 9787) granting a pension to Hugh McGinty; to the Committee on Pensions.

By Mr. DENT: A bill (H. R. 9788) for the relief of Eugene K. Stoudenmire; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 9789) granting a pension to Theodore A. Melter; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 9790) granting a pension to Elizabeth Rankin; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky. A bill (H. R. 9791) granting a pension to Emma Park; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 9792) granting a pension to Mary E. Morrison; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9793) granting an increase of pension to Mary E. Peake; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 9794) for the relief of Wendell Phillips Lodge, No. 365, Knights of Pythias; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 9795) granting an increase of pension to Frederick Mistel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9796) granting an increase of pension to Henry M. Clark; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 9797) granting a pension to Ella Merrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9798) granting a pension to Marinda Maynard; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9799) granting an increase of pension to Samuel March; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9800) granting an increase of pension to Amos Carlin; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 9801) for the relief of J. G. Speicher; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY of California: Petition of Hon. William D. Stephens, governor of California, favoring an increase in pay of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service; to the Committee on Military Affairs.

By Mr. DYER: Petition of St. Louis Young Men's Christian Association, Evangelical Social Center, St. Louis County Welfare Association, Boyle Memorial Center, Shapleigh Hardware Co., the Federation of Jewish Charities, St. Louis Provident Association, St. Louis Children's Aid Society, Jewish Educational and Charitable Association, and Big Brother Organization, all of St. Louis, Mo., favoring the passage of Senate bill 2260 and House bill 2286; to the Committee on the Post Office and Post Roads.

Also, petition of International Brotherhood of Blacksmiths and Helpers, of St. Louis, Mo., favoring the passage of House bill 3159; to the Committee on Military Affairs.

By Mr. EVANS of Nebraska: Petition of John Rooney Post, No. 55, American Legion, of Pender, Nebr., favoring one year's additional pay for soldiers, sailors, and marines who participated in the late war; to the Committee on Military Affairs.

By Mr. FOSTER: Petition of C. W. Murhey, of Columbus, Ohio, favoring the enactment of a Federal law that will establish motor-car, motor-truck, bicycle, and motor-cycle thefts as a Federal offense; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of sundry citizens of Sharon, Pa., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

Also, petition of Branch No. 1, New York National Association of United States Civil Service Employees, of Brooklyn, N. Y., favoring an increase in salaries of at least 40 per cent; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of Post No. 17, American Legion, Iron River, Mich., regarding alleged unnecessary wrongs inflicted on members of the American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. MACGREGOR: Petition of sundry soldiers of Old Central High School, Buffalo, N. Y., favoring the bill authorizing an extra pay to soldiers in the form of $30 a month for the period of service; to the Committee on Military Affairs.

Also, petition of the Elma Branch of the Dairyman's League (Inc.), of Elma, N. Y., favoring the amendment to the antitrust law; to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of the New Jersey State Chamber of Commerce, protesting against the Fess bill, House bill 4438; to the Committee on Education.

By Mr. RAKER: Petition of Atlas-Imperial Engine Co., of Oakland, Calif.; Royal Packing Co., of Los Angeles, Calif.; and Retail Furniture Association, of California, protesting against the cost-mark bill, which provides for the placing of the cost mark on all merchandise offered for sale; to the Committee on Agriculture.

Also, letter from the Denny Bar Co. and the Alpha Hardware and Supply Co., of Nevada City, Calif., protesting against Senate bill No. 2896; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *October 8, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee in the consciousness of our interdependence, and lift up our hearts to the Father of us all, and ask Thy guidance and blessing. Give us the spirit of sonship that we may know all the qualities of life and character that make, refine, and purify the social and political life of the world. May we follow after God's great thought of the unity of life that is in Christ Jesus. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEVELOPMENT OF UNUSED LANDS (S. DOC. NO. 124).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report upon the development of the unused lands of the country. The communication only will be printed and, with the accompanying papers, referred to the Committee on Public Lands.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation in the sum of $137,000 required for support of the Mountain Branch, National Home for Disabled Volunteer Soldiers, at Johnson City, Tenn., for the fiscal year 1920 (S. Doc. No. 122), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of $15,000 required by the Office of the Treasurer of the United States for examiners of checks (S. Doc. No. 123), which was referred to the Committee on Appropriations and ordered to be printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, in order to save the time of the day by having morning business attended to when morning business is called, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lenroot	Pomerene
Ball	Gay	Lodge	Robinson
Bankhead	Gerry	McCormick	Sheppard
Beckham	Gore	McKellar	Sherman
Borah	Gronna	McNary	Simmons
Brandegee	Hale	Moses	Smith, Ariz.
Calder	Harding	Myers	Smith, Ga.
Capper	Harris	Nelson	Smith, Md.
Chamberlain	Harrison	New	Smoot
Colt	Hitchcock	Newberry	Spencer
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Jones, Wash.	Nugent	Townsend
Curtis	Kellogg	Overman	Trammell
Dial	Kendrick	Owen	Underwood
Dillingham	Kenyon	Page	Wadsworth
Elkins	Keyes	Penrose	Walsh, Mont.
Fernald	King	Phelan	Watson
Fletcher	Kirby	Pittman	Williams
France	La Follette	Poindexter	Wolcott

Mr. PITTMAN. The junior Senator from Nevada [Mr. HENDERSON] is absent on important business. He has a general pair with the junior Senator from Illinois [Mr. MCCORMICK]. I ask that this notice may stand for the day.

Mr. GERRY. I desire to announce that the Senator from Wyoming [Mr. WARREN] and the Senator from Colorado [Mr. PHIPPS] are engaged in a committee hearing.

I also desire to announce that the Senator from Virginia [Mr. SWANSON] and the Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families. The Senator from Oklahoma [Mr. GORE], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Massachusetts [Mr. WALSH] are detained on official business.

Mr. GAY. The senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by the acts of June 22, 1906, and September 24, 1918.

The message also announced that the House had passed a bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufacturers thereof in the United States, in which it requested the concurrence of the Senate.

CONDITIONS IN RUSSIA.

Mr. POINDEXTER. Mr. President, I ask unanimous consent to have the Secretary read a brief newspaper dispatch from Vladivostok.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

"VLADIVOSTOK POINTS TO DUTY OF ALLIES—COMMITTEE OF NATIONAL DEFENSE WANTS CLEAR EXPLANATION OF POLICY REGARDING RUSSIA.

"OMSK, *Thursday, September 25.*

"The central committee of national defense in Vladivostok has issued an open letter to the leaders of all political parties in the United States, England, and France, declaring it the duty of the Allies to publish a clear explanation of their policy, showing their opposition to Bolshevism and their sympathy with the movement for the regeneration of Russia. In the letter it is stated, 'in the Far East the American military authorities declared that they considered the Bolshevist band a de facto government of Russia.'

"SUBSTANCE OF THE LETTER.

"The letter declares that the action of the peace conference in inviting the Bolsheviki to the proposed conference at Prinkipo on equal terms with 'the representatives of loyal and patriotic Russia' was a serious blow to the cause of anti-Bolshevism in Russia, and that the peace conference, without listening to the Russian representatives, has approved various separatist tendencies aiming at the dismemberment of Russia. The peace conference, it is declared, treats Russia not as an ally but as a conquered country.

"SAYS CONFIDENCE IS SHAKEN.

"Russia's confidence in her allies, it is added, has been shaken by the above events, by the French abandonment of Odessa 'without any visible cause,' by the interference of the Allies in Russia's internal affairs, by the disintegration of the economic and financial life of the country, and by the humiliation to which the patriotic feelings of Russia are constantly subjected.

"For this reason a clear declaration of policy is considered necessary."

STATEMENT BY EX-PRESIDENT TAFT.

Mr. PITTMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by ex-President Taft appearing in the Washington Post of this date. Mr. Taft in the statement makes comment upon the speech delivered by Mr. Hoover at Palo Alto, Calif., a few days ago. That speech, I understand, was printed in the RECORD by request of the Senator from Nebraska [Mr. HITCHCOCK]. I think this statement will be of interest to Senators.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TAFT SAYS HOOVER'S PLEA FOR A LEAGUE OF NATIONS DESERVES CONSIDERATION—NO ONE KNOWS MORE OF EUROPEAN SITUATION THAN CALIFORNIAN, AND HIS VIEW OF PERIL INVOLVED IN REJECTION OF PACT IS CONVINCING, FORMER PRESIDENT HOLDS.

[By William Howard Taft.]

"Herbert Hoover is one of the foremost figures of this war. He began as the head of the Belgian relief movement, took charge of our Food Administration, and then became the chief executive of the efforts to relieve the starving peoples of the world after the armistice.

"No one knows more of the actual European situation than he does. He has had to reckon with the political and military and economic situation of every country of Europe in the field of the late war. He has not been in the peace commissions, but he has been where he could and must follow the negotiations and where he was constantly consulted by the participants in the Paris council.

MAN OF WIDE EXPERIENCE.

"Hoover is not an academic idealist. He is a plain, modest man of affairs and wide European business experience. He is a patriotic American who, during the five years of this war, has given all of his time and energy to the cause of the world and to that of his country without compensation in a field new and unworked, but of critical importance in the struggle. He has been a pioneer. He has shown the genius of invention and organization to meet a new emergency.

"From such a man the speech he delivered at his home in Palo Alto, under the eaves of his alma mater, Stanford University, in favor of the treaty and league, deserves the earnest consideration of Americans struggling to reach a just conclusion as to the issues now being discussed in the Senate. Though Mr. Hoover has had no training as a speaker or writer, when he has anything to say he develops a clearness and force of statement and a trenchant style that make it a great satisfaction to read his words.

POINTS OUT PERIL IN EUROPE.

"Mr. Hoover makes clear that we have been foremost in creating a number of independent States in the field of war, whose lives as nations depend on a league of nations of which our country must be a member. If we stay out of it and do not bear our part, and by doing so fail to strengthen the weakening morale of our allies and our infant nations, there is every danger that the condition of Europe will degenerate into that which prevailed in the Thirty Years' War.

"He points out that such a state of things in Europe will, of course, affect us seriously on the material side, and that ultimately we shall be drawn in again. He says that for good or ill we are entangled, and the only question is whether we shall join in this effort, which the league is, to restore law and order in Europe and Asia, or whether we shall hold aloof while chaos and anarchy become worse confounded, and then act with all the additional burden and expense the delay will entail.

"His speech should be printed and sent far and wide as from one who knows, with the hope that it may open the eyes and widen the vision of those who do not seem to realize that we are the greatest and most powerful Nation in the world, and so, whether we will or not, are charged with responsibilities which sooner or later we shall have to meet, and which the quicker we assume the more easily we shall successfully discharge."

LEAGUE OF NATIONS.

Mr. FLETCHER. I have a telegram from U. S. S. Tampa Post, of the American Legion, of Tampa, Fla., which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TAMPA, FLA., *October 7, 1919.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.:

The U. S. S. Tampa Post, of the American Legion, last night passed resolution indorsing league of nations and treaty without reservations or amendment. We urge you to support these measures.

E. B. PRIEST, *Post Commander.*

Mr. LODGE. I present resolutions from citizens of Hardinsburg, Ky., and as they are very brief I should be glad if they could be printed in the RECORD without reading, with the signatures attached, as they are few in number.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

HARDINSBURG, KY., *October 4, 1919.*

Hon. HENRY CABOT LODGE,
United States Senate Chamber, Washington, D. C.

DEAR SIR: The League to Enforce Peace is flooding this section of the country with "form" telegrams to be sent to the Members of the Senate.

There are in Kentucky 200,000 100 per cent Americans who are without representation in the United States Senate. We therefore appeal to you as the spokesman of Americanism that you do not fail to stand firmly against the league unless it be accepted with the reservations proposed.

We oppose the league in any form, but would be willing for it to be adopted, provided the reservations are made a part of the resolution of adoption.

W. Sherman Ball, county attorney of Breckinridge County; A. T. Beard, county court clerk; P. M. Basham, clerk of the circuit court; J. Raleigh Meador, superintendent of county schools; Herbert Hall, deputy county clerk; J. B. Carman, sheriff Breckinridge County; S. B. Payne, judge Breckinridge County court; D. D. Dowell, cashier Bank of Hardinsburg & Trust Co.; J. M. Crunes, assistant cashier Farmers Bank & Trust Co.; Harry T. Bates, deputy tax commissioner; H. M. Beard, farmer and tobacconist; Geo. E. Bess, manager Trust Department Bank of Hardinsburg & Trust Co.; Allen R. Kincheloe, attorney; W. A. Meador, sergeant, A. E. F.

THE BULGARIAN TREATY.

Mr. LODGE. Mr. President, I ask to have printed in the RECORD a summary of the Bulgarian treaty which appeared in the London Times of September 20. I will not ask to have it printed as a public document, as it is only a summary, but I have not seen it printed in this country, and I think it may be of interest.

Mr. KING. Will the Senator from Massachusetts permit an inquiry?

Mr. LODGE. Certainly.

Mr. KING. Does the Senator know whether or not in that treaty Thrace was divided and any portion of it given to Bulgaria?

Mr. LODGE. I have not read the summary of the treaty; I have only just received it from the Library. It is a photostat copy of the London Times summary.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the London Times, Sept. 20, 1919.]

"THE BULGARIAN TREATY—THRACIAN SEABOARD LOST.

"We print below the official summary of the draft treaty of peace handed to the Bulgarian peace delegates in Paris yesterday. It is arranged on the same plan as the draft treaty with Austria, the summary of which was published in the Times of June 3, while the text of the material reserved clauses from the final treaty was published in the Times of September 4. The following parts of the Bulgarian treaty are identical with the draft Austrian treaty:

"Preamble.
"Part I.—Covenant of the league of nations.
"Part VI.—Penalties.
"Part X.—Aerial navigation.
"Part XII.—Labor convention.

"Part II.

"THE FUTURE FRONTIERS OF BULGARIA.

"On the North, the frontier with Rumania remains unchanged.

"On the West, the frontier with the Serb-Croat-Slovene State for the most part follows the line of the old frontier with Serbia. Small portions of territory are ceded to the Serb-Croat-Slovene State, of which the most important is the town of Strumnitza and the surrounding district.

"A modification is introduced into the southern frontier with territories to be subsequently attributed by the Principal Allied and Associated Powers and the new boundary follows a line which may be drawn roughly from a point about eight miles south-west of Bashmakli to Kilkik, passing close to Ardabashi and Daridere, which remain in Bulgarian territory and crossing the Kartal Dagh and the Tokatjik Dagh.

"On the South-East line a slight modification taking in a small piece of Turkish territory north-west of Mustafa Pasha is introduced. The Black Sea forms as before the Eastern frontier.

"Part III.

"POLITICAL CLAUSES.

"Section 1.—Serb-Croat-Slovene State.—Bulgaria recognizes the Serb-Croat-Slovene State and renounces in favour of that State all rights and title over the territories of the Bulgarian Monarchy situated outside the frontiers of Bulgaria, as defined by the present Treaty or by any Treaties concluded for the purpose of completing the present settlement. A Commission, consisting of seven members, five of whom shall be nominated by the principal Allied and Associated Powers, one by the Serb-Croat-Slovene State, and one by Bulgaria, shall be constituted within 15 days of the coming into force of the present Treaty to trace on the spot the frontier line. Bulgarian nationals who became resident in the territories assigned to the Serb-Croat-Slovene State after January 1, 1910, will require a permit from the Serb-Croat-Slovene State to acquire Serb-Croat-Slovene nationality. All other Bulgarian nationals resident in those territories will acquire Serb-Croat-Slovene nationality *ipso facto* and lose their Bulgarian nationality.

"Section 2.—Greece.—Bulgaria renounces in favour of Greece all rights and titles over the territories of the Bulgarian Monarchy situated outside the frontiers of Bulgaria as laid down in the sections dealing with frontiers and recognized by the present Treaty as forming part of Greece. Bulgarian nationals habitually resident in the territories assigned to Greece in accordance with the present Treaty will obtain Greek nationality *ipso facto* and will lose their Bulgarian nationality. They will, however, be entitled within a period of two years from the coming into force of the present Treaty, if over 18 years of age, to opt for Bulgarian nationality, a similar privilege being accorded to Greeks over 18 years of age who are Bulgarian nationals habitually resident in Bulgaria who may wish to opt for Greek nationality. The proportion and nature of the financial obligations of Bulgaria which Greece will assume on account of the territory placed under her sovereignty will be determined in accordance with the financial clauses of the present Treaty.

"Section 3.—Thrace.—Bulgaria renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories in Thrace which used to belong to the Bulgarian Monarchy and which being situated outside the new frontiers of Bulgaria have not at present been assigned to any State. Bulgaria undertakes to accept whatever settlement may be made by the Principal Allied and Associated Powers in regard to these territories and the Principal Allied and Associated Powers undertake, on the other hand, to ensure economic outlets for Bulgaria to the Aegean Sea under the conditions which will be fixed at a later date.

"Section 4.—Protection of Minorities.—The provisions for the protection of minorities reproduce exactly those laid down in the Austrian Treaty, adding the proviso that all persons not nationals of any other State habitually resident in Bulgaria at the date of the coming into force of the present Treaty, as well as all persons born in Bulgaria who are not born nationals of another State, *ipso facto* become Bulgarian nationals.

"Section 5.—General Provisions.—Bulgaria undertakes to recognize all Treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein.

"Bulgaria accepts definitely the abrogation of the Brest-Litovsk Treaties and of all Treaties, Conventions, and Agreements entered into by her with the Maximalist Government in Russia.

"The Allied and Associated Powers formally reserve the rights of Russia to obtain from Bulgaria restitution and reparation based on the principles of the present Treaty. Bulgaria undertakes to recognize the Treaties of Peace and additional Conventions which have been or may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Bulgaria.

"Bulgaria declares that she recognizes the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she will make no claim on behalf of herself or her nationals to the benefits or immunities derived from the *régime* of the capitulations in Egypt regarding all Treaties, agreements, arrangements, and contracts concluded by Bulgaria with Egypt as abrogated as from October 11, 1915.

"Bulgaria declares that she recognizes the French Protectorate in Morocco, and that she will make no claim on behalf of herself or her nationals to the benefits or immunities derived from the *régime* of the capitulations in Morocco regarding all Treaties, agreements, arrangements, and contracts concluded by Bulgaria with Morocco as abrogated as from October 11, 1915.

"Part IV.

"MILITARY, NAVAL, AND AIR CLAUSES.

"MILITARY CLAUSES.

"The military terms fix the total number of effectives of the Bulgarian Army, the sole function of which shall be to maintain internal order and control frontiers, at 20,000, including officers, and it is provided that there will be no other military forces raised outside this figure. This army shall be recruited both as regards officers and men on a voluntary basis; in the

case of officers (who shall not be retired before the age of 40), for not less than 20 years' service, and in the case of non-commissioned officers and men, for not less than 12 years' service. The number of Customs, forestry, or police officials shall be fixed by a military Inter-Allied Commission of Control, and in no case shall the number of these officials who are armed with rifles exceed 10,000, so that the total number of rifles in use in Bulgaria shall not exceed 30,000.

"The proportion of officers, including *personnel*, staffs, and special services, shall not exceed one-twentieth of the total effectives with the colours, and that of non-commissioned officers shall not exceed one-fifteenth of the total effectives with the colours. The effectives of units shall be compulsorily fixed between the maximum and minimum figures laid down in the Treaty.

"On the expiration of three months of the coming into force of the present Treaty, there must only exist in Bulgaria one military school for the sole purpose of the recruitment of officers for the authorized units. The number of students admitted to instruction in the school shall be strictly in proportion to the vacancies to be filled in the officer cadres, and both cadres and students shall be reckoned as part of the effectives of the Bulgarian Army.

"Within three months of the coming into force of the present Treaty, the Bulgarian Government shall deposit in places notified by the Allied and Associated Powers any surplus of armament and munitions exceeding the figures fixed per thousand men in the present Treaty, and no other stock, depot, or reserve of munitions shall be formed. The number and calibre of guns constituting the fixed normal armament of fortified places existing at present in Bulgaria shall constitute the maximum amount which may not be exceeded. Within three months of the coming into force of the present Treaty, the maximum stock of ammunition for these guns will be reduced to and maintained at the rates of 1,500 rounds per gun of the calibre of 105 mm. and under, and 500 rounds per gun of higher calibre.

"No new fortifications shall be constructed in Bulgaria. No poisonous gas or liquid fire shall be manufactured or imported, nor any tanks nor armoured cars, and within three months of the coming into force of the present Treaty, all arms, munitions, and war material of whatever origin or kind existing in Bulgaria in excess of the authorized quantity shall be handed over to the principal Allied and Associated Powers at such point in Bulgarian territory as they may appoint. The Allied and Associated Powers shall also decide on the disposal of such material.

"The manufacture of arms, munitions, and of war material shall only be carried on in one single factory, controlled by and belonging to the State, whose output shall be strictly limited to such manufacture as is sanctioned above.

"NAVAL CLAUSES.

"The naval terms provide that from the date of the coming into force of the Treaty, all Bulgarian warships, including submarines existing or under construction, are finally to be surrendered to the principal Allied and Associated Powers or broken up. Submarines may not be constructed or acquired even for commercial purposes. All naval arms, munitions, and other war material belonging to Bulgaria at the date of the Armistice must be surrendered to the Allies. The Bulgarian wireless station at Sofia will be under Allied supervision and may only be used for commercial messages during the three months after the coming into force of the present Treaty. Nor during the same period may Bulgaria build any more high-power wireless stations.

"AIR CLAUSES.

"The air clauses provide that the armed forces of Bulgaria must not include any military or naval air forces. The entire *personnel* of the air forces in Bulgaria is to be demobilized within two months.

"The aircraft of the Allied and Associated Powers is to enjoy full liberty of passage and landing over and in Bulgarian territory until the complete evacuation of that territory by the Allied and Associated troops. The manufacture of aircraft and parts of aircraft is forbidden for six months. All military and naval aircraft, including dirigible and aeronautical material, are to be delivered on the ratification of the present Treaty.

"SECTION IV. Inter-Allied Commissions of Control.—All Military, Naval, and Air Clauses contained in the present Treaty for the execution of which a time limit is prescribed shall be executed by Bulgaria under the control of Inter-Allied Commissions appointed for this purpose by the Principal Allied and Associated Powers.

"The Inter-Allied Commissions of Control may establish their organizations at Sofia and shall be entitled to proceed as often as they think fit to any point in Bulgarian territory or to send sub-commissions to any such point. The Bulgarian Government must furnish to the Inter-Allied Commissions of Control all such information and documents as the latter may think necessary to ensure the execution of their mission, and all means (both in *personnel* and material) which said Commissions may need to ensure complete execution of the Military, Naval, or Air Clauses. The Bulgarian Government must also attach a qualified representative to each Inter-Allied Commission of Control with the duty of receiving the communications which the Commission may have to address to the Bulgarian Government and of furnishing it with or procuring all information or documents demanded.

"The upkeep and cost of the Inter-Allied Commissions of Control and the expense involved by their work shall be borne by Bulgaria.

"*Part V.*

"PRISONERS OF WAR AND GRAVES.

"This section follows the similar one in the Austrian Treaty, except for one article, which, in the case of Bulgaria, provides for an Inter-Allied Commission of Inquiry into offences against the laws of war committed by the Bulgarian Authorities and to search for non-repatriated Allied and Associated nationals.

"*Parts VII. and VIII.*

"REPARATION AND FINANCIAL CLAUSES.

"Reparation.—The Allied and Associated Governments, while recognizing that the resources of Bulgaria are insufficient to enable adequate reparation to be made, agree to accept from Bulgaria such reparation as she can make, and fix the sum of 2,250,000,000 (two-and-a-quarter milliards) of francs, in gold, which amount (except as hereinafter provided) shall be discharged by a series of half-yearly payments on January 1 and July 1 in each year, beginning on July 1, 1920. The payments on July 1, 1920, and January 1, 1921, shall represent interest at the rate of 2 per cent. per annum on the total sum from January 1, 1920. Thereafter each half-yearly payment shall include payment of interest at 5 per cent. per annum on the amount of the capital sum outstanding, and the provision of a sinking fund sufficient to extinguish the total amount on January 1, 1958.

"The sums shall be remitted through the Inter-Allied Commission referred to in this Treaty to the Reparation Commission created by the Treaty of Peace with Germany on June 28, 1919 (hereinafter referred to as the Reparation Commission), in accordance with the arrangements already made. The Reparation Commission shall have power at any time to dispose, either by sale or otherwise, of gold bonds based on the payments to be made by Bulgaria, the nominal amount of which bonds shall be fixed by it in consultation with the Inter-Allied Commission, but shall in no case exceed the total capital sums then outstanding. In such case Bulgaria undertakes to deliver to the Reparation Commission through the Inter-Allied Commission the necessary bonds in such form, number, and denominations and terms as the Reparation Commission may determine. Bonds so delivered shall be direct obligations of the Bulgarian Government, but all arrangements for the service of the bonds shall be made by the Inter-Allied Commission. The Inter-Allied Commission shall pay all interest, sinking fund, and other charges connected with the bonds out of the half-yearly payments to be made by Bulgaria in accordance with this Treaty. Any surplus shall continue to be paid to the order of the Reparation Commission.

"The Inter-Allied Commission shall have discretion to recommend to the Reparation Commission either the reduction of any particular payment due or a reduction of the total capital sum to be paid by Bulgaria, and the Reparation Commission shall have power by a majority of votes to make any such reduction or postponement up to the extent recommended by the Inter-Allied Commission. Bulgaria, on the other hand, shall have power at any time to make immediate payments in reduction of the total capital sum due over and above the half-yearly payments.

"While Bulgaria recognizes the transfer to the Allied and Associated Powers of any financial claims which her late allies may have against her, particularly those derived from the execution of undertakings entered into during the war, the Allied and Associated Powers agree not to require any payment in respect of those claims which have been taken into account in fixing the amount of the financial reparation to be paid by Bulgaria.

"Bulgaria undertakes to return to Greece, Rumania, and the Serb-Croat-Slovene State respectively all records, archives, and articles of archæological, historic, or artistic interest which have been taken away from the territories of these countries during the present war, and live stock of the descriptions and in the numbers set out in the Treaty, in restitution for the animals taken away by her during the war from the territories of the countries named. Bulgaria undertakes by way of special compensation for the destruction caused to the coal mines situated on Serbian territory by the Bulgarian armies to deliver to the

Serb-Croat-Slovene State during five years from the coming into force of the present Treaty 50,000 (fifty thousand) tons of coal a year from the output of the State mines at Pernik, provided these deliveries are sanctioned by the Inter-Allied Commission, which will require to be satisfied that such deliveries of coal will not unduly interfere with the economic life of Bulgaria.

"The Inter-Allied Commission above referred to shall be established at Sofia as soon as possible after the coming into force of the present Treaty. It shall consist of three members, to be nominated respectively by the Governments of the British Empire, France, and Italy. Bulgaria shall be represented at the Commission by a Commissioner who shall take part in the sittings whenever invited by the Commission to do so, but shall not have the right to vote.

"In the law relating to the Commission there shall be laid down a list of the taxes and revenues (now existing or hereafter to be created) estimated to be sufficient to produce the sums above referred to. This list shall include all revenues or receipts arising from concessions made or to be made for the working of mines or quarries, or for the carrying on of any works of public utility, or of any monopolies for the manufacture or sale of any articles in Bulgaria. This list may be altered from time to time with the unanimous consent of the Commission.

"In case of default by Bulgaria in the performance of her obligations the Commission shall be entitled to the extent, and for the period it may determine, to assume the full control of and undertake the collection of such taxes and sources of revenue, and to hold and disburse the proceeds thereof, and to apply any net proceeds after meeting the cost of administration and collection to the satisfaction of reparation obligations of Bulgaria, subject to any priorities laid down in this Treaty.

"Financial.—Bulgaria is required to make the following payments in the following order of priority—

"1. Cost of military occupation.

"2. The service of such part of the external Ottoman Public Debt as a Commission appointed for the purpose may attribute to Bulgaria.

"3. The cost of reparation as prescribed by the present Treaty.

"*Part IX.*

"ECONOMIC CLAUSES.

"The Economic Clauses are virtually identical with those in the Austrian Treaty.

"In the section on property, rights, and interests, a modification has been introduced. The Bulgarian Government is required to revoke all the exceptional war measures affecting the property of Allied nationals, whereas similar measures put into operation by the Allied and Associated Powers are declared final and binding. Bulgaria, in a series of new provisions, is made responsible for certain obligations incurred by her owing to her acquisition of certain property after the Balkan Wars.

"*Part XI.*

"PORTS, WATERWAYS, AND RAILWAYS.

"The section dealing with Ports, Waterways, and Railways follows almost exactly the lines of the Austrian Treaty.

"*Part XIII.*

"MISCELLANEOUS PROVISIONS.

"This section follows the similar one in the Austrian Treaty, except for a few minor points."

INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

Mr. SHERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD four sections from the constitution and statutes of the Grand International Brotherhood of Locomotive Engineers. I do not ask to have any of them read, but they will be found in the book which I send to the desk. The first is found on page 40, section 51; the second on page 53, section 92; the third on page 78, sections 34 and 35; and the fourth on page 93, section 10.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SEC. 51. Any member of the Brotherhood of Locomotive Engineers who takes the place of anyone engaged in a strike recognized as legal by the Brotherhood of Locomotive Engineers shall be expelled when proven guilty, and shall forever be ineligible for readmittance to this brotherhood.

* * * * * * *

SEC. 92. All divisions, or members of divisions, are prohibited from issuing circulars or signing any form of petition relative to brotherhood business among members of the brotherhood or others. If issued by a division, its charter shall be suspended, and the length of such suspension shall be at the discretion of the grand chief engineer. If issued or signed by a member, he shall be suspended or expelled: *Provided*, That the foregoing shall not prevent or hinder in any manner any official or division of the brotherhood in properly conducting the business of the organization as to sending out notices, reports, etc., for the purpose of securing or giving information.

* * * * * * *

SEC. 34. Any member who by verbal or written communication to railroad officials or others, interferes with a grievance that is in the hands of a committee, or at any other time makes any suggestion to any official that may cause discord in any division, shall be expelled as per sections 49 and 54 of statutes when proven guilty: *Provided, however*, That this law shall not apply to a brother in official position when called upon to express an opinion in his official capacity.

* * * * * * *

SEC. 35. Any member of a general committee of adjustment who wilfully and premeditatedly does, with malicious intent, by act or word in the presence of any railroad official, injure any matter under discussion by said committee which has for its purpose the enforcement of the standing rules of the G. I. D., shall, by a two-thirds vote of said committee, be deprived of serving on the same, the general chairman to fill such vacancy from the membership of the division to which the deposed member belongs, he serving until relieved by one appointed by division so affected.

* * * * * * *

SEC. 10. Any member or division refusing to sustain the official acts or instructions of the legislative board or who circulates or signs a petition, or who, by verbal or written communication to railroad officials or others, that is calculated to injure or interfere with legislative matters offered by the legislative board, or at any time makes suggestions to railroad officials or to Dominion or provincial legislators that may be detrimental to the interest of the Brotherhood of Locomotive Engineers, or who by verbal or written communication to anyone calculated to injure or interfere with national legislative matters offered by our legislative representative at Washington, Canada, or Mexico, or at any time makes suggestions to anyone that may be detrimental to the interests of such legislation, shall be expelled when proven guilty, as per section 49 of statutes.

SHIPMENT OF WHEAT.

Mr. OWEN. Mr. President, I have in my hand a letter from the United States Railroad Administration explaining that they can not move the wheat crop in the West more rapidly than they are now doing because there are no ships adequate to remove it from the ports; that the elevators are therefore congested; and that there is no use of loading the wheat on the cars because they can not get it stored or shipped faster than they are now doing. I ask to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES RAILROAD ADMINISTRATION,
DIRECTOR GENERAL OF RAILROADS,
Washington, October 7, 1919.

MY DEAR SENATOR OWEN: Referring to the telegram from Mr. Whitehurst, of Oklahoma City, and our telephone conversation relative to the wheat situation in Oklahoma and elsewhere:

As I said to you yesterday, all of the ports are full of wheat and we have wheat in cars backed up at each one of them awaiting ships. The movement of wheat from these ports is limited very largely by the foreign vessels available, as the principal receivers, England, France, and Italy, will not use American ships for their wheat on account of the high cost compared with their own. Furthermore, shipping to English ports has been curtailed on account of the strike of railway employees. The Oklahoma wheat moves both to Kansas City and to the Gulf ports. At Galveston and the vicinity thereof the elevators are full and we have 3,000 cars awaiting unloading. We are only able to take 50 cars per day into Galveston from both Texas and Oklahoma. Kansas City elevators are full and a large number of cars are backed up awaiting unloading. We are only able to take into Kansas City 125 cars a day from all points west.

You can see it would be useless for us to continue to furnish cars for wheat when there is no possibility of wheat being taken from the ports in any greater quantities than at the present time. From my investigation I can not find that the rate of exchange has anything to do with the slow movement of wheat. It may have something to do with the slow movement of coarse grain, but that is a small part of our trouble at the present time.

For your information, we have moved about 65,000,000 bushels of wheat from the farms from the 1st of July to date in excess of the movement for the same period last year. For the Southwestern region we have moved from July 1 to date 65,610 cars of grain, which is 16,221 cars in excess of what was moved during the same period last year—an increase of 33.8 per cent. We are giving especial attention to the movement of wheat that is now on the ground in preference to any other.

I am sorry I can not give you greater assurance of relief for shippers in your State. I will be glad to keep you advised from time to time as the situation develops.

Yours, very truly, J. H. YOUNG.

HON. ROBERT L. OWEN,
United States Senate, Washington, D. C.

THE PACKING INDUSTRY.

Mr. HARRISON. I ask unanimous consent to have inserted in the RECORD an article embracing a summary of a discussion on the subject of the proposed Federal legislation for the control of the packing industry. It embraces a debate that took place

between Mr. William B. Colver, the chairman of the Federal Trade Commission, and Prof. L. D. H. Weld, of Swift & Co., representing the American Institute of Meat Packers, before the National Swine Show, which was held at Des Moines, Iowa.

Mr. NORRIS. May I ask the Senator from Mississippi a question in regard to that article?

Mr. HARRISON. Certainly.

Mr. NORRIS. From what publication did the Senator take it; from the Drovers' Journal, of Chicago?

Mr. HARRISON. From the Drovers' Journal, of Chicago.

Mr. NORRIS. I have no objection to its publication in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMERS HEAR BOTH SIDES OF PACKER CONTROVERSY—DEBATE BETWEEN TRADE COMMISSIONER COLVER AND PROF. L. D. H. WELD, OF SWIFT & CO., PROVES INTERESTING FEATURE OF DES MOINES SWINE SHOW.

[By L. E. Troeger.]

"DES MOINES, IOWA, *October 3.*

"National Swine Show visitors heard two sides of the packer controversy last night in a debate between William B. Colver, chairman of the Federal Trade Commission, and Prof. L. D. H. Weld, of Swift & Co., representing the Institute of American Meat Packers.

"W. J. Carmichael, secretary of the National Live Stock Growers' Association, presided and introduced the debaters briefly.

"Both speakers were accorded generous applause. Through a misunderstanding as to the place of debate and its inconvenience the attendance was small. It included leading business men of the city.

"Both speakers used charts and presented their cases in a ready, forceful manner. Mr. Colver opened the debate with a 40-minute argument and closed with a 10-minute rebuttal. Prof. Weld spoke for 30 minutes.

"The subject of the debate was 'Proposed Federal legislation for the control of the packing industry.'

"Chairman Colver discussed it in an indirect way, devoting most of his time to a review of the Federal Trade Commission's investigation of the food industry, which he said centered on the Big Five packers.

WHAT COMMISSION RECOMMENDED.

"He denied that the commission had recommended Government ownership or control of the packing industry. What the commission recommended was:

"1. Keep the yards open for all buyers of live stock.

"2. Provide refrigerator-car service for every meat shipper.

"3. Confine the packers to handling meat. That is a big enough job.

"Chairman Colver complained that it was impossible to get denials into the newspapers when the commission was attacked by the packers, a case in point being the charge that the body had conspired with foreign nations to buy meat lower and hurt live-stock producers.

"He emphatically denied this and challenged any packer to prove it. 'And they can't send a boy,' said he. 'They must come themselves.'

"Prof. Weld said that he regretted his opponent had not stuck to his subject, the Kenyon-Kendrick bills, as he was prepared to show they were unsound and full of danger for the packers and producers.

"'Government interference,' said he, 'is sure to make meat prices higher to the consumer and prices of live animals lower.'

"'Chairman Colver has said in discussing the packers that it was a good thing sometimes for a business to go through a receivership. It's a good thing sometimes to have typhoid fever, but there's a lot of danger in going through it,' said Prof. Weld, causing a ripple of laughter over the audience.

COLVER CHARGES MONOPOLY.

"Chairman Colver's argument in substance follows:

"'We set up the proposition after we had gotten into the investigation pretty well that there is a monopoly in the meat-packing industry.

"'It rests on a device for the division of purchases of animals. We found the five big packers united, operating together in many different lines and in the same proportion.

"'The proportion of the expenses connected with elections was worked out before the money was spent, sometimes not always the same, but it existed.

"'The annual appropriation of $5,000 to control the editor of the Provisioner was a case in point. Each of the big five contributed a certain proportion.

"'It works out on the purchase of live stock, hence there be no competition. It can't be explained as phenomena. There is a theory that it is plant capacity. But that can only be true if plants are working full capacity all time.

"'The five big concerns are buying live stock in 12 markets and we found them in various combinations. Sometimes two, three, another three or two, etc., and they claim the keenest competition.'

CHARTS INTRODUCED.

"Here a chart was introduced showing purchases by the packers. A red saw-tooth line showed fluctuation in prices paid for animals. A black line showing the result when the prices paid by the five at all points ran nearly straight across the chart.

"'It is called a coincidence," said Mr. Colver, 'but it's too big to explain that way.'

"Another chart was exhibited showing the relation of hog prices to the prices of pork cuts during August, 1919.

"A red irregular line indicating New York pork prices and a blue line for Boston prices showed a steady advance in prices.

"Another line showed the downward trend of live-hog prices at Chicago.

"'Do you see any relation between live hogs and pork prices?' asked the speaker. 'That difference is possible through control of the yards.'

HISTORY OF THE YARDS.

"'The history of the stock yards refutes the packers' statement that they can be operated without packer support. The packers have taken over most of the yards after they were developed.

"They permitted private ownership only as long as they could get rebates and bonuses, but when that was forbidden they began the absorption of the yards.

"'The only cases where independent packers are doing well is at privately owned yards. They have built up a three-story structure for the Chicago yards to absorb profits. A man don't know when he owns stock; he just has a warrant that he can have stock if he wants it.

"'We found the packers running into all kinds of food. The process is: First, get control of meats; second, get control of foods competing with meats.

HOW PACKERS GOT IN BUTTER.

"'They found butter competing with oleo, so they got control of butter. It is not the five big packers, but 574 big food firms owned by the packers. Twenty pages are required in our report to give a history of packers' progress. They carry on their business so they absorb the customer, then the man who sells to him. It works forward, sideways, and backward.

"'If continued for five years, the five firms will control all we eat. They tell about the little profits on beef and how they are just scrubbing along, but they never say anything about pork profits.

"'The Big Five in 1904 had a total worth of $92,000,000. Up to 1919 they put in $87,000,000 new capital and $105,000,000 dividends came out. Their capital now is $479,000,000.

"'They have a great publicity bureau, and you always hear their side. They give out copies of testimony at hearings before the witness goes on the stand. We can't get a fair hearing in the press.'

WELD SHOWS CHART ALSO.

"Prof. Weld offered a chart as his first exhibit, showing the trend of hog prices since June 1, showing the high point on July 21.

"A line showed the trend of pork loins, a very small part of the fresh part of the carcass. It showed a trend generally upward for the period.

"Another line showed the trend of the principal fresh pork products. It was in keeping with hog prices.

"'Mr. Colver's chart shows only the trend of pork loins,' declared Prof. Weld, 'a very small part of the fresh cuts.

"'The reason why loins have been high is that the supply of hogs has been light, as usual at this time of the year, and there has been a heavy demand for loins.

"'Cured products have declined in price with the live animal. My opponent's diagram is not a fair picture of the hog situation.

"'Why have prices of hogs fallen off? Here are the reasons:

"'1. Slump in foreign demand and pooling of future orders with the avowed intention of buying on a 12-cent basis.

"'2. Agitation on high cost of living.

"'In the packers' cellars to-day is the product of 2,000,000 hogs, representing an invoice of $17,000,000. This invoice value has decreased $10,000,000 to $12,000,000.

"'Can you see where they are making any profit in hogs under present prices?

ANSWERS CHARGES OF MONOPOLY.

"'Two charges are made against us:

"'(1) We are a monopoly.

"'(2) We are getting control of other foods.

"'The first charge is based on the percentage of purchases being fairly constant, but which are a natural result of competition and not agreement.

"'There is not a single bit of evidence to support this, more than it is a coincidence. The truth is that each packer watches the other so closely that it is impossible for one to gain on the other.

"'We keep figures, it is true, showing the percentage of purchases. But they are to keep our buyers in the race. If the percentage at our Omaha house drops, the manager is likely to be called to account. We want and must get our share.

"'The percentage figures don't remain quite so constant as you think. Swift's percentages of cattle purchases of the number bought by the big packers increased from 33 to 35 per cent from 1913 to 1918. They all try to increase the percentage.

"'We have never used the plant-capacity theory, but I agree it is not a phenomenon. It applies to smaller packers, so they must have an agreement, too. It also applies to other trades where competition is keen.

"'The "50–50" reference to the purchases at Denver in a letter cited by the commission meant that Armour wanted to get that per cent if possible. But the commission failed to show that Swift's per cent runs 55 against Armour's 45 per cent.

"'They are greatly alarmed because we are extending to other lines. They are fearful of what they call the 1920 model of packing organization, but I say it is just as much more efficient and economical than the old form of business as the 1920 automobile is superior to the old model.

"'The attacks on our methods create a scare without basis of fact. They seem to be an obsession on the part of the Government authorities. It is being used to create distrust.

"'The handling of other products makes a better outlet for meat products. It is not a menace, but a public service, and it is not fair to say control, as the percentage of food handled is so small.'

WHY PACKERS GOT OTHER LINES.

"Prof. Weld then went into an explanation of how and why the packers had gotten into other lines.

"'They bought an Illinois coal mine to insure a daily supply of fuel. Swift uses 40 carloads a day at Chicago.

"'They went into tanning to prevent being at the mercy of tanneries and to make it unnecessary to tie up capital for so long. They tan only about half the hides they get. About half the hides used in the United States are imported, and the packers do not anywhere near control the supply.

"'They must figure close to prevent any more money being tied up than possible, as they pay out $2,000,000 a day to stockmen at Chicago and do not get any return short of several weeks, and not all for many weeks.

"'The packers got into selling other foods to use their big corps of salesmen, their 400 branch houses, refrigerator service, delivery trucks, etc.

"'It has made more direct marketing from farm to consumer, and better service all around.

"'Swift's only food side lines are butter, eggs, poultry, cheese, and dried fish.

"'The commission says the Big Five handle 50 per cent of the supply of these products entering trade channels. The fact is that Swift handles 6 per cent of butter, eggs, and poultry entering trade channels and the Big Five handle about 15 per cent.

THE RICE CONTROL FALLACY.

"'Mr. Colver said the retail grocers would disappear in five years. But our control amounts to only about 3 per cent of the grocery business.

"'They mentioned in a report that Armour handled 16,000,000 pounds of rice in 1916. That is 1 per cent of the total United States consumption. I could give scores of such misrepresentations of facts and suppression of information.'

"Prof. Weld closed his argument with reasons why the K-K bills are objectionable and a menace to the live stock and packing industry, giving those which have been advanced heretofore and which are familiar to readers of the Drovers Journal, and declared the legislation drastic, revolutionary, and setting a precedent for Government control of all business.

"'There would be small chance that a man of packing experience would be put over us,' said he, 'for if there was the country would say the Secretary of Agriculture had sold out to the packers.'

COLVER IN REBUTTAL.

"In his rebuttal Mr. Colver declared the big packers were too efficient already, and that one small packer now falls by the wayside through this efficiency every 60 days. He cited the Veeder letter as the most conclusive evidence of an agreement between the Big Five to control the market.

"Against Prof. Weld's example of direct marketing he cited the handling of 800 cans of tomatoes by a Swift subsidiary, Libby, McNeill & Libby, three times.

"There was no more danger in putting a man in control of the packing business than we now have in the relation of the Comptroller of Currency to banks. This power could be under the review of the courts.

"'An Omaha packer says the packers are bigger than the Government,' said Mr. Colver in conclusion. 'We will have the Big Five in control of the Government or the Government in control of the Big Five.'"

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. BORAH. Mr. President, I ask permission to have read at the desk two telegrams from Los Angeles, Calif.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

LOS ANGELES, CALIF., *October 7, 1919.*

Senator WILLIAM E. BORAH,
Washington, D. C.:

Our attention called to 2,000-word telegram sent Minority Leader HITCHCOCK by highly financed local branch of the League to Enforce Peace. A complete answer to their propaganda may be found in the fact that Senator JOHNSON addressed two of the most enthusiastic audiences ever gathered in this city, the evening meeting of more than 7,000 persons completely filling the largest hall in the city. As vice president of the meeting, there were present several hundred business men, bankers, judges, lawyers, including three former United States Senators—Cornelius Cole, who was in the Senate during Lincoln's administration; Frank P. Flint; John D. Works; former Gov. Henry T. Gage; and just plain, common people. One result of the meeting was a telegram, signed by men above mentioned and many others, including prominent Democrats, asking Senator PHELAN to join Senator JOHNSON in his valiant fight for Americanism and calling attention to inconsistency of condemning Japanese in California while tolerating them in Shantung. Suggest that Senator PHELAN produce telegram for the CONGRESSIONAL RECORD. Please advise Senate that red-blooded Americans are just as numerous in Los Angeles as they are elsewhere in the United States, and sentiment against the league and treaty is rapidly growing as a result of Senator JOHNSON'S visit. JOHNSON has always taken his fights to the common people of California, who are with him now more earnestly than ever before. This organization numbers many returned soldiers among its members, including two majors, as officers thereof. There is no question but that a great majority of the people of this city and the southern portion of California are absolutely behind Senator JOHNSON and his colleagues in the Senate who are trying to preserve our national welfare, honor, and independence.

LEAGUE FOR PRESERVATION OF AMERICAN INDEPENDENCE, LOS ANGELES BRANCH,
ROBERT M. CLARKE, *President.*
FRANK S. HUTTON, *Secretary.*

—

LOS ANGELES, CALIF., *October 7, 1919.*

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.:

Clarke, signing telegram, is former superior judge and Maj. Hutton, secretary, was in charge of draft of State all through the war.

MEYER LISSNER.

Mr. PHELAN subsequently said: Mr. President, I have just read the telegram which was read from the desk during my temporary absence, in which it is stated by gentlemen in Los Angeles that they had sent me a telegram to be inserted in the RECORD and calling attention to the very great success of the meeting at which Senator JOHNSON spoke in that city. The telegram evidently was sent in answer to one that was read into the RECORD by the Senator from Nebraska [Mr. HITCHCOCK] the day before, in which it was made to appear that a great many had regretted that their names had been used as vice presidents and had withdrawn their names as indorsing that meeting, thereby indicating their opposition, not so much to the Senator from California as to the opponents of the league of nations.

The gentlemen have seen fit to animadvert upon my position in opposing the presence and immigration of the Japanese into California, while at the same time supporting the provision of the treaty which gives the Province of Shantung in part to the Japanese as against the Chinese. Of course, a Senator's first duty is to his own country; and I desire simply to say that I am opposing by every possible means the introduction of the Japanese into California, as the Chinese are opposing the absorption of their territory by the Japanese. With the Chinese I have a very sincere sympathy, but I am not quite sure how far the United States should commit itself to taking up the cudgels for the Chinese, a nation consisting of 400,000,000 people. I recall the stanzas of Byron:

Hereditary bondsmen! know ye not.
Who would be free, themselves must strike the blow?

And unless the Chinese take the initiative in the expulsion of the Japanese from their territory it is asking a great deal to call upon another nation to do so, in view of the fact that treaty obligations on the part of France and Great Britain with the Japanese seem to give a certain protection to the claim of Japan, of which treaty obligations the United States had no knowledge, however, when it went into the recent conference at Versailles. The league is designed to stop this practice in future. I think it is irrelevant for the gentlemen to bring up in such a manner the Japanese question in California. I am opposed to the Japanese in California, and I am opposed to the Japanese without authority or consent from the people of China taking any part of the territory of China; but as a Senator of the United States I recognize the important fact that treaty obligations give the Japanese some color of title, but voidable and subject to attack. The league will also take cognizance of this. I will be pleased to discuss that question at much greater length, and I intend to do so before the final vote upon this question.

I must say, however, that I have not received the telegram referred to. I have sent to my office, and am advised that it has not yet been received; and I presume, since it appears that only the League to Enforce Peace is properly financed, that these thrifty gentlemen may have sent it by mail, and not by wire. When it is received I will be glad to have it printed in the RECORD, as requested.

After a few moments' pause, Mr. PHELAN said:

Mr. President, I have just heard from my office that the telegram referred to by the gentleman from Los Angeles in the dispatch presented by the Senator from Idaho has not been received; but I have received another telegram of like import from Mr. W. B. Williams and others, and also several telegrams in opposition.

I desire to state that when the Senator from California [Mr. JOHNSON] arrived in Los Angeles for the purpose of making an address, I am informed, he was met by delegates from the Central Labor Council, from the Chamber of Commerce, and from five other civic bodies, asking him to withdraw his opposition to the league, and that evening he made his address. These telegrams were sent subsequently; and I ask unanimous consent that they be printed in the RECORD in answer to the one submitted by the Senator from Idaho.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SANTA ANA, CALIF., *October 6, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

We respectfully urge you to join HIRAM JOHNSON in his fight against the Japanese occupation of Shantung and his demands for equal representation with the British in the league of nations.

R. Y. WILLIAMS, JOHN N. ANDERSON,
W. B. WILLIAMS, CHAS. D. SWANNER,
A. J. CORKSHANK, CLYDE BISHOP,
C. D. BALL, W. C. JEROME,
J. M. BURLEW, R. A. CUSHMAN.

—

LOS ANGELES, CALIF., *October 3, 1919.*

Hon. JAMES D. PHELAN,
Senate Chamber, Washington, D. C.:

I am pleased to announce that at the regular meeting yesterday of the board of directors of the Los Angeles Chamber of Commerce the league of nations was unanimously indorsed.

FRANK WIGGINS,
Secretary Los Angeles Chamber of Commerce.

—

LOS ANGELES, CALIF., *October 6, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

The congregation of the Hollywood Christian Church, Los Angeles, Calif., believing the peace treaty and league of nations to be the only guaranty of permanent peace, earnestly petition our honorable Senate to promptly adopt these without amendments or reservations.

W. F. RICHARDSON, *Pastor.*

—

CLAREMONT, CALIF., *October 6, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

Congregation, 800, Claremont Church, urge immediate aid Armenia.

M. CHURCHILL, *Clerk.*

—

LOS ANGELES, CALIF., *October 6, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

Emanuel Presbyterian Church, of Los Angeles, third largest in United States, votes 340 to 82 for prompt ratification of treaty and league of nations covenant without amendment or reservations.

HERBERT BOOTH SMITH, *Pastor.*

—

REDWOOD CITY, CALIF., *October 6, 1919.*

Senator PHELAN,
Washington, D. C.:

Sunday, October 4, at a regular Sunday service of the First Congregational Church of Redwood City, Calif., it was unanimously voted to request you to do all in your power to compel the Turks to cease their pernicious and atrocious deeds upon the Armenians.

W. A. SCROWELL, *Church Clerk.*

—

LOS ANGELES, CALIF., *October 6, 1919.*

Senator JAMES D. PHELAN,
United States Senate Chamber, Washington:

Grace Congregational Church unanimously begs your powerful support for league of nations. We look to you to put California on side of righteousness and world peace.

S. H. BOWMAN, *Clerk.*

—

LOS ANGELES, CALIF., *October 6, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

By a vote of 10 to 1, Knox Presbyterian Church, Los Angeles, at their morning service, October 5, adopted the following: "We believe that the treaty of peace and the covenant for the league of nations should be ratified without reservations or amendments at the earliest possible date."

COMMITTEEMAN KNOX PRESBYTERIAN CHURCH.

—

GARDENA, CALIF., *October 5, 1919.*

Senator JAMES D. PHELAN,
Washington, D. C.:

First Methodist Episcopal Church of Gardena congregation assembled October 5, 1919, voted for ratification of league of nations and ask you to indorse same.

PETER ROBERTSON.

—

LOS ANGELES, CALIF., *October 5, 1919.*

Senator JAMES D. PHELAN,
United States Senate, Washington, D. C.:

Members of First Methodist Episcopal Church South, of Hollywood, Calif., voted unanimous indorsement of immediate ratification of treaty and league of nations covenant without amendments or reservations. They believe the covenant is a notable triumph for American principles and the opposition wholly unwarranted and contrary to public sentiment.

NATHAN NEWBY.

—

SAN FRANCISCO, CALIF., *October 6, 1919.*

Senator JAMES D. PHELAN,
Washington, D. C.:

Referring to our telegram of September 26 in reference to cold-storage bill, we understand this matter has been taken up by the Interstate Commerce Committee. Senator CUMMINS, chairman, and we request that you voice our opposition to the bills.

DRIED FRUIT ASSOCIATION OF CALIFORNIA.

—

LOS ANGELES, CALIF., *October 5, 1919.*

Hon. JAMES D. PHELAN,
Washington, D. C.

DEAR SIR: We believe that the treaty of peace and covenant for the league of nations should be ratified without reservations or amendments at the earliest possible date. Official action of our church on ratification Sunday in Los Angeles.

Sincerely, yours,

Rev. R. H. JONES, D. D.

—

LOS ANGELES, CALIF., *October 6, 1919.*

Hon. JAMES D. PHELEN,
Washington, D. C.:

The Syrian American Association, all of whom are citizens of the United States, unqualifiedly support the President and the league of nations and have passed resolutions to that effect. This association represents 192 intelligent, loyal, and worth-while families in Los Angeles who desire to be placed on record as standing firmly behind the league of nations without enfeebling reservations, and whose earnest desire is that you may lend your strong support to the same end.

P. A. BEHANNESEY, *President.*
MICHAEL GEORGE, *Secretary.*

—

SANFORD UNIVERSITY, CALIF., *October 6, 1919.*

Senator JAMES D. PHELAN,
United States Senate, Washington, D. C.:

The Current Events Club of Stanford University wish to express its conviction at the high principle underlying the covenant for a league of nations and to uphold you in your stand.

MARGARET D. B. WULLIS, *Secretary.*

—

SAN FRANCISCO, *October 7, 1919.*

Hon. JAMES D. PHELAN,
Senate, Washington, D. C.:

The Lafayette Club of San Francisco, a nonpartisan political organization duly incorporated, comprising a membership of over 2,000 American citizens, in general meeting assembled on the 6th day of October, 1919, unanimously adopted the following resolution:

Whereas the treaty of peace and the covenant of the league of nations represent the combined wisdom and statesmanship of the greatest nations of the world; and

Whereas we believe that the prompt ratification of said treaty and covenant without amendment by the allied and associated powers would subserve the best interests of all nations and would immediately result in restoring to more normal conditions the affairs and business of the world:

Now, therefore, we respectfully, but urgently request the Hon. JAMES D. PHELAN and the Hon. HIRAM W. JOHNSON, our United States Senators representing the State of California, to use their best endeavors to secure the prompt ratification of said treaty and covenant without amendment.

PETER TREICH, *President.*
JOHN ARBES, *Secretary.*

PERSONAL EXPLANATIONS—VOTES ON FALL AMENDMENTS.

Mr. GERRY. Mr. President, I understand that in some of the press dispatches it has been stated that the Senator from South Dakota [Mr. JOHNSON] was absent, but not paired on the votes on the Fall amendments. This statement is incorrect. The Senator from South Dakota was paired with the Senator from Vermont [Mr. PAGE], his pair with the Senator from Maine [Mr. FERNALD] having been transferred to that Senator. If the Senator from South Dakota had been present, he would have voted against the Fall amendments. He was absent on account of illness in his family.

Mr. KING. Mr. President, in view of the statement made by the Senator from Rhode Island respecting the attitude of the Senator from South Dakota [Mr. JOHNSON] upon the Fall amendments, I should like to say that when those amendments were voted upon in the Senate I was absent from the city on account of illness. I had understood before leaving the city that a pair had been arranged and that my position would be announced and thoroughly understood upon any votes taken upon the treaty. Apparently there was some misunderstanding and the pair was not arranged for all votes. If I had been present, I should have voted against each of the Fall amendments.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the National Association of United States Civil Service Employees at Navy Yards and Stations, praying for grant of not less than 40 per cent increase in salaries of all clerical employees of the Naval Establishments, which was referred to the Committee on Naval Affairs.

Mr. CAPPER presented a petition of Local Lodge No. 277, Brotherhood of Railway Carmen, of Parsons, Kans., praying for the adoption of the so-called Plumb plan for the operation and control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Pleasant Valley Grange, Patrons of Husbandry, of Hackney, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. FERNALD presented a memorial of Local Grange No. 321, Patrons of Husbandry, of Wilton, Me., remonstrating against the adoption of the proposed plan of the Secretary of the Interior to reclaim swamp and arid lands, which was referred to the Committee on Public Lands.

Mr. HALE presented a petition of Napoleon OueLette Post, American Legion, of Rumford, Me., praying for an investigation into alleged unnecessary wrongs inflicted upon officers and soldiers of the American Expeditionary Forces, which was referred to the Committee on Military Affairs.

CUTTING OF TIMBER ON THE PUBLIC DOMAIN.

Mr. PITTMAN. From the Committee on Public Lands I report back unanimously, with an amendment to the title, the bill (S. 1) authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another, and I submit a report (No. 256) thereon. The bill has passed the Senate three times in prior sessions. Its purpose is simply to grant corporations organized in other States the same rights in the State of Nevada with regard to timber on the public lands and water rights that domestic corporations have. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That section 1 of an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an act entitled "An act to repeal timber-culture laws, and for other purposes" approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several acts amendatory thereof, be, and the same are hereby, extended so that it shall be lawful for the Secretary of the Interior to grant permits to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred by the aforesaid acts upon corporations incorporated in the State in which the privilege is to be exercised: *Provided*, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the cutting of timber by corporations organized in one State and conducting operations in another."

COLD-STORAGE REGULATIONS.

Mr. CUMMINS. Mr. President, a few days ago while I was in the chair—I mention that fact so as to take the responsibility for it—the bill (H. R. 9521) to prevent hoarding and deterioration of, and deception with respect to cold-storage foods, to regulate shipment of cold-storage foods in interstate commerce, and for other purposes, was referred to the Committee on Interstate Commerce. That committee properly has jurisdiction of the subject matter, but the bill was considered in the other House by the Committee on Agriculture, and, in my opinion, it ought to be considered in the Senate by the Committee on Agriculture and Forestry. For that reason I have been directed by the Committee on Interstate Commerce to ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 3185) to provide for the establishment of a United States naval coaling station at Southport, N. C. (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 3186) to provide for an examination and survey of the harbor at Southport, N. C., with a view to increasing the depth of said harbor (with accompanying paper); to the Committee on Commerce.

By Mr. HALE:

A bill (S. 3187) to dispose of a certain strip of public land in Waterville, Me. (with accompanying paper); to the Committee on Public Buildings and Grounds.

By Mr. GORE:

A bill (S. 3188) providing for an increase in salary for the United States district attorney for the western judicial district of Oklahoma; to the Committee on the Judiciary.

By Mr. SMITH of Maryland:

A bill (S. 3190) to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.; to the Committee on Commerce.

RENT COMMISSION IN THE DISTRICT OF COLUMBIA.

Mr. NORRIS. Mr. President, I ask unanimous consent to introduce a bill; and I should like to state to the Senate, in a word, just what it proposes.

The so-called rent bill with reference to the District of Columbia went into conference, and after two or three weeks of discussion and some compromises the conference report was agreed to and passed through the Senate. It went out in the House on a point of order, striking out what all the conferees, both of the House and Senate, think was a vital provision that ought to be in the rent bill.

I have taken the conference report, with the exception of the term of the law, which, under the conference report, was to be three years, and made it four years, which it was agreed by all of the conferees, both of the House and Senate, would be preferable to three, and put it in the shape of a bill. I now introduce it, and ask that it be referred to the Committee on the District of Columbia.

The bill (S. 3189) to create a rent commission in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

LEAGUE OF NATIONS.

Mr. WILLIAMS. Mr. President, I wish to have published in the RECORD a petition in the shape of resolutions coming from the committee and chairman, members of the Red Cross and Liberty Loan Workers and Council of Defense Workers of Hollywood, Calif., signed by some of the most prominent people of that section, and very emphatically worded, in favor of an immediate ratification of the treaty without reservations or amendments.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"We favor league. War workers' organization, Hollywood, Calif. Committee and chairman members of the Red Cross and liberty-loan workers and council of defense workers of Hollywood, Calif.

"We are sending to the Senate Committee on Foreign Relations of the United States an important message. We know our soldiers have laid a foundation for world peace, and the people of the United States want it. With sincerity and firm purpose we have set our faces toward the goal; men and women are in this equal fight urging that the peace treaty containing the covenant of the league of nations be promptly

ratified. The great sacrifice of our soldiers is calling now to us to finish what they began. The loyalty of peace must now inherit the loyalty awakened and offered in war. There must be fruit for the spirit of 8,000,000 men who died for a cause, a better world. They call to us to ring out of this great cause the awful party strife (that will make a black spot in our history) and hasten to ring in the noble modes of life, the love of truth and right, the common love of good to all mankind—the dead ask this of us.

"The undersigned urge that the peace treaty containing the covenant of the league of nations be promptly ratified by the Senate of the United States without attempting to embarrass it by amendments, thus delaying the conclusion of peace and the establishment of a greater agency for its future preservation.

"Mrs. Frances Gwynn Wise, 1811 Tamarind Avenue, Los Angeles; Florence Catherine Kelly, 6007 Yucca Street; Della Noble, 1833 Canyon Drive; Mrs. M. M. Law, 100 Campart Building, Los Angeles; Lota E. Rich, 6026½ Hollywood, Boulevard; Mrs. A. W. Pessell, 1850 North Bronson Avenue; Edith T. White, 1807 Tamarind Avenue; Frank B. Wise, 1811 Tamarind Avenue; Dora Woodruff, 1130 West Twentieth Street, Los Angeles; Ella M. Goodrich, 6005 Hollywood Boulevard; Marrion P. Fisher, 5939 Yucca Street; Mrs. Myra Alcorn, 6014 Franklin Avenue; Mrs. Elsie M. Killgore, 1834 North Van Ness Avenue; Mrs. Emma R. Pipes, 6007 Yucca Street, Los Angeles, Calif.; Ada E. Shewman, 1811 Tamarind Avenue, Los Angeles; R. E. Briggs, 1345 West Seventeenth Street, Los Angeles.

"These are the names of officials in various war drives. They have been holding community meetings. We have given careful consideration to all objections that you (especially JOHNSON) have offered to ratification, and we are all now convinced that the treaty should be ratified without amendment or reservation.

"We believe in the league, and are ready to work and fight for it as we did to gain the war.

"By a unanimous vote we joined the organization to promote the League to Enforce Peace and the adoption of the league of nations.

"We unanimously voted to ask JOHNSON to reverse his action with regard to the league, and to give it his immediate and hearty support if he ever expects votes in California again.

"(The signers above ask this.)"

Mr. WILLIAMS. I wish to add to that a request to publish in the RECORD a magnificent article which appeared in the Public Ledger of Philadelphia, signed by Henry Wharton, whom a majority of Senators know by reputation, at any rate, as a very able man and a very original thinker. It admits that the peace treaty is short of perfection, but declares that rejection invites world disaster. I ask that that be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ADMITS PEACE TREATY IS SHORT OF PERFECTION, BUT DECLARES REJECTION INVITES DISASTER—WRITER TAKES ISSUE WITH THE 18 SIGNERS TO THE OPEN LETTER TO THE UNITED STATES SENATE PROTESTING AGAINST TREATY AND SAYS THEY WOULD JEOPARDIZE WHOLE WORK OF CONFERENCE.

To the EDITOR OF PUBLIC LEDGER.

SIR: I have greatly admired the Public Ledger's courageous stand on the league of nations and the peace treaty. It is not always easy to go ahead, even when you are sure you are right particularly in a hard-and-fast party stronghold like Philadelphia, despite the sound advice of David Crockett. I have also been impressed with your broadmindedness in printing both sides of the question.

In this latter connection I have been struck by a letter which has but recently come to my attention. I refer to the letter published in your issue of September 1 addressed to Members of the United States Senate and signed by 18 men and women whom I take to be Friends (Quakers) and so-called pacifists or conscientious objectors, or both, the letter being transmitted to you by Edward W. Evans in a note dated August 28, 1919.

It is perhaps rather late to recall it, for in the topsy-turvy world of to-day so much happens overnight that one is apt to forget even the sensations of yesterday. But this letter to which I refer, albeit well expressed and evidently most sincere, is not only so contradictory in itself as to be almost paradoxical, but also totally at variance with the previously expressed views of at least some of this group that one wonders why this has come about—what change has come over the spirit of their dreams. As this applies equally to all of their way of thinking who are now opposing the peace treaty, and as I am still in agreement with them as regards my dislike of and disbelief in militarism, I would like to put to them what seems to me some pertinent questions by way of answer.

In the first place, I would like to ask them why they, of all people, who at one time were accused of being for peace at any price, or, as I believe, were willing to pay a big price for peace, which they then thought essential for the salvation of the world, are now urging others to refuse the peace that is now offered to us because they do not like the price.

Admitted that the terms of the treaty are far from perfect, is it not a fact that these terms have been agreed to by the accredited representatives both of the Allies and Germany? Also, is it not true that they were only agreed to after many months of desperate pulling and hauling and that they are the only ones now before us, so that to refuse them would be to begin all over again, there being no alternative?

And if, as seems evident enough, Mr. Wilson was weakened by the pressure on him by the reactionaries over there, encouraged by the attacks on him by the reactionaries here at home, what do they (the writers of the letter to which I refer and their like) think they will gain by striking hands with those very reactionaries who weakened the hands of the President? For, plainly, the reactionaries on both sides of the Atlantic do not want a league of nations, and as the reactionaries are in control in France and in the ascendency in Italy and would be in England were it not for Lloyd-George—whatever one thinks of him—to refuse to accept the peace treaty or to return it to Paris with amendments, which would amount to the same thing as refusing it, would in all human probability not only result in a worse treaty from our point of view, but also in the loss of the league of nations as well—or chaos.

The signers of this letter to the Senate not only admit but maintain that the supreme need is for a league of nations in order to bring about "the uprooting of the evil thing which has brought this woe"—"the destruction of militarism and the day of disarmament." As they truly say, "to continue the blood-stained error of the past is to invite for posterity catastrophe far beyond all that we know."

That being so, the present peace treaty is purely secondary to the league of nations and is capable of adjustment when the passions bred by war that still influence the world have subsided.

Then why jeopardize the whole for a part?

If to defeat the league of nations would invite disaster in future—and one has only to look at Fiume to see that even delays are dangerous—then who will be responsible therefor? The framers of the treaty or the reactionaries who either do not want a league of nations or who are willing, for their own selfish ends, to put a spoke in its wheel, plus those well-meaning idealists who insist upon perfection all at once and in their blind haste to attain it would put the cart before the horse, would sacrifice the substance for the shadow?

Finally, why is it that they who, when we would have had a triumphant Germany to treat with, urged the Allies to make peace for the sake of stopping the slaughter, trusting in God and public opinion to regenerate an unrepentant Germany, are not now willing, after the Allies have prevailed, to trust in the same God and public opinion to soften and straighten out the mistakes of the Allies? Most natural mistakes of people who have suffered even unto their very souls from more than four years of desperate strggle with death and destruction, so that they are still not able to see their present path clear, let alone their future!

Can it be that these idealists placed more belief in a war-maddened Germany than they do in their war-stricken friends and Allies who were dealt such foul blows by that same Germany?

It seems to me that the answer is, not that these high-minded idealists have lost their faith, not that they are pro-German, but that they, too, have suffered anguish in their souls from overcontemplation of the horrors of this bloody war, and that once the war was over and the reaction come, in the joy of rekindled hope, they, following their natural bent, thought that not only the dawn but the day itself had come. So they have come to believe that now is the moment—and now only—and that nothing short of perfection will do.

Not being able to realize fully—who, indeed, can who has not suffered the like?—how impossible it is for men whose homes have been destroyed, the flower of whose youth have been slain in defense of those homes, to reason clearly and dispassionately the very moment the battle is won and retribution within their

grasp; and, judging all others by their own high ideals, they, too, these earnest idealists, have lost their way in the fog of feeling born of war's bitter hates that still envelop the world, and so they can not see the light to come.

For myself I have no doubt whatever about the matter, and firmly believe that not to accept the peace treaty would be the gravest of mistakes. Americans who were in Paris in December, when President Wilson first arrived, and who happened also to return there later on, say in March and April, saw things grow in a very curious way. And to those who could read the multitudinous French newspapers freely, and particularly the so-called "intellectuals," the trend of thought was quite evident. Some of the latter, indeed, were even talking of "1814," etc., meaning thereby the boundaries forced on an unhappy and an unwilling world by that greatest of all disturbers of the peace, Napoleon Bonaparte. But how 18 plus 14 equaled the 14 articles was quite beyond my simple arithmetic.

No; it is not a perfect treaty. How, indeed, under the circumstances, could a perfect treaty have been framed, let alone consummated? But to reject it would invite disaster.

Recommend, if you please, interpret, if you prefer, but do not amend or reserve, for the first means rejection and the second nullification.

HENRY WHARTON.

SAUNDERSTOWN, R. I., *September 27, 1919.*

Mr. WILLIAMS. Mr. President, there appeared in the Times of Los Angeles, Calif., a magnificent description of the visit of the President to the Pacific coast and of the effect of that visit. It is entitled "The thoughts he left." I ask that it be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"THE THOUGHTS HE LEFT.

"The President has come to Los Angeles and gone, leaving behind him thoughts that have compelled thousands to assume a different attitude toward the league of nations.

"No man or woman who heard the President with the determination that they would not be convinced by him is convinced.

"But those who went with open minds, willing to listen and judge, have a new appreciation for the league of nations.

"The President's address in Los Angeles was effective.

"He made the people awaken to the real meaning of the covenant in a manner in which they would not have been awakened had he not have come here.

"In the first place, the President emphasized the fact that the covenant will prevent wars, and that had it been in effect in 1914 the world would have never been dragged through the late holocaust.

"If the covenant would prevent 10 per cent of the wars, the President argued, it would be worth its adoption.

"In his opinion, however, it would prevent 98 per cent of the wars.

"He pointed out how each member of the league bound itself not to enter into war until after nine months of deliberation and attempts at settlement of the matter in dispute, and called attention to the certain conclusion that nine months' enlightened discussion would have prevented the terrible experiences of the world during the past five years.

"He called attention to the fact that during all the years of discussion as to means for preventing wars there has never been any plan evolved excepting a plan for a world league.

"After having explained so clearly what the future of the world would be under a league of nations, one naturally wondered why we would stand willing to sacrifice so great a blessing to mankind for the sake of a few slight objections.

"And then the President took up the objections, and the only objections, as all know, that we have heard anything much about and which are worthy at all of consideration, are the objections that Great Britain should not have six votes in the assembly of the league to one vote of the United States and the objection that the United States should not countenance the Shantung settlement.

"Great Britain's so-called six votes, he pointed out, were only advisory votes, and were worth no more than the one vote of the United States.

"The six votes which Great Britain has are in the assembly of the league, where a representation is given to the six great nations that go to make up Great Britain.

"This assembly is only for the purposes of debate and advice.

"Final action is taken by the council of the league, where Great Britain and the United States each have but one vote.

"He asked if it would be fair to give Cuba and Panama a representation in the assembly and deprive such great nations as Canada and Australia of the right to enter into discussions.

"If the United States were given 48 votes in the assembly, where would it be any better off than with its 1 vote?"

Mr. JONES of Washington. Mr. President, in connection with this request, I have not very often asked to have anything printed in the RECORD, but I have here a sermon by Rev. Charles Wadsworth, jr., D. D., delivered in the Union Chapel, Magnolia, Mass., Sunday, July 13, 1919. I think it will be found very interesting in connection with the subject of the peace treaty, and I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

NEBUCHADNEZZAR'S IMAGE—A DISCOURSE DELIVERED IN THE UNION CHAPEL, MAGNOLIA, MASS., SUNDAY, JULY 13, 1919, BY CHARLES WADSWORTH, JR., D. D.—A MODERN VIEW OF AN ANCIENT AUTOCRAT.

"Nebuchadnezzar the king made an image of gold." (Daniel 3:1.)

"Nebuchadnezzar was an oriental autocrat, and this image which he set up represented the high-water mark, the culmination of his autocracy. It is difficult for Americans to imagine an autocratic personality. We have been accustomed for so long to constitutional liberty and to the happy conditions of a republican government that the idea of one man attempting to impose his personal opinion upon a nation, to say nothing of the entire world, would be inconceivable. This third chapter of the Book of Daniel brings before us an interesting example of an autocrat, and it is worth our while to study it, as we study extinct monsters like the mastodon and mammoth, which in former ages pranced about upon the earth, but are never seen to-day. Especially in the early part of July is such a study appropriate, when the spirt of Independence Day is still with us, as it will help us to appreciate our blessings and see how far we have advanced beyond the forlorn conditions of a benighted past.

"In the brief study of autocracy which I shall make I would ask you to consider first what the autocrat did; second, why he did it; and third, the results.

"First, What did the autocrat do?

"'Nebuchadnezzar the king made an image of gold.' He did not consult with his subjects, nor even with the rulers of his kingdom. What were they, that he should consult with them? They were merely inferior beings, who ought to be only too thankful to accept with becoming humility whatever of light or beauty he might condescend to communicate to them. So he resolved in his own superior will and carried out the conclusions of his own exalted mind. He made an image embodying his own ideas of contour and proportion.

"One of his aims was size.

"He made his image three score cubits high. He wanted the biggest. He wanted to put more into it than had ever been put into an image before. We have never seen the image, but we may be sure it was a grotesque conglomeration of incongruities. But as he had evolved it out of his inner consciousness, it represented his ideal and seemed to him perfect and sacrosanct. For anyone to criticize it would have been sacrilege, a sure sign of depravity. To suggest that it could be improved or that it needed amendment would have been both blasphemy and treason, the act of men without vision and without shame. At last perfection had been wrought out, and woe to any reprobates who did not immediately recognize and reverence the revelation thus generously given.

"Nebuchadnezzar made his grotesque image out of gold, the precious metal; and this fact is an illustration of the truth that the finest material can be put to mean uses and twisted into undesirable and ridiculous shapes. It is possible to take a really choice idea or a really noble aspiration, such as the yearning for peace and brotherhood, the very gold of the spirit, and mutilate it into a crazy contrivance. It is possible to play politics with a holy sentiment, such as the hatred of war. The fault lies, not in the material used, not in the idea or aspiration exploited, but in the crude egotism of the autocrat who works precious gold up into a monstrosity. When this deformity, hatched in his own brain, had been wrought out in all its grotesque details by Nebuchadnezzar, he brought it forth from its concealment and forced it upon the people. For those were still the dark days of secret diplomacy, and the world had not yet reached the high enlightenment, where "open covenants are openly arrived at." So this weird image which had been conceived in secret was suddenly set up before a submissive horde.

"To the egotistic mind of the autocrat it seemed the loveliest creation which had ever glorified the low plain of earthly life, something almost too ethereally beautiful for mere mortality. As Minerva was fabled to have sprung full armed in all her dazzling splendor from the head of Jupiter, so this contrivance had sprung from his supernal intelligence complete in its amazing perfection. You remember Kipling's wonderful poem,

'Evarra and his Gods,' in which with the intuition of genius he expounded the psychology of conceited image makers:

"Read here,
This is the story of Evarra—man—
Maker of gods in lands beyond the sea."

"After 'in lands beyond the sea' he had finished his monstrous contrivance, then 'drunk with pride,' he wrote above it:

"Thus gods are made,
And whoso maketh them otherwise shall die.

"That is the attitude and language of all dogmatists and autocrats. They are so obsessed of their own subjectivity, so carried away with admiration for their own weird device, so drunk with pride, that they declare: 'Thus creeds are made, and he who makes them otherwise shall die.' 'Thus ideals, thus Utopias are made, and whoso makes them otherwise shall die.' 'Thus treaties are made, and whoso makes them otherwise, has his eyes on the ground, has no vision, and is anathema.'

"If the aim of Nebuchadnezzar had been to get his image right, what it really ought to have been if humanity was to accept it, he would, of course, have consulted with the wisest men of his country. If he had been seeking sincerely to appropriately embody a worthy ideal, and help the world, he would have invited comment and suggestion, and have submitted his image to the tests of logic and to the canons of art. But his aim was not exalted. It was egoistic. He was interested, not in getting the best for his country, but in forcing upon his country his own handiwork. He was first of all out to assert himself. No one was to touch his idea. He arranged matters so that no change could be made. The image as it came from his infallible hands was to be forced upon his nation.

"To behold the indescribable device, he assembled his vassals upon the plain of Dura. To them, the final beauty, the perfection of wisdom, the climax of leadership, was to be unveiled—not for their consideration or debate, but for their unquestioning and immediate acceptance. So they stood before the image which Nebuchadnezzar had made. 'Then an herald cried aloud:

"'To you it is commanded, O peoples, nations, and languages, that at what time ye hear the sound of the cornet, flute, harp, sackbut, psaltery, dulcimer, and all kinds of music, ye fall down and worship the golden image that Nebuchadnezzar the king hath set up. And whoso falleth not down and worshippeth shall the same hour be cast into the midst of a burning fiery furnace.'

"The threat of a burning fiery furnace is the favorite threat of autocrats in all ages. If you do not do what I say, you will be consumed. The demagogic autocrat says, 'If you do not accept my device, I will set the people on you. Do what I say or you will be cast into the burning fiery furnace of war. Do what I say, or you will be cast into the burning fiery furnace of Bolshevism. Accept my contrivance, or you will be cast into the burning fiery furnace of enormous taxes.'

"Americans will wonder at the way Nebuchadnezzar took to force his device upon his people. They will ask why he resorted to ill-natured threats, why he had to be so thoroughly disagreeable. Why could he not have acted like a gentleman, even if he had made a golden image? Why not treat the governors and rulers of his nation as if perchance they had some little intelligence? We must remember, however, that, while for those having any traditions of breeding and independence, such conduct is repulsive, the subjects of Nebuchadnezzar did not mind it. They did not mind being treated like vassals, for that is all they were. To have treated them like rational beings would have been to cast pearls before swine. They had no minds of their own. They were only partisan henchmen, whose lofty rôle was to sneeze whenever their Nebuchadnezzar took snuff; to accept with huzzahs whatever he handed them; to go wherever he pointed; and to applaud frantically whatever he did, no matter how ill-advised, mischievous, crooked, or immoral it was. None of them ventured to think for himself. They waited till the autocrat spoke, then they knew what they were to think. He has decided thus. He has shut to his massive jaw. To question then, to hesitate for a moment then, would be disloyalty. So at his brutal command, these poor vassals vied with each other to see who could first fall upon his face, grovel most abjectly in the dirt, and worship most frantically the golden image.

"'Therefore,' says the record, 'when all the people heard the sound of the cornet, flute, harp, sackbut, psaltery, and all kinds of music all the people, the nations, and the languages fell down and worshipped the image which Nebuchadnezzar, the King, had set up.'

"It is an edifying spectacle to see them casting themselves posthaste into the dust, accepting with record speed the so-called ideal arrogantly forced upon them.

"Of course, to-day Nebuchadnezzar would not have been able to put anything like that through quite so easily. There would be a redeeming leaven; some would dare the anger of the autocrat and tell him the truth about his image. But in that forlorn and far-distant time which we are studying all the autocrat had to do was to hurl his threat of the burning, fiery furnace and fulminate in ill-tempered arrogance and his subservient henchmen rallied his vassals and hastened to put through any wild plan which he commanded.

"Nebuchadnezzar arranged the program for the performance on the plain of Dura very skillfully and with an eye for dramatic effect. The signal for the universal acceptance and prostration was given by all sorts of musical instruments bursting forth simultaneously. A chorus of sound blared out at a given moment. There were prearranged tootings from all sorts of wind instruments. The cornets of subservient propagandists gave ear-splitting blasts. The flutes of subsidized officeholders poured forth their most seductive lures. The harps of partisans twanged their brazen strings. and the sackbuts of fanatical adherents joined with the psalteries of employees to swell the big noise. An organized effort was turned loose to produce a desired effect. The entire machinery of the government was exploited and converted into a barker for the image. Like a bureau of information it proclaimed, 'This is what the world has been waiting for. This is the latest word, the revelation of the ultimate wisdom. This will heal the world's ills, change human nature, curb passions, and bind all together in brotherhood. This will start the new era and usher in the long-desired Utopia. Former generations did not know of this, because they did not have Nebuchadnezzar. That crowning blessing has been reserved for you. Down on your knees, and with thankful hearts accept the wonderful gift which your great sovereign has been pleased to bring you from the treasure house of his supersoul.'

"So it came to pass that when all heard the big noise they all fell down and worshiped the image.

"I am thankful that I did not live in that age, when subservience was so universal, so thoroughly disciplined, and so easily controlled. We sometimes feel concern for our own time, and are tempted to question its freedom and its sanity. But the leaven of independence is more in evidence to-day than in the day of Daniel. In that degenerate and hypnotized generation no question was raised as to whether the image which they were commanded to accept was right, or true, or beautiful. The only point they emphasized was, Nebuchadnezzar made this, he demands its immediate acceptance; therefore, it must be accepted at once.

"The second question to which our study of this far-distant time brings us is, Why did Nebuchadnezzar do this thing?

"There are two explanations of his conduct, the personal and the political. From the personal point of view it must be regarded as the natural culmination of unbridled egotism. History teaches that human nature can not endure too much power. The human personality becomes unbalanced when it is permitted to exercise too large an authority. It gets power mad. The mortal loses his head and commits excesses. Shakespeare puts it in his matchless diction:

"Man, proud man,
Drest in a little brief authority
Most ignorant of what he's most assured,
His glassy essence like an angry ape,
Plays such fantastic tricks before high heaven
As make the angels weep.

"This process was working in Nebuchadnezzar. He grew to believe in his own superwisdom, his ability to settle every question. He became convinced that whatever he thought was correct; whatever he desired was right; whatever he resolved upon was what ought to be. To oppose him in anything was the deepest baseness, not to support him in everything was the most vicious treason. This overweening admiration for oneself is a variety of insanity. The German Kaiser had this disease. His brutal people had it also; and many in other countries and generations have had it. It is progressive, and leads to some extravagance. Nebuchadnezzar's making of this image, and his demand that the whole world accept it, was the climax of his mania for power. No longer content with domineering over the external activities of his subjects, he was seized with an irresistible yearning to control also the internal realm of their individuality; to prescribe their ideas for them; as we would say, to tell them how to vote. All his achievements in autocracy up to this point, prodigious though they were, seemed as nothing to his increasing thirst for power, so long as this

inner realm of individuality, this inward kingdom of ideals, remained uncontrolled by his supermind. Above him seemed his realm alone, and 'thitherward he bent his eagle eye.' He took the last step in autocracy, and essayed to construct for mankind the ideal which they must receive and serve. In the natural development of power insanity he set up his golden image on the plain of Dura, and commanded men to fall down before it. In which conduct we can see how far the sinister disease had progressed in his personality.

"The other explanation of his conduct is the political. Of course, this image was contrived for some political purpose, nor is that purpose obscure or far to seek. Nebuchadnezzar's great desire was to unify the race. Mankind was, as Daniel tells us, split up into peoples, nations, languages. Each had its own god or gods, which represented its point of view, its ideal; preserved its individuality; and kept it from merging with other nationalities. Nebuchadnezzar was interested in world unity. He was tired of being autocrat of merely one nation. He chafed under the limitations imposed upon him by these separations. He wanted to get rid of the dividing lines. He aimed at internationalism, to fuse all peoples in one cosmic community, so that he might be the superman over a unified humanity. It is a vision that has fascinated many; an ambition that has taken some captive—not the large unselfish natures like Washington, but the smaller, egotistic beings, the Cæsars, the Alexanders, the Napoleons, the Nebuchadnezzars. Having this desire in his soul, Nebuchadnezzar set out to attain it with the practical sagacity that characterized him as a political leader. He knew human nature. He knew that custom and tradition, religion, kept nations separate and individual. He was convinced that if he could only get all peoples, nations, and languages to accept the same ideal, to worship the same deity, the barriers between them would disappear and they could all be fused into one family. Worship of a common object would make them one. So, with characteristic modesty, he undertook to construct the deity for all mankind, the ideal which the entire race should accept and serve. That was what his golden image was intended to be. That was the purpose it was intended to serve. It was to be the means of bringing all men into the new unity, the tie which should bind them together in internationalism or supernationalism. When at the sound of the cornets, flutes, harps, and all kinds of music the peoples, nations, and languages fell down and worshiped the golden image which he had set up, he expected old separations of customs, ideas, individuality to be wiped out, and that the acceptance of his device would create the international unity which would be the throne of his supremest power and the pedestal of his most enduring fame. He was so eager to accomplish this that he strained his authority to the uttermost to put it through. He organized his government into a propaganda bureau to praise his image. The tootings of the official orchestra deafened the crowds on the plain of Dura. If any did not understand that Nebuchadnezzar's image was heaven-born, they were both perverse and stupid. No suggestion of change was permitted. With haughty command and arrogant threat he pushed his device along and, by the most approved steam-roller methods, stampeded the mob into immediate acceptance.

"In the brief study which we are making of autocracy as embodied in its Biblical example, we have seen what Nebuchadnezzar did, and also considered why he did it, examining the personal and political motives which actuated him. In closing I would ask you to note the results of his effort. These results would fall into two classes, the immediate and ephemeral and the ultimate and permanent.

"The immediate result was undoubtedly success. He put his scheme through. He forced men to accept his device. His ideal in all its grotesque absurdity was swallowed whole. All peoples, nations, and languages fell down on the plain of Dura and worshiped the image which he had made. He became the autocrat of the inner realm of man's thoughts and the superlord over an international conglomeration of peoples.

"But while the immediate result was thus a conspicuous success, the ultimate result was one of the most complete failures of history. Where is Nebuchadnezzar's image to-day? It is one of the things that the world has been only too glad to get rid of and forget. An image that is the real expression of a genuine ideal, like the statue of the Venus of Milo, is cherished even in its mutilation as one of the priceless treasures of mankind. It does not need organized propaganda or autocratic commands or savage threats to push it along. It commends itself to the ages by the symmetry of its ineffable beauty and it makes its way from generation to generation by the white light of its dazzling perfection. An image that requires the tootings of an official claque to launch it and has to be backed up by the threats of burning fiery furnaces is a self-confessed farce. It troubled the world for a brief period, and then, when the acid tests of time had demonstrated its worthlessness, a long-suffering race buried it in oblivion with a sigh of relief. It did not accomplish any of the things it was intended to achieve. It did not make all peoples one. It did not wipe out the separations of nationality or individuality. It did not change nature or human nature. The compulsory acceptance upon the plain of Dura was only a perfunctory make-believe. When they got up from their knees and their pretended worship of the hybrid image the peoples, nations, and languages were exactly the same they had been before the hypocritical performance. Each retained its own customs, its own point of view, its own interests, its own ambitions. Each continued to revolve in its own orbit, unaltered by the pretended acceptance of the autocrat's device.

"The sum total of result was a great splurge for Nebuchadnezzar. It gave him an opportunity to strut in the lime light. But there was no benefit to anyone else, no benediction to the race, and certainly no blessing to his own nation.

"There were three persons, and only three, who played a creditable part in that far-off drama. Nebuchadnezzar played the part of a power-loving autocrat. The crowd showed themselves to be a brainless, cowardly, hypnotized mob. Against this background of second-rate humanity Shadrach, Meshach, and Abednego stand out as real men, heroes and philanthropists, the redeeming features of a dreary landscape. They scorned the command of the autocrat and defied his threat, saying, 'We will not worship the golden image which thou hast set up.'

"The immortal service which they rendered to humanity that day was this, they championed independence against external dictation.

"That is the great treasure of humanity, independence, the independence of individuality and the independence of nationality.

"The treasure of humanity is not the golden images which visionaries and autocrats devise. History is full of image makers, egoists who work their own vagaries up into erratic contrivances which they have the effrontery to call 'ideals' and which they proclaim as the panaceas for the race, the keys to peace, the doors to the millennium. The world has been a vast plain of Dura, on which image after image has been set up, sometimes by autocrats drunk with pride, sometimes by ambitious demagogues, sometimes by unbalanced visionaries. The plain of Dura has heard a deal of foolish shouting through the centuries, as feeble-minded crowds have acclaimed now one fad and now another as the divine device which was going to change nature, to change human nature, and to transform the world. One after another these much-applauded fads have failed, as intelligent men knew from the start that they would fail. Image after image, fad after fad has gone to the scrap heap. What a motley assortment of exploded panaceas lie along the pathway of the years, from the Tower of Babel, which was to lift the race to heaven, to the image of Nebuchadnezzar, which was to unify mankind; from the Reign of Terror to the single tax; from Karl Marx to kultur; from socialism to Bolshevism. Each one of these grotesque images was heralded at the time as the latest revelation from heaven and as the greatest treasure of humanity. But they were all worse than useless. They were blights so long as they were tolerated, and always the race escaped from them with thanksgiving and forgot them as soon as possible. The real treasure of the race is not these panaceas, these fads, not the golden images, the grotesque devices and systems set up by visionaries. The real treasure of mankind is independence.

"The real benefactors of the race are not the egoistic contrivers of these images, not the Evarras of Kipling's poem, the framers of ideals for others to serve, the makers of monstrous gods for others to worship. The real benefactors are the Shadrachs, the Meshachs, the Abednegos of the ages, who champion independence, the independence of individuality and the independence of nationality, against the interferences of fanatics and the dictation of autocrats.

"These three Hebrew heroes knew it would be useless to argue with Nebuchadnezzar or his henchmen about this image; useless to point out its impossible absurdities and its fatal defects. In that hysterical hour truth, reason, science, philosophy, history, and common sense would have been pearls cast before swine. So they said, 'O, Nebuchadnezzar, we are not careful to answer thee in this matter.' All they could do in such a time was to stand firmly for independence. They knew that such a stand meant the burning fiery furnace. They did not crave this, but bad as it was and much as they would have preferred to avoid it, there was one thing which to them seemed worse, and that was the surrender of independence to external dictation. They made their choice, took their stand, and spoke out fear-

lessly, 'O, Nebuchadnezzar, we are not careful to answer thee in this matter. But be it known unto thee, we will not worship the golden image which thou hast set up.'

"Those words are the everlasting declaration of the rights of individuality, the Magna Charta of independence.

"This is what all the real benefactors have done in all ages.

"They have championed this greatest treasure of mankind, and refused to surrender the independence of individuality or of nationality to visionary, autocrat, or mob.

"That is what our forefathers did on July 4, 1776, on the Independence Day, whose anniversary we have just celebrated. They championed and refused to surrender or betray the independence of America. They faced the burning fiery furnace of war. It was not a pleasant prospect. They did not want war. To avoid it they were ready to do everything save one. One thing seemed to them worse than even the furnace of war, and that was to betray the independence of America to external control. That they would not do. Their reply is known to the ages. The shot fired by the embattled farmers beside Concord bridge was heard round the world. Like the three Hebrew heroes they answered, 'We will not. Fiery furnace or no fiery furnace, war or no war, we will never surrender the independence of America nor betray the individuality of this New World.'

"That is the reason why all generations will revere them as patriots and praise them as benefactors of humanity, because they defended and preserved this priceless treasure of man, this crown of human life.

"This is the eternal question continually arising generation after generation, Shall human life preserve its independence?

"To-day two passionate delusions menace this treasure. On the one hand, socialism would surrender the independence of individuality to the crowd and submerge it in the mob. On the other hand, internationalism would surrender the independence of the Nation to a crowd of nations and submerge nationality in a mob of peoples.

"Shall independence be preserved or shall it be surrendered?

"To preserve it burning fiery furnaces must be faced to-day as always. The air is full of threats, threats of the wars, the anarchies, the Bolshevism, the taxes, into which those will be cast who do not immediately at the appointed signal fall down and worship when the tootings of the well-organized orchestra fill the land. No one wants war ever again. No one, I imagine, wants any more taxes. Long-suffering citizens have been taxed beyond reason or need. But if it were a question of surrendering independence or of being cast into even the worst fiery furnace that an angry Nebuchadnezzar could stir up, then there would be only one course open for genuine Americans; there would be only one conclusion possible for worthy descendants of the founders of this Republic under the shadow of Independence Day.

"The independence of America, the individuality of this Republic is the most precious political treasure of mankind to-day. It is worth more to the race; it means more to the future, infinitely more, than all the preposterous images constructed by visionary egotists through all the ages. If we were faced by the terrible dilemma and compelled to choose between the dread alternatives, either of surrendering this independent nationality and submerging the individuality of this New World in a chaotic internationalism and falling down to accept an ill-considered device miscalled an ideal, or of being cast into a furnace heated seven times more than it was wont to be heated, as Nebuchadnezzar threatened, then, so long as the spirit of July Fourth burned in American hearts, so long as the manhood and nobility of the patriots of 1776 glowed in American breasts, the decision would be instantaneous and enthusiastic. Not selfishly; not because our eyes are on the ground; but just because we have genuine vision; for the sake of this poor world, for the sake of struggling humanity, the independence of America, the individuality of this Republic shall be preserved inviolate and unweakened and shall never be surrendered to external control, no matter what threats may be held over us. The answer of Shadrach, Meshach, and Abednego would again echo in every heroic soul, 'Be it known unto thee, we will not.'

"The independence of America, the individuality of this New World! The patriots of 1776 secured it; the patriots of 1860 preserved it; the patriots of 1918 fought and died for it in France. Washington and Lincoln were men of vision. They were not visionaries. They followed a genuine ideal, not a will-o'-the-wisp, not a poisonous, phosphorescent vapor exuding from the festering marsh of egotism. The independence of the United States for which they struggled is the hope of the world and the treasure of the race. So long as Americans have any real vision, so long as they are philanthropists and patriots, they will see that it is preserved, even though burning, fiery furnaces must be faced.

"The words of the beloved poet of Massachusetts and America seem written especially for such a time as this:

"Sail on, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity, with all its fears,
With all its hopes of future years,
Is hanging breathless on thy fate.
Our hearts, our hopes are all with thee;
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, are all with thee."

Mr. McCORMICK. Mr. President, if this is the hour of the exchange editor, I ask that an article by Mr. Simonds on the breakdown of the principles embodied in the covenant be added to the sum total of literary provender supplied the printer.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"SEIZURE OF FIUME SEEN AS TREATY DEFIANCE—MR. SIMONDS BELIEVES VERSAILLES DOCUMENT DEAD LETTER AS AFFECTING NATIONALISTIC ASPIRATIONS OF VARIOUS COUNTRIES.

"[By Frank H. Simonds.]

"The exploit of D'Annunzio at Fiume has recalled for the whole world that equally brilliant page in Italian history filled with the story of the adventure of Garibaldi and his thousand when they set out from Quarto, almost 60 years ago, on that expedition which gave Italy her first real foretaste of unity.

"The circumstances are hardly dissimilar. Before Garibaldi set out, the King and the great architect of Italian unity, Cavour, knew of the plan. The attack upon a friendly State, the Kingdom of Naples, itself under the protection of the European concert, at least theoretically, has a strong resemblance to the present attack upon Jugoslavia. Moreover, as England looked with undisguised satisfaction at the gallant culmination of so long and brave an effort on the part of the Italians to obtain unity, not a few Frenchmen, probably a certain number of Britons, regard the new incident with approval.

"SAYS TREATY IS PARTLY DEAD.

"The truth of the matter must now begin to appear to the American people, as it has long been clear in Europe. In so far as the treaty of Versailles has done violence to the nationalistic aspirations of the various nations united against Germany, it has become a dead letter, less than six months after it was signed and before it has been ratified either by France or the United States.

"A few weeks ago Roumanians demonstrated by their march to Budapest their supreme contempt for the mandates of the Paris conference. Not only did they go to Budapest against orders, but they have remained there ever since. At the same time they have continued to hold the territory occupied by their soldiers, but forbidden them by the conference of Paris, notably in the case of Bessarabia, a Province three times as big as Alsace-Lorraine.

"The Roumanian episode, as I pointed out at the time, was manifestly only a beginning. Roumania, in going to Budapest, was really making the test case for Italy and for all the other nations which regarded the Paris conference and its decisions with resentment. It was, in fact, a matter of life or death for the Paris conference to bring Roumania to terms, because if Roumania were able to flout it, to deny its authority and proceed on her own way, then there would be no obstacle in the pathway of other nations.

"But, apart from notes, warnings, threats of economic pressure, which seem hardly to have been made good, the conference of Paris could do nothing. French sentiment would not permit the employment of French troops against the Roumanians; Italy undeniably advised Roumania to make the test; as for Britain and the United States, neither country was in a mood to make war in the Balkans, and real war, too, for Roumania can put at least 300,000 veteran troops in the field, with an equally large trained reserve.

"Paris, therefore, having told the Roumanians not to go to Budapest, and then, when they disobeyed, to get out of Budapest, ended by relapsing into painful silence, rather ridiculously broken by protests against a Roumanian evacuation of Budapest, which might be followed by a return of Bolshevism. So far as the Roumanians were concerned, they got what they wanted, they did as they pleased, and no one has yet found a way to punish them or to deprive them of territory actually in their possession, but not awarded them by the Paris conference.

"GOT CUE FROM ROUMANIA.

"Logically enough, Italy read in the Roumanian episode, in which she certainly played at least a friendly part, the real solution of her own difficulties. Her troops occupied Fiume and certain Dalmatian ports claimed by the Italians as well. But there were allied troops there also. After many months, following Mr. Wilson's famous Paris appeal to the Italian people, it was clear

that the whole Italian Nation, the radicals quite as unanimously as the conservatives, insisted that Fiume should be Italian.

"All the hope of acquiring title to Fiume through negotiations was at an end. Mr. Wilson could not recede from his position of the spring, because he had affirmed the question to be moral before it was political. But, impossible as was the task of acquiring title with American consent, there was nothing in the way of actually completing Italian possession, save the reserve of the Italian Government, which feared that an overt act might lead to the denial to Italy of the loans and other assistance terribly needed.

"On the other hand, Roumania had managed to survive, and the rising national spirit of resentment made it difficult for the Italian Government longer to stand in the pathway of national aspiration, even when it was led to such a position by a wise regard for national welfare. Nothing then was more natural than that the way out of the dilemma should be found in the revival of one of the most glorious and romantic episodes in all history.

"Of course, the Italian ministry knew of the D'Annunzio plan, just as Cavour and the King were thoroughly conversant with Garibaldi's plan. Not to perceive this is to be a dupe of a maneuver which has deceived no one on the other side of the Atlantic. Moreover, D'Annunzio was a particularly available leader for such a venture, since he had actually forced the reluctant Italian Government into the war on the allied side in May, 1915, and there was due him the gratitude of the statesmen and publics of the allied nations, for whom Italy's entrance, at the very moment of the great Russian defeat at the Dunajec, was almost a life-saving affair.

"Accordingly D'Annunzio took Fiume, the Italian officers in his pathway politely effaced themselves, the Italian Nation made no attempt to disguise its approval and enthusiasm. The Government, which could not have lived a moment had it undertaken to use force, and as certainly could not have commanded any Italian force to attack Fiume, politely turned the task over to the Allies, after certain delays, not disadvantageous to D'Annunzio.

"'Terribly sorry; but we can't just manage to do this thing; awkward for us to attempt to deal with this wild fellow; please take it in your own hands.' Such was the burden of the Italian official statement. Meantime Garibaldi's imitator was well established in Fiume and actually embarrassed by the influx of volunteers. What nation in Europe desired to undertake to expel him, knowing full well that Italian national sentiment would be up in arms in a moment and a war with Italy was an immediate possibility, while, if the war did not come at once, enduring hatred would be the consequence? Not France; certainly least of all France, with an Italian frontier and a German menace still to be thought of. Not Great Britain, out of humor with fighting, whether at Archangel or Fiume, and anxious, like the United States, to get its troops home and have done with war-making for a time.

"ECONOMIC PRESSURE DANGEROUS.

"As for economic pressure, the thing was only a little less dangerous. How could one starve the Italians and the inhabitants of Fiume, while the Italian Navy dominated the Adriatic and the Italian Army and Navy openly celebrated the recent coup? As in the case of Roumania, the weapons, direct and indirect, turned out to be unavailable under the circumstances. Italy stayed at Fiume as Roumania had tarried at Budapest, and, in the delay, the opposition in European capitals grew steadily less. This is a personal matter between the President of the United States and the Italian people. Why should we interfere?

"This was the temper discoverable in France, within limits in Great Britain.

"Now, it seems perfectly clear that Italy will keep Fiume; she has it, the whole nation is resolved upon retaining it, and there is no one of the nations represented at Paris, no concert of nations, ready to begin a brand-new war in order to expel Italy from an Italian town, albeit the town which is the natural seagate for the southern Slavs. There was no one ready to take up arms to drive the Roumanians out of Bessarabia; there will be no one to drive the Roumanians out of the Banat, if they make good their threats and take the Torontal, allotted to Serbia at Paris.

"WHO WILL DISCIPLINE GREECE?

"Again, will there be anyone to discipline Greece if she proceeds to occupy that portion of Thrace which the Paris conference can not make up its mind to give to her, although it has subtracted it from Bulgaria? At the very least I should not be surprised to see the Greeks try out the matter before many days. Why shouldn't they? Their claim to this portion of Thrace is several thousand years old and stands the rigorous test of the 14 points quite as well as Fiume.

"But the case of Greece is relatively minor. The world will possibly worry along with Hellenic troops in Dedeagatch, as the world endured the temporary stay of Bulgarian troops in the same region. As far as France and Great Britain are concerned, they will welcome such a solution, for the United States is the only quarter in which the Bulgar has any friends, and President Wilson is the sole opponent to the Paris proposal to give all of Thrace to the Greeks. What is really important now is the effect of the Fiume episode upon the other parts of Europe.

"Let us take, for example, the case of the Saar Valley. The French have it. They own or will own every coal mine; they are authorized to extend their customs lines to include this territory. Fifteen years in the future they will have to submit to a plebiscite to decide whether the territory shall go back to Germany or remain French. But this condition was imposed solely because the President of the United States set his face against an out-and-out annexation, as inconsistent with the 14 points. But since Italy and Roumania are not permitting President Wilson's views to prevent them from acquiring territory on which they have a claim, not more justifiable, one would say, than the French claim to the Saar, why should France permit herself to be restrained?

"PROPOSED FRENCH TREATY.

"Further than this, Mr. Wilson, for the United States, pledged, so far as he could pledge it, an American alliance to protect France against a German attack in the future. Only by this pledge did Mr. Wilson persuade Clemenceau to abandon the claims of Foch and the French Army to the military occupation of the left bank of the Rhine. Now, if the treaty of Versailles, particularly in the parts regarded as vital to protect French interests, is amended in the Senate—above all, if the United States Senate refuses to ratify the treaty insuring France against German attack—what is more certain than that France, which has not yet ratified the treaty herself, will, with equal promptness, add amendments of her own?

"We are, then, passing rapidly out of the zone momentarily created by the league of nations circumstances at Paris. The Italians, the Roumanians, and the Jugo-Slavs have openly defied the whole Paris conference. The Roumanians and the Italians have proceeded to the occupation of territory expressly forbidden them by the Paris conference and in open defiance of league of nations principles. At any moment we may find that the Clemenceau government will fall and be succeeded, not as certain misguided 'liberals' in the United States think, by a radical ministry, but by a reactionary one—reactionary in the sense that it will repudiate the whole treaty as framed at Versailles and proceed to use the power now in French hands to safeguard the French future.

"The fact is, of course, that the Germans could not now defend themselves against the French if the French chose to send armies to Berlin; they could go with the approximate ease with which the Roumanian armies reached Budapest.

"Moreover, the recent murder of French soldiers in the Saar Basin, the refusal of the Germans to retire from the Baltic Province, their outrageous behavior in Upper Silesia—all these supply admirable justifications for such a French course.

"Once such a step was taken then there would be an obvious end of the treaty of Versailles. The statesmen who carried through such a program would not hesitate to take such safeguards for the future as have not been taken by the Clemenceau government solely because it relied upon President Wilson's assurance that he would be able to procure the ratification, both of the treaty of Versailles and the treaty of alliance. France would then enter into permanent occupation of the Rhine barrier and annex the Saar Basin. In doing this she would go no further than has Italy or Roumania, and she might be assured the support of both Latin powers as a consequence.

"This possible French procedure would be described as imperialistic by a certain fraction of American and British sentiment, which does not sympathize with France in any event and regards with utmost disapproval French apprehension of a new German attack. But most reasonable Englishmen and Americans will see in French effort to achieve security against German aggression a natural and inevitable national instinct. Above all, neither Americans nor Britons will be prepared to make war upon France, which is the essential fact.

"FRANCE WAITING ON THE UNITED STATES.

"In my judgment future French action will be entirely dependent upon the course of the United States Senate in adopting or rejecting the treaty of alliance. The French are not interested in the league of nations, do not believe in it, and have accepted it only as a matter of policy, not as an act of faith. If the Senate rejects the treaty of alliance the French will in their own time and in their own way follow the example of the

Roumanians and the Italians; they will proceed to the absorption of the Saar Basin, and find adequate justification for a permanent occupation of the left bank of the Rhine. Such a course will, in the end, have the same support in France as D'Annunzio's Fiume venture has enlisted in Italy.

"Had the United States Senate accepted the treaty of Versailles without delay and by a unanimous, or approximately unanimous, vote the European reaction would have been far different from what it now is. It was the undisguised conviction of both the French and British representatives at Paris that the President was supported by the mass of American people, without regard to party, in his European course. France bowed to certain entirely unpalatable demands of the President simply because France needed American financial assistance and feared that any other course would deprive her of this aid. Italy, at least, hesitated in the matter of Fiume. Roumania listened for the moment, biding her time. As for Poland, she consented to the greatest sacrifices of all, as her need of American support was the most considerable of all.

"But what has happened in America since the President returned has been at once a surprise and a shock to the European statesmen. The extent of the opposition to the President in the Senate has already called forth debate in the French Chamber, and if the treaty be modified and the treaty of alliance rejected may result in an upset in French politics. If America is not unanimous in its support of President Wilson's policies as they affect France and Italy, as they affect all European nations; if there is no possibility of winning American sympathy and support by accepting American ideas, as expressed by the President, at real sacrifices of national security and aspiration, then Europe is prepared to reject them, is already rejecting them.

"Fiume, like Budapest, is an incident of world-wide concern. It is a natural and consecutive step. It reveals Italy following the Roumanian precedent, a rebel against the moral and the political authority asserted by the Paris conference. It discloses a great power resolved to follow its own policies, consult its own interests, even when these interests conflict with principles which were proclaimed at Paris as the new constitution of the world. It is a repudiation of the idea that Italians can think other than as Italians when a question of national sentiment is at stake. When he addressed his appeal to the Italian people over the heads of the Italian ministry a few months ago President Wilson had the opposite idea.

"But Fiume is only a step; far more important steps are still to come. We shall see a French general election at no distant date, and we may see a French ministry fall before the election, for the American episodes have been terribly expensive for the Clemenceau ministry, which has held on up to the present moment only by reason of the promised treaty of alliance, and any new French ministry would, in my judgment, adopt a far different course with respect of Germany than the Clemenceau ministry has been led to adopt in the belief that such a course was necessary to enlist essential American aid for France.

"IDEALISM GIVING WAY.

"But whether the treaty of alliance and the treaty of Versailles be rejected, amended materially, or accepted as the President asks that they shall be accepted, it seems to me that we are doomed to pass rapidly, are actually passing from world policies founded upon idealism to those based upon realism. The Italians and the Roumanians have very frankly disclosed their total unwillingness to sacrifice territory or security to any general scheme of pacification and good feeling. No sacrifice was asked of the British, but in advance they announced that they would not make any surrender in the one direction where it might be asked, namely, in the matter of the 'freedom of the seas.'

"So far the French and the Poles have been asked to make great sacrifices, asked by President Wilson, in the name of the world peace, and both have consented, but with misgivings and against the wishes of many Frenchmen and Poles. But now it becomes clear that the French and the Poles alone of the European nations, one on the Vistula, the other on the Rhine, have given up security, while America seems by no means ready to accept the doctrines which at the President's behest France and Poland accepted. In addition, the security promised each in the league of nations and in the France-American-British alliance begins to seem insubstantial, to say the least.

"As I see it, this can only have one consequence, namely, a resettlement of many of the questions 'settled' or compromised in the Paris conference, questions such as Danzig, the Rhine barrier, the Saar Basin, Thrace, and not impossibly the Banat and Dalmatia. The Paris conference decisions were actually a compromise between the American idea, as Mr. Wilson's views were invariably described abroad, and the European idea. Now, Italy and Roumania have repudiated any compromise and insisted upon settling their problems in a thoroughly European fashion, while the United States, so far as the Senate is concerned, at least, has challenged the American idea, and the resulting political debate in America has disclosed a divided sentiment. Therefore it seems to me that France, Poland, and the rest of the continental nations will swiftly or slowly—the French have many years to decide in the matter of the Saar and the Rhine, as the circumstances dictate—seek a continental solution, conforming with Italian and Roumanian action."

The VICE PRESIDENT. The morning business is closed.

NATIONAL PROHIBITION—CONFERENCE REPORT.

Mr. STERLING. I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 6810, being the national prohibition bill.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

The VICE PRESIDENT. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 25, 46, 47, 61, 66, 72, 90, 118, 123, 127, 133, 134, 164, 178, 184, 219, 232, and 233.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 26, 27, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 48, 51, 52, 53, 54, 55, 56, 57, 64, 67, 68, 69, 70, 71, 73, 75, 76, 78, 79, 82, 83, 84, 86, 87, 88, 89, 92, 93, 94, 96, 97, 98, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 124, 125, 126, 128, 131, 132, 135, 136, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 162, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 220, 221, 222, 223, 224, 227, 228, 229, 230, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, and 285, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"*Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of Title II of this act, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"*Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an

amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "and the commissioner is authorized to make such regulations"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Officers mentioned in said section 1014 are authorized to issue search warrants under the limitations provided in Title XI of the act approved June 15, 1917 (40 Stat. L., p. 217, et seq.)."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "to the end that the use of intoxicating liquor as a beverage may be prevented. Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished, and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor: *Provided*, That nothing in this act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in Government bonded warehouses, and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "use as a beverage, or for intoxicating beverage purposes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and preserved sweet cider"; and on page 11, line 15, of the engrossed bill strike out the words "other article"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the articles named in paragraphs b, c, and d of this section which may be"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "29"; and on page 12, line 7, of the engrossed bill strike out the words "the person"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "any known principal for"; and on page 12, line 8, of the engrossed bill strike out the words "if any"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such rules, regulations, and conditions as the commissioner shall prescribe, purchase, and use, in accordance with the methods in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "transport liquor, may be issued for one year, and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "*Provided*, That the commissioner may, without formal application or new bond, extend any permit granted under this act or laws now in force after August 31 in any year to December 31 of the succeeding year: *Provided further*, That permits to purchase liquor for the purpose of manufacturing or selling as provided in this act shall not be in force to exceed 90 days from the day of issuance. A permit to purchase liquor for any other purpose shall not be in force to exceed 30 days. Permits"; and, on page 13, line 22, of the engrossed bill, strike out the words "Every permit"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In addition to the words proposed to be stricken out by the Senate amendment, strike out, on page 13, line 25, of the engrossed bill the words "and shall not be in force more than"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "10"; and, beginning on page 13, line 25, of the engrossed bill, strike out the words "10 days from the day of its issuance," which end on page 14, line 1; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "unless the sale is to be made through a pharmacist designated in the permit and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Nothing in this title shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rites, except section 6 (save as the same requires a permit to purchase) and section 10 hereof, and the provisions of this act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "liquor. And no"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In addition to the matter proposed to be stricken out by the Senate amendment strike out, on page 15, lines 11 and 12 of the engrossed bill, the words "its use as a medicine by the one for whom he prescribes" and insert "the use of such liquor as a medicine by such person"; also on page 15, line 13, after the word "some" of the engrossed bill, insert the word "known"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agre to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "the purpose or ailment for which it is to be used and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "holding permits to prescribe"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed by the

Senate insert the following: "prescription blanks have been"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "except in cases of emergency, in which event a record and report shall be made and kept as in other cases"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the judicial district and within," and on page 17, line 16 of the engrossed bill, after the word "occurred" insert "unless the parties agree on another place"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "which shall at all times be open to inspection as in this act provided"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "of the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "to purchase or ship the same, together with the name and address of the person using the permit"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "No one shall permit any sign or billboard containing such advertisement to remain upon one's premises"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "No"; and, on page 22, line 12, after the word "receive," of the engrossed bill, insert the following: "nor knowingly permit his employee to solicit or receive"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 23. That any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant, or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things.

"In such proceedings it shall not be necessary to show any intention on the part of the accused to continue such violations if the action is brought within sixty days following any such violation of the law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "the containers thereof"; and on page 27, line 17, of the engrossed bill strike out the words "other property" and insert "such property so"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "unless the court shall otherwise order"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The term 'private dwelling' shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "brought for violation of law"; and on page 30, line 13, after the word "of" in the engrossed bill insert "if not claimed within 60 days from the date this section takes effect"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "reported, provided"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senat numbered 212, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the record is kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the commissioner when called for"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "shall be assessed against, and collected from, the person responsible for such illegal manufacture or sale"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"*Provided*, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per cent of alcohol by volume, and sold to such manufacturers for conversion into such beverages."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved.

"When fortified wines are made and used for the production of nonbeverage alcohol, and dealcoholized wines containing less than one-half of 1 per cent of alcohol by volume, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this act, whether carbonated or not, shall not be subject to the tax on artificially carbonated or sparkling wines, but shall be subject to the tax on still wines only.

"In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any malt, vinous, or fermented liquids containing one-half of 1 per cent or more of alcohol by volume, or in any case where the manufacturer, having been permitted by the commissioner to develop a liquid such as ale, beer, porter, or wine containing more than one-half of 1 per cent of alcohol by volume in the manner and for the purpose herein provided, is charged with failure to reduce the alcoholic content of any such liquid below such one-half of 1 per cent before withdrawing the same from the factory, then in either such case the burden of proof shall be on such manufacturer to

show that such liquid so manufactured, sold, or withdrawn contains less than one-half of 1 per cent of alcohol by volume. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "except such executive officers as may be appointed by the commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this act, and persons authorized to issue permits, and agents and inspectors in the field service"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "required"; and on page 37, line 5, after the word "Act," in the engrossed bill insert: "including personal services in the District of Columbia, and for the fiscal year ending June 30, 1920, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000 for the use of the Commissioner of Internal Revenue and $100,000 for the use of the Department of Justice for the enforcement of the provisions of this act, including personal services in the District of Columbia and necessary printing and binding"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or for use in any hospital or sanatorium"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 20. That it shall be unlawful to import or introduce into the Canal Zone, or to manufacture, sell, give away, dispose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous, malt, or spirituous liquors, except for sacramental scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President, and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: *Provided*, That this section shall not apply to liquor in transit through the Panama Canal or on the Panama Railroad.

"That each and every violation of any of the provisions of this section shall be punished by a fine of not more than $1,000 or imprisonment not exceeding six months for a first offense, and by a fine not less than $200 nor more than $2,000 and imprisonment not less than one month nor more than five years for a second or subsequent offense.

"That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this act had not been passed."

And the Senate agree to the same.

THOMAS STERLING,
KNUTE NELSON,
LEE S. OVERMAN,
Managers on the part of the Senate.

A. J. VOLSTEAD,
DICK T. MORGAN,
E. Y. WEBB,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 5218. An act to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States was read twice by its title and referred to the Committee on Finance.

Mr. TOWNSEND. Mr. President, I ask unanimous consent to call up the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service, and making an appropriation therefor. This is a measure which has passed the House increasing the salaries of the postal employees. The Senate committee has reported on the matter, and I ask for its consideration at this time.

Mr. KING. Mr. President, the report was submitted only yesterday. It was not printed until this morning, and, indeed, I am not sure that it has been printed as yet. It involves some very important matters. It calls for the appropriation of a large sum. I think the Senator ought not to press the consideration of that measure now, so that we may have an opportunity to examine the report and examine the measure itself.

I ask the Senator not to press consideration until to-morrow and give us a chance to examine the report. I do not want to be called upon to object, but I do think that the importance of the measure is such as to warrant an opportunity for Senators to examine the report and to examine the joint resolution.

Mr. TOWNSEND. I am very willing and very anxious, indeed, that the Senator should understand this proposition. It, however, has been before Congress for a long time, the House having passed the resolution some months ago; and if the Senator has in mind urging objections to the consideration of the measure to-morrow, or on any other day, if it goes over, I would rather move now to take it up. If, however, in good faither the Senator asks more time to consider the report—and I am bound to believe that that is the case—I certainly do not wish to oppose his request; but the Senator understands that with the press of business that is before the Senate, unless we can act upon some of these matters during the morning hour there will be no opportunity for us to give consideration to them.

Mr. KING. Mr. President, let me say to the Senator that I have no desire whatever to object to the consideration of this bill, but it is an important one; the report has just been laid before the Senate, and I have not had time to examine it, and I doubt whether half a dozen Senators have had a chance to read the report. If it may go over until to-morrow, that is all I ask, and I shall join with the Senator to-morrow in asking the consideration of the joint resolution.

Mr. SMITH of Georgia. Mr. President, before the Senator determines which course he will take, I should like to suggest that it would be helpful to all of us if the chairman of the committee would explain the bill briefly and then let it go over until to-morrow for us to continue the discussion.

Mr. KING. That will be entirely satisfactory to me.

Mr. TOWNSEND. I shall be very glad to do that.

Mr. SMITH of Georgia. If that could be done, I know it would be helpful to all of us.

Mr. TOWNSEND. I will cheerfully do that.

I think it is an almost universally recognized fact that the Post Office Department is in need of relief. The House of Representatives recognizes this fact, and granted a temporary increase in salary of postal employees for this fiscal year of $150 each, in addition to the compensation provided in the last Post Office appropriation bill. The committee of the Senate has spent a great deal of time on this subject, has investigated the needs of the department, and finds that much of the difficulty arises from the fact that an insufficient number of employees can be secured and retained in the service to meet the postal demands. The Postmaster General insists that an appropriation of a few millions of dollars, giving him discretion as to the expenditure of the amount, would meet the condition. Neither committee of Congress agreed with him or felt like granting him discretion. They felt, in view of past experiences, that it was absolutely necessary for the Congress to determine what amount should be granted to relieve the emergency condition and to direct specifically how it should be expended. The Postmaster General either does not understand the true condition in his own department or he is not frank with Congress. The committee does not believe it is the duty of Congress to compete with salaries paid by corporations in the ordinary industries of the country. It does feel, however, that it should pay a sufficient amount—and only a sufficient amount—now, which, with the strictest economy on the part of the employees, will enable them to live during the present emergency.

One of the greatest difficulties is experienced in securing substitutes. The substitute clerk or carrier under present law is paid 40 cents per hour. His hours of employment are uncertain. He serves three years before he gets a permanent appointment, and therefore he finds it to his convenience and to his welfare to take employment in other branches of industry. The result has been that most inefficient and insufficient help has been obtained.

It is a known fact that many of these substitutes work for a day or two and then leave the job. They have no notion of remaining in the service. The evidence is indisputable that many of the people whom the department has been obliged to

pick up were illiterate and could not even write their names. The evidence disclosed by employees' bonding companies as to some of these "noncertified" people was that when they made their applications they had to do it by making their marks.

It is known that the turnover of employees in many parts of the service has been several hundred per cent during the last year or two. Perhaps that is not greater than in the ordinary business concern, but you can readily understand that the Post Office Department must be a permanent institution. It is at the very basis of the business interests of the country. For that reason we have a civil-service system which governs the employee. It has been practically abandoned in so far as substitutes and those in the lower grades are concerned. The greatest separations from the service outside of substitutes have been made in the $1,000, $1,100, and $1,200 grades.

Your committee felt that instead of granting a flat increase of $150 per man, regardless of the salary which he received, the greater amount of the House appropriation should be given to those classes where the greatest separations have occurred and where the greatest difficulty has been experienced in securing adequate help. Therefore we increased the substitutes' pay from 40 cents to 60 cents an hour. We increased the $1,000-a-year man from $1,000 to $1,240. In other words, we increased the latter's pay $20 a month.

Mr. MYERS. Mr. President, may I ask the Senator a question?

Mr. TOWNSEND. Certainly.

Mr. MYERS. Do not the postal employees share in the $240 bonus for this year that was voted to all other Government employees by Congress?

Mr. TOWNSEND. They do. In stating the salaries of $1,000, I am including the bonus. I am talking about the compensation which they actually receive.

Mr. MYERS. Do they already get the bonus of $240?

Mr. TOWNSEND. They get $200.

Mr. MYERS. And this bill will give them more?

Mr. TOWNSEND. That is right. Without the bonus, the salary of the low grade is $800; but that man, under his compensation with the bonus which has been granted him, receives now $1,000, according to the report that has been filed, which includes the $200 bonus given to postal employees.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, what character of work has been done by the man who received only $800?

Mr. TOWNSEND. It is his first year in the service—clerical work. Eight hundred dollars is the basic salary, but he is given a bonus, not of $240 but of $200. I am recognizing the fact that he receives $1,000. We propose to increase that compensation by $240.

The department itself recognizes the fact that these first-year men, these entrance men, should receive more than $1,000 with the bonus. So in this case we propose to increase the pay to $1,240; we increase the $1,100 and the $1,200 man $200, giving them $1,300 and $1,400, respectively; and we permit the House provision of $150 to remain the same as to $1,300, $1,400, $1,500, and $1,600 men.

Mr. NELSON. Will the Senator allow me to ask him a question?

Mr. TOWNSEND. Certainly.

Mr. NELSON. Does the joint resolution cover the employees in the department here?

Mr. TOWNSEND. It does.

Mr. NELSON. It covers all the employees?

Mr. TOWNSEND. All the employees.

Mr. NELSON. Of the Postal Service?

Mr. TOWNSEND. Of the Postal Service.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. TOWNSEND. Certainly.

Mr. SMOOT. I think the Senator is in error when he says that the $240 bonus applies to the employees of the post office.

Mr. TOWNSEND. I did not say it did. I said it did not. Somebody said $240, but I said it was $200.

Mr. SMOOT. I will say to the Senator from Michigan that that is the regular promotion that is allowed the employees each year.

Mr. TOWNSEND. No; the Senator is mistaken. The regulation promotion is $100 a year, and the bonus last year was $200.

Mr. SMOOT. The Senator from Montana [Mr. MYERS] asked the Senator from Michigan if the $240 bonus granted to the Government employees applied to the post-office employees.

Mr. TOWNSEND. And I said it did not.

Mr. SMOOT. Then, I misunderstood the Senator.

Mr. MYERS. I understood the Senator from Michigan to say that it did.

Mr. TOWNSEND. If I said that, I misspoke, because I repeated that it was $200. That is what I wanted to have understood.

Mr. MYERS. The general $240 bonus does not apply to these employees, then?

Mr. TOWNSEND. It does not.

Mr. MYERS. That is what I wanted to know.

Mr. TOWNSEND. Understand me, Senators, so that there will be no mistake about it, the figures given in the joint resolution and in the report include all the compensation which the clerks are receiving to-day. That includes bonus and promotion, where there is promotion.

Mr. MOSES. I hope the Senator from Michigan will point out, before he leaves this particular part of his explanation, that in connection with the $200 bonus for the first year of its application all automatic promotions in the department stop, so that the employees of the department, whom Congress had intended to benefit by a bonus of $200, receive, as a matter of fact, only $100.

Mr. TOWNSEND. That was true up to this year. This year they have made the ordinary promotions. But then they are a year behind, as the Senator from New Hampshire has stated. They are a year behind the salary they would have received from promotions if that rule had been followed.

Mr. JONES of New Mexico. Mr. President, I understand that a joint commission of the two Houses of Congress has been created to reclassify and readjust the salaries of the postal employees. I should like to inquire of the Senator if the increases in salary which the joint resolution proposes apply to those employees who are to be reclassified and their salaries adjusted by that commission?

Mr. TOWNSEND. The increases apply to all the employees of the Post Office Department mentioned in the joint resolution, those receiving not to exceed $2,500 per year. The joint commission is investigating for future congressional action. Its business is to discover and report facts which will enable Congress to adjust the great inequalities which exist in the Post Office Department, and which the joint resolution does not seek to remedy. We are only proposing temporary relief for this year. We simply make increases in the appropriation act of the last Congress to meet the emergencies of this fiscal year.

Mr. JONES of New Mexico. This is not to apply to the compensation for the next fiscal year?

Mr. TOWNSEND. No; it is only temporary.

Mr POMERENE. Mr. President, I have not had an opportunity to read the report presented by the committee. May I ask whether this increased compensation is to date back to the first of the year?

Mr. TOWNSEND. It dates back to July 1.

Mr. POMERENE. Of this year?

Mr. TOWNSEND. Of this year.

Mr. POMERENE. If the Senator will permit me——

Mr. TOWNSEND. Certainly.

Mr. POMERENE. This matter has been called to my attention so repeatedly, and I have had such a mass of telegrams from, I think, every substantial village as well as city in the State of Ohio, that I am satisfied something very substantial must be done in behalf of the carriers and the clerks if we are to maintain a high standard of efficiency in the Post Office Service. I took occasion some time ago to telegraph to the postmasters in the large and small cities of Ohio to get their views as to conditions prevailing, and whatever information has come to me from them has been at my solicitation. I have quite a number of telegrams here bearing upon this subject; and if the Senator from Michigan will permit me, I should like to read one from Cleveland, because it is typical.

Mr. TOWNSEND. I yield for that purpose.

Mr. POMERENE. This comes from the postmaster at Cleveland, and he says:

[Telegram.]

A conservative increase should be allowed city carriers, rural carriers, and clerks; difficult to recommend a definite amount because of the abnormal high price of food, clothing, and rents in this city, and no one seems to know just how long these exhorbitant prices will continue. Fifty-four clerks and fifty-nine carriers resigned last 12 months on account low salaries; in addition 425 temporary clerks and 481 temporary carriers resigned for the same reason. These men would work a few days and resign, which accounts for the large number department has allowed this office—12 additional carriers and 50 clerks. However, the number of clerkships provided in the current appropriation bill have been apportioned, forcing this office to wait until such time as additional places are provided. When definitely allowed they can not be secured for two reasons: First, our civil-service register is exhausted; and, second, because of the rate of compensation. There exists in Cleveland a very serious shortage of all kinds of labor notwithstanding the fact that wages in excess of established scales are being paid. Post-office jobs are no longer attractive because of the high salaries paid by industrial companies, making it impossible to secure competent men for our service on account of low salaries.

The difficulty which the Cleveland post office has met with is duplicated in Cincinnati, Columbus, and Toledo, as well as in the smaller cities, like Canton, Youngstown, and Akron.

Mr. TOWNSEND. Especially Akron.

Mr. POMERENE. Yes. It is true also of Portsmouth and Springfield. It does seem to me that the Government has been very unfair with this class of employees, when we take into consideration the increased living cost, and the high wages which are paid for common labor. Many of these carriers and clerks, if they would go out and do even common labor, could get a better wage than that which requires the skill which is so necessary in the performance of the duties of their office. I am not only hoping that this joint resolution will be passed, but I hope it will be passed with a very substantial increase. We will have to do something along this line if we are to maintain the very high efficiency of the different post offices.

Mr. TOWNSEND. Mr. President, the Senator's statements as to the necessity for relief are corroborated by similar proofs from every State in the Union. These facts are known to every Senator, and it is impossible to successfully deny them. I do not assume that the Senator from Georgia desired me to talk so much upon the necessity of the joint resolution, but rather to explain its provisions.

Mr. SMITH of Georgia. I just felt that it would help us all, as we would look into the details of the measure during the next 24 hours if the Senator would give us the kind of explanation he is giving. I can not help feeling that everyone must realize the necessity for some such legislation.

Mr. TOWNSEND. I think everyone must realize it who looks into the subject even casually, because it is a most deplorable condition, which, I believe, menaces the Post Office Department. The Postmaster General either looks with complacency upon the matter or denies the emergency, which the experience of Senators shows to exist, which mayors, boards of trade, and business men all over the country insist does exist, and demand is made that Congress speedily remedy the situation so far as a living wage to postal employees will remedy it.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. TOWNSEND. I will.

Mr. HARRISON. From an examination of the joint resolution and the report I take it that the larger percentage of increase is on the smaller salaries.

Mr. TOWNSEND. Yes; that is true.

Mr. HARRISON. And the larger the salary, the smaller the percentage of increase?

Mr. TOWNSEND. Yes, sir.

Mr. HARRISON. That is the rule?

Mr. TOWNSEND. That is correct.

Mr. HARRISON. In looking over the joint resolution I see that the fourth-class postmasters are provided only with a 10 per cent increase. Why is that distinction made? They are paid very small salaries, I understand, and, in carrying out the general rule, it would seem that you should give them a larger percentage of increase.

Mr. TOWNSEND. A great many fourth-class postmasters run the post offices as branch institutions to their business. They conduct other kinds of business besides that of a post office. Their clerks in their grocery stores, or dry-goods stores, or whatever they may be, frequently serve the post office, without special compensation. The Senator from Mississippi is absolutely right in suggesting that many of the fourth-class postmasters are grossly underpaid, and I am hopeful that the joint commission which has been established is going to be able to segregate the postmasters of the fourth class who are devoting their whole time to the post offices and those who have other businesses connected with them. The committee felt, as I said a moment ago, that it was not its province at this time to try to adjust equitably all the postal salaries in the United States. It has tried to propose something which would permit the functioning of the Post Office Department in as effective a manner as possible; that is, so far as the securing of efficient help is concerned. Therefore it retained the House proposition of a 10 per cent increase for fourth-class postmasters. In a great many of the cases that increase just about pays for their fuel and light. In some cases it does not, where the salary is larger and, perhaps, the expense greater. But in looking over the list of fourth-class postmasters I found that was approximately the expense of fuel and light for fourth-class post offices, and I thought that might be sufficiently far for us to go at this time.

Mr. HARRISON. May I ask the Senator what is the average pay of a fourth-class postmaster? Is it two or three hundred dollars?

Mr. TOWNSEND. It runs all the way from $200 to $1,000. When it reaches $1,000, the post office goes into the third class.

Mr. HARRISON. I have had my attention called to the fact, and I am sure the Senator has, that in a great many instances fourth-class post offices have been closed because they were unable to get anybody to serve as fourth-class postmasters, and that was due to the inadequate pay.

Mr. TOWNSEND. I think that condition exists in many places; but those abandoned offices have generally been served by rural delivery—that is, their patrons have—and therefore the offices have been abandoned. Where it was found desirable to have a fourth-class office, I imagine they have not had any very great difficulty in getting some business man in the locality to take it, if he could pass the civil-service test. I repeat, we do not attempt to deal absolutely justly with fourth-class postmasters or with anybody else. It is rather an arbitrary provision we propose here, but after great consideration and considerable study, with information from the best sources we could obtain, the committee thought that the increase which we provide would be sufficient to carry the department over this crisis and until the joint commission has a chance to report and Congress can act upon its report. I have said in this report that if the cost of living is not reduced within the year, the increases which we have provided are going to be altogether insufficient and we will have to make another increase.

We have felt also that, in view of the action of the President in reference to the demand of the railroad men for increases in salary, we ought not at this time to impose any burdens upon the Treasury of the United States except such as were absolutely necessary for the maintenance of the Government. I think these increases are absolutely necessary. Some of the men who are to get these increases would have stayed in the service even if they had not had the promise of them. I also know that there are those who have remained in the department since July 1 upon the assurance that they were going to get relief of some kind. The House passed this joint resolution giving them notice that Congress was going to act, and therefore we make this retroactive to July 1, because, while I believe that most of these men are of the very highest patriotism and want to stay in the service, to which many of them have given their lives up to this date, and many of them feel that it is a patriotic duty to remain, I do not think the United States Government has any right to demand that they should stay at a sacrifice to the living of themselves and of their families. So we have attempted to meet this situation by the joint resolution.

If there is any other question to be asked relative to the provisions of the joint resolution I shall be very glad to answer it; but when the measure comes up for discussion I want to go a little more into detail as to some of the reasons why some emergency legislation should be enacted and why, in my judgment, this is the least that we can afford to do.

Mr. SMOOT. Mr. President, may I ask the Senator what is the least amount that will be paid to fourth-class postmasters under the joint resolution?

Mr. TOWNSEND. The least is 10 per cent of his present compensation, whatever that is. It ranges from $200 up to $1,000.

Mr. SMOOT. Does the joint resolution increase the pay of fourth-class postmasters only 10 per cent?

Mr. TOWNSEND. Ten per cent of their present compensation.

I will say to the Senate that I suggested 15 per cent when the proposition was under consideration, but after talking with the Post Office Department, and after considering the condition of the Treasury, I felt that possibly these officers could exist for the present under a 10 per cent increase, and therefore it was made 10 per cent.

Mr. SMOOT. I notice this provision in the last appropriation act with reference to fourth-class postmasters:

Provided further, That if the compensation does not exceed $75 for any one quarter, fourth-class postmasters shall be allowed an increase of 20 per cent of the compensation allowed under existing law.

Mr. TOWNSEND. That is, they get an excess of cancellations.

Mr. SMOOT. Certainly; and they get 20 per cent. It seems to me the fourth-class postmasters are paid so small a salary that they certainly can not live on what they get from the Government. They have got to do other business, and with a 10 per cent increase it seems to me they are not given the increase, in comparison with the other employees of the Government, that they should receive.

Mr. TOWNSEND. I think the Senator's criticism is fairly just. The committee's only excuse is that a great many of these people are not dependent upon the salaries which they receive

from the Post Office Department. They could not live upon them; they could not maintain the offices for them; nobody presumes that they would. But in most cases they want the office in connection with their local business and they are permitted to do business in connection with it and conduct it purely as an accommodation to the public, although, as I said, if we were to base it upon the Federal compensation that they receive, it is insufficient standing by itself, and I am not trying to defend it on equitable grounds.

Mr. President, with this explanation, I am going to ask the indulgence of the Senate to-morrow morning to take up the joint resolution for consideration, because it truly is an emergency measure. I think it is easily understandable, and I ask Senators to read the report. I have endeavored to explain the details of the provisions. Some of them may seem rather arbitrary, but I have tried to give the reasons for them. I have tried to arrange the provisions of the resolution so that no one will receive for a certain grade of work a salary that is in excess of the salary paid for a higher grade of work. I had that in mind because I thought it would be easily adjustable after the report of the joint commission comes in and an effort is made properly to adjust the salaries of all of the employees of the Post Office Department. There is no equity in the present method. Some of the most grossly underpaid people, for the work they do, are supervisory officials. Men who handle millions of dollars, for which they are required to give large bonds, are getting a compensation which is exceeded by bank clerks even in some of the ordinary banks. Many of these men could obtain even in ordinary times double the salary the Government pays them. They are entitled to much greater pay.

So I ask Senators to give consideration to the report, in order that to-morrow morning we can take up the measure and dispose of it as soon as possible.

Mr. DIAL. Mr. President, it is very probable that the salaries of post-office employees should be rearranged, and that they should be increased. Almost every day since I have been here I have heard the administration criticized for extravagance in having unnecessary employees and for the high cost of running the Government. I undertook to investigate the matter and looked into this particular case. I have a copy of a letter which the Postmaster General wrote to the chairman of the committee, which I ask may be read by the Secretary. We certainly have one man who is in favor of economy.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

SEPTEMBER 10, 1919.

Hon. CHARLES E. TOWNSEND,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR MR. CHAIRMAN: Your letter of August 14, inclosing a communication from Mr. Everett C. Fish, president of the Michigan Council of Postal Associations, was brought to my attention upon my return to the city. In reply I wish to state that the conditions in the Postal Service as to the matter of securing employees are the same as in industrial institutions. At a few places in the United States, because of the extraordinary and unusual conditions prevailing, it is difficult to secure a sufficient number of employees. This condition, however, would not be remedied by increases in salaries as it is due solely to a shortage of labor. This condition is more pronounced at Detroit, Mich., than at any other city, and because of the extraordinary conditions prevailing at Detroit and a few other cities the department gave its approval to House joint resolution 151, as originally introduced by Representative MADDEN, which would have granted the Postmaster General the authority to increase the salaries of employees not to exceed 35 per cent of their basic salary in cities where extraordinary and unusual conditions prevail. It would enable the department to take care of any situation and to handle each case on its merits. A few million dollars spent under this resolution would amply provide for exigencies of the service. The resolution, however, as passed by the House eliminated this provision and provides for a flat increase of $150 for each of the employees enumerated and will cost approximately $40,000,000 per annum.

The statement frequently made by those interested in securing increases in salary for postal employees that the experienced employees are leaving the service by thousands is not borne out by the facts. There are regularly employed at the 125 largest post offices in the United States approximately 51,500 clerks and carriers. Of this number during the past year 4,701, approximately 9 per cent, resigned from the service. These cities include the industrial centers where the labor conditions are acute, and our information is that the turnover in such institutions has been from 75 to 300 per cent per annum. It will therefore be seen when this is compared with the turnover of 9 per cent in the Postal Service that the changes have been infinitesimal. There is no doubt that the turnover in the Postal Service has been less than that of any business institution. It also indicates clearly that the employees of the Postal Service are not to any great extent dissatisfied with their employment and are not leaving the service in the manner stated so frequently by the agitators who attempt to speak in their behalf. Of the 4,701 employees who resigned from the service 3,427 were in the $1,000, or entrance grade.

The postal employees were granted on July 1 of this year an increase in most cases of $100 in addition to the $200 war bonus authorized last year and which has been continued during this fiscal year, and it is believed that with the exception of the few instances cited this is sufficient until the congressional commission which is now making an investigation of salaries in the Postal Service with a view to reclassifying same has completed its work and made its recommendation to Congress.

To grant the employees the $150 increase provided in House joint resolution 151 will involve an additional expenditure of $40,000,000, and as the revenues of the Postal Service, because of the increased salaries, are not now sufficient to meet the expenditure, it will place an additional burden of that amount upon the public. The resolution as amended, therefore, does not have my approval.

Very sincerely,

A. S. BURLESON,
Postmaster General.

Mr. DIAL. There is a second letter, Mr. President, dated October 7, which I wish to have read also.

The Secretary read as follows:

OCTOBER 7, 1919.

Hon. CHARLES E. TOWNSEND,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR MR. CHAIRMAN: I have noticed in statements contained in the press that your committee has agreed to report out House joint resolution 151, which provides for increases in salaries of postal employees of approximately $38,000,000.

This matter was fully covered in my letter addressed to you recently, in which it was stated that the resolution as it passed the House did not have my approval. Extraordinary conditions do exist in a few places, and the salaries of the employees should be increased in such instances, and if authority were granted to do se, the department could amply care for the needs of the postal service at a cost of not more than $2,000,000.

I feel it my duty to again call to your attention that an appropriation of $38,000,000 for increased compensation to postal employees at this time, in my judgment, is unnecessary and would simply add a burden to that extent on the public, and which must be borne by taxation or otherwise, as the postal revenues will not be sufficient to meet it.

Very sincerely,

A. S. BURLESON,
Postmaster General.

BUILDING REGULATIONS FOR THE DISTRICT OF COLUMBIA.

Mr. CALDER. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

Mr. WALSH of Montana. Mr. President, I shall object to taking up the bill. We have Calendar Monday. A number of us are interested in measures on the calendar. Every time Calendar Monday comes along, some one asks unanimous consent to pass over the calendar for that day, and then bills on the calendar are taken up and everybody loses interest in the calendar. I have no doubt in the world that this bill will have speedy consideration and be speedily passed at any time when the calendar is called. Until next Monday, if I have any say in the matter at all, I shall object.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York [Mr. CALDER].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. CALDER. Mr. President, the bill establishes a zoning commission in the District of Columbia to regulate the height, area, and use of buildings in the District. It has passed the House, is strongly urged by the District Commissioners, and I think meets with the approval generally of the people of the District. The commission provided for in the bill is composed of the District Commissioners, the officer in charge of public grounds of the District, the chairman of the Fine Arts Commission, and the Superintendent of the United States Capitol Building and Grounds. The commission must meet within six months after the passage of the bill and lay out the District into districts in which certain character of buildings will be permitted and certain other character of buildings prohibited. I shall be glad to go into a further explanation of the bill if Senators desire. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill, which had been reported from the Committee on the District of Columbia with amendments, and stated the first committee amendment.

Mr. SMOOT. I ask that the bill be read and that the amendments be passed over at this time. When the bill shall have been read, we may then have the amendments stated.

The VICE PRESIDENT. The reading of the bill will be continued.

The Secretary resumed and concluded the reading of the bill, which is as follows:

Be it enacted, etc., That to protect the public health, secure the public safety, and to protect property in the District of Columbia there is hereby created a zoning commission, which shall consist of the Commissioners of the District of Columbia, the officer in charge of public buildings and grounds of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds, which said commission shall have all the powers and perform all the duties hereinafter specified and shall serve without additional compensation. Such employees of the government of the District of Columbia as may be necessary to carry out the purposes of this act shall be assigned to such duty by the Commissioners of the District of Columbia without additional compensation.

SEC. 2. That within six months after the passage of this act and after public notice and hearing as hereinafter provided, the said commission shall divide the District of Columbia into certain districts, to be known, respectively, as height, area, and use districts and shall adopt regulations specifying the height and area of buildings thereafter to be erected or altered therein and the purposes for which buildings and premises therein may be used: *Provided*, That the permissible height of buildings in any district shall not exceed the maximum height of building now authorized upon any street in any part of that district by the act of Congress approved June 1, 1910, and amendments thereto, regulating the height of buildings in the District of Columbia: *And provided further*, That no such districts shall be established, nor shall any regulations therefor be adopted, nor shall the height, area, or use of buildings to be erected therein be prescribed until said commission has afforded persons interested an opportunity to be heard at a public hearing as hereinafter provided.

SEC. 3. That wherever, under the provision of this act, it is required that a public hearing shall be held, notice of the time and place of such hearing shall be published for not less than 10 consecutive days in one or more newspapers of general circulation printed and published in the District of Columbia; and such public hearing may be adjourned from time to time: *Provided*, That if the time and place of the adjourned meeting is publicly announced when the adjournment is had, no further notice of such adjourned meeting need be published.

SEC. 4. That after the public hearings herein provided for shall have been concluded, said commission shall definitely determine the number and boundaries of the districts which it is hereby authorized and directed to establish, and shall specify the height and area of the buildings which may thereafter be erected therein, and shall prescribe the purposes for which such buildings thereafter erected may or may not be used. Said districts so established shall not be changed except on order of said commission after public hearing. Said commission may initiate such changes, or they may be initiated upon the petition of the owners affected. Where the proposed change is to add a contiguous area to a use, height, or area district, the owners of at least 50 per cent of the street frontage proposed to be changed must join in the petition: *Provided*, That if the frontage proposed to be changed is not a contiguous area, the owners of at least 50 per cent of a frontage within the area not less than three blocks in length must join in such petition before it may be considered by said commission. No such change shall be made, either by said commission on its own motion or upon such petition, except with the unanimous vote of said commission, if the owners of at least 20 per cent of the frontage proposed to be changed protest against such change.

SEC. 5. That said commission is authorized and empowered to make such orders and adopt such regulations not inconsistent with law as may be necessary to accomplish the purposes and carry into effect the provisions of this act: *Provided*, That no order or regulation so adopted shall require any change in the plans, construction, or designated use of (a) a building for which a permit shall have been issued, or plans for which shall be on file with the inspector of buildings of the District of Columbia at the time the orders or regulations authorized under this act are promulgated; or (b) a permit for the erection of which shall be issued within 30 days after promulgation of the orders or regulations authorized or adopted under this act and the construction of which in either of the above cases shall have been diligently prosecuted within a year from the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within said year, and which entire building shall be completed according to such plans within two years of the date of the promulgation of such orders or regulations; or (c) prevent the restoration of a building partially destroyed by fire, explosion, act of God or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such partial destruction, or prevent a change of such existing use except under the limitations provided herein in relation to existing buildings and premises: *Provided further*, That no frame building that has been damaged by fire or otherwise more than one-half of its original value shall be restored within the fire limits as provided by the building regulations of the District of Columbia; or (d) prevent the restoration of a wall declared unsafe by the inspector of buildings of the District or by a board of survey appointed in accordance with any existing law or regulation.

SEC. 6. That any lawful use of a building or premises existing at the time of the adoption of orders and regulations made under the authority of this act may be continued, although such use does not conform with the provisions hereof or with the provisions of such orders and regulations; and such use may be extended throughout the building, provided no structural alteration, except those required by law or regulation, is made therein and no new building is erected. Where the boundary line of any use district divides a lot in a single ownership at the time of the adoption of orders and regulations under the authority of this act, the commission may permit a use authorized on either portion of such lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the use district.

SEC. 7. That maps of the districts established by said commission and copies of all orders and regulations as to the height and area of buildings to be erected therein and as to the uses to which such buildings may be lawfully devoted, and copies of all other official orders and regulations of the commission shall be filed in the office of the Engineer Commissioner of the District of Columbia. Copies of all orders and regulations shall be published in one or more newspapers printed in the District of Columbia for the information of all concerned.

SEC. 8. That it shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, changed, or converted wholly or partly in its use or structure until a certificate of occupancy shall have been issued by authority of said zoning commission.

SEC. 9. That buildings erected, altered, or raised, or converted in violation of any of the provisions of this act or the orders and regulations made under the authority thereof are hereby declared to be common nuisances; and the owner or person in charge of or maintaining any such buildings, upon conviction on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants in the name of said District, and which court is hereby authorized to hear and determine such cases, shall be adjudged guilty of maintaining a common nuisance, and shall be punished by a fine of not more than $100 per day for each and every day such nuisance shall be permitted to continue, and shall be required by said court to abate such nuisance. The corporation counsel of the District of Columbia may maintain an action in the Supreme Court of the District of Columbia in the name of the District of Columbia to abate and perpetually enjoin such nuisance.

SEC. 10. That the Commissioners of the District of Columbia shall enforce the provisions of this act and the orders and regulations adopted by said zoning commission under the authority thereof, and nothing herein contained shall be construed to limit the authority of the Commissioners of the District of Columbia to make municipal regulations as heretofore: *Provided*, That such regulations are not inconsistent with the provisions of this law and the orders and regulations made thereunder. In interpreting and applying the provisions of this act and of the orders and regulations made thereunder they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. This act shall not abrogate or annul any easements, covenants, or other agreements between parties: *Provided, however*, That as to all future building construction or use of premises where this act or any orders or regulations adopted under the authority thereof impose a greater restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by existing law, regulations, or permits, or by such easements, covenants, or agreements, the provisions of this act and of the orders and regulations made thereunder shall control.

SEC. 11. That all laws or parts of laws and regulations in conflict with the provisions of this act are hereby repealed.

The first amendment of the Committee on the District of Columbia was, in section 1, page 1, line 8, after the words "District of Columbia," to insert "the chairman of the Fine Arts Commission," so as to read:

That to protect the public health, secure the public safety, and to protect property in the District of Columbia there is hereby created a zoning commission, which shall consist of the Commissioners of the District of Columbia, the officer in charge of public buildings and grounds of the District of Columbia, the chairman of the Fine Arts Commission, and the Superintendent of the United States Capitol Buildings and Grounds.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Harris	McNary	Smoot
Brandegee	Harrison	Nelson	Spencer
Calder	Hitchcock	New	Sterling
Chamberlain	Jones, Wash.	Newberry	Sutherland
Dial	Kenyon	Norris	Trammell
Fletcher	Keyes	Nugent	Wadsworth
France	King	Page	Walsh, Mont.
Gay	La Follette	Penrose	Watson
Gerry	Lenroot	Pittman	Williams
Gronna	Lodge	Pomerene	
Hale	McCormick	Sheppard	
Harding	McKellar	Smith, Md.	

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. JONES of New Mexico, Mr. OVERMAN, Mr. PHIPPS, Mr. POINDEXTER, Mr. SIMMONS, Mr. SMITH of Arizona, Mr. SMITH of Georgia, Mr. TOWNSEND, and Mr. WALSH of Massachusetts answered to their names when called.

Mr. ASHURST, Mr. CUMMINS, Mr. KELLOGG, Mr. COLT, Mr. PHELAN, Mr. MOSES, Mr. KENDRICK, Mr. BALL, Mr. WARREN, Mr. BANKHEAD, Mr. CAPPER, Mr. FERNALD, Mr. SHERMAN, Mr. WOLCOTT, Mr. DILLINGHAM, Mr. GORE, Mr. UNDERWOOD, Mr. BECKHAM, Mr. KIRBY, and Mr. CURTIS entered the Chamber and answered to their names.

Mr. SMOOT. I desire to announce that the Senator from West Virginia [Mr. ELKINS], the Senator from Montana [Mr. MYERS], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are absent from the Senate on official business.

The VICE PRESIDENT. Seventy-four Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, I feel that it would be very unwise to try to pass this most important bill between now and the hour of 2 o'clock. I have not a doubt in my mind that there ought to be some regulation in regard to the height and area of buildings in the District of Columbia, and I have no objection to the creation of a zoning commission for the purpose of directing how buildings shall be erected, their height, and the area of the same. I think it would be very wise to create a zoning commission, as provided in the bill; but, as I read the bill, it gives a power to this commission as to the use of all classes of buildings that is far beyond reason or safety.

If the power granted to this commission as to the use of buildings for improper or unlawful purposes was all that was granted, I should have no objection to it whatever. But the bill is so broad in its scope that this commission can set aside any part of the District of Columbia for business purposes, for residential purposes, or for manufacturing purposes, or for any purpose that they may desire or think of, and anyone within a designated district who erects a building as authorized under the bill, if it should become a law, would have little to say as to how it should be used. In other words, the commission could say just what sized buildings could be built in any

district or what character of buildings. They could exclude any character or design of a building they desired to.

But that is not all. A man may build himself a home, and, being well to do, may build it in such a way and of such a size as his present financial condition would warrant. Reverses may come to the man, and he may be compelled, in order to take care of his family and support them, to rent a part of the building. The owner of a building, if this bill should become a law, would have nothing to say as to whether he could or could not rent a part of that building, for the commission may decide to so do would make it a rooming house and not a residence. This commission could say to him there can not be two families live in the house at the same time, or it would prevent the renting of any part of it. It does seem to me that if we give the commission the power to regulate the height of the building, to regulate the area of the building, to regulate the character of the building, and to map the city off in zones, that is power enough to give to any commission.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Utah a question. If I understood him aright a moment ago, he said that under this bill the commission could say how many people should be in a building.

Mr. SMOOT. There is nothing in the bill that would prevent them from saying that the building should be occupied by only one family, and they could say under the provisions of the bill that there should not be two families occupy any building within a designated zone.

Mr. WILLIAMS. From what language of the bill does the Senator get that idea?

Mr. SMOOT. Let me call the Senator's attention to some of the provisions of the bill.

Mr. WILLIAMS. I wish you would. I am asking for information.

Mr. SMOOT. Beginning with section 2, it reads:

That within six months after the passage of this act, and after public notice and hearing as hereinafter provided, the said commission shall divide the District of Columbia into certain districts, to be known, respectively, as height, area, and use districts, and shall adopt regulations specifying the height and area of building thereafter to be erected or altered therein, and the purposes for which buildings and premises therein may be used.

That is only one provision.

Mr. PHELAN rose.

Mr. SMOOT. I will ask the Senator from California to wait until I get through with this, because I want the Senator from Mississippi to consider all the use provisions of the bill at the same time. These are the regulations we authorize the commission to make as to the purpose for which buildings shall be used. There is no limitation whatever as to regulations that may be made and enforced. Then later in that same section there is the following proviso:

And provided further, That no such districts shall be established, nor shall any regulations therefor be adopted, nor shall the height, area, or use of buildings to be erected therein be prescribed until said commission has afforded persons interested an opportunity to be heard at a public hearing as hereinafter provided.

That, I think, is perfectly right, and should be there. The next provision to which I desire to refer is in section 4:

That, after the public hearings herein provided for shall have been concluded, said commission shall definitely determine the number and boundaries of the districts which it is hereby authorized and directed to establish, and shall specify the height and area of the buildings which may thereafter be erected therein, and shall prescribe the purposes for which such buildings thereafter erected may or may not be used.

Mr. WILLIAMS. Does not that mean that they shall specify that it shall be a residence, or a shop, or an apartment, or a hotel?

Mr. SMOOT. Yes; that may be done; but it is not limited to such specifications.

Mr. WILLIAMS. Has the Senator any idea that they may say how many people shall be in the house?

Mr. SMOOT. Certainly. The regulations I have already read give them that authority. But let me continue with the other provisions. I will simply read to the Senator all that have reference to the use of buildings.

Mr. WILLIAMS. Go ahead.

Mr. SMOOT. Section 8 provides:

That is shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, changed, or converted wholly or partly in its use or structure until a certificate of occupancy shall have been issued by authority of said zoning commission.

In other words, no part of it could be changed for any purpose until they received the authority of the zoning commission. It is entirely in the hands of the commission, and they are to say what the building shall be used for, whether it shall be used for a residence, and if for a residence there is nothing to prevent a regulation being made as to just how many people shall live in it. There is nothing to prevent them from saying that the kitchen of the house shall be in the basement or ground floor.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, it seems to be a far cry from an authority which gives the right to designate the purpose for which a building shall be used, whether as a residence, or for shopkeeping, or manufacturing, or what not, and saying that an authority is given because it is not denied; that it is given, according to the Senator's argument, to say how many people shall live in the building and whether the kitchen shall be in the basement or on the ground floor. It seems to me to be a far cry, I repeat, from what the Senator has read to the conclusion which the Senator has drawn.

Mr. SMOOT. Mr. President, there is nothing to prevent the zoning commission from doing exactly what I have contended.

Mr. WILLIAMS. There is nothing in the act to prevent a hundred things, but the act does not give any authority for them.

Mr. SMOOT. It gives the zoning commission authority to make regulations, and if you began to enumerate them——

Mr. WILLIAMS. Regulations as to height and area, and the purposes for which the building shall be used.

Mr. SMOOT. And the use of the building covers all I have said it does.

Mr. WILLIAMS. The purposes of the use, is all.

Mr. SMOOT. The bill reads that—

This act shall not abrogate or annul any easements, covenants, or other agreements between parties: *Provided, however*, That as to all future building construction or use of premises where this act or any orders or regulations adopted under the authority thereof impose a greater restriction upon the use of buildings or premises or upon height of building, or requires larger open spaces than are imposed or required by existing law, regulations, or permits, or by such easements, covenants, or agreements, the provisions of this act and of the orders and regulations made thereunder shall control.

Mr. President, power is given to this zoning commission over the question of the change of a building, the whole question as to what you shall do with your property, how it shall be used, and for what purposes it shall be used.

Mr. PHELAN. Mr. President, will the Senator from Utah permit an interruption?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Certainly.

Mr. PHELAN. I served on the committee which drafted this bill. The bill primarily comes from the Fine Arts Commission. The object is simply to protect the residential and public portions of the city of Washington, and to prevent the encroachment of objectionable occupations. Where the use is referred to in the bill, it means in certain sections of the city manufacturing use, in other sections of the city residential use; but the use in the sense of limiting the number of rooms or determining the number of people who shall dwell in a building is utterly foreign to the purpose of the bill, and I do not think such a construction is conveyed in the language of the bill.

I may call the attention of the Senate to the fact that because of the absence of a law of this kind, providing for zoning districts, and regulating the height of buildings, the city of Washington is in a fair way of seriously suffering in its use of Meridian Park, which was purchased by the Government at an expense, including the improvement, of $1,000,000; and now, because there was no restriction of this kind, a permit has been given by the District Commissioners, under the old law, to erect an apartment house which will to a considerable extent obstruct the view of people from that park, which is purely a scenic park. It was selected and improved for the very purpose of commanding a view of the city, and now, because there was no proper and adequate regulation, an apartment house is going up which will obstruct the view.

These things have brought to the minds of the people interested in the District of Columbia that there is need for such a law. So this law will give to a commission, consisting of the District Commissioners, the chairman of the Fine Arts Commission, and the United States officer in charge of public buildings and grounds, the power to zone the city and to regulate the use of buildings in the sense of providing certain parts of the city for machine shops, factories, garages, and other employments, which would be objectionable in parts set aside for residence and for public use.

I think the construction which the Senator from Utah puts upon the bill is strained, and certainly not contemplated. I do not think any fair interpretation would give such power to the newly formed commission, if the bill is passed, as to enable

them to regulate the number of rooms which shall be in a dwelling and the number of persons who may be in a house, only in so far as the height of the building controls such a subject.

Mr. SMOOT. Mr. President, there is no objection whatever to the greater part of the bill on my part, nor do I believe that there is a Senator or Representative who would object to the provisions of the bill as far as it relates to the height of buildings, or to the designation of the zones in which certain classes or kinds of buildings shall be erected.

Mr. CALDER. That is the very purpose of the bill.

Mr. SMOOT. I know that is the purpose of the bill, but it does not stop there. The bill proceeds and gives the zoning commission absolute power as to how a building shall be used. The Senator from Mississippi [Mr. WILLIAMS] suggested that the bill does not specify the powers of the zoning commission. That is the danger in the bill. If it specified the powers, the commission could not go beyond the specified powers. It gives a general power of regulation of the use of buildings; and that is the only objection I have to the bill.

Mr. CALDER. I would be pleased if the Senator from Utah would suggest an amendment to accomplish the purpose he has in mind, for I am confident that the bill meets all the objections he raises. It is a meritorious bill and will be more helpful to the District of Columbia than any measure of this character we have ever enacted.

Mr. SMOOT. Mr. President, I suggest to the Senator that I shall offer certain amendments, which I hope the Senator will receive favorably, designed to protect a person who has already built a home, which home falls within the zoning area, so that he shall at least have some say as to what he shall do or how he shall use that home.

Mr. CALDER. The purpose of the bill is to protect people who own property in this city from encroachment by others who are taking advantage of the situation.

Mr. SMOOT. I am not objecting to that part of the bill, I will say to the Senator.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. I ask that the Secretary read sections 7 and 8, which were not read yesterday, so as to bring the Shantung amendment before the Senate.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The Secretary will read the sections named.

The Secretary read as follows:

"*Section VII.*

"TURKEY AND BULGARIA.

"*Article 155.*

"Germany undertakes to recognise and accept all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Germany or her nationals in Turkey and Bulgaria and which are not dealt with in the provisions of the present Treaty.

"*Section VIII.*

"SHANTUNG.

"*Article 156.*

"Germany renounces, in favour of Japan, all her rights, title and privileges—particularly those concerning the territory of Kiaochow, railways, mines and submarine cable—which she acquired in virtue of the Treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

"All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

"The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges, and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances."

Mr. LODGE. All the amendments are the same. I merely ask that they may be read.

The next amendments of the Committee on Foreign Relations were, in article 156, line 1, after the words "in favor of," to strike out the word "Japan" and insert the word "China"; in line 9, after the words "acquired by," to strike out the word "Japan" and insert the word "China"; and, in line 13, after the words "acquired by," to strike out the word "Japan" and insert the word "China."

Mr. HITCHCOCK. Does the Senator from Massachusetts think, before we pass by the amendments, that it might be possible to obtain a unanimous-consent agreement for the treatment of these amendments en bloc?

Mr. LODGE. Yes; I shall ask that they be considered en bloc. That is the reason why I asked to have them all read.

Mr. HITCHCOCK. For the purpose of having them considered en bloc?

Mr. LODGE. Yes; that is the reason why I made the request to have them all read.

The Secretary read as follows:

"*Article 157.*

"The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan, free and clear of all charges and encumbrances."

The next amendment was, in article 157, line 5, after the words "acquired by," to strike out the word "Japan" and insert the word "China."

The Secretary read as follows:

"*Article 158.*

"Germany shall hand over to Japan within three months from the coming into force of the present Treaty the archives, registers, plans, title-deeds and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial or other, of the territory of Kiaochow.

"Within the same period Germany shall give particulars to Japan of all treaties, arrangements or agreements relating to the rights, title or privileges referred to in the two preceding Articles."

The next amendments were, in article 158, line 1, after the words "hand over to," to strike out the word "Japan" and insert the word "China"; and in line 6, after the words "particulars to," to strike out the word "Japan" and insert the word "China."

Mr. LODGE. I ask that the six Shantung amendments, which are substantially one, be considered as one amendment. They are all the same.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. LODGE. I believe the Senator from Maryland [Mr. FRANCE] desires to address the Senate at this time upon this amendment and the league. I wish merely to say that there are several Senators who have given notice of speeches upon this amendment, and there are one or two who can not speak before next week, so that it is impossible at this moment to arrive at an agreement to vote on the amendment; but if Senators are not prepared to go on, I shall ask that the rest of the treaty be read. There is only one other amendment besides.

Mr. HITCHCOCK. I suggest to the Senator from Massachusetts that if we pass over these amendments temporarily it might be possible for us to agree now upon a date when we shall take them up. I dislike very much to pass them over indefinitely. I think the Senate possibly——

Mr. LODGE. I am not asking to pass them over indefinitely. They are before the Senate now, but there are Senators to speak upon them certainly both to-day and to-morrow, and probably the next day. I was proposing to provide for the future. I do not want to waste any time, and if I can not get an agreement to vote on an early day next week, I only wanted to give notice that I should ask for the reading of the treaty to be continued beyond the amendment, so that time may not be wasted.

Mr. HITCHCOCK. I think the request of the Senator is very desirable. My only suggestion is that there are certain committees, one in particular, which desire to leave Washington, and if we should have a definite agreement that we would return to these amendments at a certain day, say Wednesday of next week, for instance——

Mr. LODGE. Very well, Mr. President; then I ask unanimous consent that if the occasion arises—it may not arise—we may continue the reading of the treaty and return to this amendment on Wednesday of next week.

Mr. LENROOT. Mr. President, reserving the right to object, I will say that if the reading of the treaty should be con-

cluded before that time, certainly something ought to be before the Senate.

Mr. LODGE. I think the league would still be before the Senate.

Mr. LENROOT. No; I think we are reading for amendments.

Mr. LODGE. I suggest to the Senator if we continue the reading, as I desire to do——

Mr. LENROOT. And then return to the Shantung amendment and let it be before the Senate?

Mr. LODGE. And then return to the Shantung amendment, or, continuing the reading, we shall meet with one other amendment, offered by the Senator from New Mexico [Mr. FALL], relating to the reparation commission, and we shall also meet with the labor provisions of part 13, which, I think, are likely to give rise to a good deal of debate. I think there will be no difficulty in filling the time. I only wanted to give notice that if a moment comes when nobody is ready to go on with a discussion of the Shantung amendment we can continue the reading of the treaty, and that was understood. I have no objection to asking unanimous consent that we shall return to it Wednesday, but I do not think we will gain anything by it.

Mr. HITCHCOCK. It has been my purpose, as the Senator from Massachusetts knows, to arrange with him, if possible, to set down the Shantung amendment for a vote on Friday, but we discovered that such an arrangement could not be made. However, as I have understood the situation, it might be possible to take up the Shantung amendment definitely on Wednesday next, and there is, so far as known, no objection to doing that.

Mr. LODGE. I am perfectly ready to agree to return to the Shantung amendment on Wednesday next. Of course, that is no agreement to vote.

Mr. HITCHCOCK. That is about as far as we can get, I suppose. I hope that we shall reach an early vote after Wednesday; but it seems, so far as I can learn, to be the concurrent opinion that we should on Wednesday next begin the discussion which would lead to——

Mr. LODGE. The final discussion.

Mr. HITCHCOCK. Which would lead to an early vote. I therefore ask that the unanimous-consent agreement be so framed that we shall proceed with the reading of the treaty after the Senator from Maryland and other Senators have made their addresses, and that thereafter, on Wednesday next, we shall take up for consideration the Shantung amendments en bloc, as agreed.

Mr. LENROOT. Suppose the reading of the treaty is finished on Monday, what will the Senate do in the meantime under such a unanimous-consent agreement?

Mr. HITCHCOCK. I have no doubt there will be ample discussion which will take us until Wednesday. As the Senator knows, I am very anxious to hasten the matter, but I find by investigation that it is impossible to get consent for any earlier date than Wednesday. I think both the Senator from Massachusetts and I have concluded that this would expedite the matter as much as possible. I doubt whether we will be able to finish the reading of the treaty by that time.

Mr. LENROOT. Why does not the Senator request that we go on with the reading of the treaty before we take up the Shantung amendment?

Mr. LODGE. That is what I was desiring to do.

Mr. HITCHCOCK. I think it is very desirable to clean it up as we go. I think we can return definitely to the Shantung amendments on Wednesday, and that will be pending until we get a vote on it. That will give everybody a reasonable time and will accommodate the Committee on Education and Labor.

Mr. LENROOT. I think the Senator's suggestion will simply mean further delay.

Mr. HITCHCOCK. How would the Senator frame the request?

Mr. LENROOT. I would frame it so that if we do conclude the reading of the treaty before Wednesday, the Shantung amendments will be before the Senate.

Mr. HITCHCOCK. I should be delighted with such an arrangement, if other Senators would consent to it.

Mr. KENYON. Mr. President, I should like to inquire of the Senator from Nebraska if under his statement the understanding will be that there will be no vote in the Senate on any amendments before Wednesday of next week?

Mr. LODGE. No vote on the Shantung amendment.

Mr. HITCHCOCK. There will be no vote on the Shantung amendments.

Mr. LODGE. As I said, there is another amendment with reference to the reparation commission, offered by the Senator from New Mexico [Mr. FALL] and there is the labor council provision, which is also amended, and on which there will be a great deal of debate.

Mr. HITCHCOCK. After the Shantung amendments are passed there is only one other remaining amendment, and that is on page 261.

Mr. KENYON. The labor amendment will not be taken up prior to the Shantung amendment?

Mr. LODGE. No; they are all subsequent. Everything is subsequent to the Shantung amendment. I should like to use the time in getting the treaty read, if there are no Senators ready to discuss the Shantung amendment or the league.

Mr. FLETCHER. Would it be possible to agree to vote on Wednesday, and not merely have it brought up at that time for consideration?

Mr. LODGE. I do not think so. I have made inquiry and I do not think it is possible to agree to a vote at that time. I should be very glad to do so, but I do not think it is possible. I think we can agree to return to the Shantung amendment on Wednesday. As it now stands, we can return to it at any time. My desire is to get the treaty read, which I think had better be done.

Mr. HITCHCOCK. If the Senator from Massachusetts will permit me, I will endeavor to frame a unanimous-consent agreement which possibly will meet the views of various Senators. It is that after the pending addresses are delivered, the Senate shall pass over temporarily, until next Wednesday, the Shantung amendments, to be considered then en bloc, meanwhile reading the treaty.

Mr. LODGE. Of course, if we pass it over temporarily, which is the custom with appropriation bills, the reading would continue without anything more being said.

Mr. HITCHCOCK. Yes; but I am very anxious to have a certain date set, as are very many other Senators.

Mr. LODGE. I shall be very glad to have an agreement that we shall return to the Shantung amendment on Wednesday next.

Mr. HITCHCOCK. I suggest the following agreement: That the Senate now proceed to the reading of the treaty, subject to the addresses to be delivered here; that the Shantung amendments be passed over until next Wednesday, to be considered then en bloc, and that if, during the reading of the treaty, amendment No. 45, on page 261, is reached, that also shall be passed over for consideration subsequent and next to the Shantung amendment.

Mr. LODGE. Very well; that is perfectly satisfactory.

The PRESIDING OFFICER. Is there objection to the agreement proposed?

Mr. LENROOT. If the Senator would modify that by the further condition, that if the reading shall be concluded before next Wednesday the Shantung amendments shall be taken up upon the conclusion of the reading of the treaty, I should not object.

Mr. HITCHCOCK. I shall be very glad to accept that amendment. However, I do not think there is much likelihood of it.

Mr. UNDERWOOD. May I inquire of the Senator if he has included in his agreement any provision that we shall come to a vote on Wednesday?

Mr. LODGE. Not at all.

Mr. HITCHCOCK. We will proceed with the reading of the treaty, and there are reasons, which have been explained to me, why it seems that a number of Senators are determined to postpone progress until that time. I am constrained to yield, because I feel that yielding now may promote progress. I do not want to urge it unnecessarily.

Mr. UNDERWOOD. Mr. President, I should be very glad to enter into an agreement that would bring this treaty to a vote and a conclusion, for I think the Senate and the country both are very desirous of reaching some conclusion. We have had a very ample debate—and I am not complaining about that fact—but there is no use, so far as I can see, of entering into an agreement concerning the consideration of the treaty and postponing the time for voting unless we are prepared to say that on that day we are going to vote.

Mr. LODGE. Mr. President, my only purpose was to avoid any waste of time. When those who desire now to speak upon the Shantung amendment shall have done so, if we can then pass the amendment over temporarily, in order to give an opportunity to Senators who wish to speak next week, I want to avail myself of the intervening time to have the reading of the treaty completed. As we can not reach an agreement to take a vote, that seems to me the practical thing to do.

Mr. UNDERWOOD. Mr. President, if the Senator is trying to save time I am thoroughly in accord with him, but it is the most remarkable effort to save time that I have ever seen.

Mr. LODGE. Very well, Mr. President——

Mr. UNDERWOOD. It appears to be an effort to postpone a vote without affording any subsequent opportunity to vote, and to postpone debate without giving any opportunity to bring the treaty up for consideration.

Mr. LODGE. Very well, Mr. President. I have done my best, and so has the Senator from Nebraska [Mr. HITCHCOCK] under existing circumstances to expedite the reading and disposition of the treaty. Every line of the treaty we read advances its consideration; for that is something that must be done; but if the Senator prefers that the time should be taken in other ways it probably will be, for there are Senators here who are going to insist that there be an opportunity for those Senators to whom I have referred to express their views upon the Shantung question before a vote is had upon it.

Mr. UNDERWOOD. Mr. President, I have said very little about this treaty, because I do not care to occupy the attention of the Senate or the time of the country. I have reached a conclusion, in my mind, as to what I am going to do; but I judge from the intimation of the leader of the other side of the Chamber that if an agreement is not made at this time to postpone consideration of the vital questions involved in the treaty we shall witness a filibuster on the part of the controlling element in the Senate to prevent action on this question.

Mr. LODGE. Mr. President, if the Senator will allow me, he must not misstate what I said.

Mr. UNDERWOOD. I did not say that the Senator made that statement.

Mr. LODGE. The Senator has misstated it absolutely. I am ready to come to a vote.

Mr. UNDERWOOD. I said that was the only conclusion I could draw from what the Senator said.

Mr. LODGE. It is an entirely erroneous conclusion from anything that I said.

Mr. UNDERWOOD. If that is so, if I am mistaken in drawing that conclusion from what the Senator said, then I am sure that we will make progress by reading the treaty, because, if no extraneous matter is coming in here for the purpose of delay, of course we will proceed with the consideration of it, and, when the speeches of Senators on the Shantung question are disposed of, we will come to a vote probably before Wednesday. If there is no effort to delay, if it does not mean that we are going to have a filibuster for the purpose of delay——

Mr. LODGE. There will be no filibuster.

Mr. UNDERWOOD. Then the probabilities are that we will get a vote before Wednesday, and I think that a vote on this question before Wednesday is of great importance.

It is not my purpose, Mr. President, to interfere with the management of this treaty. I think the Senator from Nebraska has been an excellent leader for those of us who follow his side of the case, and it is not my disposition to interfere in any way with his leadership, but I do protest against the pendency of the treaty before the Senate an unnecessary length of time. I do not believe that the debate is going to affect any votes in the Senate. We have got to come to a final conclusion. If the treaty is going to be ratified, it ought to be ratified now, and, if it is going to be amended by the Senate, the sooner it goes back to Europe for further consideration the better it will be for this country. From my standpoint, I do not see that there is any justification whatever for further extended delay in the consideration of this matter. Therefore I think if we are going to enter into an agreement concerning its consideration we ought to have attached to that agreement an opportunity to vote. I am perfectly willing to enter into any agreement that will bring about a vote. I do not say that I intend to object to the proposal of the Senator from Massachusetts and the Senator from Nebraska, but I am not going to sit in my seat without protest and hear it intimated that the treaty can not be voted on because it is for the convenience of this Senator or that Senator when it is not for the convenience of the country to wait any longer on the deliberations on this floor.

Mr. LODGE. Very well, Mr. President, I withdraw my request, and the debate will continue on the Shantung amendment.

Mr. BORAH. Mr. President, if the Senator from Alabama desires to save time, the only way it can be saved now is by reading the treaty, because there is ample reason to believe that the debate will legitimately continue upon the Shantung matter. It is immaterial to me, except for the fact——

Mr. UNDERWOOD. If the Senator will allow me, of course if the debate continues legitimately that amount of debate will take place anyhow.

Mr. BORAH. Yes.

Mr. UNDERWOOD. But if it is to continue illegitimately, then it is a filibuster. So it is either a filibuster or we are going to occupy time anyhow.

Mr. BORAH. We have got to read the treaty for the next two or three days or we have got to read the treaty after the vote on the Shantung amendment; it has got to be read at some time, and the simple question now is whether we will temporarily pass over the Shantung amendment and read the treaty in the meantime or whether we will debate the Shantung matter and read the treaty afterwards. It is simply a transposition of the time of reading and of debating; that is all, so far as that is concerned, and, as I understand, that was the object of the proposed agreement.

Mr. LODGE. That was the object of my request.

Mr. BORAH. Simply to transpose the time of reading and the time of the debate.

Mr. UNDERWOOD. I hope the Senator understands that I did not rise to object, because I rarely ever object to what is being done in the Senate. I become very tired of the Senate's way of transacting business at times; I believe we should have a cloture rule and attend to business like other parliamentary bodies attend to it; but I tried that once and did not succeed and I have got to take my medicine, which I proceed every day to do.

Mr. BORAH. Every dog has his day; and the Senator may be successful later.

Mr. UNDERWOOD. But I am not here to object to any agreement that the leaders of the two sides of the Chamber desire to make; I am not going to register an objection; but I merely want to express my decided opposition to any further delay in the consideration of the treaty. I believe in being courteous to any Senator on the floor of the Chamber; but when a matter of such great importance as this is pending before the Senate, with the interests of our country and of the world at stake, I think Senators should make their personal engagements conform to the business of the country and not have the great business of the country delayed to conform to their convenience.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent?

Mr. FRANCE. I object.

Mr. LODGE. Mr. President, I wish simply to state what my purpose was. The Senator from Nebraska and I found there would be objection to the proposed unanimous-consent agreement. Personally I was very willing to agree to a time to vote, but we found it was impossible to get such an agreement. To my knowledge there are five Senators who are going to speak on the Shantung amendment. It seemed to me very desirable, inasmuch as we can not hope to get a vote on it before Wednesday or Thursday of next week, that if there came any gap where no Senator was ready to speak, the time should be occupied in reading the treaty, which would be distinctly advancing the case; for, of course, to get the reading of the long document out of the way—and it must be done—will be helpful. Therefore, I think, Mr. President, it is very well to leave the matter just where it is; let Senators who desire to speak on the Shantung amendment proceed, and if a point is reached where no Senator is ready to go on, then I shall ask that the reading of the treaty be continued.

The PRESIDING OFFICER. Objection is made to the request for unanimous consent.

Mr. NELSON. Mr. President, I gave notice yesterday that I would submit some remarks on the treaty of peace to-day; but, in view of the fact that the Senator from Maryland [Mr. FRANCE] will address the Senate and is likely to take all the afternoon, I will postpone my remarks until to-morrow at the earliest opportunity.

Mr. FRANCE addressed the Senate. After having spoken for nearly three hours,

Mr. CURTIS. Mr. President, the Senator from Maryland has been speaking for about three hours. May I inquire of him if he can finish to-night? If not, I will move an adjournment.

Mr. FRANCE. I could conclude in about an hour. If I do not do so now, I would feel compelled to finish to-morrow, and in that case I am afraid I might interfere with other Senators who have already announced their intention to speak to-morrow.

Mr. CURTIS. I do not think it would interfere with the other Senators who will speak to-morrow.

Mr. FRANCE. I shall be very glad to yield, then, with the understanding that I shall have the floor to-morrow to conclude.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Thursday, October 9, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 8, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou infinite source of all that we see, or know, or dream, or imagine; whose love reflects itself in the stars that gild the heavens by night, in the sun which illumines the earth by day, in every blade of grass, tree or flower, in a thousand fields of grain which rustle in the breeze, in the vast storehouses of untold treasure which Thou hast hidden beneath the earth, in the sweet face of the mother who looks with ineffable love down upon the babe that she cradles in her arms, in every thought that shapes itself into a noble deed, help us as intellectual, moral, and spiritual beings to look up and worship Thee, in spirit and in truth, that our life may be well pleasing in Thy sight. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7972. An act to improve the administration of the Postal Service in the Territory of Hawaii.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La; and

S. 2867. An act to authorize the President when Maj. Gen. Crowder retires to place him on the retired list of the Army as a lieutenant general.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 794. An act granting lands for school purposes in Government town sites on reclamation projects; and

S. 55. An act to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes.

SENATE BILLS REFERRED.

Under caluse 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2867. An act to authorize the President when Maj. Gen. Crowder retires to place him on the retired list of the Army as a lieutenant general; to the Committee on Military Affairs.

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 253. An act for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SMALL was granted leave of absence, for three days, on account of public business.

RESIGNATIONS.

The SPEAKER laid before the House the following resignations:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., October 7, 1919.

HON. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

DEAR SIR: I hereby tender my resignation as a member of the Committee on Expenditures in the Department of Justice, to take effect at once.

Respectfully, JAMES M. MEAD.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., October 8, 1919.

The honorable the SPEAKER,
House of Representatives.

MY DEAR MR. SPEAKER: Permit me to tender my resignation, effective at once, from the Committees on Public Buildings and War Claims.

Respectfully, yours, JOHN W. RAINEY.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C.

To the Hon. FREDERICK H. GILLETT.

SIR: I hereby tender my resignation from the Committee on Expenditures on Public Buildings, to take effect immediately.

I am, HERBERT C. PELL, Jr.

PRINTING A HOUSE DOCUMENT.

Mr. GOOD. Mr. Speaker, in the October number of Harper's Magazine is an article by the Hon. JOSEPH G. CANNON on a national budget. It is an article showing great study of this subject, and I ask unanimous consent that it may be printed as a House document.

The SPEAKER. The gentleman from Iowa asks unanimous consent that an article by Mr. CANNON on the budget be printed as a House document. Is there objection? [After a pause.] The Chair hears none.

ELECTION TO COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I send to the desk the following resolution and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Mr. KITCHIN moves that the following-named Members be, and they are hereby, elected members of the standing committees of the House, as follows:

Foreign Affairs: Mr. THOMAS F. SMITH of New York.
Agriculture: Mr. JOHN W. RAINEY, of Illinois.
Railways and Canals: Mr. JAMES M. MEAD, of New York.
Library: Mr. HERBERT C. PELL, Jr., of New York.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution unanimously adopted by the Thirtieth Division Association of the American Expeditionary Forces recently passed at its first reunion.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, upon what subject did they resolute?

Mr. KITCHIN. The bonus and other bills before Congress proposing aid to the soldiers. It will be enlightening to many of us who are tumbling over each other to do something to catch "the soldier vote."

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The resolution is as follows:

Whereas we are informed that certain bills have been introduced in the Congress of the United States and are now there being considered, which bills provide the payment of bonuses of one kind or another to members of the United States Army, Navy, and Marine Corps who served therein during the late World War; and

Whereas we believe that these bills have for their object the commercialization of the patriotism of the young men and women who served their country during the emergency both at home and overseas, and further seek to make out of the former members of the American Army, Navy, and Marine Corps a football for scheming politicians: Now, therefore, in order to make plain the views of the Thirtieth Division Association of the American Expeditionary Forces, now holding its first reunion, be it, and it is hereby

Resolved, That, in our opinion, the Congress of the United States, through the War Risk Insurance Bureau, makes reasonable provision for the beneficiaries of our fallen comrades, and it is our desire that this provision be continued.

Second. That we indorse and approve the policy of the Government of the United States to continue the war-risk insurance for those soldiers who have returned and been discharged the service.

Third. That we believe it to be the duty of the Government of the United States to make ample provision to care for and maintain in comfort those of our comrades who have been permanently disabled and are rendered helpless by reason of wounds or injuries received in the service.

Fourth. That we believe it to be the duty of the Government of the United States to render aid to and make reasonable provision for those of our comrades who have been partially disabled by wounds or injuries received in the service.

Fifth. That we believe the Government of the United States owes no duty to give bonuses or other financial aid to those of us who have returned to our homes unwounded and uninjured, except that it should give preference in civil and public employment to those of us who seek such employment and are fitted for the same.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the committees.

Mr. GREENE of Massachusetts (when the Committee on the Merchant Marine and Fisheries was called). Mr. Speaker, I call up the bill H. R. 9692.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9692) to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereof, and to promote safety at sea," approved March 4, 1915.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Speaker, the bill is an amendment which has been reported to the committee by a subcommittee which had it in charge——

The SPEAKER. The Chair thinks the bill ought to be read.

Mr. GREENE of Massachusetts. Very well; I have no objection.

The Clerk read as follows:

A bill (H. R. 9692) to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereof; and to promote safety at sea," approved March 4, 1915.

Be it enacted, etc., That section 13 of the act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, is hereby amended to read as follows:

"SEC. 13. (a) That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 4516 of the Revised Statutes, as amended by section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this amendment, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman.

"(b) The following persons shall be rated and certificated able seaman by any board of local inspectors upon passing an examination under rules to be prescribed by the Department of Commerce as to eyesight, hearing, and physical condition:

"(1) Citizens of the United States of 19 years of age or upward who have graduated from any of the training ships of the recruiting service of the United States Shipping Board, or from school ships approved by and conducted under rules prescribed by the Secretary of Commerce, or who have passed the final examinations given by such recruiting service, and have had nine months' service on deck at sea or on the Great Lakes on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, Coast Guard vessels, lighthouse vessels, Coast and Geodetic Survey vessels, and vessels of the Bureau of Fisheries.

"(2) Aliens and citizens of the United States not complying with the foregoing requirements of 19 years of age or upward, who have had at least three years' service on deck at sea or on the Great Lakes on the aforesaid classes of vessels, or, if the rating is for service on the Great Lakes or on the smaller lakes, bays, and sounds, who have had at least 18 months' service on deck or at sea or on the Great Lakes or on the smaller lakes, bays, and sounds on the aforesaid classes of vessels: *Provided*, That upon a further examination under rules prescribed by the Department of Commerce, as to knowledge of the duties of seamanship, any person of the classes named in this subsection found competent therein, and who has qualified as to eyesight, hearing, and physical condition, may be rated an able seaman after having served on deck 12 months at sea or on the Great Lakes; but aliens examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

"(c) Each board of local inspectors shall keep a complete record of all certificates of service issued by it and to whom issued, and shall keep on file the affidavits upon which such certificates were issued.

"(d) No clearance shall be given to any vessel failing to comply with the provisions of this section. The collector of customs may on his own motion cause a muster of the crew of any vessel to be made to determine whether this section is being complied with, and shall cause such muster to be made upon the sworn information of any reputable citizens of the United States, filed with him at least six hours before the vessel departs or is scheduled to depart, setting forth that this section is not being complied with. Any person who knowingly makes a false affidavit for such purpose is guilty of perjury, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"(e) Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than $100 and not more than $500.

"(f) The Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section."

Mr. ROWE. Mr. Speaker, a very large number of Members have asked opportunity to speak on this bill in general debate, and I would like to ask unanimous consent for three hours' general debate instead of two hours, as provided for by the rule.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate fixed by the rule of two hours be extended to three hours. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask what these speeches will be about?

Mr. ROWE. Entirely on this bill. The Committee on the Merchant Marine and Fisheries, both the Democratic side and the Republican side, decided that this was an important measure, and they would like properly to discuss it before the House.

Mr. CLARK of Missouri. Now, why does it take three hours to discuss a bill like that?

Mr. ROWE. Well, in the first place, it is an amendment to the seamen's act, on one of the most important sections of the seamen's act, and it will require a good deal of general discussion. There is really only one section to it, so that we can not get in under the five-minute rule very well.

The SPEAKER. There is no five-minute rule, the Chair will state.

Mr. CLARK of Missouri. If time is to be devoted to harangues of a miscellaneous nature, I am opposed to it. If it is going to be confined to the bill, as I do not know anything about the bill, I do not object to it.

Mr. ROWE. I shall ask that it be confined to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman whether he is going to have anybody here to hear the debate? There are probably about 45 or 50 Members, not over that, here now. If there is going to be an audience here to hear it, whereby some good may be accomplished, why, then, the time of the House will be well taken up.

Mr. BANKHEAD. I suggest to the gentleman from Texas that he can probably regulate that better than the gentleman from New York [Mr. ROWE].

Mr. BLANTON. I am not so facetious in that regard as probably the gentleman imagines.

Mr. GARRETT. Is it the gentleman's purpose to ask that we may consider the bill as under the five-minute rule for amendment?

Mr. ROWE. We can not do it——

Mr. GARD. You can by unanimous consent.

Mr. ROWE. I think it would be well to do it. I believe if we get the extra hour for the general discussion we can complete the bill to-day. I want to do so.

Mr. ALEXANDER. I want to suggest that there is only one section in the bill. It is not at all complicated. Amendments may be offered to that one section.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Speaker, I shall not occupy time on the bill. It has been thoroughly considered by the subcommittee that has had it in charge, and the gentleman from New York [Mr. ROWE] is the chairman of that subcommittee. I yield him 20 minutes of time.

Mr. ROWE. Mr. Speaker and gentlemen of the House, the seamen's act became a law on March 4, 1915, and there have been practically no amendments made to that act since it was passed.

During the last four years the world has witnessed a great upheaval, and in no department of business or government has the upheaval been so great as in the merchant marine of the world. In June, 1914, before the war broke out in Europe, the world had 49,000,000 gross tons of shipping. During the four years, or nearly five years, which have elapsed since that time, many merchant vessels have been destroyed, but because of the immense building program of the United States and Japan, and because of England's desperate effort to keep her merchant ships upon the seas, there has been no great change in the merchant tonnage of the world. The fact is that to-day it exceeds the tonnage of 1914, as according to Lloyd's, recently issued, the world had in June, 1919, 50,919,000 gross tons of merchant vessels. During this time there has been an immense increase in the merchant tonnage of the United States. When the war broke out in 1914 we had scarcely 2,000,000 gross tons of overseas shipping. We have now in excess of 8,000,000 gross tons of overseas shipping.

This has been accomplished, so far as the United States is concerned, by an immense building program, appropriated for by Congress and carried out by the Shipping Board. For instance, we increased considerably over 4,000,000 tons, to be accurate, 4,187,600 tons, in the year ending August 31, 1919.

The question came to your Merchant Marine Committee in the early part of this session, as it did last year, as to how the United States were to supply the seamen necessary to operate their vessels, now and in the future. At the time of the

passage of the seamen's act about 43 per cent of the seamen on American vessels were American citizens. Of this number 65,196 were American born and 29,965 were foreign born. In the four years which have elapsed since that act went into effect there has been a great change as to the number of American citizens who are native born that have gone to the seas. We have increased from 65,196 to 97,160 the number of seamen on American ships that are native born. We have decreased in the number of naturalized citizens from 29,900 to 24,600.

It is interesting also to note that in 1914, prior to the breaking out of the war in Europe, 47 per cent of the seamen on American ships were American citizens. The following year it had dropped to 43 per cent; in 1916 it was 43 per cent; in 1917 it had dropped to 42 per cent; in 1918, to 41 per cent. Now, it has again gone back to the place it was in 1914, namely, 47 per cent.

How did we accomplish that? How were we able to find the seamen to supply the ships of the American merchant marine which in so brief a period jumped from 2,000,000 gross tons to 8,000,000 gross tons in the overseas trade? The Shipping Board found after the war broke out in Europe that we were short of officers, and they created a school, headed by a Mr. Howard, of Boston, to find officers for the merchant marine. And he started about it in a very sensible way. Being accustomed to the sea and especially to the coastwise business of the merchant marine, and being a New Englander, he realized that the only men that had been sufficiently trained for this work and that were not already in the overseas trade, were on the fishing vessels along the Atlantic and Pacific coasts, and just a few who had gone into the other lines of business and had left the merchant marine, and were living on the land. He canvassed the entire Atlantic and Pacific coasts for men who had had sufficient time at sea and who could in a brief time qualify as officers on steam vessels. These were found almost entirely on sailboats. In that way they gathered a sufficient number to make the officers on the ships operated by the merchant marine. Then there came a very urgent call for seamen, and they found these on land, and they trained these by establishing training schools, the main school at Boston, with branches all along the Atlantic and Pacific coasts, for the training of men, chiefly on board training ships, and in two or three months after they had gone there and taken their first lessons they were put on board merchant vessels as common seamen. In this way the schools established by the Shipping Board have furnished 27,000 men for our merchant ships, about 9,000 of these for the deck, about 9,000 for the stewards' department, and about the same number for the engine room. These men have made good.

Mr. ALEXANDER. By the engine rooms, the gentleman means the firing rooms?

Mr. ROWE. The firing rooms; the firemen's department.

Under the seamen's act, section 13, practically all of the able-bodied seamen must reach the position and get their certificate after three years' service at sea. I say practically all, because in the seamen's act there was a provision for a shorter cut, namely, after service on shipboard for one year they could take an examination given under the direction of the Department of Commerce and become thereby able seamen, but the facts show that but very few have come in in that way, and practically all of those came from the two training ships, one at Boston and one at New York, and they were for the most part sailors who failed to pass the officers' examination and become third mates, and were given a certificate as able seamen and allowed to go to sea.

Mr. HICKS. Mr. Speaker, will the gentleman yield for a question?

Mr. ROWE. I do.

Mr. HICKS. There seems to be some misunderstanding or some error in the reports that I have in my possession in regard to the tonnage of American ships. In the gentleman's own testimony before the Committee on the Merchant Marine and Fisheries on the 3d day of September he mentioned that the total gross tonnage of the United States is 8,000,000 tons, and in Lloyd's Register, under date of June 30, that tonnage is given as over 10,700,000. Where is the discrepancy? They are both dealing in gross tons, as I understand, and yet here is a discrepancy of nearly 3,000,000 gross tons.

Mr. ROWE. I think the gentleman is mistaken as to my testimony. The United States tonnage is to-day something over 10,000,000 tons. There is 8,000,000 tons engaged in the overseas trade.

Mr. HICKS. Then the gentleman's figures do not include the coastwise trade?

Mr. ROWE. They do not include the coastwise trade or the trade on the Great Lakes.

Mr. HICKS. My figures of 10,700,000 tons do not include the Great Lakes trade, but do include the coastwise trade, I imagine, for that is deep-sea navigation.

Mr. ROWE. That is correct. The deep-sea tonnage is something between 10,000,000 and 11,000,000.

Mr. HICKS. I would like to ask the gentleman another question.

Mr. ROWE. I yield to the gentleman.

Mr. HICKS. Looking over this Lloyd's Register, as I gather it, there are only two nations which during the war have increased their seagoing tonnage at all, and they are Japan and the United States. Japan has increased her seagoing tonnage by about 617,000 tons, while America has increased its seagoing tonnage by 7,812,000 tons. Is that about correct, as the gentleman understands it?

Mr. ROWE. That is about correct.

Mr. HICKS. Will the gentleman allow me to put in as a part of my question to him some figures that I have prepared here?

Mr. ROWE. I have no objection.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. ROWE. Certainly; I yield to the gentleman from Texas.

Mr. BLANTON. The caption of the bill before us among other things, provides that one of its purposes is "to abolish arrest and imprisonment as a penalty for desertion, and to promote safety at sea"?

Mr. ROWE. No. The original seamen's act did that.

Mr. BLANTON. But the caption of this bill so states, and this bill has something to do with the original seamen's act?

Mr. ROWE. Yes; but this only amends section 13. It has nothing to do with imprisonment at sea.

Mr. BLANTON. That was merely a preamble to the question I was going to ask the gentleman. The purpose of having a merchant marine is, of course, to benefit our Government and to promote its business prospects, I take it?

Mr. ROWE. That is the object of it.

Mr. BLANTON. Now, may I ask the gentleman whether, should this Government at any time, in time of war or in peace time or during the time of reconstruction, see fit to send a cargo, whatever it might consist of, to a certain port, we would be interested and the gentleman's committee would be interested in seeing that that cargo was sent there expeditiously and safely? We would be, would we not?

Mr. ROWE. Certainly.

Mr. BLANTON. May I call the gentleman's attention to a circular letter which, I presume, by reason of its address has come to every Member of Congress this morning in the mail? It came to my office, and by its form of address I presume it came to every other office. It is dated "Seattle, Wash., October 2," and it is addressed "to the honorable Members of Congress of the United States, Senators and Representatives, Washington, D. C." Without reading this whole letter, I may say that it states that the longshoremen of Seattle, with the approval of the Central Labor Council of Seattle, deemed it advisable and upon their own counsel absolutely refused to handle certain supplies and armament and ammunition then held in Seattle for shipment to Russia, because they did not deem it advisable to send them to Russia. Now, may I ask the gentleman, if that state of affairs does exist in this Nation, and it should occur that this Government should see fit to send certain munitions and supplies to Russia for the protection of American interests there, whether we are at war with Russia or not, and I take it that the Government has the right to protect our rights in Russia, if we have rights there, and while I do not see the necessity of keeping soldiers there, yet if the Government says it is necessary I am not going to question the matter until I find out that the Government is wrong, and any men or combination of men attempt to thwart the action of the Government, may I ask the gentleman, should not your committee take certain steps, if steps are necessary, to see to it that when the Government deems it necessary to send munitions to Russia, no set of individuals, especially American citizens, can stop that shipment by their own act? Is not that a proper question for the gentleman's committee to take into consideration at this time?

Mr. ROWE. I think without question that the United States Congress should take up such matters.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. ROWE. Yes.

Mr. ALEXANDER. I think if the gentleman will examine the circular he will find that those arms are not being sent by the Government of the United States. I have read it.

Mr. CLEARY. Mr. Speaker, will the gentleman yield?

Mr. ROWE. Yes.

Mr. CLEARY. The subject matter that the gentleman is dealing with is the commerce of the United States?

Mr. ROWE. It is.

Mr. CLEARY. Therefore it is not connected with the matter that the gentleman from Texas refers to. The tonnage the gentleman from New York alludes to includes coastwise tonnage. Of course, seagoing tonnage is another thing. Of course, lots of barges are counted as American tonnage, but it is not seagoing tonnage. I wish to get that straight, that the gentleman is not talking about anything except the merchant marine and the commerce of the United States.

Mr. ROWE. That is correct.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ROWE. Mr. Speaker, may I ask for 10 minutes more?

Mr. GREENE of Massachusetts. I yield to the gentleman 10 minutes.

Mr. HADLEY. Mr. Speaker, will the gentleman yield?

Mr. ROWE. Yes.

Mr. HADLEY. Has the gentleman information as to the shortage of seamen to man our merchant vessels for its completed program?

Mr. ROWE. Yes.

Mr. HADLEY. Is it the intention of the gentleman to discuss that?

Mr. ROWE. There is a great difference of opinion as to that. The labor organizations said there were ample. The shippers and the Shipping Board said they had great difficulty in finding the necessary number of seamen, and I thought the House would use its good judgment to-day, and when they realized that the American oversea business had increased from 2,000,000 tons to 8,000,000 in four years, they would appreciate the fact that it required more seamen than we have; and when they go further than that fact and realize that the Shipping Board has a plan and has in course of construction enough more ships so that by the end of next year we will have in the neighborhood of 15,000,000 tons, the Members of this House ought to realize that we must have more seamen.

Mr. HULINGS. Mr. Speaker, will the gentleman yield?

Mr. ROWE. Yes; I yield to the gentleman from Pennsylvania.

Mr. HULINGS. Does the gentleman think that under the seamen's act, under our maritime laws, it is possible at all that we could enter into competition with the world in the merchant marine?

Mr. ROWE. I think it is possible. I think it is not only possible, but I believe we are going to do it.

Mr. HULINGS. But when you have to pay two or three times as much in this country for wages as Japan does——

Mr. ROWE. I do not care to go into the question of wages, but I will just answer the gentleman's question. England to-day is paying almost the same wages that we are. England was paying the same wages until the recent raise caused by a strike along the Atlantic coast, but now we are paying about $10 a month more to each seaman, or between $10 and $15 a month more than the English rates. The English rates are very largely followed by Norway, Italy, and France. The seamen of Japan are not yet receiving the same wages that are paid in the United States, but their wages have more than doubled, and will in a short time go higher.

Mr. HULINGS. At the same time, the cost of keeping the seamen aboard our ships, and the quarters furnished them, and all that, is twice as much as under the English rule.

Mr. ROWE. I can only say in answer to that that the merchantmen, the men who own the ships on the Atlantic and Pacific coast seaboard, say that they can compete with England.

Mr. KINKAID. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. KINKAID. Is it correct that the United States has been selling some tonnage? And if so, why?

Mr. ROWE. We have a large surplus of small ships ranging from 3,000 to 4,000 tons. We have also a large surplus of wooden vessels. The ones that have been sold so far to the foreign trade have been of the kind that we could not use in our merchant marine.

Mr. KINKAID. It is not in contemplation, then, that the United States will dispose of any ships that we can make serviceable in a complete, well-rounded-out merchant marine?

Mr. ROWE. No; it is not. There is a bill before our committee, we have had hearings upon it, and the plan of the Shipping Board is to sell only those that are surplus vessels to foreigners, and to sell to Americans all ships which can be used in our trade.

Mr. KINKAID. I have felt very much concern about this, because I feel that now is the time, if ever, for America to build up a merchant marine.

Mr. HICKS. Will the gentleman yield?

Mr. ROWE. I will.

Mr. HICKS. There have been many rumors circulated in regard to the Shipping Board having under contemplation the construction of two 50,000-ton ships. The Scientific American has gone so far as to put sketches of these vessels in its paper. I never have been able to substantiate the rumor. Can the gentleman enlighten me?

Mr. ROWE. The gentleman has the right word; it is pure rumor. The Shipping Board has done nothing about it. The people who have proposed it have done nothing about it, and Congress has appropriated no money for them.

Mr. SNELL. Will the gentleman yield?

Mr. ROWE. Certainly.

Mr. SNELL. There have been rumors circulated that the wooden ships which the Shipping Board has been selling are not fit for service.

Mr. ROWE. That is not entirely true; part of them are excellent ships. Of course, nearly all of them have been built under war conditions, and are good when you take that into consideration. Many of them have been sold at very good prices.

Mr. CLEARY. Will the gentleman yield?

Mr. ROWE. I will.

Mr. CLEARY. Is it not true that the Government is disposing of the smaller vessels because it is unprofitable for the Government to run that kind of a vessel?

Mr. ROWE. That is true.

Mr. CLEARY. And as far as certain ports of the country go, the vessels are properly built, but the Government has built some ships that it would not be profitable to use as seagoing vessels, but might be profitable as coastwise vessels, and so they are disposing of the vessels that would be unprofitable in whole or in part.

Mr. ROWE. That is so. We have more than we can use of the Lake type.

Mr. RAKER. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. RAKER. What specific amendment is there in the proposed bill that differs——

Mr. ROWE. If the gentleman will pardon me, in a few minutes I will explain the bill itself. On page 2 of the bill you will find the first 8 or 9 lines are exactly like the present law. In other words, we have made no change in the 75 per cent of the crew who must understand any order given by its officers. Your Committee on the Merchant Marine feel that that is essential to the operation of any merchant marine vessel that the orders given by the officers should at least be understood by 75 per cent of the sailors.

In 1915, after the seamen's act went into operation, vessels were required during the first year to have 40 per cent, the second year 45 per cent, the third year 50 per cent, the fourth year 55 per cent, and thereafter 65 per cent of the deck crew certified able seamen. The act has been so long in operation that at the present time if the act were enforced, which it can not be, or else we would have to take a great many ships off the sea, 55 per cent would have to be able seamen. With reference to that matter we have changed the percentage, and we have by this amendment turned back four years and begin again with 40 per cent.

The SPEAKER. The time of the gentleman has expired.

Mr. ROWE. I ask for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROWE. The committee felt that if 40 per cent able seamen was ample in 1915, it was good at this time. The Merchant Marine Committee felt that they ought not to go lower than that. Now, as a matter of fact during all this war we have been operating our ships contrary to these provisions, and we had to. Men were put on board ships in two months, some of them immediately as soon as they applied, and went to work in the operation of the vessels. But we found that splendid seamen, as good as any able seamen, could be made of some of them in six months, and very much of the testimony was to that effect. This bill, however, while originally calling for six months, has been changed by the committee to nine months. The present law requires a service of three years before a common seaman can be an able seaman. You can not get American boys to go into the merchant marine if they are to be held three years in service before they can be able seamen. The difference in wages is great, and they can not be held to do the same job over and over again at the same wage, especially if his time is largely spent in scrubbing the decks. Able seamen receive $85 and keep per month and ordinary seamen $65 per month.

The Committee on the Merchant Marine and Fisheries claim that this is an act to bring the American boy into the merchant

marine, and in subsection 1 you will see that this nine-months provision applies only to American boys, citizens of the United States. The very first words of subsection 1 show that:

(1) Citizens of the United States of 19 years of age or upward who have graduated from any of the training ships of the recruiting service of the United States Shipping Board, or from school ships approved by and conducted under rules prescribed by the Secretary of Commerce, or who have passed the final examinations given by such recruiting service, and have had nine months' service on deck at sea or on the Great Lakes on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, Coast Guard vessels, lighthouse vessels, Coast and Geodetic Survey vessels, and vessels of the Bureau of Fisheries.

That is the meat of this bill. We found that the boys can do the work. The man who had charge of the work in the Navy appeared before our committee. He said that they trained their officers in six months, that they put them in very important places in seven months, and that they made good, and the man who testified to it is the governor of the Sailors' Snug Harbor in New York. He acted for the Navy during the time, and he said he had not believed it was possible to take a man off the farm and in seven months make an officer of him, an ensign able to do his full part in the Navy of the United States, but that they did it, and he said better men were never sent to sea.

Mr. CLEARY. Does not the gentleman think that the reason for having such long service in the past was because it required a great deal more practice and a great deal more efficiency and a great deal more time to acquire it on a sailing ship, where a man had to climb masts and set sails and do things of that kind, than are now required on steamships? I think the long period of apprenticeship was instituted at the time when commerce was principally carried on the ocean by sailing vessels.

Mr. ROWE. The gentleman is very familiar with the American merchant marine, having spent his life in it, and he can answer better than I can, but undoubtedly the operation of a sailing vessel was very much more difficult than the operation of a steam vessel.

Mr. CLEARY. I simply wanted to draw out that fact.

The SPEAKER. The time of the gentleman has again expired.

Mr. ROWE. I will take two minutes more, if the gentleman will allow me.

Mr. GREENE of Massachusetts. I yield to the gentleman two minutes.

Mr. ROWE. Subsection 2 is the present existing law. It has been rewritten by our committee, but it still provides that anybody who does not care to take advantage of subsection 1 can come in under the three-year provision, or if a man wishes to try the examination given by the Secretary of Commerce he can, if he passes, come in under the one-year limit, if he has the physical qualifications and the necessary knowledge of seamanship. So we have not cut off the right, either of an American citizen or of a foreign-born man, to come under the three-year provision into our American merchant marine. [Applause.]

I yield back the remainder of my time.

The SPEAKER. The gentleman yields back one minute.

Mr. GREENE of Massachusetts. Does the gentleman from Missouri [Mr. ALEXANDER] desire to use any of his time?

Mr. ALEXANDER. I yield to the gentleman from Texas [Mr. HARDY] such time as he desires.

Mr. HARDY of Texas. I should like 10 minutes.

Mr. ALEXANDER. I yield to the gentleman 10 minutes.

Mr. HARDY of Texas. Mr. Speaker, this is a bill which I am not opposing, and in large measure I agree with it, and I am making this statement only in order to present my complete attitude in the matter.

I think it is absolutely essential that our Government should adopt as far as possible wise, sound, and efficient policies for the upbuilding and maintenance of our merchant marine. We have now the seamen's act, which was passed in 1915, which undertook to establish at least the basis of a policy for the upbuilding of our merchant marine. I noted the question asked by Gen. HULINGS a few moments ago of the gentleman then addressing the House [Mr. ROWE] as to whether or not it was possible for us to maintain a competitive merchant marine, under the seamen's bill and our laws, on account of the high wages which we had to pay to our seamen. I refer to the seamen's act with a great deal of pride, because it was attacked when it was passed as being so excessively restrictive and burdensome that it would destroy our merchant marine. The greatest feature of the attack on the bill was that it provided certain requirements as to language qualifications. It provided that 75 per cent of the members of the crews should be able to understand the language of the officers sufficiently to comprehend the orders of the officers. The shipowners denounced that provision, saying that under it they could not operate their ships at all because they could not employ non-English-speaking crews. One great manager of a line on the Pacific Ocean, the Pacific Mail Steamship Co., when he sold some of his large vessels, said he did it on account of the language test of the seamen's bill; that he could not compete with the Japanese on the Pacific Ocean if his crews had to be able to understand the language of the officers; that that would deprive him of the privilege of employing Chinese and Japanese labor as members of his crew. I knew, as a matter of fact, that that was a pretense, because that same man had testified before our committee that 90 per cent of his Chinese crews did understand the orders of the officers, and that, as a matter of fact, it would be a shame to our Nation to permit a policy to be continued under which our ships could be operated with crews more than 25 per cent of whom could not understand the language of the officers. The safety of life at sea demanded that at least 75 per cent of ships' crews should be able to understand orders. Then it was contended that we could not compete because of the excessive wages we paid. That is the point made here to-day by Gen. HULINGS, the gentleman from Pennsylvania. That may have been in a measure true before the enactment of the seamen's bill. But the seamen's bill equalized the wages of seamen on all ships sailing out of American ports. Briefly, I may explain how it did it.

The seamen's bill, for the first time in human history, gave to the seamen the same freedom that the laborer on land has. In that bill we said that, notwithstanding a seamen had signed articles of agreement in Liverpool or Naples binding him at a low wage for a round-trip voyage, under which he bound himself to return with the ship and under which by our treaties with foreign nations if he came to the coast of America and deserted his ship he could be arrested as a criminal and put back on board the ship, we would set him free. And we provided that in case of such desertion he could not be arrested. Under the old practice and policy of arresting deserting seamen when they quit their vessels in our ports and putting them back in charge of their officers on the vessel, it is true that seamen of other nations worked for less wages than the seamen of the United States, but under the operation of the seamen's act passed in 1915 the evidence is unanimous, without dissent, that the wages paid on American vessels are paid likewise on British vessels trading in American ports or on Swedish and Norwegian vessels for the simple reason that if a British vessel engages its crew in Liverpool at a less price than that at which that crew could be obtained in New York, when the crew gets to New York it quits the vessel, and unless the British master pays them the American wage, they will not return.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman yield for a question?

Mr. HARDY of Texas. Yes.

Mr. WHITE of Maine. I interrupt only because by silence I do not want to seem to consent to the accuracy of that statement, and if the gentleman will permit me, I have here a statement from the Shipping Board under date of August 25, which shows that the average monthly wage expense——

Mr. HARDY of Texas. I think I shall come to what the gentleman is about to say in a moment.

Mr. WHITE of Maine. Is very considerable more than that of British vessels.

Mr. HARDY of Texas. How much more?

Mr. WHITE of Maine. On a monthly wage expense on an American vessel of $5,400, the British wage scale is almost $1,600 less.

Mr. HARDY of Texas. The gentleman may be right about that particular vessel at that particular time, but witnesses also stated that was a recent raise by the American authorities and that the English always followed up the American raise. Prior to the last raise made in American wages, which was about August 1 this year, the wages were practically the same, and I have well-authenticated figures showing that for many months prior to that time wages on English and American vessels were the same. When we raise our scale the English vessel must follow after, as must also the Norwegian and the Swedish vessels.

Mr. HICKS. Has that always been the case, that the English merchant shipowner would follow in his wages the American shipowner.

Mr. HARDY of Texas. Not until after we passed the seaman's act.

Mr. HICKS. Was it so before we passed the seaman's act?

Mr. HARDY of Texas. That is what I am trying to get into the heads of Members who have not studied the question. Before we passed the seaman's act, when an English vessel came to the American coast, the seaman engaged at $10 a month or $20 a month less than the wages paid ours if he deserted, would be arrested and put back on board the English vessel, but the seaman's bill abolished arrest and imprisonment for desertion

on ships, with the consent of even the shipowners, who did not dare to oppose it, and after that act, which has been called the charter of liberty of the seamen, the wages of foreign vessels trading in the United States ports gradually approached and finally came up to the wages paid on American vessels, and for this reason: You can not work two freemen side by side with absolute freedom and equal attainments at different rates of wages. They will demand the same rate of wage.

Mr. HICKS. Mr. Speaker, I am familiar, of course, with that provision of the seamen's act to which the gentleman referred, but would the gentleman give me the figures as to how many men have been arrested or would have been arrested if the seamen's act had not been passed?

Mr. HARDY of Texas. I do not want to go extensively into that, because when we discussed another law which passed this House a short time ago I made a speech and went into it quite extensively; but, generally, the fact is simply this, that the wages of the seamen of other nations trading between our ports and their ports must gradually come up to the wages of the American seamen, and they have done it. When we raise our seamen's wages from time to time, under the influence of the rising cost of things, the wages of the seamen of other vessels than American are gradually raised, because if they are trading in the United States ports and they do not get the raise they quit their vessels and seek employment in our vessels.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman yield?

Mr. HARDY of Texas. The gentleman is taking up my time on matters that are not involved in the present bill. I was induced to go into this matter because Gen. HULINGS, under the old idea that we could not compete on account of higher wages in this country, asked whether there was any chance of our merchant vessels competing with the foreign trade.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ALEXANDER. Mr. Speaker, I yield 10 minutes more to the gentleman.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman permit me to interpolate a remark there? I think I am disposed to agree with the gentleman that there has been a tendency since the seamen's law was passed for wages to equalize.

Mr. HARDY of Texas. To approximate, at least.

Mr. WHITE of Maine. I simply meant to suggest that I do not think the European wage has as yet reached the American standard, and I do not believe, myself, it ever will, although there has been that tendency.

Mr. HARDY of Texas. Six months ago I had statistical information from Philadelphia, New York, and Boston, and at that time the wages paid on outgoing vessels of foreign nations, at least including the English and the Norwegian and one or two other nations, that had a great many ships, were the same, because they had been brought up to our wage standard by the privilege their seamen had of abandoning their vessels without arrest. The foreign ships had to pay the same wage to retain their crews. It is the unanimous testimony before our committee that the wages of seamen are determined not by the flag, but by the port in which they are hired. Consequently, if an English ship in New York has to have a seaman, it must pay New York wages, and when an English ship came into the port of New York after the passage of this act, with seamen engaged at lower wages than prevailed in New York, those seamen left the vessel and sought employment where they could get New York wages. Therefore, in order to hold their seamen the English vessels had to come to the American wage, and, therefore, under the operation of that law the wage cost of operating vessels is practically the same. Every other cost is exactly the same. The American vessel buys its material in whatever port it does at the market price, and everything, then, is equalized, wages and material for the operation of an American and English vessel. To make this plainer, if possible, let me read you from the testimony of Andrew Furuseth, president of the American Seaman's Union, before our committee on September 10, this year:

Mr. FURUSETH. But let me speak very soberly on the question, as soberly as I can. The war began in August, 1914. The seaman's act did not come into operation until November 4, 1915, in American ships. So that meant one year and about four months. Now, it did not get into operation in foreign vessels until the 1st of August, 1916. So that the war had been in operation for two years before the seaman's act came into operation on foreign vessels coming to the United States. There was not one cent's increase in the foreign seamen's wages during the war until the 1st of August.

The CHAIRMAN. What year?

Mr. FURUSETH. 1916, when our wages, the wages of the American seamen, were increased 50 per cent in the spring of 1916—in the month of March or April, I do not remember exactly the time. Now, then, the men on board foreign vessels could not quit those vessels without being arrested and put back again. The result was that the wages of those foreign seamen remained just where they were until the men were free to quit. The last crowd that was arrested for quitting a vessel was a crowd on an English vessel down at Norfolk or Newport News. I do not remember the name of it. We thought that the seamen's act was going into operation on the 1st of July, because that would give the full 15 months necessary, and the men thought they had a right to leave the vessel after July 1. Some of them left and they simply hired other men and paid the wages of the port. Then an English master arrested the men in Newport News or down in that part of the country, and took them before the court to have them put back on board the ship. The lawyer whom we hired then sent a communication to the department here, or had the court do it, I think, and a definite report came back that the law would be in full operation after August 1. They could not get the vessel to sea before August 1, so they had to pay the men off, and they paid them on August 7. You know, under ordinary circumstances, they would not have paid them off, but as it was then they had to pay them off and hire another crew at the American wages, and this particular crew was going to receive American wages. Since that time, in 1917, the wages increased to $60 a month, and they followed. You have that here in this publication—the matter that has been published by the department——

Mr. LEHLBACH. Wages paid to seamen, Committee on Commerce of the Senate?

Mr. FURUSETH. Yes; that is it. Now, that shows exactly how the wages have been following. Since that time, in 1918, the Shipping Board made the wages $75 and the foreign vessels followed it. And what is more——

Mr. ROWE. Don't you understand they have not yet followed it?

Mr. FURUSETH. On the very contrary, they pay $75 a month out of England now, and have been doing so for 18 months.

Mr. ROWE. You mean able-bodied?

Mr. FURUSETH. Yes; able-bodied.

Mr. ROWE. The others have not reached that yet?

Mr. FURUSETH. Yes; they have reached that.

Mr. ROWE. Yes; that is correct.

Mr. FURUSETH. They are doing it out of Norway; they are doing it out of Sweden; they are doing it out of Denmark * * *.

Mr. HARDY. As I understand, foreign vessels entering and leaving United States ports have had to take up every progress the American sailor has had?

Mr. FURUSETH. Absolutely. And what is more, they have to take up our progress as to the standards. When I was in Norway, they were discussing in Norway the taking up of our standard of efficiency. That had been recommended by the commission some years before. They were discussing taking up the standard of efficiency that had been made the law in America.

But there is one thing that has not been equalized, and that is the cost of the ship that flies the American flag. So long as we retain that handicap and try to use only American-built ships under the American flag, that long will our ships cost more, and we will be unable to compete.

Mr. HUSTED. Will the gentleman yield very briefly there?

Mr. HARDY of Texas. Let me get through, and then if I have time I will yield.

Mr. HUSTED. It is in connection with what the gentleman has been talking about and it is a very short question.

Mr. HARDY of Texas. Only a very short question.

Mr. HUSTED. I just wanted to ask the gentleman whether the wages of British ships that do not touch American ports, but with which American ships come in competition, are affected by the wages paid by British ships which do touch American ports?

Mr. HARDY of Texas. Frankly, we can not affect that except that men engaged in the same trade are likely, even in London, to require the same wages. That would affect the wages paid by England in other trades indirectly, but not directly.

Mr. HUSTED. As a matter of fact, are wages of seamen on British ships that do not touch American ports considerably lower than the wages of seamen on British ships that do touch at American ports?

Mr. HARDY of Texas. I do not know, but I know, for instance——

Mr. ALEXANDER. Will the gentleman yield?

Mr. HARDY of Texas. I will.

Mr. ALEXANDER. I asked Mr. Furuseth that question on page 74 of the hearings.

Mr. ALEXANDER. Right at that point: I can understand very well, and always have understood, how we could maintain a uniform standard of wages on vessels entering our ports from foreign ports, but our competition must be in the world's trade. Now the English, Scandinavian, and German vessels are competing with us in the foreign trade, and what is the standard of wages of Great Britain and the Scandinavian countries as compared with wages on our vessels in other trades where we are competing with them and will have to continue to compete with them?

Mr. FURUSETH. On English vessels out of England——

Mr. ALEXANDER. Say for South America.

Mr. FURUSETH. Going to South America, to Bolivia, or to East India, they pay exactly the same wages as when they are going to New York. The wage out of England is made the American wage rate. The wage out of Norway, Sweden, Denmark, is the American wage rate, wherever their vessels are going to-day.

That is the information that he gives.

Mr. HARDY of Texas. I thank the gentleman for that. I did not recall that that question had been asked, but you see how reasonable it is, for an Englishman in Liverpool employing sailors would hardly be able to employ them at one rate going to New York and another rate going to Valparaiso and gradu-

ally the effect would naturally be as stated by the witness, and all seamen going out of Liverpool would be paid the same wages. In addition to that our great purpose is not at the present time to engage in the commerce of the world which does not touch United States ports, but we want to be able to maintain our merchant marine in order to carry our cheap merchandise between ourselves and all foreign nations, and if we can make it so that the wages of the seamen on vessels plying between American ports and foreign ports are the same on the American ship as on the foreign ship, then we can compete in American commerce. Whether we shall be enabled to engage in commerce between Asia and Africa or Asia and Europe I do not know, but I do know prior to the time of the Great War between the States the American shipowners sailed upon the seas to all ports and even then America was paying better wages than the balance of the world, and I do know that the English, with a higher standard of wages than the Italians or the Frenchmen or any European nation, have sailed all the seas; and I do know, even if we had to pay a little bit more in wages than they, that our seamen are, and have always proven themselves, better seamen by virtue of the ingenuity and talent of the American people, and we can compete under the slight handicap of better wages. [Applause.]

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HARDY of Texas. No. I desire to finish this and then, if I have time, I will yield. Now, in regard to policy. We adopted the policy set forth in the seamen's bill in 1915, and under it the percentage of American citizens taking service on ships has greatly increased. Before that act only about 8 or 9 per cent of our seamen were American citizens; now over 40 per cent are citizens of the United States.

Now, we provided a scale of skill that should apply to a deck crew. In 1915 we provided that the first year after the passage of that act 40 per cent of the deck crew should be able seamen. The next year after that 45, and the next year 50, and the next year 55, and then 60, and after that 65 per cent. Why? Because for safety of life at sea it was deemed necessary that a good percentage of the crew on the deck of a vessel on the ocean ought to be skilled seamen. A great question was raised as to how long it took to make a skilled seaman—that is, an A. B. We thrashed that question out in 1915. We determined ordinarily that it took three years on board a vessel to make a man a skilled seaman on the high seas, and that on the Lakes 18 months would do it. But we knew there were exceptionally bright characters, so we put it in that law that a man having a certificate of graduation from certain schools might upon examination be given a certificate as A. B. after one year's service on deck at sea, and on the Great Lakes—that is, where he had been educated and had gone through a school—and we also provided still further that especially bright individuals, if they had been at sea for one year, qualified physically, and stood the examination provided by the Bureau of Navigation, that they might qualify even though they had not been at such school. That was the provision of the act of 1915, but we limited the number of members of a crew, certificated as A. B.'s under the last provision, on any vessel to 25 per cent of the whole number of A. B.'s required. This was done because we believed that no vessel ought to go to sea with more than 25 per cent of its required able seamen having only one year's actual experience at sea, and no previous special training for the service.

This act now before us is intended to help build up the American merchant marine. And how? When we passed the act of 1915, we had about 2,000,000 tons of shipping to which it applied. We had only that much shipping to be supplied with crews. Now we have about 8,000,000 tons, and we expect by the end of next year to have 14,000,000 tons, and consequently the demand for able seamen under the existing conditions has increased.

The SPEAKER. The time of the gentleman has again expired.

Mr. HARDY of Texas. Mr. Speaker, I would like to have five minutes more.

Mr. ALEXANDER. I yield five minutes more to the gentleman.

Mr. HARDY of Texas. The demand has increased, and to meet that demand there have been schools organized. I want to say to you that, under the testimony before our committee, it takes one member of the deck crew for every 500 tons of shipping, and with 14,000,000 tons of shipping it will require 28,000 members of deck crews to man our expected tonnage. Sixty per cent of that would be some 16,800, which is the number of able seamen that would be required to man the 14,000,000 tons under existing law. The fact is that in this country to-day there are men holding A. B. certificates amounting to far more than 16,000, to far more than 28,000. As I remember the testimony, we have to-day over 50,000 able seamen (certificated) in the United States, but it is difficult in this abnormal time for men owning vessels at a given place to secure the necessarily equipped A. B.'s, and certainly I am willing to go back and commence over and let the law that we pass to-day fix the standard that we fixed in 1915, and say that we will begin with requiring 40 per cent of the deck crews to be A. B.'s for the first year after its passage, and then increase the percentage as we did in that act.

Now, if it will need 28,000 for the deck crews, 40 per cent of whom need to be able seamen, that will be only about 11,000 able seamen. There are over 50,000 of them in the United States, and if we pass this law our administrative officers ought to strictly enforce it. It is difficult to give a strong or compelling reason for lessening the requirements of the present law in any manner.

This bill only reduces the service qualification as to American boys. Now, for the sake of encouraging the American boys to go to sea, I am not fighting—at least, with any great degree of emphasis—the reduction of the qualification as it is made in this bill, as applied only to American citizens. The qualifications in the old law of 1915 as to foreigners still stands; but if our American boys want to go to sea and spend nine months, after graduating from one of these schools, on board a vessel, and then stand the examination, I am willing to make the experiment, although the testimony before us was that no man should really be an able seaman until he had had more than nine months' experience. Oh, I know he can scrub decks and do a great many other things on a vessel in normal times, but when the emergency comes, and he has to climb and twist around and know what to do, it is a different proposition. And a witness before us said that no period of years made the able seaman; it was the condition of the sea which he navigated; that when you came to an emergency the seamen longest on the sea was best qualified; and every seaman that came before us told us that a seaman, in order to be an able seaman, ought to have three years' service on deck. We have cut it down because there is no longer the same rigging to climb that there used to be, when every man had to be an able seaman. We do not have to have every man always an able seaman, but we do have to have them in emergency. And I am willing to make the experiment and say that we will try the American lad and give him, at 19 years of age, nine months of experience. Let him stand an examination after going through school, and if the Bureau of Navigation says he is competent and qualified physically and mentally, give him a trial.

I do not agree with the statement that these raw recruits that went to our merchant marine did fill the bill. They could not do it. We want to beware lest we go too far; and if this bill is tried and found wanting in that respect, we can put back the full requirements of the law of 1915. So I am not going to make any great kick on this bill. It does not change existing law greatly.

I have this further to say: A provision is put in here for nine months' experience on deck at sea as a qualification for an A. B. in order to encourage the young American. I somewhat doubt whether that is encouragement for a young American to go to sea. If it is, it is a discouragement for one, having been there a long time, to stay at sea.

The SPEAKER. The time of the gentleman has again expired.

Mr. HARDY of Texas. I would like just two minutes more.

Mr. ALEXANDER. I yield to the gentleman.

Mr. HARDY of Texas. The certificate of an A. B. is an asset. If you make it too cheap, it will not be prized. You start an American on a sea life, you give him three years' experience, and when he finds some whipper-snapper, that has not been at sea more than nine months, standing as high as he does, will it not discourage him? I believe there is grave question in this bill, but in order to forward the American merchant marine I yield my judgment to that of the rest of the committee and say we will go along; we will try it. I am for the upbuilding of an American merchant marine, so that henceforth the American flag will wave on every sea, and I am willing to try anything to make our merchant marine a great success. [Applause.]

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Speaker, it is rather hard for a layman to follow after the eloquent remarks of the gentleman from Texas [Mr. HARDY]. So I am going to say in a very few words what I think about this bill, and then I would like to turn your attention to the question of ships.

There is no doubt that it is necessary for us to pass some legislation of this kind at this time. A great many young men

have had experience at sea. They do not care to stay at sea if they can not retain the present positions they occupy. We are bringing forward this afternoon a Senate bill which requires the Shipping Board to carry out the navigation laws as required on private vessels. If that is done, undoubtedly some of these young men will not be able to hold their present positions. So I believe, and I think most Members will agree with me; that this is a piece of proper legislation. It is useless for us to try to prepare young men to go to sea unless we prepare ships for them to go in. At the present time very few ships are being sold by the Shipping Board or have been sold. If these ships do not get into private hands, naturally the Government will run them. With the tremendous amount of shipbuilding that is going on to-day the Government will gradually find itself out of the business.

The private ships will take business because of their better operation and better management. When this happens, of course, the Government ships will probably stay in our harbors without any use being had of them.

There have been a number of questions asked by Members as to the authority which the Shipping Board had for selling ships. I wish to call attention to the emergency shipping act of June 15, 1917. In section 4 of that act it is provided that—

All ships constructed, purchased, or requisitioned under authority herein or heretofore or hereafter acquired by the United States shall be managed, operated, and disposed of as the President may direct.

At the present time the Shipping Board is acting under that provision, and it can, if it so desires, sell ships in any part of the world. The original shipping act also has a sale clause, as follows:

SEC. 7. That the board, upon the terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel so purchased, constructed, or transferred.

Section 8 also says:

That when any vessel purchased or constructed by or transferred to the board as herein provided, and owned by the United States, becomes, in the opinion of the board, unfit for the purposes of this act, it shall be appraised and sold at public or private competitive sale, after due advertisement, free from the conditions and restrictions of this act.

That means that when they find a ship that is not useful to them they can sell it to foreign account; otherwise they must sell it to American account.

Mr. Hurley, recognizing the general sentiment of the country and, I think, the sentiment in this body that ships should be sold to American account, started—and I have no doubt that thought originated in his mind when the Committee on Appropriations recommended that he should sell ships to raise money to finish the balance of the ships—Mr. Hurley started to sell the ships. The board was then fairly well established, having offices in a number of different ports. When he left the board on July 31 he wrote me a letter, and said:

UNITED STATES SHIPPING BOARD,
Washington, July 31, 1919.

Hon. GEORGE W. EDMONDS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I feel I would be remiss if I failed to call to the attention of your committee the subject of an additional depreciation to be allowed on ships.

The history of ships' values shows radical and sudden fluctuations. At the present moment, and probably in the immediate future, ships can earn a profit on the basis of the Government cost. In view of past experience, however, the prospective purchaser of ships at Government cost hesitates primarily, because under the presently allowed depreciation for taxation purposes he can not reconcile a present investment at Government cost with a not distant competitive market value of ships.

The rate of depreciation now allowed has grown out of prewar practice, and in the opinion of prospective purchasers of ships, is very much less than should be allowed. These purchasers feel that at present cost the investment must be written down in the next three years to a value which will be comparable with the probable cost of ships deliverable during the last of the three years. For instance, a ship sold to-day at $210 a dead-weight ton should stand on the purchaser's books at the end of three years at not more than $127.50 a dead-weight ton, which, considering its age, would place it on competitive parity with a new ship coming out at $150 a dead-weight ton. All present indications point toward such a value. In fact, contracts can now be made for delayed deliveries at approximately this price for the same type of ship that to-day represents a Government cost of $210 a dead-weight ton.

It is rather difficult to establish just how much greater a depreciation should be allowed. I submit for your consideration a suggestion of a special annual depreciation of 10 per cent for a period of three years, over the normal 5 per cent. Such special depreciation, carrying a tax exemption for three years, might well be allowed on condition that at the expiration of the three years, or prior thereto, the fund thus created is applied to the construction of a new ship in an American shipyard. It might well be provided, moreover, that this fund should be set aside as a special depreciation fund, and deposited in a bank as such. If at the expiration of the three-year period the purchaser has not applied such untaxed special depreciation fund to the construction of a ship in an American shipyard, either as a whole or part owner, he should, of course, be required to pay to the Government the full tax which he would have been called upon to pay had this special depreciation not been allowed. It is possible that it might be wise to continue the special depreciation allowance beyond the three-year period, but in that event it might also be wise to have it less than 10 per cent for the additional years.

There is no difference of opinion as to the desirability of building up the American merchant marine, and also encouraging construction of ships in American shipyards. I feel very strongly that this suggestion of a nontaxable depreciation allowance on ships purchased from the Government is fair to both the purchaser and the Government. It would help the Government to dispose of its ships at a fair value, say, approximately at cost; would put the purchaser of a Government ship in a position where he would feel reasonably sure that such investment would not be excessively great when compared with ships constructed and delivered two or three years from this date; and at the same time, unless the money is applied to the construction of new ships, the Government will not be the loser, as the purchaser is then compelled to pay to the Government all taxes which would have been payable under normal practice, just as though the special depreciation fund had not been allowed. Such a program, it seems to me, would add a great incentive both to the construction of new ships and the participation of American shipping men in the development of the merchant marine.

Sincerely, yours,

EDWARD N. HURLEY, *Chairman.*

That letter was written by Mr. Hurley on July 31. Immediately following his resignation, or a short time after his resignation, Mr. John Barton Payne was appointed head of the Shipping Board. In the Philadelphia Press of September 23 Mr. Payne made the first public announcement that I know of. He said, first, that he favored private ownership; and, second, this statement is made:

FAVORS PRIVATE OWNERSHIP.

Persons close to Mr. Payne say he does not contemplate any radical change in the policies of the board, although his method of carrying those policies out will differ from Mr. Hurley's. He is reputed to believe that the Government should not engage in any form of private business, and, therefore, he will attempt to bring to an end both the business of shipbuilding and of ship operation on the part of the Government. So long as these two activities must be engaged in by the Government, Mr. Payne wishes to exercise those functions with the smallest expenditure possible.

While it may be possible to bring the business of shipbuilding to an end rapidly, and thereby enable the disbanding of the Emergency Fleet Corporation, the business of ship operation must continue until all the Government ships are sold to private interests or permanently disposed of.

Under the Payne plan of rigid economy this last promises to be a long drawn out affair. Mr. Payne is reputed to be opposed to writing off $1,000,000,000 of the cost of building our vast merchant marine. He would prefer to return to the Treasury of the United States every cent that Congress has appropriated for shipbuilding.

I presume we all agree with him if that is possible. I read further:

MUST SACRIFICE WOOD SHIPS.

Even under this scheme, Mr. Payne is ready to acknowledge that it will be impossible to obtain for the wooden ships the full cost to the Government. They must be sacrificed at a loss. But he hopes to avoid such a loss on the steel ships. Mr. Payne is said to be holding out for a quotation on the standard steel ships of $210 a ton for spot deliveries. That is a higher price than has heretofore been asked for the vessels.

Many commitments of sales were made before Mr. Payne took charge and most of these were made through the New York sales office established under the Hurley administration. Mr. Payne is said to be planning to discontinue the New York sales office entirely.

Under the suggested Payne plan, it is said, with the full cost quoted on ships offered for sale, the purchaser would be required to make a cash payment of 25 per cent, and payments of 20 per cent each year until the whole had been paid. Interest would be charged on the deferred payments. Such a marking up of the value of these ships would check the ship sales, and the Government would be compelled to continue its possession and operation. So long as the Government is compelled to continue operating such ships as it owns, Chairman Payne believes that the Government should enjoy the full return from such operation.

Again we agree with him.

Now, that was Mr. Payne's statement, made on September 23. Now the situation, gentlemen, as I see it, is this: The Shipping Board can not sell ships at the present price.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield for a question right there?

Mr. EDMONDS. Certainly.

Mr. HARDY of Texas. I just want to enforce the gentleman's suggestion. This bill has nothing to do with the policy of the sale of our ships?

Mr. EDMONDS. No. I realize that.

Mr. HARDY of Texas. I think it is altogether appropriate for the gentleman to make that statement.

Mr. EDMONDS. I made that statement, that we could not man the ships unless we had the ships operating.

Mr. HARDY of Texas. This is somewhat outside of the bill. Does the gentleman think that for the interest of this country, that as to the ships that we have to sell, many of which are said to be defective, if we put them on the market would it not be wise to let them bring the highest price they would bring on the open markets of the world?

Mr. EDMONDS. Undoubtedly.

Mr. HARDY of Texas. No matter whether the purchaser was an American or a foreigner?

Mr. EDMONDS. I just want to go a little bit further in this sale of ships, because I think the House should know the condition of affairs, and I think it is of the utmost importance at the present time that some understanding should be had as to what

should be done with these ships if we expect to operate them. Certainly they will not be operated by the Government at the present cost of operation when freights return to normal.

Mr. HULINGS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. EDMONDS. Yes.

Mr. HULINGS. I would like, if the gentleman cares to express an opinion to the House, to know whether he thinks it possible under the present navigation and seamen acts of this country and the cost of building ships in this country, to run an American merchant marine in competition with the world—the Japs, for instance, or the English?

Mr. EDMONDS. It is possible, providing that we are prepared to give certain aid.

Mr. HULINGS. Now you are talking.

Mr. EDMONDS. No; I am not speaking of a subsidy. What that aid will be will be a question to be decided when shipping is back to its normal operation cost and you know what is necessary.

Mr. HULINGS. Yes; but I have an idea that if a man got a ship for nothing, if it were made a gift to him, he could not run it in competition with the world.

Mr. EDMONDS. That is not so.

Mr. LAZARO. Mr. Speaker, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. LAZARO. The gentleman will remember that a good while back Mr. Hurley issued a statement in which he contended that Americans, from the lessons they had learned from the steel people, could construct ships and, on account of improved terminal facilities and their ability to make more trips, could compete with foreign countries.

Mr. EDMONDS. I remember that statement of Mr. Hurley's. I remember a good many statements of Mr. Hurley's. I hope some of them will come true. On October 30 Mr. Dean, the general counsel of the Shipping Board, wrote me a letter giving me a detailed list of ship sales of the wood and steel cargo ships, stating that the Shipping Board had sold 16 wooden ships of 68,729 tons and 5 smaller ships of 17,500 tons. They had in contemplation the sale of 20 ships of 80,000 tons, which sale I do not believe has yet been completed. Of course, all the wooden ships were sold at a loss; some of them at a great loss. There were also two ships of 7,000 tons being sold to the Continental Transportation & Oil Co., which sale was completed. Those were composite ships.

Of the newly constructed steel cargo ships we had sold three—the *Wisconsin Bridge*, the *West Catanace*, and the *Redondo*. This was on August 30 of this year. The price of the *Wisconsin Bridge* was $210 a ton; of the *West Catanace*, $225 a ton; and of the *Redondo*, $210 a ton.

There was in contemplation the sale of 12 medium-sized ships, which sale had not yet been completed, and there were 2 other ships on which a man had made a proposition to trade some ships for them. The lowest price on those ships was $200 a ton, and on August 30 but 3 steel ships had really been sold and delivered. They sold a steel schooner which I do not believe has been delivered yet. They sold 2 steel tugs which have been delivered, one of which cost $76,899.47 and was sold for $48,000. The other one cost $61,750.69 and was sold for $55,000.

There were also sold seven ships that we requisitioned on the Great Lakes, and there were three of which the sale at a later date was contemplated. One of these ships sold on the Great Lakes, the *Blue Hill*, was built in 1893 by the Cleveland Shipbuilding Co., and cost the Government $1,250,810.27. She was sold to the Massey Steamship Co., of Cleveland, for $150,000.

The *Frontenac*, built in 1889, cost the Shipping Board $876,178.75. She was sold to the Davie Shipbuilding & Repairing Co. for $85,000.

The *Manola*, which cost the Shipping Board $1,186,941.39, was sold to the Davie Shipbuilding & Repairing Co. for $77,500. These ships were all old ships.

Then they bought from the George Hall Coal & Coke Corporation, of Ogdensburg, N. Y., three fairly good ships, the *Adrian Iselin*, which cost $541,066.74, the *Lucius W. Robinson*, which cost $501,881.99, and the *A. D. Mactier*, which cost $509,493.01. These are all Shipping Board figures. I am not using my own figures. These three vessels were sold back to the George Hall Coal & Transportation Co. for $200,000 apiece. The Shipping Board took those boats, enlarged them about 10 per cent, had hardly any use for them—I doubt if they ever left the Great Lakes—and sold them back at a loss on the three ships of about $900,000.

Mr. ALEXANDER. Will the gentleman yield?

Mr. EDMONDS. Yes; I yield to the gentleman from Missouri.

Mr. ALEXANDER. I suppose the gentleman would have the House and the country understand that these ships were bought, and some of them remodeled and taken from the Great Lakes to the high seas with a view to foreign service during the war, and when the war was over, of course, they were not of any value to that service.

Mr. EDMONDS. The *Adrian Iselin* was taken over by the United States Shipping Board on June 20, 1918, and returned to the George Hall Coal & Transportation Co. on June 2, 1919. During that time she was enlarged. The probabilities are that she never left the Lakes. The same is true of the other steamers bought at about the same date. That is a part of the history of these steamers on the Great Lakes. So you see that there have really been only three steel ships sold by the Shipping Board on August 30.

Now, I want to call your attention to the markets of the world. I am not going into the investigation end of it at all. I have the data on all these ships.

This morning I got a letter from Sudden & Christenson (Inc.), of New York, which I will read:

SUDDEN & CHRISTENSON (INC.),
New York, N. Y., October 7, 1919.

Hon. GEORGE W. EDMONDS, M. C.,
Washington, D. C.

DEAR SIR: Knowing that you are interested in the price of ship tonnage, we are inclosing one of Frank Waterhouse & Co.'s circulars, offering a British steamer which figures at the current rate of exchange about $141 per ton.

We have heard on the street that new construction can be purchased from Germany at $120 per dead-weight ton, and that this can be had by securing permission through an allied commission or through British owners, who are to be compensated for their losses by German new construction.

We are also inclosing Nauticus, of October 4, and call your attention to page 31, which we have marked, showing recent sales of new British tonnage which figures at current rate of exchange about $125 per ton.

Very truly, yours,

K. D. DAWSON, *Manager.*

The circular letter of Frank Waterhouse & Co. which they sent me reads as follows:

FRANK WATERHOUSE & CO., AND
UNIVERSAL SHIPPING & TRADING CO.,
New York, N. Y., October 6, 1919.

GENTLEMEN:

New contract.

One 4,300-ton dead-weight steamer, with long bridge and very fine specifications, building at first-class British yard: delivery, August, 1920. Owners willing to dispose of same for £145,000 net.

If you are interested in the above steamer, please make best firm offer for cabling.

Yours, very truly,

H. H. HAMNER.

The Government of Australia has been buying ships, something like we have, for her merchants during the war. The first Australian number of the New York Evening Post makes this statement:

When it is remembered that there were years Australia had no shipbuilding ambitions at all, the true significance of these facts will be appreciated.

Let us see what they are doing in Australia. They are building there six 12,500-ton dead-weight steel ships, most of this steel brought from England. The price of those ships is £27 per ton. Allowing exchange around $4.25, that is about $115.

They are building 14 6,000-ton dead-weight ships in Australia, and the price of those ships is £26 per ton, or about $110 per ton at present rates of exchange.

They are also building six 12,800-ton dead-weight refrigerator ships, at £35 per ton, or about $150 per ton.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. HARDY of Texas. Is not Australia one of the high-wages countries of the world?

Mr. EDMONDS. It is.

Mr. HARDY of Texas. About like Canada and the United States?

Mr. EDMONDS. Yes.

Mr. HARDY of Texas. If they can build ships and get out at the higher prices, why can not we do it?

Mr. EDMONDS. I have no doubt you can contract for a ship here for $150 or $160 a ton.

Mr. HARDY of Texas. In other words, we can compete with the world in building ships.

Mr. EDMONDS. I have said so before. Now, here is an advertisement of the Moore Shipbuilding Co.:

The contracts upon which we have been working for the Emergency Fleet Corporation are being rapidly completed.

We are, therefore, able to contract for the construction and early delivery of our standard 9,400 and 7,100 tons deadweight cargo steamers and 10,000 tons deadweight tank steamers.

During September we will contract to deliver one steamer in April, 1920, one in May, and two each month thereafter.

These men are prepared to do business without any question.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. HARDY of Texas. If they do undertake to enter into competition and do build ships and sell them as cheaply as other ships, will we not have a condition in which we can compete with the commerce of the world?

Mr. EDMONDS. I think that will go a long way toward it. Now, I am only talking to-day in order to get the Shipping Board into a frame of mind that it will let the ships go to our merchants, so that they can bring the price down to what they will have to be three years from to-day.

Mr. HARDY of Texas. And still the gentleman is not opposed to the Government receiving the market price for the ships.

Mr. EDMONDS. I want the Government to get every cent it possibly can, but I do not think the Government should retain the ships, holding them up for impossible prices, because no man can work that price out to-day.

Mr. HARDY of Texas. I do not think so either, but if they have ships for sale in the markets of the world and they get an offer of $150, they ought not to sell them for less than that.

Mr. EDMONDS. But let me read you how the merchants work it out:

Ship operators will be able to make a profit of $60 a ton of shipping per year up until 1921. But a 10 000-ton ship costing $210 a ton when purchased from the Government will represent a capital investment of $2,100,000.

During the first year the owner will be able to earn $600,000 net, of which amount the Government takes $360,000 in excess profits' taxes, leaving to the owner or purchaser a profit of but $240,000. To earn this much the owner has been compelled to pay down to the Shipping Board in cash 25 per cent of the sale value of the ship, or $525,000, leaving a balance of $1,575,000 plus interest unpaid.

During the second year under the proposed plan the owner would have to pay to the Shipping Board $315,000, plus $78,750 in interest on the purchase price of the ship, or a total of $393,750. Deducting from this second payment the net earnings from the ship during the first year, the purchaser will be compelled to put up $153,750 additional capital on his property.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. HARDY of Texas. These figures are perfectly logical, but it seems to me that the purchaser will make his own figures on what he can earn and what the ship is worth to-day. The proposition, it seems to me, is for the Shipping Board to offer the ships for sale at the highest offer and receive the fullest market price, and let the purchaser work out his own salvation.

Mr. EDMONDS. I think that is absolutely true.

The SPEAKER. The time of the gentleman has expired.

Mr. EDMONDS. I ask for five minutes more.

Mr. GREENE of Massachusetts. I yield five minutes more to the gentleman.

Mr. EDMONDS. I am trying to call attention to the fact that unless the Shipping Board changes its policy, they will have these ships on their hands for years.

Now, I have a suggestion to make of the way I think this should be worked out. I am preparing a bill along these lines:

First. Cancellation of all emergency legislation.

Second. Transfer of all emergency property to Shipping Board.

Third. Instructions to Shipping Board as to disposal of ships and authorization to accept part payments.

Fourth. Instructions to Shipping Board to discontinue building ships and to cancel all contracts for shipbuilding where it is for the best interest of the Government to do so.

Fifth. Instructions to Shipping Board to return requisitioned property of all kinds in which the Government has no financial interest as rapidly as consistent.

Sixth. Instructions to Shipping Board to as rapidly as consistent with good judgment withdraw Government funds from all investment and return the money to the Treasury of the United States.

Seventh. To discontinue making any new investment of Government funds.

My idea is that the board should as rapidly as possible place itself in position to operate only under the authority given to them by the original shipping act. [Applause.]

Mr. GREENE of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, let me thank Judge ALEXANDER for allowing me to proceed now in order that I may attend a hearing. In the short time yielded me I want to speak in reference to a man who has just become connected with the Shipping Board. It is with a considerable amount of pride that I refer to this man who for years has been a personal friend of mine. I refer to Capt. I. N. Hibbard, now general supervisor of sea training and recruiting service of the Shipping Board.

Capt. Hibbard began his seafaring career as a boy before the mast and ended it as a captain of a full-rigged ship. At 21 years of age he became captain and for many years thereafter navigated his full-rigged ship from Liverpool to New York and from New York around the Horn to San Francisco. After he left the sea he became engaged in shipping to the Yukon and was then made superintendent of the Pacific Coast Steamship Co.

I feel that the Shipping Board is extremely fortunate in having obtained Capt. Hibbard in its service, and I predict that as long as he is with that board, owing to his experience, his fidelity, and integrity, the service will prosper and be a very efficient branch of the Shipping Board.

Let me submit a few figures on the shipping situation, which I feel may be of interest.

World's shipping.

[From Lloyds' Register. (Gross tons.) All classes of ships.]

	June 30, 1914.	June 30, 1919.
British	21,045,000	18,607,000
German	5,459,000	3,503,000
Norwegian	2,504,000	1,857,000
French	2,319,000	2,233,000
Japanese	1,708,000	2,325,000
Italian	1,668,000	1,307,000
Dutch	1,496,000	1,591,000
Swedish	1,118,000	992,000
Russian	1,053,000	541,000
Austro-Hungarian	1,055,000	714,000
American (sea)	2,970,000	10,782,000
Total tonnage of above and of other countries		50,919,000

Losses from submarines.

	Dead-weight tons.
Neutral and allied shipping	21,400,000
Out of total previous to war of	59,465,000
Constructed during war (neutral and Allies)	14,247,000
Enemy tonnage acquired	8,795,000
United States completed in 1918	3,103,000
Incomplete tonnage in 1918	2,540,000
Total United States constructed and under construction	5,643,000

This was 50 per cent more than Great Britain built and 25 per cent more than was constructed by all the rest of the world.

In 1815 the United States had about half the tonnage of Great Britain.

In 1850 we had 3,500,000 tons, Great Britain had 4,232,000.

In 1861 we had 5,482,000 tons, Great Britain had 5,895,000.

In 1914 we had 2,970,000 tons, Great Britain had 43,054,000.

Mr. GREENE of Massachusetts. Mr. Speaker, will the Chair please tell me how the time stands?

The SPEAKER pro tempore. The gentleman from Massachusetts has 20 minutes and the gentleman from Missouri [Mr. ALEXANDER] 33 minutes.

Mr. ALEXANDER. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the committee, it would be an act of supererogation at this stage to undertake an explanation of the immediate measure that is pending before the committee. The purposes of the bill have been rather fully explained by the gentleman from New York [Mr. ROWE] and the gentleman from Missouri [Mr. ALEXANDER] and others. As a matter of fact, I find myself somewhat in the attitude expressed by the gentleman from Texas [Mr. HARDY] on this particular bill. In view of the testimony disclosed before the committee in the hearings, I do not believe that the bill is of very great importance in the result that would be accomplished under its operation. The net effect of the bill, as far as it changes existing law, as now provided in section 13 of the seamen's act, is to reduce the period of training for American citizens from 12 months to 9 months, provided they have taken a course of training in one of these training schools and stand the other examinations provided by the authorities.

Now, that is the sum total of the effect of this bill, as I understand it. The object to be accomplished, as expressed by the sponsors for the measure, is to encourage the enlistment of Americans in the sea service of the Nation, from the standpoint of necessity, gentlemen of the committee. The facts disclosed at the hearings showed that we have already certificated in the United States 54,000 able seamen. The figures show that when our merchant marine reaches the peak of its tonnage it will only require about 14,000 able seamen to fill all the positions before the mast, even when we have an operating tonnage of 14,000,000 tons.

Mr. CLEARY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. BANKHEAD. Yes.

Mr. CLEARY. Of course, you have to take into consideration the fact that these young men are able to do plenty of other

things as well as go on a ship, and when wages advance all around in other industries, as they are advancing, it will tempt these young men to leave these places, so that it would be better to have as many men available as possible, especially when, as the gentleman from New York [Mr. ROWE] explained, the shipping has expanded from 2,000,000 tons to 8,000,000 tons. You should do everything you can to make it easy to keep them.

Mr. BANKHEAD. That is the only reason why I am acquiescing in the passage of this bill; for, taking as admitted what the gentleman from New York says, it will leave a margin of the difference between 14,000 and 54,000 certificated able-bodied seamen in the United States to go out to these various other positions which he says they might be tempted to follow.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield right there?

Mr. BANKHEAD. Yes.

Mr. HARDY of Texas. We have training schools turning out more seamen, and in the course of the next year there will be a larger number of able seamen than 54,000, and it will take more than the next year before we get the 14,000,000 tons of ships.

Mr. BANKHEAD. That may be. I make these observations for the purpose of showing that there is no real emergency for the passage of this bill. It is predicated, as has been suggested, simply upon the theory that it would offer inducements which do not now exist under the law for Americans to take up the business of able seamen as a vocation.

The thing I wanted to take some time upon was to make some comment upon the question that has arisen here as to the operation of the seamen's act as affecting the wages of American seamen, and whether or not the raising of the wages of American seamen has induced, or will induce, an approximate raise in the wages of the seamen of foreign governments. Every thoughtful man who has given any consideration to the question of our merchant marine has feared that the great difficulty with which we would be confronted would be the cost of production of our vessels and the cost of operating them, in the overhead charge, largely involving the question of seamen's wages.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HUDDLESTON. The gentleman was present, I presume, during the hearings that were had on this bill?

Mr. BANKHEAD. I was.

Mr. HUDDLESTON. I was going to ask the gentleman whether any interests were heard there except the Shipping Board?

Mr. BANKHEAD. Yes. I am expecting to quote very largely from the testimony of Mr. Andrew Furuseth, the chairman of the seamen's union, who appeared before the committee and made a very elaborate statement and gave some very illuminating evidence to the committee. He took the position, I will say to the gentleman from Alabama—and that is what I am trying to express here—that there was really no necessity for the passage of this bill from the standpoint of not having a sufficient number of able-bodied seamen under existing law to fill the vacancies in our merchant marine.

Mr. HUDDLESTON. May I ask whether the bill had his approval or met with his objection?

Mr. BANKHEAD. He was opposed to the bill as originally written, and I presume and think that he will be opposed to this bill. But this bill is in the nature of a compromise. The original bill proposed a reduction of the minimum service to 6 months. This bill puts it at 9 months. The existing law requires 12 months' service at sea for these young men whom I am talking about, who go through these schools, before they may become certified as able seamen.

Mr. ALEXANDER. The original bill provided that 20 per cent of the crew might be able seamen the first year, and 40 per cent the second year, and 50 per cent the third year, and this bill provides 40 per cent the first year, 45 per cent the second year, 50 per cent the third year, 55 per cent the fourth year, and thereafter 65 per cent of the deck crew.

Mr. BANKHEAD. The proposed bill that we are now considering carries out the provisions of existing law in that regard.

Now, on this question of wages, which was raised here by some question, the testimony shows that American seamen under the provisions of the seamen's act are now receiving $75 per month on American ships. When Mr. Furuseth was examined before the committee he stated:

Mr. FURUSETH. On the American ships we were paying $75 until the 28th of July, and now it is $85 for sailors and $90 for firemen. And the foreign vessels leaving ports of the United States are paying exactly that figure.

Mr. HARDY. As I understand, foreign vessels entering and leaving United States ports have had to take up every progress the American sailor has had?

Mr. FURUSETH. Absolutely. And what is more, they have to take up our progress as to the standards. When I was in Norway they were discussing in Norway the taking up of our standard of efficiency. That had been recommended by the commission some years before. They were discussing taking up the standard of efficiency that had been made the law in America.

Now, that is very interesting testimony, gentlemen, in view of the fact that it shows the moral and economic effect, as far as wages are concerned, of the high standards of pay set for American seamen under the operation of the seamen's act. This testimony is uncontradicted, and it shows that the foreign vessels leaving the ports of the United States are paying exactly that figure.

Mr. Furuseth's testimony shows that British seamen, by virtue of the increase in wages made to the American seamen under the American seamen's act receive exactly the same wages that American seamen are receiving, and the testimony shows that the same condition exists with reference to the seamen of Norway and Sweden. So, gentlemen, we see the beneficent effect of our seamen's act passed in 1915.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BANKHEAD. I should like five minutes more.

Mr. ALEXANDER. I yield to the gentleman five minutes more.

Mr. BANKHEAD. A great many of its critics looked upon that act with great apprehension, but its beneficent effect is that it has not only raised the standard of safety at sea in the protection of life and property and improved the living conditions of seamen, but by the very nature of its competition and its moral effect it has raised and will undoubtedly continue to raise the wages of seamen under foreign flags to the same standard of American wages. Gentlemen, if that prediction is true, we have met and solved one of the essential features of our competition with foreign trade for our merchant marine. I trust that the optimistic statement of the gentleman from Pennsylvania [Mr. EDMONDS] will prove true, and I believe that it can be made to come true that we can produce tonnage in this country as cheaply as it can be produced anywhere in the world. If we meet that condition, then we have met and mastered, so far as these two essential propositions are concerned, every element of competition that will be necessary in order for us to continue to operate successfully these 14,000,000 tons of shipping that will be under the American flag within the next 12 or 15 months.

I was not a Member of Congress at the time the seamen's act was passed, but I have undertaken to give it a considerable amount of study, and I regard it in its operation as one of the greatest pieces of constructive statesmanship that has been passed in the last quarter of a century upon this great problem. [Applause.] It is proving in its operation the wisdom of those gentlemen who fashioned it and secured its passage through Congress and its approval by the President.

Mr. BLANTON. Will the gentleman yield right there?

Mr. BANKHEAD. For a brief question.

Mr. BLANTON. Does the gentleman know that under that act the seamen at any port can leave their vessel, require their wages to be paid, go off on every kind of carousing and drinking, and come back to the ship when they please, and the ship has to stay until they do see fit to come back?

Mr. BANKHEAD. No; I did not know that.

Mr. BLANTON. And that the wives and little children of the men at home frequently go without those wages when the voyage is over, whose benefits they had expected to receive.

Mr. BANKHEAD. I understand that the gentleman would stand for the repeal of the act then?

Mr. BLANTON. Oh, no; but I would like to amend it in certain particulars. I think in some respects it is a great law.

Mr. BANKHEAD. I think the trouble is that the gentleman has a basic misunderstanding of the provisions of the seaman's act, and that the things he complains of are not possible.

Mr. BLANTON. I have had such complaints made.

Mr. CASEY. Is not the logical conclusion to be arrived at that the gentleman from Texas is complaining because American seamen have been made freemen under the seaman's act?

Mr. BANKHEAD. I would rather have the gentleman from Texas answer that question himself.

Here is another thing that has been done: When the seamen's act was passed there was not a single native American certified and actually serving as an able seaman before the mast on the Pacific coast. Under the operations of that law it was testified before our committee the other day that, whereas for-

merly there was not a single one, this year on the Pacific coast alone the United States had 1,251 of its citizens as able seamen. There has been approximately the same increase on the Lakes and a larger increase on the Atlantic coast.

So that, gentlemen, I say, when we come to contemplate the real development of our merchant marine, the wisdom and the expediency and the prudence and sound judgment of the seamens' act continues to manifest itself and to grow in power and usefulness as the years progress. [Applause.]

Mr. TINCHER. Will the gentleman yield?

Mr. BANKHEAD. I will be glad to.

Mr. TINCHER. Purely for information, I want to ask the gentleman if he understands why it is that the freight rates on fresh meats, for instance, have been increased from 60 cents, the prewar basis, to $4.50?

Mr. BANKHEAD. I can not give the gentleman that information. That is a matter my friends who are here in control of Congress ought to adopt a policy on. That suggests another thing. The question was raised as to whether or not the Shipping Board was going to be allowed indefinitely the discretion of selling our ships. I say that is a question of policy that ought to be determined by the Congress of the United States and not by the Shipping Board. I am looking forward anxiously in the committee for the presentation of some concrete bill on the part of our friends in control of Congress fixing the policy for the disposition of our vessels, which is the greatest problem before that committee and before Congress in reference to the merchant marine. I was glad to hear the gentleman from Pennsylvania [Mr. EDMONDS] say that he was framing and expecting to introduce shortly a bill suggesting a concrete policy.

The question of rates is a matter very important, and one that I think our committee and the Congress ought to give great consideration to, because I can readily see how it affects the country of the gentleman from Kansas and every other section.

Mr. TINCHER. I did not ask the question as the member of any party, but to get the information.

Mr. BANKHEAD. I state candidly to the gentleman that I do not know the reason for that change. If the gentleman would take it up with the Shipping Board I think he could get some sort of an explanation, but whether it would be satisfactory or not I do not know.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HUDDLESTON. I want to inquire whether these rates are on a parity with rates charged in other countries—whether they are competitive rates.

Mr. BANKHEAD. Not competitive; shipping rates can not be made stable, because they depend on the emergency, on the voyage, and other things of that character. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, while the seamen's act has many wise and salutary provisions, yet I can not agree with the gentleman from Alabama [Mr. BANKHEAD] that it is altogether perfect and wholesome.

Under such act section 4530 requires one-half of wages earned upon demand to be paid to every seaman at each and every port where any cargo is loaded or delivered. At these various ports temptations innumerable beset such seamen, and this provision and others of the act makes it possible, and even acts as an incentive, for the men to draw their money, go ashore, drink, gamble, and carouse until wages upon which wives and little children at home were confidently depending had been wastefully exhausted.

You will note from the following provision of section 4596, to wit—

> Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

that for a failure to proceed with his vessel to sea on time only a slight punishment of forfeiting two days' pay is imposed. Under subdivision 13 of section 4611 vessels can not depart from a port unless a specified per cent of the deck crew are rated as able seamen and unless 75 per cent of such crew are able to understand the orders of the officers. By reason of the above provisions, should a majority of the crew, after collecting their wages upon arriving at an intermediate port, yield to the temptation of going on a spree, and after the initial intoxication should decide to prolong the spree, it would be an impossibility for the master to procure qualified men to take their places and he would be compelled to delay embarkation on schedule time and to await the pleasure of the crew as to when they would leave the port, and, while the ship might suffer tremendous damages, the men would suffer a nominal punishment of merely forfeiting two days' wages. I know of just such a case, where the crew went on a spree at an intermediate port of small significance and delayed the ship's leaving for weeks, causing the owners a loss of thousands of dollars resulting from a failure to deliver certain cargoes on time.

But I desire to use my time in discussing another subject.

I take it, Mr. Speaker, that every thinking man in this Congress has realized, especially within the last few weeks, that the transportation of our country, both by land and by sea, has ceased to be merely a private commercial enterprise in which only the corporation owners and the employed workmen are interested. But by reason of the general public's vital interest in the same there should be taken by Congress definite and proper steps to safeguard and protect the interests of the public.

I realize, especially in regard to railroad transportation, that the time has come when at this session of Congress definite action should be taken to make railroad strikes impossible in the future, such as is provided for by the Cummins bill. We must do this regardless of Mr. Gompers's threats. If it is necessary to take definite action in regard to railroad transportation to prevent strikes, why should it not likewise be necessary to take definite and decided action with regard to the transportation by sea? The general public is vitally interested in both.

Is there a man in this Congress who is not yet awake to the fact that cities like New York and Boston, Philadelphia and Baltimore, Chicago and San Francisco are absolutely dependent upon transportation by land and sea for the most of their daily existence? These cities do not carry more food supply than to last a few days, and we know by starving out through concerted strikes such big cities as I have mentioned there is within the hands of the labor organizations now in existence controlling the transportation on railroads and by sea a power now strong enough, if not controlled by proper laws, to force the Government into any kind of servile submission with regard to any kind of unreasonable demands they may make. Next to the organization of the four great railroad brotherhoods the seamen's organization to-day stands in strength, because on their action depends the transportation by sea of the food supply of the world.

I take it that the time has come when every thinking man in this Congress realizes that there must be taken vital, definite action in regard to every public service in which the people generally are interested, such that no union other than the union of the United States Government itself can hereafter tie up and control such transportation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ALEXANDER. I yield to the gentleman two minutes more.

Mr. BLANTON. I thank the distinguished gentleman from Missouri for the additional time. When through interrogation this morning I called attention to the soviet pronunciamento signed at Seattle, Wash., October 2, 1919, by James A. Duncan, secretary of the Central Labor Union of Seattle, a copy of which each Member of Congress received in this morning's mail, some colleague intimated that it had no reference to the Government of the United States. Let me again call your attention to the fact that this soviet propaganda is addressed to "Honorable Members of Congress of the United States, Senators and Representatives, Washington, D. C.," and arrogantly advised us that the longshoremen of Seattle, with the approval of the Central Labor Council, positively refused to handle the 45 carloads of war material, embracing 7,000 cases of rifles, destined for Russia. And it is arrogantly stated by these American Bolsheviks that the advocates of the covenant of the league of nations pursue a policy toward Russia such as would tend to prove a most shameful insincerity upon their part, and that no red or other terror could be worse than operations conducted through American and allied support.

While I understand that this Duncan is not the one formerly at the head of the American Federation of Labor, nevertheless he uses the following letterhead, showing affiliation with the American Federation of Labor, to wit:

> Central Labor Council of Seattle and vicinity, affiliated with American Federation of Labor, organized May 1, 1905.

Personally, I do not know whether it has been necessary for the United States Government to maintain troops and arma-

ments in Russia or not, because I do not know anything about the situation there. But I do know that the President of the United States, as the Commander in Chief of the Army and Navy of the United States, has authority to protect American interests anywhere in the world without a declaration of war, and, since our Government has seen fit to keep an armed force in Russia, I am not going to question same until I know that such act was unwarranted.

And I want to say right here that whenever the Government of the United States, whether Democrat or Republican in power, orders munitions, or under lawful regulations authorizes munitions to be sent to Russia, no men or combination of men outside of Congress, the lawful representatives of the people, have any right to interpose their private judgment and refuse to obey the orders of this Government.

This country is still under war regulations, for peace has not yet been proclaimed. These munitions could not be sent to Russia by any concern without the express order and permit of this Government. These men, therefore, know that this shipment of munitions, if made, is made under Government permit and order, else would not be made, and therefore when they purposely hinder and place obstacles in the way of such shipment they are obstructing the mandates of this Government itself.

But what respect have these men for the Government of the United States, or any Government, when they offer soviet rule in Russia as superior to conditions offered by our Government? This whole document reeks with soviet preachments and attempt to promote and incite mutiny against lawful order. In five-eighths of an inch heavy black-faced type this inclosed circular is headed: "Murder!"

That is a characteristic soviet heading for all red propaganda. But let me call your attention to the following excerpts from this circular:

Do you know that in Soviet Russia during the last 18 months 10,000 schools have been established?

Do you know that 15 regiments of French troops, operating near Odessa some weeks ago, mutinied and compelled their officers to return them to France?

Do you know that the crews of three French battleships mutinied while operating in the Black Sea about four months ago, on the grounds that they would have no hand in reestablishing an imperialistic Czarist despotism?

Do you know that our own troops, protecting the Murmansk Railway, became disgusted with the whole affair and almost mutinous because of the fact that they had been conscripted for the purpose of defeating the Kaiser and not for the purpose of reestablishing another military despotism equally as bad under a Russian Czar, and our Government was compelled to bring them home?

Do you know that for us to countenance the destruction of the Soviet Republic would be a direct violation of that clause in the peace treaty and the league of nations referring to the rights of labor?

Do you know that men of humane inclinations have bombarded Wilson with questions asking the reasons for his carrying on an undeclared war with troops conscripted to fight Kaiserism against the helpless Russians, etc.?

Do you know that we should bombard Congress with protests, sign thousands of petitions, hold mass meetings in every church, in every city, town, and village in this Nation, in every public hall, and let the lawmakers of this country and all others in position of authority know our exact position on the question of murder?

Do you know that 5,000,000 British trade-unionists are taking a referendum vote on the question of a national strike to force the British Government to cease blockading Russia, the only result of which is to starve thousands of innocent people to death?

Mr. Speaker, the time has come when we must stop this Bolshevik doctrine and propaganda. Soviet Russia must not be preached with impunity in this beloved Republic of ours. Congress must take definite, drastic action.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD by placing therein these documents to which I refer.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CLEARY].

Mr. CLEARY. Mr. Speaker, it is only because I am a member of the delegation from New York City that I wish to add a word on this subject, because in our great port we are continually observing the necessity for plenty of men to engage in all of the commercial activities that have made our city so great. We all know there that the reason for New York's great business industries and her great population is her seagoing commerce. It is because she is situated at the gateway of the country, the gateway of the West, of the South, of the East, and of the North. It is necessary to have sufficient men to man the vessels that come in there and bring their great wealth and business to this country. The land values of New York City are immense, so much so that the city and State together pay something like one-tenth of the taxes of the whole country. All this is because of our foreign and domestic commerce. As I understand the provisions of the bill, it seeks to secure, to make more easy, the education of men to go into the seagoing business. In the past we have not had a sufficient number of Americans to man our vessels. We have had chiefly foreigners. I have had lots of experience in my own business, and while it is not a seagoing business, it is a river and sound business, and I know that the majority of our captains are Norwegian and Swede and other foreigners, because the young American boys, as we all know, particularly nowadays when we have so much first-class commercial education, prefer to engage in other pursuits. They prefer to be clerks or bookkeepers, or to be connected with business houses, so that it is difficult to get the American young men to engage in the seagoing business. As I understand the purpose of the bill and the purpose of the committee it is to make it easier to get American sailors. Of course we all know that years ago when the ships were nearly all sailing vessels it required skillful men to handle them, and it took years of practice, and at that time we were very jealous of the employment of our own people, and we made it more difficult for others, and it made it harder for people to come in and overcrowd, but nowadays the great question comes up of getting a sufficient number of men. We would like to get Americans as much as we can. These gentlemen have been spending their time trying to devise ways and means to accomplish that, and the gentleman from Texas [Mr. HARDY] has said that even though it is not in accord with his own views, he is willing to risk something, because he knows the necessity of accomplishing that purpose.

I am very interested in the passage of this bill and any other bill that will make it easier to man the vessels of America in that way and keep up this great commerce of ours.

Mr. ALEXANDER. Mr. Speaker, I yield two minutes to the gentleman from Nevada [Mr. EVANS].

TRANSPORTATION PROBLEMS.

Mr. EVANS of Nevada. Mr. Speaker, an effort is being made to obtain a law restraining any railroad from charging more for a shorter haul than for the longer haul, the shorter haul being included in the longer, over the same line and in the same direction. This statement is too simple to be understood, but it means that Congress is asked to enact a law that will prevent a railroad from charging, say, 55 cents per hundred for hauling cement from Kansas to Boise, Idaho, when the rate over the same line to the coast, 500 miles farther, is but 40 cents per hundred. Sixteen thousand tons of cement used in the Arrow Rock Dam, in Idaho, was hauled from Kansas, and it cost this Government $48,000 more to haul the cement to Idaho than it would have cost to haul it 500 miles farther to the coast. A law is needed because the railroads wish to have the right, under the rulings of the Interstate Commerce Commission, to do just such things.

The railroads say that they must meet "water competition" with an equivalent rate to coast cities in order to get freight that would otherwise be carried by water. The whole trouble is that it discriminates to destroy water traffic. These examples of discrimination against sections and States can be shown to have occurred numberless times. Impossible to state what this has cost Nevada, but more than a million dollars per year for 50 years, and it still continues, costing our producers more to ship wool to the greatest wool market, Boston, than from points 500 miles farther west.

A tariff on magnesite, tungsten, and other minerals would not be needed in our State only for this enormous drain of money which if it could have been saved and expended upon our struggling industries, would have doubled and again doubled our decreasing population.

The iniquity and injustice of this practice against a whole State must stop. Nevada demands an even break. All the protection this whole country needs is for our Government to protect its citizens, their lives and property, everywhere on earth. We hear much of freedom of the sea, while England dominated the great oceans any man could sail his tub to any port. England, upon small islands without great natural resources, but an indomitable spirit, excelled with free trade. The question of ships, railroads, and transportation is particularly a national problem, and one not to be compromised on any such narrow basis as benefits to single individuals, single industries, single States, or even single sections of the United States, but a problem to be settled with justice on the basis of national welfare. It is not a problem of rates between cities, but is much more. It is not a problem of railroad transportation alone, but of transportation in general, whether over highway, railroad, or steamship line; and the House committee is ap-

proaching the subject with hearings designed to bring out all the facts and to show just what step should be taken to insure justice both to the transportation industry and to the Nation which it serves.

This solution would seem to grant to each transportation industry—railroad and steamship line—a fair field in which to develop; a field in which the railroad and steamship line could compete in healthy rivalry ultimately specializing on that profitable work for which each had proven itself the better fitted.

We may encourage shipping and all other national interests by less of governmental paternalism and exactions. Give States equal opportunities. The time has come to stop the ever-increasing growth of bureaus and centralization of too much power at Washington over States which could more efficiently and economically act for themselves. The Union will be more strongly cemented by granting each State the care of its local and peculiar needs. Do not discourage your citizen with too much governmental instruction and interference, but encourage him to work out his own salvation.

Mr. ALEXANDER. Mr. Speaker, there are a few minutes remaining on this side, and I simply want to make a few remarks in reference to wages or what the elements are that will enter into the development of a merchant marine. Manifestly we can not maintain an American merchant marine successfully in foreign trade unless we can compete with foreign nations. We must build ships at the same relative cost as foreign nations, whether they be operated under Government or private ownership. Those ships must be equipped economically and operated efficiently. Efficiency in the operation of a ship is a prime factor, as it is in the operation of a factory or any other industry. There is a popular notion that almost anybody can operate a ship. That is a very great mistake. With our American skill, our American initiative, we may overcome some of the obstacles which confront us. For instance, the cost of construction and operation, if the difference is not too great, if we can throw into this equation the element of greater efficiency. Hence the effort to encourage American boys to go to sea, not that they may become ordinary seamen or able seamen, but that they may have the incentive to become officers and masters of the ships, is of prime importance as a factor and in order that we may develop our merchant marine. I have never been in entire accord with the view that the seamen's act would solve the question of wages in all the trade areas of the world. I can very well understand how under the act as it exists we may maintain relatively the same wage scale in trade between European ports and our own country, but we should not overlook the fact that if we would compete with foreign nations for the Far Eastern trade and for the South American and South African trade we must do so by a wage scale relatively the same and with the cost of construction and operation of ships relatively the same.

But the one purpose that should animate this Congress and the people of the United States and all interests affected is this, that whatever the cost we should have a great American merchant marine as a vehicle to carry and extend our foreign commerce and as a necessary auxiliary to our Navy for the national defense. [Applause.]

Mr. Speaker, I yield back whatever time may be remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 14 minutes.

Mr. GREENE of Massachusetts. Mr. Speaker, I wish to say a few words upon the action of the committee and the unity that has been maintained in the committee not only this year but for several years while the gentleman from Missouri [Mr. ALEXANDER] was chairman of the committee. When the original seamen's act was reported the gentleman from Missouri [Mr. ALEXANDER] took a great deal of interest in its preparation, and I was the minority member upon the conference committee, together with the gentleman from Missouri [Mr. ALEXANDER] and the gentleman from Texas [Mr. HARDY], and we came to an agreement very readily in the passage of the seamen's act. Each of us took an interested part in it and there was no opposition on the floor of the House from either the Republican or Democratic side of the House, and our action was commented upon by the Hon. JAMES R. MANN, the leader on the Republican side of the House, he giving great credit to the fact we had agreed so well in the committee in whatever was brought out in the way of legislation, especially in reference to this seamen's act, which had been threatened for a long time but could not seem to get to a place where it could be reported out and favorably acted upon on the floor of the House. Our committee came out unitedly on that proposition. The legislation that we have reported out from the committee to-day has been reported out with the unanimous action of the committee, without any dissent, and I am sure it is something of which the House of Representatives may well be proud, that the committee does business for the sake of the people of the United States and not for the sake of advancing the interest of any one faction. I know so far as my service on the committee is concerned—and I have had a service now of more than 21 years on the committee—there has been no serious objection to legislation proposed except on rare occasions during the time that the gentlemen on the other side of the House had control of the legislation. I did make objection to some features of the first shipping act; I did not vote for the first shipping act as reported, but otherwise every thought that came to my mind was as to the question of how the country at large would be affected by the course that I determined to pursue; and when it was determined that our country should enter the late war I supported with true spirit of American manhood and true loyalty all the actions of the Committee on the Merchant Marine and Fisheries, and we were not divided on party lines.

And I am gratified to relate that since I have been advanced to the chairmanship of the committee I find the same spirit prevailing in the disposition of the party on the other side of the aisle; that they do not raise partisan questions upon matters of legislation that have a broad purpose in view; and I think we are to be congratulated that we can thus far agree, and I hope that this spirit of unity will continue to exist and that we may work harmoniously together for the greatest good of all. I may add that this year I, as chairman of the committee, adopted a different practice from what we had before experienced, in that I appointed several subcommittees to take up the legislation before the committee. I have not myself been upon a single one of the subcommittees, but I appointed them, giving the Democrats liberal representation on the committees, but have not myself taken any part in indicating the action of those subcommittees. The reports of these subcommittees have been the free action of these subcommittees, and they have brought out their reports, and we have considered them fully in the committee when reported. I suppose some of you may think it rather peculiar I did not dictate them, because I am somewhat inclined to dictate sometimes when I feel compelled to do so. But I have gotten along harmoniously with the committee this year, and I want to compliment my associates on both sides of the aisle upon their loyalty of action this year, and I am pleased to refer to their loyalty of action last year. When we had the radio question under consideration last year in the committee, and in January, 1918, after we had faithfully discussed the radio question from beginning to the end and had drawn out all we could out of it—we have drawn a little more this year, but we drew all we could last year—and when we came to consider that bill in executive session, upon the motion of a Democrat every member of the committee approved the laying of the bill on the table, and the committee decided unanimously not to take up the question of Government ownership of radio.

I do not know how the committee feels this year, because we have not yet acted upon the proposition; but I hope we shall be able to agree upon the disposition of the bill if there comes a time when we shall come to a decision upon and report it for the consideration of the House. At any rate, I want the House of Representatives to understand how the committee have acted heretofore, and also that this committee is not like many committees of the House. We have no appropriation, and therefore we do not have any money to spend, and so far we have not spent any money. The witnesses who have come here have come at their own expense; and the only money that we have expended is what has been expended for the expenses of the hearings. No other money has been expended by the committee. We have tried to be economical, tried to get along without the expenditure of money; and I am well satisfied with the record thus far made by the committee, and I hope it will be maintained to its end. This amendment that has been brought in to-day and is being considered is one that had long consideration. It is one that I am sure will be, if adopted by the House—and I certainly hope that it may be—to the advantage of an American merchant marine. We have considered a great many questions and have not arrived at a conclusion on all of them. At the same time the committee are considering everything that they believe will be of advantage to the American merchant marine, and we hope in the meeting that comes a week from to-day we shall be able to bring out some other legislation for your consideration that will meet your views as fairly and as fully as we hope your views will be in accord with us in reporting out this bill and enacting the same into law. Mr. Speaker, I ask for a reading of the bill.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks on this bill. Is there objection? [After a pause.] The Chair hears none. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Before proceeding to the question of the passage of the bill is it not necessary that it should be engrossed?

The SPEAKER pro tempore. The gentleman is correct.

The bill was ordered to be engrossed and read the third time; was read the third time.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BANKHEAD. I do not know whether it would have any effect on the validity of the passage of the bill that the House has just passed or not, but I have no recollection whatever of the bill having been read by sections for amendment.

The SPEAKER pro tempore. The bill is being considered in the House under the Calendar Wednesday rule. It is not required that it be read for amendment.

Mr. BANKHEAD. That answers my parliamentary inquiry.

The SPEAKER pro tempore. The bill was read in full, the Chair will state, before the consideration of it.

Mr. GREENE of Massachusetts. Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATIONS FOR VESSELS OF SHIPPING BOARD.

Mr. GREENE of Massachusetts. Mr. Speaker, I call up for consideration the bill S. 633.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up the bill S. 633, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 633) extending the provision for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes.

The SPEAKER pro tempore. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That all steam vessels owned or operated by the United States Shipping Board, or any corporation organized or controlled by it, shall be subject to all the provisions of title 52 of the Revised Statutes of the United States for the regulation of steam vessels and acts amendatory thereof or supplemental thereto.

Also the following committee amendment was read:

Page 1, line 6, after the word "States" insert "passed at the first session of the Forty-third Congress."

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GREENE] is recognized for one hour.

Mr. GREENE of Massachusetts. Mr. Speaker, I do not care to occupy an hour's time on the proposition.

The bill came from the United States Senate, and it referred to title 52 of the Revised Statutes of the United States. Not being a lawyer, it puzzled me to know what title 52 was. I took the trouble to find out what it was, and proposed the amendment that is now in the bill. Would the gentleman from Missouri [Mr. ALEXANDER] like any time on the bill?

Mr. ALEXANDER. Mr. Speaker, I was just going to suggest that I was not at the meeting of the committee when this bill was considered and reported out, and my attention was called to the amendment the first time last night when I looked over the bill and the report. I question the propriety of the suggested amendment. The bill provides:

That all steam vessels owned or operated by the United States Shipping Board, or any corporation organized or controlled by it, shall be subject to all the provisions of title 52 of the Revised Statutes of the United States for the regulation of steam vessels and acts amendatory thereof or supplemental thereto.

Now, title 52 of the Revised Statutes of the United States, second edition, 1878, relates to transportation of passengers and merchandise and the inspection of vessels. And I think that is a sufficient description. And if we undertake to limit it by the amendment suggested by the committee, we may make an error, because title 52 of the Revised Statutes of the United States includes all the acts relating to that subject from the beginning. It is a revision of all the acts relating to the subject from the early days. Hence I think it is quite well enough to leave it in its present form. If we amend it, it will have to go back to the Senate, and, in my opinion, it is unnecessary to do that.

Mr. GREENE of Massachusetts. It is not objectionable to me if the gentleman from Missouri [Mr. ALEXANDER], being a lawyer of long standing, reaches that conclusion. But if my memory serves me, I sent the secretary of the committee to confer with the gentleman before I put the amendment in the bill.

Mr. ALEXANDER. The clerk of the committee came to me and wanted to know what title 52 meant. I got him the Revised Statutes of the United States and called his attention to title 52, but I did not suggest any amendment. It never occurred to me that an amendment was necessary.

Mr. GREENE of Massachusetts. He reported back to me that the gentleman approved the amendment, and the committee voted the amendment into the bill. I thought he had conferred with the gentleman.

Mr. ALEXANDER. He was in error about that.

Mr. GREENE of Massachusetts. It can be cured by striking out the amendment.

Mr. ALEXANDER. By just not agreeing to it, and then passing the bill in the present form.

Mr. GREENE of Massachusetts. That will be perfectly satisfactory to me. I am not a lawyer, but I must say when I saw "title 52" I was a little bit puzzled. I do not think any lawyer would have been, but I was, and I took the trouble to look it up. I thought it needed explanation. I can see from what the gentleman from Missouri states that I was wrong, I stand corrected, and I move to strike it out.

Mr. ALEXANDER. I thoroughly agree with the gentleman from Massachusetts that this bill should pass.

The SPEAKER pro tempore. Does the gentleman from Missouri seek recognition in his own right? The time is an hour.

Mr. ALEXANDER. There has been a question whether or not the vessels belonging to the Shipping Board would come under our steamboat-inspection law. The Shipping Board, however, has conceded, in the interest of good administration, that they would come under our inspection laws, and they have been inspected by the Steamboat-Inspection Service. You will understand that service is under the Department of Commerce, and this bill is simply to clear up that question and make it clear that all vessels owned and operated by the Shipping Board shall come under the provisions of our general laws as to the inspection of vessels. I think the bill ought to pass.

I have nothing further to say, Mr. Speaker.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was read the third time.

Mr. GREENE of Massachusetts. Mr. Speaker, I move the previous question on the passage of the bill.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Does the mere stating of the third reading carry with it the engrossment?

The SPEAKER pro tempore. It is not necessary to engross a Senate bill. It is engrossed in the Senate.

Mr. BLANTON. The House does not afterwards engross it?

The SPEAKER pro tempore. No.

The question is on the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GREENE of Massachusetts. Mr. Speaker, the gentleman from Michigan [Mr. SCOTT] has a couple of bills which were in the charge of his subcommittee, and I yield to him.

CHANGE OF NAMES OF VESSELS.

Mr. SCOTT. Mr. Speaker, I call up House bill 3620.

The SPEAKER pro tempore. The gentleman from Michigan calls up House bill 3620, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3620) to authorize the Commissioner of Navigation to change the names of vessels.

The SPEAKER pro tempore. This bill is upon the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Mr. SCOTT. Mr. Speaker, I move that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The Chair will state that that motion is not in order on Calendar Wednesday. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3620. The gentleman from Massachusetts [Mr. ROGERS] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3620, with Mr. ROGERS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3620, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation shall, under the direction of the Secretary of Commerce, be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing.

SEC. 2. That the Commissioner of Navigation, with the approval of the Secretary of Commerce, shall establish such rules and regulations and procure such evidence as to age, condition, where built, and pecuniary liability of the vessels as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Commissioner of Navigation, he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of documentation, and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name.

SEC. 3. That for the privilege of securing such changes of name the following fees shall be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury of such collectors as navigation fees: For vessels 99 gross tons and under, $10; for vessels 100 gross tons and up to and including 499 gross tons, $25; for vessels 500 gross tons and up to and including 999 gross tons, $50; for vessels 1,000 gross tons and up to and including 4,999 gross tons, $75; for vessels 5,000 gross tons and over, $100.

SEC. 4. That sections 1 and 2 of the act of March 2, 1881, entitled "An act to authorize the Secretary of the Treasury to change the name of vessels under certain circumstances," and section 5 of the act of July 5, 1884, entitled "An act to constitute a Bureau of Navigation in the Treasury Department," are hereby repealed.

SEC. 5. That this act shall take effect 30 days after its passage.

The CHAIRMAN. The gentleman from Michigan [Mr. SCOTT] is recognized for one hour.

Mr. SCOTT. Mr. Chairman and gentlemen of the House, for a great many years Congress at each session has been obliged to occupy considerable time in the consideration of applications on the part of owners of ships to change the names of their vessels. Under the present law the only way that the name of a vessel can be changed is by introducing a special bill in Congress on the subject.

It is apparent to everyone that such procedure, although it has been in use for a great many years, is little short of silly. I do not know why Congress heretofore has not expedited such matters as are provided in this bill. Heretofore when a special bill of this character had been referred to the Committee on the Merchant Marine and Fisheries, it was sent down to the Department of Commerce and their advice was requested.

The committee has made a thorough canvass of the bills covering a number of years, and we have not been able to find a single instance where the recommendation of the department has not been accepted and acted upon.

This measure was presented at the last Congress, but in view of the more pressing work then pending it was impossible to call it up. We submitted the bill to the department, and I am sure you will be interested, if you have not already read the report, in hearing the letter from the department, which in a large measure confirms what I have already stated to the committee. I read:

DEPARTMENT OF COMMERCE.
OFFICE OF THE SECRETARY,
Washington, September 27, 1919.

DEAR CONGRESSMAN SCOTT: I have received your letter of the 23d instant inclosing copy of H. R. 3620, a bill to authorize the Commissioner of Navigation to change the names of vessels, with a request for expression of my views on the bill.

This bill was prepared in this department on February 18, 1919, at the request of the chairman of your committee at the time.

The department expects that as the Shipping Board sells their vessels to private parties there will be a considerable demand for changes of names. These vessels will not be paid for in full in cash and the Shipping Board will retain mortgages against them, which, under the present law, would prevent the changes in names and necessitate the introduction of special bills.

This will be obviated by H. R. 3620, which permits the change of name even in the case of mortgaged vessels by the Commissioner of Navigation of this department, provided the interests of all concerned are properly protected.

The courts have repeatedly held in rendering opinions on cases involving the changes of names of vessels that such changes should be discouraged as far as possible. Provision has been made in section 3 of the act, therefore, for the payment of fees sufficient to accomplish this purpose to a considerable extent. This also will result in some revenue to the Government.

The department is much in favor of this bill.

Respectfully,
E. F. SWEET,
Assistant Secretary of Commerce.

HON. FRANK D. SCOTT,
Chairman Subcommittee on Merchant Marine and Fisheries, House of Representatives, Washington, D. C.

I have no desire to further occupy the time of this committee in discussing the bill, unless some one wishes to ask me a question in regard to some phase of the bill which I may have overlooked.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Gladly.

Mr. HARDY of Texas. I will interrupt the gentleman to say that what the gentleman has said not only meets my entire approval but, like himself, I have often wondered why such a general statute had not been passed long before this, because it has seemed to me silly, almost, to require a procedure before a committee of the House in session, an investigation, a report on a bill, and then to wait the delay and the difficulty of getting it up to effect a change which by the administrative department of the Government could be as efficiently made as by legislative enactment; so that I think this bill ought to have been passed many years ago.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for a question?

Mr. SCOTT. I will be glad to.

Mr. ALEXANDER. Under existing law—

The Commissioner of Navigation shall, under the direction of the Secretary of Commerce, be empowered to change the names of vessels of the United States under such restrictions as may have been or shall be prescribed by act of Congress.

Hence, when it was desired to change the names of vessels in the past it has been the custom and it has been necessary to introduce a special bill for that purpose. Where the vessel was not mortgaged this was the provision of the law:

The Secretary of Commerce be, and hereby is, authorized to permit the owner or owners of any vessel duly enrolled and found seaworthy and free from debt to change the name of the same, when, in his opinion, there shall be sufficient cause for so doing. The Secretary of Commerce shall establish such rules and regulations and procure such evidence as to the age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Secretary, he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of register; and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name.

In order to avoid the trouble and annoyance of introducing these special bills to accomplish this purpose, for many years I have called the matter to the attention of the Department of Commerce and insisted that some bill should be framed, so that the Department of Commerce might change the names of vessels without coming to Congress and securing the change of names by special legislation.

Mr. WATSON of Pennsylvania. I notice there are different fees for the changing of the names of vessels, and that when the tonnage is greater the fee is larger. What is the object? It does not cost more to change the name of a 5,000-ton vessel than it does of a 100-ton vessel.

Mr. SCOTT. Not at all.

Mr. WATSON of Pennsylvania. Then what is the object? Is it for the Government to make money?

Mr. SCOTT. No; the object is this: The Department of Commerce, like many other departments of the Government, is run for the benefit of the citizens of the United States. It is not a money-making proposition. The really perfect way of running a Government public utility is to exact from the public only a charge which will pay the running expenses of that particular public utility. That would be the perfect way to do it.

Mr. WATSON of Pennsylvania. Does this create a new department?

Mr. SCOTT. No.

Mr. WATSON of Pennsylvania. Will it require extra clerks?

Mr. SCOTT. I assume that it will require one or two, or a very small additional force.

Mr. WATSON of Pennsylvania. Probably it is to pay those expenses.

Mr. SCOTT. Exactly.

Mr. WATSON of Pennsylvania. Most of the fees will be paid by large vessels.

Mr. SCOTT. The sum is not large in any event. The largest amount is $100. A shipowner could better afford to pay $100 for getting the name of a large ship changed than some poor fellow who possibly had a small fishing smack of 100 tons could afford to pay $10.

Mr. WATSON of Pennsylvania. That is very true, but it seems to me the fee ought to be the same in either case. When a mortgage is recorded, it makes no difference whether it is for $1,000,000 or for $1,000, it takes the same number of words, and the recording fee is the same.

Mr. SCOTT. The gentleman mentions the subject of recording mortgages——

Mr. WATSON of Pennsylvania. I am alluding to the law in my own State.

Mr. SCOTT. If I recall correctly, there is a specific charge for recording mortgages in the State of Pennsylvania, but in a number of States they make a charge for the recording of the mortgage, based on the amount of money involved in the transaction. I may say to the gentlemen that this is a taxation feature, however, rather than a recording fee.

Mr. CLEARY. Mr. Chairman, may I suggest something which may throw a little light on this?

Mr. SCOTT. Certainly.

Mr. CLEARY. In the harbor of New York, where there are thousands of vessels of all kinds passing to and fro, my concern owns about 100 vessels. We have some boats worth about $5,000, and we have some worth $25,000. Now, the $5,000 boat will earn a very small amount in comparison to the $25,000 boat, and we can as easily pay $100 in one case as to pay $10 in the other case. That is one of the reasons.

Now, as to the reasons for changing the names: We have often bought boats of other lines. Our line is Cleary Bros. There is another line called the McWilliams Line, and another the Blue Line. They have their boats named for themselves, *McWilliams No. 1, McWilliams No. 20*, and so on. If we should buy some of these boats we would not want to advertise the McWilliams Line, so we would change the name to something else. It would be necessary to change it. That is one of the reasons for changing names. And there is a good reason for the difference in the fee. One craft has so much greater earning power than another that it is just as hard to tax one $10 as it is to tax another $100.

Mr. SCOTT. I am indebted to the gentleman for his suggestion.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. SCOTT. Gladly.

Mr. WHITE of Maine. I do not desire to throw any discord into the harmony of the Committee on the Merchant Marine or this committee. But I would like to ask if the subcommittee considered the question of advisability where a change of name is authorized of requiring that fact and the date of the change to be recorded on the ship's papers, so that any man dealing with a particular ship should have notice of what names that ship had been under heretofore, and so be in a better position to look up liens, mortgages, incumbrances, and so forth.

Mr. SCOTT. That is a pertinent question, and I am indebted to the gentleman from Maine for asking it. At the present time under rules and regulations of the Department of Commerce the fact of a change of name is carried, and I assume that, exercising the same judgment they have exercised heretofore, they will formulate rules and regulations for carrying out the provisions of the bill, which will result in the protection of the interests of the public at large.

Mr. WHITE of Maine. I think that is material and should be covered by rules and regulations, and I am glad to know that the committee has it in mind.

Mr. SCOTT. I assume the Department of Commerce will so regulate the affairs by rules and regulations that that provision will be amply secured, and I wish to supplement that statement by saying that Congress in the bill provides that when permission is granted by the Commissioner of Navigation—

> he shall cause the order of a change of names to be published in some daily paper at the place of documentation.

Mr. WHITE of Maine. That takes care of anybody at the place of documentation, but it might not meet the situation where a vessel was a thousand miles away and some one who wanted to make a loan on her, furnishing supplies, and so forth, but I think the gentleman has covered the question fully that was in my mind. If the Commissioner of Navigation requires this thing to be done, the situation is fully met.

Mr. SCOTT. I may say this to the gentleman, that in the publication of the vessel's register the names under which the ship has previously been known are put in brackets. I do not know how long they do that, but I assume a sufficient length of time to make secure that no possible advantage can be taken of the change of name. When it goes along a sufficient length of time, so that the ship becomes known by the name she is carrying, I assume they will eliminate the brackets indicating her previous names.

Mr. Chairman, I now yield 30 minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr ALEXANDER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, it is important that these measures dealing with our merchant marine be passed. Of still greater importance, however, is proper provision for training the men who are to have the places of leadership in our Navy and merchant marine.

The greatest navy in the world, the biggest merchant marine that ever dotted the seas, would be useless unless there were trained men to man and command the ships.

One of the sinister signs in the situation as to naval affairs is the account in the newspapers of the day that two midshipmen in attendance at the United States Naval Academy, at Annapolis, have recently attempted to commit suicide because of unbearable conditions there.

I hold in my hand a copy of the Washington Times of to-day. Here is the opening statement:

> ANNAPOLIS, MD., *October 8.*
>
> Well-authenticated reports state that another midshipman of the fourth class has taken poison. His name is reported to be Weatherstein, but his first name and home could not be ascertained.
>
> This makes the second case of its sort in the last three days. P. H. Seltzer, of Lebanon, Pa., on Sunday drank a mixture of ink and iodine and stabbed himself twice over the heart.
>
> Weatherstein, it is said, drank an ounce vial of iodine. He is said to have walked from his room in Bancroft Hall to the sick bay after taking the poison. Here he became violently ill, and was taken to the naval hospital, according to reports.

Mr. Chairman, an hour before I noticed that article I received a letter written by a midshipman at the Naval Academy. He gave a statement of the cruel and heartless hazing to which he had been subjected. His letter, disconnected and broken, gave evidence of the mental strain and torture under which he suffered.

Only a few months ago that boy was filled with intense pride and enthusiasm over successfully passing the entrance examination for Annapolis. He had planned for years to enter upon a naval career, and all his dreams seemed realized. He was supremely confident of his ability to meet any test which might come—physical, mental, or moral.

Now his one desire seems to be to get away forever from Annapolis and everything connected with it. There has been a revulsion of feeling, which, to my mind, could only come through the suffering of intolerable indignities.

I submit, Mr. Chairman, that it is highly important that Congress know the truth as to conditions at this training school from which must come those who will direct the naval affairs of America.

If the experience of other Members of this body has been similar to mine, the situation is serious. I have a vacancy now at the Naval Academy because of the resignation of the lad I had named. He, too, started out with the enthusiastic determination to spend his life in the Nation's service on the high seas. In six months his enthusiasm had given way to dislike; his fervor to complete disgust.

I confess that I am not prepared to say whether the fault lies altogether with the boys or with the institution. In view of this published statement that two lads chose to die by their own hand rather than endure the ills they suffered in the academy, it seems to me that Congress should have the exact facts upon which to base a decision.

I have just introduced a resolution of inquiry, directing the Secretary of the Navy to give the House a report as to the truth of these publications; the practices indulged in in the "hazing" at the academy, and the number of midshipmen who have resigned during the past year, and the reasons for such resignations.

I have been informed that a son of the Secretary of the Navy himself is one of those who have resigned within the past year, and it may be possible that he suffered from the "hazing" which is reported to be carried to barbarous extremes at the Naval Academy. In any case, the Secretary of the Navy will be able to furnish us the information upon which we may base action.

Every Member of Congress is interested in the national institution, where those who shall carry out our naval and merchant marine policies are educated and trained, and I hope that if abuses are found to exist they will be remedied by the Secretary and Congress at the earliest moment possible.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ALEXANDER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman's time has expired.

Mr. ALEXANDER. I will yield the gentleman some of my time.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that he has yet no time in his control.

Mr. SCOTT. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. ALEXANDER].

The CHAIRMAN. The Chair will inquire at this time whether any member of the committee is opposed to the bill?

Mr. ALEXANDER. Is it not necessary that they should be? We are entitled to two hours' debate.

The CHAIRMAN. The Chair will state that on Calendar Wednesday the rule is that one hour shall be controlled by those favoring the measure and one hour by those opposing the measure, if there be any opposition.

Mr. ALEXANDER. I do not know of any opposition. The gentleman from Michigan has yielded 30 minutes to me. I just wanted to take a moment at this time to call the attention of the gentleman from Pennsylvania [Mr. KELLY] to the fact that the Washington Post this morning said that one of the midshipmen had become insane and three had attempted suicide.

Mr. KELLY of Pennsylvania. That is true. I was also calling attention to my own experience with midshipmen that I have appointed.

Mr. WATSON of Pennsylvania. Are there not many cases where the boys are incompetent to keep up with their classes on account of very severe lessons, and is not that the reason for these resignations?

Mr. KELLY of Pennsylvania. I take it for granted that the passing of the examination, a stringent physical and mental test, is proof as to the ability of the boys who enter West Point and Annapolis.

Mr. WATSON of Pennsylvania. That is often the case. I have known of many instances where boys have been admitted and within a year or two afterwards found the course too severe for them.

Mr. KELLY of Pennsylvania. That may be true in some cases, but I am sure that in many cases it is not true. Inability to keep up with lessons is not the reason for all these resignations.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, personally I can not see any reason why this bill should not pass. As I understand the matter, it is required, where a man wants to change the name of a ship upon which there is a mortgage, that there shall be an act of Congress passed to complete the transfer of the name. Bills that came before our committee went onto the Private Calendar, and in some cases for one or two years the Private Calendar was not taken up, and the bills lay there; and, of course, the man could not complete the transfer of the ship from one owner to another. If we are to have a large merchant marine, we must arrange in some way or other to have the ships handled as quickly as possible and with as little restriction as possible. Therefore, I think this is a piece of very wise legislation. The cost of the transfer, of course, should be borne by the owner, and I can not see why there should be any objection to different prices for different-sized ships.

To change the subject a little bit, I picked up this morning the New York Evening Post's first Australian number, and was very much surprised to see that our shipbuilding was a matter of comment in the legislature of Australia. They have been building ships over there for their merchants. They made contracts for wooden ships because they could not get steel ships, and, as with us, they canceled the contracts. However, they feel that they did very much better than we did in this country. The article states that contracts were canceled for certain wooden ships, the Government paying the contractors about $25 a ton; and it goes on to state that in Australia it is reported that the American Government has canceled its contracts for 385 wooden vessels in about the same stage of construction at an average cost of about $65 a ton for compensation.

The Australian Government therefore felt that it got out of its liabilities fairly well. Further along the article says:

> The 14 wooden vessels ordered in America have been disappointing. They were all late in delivery, and those that have arrived have not served as a recommendation for American shipbuilding. The position in relation to these vessels is best set out in the following statement in Parliament by the minister in charge of shipping (Mr. A. Poynton). Mr. Poynton said that four vessels—the *Gethana, Culburra, Challamba,* and *Coolcha*—have been delivered by the Sloan Shipyard Corporation, at Seattle, U. S. A. Of 10 similar vessels for which a contract had been placed with the Patterson-McDonald Shipbuilding Co., three—the *Bellata, Bundarra,* and the *Bethanga*—had been delivered, and the *Birriwa* and *Berringa* were expected to be delivered at the end of July and early in September, respectively.
>
> "With regard to the remaining vessels," Mr. Poynton explained, "an alteration in the motive power was decided upon and arrangements made for the substitution of Diesel engines in place of the steam engines originally provided for. Particulars of these motor ships are: *Benowa,* delivered July 15; *Baninda,* delivery expected about middle of August; *Balcatta,* launching expected beginning of August, ready for delivery end of September; *Boobyalla,* delivery indefinite; and *Borrika,* delivery indefinite. It will be observed that the date of delivery for the last two is indefinite in consequence of several strikes which have taken place at the shipbuilding yards, but the latest information I have is that deliveries should be one month between each, so that if the *Balcatta* is delivered at the end of September the *Boobyalla* will be handed over at the end of October and the *Borrika* at the end of November. It is impossible to say with any degree of certainty that these expectations will be realized."

He was interrogated very much like we do here by Mr. Fleming.

> Mr. FLEMING. Have wooden ships proved satisfactory?
>
> Mr. POYNTON. I am sorry to say that wooden vessels built in America have not turned out satisfactorily. That is not our fault.
>
> Mr. MAHONY. What about your supervisors?
>
> Mr. POYNTON. One yard was taken over by the American Government and apparently they could not supervise it. We have had legal opinion with regard to getting redress on some things.
>
> Mr. MAHONY. Have you not an officer there supervising in the interest of the Commonwealth?
>
> Mr. POYNTON. Of course, we have. I do not know what he is doing. These ships were built months ago, and it is all very well to be wise after the event. At the time the contract was made the country rang with cheers for the prime minister for having the courage to do something for its interest at the time.
>
> Apparently after this experience the Government has decided to stick to steel ships and either build them in Australia or order them in Great Britain.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. EDMONDS. I do.

Mr. WHITE of Maine. I want to ask the gentleman if, in connection with the article he is reading, there were any figures as to the cost of Australian wooden ships or whether the gentleman has any information on that subject?

Mr. EDMONDS. I think I can give the information in regard to wooden ships in just a second. It was $130 a dead-weight ton for vessels 250 feet long, five-masted auxiliary schooners with Diesel-Bolinder engine developing about 240 horsepower.

Mr. WHITE of Maine. That is interesting taken in connection with the——

Mr. EDMONDS. Of course, these were built during the war, the gentleman understands.

Mr. WHITE of Maine. I say it is interesting, taken in connection with the cost of our wooden ships, which I understand were figured out at $215 per dead-weight ton.

Mr. EDMONDS. I think that is about right.

Mr. SCOTT. Will the gentleman yield?

Mr. EDMONDS. I will.

Mr. SCOTT. Is the gentleman discussing ships built by the Emergency Fleet Corporation for us on the Atlantic?

Mr. EDMONDS. Oh, no; these ships were built by permission, I assume, of the Emergency Fleet Corporation for the Australian Government, to be used by the merchants of Australia, because they were so short of shipping during the war. The contracts were placed here; and, as the gentleman notices, our shipbuilders unfortunately did not seem to take enough care in building the ships properly. If we expect to get the trade of the world, we must expect to cater to that trade, and if we do not we are certainly going to lose it. As the situation now stands, Australia has started to build ships herself. She has 6 steel vessels (5,500 tons), 14 steel vessels (6,000 tons), and she has 50,000 tons of 12,500-ton vessel building in Autralia and 60,000 tons contracted for in Great Britain. The chances we have to get the Australian trade through the poor workmanship of the people in Seattle has been lost to us.

Mr. SCOTT. If the gentleman will yield to me, as far as the wooden ships which were constructed in Seattle are concerned, they were in large measure built in steel-ship yards; that is, in yards which were primarily for the construction of steel ships. Now, as far as wooden ships were concerned built on the Atlantic, I may best illustrate the character of the ship by calling attention to conditions at the Boston yard. They were contracted for by a couple of lawyers; and, I may say to the gentleman, further, that the people who are building wooden ships knew no more about building wooden ships than about the moon, and they were constructed out of unseasoned timber—in other words, green timber—and after they were completed and they were put in the water, why, they leaked like a sieve; so I think it is an unfortunate situation, and the House and the country should not infer that wooden ships can not be built, because until very recently that is the only character of ship that was on the ocean or Great Lakes.

Mr. EDMONDS. I would like to show the gentleman the advertisement of the Patterson-MacDonald Shipbuilding Co., with a picture of the ship *Benowa,* built for the Commonwealth Government of Australia. This is a sample of the advertisement. Four sister motor ships of the *Benowa* are nearing completion. They were not engaged in building our ships and had to go out and get these outside orders.

Mr. WATSON of Pennsylvania. Who is the author of the article from which the gentleman has been reading?

Mr. EDMONDS. I was reading from the New York Post, first Australian number, published in New York, September 27, 1919.

Mr. WATSON of Pennsylvania. I do not like the general statement emphasizing the fact that not a wooden ship was built on time. In the only wooden-ship yard in my district, at Cornwalis, all the ships were built on time; in fact, they were delivered before the dates specified in the contracts. I think it is fair to make this statement in view of what the gentleman publishes.

Mr. EDMONDS. That may be true.

Mr. WATSON of Pennsylvania. The writer said the wooden boats were not delivered on time.

Mr. EDMONDS. That may be true in regard to the ships being built for the Emergency Fleet Corporation. Of course, the yard in the gentleman's district was not building ships for the Australian Government.

Mr. WATSON of Pennsylvania. That statement said that all the wooden ships that were built in our country were not built on time.

Mr. EDMONDS. I am quoting Mr. Boynton, a member of Parliament of Australia.

Mr. WATSON of Pennsylvania. He alluded to ships in our country also?

Mr. EDMONDS. He alluded to ships that were built on account of the Australian Government in our country.

Mr. WATSON of Pennsylvania. For Australia?

Mr. EDMONDS. For Australia. I am very sorry, indeed, to see this article in the paper. It seems to me if we expect to get a large trade in shipbuilding in this country our shipbuilders ought to take care of this matter. They can do it, and there is no reason why we should be subject to this criticism in far-off Australia.

Mr. SCOTT. The gentleman's remarks are very interesting. Will he indulge me to say that I recently saw a statement in Lloyd's comparing the actual cost of production of ships in this country with those in Great Britain. Following the whole proposition to its last analysis, taking up the identical essentials necessary to the production of a vessel, and the rough estimate of the increased cost in the United States was somewhere in the neighborhood of 20 per cent, that it actually cost in this country to-day for labor and material 20 per cent more to produce a ship than it does in Great Britain.

Mr. EDMONDS. Of course, I am not an expert shipbuilder, and I hesitate to express any opinion on that subject. But I would like to say to the gentleman that it is my impression that, considering the fact that we can get cheaper steel than the British Government can, we ought to be able to fairly well compete in the building of ships of the same style and character.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back seven minutes. The gentleman from Michigan has 20 minutes remaining.

Mr. SCOTT. I yield 10 minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman, as I came in the Hall I heard the gentleman from Pennsylvania [Mr. KELLY] make certain observations relative to the Naval Academy and heard him reading an extract from a paper, stating that two of the cadets had attempted suicide. After reading the article, Mr. KELLY commented on hazing at the academy, and his remarks created in my mind the impression that he thought hazing was responsible for the two midshipmen attempting suicide.

It was my pleasure last summer to be a member of the congressional board that visited Annapolis during the commencement, and I met the officers in charge and the civilian faculty, and I never met anywhere a finer body of men. I also had the privilege of meeting a great many of the midshipmen. They were happy and proud to be midshipmen, and in my opinion they are as fine a class of boys as you will find anywhere. My only child is a midshipman, having been appointed by Senator HOKE SMITH, of Georgia, and I know from him, as well as from the officers, that no hazing of an injurious character at all is permitted at the academy. Under an act of Congress hazing is absolutely prohibited, and the superintendent and officers endeavor to enforce the law. Now, of course, the boys have little rules and regulations; one of them, for instance, being that members of the fourth class can not walk down a certain walk, that they can not cut corners, and that they can not go out of certain doors. The plebes are treated just like freshmen at any college are treated by upper classmen; but there is nothing done there that would reflect on the honor or character of a boy or in anywise injuriously affect him.

Now, in answer to the suggestion of the gentleman from Pennsylvania [Mr. WATSON] that a lot of midshipmen fall out because they could not keep up, that is absolutely the fact. They are not resigning or leaving because they do not like the academy, as Mr. KELLY intimated, but because of failure to meet the requirements to remain. Pardon me for referring to a matter personal with me, but I mention it because I know the facts. My son has just finished his first year and is now a youngster. When he entered last year there were 995 boys in his class. That class in one year is brought down to 770. If a boy in any one month fails to make 2.5 in any study—4 being the maximum mark of grading—unless the academic board especially permits him to remain in the academy, he is dropped out.

Now, I know nothing in the world about the cases of these two young men, but I do feel this, that if the character of hazing they get over there caused them to attempt to commit suicide these boys did not have grit and stamina enough to make good naval officers. I know Admiral Scales, the superintendent of the academy, and his faculty have not the slightest objection to any investigation being made of their acts and doings, and I know them well enough to know that they would court such an investigation as proposed by Mr. KELLY. As I stated, I am not authorized to speak for them, but after the observation of the gentleman from Pennsylvania [Mr. KELLY] I felt, in justice to the academy and to the faculty, that I should make these few scattering remarks. [Applause.]

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. CRISP. I will.

Mr. WATSON of Pennsylvania. I visited Annapolis two years ago, and asked one of the officers what percentage of the midshipmen were graduated. I am not positive, but I think he said two-thirds were dropped during the four years because they were not able to pass the examinations. That may be too large a percentage, but I know I was surprised that such a large percentage failed.

Mr. CRISP. I will say to the gentleman that a great number of them drop out. I can not say what the percentage is. I do happen to know that last year's class, which is now the third class, when it entered had 995 members, and in the last report I received from the board as to my son's work the class had fallen to 770 members.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CRISP. I will.

Mr. BANKHEAD. As I recall from the newspaper account, there was no indication that the attempt of these young men to commit suicide was superinduced by the action of the superintendent or anyone else in the academy.

Mr. CRISP. Admiral Scales stated, according to the paper, that hazing had nothing whatever to do with the attempt of these two young men to commit suicide.

I yield back the remainder of my time to the gentleman from Michigan, and I thank him.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. SCOTT. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS], or such time as he may desire to use.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. FESS. Mr. Chairman and gentlemen of the committee, the subject that we have been discussing just now causes to rise in my mind a query of considerable importance as to why it is that so many of the cadets in both the academies fail to make the final examinations. We are certainly making constant improvement in our facilities of education. There never has been a time when we have spent so much money in order to supply the equipment, and there never has been a time when we have required a higher grade of training for teachers than to-day. In the selection of my candidates for the two academies I have always left it to competitive examination, in order that I might get the best trained, so that there would be no failure in the examination. I have not succeeded. The last two appointees that I recommended upon that sort of examination failed. No; I should not say the last two. The last one failed, and the preceding one dropped out for a reason that I want to explain. And, to be honest with you, that is why I asked for the five minutes, for I have no complaint upon the importance of a high standard of scholarship for the academies. In the onset I wish to say that, as a schoolman myself, I fully realize the advantage, if not the necessity, of rigid discipline, and therefore I would be the last man on the floor of this House to question the wisdom of the rigid discipline which is being exercised at these academies. If I could say so without being regarded as hypercritical, I would without hesitation declare that some of the rulings, especially at West Point, are without good sense. I say that as one knowing the need of discipline in higher education.

A recent appointee of mine at West Point was notified by his father, and the day after that notification he was notified by the officers of the hospital, that his mother was lying at the point of death, and he was asked to come home. He made his ap-

plication for leave to go home to the authorities of the academy. He laid the matter in telegrams before them. He was told that if he should go home he would have to resign. The boy had the choice of resignation or remaining and disrespecting the call of father and also the call of the officer of the hospital in Cincinnati. He did exactly what you would have done and what I would have done. He resigned and went to his mother. She died.

He came to talk to me about this immediately upon the death of his mother, which occurred in about 10 days, and I felt so outraged over the fact that I took it up immediately with the superintendent, and asked him if it were not possible to reinstate the boy so that he could go right on with his work without losing the year. The officer who wrote me declined to do it. He said he would lose the year, and that if he wanted to enter again he would have to reenter anew, although they would not require him to take another examination for entry.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SCOTT. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. FESS. I wrote to the superintendent and said that I appreciated fully, as I thought, the necessity of rigid regulations, and I certainly appreciated the interruption of a few days in the middle of the year in a course of higher education such as was being given in the institution; but I thought that under the circumstances this boy ought not to be compelled to lose a year, and I should insist that his statement regarding the break of but two or three weeks was not sufficient to deny his reentrance and being placed where he was when he was compelled to resign. I had a letter in answer which was extremely curt, giving me to understand that that was their regulation, and that I could accept it if I wanted to or not, but that the boy would not be reinstated, and if he wanted to reenter he would have to come in under the regulation which put him off to the end of the year. The boy, of course, did not go, as I, nor you, would not have gone.

Now, I speak as a friend of the academies. I wish that distinctly understood. I have not had any sympathy with a good deal of criticism that has been offered against them. But I think this is a case that is simply outrageous, and I feel quite keenly about the matter. Whether there is an explanation that is rational or not, I confess it was not rational to me as a schoolman.

Mr. ALMON. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. ALMON. The gentleman is no doubt familiar with this educational institution and its regulations. I was wondering what control Congress has over its regulations pertaining to matters such as the gentleman has referred to, if any.

Mr. FESS. I think Congress has given the academy almost carte blanche authority to make their own regulations as to courses of study and discipline, and I am rather of opinion that we will have to do that; that we can not here, from the floor, direct the regulations of the academy. We should have men of sound common sense in whom we can safely confide. But what shall we say of men who will make regulations such as operated upon this young man and then curtly reply to a man who demands that that injury be remedied without working an injustice to the person who is totally without fault? I do not think there is a Member in this House who would criticize the young man, or who would have said that boy should have remained in the academy, because he was called to resign or be absent from the mother when she was on her deathbed. It seems to me that it was not only a perfect outrage, but a case of inhuman brutality that must not be allowed to become the rule in any Government institution.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. CRISP. I am in thorough accord with the gentleman in that case, and I rise to ask if there are any rules or regulations forbidding the granting of leave by the superintendent in such cases?

Mr. FESS. No. That is wholly within the discretion of the superintendent, as it ought to be.

Mr. CRISP. That is, in his judgment?

Mr. FESS. Yes; and it was his judgment or the judgment of the officer acting that if you granted the leave it would so interrupt the work that the boy could not fit in again when he came back, and therefore he refused to allow him the leave of absence.

Mr. CRISP. He could have granted the leave?

Mr. FESS. Most certainly. No authority save his own will would prevent granting the leave of absence.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BLANTON. I would state to the gentleman from Ohio that I had a splendid young man from Sierra Blanca, Tex., now in the district of the gentleman from El Paso [Mr. HUDSPETH], who stood the preliminary examination, and of 27 boys, high-school graduates, in that district he stood the highest examination in the competitive contest, but on the final examination he failed only in algebra, and in that only by a very small margin.

Later on I was given to understand that there would be another examination that year, and at my suggestion the young man came to Washington and entered a preparatory school—Dowd's Academy. His parents are not rich, and this was done at great sacrifice on the boy's part and on the part of his parents. After he entered Dowd's Academy the commandant at Annapolis ruled that the young man would have to wait until the next year to take the examination; that he could not take the one coming the next month, because he would not be allowed to take two examinations in the same year. I thought that was a very harsh ruling to make under the circumstances, for the young man would be over age the next year, and he was thus prevented from entering Annapolis after going to quite an expense in making preparation.

Mr. FESS. I will say to my friend from Texas along that line that I have had no disposition to find fault with the authorities on a matter of the rigidity of examinations, or upon the matter of their rigidity in discipline in keeping up their ranking. What I draw the line on is a case like that of the illness of a cadet's mother, where the rules, within the discretion of the officers, would not allow that boy to go to the deathbed of his mother without resigning and losing his opportunity. I think that is little short of criminal. When I called the attention of the officer to it by letter I received a curt reply, evidently written by some understrapper.

I am no better, and we on this floor are no better, than people outside. Our position here entitles us to no consideration further than to perform our public duty, and I do not ask for any reply as a Congressman that I would not ask as a citizen at home in private life; but it was evidently some understrapper, who felt his authority, who gave me to understand that no amount of experience that I had had as a college officer for 25 years would equip me to say that they were in the wrong. That is why I did not like it. The reply was couched in language usually employed by an irresponsible who was exercising temporary authority and who evidently wanted it known that he was giving final orders. I know no way to reach such cases of boorishness, but, to say the least, Congress should exercise superior or commanding authority when such palpable and brutal injustice is permitted in a Government institution whose life depends upon the will of this body. We have a great academy at West Point as at Annapolis, but such conduct sheds no credit upon them and should not be tolerated a moment longer than it can be corrected.

Mr. HUDSPETH. The gentleman has stated that he did not think Congress had anything to do with the making of these rules; but we could pass a resolution of condemnation of such an act as that, could we not?

Mr. FESS. I think so; and, if necessary to prevent its occurrence, I should vote for it.

Mr. HUDSPETH. I think it ought to be done.

Mr. WALTERS. Will the gentleman state his experience as an educator, as to the possibility of a student regaining the ground that he might have lost during his brief absence from the academy?

Mr. FESS. Why, certainly. A student of any rank who was absent for two or three weeks in a college year could with ease, as my friend, our colleague, Mr. FAIRFIELD, who is an experienced educator, will admit, catch up with his class and get back in his rank, whether it be in mathematics, languages, or what not. It has been done every year and in every standard college in America. It was simply, in my judgment, a chimerical indiscretion on the part of some understrapper, who assumed to tell me that this boy, in order to go home to the deathbed of his mother, would have to resign and lose not only the year but his opportunity to be in the academy. For I fully agreed with him when he related to me at my home the details, after having written me about that matter, that I would not fault him in the least for deciding not to return. I have called attention to this incident because of what was just said by other Members about the academies, not as a critic, but as a friend of these institutions.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Michigan has one minute remaining.

Mr. SCOTT. Mr. Chairman, unless further time is desired, I will ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read section 1.

Mr. HICKS. Mr. Chairman, I move to strike out the last word for the purpose of asking a member of the committee a question.

There has been a good deal of comment in the papers in regard to the disposition of two of the great ocean grayhounds—the *Imperator* and the *Vaterland*, the last named of which did such splendid service under the American flag as a transport. Some of the newspaper accounts state that the *Imperator*, which was never in the hands of the Allies and always at anchor at Cuxhaven, is now to be allotted to the American Government and that we are also going to retain the *Vaterland*. I have been unable to substantiate these rumors or to find out the truth of the matter, and I would like very much to ask some of these gentlemen of the Merchant Marine Committee what is the status of these two great ships. I specify no one to whom I would direct my remarks.

Mr. ALEXANDER. I will ask the gentleman if he has inquired of the Shipping Board?

Mr. HICKS. I have, and they do not seem to know.

Mr. ALEXANDER. If they do not know, I am sure nobody else does.

Mr. GREENE of Massachusetts. I supposed they were under the direction of the Shipping Board.

Mr. SCOTT. If I can be considered as within the category of the gentleman's inquiry——

Mr. HICKS. The gentleman is eminently qualified.

Mr. SCOTT. I thank the gentleman. I recently saw in a newspaper a statement that the *Imperator* and the *Vaterland* had both been assigned to the United States.

I have never seen any contradiction, although previously it was said that the *Imperator* had been assigned to Great Britain. This last statement, which purported to outline the facts, said that the *Imperator* had been taken over by the Fleet Corporation and they had refused to turn her over to the British Government.

Mr. HICKS. That is all the information I have seen on the same line, but it does not really give us anything definite, because newspaper accounts are many times imaginative articles.

Mr. SCOTT. The disposition of these ships has no particular bearing on this bill now before the committee.

Mr. HICKS. I am fully aware, Mr. Chairman, that my question does not refer to the bill, but I am operating under a poetic license and striking the ball outside of the strict location of the diamond.

Mr. SCOTT. I am not criticizing the gentleman's inquiry; I was only saying that we are not changing the names of these ships.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. FAIRFIELD. I would like to know through what agency the ships were apportioned to Great Britain. Is there any reason why Great Britain should claim the right to allot the ships?

Mr. HICKS. That was a mystery to me, what claim Great Britain could have to the *Imperator*. She was never under the British flag.

Mr. SCOTT. If the gentleman will permit me to reply to the gentleman from Indiana, after the war was over a general commission was appointed and allotment was made. It was determined that the United States was entitled to all enemy ships that were interned in the United States at the time of the war. That rule prevailed as to the other allies. At the close of the war the enemy ships that were not in the possession of the Allies during the war became the subject of controversy as to their disposition. I think the peace conference decided that their disposition should be brought about by a commission appointed, and these ships were allotted pro rata to the Allies in proportion to their respective losses by submarine attack.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That for the privilege of securing such changes of name the following fees shall be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury of such collectors as navigation fees: For vessels 99 gross tons and under, $10; for vessels 100 gross tons and up to and including 499 gross tons, $25; for vessels 500 gross tons and up to and including 999 gross tons, $50; for vessels 1,000 gross tons and up to and including 4,999 gross tons, $75; for vessels 5,000 tons and over, $100.

Mr. ALEXANDER. Mr. Chairman, in line 11 the word "of" ought to be "by." I move to strike out the word "of" and insert the word "by."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, after the word "Treasury," strike out the word "of" and insert the word "by."

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. ROGERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3620) to authorize the Commissioner of Navigation to change the names of vessels, and directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. SCOTT. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SCOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, I have a bill which I have overlooked and I would like to call up and have read. It is on the Private Calendar, H. R. 6857.

Mr. ROGERS. Mr. Speaker, did I understand the gentleman from Massachusetts [Mr. GREENE] to say that the bill to which he refers is on the Private Calendar?

Mr. GREENE of Massachusetts. Yes.

Mr. ROGERS. My understanding of the rule is that bills on the Private Calendar can not be called up on Calendar Wednesday.

The SPEAKER pro tempore. The gentleman from Massachusetts is correct. Bills on the Private Calendar can not be called up on Calendar Wednesday.

ADJOURNMENT.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Thursday, October 9, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GOOD, from the Select Committee on Budget, to which was referred the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, reported the same without amendment, accompanied by a report (No. 362), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8433) granting a pension to Odelon Valcour; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9433) granting a pension to William L. Meister; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 9802) authorizing the Secretary of War to donate to White Plains, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 9803) authorizing the Secretary of War to donate to the town of Audenried, Pa., two German cannons or fieldpieces; to the Committee on Military Affairs.

By Mr. CURRY of California: A bill (H. R. 9804) to create a department of aeronautics, defining the powers and duties of the director thereof, providing for the organization, disposition, and administration of a United States air reserve force, and providing for the development of civil and commercial aviation; to the Committee on Military Affairs.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9805) donating a captured German 77 and carriage to the city of Fredonia, Kans., for decorative and patriotic purposes; to the Committee on Military Affairs.

By Mr. ROMJUE: A bill (H. R. 9806) to enable the Capital Traction Co. to acquire the stock, franchises, and property of certain street railway corporations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HULL of Tennessee: A bill (H. R. 9807) to amend the revenue act of 1918; to the Committee on Ways and Means.

By Mr. SEARS: Joint resolution (H. J. Res. 225) authorizing the establishment of a free port at Jacksonville, Fla.; to the Committee on Ways and Means.

By Mr. HILL: Resolution (H. Res. 325) to increase the salary of one special employee of the House; to the Committee on Accounts.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 326) directing the Secretary of the Navy to report on conditions in the United States Naval Academy at Annapolis; to the Committee on Naval Affairs.

By Mr. FESS: Resolution (H. Res. 327) for the consideration of H. R. 4438; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DARROW: A bill (H. R. 9808) granting a pension to Mildred S. Lewis; to the Committee on Pensions.

By Mr. HERSMAN: A bill (H. R. 9809) granting a pension to James D. Brown, alias James D. Kester; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 9810) granting a pension to Sam Ragsdale; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 9811) for the relief of Thomas R. Clark; to the Committee on Claims.

By Mr. OVERSTREET: A bill (H. R. 9812) for the relief of Janie Beasley; to the Committee on Claims.

By Mr. PARRISH: A bill (H. R. 9813) granting a pension to F. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 9814) granting a pension to James M. Waide, jr.; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9815) granting a pension to Hulda Flatt; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 9816) granting an increase of pension to John Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9817) granting a pension to John E. Root; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Indiana Yearly Meeting of Friends, protesting against the military intervention of the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. BARBOUR: Petition of Thomas Enright Post, No. 97, Veterans of Foreign Wars, on the subject of immigration; to the Committee on Immigration and Naturalization.

Also, petition of California Peach Growers (Inc.), urging the placing of an effective tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. BEE: Petition of sundry citizens of Guadaloupe County (Seguin), in opposition to the Smith-Towner educational bill; to the Committee on Education.

By Mr. CROWTHER: Petition of sundry citizens of Schenectady, N. Y., protesting against the Smith-Towner educational bill; to the Committee on Education.

Also, petition of Lithuanians of Amsterdam, N. Y., asking the United States Government to recognize their independence; to the Committee on Foreign Affairs.

Also, petition of numerous citizens of Montgomery County, N. Y., protesting against certain provisions contained in Senate bill 2906, known as the Cummins bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DARROW: Petition of Elizabeth Powell Bond and 46 other residents of Germantown, Philadelphia, Pa., urging congressional investigation of lynching and mob murder; to the Committee on the Judiciary.

By Mr. DOWELL: Petition of sundry citizens of the State of Iowa, praying for the return of the American soldiers from Russia; to the Committee on Military Affairs.

By Mr. ELLIOTT: Petition of S. Edgar Nicholson, protesting against military intervention in Mexico; to the Committee on Military Affairs.

Also, petition of S. Edgar Nicholson, protesting against universal compulsory military training; to the Committee on Military Affairs.

Also, petition of Women's Post War Council, favoring the return of the bodies of the dead soldiers of our forces when possible; to the Committee on Military Affairs.

Also, petition of S. Edgar Nicholson, favoring a league of nations; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of members of the clerical forces of the naval establishments, favoring an immediate increase in salaries; to the Committee on Naval Affairs.

By Mr. FITZGERALD: Petition of the American Legion, indorsing and approving the action and purpose of the congressional investigating committee to place responsibility for the alleged unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. NEELY: Petition of Capitol Petroleum Co., against propaganda interfering with independent oil companies in Mexico; to the Committee on Foreign Affairs.

By Mr. RANDALL of California: Memorial of Highland Park Presbyterian Church, Los Angeles, Calif., indorsing the league of nations; to the Committee on Foreign Affairs.

By Mr. SCHALL: Resolution of the Minnesota Joint Engineering Board, urging Congress to provide for the utilization of the water power at the Government dam at Minneapolis, without longer deferring action in anticipation of general water-power legislation; to the Committee on Water Power.

SENATE.

THURSDAY, *October 9, 1919.*

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

O God, our help in ages past, our present help in every hour of need, we turn to Thee this morning, thanking Thee for opportunity and for all the privileges of life, and ask Thy guidance in meeting the confusions and unrest of these times. Help these Thy servants in every circumstance of responsibility. Grant Thy grace, we beseech of Thee, in the sick room at the White House, and to Thy servant the President reveal Thyself as a helper and healer. Accept of us and glorify Thyself in and through the Nation. Through Christ our God. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Gerry	McCumber	Simmons
Ball	Gore	McKellar	Smith, Ga.
Bankhead	Gronna	McNary	Smith, Md.
Beckham	Hale	Moses	Smoot
Borah	Harding	Myers	Spencer
Brandegee	Harris	Nelson	Sterling
Calder	Harrison	New	Sutherland
Capper	Hitchcock	Newberry	Thomas
Chamberlain	Jones, Wash.	Norris	Townsend
Colt	Kellogg	Nugent	Trammell
Culberson	Kendrick	Overman	Underwood
Cummins	Kenyon	Owen	Wadsworth
Dial	Keyes	Page	Walsh, Mass.
Dillingham	King	Penrose	Walsh, Mont.
Edge	Kirby	Phelan	Watson
Elkins	Knox	Poindexter	Williams
Fernald	La Follette	Pomerene	Wolcott
Fletcher	Lenroot	Robinson	
France	Lodge	Sheppard	
Frelinghuysen	McCormick	Sherman	

Mr. NEWBERRY. I desire to announce the absence of the Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and the Senator from Colorado [Mr. PHIPPS], who are engaged in a committee hearing.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON], the Senator from South Carolina [Mr. SMITH], and the Senator from Virginia [Mr. SWANSON] are absent on account of illness in their families. The senior Senator from Nevada [Mr. PITTMAN], the junior Senator from Louisiana [Mr. GAY], and the Senator from New Mexico [Mr. JONES] are detained from the Senate on official business. The junior Senator from Nevada [Mr. HENDERSON], the Senator from Kentucky [Mr. STANLEY], and the Senator from Louisiana [Mr. RANSDELL] are absent on public business.

The VICE PRESIDENT. Seventy-seven Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 633) extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3620. An act to authorize the Commissioner of Navigation to change the names of vessels;

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.; and

H. R. 9692. An act to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of treaty provisions in relation thereof; and to promote safety at sea," approved March 4, 1915.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 9. An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes;

S. 253. An act for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914;

S. 2100. An act authorizing the Union Pacific Railway Co. or its successors to convey for public-road purposes certain parts of its right of way; and

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 3620. An act to authorize the Commissioner of Navigation to change the names of vessels;

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.; and

H. R. 9692. An act to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of treaty provisions in relation thereof; and to promote safety at sea," approved March 4, 1915.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. The Chair lays before the Senate a response on the part of the governor of the Federal Reserve Board to Senate resolution 203. It will be inserted in the RECORD. It is brief.

The communication is as follows:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, October 7, 1919.

SIR: Referring to your letter of the 6th instant inclosing a copy of Senate resolution 203, you are advised that neither the Federal Reserve Board nor the Federal reserve banks receive any appropriations from Congress. All the Federal reserve banks at the present time are earning large profits far in excess of operating expenses and dividend requirements (dividends being limited by law to 6 per cent, cumulative), and the expenses of the Federal Reserve Board and its staff are defrayed out of the proceeds of assessments levied semiannually upon the Federal reserve banks in proportion to their capital stock and surplus, as authorized by a paragraph in section 10 of the Federal reserve act.

The Federal Reserve Board is not charged with any duty relating to the promotion and development of foreign commerce, although the Federal reserve banks are authorized under section 14, with the consent or upon the order and direction of the Federal Reserve Board and under regulations to be prescribed by the board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries. Under this authority the board has authorized the Federal Reserve Bank of New York, acting for itself and other Federal reserve banks, to establish agency relations with the Bank of England and the Bank of France.

Under the provisions of section 25 of the Federal reserve act the board has also authorized a large national bank to establish branches in several foreign countries, and has authorized national banks having a capital of not less than $1,000,000 to purchase stock in corporations or banks principally engaged in foreign banking after these corporations have made an agreement with the board as to the character of the business to be transacted, the manner in which the business is to be conducted, and as to reports and examinations. A number of these foreign banking corporations have been organized with national banks as stockholders, and they have branches or offices in nearly all parts of the world.

The Federal Reserve Board itself, however, has incurred no expense in matters connected with the promotion and development of foreign commerce, nor has it any employees engaged in such work.

Respectfully, yours,

W. P. G. HARDING,
Governor.

HON. GEORGE A. SANDERSON,
Secretary United States Senate.

SHIPMENT OF WHEAT.

Mr. GRONNA. Mr. President, on yesterday the Senator from Oklahoma [Mr. OWEN] had printed in the RECORD a letter from Mr. J. H. Young, an officer of the United States Railroad Administration, with reference to the exportation of wheat. Mr. Young gives the excuse that for the want of ships wheat is not being exported. I take it that the Senate is anxious to have the facts, and I wish to say that I am in a position to give them the facts because I have taken the matter up with the Secretary of Agriculture. For the information of the Senator from Oklahoma, as well as other Senators, I ask to have read a letter which I have just received from the Secretary of Agriculture.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

THE SECRETARY OF AGRICULTURE,
Washington, October 2, 1919.

HON. A. J. GRONNA,
United States Senate.

DEAR SENATOR GRONNA: I have your letter of September 27, in which you make inquiry regarding embargoes upon cereals and their products, live stock and the products of live stock, and other necessary food products. Matters of this sort are now handled by the War Trade Section of the State Department, which took over the functions of the War Trade Board at the close of the past fiscal year. The bureau of exports of that section informs me that, with the exception of wheat and wheat flour, any and all food products may be exported freely, without individual export license, to any country in the world except European Russia. Questions relating to the exportation or importation of wheat and wheat flour are dealt with by the United States Wheat Director, whose offices are located at 42 Broadway, New York City. I am inclosing herewith for your information a copy of a letter from the Bureau of Exports, together with two bulletins which have a bearing on your inquiry.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

Mr. GRONNA. Mr. President, I simply want to add that Mr. Julius Barnes, Director of the Grain Corporation, is responsible for the embargo. There has been and there is now an embargo on wheat and wheat flour, and that is the reason why wheat is not being exported. The letter which was printed in the RECORD on yesterday does not give the correct information. As a further proof of that, Mr. President, I offer——

Mr. POMERENE. May I ask the Senator a question in that connection?

Mr. GRONNA. Yes, sir.

Mr. POMERENE. What is the reason for this embargo?

Mr. GRONNA. I have telegraphed Mr. Barnes and asked him why it is necessary to have this embargo at the present time, but up to this moment I have not received a reply.

Mr. KING. Mr. President, will the Senator from North Dakota permit an inquiry?

Mr. GRONNA. Certainly.

Mr. KING. I have been advised by a number of gentlemen who have given attention to this matter that one of the reasons why the shipments of foodstuffs during the past month or so have been as small as they have been—although they have been very great—was because of the lack of credit in Europe, the lack of means upon the part of European Governments with which to pay for the foodstuffs. From all that I can learn, including statements made by Mr. Hoover and others who are familiar with European conditions, the fact is that the European nations do not have sufficient funds with which to make the purchases in this country which their necessities require.

Mr. GRONNA. I will say to the Senator from Utah that that is not the reason with reference to wheat and wheat flour. If the Senator will read the letters which I have asked to have printed in the RECORD in connection with my remarks, he will find that to be the fact.

Mr. President, if I may be permitted to add another word, I wish to say that under our tariff law there is a duty of 10 cents per bushel on wheat between the United States and Canada. It seems, however, that these people are a law unto themselves and make their own laws. I am advised by the Secretary of Agriculture—I have his letter here, but it is rather a lengthy one, and I shall not ask to have it printed in the RECORD—that there is no duty on wheat. The law has never been repealed, so far as I know; it is on the statute books of the United States; Canada refused to accept the reciprocity treaty by an overwhelming vote, as Senators know; and why this law has been set aside I do not know. At any rate, it has been held, and is held to-day, that there is no duty on wheat between the United States and Canada.

Mr. WILLIAMS. Mr. President, I understood the Senator from North Dakota to say that it is held to-day that there is no duty on wheat?

Mr. GRONNA. Yes.

Mr. WILLIAMS. May I ask him by whom it is so held?

Mr. GRONNA. It must be by Mr. Barnes, the wheat director, for wheat is being shipped into this country free of duty.

Mr. WILLIAMS. Of course, the Senator from North Dakota knows that Mr. Barnes can not give a judicial opinion which would bind anybody.

Mr. GRONNA. The holding must be by the Treasury Department.

Mr. WILLIAMS. If there is any doubt about the legality of the action, why has the matter not been carried into court? The courts have the final say about whether there is or is not a duty upon a product coming into the United States. Has the matter ever been determined by the customs court or has it ever been appealed from that court to the Court of Appeals? What is the status of it?

Mr. GRONNA. The status of it is this: It has been held—I suppose by the Treasury Department—that there is no duty on wheat. Of course, no one has had the time to take the matter to the courts, I will say to the Senator from Mississippi. It is a matter with which the people of the United States have not been familiar; it is a new matter.

Mr. WILLIAMS. Of course, there is no authority in any part of the Executive to set aside a law; the Senator from North Dakota knows that as well as I. If the law be that there is no duty upon wheat from Canada at this moment, of course, there is none. By the way, that is the law. If the law be that there is a duty upon wheat, of course, there is one. Now, what I am trying to get at is for the Senator to be more specific and to tell the country just who has held that there is no duty on wheat, and what is his ground of objection to the legality of that decision if it be a decision.

Mr. GRONNA. I have the letter of the Secretary of Agriculture, and I will ask that it may be read. That will give the Senator from Mississippi the information.

Mr. WILLIAMS. I wish the Senator would have that letter read, because the Senator is making a very grave charge. He is making a charge that the Executive of this country is suspending and setting aside laws. It was for that crime that James the Second had to abdicate the throne of England and that Charles the First lost his throne and his head.

Mr. GRONNA. The Senator from North Dakota is making the statement that there is no duty on wheat, upon information furnished him by the Secretary of Agriculture.

Mr. WILLIAMS. Very well; let the letter of the Secretary of Agriculture be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, September 27, 1919.

Hon. A. J. GRONNA,
United States Senate.

DEAR SENATOR GRONNA: Your letter of September 22, inclosing correspondence with Senator WALSH relative to changes in tariff regulations on seed oats and wheat has been received. I find that there is no tariff at this time on wheat imported from Canada, and that the tariff on oats is 6 cents per bushel of 32 pounds. As the usual rate of seeding for oats in Montana and western North Dakota is around 2 to 2½ bushels per acre, the additional cost per acre due to the tariff would not be more than from 12 cents to 15 cents.

The estimated average area sown to oats in Montana during the past three years is 680,000 acres. Of this, probably 400,000 to 450,000 acres is on dry farms in the area seriously affected by drought this year, and the seed for probably all of this will have to come from sources outside of that area next spring. Of the 400,000 to 450,000 acres of dry-land oats, perhaps 300,000 are in Great Northern territory, which would be most likely to draw on the prairie Provinces of Canada for its seed supply.

The Bureau of Crop Estimates' report for 1918 shows that 650,000 acres of oats were sown in the territory north of the Missouri River and east to and including Rolette and Benson Counties. Some seed oats will have to be shipped into this section next spring, though the crop is much better than in any part of Montana. The poorest crops, not only of oats but of other grains, are in Bottineau, Rolette, Pierce, and McHenry Counties. In Burke, Divide, Williams, Mountrail, and Ward Counties considerable quantities of fair to good oats have been harvested, so that demand for seed from outside sources is unlikely. The counties farther east have direct connection with Canada by both the Great Northern and Soo lines, and could readily obtain a part of their seed supply from that section if desired.

The oat crop, as well as all other crops, is much poorer in southwestern North Dakota than in the northwestern part of the State. In the counties west of the Missouri River and in the adjoining counties of McLean, Burleigh, and Emmons, 420,000 acres were sown in 1918. A large part of the seed oats for this section will have to come from outside sources next spring, but only Emmons, Burleigh, and McLean Counties can be supplied on direct shipment from Canada. Presumably the Northern Pacific and Chicago, Milwaukee & St. Paul territory in both North Dakota and Montana is much more likely to draw on eastern than on Canadian sources for its seed grain.

The growing season in Minnesota was very wet with a resulting rank growth and considerable lodging and disease, so that it is doubtful if seed oats of good quality could be obtained there. Probably the best sources are the northeastern counties of North Dakota and southeastern South Dakota, where sufficient corn is grown to keep down wild oats.

In response to a telegram sent to Mr. George H. Clark, Canadian seed commissioner, the Bureau of Plant Industry has received the following message:

Oat crop, Alberta, Saskatchewan, this year harvested early; excellent condition. Believe could spare up to 2,000,000 bushels Canadian standard No. 1 and No. 2 seed Alberta white oats, consisting of Banner and Abundance varieties, which mature together. This quality oats commands premium, uncleaned condition about 15 cents for No. 1 and 10 cents for No. 2 over Canadian No. 2 Canada Western. Cost of cleaning and wastage in cleaning amounts additional to 8 cents per bushel, Canadian Government elevators. Suggest you communicate directly with United Grain Growers, Cooperative, Winnipeg.

Judging from Mr. Clark's telegram and our own knowledge of the supply of seed oats in Montana and North Dakota, there seems to be no doubt that there will be enough seed oats in Alberta and Saskatchewan for all possible demands, and it is likely that the people of northern Montana and northwestern North Dakota will desire to fill a large part of their needs from these Provinces.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

Mr. WILLIAMS. Mr. President, as I understand that letter, the Secretary of Agriculture says that he "finds there is no duty upon wheat and that there is a duty of 6 cents upon oats."

Of course, he must find that from the law, and so I do not quite understand the charge being made now by the Senator from North Dakota against the executive department. A moment ago I understood from the Senator that he contended that there was a duty on Canadian wheat and that it was being suspended by the executive department. If the Secretary of Agriculture be correct in saying that "he finds no such law," then the Senator from North Dakota must be incorrect in some way.

Mr. GRONNA. Mr. President, the Senator from North Dakota made no charge whatever against the executive department. The Senator from North Dakota stated that the Director of the Grain Corporation, Mr. Julius Barnes, was, in his judgment, responsible for the condition referred to; that he had placed an embargo—which he has a legal right to do—not only upon wheat but upon wheat flour. I do not charge that is any violation of law, but I do not believe that it is fair to set aside the law; and the Senator from Mississippi knows as well as I do, because he helped to make the law, that to-day there is a duty of 10 cents a bushel on wheat, unless the Canadian Government has seen fit to approve the reciprocity treaty or to approve our tariff act of 1913 and agree that there shall be no duty on wheat or on wheat flour.

Mr. WILLIAMS. The embargo question is a separate and independent question, and is subject to a different course of analysis in determining as to whether or not it ought to have been laid. Frankly I do not see why any embargo should be laid upon the exportation of wheat, and had I the authority I

certainly would not have laid any; but that is a different question.

I understood the Senator in his opening remarks to say he did not understand who had "suspended the law." Now, the Senator tells me that he made no charge that anybody had suspended it.

Mr. GRONNA. If the Senator will yield to me, I seem to be very unfortunate in making myself understood. I offered a letter from the Secretary of Agriculture to show that there was an embargo on wheat.

Mr. WILLIAMS. I heard that letter read.

Mr. GRONNA. I did that because the Senator from Oklahoma [Mr. OWEN] on yesterday had printed in the RECORD a letter from Mr. Young giving the reasons why wheat was not being exported and stating that it was due to the lack of ships.

Mr. WILLIAMS. I understand that.

Mr. GRONNA. I am glad the Senator understands that.

Mr. WILLIAMS. But the point I am arriving at is this: I understand the Senator now either to have withdrawn the charge or to have informed me that I misheard him—I do not know which; but I understood that in his first remarks he was making inquiry as to some executive officer who had "suspended a law" which *he* says is in existence and valid to-day and which is being violated. The Senator is mistaken, then, when he withdraws the charge in his last remark and says that he made no charge against anybody of suspending the law, or else he was mistaken in his charge.

Mr. GRONNA. The only difference is that I did not say, "I do not make any charge against anybody"; I said I made no charge against the executive department. I do make the charge against Julius Barnes, the Director of the Wheat Corporation, that he is acting contrary to the spirit of the law.

Mr. WILLIAMS. But, Mr. President, if an article bearing by law a duty is admitted into the United States duty free it must be through the operation of the Treasury Department, which is a part of the executive, so that, of course, the Senator is making a charge against the customs service, which is a part of the Treasury Department.

Mr. GRONNA. I ask leave to have printed in the RECORD a letter of Mr. Vance C. McCormick, chairman of the War Trade Board, one from Mr. F. S. Dickson, of the Bureau of Exports, and export license No. RAC–77.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WAR TRADE BOARD,
Washington, June 30, 1919.

REGULATIONS GOVERNING THE EXPORTATION AND IMPORTATION OF WHEAT AND WHEAT FLOUR.

The War Trade Board announce, effective July 1, 1919, that all control over the exportation and importation of wheat and wheat flour heretofore vested in the War Trade Board under Title VII of the espionage act and section 11 of the trading-with-the-enemy act, respectively, will, in accordance with the proclamation issued by the President on June 24, 1919, under section 6 of the so-called "wheat guaranty act," approved March 4, 1919, be transferred to and vested in the United States Wheat Director. All outstanding unused export or import licenses issued by the War Trade Board for wheat or wheat flour will be revoked effective July 1, 1919, and collectors of customs have been advised that said licenses are of no further force or effect.

The War Trade Board announce further that wheat and wheat flour will be removed, effective July 1, 1919, from the export conservation list and from the list of restricted imports of the War Trade Board.

All inquiries regarding the exportation or importation of wheat and wheat flour should be addressed to the United States Wheat Director, 42 Broadway, New York City.

VANCE C. MCCORMICK, *Chairman.*

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SEPTEMBER 30, 1919.

The honorable the SECRETARY OF AGRICULTURE,
Washington, D. C.

MY DEAR MR. SECRETARY: Referring to your telephone request for information regarding any embargoes which may be in force in the export of food products, I wish to advise you that, with the exception of wheat and wheat flour, any and all food products may be exported freely, without individual export license, to any country in the world save European Russia. I inclose a copy of War Trade Board ruling 833, issued to-day, covering shipments under special export license RAC–77.

I also inclose a copy of War Trade Board ruling 797, dated June 30, 1919, which announces that on and after July 1, 1919, all control over the exportation and importation of wheat and wheat flour heretofore vested in the War Trade Board will, in accordance with the proclamation issued by the President, of June 24, 1919, under section VI of the so-called "wheat guaranty act," approved March 4, 1919, be transferred to and vested in the United States Wheat Director.

Very truly, yours,

BUREAU OF EXPORTS,
By F. S. DICKSON.

—

DEPARTMENT OF STATE,
WAR TRADE BOARD SECTION,
September 30, 1919.

Special Export License No. RAC–77, extended to cover the shipment to the Republic of Austria, Bulgaria, Turkey, and Hungary of all commodities except war materials.

The War Trade Board Section of the Department of State announces that Special Export License RAC–77, W. T. B. R. 831, has been extended and reissued, effective October 1, 1919. Special Export License RAC–77 as amended will authorize the exportation by freight or express, without individual licenses to the countries hereinbelow mentioned, of all commodities whatsoever, except (1) certain commodities as listed below when destined to Hungary, the Republic of Austria, Bulgaria, or Turkey; (2) arms, ammunition, and explosives consigned to China; (3) wheat and wheat flour, the control over the exportation of which has been vested in the Wheat Director (see W. T. B. R. 797, issued June 30, 1919):

(a) Any country in the Western Hemisphere.
(b) Any country in Africa.
(c) Any country in Asia or Oceania.
(d) Any country in Europe except Russia.

An individual export license must be obtained before any of the commodities hereinafter mentioned may be exported to Hungary, the Republic of Austria, Bulgaria, or Turkey. The importation into the above-named countries of the following commodities will be restricted, and individual export licenses will be granted only in exceptional cases:

Aircraft of all kinds, including aeroplanes, airships, balloons and their component parts, together with accessories and articles suitable for use in connection with aircraft.

Apparatus which can be used for the storage or projection of compressed or liquefied gases, flame acids, or other destructive agents capable of use in warlike operations, and their component parts.

Armor plates.

Armored motor cars.

Arms of all kinds, including arms for sporting purposes, and their component parts.

Barbed wire and implements for fixing and cutting same.

Camp equipment.

Camp equipment, articles of, and their component parts.

Clothing and equipment of a distinctively military character.

Electrical appliances adapted for use in the war and their component parts.

Explosives especially prepared for use in war.

Field glasses.

Gases for war purposes.

Guns and machine guns.

Gun mountings, limbers, and military wagons of all descriptions.

Harness or horse equipment of a military character.

Implements and apparatus designed exclusively for the manufacture of munitions of war, or for the manufacture or repair of arms or of war materials, for use on land or sea.

Mines, submarines, and their component parts.

Projectiles, charges, cartridges, and grenades of all kinds and their component parts.

Range finders and their component parts.

Searchlights and their component parts.

Submarine sound-signaling apparatus and materials for wireless telegraphs.

Torpedoes.

Warships, including boats and their component parts of such a nature that they can only be used on a vessel of war.

The exportation to the Republic of Austria, Hungary, Bulgaria, and Turkey of the following articles, viz, barbed wire and implements for fixing and cutting the same, articles of camp equipment and their component parts, clothing and equipment of a distinctly military character, electrical appliances for use in war and their component parts, military wagons of all descriptions, and harness or horse equipment of a military character, is forbidden only on account of the military use to which such articles can be put. If exporters have information showing that the articles are destined for civil purposes, the same should be submitted with their applications for export licenses.

Exporters who desire to make shipments under Special Export License RAC–77 need only present their shipper's export declarations (Customs Cat. 7525), in duplicate (see W. T. B. R. 828, issued Aug. 21, 1919), to the collectors of customs at the ports of exit for indorsement to permit the shipments to proceed.

Mr. SIMMONS. Mr. President, I think there is some little confusion with reference to the 10 per cent duty upon wheat. Let me read the section of the act of October 3, 1913, with reference to wheat. It is as follows:

Wheat, wheat flour, semolina, and other wheat products, not specially provided for in this section—

The section is the free list—

Provided, That wheat shall be subject to a duty of 10 cents per bushel, that wheat flour shall be subject to a duty of 45 cents per barrel of 196 pounds, and semolina and other products of wheat, not specially provided for in this section, 10 per cent ad valorem, when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on wheat or wheat flour or semolina imported from the United States.

I presume that the decision referred to by the Senator from North Dakota was a construction of that section of the tariff act of 1913.

Mr. WILLIAMS. Mr. President, my object in interrupting the Senator was to get this thing in specific and definite shape. As the Senator from North Carolina has just shown, no law has been suspended, no law has been violated, and no part of the executive branch of the Government has rendered itself subject to the enormous impeachment that was laid against the Stuarts for doing what was charged by the Senator from North Dakota.

LEAGUE OF NATIONS.

Mr. HITCHCOCK. Mr. President, I ask to have inserted in the RECORD a list of 104 organizations in California which have indorsed the ratification of the treaty and the league of nations since July 1. It will be remembered that I have already introduced a number of reports of that sort from various States, particularly from California.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

"FURTHER LIST OF CALIFORNIA ORGANIZATIONS THAT HAVE ADOPTED SINCE JULY 1 RESOLUTIONS FAVORING THE LEAGUE OF NATIONS.

"Organization, place, and date.

"ALAMEDA COUNTY.

"Washington School Parent-Teachers' Association, Oakland, July 2, 1919.

"Berkeley Mothers' Club, Berkeley, July 7, 1919.

"BUTTE COUNTY.

"Federation of Women's Clubs, Chico.

"Community Council and Social Center, Oroville.

"Chico Lodge, No. 113, Independent Order of Odd Fellows, Chico, June 3, 1919.

"CONTRA COSTA COUNTY.

"Olive Homestead, No. 1106, B. A. Y., Richmond.

"Alameda District of California Federation of Women's Clubs, Richmond.

"COLUSA COUNTY.

"Citizens of Colusa, mass meeting, Colusa, August 6, 1919.

"Citizens of Williams, mass meeting, Williams, August 7, 1919.

"FRESNO COUNTY.

"Hawthorne Parent-Teachers' Association, Fresno, May 8, 1919.

"The Reorganized Church of Jesus Christ of the Latter Day Saints, Fresno, June 2, 1919.

"HUMBOLDT COUNTY.

"Local Union No. 12, International Union of Timberworkers, George Galloway, secretary, Eureka, July 13, 1919.

"KERN COUNTY.

"United Brotherhood of Carpenters and Joiners of America, Local No. 743, Bakersfield, July 1, 1919.

"KINGS COUNTY.

"Public meeting, Corcoran, June 30, 1919.

"Plumbers' Local Union No. 262.

"Carpenters' Union No. 1043, A. Gustafson, secretary, Hanford, June 19, 1919.

"Painters' Union No. 594, E. W. Beckman, secretary, Hanford, June 14, 1919.

"Kings County Building Trades, A. Gustafson, Hanford, June 13, 1919.

"Hanford Review of Maccabees, secretary, C. Mouser, Hanford, June 19, 1919.

"Lady of the Lake Rebekah Lodge, No. 111, Hanford, June 20, 1919.

"LOS ANGELES COUNTY.

"Silver Wave Rebekah Lodge, Independent Order of Odd Fellows, Santa Monica.

"Torrance Chamber of Commerce, Torrance, Calif.

"Norwalk Parent-Teachers' Association, Norwalk, July 5, 1919.

"Monrovia Lodge, No. 308, Free and Accepted Masons, Monrovia, June 12, 1919.

"South Park Parent-Teacher Association, Los Angeles, July 3, 1919.

"Printing Pressmen and Assistants' Union No. 155, Pasadena, July 10, 1919.

"Santa Monica Lodge, No. 307, Free and Accepted Masons, Santa Monica, June 6, 1919.

"Knights of Pythias, Covina, July 10, 1919.

"New England Society, Los Angeles, July 7, 1919.

"San Fernando Chamber of Commerce, San Fernando, July 22, 1919.

"College Women's Club, Long Beach, July 20, 1919.

"John A. Marin Post, No. 153, Grand Army of the Republic, Soldiers' Home, July 22, 1919.

"Redondo Aerie, No. 935, Fraternal Order of Eagles, Redondo Beach, July 21, 1919.

"Pasadena Lodge, No. 324, Independent Order of Odd Fellows, Pasadena, July 24, 1919.

"Loyal Order of Moose, Los Angeles, July 24, 1919.

"Pasadena Tent, No. 1, the Maccabees, Pasadena, July 21, 1919.

"America Lodge, No. 65, Knights of Pythias, Redondo Beach, July 23, 1919.

"Harbor City Post, No. 185, Department of California and Nevada, San Pedro, July 23, 1919.

"Sequoia Tribe, No. 140, Sailors' Union Hall, San Pedro, July 24, 1919.

"Glendora Chamber of Commerce, Glendora, July 21, 1919.

"Board of directors chamber of commerce, Venice, July, 1919.

"Ocean Park Chapter, No. 245, Order of Eastern Star, Venice, June 19, 1919.

"Royal Oak Lodge, No. 220, Sons of St. George, Los Angeles, July 25, 1919.

"Mayflower Rebekah Lodge, No. 300, South Pasadena, July 21, 1919.

"Lawndale Improvement Association, Lawndale, July 14, 1919.

"Venice Chamber of Commerce, Venice, July 22, 1919.

"Covina Chapter, Daughters of American Revolution, Covina, July 31, 1919.

"Anna Ella Carrol Tent, No. 9, Daughters of Veterans, Sawtelle, July 28, 1919.

"Lancaster Lodge, No. 347, Free and Accepted Masons, Lancaster, August 1, 1919.

"Norwalk Chapter, No. 143, Order of Eastern Star, Norwalk, Calif., August 12, 1919.

"Brotherhood of American Yeomen, Pasadena, Calif., July 24, 1919.

"Heliotrope Rebekah Lodge, No. 183, Independent Order of Odd Fellows, Pomona, July 22, 1919.

"Pasadena Rebekah Lodge, No. 121, Independent Order of Odd Fellows, Pasadena, August 5, 1919.

"LAKE COUNTY.

"Upper Lake Women's Protective Club, Upper Lake, July 2, 1919.

"MADERA COUNTY.

"Madera Lodge, No. 327, Independent Order of Odd Fellows, Madera, July 10, 1919.

"Madera farm bureau picnic, Madera.

"Farm bureaus of Madera County, board of directors, Madera.

"Union meeting of the churches, Madera.

"Dixie Land Improvement Club, Madera.

"Teneya Tribe of Red Men, Madera.

"MARIN COUNTY.

"Carpenters' Union No. 35, L. Johansen, secretary, San Rafael, July 15, 1919.

"NAPA COUNTY.

"Mass meeting of citizens, Calistoga, August 1, 1919.

"ORANGE COUNTY.

"Gazelle Grange, No. 380, Gazelle, July 9, 1919.

"RIVERSIDE COUNTY.

"Hiawatha Tribe, No. 106, Improved Order of Red Men, Riverside, June 26, 1919.

"SAN FRANCISCO COUNTY.

"Denman School Mothers' Club, San Francisco.

"Butchers' Union, Local No. 115, San Francisco, July 10, 1919.

"International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of United States and Canada, Union Local No. 16, San Francisco, July 16, 1919.

"People's Liberal Church, San Francisco, June 29, 1919.

"San Francisco Typographical Union, No. 21, San Francisco, July 22, 1919.

"Varnishers' and Polishers' Local Assembly, No. 134, San Francisco, July 22, 1919.

"SAN JOAQUIN COUNTY.

"Mass meeting of northern part of county, Lodi, July 17, 1919.

"SAN DIEGO COUNTY.

"Moving Picture Operators' Local Union, No. 297, San Diego.

"Lasker Lodge, No. 370, B'nai B'rith, San Diego, July 14, 1919.

"United Brotherhood of Carpenters and Joiners, No. 2553. San Diego, July 21, 1918.

"SAN BENITO COUNTY.

"San Benito Labor Council, Hollister.

"SANTA CLARA COUNTY.

"Plasterers' and Cement Finishers', No. 224, San Jose, July 11, 1919.

"Cristofer Colombo Circle, No. 256, C. O. F., San Jose.

"Italian Benevolent Society, Hall No. 129, San Jose, July 7, 1919.

"Cigarmakers' Local Union, No. 291, San Jose, July 19, 1919.

"Millmen's Union, No. 262, United Brotherhood of Carpenters and Joiners of America, San Jose, July 14, 1919.

"Union meeting, Baptist, Methodist, and Congregational Churches, Sunnyvale, July 27, 1919.

"First Methodist Episcopal Church, Palo Alto, August 4, 1919.

"Mass meeting in Santa Clara, Santa Clara, August 5, 1919.

"SONOMA COUNTY.

"Woman's Improvement Club, 8, Corona, May 16, 1919.

"Sebastopol Grange, No. 306, Patrons of Husbandry, Sebastopol, June 28, 1919.

"United Brotherhood of Carpenters and Joiners, Petaluma, July 28, 1919.

"SANTA CRUZ COUNTY.

"State Convention of Christian Churches of California, Santa Cruz, August 2, 1919.

"SANTA BARBARA COUNTY.

"Bricklayers' and Masons', No. 5, Santa Barbara, Calif.

"SAN LUIS OBISPO COUNTY.

"San Luis Obispo Rebekah Lodge, No. 218, San Luis Obispo, July 5, 1919.

"Paso Robles High School, Paso Robles, Calif.

"SHASTA COUNTY.

"Welcome Lodge, No. 209, Independent Order of Odd Fellows, Igo, June 26, 1919.

"Eola Rebekah Lodge, No. 256, Igo, June 26, 1919.

"TULARE COUNTY.

"Dinuba Local Union, No. 484, United Brotherhood of Carpenters and Joiners of America, Dinuba, July 11, 1919.

"Local Union No. 899, Painters, Visalia, July 10, 1919.

"VENTURA COUNTY.

"Board of supervisors, Ventura, July 21, 1919.

"Board of trustees, Ventura, August 4, 1919.

"YOLO COUNTY.

"Woodland Lodge, No. 1299, Benevolent and Protective Order of Elks, Woodland, July 1, 1919.

"Women's Home Missionary Society, Methodist Episcopal Church, Woodland, July 7, 1919.

"Women's Foreign Missionary Society, Methodist Episcopal Church, Woodland, July 7, 1919.

"Women's Bible Class, 'Loyalty' Methodist Episcopal Church, Woodland, July 7, 1919.

"Beta Gama Kappa, Woodland, July 3, 1919."

Mr. HITCHCOCK. I also ask to have published in the RECORD a letter from Nelson G. Welburn, vice chairman of the American Legion at Alameda, Calif., also indorsing the league of nations.

Mr. POINDEXTER. Mr. President, before this request is granted I should like to say that the Senator from Nebraska nearly every day rises and puts into the RECORD telegrams or petitions or letters from people who are in favor of the league of nations. I have a great number of letters and telegrams and petitions and communications from people who are against the league of nations. They have not been put into the RECORD. It never occurred to me that it was a very accurate test of the wishes of the American people to see a rivalry between Senators as to who could introduce the most telegrams or letters or petitions for or against a proposition.

I just wanted to interpolate, before granting the unanimous-consent request of the Senator from Nebraska—and I am not going to object to it—the statement that I do not accept as having any force or weight this effort which the Senator from Nebraska is making to prove by a mass of telegrams that he is introducing that there are more people on that side of the question than there are on the other side. It is no test at all.

Mr. HITCHCOCK. Mr. President, I sympathize with what the Senator says. I have received, I suppose, thousands of letters and telegrams that I have not presented to the Senate nor introduced in the RECORD in any way. What I have just presented, except the one letter, is a mere list of 104 organizations which have adopted resolutions. I do not present the resolutions themselves, but merely a list of 104 organizations in California that have adopted resolutions since July 1. That is to supplement others that I have previously introduced.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

AMERICAN LEGION, CALIFORNIA BRANCH,
ALAMEDA POST, No. 9,
Alameda, Calif., October 4, 1919.

Hon. GILBERT M. HITCHCOCK,
Senate Office Building, Washington, D. C.

DEAR SIR: I beg to hand you herewith a copy of the letter as sent the Hon. HIRAM W. JOHNSON this day. In passing, and as a Progressive, I may say to you that the people of California are for the league of nations without amendments or reservations. They emphatically resent the nefarious attempt to convert this important question into a political issue.

Senator JOHNSON'S visit to California, sir, has helped and not injured the league of nations. To the nonpartisan element of this State his speeches have not been here an impartial and unprejudiced analysis, but more of an indictment of President Wilson.

Yours, for the success of the league, I have the honor to remain,

Most sincerely, yours, NELSON G. WELBURN,
Vice Chairman.

Mr. HITCHCOCK. I also ask to have printed in the RECORD a vote taken by the Los Angeles Times during the last several weeks on the subject of the league of nations, showing 10,941 for the league as against 997 against the league. I want to say that these polls taken by the Los Angeles Times are among very representative organizations and bodies. For instance, in the case of the board of directors of the Los Angeles Chamber of Commerce, 15 Republicans and 2 Democrats, with 3 absent, the vote was 17 for the league and none against it. The Los Angeles Ministerial Union was unanimous, 156 votes for the league. The Los Angeles Board of Education voted 7 for the league and none against it; and so on through a list of some 50 or 60 organizations, the total vote being 10,941 for the league, as I have stated, and less than 1,000 against it. I ask to have the list printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"HERE IS THE PROOF OF IT.

"Following are straw votes collected by the Times during the past few days on the question, 'Do you favor the league of nations as outlined and defended by President Wilson and opposed by Senator Johnson?' Every available gathering of persons consenting to vote on the subject is included in this list, whether the result favored the position taken by the Times or not. In some cases certain of those voting favored the league with reservations. Where such reservations are of a minor nature, these are counted for the league; where not, against it. In all cases the number of voters making reservation is noted. Most of the church vote was taken at the prayer meetings held Wednesday evening, which accounts for the small vote cast. All are of Los Angeles unless otherwise stated.

	For.	Against.
Board of Directors, Los Angeles Chamber of Commerce (15 Republicans, 2 Democrats), 3 absent	17	0
Los Angeles Ministerial Union	156	0
Presidents' Council, Los Angeles District, California Federation of Women's Clubs, representing 16,000 women	300	0
Los Angeles Board of Education	7	0
Los Angeles City Council (1 undecided)	8	0
First Methodist Church of Hollywood	1,800	6
Ruskin Art Club	100	75
Trinity Methodist Church	2,000	0
Superior Judges (7 with reservations)	15	10
First Presbyterian Church (3 not voting)	50	0
Knox Presbyterian Church	12	0
Union League Club (33 with reservations)	69	45
Kiwanis Club of Long Beach	100	0
Long Beach City Commission	5	0
First Congregational Church	110	0
Broadway Christian Church	30	2
Justices, Department 2, Second District Court of Appeal	3	0
Directors Los Angeles Wholesale Grocery Co	8	3
Current Events Club, Ontario	57	54
Women's Foreign Missionary Society, First Methodist Episcopal Church	25	1
Los Angeles Woman's Christian Temperance Union (State Woman's Christian Temperance Union already on record in favor of the league.)	30	0
Michigan Society of Los Angeles	31	28
Bakersfield Labor Council	42	16
Art Theater, Redondo Beach	38	17
Redondo Beach Christian Church	9	2
Lobby Hotel Maryland, Pasadena (5 with reservations)	12	2
Pasadena street crowd (9 with reservations)	31	1
Van Nuys Presbyterian Church	11	5
First Baptist Church, Whittier (12 with reservations)	78	6
Society of Friends, Whittier	1,200	0
City of Porterville	250	25
First Congregational Church, Riverside	800	0
Miscellaneous meetings, Riverside	349	256
Missouri State Society, San Diego	20	4
Suffrage meeting, San Diego	42	17
Miscellaneous meetings, San Diego	175	25
San Diego Sun ballot	2,268	399
First Baptist Church, Ontario	31	10
Calexico (first 10 votes on street; 1 in doubt)	6	3
City of Redlands (90 with reservations)	150	0
City of El Centro	124	24
City of Perris	45	46
Imperial High School	83	21
Los Angeles Greeters' Club	26	11
First Baptist Church	89	27
P. E. O. Sisterhood of Van Nuys	10	4
District attorney's staff	24	8
First Universalist Church	101	0
Total	10,941	997

"The pastors of more than a dozen large churches in this city, who have not yet put the league of nations to a vote before their congregations, express the opinion that the membership of their churches are almost unanimously in favor of it."

Mr. McCORMICK. Mr. President, I desire to ask the Senator from Nebraska if he will not introduce into the RECORD also the vote taken by the Omaha Bee. It will be more easily available for him than for me.

Mr. HITCHCOCK. The Senator puts me in a very embarrassing position by such a request. I think possibly it would come with better grace from the Senator from Illinois, and I do not want to violate the advice just given by the Senator who has criticized my introduction. I will content myself with what I have already presented.

Mr. McCORMICK. Mr. President, I ask that a statement by Sir Robert Borden, and another by a Canadian correspondent, be printed in the RECORD as evidence that the Canadian view of the position of Canada in the league differs from that of Senators who have held that Canada had a voice, but no vote.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"CANADA'S STATUS AS A NATION WITHIN THE BRITISH EMPIRE TOLD BY PREMIER—SIR ROBERT BORDEN EXPLAINS DIPLOMATIC POSITION ACHIEVED BY DOMINION AT THE PEACE CONFERENCE—TELLS OF ITS RELATION AS A SELF-GOVERNING BRITANNIC COUNTRY TO THE TREATY.

"In the Canadian section of the Sun of Tuesday last a special parliamentary correspondent in Ottawa gave some highly interesting particulars regarding certain official correspondence arising out of the Dominion's presence at the peace conference and involving the right of her Parliament to discuss and approve of the peace treaty—the position being taken that in the event of a 'show of hands' by the people of Canada they would undoubtedly be a solid unit for the position taken by Sir Robert Borden, namely, that in matters of peace or war which affect the Dominion the decision must rest not with the King or with the British Cabinet but with the Parliament of Canada.

"The character of the representation secured by Canada at the peace conference, her position as a signatory to the treaties, and her status as a member of the league of nations are matters which—owing to the incomplete development of the relations of the various British dominions to the motherland—Americans, and, indeed, many Canadians, only imperfectly understand. The following statement of the Canadian premier, therefore, just made to the Parliament of Canada, touching upon the entire question, is of the utmost international importance:

[By the Right Hon. Sir Robert Laird Borden, G. C. M. G., P. C.]

"The status of the dominions at the peace conference was the subject of long and earnest discussion. Various methods, which it is not necessary to explain, were suggested. In the end I proposed that there should be a distinctive representation for each dominion similar to that accorded to the smaller allied powers, and, in addition, that the British Empire representation of five delegates should be selected from day to day from a panel made up of representatives of the United Kingdom and the Dominions. The proposal was adopted by the imperial war cabinet.

"Early in December preliminary conversations on the making of peace took place in London between representatives of the British Empire, of France, and of Italy, and the proposal which I had already put forward was accepted in principle. The preliminary peace conference began at Paris on January 12, 1919, and the question of procedure, including that of representation, was immediately taken up by the representatives of the principal allied and associated powers, afterwards commonly known as the council of ten. At first strong objection was made to the proposed representation of the British Dominions. Subsequently there was a full discussion in the British Empire delegation at which a firm protest was made against any recession from the proposal adopted in London. In the end that proposal was accepted.

"CANADA'S REPRESENTATION.

"The adoption of the panel system gave to the Dominions a peculiarly effective position. At plenary sessions there were sometimes three Canadian plenipotentiary delegates, two as representatives of Canada and one as representative of the empire. Moreover, throughout the proceedings of the conference the Dominion delegates, as members of the British Empire delegation, were thoroughly in touch with all the proceedings of the conference and had access to all the papers recording its proceedings.

"This enabled them to watch and check those proceedings effectively in the interest of their respective dominions and placed them in a position of decided advantage. Dominion ministers were nominated to and acted for the British Empire on the principal allied commissions appointed by the conference from time to time to consider and report upon special aspects of the conditions of peace.

"On several occasions I was charged with the duty of attending as one of the British Empire representatives on the council of five. Mr. Lloyd-George called upon me to put forward before the council of four the British Empire case in respect of the clauses on economic questions, on the international control of ports, waterways, and railways, and on submarine cables. During the last month of my stay in Paris I acted regularly as chairman of the British Empire delegations in the absence of the prime minister of the United Kingdom, whose duties as a member of the council of four constantly prevented his attendance.

"A STEP FORWARD.

"It is desirable to note an important development in constitutional practice respecting the signature of the various treaties concluded at the conference. Hitherto it has been the practice to insert an article or reservation providing for the adhesion of the dominions. In view of the new position that had been secured, and of the part played by Dominion representatives at the peace table, we thought this method inappropriate and undesirable in connection with the peace treaty. Accordingly I proposed that the assent of the King as high contracting party to the various treaties should, in respect of the dominions, be signified by the signature of the Dominion plenipotentiaries, and that the preamble and other formal parts of the treaties should be drafted accordingly. This proposal was adopted in the form of a memorandum by all the Dominion prime ministers at a meeting which I summoned and was put forward by me on their behalf to the British Empire delegation, by whom it was accepted. The proposal was subsequently adopted by the conference and the various treaties have been drawn up accordingly, so that the dominions appear therein as signatories and their concurrence in the treaties is thus given in the same manner as that of other nations.

"This important constitutional development involved the issuance by the King, as high contracting party, of full powers to the various Dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian Government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly I addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by his Majesty, so that it might formally appear of record that they were issued on the responsibility of the Government of Canada.

"CANADA AND THE LEAGUE.

"The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations' commission, while inclined to accept this in principle, did not at the outset accept all its implications, as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The dominions' case was pressed, and in the final form as amended and incorporated in the treaty of peace with Germany the status of the dominions as to membership and representation in the assembly and council was fully recognized.

"They are to become members as signatories of the treaty, and the terms of the document make no distinction between them and other signatory members. An official statement as to the true intent and meaning of the provisions of the covenant in that regard was secured by me and is of record in the archives of the peace conference.

"A similar question arose in respect of the constitution of the International Labor Organization. Corresponding to the council of the league, there is a labor governing body consisting of delegates nominated by a limited number of Governments. The original form of the labor convention did not adequately recognize the status of the dominions, and at the plenary session of April 11, 1919, when a resolution was proposed that the peace conference approve of the draft convention, I moved that the resolution be amended by adding a provision which authorized the drafting committee to make such amendments as were necessary to have the convention conform to the league of nations in the character of its membership and in the method of adherence. As a result the labor convention was finally amended so that the dominions were placed on the same footing as other members of the International Labor Organization, becoming eligible like others to nominate their Government delegates to the governing body.

"The recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British prime minister and his colleagues. The constitutional structure of the British Empire is imperfectly understood by other nations, even by a Nation so closely allied in kinship, in language, and

in the character of its institutions as the United States of America. Such lack of comprehension need excite no surprise, because the association between the mother country and the great self-governing dominions has been for years in a condition of development, and that development is not yet complete.

"FUTURE RELATIONS.

"The future relationship of the nations of the Empire must be determined in accordance with the will of the mother country and of each dominion in a constitutional conference to be summoned in the not distant future. Undoubtedly it will be based upon equality of nationhood. Each nation must preserve unimpaired its absolute autonomy, but it must likewise have its voice as to those external relations which involve the issue of peace or of war. So that the Britanic Commonwealth is in itself a community or league of nations which may serve as an exemplar to that world-wide league of nations which was founded on the 28th of last June.

"On behalf of my country I stood firmly upon this solid ground: That in this, the greatest of all wars, in which the world's liberty, the world's justice—in short, the world's future destiny—were at stake, Canada had led the democracies of both the American Continents. Her resolve had given inspiration, her sacrifices had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources, and population, no more complete in their sovereignty, and far less conspicuous in their sacrifice."

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"TELLS HOW CANADA WON EQUAL STATUS—OFFICIAL CORRESPONDENCE SHOWS STRONG FIGHT AGAINST OLD COLONIAL IDEA—VICTORY FOR BORDEN—THE CHAMPIONS OF AUTONOMY FOUND OPPOSITION FROM OLD-LINE DIPLOMATS.

"OTTAWA, *September 29.*

"Official correspondence tabled in Parliament this week relative to the status of Canada among the nations has aroused a great deal of interest throughout the country. Arising out of the Dominion's presence at the peace conference and the right of her Parliament to discuss and approve of the peace treaty, the correspondence affords an illuminating insight into the silent struggle between the old Downing Street doctrine of centralization and colonialism and the new claim of the Dominions to the status and responsibilities of nationhood.

"Incidentally the correspondence discloses the tremendous difficulties which Sir Robert Borden fought and overcame in achieving for Canada the status of a nation, as well as in replacing the old diplomacy with the new democracy that demands parliamentary approval before decision by the King.

"From October 27, 1918, when Lloyd-George cabled to Sir Robert Borden urging the importance of his attendance at the prospective London conferences, throughout a series of dispatches down to a few days ago, the Canadian prime minister steadfastly maintained the right of the Dominion to be represented at the peace conference and of its Parliament to discuss and approve the treaty, using language in pressing his claims which must have shocked the susceptibilities of the dilettanti diplomatists of the colonial office. Thus, in October, 1918, replying to a message from Lloyd-George, he said:

"'Certainly a very unfortunate impression would be created, and possibly a dangerous feeling may be aroused, if these difficulties (the obstacles against Canada being represented at the peace conference) are not overcome by some solution which will meet the national spirit of the Canadian people. We discussed the subject to-day in council, and I found among my own colleagues a striking insistence which doubtless is indicative of the general opinion existent in this country. In a word, they feel that the new conditions must be met by new precedents.'

"OLD DIPLOMACY FIGHTS ON.

"This question, with all that it meant to Canada in respect of her progress and development as a nation, as well as in respect to her voice and part in the making or avoiding of future wars, was a constant topic until the days when, following the signing at Versailles by the two Canadian plenipotentiaries, the Empire statesmen began returning to their homes. The old diplomacy and the old doctrine of centralization, defeated in so far as acknowledgment of the Dominion's right to have a voice in and to sign the treaty were concerned, were not prepared to give up the fight.

"And so a series of cables, dated in July and August of this year, and written by Lord Milner, secretary of state for the colonies, took the ground that the overseas ministers, having participated with those of Britain in the peace negotiations and having signed the preliminaries of the peace treaty, the King 'would have the same constitutional justification,' in ratifying the treaty 'in respect of the dominions as he has in respect of the United Kingdom.'

"In other words, one of the most salient figures in the old diplomatic and imperial centralization school argued that a group of overseas and United Kingdom ministers meeting and deliberating in secret might make whatever treaties affecting peace and war they chose, and these needed ratification only by his Majesty the King, and not by the Parliaments of the self-governing peoples of the Empire. The fact that these ministers might be completely out of touch or harmony with public feeling in their countries would not matter, according to this Milner idea.

"SIR ROBERT BORDEN'S STAND.

"Sir Robert Borden, intensely nationalist and an uncompromising champion of Canadian autonomy, vigorously challenged this view, declaring, in a message dated July 29, 1919, that 'there is considerable doubt whether, under modern constitutional practices, the King should ratify without first obtaining the approval of Parliament.' He especially differed from the view that the signature of the dominion's ministers to the peace treaty was equivalent to advice to ratify, asking the pertinent question: 'Do you regard this as holding good in the case of the signature of the United Kingdom plenipotentiaries?'

"There were afterwards messages from Lord Milner showing indirectly that his view was unchanged, one of them saying that 'severe pressure being put upon us from Paris' made it impossible that ratification could be held back after September 17. To this Sir Robert Borden replied, on August 4, that Parliament was called for September 1, adding: 'I can not emphasize too strongly the unfortunate results which would certainly ensue from ratification before the Canadian Parliament has had an opportunity of considering the treaty.'

"Happily there were delays on the part of the other powers, and the British Empire was among the first to ratify the treaty, thus avoiding what might have been an awkward situation. A similar difficulty, however, may arise at any time. In that event there is no question that the people of Canada would undoubtedly be a solid unit for the position taken by Sir Robert Borden, namely, that in matters of peace or war which affect this country the decision must rest, not with the King or with the British cabinet, but with the Parliament of Canada."

Mr. FRELINGHUYSEN. Mr. President, a few days ago I introduced into the RECORD a memorial addressed to my colleague [Mr. EDGE] and myself asking us to oppose the league of nations in its present form. That memorial was signed by the chief justice of the supreme court, the justices of all of the three higher courts, the court of errors and appeals, the supreme court, and the circuit court, and by several thousand prominent citizens of the State of New Jersey, manufacturers, bankers, lawyers, all engaged in active pursuits in New Jersey. I now have, supplementary to that, several hundred names added to that memorial, which I ask may be filed with the memorial presented by me a few days ago.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KNOX. Mr. President, I ask permission to have inserted in the RECORD a resolution to the Chamber of Commerce of the city of Pittsburgh, Pa., relating to labor representation in the pending labor conference.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA., *September 30, 1919.*

To the BOARD OF DIRECTORS,
Chamber of Commerce of Pittsburgh.

GENTLEMEN: To your committee on manufacturing and mining has been submitted a communication received from Dr. Vernon W. Peck, addressed to Mr. William M. Furey, vice president, calling attention to the general situation of the country, the personnel of the conference to be held in Washington in October, and the necessity for some protection of the interests of labor in general and the great mass of American people.

Your committee has given this subject very serious thought, and now begs to submit for your consideration and action the following, namely:

"Whereas the President has called a conference to be held at Washington on October 6 'for the purpose of discussing the labor situation in the country and the possibility of formulating plans for the development of a new relationship between capital and labor,' and as this call states that 'there will be 22 representatives of the general public and an equivalent number of representatives of various bodies of organized employees'; and

"Whereas it is well known that the number of employees in this country who are not organized greatly exceed those who belong to labor organizations, it seems to us unfair and unwise that labor representatives should be confined to those who are connected with such organizations; and

"Whereas we feel that the great body of workmen who are not affiliated with organized labor, who faithfully served the Nation in its time of need, should be recognized in such a gathering as is contemplated in the President's call. Such men are in a position to consider the problems of the employer from the standpoint of the actual worker rather than that of the organizer who is not engaged in actual labor:

"We therefore respectfully and earnestly protest against the constitution of this conference so far as labor is concerned, inasmuch as it does not fairly represent the labor of the United States.

"The importance of this is emphasized by our experience in this district during and since the late World War. No large industrial district in the Nation has such an enviable record of large production, freedom from strikes, and industrial unrest as the Pittsburgh district. This is to a large extent, we believe, due to the fact that perhaps in no similar district approaching it in size is there so small a proportion of workers identified with labor organizations. Notwithstanding this, in no similar district were the workmen better paid, better treated, or more prosperous.

"There is a very large number of intelligent, industrious, conservative, and patriotic workmen all over the country who are capable of considering the questions which will come before such a conference in a broad, unselfish, and statesmanlike spirit, and who by their experience can materially aid in settling the questions that now confront us.

"We suggest that if a definite number of delegates were allotted to certain districts or trades to represent the workmen affiliated with each other in these trades or in the manufacture of special products, but not included in any of the accredited labor unions or federations, an equitable selection could be made by a popular vote taken in each company or plant during working hours, the final representatives being selected by these electors from among their own number."

Respectfully submitted.

THE COMMITTEE ON MANUFACTURING AND MINING.

Mr. BORAH. Mr. President, a few days ago the League to Enforce Peace, which is merely a branch of the English league which was organized in 1911 or 1912, sent out this telegram:

Crisis at hand will determine whether America joins league of nations or forsakes allies and negotiates separate peace with Germany. Vote for any reservations may require resubmission and endanger treaty. Will you join 99 others in giving $1,000 each to League to Enforce Peace, William H. Taft, President, for immediate use in arousing the country to demand prompt ratification in form that will not send treaty back for further negotiations and delay world pacification? Matter very urgent.

GEORGE W. WICKERSHAM,
CLEVELAND H. DODGE,
OSCAR S. STRAUS,
VANCE MCCORMICK,
HERBERT S. HOUSTON,
Finance Committee, League to Enforce Peace.

Mr. President, at the time that was sent out I stated publicly that this money would be used for the purpose of misleading and misrepresenting and corrupting public opinion; corrupting it by using money to deceive the people as to facts concerning this league. Since that time I have had ample proof of the fact that that is the way in which they have been utilizing this fund.

I have in my hand an editorial from the St. Paul Dispatch of October 1, which is known to be an advocate of the league. It says:

MUST HAVE MONEY TO BURN.

The war chest of the League to Enforce Peace must be full to overflowing when its Washington bureau feels justified in dipping into its funds to the extent of prepaying long-wire messages to the leading newspapers of the country utilizing Senate debates for propaganda purposes. Last night, for example, the bureau forwarded to the Pioneer Press, prepaid, a judiciously selected excerpt from the debate between Senators HITCHCOCK and FALL—a thousand-word narrative skillfully arranged to lay emphasis upon the defense of President Wilson by the administration mouthpiece in the Senate and the arraignment of that body for its delay in disposing of the Versailles treaty.

This rather clever piece of propaganda was not used by the Pioneer Press to replace the story from its own Washington bureau, which carried the Senate debate unemasculated and uncolored by treatment. We have no quarrel with the League to Enforce Peace. On the contrary, we find much with which to sympathize in its campaign to create sentiment for the treaty—with interpretative reservations, of course—and to secure the least possible delay in disposing of it. But that is not inconsistent with declining its propaganda and with wondering what must be the extent and source of its financial resources that permit an expenditure so generous. The league must literally have money to burn.

Mr. President, I have seen the arranged debates, or some of them, which have been sent out by the League to Enforce Peace to the press of the country, uncalled for by the press, and paid for by the league, and no Senator reviewing those debates would contend for a moment that the man who arranged them did so with an honest intention of conveying to the country the true facts in regard to what is taking place here.

I have not the slightest objection, Mr. President, to these men who can command their millions sending out their propaganda if they send it in accordance with any rule of decent observance of an honest intention to convey the real facts to the American people. But I here upon the floor of the Senate take the opportunity of saying that this propaganda is tainted by a premeditated, deliberate dishonesty, and a clear purpose to mislead the American people. The men who are sending out these arranged and manipulated reports of debates intend to deceive the people of this country. I have had many letters, some from other publishers, complaining of the method which the league has employed.

Mr. WILLIAMS. Mr. President, it would be quite interesting, though insignificant, to determine who is furnishing the money for propaganda upon both sides of this question. It is to be presumed that those who are furnishing the money for propaganda in favor of the league of nations are Americans. I suspect maybe that if a full investigation were made it would be found that those who are furnishing the money for the antagonistic propaganda are a great many of them not Americans.

As to whether or not some newspapers have published reports of debates in the Senate that did not contain the full debate, I am not prepared to say, but very frequently that does happen upon every great public question. A Republican paper in an ordinary tariff debate publishes that part of the debate which suits the Republican Party, and a Democratic paper publishes that part of it that suits the Democratic Party, and I suppose that course is being pursued now on both sides in connection with this new alignment of Senate forces, which is not partisan, but which is at least pro and anti. I suspect that if the Senator were to look with equal microscopic attention at the reports that have gone to the papers which represent his side of this controversy he might find that they were, if not unfair, at least not full, too. I do not doubt that now and then any advocate of any cause is unfair, and that any opponent of any cause is also unfair, but this labored attempt to show that there is an immense amount of money behind the league of nations and that there is no money behind this almost universal propaganda against it is weak and must fall by the board.

Whence the money comes I neither know nor care. I do, however, admit that any American citizen has a right to contribute to the distribution of literature in favor of any cause that he advocates or against any cause that he opposes.

It would be quite interesting to know where the traveling expenses and railroad bills and hotel bills and printing bills of various gentlemen who have been opposing the league of nations have come from. I do not know and do not care. If the argument which is sent through the mails is sound and correct and appeals to the reason of the American people, it does not make much difference to me how it happened to get there; and if the man who is making a speech has his expenses paid by Tom, Dick, or Harry, I do not care much for that either, provided he is expressing his honest opinion and is not bought; and I do not believe that charge could be made against either side.

The Senator must remember that "people in glass houses ought not to throw stones." I expect that some of that part of the American public which is in favor of the league of nations is giving its time, its tongue, its energy, and its money to that cause, and that some of those, whether native or hyphenated, who are opposed to it, are giving their time, their tongue, and their money to oppose it. If there is any charge of corruption of any sort to be made by the Senator, the matter ought to be investigated by Congress, and he ought to introduce a resolution to investigate it.

Mr. BORAH. Mr. President, I did not complain that these men were sending out their literature. I simply stated that upon the statement of the paper, an advocate of the league, and upon other facts, they were manipulating the record here which they were sending out. I have seen some of the material in addition, which has been sent to me, which, I say, has been so arranged as to convey a false view. I have no objection at all to their sending out the full debate of the able Senator from Mississippi or any other Senator who is advocating the league, or any part of it—not in the least.

The Senator says that those who live in glass houses should not throw stones. I presume he had reference to the fact that the Senator from Idaho has been out over the country speaking against the league, and that, perhaps, somebody was paying his expenses.

Mr. WILLIAMS. I did not mean that personally; but there have been a thousand of you out talking.

Mr. BORAH. I beg to say that the Senator from Idaho has, with trivial exceptions—which I will be glad to furnish those interested—borne his own expenses. I wish I had more time and more money to spend in that way. I say again that it is not because men are out speaking for or against the league or because literature is sent out that I object. I object to a studied effort to misrepresent the issue. I know that resolutions have been introduced here purporting to come from an organization which was never adopted in the form in which it was presented here.

Mr. WILLIAMS. That ought to be exposed.

Mr. BORAH. I have exposed it once. I read the resolution here, and I read the statement of those who adopted it, which said that the resolution which they adopted was a condemnation of this league; that the resolution was sent to them by the League to Enforce Peace, and that was rejected; that they adopted another, which was a condemnation of the league, but it was sent here as an indorsement of the league.

Mr. WILLIAMS. I also received communications saying that certain resolutions coming from the Pacific slope, signed as coming from certain societies, and so forth, had never come from the societies and the societies had never held any meetings. I did not know whether the statements made to me were true or not; they came for the most part from people whom I did not know. It may be true that various resolutions against the league have come here signed by a certain society when there was no society meeting held. That merely makes it important that Senators should be careful to see that what they furnish to the Senate as food for thought shall be something which they themselves believe to be thoroughly authentic; that is all.

Mr. OWEN. Mr. President, this discussion brings up a practice which some of the States have established which I think could be advantageously adopted by the Senate of the United States. Some of the States have a publicity pamphlet in which the proponents may set forth the claims which they think justify their attitude and in which the opponents, by properly authorized representation, may set forth what they think justifies the contrary view.

If we had a publicity pamphlet, where those in favor of the league could make their statements, with the opposing views in the same pamphlet, it could be economically distributed throughout the country, and in that way the citizens would have an authoritative view on both sides, instead of these partisan or partial views, each one sending out a view of his own, or permitting individuals who may have an interest, either patriotic or otherwise, to undertake to send out statements which are false on either side.

I take this occasion to call the attention of the Senate to the advantages that would flow upon the establishment of a publicity pamphlet, where questions of this character might be economically sent out to the country, with an authorized statement of the opposing views.

PETITIONS AND MEMORIALS.

Mr. BECKHAM presented a memorial of sundry citizens of Richmond, Ky., remonstrating against the passage of the so-called Jones bill, providing for the marking of cost and retail prices of all articles for sale, which was referred to the Committee on Interstate Commerce.

Mr. PHELAN presented petitions of sundry citizens of San Francisco, Oakland, Berkeley, and Piedmont, all in the State of California, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. KENDRICK. I present a resolution adopted by 63 members of Local Union No. 1807, United Brotherhood of Carpenters and Joiners of America, of Graybull, Wyo., regarding the proposed league of nations, which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"We, the undersigned citizens of Greybull, Wyo., realizing the responsibilities of our citizenship regarding the great question embodied in the proposed league of nations;

"That peace might be established for all time, and now being considered by the Senate of the United States;

"We feel we would be derelict in our duty if we did not express our disapproval of the report of the Foreign Relations Committee on this great question;

"While we believe a few reservations might be desirable and meet with the approval of the American people, we can not but feel that 4 reservations and 40 amendments, as proposed by your committee, would so macerate that great document as to make it null and void; and

"We recognize in the American Federation of Labor the most effective organization opposed to Bolshevism in this country to-day, and we therefore especially protest against the proposed amendment by Senator FALL, of New Mexico, to eliminate the labor section from the league covenant. This amendment would be a repudiation of the recognized loyalty of organized labor during the war and could only have the effect of driving all labor into radicalism.

"Resolution carried, 63 members.

"[SEAL.] "UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

"L. L. BISSELL, *President.*

"W. M. RADLER, *Recording Secretary.*"

Mr. CAPPER presented a memorial of Local Lodge No. 87, Brotherhood of Railway Carmen, of Horton, Kans., remonstrating against the passage of the so-called Cummins bill, providing for private ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Dickinson County, Kans., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. PAGE presented a petition of Local Division No. 1, Ancient Order of Hibernians, of Rutland, Vt., praying for the independence of Ireland, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3191) to provide for the national welfare by assuring an adequate supply of sugar for the people of the United States for the year ending December 31, 1920, conserving the supply of sugar, and controlling the distribution thereof; to the Committee on Agriculture and Forestry.

By Mr. KEYES:

A bill (S. 3192) for the relief of the legal representatives of George W. Soule; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 3193) to authorize the Tennessee Bridge Co., a corporation chartered under the laws of the State of Tennessee, to construct a bridge across the Tennessee River near Loudon, Tenn.; to the Committee on Commerce.

A bill (S. 3194) granting an increase of pension to Erastus A. Kelly; and

A bill (S. 3195) granting a pension to John Gentry (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3196) fixing the compensation of United States customs inspectors; and

A bill (S. 3197) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 3198) granting an increase of pension to William S. Davidson (with accompanying papers); to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 3199) granting an increase of pension to Edward E. Gould; and

A bill (S. 3200) granting an increase of pension to William F. Slack; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York; to the Committee on the Judiciary.

A bill (S. 3202) granting leave of absence to officers of the United States Coast Guard, and for other purposes; to the Committee on Foreign Relations.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing to appropriate $17,000,000 to carry out the provisions of the act approved March 12, 1914, relative to the location, construction, and operation of railroads in the Territory of Alaska, as amended, including expenses incident to conducting hearings and examining estimates for appropriations in Alaska, etc., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INCREASED PAY OF POSTAL EMPLOYEES.

The VICE PRESIDENT. The morning business is closed.

Mr. TOWNSEND. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (H. J. Res.

151) to provide additional compensation for employees of the Postal Service, and making an appropriation therefor.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Post Offices and Post Roads with an amendment to strike out all after the resolving clause and insert a substitute.

The Secretary proceeded to read the substitute.

Mr. CALDER. Mr. President, I desire to offer an amendment to the amendment. Shall I do it now or at the end of the reading of the entire amendment?

The VICE PRESIDENT. The amendment had better be read first.

The Secretary resumed and concluded the reading of the amendment of the committee, which is as follows:

That because of the unusual conditions which now exist, the compensation provided for in the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920," approved February 28, 1919, the following classes of employees shall be increased as follows for such fiscal year:

(a) Postmasters at offices of the third class, assistant postmasters, and clerks, including special clerks, finance clerks, bookkeepers, and other employees of offices of the first and second class, letter carriers in the City Delivery Service, carriers in the village delivery service, employees in Government-owned automobile service, supervisory officials, railway postal clerks, including substitutes, and the assistant agent and clerks at the postal stamp agency, Dayton, Ohio, who receive compensation at the rate per annum of—

(1) $1,000, to be increased $240.
(2) $1,100 or $1,200, to be increased $200.
(3) $1,300, $1,400, $1,500, or $1,600, to be increased $150.
(4) Not less than $1,700 nor more than $2,500, to be increased $100.

(b) Printers, mechanics, and skilled laborers who receive compensation at the rate per annum of—

(1) $1,150, to be increased $150.
(2) $1,265, to be increased $135.
(3) $1,380, to be increased $70.

(c) Watchmen, messengers, and laborers who receive compensation at the rate per annum of—

(1) $1,035, to be increased $205.

(d) Clerks at division headquarters of post-office inspectors who receive compensation at the rate per annum of—

(1) $1,035, to be increased $205.
(2) $1,150, to be increased $150.
(3) $1,380, to be increased $70.
(4) $1,540, to be increased $110
(5) $1,700, to be increased $40.
(6) $1,980, to be increased $20.

(e) Superintendents, requisition fillers, packers, and laborers who receive compensation at the rate per annum of—

(1) $1,150, to be increased $150.
(2) $1,540, to be increased $110.

(f) Rural letter carriers on daily routes and rural letter carriers on two triweekly routes whose routes are—

(1) Eleven miles or less in length, to be increased $75.
(2) Over 11 miles and under 20 miles in length, to be increased $100.
(3) Over 20 miles and under 24 miles in length, to be increased $150.
(4) Twenty-four miles or over in length, to be increased $200.

(g) Rural letter carriers on triweekly routes of—

(1) Eleven miles or less in length, to be increased $37.50.
(2) Over 11 miles and under 20 miles in length, to be increased $50.
(3) Over 20 miles and under 24 miles in length, to be increased $75.
(4) Over 24 miles in length, to be increased $100.

(h) Messengers at postal-stamp agency, Dayton, Ohio, who receive compensation at the rate per annum of—

(1) $840, to be increased $160.

(i) Postmasters at offices of the fourth class to be increased by an amount equal to 10 per cent of their present compensation.

(j) Substitute, temporary, and auxiliary clerks at first and second class post offices, and substitute, temporary, and auxiliary letter carriers in the City Delivery Service shall receive during the fiscal year ending June 30, 1920, in lieu of their present compensation, a compensation of 60 cents per hour for each hour of service performed.

SEC. 2. That increases in compensation herein provided shall, as to officers, employees, and substitute, temporary, and auxiliary employees in the Postal Service at the time of the passage of this act, be effective as of July 1, 1919, or as of the date since that when such officers or employees entered the Postal Service; but none of the increases provided herein shall be applicable to officers and employees who have received an increase in their compensation of more than $300 per annum during the current fiscal year.

SEC. 3 That no post office shall be advanced to the next higher class as a result of the increases in compensation of postmasters herein provided.

SEC. 4. That in order to provide for the increased compensation herein authorized, so much as is necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for the various classes of employees herein mentioned, in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920," approved February 28, 1919.

Mr. POMERENE. Mr. President, on yesterday I took the liberty to read a telegram from the postmaster of the city of Cleveland bearing on the conditions in that post office. I have similar telegrams from the postmasters of Cincinnati, Columbus, Toledo, Dayton, Youngstown, Akron, Canton, Springfield, Portsmouth, Zanesville, and a number of other of the smaller cities of Ohio which tell substantially the same story. It is a physical impossibility for the postmasters, clerks, and carriers to keep up the post-office system with that degree of efficiency which we all desire and which the public deserves unless some attention is given to the welfare of these employees. The resignations alone from these several offices are sufficient to cripple the service. I am not going to take the time to read these telegrams, but I am going to give some of the information which I have had my clerk tabulate.

In Akron there were 26 resignations from the clerical force during the last year and 112 carriers. In Canton 5 regular clerks and 6 regular carriers resigned. In Cincinnati 40 regular clerks, 11 substitute clerks, 5 regular carriers, and 3 substitute carriers resigned. In Cleveland 54 regular clerks, 425 temporary clerks, 59 regular carriers, and 481 temporary carriers resigned. In Columbus 28 regular clerks, 5 substitute clerks, 31 temporary clerks, 5 regular carriers, 11 substitute carriers, and 3 temporary carriers resigned. In Dayton there were 90 resignations out of 230 employees; in Portsmouth 12 resignations out of a total of 32 employees; in Springfield resignations of 12 regular employees and numerous temporary employees; in Toledo resignations of 40 regular employees, 24 substitutes, 121 temporaries, or 60 per cent of the total employees; in Youngstown resignations of 20 regular clerks and 13 regular carriers; in Zanesville 2 resignations, others too long in service to accept other employment. The total resignations in these offices are 122 regular clerks, 16 substitute clerks, 456 temporary clerks, 69 regular carriers, 14 substitute carriers, and 484 temporary carriers, and nearly all of them because of the insufficient pay of these servants of the public.

I have before me an editorial in the Cleveland Press as to conditions as they exist in that city. I want to read just two or three short paragraphs from the editorial, because it confirms the information which I have just given to the Senate:

Scores of bags bursting with mail lie unopened for days at a time in the Cleveland post office. This condition is common throughout the country. Newspapers traveling between Cincinnati and Cleveland, for instance, arrive from 5 to 10 days late.

Another paragraph:

Low wages and the difficulty of getting ahead have caused many experienced postal workers to seek other work and are keeping men from entering the post-office service.

At the civil service—

And I call this matter especially to the attention of Senators who are interested—

At the civil-service post-office examinations in Cleveland a fortnight ago there were 28 applicants. Twelve hundred took the examination in November, 1916.

That tells the story. The compensation is not sufficient to get live, wide-awake capable men into the service. The marvel to me is that there have not been more resignations. If I may state a little experience that I had in my own city just a few months ago, I met one of our carriers at the foot of the elevator shaft in the building in which I have my office. He had an enormous pack of mail and I was curious enough to ask him how many pounds he had. He then had 95 pounds that he was carrying in his pack, and he said that sometimes he had even more. That is burden enough to kill a man, but the postmaster is compelled to weigh down the carriers because he can not get additional carriers who are needed for the good of the service.

In practically every branch of the public service and every branch of private service in which the Government has been either directly or indirectly interested there have been enormous increases in pay. Strikes have been threatened in order to force these increases. The mail carriers and clerks have not struck, and they ought not under any circumstances to strike. But, on the other hand, the Congress of the United States ought to be liberal enough with this class of employees so that they would not be tempted to strike. There are two sides to that proposition and two duties, one on the part of the employees and another on the part of Congress.

Now, what shall these increases be? And I shall take only a moment further. I sent out a number of telegrams to these different postmasters asking their suggestions as to what the increases should be, and I got very frank replies. Some of them made their estimate on a percentage basis, and those who thus expressed themselves said that the increase should be from 30 to 35 per cent. Others of these postmasters made suggestions as to increases in lump sums, and they vary from $150 to $300 and over, none of them below $150.

As I understand the joint resolution, the Senate Committee on Post Offices and Post Roads has dealt somewhat more liberally with the employees than did the House. I am glad of that. I will very frankly say that in certain particulars if I had been framing the bill, knowing the situation as I do in Ohio, I would have added somewhat to the increases which are proposed by the committee; but I shall accept the committee's judgment in that behalf because I understand in their judgment, all things considered, it is the best that can be done.

Every man, woman, and child in the country is interested in maintaining the efficiency of this service. We can not get live, alert men unless we give them a living wage. I hope there will be little or no opposition to the proposed increase.

Mr. POINDEXTER. Mr. President, in support of the views of the Senator from Ohio [Mr. POMERENE] and of the bill reported by the Committee on Post Offices and Post Roads, I ask leave to print as a portion of my remarks a carefully prepared statement from the post-office clerks of the State of Washington presented to the joint commission on postal salaries by Mr. J. H. Mitcham, of Spokane, Wash., a postal clerk himself, which makes a comparison that is enlightening in the consideration of this question, between the increases in the cost of living and the increases which have been made in the salaries of the postal employees.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Memorandum respectfully submitted by the post-office clerks of the State of Washington by J. H. Mitcham, of Spokane.

To the JOINT COMMISSION ON POSTAL SALARIES:

The purpose of this report is to show what the existing working conditions are at the present time in the first and second class post offices of the State of Washington, and also to show what the increase in the cost of living has been in this State from 1913 to 1919, and the amount of increase the clerks have received during the same time.

The principal characteristic of the following is to establish a higher permanent salary classification for the employees so that they can reasonably meet the increase in the cost of living. We also believe that a higher rate should be paid to all permanent employees. The continual shifting of temporary employees is the chief obstacle to efficient office help and a detriment to the service.

Under the present system, employees have to serve for some time as temporary clerks or substitute clerks before they are appointed as regular clerks. The salaries paid to these temporary employees are not sufficient to support them; and, consequently, in many offices of the State we have a complete turnover of substitute help every 45 days. Experience has convinced us that these clerks should be paid a higher salary, as the result will be of benefit to the department. The department would receive the benefit of experienced employees, while the employees' interest in the work would be stimulated, and the added responsibility would increase self-respect. There would be more cooperation between different divisions and branches of the service which is sadly lacking at present.

"Wages have increased 107 per cent in four years, since March, 1915," according to a statement compiled by the New York State industrial commission. "Business chronicle of the Pacific Northwest, June 14, 1919."

The average wage increase of post-office clerks have been but 15.4 per cent during the same time.

In regard to the existing condition existing in the State of Washington, we wish to submit the following for your information, from Seattle and Spokane:

SEATTLE.

Number of regular clerks, July 1, 1918	253
Number of regular clerks, July 1, 1919	285
Overtime clerks, July 1, 1918, to June 30, 1919, inclusive:	
Terminal station ---hours---	10,155
Main office ---do---	18,603
Stations ---do---	2,252
Total ---do---	31,010
Amount paid	$13,896.66
Equal to practically 13 men for 1 year at $1,000.	
Amount paid in addition to above:	
Temporary substitute clerks, July 1, 1918, to June 30, 1919, inclusive	80,963.70
Regular substitute clerks, July 1, 1918, to June 30, 1919, inclusive	20,491.10
Total	101,454.80
Equal to 101 clerks at $1,000 per annum.	

SPOKANE.

Number of regular clerks, July 1, 1918	92
Number of regular clerks, July 1, 1919	93
Overtime regular clerks, July 1, 1918, to June 30, 1919, approximately ---hours---	5,133
Amount paid	$2,294.43
Equal to 2 men for 1 year at $1,000.	
Temporary substitute clerks, July 1, 1918, to June 30, 1919 ---hours---	9,726
Amount	$3,890.40

Taking these figures as a basis, it will be seen that if a higher permanent classification salary is paid all concerned would be benefited thereby and would serve to bring them into more harmonious relations with each other.

From the evidence submitted to us in reference to the increase of the cost of living in the State of Washington, we conclude as follows:

(a) A glance at the following statistics will show that there has been an approximate increase of 102 per cent from January, 1913, to July, 1919, for all commodities:

Wholesale prices.

[Issued by U. S. Department of Labor.]

	1913	1914	1915	1916	1917	1918	1919
Farm products	100	101	102	108	147	205	220
Food	100	102	106	114	150	188	204
Clothes	100	99	96	110	161	209	231
Fuel and light	100	99	86	102	170	169	181
Metal products	100	92	83	126	183	173	172
Building material	100	98	94	99	106	136	160
Chemicals and drugs	100	101	106	140	144	216	179
House furnishings	100	103	101	105	128	188	233
Miscellaneous	100	98	98	107	137	178	206
All commodities	100	100	98	110	150	185	202

(b) According to the latest and most authentic advices and report that were recently received at this office from the Department of Labor, of Washington, D. C., and from the University of Washington, who have made a very thorough investigation of the increase of the cost of living, the State of Washington will show that since the year 1913 the cost of foodstuffs has advanced 100 per cent. During the past year alone food increased 14 per cent. Since December, 1915, there has been an average increase of 120 per cent in the cost of wearing apparel.

(c) We desire to call your attention to the subject of night work in post offices. This affects the clerks rather than the carriers. In the divisions where mail is distributed, and to a lesser extent in other departments, clerks are required to begin and finish their hours of duty at all hours of the day and night. Approximately two-thirds of the workers in the mailing and city distribution sections begin their hours of duty from 2 p. m. to 3.30 p. m., finishing work from 10.30 p. m. to midnight. There is also a small number required to work from midnight to 8.30 a. m.

These workers are compelled to work largely by artificial light, causing eyestrain and the early necessity of wearing glasses. Moreover, the unnatural hours cause them to become easy prey to sickness and disease. These hours also thrust the responsibilities of family life upon the wife; children are deprived of the care and guidance which a father could give, for the father sees them only when they are asleep, or on Sundays, if he has that day free from his work. So, many children fail to develop into good citizens through lack of training which only a father can give. Heads of families find that these hours cause additional expense of light, heat, and fuel, owing to the necessity of preparing meals for the postal worker separately from the rest of the family.

We would recommend that all the employees of the Postal Service who are required to work between the hours of 6 p. m. and 6 a. m. be given a time differential by which 45 minutes shall be credited as an hour for all work performed between 6 p. m. and 6 a. m.

(d) House rent in the city of Seattle is now beyond the limits of the possible. There are practically no houses to rent, and the rent has increased to such an extent as to make it a matter of public concern.

In Spokane house rents have increased 30 per cent from July 1, 1918, to July 1, 1919, and have increased 20 per cent from July 1, 1919, to the present time, making a total increase of 50 per cent from July 1, 1918, to September 15, 1919.

We have pointed out to you briefly the materials that have soared higher, and we ask you to give us a higher permanent salary classification that will enable us to live as American citizens and bring up our children under American standards of living. The fact is that $2,500 a year will not permit an employee to save any money under the present cost of living. The University of Washington has scaled the matter down as fine as it can be done, and it allows $2,004.79 as the minimum amount to support a family of five. The Government demands of its employees a certain standard of living. Can the Government afford to demand of its employees those things when it does not provide sufficient wages to pay the cost?

We therefore earnestly urge the fixing of a higher classification: such an award will bear the fruit of tranquil and efficient service and of industrial peace for all concerned.

Respectfully submitted by the post-office clerks of the State of Washington, through J. H. Mitcham, of Spokane, Wash.

Mr. POINDEXTER. Mr. President, I believe that the merit of the amendment of the Senate Committee on Post Offices and Post Roads to the joint resolution as passed by the House consists in a recognition of a greater need for an increase of the low classes of employees than those of the higher classes, a nicer discrimination, a more special gradation of the proposed increases with a consequent better adaptation to the respective needs of the different classes of the employees. For that reason I am glad to support the measure, and I am particularly glad to take this opportunity to express my compliments and my gratitude to the postal employees as a class for the manner in which they have conducted themselves and their organization during the critical times the country has been through in the last year or more.

I say this particularly in view of the contrast that has appeared between the patriotic attitude of the postal employees as compared with the unpatriotic and dangerous attitude that has been taken by many other classes of employees as is shown by the epidemic of strikes from which the country has been and now is suffering. Those strikes were for the deliberate purpose of cutting off production, embarrassing production, and creating suffering, and have not been confined to peace times. Many of them were precipitated when the country was facing the crisis of a great war, in which its independence was at stake and of which those who are responsible for the the cessation of essential industries caused by strikes seemed to be perfectly indifferent to the outcome of the war and to the consequences upon the Nation. During all that time the postal employees made no complaint; they redoubled their efforts under disadvantageous circumstances, inadequate force, and inadequate facilities, and they are deserving of the good will and favorable consideration of Congress and the country.

Mr. PHELAN. Mr. President, I have conferred with the men employed in the Post Office Department on many occasions and have directly heard the story of their difficult position in trying to live and support their families on the wages that have been granted by the Government. I am much pleased to see here to-day that there is no serious opposition to the joint resolution presented by the committee, which in a measure meets their demands.

I have been of the opinion since my knowledge of Washington became more intimate, that the public servants are, I may say,

not adequately compensated; that in no branch of the Government service are they adequately compensated, and that was before the pressure of the high cost of living made it almost a necessity for the Government as a measure of relief to give increased pay in the form of temporary bonuses to the public servants.

Holding that position, I am very glad to support the joint resolution.

Mr. KIRBY. Mr. President, it is my purpose to support the joint resolution. From my understanding of conditions I have thought that this class of employees and the third and fourth class postmasters are the poorest paid of any officials and employees in the Government service. I understand, however, that an increase of $100 was allowed to these employees on July 1 and that the old bonus of $200 allowed last year is continued into this year. This joint resolution will make an additional increase of whatever the percentage is.

Mr. KING. Will the Senator yield to me?

Mr. KIRBY. Yes.

Mr. KING. For information, I desire to ask, am I to understand that those who are to be the beneficiaries under this joint resolution will receive $150, or whatever amount is granted under this bill, and, in addition to that and their regular salaries, receive $100 and $200 more?

Mr. KIRBY. I understand that in addition to their regular salary they received an increase of $100 on the 1st of July; that the old bonus of $200 of last year is still continued on their salaries; and that they also receive this additional increase over all that amount.

Mr. KING. That will be $450 more.

Mr. KIRBY. I do not know what the aggregate is.

Mr. KING. If the Senator will yield, I should like to ask the chairman of the committee whether the understanding of the Senator from Arkansas is correct, that those who are to be the beneficiaries of this joint resolution get, first, the compensation which is allowed them by law; second, a $200 bonus; third, the $100 increase provided in some law heretofore passed and which became operative on the 1st of July of this year; and then the amount provided in this bill, which is not less than $150; so that would be, in addition to their salaries, $450 plus to every person in the Postal Service?

Mr. TOWNSEND. Mr. President, the Senator from Utah is confused with reference to what the employees now get in the Postal Service.

Mr. KIRBY. The Senator from Utah does not state their compensation as I myself understand it to be.

Mr. TOWNSEND. No. I shall be very glad to answer the Senator's question, if he will put it to me.

Mr. KIRBY. I understand that on July 1 an increase of $100 was granted to these employees; I understand, further, that the sum of $200, the bonus of last year, is still continued, which would be $300, in addition to whatever percentage is allowed by this bill.

Mr. TOWNSEND. That is correct, except that not all of these employees received the $100 increase, because that was allowed only in connection with regular promotions; that was a part of their salary.

Mr. KIRBY. That was my understanding.

Now, Mr. President, to discuss this matter a little further——

Mr. POMERENE. Those promotions, as I understand, depended upon the length of service as well as upon the record of efficiency of the employees.

Mr. TOWNSEND. The promotions have embraced only a portion of the employees; there never has been any law providing that all clerks who have even served the same length of time should be promoted; those promoted have averaged from 60 to 75 per cent of the number of employees, the selection to be made by the department for efficiency. Those promotions were suspended for one year. This year they have been restored, but still the employees are lacking one year's promotion. We are taking the compensation which they are now receiving under the existing law and increasing it by the amount fixed in the joint resolution, provided that during the year no employee has received an increase in excess of $300.

Mr. KIRBY. Mr. President, to discuss this matter a little further, I desire to say that when the shopmen's strike was pending I received a letter on the subject from a bank cashier who lived in a substantial town in my State. He said, "I went down to discuss this strike with a car repairer at the junction here; I discovered that he had quit work when he was receiving $3,600 a year—$300 a month." I thought that must be a mistake; but that is what the bank cashier wrote me. He further said, "No man in our bank has ever received more than $2,000 a year salary whether he be president, cashier, or occupied any other position. We live in the same town in which this other man lives, and the same high cost of living overshadows us as it does the other man." Therefore the writer of the letter did not seem to have much sympathy for a strike under those conditions.

Now, let us go a little further. The soldier has come back from service overseas, where he went to serve his country, daily risking his life that we here might live in safety. He got but $30 a month and his board. We have raised the salaries of all Government employees—first $120; last year, after the war was over, we made the increase $240 a year, and now it is proposed as to postal employees that they shall have this additional increase. I am not saying that it is wrong, but when the soldiers come to us and say that they ought to have five or six months' extra pay, amounting in all to about $150, shall we say "No." Where is there any justice in that, under the conditions as they now exist, when the man who risked his life for his country got but $30 a month and has come home broke? We gave him but $60, and shall we say, "That is the end of it with you"? Then the profiteer who had done well at home while the soldier was fighting for us all charged him about $46 for a $19 suit and left him another ground-floor start in life.

There ought to be some equality in the treatment of Government employees and of those who served the Government in its time of need. I am going to support this bill, for probably it is necessary that what it proposes should be done. I do not think there are more resignations from the Postal Service, however, in any of the cities than there have been from other business of like kind; and probably such resignations are due to the shortage of labor and the consequent increased demand for workmen. I do not think these employees will be getting more than they are worth when this increase is granted to them; but when the time comes, I think the other proposition which I have stated in regard to the soldiers ought to be remembered.

Mr. THOMAS. Mr. President, at the proper time I shall ask for the consideration of an amendment consisting of the insertion of the word "only," after the word "year," on line 2 of page 3 of the joint resolution.

I have no doubt the committee has considered this joint resolution very carefully, and of course that involves the consideration of the reasons for the proposed increase in salaries. They have, after mature deliberation, proposed an amendment which increases the annual expenditures of the Government by something near $40,000,000. They know more than I do about the situation and the need for some readjustment of salaries and compensation of post-office employees; but I do not think that the members of the committee can be more observant than I of the general conditions applicable to this and all similar measures which we can not ignore and which will persist regardless of remedial legislation of this sort.

This is one of a series of progressive measures designed to enable the beneficiaries to overtake the high cost of living. It is a governmental experiment paralleling private experiments of similar character begun even before the war and still in operation. The theory is that when the high cost of living rises an increase in compensation will cure the difficulty by equalizing income and outgo. The fact is that these increases are not even palliatives of the evil. Their only effect is to accelerate further increases in all commodity prices. That has been recognized by organizations which on several occasions have demanded higher wages and received them. It has been conceded by the representatives of the railroad brotherhoods as being no palliative whatever but only as justifying—perhaps I should say as inevitably causing—a corresponding rise in the price of all commodities, and particularly those which are necessary to existence.

This $40,000,000, for all the good that it will do those who receive it, might just as well be taken to a crematory and thrown into the fire. This $40,000,000, Mr. President, will pass through the hands of those who receive the fund from the Government into the hands of those who supply them with their daily requirements, and consequently it will be succeeded by other bills of similar character, designed for the same purpose, and which will be enacted only to have the same result. The spectacle of the kitten chasing its own tail can be understood. The kitten is exercising and enjoying itself, interfering with nobody but amusing all. The spectacle of the American Congress taking that interesting object lesson, however, as a precedent for legislation, at the cost of millions of dollars to the taxpayers of the United States, is deplorable. When the kitten catches its tail Uncle Sam will seize the little end of the difficulty and hold it about as long.

If the salaries of these officials were doubled they would get some immediate relief, because they would have for a few days a

fair start of old High Cost of Living, but as soon as he sat up and discovered the existence of this fund, just so soon would he take to his feet and win the race as easily as ever.

We learn nothing, Mr. President, in matters of this kind, particularly where money is involved. The Government pays it; we have plenty of it; so what is the difference? These employees need relief, that I concede, but I assert that the only possible governmental remedy for the trouble—and that is an expensive one—is that which Great Britain adopted long ago and which it is still pursuing. I refer, of course, to the purchase by the Government of large quantities of the necessary commodities and furnishing them to Government employees at rates within the amount of their compensation, charging the loss to general national account. It costs very much less than this sort of thing, because the Government, as a wholesale purchaser, can in some degree dictate its own prices, which will be less than those which the individual is charged; and, as a consequence, where there is a loss to the public it is minimized, while on the other hand the employee does get something substantial. Here nobody benefits except the supply man. The employee finds, within a fortnight or so after his increase has been granted, that the balance between what he gets and what he pays out is just what it was before.

Fundamentally it does not make any difference what a man's wages are; the question is, What can he exchange them for? It goes without saying that if a man can get more of the commodities of life for $5 than he can get for $15 his $5 wage is much more beneficial than his $15 wage and is a good deal more satisfactory.

I have discussed what I have assumed and believe to be the reason for enormously advancing prices not only in the United States but the world over. I do not believe that the causes which have been assigned on several occasions by some of us for this unsatisfactory condition can be successfully challenged, and I am very sure that legislation by the American Congress, except in so far as actual profiteering is concerned and can be detected, will not only prove disappointing, but will increase that public complaint which assumes that if we will only do so we can legislate anything into existence or out of existence; that we possess here a magic power, a sort of representative necromancy, through the manipulation of which all the ills of men can be cured and all those which are threatened can be prevented.

Mr. DIAL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. THOMAS. I yield.

Mr. DIAL. The Senator understands, of course, in addition to what he has already stated, that this bill also relates back to the 1st of July?

Mr. THOMAS. Oh, yes. We do not pass any special appropriation bills now but that we arrange them as the old darky arranged his coon trap, so as to catch them "a-comin' and a-gwine." Of course, it is retroactive. That has been the attitude of labor in nearly all of the demands which it has made for increased wages in the past. It has its retroactive character, established by the Government during the war, but crystallized into a precedent, so that whatever change we make will in all probability be carried back sufficiently far in the past to satisfy temporarily the demands of those whose wants are the subject of consideration.

I know that men and women are quitting the service for more lucrative employment. They will quit just the same, whether we pass this joint resolution or not. Just so long as the humbler forms of labor receive extraordinary compensation measured in dollars and cents, just so long will the salaried employee drop his job, whether it be a public or a private one, and take in exchange for it something which though harder carries increased compensation. That is human nature. School-teachers are leaving their schools in droves in different parts of the country. They are obeying the same lure, supplemented by the need for a larger income. If Senators think they can stop this exodus from the public service by the enactment of this measure, I am satisfied that they will be disappointed.

In one of the recent Sunday supplements I read a little incident of a humorous character which well illustrates the situation. It related to an engineer of accomplishments who applied for employment in response to an advertisement. The would-be employer said, "We are not employing engineers. We want workmen." He said, "I know it. I can not afford to work for you as an engineer, the pay is too small, but I want my $10 a day as an ordinary laborer, and I am applying in that capacity."

It is all very well, even in the religious world, for men to preach Christ, and Him crucified, at $10 a week, when times are normal; but $10 a day in private employment somewhere, no matter what the labor, is a good deal more attractive now, and I do not wonder that ministers of the gospel are said to be also following the general current and postponing salvation—which is now the only thing in the country said to be free—for a more propitious occasion, while taking advantage of the interesting conditions of the present time and getting enough to clothe the wife and feed the children.

When these additions are made, the amount of compensation which these employees will be receiving is very much less than the lowest prevailing standard of wages for the humblest and hardest labor. It is an unnatural condition, and the only way in which we can meet it and keep these employees is to pay the employee more than he will get by working elsewhere. But when you do that you will have another bond issue, and a heavy one.

So, Mr. President, I assert that however well intended this joint resolution may be, and however apparent the necessity for it, it will not accomplish the purpose intended, and as a consequence we shall either have to repeal it or, what is most improbable, stop this mad legislative effort to overtake the constantly increasing prices of everything in the world by legislating constantly increasing amounts of compensation.

The Senator from Arkansas [Mr. KIRBY] complains of the Government's treatment of its soldiers. His argument presupposes that the life and career of a soldier is a matter of compensation. I am not surprised that that view obtains, in view of the pension history of the country, in view of the bids we are always making for the political power of the returned soldier when organized, for we placate his vote at the public expense whenever the opportunity offers. But, Mr. President, the job of a soldier is one which imposes upon him the temporary exercise of the highest obligation of a citizen. Of course, he is poorly paid. Frequently he is poorly protected. Theoretically the Government furnishes him every thing that he needs. But the returning soldier, Mr. President, after his discharge has no difficulty in securing employment in this country if he will take it, and most of them gladly do so. I have heard of instances where jobs were offered and refused for the assigned reason that not jobs but easy positions were desired. I have heard of others that have been refused because their acceptance would remove the soldier from the excitements of city life and carry him into the country. But with aliens leaving the United States by the thousand every week, with strikes and lockouts the order of the day, with industries hungering for production and appreciating the need thereof, the soldier will do very much better and is doing very much better by going to work, either in his old occupation or in some better one, than by insisting upon bonuses from the Treasury of the United States, which can be paid only with revenues sadly needed for public administration.

Six months' pay, Mr. President, at $30 a month, is $180 per soldier. Multiply that by 4,000,000, and it totals three-quarters of a billion dollars. It must come from the pockets of the taxpayers, now sorely needed by a Government facing the certainty of a huge deficiency at the end of the fiscal year.

I do not know whether other Senators have my experience—I think they do—but I am getting scores of letters every week from taxpayers, men and women upon whose shoulders has been laid the greatest burden of personal taxation ever known in American history, and equally the greatest ever known anywhere else. They are naturally becoming restive. They should have done so long ago. About all the taxpayers are good for is to bleed them. If they do not like it, let them quit earning money or accumulating property. There are not so many of them as there are those who want the pleasure of spending it, so we are not particularly concerned about them.

But I am beginning to think they are waking up. I hope so. And when they do and focus public attention upon legislative blunders in finance and point to our prodigal extravagance and demand an accounting, they may collectively compose a political force of which we will take quite as respectful notice as we now pay to other elements of our population.

Mr. President, I have no intention, I assure the Senator having charge of the joint resolution, of offering any obstruction to its final consideration. I felt bound to state my attitude concerning it, even at the risk of tedious reiteration. But I do think, Mr. President, that we should in no uncertain way limit this increased appropriation to the current fiscal year. The joint resolution does it, probably; I am not prepared to say that it does not; but I think the insertion of the world "only" on page 3, at the end of line 2, will make it impossible to consider it hereafter as a precedent, or permit it to be used as a basis for increased permanent compensation.

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Colorado offer that as an amendment?

Mr. THOMAS. If there is no other amendment before the Senate, I will offer it as an amendment to the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 3, line 2, after the word "year" and before the colon, insert the word "only," so as to read: "The following classes of employees shall be increased as follows for such fiscal year only."

Mr. TOWNSEND. I will say to the Senator from Colorado that there is no question about that being the intent, and I believe it is effectuated by the wording.

Mr. THOMAS. It may be.

Mr. TOWNSEND. But I have no objection to inserting the word "only."

The amendment to the amendment was agreed to.

Mr. HARRISON. Mr. President, I do not desire to detain the Senate so as not to be able to get a vote by 2 o'clock, as I understand it is the desire of the chairman of the Committee on Post Offices and Post Roads to get a vote by that hour. I am very much in favor of the joint resolution, because I am sure that the increases which are provided for as a rule are all right. There may be some instances where there should have been a larger increase. I want to point out what I think are two of those instances, and I am going to propose amendments to take care of those two propositions.

If the Senator from Michigan will bear with me, I notice on page 3 that it is provided that—

> Postmasters at offices of the third class, assistant postmasters, and clerks, including special clerks, finance clerks, bookkeepers, and other employees of offices of the first and second class, letter carriers in the City Delivery Service, carriers in the village delivery service.

And so forth.

But when the increases to be provided for the various employees in these various branches are stated I note that the carriers in the village delivery service are omitted. Whether it was the intention of the Committee on Post Offices and Post Roads not to provide an increase for the carriers in the village delivery service I do not know; but it would seem to me that they ought to be provided for the same as others.

Mr. TOWNSEND. The committee intended to provide for them, and from the information which was obtained from the Post Office Department, and we relied on the information from that department as to the salaries which were being paid, we believed that all those people came within the $1,000 class. However, I am going to propose an amendment, so that in subdivision 1 the increase shall cover those receiving $1,000 or less, inserting the words "or less."

Mr. HARRISON. The Senator proposes to amend the joint resolution on line 12, page 3, by making it read "$1,000 or less, to be increased $240"?

Mr. TOWNSEND. That is right.

Mr. HARRISON. That is thoroughly agreeable to me, and will practically take care of the amendment I was going to offer to that phase of the joint resolution, but which I will not offer in view of what the Senator from Michigan said. My proposed amendment was as follows:

> Carriers in the village delivery service to be increased $240: *Provided*, That carriers serving half time shall receive one-half of such increase.

I understand that there are a good many rural village carriers who work only half time, and it would seem to me that they should not receive the whole $240.

Mr. TOWNSEND. The Senator is absolutely correct about that, and my object in putting it in here, and also putting in another provision covering in express terms "employees in the mail equipment shops," in order that that matter may go to conference and that we may find out what are the exact facts.

I have tried, as I said, to obtain full information from the department, but I shall offer that amendment, so that when the joint resolution goes to conference we can find out what the compensation is, because the committee wants to reach them all.

Mr. HARRISON. I am sure of that. I shall not offer the amendment I had prepared, because the Senator's amendment will take care of the situation.

The PRESIDING OFFICER. Does the Senator from Michigan offer that as an amendment now?

Mr. TOWNSEND. No. I am going to offer it. I simply gave notice that I would.

Mr. HARRISON. I understand that the Senator from Michigan intends to offer that amendment later.

The theory of the joint resolution, I understand, is to grant a larger percentage of increase on the smaller salaries, and on the larger salaries a proportionate decrease in percentage. Carrying out that theory, I can not understand why the committee increased fourth-class postmasters only 10 per cent. I was very glad, indeed, on yesterday to hear the statement of the Senator from Michigan on a larger increase than 10 per cent to take care of fourth-class postmasters. I understand from what the Senator from Michigan said that he would not oppose a further increase to the fourth-class postmasters. A great many increases are larger than 10 per cent. Fourth-class postmasters get all the way from $200 up to $999; and to carry out the theory of the joint resolution, as I said before, the fourth-class postmasters should receive a larger percentage of increase than 10 per cent.

There are, I know, a great many postmasters who are appointed and hold the positions simply in order to bring trade, perhaps, to their places of business out in the country; but there are a great many other instances where postmasters have to provide a building, maintain a separate building, and furnish light and fuel, in order to give good service to the patrons of their particular post offices. It would seem to me that, where that is necessary, where the postmaster has to go to the expense of maintaining a separate building or a separate room, and of furnishing fuel and light, the Government ought to pay for that service.

So I offer an amendment to the amendment, which I ask to have read.

The PRESIDING OFFICER. The Secretary will read it.

The SECRETARY. On page 5, line 11, of the committee amendment, strike out "10" and insert "15"; also strike out the period at the end of line 12, on page 5, and insert:

> And in all cases where the post office is kept in a room or building in which no other business is conducted they shall be allowed a reasonable sum, to be determined by the Postmaster General, and not to exceed $50 per quarter, to cover the cost of rent, fuel, and light.

Mr. HARRISON. I hope the committee will adopt that amendment increasing the 10 per cent increase now provided to 15 per cent, and in those cases where a separate room or building is maintained that an additional amount shall be added to that, not exceeding in any quarter $50.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. GRONNA. Mr. President, I realize that it would be impossible for me to thoroughly discuss this joint resolution on account of the shortness of the time. I want to say, however, that I believe the last amendment, offered by the Senator from Mississippi, should be amended and then adopted. I believe we should increase the amount from 15 per cent to at least 20 per cent. The salaries received by fourth-class postmasters are entirely inadequate, and unless we are to understand that the postmasters who receive these small salaries, who, of course, always live in the country, are to be discriminated against, the same as the farmers are being discriminated against whenever occasion arises, I think this provision should be increased to at least 20 per cent.

I introduced a bill some months ago providing for a fixed salary for all these postmasters. I realize it is difficult for any committee to agree on a bill that will suit every Member of this body. I realize that this is an improvement upon the present law. But I do not believe that the allowance made to the fourth-class postmaster is sufficient. I join with the Senator from Mississippi in asking the chairman of the committee to make this at least a 20 per cent increase in the salaries of fourth-class postmasters. I suppose it will be conceded that in the instances where the office is located in some place of business, where the postmaster has his business outside of the post-office business, these salaries may be adequate. But where it is necessary to rent a building, to heat it and light it, and to have some one there all the time we know that the salary is absolutely inadequate and the allowance ought to be increased.

Mr. President, I had intended to say a word or two with reference to what the Senator from Colorado [Mr. THOMAS] said a moment ago. I always listen with the greatest interest to what the Senator has to say.

But I differ with him upon the question of allowing what may be called a bonus, if you please, of making some allowance to the returning soldiers of this country. I do not know that the soldiers are asking for it, but I am reliably informed, Mr. President, that during this war the number of millionaires increased from 7,000 to 30,000—that 23,000 people in these United States were made millionaires during the war.

Mr. President, it is only fair to say that the people who unduly profited during the struggle should be made to pay a tax, which would give to these men at least a small allowance. We might find hundreds, perhaps thousands, of the boys who would not be willing to receive this allowance, but we do know that there are thousands of them who need it, and no man will deny that they deserve it.

They are not coming to Congress and asking that this shall be done, they are not saying that they are going to strike if it is not done, but Congress ought to remember that these men went on the fields of battle to sacrifice their all for no pay whatever and in the defense of their own country. Congress, I believe, has a responsible duty to perform in dealing with these men, and should not deal with them in a niggardly way.

Mr. President, I am not going to take further time, because I know the Senator in charge of the joint resolution is anxious to dispose of the measure to-day. I hope that he will accept the amendment of 20 per cent to fourth-class postmasters and let it go to conference.

Mr. WATSON. Has the Senator from North Dakota concluded?

Mr. GRONNA. I was going to say something about another section, but if I should take the time to do so I realize that the joint resolution would go over, and so I shall content myself with simply asking that the question which I raised be given consideration.

Mr. WATSON. Mr. President, the hour of 2 o'clock having arrived, I should like to ask the Senator from Michigan [Mr. TOWNSEND], in charge of the joint resolution, whether he is entirely willing to have it go over until to-morrow without proceeding with it further at this time?

Mr. TOWNSEND. I believe that the Senate is practically ready to vote on the question.

Mr. THOMAS. Mr. President, the junior Senator from Utah [Mr. KING] stepped out of the Chamber, and informed me before he left that he desires to make some observations to the Senate upon the joint resolution. I told him I would inform the chairman of the committee having the matter in charge of that fact, if the hour of 2 o'clock arrived before he returned to the Chamber.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Montana?

Mr. WATSON. I yield.

Mr. MYERS. I not only know that the Senator from Utah [Mr. KING] desires to discuss the joint resolution, but I myself desire to make some remarks upon it for a few minutes; I do not know just how long. If the measure is to remain before the Senate, I should be pleased to proceed now. However, I have no objection whatever to its going over. If other Senators want to bring other business before the Senate at this time, I am perfectly willing to postpone until to-morrow the few remarks I have to make.

Mr. TOWNSEND. Mr. President, I have been led to believe that the joint resolution could be voted upon very soon—within half an hour. Of course, I realize if it is going to take more than that, if the Senator from Utah [Mr. KING], who is now absent, proposes to oppose it and take considerable time, that would of course encroach upon the regular order. I do think, however, that we ought to get a vote. May I inquire how much time the Senator from Montana [Mr. MYERS] wishes to occupy?

Mr. MYERS. I think from 10 to 15 minutes, possibly; perhaps a little longer.

Mr. TOWNSEND. Are there any other Senators here present who want to discuss the joint resolution?

Mr. CALDER. I want to occupy about 10 minutes.

The PRESIDENT pro tempore. May the Chair observe that the joint resolution is the regular order. We do not pass at 2 o'clock into any other order without the action of the Senate in that respect.

Mr. MYERS. So far as I am concerned, I am willing to say what I have to say right now, if agreeable to other Senators.

Mr. WATSON. Mr. President, I am quite sure that there will be prolonged debate upon the joint resolution, and I trust that the Senator from Michigan will be quite content that it may go over until to-morrow. With that understanding, I move that the Senate proceed in open executive session to the consideration of the peace treaty with Germany.

Mr. TOWNSEND. I have no doubt a majority of the Senate are opposed to that motion at this time, and that by a proper opposition we could defeat it. I do not care to take that attitude, however. In view of the fact that Senators seem to be insistent, and, as stated by the Presiding Officer, the joint resolution has the right of way, though there is a majority in the Senate now in favor of finishing its consideration, I am willing, under the pressure that has been urged by certain Senators, that the joint resolution may go over until to-morrow morning. Then I shall move to take it up, and I shall hope to hold it before the Senate until we dispose of it, because it is an emergency measure and ought not to be postponed for the purpose of debate or something of that kind, when no vote is expected on any other question.

Mr. FLETCHER. Will the Senator signify at what time he proposes to take it up to-morrow?

Mr. TOWNSEND. I propose to call it up to-morrow morning at the conclusion of morning business, or at the first opportunity when I can get the floor, as I did this morning.

Mr. FLETCHER. I think that is very important. I believe we lose two hours every day——

Mr. TOWNSEND. I think we are wasting time now in not going ahead and disposing of a measure which can be disposed of in a short time.

Mr. FLETCHER. If the Senator calls up the joint resolution promptly at the close of morning business to-morrow, I think we can conclude it before 2 o'clock.

Mr. TOWNSEND. I shall do that.

TREATY OF PEACE WITH GERMANY.

Mr. WATSON. I renew my motion.

The PRESIDENT pro tempore. The Senator from Indiana moves that the Senate proceed to the consideration of the treaty with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. FRANCE. Mr. President, I very much regret that I was unable to conclude yesterday, and in order that I may conclude as speedily as possible to-day, I shall ask Senators to refrain from any interruption of my remarks; and I shall also ask unanimous consent to incorporate certain extracts from papers and treaties as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Wednesday, October 8, 1919.

Mr. FRANCE. Mr. President, I insert at this point a summary of the subjects which I shall discuss:

1. Introduction—League of Nations Resolution, January 14, 1919.
2. Is the Old Faith Dead?
3. Washington's Philosophy.
4. A Fraudulent Scheme.
5. Defects in the Covenant.
6. Ratify this Treaty and Germany Triumphs.
7. Treaty Condemned by Common Judgment of Mankind.
8. British Masses Oppose Scheme.
9. British Labor Party Demands Amendments.
10. The Meaning of the War.
11. Territories Which We Guarantee.
12. British Rule in India.
13. The African Problem.
14. Dismemberment of China.
15. Injustice to Korea.
16. Treaty Imperils Missions.
17. Conclusion—America Must Lead.

Mr. President, on the 14th day of last January I offered a resolution which I ask to have read at this point by the Secretary as part of my remarks.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Senate resolution 412, by Mr. FRANCE.

Whereas on the 11th day of November, 1918, the President of the United States announced the signing of an armistice between the United States and the Central Powers, against which this Nation had been at war, the President at that time declaring, "The war thus comes to an end"; and

Whereas it has not as yet come to the knowledge of the Senate of the United States that peace negotiations have been entered into with the enemy; and

Whereas the keeping for any length of time of an American Army upon European soil is undesirable and a cause of vast expense and of deep anxiety to the American people; and

Whereas profound unrest among the people of many nations and violent revolutions in several countries, which spirit of unrest and revolution are augmented by the hardships resulting from the maintenance of armies of occupation, and by that underproduction, throughout the world, of the necessities and commodities of life which has resulted from the long withholding of many millions of men from productive industry must be a cause for deep concern on the part of the several governments: Therefore be it

Resolved, First. That the Senate, as part of the treaty-making power of the Government, does hereby consent to and most earnestly advise that, at the very earliest possible moment, negotiations be entered into with the enemy looking to the establishment of a just peace, and that all subsidiary questions which might delay the establishment of such a just peace between the nations, without which peace national stability is everywhere endangered, may be postponed for a later discussion at an international conference.

Second. That the Senate, as part of the treaty-making power of the Government, does hereby consent to and most earnestly advise that at the earliest possible moment consistent with the safety of this Nation American troops be returned from Europe; and, further, that after the establishment of peace the President call upon the Governments of North

and South America to appoint two delegates each to an international conference, to be held at some suitable time and place, to consider plans for the closer cooperation of these Governments in promoting justice, progress, and friendship among and within the said countries of the Western Continent; and, further, that the President also, at some time subsequent to this conference of the American Republics, call upon all the nations to appoint delegates to another international conference to be held at some suitable time and place to discuss and consider plans for the promotion of justice, progress, and friendship among and within the nations of the world, such conference to particularly discuss and consider plans for the removal, so far as may be, of the economic and social causes of war, and to this end particularly give attention to—

First. The congestion of population of some nations.

Second. The underpopulation of other nations.

Third. The unregulated competition between the more populous and industrial countries for the raw products and trade of the less populous and agricultural ones.

Fourth. The exploitation of the weaker and the less advanced by the stronger and more highly organized nations.

Fifth. A larger self-determination of peoples and nations.

Sixth. The possibility of the cooperation of the more advanced nations, for the improvement of the conditions of the backward countries, particularly those of Africa and parts of Asia, by the formulation of plans for the reclamation of waste lands, for the utilization of natural resources, including water powers, for wise colonization, for education, and for the spread of civilization, in the interest of those countries and of the world.

Seventh. The best means for the wider and more rapid extension of education and civilization throughout the world, looking to the ultimate elimination of national, racial, and religious antagonisms.

Eighth. The establishment of constitutional republics or of governments of such uniformity throughout the world as would make for that national stability upon which could be based a permanent international order.

Ninth. The elimination of all causes of national enmities and the establishment of friendship and justice between the nations, with a view to the ultimate establishment of a league of nations or world federation of republics, for the purpose of promoting the cause of progress and of peace throughout the earth.

Mr. FRANCE. Mr. President, I presented this resolution because I believed that then, after our valiant and invincible armies had carried our banners through battle on to victory, winning for themselves and for the Republic immortal glory, after our national honor, so long compromised, had been vindicated, after our aims had been achieved, that the fathers and mothers of America desired and had a right to demand the return home of their heroic sons, and the termination of the suspense, misery, and oppressive burdens of war. I was, moreover, fully persuaded that an undue prolongation of the status of war would threaten the stability of every nation of Europe and tend to undermine the structure of our western civilization. I was convinced also that from a peace conference held in Europe, during a status of war, and dominated by the reactionary ministers who represented governments and special interests, and not the peoples whose voices had been suppressed by despotic decrees and repressive statutes, there could come forth no international covenant dedicated to justice, to the elevation, liberation, and self-determination of peoples, to progress, to peace, to the common welfare of mankind, such as would commend itself to the aspirations of an agonized world, new-awakened to a consciousness of its destiny, and with a quickened conscience as to its responsibility.

The prolongation of the peace conference did, sirs, imperil the stability of all European Governments, and from it has come to us a peace treaty which contains within it malignant hatred for the conquered foe, violence against the rights of many peoples, injustice not only to China, a friend and faithful ally, which stood by our side and faced the fires of war, but to our own Nation, and a reactionary plan for a new armed coalition of nations, representing a small minority of the peoples of the earth, which armed coalition is designed to enforce the treaty provisions, perpetuate the wrongs which the treaty sanctions, arrogantly assert its power and authority over nonmember nations, and hold in subjection for all time not only the millions of helpless ones who have hitherto been the victims of oppression and exploitation, but those also who shall be betrayed into a surrender to this new tyrannical supergovernmental power of a liberty dearly bought and long enjoyed.

Sirs, if this has been a war of democracy against autocracy, if it has been a war for liberty, I sometimes question whether we have yet achieved either victory or peace. Peace is not here. This is the aftermath, and who shall say what the final harvest shall be from these fields plowed by shell, harrowed by shrapnel, and fertilized with the precious blood of those youth who but a few short months ago represented all that was best in man and in civilization? To-day on many fronts in Europe armies are joined in mortal combat, while starvation, pestilence, and outrage are taking as heavy a toll as reeking gun, bloody bayonet, and dripping sword. Bitter discontent, distrust, intolerance, despotism, hatred, brutality, massacre, riot, and revolution, and all the ancient greeds, lusts, and unholy ambitions of men and nations, unsated yet by this long four years' feast of blood, menace the world with further dissolution. The reactionaries stand trembling, pallid, and aghast at the wild furies which have come out of this Pandora's box of war which has been opened. But, sirs, hope still remains within the box; and it is for this Senate, by sternly refusing any compromise with that injustice which is the all-potent cause of war and revolution, to take hope out and send her forth on beneficent and healing wings to touch and comfort the souls of all those millions of the sons of men now bowed down in bondage, darkness, and despair.

Sirs, the fathers with faith established a government in harmony with universal law, dedicated it to the everlasting principles of justice, and launched it down the swelling tides of time, to move on toward a divinely appointed destiny, and I can not believe that this Senate will now wreck her by the ratification of a treaty which surrenders her sovereignty and her liberty, alters the very purposes of her formation, by making her a subservient part of a supergovernment, devoted to aims alien to her own, and pledges her the very harbinger and champion of freedom in the world to shed the blood of her sons to hold in hopeless slavery the subject peoples, whose souls long to be free from the clutch of the last great empires which shall ever be founded by subjugation and for exploitation. The gentlemen at Paris had not the faith and vision of our fathers, and so they miserably failed, and we have here a very travesty of justice in this treaty and in this plan so falsely named a league of nations. But, sirs, we must be charitable. The world was very sick while those three venerable statesmen sat at Paris seeking to repartition it in accordance with the formulæ of the old and secret diplomacy. The world was sorely stricken, and yet they sought to soothe it with beatific platitudes, while with sinister determination by the blockade during the long armistice, with the cruel weapon of starvation, they murdered the emaciated children and wasting women of the fallen foe. The censored cables kept many a secret from the sovereign American people, but when that hideous, murderous policy is known here, there will be a storm of indignation against this treaty and against those responsible for it and for that policy. The heroic British troops knew of that policy of coercion by starvation and threatened mutiny in protest. The masses of London knew it, and on a Sunday last April they marched, 100,000 of them, to Hyde Park to demand an end to the inhuman blockade. Their protestations came from understanding hearts, for many in that vast throng had known the pangs of hunger and the agony which claws and tears the hearts of parents who kneel in helplessness beside the filthy pallet of rags and straw, to close the glazing, sightless eyes of a jaundiced, waxen, emaciated child, perishing for want of bread. Sirs, those were malignant men who censored all our cables, but truth may not forever be suppressed, and when the millions of America, in cities, towns, and hamlets, all those who are devoted to our best ideals, all those who walk through peaceful country lanes, in the solemn Sabbath stillness, to unpretentious sanctuaries, to pray in deep sincerity, as did their fathers, "Thy kingdom come, Thy will be done," shall know this awful story, when they shall see the pictures we have seen of wide-eyed, famishing, wondering children, whose cries and prayers for food could not be answered because of the unspeakable cruelty of these cold-blooded ministers, there will surely come a day of retribution.

Shall we blame these venerable statesmen of a passing age, as they looked out over the mighty, seething, blazing cauldron of a world made molten in the fires of war, for seeking to pour the white-hot fluid into the molds made after the ancient fashion of the only patterns which they really knew? Shall we blame them if they sought to place this new and very heady wine of liberty into the old bottles of imperialistic form? Shall we reprimand these self-sufficient, amateurish surgeons of a world disordered and diseased if in their simple eagerness they sought to heal by covering with this new man-made, artificial skin of the so-called league of nations the feculent, festering, rotting ulcers of the world, wholly forgetting that before such sources of corruption could be cured the putrescent, pestilential sores must first be healed from beneath by the deep penetration of the purifying air and disinfecting sun of God's eternal justice?

IS THE OLD FAITH DEAD?

Mr. President, is it possible that from our minds has faded the memory of our origin? Can it be that by this subtle, superficial, modern sophistry there has been uprooted and destroyed within our hearts that sacred inheritance of an exalted faith in our own peculiar national destiny? It has been intimated in this Senate Chamber, in the very city which bears his reverenced and immortal name, that conditions have changed, and that the doctrines enunciated by Washington with reference to foreign affairs are no longer applicable. We are now asked to believe, since our indoctrination with this "new freedom," that

Washington was really quite provincial, very narrow, pitifully lacking in world vision, because, having achieved our American independence, he then advised what some are pleased to call a policy of selfish national isolation. We are now new advised that the matchless and prophetic words of his Farewell Address are out of date, because he warned "against the insidious wiles of foreign influence," against "weaving our destiny with that of any part of Europe," against "entangling our peace and prosperity in the toils of European ambition," against "implicating ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships and enmities." But, sirs, we would do well to remember this, that if it be true that the political philosophy of Washington is both antiquated and like tarnishing tinsel false; if there be no fundamental and unchangeable principles in accordance with which we may in such a desperate hour as this shape, with assurance of success, our temporary policies, then, indeed, is all lost. All is vanity, and—

> She comes, she comes: The sable throne behold!
> Of night primeval and of chaos old;
> Thus at her fell approach and secret might,
> Art after art goes out, and all is night.
> See skulking truth, to her old cavern fled,
> Mountains of casuistry heaped o'er her head;
> Philosophy that leaned on Heaven before,
> Shrinks to her second cause and is no more.
> Religion, blushing, veils her sacred fires,
> And unawares morality expires.
> No public flame, nor private, dares to shine,
> Nor human spark is left, nor glimpse divine.
> Lo! thy dread empire, chaos, is restored.
> Light dies before thy uncreating word;
> Thy hand, great anarch, lets the curtain fall,
> And universal darkness buries all.

As we consider to what vast, limitless, and pathless wastes we have drifted, as we behold skies dark with clouds and storm, as we hear throughout the world the ever-increasing ominous roar and reverberation of revolution, it would be well for all charged with responsibility—and that means every American—for the safety of the great Republic, caught in the cross currents and troughs of a perilous sea, to turn once more to the faith of the fathers, to read again those words written in days of clearer inspiration, to examine again with scrupulous care that mighty chart of all our liberties, the Constitution, by which they did, and we and our sons must, guide this Nation safe past those destructive shoals of ignorant materialism, sophistry, and insincere demagoguery upon which have perished the ancient empires and republics of the world.

WASHINGTON'S PHILOSOPHY.

Was Washington, after all, only a shrewd utilitarian in his enunciated foreign policy, cautiously advising "safety first" and placing peace above national righteousness and honor? Was he actuated by purely materialistic motives? Was he but a dull churl, who could not catch a wider vision of the destiny of the world, or was he too weak and cowardly to follow where he saw? Which would they have us believe? The political philosophy of Washington seems to be but little understood, and during recent weeks men have advocated wrapping his teachings in the great winding sheet of oblivion and burying them with the bones and ashes of the ancient heresies, because they say he advocated the doctrine of national isolation. I do not understand him or the fathers thus. We must read the context, study deeply his words as well as those of his contemporaries, catch his faith, perceive his love for mankind, and ponder the inspiring story of his life of selfless service if we would have a true comprehension of the profound and benevolent philosophy from which there sprang those admonitions and that most wise advice as to future national policies.

If I understand Washington aright, he was not an advocate of narrow and selfish isolation. He would not have opposed plans for international cooperation in harmony with the principles upon which this Republic was founded. That he was opposed to entangling alliances designed to further selfish and sinister ends does not prove that a true league of all the nations for purposes in line with those for which this Government was founded would have met with his condemnation. The true test of a league of nations measured by his lofty moral standards is: Is it a league of all the nations founded on justice, liberty, and the common welfare, and designed to further the interests of humanity; or is it an entangling alliance based on force, tyranny, and injustice to further the interests of a privileged few? By that acid test this so-called league of nations is condemned.

Let me now briefly state Washington's political creed, which we are now asked to repudiate, in words taken from his first inaugural and his Farewell Address.

He believed in and made "fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—that His benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes." He held "that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained," and that "the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally staked on the experiment intrusted to the hands of the American people." He went to his grave with "unceasing wishes that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that in fine the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet stranger to it." This was his philosophy. Shall we abandon it?

Profoundly reverencing the God of nations, holding "these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness, that to secure these rights governments are insituated among them, deriving their just powers from the consent of the governed," the fathers constituted a government devoted to the achievement of these aims, "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," and their souls were inspired with the faith that by the example and through the instrumentality of a government so established the institutions of ordered liberty would be extended in ever-widening circles, through the centuries, to carry at last their unspeakable blessings to the remotest shores and the most distant islands of the sea where dwell the sons of men. These purposes were also to guide and to control our foreign policy, for Washington said, "It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

I can find no support for the contention that the fathers, particularly Washington, Hamilton, and Madison, placed any narrow limitation upon the extent of the sphere which might be embraced in governmental organization, or that they taught any doctrine of national isolation. On the contrary, they most clearly perceived that the principle of federation, with the careful maintenance of the nice adjustment and proper balance between the rights of self-determination of the parts and the surrender by a reasonable delegation of powers by the parts for the safe unification into the whole, would lend itself to most wide application and indefinite expansion. Washington asked, "Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. We are authorized to hope that a proper organization of the whole with the auxiliary agency of governments for the respective subdivisions will afford a happy issue of the experiment. 'Tis well worth a fair trial and full experiment." This question as to the extent of territory which might be embraced by a republican form of government is fully discussed in the Federalist, particularly by Madison. (No. XIV, Extent of the country no objection to the Union.) He says:

> The error which limits republican government to a narrow district has been unfolded and refuted in preceding papers. I remark here only that it seems to owe its rise and prevalence chiefly to the confounding of a republic with a democracy, and applying to the former reasonings drawn from the nature of the latter. The true distinction between these forms was also adverted to on a former occasion. It is that in a democracy the people meet and exercise the government in person; in a republic they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region.

And again, referring to the principle of republican federations, he states:

> If Europe has the merit of discovering this great mechanical power in government by the simple agency of which the will of the largest political body may be concentered and its force directed to any object which the public good requires, America can claim the merit of making the discovery the basis of unmixed and extensive republics.

And again:

> As the natural limit of a democracy is that distance from the central point which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than can join in those functions, so the natural limit of a republic is that distance from the center which will barely allow the representatives of the people to meet as often as may be necessary for the administration of public affairs.

And again:

> But why is the experiment of an extended republic to be rejected merely because it may comprise what is new? Is it not the glory of the

people of America that while they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for customs, or for names to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience? * * * They reared the fabrics of governments which have no model on the face of the globe. They formed the design of a great confederacy which it is incumbent on their successors to improve and perpetuate.

The experiment, sirs, has been successful. The wisdom of the fathers has been demonstrated, for its has been, beyond question, proven that such a Federal Government as ours operates across our continent as effectively as it functioned along their coast. Who will maintain that a federation such as ours might not be extended to embrace this hemisphere? Bismarck applied the principle invoked by the fathers, modifying the application of it to suit his ends and to meet special conditions, and from discordant and belligerent states, speaking diverse dialects, he builded a single powerful empire. Her ablest statesmen have urged the application of this principle of republican federation to all the wide-extended and diverse parts within the British Empire, but the reactionaries, blinding themselves to the teachings of history and refusing to look forward to the inevitable consequences, have resisted all such benevolent and enlightened plans. Was John Quincy Adams speaking idle words at Plymouth, on December 22, 1802, when he said:

Westward the star of empire takes its way.
Let us unite in ardent supplication to the Founder of Nations and the Builder of Worlds, that what then was prophecy may continue unfolding into history—that the dearest hopes of the human race may not be extinguished in disappointment, and that the last may prove the noblest empire of time.

It would ill become us here, where by the wise application of the principle of federation we have founded a mighty empire of sovereign states, to deny the possibility of the extension of these principles to secure international cooperation for the liberation and elevation of all men everywhere. It was not because he believed in selfish isolation, it was not because he desired to confine to a narrow sphere the application of this principle, that Washington warned against foreign alliances. It was, rather, because he clearly perceived the fact which we must now recognize that while this Nation might from time to time alter its temporary policies from reasons of expendiency it could not abandon its principles or depart either in its foreign or domestic activities from those exalted purposes to which it had been dedicated without complete self-destruction. He warned us that we must not form permanent alliances with Europe because her interests and her purposes were alien to our own. He who votes to make this Government a part of an international government or a constituent member of a supergovernment not devoted to the identical purposes and clearly expressed aims of our Constitution has cast a vote to destroy his country. Sirs, to forsake these principles and purposes or to compromise with policies which violate them by the adoption of this treaty would be, in my judgment, nothing less than treason of the most perfidious brand. To do so would be treason, because it would be betraying all that is best, the very soul and spirit of our institutions. It would be most perfidious because it would be accomplishing the end with a fraudulent document which is not what it purports to be and which is designed to entice men by an appeal to their highest motives to commit an unspeakable wrong.

It would be no superhuman task to establish in time cooperation between the nations of the earth in accordance with the well-known principles of federation, but nothing in that direction can be achieved if these fundamental rules are disregarded:

First. The purposes of the federation must be those announced in our own Constitution—the promotion of justice, liberty, and the common welfare.

Second. There must be a universal and equitable application of the principle of self-determination within such federation.

Third. There must be just methods for the representation of the nations in the government to which there is to be a delegation of powers.

Fourth. There must be no elimination of, or discrimination against, nations desiring membership.

Fifth. The government to which there is to be a delegation of powers must be subject and easily responsive to popular control.

Sixth. The constituent nations must themselves all have forms of government responsive to popular control.

Seventh. There must be three perpetually independent coordinate branches—legislative, executive, and judicial—in the government to which there is to be a delegation of powers.

Eighth. There must be clear provisions for amendment and for judicial interpretation.

While it must be apparent that at the present time the conditions in the world are not favorable to the formation of such an international federation, yet the first stages in the establishment of voluntary international cooperation might now well be undertaken. It must be recognized, however, that these well-known principles may not be disregarded in the organization of international government if we are to hope for success, and further that almost every one of them is flagrantly violated in this crude document which has been submitted to us after it had been drawn by Englishmen.

Mr. McCORMICK. Mr. President——

Mr. FRANCE. The English reactionary leaders are not only notoriously ignorant of but obstinately opposed to the principles of republican federal government, because this form is inconsistent with the aristocratic, imperial, and colonial system, as it has existed for so many years to the enrichment of the upper classes of England. This document breathes not the free spirit of the fathers who laid the foundation of this Republic but the spirit of those same aristocratic Englishmen whom the fathers opposed because the fathers could not consent to the enslavement of mankind to selfish greed.

I now yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, I sought to interrupt the Senator a moment ago, when he was speaking of the necessary provisions for judicial interpretation, to ask if, under the contemplated covenant, the body which sought to act or acted under its terms would not also be the sole judge of the legality of its action under the covenant?

Mr. FRANCE. That is true. That body, the council, would exercise legislative, executive, and judicial powers, and the fathers well understood the very essence of despotism to be a consolidation of legislative, executive, and judicial powers in one man or body, and this council, which is proposed, would have all of the very nature of despotism within it.

A FRAUDULENT SCHEME.

Mr. President, I venture to say that but relatively few men in the United States have carefully studied the league of nations scheme, but as more do so and as it becomes better understood its fraudulent and dangerous character becomes more and more apparent. It is represented to be, and by many here apparently believed to be, a covenant for the establishment of a society of all the nations for the preservation of the peace and security of the world. It, in reality, creates a new armed coalition participated in by a few nations representing a small minority of the peoples of the earth. It will be dominated by the imperialistic nations—Great Britain, Japan, and France—and its principal objects are to guarantee the territorial integrity of these Empires; to make safe the spoils of war; to preserve the status quo with its cruel system of colonial expansion and human exploitation; to force, by a war after the war, the Germans to fulfill the drastic, oppressive, and really impossible provisions of the treaty; in short, to form a supergovernment to be controlled by a group of nine men who purpose, by their schemes, to defeat the rising hopes of millions of men for emancipation from unfavorable conditions and liberation from foreign control.

Sirs, the world is laughing at us for our serious consideration of this monstrous scheme. This treaty, in which we would compromise with injustice, is so deceptive as to have the appearance of being a part of a huge confidence game. By its submission the world tragedy partakes of the melodrama. It is not strange that bitter laughter should have greeted the appearance of this scheme in the House of Commons. The Right Hon. David Lloyd-George, M. P., first lord of his treasury and prime minister of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India, might well often chuckle by his fireside as we sit here in solemn deliberation upon whether or not we shall ratify a solemn contract by which, for no consideration in return, we irrevocably pledge the blood of American youth to fight for the preservation of all of His Majesty's vast dominions and for the perpetuation of a system by which the English dukes and lords grow fat upon the spoils taken from the toiling and impoverished millions of that Empire, to whom the determination of their own destiny has been denied. It is scarcely to be marveled at that His Majesty should have conferred upon this canny and too clever politician and diplomat the Order of Merit.

[From the New York Sun, Aug. 7, 1919.]

LLOYD-GEORGE IS HONORED BY KING—CONFERS ORDER OF MERIT FOR SERVICES IN WAR.

LONDON, *August 6.*

King George to-day conferred upon Premier David Lloyd-George the Order of Merit as a sign of his appreciation of Lloyd-George's war services.

In a letter to the premier, dated Buckingham Palace, August 6, announcing the award, the King says:

"MY DEAR PRIME MINISTER: Honors and rewards to the officers of the army, navy, and air force having been submitted to Parliament, I feel that my people will share with me regret that it is not possible to

express the nation's grateful recognition of the persistent services rendered by the prime minister both in carrying the war on to a victorious end and in securing an honorable peace. To rectify somewhat this omission and personally to mark my high appreciation of these services it gives me great pleasure to confer upon you the Order of Merit.

"Believe me, yours, very sincerely,

"GEORGE R. I."

The House of Commons to-day gave a formal vote of thanks to Marshal Foch, of France, the allied commander in chief, and the various military and auxiliary services of Great Britain that served in the war. The vote included mention of the British women's organizations.

King George could scarcely do less, and even a hundred thousand pounds and an earldom would not be too much for such a service.

DEFECTS IN THE COVENANT.

I can not discuss all of the defects of this league of nations scheme, which is both organically unsound and ethically indefensible, but I desire to recapitulate, without extended comment, some of the most serious defects which have already been fully discussed by others.

1. There is no declaration of human rights and no dedication of it to the securing of justice, liberty, and the common welfare.

2. It is a close coalition, which exercises the power to exclude nations.

3. This coalition arrogantly assumes to dictate to and control nonmember nations.

4. There is created a despotic oligarchic supergovernment not subject to popular control.

5. There is no provision guaranteeing the right of withdrawal, this only being possible by unanimous consent.

6. There is no controlling and directing power residing in the popular assembly, which is in reality the league.

7. The chief powers are lodged with the small body, the council, which can exercise them arbitrarily at will and without control.

8. The interrelations of assembly and council are not defined, but certainly there is no control of the council by the assembly.

9. There is no provision for open sessions of the council.

10. There is no mention of a quorum, and four out of nine of the council might meet and take any action.

11. Each member of the council would have vested in him incredible power to commit his country to obligations of war or peace, and such member need not be chosen by the people.

12. Clauses dealing with armament production are weak and ineffective; the permitting of the taking into consideration by the council of geographical situations in deciding armaments, leaving the way open to competition in armaments.

13. Members of the league "undertake to respect and preserve the territorial integrity" of the various nations without regard to the question of justice.

14. We surrender our rights to settle by peaceable methods our own disputes with other nations.

15. There are no adequate safeguards against war.

16. There is no distinction made between offensive and defensive war, and a member nation could not defend by force its territory from invasion.

17. There is no clear definition of what are international and what domestic questions.

18. The provisions for making amendments are very obscure, a fatal defect, in view of the crudeness of the whole document.

19. There is no definite time fixed after which peoples held as mandatories shall be free.

20. Members reserve the right to exclude nonmembers from trade with mandatory colonies.

21. We shall be expected to assume control over Armenia, Turkey, and the most turbulent portions of Europe, this meaning continued war.

22. A single member of the council could prevent our making a treaty with another nation which it was to our interest to make.

23. The Monroe doctrine is not safeguarded.

24. It is not a true league of nations, and members are not given the same powers and proportionate representation.

25. It is a coalition seeking to achieve selfish competitive ends by the compelling power of force, rather than a league of cooperating nations seeking to secure worthy aims by the persuasive power of justice.

I believe also there is no constitutional grant which gives to the Federal Government authority to delegate to our member of the council of the league such vast prerogatives and powers as he would exercise.

A most excellent monograph entitled "What Every American Should Know About the League of Nations," by William George Jordan, concisely and ably discusses some of these and other vital objections to the league, and I would ask to have that monograph printed as part of my remarks but for the fact that it has already been printed in the CONGRESSIONAL RECORD of August 7, 1919, at the request of the Senator from Connecticut [Mr. BRANDEGEE], to which RECORD I would refer those desiring to read the monograph.

RATIFY TREATY AND GERMANY TRIUMPHS.

Sirs, the recommendation of this treaty, with its league of nations scheme, is the logical culmination of a foreign policy of almost unbelievable stupidity, and if we should place our hands to its ratification we would, in my judgment, make Germany triumphant and prepare the way for a greater and perhaps a final world disaster. We would be setting the mighty stage of the world for that ultimate bloody tragedy, a war between the East and the West, which might culminate in the subjugation of the occidental by the oriental civilization. Many thoughtful men were disturbed when they perceived that Germany was planning a Mittel Europa and considered it a grave menace when she sought to drive her railway down to Bagdad to find an outlet at Basra on the confluence of the ancient Tigris and Euphrates near the Persian Gulf. They trembled because it seemed to portend a movement toward the fulfillment of her dream of universal empire. It was a narrow and perilous path across Bulgaria, Turkey in Europe, and Asia Minor, between the Mediterranean and Black Seas, to the desert sands of the Arabian Peninsula between the Euphrates and the Persian Gulf eastward and the Red Sea on the west, but it was, with all its perils to Germany, the path of lesser resistance. It was most perilous because the French were anxious, Great Britain was deeply concerned, while the giant Russian Empire on the east, holding Central Asia and Turkestan, covetous to control every shore of the Black Sea and Constantinople, watched with unresting, envious eyes Germany's every movement, couched ready to spring at any moment. It had been a keen contest and a long one—that between European diplomats for the control of the Near East—and the clash came at last with an assassination in Serbia and then followed the world calamity. But, sirs, what were those small opportunities and plans of Germany as she, surrounded by hostile powers, cautiously sought to push her way southeastward, compared with the vast possibilities of greater dominion which will lie extended before her after the ratification of this treaty? This new-armed coalition which we plan will set up a new balance of power, but will Germany be weakened or can she by it be isolated?

Does the new international scheme substitute true international cooperation for the common welfare for international competition for selfish and imperialistic aims? This plan surely preserves the old order of competition in armaments, in military power, in the extending of spheres of influence, in plans for a greater domain. How will Germany be placed in this new competition? Will there be no opportunity for her diplomacy and for the secret machinations of those who were her military overlords? Why, sirs, this treaty gives her unparalleled opportunity, which it is hardly conceivable that she will not embrace.

In the first place, we play into the hands of her former military masters by making with her people the very kind of peace these military lords warned them we would impose—a peace which humiliates, enslaves, and places burdens upon the masses of the people almost too heavy to be borne, and then by the six months' starvation of her women and children during the armistice we put a more bitter hatred, the very iron into the souls of her men which makes them fit material to be forged into a mighty weapon by these military masters. Of Russia, on the east, once her mighty competitor and adversary, we have by our incompetence and folly made an enemy, and she, by her wiles, has made a friend. Having, because of ignorance and prejudice, alienated from the Allies the great Russian peoples, we now, as if that were not enough, despoil China to enrich Japan, and turn deaf ears to the cries of helpless Korea, craving justice and ambitious for that very liberty which our own missionaries have taught her to love, while through Russia, China, Korea, and through Tibet and friendly Turkey in Asia the way is open for Germany to cooperate with outraged, starving, revolutionary India and Egypt, already in rebellion. Great Britain sees the peril, and now seizes Persia for protection, thus irritating France and increasing the enmity of the eastern powers. Ratify this treaty, sirs, and you squarely divide the Occident from the Orient and make all the nations of the east, except Japan, with their all but limitless resources of man power and territory, the natural allies of Germany. You place the Germans, with their unusual capacity for military and commercial organization, in command of a situation which might be used by them for the destruction of the western civilization. I submit herewith a synopsis which will roughly indicate, as it is only approximate, my views as to what will be the new realignment of nations after the formation of our coalition, outside of which will be so many other nations which must of necessity and in self-defense form a coalition in opposition.

Principal nations inside of our proposed league or coalition.	
United States	100,000,000
United Kingdom, less Ireland	41,126,040
France	39,602,258
Belgium, 1910	7,423,784
Italy	36,546,437
Portugal	5,957,985
Poland	12,247,600
Roumania	7,508,009
Greece	4,821,300
South Africa	8,256,810
Australia	4,895,894
New Zealand	1,099,449
Japan	60,666,777
Canada	7,206,643
Bolivia	2,889,970
Brazil	24,618,429
Cuba	2,627,536
Ecuador	1,323,900
Total	368,818,821

Principal nations outside of our proposed league or coalition.	
Ireland	4,390,219
Austria	28,718,928
Hungary	22,784,531
Bulgaria	4,337,516
Germany, 1914 (estimated)	67,812,000
Luxembourg	259,891
Montenegro	436,789
Russia	148,303,000
Turkey	1,891,000
Egypt	15,969,000
Asiatic Russia	21,632,000
Asiatic Turkey	19,382,900
China	320,650,000
Korea	16,913,224
Indian Empire	315,156,396
Afghanistan	6,380,500
Argentina	7,885,237
Mexico (estimated)	15,501,684
Spain	19,950,817
With a total population of	1,038,355,632

There should probably be included in the list of nations outside of this proposed league or coalition, the aggregate population of which I have estimated to be about 1,038,355,000, over 100,000,000 of population, representing the peoples of Africa, outside of Egypt and South Africa, who will really have no voice or representation in our league under the proposed organization.

There are several of the more important European countries whose alignment with one or the other of these two groups will for a long time remain doubtful. I refer particularly to—

Norway, with a population of	2,391,000
Sweden, with a population of	5,521,000
Denmark, with a population of	2,775,000
Holland, with a population of	5,945,000
With a total population of	16,632,000

Not only will the treaty create a division of the world into two coalitions, but careful examination of and reflection upon this list will make it clear that practically every country of those outside of the proposed league or coalition has some real present or some past historic grievance against one or more of the members of the league. It would be impossible within a reasonable time to review or even enumerate these grievances, some of which will be at once apparent, and others of which, if less immediately apparent, are no less real. To our enemies during the war, who must remain our open and avowed enemies, as we are to be theirs under the provisions of this treaty, we have driven Russia by our Quixotic and irrational policy of military intervention, while Ireland, Egypt, the Indian Empire, China, Korea, Afghanistan, Mexico, and Spain are, because of the circumstances, both naturally and by the terms of the treaty sympathetic with those enemies.

Sirs, a wise statesmanship must be guided by practical considerations as well as by high ideals, and it would be difficult to prove that to be a wise diplomacy which would place the United States in an armed coalition with countries possessing aggregate populations of, as I have indicated, only 368,818,811 in opposition to a possible coalition against it of nations possessing an aggregate population of 1,038,355,632, in view of the fact that ours, the smaller coalition, is formed in large part for the exploitation of and for the purpose of holding territory wrested by force, and with utter disregard of justice or of right, from those peoples in the other coalition who possess an overwhelming superiority of men and territory, and that the smaller coalition thus insolently assumes the right to dictate to and control the peoples who are not to be admitted.

It has always been the guiding policy of this Nation never to fear to stand in the minority or alone for international justice and righteousness; but we, who have always feared to act even with a majority for the sanction and perpetuation of injustice, should not now be criticized for refusing to stand with a small minority of the peoples of the world in the defense of a plan which, because of its injustice, has incurred the condemnation of the overwhelming masses of mankind. By the very nature of the covenant we by ratifying it invite disaster.

> Thrice is he armed that hath his quarrel just,
> And he but naked, though locked up in steel,
> Whose conscience with injustice is corrupted.

Sirs, as we sit here, out beyond the Atlantic, beyond the territorially tiny United Kingdom, beyond the devastated fields of France, beyond the vanquished and famishing Central Empires, beyond distracted Poland, beyond the Carpathians and the vast plains where Russia and Siberia, our new and mighty enemies, lie; still far beyond there stretches the vast domain of the half-slumbering, taciturn, infinitely patient, but now restlessly stirring East, the vast, mysterious Orient, whose uncounted millions, with sad, all-seeing eyes, burning with the deep wisdom of the centuries, with hearts on fire, with piled-up decades of unrequited wrongs, now gaze so fixedly, suspiciously, and cynically at us to see how much is after all our true devotion to those principles of justice which we have praised, and whether, with this small plan devised by self-sufficient and complacent men of reactionary thought, we can compose a world distracted with war and turbulent with revolution.

European statesmen—men dominated by bigotry, hatred, intolerance, criminal ignorance, colossal egotism, and acting with utter lack, it seems to me, of a true confidence in the capacity of their fellows for self-government, and without true faith in the common destiny and brotherhood of man, together with an utter failure to comprehend the awful lessons of this war—have devised this plan, which squarely divides the East from the West, and which, sirs, if it shall be ratified, in the end may cause the "Star of Empire" on its further unresting westward way to pause once more above China, Egypt, and India, first cradles of the race.

TREATY CONDEMNED BY COMMON JUDGMENT OF MANKIND.

I wish that more of our people might realize the fact that this treaty and this covenant, devised by a few men to serve special and narrow interests, have been met by the condemnation of the common judgment of the overwhelming majority of mankind. I have already referred to the fact that nations with populations aggregating more than a billion of people, indeed, more than two-thirds of all the inhabitants of the earth, are either merely excluded from the league or are directly injured by it, and hence must be, of course, in opposition to it. But, in addition to this, men of liberal mind everywhere, who have carefully examined its provisions, find themselves compelled to denounce both the method and the whole nature of the plan. No more eloquent condemnation of it could be written than that contained in the manifesto of Gen. Smuts, the one figure who loomed in stature so greatly above the men who were assembled working out their narrow plans at the peace table at Paris. I quote from the manifesto:

> I have signed the peace treaty not because I consider it a satisfactory document but because it is imperatively necessary to close the war. * * * The promise of the new life, the victory of the great human ideals for which the people have shed their blood and their treasure without stint, the fulfillment of their aspirations toward a new international order and a fairer, better world are not written in this treaty. * * * There are territorial settlements which will need revision. * * * There are punishments foreshadowed over most of which a calmer mood may yet prefer to pass the sponge of oblivion. There are indemnities stipulated which can not be exacted without grave injury to the industrial revival of Europe, and which it will be in the interests of all to render more tolerable and moderate. * * * The abolition of militarism * * * in this treaty is unfortunately confined to the enemy.

The French Liberals have been active in their opposition to the scheme, as they are convinced that the league does not meet with the requirements for a true society of nations, and that the treaty is not in harmony with the 14 points as specifically laid down by President Wilson.

[From the New York Times, Apr. 12, 1919.]

FRENCH LABOR BODY AGAINST THE LEAGUE—SAYS IT IS NOT WILSON'S—CONDEMNS POLICY OF ARMED INTERVENTION AND BLOCKADE.

PARIS, *April 11.*

A placard was posted through Paris to-day by the General Federation of Labor, entitled "An appeal to public opinion and the workers." It contains the following reference to the league of nations:

"Our diplomats offer us a project of a league of nations which is not the society of nations such as was prescribed in the 14 points of President Wilson. The peoples of the entire world in their thirst for justice acclaimed these 14 points and we accepted them. The French working class, faithful to its conception of a war on war, rises against the sabotage of peace."

The placard condemns the policy of blockade constraints and political and armed interventions. It protests against the expedition to Russia, and asks for the conclusion of a real peace to which all peoples can subscribe.

On May 11, 1919, the general assembly of Socialists, an important political body, at Paris, adopted resolutions against the peace treaty, in which it was stated:

Justice is violated in nearly every phrase.

The Labor-Socialist conference at Berne condemned the treaty.

[From the New York Times, May 14, 1919.]

Failure to include Germany and Russia in the league of nations, the statement asserts, must be righted speedily if the league is to be made effective for preventing war. The limitations of German armaments without application of restrictions to other nations also is criticized, and the attention of the labor world is called to the danger resulting from the establishment of the boundaries of Poland, which, it is held, does violence to the rights of peoples to choose their political allegiance, and, by separating German States into two separate parts, these things are said to create a danger which will remain a source of trouble and ill will.

The callous handing over of Shantung, with its resources and 40,000,000 to 50,000,000 Chinese, to Japanese economic control can not be passed over in silence. The statement says:

"This peace is not our peace. The nations are still menaced by the policy of the victors in sharing the spoils without thought of the inevitable consequences."

The Women's International Conference for Permanent Peace at Zurich sent the following communication to the peace conference:

[From the New York Globe, May 15, 1919.]

By guaranteeing the fruits of secret treaties to the conquerors the terms of peace have tacitly sanctioned secret diplomacy, denied the principle of self-determination, recognized the rights of the victors to the spoils, and created all over Europe discords and animosities which can only lead to future wars. "By demanding disarmament from one set of belligerents only the principle of justice is violated and the rule of force continued. By the financial and economic proposals 100,000,000 people of this generation in the heart of Europe are condemned to poverty, disease, and despair, which must result in the spread of hatred and anarchy within each nation."

The Italian Liberals have also expressed similar convictions.

BRITISH MASSES OPPOSE SCHEME.

Sirs, the people of the United States have been deceived by the men who had selfish interests to serve, by the American autocrats and British lords who have been controlling the news agencies, censoring the cables, and suppressing those facts which they thought too tough for the unsophisticated understanding of the American people. We have been kept in ignorance of the true conditions in Europe, but, in various ways, we have learned enough to fill us with a deep distrust for the methods of the reactionaries who are fathering this scheme, but also with a hope and confidence that the liberal-minded, liberty-loving men of England are in perfect unity with their liberal-minded, liberty-loving brothers of this great Republic in their aspirations for a better world order and in their unqualified repudiation of this unholy plan. This treaty is, from a selfish standpoint, highly advantageous to England, and, in a large sense, inimical to the interests of all other nations, and it is for this reason that men who feel a pride in the spirit, in the achievements, in the best traditions of the English race, may well rejoice over the fact that in this world crisis there are millions of men in England to whom the principles of justice mean more than mere temporary advantage unjustly gained, and who are hence opposing this plan which would immensely strengthen the British Empire, because it seems to them to violate those principles of liberty, justice, and humanity which have always been so dear to every unperverted English heart. The view of the masses of Englishmen seems to be expressed in a statement in the London Herald of May 8, 1919, which I quote:

There is no honor left for any of us. The league of nations is a body without a soul. President Wilson has been beaten. He forced public acceptance of his ideals on the other powers, but they have beaten him secretly. He compromised on essentials, and therefore the details have gone astray. From the moment he abandoned the first of the 14 points he abandoned them all.

I quote also from J. L. Garvin, in the English Sunday Observer, of May 10, 1919:

These terms give no fundamental solution to any European problem. They resolve in the vicious circulence of the old diplomacy, they repeat the fatal precedents which have always led back to war and made the end of one struggle the direct cause of another. There will be quarrels, conspiracies, agitations, assassinations, revolutions, and collapses.

I quote the following from the London and Manchester Daily News, of September 13, 1919:

But the golden moment was lost. Europe needed food, and work, and peace to heal its wounds. But it was denied these things. Its wounds were kept open and inflamed. Six precious weeks were wasted on the "Hang the Kaiser" election in this country, an election in which the mind of the nation, instead of being moved to great issues, was saturated with the basest appeals to revenge and ignorance, and we emerged from that saturnalia to the discussion of peace with the atmosphere poisoned by false issues and shameful commitments. We have never recovered from the indelible crime. It involved us in the French peace of revenge instead of the American peace of healing, and its fruits are scattered over Europe in famine, disease, revolution, war, and all the miseries of a great continent collapsing deeper and deeper into barbarism. President Wilson got his league of nations, but he got it at a price that threatens to make it little more than the pious aspirations of the Holy Alliance. Under French inspiration we plunged, with Mr. Churchill joyously leading, into the infamous war on Russia, which will live as the most shameful chapter in the history of this country. French generals were discovered prancing over Europe like conquerors, and our own troops, under the impulse of an insane imperialism, were pushed forward into advantures beyond Bagdad and into Turkestan which was ingeniously disguised under the name of Transcaspia.

BRITISH LABOR PARTY DEMANDS AMENDMENTS.

I have not seen in any of the American daily newspapers any discussion of the most important fact that the British Labor Party, representing, it is estimated, about 20,000,000 of the citizens of the United Kingdom, has advocated amendments to the covenant of a most vital character, which, if adopted, would alter the whole nature, structure, and purpose of the covenant plan. There can be no doubt that the British Labor Party now directs the destinies of England and that at the next election it will come into full control. Indeed, I am informed that even the conservatives are inclined to look with favor upon the British Labor Party coming into power. No adequate conception of conditions in the United Kingdom can possibly be obtained by a perusal of the American newspapers, and my knowledge of the situation there has been gained from the personal communications of my brother, Mr. Royal Wilbur France, an attorney, of New York City, who went to England on professional business in the spring months of this year, and whom I requested to put himself in touch with the thought and feeling of the real present leaders of Great Britain toward the great international problem, and it was to comply with his request for a statement of the position of the British Labor Party toward the league of nations that the following manifesto was issued by the joint secretaries. Until this manifesto was brought back and given some publicity by the press most of us here were under the impression that the people of England were practically unanimous for the league. I ask that this manifesto may be printed in the RECORD at this point of my remarks:

[Trade-Union Congress and the Labor Party. Special national conference to consider the Allies' proposal for the league of nations will be held at Central Hall, Westminster, S. W., on Thursday, Apr. 3, 1919. Chair to be taken at 10.30 a. m. by Mr. G. H. Stuart Bunning, M. P., chairman of the parliamentary committee.]

LEAGUE OF NATIONS COVENANT.

The joint committee, having considered the text of the league of nations covenant, are of opinion that it is defective in certain important particulars and required to be amended to bring it into conformity with the proposals of the international working class movement. The league of nations, in order to establish and maintain world peace, must be based on direct representation from parliaments, and not merely from governments, so as to secure and maintain its democratic character and prevent it being used as a buttress to executive authority; it should include all the nations of the world willing to join in creating it and accepting its obligations. It should contain provisions for control of armaments, definitely declared to be a step toward national disarmament, for freedom of trade, and for carrying into effect an international labor charter.

Oh, Senators, do you realize what it means when a great political party, which is soon to come into power in England, should write a sentence like this:

It should impose upon the signatory nations the responsibility of holding colonies and dependencies in wardship for the purpose of training and educating them in political qualities which will enable them ultimately to practice self-determination, and, in accordance with the proposals in the labor war aims, this provision should apply to all such colonies and not merely those lately under German control. On these points we regard the league of nations covenant, issued from Paris on February 15, as defective and unsatisfactory, and we are of opinion that the British representatives at the peace conference should be called upon to propose and support amendments which will alter the scheme in accordance with the above conditions and so make it acceptable to the democracies of the world.

Further, the joint committee is strongly convinced that the immediate and total abolition of conscription in all countries is an inseparable part of a successful league of nations. We consider that the gigantic military estimates recently presented to the House of Commons are conceived in the old spirit which brought about the war and has been discredited thereby; they are calculated to fasten compulsory military service on this country, and as a consequence on other countries, as a permanent part of national policy. In our judgment, therefore, the Government should be pressed to reduce these estimates and to instruct its delegates at the peace conference to work for the total and universal abolition of compulsory military service.

The joint committee will circulate to all the affiliated organizations at the earliest possible moment the full text of the league of nations covenant with the amendments which we consider necessary.

Affiliated trade-unions, socialist societies, and cooperative societies may send one delegate for every 2,000 members or fraction thereof. Voting cards will be issued on the basis of one card for every 1,000 members or fraction thereof upon which affiliation has been paid. Affiliated local labor parties or trades councils may send one delegate and shall be entitled to one voting card for each delegate. A fee of 2/6 must be paid for each delegate.

Delegates' forms are inclosed herewith and should be returned immediately.

Yours, faithfully,

C. W. BOWERMAN,
A. HENDERSON,
Joint Secretaries.

32 AND 33 ECCLESTON SQUARE, *Westminster, S. W.*

I also hold in my hand a document which contains the amendments which were considered by the joint committee of that party to be necessary in order that the fundamental defects of the league of nations plan might be remedied, these amendments being calculated to alter the purpose, method of organization, control, and operation of the league. The essential points contended for by the British Labor Party are, first, that the league of nations should be a society made up of all the nations; second, that there should be a democratic control of the league

by a body of delegates chosen from the national parliaments; third, that all colonies should be held in wardship to be fitted by education and civilization for ultimate self-determination; fourth, the abolishment of conscription and the making compulsory the reduction of national armaments.

Mr. SHERMAN. Will it disturb the Senator if I ask leave at this point to insert a statement from a Japanese newspaper on the character of the Crown or the King in Japan, the imperial authority?

Mr. FRANCE. It would be highly pertinent to what I am saying.

Mr. SHERMAN. It is a translation of an editorial in the Niroku, a Japanese newspaper, published in the Japan Advertiser on May 9, 1919:

The imperial family of Japan is as worthy of respect as God, and is the embodiment of benevolence and justice. It is the parent not only of her 60,000,000 but of all mankind on earth. The league ofnations, proposed to save mankind from the horrors of war, can only attain its real object by placing the imperial family of Japan at its head, for to attain its object the league must have a strong punitive force and a supernational and superracial character, and this force can only be found in the imperial family of Japan.

Mr. KING. Will the Senator yield to me a moment?

Mr. FRANCE. Certainly.

Mr. KING. Apropos of the statement made by the Senator from Illinois [Mr. SHERMAN], I think he should take into account the fact that many of the writers in Japan speak in a superlative way, and the whole literature of Japan, or at least the political literature of Japan, does not support the proposition that the Emperor is regarded as ruling by divine right. I concede that there are a few of the Japanese who take that position, but Japan is fast becoming a liberal empire, and the present premier of Japan, Mr. Hara, entertains as liberal views in regard to democratic principles and the triumph of them as almost any statesman in the democratic nations of this hemisphere or of Europe.

Mr. FRANCE. If that be true, I would say to the Senator that, inasmuch as the British Labor Party, which will shortly come into power, favors a democratic or popular control of the league, if Japan would also favor such democratic control, the Senate of the United States would seem to be the only body standing in the way of such democratic control, since France and Italy seem not to be opposed.

Mr. KING. I do not know whether that is a challenge to any position which I assumed or whether it calls for a reply. If the latter, it would be impossible, in the time which would be permitted without trespassing upon the time of the able Senator, for me to make reply. But I submit, and I think I speak for the minority side, at least, and for many of the majority, that the Senate of the United States regards the league of nations as a democratic platform, so to speak, and not reactionary in the sense that is implied by the Senator from Maryland.

Mr. FRANCE. In that respect the several Senators who entertain that view differ with the 20,000,000 of men in the British Labor Party, and I believe differ with the great masses of the American people who are devoted to the principles of democratic control throughout every department of Government, and who feel that a control of international affairs by a council of nine men not to be elected by the people but to be appointed by Governments would be both undemocratic and dangerous.

As I consider these amendments suggested by the British Labor Party most important, I ask that they be printed in the RECORD at this point as part of my remarks, the articles to which the amendments refer being the articles of the original draft of the league.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

The matter referred to is as follows:

[Trades-Union Congress and the Labor Party amendments to the covenant of the league of nations Thursday, Apr. 3, 1919. G. H. Stuart-Bunning, chairman; C. W. Bowerman, Arthur Henderson, joint secretaries.]

Amendment to articles 1 and 2:

That the body of delegates should be chosen from the national parliaments by some such method as proportional representation, so as to secure an accurate representation of national opinion. Each nation should have five representatives and have votes upon a graded system.

Amendment to article 3:

That the executive council shall consist of 11 members, including representatives from the five allied powers and from Germany and Russia, and that it be so constituted as not to be independent of the body of delegates.

Amendment to article 4:

That the regulation of the activities of the league shall be under the control of the body of delegates and not of the executive council.

Amendment to article 5:

That the international secretariat shall be under the final control of the body of delegates and not of the executive council.

Amendments to article 7:

1. That, as this article contemplated the starting of the league without invitations being sent to Russia or any of the late enemy countries, the article be redrafted so as to provide that these countries may take part in the inauguration of the league.

2. That any country accepting the purposes, the constitution, and the obligations of the league may notify its willingness to join the league, and, if there be no objection on the part of a majority of the executive council, shall be admitted a member of the league; but if there be such objection, the decision shall rest with a majority of the body of delegates. The debates on this subject must be held in public.

Amendments to article 8:

1. That no armies should be raised by conscription.

2. That as "geographical considerations" carry with them policies of national defense by rival armaments, their mention in this article assumed a military menace which the league of nations ought to remove and not encourage.

3. That the manufacture of armaments should be under the direct control of the league, as well as whatever forces are necessary for police purposes.

4. That as there is no real security for peace which does not include national disarmament, a declaration to that effect should be included in this article.

Amendments to article 15:

1. That it be provided that the secretariat itself may draw the attention of the executive council to any matter which in its opinion may result in war.

2. That here and elsewhere the high contracting parties be bound to submit full information of matters in dispute, together with any pronouncements made upon them by the executive council or body of delegates, to the national parliaments concerned.

Amendments to article 16:

1. That wherever coercive powers are taken which may involve the interest of small States, provisions should be inserted securing for these States special consideration.

2. That before a state of war is declared the body of delegates shall meet and decide what course of action can best be taken.

Amendments to article 19—

Mr. FRANCE. Mr. President, the provisions of article 19 of the original draft of the covenant are identical with those of article 22 of the revised draft. The language of both articles is practically the same. This article deals with the subject of colonies and territories "which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world," and the doctrine is announced that to these peoples, colonies, and territories, "there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in the constitution of the league." The plain implication of the language of this article is that these peoples who are not yet fitted for self-government should be held under tutelage until, by the application of a constructive colonial policy, they shall be elevated, educated, and fitted for self-determination. A careful consideration of the past colonial policies of the imperial nations, of the language of this article, and of these seemingly insignificant amendments to this article proposed by the British Labor Party will make it clear how revolutionary in their nature these amendments really are. I read the amendments:

1. That the provisions and obligations of this article be applied to all peoples in the position of those dealt with in this article.

2. That the article be strengthened by protecting the natives from exploitation by the alienation of lands or the destruction of custom which secures the economic liberty of the people.

Should such amendments as those be adopted and their provisions observed in letter and spirit, none of the sacrifices of the war would have been in vain, for the new world order would have been born. For generations great English patriots of liberal thought have urged both the high obligations and the practical advantage of a complete renunciation of colonial policies based upon the principle of exploitation, but all in vain, for reactionary ministries have successfully resisted their most eloquent pleas for such beneficent reforms. These same reactionaries at Paris were in the saddle, but their victory there will be turned into a defeat, for there has now arisen in England this great liberal party of the masses of the people representing that world-wide movement which must result in the ascendancy of those principles which are consistent with the great process of world evolution through which all men everywhere must at last be uplifted.

As further expressing the views of the British Labor Party toward the treaty—and I would remind you that the British Labor Party is made up not alone of manual laborers and mechanics but of professional and intellectual workers as well—I desire to offer for the RECORD two manifestos recently issued by the leaders of the British Labor Party. I ask that they may be incorporated in the RECORD without reading.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The matter referred to is as follows:

LABOR AND THE TREATY.

To the EDITOR OF THE MANCHESTER GUARDIAN:

SIR: We, the undersigned, declare our most emphatic repudiation of the action by which Germany has been forced to put her signature to what all sane men know is destined to be a scrap of paper. Germany has been forced to sign a peace pledging herself to hand over enormous indemnities and at the same time to give up those mineral and agricultural resources which alone would have made possible not only the

payment of indemnities but the barest sustenance of millions of her own people.

Germany has, in fact, been forced to promise the impossible. Had she not done so, the food supply on which the lives of her people depended would have been ruthlessly cut off. In other words, we put the women and children into the firing line, and the Germans had to give in. One hundred thousand persons, mostly women and children, have already perished since the armistice as a result of the blockade. Our Government was and is prepared to sacrifice countless more, to treat the German or any other recalcitrant nation as one vast *Lusitania*. In any event one of the first fruits of the peace treaty will be the massacre of babies, who by the cession of cows are to be deprived of their milk. Thousands of others will perish as their fathers find themselves deprived of the means of earning a living.

Labor has had no part in the making of the treaty. It is a settlement opposed to every ideal for which labor stands. Even the league of nations is a league of governments and not of peoples. It must be labor's task to democratize it. Labor all over the world is familiar with the hunger weapon, which for centuries has been used against it by the government classes. For the enforcement of the terms it is to-day being used against the women and innocent children of working people. Labor, with all its power, can, and must, once and for all, put an end to this crime.

Yours, etc.,

ROBERT SMILLIE.
ROBERT WILLIAMS.
C. T. CRAMP.
J. BROMBLEY.
GEORGE LANSBURY.

JUNE 27.

[From the Manchester Guardian, weekly edition, Friday, July 4, 1919.]

BRITISH LABOR LEADERS ON THE PEACE TREATY.

We, the undersigned, desire to emphatically protest against the conditions of the peace treaty submitted to the German Republic. Though we sign this statement in our personal capacity, we are confident that we represent the overwhelming opinion of the labor movement of Great Britain.

In our opinion the proposed treaty of peace is open to the gravest objections from the point of view of labor. As labor, notwithstanding the definite promises given by Mr. Lloyd-George, was not consulted in the framing of its provisions, labor can not be expected to accept responsibility for them.

The treaty was elaborated in secret by an inner ring composed of ministers of a few great powers. It follows the lines of the old secret diplomacy, whose methods have been universally condemned by the democracies.

It violates the pledges given to labor by the statesmen of this country, particularly those given by Mr. Lloyd-George in his speech to the trade-unions on January 5, 1918. We call attention in this regard to the handing over of large populations in the Saar district, in the new Poland, and in other areas to alien governments without consulting their wishes; to the economic ruin planned by commercial rivals against the German people; to their exclusion from the league of nations; to the seizure of all German colonies and stations by the allied and associated Governments; and to the disarmament on the side of the Allies. In all these respects the treaty is a breach of faith with labor.

Further the treaty violates the definite agreement on the basis of which Germany laid down her arms. The Allies agreed to make peace on the basis of the 14 points of President Wilson and the principles contained in his speeches of July 4 and September 27, 1918. This agreement has been treated as a scrap of paper. The treaty constitutes, therefore, a breach of faith with Germany and a serious blow to international morality.

It violates the principles of a peace settlement laid down in the memorandum on war aims adopted by the Labor Party in December, 1917, and confirmed by the resolutions of the international conference at Berne in February, 1919. It is thus a direct defiance of labor opinion throughout the world.

It shows no recognition of the change brought about by the German revolution and the advent of social democracy to power in that country. The German people are compelled by it for a long and indefinite period to do slave labor for foreign capitalistic governments.

So far from making all wars impossible, the treaty contains within it the germs of new conflicts arising out of the grievances of people ruled by alien governments and penalized economically. It thus makes future wars almost inevitable. It creates a condition of unrest and injustice which must make the league of nations, if it survives at all, merely the instrument of imperialist domination. The germ of good which the league undoubtedly contains would thus be rendered sterile.

The treaty, in short, restores the old conditions of the balance of power, and thereby necessitates the maintenance of conscription and of great armaments generally, and in particular it requires an army of occupation for an indefinite period.

We consider it to be the duty of labor to work for the revision of the treaty at the earliest possible moment in order that it may be brought into harmony with the ideals for which the working classes of this country have made such colossal sacrifices.

W. Barber, Bradford Trades Council; Margaret G. Bonfield, National Federation of Women Workers; Fred Bramley, Associated Society of Locomotive Engineers and Firemen; D. Carmichael, London Trades Council; C. T. Cramp, National Union of Railway Men; Margaret Llewellyn Davies, secretary, Women's Cooperative Guild; T. Gavan Duffy, Cumberland Iron Ore Miners; Joseph F. Duncan, secretary, Scottish Farms Servants' Union; Allen Gee, General Union of Textile Workers; Alex Gossop, National Amalgamated Furnishing Trades Association; Duncan M. Graham, M. P., Hamilton; John Hill, United Society of Boilermakers, Iron and Steel Shipbuilders; George Lansbury, editor, Daily Herald; William Lunn, M. P., Rothwell; Neil Maclean, M. P., Govan; R. Morley, Workers' Union; T. C. Morris, National Union of Railway Men; J. W. Ogden, past president, Trades Union Congress; W. Shaw, Glasgow Trades Council; Robert Smillie, president Miners' Federation of Great Britain; Alf. Smith, secretary, London and Provincial Licensed Vehicle Workers; Philip Snowden, chairman, I. L. P.; Ben C. Spoor, M. P., Bishop Auckland; Robert Williams, secretary, National Transport Workers' Federation; James Winstone, South Wales Miners' Federation.

THE MEANING OF THE WAR.

Mr. FRANCE. We can not hope to solve the large and complex problems of the reconstruction period; we can not formulate any rational plan for the amelioration of present conditions, for the rapid progress of the world toward that state which would warrant some hope of a permanent peace, until we have seriously sought to comprehend the true significance of this war. We face to-day a situation to meet which narrow and materialistic creeds looking to immediate party ends and policies of mere expediency directed to separate and selfish national interests are not enough. We must invoke a profounder political philosophy and seek, as we grope through a veritable world chaos, to lay hold upon a faith which shall disclose the direction of the movement of the everlasting and resistless forces underneath the world. If we seek to interpret the revelation as it is written, not on the imprinted sacred parchments alone, but within the glowing retorts of science, in the ancient tomes of historic and philosophic lore, and on that brilliant-colored, gorgeous, fire-and-sun-illumined manuscript of nature, which, as a ceaselessly unwinding scroll, lies vast expansed before the gaze of all, we can not escape the conviction that if human reason is in harmony with reality, if the human intuitions are capable of catching any vision of the infinite plan, then the purpose of the whole world process must be a steady evolution of all men toward a larger freedom, toward political liberty, making possible intellectual emancipation through education, toward the liberation of the spirits of all men from bondage by the establishment everywhere of conditions conducive to the utmost development and realization of the highest capacities and possibilities of every race and of every individual, toward that civilization which shall comprehend the world, and to which each of all the uplifted and enlightened peoples shall make that rich contribution which shall be the highest product of its own peculiar temperament and genius.

We called this a war of democracy against autocracy. It was a pleasing platitude, but it told at once too little and too much. This has been no war between mere governmental forms. Not governments and nations only, but ideas and ideals have contended. This has been the most violent of all of the manifestations of that age-long conflict between reaction and reform, between the rusty, bloody, iron-bound past and the golden future, between the old ruthless rule and repression by the sword and scepter and that new kingdom of the spirit which shall bring the abundant life and liberty to all men everywhere.

This war has not been what it was designed by the malignant reactionaries of the Old World to be. It was designed to be a security war. It was purposed to make monarchy, aristocracy, dukedoms, feudal estates, colonial expansion, and profitable human exploitation both safe and permanent. It was planned by a few rulers who hated liberty. Emperors dreamed of extending imperial dominions. For example, Nicholas Romanoff, Czar of all the Russias, the mightiest and most cruel of monarchs, cold, heartless, absolute despot of the most despicable government with which the toiling sons of men were ever cursed, seated in all his splendor upon a throne of gold, surrounded by sycophantic courtiers, did not foresee the end. Czar he was, but yet the weak and contemptible tool of cruel, corrupt, and worse than swinish bureaucrats, whose palaces were sties and whose depravities shaped their policies.

Nicholas Romanoff, clothed with all the pomp and circumstance of royalty, "and all the large effects that troop with majesty," dreaming of yet greater power and vaster empire, little thought that from that soil, steeped through the centuries with the blood of innocent men, tortured and slain by the decrees of absolutism, there would so soon spring forth the fragrant flowers and blessed fruits of liberty, and that autocracy in his most sacred and royal person was to drink to the dregs the bitter cup of Siberian exile and of death, which he and his tyrant sires had pressed so remorselessly to the lips of youth and maiden, old men and children, martyred for their love of liberty. The great empires fought to realize imperialistic ambitions, and they struggled until two of the mightiest of them all—Russia and Germany—blinded and bloody, staggered and fell to ruin, while two hundreds of millions of men long enslaved found freedom. But for what did the masses of the people, in the war, contend, and what is it which they now demand?

I invite no controversy on the point, but yet I must believe that of all the millions of the sons of men who offered up their lives upon those crimsoned fields there were but very few who did not feel that they were making holy sacrifice to promote a wider spread of liberty throughout the world. I can not be convinced that there was in the nineteen hundred and fourteenth year after Christ a government or a ministry in all

the world which would have marched its armies into battle if within those valiant soldiers' hearts there had not throbbed the faith that they did fight for a larger liberation of mankind.

I grant you that the Russian serfs, little children of centuries of darkness and oppression, enslaved by ignorance and superstition, as they stood in serried ranks gazing up at the shining, sacred icons of their faith held aloft by holy priests before the regiments, did not comprehend it all, but they believed and died, more than a million of them, for conscience and for freedom.

I grant you that the soldiers of the German armies, the only armies in all the history of the world which ever took the field without illiterates in them, were blinded with fanaticism and made a frightful blunder, as they advanced, following for so many months the victorious eagles of the Kaiser, firm in the faith that by their bloody bayonets and dripping sabres and their Kultur salvation to the world must come.

We know the spirit of our men and how they sacrificed for greater liberty and for the whole world's larger opportunity. This has been, to the people, a liberty war, and as men have fought for liberty from governmental oppression, so now in every part of the world they are demanding self-determination and a larger liberation from the compression of such confining and unhappy conditions and circumstances as prevent their true growth and expansion.

This scheme seems to have been designed to prevent the realization of these aspirations.

The two greatest surviving Empires—France, republic in form, imperial in policy and tradition, and Great Britain, shaken, weakened, exhausted, bled white—clutch frantically to save the old order from destruction. France and Great Britain, their rulers and not their peoples being represented at Paris, have devised this plan with which, by appealing to the dire necessity and not to the mere cupidity of Japan, her population crowded to suffocation, by bribing her with the rich Province of Shantung, and by appealing to the lofty idealism of the American people, they now hope to form a new armed coalition of empires of which this Republic will be a member, which coalition will not only be pledged to preserve the old order, the territorial integrity of the empires as they did exist, but also the vast added territory and peoples taken as the spoils of war. Great Britain, France, and now Japan, under the leadership of their present reactionary rulers, desire this imperialistic peace and this coalition, which they will dominate, for the protection of all their vast dominions.

TERRITORIES WHICH WE GUARANTEE.

Under article 10 of the covenant, we undertake to respect and guarantee the title of these great Empires to all their territory, regardless of the character of the title and whether it be justly or unjustly held. It would be well for us before we sign this guarantee to briefly survey the huge holdings of lands and peoples which we take upon ourselves the obligation of preserving. I submit herewith tables showing the principal possessions of the Japanese Empire, of France, and of Great Britain, which I ask to have incorporated in the RECORD as part of my remarks. The tables are well worthy of study.

The PRESIDING OFFICER. Without objection, permission is granted.

The tables referred to are as follows:

Japanese Empire.

	Area.	Population.
	Square miles.	
Japan, principal islands (1916)	148,756	55,965,291
Korea, deprived of independence (1907)	84,738	16,913,224
Formosa, taken from China (1895)	13,944	3,710,848
Karafuto, taken from Russia (1905)	13,253	95,194
	260,691	76,684,557

Interests in Shantung taken 1919.
Interests in Manchuria, Kwangtung, 1905.
All islands formerly owned by Germany situated north of Equator.

France.

	Acquired.	Area.	Population.
		Square miles.	
France		207,054	39,602,258
Andorra		191	5,231
Colonies in Africa:			
Algeria	1830–1902	184,474	5,563,828
Sahara		1,544,000	800,000

France—Continued.

	Acquired.	Area.	Population.
		Square miles.	
Colonies in Africa—Continued.			
Tunis	1881	50,000	1,953,000
Senegal	1637–1889		1,247,000
Upper Senegal and Niger	1893		5,593,000
Guiana	1843	1,478,000	1,812,000
Ivory Coast	1843		1,417,000
Dahomey	1893		911,000
Mauritania	1893		600,000
Congo	1884	669,000	9,000,000
Reunion	1649	970	174,000
Madagascar	1643–1896	228,000	3,512,690
Mayotte	1843	790	97,000
Somali Coast	1864	5,790	208,000
In Asia:			
India	1679	196	268,499
Annam	1884		
Cambodia	1862		
Cochin-China	1861	256,000	16,990,223
Tonking	1854		
Laos	1894		
In America:			
St. Pierre and Miquelon	1635	93	4,652
Guadeloupe	1634	722	212,430
Martinique	1635	385	193,000
Guiana	1626	32,000	49,000
In Oceania:			
New Caledonia	1854–1887	7,650	50,600
Tahiti, etc	1841–1881	1,544	30,600
Total colonies		3,449,614	40,702,523
Total controlled by France		3,656,859	80,310,017
Summary:			
Asia		256,196	17,268,723
Africa		3,151,024	32,893,513
America		33,200	459,082
Oceania		9,194	81,200

The British Empire.

	Acquired.	Area.	Population.	Character.
		Square miles.		
United Kingdom		121,633	46,089,000	
Europe:				
Gibraltar	1704	2	16,000	
Malta	1800	118	224,000	
India:				
British	1639–1876	1,093,074	244,267,000	Illiterates number about 294,877,000
Feudatory States		709,555	70,889,000	
Asia:				
Cyprus	1878	3,584	299,000	Mohammedans—56,400.
Aden, Perim, Socotra	1876–1905	10,387	60,000	
Ceylon	1795	25,332	4,547,000	Educational system defective.
Straits Settlements	1786–1824	1,600	813,000	Chinese and Malays predominate.
Federated Malay States	1874–1895	27,506	1,150,000	
Other Malay States	1885	23,486	970,000	
Borneo, Brunei, and Sarawak	1881	77,103	700,000	Savages of low type
Hongkong and Territory	1841	391	529,000	English instruction in schools.
Wei-hai-wei	1898	285	150,000	
Australasia:				
Australian Commonwealth	1803	2,974,581	4,896,000	
Papua	1887	90,540	200,000	Only mission schools.
New Zealand	1840	104,751	1,100,000	
Fiji	1874	7,083	166,000	Uncivilized natives.
Tonga, Solomon, and Gilbert Islands	1899	15,000	205,000	Many natives are Christians.
Africa:				
Ascension	1815	34	200	European population.
St. Helena	1651	47	3,600	
West Africa:				
Nigeria	1884–1886	336,080	17,500,000	Still have slaves in southern part.
Gold Coast and Protectorate	1650	80,235	1,500,000	Only about 2,000 Europeans.
Sierra Leone and Protectorate	1787	31,000	1,400,000	Only about 700 whites.
Gambia and Protectorate	1618	4,500	146,000	About 1,500 enrolled pupils in schools.
Mauritius and dependencies	1810	809	384,000	Mostly Indians.
Seychelles	1806	156	24,000	Fairly good educational facilities.
Somaliland	1884–1886	68,000	300,000	Nomadic Mohammedan people.
East Africa Protectorate	1888	246,800	4,040,000	Paganism prevails.

The British Empire—Continued.

	Acquired.	Area.	Population.	Character.
		Square miles.		
West Africa—Continued.				
Uganda Protectorate..	1888	109,119	2,955,000	Natives about 2,950,000, one-fifth of whom are Christian.
Zanzibar and Pemba.	1890	1,020	200,000	Natives mostly Mohammedan.
Nyasaland	1891	39,573	1,140,000	Mostly Europeans.
Union of South Africa.	1806-1909	473,100	5,973,000	Over 3,000,000 profess no religion.
Rhodesia	1888-1893	440,000	1,650,000	Natives number about 1,620,000.
Swaziland	1890	6,536	100,000	Only about 1,100 whites.
Basutoland	1868	11,716	406,000	Very few Europeans.
Bechuanaland	1885-1891	275,000	125,000	Natives barely civilized.
Egypt	1870	350,000	12,569,000	Moslems form 91.8 per cent of population.
Anglo-Egyptian Sudan.	1899	1,014,000	3,400,000	About 5,000 scholars.
America:				
Canada	1583	3,729,665	8,361,000	
Newfoundland and Labrador.	1583	162,734	257,000	
British Honduras	1638	8,598	42,000	
British Guiana	1803	89,500	314,000	
Bermuda	1609	19	20,000	
Bahamas	1666	4,404	58,000	
Turks and Caicos Islands.	1665	224	6,000	
Falkland Islands	1865	7,500	3,220	
Jamaica	1655	4,207	906,000	
Cayman Islands	1655	89	6,000	
Barbados	1605-1625	166	184,000	
Windward Islands	1638	527	176,000	
Leeward Islands	1623	715	128,000	
Trinidad and Tobago.	1797	1,868	372,000	
Total for British Empire		12,784,755	441,919,000	
Summary:				
United Kingdom		121,633	46,089,000	
Europe		120	240,000	
India		1,802,629	315,156,000	
Asia (except India)		169,677	9,218,000	
Australia and Pacific Islands		3,192,755	6,567,000	
Africa		3,487,725	53,816,000	
America		4,010,216	10,833,000	
		12,784,755	441,919,000	

Mr. FRANCE. As a result of the war the British Empire will probably add to her territory, through the all too transparent sham of mandatories, the following principal areas:

	Square miles.
German East Africa	384,180
German Southwest Africa	322,450
German Samoa	1,000
German islands south of Equator	95,450
	803,080

An area almost one-third of the area of the United States.

In addition to this, she has strengthened her influence over Tibet, and she has more recently taken control of Persia, where in all probability the history of her acquisition of Egypt will be repeated; and if this occurs, 628,000 square miles and nine and one-half millions more of people will thus be added to the Empire. Under article 10 we guarantee, as will be apparent from an examination of the titles to the territories of these empires, the perpetuation of many an injustice. We guarantee Korea, Shantung and Manchurian Kwantung to Japan, Hongkong to Great Britain, and French Indo-China to France against the manifest rights of China. I mention these merely by way of illustration.

These are some of the territorial boundaries which we pledge blood of American youth and our treasure to maintain, wholly in the interests of foreign empires, and in violation in many instances of the principles of justice and of right. Have we forgotten that the material questions as to the new boundaries of the world's countries are not the vital ones for the new diplomacy? It was because it used the formulæ of an outworn and discredited diplomacy, boundaries, spheres of influence, the subjection of weaker peoples to the strong, that the peace conference failed so utterly. The members of that conference forgot they needed to direct their policies so that they would run parallel with the trend of great events. They needed only to seek the best means by which there might be achieved the speediest liberation, elevation, and preparation for self-determination of all peoples. It makes no difference whether yonder map of Africa shall largely carry the pink tint of Britain, the brown of Germany, the purple of France, the yellow of Portugal, or the green of Belgium, if there shall be justice done the natives there, and if all those peoples earn is used for their own good, if the taxes levied upon them are for their own advancement, and not for the enrichment of imperial treasuries or parasitic absent landlords.

Has the rule of these great empires whose territory America is asked to guarantee been so successful and humane that we are justified, while these imperial powers control, in becoming helpless cotrustees and equally responsible with them, as we pledge our blood and treasure for the perpetuation of that rule? Has the sway of Great Britain been so benevolent in India that we can with confidence promise that we would serve the cause of justice if we did conscript our youth to fight with any power which might threaten to disturb it? What also of the rule of the British Empire in Egypt and in Africa? Has France uplifted the natives of the Senegal and Niger Colonies? Has Belgium carried the best ideals of civilization into the Belgian Kongo? I have never contended that it was the duty of America to correct by force of arms all the abuses of the world, to wage an open war against the unspeakable inhumanities of the imperialistic systems; but, sirs, now we are asked to pledge ourselves to perpetuate cruel wrongs which are revolting not only to the principles of our Government but to the best sentiments of the English race.

BRITISH RULE IN INDIA.

Sirs, do you feel justified in the ratification of a treaty under which this Republic guarantees to perpetuate the rule of the British aristocracy in India, a rule out of harmony with all of the best traditions of the English people, one characterized by a ruthless exploitation which has received for generations the condemnation of the liberal statesmen of England?

You can not convince the American people that the rule of Britain in India has been benevolent. The American youth of several generations have learned at their mothers' knees, in their churches, and at their schools the tragic story of India's poverty and agony as she lies helpless and prostrate in error's chains. They have seen the ghastly pictures of those weak, emaciated, poverty-stricken Hindus, human specters, living skeletons, 50,000,000 of whom suffer the unceasing torture of hunger gnawing at their vitals as they live ever in the deep gloom of ignorance and sorrow and under the ever-haunting shadow of death by slow starvation. They have heard the tragic, awful history of her cholera, plagues, and famines, and have given generously for her relief. India, one of the earliest homes of our Aryan race, was in some respects the greatest of all the empires. Her civilization reaches back beyond the dawn of history. Three thousand years before the Christian era she carried on an extended commerce with mighty Babylon. Two thousand years before Christ the Egyptian monarchs wore her exquisitely woven fabrics and used her fine muslins for the winding sheets of their sacred dead. Six centuries before our era on the banks of the Indus our Aryan ancestors had builded a civilization, with customs, arts, architecture, and literature of peculiar dignity and beauty. They worked with marvelous skill in iron, copper, brass, and the precious metals. In their sculpture they emulated and approached the matchless purity and beauty of the Grecian marbles. In their philosophy they surpassed the Egyptians and anticipated the Greeks. The Brahman priests of India advanced the astronomy of China and Egypt. Her science, agriculture, and industry flourished through wonderful centuries and she grew in wealth and power, her fabulous riches at last making her the treasure house of the world. In the fifteenth century the tales of her marvelous resources became known to the western peoples. The Portuguese came, then the Dutch and the French, but after the Battle of Plassy, in 1757, England's supremacy was established and she assumed responsibility for India's destiny. Judged by the ancient standards, Britain's rule might find something to commend it, but measured by the best traditions and ideals of the English people, no man can successfully defend it. India was rich. The British exploitation, which has exalted and enriched England, has stricken India down into the depths of desperate poverty.

INDIA'S POVERTY.

Edmund Burke said, in 1783:

> There is nothing before the eyes of the natives [of India] but an endless, hopeless prospect of new flights of birds of prey and passage, with their appetites continually renewing for food that is continually wasting.

The Rev. Abbe J. A. Dubois—1820—English missionary of Mysore, said:

> Alas, it is not Bibles the poor Hindus want or ask for; it is food and raiment. When the belly is empty and the back bare, the best disposed, even among the Christians, feel themselves but very little inclined to peruse the Bible.

Sir W. W. Hunter—1880—said:

There remain 40,000,000 of people who go through life on insufficient food.

Sir Charles Elliot—1888—chief commissioner of Assam, said:

Half the agricultural population do not know from one year's end to another what it is to have a full meal.

Sir William Digby—1900—in Prosperous British India, states:

In 1900 the agricultural population increased by 60,000,000. If the same income remains in 1900 as in 188-, it follows that 40,000,000 (according to Sir W. W. Hunter) plus 50,000,000 make 90,000,000, who are continuously hungry in British India at the beginning of the twentieth century.

R. C. Dutt—1902—an English authority, states:

The extreme poverty of the people is becoming patent every day. * * * It is estimated from official records that one-fifth of the Indian rural population, or between forty or fifty million people, are insufficiently fed, even in years of good harvest. * * * India alone sends us a tragic tale of poverty, famine, and death.

Rev. J. T. Sunderland—1905—American missionary in India, states:

The poverty of India is something you can have little conception of. * * * The extreme, abject, the awful poverty of the people.

Hon. Samuel Edwin Montagu, state secretary for India in 1917, stated:

But it (India) is still a country of poverty. The majority of the people live on a few rupees a month, and it takes three rupees to make an American dollar. Their country has vast resources awaiting development, but the people are still very poor.

R. C. Dutt, in his Economic History of India, 1900, states:

The appalling poverty and joylessness of his life under such conditions can not be easily pictured. His hut is seldom rethatched and affords little shelter from cold and rain; his wife is clothed in rags; his little children go without clothing. Of furniture he has none; an old blanket is quite a luxury in the cold weather, and if his children can tend cattle or his wife can do home work to eke out his income he considers himself happy. It is literally a fact and not a figure of speech that agricultural laborers and their families in India generally suffer from insufficient food from year's end to year's end.

Mrs. Annie Besant, June, 1919, in the London Daily Herald, states:

About half the people of India get only one meal a day and that is not a sufficient meal. The average life of an individual is only 23 years; in England it is 40 years and in New Zealand 60 years. The real danger is a hunger revolution.

Sir Frederick Treves, 1904, then the most distinguished surgeon in England, stated, after a visit to India:

Possibly the first impression of India which succeeds the realization of the strangeness of all things is an impression of teeming life—of the unwonted numbers of living beings, human and animal, who crowd the land. The country would seem to be overrun by a multitude of men, women, and children, all of about the same degree, a little below the most meager comfort and a little above the nearest reach of starvation. These are some of the great hordes who provide in their lean bodies victims for the yearly sacrifice to cholera, famine, and plague. Plague will slay 20,000 in a week, cholera ten times that number in a year, and the famine of one well-remembered time accounted for five and a quarter millions of dead people.

The extreme poverty of India is indicated by the following figures giving the comparative per capita wealth and income for several of the countries:

Comparative table.

	National wealth per capita.	National income per capita.
United States	$2,154.00	$372.00
Great Britain	1,913.00	232.00
France	1,238.00	182.00
Germany	1,512.00	156.00
Austria-Hungary	1,121.00	112.00
Italy	555.00	111.00
India	70.00	9.75

These figures are compiled from the World Almanac.

There is abundant evidence in the testimony of Englishmen that poverty in India has been for years increasing. S. S. Thorburn, financial commissioner of the Punjab, said that "seventy millions of Indians are in such a condition of hopeless poverty that nothing can relieve them." This poverty has been brought about by the vast and continuous drain by England on India's resources. After the battle of Plassy this drain began. Brooks Adams, in his "Law of Civilization and Decay," page 305, states:

The savings of millions of human beings for centuries, the English seized and took to London, as the Romans had taken the spoils of Greece and Pontus to Italy. What the value of the treasure was no man can estimate, but it must have been many millions of pounds—a vast sum in proportion to the stock of precious metals then owned in Europe.

This plunder and exploitation has continued in various forms. F. J. Shore, a retired Bengal administrator, states:

The fundamental principle of the English has been to make the whole Indian nation subservient, in every possible way, to the interests and benefits of themselves. They have taxed to the utmost limit; every successive Province, as it has fallen into our possession, has been made a field for higher exaction, and it has always been our boast how greatly we have raised the revenue above that which the native rulers were able to extort. The Indians have been excluded from every honor, dignity, or office which the lowest Englishman could be prevailed on to accept.

A. J. Wilson, in The Fortnightly Review, March, 1884, states:

In one form or another, we draw fully thirty millions of pounds a year from that unhappy country (India), and then the average wage of the natives is about £2 per annum, less, rather than more, in many parts. Our Indian tribute, therefore, represents the entire earnings of upward of six million heads of families, say of thirty millions of people. It means the abstraction of more than one-tenth of the entire sustenance of India every year.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. FRANCE. I do.

Mr. NORRIS. I should like to inquire from whom the Senator is reading?

Mr. FRANCE. A. J. Wilson, an Englishman, in the Fortnightly Review. These are nearly all extracts from the writings of Englishmen. I have not quoted anything from the writings of any other than the English, except in one instance, where I quote from J. T. Sunderland, an American ex-missionary, a profound and sympathetic student of Indian affairs. I have purposely not chosen any criticisms which were not written by Englishmen themselves.

This statement would seem to be almost incredible but for the supporting evidence we find on every hand of the continual drain on India by England in the form of interest, of official salaries, and of land taxation. In his work on "Famines in India," page 17, R. C. Dutt, also an Englishman, shows clearly that "the intensity and frequency of recent famines are greatly due to the resourceless condition and chronic poverty of the cultivators, caused by the overassessment of the soil on which they depend for a living."

In this work Mr. Dutt pleads for tax reforms and asks that the tax "rate may not exceed one-fifth of the gross produce of the soil in any case"—preface 15—and states, "the principle was adopted in the settlement of the central Provinces that one-half the net product of the soil should be paid." "Virtually, therefore, the rent fixed was one-third of the gross produce," and cesses for improvements are levied in addition to this.

Keir Hardie stated:

The amount of taxes raised direct from the peasant is from 50 per cent to 75 per cent of the value of the yield of the land, in addition to which they have to pay local cesses, and various other small items, so that probably not less than 75 per cent of the harvest goes in taxes. * * * It is this fact which keeps the people of India in a condition of hopeless grinding poverty.

The burden of such taxation can be better understood when we recall that the Indian income is about $10 per capita per year, and that even very light taxes must oppress those who are so poor.

Of course, the people have the poorest and scantiest of clothing and the utmost insufficiency of fare. Quoting from another Englishman: "It is unusual to find a village woman who has any wraps at all. Most of them have to pass the night as best they can in their day clothes, a petticoat, wrapper, and bodice. As a rule they and their children sleep, in the cold weather, during the warm afternoons and in the early hours of the night."

The people can exist, if existence it can be called, on almost nothing. "The most instructive fact brought out by inquiries into the condition of five families of the laborer class was the extraordinary cheapness of a bare subsistence. A Baiga basket maker, whose family consisted of his wife and two small children, made on an average 12 baskets a week, which he sold for 2 pounds of unhusked rice or millet each. His monthly earnings were thus about 100 pounds of unhusked rice, worth rather less than a rupee. The family not only managed to live on this, supplemented with jungle fruits and roots, but saved annually about a rupee's worth of grain, wherewith they purchased the scanty clothing which sufficed for them." This should be, as it probably is, the world's record in cheap living. The average works out thus:

	s.
Total earnings in food per annum	16
Less saving for clothing	1
Leaving for food	15

This was to be divided among four persons. (Digby "Prosperous British India," p. 499.)

A native peasant of India is fortunate to have for a meal one handful of rice once a day. Truly, it is a land of hunger. Hardie said:

The real rat plague in India is poverty, and the flea which spreads the disease is the Government. The emaciated, bloodless bodies of the ryot has not plague-resisting powers, and so the fell disease finds him an easy victim.

The Rev. J. T. Sunderland, formerly missionary from America, a deep and sympathetic student of India, in the New England Magazine, September, 1900, said:

The fact that at the end of 200 years of commercial dominance, and more than 40 years of absolute political sway, we are confronted with such indescribable poverty of the people, and with famine after famine

of such magnitude and severity as to make the world stand aghast, seems to prove beyond answer that England * * * has not made the welfare of India the first aim, but has subordinated India's good to her own enrichment. We have the hideous business that Rome and Spain were engaged in so long, and for which in the end they paid so dear. Called by its right name: What is the treatment of India by England? It is national parasitism; it is the stronger nation sucking the blood of the weaker. It is imperialism.

The deaths from famine, from 1854 to 1901, are estimated at 28,825,000, and during the last 10 years of that period the average was 1,000,000 deaths each year, or on the average, as has been calculated—

Two British subjects passed away from starvation or starvation induced diseases every minute of every day and every night from January 1, 1899, to September 30, 1901. (Digby, "Prosperous British India," page 130.)

The people live in miserable, dark, unventilated huts, with thatched roofs often out of repair, and Johns Scurr, in the London Herald, of May 4, 1919, describing the living conditions of the millhand, said:

The vast masses of the millhands are housed under the most indescribable, filthy conditions, and one is not surprised to learn that the people die of famines, plague, and cholera like fleas.

One of the further causes of this poverty, in addition to the drain by official salaries, interest and high taxation, has been the virtual destruction by discriminatory tariffs against India and in favor of England, designed to exclude Indian fabrics from the English and European markets, of the cotton-weaving industry of India. Owing to the unjust and oppressive tariffs the distaffs of India disappeared before the power looms of Manchester. The manufacturers of England cruelly crushed out their helpless Indian competitors.

ILLITERACY.

Propose this test to any colonial policy. Does it seek to educate the colonial peoples? If it does, its aim is elevation and liberation. If it does not, it is directed to that heartless exploitation which ends in the degradation of the native people. By this test England has failed. India had an educational system. The English destroyed it. The sums spent by England for education in India are pitifully small, $0.015 per annum per capita, as against the $4 per capita which we have expended in the Philippines. Only 6,780,721 out of about 75,000,000 children in India attend school, and the illiteracy among these people, who are of the very highest intellectual capacity, is 93 per cent, whereas during our 20 years of rule in the Philippines we have reduced the illiteracy there to 56 per cent. Seven per cent of the Hindus of the Aryan race, after 140 years of British rule, are literate, as against 44 per cent of the Filipinos after 20 years of our rule there. England's national policy, for so long dictated by a reactionary aristocracy, has never been favorable to the education of the masses at home, and it has opposed comprehensive plans for the education of the colonial people. Against this reactionary policy the liberals of England have for years protested. With reference to colonial peoples the British ruling class has said:

We do not want generals, statesmen, and legislators; we want industrious husbandmen.

In July of 1833, during a memorable debate upon the question of education in India, particularly with reference to the education of Hindus for public office, Lord Ellenborough said:

We had won the Empire of India by the sword, and we must preserve it by the same means, doing at the same time everything that is consistent with our existence there for the good of the people.

On July 10, 1833, Macaulay, speaking in opposition to Lord Ellenborough and in favor of the bill, which was to prevent the exclusion of Hindus from office in India, enunciated in a few great, burning, and immortal sentences the principles upon which a sound and upbuilding colonial policy should be based:

We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told that we are bound to confer on our subjects—every benefit which they are capable of enjoying? No. Which it is in our power to confer on them? No. But which we can confer on them without hazard to our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality. * * * It is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be a matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European civilization among the vast population of the East. It would be on the most selfish view of the case, far better for us that the people of India were well governed and independent of us than ill governed and subject to us—that they were ruled by their own kings, but wearing our broadcloth and working with our cutlery, than that they were performing their salaams to English collectors and English magistrates, but were too ignorant to value or too poor to buy English manufactures. To trade with civilized men is infinitely more profitable than to govern savages. That would indeed be a doting wisdom which, in order that India might remain a dependency, would keep it a useless and costly dependency, which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves. It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the pousta, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into a helpless idiot. That detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It is no model for the English nation. We shall never consent to administer the pousta to a whole community, to stupefy and paralyze a great people whom God has committed to our charge for the wretched purpose of rendering them more amenable to our control. What is that power worth which is founded on vice, on ignorance, on misery, which we can hold only by violating the most sacred duties, which as governors we owe to the governed, which as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by 3,000 years of despotism and priestcraft? We are free, we are civilized to little purpose if we grudge to any portion of the human race an equal measure of freedom and civilization.

Are we to keep the people of India ignorant in order that we may keep them submissive, or do we think that we can give them knowledge without awakening ambition, or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet, one of them must be answered in the affirmative by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us, and it is also the path of wisdom, of national prosperity, of national honor.

The destinies of our Indian Empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not, but never will I attempt to avert or to retard it. Whenever it comes it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The scepter may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms, but there are triumphs which are followed by no reverses. There is an empire exempt from all national causes of decay. These triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our law. (Vol. 19 (3d ser.), p. 536.)

What a great colonial policy is outlined in these most eloquent words. Would that England might have followed the vision of that imperishable empire declared by this gifted and devoted champion of the oppressed. But it was not to be. Bourbonism never yields. It must be broken, crushed beneath the tires of time and progress. Great Englishmen have seen the vision, but the iron clutch of the reactionaries could not be loosed.

And so, at the conclusion of this war, when the millions of India, whose sons had fought for England and for us on the strength of our promises of self-determination and freedom for all peoples, demanded that right of self-determination, the infamous Rowlatt act was passed, making the discussion of those demands a crime punishable with penalties of utmost severity. And then occurred one of the most impressive spectacles of our generation. Millions of the people of India, on a given day, without respect to the creeds which had divided them, forsook their tasks and went into each other's temples and mosques to pray for liberation. Unarmed, they undertook a passive resistance. They threw themselves before moving cars and were killed as a protest against their slavery. Yet these unarmed, helpless, protesting people were ruthlessly mowed down by the British machine guns and slaughtered by bombs from the air. Thus did England answer their plea for the self-determination which she and we had promised would be the fruit of this war. And at this very moment, I am informed, Indian troops are being used to crush that same plea for the fulfillment of our promises in Egypt and in Ireland, the sons of a poor and crushed people being employed to keep other oppressed peoples in subjection.

The yellow grain comes only from the flail and purified gold only from the fire. England needed to be chastened, and she has now passed through the furnaces of trial and agony.

Her reactionary representatives and colonial administrators at Paris tried to play the old diplomacy and wrote this despicable document; but, sirs, retribution, slow-footed, but inevitable, has overtaken them. At last the fires of liberty which Washington, Hamilton, Jefferson, and Lincoln kindled here upon this Western Continent have illuminated the world and are consuming the old order. They have now warmed the hearts and are now shining in the faces of the 20,000,000 of members of this great new liberal party in England, who in the increasing light have themselves seen and have sworn to achieve what our common ancestors foresaw.

England has failed in India, failed in Egypt, failed in all of Africa, because of the successful resistance by her reactionary leaders of this great colonial policy which has been urged by Macaulay and a long line of illustrious English liberals, and which now, under the liberal leadership which has been all but established in England as a result of the war, will become her permanent national policy. But in spite of what we hope from

that liberal leadership in England, and however much we may desire to cooperate with it, we can not justify ourselves in signing and sealing an international contract which gives and guarantees to England nearly 931,000 additional square miles, a territory in area of approximately one-third of the United States, in Africa, and places in her charge more than 11,000,000 additional helpless African natives, in view of her past policy in the Dark Continent, which policy has been characterized by heartless exploitation, with practically no attempt to benevolently and intelligently elevate the peoples there.

THE AFRICAN PROBLEM.

The African problem is a stupendous one, and, sirs, in it are involved momentous issues affecting the whole future history of the world. This vast continent, with its nearly eleven and one-half millions of square miles of territory, embraces almost one-fourth of the land surface of the earth, and must, perhaps, become in time the great basin into which shall overflow the populations from the congested countries. Take continental Europe, with its 3,795,788 square miles; India, with its 1,766,642 square miles; China, with its 1,532,420 square miles; the United States, with its 3,092,679 square miles, and lay them all down on Africa, and there will still be room to spare; add Ireland, Scotland, and Wales, and even then Africa's great stretches will not be covered. Of this territory, England now holds, including Egypt and the Anglo-Egyptian Sudan, about 3,701,411 square miles, an area much greater than the total area of the United States, while the addition of the German colonies would increase her holdings to about 4,632,411 square miles, embracing the most desirable portions of the continent. There on that continent are uncomputed resources of coal, minerals, water powers, and agricultural lands. There can be found every variety of climate, the hot, dry air of the desert, the damp and dangerous miasmas of the jungle and swamps, many of which await reclamation, and the cold, invigorating air of plateau and mountain. One-fourth of the world's gold and 80 per cent of the world's diamonds come from Africa.

Consider the gold produced in Africa and taken for the benefit and enrichment of the white races:

West Africa (since 1880)	£17,099,000
Transvaal (since 1884)	514,700,000
Rhodesia (since 1898)	36,580,000
	£568,379,000
	or
	$2,841,895,000

In 1915 the gold production of South Africa alone was £38,639,043. The value of the diamonds from South Africa had reached up to 1914 the huge sum of £169,342,868. Fabulous values in ivory, minerals, agricultural and natural products, and in heavy taxes and rents levied upon the natives have been taken by the English from Africa, while many millions of native inhabitants to whom belonged this great wealth still live under the same conditions of darkness, heathenism, and savagery as those which prevailed when the kings of the first dynasty ruled in Egypt 40 centuries ago.

Under the system of colonial administration and exploitation which has existed for so many years it has seemed perfectly natural and entirely proper for Englishmen to go to Africa and take up the land, forcing the native owners to become their tenants and to pay henceforth to them rentals for the lands upon which they and their ancestors had dwelt for countless generations. The native Africans now pay for the huts which they themselves have builded, have owned, and in which they reside, rentals to Englishmen of £2, £6, or £7 per year, and often, not content with the mere demanding of rental, the new owners often eject the native from the lands which have been taken from him, issuing to him summary commands to move on, to forsake forever the pleasant valleys or the hillsides to which his simple native heart has been devoted.

Maurice S. Evans, an English authority on Africa, states in this connection:

> One does not need a vivid imagination to picture the utter dismay brought to these people, living on ground familiar to their fathers, on getting such notice without warning. Just lately, since attention was called to the matter by the native affairs commission, it has received some thought from the Government, but they are placed in a dilemma by their own action. A large block of land in the upland districts has been bought by the Government from private owners for European closer settlement. This area at present carries a large native population; it is their ancestral home. Notice has been served on kraal heads, representing 5,000 souls, that the land has been transferred and they are liable to eviction. What will be done with them or where they will find new homes no man can say. Two outstanding features of native character complicate the problem. The first is the intense local attraction to his home and neighborhood, often the home of his fathers before him. The second is the childlike procastination of an awkward or troublesome question. * * * Rather than leave the old kraal site, with all its associations, he will promise any rent or undertake any obligation to furnish labor, only realizing the onerous or impossible nature of the contract he has undertaken when due fulfillment is demanded. (Black and White in Southeast Africa.)

In spite of the vast expanse of African territory and the comparative sparseness of its population, yet because of the huge holdings of land by Europeans, "the native question is the land question," and the one great need of the black man is land, while the demand of the white man is for labor.

In Africa as elsewhere the European colonists are generally opposed to the education of the natives. The European in Africa says, as Mr. Evans states, "An educated nigger is a spoiled nigger," and, further, as bearing upon the attitude of the colonists toward education, Mr. Evans states:

> Many of those who are hostile or apathetic to the work now undertaken by the missionaries are willing to tolerate some teaching of religion but are opposed to giving the natives education.

He continues:

> It will come as a surprise to many to learn that missionary effort is the only force which has yet, in any direct way, attempted the education and uplifting of the Abantu people over a large portion of Southeast Africa. Governments have given grants in aid to the work, only amounting in all to a niggardly percentage of the direct taxes paid by the natives; but there are no Government schools or a single institution in the whole country run solely by the Government for the training of the natives in arts or industry.
>
> So that the missionary stands to the native for religion, education, for all help he may get to make his life cleaner, more moral, and more in keeping with the ideals of the white man at his best. And as it is in the position of this single altruistic force that we have to regard the missionary, we can surely hardly overestimate his importance as a factor in our inquiry.

Mr. President, for myself I can not feel otherwise than that this Republic is under peculiar and heavy obligations to insist now upon some form of international cooperation which will inaugurate a policy for the elevation, education, and civilization of the oppressed peoples of Africa. The countless wrongs which have been committed by the better circumstanced men of the white races against the less fortunate dark-skinned people call for expiatory sacrifices, and shall we now, as we face the task of world reconstruction, refuse it? I believe that the German African colonies present an opportunity and a grave responsibility which this Nation must squarely face. I believe that the men of this Republic should be willing and eager to share the white man's burden in Africa, that we should not hesitate to go there to work side by side with our English and French brothers for a greater, better Africa, for the ultimate establishment there of a civilization compatible with the rich and distinctive genius of the African races. It would be a great and noble enterprise, and one well worthy of our best traditions, and in it I believe the Americans of African descent would gladly perform a large and important part. Our party, sirs, the party of Lincoln, is pledged to the furnishing of fair opportunities and the best educational facilities to the colored people of America. For myself, although I am a southern man, believing firmly in their capacity for growth and large achievement, I would extend to our colored people here every opportunity in their own schools for education which the whites enjoy in theirs. I would build for the colored people schools, colleges, and universities, throw open to them agricultural, technical, medical, and engineering courses, training them in large numbers in practical, industrial, and theoretical knowledge, each to the limit of his capacities, and then point out to those who had enjoyed these inestimable advantages of civilization their duty and responsibility for sharing in the work of upbuilding the civilization and promoting the welfare of Africa.

Under such a sound American policy it might well be, by another of those strange, mysterious processes of Providence, which are never comprehended until they reach their fulfillment, that the dark-skinned peoples brought here from the vast reaches of African plateau and tropical forest, as it appeared for so long to the material eye, only for exploitation, for toil without recompense, were in reality called as a chosen people that in their servile bondage here they, like the ancient Israelites in Egypt, might be prepared to sense the higher service; called that they might be uplifted to the light, to the appreciation and assimilation of our civilization, instructed in our morals, in our laws, in our faith; that they might be touched and nurtured by the spirit, dedicated by the benediction of our great Lincoln, and emancipated in truth; that they might have lighted in their souls with us at our common altars the sacred flame of liberty; that they might in large numbers voluntarily go back to the great country of their origin as missionaries, teachers, torch bearers, to carry and place that flame on new altars of liberty and enlightenment which white and colored Americans might together labor to erect there; that into the darkness of that continent might through them be poured a flood of light; that through them the wastes might be reclaimed, the degraded redeemed, the vast resources developed until, with the 150,000,000 of Africans uplifted and liberated under the inspiration and by the help of their American brothers, there should be founded upon that now dark and unhappy continent a new great sister

republic, which, with its material achievements and moral triumphs, would surpass the glories of the Golden Age of the ancient Egyptian dynasties.

[At this point Mr. FRANCE yielded the floor for the day.]

Thursday, October 9, 1919.

DISMEMBERMENT OF CHINA.

Mr. FRANCE. Mr. President, I desire now to refer to the subject of the dismemberment of China.

Sirs, Africa has been the helpless victim of European ambition. For decades the great empires, like a pack of hungry lions, have been growling and snarling over her bleeding carcass, each battling for a larger share, while at many a critical time this contest of greed has brought the whole world to the brink of war. Some of the roots of this World War reach to the soil of Africa, and its most bitter fruits took some flavor from that destructive, corroding acid of hatred which was generated in the tropic, humid atmosphere of Africa, on the desolate shores of Lake Tanganyika, and northward, where the Belgian Kongo, closely joining the frontiers of the German East Africa colonies, made impossible the realization of Britain's dream of a railway from Cairo to the Cape, without a concession from one of these two powers. Germany refused a right of way, and Belgium, later granting it, was compelled to rescind the action because of German protestation and intimidation. But, sirs, the path has now been opened, blasted by machine guns and cut with gleaming swords.

The notorious open partitioning of Africa, to which the United States, although represented at the Berlin conference of 1885, has never given any sanction by its ratification of the General Act of that conference, is now being brought to its completion.

Article VI of Chapter 1 of the General Act reads as follows:

Provisions relative to protection of the natives, of missionaries, and travelers, as well as relative to religious liberty.

VI. All the powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery, and especially the slave trade. They shall, without distinction of creed or nation, protect and favor all religious, scientific, or charitable institutions and undertakings created and organized for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilization.

Christian missionaries, scientists, and explorers, with their followers, property, and collections, shall likewise be the objects of especial protection.

Freedom of conscience and religious toleration are expressly guaranteed to the natives, no less than to subjects and to foreigners. The free and public exercise of all forms of Divine worship, and the right to build edifices for religious purposes, and to organize religious missions belonging to all creeds, shall not be limited or fettered in any way whatsoever.

In the hot competition between the powers for greater territory and larger spheres of influence the high obligations recognized in this article have not been met. Spoliation, exploitation, and oppression have characterized the administration of the nations which have profited so richly by this division of the Continent of Africa.

The partitioning of Africa finds its parallel in the more stealthy but persistent, and no less effective, efforts for the division of China among the powers, all of which partitioning and spoliation of Africa and Asia, in the past, and that now contemplated in the present and in the immediate future, the United States is asked by this treaty to approve, to undertake to "respect and preserve," to guarantee the title of the despoilers to the territory taken even against the claims of the rightful owners. England, in order to continue her profitable opium trade through India, with the Chinese smugglers, in violation of Chinese law, a trade most destructive to the Chinese, but highly profitable to the English, engaged in 1840 in the unrighteous and, to our western civilization, disgraceful "opium war" and emerged, although a victor with unclean hands, demanding a heavy indemnity from China and the cession of Hongkong. This was the beginning of China's dismemberment, and since that time the extension of European and Japanese spheres of influence in China has gone on rapidly. England has surveyed this process with complacency, for a strong, free Chinese Republic would constitute a dangerous precedent, which might further arouse the ambitions of other eastern peoples, and thus sooner or later menace England's sway in India, Ceylon, and the East Indies, where, some time in the near future, England undoubtedly designs to increase her power. This treaty carries forward the policy of partition in China, strengthens the hold of the European powers there, and makes the United States particeps criminis in the nefarious plan. We do not know what may be the secret agreements between England, France, and Japan with reference to the Far East, but certainly we can not participate profitably in the spoils while probably England will control and hold Palestine, Arabia, Persia, Tibet, Burma, Western Siam, and Kwantung, in addition to Hongkong, Weihaiwei, and her other eastern possessions. France may secure permanently Yunnan, Kwansi, Indo China, and Tonkin and Eastern Siam, while Japan, no doubt, in addition to her present possessions, will seek to extend her power into Siberia. Japan now has a strangle hold on China. With Korea, Manchuria, Port Arthur, a portion of the Liaotung Peninsula, Kiaochow, and Shantung, not considering Formosa, she controls Peking, thus dominating the northern as England at Honkong and in Tibet holds the southern gateway to China. These territorial acquisitions, together with railway and mining concessions, the presence of foreign troops and police, post office and customs agencies, render China, so long as she assents, subject to foreign domination. The day will certainly come, if this treaty is signed, when China, perhaps aided by Germany, Russia, and India, will rise in her might to demand her freedom and the return of her ancestral territory, and then, under the provisions of this treaty, we shall be expected to call the American youth to fight perhaps by the side of Japan, on the side of injustice, oppression, exploitation, for the perpetuation of the cruel wrongs which have been done China, a great, though helpless because hitherto pacifist, nation. Japan furnishes, however, a striking example of the ease and rapidity with which the oriental peoples can adopt the customs, the civilization, and that dangerous militarism which has been developed in the West, and it would not be impossible for China to secretly and swiftly emulate the island empire, and as a huge militaristic nation assume the leadership of the East.

INJUSTICE TO KOREA.

We can not sign this treaty without an utter disregard of our moral and treaty obligations to the Korean people. Article 1 of our treaty with Korea, of May 22, 1882, provides:

If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

At the time when Japan was making the first move toward depriving Korea of her independence, when she was undoubtedly dealing unjustly and oppressively with Korea, the Emperor of Korea did appeal to the United States for assistance, but the good offices of the United States, pledged under the treaty, were not exerted, in accordance with the treaty provisions, in Korea's behalf, as the communication from Horace M. Allen, then American minister to Korea, to the Secretary of State of the United States, herewith submitted, will indicate:

LEGATION OF THE UNITED STATES OF AMERICA,
Seoul, Korea, April 14, 1904.

SIRS: * * * All these matters [diplomatic pressure in regard to various concessions] are naturally of serious concern to the Korean Emperor. He falls back in his extremity upon his old friendship with America. It is my endeavor to soothe him all I can, at the same time pointing out to him how the course of his Government during the past few years could not well lead to any other result than something like the alliance of February 23. I have not encouraged him to send a high official as minister to Washington in order to invoke the good offices of the United States, as it seems to me that would only be an embarrassment.

At the same time I may as well inform you that the Emperor confidently expects that America will do something for him at the close of this war, or when opportunity offers, to retain for him as much of his independence as is possible. He is inclined to give a very free and favorable translation to article 1 of our treaty of Jenchuan of 1882. I trust to be able to prevent a direct invocation of this treaty, however, though I am obliged to assure His Majesty that the condition of Korea is borne in mind by the United States Government, who will use their good offices when occasion occurs.

I have the honor to be, sir, your obedient servant.

HORACE M. ALLEN.

At the beginning of the war between Japan and Russia, Japan stated that she had entered upon the war to preserve the political independence and territorial integrity of Korea, and (article 3 of her treaty with Korea, Feb. 23, 1904) that—

The Imperial Government of Japan definitely guarantee the independence and territorial integrity of the Korean Empire. * * *

But on November 17, 1905, another treaty was forced by Japan, at the point of the sword, upon Korea, which placed in the hands of the Japanese Government the control and direction of the foreign affairs of Korea, practically depriving her of independence. On July 24, 1907, all administrative measures were made subject to the Japanese resident general, and on August 22, 1910, Korea was formally annexed by Japan, and more than 17,000,000 people of Chosen, the beautiful "Land of the Morning Calm," a people with an illustrious history of independence dating back to the distant centuries, became the subjects of an alien power, which since that time has not ceased to exploit and oppress them, while America, keeping silence, in violation of her treaty obligation to tender her good offices in such a case, is now expected by the ratification of this treaty to guarantee, respect, and preserve the territorial integrity of Japan, and thus to rivet for all time the shackles upon the proud, noble, and liberty-loving people who appealed to us in vain in their hour of need. I shall not attempt to recount the long story of the cruel wrongs inflicted upon this

helpless people, of oppression, insult, violence, outrage, suppression of free speech, arrest and torture of Christian leaders and teachers, the suppression of learning, the indignities to Korean women, the marching of modest Christian girls naked through the streets, the iniquitous spy system, the insolence to American missionaries, and the murder and crucifixion of Christian Korean men, since reports containing most of these facts have aready been printed in the CONGRESSIONAL RECORD. The story of Korea's subjugation and oppression constitutes one of the most tragic and moving chapters in all the history of the ancient Orient. The Korean appeal can scarcely be disregarded as we consider this treaty which would forge forever the chains of bondage upon her. I quote from this appeal, adopted by the Korean congress, held on April 14, 1919, at Philadelphia:

For 4,000 years our country enjoyed an absolute autonomy. We have our own history, our own language, our own literature, and our own civilization. We have made treaties with the leading nations of the world; all of them recognized our independence, including Japan.

In 1904, at the beginning of the Russo-Japanese War, Japan made a treaty of alliance with Korea guaranteeing territorial integrity and political independence of Korea to cooperate in the war against Russia. Korea was opened to Japan for military purposes and Korea assisted Japan in many ways. After the war was over Japan discarded the treaty of alliance as a "scrap of paper" and annexed Korea as a conquered territory. Ever since she has been ruling Korea with the autocratic militarism whose prototype has been well illustrated by Germany in Belgium and northern France.

The Korean people patiently suffered under the iron heel of Japan for the last decade or more, but now they have reached the point where they are no longer able to endure it. * * *

We appeal to you for support and sympathy because we know you love justice; you also fought for liberty and democracy, and you stand for Christianity and humanity. Our cause is a just one before the laws of God and man. Our aim is freedom from militaristic autocracy; our object is democracy for Asia; our hope is universal Christianity. Therefore we feel that our appeal merits your consideration.

You have already championed the cause of the oppressed and held out your helping hand to the weak of the earth's races. Your Nation is the hope of mankind, so we come to you.

TREATY IMPERILS MISSIONS.

Mr. President, this brings me to a discussion of a subject of vital interest to the American people, and one to which I believe their attention has not been called in connection with this treaty; I refer to the great cause of the missionary movement throughout the world. Sirs, in a peculiar sense, this Republic is a missionary country, for not only have we been intrusted with the establishment here of institutions for the promotion of political and religious liberty, which would arouse the emulation of other nations, but we have also considered ourselves charged with the specific duty of giving of our treasure and sending forth our sons and daughters into the most benighted lands in order that in all places of darkness there might be lighted the flame of the true monotheistic religion and of that civilization which we seek here to bring to its first complete manifestation.

In view of the fact that many of the great treaties in the past have contained clauses specifically guaranteeing religious freedom and the rights of citizens, without molestation, to preach and practice their religion, which guaranties have gone far toward making possible systematic missionary work, it is most significant that the peace conference at Paris declined, although I believe urged by the representatives of certain great missionary bodies to do so, to include in the treaty or in the covenant general clauses specifically safeguarding these fundamentally important rights. To comprehend that state of mind which led the reactionary and imperialistic ministers who dominated the Paris peace conference deliberately to refuse to incorporate in this document provisions for protecting the missionaries in their work, it is necessary for us to grasp the profound importance and significance of the great missionary movement, for then only can we appreciate the almost instinctive opposition to it, particularly at this time, on the part of those imperialists who are seeking to compose a restless world, to stay revolution, and to reduce again to stagnant acquiescence in the old imperial system of subjugation and exploitation the millions of now aroused and rebellious peoples of the world.

During the war the imperialists yielded to the suspicion that Christian missionaries might become political propagandists, and this suspicion has guided their policies with reference to the missionaries in the various countries. By the establishment of the precedent under which missionaries from some countries will be excluded from the territories of others, by the obstinate refusal to definitely safeguard missionary interests in the treaty, as well as by conditions which have naturally grown out of the war, the whole missionary movement would seem to be now placed in extreme danger. The British are now excluding, with some possible justification, German missionaries from India and Africa; the Japanese are suspicious of and openly hostile to Christian missionaries in Korea; the British certainly would exclude from India any American missionary who preached the doctrine of political self-determination, which is founded upon the principles of true religion, or who was sympathetic with the laudable aspirations of the people of India for education and liberation, while China, if done the harsh injustice which has been planned against her by this treaty might well ratalliate by excluding the missionaries who might desire to come from the countries which will have so grievously wronged her. This war after the war, this determination of the imperialists to maintain the old order of holding peoples against their will, in subjection for exploitation, may result in making it necessary for the man whose conscience compels him to obey the missionary mandate to violate the laws of country, the decrees of empires, and the dictatorial regulations of the imperialistic supergovernment, which this covenant creates.

In a large sense the great missionary movement may be considered to be an organized voluntary attempt on the part of generous, liberal-minded, and beneficently motived men to correct the delinquencies, soften the asperities, and counteract the inhumanities of the imperial governments, the dominating purposes of which are those of exploitation. The missionary goes not alone as a religious proselyte; he goes as a teacher, as the exemplar, as the bearer of the torch of civilization. He teaches toleration, liberation, and universal brotherhood. He is the courageous explorer of unknown lands, the hardy and heroic pioneer who, with most limited means and often in the face of insuperable difficulties and dangers, battles on the extreme frontiers of the world for those great principles upon which alone can be based the better order. His churches, hospitals, religious and industrial schools are the outposts from which radiate those influences which alone can stimulate and accelerate the forward, upward movement of the backward peoples of the earth. One eminent authority states:

Missions are, however, a far greater thing, after all, than simple proselytism. It would require many a volume to tell of what they have done for civilization, freedom, the exploration of unknown regions, the bringing to light of ancient literatures, the founding of the science of comparative religion, the broadening of the horizon of Christian thought in the homeland, and the bringing of distant peoples into the brotherhood of nations. These are results that can not be put into figures. While it is true that very diverse opinions are held concerning missions, it is indisputable that the most favorable testimonies come from those who have really taken the most pains to examine and understand their work. The one discouraging feature from the Christian point of view is the backwardness of Christendom in its great enterprise.

When we consider the importance of this work, not only from the standpoint of religious interests but with a view to its social and political significance, as bearing upon the future peace of the world, it is appalling to consider how vast is the field and how comparatively little has already been accomplished. I am submitting herewith two most important tables which are well worthy of careful examination, since in a general way they furnish a survey of what has been achieved, the great work which remains to be done, and the most inadequate voluntary agencies with which at present we are seeking to accomplish it.

Statistics of the great religions of the world.

[From the Blue Book of Missions, 1907.]

	Christians.			Jews.	Mohammedans.	Buddhists.	Hindus.	Confucianists and Taoists.	Shintoists.	Animists, Fetishists, etc.	Unclassed.	Totals.
	Protestants.	Roman Catholics.	Eastern churches.									
Africa	2,665,000	2,493,000	3,799,000	381,000	50,910,000	11,000	277,000	31,000	.....	97,179,500	125,500	157,722,000
America, North	64,488,000	36,693,000	1,000,000	1,069,000	15,000	5,000	94,000	85,000	.....	20,000	8,002,000	111,651,000
America, South	362,000	36,125,000	.....	22,000	10,000	.....	108,000	4,000	.....	1,262,000	63,000	37,956,000
Asia	1,542,000	5,385,000	17,144,000	482,000	141,456,000	137,900,000	209,152,000	291,030,000	24,900,000	41,436,000	5,693,000	876,120,000
Australasia	3,424,000	964,000	1,000	17,000	3,000	4,000	1,000	31,000	.....	40,000	70,000	4,555,000
Europe	92,922,000	183,754,000	98,213,000	9,247,000	3,575,000	.....	.....	.....	.....	.....	1,319,000	389,031,000
Mavlasia	416,500	7,095,500	.....	3,000	20,860,000	.....	27,000	570,000	.....	16,445,000	62,000	45,379,000
Oceania	247,000	129,000	.....	1,000	.....	15,000	.....	65,000	.....	507,000	18,000	982,000
Aggregate	166,066,500	272,638,500	120,157,000	11,222,000	216,630,000	137,935,000	209,659,000	291,816,000	24,900,000	157,069,500	15,352,500	1,623,446,000
	558,862,000											

Summary of protestant missionary work.

	American.	British.	German.	Other societies, viz, Paris Society, Swiss Romande, Netherlands societies, Scandinavian societies, etc.	Totals for Christendom.	Totals for 1895 (showing growth between 1895 and 1907).
Ordained missionaries	1,911	1,980	932	912	5,735	4,028
Laymen	535	1,738	168	361	2,802	1,477
Unmarried women	1,527	2,332	150	378	4,387	2,578
Ordained natives	2,312	2,141	197	623	5,273	4,295
Communicants (full members)	545,180	565,179	240,883	466,208	1,817,450	995,793
Numbers added in 1906	63,916	38,614	25,983	12,336	140,849	63,081
Adherents	1,286,259	1,398,306	540,073	1,136,500	4,361,138	2,770,801
Schools	8,855	11,789	2,878	5,346	28,868	19,384
Scholars	344,213	619,399	139,891	199,402	1,302,905	786,002

Protestant Missionary Income.

1895	£2,724,194
1900	3,095,915
1905	3,932,377
1906	4,256,029
1907	4,473,933

The Statistical Atlas (1910) puts it at £5,071,225, of which British and American societies each find about £2,000 and German societies £427,455.

The chief missionary countries have been Great Britain, the United States, and Germany. Great Britain and America have jointly and about equally carried on approximately four-sixths of the missionary activities; Germany, one-sixth; and the French, Swiss, Netherlands, and Scandinavian societies about one-sixth; and, therefore, with the closing of the German missions much heavier obligations will be thrown upon those other countries, particularly upon America and England.

When we consider that, according to these tables, there are in the world only about 558,862,000 Christians and but 11,222,000 Jews, there remaining over 1,000,000,000 of people who are without education and the true faith of monotheism, in the absence of which genuine civilization is impossible, and that, it is estimated, all of the missionary activities of the past have secured but about 10,000.000 of converts, it becomes apparent how inadequate have been the means hitherto employed, how heavy is the obligation resting upon the enlightened countries for the performance of this vitally important work, and how disastrous it would be to ratify a treaty which does not safeguard its continuance and provide positively for its extension.

Every church, Protestant and Catholic, should protest against the omission from this treaty of such safeguarding clauses. Attention has already been called to the fact that pagan influences must have prevailed at Paris, since the name of Almighty God is not mentioned in the treaty, but here is additional evidence, since sinister influences must have prevented the protection by clear definition and specific provisions of the great fundamental rights of religious liberty, the right to worship God according to the dictates of conscience, which implies the right to obey the missionary command.

In article 22 of the covenant provision is made that in Central Africa the "Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion." In article 86 the Czecho-Slovaks and in article 93 the Poles accept and agree "to embody in a treaty with the principal allied and associated powers such provisions as may be deemed necessary by the said powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language, or religion," and in article 438 "The allied and associated powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them * * * the property which these missions possessed shall continue to be devoted to missionary purposes, and the allied and associated governments while continuing to maintain full control * * * will safeguard these missions."

Thus only in connection with Czechoslovakia, Poland, Central Africa, and former German territory is there any safeguarding of religious rights, and this apparently only for commercial and political purposes. I fail to find any other mention of religion or religious freedom in the treaty, and there is no positive affirmation, as I have indicated, of guaranties of those rights to hold, practice, preach, and disseminate religious faith which are so essential.

Other great peace treaties have safeguarded these rights. I quote from several treaties as examples:

[1713. Utrecht, treaty of (general), between Great Britain and France, March 31–April 11, 1713.]

ART. 21. The most Christian King will, in consideration of the friendship of the Queen of Great Britain, grant, that in making the treaty with the empire, all things concerning the state of religion in the aforesaid treaties of Westphalia, so that it shall plainly appear that the most Christian King neither will have nor would have had any alteration made in the said treaties. (In Chalmers, George. A collection of treaties between Great Britain and other powers. London, 1790, vol. 1, p. 384.)

[1713. Utrecht, treaty of (general), between Great Britain and France, March 31–April 11, 1713.]

ART. 5. * * * In the business of religion there shall be an entire liberty allowed to the subjects of each of the confederates, as also, if they are married to their wives and children; neither shall they be compelled to go to the churches or to be present at the religious worship in any other place. On the contrary, they may, without any kind of molestation, perform their religious exercises after their own way, although it be forbid by the laws of the kingdom, privately and within their own walls, and without the admittance of any other persons whatsoever. * * * (In Chalmers. Collection, etc., vol. 50, p. 395.)

[1763. Paris, treaty of.]

ART. 4 (covering Nova Scotia, Canada, and Cape Breton Island). * * * His Britannic Majesty * * * agrees to grant the liberty of the Catholic religion to the inhabitants of Canada. He will in consequence give the most precise and most effectual orders that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish Church, as far as the laws of Great Britain permit * * *. (In Chalmers. Collection, etc., vol. 1, p. 472.)

ART. 20 (repeats the above for Florida, as well as for all the Spanish possessions in North America to the east or to the southeast of the river Mississippi). (In Chalmers. Collection, etc., vol. 1, p. 497.)

[1878. Berlin, treaty of.]

ART. 5. (Bulgaria.) The freedom and outward exercise of all forms of worship are assured to all persons belonging to Bulgaria, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions or to their relations with their spiritual chiefs.

ART. 27. (Montenegro.) In Montenegro the difference of religious creeds and confessions shall not be alleged against any person as a ground of exclusion or incapacity in matters relating to the enjoyment of civil and political rights * * *.

(Freedom of religious worship worded in the same way as article 5 above.)

ART. 35. (Serbia.) (Same wording as article 5 above.)

ART 44. (Roumania.) (Same wording as article 5 above.)

ART. 62 (deals with religious liberty in general for Turkey): In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions, and honors, or the exercise of the various professions and industries.

All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organization of the various communions or to their relations with their spiritual chiefs.

Ecclesiastics, pilgrims, and monks of all nationalities traveling in Turkey in Europe or in Turkey in Asia shall enjoy the same rights, advantages, and privileges.

The right of official protection by the diplomatic and consular agents of the powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the holy places and elsewhere.

The rights possessed by France are expressly reserved, and it is well understood that no alterations can be made in the status quo in the holy places.

The monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.

(Sir A. Oakes and R. B. Mowatt, Great European Treaties of the Nineteenth Century. Oxford, 1918.)

[1815, Vienna, treaty of.]

Article 21 (property of religious establishments to remain in statu quo).

ART. 46 (covering the free town of Frankfort). * * * Its institutions shall be founded upon the principle of a perfect equality of rights for the different sects of the Christian religion * * *.

ART. 77 (covering the rights of the inhabitants of the Canton of Berne). * * * shall enjoy in every respect, without any distinction of religion * * * the same political and civil rights * * *.

(Sir A. Oakes and R. B. Mowat, Great European Treaties of the Nineteenth Century. Oxford, 1918.)

On yesterday an attempt was made on the other side of the Chamber to convey the impression that all the churches of America were for this treaty unamended. Such an impression,

if conveyed, is absolutely erroneous. I have in my hand a copy of a letter from the Federal Council of Churches, in which that council asks for amendments safeguarding these religious rights. I ask to have it inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Federal Council of the Churches of Christ in America, National Office, 612 United Charities Building, 105 East Twenty-second Street, New York, Rev. Charles S. Macfarland, general secretary.]

MAY 23, 1919.

To the MEMBERS OF CONGRESS OF THE UNITED STATES,
Washington, D. C.

SIRS: I take pleasure in conveying to you the following action taken by the Federal Council at its special meeting held in Cleveland, Ohio, May 6–8, 1919: It was—

"*Resolved*, That we express our gratitude for the establishment of the league of nations as agreed upon by the Paris peace conference and pledge our support in securing its ratification by the Senate of the United States and our devotion to make it a success.

"*Resolved*, That we urge the incorporation at an early date into the covenant of the league of nations of a clause guaranteeing freedom of religious belief.

"*Resolved*, That we urge the incorporation at an early date into the covenant of the league of nations of a clause guaranteeing equality of race treatment, understanding by this the equal treatment in respect of the law and its administration in the case of aliens lawfully within the territory of the Government concerned."

Faithfully, yours,

(Signed) CHARLES S. MACFARLAND,
General Secretary.

Mr. FRANCE. Mr. President, much as I desire to see a new and better international order, I am not one of those who can indulge in the seductive dream that by the swift stroke of a few score of pens on parchment, through the instrumentality of a mere treaty, without further toil and sacrifice, by seer, saint, and martyr, without the further heroic march and struggle of missionary through the forest and the jungle, over the marshes and across the desolate plains where men live like the wild beasts with which they contend, without further teaching and enlightenment, without the further education and elevation of peoples and the elimination of those false and pagan philosophies which keep the souls of so many millions in degradation and desolation, all of the sons of men of every race, tribe, condition, and nation can be united into a universal brotherhood which shall be dominated henceforth and forever by charity, by the two great golden, royal commandments, and that throughout the widest confines of the earth the eternal words of the spirit shall become the accepted law of mankind.

Sirs, so great a good can not come to man in such an unearned manner. Not through the promulgation of a statute, but by the regeneration of men, by the spirit, must such a millennium come. Unscrupulous men are playing now upon the highest human hopes to accomplish their own base ends, but there can be no excuse for those who would vote to ratify a treaty which fails to safeguard only those processes by which this unspeakable good may be at last accomplished. I appeal to the people of the churches of America. I appeal to the great church missionary leaders, some of whom, I believe, know the circumstances under which the machinators of this treaty at Paris refused to safeguard missionary interests, to demand in terms which may not be disregarded the rejection of this scheme which imperils the great educational missionary movement throughout the world.

I can not now even attempt to detail all of the wrongs which this treaty either creates or perpetuates. I hope at some future date to speak along this line on Ireland and the relation of the treaty to the cause of Irish freedom, which must be close to the hearts of America. If I were to attempt to state the case of Egypt, of Persia, of Russia, of Hungary, of Syria, and of all of the other lands whose hopes of self-determination and freedom this infamous instrument would condemn to perpetual defeat, I would trespass too far upon your time and still my point would not be made more clear. It is because I believe in the principles for which we fought that I can not believe in this treaty, which is the complete negation of all of those great principles. It is the adoption and not the rejection of this treaty which will break the heart of the world.

CONCLUSION.

Sirs, for too long have I trespassed upon your patience and with an argument so discursive that I must most briefly summarize it.

1. This Nation may not join or become part of any international government or supergovernment formed to achieve aims other than those to which our Government is dedicated—to establish justice, promote the general welfare, and secure the blessings of liberty to all.

2. There need be no narrow limitation placed upon the extent of the sphere which may be embraced in a republican federation if the well-known principles of federation are applied, which principles this covenant violates.

3. This covenant forms a new coalition of 358,000,000 of people as against a possible second coalition, as I have shown, of more than 1,000,000,000 of people, most of whom the smaller coalition plans to control if not to exploit.

4. The plan is condemned by an overwhelming majority of mankind and by nearly all men of liberal thought in the countries most deeply concerned.

5. The British Labor Party demands amendments of a vital character, looking to a true society of nations, and the end of colonial exploitation.

6. That the war has been a liberty war to usher in a new order, while this treaty is designed to preserve the old.

7. By article 10 we would guarantee title to much territory illegally gained and unrighteously held, and become responsible for intolerable conditions in all parts of the world, particularly in India, Africa, and Korea.

8. I indicated, through a quotation from Macaulay, the proper principles which should guide a wiser colonial policy.

9. I indicated our obligations to Africa, and how they might be met.

10. I have shown that this plan imperils the cause of missions and indicated, in the tables which I have submitted, the scope and significance of missions.

Sirs, we have a peculiar national destiny, that of demonstrating to the world the transcendent excellency and the universal applicability of free republican government and of persuading all other peoples to the adoption of those institutions and ideals which will assure to them the blessings of an ordered liberty. We may not adapt ourselves to the governmental forms or accept the purposes of other nations in place of those to which we owe such high and holy allegiance. We may not move backward, retreating to join the empires where they stand. We may not work out the pattern of our destiny by the plan which guides us, if we interweave the golden strands of our ideals of universal liberation with the coarse material and disintegrating fibers of their lust and greeds for exploitation. We may not stand with them under banners of lesser significance or service than our own. We may not follow their flags to the unceasing drum beat of empire round the world. We may not conscript American freemen, nourished with the milk of liberty at parental breasts, to keep step with the march of mercenary armies bent on the ancient errands of subjugation and exploitation. We may not carry our "banners of the dawn" back into the night. To do so would be to destroy our fair Republic, to extinguish the illuminating fires of liberty flaming on our altars, and to plunge the world into the blackness of despair. We must rather resolutely plant our own incomparable standard high, advance forward toward the future, and, swearing a fresh devotion to its great and best traditions, call the other nations to our colors. Let us rest serene in the faith of our fathers, that under the reign of everlasting and immutable law there can be no national security which is not founded upon right, no true victory which is not a moral victory, no permanent peace which is not established upon justice.

This being forever true, we might set our hands as proud victors to the ratification of this despicable document, deceiving ourselves into the fatuous belief that a permanent peace has been secured. But, sirs, within the shadow, unseen by mortal eyes, is fixed a Power which has ordained that men shall move forever on toward perfect justice and toward a larger liberty, and to Him through the unresting, turbulent, warring years which will follow this treaty's ratification, all the evils, the cruelties, the inhumanities sealed within it will cry out; to Him will still arise the supplications of many peoples held in bondage; to Him be uplifted the wasting, shackled arms of the oppressed; to Him will ascend the resistless pleas of centuries of unrequited wrongs; from Africa, where the heartless greed of the white man has been a withering curse to the black; where the slave trader buys from the native the wife he loves for the liquor which in his abject misery he craves; where tonight unnumbered thousands sweat through the wretchedness of unending hours, in filth and physical agony, which we have not sent our science to relieve; from plague, cholera, poverty, and hunger stricken India, where millions of our noble Aryan race are born to misery, live in dark illiteracy and heathenism, to be murdered at the last by the inhumanity of their more happy circumstanced brothers across the western seas; from beautiful Ireland, soul sickened at hope too long deferred, yet yearning with all the unquenchable passion of her youth for freedom and for the restoration of her national life; from Christian Korea, crying to be rescued from the ruthless clutch of her cruel pagan master and tormentor; from China,

despoiled, ravished, and disillusioned as she was awakening from her centuries of slumber to a clearer conception of freedom and the ideals of our western civilization; from Russia, somewhat delirious and helpless with her new-found freedom, but receiving from us calumny, abuse, and the murder of her sons in an illegal, bloody war, when she had pled for succor, peace, and healing; from all the more than five hundred millions of the sons of men who, because of their exploitation, lie down to-night in cheerless huts, in the blackness of heathenism, upon floors of dirt, their souls dumbly, blindly as the inarticulate beasts, in their utmost wretchedness appealing to the Power which they themselves have not been taught to know. And, sirs, this Republic, if she should desert her purposes and her standards by the ratification of this treaty, must be arraigned at the last before that eternal Power of justice to answer why to all these cries for vindication and for liberation she turned deaf ears, and to her must come, if she shall participate in all these wrongs, the certain punishment and destruction which has been measured out through the past years to all those nations which could not hear the call of duty and refused to obey the mandates of the higher law.

I must believe that there can be no permanent peace until there shall be an end of imperialistic exploitation, until national and international purposes shall run in harmony with those underlying forces which forever move on to ethical ends. Of the Civil War, Lincoln said what may be equally said of this war:

> This is essentially a people's contest. On the side of the Union it is a struggle for the maintaining of that form and substance of government whose leading object is to elevate the condition of men, to lift artificial weights from all shoulders, to clear the paths of laudable pursuit to all, to afford an unfettered start and a fair chance in the race of life.

This "leading" object of our domestic policy must also be the determining purpose of our foreign policy. We must not seek a negative and passive peace to preserve the status quo, but an affirmative upbuilding peace which shall give birth to the new world order.

Washington, Hamilton, Jefferson, Adams, Lincoln, Cleveland, McKinley, and the immortal Roosevelt cherished international amity and peace. Propose to their philosophy a league of nations, and back the answer most certainly must come, "What kind of nations? Will they be of the 'form and substance of the republic,' and shall each be dedicated wholly to the elevation and emancipation of mankind?" Propose to their philosophy a league of peace. I think I hear the answer, "What kind of peace?" Shall this unceasing and increasing tide of human events, which we have believed moved on to distant and divinely appointed ends, find at last a mechanical termination in one vast stagnant pool of passivity and of universal pacificism, which, static, stale, foul, motionless, and scummed, shall mark the death of all this forward surge and struggle of the world? Can you have doubt that they would say: "Peace, sirs, in itself may be a miserable aim. Peace must be made an incident in a larger, effective, reformative, and upbuilding plan."

Have you a doubt of this? Then call upon the ashes of these mighty men to answer from their urns or let their spirits speak and tell if it were better had they not bared their breasts to battle for the right and for the rights of men, or call them with the long glory roll of America's immortal martyrs. I think you hear the answer pealing and re-pealing down the corridors of the years, ever swelling, now rising with the ringing voices of our last honored, heroic dead, whose sacred dust lies beneath the simple crosses on the silent fields of France or in our most peaceful churchyards:

"There is a price which, by the eternal law of God, the sons of men dare not to pay for peace."

The victory of this war was an American victory, and it is for this Senate, by declining to compromise with injustice, by refusing to lower or carry back our standards to see that the peace is made an American peace.

I know that there are some of these new promiscuous internationalists who, extolling the achievements of other nations, decline to admit the distinctive glory of their own. I wish that all such might be made to remember the story of that battle which raged between Chateau-Thierry and Dormans, beginning on that eventful Saturday night, the 14th day of July, 1918. The Americans had waited through the long day in their trenches, expectant that at any moment the German hordes, supported by artillery, machine guns, and armed tanks, would come plunging, crushing like thunderbolts of iron and steel through our lines. Evening came, and slowly over the miles of winding trenches was thrown the soft mantle of the silent night—silent but so full of portent. At Paris, but 47 miles away, sweet-toned cathedral bells tolled forth the solemn hour of midnight, while pure, brave women and helpless children slumbered in peace and confidence that their defenders would stand like walls of steel and everlasting granite between them and those who would so ruthlessly ravish and destroy.

It was a half hour after midnight when suddenly from beyond the woodland, far off in the distance, there shot up tongues of flame, and then came the muffled thunder of artillery, the ominous opening of the second Battle of the Marne, destined to be remembered through future generations as the greatest of the decisive battles of all time. From that half hour after midnight there was no rest. All through the night our troops suffered the incessant roar of a terrific cannonade, while bursting bombs split the air and hissing shells plowed with giant furrows the scarred ground over against and all about them.

When the first dawn painted the eastern sky with red and gold, the Germans, behind a hellish barrage, launched a mighty, furious charge. It struck and shook the American lines; all was chaos, din, and confusion; an inferno of noise; the wild, crashing thunder of reeking guns; deafening explosions; the mad onrush of thousands of men. Men fell groaning. Men grappled with men, and bayonets sank home in quivering flesh. Our men resisted to the utmost. Yet on they came, division after division, the best shock troops of the Kaiser's hosts. On they came, bronzed, lean, hungry, muscular, their sunken eyes burning with the deep fires of hellish hate. On, on they came in such a flood that human flesh could not withstand the onslaught. It was a terrible, a desperate, a magnificent charge. Backward and forward surged and seethed the waves of living, panting, desperately struggling men, until finally, now fighting calmly and heroically, now resisting with the fury of madmen, the American troops yielded, step by step, and the Stars and Stripes were forced to give ground, slowly, haltingly, retiring. It was the supreme hour of battle. The Germans were over the Marne, marching on like infernal machines against the crumbling French and American lines—and Paris 47 short miles away.

The communication wires were crackling, electric with warning signals, while excited messengers in breathless haste panted out to the assembled staff officers at the French headquarters the fateful information that the Germans were smashing on resistlessly and that our lines had broken. What was to be done? The consultation was brief, the decision prompt, the order was issued from the French headquarters to the French divisions and to the Americans, struggling with determination, to fall back to safer positions. You will recall the deathless words of the American officer who received this command:

> We regret being unable on this occasion to follow the counsels of our masters, the French, but the American flag has been forced to retire. This is unendurable and none of our soldiers would understand their not being asked to do whatever is necessary to reestablish a situation which is humiliating to us and unacceptable to our country's honor. We are going to counterattack.

Shall I say that this was the decisive event of the battle? I can say more, for it was the turning point of the war, a critical, a supreme moment in the history of civilization. For many weary months the Allies had been on the defensive. Now all was changed. "We are going to counterattack." The order was given to Americans, to company, to battalion, to regiment, that whole magnificent division; and, oh, how gallantly, how madly the Americans charged with a courage and a desperation which were to thrill a waiting world. On, on they charged, down into the valley of the Marne, driving the Germans into the river. On, on over the Marne, up, up those bloody slopes to St. Germaine, to Jaulgonne, to Goussancourt, on to the historic Fere en Tardenois. On, on through the Bois de Dole, which should now no longer be called the "Woods of Sorrow," but the "Woods of Glory"; on, on to the River Vesle and to an immortal victory. The dangerous German salient, which like a monstrous serpent's deadly fang had threatened Paris, was destroyed. Paris was saved.

For swift as a flame their heroism spread northward through all the serried ranks of the French and British hosts, and within a few hours the allied lines, not to be outdone in valor, had launched another magnificent attack between Albert and Montdidier, and within a few brief, glorious, and victorious days, days of tremendous and terrific combat, the menacing salient at Moreuil was also broken and the strategic and historic city of Amiens, which had for months lain helpless in imminent peril beneath the frowning and threatening guns of the enemy, was relieved.

You know the rest of the story—of the fall of Rosieres, of Chaulnes, of Roye, of Noyon, of Lens, of the breaking of the Hindenburg line. The American counterattack had inaugurated and developed a mighty allied offensive, and the carefully laid plans and the stupendous efforts of the German generals and of

the German hosts for their rush to the sea, for their capture of Paris, for victory, and conquest, were shattered. America had led to victory.

Sirs, in the making of this treaty European purposes and aims prevailed, and we deeply regret that on this occasion once more we are unable to follow the counsels of our French and British brothers, but to do so would be to permit our American principles and ideals to go down to a disastrous defeat. The ratification of this treaty by the Senate would again create a situation "humiliating to us and unacceptable to our country's honor."

We must refuse all compromise with injustice and dishonor, and standing firmly our ground demand such drastic changes in this covenant as would make it conform to the great purposes and ideals not only of this Nation, but of the new leaders of Great Britain as well, as expressed in the amendments suggested by the British Labor Party, and, failing to secure such radical amendments, reject the whole treaty and summon the world again into a council, which shall, without prejudice, passion, or hatred, formulate plans for an upbuilding peace, a peace of purpose and of progress, a peace consistent with our best traditions, and with the highest aspirations of the English race. In all that I have said in condemnation of the colonial policies which have been dictated by the British reactionaries, I have intended no unkindness to the noble English people, and, indeed, the most severe criticisms which I have made were embodied in words written by Englishmen themselves. A reactionary administration here joined with the reactionary ministers of England and France in the formulation of this plan, which has received the criticism and condemnation of the masses of France and England, as it will receive the same from the liberal-minded millions of America, when they shall understand the scheme. Never were the masses of England and America closer together, never were hands clasped across the seas in firmer friendship. We are bound now to our English brothers by ties stronger than language and blood, for in this war there has been created a new kinship between the liberty-loving men of England and those of America, a new and more intimate community of purpose and ideals, a new shared sense of responsibility to the backward peoples, a new conception as to the meaning of "the white man's burden."

Some one has said that when the cup of human abominations becomes filled the Almighty generally interposes. In 1917 the world's cup of wrongs, agonies, and abominations was overflowing, and there came an unmistakable summons to this Republic, which she heard, interpreted, and at once obeyed. She called her sons to her armies, to her shops, to her factories, to flaming forges, glowing ingots, and to ringing anvils, and placed herself in splendid shining armor, putting upon her mighty limbs all of the habiliments of war, to stand forth the invincible champion and vindicator of human rights. This Republic must now move forward beneath the incomparable flag which, new baptized in war, has taken on a fresh beauty and significance, to a peace which may be permanent because broad based upon the principles of eternal justice and the inalienable rights of men, and as the leader she must call to her exalted standards and ideals that vast procession of mankind whose so eager eatward-looking faces now begin to shine with the first crimsoned glance of radiant sun rising in splendor on a better age.

Mr. NELSON obtained the floor.

Mr. HITCHCOCK. Will the Senator yield to me to suggest the absence of a quorum?

Mr. NELSON. Oh, no; let us go on; I do not care.

Mr. President, I shall ask the indulgence of the Senate for only a few moments, and I shall occupy the time in stating some general propositions which I think may be of interest.

> Night wanes—the vapours round the mountains curl'd
> Melt into morn, and light awakes the world.

Mr. President, a spark from a small Balkan State kindled the great conflagration of war in Europe, for which Germany had long prepared the combustible material. It spread like a whirlwind from the banks of the Danube across the Rhine into innocent and neutral Belgium and thence into trembling and agonized France. Most of us had at the beginning no idea that the conflagration would spread to the hither side of the Atlantic and involve our country in the vortex, though to a few of us this seemed from the start inevitable. Three thousand miles of ocean were, as it turned out, to give us no immunity. It became in time a great World War; the greatest of all known in history. All Europe, except a few small neutral nations on the outer fringes, was involved, and even these did not escape some of the tragic and sad incidents of the war.

For two years and eight months the war dragged its horrid, barbaric, and uncertain course before our country was impelled to enter the struggle. The German submarines were attempting and threatening to exclude and isolate America from all commercial intercourse with Europe. This was the apparent spark which aroused the spirit of our people to the striking point. But the heart and soul of America was not enlisted in the great conflict because of the submarine nor for the purpose of transplanting democracy to Europe. The inspiration came from a deeper and more profound source. The trend of events, before and during the war, clearly indicated that Germany aspired to world dominion and world control and that France, Belgium, and England stood in her pathway as obstacles, to be first vanquished and overcome. Could she succeed in this, all Europe would be at her mercy and under her control, and her system of autocracy and ruthless militarism would be paramount throughout the Continent, and the subjugated States, as well as the small neutral States, would be to a greater or lesser extent mere vassals of her Empire.

The German menace was twofold. It was not only one of mere brute force, but the sinister and ruthless character of its system and methods was even more to be dreaded. Had complete success crowned the efforts of Germany in the war, as she had planned it, America would have been regarded by her as an open and free field for her exploitation, and the Monroe doctrine would have been regarded as a "mere scrap of paper."

With this view of the case, as I have briefly outlined it, it seemed to me and to many others that it was our war from the very beginning, even before we formally entered therein, and that the Allies were in fact fighting our battles on the plains of Belgium and France, where we subsequently came to their relief, and where, by so doing, we made it our war as much as theirs. It was not until our people had become fully awake and alive to the character of the German menace that the heart and soul of America entered the Great War—a World War—with a few small neutral nations as spectators. It was a menace from Europe that threatened us, and we had to meet and overcome that menace on the battle fields of Europe, more than 3,000 miles from our shores.

One supreme lesson comes to us from this war, and that is this: Our country can no longer isolate itself on the Western Hemisphere in peace or in war, or occupy an attitude such as that of Japan prior to the advent of Commodore Perry. Neither commercially, industrially, nor politically can we isolate ourselves from Europe. Any menace from that source which vitally affects our commerce and trade, our political well-being, or national existence must always concern us. The avenues to Europe and to all her people must always be open to us. Chaos and anarchy there react on us here to a greater or lesser extent. We can not carry on intercourse with any country given over to lawlessness or to any form of anarchy or mob rule. Neither can we afford to allow any nation to become a power which inherently and by its very nature and methods aims at world dominion and world control. Such a power may at any time, as in the recent war, become a continuing menace to the safety, peace, and prosperity of our country. More danger to America lurks in the East than in the West, in Europe than in Asia.

Any nation seeking to dominate and control all of Europe will, if successful in its purpose, be a standing menace to the welfare, the prosperity, and the independence of America. Overcrowded Germany, if England, France, and Italy were rendered helpless, would soon flood South America with her emigrants; and Argentina, Uruguay, and Brazil, and other States of South America would in the near future become German colonies, for the Monroe doctrine would not prove much, if any, obstacle to the all-conquering Teuton with his relentless war machine.

It was a world's war in which our Nation engaged, and it was an enemy seeking world power and dominion that we fought and vanquished; yes, fought and vanquished on the plains of Europe. The war has not settled the use of the submarine—the ostensible, but not real, cause of the war. The most that can be said is that for the time being, and perhaps for some years to come, the fangs of war have been extracted from the enemy; but to what extent and for how long none of us can easily foretell.

Germany is likely to turn her face to the east and seek to exploit Russia, as she aimed to exploit Belgium and France. She owes much of her growth in the past to aggressions against her neighbors. Austria was her victim on the southeast, Poland on the east, Denmark on the north, and France on the west. These conquests were the boast and the pride of her statesmen and generals. Not content with despoiling Denmark in 1864 and thus getting control of the Baltic and the North Sea, in this war she aimed to secure a footing on the coast of Belgium and northern France for the purpose of controlling the British Channel and securing access to the Atlantic by that route.

Who can doubt, if he has studied the facts, that Germany, with her allies—Austria-Hungary, Bulgaria, and Turkey—bred

and fostered a world's war, and that this war was on their part a menace to the remainder of the civilized world, including our own country?

Such a war manifestly entails upon the countries who were successful in the war the duty for their own future protection, if for nothing else, to secure and establish a world peace, a peace that will cover the entire field of combustion.

The field of peace is as broad as the field of war. As the welfare and safety of America impelled us to make war in Europe, why should not the future welfare and safety of our country impel us, in conjunction with our allies, to prevent the recurrence of such a war? A spark from petty Serbia kindled the flames of a war which involved practically the entire civilized world, our own country included. A spark from some other source in Europe may easily start a conflagration resulting in another great world war into which our country will be as likely to be drawn as into the late war; for such a war would, no doubt, involve blockades and stoppage of intercourse by submarines and other methods.

Modern medical science has devoted its skill fully as much to the prevention as to the cure of disease, with wonderful results and blessings for the entire human race. Sound statesmanship should act on the same principle.

It seems to me that that statesmanship which is oblivious to the importance of providing by all reasonable methods against the recurrence of war in the future, and insists on standing still until war actually occurs, is short-sighted, lives in the past, lacks world vision, and overlooks the fact that a world's war should result in a world's peace, and that such a peace should, as far as possible, be of a permanent character.

It will not do for such narrow and selfish views to hide themselves behind a "holier than thou" cry of patriotism, or, as they choose to call it, "Americanism." Patriotism and Americanism are not confined to those who thus shout. The Bible tells us that—

> Not everyone that saith unto me Lord, Lord shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven.

I can not sympathize with that sentiment which would have our country crawl into a closed shell with no other label than the Monroe doctrine.

There should be and is a conscience of nations as there is of individuals. The Poles, the Czechs, and the Slavs rendered us and our Allies considerable assistance in the war, and they were in one form or another encouraged, led to believe, and promised that they would secure their independence if the enemy was defeated. The treaty has carried out this promise. Provision is made for an independent Poland and an independent Czechoslovakia. And now the question is, Shall we treat these provisions of the treaty as "mere scraps of paper"? Shall we now utterly abandon these new States and give ourselves no concern whatsoever about their future welfare? Shall we become to them a mere national mummy, wrapped in the folds of the Monroe doctrine? I do not believe the American conscience will stand for this or suffer it to be called "Americanism." This is counterfeit "Americanism." The people of our great Republic occupy a higher moral level than this. They have a conscience that brooks no national injustice; they are above and beyond the supreme selfishness that such conduct implies. Peace will come to Europe when oppressed peoples and suppressed nations come into their own.

Our country can be of great service to them without resorting to war. There is no need to obligate ourselves, nor should we obligate ourselves to make war in their behalf. But let it be understood that the United States is vitally interested in their existence and will look with extreme disfavor on any tampering with their independence. Such a course will greatly tend to stabilize the situation in Europe.

The recent war demonstrated to the world that our country was a veritable Samson among the war-making nations of the Old World. The heavy hand of Uncle Sam throttled the German monster of war more thoroughly than it had ever been throttled before. With this experience fresh in mind, it strikes me that the frown of Uncle Sam will be more effective and go farther than ever before, and these new nations are certainly entitled to his frown in their behalf.

But there is another view of the situation that is palpable to me. The danger of future war lurks in Germany more than anywhere else in Europe. A rejuvenated and restored France on her west, a vigorous Czechoslovakia on her southeast, and an organized and well-established Poland on her east will serve to show the German people that free and independent self-governing nations are not a myth, and that military autocracy is a monster of the most hideous mien, from which they will in due time seek to be relieved. Such free governments, if successful, as I feel and hope they will be, can not be otherwise than a great object lesson to the German people who are entitled to a free and liberal government.

These new States will also be of great help to stabilize conditions in Russia and relieve the poor people of that country from the terrors of Bolshevism, which has not only been a curse to them but has reached out its poisonous fangs to other parts of the world—our own country with the rest. Bolshevik emissaries in considerable number have been sent to us, and as a by-product of their activity we have with us the so-called parlor Bolshevik—the slimiest and most dangerous specimen of the entire nefarious brood.

There can be no real peace of the world with the Bolsheviki rampant in Russia. They are not only a menace there but they are spreading their activity and nefarious propaganda not only in the rest of Europe but also in America. The gospel and propaganda of Bolshevism is a serious disturbing element in our own midst at this very time, to which we ought not to close our eyes or be entirely oblivious. The cure lies in extinguishing the Bolshevik terror in Russia and in aiding that country to establish a free and liberal government of law and order. Dry up the fountainhead of Bolshevism over there and the rest of the world, our own country included, will secure some relief from this terrible moral pest that seeks to undermine and destroy all stable governments the world over.

Neither should we be oblivious or indifferent to the conditions in the Balkan States and Turkey, both a breeding ground for wars, past and future. The peace of Europe has often been broken and war engendered from these sources. If these five or six petty Balkan States, under the leadership of Serbia, can be welded into a confederacy, after the plan of Canada, Australia, and South Africa, it would tend more than anything else to stabilize conditions there and remove the incentive for war, and they would cease to be a football for Austria.

A spark from Serbia ignited the train which brought on this Great War. The wise course is to smother the embers and combustible materials found in these regions in the manner I have indicated.

And are we not interested in opening the Bosporus and the Dardanelles to the commerce of the world, and ought we not to take an interest in American schools and missionaries in Turkey—and I was glad to hear my friend from Maryland [Mr. FRANCE] call attention to that subject. Are we to treat these countries, these regions, as a "no man's land," devoted to chaos and anarchy? There was a time, long ago, when we sent our men-of-war to chastise the Barbary pirates without even a declaration of war; but now, when we are still technically at war, the treaty of peace being still unratified, we grow nervous over the landing of a few American marines and sailors in a small port of the Dalmatian coast, and this nervousness is of a piece with the greater nervousness manifested toward England and Japan. When all other arguments against the treaty fail, those who openly or covertly desire the defeat of the treaty resort to a scare about these countries, and paint in lurid colors the threatening dangers from Japan in the east and England in the west.

Their attacks are concentrated on countries that were our allies in the war rather than on the common enemy. These were favorite tactics during the war of those who were opposed to the war or who sympathized with the enemy. The letters I receive indicate that this class of men are now greatly in evidence against the treaty. But how those whose heart and soul were in the war can now assume such an attitude seems to me passing strange. They seem to forget how easily and swiftly France and Belgium would have been conquered if England had not entered the war as promptly as she did. They seem to forget that the Briton, the Australian, the New Zealander, and the Canadian soldier fought side by side and shoulder to shoulder with our brave boys on the fated fields of France. They seem to forget that they are of the same blood and the same language as our own people. They seem to forget that in all the elements of a free Government and personal liberty these countries stand on a par with ours. They seem to forget that aside from the peculiar Federal system of our Government, the fundamental principles of our constitutional liberty came from England and were established by the so-called English revolution of 1688. For over 100 years Canada, on our northern boundary extending from ocean to ocean, has, barring some Fenian raids from our country into theirs, been an open door to us and to them, barring only trade and tariff regulations. We have lived at peace with them and they with us, and it is difficult to see what danger threatens us from this source. Is it not more likely and more probable that the English-speaking nations will make common cause against a common enemy?

But the strangest thing of all is that those who are so nervous about England are also so very nervous about American soldiers

rendering any assistance to the anti-Bolsheviki in Russia. They seem to be anxious that the Bolsheviki should have a free hand.

As to Shantung, while I am clear that it should be restored to China, and I believe it will be, let it be remembered that except for the war Germany would have retained her hold on Shantung, and as between her and Japan I can not see why any of us should prefer Germany. When Germany some years ago seized the Shantung Peninsula, I did not hear any patriots in this Chamber making a violent protest against it.

Since Commodore Perry opened the doors of Japan she has become the most progressive nation in the Orient, while China has in the meantime made little or no progress. Japan may be fairly called the Yankee of the Orient. But bright and energetic as the Japanese are, still we do not want them in our midst. Their proper place for expansion is the Orient, in the midst of the yellow race, where they may be able to extend their civilization and energy to their slovenly and nonprogressive neighbors. The population of Japan, within the narrow confines of its Island Empire, is congested and manifestly needs a field for expansion. We do not want the Japanese with us, nor for that matter are they wanted anywhere on the Western Hemisphere. Their proper field is the Far East, the Orient, where the white race can not be at home.

Hermit Korea, in spite of all that has been said to the contrary, is reaping the benefits of the progressive energy of Japan. Public buildings, railroads, highways, and bridges have been built where none existed before. Agriculture and trade have been developed, law and order established such as was never known before, and new life and new energy have been infused into the sodden, listless masses, some of whom have protested against being aroused from their state of lethargy and inertness; but they have protested without knowing what was for their own interest.

What Great Britain has done for South Africa, Japan will, no doubt in a measure, do for Korea, though on different lines. And as to only half-developed southeastern Manchuria, the seat of the Manchu dynasty, which proved of no great blessing to China, what harm can happen to our country or to any of the nations of the west from the further development of that country under the auspices of Japan? Only those capitalistic exploiters and promoters who hover for prey in backward and dormant countries will feel called upon to protest. A developed Orient, developed for production, commerce and trade, for law and order, can not but prove of advantage to our country and to the whole civilized world.

Mr. President, I have thus briefly called attention to some of the problems involved in a permanent peace of the world. Such a peace should succeed such a war, and our country is vitally interested in the one as much as we were in the other. We do not want another such war, and therefore our country should cooperate with our allies, as we did in the war, in securing the blessings of a permanent world's peace, as necessary and essential for the prosperity and well-being of our country as for any other country on the face of the earth.

In conclusion, Mr. President, permit me to say that I have not made these remarks under the idea that I am a statesman. I am further from that than any other man in this Chamber. Neither have I said it so much because of my being a Senator from Minnesota. It has rather been the spirit of old Corpl. NELSON, of the Fourth Wisconsin, that has made these remarks to you.

Mr. LENROOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The suggestion of the lack of a quorum is made, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Nelson	Smith, Ga.
Ball	Hale	New	Smith, Md.
Bankhead	Harris	Newberry	Smoot
Borah	Harrison	Norris	Spencer
Brandegee	Hitchcock	Nugent	Stanley
Calder	Jones, N. Mex.	Overman	Sutherland
Capper	Jones, Wash.	Owen	Thomas
Chamberlain	Kenyon	Page	Townsend
Colt	Keyes	Phelan	Trammell
Curtis	King	Phipps	Underwood
Dial	Kirby	Pomerene	Wadsworth
Dillingham	Knox	Ransdell	Walsh, Mass.
Fernald	Lenroot	Reed	Williams
Fletcher	Lodge	Robinson	Wolcott
France	McCormick	Sheppard	
Gay	McNary	Shields	
Gerry	Moses	Smith, Ariz.	

Mr. DIAL. I wish to announce the absence of my colleague [Mr. SMITH of South Carolina] on account of illness in his family.

Mr. GERRY. I announce the absence of the Senator from Tennessee [Mr. MCKELLAR], in attendance upon a meeting of the Committee on Military Affairs.

Mr. CURTIS. I desire to announce the necessary absence of the senior Senator from Wyoming [Mr. WARREN] on official business.

Mr. PHELAN. I wish to state, in behalf of the Senator from Washington [Mr. POINDEXTER], that he is detained by a session of the Committee on Naval Affairs.

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

Mr. WALSH of Massachusetts. Mr. President, to defeat the Germans and to destroy their great military machine was not the chief motive which induced the United States to enter the battle fields of Europe at a time when the fortunes of the Allies seemed darkest and almost hopeless.

To be sure, the defeat of the German armies was and had to be the immediate tangible objective. This, however, was to us only a means to bring about certain results. Victory has now come. For the past nine or ten months there has been in every section of our country a continuous procession of victorious home-coming American boys. The sacrifices in human life, the sufferings of the maimed and wounded in our Army and Navy, the struggles of our people at home in their efforts to support our armies abroad, we have declared time and again during the war, from the floor of Congress, from every platform and pulpit in the land, should not be in vain.

Are we keeping faith with the American people? What did we promise the 4,000,000 American boys whom this Government called into the military service of the country? To these men of the Army and Navy, and their fathers and mothers, yes, to all the people of this country, we made two solemn promises, which in their importance overshadow all other promises, all other objects we set out to attain.

We promised, first, that we would not consider this war won until we had liberated from bondage and oppression the enslaved peoples of Europe. It is true, Mr. President, that the American people can justly claim that they have had a part in winning independence and freedom for some of these races in Europe. But we have not fully kept our promise. Indeed, our failure has cast an added gloom over the hearts of all liberty-loving peoples who still remain in oppression.

We made another pledge. We have repeatedly assured the American people that they were fighting to make democracy safe for the world; that we entered the war to protect the rights of small nations; but important as these aims were, we promised above everything else to do our utmost to bring about, after the overthrow of the German military power, an organization or union of the civilized nations and peoples of the world in one great concerted movement to end wars and establish permanent peace.

Let us turn to the record of the peace conference at Versailles and see what has been done to fulfill the pledges made during the war. Let us see who were there representing—I was going to say the respective Governments—but let us say, in order that the solemnity of the scene may be before us, the millions of dead heroes, the crippled soldiers, the widowed mothers, and the orphans, upon whose shoulders very largely rested the sacrifices and burdens of this war. We know who were the leaders there—the representatives of Great Britain, France, Italy, Japan, Belgium—men whose Governments have again and again clashed with one another! Men whose countries' ambitions rivaled each other for centuries in their efforts to gain territorial, commercial, and financial supremacy. Men whose lifelong training in European politics and diplomacy prevented them from harmonizing their views on any single subject before the peace conference, except the necessity of making with their common enemy a treaty based on common interests.

What was in the minds of these men as they gathered around the peace table? Reparation? Yes. Indemnities? Yes. Punitive damages? Yes. But what was in their minds in regard to the redemption of the promise to end wars, to establish an enduring peace? What does the record of their deliberations show was in their minds, so far as that record has been disclosed?

Does it not show that with the exception of our own country, the allied countries applied the right of self-determination to their enemies only, whilst reserving to themselves the privilege of repression, subjugation, and exploitation as it suited their convenience or inured to their profit?

Is this language too severe? Not when you consider that they had not merely undertaken to make a treaty with the enemy, but were there to fulfill a promise made to their people that they would make a resurvey of the map of the world with the idea of removing all those evil influences and injustices that had promoted war in the past and would continue to pro-

mote it in the future. They did resurvey that part of the world over which their enemies had dominated, but they refused, as I shall point out later, to set up any machinery to provide for a resurvey of the rest of the world, and for the application among themselves of those principles of justice that make for lasting peace.

How much of altruism, how much justice, how much of the true spirit that must underlie an honorable league of nations was in their hearts?

Was it not the old order with its evil diplomacy, its accursed materialism, and its cynical disregard of human rights?

Into this peace conference, dominated in its majority by secret diplomacy, intrigues, jealousies, and national rivalries, entered the representatives of the United States, refusing to claim for ourselves one inch of territory or one dollar of reparation. Thank God, America refused to profit by the agony of the world! There was nothing that America desired that our allies had in their power to grant except cooperation in a world movement to end forever bloodshed, poverty, misery, famine, and all the unspeakable crimes and destruction that war entails.

For our sacrifices, for the financial obligations assumed for our allies, for the burdens of taxation that we must levy for years upon our people, for the heartaches and pains and suffering and the physically weakened manhood and womanhood of our Nation we asked only for the institution at that peace conference of a league of nations founded upon the principles of universal justice.

How has our altruism in this war been received by our allies? What is the character of the response they have made to our high hopes of a new world order?

America's great democratic leader, President Wilson, presented to the peace conference the ideals and purposes which should have formed the basis of a just settlement and the organization of world peace. However men here or elsewhere may criticize the details of this treaty and covenant, they can never take from him the credit that history will award for his vision, his singleness of purpose, and his persevering efforts to further at that conference the great movement for world peace through a league of nations.

No man has more clearly put into language the dreams of world democracy which the human race has longed to see come true. His words have awakened and lifted up the hopes of all the struggling of the earth and have brought hope to hearts and hearths where hope was dead. To try to perfect his work, to endeavor to strike out injustices contained in this momentous document, is not to rob him of one iota of the glory that is his for having represented the aspirations of liberty-loving masses of men everywhere.

I am irrevocably committed to the principle of a league of nations. Had the conference at Versailles really carried out the principles our President had clearly and courageously proclaimed to the world during the war, no Senator, I believe, would have dared to vote against such a new and healthy method of settling international disputes and preventing future wars. It is the complete absence of the high-minded sentiments we proclaimed during the war that has provoked the great opposition to this covenant and crushed the hopes of progressive, forward-looking men throughout the world.

I believe, however, that there is something here given us containing the framework of an international tribunal that may be made useful. I believe it to be our duty to approach this great question in a constructive rather than in a destructive state of mind. Let us find out what there is that is good—and there is much that is good in it—and let us retain and safeguard that in this covenant; let us find out what there is that is unjust and what it may be necessary to remove, just as a surgeon removes a malignant growth from the human body. Let us see what injustices are sanctioned. Let us see if it be possible for this Senate to make this a league founded upon principles of honor and fair dealing.

Surely, to object to this attitude is to deny Senators their constitutional rights. As a Member of this body, I consider it my duty to review this document to see whether it contains clauses dangerous to the existence and perpetuity of this Republic and seek to eliminate them.

But it is said, and forcibly, by many that this league is and of necessity must be a compromise—that the President was surrounded by circumstances and in an environment that made it necessary for him to "give and take." Whatever justification the President may have had for that position, and I do not claim that he pursued such a course, certainly the Senate, whose duty it is "to advise and consent" to treaties, must carefully determine whether what America is asked to surrender in this treaty may not be destructive of most valuable American rights. There are some things that can not be compromised, as, for instance, the violation of the fundamental conceptions of justice; the denial of the right to existence of small nationalities; the interference with the legitimate national aspirations of any people; and the perpetuation of oppression.

Future war is a terrible thought to contemplate. The loss and suffering to the human family of another war might even be more appalling than what we have just witnessed. But there are still more terrible things to contemplate than war, and a continued and permanent state of serfdom and oppression is one of them. If this be not true, then our forefathers were not justified in going to war to establish this Republic. If in the future submerged peoples are driven to the extremity of rebellion to obtain their freedom and to preserve their political liberty, it will be because this treaty of peace failed to provide for a real league of nations, which could and would apply the principle of self-determination to all peoples.

If this league is founded upon the theory that war can best be averted by each nation guaranteeing to the other members of the league their territorial integrity, it will fail to serve the world's purposes. To surrender the principle of justice in the hope to obtain peace is to be forgetful of the fact that to barter justice is to sell the soul of the nations of the world. With these fundamentals in mind let us proceed to discuss certain phases of the treaty and covenant which I believe contain provisions which should be modified or removed.

SHANTUNG.

The Shantung provision of this treaty is indefensible. To consent to and advise the ratification of this provision in its present form would be, as I view it, an act of national dishonor.

The Chinese, who were our allies in the recent war, had the right to have their interests fully and impartially considered at the peace conference. To sanction the secret agreements, entered into by nations which were assumed to be believers in the principle of self-determination, designing to despoil China of her control of an important part of her territory and population situated as strategically as Shantung is, can not be defended on any basis of justice or international honesty. Its inclusion in the treaty has resulted in casting distrust and discredit upon the whole plan of the league of nations proposed by the representatives of Governments who consented to this flagrant violation of the fundamental principles that make for universal peace. The only argument suggested to justify America's agreeing to this Shantung deal is that it will tend to smooth the delicate relations between Japan and ourselves and get her signature to the covenant for a league.

Compromise principle, accept dishonor, ratify robbery to cultivate the friendship of any nation—to secure the signature of any nation to a compact which undertakes to abolish wars! Could absurdity go further? When has America heretofore preached or practiced such unethical principles? Did we not go into the war for the purpose of preventing any people anywhere of their own arbitrary will endangering the peace of the world? If we are content to conclude a peace which, while preventing Germany from imposing its will by force upon Belgium or France, allows Japan to impose its will upon China, a friendly ally; and if, while we were waging war against Germany for this principle, we for any reason fail to maintain it against all the world, Japan included; we may confess to ourselves that we have lost the war.

If this was our battle, if these were our ends,
Which were our enemies, which were our friends?

Mr. President, I will lend my influence and cast my vote for every effort made to prevent the United States from sealing such a compact burdened with so much of national dishonor and of national perfidy. I can not subscribe to the casuistry, however plausible, that peace can be maintained by a provision which sanctions and legalizes the crime of Shantung, a compact which has a proper place only in secret treaties and under-the-table diplomacy. It smacks of spoils, land-grabbing, and sows the seed of tyranny and future wars.

ARTICLE 10.

The keynote of the doctrine incorporated in article 10 of the covenant is an open and complete reversal of the traditions of this Republic. It means, in my opinion, a departure from the major principle upon which America was founded and which the American people have long and tenaciously cherished. It means that our Republic would in all probability be to-day a colony of Great Britain had this league of nations, with article 10 inserted, existed previous to our Revolution.

Let us examine the wording of this article. It provides in the first clause:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and the existing political independence of all members of the league.

This dangerous provision may completely do away with the right of asylum in this country for persons charged with political offenses, for it may be held to be an act of external aggression to harbor a political refugee. This right of asylum to such persons has been the pride of all liberty-loving Americans since the Republic was founded. This provision, however, would make it impossible for the United States to offer a place of refuge to those whom any of the allied governments would be hounding for political reasons. This country might be obliged under this covenant to refuse admission to such men as were Carl Schurz, Dr. Jacobi, John Boyle O'Reilly, John Mitchel, and thousands of others who fortunately managed to escape the clutches of oppression. Under this covenant America might have been called upon to turn a cold shoulder to Kosciusko after he had fought for our independence if he had returned to America to plead for the freedom of the Poles, because he could have been charged with pleading for aid that might lead to external aggression or "threat or danger of such aggression." Men like Kossuth, who was received with acclaim by our people when he came here, would have to be excluded, or at least our right to receive them might be conditioned upon possible action by the league of nations.

To be sure, article 10 has "external aggression" provided for as a condition for the guaranty, but who is to decide what "external aggression" means? Who is to tell what are the limitations of this phraseology? What is involved in the phrase, "its existing political independence"? Is hatred of a king, a czar, a tyrant; is a desire to obtain a government based upon the consent of the governed, an interference with "existing political independence"? If the present attitude of certain of our allies toward subject peoples is any criterion, I fear it would be so considered.

It is provided that the jurisdiction of the league shall not extend to a matter which, according to the contention of one of the parties, is found by the council on settled principles of international law to be a matter of purely domestic concern. It should be noted that the council has jurisdiction not merely to decide the *ultimate* question, but also the *preliminary* question whether the question before the council is one that falls within its jurisdiction. Again, even assuming that such a visit as Kossuth's, De Valera's, and representatives of the Hindus and Boers who have visited this country soliciting the aid of our people—even, I say, if these visits could not be considered acts of "external aggression," it is still true that we could not exercise our right to admit them if any member of the league to whom such visits would be displeasing brought up the question, as under the provisions of article 11 it is possible to do by claiming that the United States in receiving these representatives would thereby be a party to "a circumstance which threatens to disturb the good understanding between nations."

There is no principle of international law laid down in the covenant to enable us to decide a question of fact such as what is and what is not a matter of domestic concern. In the very nature of things it is a question for the council in a particular case to determine whether or not a disputed question is one of purely domestic concern.

In the case of agitation, say, in the United States, against the alleged oppression and massacres of the Jews by the Poles and by the Roumanians, the repression and subjection of the Egyptians and Hindus by the English, the Koreans and Chinese by the Japanese, the Lithuanians by the Russians, it would seem to be a matter of domestic concern, but from the point of view of the Governments whose "existing political independence" is attacked, with the possibility of external aid, it is an international matter of great importance. Such activities as I have referred to might be construed to violate distinctly and specifically the provisions of article 10 and article 11, and the United States might then be obliged to suppress such agitation and expel such persons who sought aid for their weak and enslaved countrymen.

Have we forgotten the history of our own country's struggle for independence? Do we imagine that never again will an oppressed people be inspired to do what we did when the Continental Congress dispatched Franklin to France to obtain aid, which was given whole-heartedly, France sending La Fayette and Rochambeau with men and money? What was this but external aggression against the territorial integrity of Great Britain? Had this league, with article 10, been in force it might have been the solemn obligation of France to seize our philosopher-diplomat, Franklin, and deliver him in chains to England. Surely the United States should not take a position which would prevent our receiving from oppressed people missions such as Franklin carried to Europe. To accept article 10 as it stands is to do violence to our own history and to give the lie to our traditional policy of helpfulness to the downtrodden and the oppressed.

We can not rely on arguments that are Utopian or construe every interpretation of article 10 from the viewpoint of Americanism; we can not expect that peace and good will will be universal among human beings as soon as this covenant goes into effect. The provision of article 10, in my opinion, makes permanent the rule of force in every part of the world, and this, if we accept it, under the solemn sanction and guaranty of the United States Government.

The peace provisions, following upon the creation of the league in Part I of the treaty, constitute, as it were, an example of what might be expected from the league, and, what was far more serious, represent the status quo which the league, by article 10 of its covenant, is pledged to maintain. It is one thing for the United States to depart from its traditions of avoiding alliances with European powers where the interests of justice and world peace are closely involved, but it is quite another thing for the United States to pledge its economic policies and possibly its military forces to maintain a settlement which does violence to all accepted standards of public and private right.

The second sentence of article 10 provides:

> In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon means by which this obligation shall be fulfilled.

Who dares to predict the limitation of interpretations which may be placed by the council upon the words "any threat or danger of aggression"?

Who dares to assert that the council could not hold that the harboring of political refugees, the legitimate agitation in America or any other country of the just claims of oppressed peoples for freedom, or the protests in this country of minority peoples who have been persecuted by their Governments through racial or religious prejudices, may not be held to be a "threat or danger of external aggression" to a member of the league, and therefore a case for the council to advise as to the obligations of the alleged offending member of the league?

Who dares to place any limitations—political, military, or financial—upon the words "advise upon means"? These phrases clearly compel America to either consult the council or to be in constant fear of advice or action by the council upon her right to extend hospitality, comfort, and aid to that class of people the world over who have looked to us for sympathy and support.

This power of the council to "advise upon" the means to be employed in such contingencies imports the power to act. To be sure, it is not specifically stated. To me it seems that the explicit recital of such power was intentionally avoided, but any sound interpretation of this league provision and of its language and context must import such power to act.

President Wilson interpreted the second sentence of article 10—in his message transmitting the Franco-American alliance treaty—as follows: "After the league council's advice has been duly given, the league members will do precisely as they please about following it." The difficulty that arises is this: In the first sentence the members of the league solemnly agree to respect and protect each other as against external aggression. In the second sentence—according to the President's interpretation—a league member will act upon the league council's advice in a given case of aggression "only if its judgment justifies such action." Mr. Hughes said of article 10 that it was an "illusory engagement." The President actually says that it is no engagement at all. He says that the league council may advise, but that the league members may go in their respective ways without giving the slightest heed to the advice. If article 10 be interpreted to mean anything, it surely means that the United States engages to send armed forces whenever and wherever the league council orders them to be sent. If it be interpreted as the President interprets it, the United States agrees to follow or ignore the advice at the pleasure of the United States. One interpretation involves the ordering about of American troops by a supergovernment; the other interpretation practically eliminates the value of article 10 from the treaty.

In concluding for the present my analysis of article 10, may I not fairly argue that it is capable of so many interpretations, vague and visionary, that as it stands it is pregnant with the germs of disputes, misunderstandings, and possible wars for the United States?

The only solution, therefore, is to remove any possible doubt as to its application to the United States by a reservation specifically stating the position of our Government.

RIGHTS OF SUBJECT PEOPLES.

In approaching the question of the effect of this covenant upon the rights of submerged peoples seeking independence, such as

the people of Ireland, I wish to emphasize that I am not actuated by any feeling of animosity or racial antipathy. I breathe no hate. I seek no vengeance. I voice no retribution. I am an American. I was born on soil made sacred by the blood of the heroes of the Revolution. America is my country and to her alone I owe my allegiance. I address you to-day, Mr. President, with a feeling of anxious concern for the safety of my country, for the perpetuity of her institutions, and for the preservation of constitutional liberty, of that ordered justice and freedom based on law which has secured for us nearly a century and a half of progress—industrial, political, and spiritual—such as has never before been witnessed in the history of mankind.

Surely no real American will deny to any element of our population which has kindred relationship to races in Europe still submerged the right to express its views as to the manner in which it believes this covenant may affect the future of subject races. The very fact that Senator after Senator, many of whom have no kinship with any of the subject peoples most affected, has dealt with the effect which this covenant might have upon the Irish problem is indicative of the desire on the part of all Americans that no step should be taken here that will make it more difficult for oppressed peoples anywhere to obtain their liberty in the very same manner, if need be, and with all the opportunities for outside aid which our forefathers possessed.

Mr. President, before attempting to discuss this subject to which so many of my able associates in this Chamber have repeatedly referred, I want to tell you, and I am confident I speak the innermost conviction of the people of Irish blood in this country—of the more than 500,000 soldiers of Irish extraction who enlisted in this Great War—that much as they yearn to see their kindred free, much as their hearts are torn by events in Ireland, by the harassing, dragooning, and repression of the people of that sad little island, as citizens of this Republic their first concern is for the safety, honor, and preservation of this country, the land of their birth or adoption.

Some wonder at the intensity of feeling on the part of the people in America of Irish blood to secure the application of the principle of self-determination to the land of their forbears. What, think you, must be the feeling of disappointment and of sadness experienced by the hundreds of thousands of American soldier boys of Celtic blood, justly proud of their work in liberating the enslaved peoples of Europe, when they hear a still voice in the depths of their heart saying, "I have helped to bring independence and freedom to many enslaved peoples; I have helped to remove the shackles of political oppression from many races; but the race from which I have sprung is still left, the only English-speaking race in the world to-day in political subjection"? Indeed, may he not also add, "Can it be that my Government, which I have had the honor to serve in liberating other races, is now negotiating, unconsciously perhaps, to make it more difficult for my kindred in Europe to obtain their long hoped and prayed for freedom?"

What think you must be the thoughts of American parents of Celtic blood, whose sons' bodies lie in Flanders Fields, when they learn that while their supreme sacrifice helped to bring independence and freedom to many races and peoples of whose existence they had never known, the Empire with whose soldiers their sons fought side by side continues to deny to their kindred across the sea the same measure of independence that America and her allies have bestowed upon the races who were our enemies in this war?

Words can not express the depths of anxiety of these people when they contemplate the possibility that this country—this country which welcomed their exiled forefathers and gave them their first realization of equality of opportunity and enjoyment of liberty as they fled from tyranny and oppression in Europe—may be about to join the country which has been their ancient enemy in a covenant which they believe may result in crushing out future means and opportunities of obtaining freedom for the land of their ancestors.

Just what is the attitude of Americans of Celtic blood and their sympathizers in regard to this covenant? As I understand it, and as I have been fully informed, they are not opposed to a just league of nations. Neither do they seek in any way to involve the United States of America in any controversy with Great Britain.

In a word, they ask—and they have a right to ask—the United States Senate not to ratify that part of this covenant which many sincerely believe puts an end once and for all time to America's ancient and historic attitude toward oppressed peoples. To accuse them of opposing this league merely for the purpose of humiliating or embarrassing England would be a grave injustice to the great rank and file of Americans of Celtic blood. It is, indeed, amazing to find intelligent men who, in discussing the Irish problem, allege that this element in America's population seeks to involve America in a war against Great Britain in order to bring about the freedom of Ireland. The man who makes such an accusation is grossly ignorant of the facts, or makes such contention in an effort on his part to justify opposition to their legitimate demands. It is adding insult to injury.

No section or element of our population has a right to ask America to incur the enmity of any nation because of prejudices resulting from grievances in other parts of the world; but it certainly has a right to ask America not to join with oppressors of its kin in Europe in restricting the opportunities to obtain their independence, or assist, directly or indirectly, in crushing out the legitimate aspirations of any people. As I understand the position of the people of Irish blood in America, they, as American citizens, ask the United States not to join in any league or make any agreement with other nations which may hinder or forever bar oppressed peoples from obtaining independence.

Millions of American men, women, and children who have sprung from races held for years, and in some cases centuries, in bondage and oppression, are now turning for help with outstretched hands to the Government of the United States—a Government which they love and to which they have always been loyal and faithful; a Government for which they have made every sacrifice and to the prosperity and progress of which they have contributed most substantially. It is this Government, the hope of the downtrodden and oppressed peoples of the world, that they hopefully petition and implore not to raise a single barrier against their kith and kin on the other side of the Atlantic, and ask it not to take any action which might prevent them, in their own way and in their own time, from obtaining liberty and freedom. They are simply asking us to keep "hands off." They implore us not to agree to join a league with other nations which will make it more difficult, if not impossible, for freedom to come to the country of their birth or descent. Could a request be more simple? Could such a prayer be more American?

I confess I have tried to find in the covenant—and I have studied it all the more carefully and intently because I realized the intensity and depth of feeling of these people—I have tried to discover on the basis of all information available to me whether they were not mistaken, whether they were not misinformed, whether they were not misled as to just what effect this covenant would have in the future handling of the problems of subject nations. I regret to say that I am convinced that there is no agency created or provision made in the covenant which gives the slightest hope of the league of nations ever amicably adjusting the problems of submerged peoples. I refuse to mislead them by suggesting possible opportunities for hearings or adjustments when no such provisions are contained in the document before us.

This covenant changes the present attitude of America toward peoples which have not as yet been fortunate enough to obtain an independent existence, at least in two very vital particulars. First, it prevents, through article 10, this Nation or any other nation from going to the assistance or aid of any oppressed race seeking independence; indeed, it has been again and again admitted in this Chamber that if an outside nation went to the assistance of any oppressed race it would be the duty of the United States to join with the oppressor in waging war upon the government offering aid. Certainly it can not be said that this will tend to multiply possibilities and opportunities for assistance in such cases. Second, this covenant makes no provision whereby even a hearing for any subject nation could be obtained.

Let us not deceive ourselves. Let no Senator vote for this covenant and justify his vote upon the pretense that he is helping subject peoples by setting up a world tribunal where hearings can be had for the application of the principle of self-determination. No Senator can point to any language that justifies the assertion that there ever can be a hearing given these peoples if the nation charged with oppression objects.

Article 11 apparently provides for such a hearing. There the following language is used: "Any war or threat of war is hereby declared a matter of concern to the whole league, and the league shall take any action," and so forth; and, further, "Any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends" any member of the league may bring to the attention of the council. But everybody agrees that there are questions or situations which can never be considered by the league, namely, domestic questions and internal disturbances of a revolutionary character. That the relationship, for instance, of Ireland to England is a domestic question has been repeatedly stated by British statesmen.

If the question of giving independence or self-government to Ireland may be heard by this league of nations, then it could be logically contended that the question of Japanese immigration into this country, considered by everybody a domestic question, could be heard by the league. If we have a right, and America demands that right, to define and decide for ourselves what questions properly come within the designation of domestic questions, Great Britain will and should have the same right; and certainly no Member here is so optimistic as to think that Great Britain will not avail herself of the claim that the Persian, the Hindu, the Egyptian, the Irish, and the South African questions are of a domestic character.

There are two ways by which a subject nation might have its case laid or presented before a league of nations: First, by having the subject nation itself present its case and, second, through a member of the league. Opportunity is not given in this covenant to subject nations or oppressed nationalities to present their own cases, not being members of the league itself, and not even prospective members of the league in view of the limitations of admission. Even if a subject people should succeed in getting a member of the league to present its case, all that the offending member holding that particular race in subjection needs to do is to say that the question is of domestic concern and the case would immediately be dropped.

The members of this body need not be told the elastic and varied meanings that can be given to the term "domestic concern," nor is it necessary to call to their attention the innumerable acts of injustice that have been perpetrated in the course of history, the slaughter of innocent men, women, and children, that have been committed against the laws of God and man without interference by any outside nation, merely because of the plea that the questions were of domestic concern. This plea has prevented many nations from interfering in behalf of subjected peoples. The words "domestic concern" undefined in this league of nations perpetuate and make permanent the oppressor's right to shield himself by submitting the plea of lack of jurisdiction because the question is of domestic concern. Indeed this league, in providing that the council must act unanimously, makes the oppressor sole judge and jury of any plea or objection which the oppressed may advance. It would be unnatural indeed for England not to resort to a defense so well provided for her in the covenant when the Irish question, for instance, is raised. The presentation of such a question is precluded by the very terms of the covenant itself.

But let us see if the case of a subject nation seeking self-determination could come up in any other way. Suppose there is armed resistance and a state of war exists; it is no concern of this league, and not a problem that this league can deliberate upon, because it is either a domestic question—a resistance by a people against a government imposed upon them—or a revolution. You can not take one clause out of this covenant and say that it provides thus and thus without considering the relationship of that clause to every other clause in the covenant. So when the words "any circumstance whatever affecting international relations" are used it means any circumstance except disputes within the domestic jurisdiction of any member of the league. No other interpretation of the context is possible.

Not merely does this covenant contain no provision whereby cases involving the principle of self-determination could peaceably be presented for consideration, but I also emphatically assert that provisions to give hearings and deal with problems affecting the rights of subject nations were intentionally and deliberately excluded from this covenant. Let me quote article 10 in its original form:

> The contracting powers unite in guaranteeing to each other political independence and territorial integrity against external aggression. But it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the delegates be demanded by the welfare and manifest interests of the people concerned, may be effected, if agreeable to those people and to the States from which the territory is separated, or to which it is added, and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question whatever of political jurisdiction or boundary.

And now let us quote article 10 as it emerged from the peace conference at Versailles, and is laid before us for our ratification—

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression, the council shall advise upon the means by which the obligation shall be fulfilled.

The sentences omitted from the original draft, and particularly the last clause, "the contracting parties accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary," contained the declaration of principles which would have provided for the readjustment of boundaries and the application of the principle of self-determination. The present form of article 10 makes it impossible for any man standing for American ideals, as outlined in President Wilson's 14 points, to support that article. Why were these sentences, which provide the machinery for the submission of questions involving political jurisdiction or boundary for the possible evolution and development of small nations, struck from the original article 10? It is not difficult to answer. These sentences, which enunciated the most important principles embodied in the President's program of America's aims in the war, constituted a provision which would have given hope and new life to every people striving to obtain liberty. They were omitted either because the same principle was elsewhere expressed in this covenant—which no one for a moment contends—or because the representatives of some of the allied Governments at that peace conference refused to subscribe to them. The omission of these laudable provisions indicates that it was not the purpose of the framers of this covenant to provide for a peaceful revision of boundaries in the future or to permit the league to take political jurisdiction of any question involving the application of the principle of self-determination.

In brief, the original article 10 provided for revision and readjustment in the future. Article 10, before as now, obstructs revision, denies readjustment, and makes this a status quo league. It is a league of nations which seeks to preserve peace by maintaining the status quo of existing boundary lines. It is a scheme to autocratically preserve and maintain the political independence and the territorial integrity of existing nations. It is un-American. Most reluctantly am I forced to the conclusion that this article has not as its basic principle the idea so well expressed by Horace Greeley when he wrote in an autograph album now in the possession of a page in this Senate, the words "With faith that universal justice alone makes for universal peace."

INEQUALITY OF REPRESENTATION.

I can not subscribe to any provision in this covenant which will permit any government to have more votes or more influence in this league than the United States of America. The least that any American can accept is equal representation for our country with that of any other. I do not desire to deprive the self-governing dominions of Great Britain of representation in this assembly provided for in this covenant, but I do most strongly object to Great Britain, which includes England and its dominions, having 6 votes to our 1 vote. If, as has been claimed, the assembly is merely a "debating society," I would not, without a protest, consent to permit any government having six debaters to present its case against the one debater which the United States would have.

But this inequality of representation has a very serious possible consequence when we consider in this connection the provisions of article 4. Under that article it is very clear that the 6 votes of Great Britain in the assembly might be a very potent factor in selecting the four nonpermanent members of the council. It is not at all improbable that the 6 votes of Great Britain in the assembly, with such outside support as she could muster, would permit her to name and control at all times a majority in the council. Though unanimity of action is required in the council the present method of arrangement offers means of manipulation whereby the block of 4 votes thus secured would tend to increase the chances of obtaining a unanimous and favorable decision.

In connection with the statement that the assembly is little more than a debating society, it should be borne in mind that the assembly, in addition to all its other duties, elects new members to the league by a two-thirds majority of votes and also advises the council upon the reconsideration of inapplicable treaties. Further, the assembly can advise on international conditions dangerous to peace and can inquire into disputes referred to it by the council or the parties in dispute, and by a majority vote make recommendations which will be binding if concurred in by the votes of all the States represented in the council, exclusive of the parties to the dispute. Who will say that six votes to any one government will not prove to be a powerful influence in registering final judgment in all matters coming up for consideration before the assembly?

To say that this league is to be free of all political influences, prejudices, and jealousies is to ascribe attributes to human nature which heretofore have not existed.

TRUSTED BY THE WORLD.

I think one of the most inspiring sentences that has ever fallen from the lips of our President was that uttered by him in his speech in Boston on February 24 last, within a few hours after

he had returned to American soil from a three months' absence at the peace conference. "The proudest thing I have to report," said he, "is that this great country of ours is trusted throughout the world." Trusted throughout the world? Surely not by the representatives of the British Empire! In all history I do not believe there is a more transparent act of diplomatic treachery and deception practiced by one nation upon another than that of Mr. Balfour in coming to America, after we had declared war and agreed to join with his country and the Allies in waging war upon Germany, and withholding all information about the secret treaties which he held concealed in his pocket—the secret treaties made with Japan and with other countries who were our cobelligerents as well as England's. Trusted by the world? Surely not by Great Britain, when she refused to accept during the war the principle enunciated by our President and later suppressed at the peace conference at her instance, namely, the question of the freedom of the seas. What motive could she have possibly had for this action except that she refused to trust us impartially to recognize and protect the legitimate right of every power to ply its commerce on the high seas without restraint?

Trusted by Japan? Surely not when she refused to yield to the importunities of our President and stubbornly insisted that the price of her assent to membership in the league of nations was to be our acquiescence in her subjection of the 30,000,000 helpless people of Shantung, whose only offense is that they are weak and defenseless.

Our President is quoted on another occasion as saying "that whenever it was desired that a small force of soldiers should be sent to occupy a piece of territory where it was thought nobody else would be welcome, they asked for American soldiers, and that where other soldiers would be looked upon with suspicion and perhaps be met with resistance the American soldier would be welcomed with acclaim." Does not this imply that we have been, and let us hope will continue to be, trusted by small, weak nations and to use the President's phrase by "downtrodden and fearful people"? What a wonderful tribute to our country! Mr. President, why have we won this tribute from the peoples of the world? We have won it because right rather than might has been our guiding influence in our relations with other nations, because we have refused to enter into partnerships or form alliances with nations which have lost the confidence and merited the distrust of their neighbors. For my part I greatly prefer that America should remain forever outside the league of nations if to enter it means that the peoples who heretofore have trusted us shall trust us no more. Our sacrifices, our moral and financial support, and every resource that we possess, must continue to be given without restraint to all nations of the earth who need a friend.

Can it be possible that, after all, we have reason to doubt whether we are trusted by the powerful and great nations with whom we were allied in the war? Before we enter into this solemn obligation, this binding partnership with these great nations whose sons have lived and fought and died with our sons in the trenches of France, we would do well to stop and consider just how much they do trust us. To argue that they will refuse to accept suggestions made to strengthen and protect this league by the representatives of the American people in their Congress is to give the lie to the claim that they do trust us.

DIFFERING WITH DEMOCRATIC ASSOCIATES.

It is not pleasant to differ from my colleagues on this side of the Chamber. Because of my high regard for their views I have steadily fought against the constantly growing conviction that I could not, without violence to my conscience, by voice or vote support some of the features of this covenant. In parting from them by supporting some reservations which I deem necessary, I believe I am not departing from my party principles. As I have understood its traditional policies, domestic and foreign, the Democratic Party has consistently stood for the redress of the grievances of the weak and oppressed. To vote for this covenant without protecting reservations is, in my opinion, to legalize international wrongs, to endanger the sovereignty of America, to deny the downtrodden and submerged races of the world the right to enjoy some day the blessing of liberty, the love of which the Almighty has planted in every human breast.

I love the Democratic Party. I have served it for 25 years. It has honored me beyond my humble deserts. But I am an American first, and I am not unmindful of the fact that I have taken a solemn oath to preserve the Constitution of my country. If choice must be made between a league of nations and the Constitution of the United States, I am first and last with the Constitution.

Mr. President, out of the far-reaching and exhaustive discussions in this Chamber on this most important question—perhaps the most important the United States Senate has ever passed upon—I have been striving to grasp the basic American ideals and principles by which I must be guided. The conclusion which I have reached is that he who is called to serve in such a crisis best serves America by responding to the unmistakable call of her people, at all hazards, to safeguard American institutions, preserve our self-government, respect and maintain our best traditions. This does not mean, however, that we should selfishly sit apart, secure in the possession of liberty and other bounteous gifts of nature and of nature's God, and watch without interest the struggles of less favored humanity nor offer a helping hand to calm, steady, and save a weak—yes, sick if you will—yet at heart a sound and virile civilization.

In so far as I believe the text of the treaty and covenant before us conflicts with these principles, I have raised, and shall continue to raise, my voice of protest. I may be misjudged, my motives may be questioned, as has been the lot of many Members of the Senate who have taken sides on this question; but whatever may be the judgment of my fellow men, I at least shall have the satisfaction of knowing that by protesting against the injustice of the Shantung provision and the dangers lurking in article 10 for America and the world I have not consciously done anything to make it difficult for any American or any citizen of the world to say as did Kossuth, when he turned to the American flag in Fanueil Hall, "A flag without a stain; a country without a crime." [Applause in the galleries.]

The VICE PRESIDENT. The officers of the Senate will remove from the galleries those who have violated the rules of the Senate. Let us see whether the Sergeant at Arms can carry out the order of the Senate. [After a pause.] Do not stand there scratching your heads. Take those out who violate the rules of the Senate.

Mr. PHIPPS. Mr. President——

The VICE PRESIDENT. I want to see first whether the rules are going to be obeyed or not. [A pause.] The Senator from Colorado.

Mr. PHIPPS. Mr President, it had been my intention to submit a few remarks to-day on the subject of the league of nations and ask leave to have printed in the RECORD a letter which I received from the governor of Colorado and 19 other leading citizens, together with a copy of my reply thereto. However, on account of the lateness of the hour and the fact that we have just listened to a most eloquent speech from the junior Senator from Massachusetts [Mr. WALSH], I shall content myself with asking for unanimous consent for the printing of the letters in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

DENVER, COLO., *October 4, 1919.*

HON. LAWRENCE C. PHIPPS,
Senate Building, Washington, D. C.

DEAR SIR: We, the undersigned Republicans of Colorado, knowing that you will be interested in the attitude taken by many of your constituents toward the peace treaty with Germany now before the Senate, and especially toward that part of it containing a covenant for a league of nations, respectfully urge that you vote for the ratification of the treaty without further delay, but with the reservations suggested below.

It is too obvious for comment that the only hope of averting international war, with its train of blood, destruction, costly armament, and taxation, is by organizing the nations for peace. Experience has proven all other methods to be failures. Our own national security, our business and industrial interests, the very security of civilization itself, require the prompt ratification of the treaty, including the covenant for the league of nations. That covenant may not be what all of us would have it, but as the foundation for a better international order it contains the great principles of mutual reduction of armament, of enforced investigation, and arbitration as a condition precedent to war, of what for many years at least will be much needed—a world of stabilized national boundaries, and, further, the machinery for the establishment of a great international court and for the development, codification, and enforcement of international law.

It remains, however, to make clear beyond all doubt or cavil the sense in which the United States understands and, therefore, assumes the obligations imposed by the treaty. Simple clarification of this kind will not require, as would amendments, the resubmission to and renegotiation with the many nations represented in the drafting of the covenant.

In the resolution of ratification, or in a separate resolution, we believe that the interpretation of the obligations assumed by the United States should be made clear to the following effect:

First. That where the covenant provides that a member may withdraw upon two years' notice, provided its obligations have

been fulfilled, the provision should be construed as giving to every member of the league and, therefore, to the United States as one of the members, the exclusive right to determine whether its own obligations have been fulfilled.

Second. That where the covenant provides that nothing therein is to be considered as affecting the Monroe doctrine as defined by the United States is exempted from the jurisdiction of and consideration by the league.

Third. That where the covenant provides that the league shall not retain jurisdiction of the domestic questions of its various members, and, therefore, of the United States, the interpretation should be to the effect that the domestic questions are excepted from submission to and consideration by the league and that immigration, citizenship, coastwise trade, and the tariff are examples of what the United States considers domestic questions.

Fourth. Where the covenant contemplates that economic boycott or war may be declared by the members of the league against one of their number who has offended by violating the obligations imposed by the league the interpretation should be to the effect that, under our Constitution, Congress shall be the sole judge, when the occasion arises, as to whether the provisions of the covenant, according to their intent and meaning, as applied to the circumstances of the occasion, require or do not require the United States to declare or participate either in an economic boycott or in war.

We further assert that it is our emphatic belief that the majority of the Republicans of this State are in accord with the views as herein expressed.

Very truly, yours,

Oliver H. Shoup, Henry A. Buchtel, Herbert S. Hadley, James H. Pershing, L. Ward Bannister, J. W. Kelly, Halsted L. Ritter, George P. Steele, W. S. Iliff, C. C. Parks, Albert A. Reed, Rush Holland, J. J. Vick Roy, A. A. Lee, Carlos M. Cole, C. A. Kendrick, I. I. Boak, E. H. McLennahann, Henry McAllister, jr., John D. Fleming, Melancthon F. Libby.

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OCTOBER 9, 1919.

Messrs. Oliver H. Shoup, Henry A. Buchtel, Herbert S. Hadley, James H. Pershing, L. Ward Bannister, J. W. Kelly, Halsted L. Ritter, George P. Steele, W. S. Iliff, C. C. Parks, Albert A. Reed, Rush Holland, J. J. Vick Roy, A. A. Lee, Carlos M. Cole, C. A. Kendrick, I. I. Boak, E. H. McLennahann, Henry McAllister, jr., John D. Fleming, Melancthon F. Libby.

DEAR SIRS: Your communication of October 1, which I understand has had wide circulation in the newspapers of Colorado, and which sets forth briefly your views as to proposed reservations to the league of nations contained in the draft of the pending treaty of peace with Germany, has had my attention. Permit me to thank you for this communication, as I am very anxious to have the opinion of citizens of Colorado on this vastly important question, especially when, as in this case, such opinion is presumably the result of careful study and deliberation.

You urge me to vote for ratification of the treaty without further delay, but with the reservations you suggest, thus implying that there has been unnecessary delay and possibly that my attitude is partly the cause. Allow me to call attention to the fact that the league included in the treaty, with which it has been entwined, did not officially reach the Committee on Foreign Relations until the 14th day of July, eight months after the signing of the armistice, and was reported out by that committee on September 4, notwithstanding the fact that it had not, nor has it yet, received the official copy of the treaty with Austria, which was signed by the peace commissioners on or before September 2, and which treaty has direct bearing on the treaty with Germany; and, further, that the committee was very much hampered by its inability to obtain official information relating to important features of the treaty in response to its numerous requests for such data.

As a matter of fact, the situation in regard to the ratification of the treaty of peace with Germany is accurately stated by the New York Tribune in its issue of to-day, from which I quote:

"The peace treaty in the last article provides that it shall go into effect when ratified by Germany and any three of the principal allied and associated powers.

"The King of Italy yesterday ratified the treaty, but this is not ratification as Americans understand the word. It appears that the decree must be submitted to the Italian Parliament for approval. The British Empire is commonly rated as having ratified. It has, so far as Great Britain proper is concerned, but Australia has not yet acted, and so no instrument of ratification, it would seem, has been filed at Paris. France, Japan, and the United States not having yet acted, it follows that so far Germany is the only country which has completed ratification.

"Complaint has been made of the Senate for 'holding up' the peace. But it may turn out, if there is action, which now seems probable, and the ratification is accepted by the executive department in the form it is to have, that this country will be the first of the Allies to ratify. So far the Senate has not delayed the peace."

It should be generally conceded that the document now before the Senate, embracing the treaty and the league, is the most important one which any Senate of the United States has ever been called upon to consider, the questions involved being of vital importance to the welfare of our country. Members of the Senate have devoted much of their time since the present session opened, on May 19 last, to a careful study of all questions involved, many of them having read the treaty through from cover to cover at least a half dozen times and that part covering the proposed league of nations many times more; and those of you who have merely read through the entire treaty once will appreciate the task involved in not merely the reading but also an analysis of the points covered in the treaty.

You state that our business and industrial interests, together with our own national security and the very security of civilization, require the prompt ratification of the treaty, including the covenant. The record of exports and importations does not appear to give basis for these assertions. Even did such conditions as indicated by you exist, it is my opinion that Senators would still demand the much greater importance of modifying the treaty into such form as to properly protect and preserve the full sovereignty of the United States and the inherent rights of our people.

While it is true that the league covenant does provide for the formation of an international court, I fail to find any direct provision in either the league covenant or any other portion of the treaty that specifically provides for the development and codification of international law, although I have read through the former at least a dozen times and the latter three separate times. It seems to me that the machinery of The Hague tribunal could have been used, at least, as a foundation for the carrying on of this work, but it has not been made available.

There has been much propaganda spread broadcast over the country in which the supposed danger of making amendments that would require the treaty to be resubmitted to the signatories has been placed before our people at a great expense and with a view to influencing the action of the Senate. Such effort has apparently availed nothing, as Senators well know that the necessary amendments can be readily passed upon by the peace commissioners representing the signatories, who are still in session in Paris, including our own representatives who have been formulating the proposed treaties with Bulgaria and Turkey, against which countries the United States has never declared war, or by separate letters of acceptance exchanged between the powers interested.

You speak of a resolution of ratification or a separate resolution in order that the interpretation of the obligations we would assume be made clear, and in this connection I desire to state that my following of the debates which have occurred in the Senate Chamber has convinced me beyond question that mere interpretations or separate resolutions would be unavailing and of no force or effect whatever in case of a dispute arising between the parties to the treaty at some future time. Therefore, reservations included in the act of ratification or amendments to the treaty are the only effectual means of securing necessary changes in the language of the treaty.

1. Your first suggestion for a reservation would involve a direct amendment, as it would apply to all parties signatory to the league, whereas the reservation proposed by the Foreign Relations Committee would secure to the United States the unconditional right to withdraw upon the notice provided for, leaving it the sole judge as to whether or not its international obligations have been fulfilled. I do not believe that any one of the principal allied powers or any other signatory would object to this reservation.

2. I do not understand you to put forward the language of your paragraph marked "Second" as a substitute for that proposed by the Foreign Relations Committee, which I believe covers the situation properly as to the Monroe doctrine. As the suggestions made by that committee properly cover the reservation in question, I shall support that reservation.

3. A comparison of the language used by you and that suggested by the Committee on Foreign Relations discloses the fact that you have omitted the word "commerce." While it is true that commerce has international as well as domestic

phases, the same may be said of both the tariff and immigration; and, in my opinion, it is quite as essential to reserve for our own determination the questions which relate to commerce as it is to take care of any other of our domestic affairs. Disputes growing out of commerce, tariff, and immigration have in the past been most fruitful causes of war. However, citizenship, which you suggest should be specifically named, can not be other than a domestic question at any time, and for that reason the language as suggested by the committee to the effect, "all domestic and political questions relating to its affairs," necessarily includes citizenship.

4. Your suggestion, as I understand it, is intended to apply not only to article 10 of the covenant but also to any other of the articles contained therein which import an obligation of the United States to join in measures of economic boycott or declaration of war. Under the provisions of the Constitution of the United States, the only department of our Government authorized to act in either matter is the Congress of the United States, and its power to decide can not be delegated. The reservation proposed by the committee would retain in the Congress this full power and, as stated in the committee's report, "under no circumstances must there by any legal or moral obligation upon the United States to enter into war or to send its Army and Navy abroad or without the unfettered action of Congress to impose economic boycotts on other countries. * * * These constitutional rights of Congress must not be impaired by any agreements such as are presented in this treaty, nor can any opportunity of charging the United States with bad faith be permitted. No American soldiers or sailors must be sent to fight in other lands at the bidding of a league of nations. American lives must not be sacrificed except by the will and command of the American people, acting through their constitutional representatives in Congress." We should not lose sight of the fact that under our Constitution it is not possible to authorize our member of the council or members of the assembly to decide matters that would result in economic boycotts or acts of war on the part of the United States; nor do I believe it possible that the people of this Nation will at any time be willing to transfer those powers now vested in Congress to their representatives on either the council or the assembly created under the proposed covenant.

Repeating what I have said in reference to the first point raised by you, it does not seem possible that any one of the principal allied nations or any other signatory to the league will object to the reservations as proposed by the Foreign Relations Committee; in fact, the proponents of the league, who in the Senate have been arguing for the acceptance of the covenant without change, have tried to assure those who have been demanding reservations that the powers of the Congress are clearly understood by the representatives of the foreign countries, and that action in no case can be taken except with its approval.

Your communication is limited to four phases of the league of nations and you express no opinion as to important features of the treaty of peace, which has been tied with the covenant for the express purpose of making the two inseparable.

Allow me to direct your attention to the important matter of the proposed transfer of the Shantung Province to Japan and to express my opinion thereon, which is that it has not and can not be justified and that China should not be asked to assent to this despoliation merely because Japan has verbally expressed her intention to restore the territory at some indefinite future date, which intention she declines to formulate as a written promise. Nor should the United States permit itself to be placed in the position of condoning this act of oppression, which is nothing less than unwarranted robbery of a vast territory, comprising approximately 40,000,000 inhabitants. I shall not hesitate to vote for any reservation or amendment that will voice the protest of the United States against this transfer of territory, which in reality involves the transfer of property belonging to one of our allies to another ally in pursuance of secret agreements entered into between other powers at the time we were preparing to enter into the Great War.

Another important feature of the treaty is the matter of our voting power in the assembly, and on this issue I shall vote for the reservation or amendment providing that the United States shall have in the assembly at all times the same number of votes as that accorded to any other power.

There are other features of the treaty which have not as yet been fully discussed on the flor of the Senate, among them the clauses relating to the International Labor Bureau, which I believe are not acceptable to the United States in their present form; and I shall devote time and careful study to these questions.

With a view to relieving the United States of what is thought to be unnecessary activity through memberships on boundary commissions, for the taking of plebescites, which would involve the sending of United States troops to Europe, the government and control of the Saar Basin, and other matters in which the United States has no interest, certain amendments known as the Fall amendments were considered by the Senate. I voted for these amendments, and, while they were not adopted, these same subjects undoubtedly will be covered by reservations for which I shall vote and which I believe will be adopted.

While I do not believe we are very far apart on the four questions you have raised and do not understand that you would seriously oppose the adoption of the four reservations as presented by the Foreign Relations Committee, you have not stated what you would favor in case the reservations as suggested by you or those now before the Senate are defeated. Would you in such event favor the acceptance of the league in its present form or would you prefer to see the league defeated, thus involving rejection of the treaty and the negotiation of an independent treaty between the United States and Germany? I do not hesitate to state my attitude after months of conscientious study of this subject, which would be a vote against the ratification of the treaty.

Referring to the last paragraph of your communication, I beg to inquire as to the facts upon which you base your statement to the effect that the great majority of the Republican voters of Colorado are in favor of the reservations suggested by you. May I inquire if a canvass has been made? My chief source of communication with Colorado is, of course, through letters, telegrams, and personal interviews; and these indicate a strong sentiment in favor of proper modifications that will safeguard American interests. The estimates I have made show that over 80 per cent of our citizens are opposed to the acceptance of the league in its present form.

Very truly, yours, LAWRENCE C. PHIPPS.

Mr. LODGE. I move that the Senate adjourn.

Mr. HITCHCOCK. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCORMICK (when his name was called). I have a pair with the Senator from Nevada [Mr. HENDERSON]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WOLCOTT (when his name was called). I ask if the junior Senator from Indiana [Mr. WATSON] has voted?

The VICE PRESIDENT. He has not.

Mr. WOLCOTT. I have a general pair with that Senator and therefore I am not at liberty to vote.

The roll call having been concluded,

Mr. JONES of Washington (after having voted in the affirmative). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with him during his absence. I transfer my pair to the senior Senator from Illinois [Mr. SHERMAN] and allow my vote to stand.

Mr. FERNALD (after having voted in the affirmative). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. I observe that he has not voted. I transfer that pair to my colleague, the junior Senator from Maine [Mr. HALE], and allow my vote to stand.

Mr. OWEN (after having voted in the negative). I wish to know if the Senator from New Jersey [Mr. EDGE] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I have a pair with that Senator, and withdraw my vote.

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I am unable to get a transfer of my pair. Therefore, I withhold my vote.

Mr. GERRY. The Senator from Virginia [Mr. SWANSON], the Senator from South Dakota [Mr. JOHNSON], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness in their families. If they were present, they would vote "nay" on this question. The Senator from Nevada [Mr. HENDERSON] is detained from the Senate on public business. If he were present, he would vote "nay." The Senator from North Carolina [Mr. SIMMONS] is necessarily absent on official business, and if present and at liberty to vote, he would vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH]; and

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 38, nays 36, as follows:

YEAS—38.

Ball	Fernald	Lodge	Poindexter
Borah	France	McCormick	Reed
Brandegee	Frelinghuysen	Moses	Smoot
Calder	Gronna	Nelson	Spencer
Capper	Harding	New	Sutherland
Colt	Jones, Wash.	Newberry	Townsend
Cummins	Keyes	Norris	Wadsworth
Curtis	Knox	Page	Warren
Dillingham	La Follette	Penrose	
Fall	Lenroot	Phipps	

NAYS—36.

Ashurst	Harris	Overman	Smith, Ga.
Bankhead	Harrison	Phelan	Smith, Md.
Beckham	Hitchcock	Pittman	Stanley
Chamberlain	Jones, N. Mex.	Pomerene	Thomas
Dial	Kendrick	Ransdell	Trammell
Fletcher	King	Robinson	Underwood
Gay	Kirby	Sheppard	Walsh, Mass.
Gerry	McKellar	Shields	Walsh, Mont.
Gore	Nugent	Smith, Ariz.	Williams.

NOT VOTING—22.

Culberson	Johnson, S. Dak.	Martin	Sterling
Edge	Kellogg	Myers	Swanson
Elkins	Kenyon	Owen	Watson
Hale	McCumber	Sherman	Wolcott
Henderson	McLean	Simmons	
Johnson, Calif.	McNary	Smith, S. C.	

So the motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate, as in legislative session, adjourned until tomorrow, Friday, October 10, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *October 9, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God our heavenly Father, for the uplifting influences which bring us day by day in thought, word, and deed nearer to Thee.

Teach us, we beseech Thee, amid the trials, sorrows, afflictions, and temptations of life to lean more closely upon Thee, that Thy will is good will, that we should seek to know it and strive diligently to do it.

Hold us close to Thee through the remaining hours of this day and through all time. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

REREFERENCE OF A BILL.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I desire to ask unanimous consent to have the bill H. R. 6335, which was referred to the Committee on Claims, transferred to the Committee on the Judiciary of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that H. R. 6335 be transferred from the Committee on Claims to the Committee on the Judiciary. The Clerk will report the bill by title.

Mr. GRAHAM of Pennsylvania. And, Mr. Speaker, I may add I have the written assent of the chairmen of the committees and of the majority and minority leaders of the House.

The Clerk read as follows:

A bill (H. R. 6335) to confer jurisdiction on the Court of Claims to certify certain findings of facts, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1. An act authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another; and

S. 2999. An act to amend section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1. An act authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another; to the Committee on the Public Lands.

S. 2999. An act to amend section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 9. An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; and

S. 2100. An act authorizing the Union Pacific Railroad Co., or its successors, to convey for public-road purposes certain parts of its right of way.

REPEAL OF CANADIAN RECIPROCITY ACT.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7779, known as the Canadian reciprocity bill, and, pending that motion, Mr. Speaker, I want to see about arranging time. There is great pressure to procure consideration of bills, and we desire to limit this time to just as short a time as possible.

Mr. KITCHIN. How much time has been asked for on that side in general debate?

Mr. FORDNEY. I want to limit the time to an hour and a half on both sides; that is three-quarters of an hour on each side for general debate.

Mr. KITCHIN. I am perfectly willing to limit the time to an hour or an hour and a half or two hours to accommodate the gentleman.

Mr. FORDNEY. There is a gentleman on this side who wants to talk on a matter in which perhaps the whole House is interested, not relating to the bill. If the gentleman will yield a portion of his time, I will yield 15 minutes of our time.

Mr. KITCHIN. I have 40 minutes asked for by gentlemen on this side for general debate, but I am willing to confine debate to the bill and cut those gentlemen off on this side.

Mr. FORDNEY. This gentleman has been waiting a long time to talk and has been appealing for time to address the House.

Mr. KITCHIN. Well, whatever time the gentleman thinks they ought to have; what does the gentleman say? I am agreeable to any time.

Mr. GARNER. Fifty minutes upon a side.

Mr. FORDNEY. Will the gentleman yield 15 minutes of his time to this gentleman?

Mr. KITCHIN. If I have 40 minutes to yield to gentlemen on this side, which I have agreed, if we had any general debate not confined to the subject of the bill, I will only have 10 minutes left for myself. But I am willing to do anything to accommodate the gentleman.

Mr. FORDNEY. Make it an hour on each side, and I will yield 15 minutes to the gentleman, and the gentleman can yield 15 minutes to the gentleman from Oklahoma.

Mr. KITCHIN. I will try to do that.

The SPEAKER. The gentleman from Michigan asks unanimous consent that general debate be limited to an hour on each side, one-half of that time to be controlled by himself and one-half by the gentleman from North Carolina. Is there objection? [After a pause.] The Chair hears none. The question is on the House resolving itself into Committee of the Whole House on the state of the Union for the consideration of the Canadian reciprocity bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7779, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7779, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7779) to repeal the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, and for other purposes.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, is repealed, to take effect on the day following the passage of this act. On and after such date there shall

be levied, collected, and paid upon the articles enumerated in such act, the growth, product, or manufacture of the Dominion of Canada, when imported therefrom into the United States or any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila) in lieu of the duties levied, collected, and paid under such act, the duties levied, collected, and paid under existing law upon the same articles when imported from other countries.

The CHAIRMAN. The gentleman from Michigan is recognized for one hour.

Mr. FORDNEY. I yield the gentleman from Oklahoma [Mr. MORGAN] 15 minutes, and I understand my colleague from North Carolina yields him 15 minutes.

Mr. KITCHIN. Yes.

Mr. FORDNEY. That make 30 minutes equally divided between the two sides.

Mr. MORGAN. On June 11, 1919, I introduced in the House H. R. 5545, entitled "A bill to provide homes for soldiers, seamen, and marines, and for other purposes." The bill proposes to create a corporation controlled by the Government with $100,000,000 capital, subscribed by the United States. It is authorized to make a loan up to $4,000 to any honorably discharged soldier, seamen, or marine to be used exclusively in the purchase of a home, either in the country or a town or city. The soldier makes his own choice as to the locality where the home is to be purchased. The loan may run for a period not exceeding 60 years. Borrowers will pay annually on the face of their loans 4½ per cent, which includes 3½ per cent interest, one-half of 1 per cent amortization payment on the principal and one-half of 1 per cent into the guaranty fund. Loans are made in an amount equal to 100 per cent of the appraised value of the home purchased. This principle must be accepted as fundamental, as it is the only way to avoid discrimination against the poor in favor of the rich and well-to-do.

The plan which I present is all-embracing. Any honorably discharged soldier, seaman, or marine may take advantage of it. It is within the reach of all. It is just and fair to all the soldiers, regardless of whether they reside in the country or in the towns and cities. It offers the same advantages to those who toil on the farm and to those who labor in factories, mills, workshops, and other enterprises of our towns and cities. It can be utilized by the poor as well as by the rich and well-to-do. Its object is to reward honorable military service, and honorable military service is the only qualification required. There are no restrictions, limitations, or discriminations. No public officer will have authority to "approve applicants" before they are entitled to the benefits of the act. There will be practically no delay in putting the plan in operation. Soldiers will not have to wait three years while some great reclamation project is being completed. They will not have to break home ties, leave their friends, give up their present employment and businesses and go to a distant State to obtain the benefits of the act. They will not need to go from one section of a State to another to get a home. The benefits of the act will be equitably distributed to every State and community in the land. Whatever money the Government furnishes at the expense of taxpayers will go back to every State, section, and community. It proposes to take only $100,000,000 out of the Treasury to finance the whole proposition. The balance of the funds will be raised by the sale of bonds, issued not by the Government, but by the loan corporation. To insure the sale of these bonds at a low rate of interest, and in large quantities, the Government guarantees the payment of both the principal and interest of the bonds. The annual payments made by the soldiers will pay both the interest and principal of these bonds. Practically all the Government will do is to give the soldiers a suitable instrument—the corporation—and to supervise, direct, and administer this corporate instrument for the use and benefit of the soldier and for the glory of the country.

Mr. HERSEY. Will the gentleman yield?

Mr. MORGAN. I will yield.

Mr. HERSEY. I would like to inquire whether this is the same bill upon which the gentleman made some remarks some weeks ago?

Mr. MORGAN. It is the same bill.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. HUDSPETH. Has the gentleman introduced a bill upon this subject?

Mr. MORGAN. I have.

Mr. HUDSPETH. What is the status of it?

Mr. MORGAN. The status of it is that it is pending before the Committee on the Public Lands.

Mr. HUDSPETH. But it has not been reported?

Mr. MORGAN. It has not.

Mr. HUDSPETH. Has it been discussed, or have there been hearings on the bill?

Mr. MORGAN. There have not been any hearings except I might say in a general way. I made one speech before the Committee on the Public Lands.

Mr HUDSPETH I would like to ask the gentleman why there has not been a hearing on the bill?

Mr. MORGAN. I can not answer that question. The Public Lands Committee has reported a bill. It has done its duty. It supported a bill which is pending before the House and did not report my bill. As I understand, the committee has not passed on the merits of my bill.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. LINTHICUM. What is the number of your bill?

Mr. MORGAN. It is H. R. 5545.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. MORGAN. For a brief question.

Mr. HULINGS. Will the gentleman state what is the substantial difference between his bill and the Lane-Mondell bill?

Mr. MORGAN. They are altogether different. The gentleman, I think, has read both bills. My bill proposes to make loans for the purpose of purchasing homes. The home may be purchased in any village, town, or city, or in the country. It is a distinctly home-founding proposition.

Mr. HULINGS. It is something after the order of a building and loan association, to be carried on by the Government?

Mr. MORGAN. Yes; by a corporation under the control of the Government.

Mr. HULINGS. What interest does your bill require the soldier to pay?

Mr. MORGAN. I just stated that a moment ago. It provides for an annuity of 4½ per cent; 3½ goes to interest, one-half of 1 per cent to amortization on the principal, and one-half of 1 per cent in the guaranty fund.

Mr. HULINGS. Does it include only the soldiers of the World War, or does it also include the Spanish War veterans?

Mr. MORGAN. It includes Spanish War veterans.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. MORGAN. I have so much I wish to say—but I will yield.

Mr. WATSON of Pennsylvania. I would like to ask one question.

Mr. MORGAN. Yes.

Mr. WATSON of Pennsylvania. Does this institution loan on the full value of the property, or does it loan on a mortgage?

Mr. MORGAN. This institution loans up to 100 per cent of the appraised value of the home purchased.

Mr. WATSON of Pennsylvania. If the property is valued at $5,000, then the soldier can borrow $5,000?

Mr. MORGAN. Oh, no. Every loan is limited to $4,000.

Mr. WATSON of Pennsylvania. Of what value is it over a trust company?

Mr. MORGAN. I am not discussing trust companies.

Mr. WATSON of Pennsylvania. You are discussing a subject similar to that of a trust company. If it has value, we want to know the value of it before we can vote on it.

Mr. MORGAN. A trust company would not loan 100 per cent of the value of the property. A trust company does not ordinarily do that.

Mr. WATSON of Pennsylvania. I thought you said that on a $5,000 property they would only loan $4,000.

Mr. MORGAN. Oh, no. No loan is made in excess of $4,000. If a man buys a $3,000 home, he gets only $3,000. If he buys a $4,000 home, he can borrow $4,000. If he buys a $5,000 home, he must get the other $1,000 at some other place.

Mr. WATSON of Pennsylvania. What is the limit of the value of the home that the soldier can buy?

Mr. MORGAN. He may buy property of any value, but he can get only $4,000 as a loan from this corporation.

Mr. QUIN. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. QUIN. Did you go before the committee and try to get your bill reported?

Mr. MORGAN. I said I went before the committee and presented my bill.

Mr. QUIN. They did not report it. They reported the Mondell bill out?

Mr. MORGAN. I hope the gentleman will not take my time with those questions. I told him the bill had not been reported.

THE BUSINESS OF THE CORPORATION.

It will be the business of the soldiers' and seamen's Federal home founding corporation to finance our soldiers, sailors, and marines in the acquirement of homes. It will act the part of middleman between the soldiers and investors. It will not be its business to make money. It will charge nothing for its services.

It will exact no profits; it will pay no dividends to stockholders; it will have no mercenary motives; it will have no selfish purposes. It will be a great, efficient, impartial, unselfish, patriotic intermediary between our service men who want homes and investors who have money to loan.

The outstanding bonds of the corporation will be its liabilities; its mortgages, capital, surplus, and guaranty fund will represent its assets. The amount due on its mortgages will always be greater than what it owes on its bonds. The annual payments on its loans will always exceed its annual liabilities on its bonds. It will collect annually from its debtors more than it will be necessary to pay to its creditors. It will thus be able, at all times, to meet its financial obligations, pay 100 cents on the dollar, and annually add to its reserve funds.

THE FINANCIAL PROBLEM.

The soldiers' and seamen's Federal home founding corporation to be created by H. R. 5545 will be a sound financial institution. It will be engaged in a safe, legitimate, nonspeculative business. It is not a get-rich-quick concern, nor a wild-cat, visionary, unattainable financial scheme.

It will not be a financial experiment. Congress will take no chances in creating it and authorizing it to do business. The investing public will be safe in purchasing its bonds. At all times it will be able to meet its financial obligations and pay its debts in full. Neither the Federal Government nor the public generally will ever suffer any losses through its business transactions. It will do the business for which it will be created and accomplish the great purposes and objects for which it was designed. In time it will become the greatest land-credit institution in the world. It will outrank all other such institutions in the amount of business it will transact. In a like manner, it will excel them in the good it will do and in the benefits it will bestow.

MODELED AFTER SAFE INSTITUTIONS.

The soldiers' and seamen's Federal home founding corporation is modeled after the long-time land-credit institutions of Europe which have demonstrated their soundness and solvency. These institutions have been operating in Europe for more than 150 years. They have met with universal success. Practically none of them has failed. They differ in some respects but are alike in all essential features. They vary in type, but the underlying principles of all of them are the same. In constructing the soldiers' and seamen's Federal home founding corporation these institutions have been copied. No new feature has been introduced; no untried principle has been employed; no new method has been authorized; no essential feature has been omitted, and no safeguard has been overlooked. Every care has been exercised to build an institution that will be an exact counterpart of the European institutions which have met every emergency, stood every test, and demonstrated their permanency, soundness, and solvency.

CAPITAL EVIDENCE OF SOUNDNESS.

The capital of any financial institution is both an element and evidence of its soundness. The soldiers' and seamen's Federal home founding corporation will start out with a capital of $100,000,000, subscribed by the United States. For more than a century European nations have been contributing capital to aid in founding long-time land-credit institutions, but no amount like this has heretofore been given to any such institution. The Credit Foncier of France was organized 67 years ago with a capital of $5,000,000, $2,000,000 of which was given by the French Government. It is now the largest land-credit institution of its kind in the world. The Prussian Central Land-Credit Co. of Germany, one of the great institutions of its kind, has a capital of only $10,656,000. The largest banking institution of New York City has a capital of only $25,000,000. The 12 Federal land banks started in business with a combined capital of only $9,000,000. The 12 Federal reserve banks at the close of the year 1918 had a combined capital of only $75,858,000. The soldiers' and seamen's Federal home founding corporation will start out with a capital larger than the combined capital of our 12 Federal land banks and 12 Federal reserve banks. The large capital with which the corporation will begin business will enable it to conduct a business of immense proportions without danger of financial difficulties; it will give it prestige with financial institutions; it will secure for it the confidence of investors of all classes; it will give it influence with the public generally, and will equip it to perform successfully the sacred mission committed to its care.

AN ENDOWED INSTITUTION.

The soldiers' and seamen's Federal home founding corporation will be an endowed institution. It will have an immense financial advantage over institutions which must use the earnings of their capital in the payment of dividends to its shareholders. It will have not only $100,000,000 in capital on which to operate its business, but it will have an endowment of $100,000,000. This will mean at the first an annual income of four or five millions of dollars, which may be used to meet any financial losses sustained without in any way impairing its original capital or endangering its solvency. Any part of the income from its capital which may not be needed to pay losses will be added to the capital of the institution. The endowment will thus multiply itself through its own earning power, and the net income therefrom will increase annually. Through its endowment, the capital of the corporation will grow from year to year, its financial position will improve annually, and it will be always in a condition to meet unusual, exceptional, and extraordinary losses, and still close every business year with an ever-increasing surplus and reserve.

CHARACTER CREDIT.

The corporation will be strengthened financially by what may be termed character credit. It will make loans exclusively to the men who constituted our Army and Navy in the Great World War. They were men of the highest type of manhood. Physically, mentally, and morally they were the best America had. They were selected because of their fitness to perform a most difficult, exacting, and dangerous service to their country. They came from every State and community. Every locality sent the flower of its citizenship. They are the choice spirits of the Nation. The losses of the corporation will be insignificantly small by reason of the fact that the men whose obligations it holds represent the best manhood and citizenship of the Nation. These men did not fail to do their duty in time of war; neither will they fail to meet their financial obligations in time of peace.

LOANS EQUAL TO APPRAISED VALUE.

There is but one unusual provision in the plan proposed. That is the provision which authorizes loans to be made in an amount equal to the appraised value of the homestead purchased. This does not in any way imperil the financial soundness of the institution. The making of loans to the full appraised value of the mortgaged premises, or approximately thereto, is not without precedent. Europe has had such institutions for years. Denmark has a long-time land-credit institution which loans up to 90 per cent of the appraised value of the mortgaged property. The Norwegian Bank for Laborers' Holdings and Dwellings loans up to the appraised value of the mortgaged homestead. In 1900 France created an institution and endowed it with $25,000,000 of capital to enable farm laborers to purchase homes, and authorized it to make loans up to the full appraised value of the homestead purchased. Under the small-holdings and allotment act of 1900, England authorized loans to be made up to 90 per cent of the appraised value of the homestead mortgaged. Similar institutions are found in other countries. The success of these institutions prove that long-time loans equal to 100 per cent of the appraised value of the mortgaged property may be made and the institution still remain perfectly sound and solvent, able to meet every obligation, and accumulate a substantial and ever-growing surplus.

Any long-time land-credit institution may be made absolutely safe and sound financially even though it loans up to 100 per cent of the appraised value of the land mortgaged. There are three ways this may be done. These are: First, through the income from endowment capital; second, through annual contributions from all borrowers into a guaranty or insurance fund; or, third, through a combination of these two methods. I have chosen the third method. I have combined the income from an endowment capital with annual contributions from borrowers. The borrowers and the Federal Government thus become joint guarantors of the institution. The Government does its part in the $100,000,000 endowment fund and the soldiers, seamen, and marines do their part by annual contributions taken from their yearly earnings in whatever calling or business they may be engaged. The Government is following the correct policy of helping the soldiers to help themselves. But the soldiers are doing by far the greater portion. Their annual contributions to the guaranty fund will far exceed the annual interest on the $100,000,000 endowment capital.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. MORGAN. Yes.

Mr. BANKHEAD. The original capital that the institution starts out with is $100,000,000. That would provide 25,000 loans of $4,000 each. You provide for future operations to float bonds at a net return of only 3½ per cent?

Mr. MORGAN. Yes; a nontaxable bond guaranteed by the Government is as good as a Government bond, and our 8½ per cent Government bonds have been selling at par.

Mr. BANKHEAD. The Federal farm loan bonds are selling at a higher rate of interest, are they not?

Mr. MORGAN. Yes. They are selling at a higher rate of interest and are selling at 104 and 105 on the dollar, as I noticed a few months ago. I noticed yesterday evening in the paper that our Secretary of the Interior says he has been assured that the Government can sell $500,000,000 of nontaxable bonds at 3¼ per cent at par.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. LINTHICUM. Suppose a man takes out a loan of $4,000. What would his payments be?

Mr. MORGAN. Four and one-half per cent annually.

Mr. LINTHICUM. How long would it take him to pay all?

Mr. MORGAN. Fifty-five years. By increasing the amortization payment to three-fourths of 1 per cent annually it will pay out in about 36 years. The borrower has the privilege of paying as rapidly as he desires.

Mr. LINTHICUM. Does the gentleman think that the payments per year will be equal to the depreciation in the value of the property, the wear and tear, and so on?

Mr. MORGAN. Yes. Instead of property depreciating in value, as a rule, real estate in this country goes higher every year. It will be true as long as our population and business increases.

Mr. LINTHICUM. It is very much higher at the present time, perhaps 100 per cent higher than it was. Has the gentleman thought of that situation?

Mr. MORGAN. Yes; I have thought about that situation. I dislike to decline interruptions, but I should like to continue my discussion.

PROBABLE LOSSES.

Logically the next question is what will be the probable annual losses of the corporation through the failure of the borrowers to pay the amounts due annually on their loans. We can not answer this question exactly or definitely, but we can in our calculations make the allowance for losses so large that every reasonable man will say it is large enough. This is what I propose to do. The amount of losses is not entirely a matter of guesswork. Experience is generally a safe guide. The operations of long-time credit institutions in different countries and covering more than a century in time show their losses have been exceedingly light. It is reasonable to assume the soldiers' and seamen's Federal home founding corporation will have the same experience.

The ordinary real estate mortgage companies of this and other countries, on loans running on the 5 and 10 year system, seldom lose any money, and the percentage of foreclosures compared with the total number of loans made is very small. But on account of the short time on which these loans are made and the high interest rates charged it is more difficult to meet the payment on these loans than it is to meet the payments on long-time loans with the interest rates lower. The experience of the building and loan associations of this country shows their losses have been light and that remarkably few men fail to meet the payments due on the mortgages covering their homes.

The soldiers' and seamen's Federal home founding corporation can make loans on such terms, at such interest rates, and on such conditions as will be within the ability of the borrowers to meet.

The average man generally meets his financial obligations, if he is able to do so. A soldier who is able to pay rent on a suitable house in which to live will be able to meet the annual payments due on a $4,000 loan under the terms prescribed in this bill.

The possibility of loss will grow less every year the loan runs. This is true for two reasons—the amount due on the loan grows less annually and, on the average, the real estate will grow in value every year. The increase in population, the expansion of commerce, trade, and business, and the growth in our towns and cities will inevitably enhance the price of both rural and urban real estate. There will be exceptions, of course, but the rule will nevertheless obtain.

The experience of our Federal land banks throws light upon the qustion of losses. According to an official statement, after these banks had been operating three years only 1.5 per cent of their borrowers were in arrears. Probably all of these will be paid within a reasonable time. There is another thing to which I have already referred. The losses of the soldiers' and seamen's Federal home founding corporation will be comparatively light by reason of the character of its borrowers. They will be good financial risks. Most of them are young, physically strong, intellectually alert and active, industrious, honest, and ambitious. They are the kind of men who will pay their debts and achieve success in their undertakings. All things considered, it is safe to say that the losses will not equal 2½ per cent of the annual payments due the corporation. This amount would be far greater than the losses sustained on an average by the long-time credit institutions of Europe.

But for the purpose of demonstrating that the corporation will be an absolutely sound financial institution and that the Government may safely guarantee the payment of its bonds and the interest thereon, I propose to make an allowance for losses equal to 10 per cent of the annual payments due the corporation from borrowers on both principal and interest. This is equivalent to assuming that the corporation will collect only 90 per cent of the amount due from year to year on the principal and interest of its loans, or that 10 per cent of its borrowers will never pay any part of the amount due on the principal and interest of their loans, or that 20 per cent of its borrowers will pay only 50 per cent of the amount due on their loans, or that 40 per cent of the borrowers will pay only 75 per cent of the amount due on their loans. No such losses will ever be incurred. No such number of soldiers will ever fail to pay for their homes. But for the sake of the argument we will so assume.

THE ENDOWMENT CAPITAL AND THE GUARANTY FUND.

It is the business of the corporation to loan money to soldiers. To enable it to make these loans, it borrows money through the sale of its bonds. It is not an institution conducted for profit. The corporation pays the same interest rate on its bonds that the soldiers pay on their loans. The interest paid on its loans, if collected in full, will liquidate the interest due on its bonds. The borrowers make an annual or semiannual payment on the principal of their loans. The corporation must make a like payment on the principal of its bonds. This it does by retiring a portion of its bonds annually, or by creating a sinking fund to provide for their payment. The annual amortization payments due from borrowers on the principal of their loans, if paid in full, will liquidate the outstanding bonds of the corporation. Under the terms of the bill, the corporation borrows money at 3½ per cent and loans it at the same rate. It requires borrowers to pay one-half of 1 per cent annually on the principal of their loans, and applies the same amount annually on the principal of its bonds. But borrowers are required to pay an additional one-half of 1 per cent annually on the face of their loans. The proceeds derived therefrom constitute a guaranty fund. If every borrower paid in full the annual payments due on their loans, the corporation would have no need of the guaranty fund. But every financial institution and every business concern has its losses. The soldiers' and seamen's Federal home founding corporation will have its losses. It must accumulate a surplus. It must have its reserve. It must be able to meet emergencies. That is the object of the guaranty fund. Every borrower having a $4,000 loan will pay $20 annually into the guaranty fund. In 10 years he will have paid into the guaranty fund $200. In 20 years he will have paid $400. In 40 years he will have paid $800 into this fund, an amount equal to one-fifth of his original loan. When the corporation has $2,000,000,000 of loans outstanding, the annual payment into the guaranty fund will be $10,000,000. When the loans have increased to $4,000,000,000, the annual payment into the guaranty fund will be $20,000,000. When the outstanding loans are $8,000,000,000, the annual payment into the guaranty fund will be $40,000,000. Any portion of the guaranty fund not used in payment of losses, in effect becomes a part of the reserve capital of the institution. It is invested, and thus multiplies itself. The guaranty fund in itself will more than meet all losses that will be sustained by the corporation. So certain was I of this that I placed in the bill a provision authorizing the corporation, at the expiration of a period of five years, to reduce the amount to be paid into the guaranty fund. But the corporation has more than the guaranty fund. It has an endowment capital of $100,000,000, the entire income from which will be available to make good any losses sustained by the corporation.

To begin with, the interest on its capital will provide an annual income of $4,500,000. As the reserve capital of the corporation grows the income therefrom will increase. It is a fund that will grow from year to year. It gives the corporation a large independent income which fortifies it against all emergencies and prepares it, if necessary, to meet extraordinary losses, without the least financial embarrassment. But with the income from these two funds—the guaranty fund and the endowment capital—combined, the corporation is twice insured against any possible losses it may sustain.

DEMONSTRATION.

Having decided to assume that the corporation will lose 10 per cent annually on the amount due from borrowers, we can proceed to work out the actual business of the corporation, assuming that the corporation in the first year of its history and at each subsequent year will make 100,000 loans of $4,000

each; that the borrowers, according to the terms of the bill, will pay an annual charge on the face of their loans of 4½ per cent, which will include interest at 3½ per cent, amortization payment of one-half of 1 per cent, and a payment into the guaranty fund of one-half of 1 per cent; that the corporation will pay out annually 4 per cent on its bonds, which will include 3½ per cent interest thereon and one-half of 1 per cent amortization payment on the bonds, which will be used to redeem bonds or placed in a sinking fund for that purpose; that the annual losses of the corporation will be equal to 10 per cent of the annual payments due on its mortgages; and that the net annual surplus of the corporation, including the guaranty fund, will be added to the capital and loaned to borrowers.

Under these assumptions the income of the corporation the first year in annual payments from its borrowers will be $18,000,000. It will pay on the principal and interest due on its bonds $12,000,000. Its losses, estimated at 10 per cent of the amount due from its borrowers, will be $1,800,000. After paying the amount due on its bonds and charging off its losses, the corporation the first year will have a net surplus of $4,200,000. This will be added to its capital, and it will start in business the second year with a capital of $104,200,000.

The second year its losses, according to our estimate, will be $3,600,000. The corporation will charge off its losses, make the payments due on its bonds, and still have a net surplus for the year of $4,568,000. It will start the third year with a capital of $108,786,000. This year $5,400,000 will be charged off as losses, but the corporation will meet its regular obligations and still have a net annual surplus of $4,950,720. It will begin business the fourth year with $113,718,720 in capital. Its losses this year will be charged off at $7,200,000. The corporation this year will have a net annual surplus of $5,344,749.

The fifth year the corporation, after making allowance of $9,000,000 for losses, will have a net surplus of $5,758,539, and will close the year with a capital of $125,922,008. It will have made loans to 500,000 soldiers, sailors, and marines aggregating $2,000,000,000, and has had each year a net surplus averaging nearly $5,000,000.

Passing over the figures for the sixth, seventh, eighth, and ninth years, the corporation will begin business the tenth year with a capital of $152,335,185. It will have loaned $4,000,000,000 to 1,000,000 soldiers, sailors, and marines. Its losses for the tenth year will be $18,000,000, but it will have a net surplus for that year of $8,089,407. Its capital at the end of the tenth year will be $160,424,592.

Omitting the details of the business of the corporation for the eleventh, twelfth, thirteenth, and fourteenth years, we find that the corporation will begin the fifteenth year with a capital of $198,401,469. It will have loaned $6,000,000,000 to 1,500,000 soldiers, sailors, and marines. Its annual losses this year will be charged off at $27,000,000. Its annual net surplus will be $10,972,060.

Passing over the details of the business for the sixteenth, seventeenth, eighteenth, and nineteenth years, the corporation will begin business the twentieth year with a capital of $259,932,573. It will have made loans to 2,000,000 of our service men aggregating $8,000,000,000. Its losses the twentieth year will be $36,000,000 and its net surplus will be $14,433,303, and it will end the year with a capital of $274,365,876.

In Appendix A will be found a statement in detail of the business of the corporation for each year.

It will be observed that the capital of the corporation has increased from $100,000,000 to $274,365,876. The figures show that the corporation had an average annual increase in its capital of over $8,700,000. The net annual surplus of the corporation increased every year. It grew from $4,200,000 the first year to $14,433,303 the twentieth year. During the 20 years the corporation charged off as actual losses a total of $288,000,000. It is a significant fact, to which I desire to call attention, that the corporation in these 20 years has earned a net surplus of $174,365,000. It would be in a position, without impairing or using its original capital, to pay back the $100,000,000 capital contributed by the Government with 4 per cent annual interest thereon during these 20 years. This, I think, demonstrates to the satisfaction of any reasonable mind that the plan I have presented is absolutely sound financially; that it is a practical business proposition; that the corporation will accomplish the purposes and objects for which it is to be created; that under it and through it millions of our service men will acquire homes; and that the corporation at the end of its career will be able to return to the Government the original capital subscribed with a reasonable interest thereon; and that the Government will never lose anything through the business of the corporation and the taxpayers of the country will not have contributed anything for the support of the institution.

WITH CAPITAL OF $200,000,000.

If the corporation had an endowment capital of $200,000,000, and borrowers were required to pay into the guaranty fund annually three-fourths of 1 per cent on the face of their loans, it could make 100,000 loans of $4,000 each annually, stand a loss of 17 per cent on the amount annually due on the principal and interest of its loans, and at the end of the twentieth year would have a capital of $375,151,728. To assume that the corporation would have a loss of 17 per cent annually on the amount due from its borrowers is equivalent to assuming that 17 out of every 100 borrowers would never pay any part of the principal or interest on their loans; or that 34 out of every 100, or more than one-third of the borrowers, would never pay but 50 per cent of their loans; or that 68 per cent of the borrowers out of every 100, or more than two-thirds of the entire number, would never pay but 75 per cent of the amount due on their loans.

If the corporation were given $200,000,000 endowment capital, and the borrowers paid 1 per cent annually on the face of their loans into the guaranty fund, it could stand an annual loss of 20 per cent on the amount due each year on its loans in principal and interest; make 100,000 loans of $4,000 each annually, and its capital would increase in 20 years from $200,000,000 to $426,645,344. The fact is, there would be no such losses as these, and it is probable that the losses would not be 2½ per cent of the amount annually due the corporation from its borrowers. An allowance of 5 per cent losses on annual payments due would be liberal. But whether the losses will be 5 per cent or 10 per cent, or even more, provision can be made to meet these losses. It is all a question of giving the corporation the proper endowment, and requiring borrowers to make sufficient contribution to the guaranty fund. I have asked that the corporation be given only $100,000,000 endowment capital. I have asked that borrowers contribute one-half of 1 per cent annually to the guaranty fund. In both cases, I believe I have asked all that is necessary. But if the endowment were made $200,000,000, it would not be excessive or burdensome. The amount would still be $300,000,000 less than the Mondel-Lane proposition authorizes to be appropriated, and $2,000,000,000 less than it would cost in principal and interest to pay a cash or bond bonus of $250 to each of our 4,000,000 soldiers, seamen, and marines.

EFFECT ON REAL ESTATE VALUES.

There has been some fear expressed that the inauguration of the loan policy proposed in H. R. 5545 would cause an era of speculation in farms and in urban real estate and an undue enhancement of prices. This fear is not well founded. The corporation can not and will not make 4,000,000 loans in one year. This would be impossible for many reasons. It will necessarily require a series of years to make these loans. All soldiers, seamen, and marines can not be served immediately. They were not all brought into the service at the same time and were not all discharged at once. Some method which will be fair to all must be adopted to determine the order in which applicants will obtain their loans. We found a method to determine the order in which they were called to service, and a method must be provided to determine the order in which applicants will secure loans. Loans must be distributed equitably among the soldiers of the various States. Each State must be treated fairly. This is a big country. We have over 3,000,000 square miles of land in continental United States. The loans will be equitably distributed throughout the Nation. It will not materially affect the price of real estate anywhere. The soldier will select the home he wishes to purchase. He will make his own bargain with the owner. He will then apply for the loan. The corporation will then carefully inspect the property, appraise it, and pass upon the application for the loan. If the loan be approved, the borrower will not get the money. The entire proceeds of the loan will go to the man who sells the home. The soldier gets possession of the home, he gets title to the property, he becomes the proprietor and owner, but the corporation will hold a mortgage thereon for the full amount of the loan.

We can not say how many loans the corporation will make on an average each year. The bill does not limit the number of loans that may be made annually, but the Congress might make a limitation. But 100,000 loans made annually would be a large business. It would mean 500,000 in 5 years and a million loans in 10 years. There are 2,782 counties in the United States. To make 100,000 annually would mean an average of 35 loans in each county in the United States. About one-half of this number would be in the country districts and one-half in the towns and cities. So that it would mean the purchase annually of about 17 farms and 17 town and city homes in each county. The purchase of this number of homes annually in the

average county would not materially affect the price of real estate or create any dangerous speculative era.

BONDS GUARANTEED BY THE GOVERNMENT.

Some objections have been made to the provisions of the bill which makes the United States Government guarantee the payment of both the principal and interest of the bonds issued by the corporation. The objection arises out of the erroneous idea that the Government is assuming a financial liability which might endanger its credit or interfere materially with its financial operations, or possibly impose an undue burden upon the taxpayers. In the first place, it must be clearly understood that the primary object of giving this Government guaranty is not to make the bonds good. The Government guarantees the payment of these bonds because they are good—not to make them good. The guaranty is given by the Government not with the idea that it will ever pay any part of the principal or interest on these bonds, but on the theory that it will not be required to do so. The Government is in a position to permit the issue of bonds only under such terms and conditions as will make them absolutely safe and secure. If the corporation is to command the funds or credit which will enable it to make loans as provided in the bill, it will be necessary that it shall sell bonds aggregating very large amounts. The bonds must also bear a very low rate of interest, because unless the corporation can sell bonds at a low rate of interest, it can not make loans at a low rate of interest. The object of having the Government guarantee the payment of the bonds is to insure the sale of these bonds in large quantities and at a low rate of interest. These two things are absolutely necessary. A Government bond or a bond guaranteed by the Government can be sold in larger quantities and at a lower rate of interest than a bond of any other kind or character. And as I regard these two things as absolutely essential, I insist that the Government should make this guaranty.

It has been asserted that these bonds, thus guaranteed by the Government, would be in substance and effect obligations of the United States. Such an assertion I do not believe is justified. The corporation will not be the United States. It is true it will be an agency of the United States. It will be an instrumentality of the Federal Government. It will be the creature and servant of the United States, carrying out the great purposes for which it was created. But the issuing of bonds by this corporation under a guaranty of the Federal Government will not be equivalent to issuing and selling bonds of the United States for the same purpose. When the United States issues a bond the Federal Government becomes directly responsible for its payment. Every cent of the funds necessary to pay the interest and principal of United States bonds must come exclusively through taxes paid by the people of the United States. But bonds issued by a corporation controlled by the United States, but provided with ample independent income with which to pay both the principal and interest of the bonds issued, does not require and will not require any contribution from the taxpayers of the country.

The bonds issued by the corporation will have back of them mortgages on real estate of equal value. The regular annual income of the corporation will be more than sufficient to pay the annual interest on its bonds and provide for their redemption and payment in full. In other words, the annual payments due from borrowers will be larger than the annual payments which the corporation will owe on the principal and interest of its bonds. The corporation will therefore have ample funds from its own resources to pay the interest and principal of its bonds. Then, in addition thereto, the corporation will have a large income from the interest on its endowment capital and the annual payments into its guaranty fund, which will be more than necessary to meet every emergency and pay any possible losses through the failure of borrowers to pay the amounts annually due on their loans. These bonds therefore will not be, in substance or effect, Government bonds. The liability of the United States will be only contingent and remote. The practice of Federal, provincial, and State governments in guaranteeing bonds issued by land-credit institutions is not new. It has been largely practiced in European countries for many years. Time and experience has shown that practically nothing has been lost in making such guaranties. There is another point that should be considered in this connection. The corporation makes long-time loans and issues and sells long-time bonds. The borrowers liquidate their long-time loans through annual payments on the face of the original loans. The corporation pays its bonds and the interest due thereon by the same process. It either redeems a portion of its bonds every year or sets aside a certain amount into a sinking fund to provide for the redemption thereof. The borrowers pay their loans through amortization payments and the corporation pays its bonds through amortization payments. The corporation will always be in a sound financial condition when it is able to make this annual payment on its bonds. These bonds will run for a long period of time. At the end of each year the corporation will know and the Government of the United States will know whether or not it is in a sound financial condition. The liability of the United States will be an annual liability. Whatever contributions the Government of the United States would be required to make on the interest and principal of the bonds issued by the corporation would therefore be distributed over a period running from 1 to 60 years. The annual liability would necessarily be comparatively small. The amount necessary for the United States to contribute annually could not possibly be such as would endanger the national credit, materially interfere with its financial operations, or place any serious burdens upon the taxpayers of the country.

COMPARED WITH OTHER PROPOSITIONS.

There are other propositions before Congress designed to give recognition to the soldiers. Among these is the one proposing to give every service man a cash bonus. This plan has strong points in its favor; it is preferred by some of the soldiers, and some Members of Congress are favorably inclined thereto. But this would be by far the most expensive proposition the Nation could undertake. Suppose we gave each service man a bonus of $250. To provide for 4,000,000 men would require $1,000,000,000. The Government must either raise this amount by issuing bonds or deliver to each man a bond of $250. The bonds will bear at least 4 per cent interest and will run at least 30 years. The Government will pay $40,000,000 annual interest on these bonds. In 30 years it will have paid in interest alone $1,200,000,000. Therefore to give each service man a bonus of $250 would require an expenditure in interest and principal of $2,200,000,000. To give each man a bonus of $500 would require an annual expenditure in interest of $80,000,000, and a total expenditure in interest in 30 years of $2,400,000,000. This added to the principal sum of $2,000,000,000 would make a total cost to the taxpayers of $4,400,000,000. Looking at it from the viewpoint of the national credit, the financial operations of the Government, and the interest of the taxpayers, everyone must admit that the plan which I present is far preferable to the bonus plan.

Some way I have been impressed with the idea that the authors and advocates of the Mondell-Lane plan have taken some pride in claiming that their proposition is sound financially and could be safely undertaken by the Government. But I must say in all candor that I have failed to discover any real financial plan to it. All that it does is to authorize the appropriation of $500,000,000 and give the Secretary of the Interior practically unlimited and certainly unparalleled power to spend this money. Vast areas of land are to be purchased. Millions of acres are to be cleared, improved, and laid out in farms. Vast irrigation projects are to be conceived, planned, and constructed. An army of men of all classes are to be employed. It is a simple process. Congress appropriates the money; the Secretary of the Interior spends it. No one can foretell what mistakes will be made. No one can predict what losses will be incurred. After the lands have been acquired, reclaimed, and improved, the Secretary of the Interior is required to sell these lands at cost, including the purchase price and the expense of reclamation and improvement. Who can say that the Government will be able to sell each tract, farm, or allotment at the estimated cost thereof? Who can say now that the Government will not have left on its hands millions of acres of land which it will be unable to sell at cost prices? Everywhere, at all times, all along the line, from beginning to end there will be great uncertainty about what the Government may lose in carrying out this proposition or how great an amount must in the end come out of the pockets of the taxpayers.

So far as I can see, there is no attempt in the provisions of the bill to safeguard the Government against losses.

The comparatively few men who may take advantage of the provisions of the act are not required to cooperate with each other in making the undertaking a sound financial proposition. There is to be no contribution among the beneficiaries of the act to aid and assist each other in meeting their financial obligations. Each borrower or each man who purchases a farm from the Government under the Mondell-Lane plan is responsible only for his own debt. If one of them fails to pay his obligations fully, the Government alone stands the loss. If 10 per cent of them fail to pay their loans, the Government will stand the whole loss. I am not saying that the Government can not afford to do this. I am not saying that it should not do it. I am calling attention to this matter to show that under the Mondell-Lane plan the Government losses may be heavy; that there is no provision made to meet these losses, and that

in the end the taxpayers of the country must make good whatever losses may be sustained.

Mr. Chairman, I think I have shown conclusively that the loan plan presented in H. R. 5545 is absolutely sound financially; that the Government may safely guarantee the payment of the bonds and interest thereon issued by the corporation without the slightest possibility of endangering the national credit; that the business operations of the corporation will not materially interfere with the financial operations of the Federal Government; and that by the method I have proposed in H. R. 5545 the Government may place homes within the reach of millions of our soldiers, seamen, and marines without placing any undue burdens upon the taxpayers of the country.

The plan which I have presented has been received with great favor by the soldiers, seamen, and marines. Executive committees of a number of State organizations of the American Legion have passed resolutions indorsing it. The State officers of a number of such organizations have written me letters indorsing it. A large number of local posts of the American Legion have passed resolutions in its favor. Letters from soldiers, seamen, and marines from all parts of the Union have come to me complimenting my bill in the very strongest terms. Many Senators and Representatives in Congress have received letters urging them to support my bill. Prominent officials, business men, professional men, and citizens in all walks of life have written me saying they approved the principles of my bill and expressed a hope that it would become a law. It will be generally conceded that my plan is popular with the soldiers and would be entirely satisfactory to them. I regard this as a high compliment. These letters, telegrams, and resolutions, coming from all sections of the country, from the New England States to the Pacific coast and from Florida and Texas to the States on the Canadian border, have been to me a source of great satisfaction, encouragement, and inspiration.

The bill H. R. 5545, of course, is not perfect. Some amendments may be necessary. It is, however, right in principle. Its object is to provide some appropriate recognition for the services rendered by our soldiers, sailors, and marines. For this purpose nothing more appropriate could be done than to place within the reach of these men a home, in which, throughout their lives, they must reside under the protection of the flag they honored and upheld. A home is the best pension a soldier can possess. It affords protection to the family; gives satisfaction, security, and contentment to the soldier; makes him a better citizen; and strengthens the very fabric of our Government. The best, wisest, and most practical way that a nation can show its gratitude to its soldiers is to provide them with homes. It is in line with the long-established policy of the Government. In every war since the American Revolution the United States has offered our soldiers homes on the public domain. Twenty-seven of the States of the Union have erected homes for their disabled soldiers. The Federal Government founded the National Home for Disabled Volunteers, and established branches thereof in 10 different States in the Union. In the District of Columbia the Government founded and supports the United States Soldiers' Home for Disabled Soldiers of the Regular Army. In the giving of public lands and the erection of these soldiers' homes and in providing for their maintenance the State and Federal Governments have expended vast sums of money. No one now questions the propriety of what has been done in the past. No one will assert that the money appropriated has been wasted or unwisely expended. The American people have never complained about the money expended in providing for the comfort, the well-being, and the happiness of the men who have fought their battles. For 142 years it has been the policy of the American Government to provide homes for its soldiers. This policy should not now be abandoned, when we have more wealth both in the aggregate and in proportion to our population than we have ever had before; when we have more homeless people in proportion to our population than we have ever had at any previous time; and when the difficulties of acquiring a home were never so great. There is no way now by which our soldiers, seamen, and marines may acquire homes except through the organization of proper and adequate credit facilities. Unless, therefore, my plan or something similar to it shall be adopted a large proportion of our soldiers, sailors, and marines must make up their minds to live in a country where it is impossible for them to acquire a small tract of land which they and their families may call their own.

The plan which I present is universal in its application. It can be utilized by all. Under it homes may be acquired in the towns and cities as well as in the country. It is the only plan which has been presented that is just and fair to the one-half of our soldiers who now reside and must continue to reside in our towns and cities.

Whatever we do for our service men should be something that will be permanently useful, helpful, and beneficial to them. In this respect a home is far preferable to a small bonus in money. As the years go by a home will grow more valuable and likewise more useful and helpful to the owner.

The plan which I present will distribute its benefits equitably throughout the country—to every State, county, city, town, village, and community. One great point in its favor is that it will serve at least three great national purposes. It will multiply the number of home owners and turn back the ever-growing menace of tenancy; it will encourage thrift and saving among both the soldiers who purchase homes and the citizens who will buy the gilt-edged securities of the corporation; and it will promote good citizenship, allay unrest, and stand as a mighty bulwark against I. W. W.ism, Bolshevism, and every other radical and revolutionary movement.

The CHAIRMAN (Mr. NOLAN). The time of the gentleman from Oklahoma has expired.

Mr. BEE. I ask unanimous consent that the gentleman may have two minutes in order that I may ask him a question.

Mr. KITCHIN. I yield to the gentleman five minutes more, and in that time I want to ask him a question or two. When did the gentleman introduce his bill?

Mr. MORGAN. On the 15th of June, 1919, I believe.

Mr. KITCHIN. To what committee did it go?

Mr. MORGAN. To the Committee on the Public Lands.

Mr. KITCHIN. Has that committee reported it out?

Mr. MORGAN. It has not.

Mr. KITCHIN. You have had two or three caucuses of the Republican Party in the House since you introduced that bill, have you not?

Mr. MORGAN. I remember we had one, at least. I could not say as to the two or three.

Mr. KITCHIN. Did the caucus take any action on that bill?

Mr. MORGAN. It did not. It was not brought before it in any way.

Mr. KITCHIN. Did you attempt to get the Republican caucus to take any action on it?

Mr. MORGAN. I did not. I should have been glad to have them do so, but I did not ask them to do so. It was not before the conference.

Mr. KITCHIN. I am not saying anything for or against the bill. I want to find out its present status. Is the gentleman on the steering committee?

Mr. MORGAN. I am not.

Mr. KITCHIN. Has the gentleman been to the Republicans of the steering committee of the House and asked them to have this bill taken up in committee?

Mr. MORGAN. I have not been before the steering committee officially.

Mr. KITCHIN. Have you seen any members of the steering committee privately?

Mr. MORGAN. Some time ago I talked to a number of the members of the steering committee about the general proposition; yes.

Mr. KITCHIN. I want to see how diligent the gentleman has been in trying to get his bill reported out. The gentleman has not seen the steering committee?

Mr. MORGAN. I have not been before the steering committee officially, but I have talked to the majority of them about this bill.

Mr. KITCHIN. And that was some time ago. You just went to them one time, did you not? Have you been to them more than one time—just little informal meetings?

Mr. STRONG of Kansas. I object to the gentleman's questions as leading. [Laughter.]

Mr. KITCHIN. I want to know how to vote on the gentleman's bill, and I want to get some information. Has the gentleman studiously and diligently tried to get the steering committee to have this bill reported out and considered in the House or has he just done it informally?

Mr. MORGAN. I think I have done my whole and full duty. I have had much else to do, and so have others. I have no doubt in due time the proposition will be fully considered.

Mr. KITCHIN. Has the gentleman been before the Committee on the Public Lands and made a diligent effort to have his bill reported?

Mr. MORGAN. I went before the Public Lands Committee and talked, I think, about an hour about my bill and other bills on the same subject.

Mr. KITCHIN. Did the Public Lands Committee give any intimation that they were going to report it out?

Mr. MORGAN. Of course, I want to be liberal in answering the gentleman's questions. He was kind enough to yield time to me.

Mr. KITCHIN. I am going to yield some more time to the gentleman to see if I can get the facts.

Mr. MORGAN. All right. I am sure I have nothing to conceal about it and I would be glad, if I can, to give the gentleman more information.

Mr. KITCHIN. Did the committee or any members of the Public Lands Committee intimate to you that they would report that bill out?

Mr. MORGAN. I think there are a number of members of the Public Lands Committee who are favorably inclined to my bill.

Mr. KITCHIN. Most of those are Democrats, are they not?

Mr. MORGAN. I am sorry to say that they are not. [Laughter.] I think, however, that there are one or two Democrats who are favorably inclined to the bill.

Mr. KITCHIN. Does the gentleman know how many Republicans there are on the Public Lands Committee?

Mr. MORGAN. Nine or ten.

Mr. KITCHIN. There are about two Republicans to one Democrat on the Public Lands Committee, are there not?

Mr. MORGAN. I think not that proportion.

Mr. KITCHIN. The Republicans have quite a large majority on that committee, have they not?

Mr. MORGAN. It is quite a majority, sufficient for working purposes, of course.

Mr. KITCHIN. And the gentleman has introduced this bill——

The CHAIRMAN. The gentleman's time has expired.

Mr. KITCHIN. I will extend the gentleman's time five minutes.

The CHAIRMAN. The gentleman has five additional minutes, if he wishes to accept it.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. KITCHIN. I want to get at this. I will say to the gentleman from Nebraska that he does not want information on this bill. He has never read it. I have read this bill. I have talked with the gentleman from Oklahoma about it. I am interested in all these bills, and I want to find out about this one.

Mr. ANDREWS of Nebraska. In order that the gentleman from North Carolina may be educated, I will yield.

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from North Carolina?

Mr. MORGAN. Yes.

Mr. KITCHIN. As I understand, the gentleman has been trying to get this Republican Committee on the Public Lands, ever since June, to report out this bill that, in his judgment, is fair and just to the soldiers, and that committee has not done it, has it?

Mr. MORGAN. I have said several times that the Committee on the Public Lands has not reported the bill.

Mr. KITCHIN. But the committee did report out another soldiers' bill, and not the gentlemen's, did they?

Mr. MORGAN. Yes.

Mr. KITCHIN. They reported out what is known as the Mondell land bill?

Mr. MORGAN. They did; yes.

Mr. KITCHIN. Do you know how many Republicans on the committee voted for your bill?

Mr. MORGAN. I do not.

Mr. KITCHIN. They have not even come to a vote on your bill yet, have they?

Mr. MORGAN. I think not. I will say to the gentleman, however——

Mr. KITCHIN. I want to know this fact, and then I will let you state the other fact.

Mr. MORGAN. I want to say a few words on my own account now. I decline to yield further just now.

The Public Lands Committee early took up hearings on the so-called Mondell-Lane bill and has held hearings on it for two or three weeks before my bill was introduced. I introduced my bill and went before the committee, but there has never been any real hearings on my bill. I have not asked the Public Lands Committee for any special hearings.

I want to convince, if possible, the Members of the House that my bill is right, and then I expect to ask the Public Lands Committee, or some other committee, to report it favorably or unfavorably.

I will say to the gentleman from North Carolina that I expect to see what the Republicans will do with the bill, and also expect to see what the gentleman from North Carolina [Mr. KITCHIN] and other Democrats will do with the proposition.

Mr. KITCHIN. Now, will the gentleman yield?

Mr. MORGAN. For a question.

Mr. STRONG of Kansas. Do not let the gentleman from North Carolina take up all your time.

Mr. KITCHIN. But I yielded him the time.

Mr. STRONG of Kansas. Do not take it back again. [Laughter.]

Mr. KITCHIN. The gentleman's bill may be perfectly right and just.

Mr. MORGAN. It is right and just.

Mr. KITCHIN. The gentleman from Oklahoma has studied it, but I doubt whether one man in a hundred in the House has read it.

Mr. MORGAN. I am sure that the gentleman is wrong about that.

Mr. KITCHIN. I may be wrong; I know two gentlemen in the House who have read it—the gentleman from Oklahoma and the gentleman from North Carolina. [Laughter.] But the gentleman from Oklahoma has been diligent and persistent with the steering committee—all Republicans—he has been diligent with the majority leader, who is a Republican; he has been diligently pursuing the Public Lands Committee, making argument after argument to them, and has failed to convince any of them. Does not the gentleman think that it will take somebody else to get that bill through? Does not the gentleman fear that the soldiers in his district might say, "MORGAN is a good man and the best fellow that could possibly be imagined, but even with such a good bill as his, and with all his diligence, after his labors month after month with the Republican steering committee, with the majority leader, and the Republican Public Lands Committee, he has failed, and we think somebody else ought to be sent to Congress to take charge of it." [Laughter.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KITCHIN. I yield the gentleman five minutes more.

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. I would like to know if when the gentleman from North Carolina extends the time we are compelled to accept it? [Laughter.]

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. YATES. Another parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Oklahoma yield?

Mr. MORGAN. I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. YATES. All I want to say is that I don't want the gentleman from North Carolina to yield me any time. [Laughter.]

The CHAIRMAN. The gentleman from Illinois is out of order. The gentleman from Oklahoma will proceed.

Mr. MORGAN. Now, gentlemen, I will admit that it is somewhat embarrassing to accept this time, but I asked for 30 minutes on my own side and could not get it, and the gentleman from North Carolina kindly yielded me 15 minutes out of the 30 minutes. I do not say this to reflect on the chairman of the Ways and Means Committee, for he was very much pressed for time. This was a very important matter, and it was right and proper that one-half of my time should be yielded by the Republican side and one-half by the Democratic side. I think that indicates that in due time the two sides of the House will unite on my bill and pass it. The gentleman from North Carolina even will agree to it, although he has endeavored to bring in a little cheap politics and give the impression that the Republicans are not doing their duty. I think the gentleman from North Carolina is a great man, and I regard him as a great statesman, but the course he has pursued is too small for such a great man as he is. [Laughter and applause.]

I have here a great proposition. Some man has said that it is too big. It is a big proposition. But we had a big Army and a big Navy in the great World War. They had a big job to perform and they performed it in a big way. The question is now whether or not Congress will authorize the undertaking of something which corresponds in dimension with our Army and Navy, and what they did for the glory of our country and the good of mankind. So I appeal to my friend from North Carolina [Mr. KITCHIN] that he shall never hereafter, when we are considering a proposition which has to do with our duty to our soldiers, seamen, and marines, and with the welfare of the Nation at large, devote his valuable time and great talent in an effort to gain some small political advantage, which I consider not befitting a great statesman and leader of the American Congress, as is the gentleman from North Carolina. [Laughter and applause.]

APPENDIX A.

Table showing supposed business transactions of the corporation.

Annual charge on loans, 4½ per cent, which includes 3½ per cent interest, one-half of 1 per cent amortization payment, and one-half of 1 per cent guaranty fund.

Bonds bear 3½ per cent interest; annual amortization payment on bonds one-half of 1 per cent. Total payment on bonds 4 per cent. Net annual surplus becomes part of the capital.

The table is based upon the estimate that 100,000 loans of $4,000 each will be made the first year and a like number in each subsequent year.

It is assumed that the entire capital will be kept invested in loans and that the annual losses will equal 10 per cent of amount due from borrowers.

The bonds issued each year will be equal to the amount of loans for the year minus the net surplus for the preceding year.

FIRST YEAR.

Capital	$100,000,000
Bonds	300,000,000
Loans	400,000,000
Gross income	18,000,000
Loss on income, 10 per cent	1,800,000
Net income	16,200,000
Payment on bonds, 4 per cent	12,000,000
Net surplus	4,200,000
Capital, end of first year	104,200,000

SECOND YEAR.

Capital	104,200,000
Bonds	695,800,000
Loans	800,000,000
Gross income	36,000,000
Loss on income, 10 per cent	3,600,000
Net income	32,400,000
Payment on bonds, 4 per cent	27,832,000
Net surplus for second year	4,568,000
Capital, end of second year	108,768,000

THIRD YEAR.

Capital	108,768,000
Bonds	1,091,232,000
Loans	1,200,000,000
Gross income	54,000,000
Loss of income, 10 per cent	5,400,000
Net income	48,600,000
Payment on bonds, 4 per cent	43,649,280
Net surplus for third year	4,950,720
Capital, end of third year	113,718,720

FOURTH YEAR.

Capital	113,718,720
Bonds	1,486,381,280
Loans	1,600,000,000
Gross income	72,000,000
Loss on income, 10 per cent	7,200,000
Net income	64,800,000
Payment on bonds, 4 per cent	59,455,251
Net surplus for fourth year	5,344,749
Capital, end of fourth year	119,063,469

FIFTH YEAR.

Capital	119,063,469
Bonds	1,881,036,531
Loans	2,000,000,000
Gross income	90,000,000
Loss on income, 10 per cent	9,000,000
Net income	81,000,000
Payment on bonds, 4 per cent	75,241,461
Net surplus for fifth year	5,758,539
Capital, end of fifth year	124,922,008

SIXTH YEAR.

Capital	124,822,008
Bonds	2,275,277,992
Loans	2,400,000,000
Gross income	108,000,000
Loss on income, 10 per cent	10,800,000
Net income	97,200,000
Payment on bonds, 4 per cent	91,011,119
Net surplus for sixth year	6,188,880
Capital, end of sixth year	131,010,888

SEVENTH YEAR.

Capital	131,010,888
Bonds	2,669,089,112
Loans	2,800,000,000
Gross income	126,000,000
Loss on income, 10 per cent	12,600,000
Net income	113,400,000
Payment on bonds, 4 per cent	107,763,564
Net surplus for seventh year	6,636,435
Capital, end of seventh year	137,647,323

EIGHTH YEAR.

Capital	137,647,323
Bonds	3,062,452,677
Loans	3,200,000,000
Gross income	144,000,000
Loss on income, 10 per cent	14,400,000
Net income	129,600,000
Payment on bonds, 4 per cent	122,498,107
Net surplus for eighth year	7,101,893
Capital, end of eighth year	144,749,216

NINTH YEAR.

Capital	144,749,216
Bonds	3,455,350,784
Loans	3,600,000,000
Gross income	162,000,000
Loss on income, 10 per cent	16,200,000
Net income	145,800,000
Payment on bonds, 4 per cent	138,214,031
Net surplus for ninth year	7,585,969
Capital, end of ninth year	152,335,185

TENTH YEAR.

Capital	152,335,185
Bonds	3,847,764,815
Loans	4,000,000,000
Gross income	180,000,000
Loss on income, 10 per cent	18,000,000
Net income	162,000,000
Payment on bonds, 4 per cent	153,910,592
Net surplus for tenth year	8,089,407
Capital, end of tenth year	160,424,592

ELEVENTH YEAR.

Capital	$160,424,592
Bonds	4,238,675,408
Loans	4,400,000,000
Gross income	198,000,000
Loss on income, 10 per cent	19,800,000
Net income	178,200,000
Payment on bonds, 4 per cent	169,547,016
Net surplus for eleventh year	8,652,984
Capital, end of eleventh year	169,077,576

TWELFTH YEAR.

Capital	169,077,576
Bonds	4,630,022,424
Loans	4,800,000,000
Gross income	216,000,000
Loss on income, 10 per cent	21,600,000
Net income	194,400,000
Payment on bonds, 4 per cent	185,200,897
Net surplus for twelfth year	9,199,103
Capital, end of twelfth year	178,276,679

THIRTEENTH YEAR.

Capital	178,276,679
Bonds	5,020,823,321
Loans	5,200,000,000
Gross income	234,000,000
Loss on income, 10 per cent	23,400,000
Net income	210,600,000
Payment on bonds, 4 per cent	200,832,932
Net surplus for thirteenth year	9,767,067
Capital, end of thirteenth year	188,043,746

FOURTEENTH YEAR.

Capital	188,043,746
Bonds	5,411,056,254
Loans	5,600,000,000
Gross income	252,000,000
Loss on income, 10 per cent	25,200,000
Net income	224,800,000
Payment on bonds, 4 per cent	216,442,250
Net surplus for fourteenth year	10,357,750
Capital, end of fourteenth year	198,401,496

FIFTEENTH YEAR.

Capital	198,401,496
Bonds	5,800,698,504
Loans	6,000,000,000
Gross income	270,000,000
Loss on income, 10 per cent	27,000,000
Net income	243,000,000
Payment on bonds, 4 per cent	232,027,940
Net surplus for fifteenth year	10,972,060
Capital, end of fifteenth year	209,373,556

SIXTEENTH YEAR.

Capital	209,373,556
Bonds	6,189,726,444
Loans	6,400,000,000
Gross income	288,000,000
Loss on income, 10 per cent	28,800,000
Net income	259,200,000
Payment on bonds, 4 per cent	247,579,058
Net surplus for sixteenth year	11,620,942
Capital, end of sixteenth year	220,994,498

SEVENTEENTH YEAR.

Capital	220,994,498
Bonds	6,578,105,502
Loans	6,800,000,000
Gross income	306,000,000
Loss on income, 10 per cent	30,600,000
Net income	275,400,000
Payment on bonds, 4 per cent	263,124,220
Net surplus for seventeenth year	12,275,780
Capital, end of seventeenth year	233,270,278

EIGHTEENTH YEAR.

Capital	233,270,278
Bonds	6,965,829,722
Loans	7,200,000,000
Gross income	324,000,000
Loss on income, 10 per cent	32,400,000
Net income	291,600,000
Payment on bonds, 4 per cent	278,633,189
Net surplus for eighteenth year	12,966,811
Capital, end of eighteenth year	246,237,089

NINETEENTH YEAR.

Capital	246,237,089
Bonds	7,352,862,911
Loans	7,600,000,000
Gross income	342,000,000
Loss on income, 10 per cent	34,200,000
Net income	307,800,000
Payment on bonds, 4 per cent	294,104,516
Net surplus for nineteenth year	13,695,484
Capital, end of nineteenth year	259,932,573

TWENTIETH YEAR.

Capital	259,932,573
Bonds	7,739,167,427
Loans	8,000,000,000
Gross income	360,000,000
Loss on income, 10 per cent	36,000,000
Net income	324,000,000
Payment on bonds, 4 per cent	309,566,697
Net surplus for twentieth year	14,433,303
Capital, end of twentieth year	274,365,876

Mr. KITCHIN. Mr. Chairman, I profoundly and sincerely regret that the gentleman from Oklahoma [Mr. MORGAN] misconstrued my position in the questions that I have asked him.

Mr. YATES. Nobody else misconstrued it.

Mr. KITCHIN. There is the situation, and I ask the gentleman to believe me, if he will, or if he can.

Mr. STRONG of Kansas. If he can! [Laughter.]

Mr. KITCHIN. The gentleman from Oklahoma [Mr. MORGAN] has given as much study to a soldier relief bill and to what he considers the proper kind of relief as any Member of the House, if not more. He has worked upon it day and night. As I say, it may be a good bill. I have not yet made up my mind about any of these bills. The gentleman from Oklahoma is thoroughly convinced that his is the best bill, and I know that a great many soldiers throughout the United States who were engaged in the World War think that it is the best bill that has been proposed. After the gentleman had given this time and study to it and had prepared the bill with great pains, after the bill had behind it thousands and thousands of soldiers, I wanted him to know that his party here in this House had not treated him with the proper consideration and had not treated his bill, nor the thousands of soldiers who indorsed the bill, with proper consideration.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MORGAN. I think that is unfair to the Republicans of this House.

Mr. KITCHIN. Oh, well, I will not yield any further if the gentleman wants to indorse the majority leader for not permitting him to take up his bill, if he wants to indose the steering committee in its refusal to allow his bill to be considered, if he wants to indorse the Public Lands Committee in absolutely ignoring it, and if he wants to indorse generally the Republican side of the House in not letting him and the soldiers have a chance to even get the bill up. In such circumstances I have nothing more to say. [Laughter and applause.]

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. MORGAN. Mr. Chairman, before the gentleman from North Dakota proceeds, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. Mr. Chairman, I regret that the House fixed so short a time for the discussion of this most important bill. The report prepared by me gives a brief outline of the so-called Canadian reciprocity act. I ask to have it printed in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks by inserting in the RECORD the report filed by him. Is there objection?

There was no objection.

The report is as follows:

Mr. YOUNG of North Dakota, from the Committee on Ways and Means, submitted the following report (to accompany H. R. 7779, introduced by Mr. YOUNG):

The Committee on Ways and Means, having had under consideration the bill (H. R. 7779) to repeal the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, report the same back with recommendation that the bill do pass.

The so-called Canadian reciprocity agreement was negotiated at Washington during the month of January, 1911, between representatives of the American and Canadian Governments. Diplomatic forms and ceremonies were dispensed with There was very little official correspondence and the negotiations were almost entirely verbal. After the arrangement had been concluded, Mr. Fielding, Canadian finance minister, and Mr. Paterson, minister of customs, addressed a formal letter to Mr. Knox, Secretary of State, setting forth their understanding of what had been agreed upon. The arrangement was to take the form of concurrent legislation instead of a treaty, for the reason that it was said Canada wished to be free to annul it at any time if it should prove to be against their interests.

It was agreed that wood pulp and paper made of wood pulp, when valued at not more than 4 cents a pound, should come into the United States duty free, upon condition that no export duty should be imposed by Canada upon these articles. This provision became section 2 of the act which later passed Congress, and which was approved on July 26, 1911. The operation of that section was not made dependent upon the fate of the reciprocity measure in the Canadian Parliament, so it went into effect.

The proposed changes in the general tariff rates were listed in four schedules. Schedule A embraced the articles that were to be duty free in both countries. It included practically all agricultural products, except wool; fish and fish oil of all kinds (except sardines and fish preserved in oil); hewn timber, sawed lumber, posts, ties poles, staves, and palings; unmanufactured asbestos, gypsum, talc, mica, feldspar, and fluorspar. Very few manufactured products were included in this schedule, the most important of those that were included being galvanized or tinned iron and steel sheets, galvanized wire and wire rods of certain gauges, all barbed fencing wire, cream separators, carbon electrodes, typesetting and typecasting machines, coke, and cottonseed oil.

Schedule B included articles to be admitted into each country from the other at identical rates of duty, which were generally lower than those at the moment then prevailing in either country. Many of the items were secondary products and manufactures of which the chief component materials were made free in schedule A. Under this head came such articles as flour, barley malt, canned vegetables, fresh and canned meats, lard, bacon, prepared cereals, biscuits, and fruit juices. Schedule B also included agricultural implements and machinery, monumental and building stone (except marble and onyx), cutlery and plated ware, clocks and watches, motor vehicles, bathroom fixtures, and some other manufactures of minor importance.

Schedule C included six articles that were to be admitted at special rates by the United States: Aluminum, laths, shingles, planed or finished lumber, iron ore, and coal slack.

Schedule D contained seven articles upon which Canada was to make reductions: Cement, fruit trees, condensed milk, unsweetened biscuits, canned fruits, peanuts, and bituminous coal.

On January 26, 1911, like bills were introduced in the American Congress and Canadian Parliament to carry the arrangement into effect. Both these bills met a storm of opposition. In our country protests came from every industry where the duties had been lowered. Among those opposing the bill the farmers, particularly those in Maine, northern New York, Ohio, Michigan, Minnesota, North Dakota, South Dakota, Montana, Washington, and Oregon, were the most pronounced in their opposition. While the measure was sponsored by a Republican President it was opposed by a majority of the Republicans in Congress, and went on the statute books only because of the united support of the Democrats.

The speeches made in the Canadian Parliament demonstrated beyond a doubt that the proposed reciprocity agreement was, from the economic standpoint, a decidedly one-sided arrangement, by which the chief benefit went to Canada. But political issues were raised in Canada which diverted the attention of the people from the commercial and economic phases of the agreement and resulted in the defeat of the bill in the Canadian Parliament.

The wood-pulp provision was reenacted in the Underwood tariff law and is not affected by this repeal bill.

The Underwood tariff law contains reciprocal provisions as to wheat, flour, potatoes, and potato products, which were complied with last year by Canada, and therefore wheat, flour, potatoes, and potato products are now on the free list from Canada. The passage of this bill will not affect the status of those commodities. Another bill is pending in the Committee on Ways and Means for the repeal of sections 581 and 644 of the Underwood tariff law, which relate to wheat and wheat products, potatoes and potato products, and to impose duties upon those commodities. Importations of wheat have been temporarily suspended during the administration of the food-control law.

It is the belief of the committee that the time has come when the so-called Canadian reciprocity act should be repealed, and it is hoped, in view of the formal rejection by Canada of the proposed reciprocal arrangement, that the bill may be considered without partisanship and speedily passed.

Mr. YOUNG of North Dakota. Mr. Chairman, in the necessarily brief discussion of this bill I wish to emphasize, first of all, the fact that the Committee on Ways and Means has recommended the repeal of the so-called Canadian reciprocity act through no feeling of hostility, commercial or otherwise, toward Canada. On the contrary, it is the belief of the committee that a possible cause of friction may be removed by the passage of this bill.

Speaking for myself, and probably for many in this House, I believe it is the most sound policy to treat all countries upon a basis of uniformity. That principle was followed in the preparation of the Underwood tariff law, and I venture to say will be followed in the general tariff bill which will hereafter be reported by our committee. This is a principle—that is to say, uniformity of treatment to all nations in respect to tariff duties—which should be followed by both Republicans and Democrats in all future tariff making. It is a peace policy, and if lived up to will remove some of the causes for commercial clashes, and perhaps war.

It has been claimed that there is no need for repeal, for the reason that Canada will never change her position. The Commercial and Financial Chronicle of December 20, 1917, after the inauguration of the new Government at Ottawa, printed a dispatch from its Ottawa correspondent, as follows:

Mr. Sifton is a strong-willed member of a western trio of new members in the Federal Government. All of them are committed point-blank to tariff revision downward, particularly in the items of agricultural implements, farm supplies of all sorts, and free access between the United States and Canada for flour, oats, barley, etc.

According to the Toronto Globe of December 20, 1918, a demand for "reciprocal free trade in everything from A to Z" is made by the United Farmers of Ontario in a resolution adopted on December 19.

My own belief is that there is little fear of Canada ever passing a law to accept or put in operation the reciprocity law now on our statute books. Why should she? Canada was made a present in the Underwood tariff law of practically all she was trading for in the proposed reciprocity arrangement. While it was a one-sided agreement, still Canada did give a certain degree of preference to United States manufactures. Why should Canada agree to do this now, when practically all she asked was given to her by the Underwood law? The only reason that the Laurier government ever thought of signing such an agreement was to secure free access to our markets for her agricultural produce. Now, let us see what was put on the free list by the Underwood law:

Broom corn; buckwheat; corn; cotton; eggs; flax straw; hemp; fruits or berries, green, ripe or dried; hides; hoofs; hop roots; lard; meats; milk; cream; condensed milk; nuts; seeds; skins of sheep, goats, and so forth; hogs; cattle; sheep; wool of the sheep. Potatoes and potato products and wheat and wheat products carried duties, but were to be on the free list upon certain reciprocal conditions. These conditions have been

met by Canada, thus placing these commodities on the free list from that country.

Section 581 of the Underwood tariff law, October 3, 1913, being in that part of the act devoted to the free list, reads as follows:

Potatoes and potatoes dried, desiccated, or otherwise prepared, not specially provided for in this section: *Provided*, That any of the foregoing specified articles shall be subject to a duty of 10 per cent ad valorem when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on such articles imported from the United States.

Treasury Decision 37815 in respect to paragraph 581, tariff act of October, 1913:

TREASURY DEPARTMENT, *November 21, 1918.*

COLLECTOR OF CUSTOMS,
New York City.

SIR: The department is in receipt of information through the Secretary of State that by an order in council of the Canadian Government, potatoes and potatoes dried, desiccated, or otherwise prepared have been transferred to the list of goods which may be imported into Canada free of all duties of customs. It appears also from instructions issued by the commissioner of customs at Ottawa, Canada, that the order was effective on November 7, 1918.

Potatoes and potatoes dried, desiccated, or otherwise prepared not specifically provided for, imported to the United States from Canada are therefore entitled to entry free of duty under paragraph 581 of the tariff act of 1913 from November 7, 1918.

Respectfully,

L. S. ROWE, *Assistant Secretary.*

Section 644 of the Underwood law, being a part of the act devoted to the free list, reads:

Wheat, wheat flour, semolina, and other wheat products not specially provided for in this section: *Provided*, That wheat shall be subject to a duty of 10 cents per bushel, that flour shall be subject to a duty of 45 cents per barrel of 196 pounds, and semolina and other products of wheat, not specifically provided for in this section, 10 per cent ad valorem, when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on wheat or wheat flour or semolina imported from the United States.

The Treasury Department informs me that Canada has taken action similar to that in respect to potatoes, in respect to wheat and wheat products; and wheat, wheat flour, and semolina are now on the free list from Canada—at least, so far as the tariff is concerned. Mr. Barnes, president of the Food Administration Grain Corporation, however, has barred the importation of wheat during the pendency of the food-control law. Mr. Barnes told me over the long-distance telephone from New York recently that only 5,000,000 bushels had been imported from Canada during the fiscal year ending June 30, 1919, as against about 19,000,000 bushels imported annually prior to the war.

The Underwood law did not get well under operation before the European war began. The conditions created by that war have acted as a high protective tariff. When we get back to peace conditions, which as to wheat will be next June, and as to other things some of them before that time, the American farmers will raise a howl which, by comparison, will make the roar of protest against Canadian reciprocity seem like a feeble murmur. In other words, when the farmers really find out that the Underwood law lets down the bars as to agricultural products to a much greater extent than Canadian reciprocity, they will throw the men responsible for it higher than they did Mr. Taft.

Mr. Chairman, what we have done in favor of other countries and against our own agricultural interests is reflected in an article in the London Economist from its Ottawa, Canada, correspondent, written on May 27, 1919. He says:

There has lately been issued a report of the United States Tariff Commission, which suggests a double system of duties, one for countries which give America specially favorable treatment, and another for countries which discriminate against her. At present Canada has the benefit of free importation to the United States for most of her agricultural produce. In the year which ended March 31, 1918, she exported to the United States the following agricultural produce:

Wheat	$53,561,000
Cattle and horses	16,465,000
Flax	19,445,000
Hay	4,240,000
Wool	6,834,000
Bran and mill feed	5,194,000
Flour	5,602,000
Clover seed	769,110
Potatoes	2,704,093
Turnips	685,967
Rye	984,443
Oats	4,513,946
Barley	1,380,922
Buckwheat	216,488
Beef	1,850,375
Fresh cream	666,401
Preserved cream	2,486,279
	127,599,024

This profitable export trade is largely a result of the Underwood tariff, and its growth has been very rapid. For instance, the export of living animals from Canada to the United States was only $1,746,000 in the year which ended March 31, 1913. By 1915 the exports in this one line alone had increased to $13,389,000, and last year the total was $16,465,000. Of this amount $1,376,000 was for lambs, which it is utterly impossible to ship across the Atlantic. There has also sprung up a profitable trade in wheat under milling grade, which has been in great demand for feeding purposes in the United States, and a good market for flax, bran, and other grain products.

Now, it is well known that the American farmer, particularly in the Northwestern States, which adjoin the Canadian West, has always looked with great disfavor upon the comparatively free importation of Canadian agricultural products. The Middle Western States have old Republican traditions, into which President Wilson made certain inroads, but the Republican Party realize that their wholesale reconversion is a necessity if they are to carry the presidential election of 1920. The agricultural interests in the Middle West were strongly hostile to the reciprocity agreement of 1911, and Mr. GEORGE M. YOUNG, Congressman for North Dakota, who is a member of the Ways and Means Committee at Washington, recently declared that their opposition had not abated. Mr. MONDELL, the new Republican House leader, also expressed the opinion that free importation of Canadian agricultural produce was against the interest of the American farmers. There is every symptom, therefore, that the Republicans will make agricultural protection an important item of the new tariff policy.

The article just read shows that the item for cattle and horses had multiplied many times after the passage of the Underwood tariff law, and that all of the items show a great increase of exports into the United States, and in this thoughtfully written article from a Canadian to the London Economist fear is expressed that the Underwood tariff law may be changed by the present Congress to the very great damage, in his opinion, of the farmers in Canada. [Applause.]

Mr. Chairman, I do not mean to convey the idea that farmers are high protectionists. Upon the contrary, I do not believe they are. But they are very pronounced in their opposition to any policy which discriminates against them. If what they buy is protected by tariff duties—and most things they buy are protected by the Underwood law—they want tariff duties collected upon articles which they sell. That is all I want. That is all they contend for.

If I were asked to summarize the reasons why we want the Canadian reciprocity act repealed I would say:

First. Because the process by which it was prepared and enacted was unconstitutional. The President's power to negotiate with foreign Governments exists nowhere outside of the treaty-making power, and the treaty-making power does not extend to revenue measures; they belong exclusively in their initiation to the House of Representatives. The action of President Taft was an invasion of the constitutional prerogatives of the House to originate revenue legislation.

Second. It violates the principle of uniformity in tariff legislation. It proposed to give to Canada privileges denied to other countries—such action carried to its legitimate conclusion with other countries would tend toward commercial wars and perhaps even to wars by force of arms.

Third. Even if it could be justified upon other grounds, it was a horribly poor bargain which, had it gone into effect, would have injuriously affected the agricultural interests of our country.

Mr. Chairman, for these and many other reasons which I can not set forth in the time assigned to me I am in favor of this repeal bill.

There is a timely article in the American Economist of July 25, 1919, which I desire to have printed in the RECORD. It reads:

REPEAL THE CANADIAN RECIPROCITY ACT—BECAUSE ECONOMICALLY UNSOUND AND ESSENTIALLY DISHONEST.

Reciprocity, as applied to the customs tariff, consists in exchanging what belongs to some one else for something which by such exchange becomes yours. There is an exception to this general rule and it consists in securing something of value for yourself and giving in exchange therefor something which belongs to nobody. Both propositions are essentially dishonest.

Let us demonstrate: A protective tariff is one designed not only to produce revenue from such imports as are made, notwithstanding its provisions, but to shut out the major portion of the commodity involved. A is a manufacturer of saws. Being the largest manufacturer in the United States and having considerable competition from other domestic concerns, he is desirous of establishing a market for his saws in Canada. In order to enjoy a decent margin of profit on his output and to prevent unfair competition from the products of lower-cost nations, such as Germany, England, and others, he, in common with other saw manufacturers, has asked for and received a protective tariff on saws. Having heard so much about the value of reciprocity as an aid to export trade, he asks that Congress pass a reciprocity act which will allow his product to enter Canada either duty free or at a substantial reduction from the present Canadian tariff duty, for be it known that Canada manufactures saws, and hence has a protective tariff on that very important industry.

But does A ask that the reciprocity shall consist in the lowering of the duty on saws, so that Canadian saws may come into this country duty free or at a lower than the present rate of duty? That would be real reciprocity. But no, A has no such foolish idea in his head. He wants his industry protected. He wants no lowering of the "economic barriers" so far as his industry is concerned. He did not ask for protection only to swap it off at the first chance for the poor privilege of selling saws in Canada.

So what does A propose? He proposes to let Canadian wheat come into this country duty free. He can see some sense in that kind of reciprocity. That will not cost him anything, while he gains an entrance for his saws into the Canadian market.

But B has a big wheat farm up near the Canadian border, but on this side thereof. While his land is worth from $50 to $60 an acre, the Canadian wheat lands are worth from $10 to $25 an acre. His investment is at least twice as great as the Canadian farmers, and is probably five or six times as great. Not only that, but he has to pay more for his help, more for nearly everything he buys, because labor and commodities are higher in this country than in Canada. Therefore there being a surplus of wheat in this country, he needs protection against Canada wheat, the unrestricted importation of which would make its growth in this country unprofitable.

Now, if A succeeds in securing "reciprocity" which gains him a market in Canada for his saws, he does so at the expense not of himself but of B, and of the many B's, whose industry is more important to this country than all the saws ever manufactured, to say nothing of the theft of another man's business.

Will any man say that such a proposition is true "reciprocity"? No; it is theft. It is a bartering of another man's prosperity, of his chance to make an honest living at his own all-important industry, for the benefit of A.

Now, take our second proposition, that reciprocity as proposed by some is simply getting something for nothing, a mere "con" game. Take our friend A again as illustration. He sees that the Canadian reciprocity scheme is a dishonest one, so he plans to apply reciprocity where it will do no harm. He thinks that the forest of Brazil should provide a market for his saws, so he proposes reciprocity with Brazil. When asked what he thinks would be a fair basis of reciprocity he suggests the admission of saws into Brazil without payment of duty, the consideration therefor to be the admission of coffee duty free into this country. He argues that such a reciprocal agreement will not wrong any domestic industry, and he is quite right. But what does Brazil get in return? Absolutely nothing. We can not raise coffee in this country, so we are granting no concession to Brazil in admitting it free of duty. Furthermore, if we impose an import duty, we add just so much to the cost to the consumer of coffee in this country. That is an instance where the free trade claims that "a tariff is a tax which is added to the price which must be paid by the ultimate consumer" is true. It is the reverse of a protective tariff, which lowers the cost to the ultimate consumer.

Everyone can see that the proposition to make "reciprocal" concessions on noncompetitive products is a dishonest one. It is as much a crime as obtaining money under false pretenses, which is an offense punishable by imprisonment.

But these are not the only ways in which "reciprocity" is not a square deal. It is not fair to other friendly nations. Our tariff laws should be uniform in their provisions, application, and administration. This most-favored-nation proposition is a breeder of resentment and misunderstanding. We should treat all nations fairly and show partiality to none.

We believe that we have shown that so-called reciprocity is unfair, not uniform in its application, besides being unwise and dishonest.

This Nation can not afford to be a party to dishonesty. It can not afford to rob one class of producers to aid another class. It can not afford to gain any advantage for our own producers by entering into a confidence game to swindle a friendly nation.

Therefore we say: "Repeal the reciprocity act." It will be a matter of news to some of our readers that there is any reciprocity act to repeal, but there is. It is what is known as the Canadian reciprocity act of July 26, 1911, the act which Canada refused to ratify, but which she can change her mind about and ratify at any time unless the same shall be repealed.

A bill looking toward such repeal has been introduced into Congress by Representative YOUNG of North Dakota, being H. R. 7122. Canadian farmers have of late been very active in asking the Canadian Parliament to ratify the act of 1911, not for the benefit of the people of this country, but so that the Canadian farmers may sell their wheat at the higher prices which are obtainable in this country. With a guaranteed price of $2.25 a bushel for wheat, which a fool free-trade administration has saddled upon this country in opposition to every principle of sound economics, the Canadians will have a mighty fine time of it under "reciprocity," and at the expense of every man, woman, and child in the United States.

The Young bill also provides for the repeal of paragraphs 581 and 644 of the tariff act of October 3, 1913, which places potatoes on the free list, also wheat and wheat products from all countries which impose no duties on American wheat or its products. It is important for the welfare of this country and its most important industries that this bill pass and pass immediately, and we respectfully urge the Congress to take prompt action to remove this foolish and inconsistent, this dishonest, act, falsely posing under the name of "reciprocity," from our statute books.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Does the gentleman want more time? His discussion of the bill is right to the point.

Mr. YOUNG of North Dakota. The time has all been promised by the chairman of the committee [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, I represent a constituency that borders on Canada. Every State along that border for 3,000 miles is interested in the repeal of the Canadian reciprocity act. They are united, Republicans and Democrats both, to-day for the repeal of this reciprocity act, which holds out our hands to Canada, asking them to accept this un-American law, which they can do at any time. Under the limited time we have to discuss this bill in the House, I ask unanimous consent, Mr. Chairman, to extend my remarks by inserting in the RECORD a speech I made in the House of Representatives of Maine in 1911 on a resolution indorsing Canadian reciprocity, in which I opposed it, and which the Legislature of Maine, being strongly Democratic, also repudiated Canadian reciprocity. [Applause.]

The CHAIRMAN. The gentleman from Maine asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,
LEGISLATURE OF MAINE,
March 7, 1911.

ORDERS OF THE DAY.

To-day assigned: Resolution in favor of reciprocity with Canada.

* * * * * * *

Mr. HERSEY, of Houlton. Mr. Speaker, I do not rise at this time for the purpose of discussing the tariff, and neither do I wish for one moment to present this matter from any partisan or political standpoint. I think it is the most important question which will be before this legislature, and I think it should be approached from no partisan standpoint. The manner in which the committee approached it could not have been partisan, Mr. Speaker, for the majority of that committee said that they were opposed to this resolution, while the minority presented a report which is a modification of the original resolve, which indorses the doctrine of reciprocity with Canada, of which I suppose there is no objection in any quarter; but the object of this resolution, Mr. Speaker, if passed by this legislature, must intend to say to the President of the United States and to the incoming Congress in special session that this Legislature of Maine indorses the resolve or treaty for reciprocity with Canada.

That treaty comes before our Congress under peculiar circumstances. It came a few weeks ago like thunder in a clear sky; it startled the Nation, it came from a Republican President, it came without consultation with Congress, it came without consultation with the leaders of his own party or the leaders of any other party, it came without notice, without an examination, it came at a time when it was popular to speak of reciprocity as a great benefit to our Nation, and for the first few days after this announcement the people of this Nation thought that the President had taken a position that would bring to the people of this Nation more prosperity and had inaugurated something for the benefit of the whole people; but as time went on—and time settles these matters all right—it was found that such a measure did not meet the ideas of Congress, either Democratic or Republican; it did not meet the desires of the people of America, and it certainly did not meet the desires or wishes of that great class, the agriculturists, the farmers, the tillers of the soil, because they have learned something of what it contains and of its effects upon this country of ours.

I wish to ask the patience of this house while I bring before you some facts to demonstrate that this treaty ought not to be approved by Congress and ought not to be approved by this legislature. It is class legislation, un-Democratic, un-Republican, and un-American. Between us and Canada there is a border line of 3,700 miles, reaching from the Atlantic to the Pacific. North of that line bordering the United States is a country, a territory as large as the United States—Canada—settled at about the same time that the United States were settled, or a little before, and since the time of those settlements Canada has grown to a country of about 7,000,000 people, while the United States have about 91,000,000. The United States has become the greatest Nation of the earth during that period. Her great natural resources have developed and become the wonder of the world. On the other hand, across the line in Canada, her forests still stand primeval almost as they were on the morn of creation, the great water powers of the St. John and the St. Lawrence and the Great Lakes are undeveloped, her waters through her numerous rivers run, unvexed by millwheels, to the sea. She has a soil as rich as ours, and in all her agricultural resources she surpasses us. She has greater water powers and natural resources undeveloped than we have. Her waters are full of fish to supply to the world, no restrictions upon labor, and for that reason we find the labor of the world drifting to Canada, cheap pauper labor at her hands to develop her resources, her farms are undeveloped, her agricultural pursuits are of no consequence or account, she still retains her 7,000,000, small in the markets of the world; and this treaty says that these 7,000,000 people north of us shall have the markets of 91,000,000 people, and in exchange for the agricultural products of the farmers we shall have the great privilege of a market of 7,000,000.

Now, Mr. Speaker, this present treaty, although it has received merit as something new, as some great thing inaugurated by President Taft as a great blessing to our people, is not new; it is something old, something that this Nation once discarded. We had this same treaty in 1854, and we had it for 12 years, commencing in 1854 and ending in 1865, the same treaty that President Taft says we want now, and at the end of that 12 years we sent from the Congress of the United States to England this notice, that it was no longer for the interest of the United States to continue the same course. Previous to that notice from our Congress to Canada, in the Canadian Parliament of 1864 the privy council made this report:

"It would be impossible to express in figures with any approach to accuracy the extent to which the facilities of commercial intercourse created by the reciprocity treaty have contributed to the wealth and prosperity of this Province; and it would be difficult to exaggerate the importance which the people of Canada attach to the continued enjoyment of these facilities."

England approved of it and England prospered under it and Canada grew rich under it, and we suffered; and so we repudiated it, and Senator Sherman, of Ohio, when that matter came before our Congress, when they repudiated the treaty and would stand by it no longer, said:

"All the products of Canada come into our markets free of this duty. While this treaty stands it is a discrimination against every farmer and every mechanic and every industrial interest of the Western States. The farmer in Canada may raise his grain and produce and send it to our markets free of duty, and it pays no tax. We can not reach their railroads; we can not tax their transportation; we can not affect them in the least; and yet every interest of our farmers is taxed. It is manifest, therefore, that while we maintain our present system of internal taxation the reciprocity treaty is a direct benefit to the Canadian producer, farmer, and mechanic, and it is a discrimination against our own farmers and mechanics. It seems to me, therefore, for this reason alone, if there were no other, that this treaty ought to fall," and it did.

Now, then, during the Cleveland administration and while the tariff question was under discussion it was thought then that they might revive the old treaty of 1854, and they attempted to do it through Cleveland; and he, great Democrat that he was, repudiated that. In th

Canadian Parliament on the 24th day of February, 1903, Sir John Charlton, then a member of the Canadian Parliament, said:

"The American policy has been applied not only to us but to all the world. The object of the United States has been to sell all that it possibly could of the products of its soil and its mills and its workshops and to buy just as little as it could from other countries, and thus have as much of the balance of trade in its own favor as possible. The result has been that the balance of trade in favor of the United States last year amounted to $600,000,000 as against the whole world, $71,000,000 as against Canada. That is a good thing for the United States, and it will be her policy so long as the rest of the whole world will permit her to do it; but it is not good for us."

Then he goes on to say further:

"Something must be done to change the trade conditions that exist between the United States and Canada. Free trade in natural products would afford a reasonable adjustment. Nothing short of this will do, and this condition of free trade of natural products must be granted by the United States without a solitary concession from Canada further than she has already made. We can not afford any more."

We have now through President Taft a revival of the treaty of 1854 and nothing more. In order that you may have no question about it, a few days ago Mr. Fielding, the minister of finance of the Canadian Government, before the Canadian Parliament, said this about the treaty that he wanted his parliament to adopt:

"It is the reciprocity agreement of 1854 over again with comparatively little change. It promises prosperity to the people of Canada, and this House would make a grave mistake and do a great wrong if it refused to take advantage of it."

Now, the President of the United States takes the old treaty of 1854, discarded by the United States, and revives it and puts it before the Senate by a special message, and he says that he wants it to go through without reference to a committee, without discussion, without giving the people of this great Nation an opportunity to see what it contains, and without even giving to Congress the privilege of negotiating that treaty, and he says, "You must pass it before this Congress adjourns," and when Congress adjourns without passing it he inaugurates by a special message a special session of Congress to crowd this treaty down the throats of the people of this Nation. You can not amend it, you have got to take it as it comes, make all the fight you please, it must be taken as a whole or defeated. I say, Mr. Speaker, that is discrimination against the farmers of this country and in favor of Canada and not one whit in favor of the United States.

Now, in order that we may make no mistake about this matter, when England saw that there was free trade by this treaty with her colony, Canada, in agricultural products, she saw that if that thing became effective it meant annexation, and she would lose her colonies, because there was nothing then between them and everything would be in common, and the 7,000,000 would take the blessings of the 91,000,000 in the market, and she could not hold her colonies, and so England says to her minister there, "What about this?" and Fielding sends a cablegram to England, and what does he say? He says:

"Canada is seeking markets everywhere for her surplus products, subsidizing steamship lines, and sending out commercial agents. Would it not be ridiculous in the pursuit of such a policy to refuse to avail herself of the markets of the great Nation lying alongside? The expressed fear that it will seriously affect imports from Great Britain is groundless. The greater part of the agreement deals with natural products Great Britain does not send out. The range of manufactures affected is small, and in most cases the reductions are small.

"It appears to be assumed in some quarters that the tariff rates agreed upon discriminate in favor of the United States and against Great Britain. There is no foundation for this. In every case Great Britain will still have the same rate, or a lower one. Canada's right to deal with the British preference as she pleases remains untouched by the agreement. The adoption of the agreement will probably lead to some further revision of the Canadian tariff, in which the Canadian Parliament will be entirely free to fix the British preferential tariff at any rates that should be deemed proper."

Now, what is reciprocity? It is a popular word, but what is it? I will give you a definition of it, the best definition which I could find in the dictionary.

"Reciprocity is an arrangement or agreement between our own Nation and another nation by which we agree to admit, free of duty, certain articles which we need but which we can not raise or produce here; and in return the other nation admits to its ports free of duty certain articles which we produce and which they need but can not produce in their own land."

Take that definition. Does that define the treaty proposed to be inaugurated in this nation? Not at all. It is not reciprocity. There are a lot of us here who are in favor of reciprocity, but this is nothing but a discrimination against the farmers of the United States. Now, in order that you may understand it still further, what does the Canadian press think of this thing? Are they getting a good thing? The Manitoba Free Press, in that great agricultural country of Manitoba, the richest land upon the face of the earth, what do they say?

"The outstanding feature of the tariff is the complete reciprocity in farm products. This will undoubtedly be popular with the farmers both of the East and of the West. The good times in the eastern Provinces during the life of the Elgin treaty are a matter of tradition, and there is no doubt that the opening of the markets of the great American cities to the products of the eastern farms will be acceptable and profitable to the eastern farmer. In the West free wheat and free access to the Chicago market for his cattle will undoubtedly appeal very strongly to the cultivator of the soil."

The Ontario Advertiser has not been altogether satisfied with us in the past, but after characterizing the treaty as "the Canadian farmers' triumph," it authorizes us to congratulate ourselves that all is now forgiven. It says:

"The treaty agreement is a complete reversal of the normal attitude of the United States for nearly half a century. Except during the brief periods of Cleveland's ascendancy, the policy of the country since the Civil War has been one of stiff-necked protectionism, with a particularly forbidding front toward Canada. Probably no persons have been more surprised at the change than the Canadian negotiators. They could scarcely have expected such liberality when they set out for Washington."

But somebody says in giving the market for Canadian farm products in competition to our own will lower the price of food products and thereby help your labor, but that is the greatest blow there could be to labor in this land. In the United States, in the State of Maine, the labor is the best paid of any laborer on the face of the earth, and you and I know it. Yes; he is the best paid, and why? Because on this great border between us and Canada stands the immigrant inspection officer as well as the customhouse. We keep out the cheap and the pauper labor of the world. Pass that treaty and Canada with her great natural resources and her powers to manufacture cheaply with cheap labor, and how she can compete with the manufacturers of this great Nation! To be sure the cost of living is high, but wages are correspondingly high. You may lower the cost of living by cheapening the farm products, but then you must lower labor at the same time. Let us look at it. There are to-day 48,322 sawmills in the United States, employing in round numbers 1,250,000 men, who support a population of 5,000,000 people. Where would those people be with the natural resources of Canada and the mills upon her great water powers to compete with? There are $300,000,000 invested in the pulp and paper mills of the United States, employing 112,000 men. Premier Gouin, in speaking for the Province of Quebec, is quoted in the press as saying:

"The desire of the Provincial Government is to make Quebec the center of the pulp and paper industry of the world, and there is no reason why this should not be accomplished, for Quebec has the essential pulp wood and water power."

We have heard a great deal of discussion in this legislature about the protection of the fisheries along the coast of Maine. Fishermen have been looking after their wants—sea and shore fisheries. It is a great enterprise in the State of Maine, a great enterprise along the coast of Maine. The great State of Washington is the first State in the Union in the matter of fisheries. What about those fisheries? Pass that treaty and you won't discuss the fish question in a Maine Legislature; it won't be necessary; there will be no fish question, and there will be no fisheries along the coast of Maine. We can not compete with the Canadian waters, that are full of fish; the packing houses along the coast of Maine and Massachusetts and Oregon and Washington can not compete with the packing houses that will be erected where the fish are. Have you any doubt of that? Premier G. H. Murray, of Nova Scotia, in discussing the provisions of the treaty before the Canadian Parliament on February 24 said:

"I see no reason to-day why the fishing fleet of Nova Scotia should not increase threefold. I see no reason why we should not become the principal fish-food producers of this continent.

"For a quarter of a century the fishing portion—one-third—of our population longed for a free market with the nation to the south," he continued. "Now that great wish seems satisfied, and hope is filling the heart of every man who follows the sea for a livelihood."

What about the farmers? I said it was not a matter of politics. Democrats and Republicans alike ought to be agreed in the State of Maine upon this matter. Even the Waterville Sentinel on February 27 said:

"The scheme of reciprocity with Canada proposed by President Taft is not a fair proposition, judged either from the viewpoint of a tariff for protection or from the viewpoint of free trade or from the viewpoint of a tariff for revenue. From the viewpoint of a tariff for protection its aim is to take away from the farmers of this country what little of special privilege is extended to them. From the viewpoint of trade it fails to correct the favoritism granted to other lines of business besides farming. From the standpoint of tariff for revenue it is an absolute failure, because it still adheres to the policy of a tariff for the protection of privilege."

The Bangor Commercial of February 14 said:

"The ratification of the proposed reciprocity measure in its present form would be a blow for the future as well as for the present. A blow to the Maine industries depending upon our forest products would mean a blow to hundreds of thousands of people whose livelihood comes from these industries. We are glad to build for the future, but not at the expense of the present, and can not but object to a measure that, if adopted, will injure Maine's interests until such time as it is abrogated.

"But it is not alone the lumbermen, the paper and pulp manufacturers, and the dealers in the manifold forest products who will be dealt a vital blow should the reciprocity agreement be ratified, for every potato farmer, dairy farmer, cattle raiser, and hay producer will find his prosperity very seriously menaced.

"This is a question that is of vital importance to every farmer, not only in Maine but of all States adjacent to the Canadian boundary, for naturally the interests more directly affected are those near the boundary. They naturally can see no justice or equity in giving the manufacturer protection on the articles that they must buy and proclaiming free trade on the products of the farm, of protecting meat and not livestock.

"It has been said that Canada does not raise a vast amount of farm products, but this does not mean that she can not. Open to Canada the markets of the United States on a more than even basis with our farmers, for our neighbors across the border can buy their farms and obtain their laborers more cheaply, and the result is not far to seek. Right across the Maine line in Canada are thousands and thousands of acres of fertile lands. Give them a profitable market and their production will be vastly increased at the expense of Maine. Our farmers will suffer in lower prices for their products and depreciation of their farms and the State will suffer in the removal of many of its agriculturists across the border. And what is true of Maine is equally true of the other States that are adjacent to the Canadian border.

"It is not at all surprising that the sentiment in Canada over the proposed treaty is one of gratification mingled with surprise, for Canada is the larger beneficiary."

P. B. Carvell, Liberal member from New Brunswick, said recently:

"It is practically the unanimous wish of the electorate of the maritime Provinces, Conservatives as well as Liberal, that there should be freer access to the American markets for the natural branches products of Canada."

Under the agreement he felt sure there was no possibility that any Canadian interest would suffer. On the contrary, they would all be greatly stimulated. In his own country, he said, hundreds of Canadian farmers had crossed the international boundary line, a stone's throw away, not because the land of Maine was more fertile but because the New Brunswick farmer did not have as good a market as the man in Maine.

The Carleton Sentinel, published in New Brunswick, under date of February 3, said this in an editorial:

"We direct our readers to a careful study of the proposed reciprocity agreement concluded between the representatives of Canada and the United States, and made public on Thursday of last week. It will be seen that if this proposal becomes law practically everything produced by the farmers of New Brunswick will be admitted into the United States markets free from duty.

"One can hardly grasp at the outset what this will mean to the farmers and ordinary producers of the Province.

"As compensation for these wonderful boons all that we are granting the United States producers is a reduction in duty of from 2½ to 5 per cent on farm machinery. Thus from a farming standpoint and, in fact, from the standpoint of practically every person in New Brunswick we win both ways. We will not only obtain a better market for our products, but we will obtain cheaper machinery with which to produce them."

It is true that we have a large number of corporations—a trust you may call it—in the United States manufacturing farming machinery. It will help those tew trusts in getting a market for their farm machinery, machinery with which they can do better work.

The Observer, published in New Brunswick, under date of February 1, said:

"Never since confederation has there been such a golden prospect for Carleton County farmers as is held out by the new tariff agreement announced in Parliament last Thursday. Throughout Canada the message that Hon. Mr. Fielding bore was considered the most important achievement ever made for the Canadian people. For weeks a committee composed of Canadian and American tariff experts have been arranging an agreement of reciprocity, or free trade, particularly in farm products, and the concessions gained from the Americans are a surprise to every Canadian, for those who have read the full report will have noticed that our neighbors concede to Canada much more than we have given.

"The new arrangement will not become law until the measure passes both Parliament and Congress. That it will pass the farmers here by a most decisive majority goes without saying, but there is reason to apprehend that the measure may be killed in either the House of Representatives or the United States Senate.

"Over in Aroostook farmers are getting 40 cents a dozen for eggs, 50 cents for oats, 12 cents for pork, $10 for hay. When this tariff agreement passes Carleton County farmers will be situated on an equal with their Yankee neighbors, and the day the measure becomes law every farm in Carleton County will increase in value 25 to 50 per cent.

"The day the United States House and Senate passes the proposed measure Carleton County comes in for not only her own but a great slice of her neighbor's market."

Do they know what they are talking about? It is nothing but class legislation, while the farmers of this great Nation are selected for the sacrifice. And you have accomplished nothing by it. You won't relieve the laborer or the manufacturer or the consumer, but you will injure the producer. Now, I say, gentlemen of this House, that the time has been in the past when Democrats and Republicans stood together for Maine and for this great Nation of ours. They stood together shoulder to shoulder when the Union was threatened. They stood together for a United Republic, they marched shoulder to shoulder, they were one, and they saved the Union and they saved the State of Maine. Again they stood together, Democrats and Republicans, some years ago when it was proposed to take our money and depreciate and degrade it and make of a dollar 50 cents, and they stood together, shoulder to shoulder, and they saved the money in this country. The time has come now when they must again stand shoulder to shoulder to save the agricultural interests of this Nation. Too much talk has been made about the consumer who must depend upon the farmer. The vital source of all our life comes from the farmer. Back to the farm we must go for prosperity. The farmer is the lifeblood of the Republic. You must save the farmer if you would save the Nation and the people; and I say the time has come when the producer must be given some protection and you must have some regard for him. The great agricultural interests of this Nation, the millions of farmers to-day that protest against this measure, must be heard, and they will be heard; they will be heard in this House of Representatives, or they will fill the House with those who will hear them. I say that in agricultural Maine we should stand to-day a unit against this treaty, and say that the majority of this committee, composed of Republicans and Democrats alike, are right when they state that this measure, this resolution, ought not to pass. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield to any Republican on that side three minutes.

Mr. MORGAN. I would like to have that time to talk on this bill.

Mr. WHITE of Kansas. I would like to have five minutes.

Mr. KITCHIN. I yield three minutes to the gentleman from Oklahoma [Mr. MORGAN] to talk on this bill.

Mr. MORGAN. Mr. Chairman, I have not had time to study this bill before the House, but I remember very well when this proposition was before the House in its original form, and I remember the position I took on it at the time. I was opposed to the original proposition, and I made a speech against it when before the House; I voted against it, I believe, three times in one form and another. I am opposed to it to-day, and I want to compliment the Committee on Ways and Means in bringing in a bill here in favor of the repeal of this measure. I have always thought it was a discrimination against the agricultural interests. I believe in the principle of protection, and I believe that principle ought to apply to agriculture as well as to manufactures. I believe it ought to apply fairly to all interests, and that is the kind of protectionist I am. So I believe that the passage of this bill will indicate the position which the American people will take upon this great question in the future. I do not expect to see the day come again when the American Congress will ever reenact a measure like this, or we will have an American President who would sign and approve such a bill. I just wanted to place myself on record in favor of the passage of this bill. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HEFLIN]. [Applause.]

Mr. HEFLIN. Mr. Chairman and gentlemen, on last Monday, in replying to an article in the Washington Post regarding the election in the seventh congressional district of Alabama, I called the attention of the House to the fact that Mr. L. B. Rainey, of Gadsden, a Democrat, had been elected to Congress by a majority of 406 votes. Mr. WOOD of Indiana participated in the debate that morning, and the RECORD quotes him as saying or insinuating that I had secured the appointment of a negro by the name of Scott as Assistant Secretary of War, and had also secured the appointment of another negro for some office—he did not say what.

I was in the Hall Monday when Mr. WOOD of Indiana made a speech, but my attention was diverted by some Members who were speaking to me, and I did not hear what he said about me personally with regard to this particular matter. If I had, I would have branded the statement then as incorrect, unwarranted, and untrue. Here is the statement made by Mr. WOOD, and to which I desire to give attention:

I informed them—

He said, speaking of what he told the Republicans in the seventh district of Alabama, referring to me—

that he was appreciated fully, however, by the President from the fact that when it came to selection of an Assistant Secretary of War during this trying period he went to Alabama to get him; that this Assistant Secretary of War came from the district of Mr. HEFLIN; and, notwithstanding he was black as a coal, he was nevertheless appointed Assistant Secretary of War.

In the first place, Mr. Chairman, there is not now and has not been at any time during the present administration a negro Assistant Secretary of War. During the war there were three Assistant Secretaries of War. I have just been informed by the War Department that all three of them were white men and that the negro, Emmett Scott, referred to by Mr. WOOD, was not an Assistant Secretary of War, but that he was appointed by the Secretary of War to do certain work in connection with the negro soldiers. I did not even know that Scott had been designated to look after the negro soldiers until I heard it charged by Republicans in the seventh congressional district of Alabama that he had been appointed Assistant Secretary of War—a charge which was untrue. Any insinuation or intimation that I knew of or had anything to do with the negro Scott's appointment to the position that he did fill temporarily is without foundation. It is absolutely untrue.

Then, again, Mr. WOOD said:

I told them that, as another evidence of his influence, that when the ship *George Washington* sailed to the other side they were looking for some one to represent that section, and the gentleman from Alabama was again called upon to name that representative. The man he selected was as black as the ace of spades.

Mr. Chairman, there is no excuse for this unfounded and untrue statement. I am so innocent of even information as to what he means by this last statement that I do not even know to what he refers. But I want to say that there is no truth in either one of the statements charging or insinuating that I was consulted about or had anything whatever to do with the matter here mentioned by Mr. WOOD of Indiana. There is no word of truth to give rise to or even remotely sustain the charges or insinuations made against me with regard to the negroes here mentioned by the gentleman from Indiana [Mr. WOOD].

I fear that he talks one way on the negro question in Indiana and quite another way in Alabama. If you had heard him in Alabama you would have thought that he favored white supremacy, and if you should hear him in Indiana you would think that he favored social equality and marriage between whites and negroes. My position on that question is the same here as elsewhere. I always try to tell the negro the truth about this question. I know the feeling of the great white heart of this country, and we ought to be honest and just with the negro and not deceive him in order to get his vote. You hurt us in the South, and the negro, too, by teaching a false doctrine. The masses of the white men in the North are not with you Republican leaders on this question. Mr. Lincoln said that he was opposed to social equality. He said that he was opposed to intermarriage between the races. And the Republican leaders like Mr. WOOD would do well to stay by the doctrine of Mr. Lincoln.

Those of you Republicans who believe in mixed schools and churches and intermarriage between the negro and white races are doing more to cause riots and crime amongst the negroes than any other thing. You cause them to aspire to something that the decent white man and woman abhor and hate, and will never submit to. In order to obtain the negro vote temporarily you mislead, deceive, and do that which will injure for a long time the negro race and at the same time bring trouble, serious trouble, upon the white men and women throughout the country. Every time you Republicans do anything to encourage mixed schools, mixed churches, and marriage between the races, you are sowing dragon's teeth in the path of white women wherever the negro problem is present. The white woman alone in her

home or walking alone through the park in the city, and the country girl walking along the lonely road, as she goes or comes from school, is in danger because of the doctrine that some of you teach. You do an injustice to the good negro, and there are thousands of them. The class that I refer to as the good negro knows that we tell him the truth and give him the true attitude of the real decent white men and women on this race question.

Mr. HERSEY. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. HERSEY. Did the gentleman understand Mr. WOOD to claim, either in Alabama or elsewhere, that he was in favor of the intermarriage of the races—the black race and the white race?

Mr. HEFLIN. Not in Alabama; no.

Mr. HERSEY. Anywhere?

Mr. HEFLIN. I am speaking of what I think his position is on the negro question up in the other sections of the country.

Mr. HERSEY. You do understand he claims that?

Mr. HEFLIN. No; I do not say that he claims that. I am stating what I understand his position to be.

Mr. HERSEY. He is not here.

Mr. SANDERS of Indiana. What is the gentleman's source of any such information as that?

Mr. HEFLIN. I have no direct information. I am simply expressing my opinion as to his attitude on this question. All who indulge in it should quit playing politics with a question that lies at the very heart of all that the white race holds dear and that touches the present and future welfare of the whole negro race in America. Let me say to white men North and South that whenever the crime of rape is committed and white men go out after the brute who commits it do not let anyone harm the innocent negro. It is our duty to see to it that he is protected, and we do that in the Democratic South. But we have registered a vow, and we will keep it as long as there is courage and life in us, and that is when a negro commits the crime of rape on a white woman he must die. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Chairman and gentlemen, I am not here to discuss concretely any bill. I ask for five minutes in order to correct a false impression, honestly entertained, no doubt, by my good friend the gentleman from North Carolina [Mr. KITCHIN]. I asked it in order that I might speak when he was in the room, and I supposed he was here. I am here to enlighten this committee on the subject of the consideration of the Mondell bill and the Morgan bill and other soldiers' settlement bills. I make the statement that a gentleman on the minority side a few days ago, in the discussion in general debate made the statement, which you will find in the RECORD, that the soldiers' settlement bill was fathered by the Republicans.

I want to say to you in this connection that the bill was introduced by Mr. MONDELL, but I say to you that it has a more remote, though possibly not a more illustrious, ancestry, and the gentleman from Wyoming [Mr. MONDELL] has referred to it before the committee and before this House as the "Secretary Lane bill." So that instead of it being a Republican bill and having a single paternity, that which is impossible in nature has become the phenomenon of legislation, and it has a conglomerate ancestry.

As to the Committee on Public Lands, I want to enlighten my good friend, because I know that he would not knowingly misstate any proposition before this House. I assume that it may be regarded as an act of temerity for a gentleman of such tender years and inexperience as myself to endeavor to even enlighten the gentleman or to correct his statement. I want to say to you with reference to the report on the Mondell bill that nine Democrats and eight Republicans on that committee supported the majority report. I think that this is information to this House, and I am making it, not as a partisan, but as a member of that committee. Of the four gentlemen who signed the minority view, all of them were Republicans—not a single one of them a Democrat. And if the majority that supported the majority report, a majority of Democrats, were sincere, why have they not come before this committee and before this House and urged some measure of the kind? They have not done so. I oppose the Mondell bill conscientiously, because I think it is fundamentally defective. This I say to you, gentlemen on the minority side and on the majority side, is not a partisan question, and should not be degraded as a partisan question in any sense, and it can not be. I say to you further, gentlemen, as a statement of information to this committee, that I myself in that committee, as both Democrats and Republicans will attest who are members of that committee, moved to substitute the Morgan bill for the Mondell bill. It is a matter of record. I make these statements, gentlemen, because I think it fair to the Republicans and the Democrats and to the members of this committee that this statement should be made here and in this manner. I make it respectfully.

Mr. BEE. Will the gentleman yield?

Mr. WHITE of Kansas. Yes.

Mr. BEE. What has become of the Morgan bill in the Committee on Public Lands?

Mr. WHITE of Kansas. I am not able to answer the gentleman's question, except I understand it maintains its place without prejudice in that committee.

Mr. KITCHIN. I did not quite understand. Will the gentleman permit an interruption?

Mr. WHITE of Kansas. I will yield for a question.

Mr. KITCHIN. What impression does the gentleman think ought not to be created and ought not to go out to the country?

Mr. WHITE of Kansas. The report as to the number of Democrats and Republicans on the committee, which the gentleman said was about 2 to 1.

Mr. KITCHIN. Some said 13 to 8.

Mr. WHITE of Kansas. It was 9 to 12; and I wish to state that that majority report was supported by 17 members of the Committee on the Public Lands, consisting of 9 Democrats and 8 Republicans. I make this statement, not as a partisan, but as a patriotic citizen and a member of that committee; and I believe that this legislation should not be tinged with any partisan consideration, either now or at any subsequent time. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. KITCHIN. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 14 minutes.

Mr. KITCHIN. Mr. Chairman and gentlemen, I really did not intend to get into any debate upon this soldiers' bills matter, or even to refer to it, or to the bills or lack of bills concerning it reported out or kept in by the Republicans of the Committee on the Public Lands. I am glad, very glad indeed, that the gentleman from Kansas [Mr. WHITE] has set the House perfectly straight on the Mondell soldiers' bill, the bill introduced by the majority leader of the House. The gentleman says that nine Democrats and only eight Republicans voted to report out of the committee this soldiers' bill.

It appears from the statement of the gentleman that with the dozens of bills introduced by various Members for the relief of the soldiers, no bill at all would have been reported out of that committee in favor of the soldiers if it had not been for the Democrats on the committee. No bill at all, whether a good bill, a just bill, or not, would have been reported. But for the Democrats, all soldiers' relief bills would have been kept in the committee and not one would now be pending for consideration by the House. Now, the Democrats, perhaps, who caused the making of the favorable report on the Mondell bill took the position that there was a sentiment in the country and in the House for the soldiers to have some relief, and that the soldiers had the right to have some bill for their relief considered by the House, whether they agreed to all the provisions of the bill or not. They were willing, for the sake of the soldiers, that some bill, some concrete proposition, should be considered by a Republican House, and so they voted to report it so that the House could consider it if it desired. According to the gentleman from Kansas [Mr. WHITE]—and I know he is correct—if it had not been for these Democrats on the Committee on the Public Lands the soldiers would not have had an opportunity for this House to have considered any bill, good or bad, in their interest.

I am mighty glad that the Democrats were willing to vote to report some concrete bill, whether wise or unwise, whether they agreed to the bill or not. I am glad they felt that the soldiers really had a right to have something considered in the House. If there is one man in this House who should forever feel under the most grateful obligations to the Democrats on that committee it is the author of the bill, Mr. MONDELL, the Republican majority leader of the House, because if it had not been for these Democrats a Republican committee, which he helped to make and to shape, would have killed his bill in the committee and it could not have been considered by the House. His committee would have ignored and turned down its own majority leader.

These Democrats also out of respect to Mr. MONDELL, the distinguished and able leader of this House, seeing that the committee and members of his own party were going to turn him

down and humiliate him, felt that it was nothing but fair and just, although they might not favor all the provisions of the bill, that the majority leader of the Republican Party of the House ought to have his bill, the first bill he introduced at this session, considered in the House by his own party. [Laughter.] Of course, if I had been on that committee, although I am opposed to the bill, I think I would have taken the view that the Democrats took, that the committee under the circumstances should show enough respect for the majority leader of the House [Mr. MONDELL] to give his bill a chance on the floor of the House. [Laughter.] So that is the way the bill got out. [Applause on the Democratic side.]

Now, gentlemen, with respect to the bill now under consideration, I am glad to say that this is one bill, the repeal of the Canadian reciprocity act passed by the Congress under Mr. Taft's administration in 1911, which all Democrats agree with the Republicans should be passed. That reciprocity act was passed, as the Democrats will recall, and I wish to remind them afresh, before the Underwood Act of 1913 was passed. Therefore, from the Democratic standpoint, after the Underwood bill passed, arranging and adjusting the tariff rates according to the Democratic theory and policy, there was little use from the Democratic standpoint in Canadian reciprocity, since it was practically a tariff proposition between this country and Canada. Having the Underwood Act enacted two years after the passage of the reciprocity act, the Democrats have no particular concern in keeping on the statute books the Canadian reciprocity act, especially since Canada rejected it. And then as a real American question it is not fair for this country that we should keep standing forever open for her acceptance the reciprocal agreement with Canada after she, by a vote of her people, has rejected it, leaving Canada for the next 10 or 20 or 30 years free to come in and accept it whenever she thinks conditions have so changed as to make the agreement a one-sided bargain in her favor. Therefore, as a national proposition, in the exercise of our right and interest, we ought to repeal it now.

I am very glad to agree with the gentleman from Michigan [Mr. FORDNEY] and the other Republican members of the Committee on Ways and Means on this bill.

As to the report of my friend from North Dakota [Mr. YOUNG], perhaps he states the facts, but not all the facts with respect to how that legislation was passed and who voted for it. It is stated in this report that "while the measure was sponsored by a Republican President, it was opposed by a majority of the Republicans in Congress and went on the statute books only because of the united support of the Democrats." Of course, the Democrats did not unitedly support it. We had some Democrats who opposed it.

I want to call the attention of the gentleman from North Dakota to the fact that this same identical reciprocity bill was passed by a Republican House—in February, 1911—in the short session before the Democrats had come in. We Democrats did not take control of the House until the extra session called by Mr. Taft in April, 1911, after the election of 1910. But from December 1, 1910, to March 4, 1911, the Republicans had control of the House by a large majority, and that same identical reciprocity agreement was passed by that Republican House. The Senate, however, refused to take it up, or did not pass it. And because of its failure to pass, Mr. Taft called an extra session for the express purpose of passing this reciprocity agreement, which the Republican House a month before had passed. In this extra session the House was Democratic.

I believe the gentleman from North Dakota [Mr. YOUNG], who made this report, was not here then; neither was my friend from Kansas [Mr. WHITE] and many other gentlemen. But let us keep the record straight. Mr. Taft, a Republican President, and Mr. KNOX, the Republican Secretary of State, negotiated with Canada this agreement before any Democrats in the House ever heard of it and before any Democrat in the Senate ever heard of it, and they submitted it to the Republican Congress—the short session of the Sixty-first Congress—and the Republican House passed it.

You know the reciprocity bill could not have gotten out of the Republican Ways and Means Committee in that Republican Congress in 1911 if the majority of the Republicans on the Ways and Means Committee had not been for it. Mr. Payne headed that committee. On that committee were Mr. LONGWORTH, who is now a Member of this House; the late Mr. Hill of Connecticut; Mr. Boutell of Illinois; and Mr. McCall, of Massachusetts, who, one or two years afterwards, was made governor of Massachusetts. They voted to report it out and defended it on the floor. Mr. MANN, one of the strongest and ablest leaders the Republican Party ever had in this House, voted for it in the Republican House in February, 1911, and in the Democratic House in April, 1911. Gentlemen, at the time it was a wise act and, in my judgment, it was the most statesmanlike act of the whole Taft administration. But as I say, there is no use for it now. It will serve no purpose now. I merely wanted to call the attention of the gentleman from North Dakota [Mr. YOUNG] to the facts as they appear in the RECORD and to some of the distinguished Republicans in the House who voted for the act.

And, gentlemen, I want to call attention to another gentleman who voted for this reciprocity act both in the Republican House and a month or two afterwards in the Democratic House, and that is the patriotic and distinguished gentleman whom the united voice of the Republicans in this House made Speaker, Mr. GILLETT.

Mr. KNUTSON. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. KNUTSON. Does the gentleman from North Carolina maintain that the original reciprocity act was passed by a Republican House?

Mr. KITCHIN. A Republican House; the original bill submitted by Mr. Taft.

Mr. KNUTSON. The gentleman is mistaken, because it was approved on July 26, 1911, when Mr. CHAMP CLARK was Speaker and the Democrats were in full control. The gentleman's memory is marvelous, but he certainly will not dispute the RECORD.

Mr. KITCHIN. That is the act that Democrats and Republicans and President Taft passed and put upon the statute book in the extra session of 1911. But I was referring to the vote in the preceding February, when the Republicans had control of the House. Will somebody ask Mr. Sabine to send me the RECORD of the vote on that in February, 1911?

Mr. CANNON. If the gentleman will allow me, that came up at the end of my occupancy of the Speakership, at the end of eight years. I was violently opposed to the so-called Canadian treaty, and suffice it to say that it did not pass during that short session.

Mr. KITCHIN. It is barely possible that I may be mistaken, but I am equally as certain the House did pass it in the short session of the Sixty-first Congress, in February, 1911, while the gentleman was Speaker; but we will see when I get the RECORD.

Mr. CANNON. I will tell the gentleman why I am so clear that it did not pass Congress in the short session. I was sent for to go into the President's room at the other end of the Capitol, where President Taft had been signing bills, and I went over there immediately after the expiration of that Congress, which expired at 12 o'clock on the 4th of March, and I went along with several other Republicans, and the President asked us for our opinion as to the proper time to call a special session of Congress, whether it should be immediately, in April, or in May; and after polling everybody else I said, "Mr. President, the real reason for calling that session together is to ratify the reciprocity treaty with Canada?" He said, "Well, yes." I said, "Mr. President, so far as I am concerned, it does not make a d—— bit of difference when you call it"; and it was called, and the Democratic House passed it.

Mr. KITCHIN. But the gentleman will admit that before the Democrats took control, in the short session when the Republicans were in the majority, the bill passed the House. I did not say it passed Congress. I expressly said it failed in the Senate. The question at issue now is, Did the House in February, 1911, while in control of the Republicans, pass the reciprocity bill? The gentleman may possibly be right and I may possibly be wrong, but I want to get the RECORD. That will tell. Ah, here it is. Let us see. The yeas and nays were ordered on the passage of the reciprocity bill on the 14th day of February, 1911, in the Republican House, and this RECORD shows that both the young gentleman from Minnesota, the active and diligent whip of the Republicans [Mr. KNUTSON], and my esteemed and respected and revered and lifelong friend, Mr. CANNON, are mistaken and that your humble servant was correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. Give me one minute more.

Mr. FORDNEY. I yield to the gentleman one minute.

Mr. KITCHIN. The RECORD shows that in the Sixty-first Congress, on the 14th day of February, 1911, with the Republicans by a large majority having control of the House, it was passed by an overwhelming majority. The vote stood—for it, yeas 221, nays 93, or two and one-half times as many yeas as there were nays. [Applause on the Democratic side.]

Mr. CANNON. If the gentleman will allow me, the gentleman is correct and I was incorrect in saying that it did not pass the House; but if it had not been for the solid Democratic vote for it, or substantially that, it would not have passed.

Mr. KITCHIN. I only wanted to show the RECORD for the benefit of my young friend, Mr. KNUTSON. [Applause.]

Mr. FORDNEY. Mr. Chairman, if the gentleman from North Carolina [Mr. KITCHIN] had gone further with his statement, he would have found that when the reciprocity bill passed the House in February, 1911, it passed with a solid Democratic vote and a minority of the Republicans voting for it, and it never received a majority of Republican votes in this House at any time.

Mr. KITCHIN. There are many other righteous acts that never received a majority of the Republicans, either. But that bill received a vote of a majority of the Republicans on the Ways and Means Committee, did it not? The gentleman wes a member of that committee at that time.

Mr. FORDNEY. I do not remember as to that, but I do not think so; and if you think Canadian reciprocity a righteous act, why are you going to vote for its repeal? But the gentleman from North Carolina is always resourceful and will present any kind of an argument, whether it is correct or otherwise, if he can get merriment out of it from the Democratic side of the House, whenever a tariff bill is under consideration.

This treaty has remained upon our statute books since 1911 and would become a law by the approval of Canada. When this bill became a law, so far as the Government of the United States is concerned, the matter was taken up by the Canadian people and submitted to a vote of their people, and it was overwhelmingly defeated. Since that time the law has remained upon our statute books, subject to the approval of Canada, and would become a law at any time that the Canadian Government might approve the treaty.

I have here a statement prepared by the Tariff Commission, a very valuable document, a summary and brief history of all the commercial treaties which have become laws between the Government of the United States and other countries. I commend the reading of this report to every Member of the House. The substance of the report is that this Government never entered into a reciprocity treaty with any foreign country that did not work to the disadvantage of our people.

Many treaties that have been agreed to between the representatives of our Government, the Secretary of State, and foreign authorities have been rejected by the Senate end of this Congress. We entered into a treaty with Canada in 1854. That treaty became effective in 1855 and remained a law for 11 years, and was repealed by a Republican Congress in 1866 by the adoption of protective measures.

Congress was called together in extra session after the House of Representatives had declined to ratify a treaty. Presented in the form it was drawn up, it was necessary to submit it to both Houses of Congress for ratification—the treaty between this Government and Cuba. In 1903 Congress was called together in extra session to pass that treaty. After great pressure had been brought to bear on Congress by President Roosevelt that treaty became a law. I want to show you the effect of that treaty. I was a Member of the House of Representatives at the time that treaty passed the House. I voted against it.

The balance of trade between this Government and Cuba for 17 years from the date of that treaty to the present time shows the balance of trade against the United States of $538,210,000. The average balance of trade annually was more than $31,000,000. Of course the trade between the two countries has very materially increased since that time, as our trade with the whole world has increased in volume.

During the same period of time under our general tariff laws, without any special trade relations between this Government and Canada, a small foreign nation to the north of us, the balance of trade has been in our favor. With Canada the balance of trade annually has been in our favor to the extent of $122,000,000, or more than $1,031,865,000 in 17 years. There is evidently a difference between a country doing business with the people of the United States under a general tariff law and a reciprocity treaty, which means free trade on many products, and the ordinary transaction of business in the usual manner.

I repeat, gentlemen, that there is not a treaty of record between this country and any other country in the world that has not operated to the disadvantage of our people. I can see no benefit coming to the people of the United States by trading a horse to the people of another nation for a horse.

The Republican principle of reciprocity is to accept from a foreign country such goods as they produce that we do not produce, if they will take some of our products under the same terms. It has always been a Republican principle to admit free of duty, or at the very lowest possible rate of foreign duties, articles produced in foreign countries that we do not produce here but must have. Coffee and tea are articles of food produced in foreign countries and not produced here. It is not a competitive product with any product of this country.

Raw rubber is produced in foreign countries and admitted free under the Republican law and under existing law. There never has been a duty on coffee and tea entering this country, except as a war measure during the Civil War. I think I am correct in that statement, although there might have been a duty in very early days before my recollection.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. YOUNG of North Dakota. How about the export duty on coffee in Brazil?

Mr. FORDNEY. No country imposes an export duty on coffee. Brazil produces the bulk of the coffee which comes to this country, and the Government of Brazil purchases all the coffee produced there and sells it at a profit, and that profit goes into the treasury of Brazil. They get around the export duty by that sort of method.

We are talking a great deal about the high cost of living in the papers and to the galleries. The administration has asked additional laws to enable it to bring down the cost of living. Such laws have been passed by Congress. I have reports and a photograph in my office to the effect that more than 30 Government ships are lying at anchor, out of operation, at Seattle, Wash. Thirty Government ships inactive and a great shortage of tonnage all over the world! In Brazil the docks and warehouses are filled to overflowing with coffee waiting for tonnage to bring that coffee to the United States or to take it to some foreign country. If the administration wants to bring down the cost of living in one great food product of this country, why not send some of those Government ships lying at anchor in Seattle to Brazil and bring in a few cargoes of coffee, dump them on the market, and reduce the price of that commodity? [Applause.]

I know at my home old Government Java coffee sold 3 pounds for a dollar some months ago. Now $1.20 for 2 pounds for that same coffee. If this administration is really serious and wishes to do something to reduce the cost of living, why not bring in from Brazil some of this coffee that is begging for tonnage? Here is a steamship company at New York, with which a Munson is connected, comes in and offers, so I am told on good authority, comes and offers the Shipping Board the very high price of $190 per ton for 20 ships. But the Government will not sell for that money, although they admit that it is a very high price.

This company wants to purchase those ships and put them in the South American trade. The administration is the dog in the manger, if my information is correct. It will neither put their boats in operation between this country and South America or let anyone else have the boats to put them in that trade. And they talk about wanting additional laws to reduce the high cost of living! Why not move in that direction if sincere?

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. McKEOWN. Is it not a fact that strikes at Rio de Janeiro have been one of the causes for the delay of the shipment of coffee, and is not that one of the real troubles?

Mr. FORDNEY. I do not think so. I do not know of any strikes on Government ships operated by the Shipping Board.

Mr. McKEOWN. I am talking about strike conditions of the longshoremen at the ports of Brazil. Is not that the reason?

Mr. FORDNEY. No; that is not my information. My information is that the warehouses and the docks are loaded to overflowing, waiting only for tonnage. The Government of Brazil has been compelled to borrow from people in this country—the bankers of New York—large sums of money to carry that great volume of coffee, because the Government borrows the money to pay the coffee producers of Brazil. All coffee produced in Brazil, under penalty, must first be offered to the Government before sold to any other persons in the world. Therefore the Government controls the coffee trade in Brazil.

Mr. Chairman, I ask for the repeal of this law because we have suffered every time we have entered into reciprocity treaties with any people of the world, and every time we have placed upon our statute books a low rate of duty on imports the industries of this country and American labor have suffered and will continue to do so so long as the great difference in the scale of wages prevails between the labor in this country and the labor of any other country. American laboring men have higher standards of living than any other laboring people under God's sun because of the higher wage scale here in this country. I have statistics from Germany and Austria-Hungary which show that since the war the wage scale in gold in those countries has practically not advanced in an appreciable way. Where the wages were from 10 to 13 cents per hour before the war they are to-day from 10 to 14 cents per hour in gold. Of course, in their depreciated money the wage is higher. The par

value of the German mark is 23.8 cents. It is offered to-day in the markets of the world for 6 cents in gold and also in Germany. Of course the man who received a mark per hour or half a mark per hour before the war now would receive 2, 3, or 4 marks because of the depreciated value of their currency and because of the depreciated value of money all over Europe, and a comparison based upon the mark or the money of any other country, depreciated as it is in Europe, as to the rate of wages paid there and here, is of no value except it be put in terms of gold. There is to-day a difference between the wage scale of the United States and in Europe as great as there was before the war. Compare any wage scale in any line of business in the United States and you will find that the difference is as great to-day between our wage scale in every line of industry, as compared with other countries, as it was before the war. Every article of production whether manufactured or agricultural, in its total cost of production, carries at least 90 per cent labor cost. Now, how in the name of common sense can we have lower prices for the products of this country while the high cost of production prevails? It is not practical and it is only a demagogue that preaches anything else.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. KNUTSON. If the reciprocity pact with Canada had become operative, it would have worked a great hardship on the agricultural interests of this country.

Mr. FORDNEY. Absolutely; a greater hardship upon the agricultural interests of the country than upon any other industry in the land. Of the 100,000,000 people in this country to-day, only 33 per cent live in the rural districts and are farmers. We look to them to produce the food articles for all the rest of the people; and any law that works a hardship upon the farming industry of the country works a hardship upon the whole people of the country, because we are dependent upon that one-third of our people for our food and our clothing. Therefore, I say to you that any law which affects the agricultural interests of the country should be most carefully considered by men in this House upon both sides of the House. No man wants to vote for a law, Democrat or Republican, which will work to the disadvantage of our people as a whole. We differ in our opinion as to how we should vote on these various measures, but I do not accuse any man who differs with me of being dishonest in his views. If I am right, then he certainly is wrong when he differs with me; and if he is correct in his position, I am wrong, and I will not vote for any law, no matter from what source it comes, unless in my opinion it works to the advantage of the masses of the people. Neither do I think other honest men will. I believe the repeal of this law will remove an obstable of great danger resting in our statute books to-day. There is danger of its becoming a law. Certainly so, if Canada accepts it at any minute. I am anxious, therefore, to repeal the law, and I hope that every man in the House, both Democrat and Republican, will vote for the bill. I ask that the Clerk read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canade, and for other purposes," approved July 26, 1911, is repealed, to take effect on the day following the passage of this act. On and after such date there shall be levied, collected, and paid upon the articles enumerated in such act, the growth, product, or manufacture of the Dominion of Canada, when imported therefrom into the United States or any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila), in lieu of the duties levied, collected, and paid under such act, the duties levied, collected, and paid under existing law upon the same articles when imported from other countries.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. The gentleman from North Carolina [Mr. KITCHIN], in explaining why he would support the proposition to repeal the Canadian reciprocity act, said that since the passage of the Underwood tariff act in 1913 Democratic theories in this matter had been put into law and consequently there was no further use for the Canadian reciprocity act to remain on the statute books. I wish that one William Howard Taft, somewhere in his travels, would take note of the observation of the gentleman from North Carolina. Every real Republican in 1911, when President Taft, by main strength and awkwardness, forced this measure through the Congress over the protests of his party knew that it was a Democratic tariff proposition, pure and simple. Mr. Taft had been elected President by a majorty of more than a million and a half votes.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I decline to yield. His party had an overwhelming majority in both Houses of the Congress and controlled all of the Northern States. At the beginning of his administration Republicans had every reason to expect and to look forward to a long lease of power and Republican supremacy.

In my opinion, and I do not say it criticizing Mr. Taft's motives or his patriotism in any way, in urging this proposition and forcing it through Congress he committed the greatest political mistake that was ever made by an occupant of the White House. The one cardinal doctrine of Republicanism for which the party has ever stood is protection—protection of labor, protection of American industries, and protection to the American farmer. We had passed in 1909 the Payne-Aldrich tariff bill under his administration at a special session of Congress. There was some complaint from many good Republicans that certain schedules in that bill were excessive, yet the country accepted the bill, and its subsequent operation demonstrated it to be a wise law, a law that brought in abundant revenue, that gave ample protection to every real American interest. Following this came this astounding proposition from a Republican President that the Republican farmer, whose support had been the backbone of the Republican Party in the States of the great West and Northwest—that the Republican Party proposed to put those things which the farmer produced upon the free list. Republicans could hardly believe that proposition was seriously advanced and would be forced through the Congress with all the power of the Federal administration. The Republican Congress refused to carry out the President's recommendations, and the Sixty-first Congress closed without final action on the proposition. After the adjournment of that Congress, the President called into extra session the new Congress, which was Democratic. I remember reading in the papers just after the new Congress had organized that President Taft had called to the White House Mr. Speaker CLARK and Senator Stone, of Missouri, and consulted with them as to the methods and means of getting the reciprocity act through Congress. I said at that time to myself, "God help the Republican Party," if its head, if its leader, if its President had gone into consultation and caucus with such distinguished partisan Democrats as the two gentlemen mentioned to devise the means of getting through Congress a law diametrically opposed——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. WILLIAMS. To every Republican principle. And so the law was passed. The Republican Party was defeated. The passage of this law started all the troubles that have since overtaken the Republican Party and presaged the disasters that came in rapid succession. It lost for the President the confidence of the farmers of the country—the Republican farmers—and he never after that was able to have behind him a united party in his administration.

Mr. KNUTSON. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. KNUTSON. Canadian reciprocity was to the Republican Party what the daylight-saving law will be to the Democratic Party. Is not that true?

Mr. WILLIAMS. Yes.

Mr. BANKHEAD. Let us have an answer to that important question.

Mr. WILLIAMS. It is unbelievable, and those who read the history of this country in the years to come will absolutely be unable to comprehend how it was possible for a great party, a party that has been supreme in this country for half a century, that had passed great and beneficent laws, whose policies and principles were believed in and accepted by an overwhelming majority of the American people, could in four short years be so utterly discredited and destroyed as to take a third place in the popular vote, carrying only two small States. That all came about and was made possible by our then President, William Howard Taft, working hand in hand with such Democrats as the distinguished gentleman from North Carolina.

Mr. KITCHIN. Will the gentleman permit one little question?

Mr. WILLIAMS. I do.

Mr. KITCHIN. Did the gentleman vote for Mr. Taft after he submitted and approved this so-called miserable, anti-Republican bill for reciprocity with Canada?

Mr. WILLIAMS. I am sorry to say I did.

Mr. KITCHIN. Very well——

Mr. WILLIAMS. I voted for him for the reason that he was the Republican Party nominee, nominated at a convention of the party regularly called. I just stayed in the party ranks awaiting the time when an American Republican Congress would repeal this act.

Mr. KITCHIN. I think the gentleman is right.

Mr. WILLIAMS. I am right.

Mr. KITCHIN. Will the gentleman yield for another question?

Mr. WILLIAMS. I decline to yield further as I have a few other things I desire to say.

Mr. WELLING. We accept the gentleman's apology.

Mr. JOHNSON of Washington. Will the gentleman yield to me?

Mr. WILLIAMS. I will.

Mr. JOHNSON of Washington. We heard it stated here this morning that the minority party, the Democratic Party, was in favor of this repeal?

Mr. WILLIAMS. Yes.

Mr. JOHNSON of Washington. And yet that party had, during all the several years which it controlled Congress, plenty of time in which to accomplish the repeal, but did not do it. And from the day of the Underwood tariff act the Canadians have been congratulating themselves on having the benefit of reciprocity without any of the discomforts.

Mr. WILLIAMS. That is true. The only reason given why they favor its repeal now is that under the Underwood tariff act we have practically free trade with Canada. The trouble with Mr. Taft—and I have the highest regard for him personally—is that he was not at the time he advocated this measure a Republican. He has never in his life been a real Republican, and he is not a Republican to-day [applause], if we can judge from his public utterances, stating his views upon great issues that come before the country. He is absolutely not in harmony and has never been in harmony with the real, old-fashioned Republicanism of the country that was advocated by Republican leaders like Abraham Lincoln, like James G. Blaine, William McKinley, and other illustrious leaders of the party. [Applause.] He can not help himself. He is a free trader, as can be demonstrated by many of his utterances before his election to the Presidency, and naturally he thought that he had accomplished great fame when he forced through the Congress this free-trade act over the protest of the great party which made him President.

He is still operating as an assistant or aid of some kind to the Democratic Party. The trouble with Mr. Taft is that he has unlimited capacity to do the wrong thing at the right time all the time, and such has been the case through his entire career. He is now acting as a wet nurse for the league of nations [laughter], and is advising a few Republican Senators—he admits they are few—to not act in harmony with their party in the Senate, but to join with the opposition and force upon the American people this un-American instrument known as the league of nations.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIAMS. Mr. Taft, I think, is the Fatty Arbuckle of American politics. [Laughter.]

Mr. KITCHIN. Mr. Speaker, I ask that the gentleman's time be extended for five minutes.

Mr. WILLIAMS. I have had all the time I want.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. KITCHIN. Mr. Chairman, I rise with a great deal of regret to oppose the amendment of the gentleman from Illinois [Mr. WILLIAMS], but I want to ask him some questions if I get the time. He says that Taft never was a Republican, never was imbued with those great fundamental Republican principles——

Mr. WILLIAMS. Do you think he is?

Mr. KITCHIN. I think he is the best Republican you ever had, and that is the reason you gentlemen are against him. He is too good and patriotic for you.

Mr. WILLIAMS. That proves absolutely that he is no Republican at all.

Mr. KITCHIN. The gentleman says that he voted for Mr. Taft after he had urged and approved the reciprocity act only because he was nominated by the party machine. In that campaign the gentleman had Mr. Wilson to vote for. He was in favor of the reciprocity act. He had Mr. Roosevelt, one of the Republican candidates, to vote for. He was so strong in favor of reciprocity that he advised Taft to submit it to Congress. Mr. Taft submitted it to him before he submitted it to Congress. Roosevelt approved it. There were three candidates. Mr. Wilson was a candidate for the Democratic Party, Mr. Taft of the Republican Party, and Mr. Roosevelt of the other Republican Party. They were all for Canadian reciprocity. Let us see about the next election, in 1916.

Mr. WILLIAMS. Let me ask the gentleman a question there. Was the Canadian reciprocity act a Republican or Democratic measure, in your opinion?

Mr. KITCHIN. It was negotiated by a Republican President and by a Republican Secretary of State, and the act was approved by a Republican President—Mr. Taft. The Republicans afterwards, knowing that, nominated Mr. Taft and another branch of the Republicans nominated Mr. Roosevelt. There were two Republican candidates, and they both approved this reciprocity act.

Mr. WILLIAMS. Do you consider the Canadian reciprocity act a Democratic or Republican measure?

Mr. KITCHIN. I considered it at that time a real patriotic American act, indorsed by a Republican President and by the Republican candidate thereafter, by the Republican Secretary of State, and by the present Republican Speaker, by the gentleman from Ohio [Mr. LONGWORTH], who is here now in the House——

Mr. WILLIAMS. Did you not get the same thing in the Underwood tariff bill?

Mr. KITCHIN. We got the main things that the Democrats wanted.

Mr. WILLIAMS. And is that a Democratic or a Republican bill?

Mr. KITCHIN. We got the main things the Democrats wanted in the Underwood bill. We voted for reciprocity because it was right. That is the reason Mr. Taft and Mr. Roosevelt and Mr. KNOX and Mr. GILLETT and Mr. LONGWORTH and the late Mr. Payne, who was chairman of the committee, favored it. They did not say, "It is a Republican bill," or "it is a Democratic bill." We all said it was right and we got together and voted for it.

Now, the gentleman is mighty sorry that he voted for Mr. Taft. If he had not, and had voted at all, he would have voted for Mr. Roosevelt or Mr. Wilson, and both believed in the reciprocity act. Who did the gentleman vote for in the election of 1916, Wilson or Hughes? He voted for Mr. Hughes. Mr. Hughes was strong for reciprocity.

Mr. WILLIAMS. Mr. Hughes was defeated, too, was he not?

Mr. KITCHIN. Yes.

He was strong for it, and you were strong for him. The gentleman said that Mr. Taft was a Democrat because he was for reciprocity. If so, Mr. Roosevelt was a Democrat, because he was for reciprocity, and Mr. Hughes was a Democrat, because he was for reciprocity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7779) to repeal the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, and for other purposes, had directed him to report the same to the House with the recommendation that the bill do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

VOCATIONAL REHABILITATION.

Mr. FESS. Mr. Speaker, by direction of the Rules Committee, I submit a privileged report.

The SPEAKER. The gentleman from Ohio submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 327.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 4438, being a bill to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise.

That there shall be 2 hours and 30 minutes of general debate, one-half to be controlled by those favoring the bill and one-half to be controlled by those opposing the bill.

That at the conclusion of the general debate the bill shall be read for amendment under the five-minute rule.

That the bill, together with the amendments, if any, shall be reported to the House.

Thereupon the previous questions shall be considered as ordered on the bill and the amendments thereto for final passage without intervening motion except one motion to recommit.

Mr. FESS. Mr. Speaker, does the gentleman from Tennessee [Mr. GARRETT] desire any time on the rule?

Mr. GARRETT. No; but I will reserve five minutes.

Mr. FESS. Mr. Speaker, the bill which the rule makes in order is a bill designed for the rehabilitation of the industrial cripple. It is an effort to complete certain legislation that was started some time in 1915.

The movement for vocational education was before the country for at least 15 years before any definite stand was taken, and finally it was written in the form of law under the Smith-Hughes Act, which provided cooperation between the Federal Government and the States, the Federal Government appropriating a dollar that would be met by the States in return, and the law requiring that when we reached the maximum the amount of $7,000,000 from the Federal Treasury was to be met by $7,000,000 from the State treasuries.

That law applied simply to pupils. Then later on that was supplemented by the effort to rehabilitate the disabled soldiers, and it was thought wise to put that work also under the same board that was then in existence under the law of 1917, called the Smith-Hughes Act.

That supplemental act, as you know, applies only to soldiers, and was purely a Federal function. The States had nothing to do with that at all, and in that respect the law differed widely from the Smith-Hughes Act. When the bill for the rehabilitation of wounded soldiers was before the country we were besieged from many sources to add to it the rehabilitation of the industrial cripple. We did not want to do that at that time, because the soldier rehabilitation was purely Federal, while the industrial cripple would be both Federal and State, and as the Smith-Hughes Act acts in cooperation with the State boards, so the industrial cripple would have to act in cooperation with the State boards, while the soldier bill would not reach the States at all. We asked the proponents of such a measure to withhold any urgency, because we did not see our way clear to put that on the bill, but we promised that at the earliest convenience there would be a measure introduced looking toward the rehabilitation of the industrial cripple. That came on, and was introduced both in the Senate and in the House. The Senate took it up and discussed it for four days, and on June 21 it was passed in the Senate without a dissenting vote.

Our Committee on Education, having joined the Senate committee last session in hearings, saw fit not to open hearings at this session, but considered the bill and unanimously reported it to this House. It has been on the calendar for two or three months.

The rule that we have just now had reported makes this bill in order for consideration. I do not care to enter upon the discussion of the merits of the bill at this time.

Mr. WALSH rose.

Mr. FESS. I yield to my friend from Massachusetts.

Mr. WALSH. Was the rule which has just been reported reported out by a quorum of the Committee on Rules?

Mr. FESS. There was no question raised about a quorum. There is always a quorum unless the question is raised.

Mr. WALSH. I am asking the gentleman if a quorum of the committee was present?

Mr. FESS. That question did not come up. Consequently it would stand as a quorum.

Mr. WALSH. I do not think the gentleman is correct about that. I think any Member of the House is entitled to know, when a rule or any other measure is reported here, whether a quorum of the committee was present.

Mr. FESS. The gentleman probably is correct in his insistence of the right of the House to know whether a quorum was present in the committee, and I still insist that a quorum is present if the question is not raised. I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, I think I shall want only two or three minutes. Is the gentleman from Ohio yielding to me, or am I recognized in my own right?

Mr. FESS. The gentleman is recognized in his own right. I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, I think I should say that I was unavoidably absent when this rule was reported. I was in attendance for a few moments while a hearing upon another matter was in progress, and I really understood that nothing except that hearing was to be had, and I explained my situation to the committee, which excused me, and I left before this matter was taken up. Consequently, to be entirely frank with the House, I have not given any very great consideration to this legislation, even such consideration as members of the Committee on Rules in dealing with a rule usually do give. However, I have come to the conclusion that, so far as I am personally concerned, whatever my opinion in regard to the legislation might be after hearing the debate and considering it, I do not desire to resist the proposition for its consideration.

Mr. WELLING. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. WELLING. Does the gentleman care to state whether any members of the minority side of the Committee on Rules were present when the rule was considered?

Mr. GARRETT. I can not state as to that, because I do not know.

Mr. CANNON. Does the gentleman indorse the proposition that the chairman of a committee can call his committee together and in the absence of every other member of that committee can go to work and perform and direct a report on a bill because there was no question of quorum raised?

Mr. GARRETT. No; I do not, Mr. Speaker. However, let me say in regard to this legislation that I am not in position to state whether there was a quorum present or not. I was in attendance at the Committee on Rules for a very few moments. There were a number of members there. I was at that time the only minority member. Whether any came in afterwards I do not know. But personally I did not count the number of persons who were there, and so far as I know there was a quorum. I do not know how that is.

Mr. WALSH rose.

Mr. GARRETT. Does the gentleman from Massachusetts desire me to yield for a question?

Mr. WALSH. I desire time.

Mr. GARRETT. I yield to the gentleman from Massachusetts five minutes.

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Speaker, I am opposed to this rule, and I am opposed to the bill which it proposes to make in order.

I think the time has arrived in the late weeks of this special session when Members on both sides of the aisle should begin to give some attention to matters of economy.

I am opposed to extending further the authority, the privileges, and the duties of this Federal Vocational Board.

Now, we all recognize the interest in this subject that has been displayed by the distinguished gentleman from Ohio [Mr. FESS], and I wish to heaven that men of his type and ability were upon that board at the present time expending money. Their administration of the laws we have passed, I submit, is open to severe criticism. Heretofore and probably now their expenditure has been and is wasteful, and the manner in which they have been attempting to take care of the wounded and disabled men who participated in the Great War in the military and naval branches of our Government is open to criticism.

Now, this bill seeks to extend it to men disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts. I submit that in the present state of the public finances, with the tremendous interest charge that we will be forced to pay in the years to come, with the tremendous expenses of government, we ought not to extend this Federal vocational rehabilitation to civilians until we have demonstrated beyond all question that we can make a success of it in administering the law and conferring its benefits upon our wounded and disabled soldiers and sailors.

Mr. TREADWAY. Will my colleague yield?

Mr. WALSH. For a question.

Mr. TREADWAY. Is my colleague aware that there has been a resolution introduced, which I think is before the Rules Committee to-day, calling for an investigation of this particular board and the way its labors are performed?

Mr. WALSH. I did not know that the resolution had been taken up for consideration, but some resolution should be considered and an investigation ought to be made.

Mr. TREADWAY. If my colleague believes that an investigation ought to be made, does not that raise still further doubts as to whether we should confer additional powers upon that board before they show their ability to conduct the work already in their hands?

Mr. WALSH. It certainly does follow that if there is complaint, and if there has been a failure on the part of this board and its officials in its activities to confer the benefits upon our wounded soldiers and sailors, that certainly we ought not to extend the privileges and duties of it to take in civilians. But I am opposed, as I said, to extending these privileges to persons in civilian life, anyway. After having come out of a great war, with thousands of crippled and disabled soldiers upon our hands, who, I agree, should receive the benefits of legislation to rehabilitate them, I do not believe that the Government should further go into this matter of rehabilitation and extend it along paternalistic lines.

Oh, they will say, the State must match dollar for dollar. If the States are willing to match Federal dollars with an equal amount of their own dollars, let the States embark upon this

matter independently of the Federal Government. Let them try out this experiment. But, I say, Members of the House, that I believe the time has come to stop appropriating the people's money except upon the most urgent need and on the most satisfactory showing that the money is required, and I believe we should be slow before embarking upon new ventures such as this is. Therefore I am opposed to the rule and opposed to the measure which it makes in order.

Mr. GARRETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I desire to make just a plain statement in regard to this rule. I did not understand that the rule was to be brought on the floor of the House this afternoon. The rule was presented to the Rules Committee, or a question regarding the rule. As far as I know, I think there was no rule drawn or presented to the committee as it was presented to the House. I am going to tell the exact situation. There were four Republican members present. I opposed the rule and reserved the right to oppose the same on the floor of the House. I, as a member of the Rules Committee, will never vote for a rule that comes in there that is so important as this one, or on the floor of the House, without any consideration whatever. The rule was not before the Rules Committee for five minutes. I did not make the point that there was no quorum present until after the vote was taken, and then I was told it was too late; but as long as the question has been asked I want the House to thoroughly understand the situation. There were four Republican members present and no Democrats. The statement that the gentleman from Tennessee [Mr. GARRETT] made was exactly correct. I was the acting chairman when the Rules Committee first met this morning, and he asked the question if there would be any definite vote taken; and at that time I did not expect there would be, and I told him we expected merely to have a hearing. Now, let us see the situation in which we are. The Rules Committee this morning held a two hours' hearing on a resolution presented by Mr. ROGERS to investigate the present Federal Vocational Rehabilitation Board. From the evidence that was put before the committee this morning it is plain that a majority of the people feel that that board up to the present time has not functioned. Now, consider this as a business proposition. When you have a resolution before the committee to investigate a board because it is not functioning, then you turn around and vote out by a special rule to make a special order of this House a bill giving more business for the same board that you doubt whether it functions or not. If there is anything businesslike in that I want to know it. And that is why I opposed the rule and am opposed to the present consideration of this bill.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. SNELL. Yes.

Mr. BANKHEAD. Does the gentleman undertake to assert that simply because charges are made against a board of this character, it raises a presumption that the board is not performing its duties in a satisfactory way?

Mr. SNELL. I am not making that charge myself, but it is under consideration.

Mr. BANKHEAD. That is the inference to be drawn from the gentleman's argument.

Mr. SNELL. That is the condition that confronts us. Personally I am opposed to the legislation, and I certainly am opposed to the rule that makes it in order at this time, and I want the House to know the exact conditions under which it is brought on the floor of the House.

Mr. SAUNDERS of Virginia. Mr. Speaker, I wish to raise a question of order against the matter now under discussion. I make the point of order upon the facts that have been developed that this rule is not properly before the House.

I take it for granted that so long as a chairman stands on the report of his committee, it will be presumed that a quorum of the committee was present when the report was ordered. In all legislative bodies, until the question of quorum is raised, I agree to the proposition advanced by the gentleman from Ohio [Mr. FESS], that the presumption is that a quorum is present. Until it was developed by sufficient evidence that a quorum was not present in the Committee on Rules when this rule was reported, it was perfectly competent and proper for the chairman or acting chairman of the committee to rely upon the presumption that this rule had been reported by a quorum of the committee. Further I agree to the principle that a chairman of a committee is not compellable to answer an inquiry whether any given action was taken by a quorum of the committee. But now, according to the statement of the gentleman from New York who has just taken his seat [Mr. SNELL], this rule was not considered by a quorum of the Committee on Rules, of which the gentleman is a member. The gentleman from Ohio, [Mr. FESS] does not deny, or challenge this statement of fact. Less than a quorum in the Committee on Rules, or in any other committee for that matter, can not properly and legally order a report to this body. It appears in this case that less than a quorum did order a report, and as the evidence to that effect is unchallenged I submit that this rule is not properly before the House. Therefore I make the point of order based upon the statements of the gentleman from New York, [Mr. SNELL].

Mr. TOWNER. Mr. Speaker, the proposition raised by the gentleman from Virginia [Mr. SAUNDERS] is a very serious one. If after action has been taken, either by a committee of the House or by the House, the point can be raised that no quorum was present when the business was transacted in the committee, probably it would invalidate nine-tenths of the actions of this House or of its committees.

We have here this condition: It seems that there was not a quorum of the committee present when this action was taken. There was a member of the committee present who was opposed to the action being taken. It was his privilege, as it was the privilege of any member of the committee, to have raised the point of no quorum; if he desired to raise that question at all, it should not be raised here, it should have been raised there.

Mr. WALSH. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. WALSH. Will the gentleman state what protection the House has against three or four members of a committee getting together and reporting out a measure to the House, particularly in the Committee on Rules, bringing it up for consideration, if the point of no quorum can not be raised in the House?

Mr. TOWNER. The question can not always be raised after action is taken. It is the duty of members of the committee to be present and take part. It is the duty of members of the committee to see that no action is taken unless a quorum is present.

Mr. GARRETT. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARRETT. Take the particular case in hand. I have just made a statement myself in the House which I do not know that the gentleman from Iowa heard.

Mr. TOWNER. I did not.

Mr. GARRETT. I attended the committee in the beginning of the session. I made inquiry as to what business would be transacted, and was informed that there would be nothing except a hearing this morning upon a resolution. Upon that statement, I left the committee, explaining to the committee the necessity for so doing, on account of an engagement before I knew that the meeting was to be held.

Mr. TOWNER. By whom was the gentleman informed?

Mr. GARRETT. By the acting chairman of the committee, publicly, in the presence of the other members. I did not know at the time the rule was called up whether any other member of the minority had been in attendance, but I have since learned that there was not. I do not know that the minority would have been opposed to the rule. In view of the statement of the gentleman from Iowa, that it was the duty of members to be present, which I agree to, I thought I would make this statement.

Mr. FESS. Mr. Speaker, in view of the statement by the gentleman from Tennessee, it is necessary for me to make a further statement. The committee took a vote on reporting this resolution and it was carried. It was suggested that it was somewhat delicate to report out a resolution where no member of the minority party was present. That was after telephoning all the members of the minority trying to find them, so as to have them present. The gentleman from Tennessee had been in. I was asked to see the gentleman from Tennessee after the vote was had. I talked with the gentleman from Tennessee on the floor of the House and told him I would not call it up unless he would assent to it, and he said he would offer no objection.

Mr. GARRETT. I said I would not resist the rule, so far as I was concerned. The gentleman's statement is correct. I did not inquire of the gentleman as to whether there was a quorum present and there was nothing said about a quorum at that time.

Mr. FESS. That question had not come up; the only question that came up was whether the gentleman would oppose it. I did what I was requested to do and got the assent of the gentleman from Tennessee before I called it up.

Mr. SNELL. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman.

Mr. SNELL. I want to ask the gentleman from Ohio was not the question of a quorum discussed in the committee this morning?

Mr. FESS. I think the gentleman was asked if he wanted to make a point of no quorum.

Mr. SNELL. And I said I would not make the point, but I understood it was not to be brought up to-day.

Mr. FESS. Does the gentleman say he understood it was not to be brought up to-day?

Mr. SNELL. Yes.

Mr. FESS. I was authorized to see Mr. GARRETT, which I did, and when he gave his assent I called it up. If he had not assented, I would not have called it up.

Mr. SNELL. I understood the gentleman from Ohio to tell the chairman of the committee and myself that it was not to be brought up to-day, and the chairman so told me that that was what he understood, and no member of the Rules Committee thought it would be brought up.

Mr. FESS. Does the chairman state that he understood so?

Mr. SNELL. Yes.

Mr. FESS. I came from the chairman of the committee immediately on the floor to present it.

Mr. TOWNER. Mr. Speaker, I think that these matters are proper for the consideration of the committee in determining whether or not they will or will not adopt the rule. That is all before them. The opportunity is afforded them for doing so, but I think it would certainly be going very far for the Speaker to declare, as a question of order, that action taken by the committee in reporting the rule was not valid, by a point made after action is taken. The point of order was not made and could have been made. The attention of the members of the committee was called to it, and they said that they would not make the point of order.

It occurs to me that it would be going very far to hold such action was invalid and that a point of order could afterwards be raised against it. I admit that all of these matters that have been stated here on the floor of the House are proper for the consideration of the House, if Members think that they ought to vote down the rule because it was not reported out except under these circumstances, and that the committee was not justified in doing it, they can now do so.

Mr. CANNON. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman.

Mr. CANNON. I do not know what the majority of the House would do about this matter, if it were given the chance. I do not know whether there are any precedents that cover such a case as this, but under all of the circumstances does the gentleman not think, and does not the gentleman from Ohio [Mr. FESS] think, without regard to the merits or demerits of the proposition, that by unanimous consent the whole matter should be recommitted to the Committee on Rules?

Mr. TOWNER. I would say to the gentleman that is a matter that is now before the House. If the House takes the view that the gentleman does, and I will not say that it is not justified, the House can certainly vote down the rule.

Mr. CANNON. I wanted if I could to avoid a long discussion and perhaps some feeling about the matter, after the statement of facts which has been made, and thought perhaps that it would better go back to the Committee on Rules by unanimous consent.

Mr. SAUNDERS of Virginia. Mr. Speaker, I quite agree with the gentleman from Iowa [Mr. TOWNER] that this is an important matter, and for that reason I made the point of order. But I certainly can not agree with the gentleman that it would be sound practice, safe practice to permit the members of a committee confessedly less than a quorum of that committee being present, to assemble and report any sort of measure to this House, and then to hold as to this report that it could not be challenged, even though the members of the committee voluntarily stated that the report had been made in the absence of a quorum. A practice of that kind would certainly admit of great abuse. I call the attention of the Speaker to a case that arose in this body when Mr. CLARK was Speaker. The gentleman from Tennessee, Mr. Houston, was seeking under the alleged authority of his committee to substitute a Senate bill for a House bill. Under the rules it was necessary to have the authority of his committee to make this motion. The gentleman from Tennessee upon inquiry admitted that a quorum of his committee was not present at the time he was directed to move to take up the Senate bill. Upon this admission that a quorum of his committee was not present when action was taken, the Speaker [Mr. CLARK] held that the gentleman from Tennessee lacked the necessary authority to enable him to make the motion for substitution. That case precisely parallels this one.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. In just a moment. Let me give one or two analogies. In most jurisdictions, it is not permitted to inquire into the proceedings before a grand jury, but when it is sufficiently developed in some way what those proceedings have been, and they appear to be illegal, then advantage can be taken of the same. In this particular case I could not make the point of order sooner than I did for the reason that there had been no statement on the part of anyone, competent to speak, that a quorum of the committee was not present when this rule was reported. The gentleman from Ohio [Mr. FESS] relied upon the presumption that when the question of no quorum is not raised, it is presumed that a quorum is present.

That principle is sound, and so long as the chairman stood on that presumption, no Member could raise and sustain the inquiry whether there was or was not a quorum of the committee present, when action was taken on the rule. I will go further. There is no one in this House who believes more strongly than I do, in preserving the rights and dignity of a committee and the presumptions in favor of a committee. I admit that if a member of a committee is asked whether or not a quorum was present at the time some particular action was taken he can appropriately decline to answer, and can not be made to answer. This is the rule in the case of a trial jury. The jurors are not allowed to be called to impeach their verdict, by giving evidence of irregularities in the jury room. That, however, is not this case. The lack of a quorum was sufficiently developed here by a voluntary and unchallenged statement of a member of the committee. As soon as that statement was made the point of order was raised that lacking a quorum the members present had absolutely no authority to make a report, no more authority than any other group of Members in this House to get together and make a report. This committee when it acted had no more authority in the premises than a casual group of Members not designated as a committee.

Mr. TILSON. Mr. Speaker, will the gentleman carry out that analogy in the case of the Committee of the Whole House on the state of the Union? That committee having much less than a quorum often agrees to amendments, as the gentleman knows and takes action—it is done frequently in this body—and does the gentleman undertake to say that after that action has been taken, the bill which that committee has passed can be called into question?

Mr. SAUNDERS of Virginia. Oh, no.

Mr. TILSON. On the question of whether or not there was a quorum present. On the gentleman's argument, if it could be shown that no quorum was present at any time in the Committee of the Whole the action could be invalidated.

Mr. SAUNDERS of Virginia. The gentleman is losing sight of the distinction which I sought to make, and which I think I have made. I agree that a committee can stand upon the presumption of legality that the gentleman from Ohio [Mr. FESS] stood upon, and properly so. Indeed I have gone further, and asserted the proposition that a member of a committee can not be made to develop facts showing that the action of the committee was illegal. As the gentleman has asked me a question, I think that I will ask a question or two.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. I will ask this question of the gentleman from Ohio. Does the gentleman maintain that when a quorum of his committee is not present, the members present have the right to make a report of any sort to this House?

Mr. FESS. I certainly do, and I go further——

Mr. SAUNDERS of Virginia. Does the gentleman contend that orderly action can be taken without a quorum?

Mr. FESS. I go further——

Mr. SAUNDERS of Virginia. How much further can the gentleman go?

Mr. FESS. I can not sit in a meeting of the Committee on Rules and allow a matter to go out and then come out on the floor of the House and break up the work by making a point of no quorum in the House, a point which I did not make at the time.

Mr. SAUNDERS of Virginia. I admit that a question of propriety may be involved.

Mr. FESS. If a Member could do that, he could break up almost everything reported in the last six weeks, because we have not had a quorum most of the time.

Mr. SAUNDERS of Virginia. The gentleman is making a confession that I do not think he ought to be very proud of, namely that his committee has been taking action that it ought not to have taken in the absence of a quorum. Mr. Speaker, this is not a partisan question. It is a question of the authority of this body over a subordinate committee. It has been admitted by members of this committee, positively stated by one and not denied by others, that the action taken in the committee was by a membership short of a quorum. It was therefore illegal action. The question before us is whether this House can act on a report that confessedly is not legally, or authoritatively, before it.

That is the whole situation. I have not asked the Committee on Rules any questions. I admit the right, as I said before, and I repeat the statement, of the gentleman from Ohio

and of every other member of that committee to decline to answer any questions as to proceedings in the committee, and to stand upon the record, upon the report of the committee, and of the presumption that the committee had the authority to make the report. I agree to all of that fully.

Mr. FESS. But if a gentleman refuses to make the point in the committee and then comes in here and makes it, then——

Mr. SAUNDERS of Virginia. But the question before us has to do with the rights of this body after the facts as to the proceedings in the committee have been developed. Allow me to give one more illustration. Suppose it appeared from the report of the committee itself, that a quorum was not present when this action was taken, what then? Does the gentleman contend that under such circumstances, a point of order could not be made to the report?

Mr. TOWNER. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. TOWNER. Does not the same rule obtain in a committee that obtains in the House, that unless a point of order of no quorum is made that the committee may proceed with its deliberations?

Mr. SAUNDERS of Virginia. The committee could rely upon the presumption that a quorum was present, and proceed with its work but that does not relieve us from the necessity of acting, when it is fully developed, as it has been in this case, that action was taken in the committee in the absence of a quorum.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. TOWNER. But the gentleman has not answered my question.

Mr. SAUNDERS of Virginia. I yield to my friend from Virginia and then later I will yield to the gentleman from Iowa.

Mr. MOORE of Virginia. As to the analogy suggested awhile ago between proceedings in the Committee of the Whole House and the proceeding in a standing committee of the House is not the distinction this: That every Member of the House is entitled to participate in the proceedings of the Committee of the Whole and he is not so entitled so far as proceedings in a standing committee of the House is concerned. In other words, a standing committee is apart from the membership of the House, and I submit that if it can do the thing that is contended here is proper to be done it can sacrifice the right of the entire membership of the House except those Members that happen to be present at the time when the particular matter was being considered by the standing committee.

Mr. SAUNDERS of Virginia. Yes that is perfectly true. I now yield to the gentleman from Iowa.

Mr. TOWNER. The question I asked the gentleman from Virginia was this: Would a different rule obtain in the committee from that which obtains in the Committee of the Whole or in the House that the presumption is always, and the presumption can not be afterwards changed or repudiated, that the action so taken was when a quorum was present?

Mr. SAUNDERS of Virginia. I do not assent to that proposition.

Mr. TOWNER. I am asking the gentleman whether or not he would take that position. We have time and time again in the Committee of the Whole House—yesterday, to-day, every day—when we have any bill under consideration, acted when there was no quorum present, and when, as a matter of fact, the record showed there was no quorum present.

Mr. SAUNDERS of Virginia. Oh, no. A quorum may not have been present, but the record does not affirmatively show that fact.

Mr. TOWNER. Oh, yes; when there were votes taken when there was not a quorum present.

Mr. SAUNDERS of Virginia. The record of the votes taken does not show that there was no quorum present. Many Members may not have voted at all. The presumption is that enough Members were present, in addition to those voting, to make a quorum. The mere fact that 40, or 50, or any number less than a quorum are recorded as voting, does not show that they were the only Members present. It is presumed that enough nonvoting Members were present to make a quorum.

Mr. TOWNER. The gentleman said there should be no presumption——

Mr. SAUNDERS of Virginia. No I did not say that. I said that the gentleman from Ohio could stand upon the presumption of regularity as to the report.

Mr. TOWNER. The proposition the gentleman now urges is that after a vote has been taken and after action has been reported to the House or in Committee of the Whole, or in any other kind of a committee, that you can then challenge the action that was not challenged when it ought to have been challenged before the committee?

Mr. SAUNDERS of Virginia. The gentleman's question is very easy to answer. The gentleman confuses the distinction between action in a committee, and the rights of Members of this House, when it affirmatively appears that a report has been made when less than a quorum of the members of a committee were present. The gentleman says that I have argued that no presumptions should be indulged in. On the contrary I made it abundantly clear that every presumption of regularity should be allowed. But this is not a question of presumption. The facts stated in our presence directly establish illegality. Take the case of a court that is called on to determine whether an act was passed with, or without a quorum. The court will not entertain testimony to establish whether or not a quorum was present, but if the record shows affirmatively that a quorum was not present, the court will void the law.

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I am surprised that the gentleman is maintaining his present contention, in view of the abuses that will follow, if his position is maintained, that in spite of the unchallenged statement of the gentleman from New York, this rule may still be regarded as having been legally reported. Two members of a committee, including the chairman could make a report, and even if the two conceded on the floor of the House that they and they alone were present when the report was made, still if the gentleman's position is correct, the report must be conclusively presumed to have been made by a quorum.

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I do.

Mr. FESS. Think of the abuses that the gentleman's ruling would work if he were in the chair. All you need to do to prevent any legislation is enough of you to stay out of the committee and prevent a quorum.

Mr. SAUNDERS of Virginia. If enough of us to constitute a majority of the committee stayed out of the committee room we would be a quorum. Surely my friend would not contend that the minority that remained could legally take action requiring a majority?

Mr. FESS. And by so doing you forbid all legislation.

Mr. SAUNDERS of Virginia. Our action would be the action of the majority. If enough of us to constitute a majority of the committee stayed away, then the minority of the committee, of course, could not make a valid report, or take any other action that required a majority of the committee to be present to give it validity.

Mr. FESS. Does the gentleman hold that when the committee takes a vote and a point of no quorum has not been raised and the vote has been declared by the Chair carried and that reported to the House that a Member could come in from the committee and make the point in the House that in the committee there had not been a legal quorum?

Mr. SAUNDERS of Virginia. That is not this situation. A member of the committee has stated that a quorum of the committee was not present when this action was taken. That statement has not been denied.

Mr. BEE. Mr. Speaker——

Mr. SAUNDERS of Virginia. I will yield in a minute.

Mr. BEE. Just for a question.

Mr. SAUNDERS of Virginia. I yield for a question.

Mr. BEE. In answer to the suggestion of the gentleman from Iowa [Mr. TOWNER] as to the difference between the committee and the House sitting as Committee of the Whole, it will be found in this, as the gentleman from Virginia will admit, that the committees are the creation of the House, and the House itself is sovereign. The House has therefore the right to look into the doings of that which it created, and the House being sovereign you can not go back of its action.

Mr. CARTER. Will the gentleman from Virginia yield?

Mr. SAUNDERS of Virginia. I will.

Mr. CARTER. Suppose this ruling, as suggested by the gentleman from Ohio [Mr. FESS], should be carried out. Could not then the chairman of the committee alone, when it is carried to its last analysis, report a bill out on his own single vote?

Mr. SAUNDERS of Virginia. I pointed out that if two members were there, they could report a bill, and it could not be attacked in the House, unless one of these members admitted that a quorum was not present when the report was made. If such a statement or admission was made, the case would be like the one under consideration.

Mr. CARTER. Suppose this situation should develop, that a vote should be taken by the committee with less than a quorum present and the vote declared carried; under the suggestion of the gentleman from Ohio, if, after the vote was carried, some member of the committee who was present should then make the point of no quorum, after the vote had been declared carried, what situation would the committee then be in?

Mr. SAUNDERS of Virginia. I leave the gentleman from Ohio to answer that question.

Mr. SNELL. Will the gentleman yield for a statement?

Mr. SAUNDERS of Virginia. Yes.

Mr. SNELL. I wish to say that this vote was taken in a hurry. I opposed the whole proposition. I did not intend to make this statement at this point, but I think I must. I made the point that there was no quorum present, and the gentleman said it was too late, and "We are going to put it over, anyway." I would not have made those statements, but the gentleman says I have made a breach of faith in saying on the floor of the House that there was no quorum present.

Mr. SAUNDERS of Virginia. The gentleman from Ohio in the face of the facts just stated, still insists that he will "put it over." I am surprised that he takes such a stand. There is no partisanship in this question of order. I am seeking to maintain the rights of the House and secure orderly procedure. It surprises me to hear the gentleman from Ohio insist that although it now appears in our proceedings that no quorum was present at the time action was taken, in his committee, nevertheless this House is powerless to treat this unauthorized action of a minority as illegal, and reject this report on a point of order. If a conference committee exceeds its authority, short work is made of its report. This action was not in excess of power afforded. The minority was without authority ab initio.

Now, Mr. Speaker, with respect to the reference that was made to the Committee of the Whole; I wish to say that if it appeared that the committee acted in the absence of a quorum the question of the legality of its action could be raised. Suppose that it affirmatively and sufficiently appeared as to some action in the Committee of the Whole that a quorum was not present, does anyone suppose that the House would be powerless to take action when confronted with a situation of that sort? Would a report from the Committee of the Whole, that carried on its face the evidence that it was made by less than a quorum—be a legal report? And if not a legal report, would it be in order?

Mr. DOWELL. Suppose in the Committee of the Whole we have no quorum, and the bill is passed upon, does the gentleman think he can raise that question when it gets into the House?

Mr. SAUNDERS of Virginia. Let me call my friend's attention to this fact: There is a difference between raising a question tending to develop facts, and having it entertained, and raising a question of order after the facts have been developed. I stated before, and I repeat that statement, that I do not approve of the policy of having the members of a committee impeach the action of their committee. I do not think, if they were asked to make a statement, that they should be compelled to testify. I even think that another Member of the House could raise a question of order against thus making a statement tending to impeach the action of their committee.

Mr. DOWELL. Just assuming, now, if the gentleman please, that in the Committee of the Whole——

Mr. SAUNDERS of Virginia. Suppose we deal with the case before us.

Mr. DOWELL. Let us have the question on the proposition that the gentleman is perfectly familiar with.

Mr. SAUNDERS of Virginia. I am familiar with this situation.

Mr. DOWELL. Suppose in the Committee of the Whole we adopt a bill and recommend it to the House without a quorum being present, and when everyone knows that in the Committee of the Whole there is no quorum. Assuming now that a gentleman would rise in his seat and raise the question of order when the House assembled to consider a bill, that a quorum in the Committee of the Whole was not present, does the gentleman state that the Chair would sustain such a question of order raised at that time? And is not that practically the question you have here now?

Mr. SAUNDERS of Virginia. That is not the question at all. I have stated, Mr. Speaker, in this connection time and time again, that I think that the Chair ought to hold that the members of a committee should not be compelled to impeach their own action. But that is not the situation confronting us. A like situation to the present one arose in this body during the last session. The gentleman from Tennessee, Mr. Houston, sought to make a motion to take up a Senate bill. The question of his authority was raised, and in response to questions, he frankly admitted that when his committee acted, a quorum was not present. The Speaker thereupon ruled that the action of a minority, was not the action of the committee, and that the gentleman from Tennessee could not make his motion. Now, so far as the gentleman from Ohio is concerned, he was asked whether there was or was not a quorum present when this rule was acted on. I do not think that the gentleman from Ohio was required to answer the question, and he did not answer it. He stood on his report, and the presumptions of validity supporting it. But later the facts were developed by another member of the committee. They will appear in our proceedings.

The RECORD will show that the committee not only did not have a quorum when it acted, but that the statement was made in the committee that, lacking a quorum the chairman was going to "put it through." The effort is now being made to "put it through," although the unchallenged testimony that will appear in the RECORD shows that there was no legal authority behind the report. Confronted with that situation, the Chair ought to rule that this report is not properly before the House.

Mr. BRIGGS. I want to ask the gentleman if in the Committee of the Whole a point of no quorum was made and it was developed there was no quorum, and that then the committee members who were there should go ahead, if the House would not have a right to inquire into that?

Mr. SAUNDERS of Virginia. The gentleman makes a very pointed illustration. I think that upon the predicated state of facts, the House could take action. Suppose a point of no quorum is made in Committee of the Whole, and the Chairman holds that there is no quorum present?

Mr. BRIGGS. And a roll call develops.

Mr. SAUNDERS of Virginia. And the Member wants to withdraw his point of order. How often has it been ruled that this can not be done, because the Chairman's ruling of record shows that no quorum is present? If the point of order was allowed to be withdrawn, and a vote was then taken, the RECORD would then show that the committee was transacting business without a quorum.

The SPEAKER. Suppose the Committee of the Whole House had reported a bill, and after some debate some one would rise and say that when the Committee of the Whole House adopted the bill a quorum of the Committee of the Whole House was not present; would that invalidate it?

Mr. SAUNDERS of Virginia. I would not entertain those statements, if objection was made. I would not hear parties participating in action to impeach their action. That is a sound principle, but that is not the present situation.

The SPEAKER. What is the distinction?

Mr. SAUNDERS of Virginia. The distinction here is that a lack of quorum has been developed by the unchallenged statements of a member of the committee. These statements are before the Speaker, they will be reported as a part of these proceedings. They are admitted to be true. No issue of fact is presented. The facts are in substance, agreed.

The SPEAKER. Suppose the Committee of the Whole House should admit it and put it on record. Would not that be the same thing?

Mr. SAUNDERS of Virginia. The difference in that respect would be a difference in the character of the committee. You should draw the distinction, I think, between the Committee of the Whole House and these smaller committees, which stand on a different foundation. The facts are before the House, and before the Speaker. The gentleman has said that he was going "to put it over." Are the rules of the House and the just authority of this House to be disregarded in this fashion?

Mr. BANKHEAD. Mr. Speaker, I do not know whether or not you will hold a point of order against the point of order, but the point of order of the gentleman from Virginia comes too late, after a discussion of some length before the point was raised.

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. Would it be in order, while the point of order is pending, to move to recommit the rule to the Committee on Rules?

Mr. GREEN of Iowa. Mr. Speaker——

Mr. SAUNDERS of Virginia. Mr. Speaker, may I reply to the point of order submitted by the gentleman from Alabama [Mr. BANKHEAD]?

Mr. GREEN of Iowa. Mr. Speaker, I want to proceed for a moment only. I shall not take much time, but I shall try to add something.

If in the Committee on Rules a bill was recommended to be reported back to the House without a quorum, say only half a dozen present, and then after it had been approved in the Committee of the Whole and reported to the House, some gentleman should stand up and subsequently say that there was not a quorum in the Committee of the Whole, there is no Member here who would say that that made any difference as to the conclusiveness of the proceedings on the bill.

That is the situation here. Members of the committee have stated that there was not a quorum. If that same statement had been made after the Committee of the Whole had acted upon the bill, nobody would have thought it material. If everyone who was present in the Committee of the Whole had said there was no quorum, it would have made no difference.

Now, this rule is elementary. If the point of no quorum is not made and entered of record at the time, it can not be considered afterwards. That is the rule with reference to the House proceedings. It is the rule everywhere—in court proceedings, in legislative bodies, and in committees.

Mr. CONNALLY. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CONNALLY. I will ask the gentleman from Iowa if it is not a fact that a member of the Committee on Rules stood here on the floor and stated that the point of no quorum was made, and the chairman of the committee said we were going to "put it over, anyway"?

Mr. GREEN of Iowa. No. That was not stated in that way, and if it had it would be immaterial. Such matters must be determined by the record and not by statements made afterwards.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. I can not yield now. It simply shows what we are getting into—the illogical position that would be reached if this point of order was sustained. It would become a question of dispute among Members instead of a determination by rules.

Mr. SAUNDERS of Virginia. There is no dispute here. The facts are all admitted.

Mr. GREEN of Iowa. No; they are not admitted. There is a dispute here now. Some gentleman now states that a point of no quorum was raised in the committee. That is disputed.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SNELL. I made the plain, absolute statement that after the vote was taken I made the point of order that there was no quorum, and they told me it was too late.

Mr. FESS. That statement was not made when I was in the Rules Committee.

Mr. SNELL. You said you had got started and were going to put it through.

Mr. FESS. Mr. Speaker, it is due both the gentleman from New York [Mr. SNELL] and myself that I should make the statement that after the resolution was passed by the committee I left the Committee on Rules to come down on the floor of the House to see the floor leader, who had asked that this rule be made in order to make this bill the order to-day and to ask the floor leader that we put it over and allow some other bill to come on. I found that my delay in reaching the floor had given it to the Committee on Ways and Means, which had taken the floor, and it was decided we would put this over until 2.30.

Mr. SNELL. Mr. Speaker, will the gentleman yield right there?

Mr. FESS. In just a moment. Then I notified the floor leader, who was anxious that the program be not interrupted. He has been misunderstood, because I did not present this rule to the Committee on Rules until to-day. Having asked the Rules Committee to meet yesterday in order to have it considered in time for to-day, I was asked by the chairman to put it over until to-day. I presented it to the Rules Committee to-day, when one member of the Rules Committee felt that he had not had time to consider it, and said he was opposed to the bill, and while he would not obstruct consideration of it, he made it very clear that he was opposed to it and preferred that we would not go on with it. But the program of the afternoon was completed. I went to the Rules Committee and notified the chairman of the situation.

Mr. SNELL. Mr. Speaker, will the gentleman yield right there?

Mr. FESS. I spoke to the chairman of the committee and asked him whether I should present the rule, and he asked whether I had seen Mr. GARRETT. I told him that I had, and that Mr. GARRETT said he would not resist it; that he was not sure that he was in favor of the bill, but that he would not object to its consideration. Then it was that I came to the Speaker and told him that I would call it up. That is the situation exactly.

Mr. SNELL. Will the gentleman yield there?

Mr. FESS. I yield.

Mr. SNELL. The gentleman says the program for the afternoon was completed when his resolution had not been presented to the Rules Committee. Now, what I want to know is, who completes the program?

Mr. FESS. That committee had acted upon the resolution, which I presented in accordance with the wishes of the floor leader.

Mr. SNELL. You said in the statement in the Rules Committee this morning that the program had been completed to consider this. I raise the question, Who made the program?

Mr. FESS. The whole thing is that the gentleman from New York is opposed to this bill and is attempting to obstruct it now, and I want the ruling of the Chair, and will put the House on record whether we are in favor of this bill or not. [Applause.]

Mr. GARRETT. Mr. Speaker, I desired to make a suggestion to the gentleman from Ohio when I rose, but in view of his last statement I hardly know whether it is worth while to make the suggestion or not. But I will. In view of the condition which has developed here—namely, that there were only four members of the Committee on Rules present, which was a fact unknown to me at the time the gentleman came to me on the floor of the House—I want to make a suggestion. The gentleman has been perfectly fair with me, as I have been, of course, with the gentleman, and I do not wish to do anything that would appear to violate in any way the statement which I made to the gentleman that I would not resist the adoption of the rule; but I think it is fair that I should say that I did not know at that time that there was not a quorum present. I believe the gentleman did tell me, perhaps, that no other representative of the minority came in, or else he told me that he had been unable to find any other member of the minority. I believe that was the statement of the gentleman.

Now, in view of the importance of this matter as a precedent, I want to ask the gentleman from Ohio: Does he not think it would be wise for him to ask unanimous consent that it be recommitted to the Committee on Rules?

Mr. FESS. I will say to my friend that I can not ask that at this stage. In order to maintain the integrity of the rules, I want the Speaker to rule on this point of order.

Mr. HARDY of Texas and Mr. BLANTON rose.

Mr. BLANTON. Mr. Speaker, as a member of the Committee on Education I ask for recognition for a moment.

The SPEAKER. The gentleman from Texas [Mr. HARDY] desired recognition earlier, and the Chair will recognize the gentleman from Texas [Mr. BLANTON] after the gentleman from Texas [Mr. HARDY] has concluded.

Mr. HARDY of Texas. Mr. Speaker, I speak only by way of a suggestion that has occurred to me, which may be worth something or not. The analogy between the proceedings of the Committee of the Whole House and of a committee of the House has been presented, and I see it strikes the mind of the Speaker, as it struck me, with much force. I wish to call the attention of the Speaker to some differences that actually exist. The proceedings of the House and the proceedings of the Committee of the Whole are open and are held under such conditions, rules, and circumstances as to admit of no undue advantage being taken. Every day the House meets in regular stated session for its action. It perpetuates itself and carries itself on in an open session. On the contrary, committees of the House are only called together by action of the chairman, either by written notice or by verbal notice of the time and place of meeting. I call the attention of the Chair to the fact that no fraud could be perpetrated upon the Committee of the Whole, because all Members of the House have notice and may be here. On the other hand, a minority of a committee of the House might act designedly, having only the members of that committee present who were favorable to the reporting of a bill. Let me not be understood as raising any question of that kind as an actual fact. I am only talking about the possibilities. If it were admitted that less than a quorum, when that fact was disclosed, could report and put through a bill, and especially if it were admitted that you could not inquire into the proceedings of a committee to show that there was no quorum present, then any kind of combination might be made between the chairman of a committee and any minority members of that committee to report any bill that was before them to the House. In other words, it occurs to me that what has been stated by the gentleman from Virginia [Mr. SAUNDERS] as being the rule, that you could not raise the question of a quorum with reference to the proceedings of a Committee of the Whole House—and I do not think you can—does not apply to the smaller committees established for the preliminary work of the House. On the contrary, it seems to me that any member of a committee of this House, if a bill has been reported in the absence of a quorum, has an absolute right to raise the question of no quorum in that committee and have it gone into.

Mr. BLACK. That may be the only way in which it could be done.

Mr. HARDY of Texas. That might be the only way in which he could protect the House against the unauthorized action of a minority of the committee, and I believe that whenever the question is raised this House has the right to inquire of every member of the committee, was there a quorum present when the bill was reported, and every member of the committee must say. I think that is necessary for the protection, not of minorities, but of majorities against the unauthorized action of a minority, and that it is absolutely necessary for the House to have the right to inquire into the proceedings before a committee when the question of no quorum in the committee is raised in the House.

Mr. CONNALLY. Will the gentleman yield for a question?

Mr. HARDY of Texas. Yes.

Mr. CONNALLY. According to the contention of the gentlemen on the committee, would it not be possible for the chairman of a committee to act alone, with no other member present, and although every other member of the committee might come on the floor of the House and say he was not present at that meeting of the committee, would not such a ruling prevent the question being raised?

Mr. HARDY of Texas. It would certainly be possible for the chairman and two or three members of a committee to get together and act upon a bill, and then say that the question of a quorum could not be raised. In this way a bill might be reported to this House, not by the committee to which it was reported, but by one or two members of that committee, even though the committee was nearly unanimous against it.

Mr. SAUNDERS of Virginia. Mr. Speaker——

The SPEAKER. The Chair promised to recognize the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I take it that if this rule had been adopted after debate, without the question of a quorum being raised, the question then would have been settled and could not be raised subsequently; but I also take it that there is a time for the membership of the House to raise the question of a quorum or no quorum in a committee with respect to the favorably reporting of any measure. Now, I am just as heartily in favor of this bill as any man in this House. I have supported it since it was first introduced and since hearings began on it, and I expect to vote for it when it comes up in the House, and ordinarily I would support the chairman of my committee on any reasonable proposition; but I do not expect to vote for any rule or for any measure that attempts to disregard the full rights of the membership of the House. I do think that in the interest of orderly procedure and in conformity with the rules, safeguarding at all times the rights of the House membership, that when the question has been raised that there was no quorum in the Rules Committee when this resolution was favorably reported, and when that question has been opportunely raised at the proper time when the matter was first presented to the House for action, and when it has been asserted by a member of the Rules Committee and by its ex-chairman [Mr. GARRETT] that there were only four members present at the time the rule was favorably reported, I take it that where that assertion is undenied on the floor of the House, this House should not consider the rule in the face of that fact. Although I expect to vote for the bill when it is properly before the House, I am opposed to the House taking any matter up at all until it is properly shown that a quorum has sent it here.

Mr. SAUNDERS of Virginia. Mr. Speaker, I wish first to reply to the point of order made by the gentleman from Alabama, to the effect that the point of order raised by me came too late. The gentleman from Alabama was doubtless thinking of the situation in the House when a section, or a paragraph of a bill is read. If a point of order is not made when the reading is concluded, and you pass on to discussion, it is then too late to raise the question of order. The reason for this rule is that when the paragraph is read, the reading discloses whether or not the matter so read is in order, and any point of order should be then made, but that is not the present situation. This question of authority could not be raised until the fact of the lack of authority was developed. Neither I, nor any other Member could raise the question while the gentleman from Ohio was speaking, for the simple reason that he stood on the record and on the presumption that a quorum had ordered the report. I admit that so long as he relied upon this presumption he could not be required to state whether a quorum was present when the Committee on Rules acted. But the moment that it was developed in the presence of this body by the positive statement of the gentleman from New York that a quorum was not present in the committee when this rule was reported, the point of order was made. I maintain that it was made in due time, and was therefore in order.

Now a word further. The consideration of the bill to which this rule relates has never been entered upon. The point of order as to the authority of the committee to order a report came at the very threshold of the discussion over the rule. I admit that if we had entered upon the discussion of the bill, and debate was in regular progress, then in the interest of orderly procedure no belated question of authority ought to be entertained. I admit that. But again I say, that that is not this situation.

In this connection I wish to ask how the question of no quorum in the committee could ever be raised in the House, if the House can not take cognizance of the facts now in its possession? Suppose eight members constituted a quorum of a committee and at a given meeting only seven members were present, six of one party and one of another. The minority member, we will say, raises the question of no quorum, but the Chair arbitrarily holds that he will not entertain it on the ground that it is made too late, and a report is ordered by the six members over the protest of the single objecting member. The report is then made, and is brought into the House by the chairman. On its face it is regular and the chairman stands on the presumption of regularity. But one of his associates frankly admits that a quorum was not present. This statement is not challenged, but is admitted by the chairman in a word, the facts are agreed. Is it possible that under such circumstances the Speaker of this body is without authority to hold that the report was improperly made and therefore is not properly before the House?

That is no fanciful suggestion. It suggests a situation that may arise at any time, a situation that did arise in this body under Mr. Speaker CLARK, who held under circumstances similar to these that the action of less than a quorum in a committee afforded no authority to bring up a bill in the House. If this proceeding is sustained, then the committees need not concern themselves to maintain quorums, since their action without a quorum, even when the lack of a quorum is admitted, can not be challenged. In the past many committees have been timid about acting without a quorum. Overrule this point of order, and the necessity of maintaining a quorum in a committee when action is proposed to be taken will be entirely removed.

Mr. CANNON. Mr. Speaker, just a word. The committee of the House, under the rules of the House, is presumed to have a quorum present until the point is made that there is no quorum present, and then the rule provides that there shall be a call. The result is to be reported to the House. If there is a quorum present, the roll call shows it, and if there is no quorum present, a call of the House is had or the House adjourns, as the case may be. As far as the House itself is concerned, the Journal of the House decides. You can not go behind the Journal. I do not know whether the committee in this case kept a journal or kept a record. There is nothing in the rules of the House that requires it to keep a record. So far as I know, when the question of no quorum is raised in committee the roll is called, and if no quorum is present no action is had. If there was a quorum present, the matter being questioned, it seems to me if we are going to require the committee to keep a record at all, that the record might be produced and would show the presence or absence of a quorum. I do not know what the ruling of the Chair may be. I do not recollect that this question was ever raised, so far as my recollection goes, in the House. We have not entered upon the consideration of this rule. It is a proposition to enter upon the consideration, and the House is to determine whether we will or not by a yea and nay vote. There should be a rule proposed by a majority of the committee, and I think it is sufficiently shown here that a majority did not order it.

Mr. POU. Mr. Speaker, I think it due myself that I should make a short statement. At 10 o'clock this morning I talked from my hotel with the clerk of the Committee on Rules, and was informed that the meeting of the committee had been called for the purpose of hearing certain gentlemen on the Rogers resolution, as the resolution was called. In a word, the meeting was a committee hearing, as we call meetings where it is not intended to take action. I certainly understood that no vote would be taken this morning. Because of another engagement, I did not attend. I am therefore one of the guilty absentees.

I will say this also: I try to attend all the meetings of the Committee on Rules. Occasionally this is not possible. Certainly it is the duty of every member to attend all meetings if he can. It is likewise true that gentlemen should stay in this Chamber whenever the House is in session, but occasion-

ally that is not possible also. I can only apologize for my absence from the hearing this morning and promise to do better in the future. [Laughter.] I believe, however, I have never missed any important vote in the Committee on Rules since I have been a member if I was physically able to attend.

Mr. MAPES. Mr. Speaker, I want to call the attention of the Chair to the debate in the last Congress which was had in the case to which the gentleman from Virginia [Mr. SAUNDERS] referred, and particularly to the argument of the gentleman from Virginia [Mr. SAUNDERS] at that time. His argument then seemed to me to be correct, as it does still seem to be correct. I refer, of course, to the argument he made in the last Congress. On page 6689 of the RECORD of the last Congress, in the RECORD of May 17, 1918, I read:

Mr. SAUNDERS of Virginia. Certainly. A quorum is always presumed to be present if the point is not raised in the body transacting business. Take the case suggested by the gentleman, in which the committee begins business with a quorum, but actually loses it before a bill is reported; but no point of no quorum is raised, ought the statement of a Member in this body to the effect that less than a quorum was present when the bill was actually reported, be admitted and cause the bill to be stricken from our calendar as having been improperly reported? If the question of no quorum can be raised in the present instance, as against the record of the committee, then in the case suggested it could be raised, if it is a question of fact to be decided in this body by oral testimony, as against the presumption to conclusiveness in favor of the regularity of the committee's action, as revealed by the records of the committee.

Mr. SAUNDERS of Virginia. That is precisely my attitude to-day.

Mr. MAPES. After several interruptions the gentleman repeated the same thought, and definitely stated that the minutes of the committee should be controlling.

Mr. SAUNDERS of Virginia. Yes. Now, let us have the minutes of the committee showing that there was a quorum present.

Mr. TOWNER. Mr. Speaker, I beg the indulgence of the Chair for just one observation. Repeatedly the gentleman from Virginia [Mr. SAUNDERS] has said that the records show that there was no quorum present. I beg to take issue with the gentleman. The records show exactly the contrary. There is no record here before this House, except the report of the committee, and that report is presumptively the report of the committee. The proposition here which the gentleman from Virginia is arguing is that he has a right to impeach the records by the statements of men afterwards who have attended or who did not attend the meeting of the committee. Are the statements of gentlemen to be received as impeaching the action of the committee after the action has been taken? Of course, if the matter enters into a question of jurisdiction, that is another proposition, but even that question can not be shown by the statement of men on the floor of the House.

Mr. SAUNDERS of Virginia. Mr. Speaker, I would not take the floor again, but as I stated heretofore, having raised the question of order I presumed that my remarks would be the ones last heard, in other words that I would close the debate. As soon as I sat down half a dozen gentlemen asked for recognition, and most of them submitted remarks. If I had known that these gentlemen were going to speak, I would have delayed my concluding remarks until they had made their speeches. I wish to say just a word in respect to the citations from the RECORD read by the gentleman from Michigan [Mr. MAPES]. My contention at that time was precisely what it is to-day, namely that it is inadvisable to entertain statements by members of a committee to impeach committee action, that the House ought to stand on the record, if there is a record to the contrary, of what is proposed to be stated. That is the rule with respect to the verdict of a civil jury. The courts of my State will not allow the verdict to be impeached by putting the members of the jury on the witness stand to show illegal, or improper acts on their part, but when the illegality is developed then the court is bound to take cognizance of it. In the case cited, by the gentleman from Michigan, the fact that the chairman of the committee, not only did not stand on the record, but admitted that there was no quorum present when his committee acted, precluded him from making the motion he sought to make. In that case the chairman required authority of his committee to make a motion, but in response to a question the chairman, Mr. Houston, stated that when action was taken a quorum of his committee was not present, and argued against the propriety of receiving statements of this character, but the statement having been made the Speaker [Mr. CLARK] held that Mr. Houston had put himself out of court, that the meeting at which the authority to empower the chairman, Mr. Houston, to take up a Senate bill was voted was not a committee meeting, and that this being so the chairman could not bring up the Senate bill under the circumstances. Now that is precisely the situation confronting us with respect to this report.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GARNER. If the rule as suggested by the gentleman from Iowa [Mr. TOWNER] should apply, then all the chairman would have to do would be to have a meeting all by himself, report the bill, and that would be all there would be to it.

Mr. SAUNDERS of Virginia. Yes; that would be an inevitable consequence of such a ruling, since no absent Member could challenge the record or be heard to impeach the conclusive presumption of the report that the same had been authorized by a quorum.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] raises the point of order that the resolution is not in order. It is not a question of the propriety of the action of the committee. It is simply a plain question of the duty of the Chair to decide that it is now out of order. It is well established that a committee can act only with a quorum present, and the Chair is disposed to recognize that there is a difference between the Committee of the Whole House and the ordinary committees of the House. The Chair has served on a great many committees and does not recollect a single instance when any committee on which he served took action without a quorum of the committee being present. On the contrary, his recollection is that the committees were always scrupulous to see to it that a quorum was present.

The gentleman from Illinois [Mr. CANNON] was the first one to raise the point which has been repeated a number of times during this discussion, and which certainly is impressive, that if you say that a committee can report without a quorum, unless the point is raised in the committee, then a chairman can have a meeting by himself, can report a bill, and it can not be questioned, because there is no one present to raise the point of no quorum, and nobody but himself would know whether there was a quorum present or not. That might lead, naturally, to great abuse, and, of course, of itself it would be a great abuse; but that does not determine the validity of the point of order. It seems to the Chair that this discussion has illustrated the wisdom of the rule that what takes place in a committee is not to be divulged in public.

The Chair has been shown two precedents on this subject, one by Mr. Speaker Reed and one further back. As far as the Chair can see, from a cursory reading, the earlier precedent is directly in point, that such action by a committee without a quorum does not make the report of the committee subject to the point of order on the floor of the House after its consideration has commenced. As Mr. Speaker Reed said, the line must be drawn somewhere when irregularities can not be questioned, and it seems to the Chair, according to these precedents, that after consideration has begun the question of a quorum in the committee can not be raised.

The Chair, therefore, overrules the point of order.

Mr. GARRETT. Mr. Speaker, I regard this matter as one of very considerable consequence, and without in any way quarreling with the decision of the Chair, I am impressed with the idea that the proprieties of the occasion should induce the House to recommit this matter to the Committee on Rules—not in a spirit of opposition, therefore, to the rule itself, but because of the situation which developed here. If my appeal to the gentleman from Ohio is in vain——

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. FESS. When the gentleman made the suggestion a moment ago that that procedure be taken I was not averse to it, except I wanted the ruling of the Speaker, because I thought that was extremely important for the procedure of the House.

And if my friend will yield to me for a minute to make a statement—I have not consulted with any members of the committee at all—I will be free to state my own convictions on the matter.

Mr. GARRETT. I yield to the gentleman.

Mr. FESS. Mr. Speaker, there has been developed, I think, some unfriendly attitude toward the legislation that has come in in an unexpected manner, and it is somewhat embarrassing to me personally as well as chairman of the Committee on Education that has reported this bill. There is very distinctive opposition to the bill in certain quarters. It has been the result of weeks of propaganda. I am somewhat unhappy over the possible effect of that propaganda. It does not go to the merits of the bill, but simply through dissatisfaction, because certain things could not be done which certain people wanted done. I hesitate to forfeit the opportunity of voting on the measure when it is now before the House. I feel that a great many friends of the measure feel just as the gentleman from Tennessee feels, although I think he has been frank with me that he does not know that he is in favor of the bill, and I

honor him for that frankness, because I know that he always takes the position based upon his own judgment, which I have always highly respected, and it is not that that I refer to, as the gentleman knows. If the Committee on Education could be consulted I would consider asking unanimous consent that the matter be referred back to the Committee on Rules. I have understood that the Committee on Rules will assure me that there will be a quorum, and that action will not be deferred for lack of a quorum. I do not want to put myself in the attitude, however, of interfering with the progress of the bill when we have it now before the House.

Mr. BANKHEAD. Will the gentleman yield, with the permission of the gentleman from Tennessee?

Mr. GARRETT. I yield.

Mr. BANKHEAD. The intimation the gentleman from Ohio has just suggested that there will be a quorum of the Committee on Rules to consider this rule indicates speedy action upon this legislation.

Mr. FESS. My opinion is that we will have to delay it for some time now, because of the crowded program for to-morrow and the next day and probably next week that would forfeit speedy action upon it if it goes back to the Committee on Rules now.

Mr. GARRETT. Mr. Speaker, if the gentleman will permit, does the gentleman wish to proceed further?

Mr. FESS. Not now.

Mr. GARRETT. Several gentlemen have come in, perhaps, during this discussion who have not heard all the facts. A peculiar state of facts developed in connection with this proposition. I myself was advised of the meeting of the Committee on Rules when I reached my office about 10.30 this morning. I immediately went from my office to the committee. When I entered the committee room a public hearing was in progress, and the gentleman from Massachusetts [Mr. ROGERS] was addressing the committee upon an investigating resolution. I first privately inquired of the acting chairman whether there would be a vote upon any proposition, and he informed me, as he stated upon the floor of the House, that the meeting was for the purpose of hearing the gentleman from Massachusetts and others upon a resolution proposing an investigation. I thereupon interrupted the gentleman from Massachusetts, explaining that I had an engagement, apologized to him, stated publicly to the committee that I had an engagement, and I understood that nothing in the way of business was to come up, so I would ask to be excused, and was excused. Now, it developed that subsequently business did come up. I am not complaining of that. The gentleman from Ohio [Mr. FESS] came to me after the House had convened and explained the situation, and said that the matter was not to be called up if I were disposed to make any point against it. Nothing was said about whether a quorum was present and I did not know anything to that effect.

Mr. MONDELL. Will the gentleman yield?

Mr. GARRETT. For a question.

Mr. MONDELL. Well, for a suggestion. I have been busy with other matters and have not been in the House during the discussion this afternoon. This occurs to me: No one, I assume, has any objection to the consideration of this bill. There is claimed to be a question as to the regularity of the proceedings relative to the rule. That being the case, has anyone any objection to proceeding with the consideration of the measure without regard to the rule? The measure can be considered by unanimous consent of the House.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. WALSH. I will state to the gentleman that I object to the consideration of the bill, with a rule or without it.

Mr. MONDELL. That being the case, of course, settles the matter. I had hoped there would be no objection.

Mr. SAUNDERS of Virginia. Will the gentleman yield? What is the objection to proceeding with the consideration of the bill under the rule? That has been ascertained to be regular and conformable to established procedure. What is the objection to proceeding with it?

Mr. MONDELL. I certainly have no objection to proceeding under the rule.

Mr. SAUNDERS of Virginia. It has been decided that the point of order that it was reported without a quorum is not well taken. That has been held and determined.

Mr. MONDELL. My understanding is the Chair has held that the report of the Committee on Rules is regular.

Mr. SAUNDERS of Virginia. That is what I say. It has been held to be in conformity with the regular proceedings, so why not proceed?

Mr. MONDELL. I should like to proceed rather than discuss other matters. I am anxious to have the bill considered.

Mr. GARRETT. Has the gentleman concluded the statement he was about to make? Is he going to ask unanimous consent? Mr. Speaker, I move to recommit the matter to the Committee on Rules.

The SPEAKER. The Chair does not think it is in order to recommit; that is the Chair's impression at first blush. The Chair's recollection is that he made that motion himself once, and it was held it was not in order.

Mr. GARRETT. My recollection is that the Chair is correct about that, namely, that it is not in order to recommit to the Committee on Rules.

Mr. FESS. I move the previous question on the adoption of the rule.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BLANTON. I make the point that there is no quorum present, Mr. Speaker.

The SPEAKER. That does not apply against a motion to adjourn.

Mr. BLANTON. Division, Mr. Speaker.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask for a vote on agreeing to the rule.

The SPEAKER. The question is on the motion to adjourn.

The House divided; and there were—ayes 1, noes 95.

The SPEAKER. The question is on agreeing to the rule.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 51, noes 52.

Mr. FESS. I demand tellers, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Chair thinks no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members. Those in favor of agreeing to the rule will, as their names are called, vote "yea," and those opposed will vote "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 134, nays 115, answered "present" 7, not voting 173, as follows:

YEAS—134.

Alexander	Evans, Mont.	Kreider	Rose
Almon	Fess	Lampert	Rouse
Anderson	Freeman	Layton	Rubey
Andrews, Nebr.	French	Lea, Calif.	Sanders, Ind.
Ashbrook	Garland	Linthicum	Schall
Ayres	Glynn	Lonergan	Sinclair
Baer	Graham, Ill.	Luhring	Sinnott
Bankhead	Green, Iowa	McFadden	Smith, Idaho
Barbour	Hadley	McKeown	Stedman
Benham	Hardy, Colo.	McLaughlin, Mich.	Stiness
Boies	Haskell	Madden	Strong, Pa.
Brinson	Haugen	Mapes	Summers, Wash.
Brooks, Ill.	Hawley	Mays	Sweet
Browne	Hayden	Michener	Temple
Browning	Hays	Miller	Thompson
Burroughs	Hernandez	Monahan, Wis.	Tilson
Butler	Hickey	Mondell	Timberlake
Campbell, Kans.	Hicks	Moore, Ohio	Towner
Caraway	Hill	Morgan	Vestal
Carss	Hoch	Morin	Voigt
Christopherson	Huddleston	Nelson, Wis.	Volstead
Cooper	Hudspeth	Newton, Minn.	Walters
Crago	Johnson, Ky.	Newton, Mo.	Wason
Curry, Calif.	Johnson, S. Dak.	Nolan	Watson, Pa.
Dallinger	Johnson, Wash.	Ogden	Webster
Darrow	Juul	Parrish	Wheeler
Davis, Minn.	Kearns	Radcliffe	White, Kans.
Denison	Keller	Raker	White, Me.
Dickinson, Iowa	Kelly, Pa.	Ramseyer	Williams
Dowell	Kendall	Randall, Calif.	Yates
Dunbar	Kiess	Reed, W. Va.	Young, N. Dak.
Edmonds	King	Rhodes	Zihlman
Elliott	Kinkaid	Ricketts	
Elston	Kraus	Riddick	

NAYS—115.

Bee	Caldwell	Cramton	Flood
Benson	Campbell, Pa.	Crisp	Focht
Black	Candler	Cullen	Gard
Bland, Mo.	Cannon	Dale	Garner
Bland, Va.	Cantrill	Davis, Tenn.	Garrett
Blanton	Carew	Dickinson, Mo.	Good
Booher	Carter	Dominick	Greene, Mass.
Box	Clark, Fla.	Drane	Griest
Briggs	Clark, Mo.	Evans, Nebr.	Hardy, Tex.
Buchanan	Cleary	Evans, Nev.	Harrison
Byrnes, S. C.	Coady	Ferris	Hastings
Byrns, Tenn.	Connally	Fisher	Heflin

Hersman	McDuffie	Rainey, J. W.	Tillman
Holland	McLane	Rayburn	Tincher
Howard	MacGregor	Reber	Treadway
Hulings	Mansfield	Riordan	Vinson
Hull, Tenn.	Martin	Robinson, N. C.	Walsh
Humphreys	Minahan, N. J.	Rogers	Watkins
Husted	Moore, Va.	Romjue	Watson, Va.
Igoe	Nelson, Mo.	Saunders, Va.	Weaver
Jacoway	O'Connell	Sears	Welling
Johnson, Miss.	Oldfield	Smith, Mich.	Welty
Jones, Pa.	Oliver	Smithwick	Whaley
Jones, Tex.	Overstreet	Snell	Wilson, La.
Kincheloe	Padgett	Steagall	Wilson, Pa.
Lanham	Park	Stevenson	Woods, Va.
Lankford	Pell	Sumners, Tex.	Woodyard
Lazaro	Pou	Taylor, Colo.	Young, Tex.
Lufkin	Quin	Thomas	

ANSWERED "PRESENT"—7.

Bacharach	Graham, Pa.	Longworth	Neely
Fields	Knutson	Major	

NOT VOTING—173.

Ackerman	Fitzgerald	McArthur	Rowe
Andrews, Md.	Fordney	McClintic	Rucker
Anthony	Foster	McCulloch	Sabath
Aswell	Frear	McGlennon	Sanders, La.
Babka	Fuller, Ill.	McKenzie	Sanders, N. Y.
Barkley	Fuller, Mass.	McKiniry	Sanford
Begg	Gallagher	McKinley	Scott
Bell	Gallivan	McLaughlin, Nebr.	Scully
Blackmon	Gandy	McPherson	Sells
Bland, Ind.	Ganly	MacCrate	Sherwood
Bowers	Godwin, N. C.	Magee	Shreve
Brand	Goldfogle	Maher	Siegel
Britten	Goodall	Mann	Sims
Brooks, Pa.	Goodwin, Ark.	Mason	Sisson
Brumbaugh	Goodykoontz	Mead	Slemp
Burdick	Gould	Merritt	Small
Burke	Greene, Vt.	Montague	Smith, Ill.
Casey	Griffin	Moon	Smith, N. Y.
Chindblom	Hamill	Mooney	Snyder
Classon	Hamilton	Moore, Pa.	Steele
Cole	Hersey	Moores, Ind.	Steenerson
Collier	Houghton	Mott	Stephens, Miss.
Copley	Hull, Iowa	Mudd	Stephens, Ohio
Costello	Hutchinson	Murphy	Strong, Kans.
Crowther	Ireland	Nicholls, S. C.	Sullivan
Currie, Mich.	James	Nichols, Mich.	Swope
Davey	Jefferis	O'Connor	Taylor, Ark.
Dempsey	Johnston, N. Y.	Olney	Taylor, Tenn.
Dent	Kahn	Osborne	Tinkham
Dewalt	Kelley, Mich.	Paige	Upshaw
Donovan	Kennedy, Iowa	Parker	Vaile
Dooling	Kennedy, R. I.	Peters	Vare
Doremus	Kettner	Phelan	Venable
Doughton	Kitchin	Platt	Ward
Dunn	Kleczka	Porter	Webb
Dupré	LaGuardia	Purnell	Wilson, Ill.
Dyer	Langley	Rainey, H. T.	Wingo
Eagan	Larsen	Ramsey	Winslow
Eagle	Lee, Ga.	Randall, Wis.	Wise
Echols	Lehlbach	Reavis	Wood, Ind.
Ellsworth	Lesher	Reed, N. Y.	Wright
Emerson	Little	Robsion, Ky.	
Esch	Luce	Rodenberg	
Fairfield	McAndrews	Rowan	

So the resolution embodying the rule was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. BOWERS with Mr. NEELY.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. SHREVE with Mr. MCANDREWS.

Mr. STEPHENS of Ohio with Mr. BRAND.

Mr. HULL of Iowa with Mr. FIELDS.

Mr. KAHN with Mr. DENT.

Mr. JAMES with Mr. ASWELL.

Mr. MAGEE with Mr. GOODWIN of Arkansas.

Mr. PORTER with Mr. GANLY.

Mr. MANN with Mr. GOLDFOGLE.

Mr. MOORE of Pennsylvania with Mr. DONOVAN.

Mr. KENNEDY of Rhode Island with Mr. KITCHIN.

Mr. KLECZKA with Mr. KETTNER.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. PURNELL with Mr. GANDY.

Mr. MOORES of Indiana with Mr. DEWALT.

Mr. MUDD with Mr. DAVEY.

Mr. CROWTHER with Mr. SMITH of New York.

Mr. ANTHONY with Mr. WINGO.

Mr. BLAND of Indiana with Mr. WEBB.

Mr. FOSTER with Mr. SANDERS of Louisiana.

Mr. SMITH of Illinois with Mr. HENRY T. RAINEY.

Mr. MURPHY with Mr. COLLIER.

Mr. NICHOLS of Michigan with Mr. CASEY.

Mr. STEPHENS of Ohio with Mr. PHELAN.

Mr. BROOKS of Pennsylvania with Mr. VENABLE.

Mr. OSBORNE with Mr. BRUMBAUGH.

Mr. PAIGE with Mr. BLACKMON.

Mr. TINKHAM with Mr. OLNEY.

Mr. PARKER with Mr. BARKLEY.

Mr. FREAR with Mr. SABATH.

Mr. FULLER of Illinois with Mr. RUCKER.

Mr. VARE with Mr. O'CONNOR.

Mr. WARD with Mr. NICHOLLS of South Carolina.

Mr. FULLER of Massachusetts with Mr. ROWAN.

Mr. REAVIS with Mr. GALLAGHER.

Mr. REED of New York with Mr. FITZGERALD.

Mr. PETERS with Mr. BABKA.

Mr. BURKE with Mr. UPSHAW.

Mr. DEMPSEY with Mr. SMALL.

Mr. MCKENZIE with Mr. HAMILL.

Mr. CHINDBLOOM with Mr. TAYLOR of Arkansas.

Mr. DUNN with Mr. SIMS.

Mr. COLE with Mr. SULLIVAN.

Mr. COPLEY with Mr. STEPHENS of Mississippi.

Mr. GOODYKOONTZ with Mr. MEAD.

Mr. DYER with Mr. SHERWOOD.

Mr. FAIRFIELD with Mr. SCULLY.

Mr. GREENE of Vermont with Mr. MAHER.

Mr. HAMILTON with Mr. MCKINIRY.

Mr. HOUGHTON with Mr. MCGLENNON.

Mr. ROBSION of Kentucky with Mr. EAGLE.

Mr. MCKINLEY with Mr. GRIFFIN.

Mr. RODENBERG with Mr. EAGAN.

Mr. HUTCHINSON with Mr. MCCLINTIC.

Mr. IRELAND with Mr. LESHER.

Mr. KELLEY of Michigan with Mr. LEE of Georgia.

Mr. WILSON of Illinois with Mr. MOONEY.

Mr. WINSLOW with Mr. MOON.

Mr. WOOD of Indiana with Mr. MONTAGUE.

Mr. COSTELLO with Mr. STEELE.

Mr. ROWE with Mr. DUPRÉ.

Mr. SANFORD with Mr. DOUGHTON.

Mr. RAMSEY with Mr. GALLIVAN.

Mr. KENNEDY of Iowa with Mr. LARSEN.

Mr. PLATT with Mr. GODWIN of North Carolina.

Mr. SCOTT with Mr. DOREMUS.

Mr. SELLS with Mr. DOOLING.

Mr. ACKERMAN with Mr. WRIGHT.

Mr. KNUTSON. Mr. Speaker, I desire to withdraw my affirmative vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KNUTSON, and he answered "Present."

Mr. FIELDS. Mr. Speaker, I voted "aye," but I am paired with the gentleman from Tennessee, Mr. HULL, and I therefore desire to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. FIELDS, and he answered "Present."

Mr. NEELY. Mr. Speaker, I voted "aye," but I am paired with the gentleman from West Virginia, Mr. BOWERS. I desire to withdraw my vote and be recorded as present.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. NEELY, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeper will open the doors. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Illinois [Mr. MADDEN] in the chair.

FOOD-CONTROL BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that I may file a conference report on the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, up to 12 o'clock to-night.

The SPEAKER. The gentleman from Iowa asks unanimous consent to print in the RECORD as late as 12 o'clock to-night the conference report on the food-control bill. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. KELLER. Mr. Speaker, I would like to make a statement to the House.

The SPEAKER. That will not be in order now, as the Chair thinks. The House, under the rule, automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4438) to provide for industrial vocational rehabilitation, with the gentleman from Illinois [Mr. MADDEN] in the chair.

Mr. BANKHEAD. Mr. Speaker, will it be necessary to raise the question of the control of the time in the committee before we go into committee?

The SPEAKER. The rule, the Chair understands, provides for it.

Mr. FESS. The rule does not name any particular person in control of the time.

The SPEAKER. Then the House rules provide that one-half of the time be controlled by those favoring the bill and one-half by those opposed to the bill. The gentleman from Illinois [Mr. MADDEN] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4438, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4438, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

Mr. FESS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. CANNON. I object. I have not had time to read the bill.

The CHAIRMAN. Objection is made. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and who are without sufficient means to provide for their own rehabilitation and their return to civil employment, there is hereby appropriated for the use of the States, subject to the provisions of this act, for the purpose of cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment for the fiscal year ending June 30, 1919, the sum of $500,000; for the fiscal year ending June 30, 1920, the sum of $750,000; for the fiscal year ending June 30, 1921, and annually thereafter the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population in the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall not be less than a minimum of $5,000 for any fiscal year. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section, for the fiscal year ending June 30, 1919, the sum of $66,000; for the fiscal year ending June 30, 1920, the sum of $46,000; for the fiscal year ending June 30, 1921, and annually thereafter the sum of $34,000.

All moneys expended under the provisions of this act from appropriations provided by section 1 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of the appropriation made by this act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this act as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study; (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees; (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this act; (4) that no portion of any moneys appropriated by this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

SEC. 2. That in order to secure the benefits of the appropriations provided by section 1 any State shall, through the legislative authority thereof, (1) accept the provisions of this act; (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of the vocational education act approved February 23, 1917, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this act; (3) in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency, and the State board charged with the administration of this act, such plan to be effective when approved by the governor of the State; (4) provide for the supervision and support of the course of vocational rehabilitation to be provided by the State board in carrying out the provisions of this act; (5) appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations. In any State the legislature of which does not meet in 1919 or 1920, if the governor of that State shall accept the provision of this act, such State shall be entitled to the benefits of this act until the legislature of such State meets in due course and has been in session 60 days.

SEC. 3. That the Federal Board for Vocational Education shall have power to cooperate with State boards in carrying out the purposes and provisions of this act, and is hereby authorized to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this act; to provide for the vocational rehabilitation of disabled persons and their return to civil employment and to cooperate, for the purpose of carrying out the provisions of this act, with such public and private agencies as it may deem advisable. It shall be the duty of said board (1) to examine plans submitted by the State boards and approve the same if believed to be feasible and found to be in conformity with the provisions and purposes of this act; (2) to ascertain annually whether the several States are using or are prepared to use the money received by them in accordance with the provisions of this act; (3) to certify on or before the 1st day of January of each year to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, together with the amount which each State is entitled to receive under the provisions of this act; (4) to deduct from the next succeeding allotment to any State whenever any portion of the fund annually allotted has not been expended for the purpose provided for in this act a sum equal to such unexpended portion; (5) to withhold the allotment of moneys to any State whenever it shall be determined that moneys allotted are not being expended for the purposes and conditions of this act; (6) to require the replacement by withholding subsequent allotments of any portion of the moneys received by the custodian of any State under this act that by any action or contingency is diminished or lost: *Provided*, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

SEC. 4. That the Secretary of the Treasury, upon the certification of the Federal board as provided in this act, shall pay quarterly to the custodian of each State appointed as herein provided the moneys to which it is entitled under the provisions of this act. The money so received by the custodian for any State shall be paid out on the requisition of the State board as reimbursement for services already rendered or expenditures already incurred and approved by said State board. The Federal Board for Vocational Education shall make an annual report to the Congress, on or before December 1, on the administration of this act, and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State.

SEC. 5. That there is hereby appropriated to the Federal Board for Vocational Education the sum of $200,000 annually for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses.

SEC. 6. That the Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation of disabled persons," to be used, under the direction of the said board, to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board.

With committee amendments.

The CHAIRMAN. The Chair would like to suggest the advisability in the main of agreeing as to who shall have charge of the time for and in opposition to the bill. The rule provides that those in opposition shall have one hour and fifteen minutes and those in favor of the bill shall have one hour and fifteen minutes, and ordinarily some member of the minority would have charge of the opposition time. The Chair understands that all the members of the commitee are in favor of this bill. The Chair hopes, in order to expedite the consideration of the bill, some arrangement will be entered into as to who shall have charge of the opposition time. That will relieve the Chair.

Mr. FESS. The Rules Committee thought it well not to name any particular person opposed to the bill or to provide for time to be controlled by those opposing, because there is no one that I know of in opposition to the bill. The rule therefore was left open, and it was thought that the Member whom the Chair recognized in opposition to the bill would have control of the time on that side.

The CHAIRMAN. That would be quite agreeable to the Chair, but the Chair thought it would be more expeditious to have it done in the other way.

Mr. FESS. Mr. Chairman, after I make a preliminary statement, then the Chair may recognize whomsoever he desires in opposition.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BLANTON. In view of the fact that the gentleman from Ohio could not be recognized for more than an hour, if no one opposing the bill claims the right to be recognized, I ask unani-

mous consent that half the time be controlled by the gentleman from Ohio [Mr. FESS] and the other half by the gentleman from Florida [Mr. SEARS].

Mr. WALSH. Well, I am opposed to the bill.

The CHAIRMAN. The gentleman from Ohio will proceed.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry. It is not intended, is it, that the gentleman from Ohio is to occupy an hour, but that the Chair will recognize Members pro and con, five minutes at a time?

The CHAIRMAN. No; this is general debate. The gentleman from Ohio has one hour and a quarter at his disposal, and the gentleman in control of the opposition will have an hour and a quarter.

Mr. RAKER. That is satisfactory.

Mr. WALSH. It is not very satisfactory, but it is provided in the rule.

Mr. FESS. Gentlemen of the committee, this legislation is designed to complete a program of legislation that has had some recognition in this body for the last few years. This particular bill, looking toward the reeducation, retraining, or rehabilitation of those crippled in industrial pursuits, is not purely a Federal proposition, except as it is done in cooperation with the various States under or with the approval of the Federal Board of Education.

The value of this sort of work is hardly questioned by those who have made a sympathetic study of the problem. We very readily took to the rehabilitation of the soldiers. There was very little opposition to that. At the same time there are more crippled in industry every year, if all injured are included, than there were crippled in the military service. It is true that these cripples are not all what you would call total disabilities. A very careful investigation was made by the Federal Government, and the report is to the effect that there are 22,500 total disabilities resulting from such injuries every year. If we take the total number who suffer both total and slight disability it will approach very close to 300,000 per year. It is stated that a man's life in activity is something like 20 years. So, taking the average of the age of those crippled, it would seem that it occurs along between 20 and 30, and if you could have 20 years of activity you will immediately see what a loss this total number of disabled people are to the country, and what an advantage it would be if the Government could take that same group and through their rehabilitation put them on their feet as self-supporting. In this case it would have an economic value as well as an altruistic.

I do not think it is necessary for me to enter upon a discussion of the value of this sort of legislation. That was all thrashed out in the rehabilitation legislation of the last Congress. The only question here is whether it is worth while for the Government to appropriate, out of the Federal Treasury, a certain fund to be administered in cooperation with the various States for this work. Personally I am convinced that it is a very useful function. I recognize the viewpoint of those opposing it.

Mr. WALSH. Will the gentleman yield?

Mr. FESS. I yield to my friend from Massachusetts.

Mr. WALSH. Will it disturb the continuity of the gentleman's argument?

Mr. FESS. It will not.

Mr. WALSH. Did the committee take into consideration the question of the constitutional right of Congress to appropriate money for this purpose? And under what clause of the Constitution would you appropriate it?

Mr. FESS. Our committee did not go over that at all in the consideration of the measure, the same question having been thrashed out back in the eighties, in the discussion of the famous Blair educational bill; and then later, in 1917, when we passed the Smith-Hughes Act, the matter was thoroughly thrashed out in the committee and also on the floor of the House. So I have no doubt whatever as to the constitutional sanction for this legislation.

Mr. BEE. Will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. BEE. Is there not a provision in the Constitution of the United States for the diffusion of knowledge? And would not the diffusion of knowledge cover the Smith-Hughes bill and the Blair educational bill, as contradistinguished from this bill, which has no constitutional support whatever? I just ask that of the gentleman as a student of history.

Mr. FESS. I am not at all disturbed about the constitutionality of the application of the fund on matters of education. It seems to me that is entirely cleared up.

Mr. BEE. I agree with the gentleman as to matters of education, absolutely.

Mr. FESS. I think my friend means that this is questionable as to whether it is education or not?

Mr. BEE. Yes.

Mr. FESS. Education is not simply a matter of reading and writing. It is not confined to intellectual acumen. Education has to do with the training of the body as well as of the mind. This is rehabilitation of the human frame that has been injured to the point of uselessness in its efforts for service.

Mr. BEE. In support of the constitutional educational bill, is not the language "diffusion of knowledge" confined to educational matters in the accepted sense of the term?

Mr. FESS. I do not know of anything being said about the diffusion of knowledge in the Constitution of the United States, as my friend the distinguished judge from Virginia [Mr. WATSON], well recognizes. There is a general-welfare clause that probably would bring it within the range.

Mr. DENISON. Will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. DENISON. I want to ask the gentleman from Ohio if he recognizes at all any difference between the principle or the duty of the Federal Government to contribute money or to appropriate money to rehabilitate soldiers who are disabled in the defense of the country, and the rehabilitation of those who are injured, perhaps by their own carelessness, by accident in private industry?

Mr. FESS. There is a broad difference. In the first place, the disabled soldier is purely a Federal function with which the State has nothing to do, while this is not only a Federal function but a State function, and the Federal Government does not do anything except to contribute to the fund administered by the State with the approval of the Federal authority that has charge of the fund.

Mr. BLANTON. Will the gentleman yield?

Mr. FESS. Certainly.

Mr. BLANTON. It is a fact that the various educational institutions of to-day give credit for various kinds of athletic training in the regular course of the institution?

Mr. FESS. A great many do.

Mr. BLANTON. In other words, they take into account the training of the physical body as well as the mental?

Mr. FESS. My friend is correct in that statement. Education to-day goes much more largely into the training of the body than in years past. We are coming to recognize that value as we did not before.

Mr. DENISON. Will the gentleman further yield?

Mr. FESS. Certainly.

Mr. DENISON. Can the gentleman inform the House as to what States have rehabilitation laws?

Mr. FESS. Thirty-eight States have compensation departments, in some of which they may have some form of rehabilitation. Rehabilitation, as I have said already, appears as a new field of compensation, not yet entered upon. However, laws are provided in 38 States looking to recompense rather than to replacing the injury by training. That has not been carried on as largely as, of course, it will be from now on. This is a stimulation for that purpose.

Mr. TREADWAY. Will the gentleman yield?

Mr. FESS. I will yield to the gentleman from Massachusetts.

Mr. TREADWAY. I would like to inquire of the chairman of this committee whether this bill was heard by the Committee on Education or by the joint Committee on Education and Labor. I sent to the committee for the hearings, and was given a copy of the hearings on Senate bill 4921, of the Sixty-fifth Congress. Has there been any hearings on the bill now before us?

Mr. FESS. This bill is very similar to the bill of the last session that was introduced by my colleague on the committee, Mr. BANKHEAD. Upon that bill we had full hearings by the Senate and House committees. This bill is, with a few minor changes, the bill upon which the hearings were had.

Mr. TREADWAY. The hearings are practically on this bill?

Mr. FESS. The hearings are applicable to this bill.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. FESS. I will.

Mr. SMITH of Michigan. The Smith-Hughes bill already provides for vocational education?

Mr. FESS. Applied to pupils in schools.

Mr. SMITH of Michigan. It is the purpose of this bill, or one of the purposes, to provide compensation for disabled or injured persons?

Mr. FESS. Oh, no.

Mr. SMITH of Michigan. Suppose he did not have money enough to go to school?

Mr. FESS. He would be unfortunate, that is all. Would my friend from Michigan go to that extent, to vote sufficient money to enable the person to educate himself?

Mr. SMITH of Michigan. No.

Mr. FESS. I do not know to what limit the charge on the Treasury might be if you started on that policy.

Mr. SMITH of Michigan. That is why I made the inquiry.

Mr. FESS. We are trying to protect the Treasury.

Mr. SMITH of Michigan. This is, in fact, for a beneficial purpose as well as a financial purpose. Would it not be well some time to include people who were born disabled to give them an education and afford relief?

Mr. FESS. The States are caring for those unfortunate people.

Mr. SMITH of Michigan. The States have compensation laws that take care of those injured in industries, too, do they not?

Mr. FESS. Paying a man who is injured is one thing, and training him so that he does not need the pay is another thing. That is what we are trying to do here. My friend will immediately recognize that we could not do anything better, if it is within our power, than to take the cripple who is useless, who is on the junk heap, with no hope, and by some training put him on his feet, make him a self-supporting man, respectable, who can look the world in the face and ask a favor of no man.

Mr. SMITH of Michigan. I agree with that proposition.

Mr. FESS. I think I ought to state that there is a misconception in the minds of some Members in that many think we are giving money to people who are going to train themselves. The Federal board does that under the rehabilitation act. We do not do that here. All we do is to stimulate the States to train, by giving to the States a certain proportion of money, if the State will raise the same amount, to be applied to the payment of teachers, not to the equipment of a school, but to the payment of teachers and the training of teachers to do the work, and that is all.

Mr. SMITH of Michigan. Does the State or the Federal board prescribe the training that shall be given?

Mr. FESS. It must be done upon their approval.

Mr. SMITH of Michigan. The approval of the Federal board or the State board?

Mr. FESS. Upon the approval of the Federal board.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. LAYTON. What I would like to understand is whether or not there will be any provision at all for the disabled man who is not able, unless he can live without food and clothes, to get this vocational training.

Mr. FESS. We make no provision at all for the payment of money to anyone.

Mr. LAYTON. That man or woman who is able to maintain himself or herself in the meantime can take advantage of the vocational training.

Mr. FESS. That is one of the inequalities of life that you can not correct by law.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. HUSTED. What important advantage does the gentleman expect to gain through Federal financial contribution over what he would get if he left the entire expense to be borne by the State?

Mr. FESS. Our experience in the land-grant college work has been that the dollar originally paid, to be matched by the State, has been matched many times beyond itself by the States. In other words, when we first began it we gave dollar for dollar, and now the States are contributing something like ten dollars to the one that the Federal Government contributes. The same thing is true of the Smith-Hughes Act. We started out dollar for dollar, and I venture to say it will not be 20 years until the States will give in their contribution far beyond the amount given by the Federal Government, and the same thing ought to be done here.

Mr. HUSTED. Is it the gentleman's idea that you can encourage the States to enter into this work by a contribution of a dollar which eventually comes out of their own pocketbooks, anyway?

Mr. FESS. Precisely so. If the Government will give a dollar to be matched by another dollar, ultimately the stimulation will bring more than the one dollar.

Mr. SMITH of Michigan. The same thing is true of the highways.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. SANDERS of Indiana. The same result is obtained with respect to the improvement of highways.

Mr. FESS. The gentleman from Michigan [Mr. SMITH] just remarked that. So far as I know, there is no Federal stimulation that has not sufficiently stimulated the States to make it vastly greater than was originally intended when the law was enacted.

Let me, if gentlemen please, analyze the bill so that I may not consume too much time. The first section of the bill shows the breadth of it.

It was first thought that it ought to be limited to industry. Then it was thought that if rehabilitation of persons in industry was left, why not extend it, why not let it include the farm, commercial work, or what not, so we amended it in the committee and said, "Rehabilitation of persons disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts." There was some objection to the qualification or the limitation where we would not take in persons who were capable financially of doing it themselves. That provision is written in the law. I know there is considerable objection to that provision, although there was a reason for placing it there.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. FESS. I do.

Mr. SUMNERS of Texas. Other than this provision to which the gentleman has just referred, who is excluded? I see it covers agriculture and so on.

Mr. FESS. Our purpose was not to exclude anyone.

Mr. SUMNERS of Texas. That is what I wanted to know, if it is to include all who are injured?

Mr. FESS. If the injured person was wealthy——

Mr. SUMNERS of Texas. I understand, but other than that?

Mr. FESS. He would be, under the law, excluded, but it was not meant to exclude any injured persons.

Mr. SUMNERS of Texas. That is what I wanted to know.

Mr. GARNER. I notice the gentleman has not included stock raisers.

Mr. FESS. Would not that be included under farm, agriculture?

Mr. GARNER. No; many stock raisers are not farmers.

Mr. FESS. I think my friend is wrong about it.

Mr. GARNER. No; there are many stock raisers who are not farmers.

A MEMBER. Would it come under the class of agriculture?

Mr. GARNER. I doubt it.

Mr. FESS. I think it is included; it was meant to be.

Mr. LEA of California. I would like to know if the gentleman would not consider a professional person to be excluded from the benefits of this bill?

Mr. FESS. I am rather inclined to think that a professional man is excluded.

Mr. LEA of California. Such as a school-teacher?

Mr. FESS. This is intended to be vocational habilitation. There was some discussion about that. If a professional man is engaged in any of these industries he would be included. We do not make the appropriation, but simply authorize a minimum of $500,000 and a maximum of $1,000,000 to be reached within three years. Then, we make the provision that no State shall receive less than $5,000, because if it is less than that it will be so spread out it will not amount to anything at all. We make a special appropriation, or authorize it, the first year for $66,000, the next $46,000, and then thereafter continuously every year $34,000 to care for this minimum.

Mr. RAKER. Will the gentleman yield?

Mr. FESS. If my friend will just wait a moment. In order to take care of States like Arizona, which would have gotten $1,000 on the general estimate under this law if we did not put that $5,000 provision in. The Government makes up $4,000. In reference to Colorado, the Government would have to make up $1,000 or about that. Delaware, the Government would have to make up $4,000; Florida, the Government would have to make up $1,250; Idaho, $3,500; and so on. This will sum up just about $66,000 the first year.

Mr. RAKER. I would like to ask the gentleman what interpretation the committee gave in lines 7 and 8, page 1, to the words "who are without sufficient means to provide for their own rehabilitation." Now, suppose a man had enough to take care of himself and the ordinary living of his family, but not enough so that he might go to school. He would not be excluded?

Mr. FESS. That would have to be left to the board to determine. There has been a serious and considerable contention that that ought to come out, but I have not given my assent to taking it out, and the House will have to do as it pleases about that on the basis that we do not care to enter upon the rehabilitation of somebody who can easily pay for it themselves.

Mr. RAKER. I think the question of discretion should be used. The intention does not confine it to paupers.

Mr. FESS. Oh, no.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. FESS. I yield to my friend from Texas.

Mr. BRIGGS. I notice the bill originally carried the expression "industry or otherwise," and the committee strikes that

out and substitutes specifically certain trades, agriculture, and other branches of employment.

Was it the intention of the committee that all those who were disabled in industries or otherwise should have the benefit of this bill? The reason I ask is that only within the last day or two there was called to my attention the case of a constituent of mine who wanted to know whether he could take advantage of the vocational education provided now by the Government for the soldiers; that he was a druggist and had become paralyzed, and wanted to know if he could not get the benefit of an instruction that would fit him for earning a living in some capacity in his line. I do not believe that under this bill as it is drawn it will be possible for him to do so.

Mr. BANKHEAD. It says in specific terms that it allows the training of those engaged in trade and commerce.

Mr. BRIGGS. I do not know as the term of "trade and commerce" would include a druggist.

Mr. FESS. Trade, industry, or otherwise is the storm center around which the whole discussion on this bill has raged. It was thought it would be much better to specify, and that is why the limitation was placed there.

Mr. BRIGGS. I favor the provisions of this measure, and I think the limitation placed on there ought to apply to those who need it and to whom the Government should really try to give the benefits of the act.

Mr. FESS. Let me state that——

Mr. HICKS. Will the gentleman yield?

Mr. FESS. Let me state to the committee that I am consuming more time than I should, because I want to yield to my colleagues; and if the committee members will just excuse me a minute until I state what the bill is, then I will yield.

Mr. HICKS. Just one moment about this question here. Is it not true at the present time that the definition of the word "commerce" covers practically every pursuit in which a man is engaged?

Mr. FESS. I do not know how you would limit it, I confess. On page 3 the Members will note what the Federal board will require a State to do in order to get the money, and it is specifically stated so that there can be no doubt about it, and it is not necessary for me to read it.

Section 2 is one of the sections about which much dispute has arisen recently. It provides what the State legislature must do in order to be eligible to be a beneficiary of this fund, and in line 16, page 4, it reads:

> In those States where a State workmen's compensation board or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation shall be formulated between such State board, department, or agency, and the State board charged with the administration of this act, such plan to be effective when approved by the governor of the State.

That is so as to make it operative. There has been a considerable objection to this bill on the ground that the State board interferes with the compensation commission. We specifically provide in the bill that States—and there are 38 in number which have the compensation commissions—will have a cooperative arrangement through the legislature between the State board of education and this compensation commission. So there can not be any ground for the statement that any particular State can not get this fund, such as has been stated in letters to Members. I have received such statements myself.

Mr. BRIGGS. As I understand it, this bill does not in any wise interfere with the State industrial accident organizations or boards. It is something entirely different and apart from that and in addition and supplementary thereto.

Mr. FESS. Exactly right. Another thing ought always to be carried in mind, that the Federal board is not stepping over into the States. The Federal board is contributing a certain amount of money to be applied by the States, of course on the approval of the Federal board. That is, the State must do it in order to meet the requirements that are published. So the idea that the Federal board is going out of its way is not pertinent at all, as is also this suggestion that the Federal board is not functioning as it ought. There is no objection to this bill on the ground that the Federal board has been in the slightest degree lax on the soldiers' disability bill. There the Federal board has all that to do, while in this bill it is the State's doing, using the Federal Government's money on the approval of the Federal board. People have not differentiated between the two.

Mr. BRIGGS. Is it contemplated in this measure that the national board in charge of vocational education for the soldiers and sailors shall administer this act, or is there to be a different board, separate and apart from this present one?

Mr. FESS. It would be the same board. I do not think Congress would agree to create more commissions.

Mr. BRIGGS. It is contemplated that the same privileges now accorded to soldiers, sailors, and marines under the present vocational bill would be accorded civilians under this bill?

Mr. FESS. Oh, no.

Mr. BRIGGS. This is more limited in its scope and is only to aid and give assistance to the States in arranging this character of relief?

Mr. FESS. The gentleman has characterized it exactly. We give under this bill nothing like we give under the bill for disabled soldiers.

I am taking so much time, and as there are members of the committee who want to be heard, I will reserve the balance of my time.

The CHAIRMAN. The gentleman from Ohio has used 30 minutes.

Mr. FESS. Mr. Chairman, I will reserve the balance of my time, and later on I will endeavor to answer questions.

Mr. RAKER. The gentleman is familiar with this subject. Before he yields up his time may I ask him what is the objection to striking out all the limitations in the first section and simply saying "Rehabilitation of any disabled person, disabled in any lawful business or vocation." Is not that what we ought to do?

Mr. FESS. I think we ought to leave the discretion somewhere with somebody, which should be the Federal Board; and it would be better, it seems to me, to define in the law precisely what we expect to do. I realize that what the gentleman says is a subject of interest that has been discussed in the corridors of the House Office Building for some time. It has come to me. But under the five-minute rule I hope opportunity will be given for full discussion.

Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. CANNON. Will the gentleman yield for a motion that the committee rise?

The CHAIRMAN. Under the rules it is provided that the time shall be divided.

Mr. WALSH. Mr. Chairman, I do not care to speak if the gentleman from Ohio [Mr. FESS] wants to move to rise.

The CHAIRMAN. Does the gentleman from Massachusetts desire the floor?

Mr. WALSH. No. I yield to the gentleman from Ohio.

Mr. FESS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FOSTER, for one week, on account of important business.

To Mr. SCOTT (at the request of Mr. MAPES), on account of illness.

EXTENSION OF REMARKS.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks made in connection with the parliamentary questions that were under discussion to-day.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Friday, October 10, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor submitting an estimate of appropriation required for expenses incident to the international conference of labor, authorized by Senate joint resolution 80 (H. Doc. No. 260), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9036) to repeal and annul certain parts of the charter and lease granted and made to the Washington Market Co. by act of Congress entitled "An act to incorporate the Washington Market Co.," approved May 20, 1870, reported the same with amendment, accompanied by a report (No. 364), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 329) providing for the consideration of the conference report on House bill 8624, reported the same without amendment, accompanied by a report (No. 366), which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the resolution (H. Res. 330) providing for the consideration of Senate joint resolution 90, a resolution restoring American citizenship to Frances Scoville-Mumm, reported the same without amendment, accompanied by a report (No. 367), which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the resolution (H. Res. 331) providing for the consideration of the conference report on House bill 6810, reported the same without amendment, accompanied by a report (No. 368), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNUTSON, from the Committee on Immigration and Naturalization, to which was referred the joint resolution (S. J. Res. 90) to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States, reported the same without amendment, accompanied by a report (No. 363), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9727) granting an increase of pension to Josiah J. Sikes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9520) granting a pension to Euphrates Huff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9731) granting an increase of pension to William D. Reed; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NEELY: A bill (H. R. 9818) authorizing the Secretary of War to donate to the city of Chester, Hancock County, W. Va., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. EVANS of Nebraska: A bill (H. R. 9819) authorizing the Winnebago Tribe of Indians of Wisconsin and Nebraska to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. MAPES: A bill (H. R. 9820) to create a rent commission in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOULD: A bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes; to the Committee on the District of Columbia.

By Mr. ROGERS: A bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication; to the Committee on Foreign Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 9823) for the repeal of certain legislation connected with the upbuilding of the American merchant marine, and providing for the disposition, regulation, or use of the property built or acquired by the United States under such acts, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER of Massachusetts: A bill (H. R. 9824) authorizing the Secretary of War to donate to the city of Revere, in the State of Massachusetts, cannon, helmets, or any other form of trophies of the present war; to the Committee on Military Affairs.

By Mr. EVANS of Montana: A bill (H. R. 9825) authorizing any land-grant railroad company, or its successors, to convey for public-road purposes, certain parts of its right of way; to the Committee on the Public Lands.

By Mr. RIDDICK: A bill (H. R. 9826) to validate certain declarations of intention to become citizens of the United States; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 328) for the appointment of a committee of three to investigate the charges of political influence in appointments for commissioned officers of the Army and Navy; to the Committee on Rules.

By Mr. WHALEY: Joint resolution (H. J. Res. 226) authorizing the establishment of a free port at Charleston, S. C.; to the Committee on Ways and Means.

By Mr. RIDDICK: Joint resolution (H. J. Res. 227) for the relief of the Fort Peck Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 9827) for the relief of E. H. Wolf; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 9828) granting an increase of pension to James H. St. Clair; to the Committee on Pensions.

Also, a bill (H. R. 9829) granting a pension to James D. Smith; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 9830) granting a pension to Fred R. Rife; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 9831) granting an increase of pension to George Milton Frye; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 9832) granting an increase of pension to Victor Fousse; to the Committee on Pensions.

Also, a bill (H. R. 9833) granting a pension to Hugh T. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 9834) granting a pension to Mary C. Herrington; to the Committee on Pensions.

Also, a bill (H. R. 9835) granting a pension to Charles Anderson; to the Committee on Pensions.

Also, a bill (H. R. 9836) granting an increase of pension to Frank L. Yost; to the Committee on Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 9837) granting an increase of pension to Irving Reed; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 9838) granting a pension to John Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9839) granting an increase of pension to John Hutchison; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9840) for the relief of E. V. Dickson; to the Committee on War Claims.

By Mr. KELLEY of Michigan: A bill (H. R. 9841) for the relief of Nehemiah Purdy; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 9842) granting an increase of pension to Thomas E. Sutton; to the Committee on Pensions.

By Mr. MICHENER: A bill (H. R. 9843) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells; to the Committee on War Claims.

By Mr. RICKETTS: A bill (H. R. 9844) granting an increase of pension to James F. Comley; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 9845) granting a pension to Alice J. Goeble; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Mr. F. DeW. Armour, president, Branch No. 1, New York National Association of United States Civil Service Employees, Navy Yards and Stations, favoring an increase of not less than 40 per cent in salaries of all clerical employees of the various naval establishments; to the Committee on Naval Affairs.

Also, petition of Snoqualmie Tribe, No. 5, Improved Order of Red Men, asking Congress to grant to all American Indians full rights of American citizenship; to the Committee on Indian Affairs.

Also, petition of Rev. John Field Speel, of Albany, N. Y., relating to the withdrawal of the British troops; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of the First Christian Church of Ashland, Ohio, favoring full citizenship for all American Indians; to the Committee on Indian Affairs.

By Mr. CURRY of California: Petition of Sacramento (Calif.) Valley Development Association, in favor of the development and equipment of the United States arsenal at Benicia, Calif., as a manufacturing arsenal; to the Committee on Military Affairs.

By Mr. FOCHT: Papers to accompany House bill 9679, granting a pension to Belle Thompson Alter; to the Committee on Invalid Pensions.

By Mr. IGOE: Petition of sundry ex soldiers, sailors, and marines, urging Congress to grant an additional bonus to honorably discharged ex-service men; to the Committee on Ways and Means.

By Mr. KENNEDY of Iowa: Petition of United States Naval Training Station, Great Lakes, Ill., favoring legislation to increase pay of United States civil-service employees at the navy yards and stations; to the Committee on Naval Affairs.

Also, petition of Lawton Camp, No. 2, United Spanish War Veterans, to incorporate in bill to appropriate public moneys for the purpose of giving a bonus of $30 per month to each soldier, etc., of the World War, a like provision for the soldiers, etc., of the Spanish-American War; to the Committee on Military Affairs.

By Mr. MacGREGOR: Petition of American citizens of Lithuanian origin, appealing to the President of the United States and the United States Congress to give moral support to the Lithuanian people in their struggle against the Bolsheviki and Polish militarism by recognizing the Lithuanian Republic as an independent State; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Detroit, Mich., protesting against the passage of the so-called Cummins bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RAMSEYER: Petition of Lawton Camp, No. 2, United Spanish War Veterans, asking that all soldiers, sailors, and marines who served their country during the War with Spain and the Philippine insurrection be given a bonus of $30; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: Resolution adopted on October 6, 1919, at a regular monthly meeting of Perkiomen Post, No. 184, of the American Legion, East Greenville, Pa., indorsing and approving the action and purpose of the congressional investigating committee to place responsibility for unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces; to the Committee on Military Affairs.

Also, statement presented by Joseph Mather, clerk of the Middletown monthly meeting of Friends, at Langhorne, Pa., and signed by Arthur Edwin Bye, Wilhelmina B. Ivins, and Marion H. Longshore, protesting against Senate bills 2691 and 2715, providing for compulsory military training; to the Committee on Military Affairs.

By Mr. WHITE of Maine: Petition of the Yarmouth Board of Trade, favoring the passage of House bill 6814 with amendments so as to make the duty on potato starch and potato flour 3 cents per pound; to the Committee on Ways and Means.

By Mr. YATES: Petitions of W. F. Hall Printing Co., Chicago; Noll Hauworth Co., Quincy; Variety Manufacturing Co., Chicago; Illinois Tool Works, 154 East Erie Street, Chicago; American Building Foundry Co., Chicago; Morden Frog & Crossing Works, Chicago; Morman Manufacturing Co., Quincy; American Distilling Co., Pekin; Wilson Provision Co., Pekin; John A. Gauger & Co., Chicago; and George D. Roper, Rockford, all of the State of Illinois, protesting against the closed shop; to the Committee on Labor.

SENATE.

FRIDAY, *October 10, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, justice and judgment are the habitation of Thy throne, and Thou hast called us to be coworkers together with Thee to establish the great principles upon which Thy kingdom rests in the earth. We pray Thee to help us to be willing and glad servants of Thine, to perform the duties that are upon us as in Thy sight, and to receive at the close of each day of our labor the consciousness that we have wrought in harmony with the will of God. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Moses	Smith, Ariz.
Ball	Harris	Myers	Smith, Ga.
Beckham	Harrison	Nelson	Smith, Md.
Brandegee	Henderson	New	Smoot
Calder	Hitchcock	Newberry	Spencer
Capper	Kellogg	Norris	Stanley
Chamberlain	Kendrick	Overman	Sutherland
Culberson	Keyes	Page	Thomas
Curtis	King	Phelan	Townsend
Dial	Kirby	Pittman	Trammell
Elkins	Knox	Poindexter	Underwood
Fernald	La Follette	Pomerene	Wadsworth
Fletcher	Lenroot	Reed	Walsh, Mass.
Frelinghuysen	Lodge	Robinson	Walsh, Mont.
Gay	McCormick	Sheppard	Warren
Gerry	McCumber	Sherman	Williams
Gronna	McNary	Shields	Wolcott

Mr. PHELAN. I desire to announce that there is an important meeting of the Committee on Immigration and that Senators GORE, DILLINGHAM, COLT, and NUGENT are in attendance on that committee, who requested that the fact be reported to the Senate.

Mr. SHEPPARD. I wish to state that the Senator from Washington [Mr. JONES] and the Senator from Louisiana [Mr. RANSDELL] are absent on official business.

Mr. CURTIS. I wish to announce that the Senator from Iowa [Mr. KENYON], the Senator from Colorado [Mr. PHIPPS], and the Senator from South Dakota [Mr. STERLING] are absent on official business.

Mr. GERRY. I desire to announce that the Senator from Virginia [Mr. SWANSON], the Senator from South Carolina [Mr. SMITH], and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families. I ask that this announcement may stand for the day. I also wish to announce that the Senator from North Carolina [Mr. SIMMONS], the Senator from Oklahoma [Mr. GORE], the Senator from New Mexico [Mr. JONES], the Senator from Alabama [Mr. BANKHEAD], the Senator from Idaho [Mr. NUGENT], and the Senator from Louisiana [Mr. RANSDELL] are detained on official business. The Senator from Tennessee [Mr. MCKELLAR] is necessarily detained from the Senate in attendance on a meeting of the Committee on Education and Labor.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present.

CLAIM OF ROBERT A. LAUGHLIN (S. DOC. NO. 125).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting, pursuant to law, a judgment rendered by the Court of Claims in favor of Robert A. Laughlin amounting to $215.76 and requiring an appropriation for its payment, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SCHEDULES OF CLAIMS (S. DOC. NO. 126).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting schedules of claims in the amount of $353,920.50 allowed by the several account officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 28, 1874, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 7779) to repeal the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CURTIS. I present resolutions in regard to increased pensions for Indian war veterans, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the resolutions were referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

REPORT OF COMMITTEE ON RESOLUTIONS.

The Indian war veterans in convention assembled do hereby resolve: That mindful of the courtesies extended to the organization by the citizens of Wichita, Kans., and proud of the fact that they have materially prospered, hereby extend our thanks for the courtesies received.

Be it further resolved, That we look with pride upon the material growth of the great States west of the Mississippi in which the organization had a part. We see the evidence of this material growth in the city of Wichita, in that portion of Kansas recognized as the great wheat belt, which prosperity is evidenced in the great wheat show now in progress, and we take pride in the fact that we made it possible for this condition to exist.

Be it further resolved, That we look with pride upon the services rendered by the veterans of the World War who have returned from overseas crowded with the laurels of victories won. The State convention of the American Legion now in session at Wichita, Kans., is evidence of the fact that these boys realize the strength of organization, and that they are determined to prove their loyalty to their country in peace as well as in war. We thank the American Legion for the courtesies extended to us in inviting us to participate in their parade and to share with them the honors of their great meeting. Proud as we may be of the services which we rendered in the early days of the frontier, we are prouder still of the services rendered by the American soldiers on the battle fields of France.

Be it further resolved, That we believe it to be to the best interests of the Nation to recognize the valuable service rendered by the Indian veteran fighters of the frontier, who made possible this great material prosperity, and who turned the wastes of the prairie and the mountains into fertile farms and homes.

They should be recognized generously in the way of pensions sufficient in amount to support them and keep them from want during their declining years. With this end in view, we ask our Congressmen from the various States to recognize the Indian fighters by giving them a generous pension in recognition of the services rendered to civilization on the western frontier.

JOHN MADDEN, *Wichita, Kans.*,
J. D. BRADLEY, *Attica, Kans.*,
RAY ANTHONY, *Dodge City, Kans.*,
A. E. CASE, *Marion, Kans.*,
CHARLES MAUCH, *Poplar Bluffs, Mo.*,
ROBERT JOHNSON, *Robinson, Ill.*,
H. J. HINKLEY, *Texarkana, Tex.*,
Committee.

Mr. ELKINS presented a petition of sundry employees of the St. Marys Pearl Button Factory, of West Virginia, praying for a tariff on the importation of pearl buttons, which was referred to the Committee on Finance.

Mr. POINDEXTER. I ask unanimous consent to have printed in the RECORD an editorial from the Republican Publicity Association. This is a well-considered editorial on the movement of anarchy and attack upon personal and property rights, being so widely advocated in this country.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ORGANIZED INTIMIDATION INTOLERABLE.

WASHINGTON, *October 5.*

The Republican Publicity Association, through its president, Hon. Jonathan Bourne, jr., to-day gave out the following statement from its Washington headquarters:

"Demands of certain labor organizations for special Government favors and threats which constitute a menace to the welfare of the country demonstrate the desirability of immediate enactment of drastic laws making it a crime with heavy penalty for any person or group of persons to advocate or undertake, through violent resistance to law, impairment of interstate commerce, destruction of life or property, or overthrow of the established form of government.

"In a nation whose very beginning was founded upon the desire for personal liberty there can be no toleration of organized intimidation on the part of a small part of the population for the purpose of infringing upon the personal liberties of the great majority. Protection of the personal liberties of all its citizens is one of the first duties of any government. Of primary and vital importance in the exercise of personal liberty is the right of the individual to seek and secure employment in legitimate occupation, when and where he chooses. Government fails in its duty and liberty ceases to exist when it lies within the power of one man or group of men to deny to any other man or group of men the right to seek and accept such employment as they desire. It follows, therefore, that it is the duty of the Government to enact effective laws for prevention of violence or threats of violence which will interfere with the individual's right to work for the support of himself and those dependent upon him. The police power of the Government, in its broadest sense, must rise superior to the commercial force of society, either labor or capital, or the inevitable result must be overthrow of government.

"Never in the history of the world was there greater need for useful production than there is to-day. There must be uninterrupted and unimpaired production of the necessities of life or widespread suffering must ensue. From the general welfare standpoint, therefore, an honest day's work is no less essential than an honest day's pay. From failure of an honest day's pay only the individual suffers; from failure of an honest day's work the entire community suffers, because of the resultant underproduction, the scarcity of commodities, and the lowering of the plane of physical, mental, and moral development.

"In the exercise of his personal liberty any employer should be free, if he so desires, to employ only members of a labor organization. He should also be free to employ men who are not members of any organization. Whenever the Government, through any of its agencies, or by direct or indirect exercise of any of its powers, limits employment to the members of specified labor organizations it violates that section of the Constitution which assures to all persons within the jurisdiction of the Government the equal protection of the laws. Whenever a labor organization, by any means whatever, is able to bar any person whatever from employment, there is set up in this country a tribunal superior to the Government, which makes nonmembership a crime and condemns the nonmember without trial to the punishment of unemployment, with consequent want, suffering, and even death.

"This Nation is now confronted with the question whether the Government can protect its citizens in the enjoyment of personal liberty, or whether it must acknowledge the superior jurisdiction and power of the labor unions, composed of the small minority of the entire population."

TELEGRAM FROM FRANK P. FLINT AND OTHERS.

Mr. PHELAN. Mr. President, I am in receipt of a telegram from Los Angeles, Calif., signed by Frank P. Flint and others, dated October 9. This is the telegram, apparently, which was referred to, and from which an extract was read to the Senate the other day by the Senator from Idaho [Mr. BORAH], to which at the time I made reference, that Senator indicating that I had received a telegram which was not reported to the Senate. I desire to point out that this telegram is dated October 9 and was received this morning. I am very glad to present it. At the time I made some comment, and I will reserve the privilege of making further comment at a later date.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LOS ANGELES, CALIF., *October 9, 1919.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

The undersigned citizens of California respectfully request that you cast your vote in the Senate in favor of the pending amendments and reservations proposed by the majority of the Foreign Relations Committee. Our national honor is compromised and our vital interests are disregarded and neglected in the proposed league and treaty. We can see no consistency in denouncing the Japanese in California while tolerating them in Shantung, thus making of them a greater menace. We can not conceive how any sterling American can stand for six or more votes for the British Empire to one for the United States. We urge you to join HIRAM W. JOHNSON in the brave and patriotic fight he is making for the preservation of American ideals and institutions.

(Signed) FRANK P. FLINT,
CORNELIUS M. COLE,
JOHN D. WORKS,
MILTON K. YOUNG,
JOSEPH H. CALL,
MEYER LISSNER,
(And 50 others).

PROPOSED RESERVATION TO PEACE TREATY.

Mr. CURTIS. I submit a proposed reservation and ask that it be read and printed as a reservation.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Reservation to be proposed by Senator CURTIS to the treaty of peace with Germany, to follow the reservation recommended by the Committee on Foreign Relations:

"5. The United States construes subdivision 'C' of article 23 to mean that the league shall refuse to recognize agreements with regard to the traffic in women and children, and that the league shall use every means possible to abolish and do away with such practice."

The VICE PRESIDENT. The proposed reservation will be printed.

INJUNCTION AGAINST STRIKING SRTEET CAR MEN.

Mr. PHELAN. Mr. President, I am in receipt of a telegram bearing upon an injunction issued by the Federal court of California and asking for an investigation. I request that the Secretary read the telegram, if there be no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

OAKLAND, CALIF., *October 9, 1919.*

Hon. JAMES PHELAN,
Washington, D. C.:

We, the parent bodies of organized labor of Alameda County, with a membership of 75,000 workers, respectfully request you to investigate the following immediately: If we are at war, and with whom? If we are not at war, we ask that the action of District Judge William Van Fleet be investigated by Congress at once for having issued an injunction against striking street car men, based upon war-time measure, classifying street car lines a war-time utility. If we are not at war, Judge Van Fleet exceeded his jurisdiction in issuing a sweeping injunction which affects the public generally, and we petition you to have Congress investigate fully.

CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY.
BUILDING TRADE COUNCIL OF ALAMEDA COUNTY.
METAL TRADE COUNCIL OF ALAMEDA COUNTY.
WILLIAM A. SPOONER.
S. W. LORE.
JOHN MORGANTHELER.

Mr. PHELAN. I ask that the memorandum attached to the telegram, giving the terms of the injunction, be published in the RECORD, if there be no objection, and I ask the reference of the telegram to the Committee on the Judiciary, for the purpose of eliciting an opinion for the information of the Senate upon the law involved. I understand that the Federal court declared the street car line of Alameda County to be a war-time utility, in view of the fact that they were serving the shipyards, where the Government is building a large number of ships for the merchant marine service of the United States under the auspices of the Shipping Board.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The injunction was directed to the Amalgamated Association of Street and Railway Engineers, with which the carmen's union of Oakland is affiliated. It restrains members from—

(a) "Inducing or coercing or attempting to induce or coerce by any kind of intimidations, threats, force, or fraud any employee of the San Francisco & Oakland Terminal Railways to quit its employment.

ACTS OF INTIMIDATION PROHIBITED BY ORDER.

(b) "Preventing by any speeches of intimidation, threat, force, or fraud any person from entering the employ of the aforesaid company.

(c) "Committing any and all acts of intimidation against any employee.

(d) "Trespassing or entering upon the grounds or premises of the company; entering upon its trains or cars or trestles, terminal works, or rights of way.

(e) "Using abusive language or by any such means persuading any employee of the company to refuse or fail to perform their duties as employees.

(f) "This order shall be in force and binding upon all members of the union and any member not named specifically in the order."

United States Marshal James B. Holohan was authorized to enforce the injunction and hale offenders before the United States district court for prosecution.

Mr. KING. Mr. President, I desire to suggest to the Senator from California the fact, which he well knows, that our judicial system provides a very prompt and speedy remedy to determine whether or not Judge Van Fleet exceeded his jurisdiction. This is a Government of law, and I do not think we need investigations every time it is urged that some judicial officer has exceeded his authority.

The VICE PRESIDENT. The telegram will be referred to the Committee on the Judiciary.

LANDS IN OREGON AND CALIFORNIA.

Mr. McNARY, from the Committee on Public Lands, to which was referred the bill (S. 2798) authorizing the removal of stumps from cut-over Oregon and California lands, reported it with an amendment and submitted a report (No. 257) thereon.

RED RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 8986) granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex., and I submit a report (No. 258) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Paris-Hugo Bridge Co., a corporation, and its successors and assigns, to construct, maintain, and operate at a point suitable to navigation interests a bridge and approaches thereto across Red River from a point on its south bank, north of and near Arthur City, in Lamar County, Tex., to a point immediately north of said beginning and located in Choctaw County, Okla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. McNARY:

A bill (S. 3203) granting an increase of pension to Phillip T. Knowles; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 3204) fixing the salary of the district attorney for the eastern district of Tennessee; to the Committee on the Judiciary.

By Mr. OWEN:

A bill (S. 3205) for the relief of the widow of Rudolph H. von Ezdorf, deceased; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 3206) to amend paragraph 1 of section 3 of an act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States"; to the Committee on Immigration.

By Mr. FALL:

A bill (S. 3207) to authorize the Governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park;

(By request.) A bill (S. 3208) to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900; and

(By request.) A bill (S. 3209) to amend section 73 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by an act approved April 2, 1908, and as further amended by an act approved May 27, 1910; to the Committee on Territories.

AMENDMENT TO APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $2,000 to reimburse United States District Attorney Clarence L. Reames, of Portland, Oreg., for extra and special services in the prosecution of certain cases in the northern district of California and in the western district of Washington, etc., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WAR-RISK INSURANCE.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. 8778) to amend and modify the war-risk insurance act, which was referred to the Committee on Finance and ordered to be printed.

PARADE OF THE FIRST DIVISION.

Mr. CAPPER submitted the following concurrent resolution (S. Con. Res. 11), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the proceedings in Congress tendering the thanks of the American people and the Congress of the United States and extending a welcome to Gen. John J. Pershing, together with an account of the parade of the First Division in Washington in honor of Gen. Pershing, be printed, under the direction of the Joint Committee on Printing, as a Senate document, with accompanying illustrations, and that 30,000 additional copies be printed and bound, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House of Representatives.

SUGAR SHORTAGE.

Mr. SPENCER submitted the following resolution (S. Res. 209), which was referred to the Committee on Agriculture and Forestry:

Whereas sugar shortage exists, which not only has greatly increased the cost of sugar but has resulted in a partial sugar famine; and

Whereas saccharin is a sweetening agent widely used in all civilized countries except the United States as a substitute for or auxiliary to sugar as a sweetening agent; and

Whereas saccharin is now permitted by departmental regulation to be used in foods only when such foods are prepared as diet for invalids, but is excluded from foods for persons in a state of health, although no law forbids its general use, and although the Referee Board of Scientific Experts reported to the Secretary of Agriculture, March 6, 1911, that saccharin was harmless in the quantities used in sweetening foods and beverages; and

Whereas the use of saccharin in those foods and beverages in which the added food value of sugar is not desired would release not less than 100,000,000 pounds of sugar per annum for use in foods in which the food value of sugar is necessary: Therefore be it

Resolved, That the Committee on Agriculture and Forestry be requested to investigate and report upon the present status of saccharin under departmental regulation, and upon the feasibility of its wider use in the United States for the relief of the present sugar shortage.

HOUSE BILL REFERRED.

H. R. 7779. An act to repeal the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

CLASSIFICATION OF SALARIES.

Mr. SMOOT. Mr. President, there is a question to which I desire to call the attention of the Senate this morning, and it will take only a few moments for me to do so.

In the legislative, executive, and judicial appropriation bill which was passed on March 1, 1919, a Joint Commission on Classification of Salaries was created, and in the law there were certain powers granted to that commission. I now desire to read certain extracts from articles which of late have appeared in some of the local newspapers, and particularly to call the attention of the members of that commission to them and ask them whether or not the articles are inspired.

I also desire that the Senate shall understand that there is no power granted to the joint commission to pursue the policy which these articles state is to be pursued under the direction and power of the commission. In the Washington Star of October 6, 1919, I find this statement:

Training of new Government employees for the work they have to do for Uncle Sam will be one of the big matters to be passed upon by the advisory committee on employment policies which is in process of selection to-day by the Joint Congressional Commission on Reclassification of Salaries in the District.

The new committee on employment policies will be a sister committee to the committee on wage policy, formation and personnel of which was announced by the reclassification commission last Saturday. Names of members of the new committee are to be submitted to the commission late this afternoon.

AID TO RECLASSIFICATION COMMITTEE.

The committee on employment policies will be advisory in nature to the reclassification commission, much in the same way that the committee on wage policy is, but the scope of the newer committee is larger than that of the wage policy committee.

All the matters that particularly pertain to the 106,000 Federal and District Government employees here will be considered by the committee on employment policies. The question of training new employees, as stated, will be one of the first questions to be acted upon by the committee. The committee will give advice to the reclassification commission, but will have no power to act, even as the committee on wage policy has none.

NEED FOR TRAINING SCHOOL.

It has long been felt in the Government service here that some sort of training school should be established in the various departments and bureaus to train the new employees in the work they are employed by the Government to perform. Instead of allowing employees to come into their new jobs and get along the best they can, there is a growing feeling that the heads of bureaus should give the new employees some personal training in the work before them.

The advisory committee on employment policies will take under consideration a long line of questions concerning matters which come close home to the bosoms of Government employees in the District. The matter of sick leave, the annual leave, all the hundred and one matters of routine in the service will be gone over by the committee in order to get at the very best procedure to recommend to the reclassification commission.

WILL DEAL WITH PROMOTIONS.

The matter of promotions—something dear and near to the heart of every Government clerk—will come under the scope of the advisory committee on employment policies. Just what will constitute the best form of promotion, so as to be fair to both clerk and Government alike, will be considered.

Retirement plans will be gone over by the committee, and the results of its deliberations laid before the members of the reclassification commission for their consideration. It is out of all these deliberations that all the final policies of the reclassificationists as they will be placed before Congress will grow.

The committee on employment policies and the committee on wage policy together form the two big advisory bodies which will work right along with the reclassification commission in arriving at the results which will finally constitute the commission's report to Congress.

Mr. WARREN. Will the Senator from Utah state from what paper he has taken the article which he has just read?

Mr. SMOOT. It is taken from the Washington Star of October 6, 1919.

On the 7th of October I find this in the Washington Post:

Three representatives of the organized Government employees have been appointed by the joint congressional commission on reclassification of the civil service to serve on an advisory committee on wages. They are Luther C. Steward, president of the National Federation of Federal Employees; W. Carson Ryan, jr., president of Federal Employees Union No. 2; and Miss Ethel Smith, executive secretary of the Washington committee of the National Women's Trade-Union League, with which local and national organizations of Federal employees are affiliated

The chairman of the advisory committee is Courtney W. Hamlin, of the reclassification commission, and other members are representative of two groups as follows: Administrative officials. Dr. E. B. Rosa, of the Bureau of Standards; Van. H. Manning, chief of the Bureau of Mines; and Paul F. Myers, chief clerk of the Treasury Department; professional economists, Dr. Francis Walker, of the Federal Trade Commission; Dr. M. L. Jacobson, of the Federal Reserve Board; Dr. Royal C. Meeker, commissioner of labor statistics; and Mrs. Helen Sumner Woodbury, of the Children's Bureau.

The national federation is bending every effort to make sure that the jurisdiction of the commission, at present limited to the District will be extended to cover all employees of the Government throughout the country.

Note the last paragraph of the article:

The national federation is bending every effort to make sure that the jurisdiction of the commission. at present limited to the District, will be extended to cover all employees of the Government throughout the country.

Where is the authority for such a proposition?

Now, Mr. President, I desire to call attention to the powers of the joint commission.

Mr. THOMAS. Its powers under the law.

Mr. SMOOT. Its powers under the law, as the Senator from Colorado suggests. The act creating the commission provides:

It shall be the duty of the commission to investigate the rates of compensation paid to civilian employees by the municipal government and the various executive departments and other governmental establishments in the District of Columbia, except the navy yard and the Postal Service, and report by bill or otherwise, as soon as practicable, what reclassification and readjustment of compensation should be made so as to provide uniform and equitable pay for the same character of employment throughout the District of Columbia in the services enumerated.

The commission is authorized to sit during the sessions or recess of Congress, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this section.

The heads of the various governmental services and the Commissioners of the District of Columbia shall furnish office space and equipment, detail officers and employees, furnish data and information, and make investigations whenever requested by the commission in connection with the purposes of this section.

Mr. President, we find, if these reports are true, Mr. Luther C. Steward—and every Senator knows who he is—directing the policies of this commission which was created by Congress; and, not only that, but making arrangements for the purpose of opening a school to teach the employees of the Government how to carry on the work which the Government has employed them to do and for which it is paying them.

Mr. President, we appropriated $25,000 under the first act for the work of the joint commission. That was thought sufficient to obtain necessary information as required by the act itself; but in the very next deficiency appropriation bill that came before Congress there was a request for $125,000 more. Senators will remember that we gave them $65,000 more; and I say now if these reports be true and the policy outlined carried out we will have another commission on our hands, which will grow and expand until they will be expending nearly a quarter of a million dollars, if not more, each year. It is only another illustration of the camel getting his nose under the tent, and then in a little while getting his whole body in. I consider it to be the duty of Congress, if these reports be true, to say to this commission, "Confine yourselves to the work that you were authorized by Congress to do."

Mr. KING. Mr. President, if my colleague will yield, who constitute the commission?

Mr. SMOOT. The House members are Mr. Hamlin, of Missouri; Mr. Keating, of Colorado; and Mr. Cooper, of Wisconsin, three former Members of the House who failed of election in November last. I have heretofore called attention on the floor of the Senate to the fact that we were paying Mr. Keating $625 a month as a member of the commission, the same compensation as that received by Senators of the United States, and that he has accepted, while serving on this commission, a position as the attorney for some labor organization.

The Senate members are——

Mr. KING. Mr. President, if my colleague will yield, I should be very glad to support a resolution directing the commission not to pay him any compensation whatsoever so long as he is receiving compensation from some other source. I think that ought to be done.

Mr. SMOOT. I base the statements I have made upon articles I have seen in the newspapers for some time past. Only yesterday morning there was another article of similar character. I have no doubt that they are inspired by Mr. Luther C. Steward. What I want to know is whether or not the commission created by Congress has authorized these statements and whether they are true.

Mr. THOMAS. Mr. President, the men and women who are to constitute this new commission are all Government employees, are they not?

Mr. SMOOT. They are all Government employees.

Mr. THOMAS. And presumably they have Government duties to perform. Do they receive their compensation from the Government while neglecting these duties and giving their attention to the work of this new commission?

Mr. SMOOT. Mr. President, I think under the law that the heads of the various governmental services had a right to detail these employees for this work, and, of course, they are drawing their regular salaries from the Government.

Mr. THOMAS. Let me ask whether, if detailed, they also receive compensation for this other work?

Mr. SMOOT. I doubt whether the joint commission pays them any further compensation.

Mr. THOMAS. I am in sympathy with the Senator's suggestion regarding a resolution; but my impression is the only way to control this ever-increasing tendency to the perpetuation of commissions and bureaus is to repeal the law.

Mr. KING. That is right.

Mr. SMOOT. I wish simply to say in a few words what the result of this program, if carried out, will be. Unless it is checked we will have a report from our commission, prepared in the greater part by representatives of the Labor Department, asking us to pay the salaries covered by the report; and if the commission continues in existence, I wish to say that Congress will be importuned every year for increases. All employees will be experts and all demanding the same wage. There will be no time when the question of salaries in the departments of the Government will be settled; there will be one continual demand for changes, and it will be impossible to tell where it will end. The joint commission was created to secure information as to inconsistencies in salaries paid the employees of the Government in the different departments and to compare those salaries with the salaries paid employees outside of the Government service.

Mr. OVERMAN. Mr. President, we have been creating a great many commissions. I should like to have the Senator tell me some commission that has brought about a reform in this country.

Mr. SMOOT. The Senator from North Carolina has been in the Senate just as long as I have; he has been on the Appropriations Committee the same as I have; and he knows very well, as I know, that there have been but few reforms made by any commission created by Congress.

Mr. THOMAS. I supposed the Senator would answer, the Civil Service Commission. [Laughter.]

Mr. WADSWORTH. Mr. President, will the Senator yield before he takes his seat?

Mr. SMOOT. Yes; I yield.

Mr. WADSWORTH. I had to be absent from the Chamber for a moment while the Senator was speaking, but before I left

I heard him read something from a newspaper article about the establishment of a school for the training of Government employees to do their work.

Mr. SMOOT. That is the suggestion in this article, and it is to be under the direction of a commission appointed by the Joint Commission on Reclassification of Salaries, and the names of the members of that commission are given.

Mr. WADSWORTH. Is there any authority for the establishment of any such school?

Mr. SMOOT. None that I know of. That is what I am complaining of.

Mr. WADSWORTH. Does the Senator understand that they expect to pay for the maintenance of that school?

Mr. SMOOT. It can not be maintained without some expense.

Mr. THOMAS. Why, of course.

Mr. WADSWORTH. Does the Senator expect them to pay for the maintenance of that school out of the appropriation that was given for this investigating commission?

Mr. SMOOT. That I can not say, because I have not made any investigation of this subject.

Mr. THOMAS. No; that will come in on a deficiency bill.

Mr. SMOOT. I suppose whatever expense there may be will have to be paid. So far as I am concerned, the only source I know of is the appropriation that was made by the Joint Commission on the Reclassification of Salaries.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. NORRIS. While I have a great deal of sympathy with a good many things the Senator has said, I am inclined to think, nevertheless, that he ought not to base an opinion and form a judgment on what the newspapers have said about the establishment of a school. I do not believe a statement of that kind is adequate authority; and knowing a good many of the members of that commission as I do, I do not believe they are going to violate the law. I think there are some very good men on that commission who are conscientiously trying to do their duty. Before I would take any action I should want to know whether there is any foundation in fact for that report in the Washington papers.

Mr. SMOOT. The Senator will recall that I said that my statement was based upon the newspaper articles.

Mr. NORRIS. Yes.

Mr. SMOOT. And I will say to the Senator that these are not the only ones.

Mr. NORRIS. I read them; yes. I have read several of them, and my curiosity was aroused.

Mr. SMOOT. The first one that was published some time ago was a little article of about 10 lines.

Mr. NORRIS. Yes; I think I saw that.

Mr. SMOOT. My attention was called to that, and every day I have seen the program grow and grow and grow. I believe I know who is back of the whole thing. I will say to the Senator that I have not stated this to be true; but an advisory committee is named in the published report, giving the names of each, so there must be something in it.

Mr. NORRIS. I understand, and, of course, they probably have asked for an advisory committee. I think, under the law, there is authority on the part of the heads of departments to detail men to constitute such a committee to help them in every way.

Mr. SMOOT. I called attention to that.

Mr. NORRIS. Yes; I heard the Senator do that; but I do not believe we ought even indirectly to condemn the members of this commission on a newspaper report of that kind.

Mr. SMOOT. I will say to the Senator that I have no resolution to offer. I simply called attention to this fact, to the situation that existed, because, if the newspaper reports are true, the work as mapped out is unauthorized by law.

Mr. NORRIS. There is not any doubt that they have not any authority to start a school; and even if this advisory committee recommended doing such a thing, there is not any machinery under the law by which they could do it. I do not believe the members of the commission would stand for that. They have a very difficult work to perform, and a very important one. Everybody realizes that we appointed them because we realized that the discriminations and the differences in salaries that various people were getting for performing the same kind of work were not right. We wanted to rectify that situation, and we appointed the commission for that purpose.

Mr. SMOOT. I will say to the Senator that the idea has been discussed for at least a year past that I know of; and I believe, I will say, that good would come from such a school. I have no doubt about it.

Mr. NORRIS. There are lots of schools, without the Government starting one.

Mr. SMOOT. But the question in my mind is, Why begin to organize one here for that purpose, when under the law no one has the power to do it?

Mr. NORRIS. I do not think they will. I do not think there is any danger of it.

Mr. WARREN. Mr. President, right on the point that the Senator from Utah has mentioned, I will state that there is now a proposition before the subcommittee of the Committee on Appropriations to provide by appropriation for the establishment of such a school as is mentioned in this article. I quite agree with the Senator that no authority such as he has related has ever been given. I have been hoping to hear from the members of that commission in the Senate.

ROBERT A. MINOR.

Mr. TOWNSEND obtained the floor.

Mr. KING. Mr. President, has the morning business closed?

The VICE PRESIDENT. No.

Mr. KING. I offer the resolution, which I send to the desk, and ask for its immediate consideration.

The resolution (S. Res. 208) was read as follows:

Whereas the Senate on the 31st day of July last agreed to and adopted the following resolution:

"*Resolved*, That the Secretary of War report to the Senate whether or not Robert A. Minor, an American citizen, accredited as a war correspondent in the military zone in France, was arrested by military authorities of the American Expeditionary Forces for circulating seditious publications and propaganda among the soldiers of the American Expeditionary Forces, or for any other cause, and that if said Minor was arrested as aforesaid, to report to the Senate the particular nature of the charges upon which he was arrested, and whether or not said Minor has been discharged from custody, and the reason therefor, if such action was taken."

And

Whereas the Secretary of War has made no report to the Senate in the premises: Therefore be it

Resolved, That the Secretary of War is directed to forthwith report to the Senate upon the matter referred to him by said resolution of July 31.

Mr. TOWNSEND. I have no objection if the resolution does not call for debate.

Mr. KING. I do not think it will call for any debate.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

The VICE PRESIDENT. The morning business is closed.

Mr. TOWNSEND. I ask unanimous consent that the Senate resume the consideration of House joint resolution 151.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Myers	Smith, Md.
Ball	Gronna	Nelson	Smoot
Bankhead	Hale	New	Spencer
Beckham	Harding	Newberry	Stanley
Brandegee	Harris	Norris	Sutherland
Calder	Henderson	Overman	Thomas
Capper	Hitchcock	Owen	Townsend
Chamberlain	Jones, Wash.	Page	Trammell
Colt	Kendrick	Pittman	Underwood
Curtis	Keyes	Poindexter	Wadsworth
Dial	King	Pomerene	Walsh, Mass.
Dillingham	Knox	Ransdell	Walsh, Mont.
Elkins	La Follette	Sheppard	Warren
Fernald	McCormick	Sherman	Williams
Fletcher	McCumber	Shields	Wolcott
Frelinghuysen	McNary	Smith, Ariz.	
Gay	Moses	Smith, Ga.	

Mr. GERRY. The Senator from Arkansas [Mr. ROBINSON], the Senator from New Mexico [Mr. JONES], and the Senator from North Carolina [Mr. SIMMONS] are detained from the Senate on official business.

Mr. KEYES. I was requested to announce that the junior Senator from Idaho [Mr. NUGENT], the senior Senator from California [Mr. PHELAN], and the senior Senator from Oklahoma [Mr. GORE] are detained on official business.

Mr. DIAL. I desire to announce that my colleague, the Senator from South Carolina [Mr. SMITH], is detained on account of illness in his family. I ask that this notice may stand for the day.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

Mr. POINDEXTER. Mr. President, I want to take just a moment to call the attention of the Senator from Utah [Mr. KING], in connection with the resolution which has just been adopted, to the fact that this man Robert Minor, referred to in the resolution, who was arrested in France for attempting to arouse sedition in the American Army and preaching com-

munistic propaganda to American soldiers in France, has not ceased his activities.

He has returned to the United States and is creating a situation that is somewhat parallel to the situation that resulted from the action of the Government of the United States in intervening in behalf of Leon Trotski. Leon Trotski was a well-known Russian revolutionist residing in the United States. He left the United States en route to Russia. He was arrested by the Canadian authorities because, knowing his views and activities, they regarded his voyage to Russia during the war as a menace. He was detained for a considerable period of time by the Canadian authorities. The Government, of the United States intervened in Leon Trotski's behalf, and by bringing its influence to bear upon the Canadian Government succeeded in having his passport accepted. He went to Russia, and the result is well known. He was one of the principal factors in bringing about the establishment in Russia of that régime which has led to Russia's destruction and in bringing about the betrayal of the allied cause and the near victory of Germany through the abandonment by Russia of the cause of her allies at a critical period in the war.

So it is with Minor, who, by some authority evidently above Gen. Pershing, was released from the custody of the courts-martial of the American Expeditionary Forces, set free, and allowed to return to America to continue his revolutionary activities here, with what consequences the future remains to tell.

I notice in a recent issue of the Topeka Daily Capital an account of some of the activities in which this man Minor is now engaging in the United States as a reward to the United States, I suppose, for the liberality with which he has been treated by the American Government and for the favor which has been shown him in picking him out among all the criminals who had been subjected to military discipline—making an exception of him and setting aside the processes of justice and of military law in behalf of a particular individual while visiting its punishment upon others. This article says:

FRIEND OF LENIN TALKS SOVIET RULE FOR AMERICA—SENSATIONAL AGITATOR DEFENDS RUSSIAN REDS—PREDICTS AN UPHEAVAL IN THIS COUNTRY ON OCTOBER 8 THROUGH A NATION-WIDE STRIKE.

Government of the people, by the people, and for the people is doomed to give way to "industry for the workers," to the complete annihilation of the employing class, if Robert Minor's dream of soviet rule in America comes true.

Mr. Minor is a sensational spellbinder of the "soap-box" type, who went to Europe as a newspaper correspondent and landed in a French jail, from which he was rescued by President Wilson.

I do not vouch for the statement in regard to the President's intervention. I only read what is stated in the newspaper, although it is perfectly evident that his release was from some high authority, else it could not have been effected.

He boasts of being a friend of Lenin and Trotski, of Russia. He spoke at the city auditorium last night to an audience of 200, mostly laboring men.

The upheaval, so says Mr. Minor, is to come on October 8, when a Nation-wide strike aimed at the "ruling class" is to start. All industries will be affected. The purpose of said strike is to force the release from the jails of such men as Thomas Mooney—

We know the efforts which the American Government has made along those lines, in pursuance of the object here stated by Robert Minor for the release of Thomas Mooney. He proceeds:

Eugene V. Debs, a horde of conscientious objectors, and all military prisoners, who are serving time "because they have a friendly interest in labor."

SOVIET IN TOPEKA.

Mr. Minor painted a vivid picture of what would happen if the soviet form of government was installed in Topeka.

The few employers present heard what would happen to them if a soviet was formed. They would give over their business to the workers and either take a job and go to work or receive but one-fourth pound of bread a day. The workers would be paid in flour, butter, and sugar, each man receiving one sack of flour on pay day for himself and wife, with an additional sack for each child.

If the former employer was considered intelligent enough to hold the position of superintendent or foreman he might be appointed. In that case he would have the use of an automobile, with a worker to drive it for him. The profits would be divided among the workers.

Mr. Minor told of the workings of the soviets in Russia, characterizing them as the greatest ruling power in the world. They will maintain a government after all the prevailing Governments of Europe are overthrown, he declared.

He declared that the Italian Government will fall within three weeks, the Spanish Government is on its last legs, the French Government is hysteric, and Great Britain has given the workingmen a soviet form of government more nearly revolutionary than even in soviet Russia.

It would be a crime, he said, for the Allies to aid Gen. Kolchak in Russia. If the revolutionary government is allowed to work out its own destiny the working class of all the world will take heart and overthrow the capitalistic class.

HE LOVES RED GUARD.

The Russian Red Guard were warmly defended by Mr. Minor. He declared that murder and pillage were only resorted to in the attempt to secure food and to wipe out the "White Guard," which he characterized as a far more serious menace to civilization than the Reds.

Misrepresentation of facts by newspapers and correspondents was asserted by the speaker. He, of all the correspondents who entered Germany and Russia, came home to tell the truth, he modestly admitted—

Although failing to state that he was enabled to do so by having been released from custody as a criminal without trial and without any effort to punish him. The article proceeds:

As a money getter Minor is some capitalist himself. An admission fee was charged at the door, pamphlets were sold before the address began, and a collection was taken up afterwards.

I assumed it might be of some interest to the Secretary of War, who apparently has declined for over two months after the resolution was passed by the Senate to give this information, to know the result of his or some one else's beneficence toward this individual.

Mr. KING. Mr. President, the Senator from Washington will not find me defending the activities of the extremists and radicals who have been connected with the executive departments and agencies of the Government during the past two or three years. I express just as strong condemnation of the conduct of certain executive authorities in countenancing the activities of these radicals as does the Senator from Washington. I have heretofore criticized some branches of the Government for their employment of men whose views were hostile to our republican form of government. There have been radical socialists and men who followed the principles of Bolshevism who have had places within executive branches of the Government, and they have brought discredit to the administration and have proven to be instruments of harm to the Government itself. There have been too many men of the type of Bullitt, Minor, and Steffens who have crept into some of the departments and agencies of the Government, particularly since we have been at war with Germany. There have been men whose radical and destructive views were known to the public who have been retained in positions of trust and responsibility. It is regrettable that this should have been the case. It is highly improper, in my view, to place men in positions of responsibility who disbelieve in our form of government and who would countenance its overthrow.

The Senator from Washington has just called attention to an address delivered by Mr. Minor at Topeka, Kans. As the Senate knows, Minor was recently in Europe. It was reported that he spread seditious literature not only among the soldiers of the Allies, but also among the soldiers of the American Army. We were informed that he was carrying on a Bolshevik propaganda, for the purpose of demoralizing the allied troops and spreading revolution among them. His activities were so pernicious, the reports stated, as to lead to his arrest. We were further informed that he had violated military laws and was to be tried by court-martial. Without any reason being assigned, we were later informed that he was released, and, as I recall the newspaper accounts, it was claimed that his release was ordered by some American high in authority in the United States. I made diligent inquiry to ascertain the reason of the discharge of Mr. Minor and what causes led to the abandonment of his prosecution. Getting no information, some time ago I introduced a resolution calling upon the Secretary of War to furnish this information. The Secretary has thus far neglected to comply with the request of the Senate as expressed in the resolution. I have just offered a resolution calling attention to the one just alluded to and asking that the Secretary of War forthwith submit the information required. This resolution has been unanimously adopted, and I hope that the Secretary of War will no longer ignore the action of the Senate.

After Mr. Minor was released from his imprisonment in France he returned to the United States. Only a day or two ago he participated in a meeting held in the city of New York. Yesterday morning's papers refer to the meeting. The account of the proceedings show that it was a riotous assembly. Mr. Minor addressed the crowd, eulogizing the soviet form of government and proclaiming, as I understand, that it would overthrow this Republic. The meeting was also addressed by a man by the name of Dudley Field Malone. I am told that this man at one time masqueraded as a Democrat.

Mr. President, there are thousands of aliens within the United States who should be deported. The act of Congress approved October 16, 1918, states, in substance, that aliens who are anarchists and who believe in and advocate the overthrow by force or violence of the Government of the United States or of all forms of government or laws, or who disbelieve in or are opposed to all organized governments, or who advocate or teach the assassination of public officials or the unlawful destruction of property, or who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States, or all forms of law, or that entertains or teaches a belief in or opposition to all organized government, or that advocates or

teaches the unlawful destruction of property, shall be excluded from admission into the United States.

The law also provides that any alien who at any time after entering the United States is found to have been at the time of entry or to become thereafter a member of any of the classes of aliens just referred to shall be taken into custody and deported by the Secretary of Labor.

As stated, there are many aliens in the United States who come within these specifications. Aliens who are members of the I. W. W. and aliens who believe in Bolshevism are covered by the terms of the statute just referred to. They not only believe in but they advocate the overthrow by force and violence of our Government, and they also disbelieve in and are opposed to all organized government. Many of them advocate the assassination of public officials. They advocate and teach the unlawful destruction of property and all forms of sabotage. The I. W. W.'s and a number of organizations in the United States believe in and teach the overthrow by force and violence of all government, as well as of all forms of law.

It is admitted that those who believe in Russian Bolshevism not only entertain but teach belief in and opposition to all organized government. Thousands of these aliens are traveling throughout the United States inciting riots, provoking strikes, teaching the destruction of all government, and urging workingmen to violently overthrow this Republic and establish a dictatorship of the proletariat.

I repeat, these individuals come within the terms of the statute and are subject to deportation. I have heretofore called attention to the activities of Mr. Martens, who claims to be the representative of the Russian Bolsheviks. Some time ago in a written communication I directed the attention of the Labor Department to Mr. Martens and to the aliens in the United States who were subject to deportation as prescribed by the act of October 16, 1918. I also communicated with the Attorney General and urged that steps be taken to deport Martens as well as other aliens who were seeking the overthrow of our Government. A vigorous enforcement of this law is required, and I regret that there is so much delay in applying its provision and driving from our shores those aliens who are abusing our hospitality and are attempting to spread anarchy and destroy law and order.

Mr. McCUMBER. Will the Senator allow me to suggest to him that if many of these had been deported the Senate Committee on Foreign Relations would have been deprived of some of the star witnesses that were called against the league of nations?

Mr. KING. I make no comment with respect to the last observation of the Senator, and I leave the Senate and the public to determine the character of some of the witnesses who appeared before that committee.

Mr. MYERS obtained the floor.

Mr. MOSES. Mr. President——

Mr. MYERS. If the Senator from New Hampshire wishes to address any remarks to the matter that has been immediately under discussion, I will yield to him, because I wish to discuss another matter.

Mr. MOSES. I am very much obliged to the Senator for his courtesy. I merely wish to say that I hope the Senator from North Dakota did not really mean that he wished to deprive the Nation of the gayety created by some of the witnesses who have been before the Committee on Foreign Relations. While I am saying that I wish to add my concurrence in everything that has been said by the Senator from Utah [Mr. KING], except that I do not think those to whom he has referred as holding high and responsible positions in the administration have crept in or have come there by stealth. Their reputations were too well known to be concealed from the appointing power, and their selection in so many departments of the Government for so many places of importance and authority must lead to the conclusion that they were picked out to be the special pets of the administration, upon whose head now recoil the consequences of their revolutionary activities.

INCREASED PAY OF POSTAL EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service, and making an appropriation therefor.

Mr. MYERS. Mr. President, addressing myself to the joint resolution before the Senate, I understand that the measure, if enacted, would result in an increased expenditure by the Government of $38,000,000 annually over and above the present expenses of the Post Office Department. There have been read to the Senate some letters from the head of that department, the Postmaster General, objecting very earnestly to the measure and to the proposed expenditure, and asserting that the sum of $2,000,000 additional per annum would be sufficient to remedy all cases of injustice and inequity in the pay of postal employees and to obtain sufficient help of the proper kind for the conduct of the department's business. I do not believe that at this time Congress would be justified in voting an expenditure of $38,000,000, in the face of the opposition of the head of the department, who certainly has a better understanding of the needs of the department than has Congress.

The great cry from both political parties is for economy in public expenditures. We are constantly admonished that we must economize and retrench in expenditures. Everybody seems to admit it; everybody seems to assent to it; nobody denies it. If that be true, where are we going to begin and when are we going to begin? We are not economizing by paying out $38,000,000 of increased appropriation for the maintenance of one of the executive departments, when the head of that department, who is charged with the proper administration of the affairs of that department, comes to Congress and says that the expenditure is not needed and that $2,000,000 would be amply sufficient.

The Senator from Ohio [Mr. POMERENE] yesterday laid before the Senate, while discussing this measure, a number of telegrams from postmasters in Ohio, stating that they did not have sufficient help. There may be, and I doubt not there are, occasional instances, sporadic instances, where post offices in certain cities and towns here and there do not have sufficient help or help of the right kind. That is true to-day of all lines of business, public or private. However, when it comes to the affairs of the Post Office Department as a whole, I believe the head of the department has a greater comprehension and more reliable knowledge of the condition of its affairs and the needs of the department than has any postmaster here and there, at random, throughout the country, be he in Ohio or anywhere else. I believe the Postmaster General competent and efficient, and I believe he knows the business of his department and its needs.

Mr. POMERENE. Mr. President——

Mr. MYERS. I yield with pleasure to the Senator from Ohio.

Mr. POMERENE. I hope the Senator does not get the idea that the conditions, so far as they relate to Ohio, are sporadic. The facts which I gave yesterday portray the general condition in nearly every industrial center in Ohio. I feel very deeply upon this subject when I know that in the post offices in these industrial cities and towns they have not had the help they ought to have had, and their men have not been paid what they ought to have been paid.

Mr. MYERS. Is the Senator prepared to say that that condition of affairs exists in every State of the Union?

Mr. POMERENE. I am not. I spoke with special reference to Ohio.

Mr. MYERS. I dare say it exists in Ohio, if at all, in comparatively few places only, and then solely in a few of the busier cities.

Mr. POMERENE. In the industrial cities.

Mr. MYERS. The Postmaster General says an appropriation of $2,000,000 would be sufficient to remedy the state of affairs existing in occasional instances. If that be true, why should we appropriate $38,000,000 when the head of the department only calls for $2,000,000? I do not call that economy. To my mind, that is the wrong way to begin to economize in public expenditures.

Notwithstanding the criticism of the Postmaster General from hostile sources, I believe that he has given the country a good administration of the affairs of that department. I believe the affairs of that department are administered as well and the business of the department is carried on as well under the present head of that department as under other heads of the department in times past. I believe his administration of the affairs of that department will compare favorably with past administrations of the department. I am not in sympathy with the torrent of criticism heaped on the head of the Post Office Department. I think it comes from hostile sources, in the main, and generally from sinister motives. I think the department well conducted.

I understand the communications of the Postmaster General to the Senate Committee on Post Offices and Post Roads, to which I have referred, are concurred in by the First Assistant Postmaster General, who has long been an official of that department. He is a hold-over official, for many years back, from previous administrations. I am well acquainted with him and his methods, and his conduct of the affairs of his branch of the Post Office Department, and I believe the First Assistant Postmaster General is a competent official, quite competent to judge

of the needs of the business of that department which comes under his jurisdiction.

So I understand we have that attitude, an attitude of opposition to this measure, assumed by the two highest officials of the Post Office Department—the Postmaster General and the First Assistant Postmaster General—and when we have the joint and concurring judgment of those two officials there can certainly be nothing partisan about it. I believe they know what they are talking about. I am willing to trust their judgment as to their own business. I feel they know more than I about it.

The chairman of the House Committee on Appropriations recently carefully compiled and gave out a statement showing that the Government, this fiscal year, will be short three and one-half billions of dollars in its revenues; that it is going to run three and one-half billions of dollars in excess of its revenues this year, with no more unnecessary expenditures, and cautioned the Congress. If that be the case—and I do not doubt it—from where is the money to come? Where are we going to get the money to vote $38,000,000 here and there for different purposes that are not absolutely necessary?

I believe, too, that this matter should not be taken up at this time, especially as there is a joint commission of Congress which is investigating the subject of reclassification of salaries of postal employees. The members of the commission are making a study of the subject; they are diligently engaged at it, I understand; and I suppose in the near future it may be expected that they will report to Congress some comprehensive scheme for the readjustment of the salaries of postal employees, overcoming any inequities and deficiencies that may exist in the pay of the different grades of the service. It does seem to me unbusinesslike and unwise for us to rush in with an appropriation of $38,000,000 of additional expenditure before we can hear from that commission.

Another thing: During the era of the high cost of living that has prevailed for several years, since the European war broke out, Congress each year, in making appropriations at or prior to the beginning of the fiscal year, has taken into consideration the high cost of living and the inadequate compensation of Government employees, and each year has voted a bonus for the ensuing fiscal year, which begins the 1st day of July of each calendar year. That has been done each year for several years past. In accordance with that policy, Congress at the last session voted bonuses of different amounts to the different Government employees for the present fiscal year, which began July 1. To most of the Government employees it voted a bonus of $240 for this year, $20 a month additional pay. To employees of the War Risk Insurance Bureau it voted a bonus of $10 a month, or $120 for the year. Just why that discrimination was made between the employees of the War Risk Insurance Bureau and other employees I do not entirely understand; but it was done by committees after careful investigation.

Mr. KING. Mr. President——

Mr. MYERS. I yield with pleasure to the Senator from Utah.

Mr. KING. I understand one of the reasons for the apparent discrimination is in the fact that most of the employees of the War Risk Insurance Bureau received higher compensation than those in the regular departments of the Government service. When that bureau was created unfortunately there was no limitation, as I recall the bill, placed upon the officials with respect to salaries. I know that they are paid very much higher compensation than is paid in many of the departments. As a result they took away from various governmental agencies and departments hundreds, if not thousands, of employees because of those increased salaries.

Mr. MYERS. Yes; I had heard something of that, but I am glad to have the explanation. I have no doubt the committee which considered the matter of these bonuses carefully considered that question and adjusted the matter as it thought wise and just, and Congress acted on the recommendation of the committee. The postal employees, I understand, receive this year a bonus of $200 for the year in addition to the $100 increase which each employee automatically received by way of promotion, making $300 additional that each employee of the Post Office Department is receiving for this year, which is $60 more, I believe, than is given by way of bonus to any other class of employees of the Government. When these things are arranged for once a year it does seem to me that they ought to last for the period of one year. It seems to me they should be allowed to remain undisturbed for the short space of 12 months. It seems to me when committees of Congress consider these matters, pass upon them, and make arrangements for the appropriations of Congress for the coming fiscal year they ought to last through that year.

I firmly believe in adequate pay for Government employees. I have heretofore voted for all of the bonuses which have been recommended by committees of Congress in making appropriations for Government expenses for each fiscal year. I have never opposed any of them; but I do believe in some system in these matters. I believe complete and adequate arrangement should be made once each year for the pay of all Government employees, and when once made I think they should continue in force until the beginning of the next fiscal year. Once a year is certainly often enough to revise salaries. It hardly seems to me to be justifiable to be coming to Congress in the midst of a fiscal year and asking for a still further increase for one class of Government employees, to be retroactive; to date back to the beginning of the fiscal year. If we grant an increase in this instance on the united demand of the postal employees, in January the employees of some other branch of the Government may come along and make a united or collective demand for a further increase for them for the present fiscal year, to be retroactive and to date back to the beginning of the fiscal year.

It seems to me it would be setting a bad precedent, and I do not believe we ought to depart from the usual custom of fixing the compensation of Government employees once a year. It does not appeal to me as being justifiable, sound, or businesslike.

The Senator from Michigan [Mr. TOWNSEND], who is in charge of the joint resolution, stated yesterday that it was intended as an emergency measure during the present era of the high cost of living. If it is to last during the prevalence of the high cost of living, I think it will last for a good many years, for I do not believe the cost of living is going to be materially reduced for several years. Indeed, I do not think it has yet reached the apex; I do not believe it has ceased increasing. From present prospects, I think it is likely to keep on increasing for several years.

I have come to the conclusion that the chief cause of the high cost of living is the restriction of production. I believe that restricted production is the principal cause of the present abnormal high cost of living; and just so long as we have strikes and strikes and strikes, and so long as labor unions are permitted continually to demand and obtain increased wages and shorter hours of labor, the present high cost of living is going to continue.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. MYERS. I yield, with pleasure.

Mr. LODGE. I agree with the Senator from Montana about the dominant effect of decreased or increased production, one way or the other; but does not the Senator also think—I believe he does; I do—that an important stimulating cause of the advance of prices is the large amount of money per capita now in circulation?

Mr. MYERS. I do. I have not abandoned that opinion by any means. I think it is a vitally contributing cause. That, together with the decreased production of all of the necessities of life, I think, is causing the present high cost of living. We may have committees to investigate and to inquire; we may have testimony from experts and nonexperts; and we may enact laws upon laws, but there is going to be no material decrease in the cost of living until there is some reduction of the circulating medium and a cessation of the studiously decreased production of the country. I think both those causes of the high cost of living will have to be remedied before there will be any material decrease in the cost of living.

The steel workers of the country are now engaged in a strike which I think is absolutely unjustifiable; indeed, in my opinion, it is one of the most unjustifiable strikes that was ever precipitated upon the people of this country. It decreases the production of steel, one of the great industrial essentials of the world. It makes steel high; it makes everything else high; and so it goes. There are strikes continually under way; there are hardly ever less than two or three dozen of them, and of considerable dimensions, going on and in full force in the United States at the same time. Hundreds of thousands of workmen are idle, producing nothing, and consuming all of the time. That condition reduces the production of the essentials of life in the country, and that greatly increases the cost of living.

Recently the bituminous coal miners' unions of the country very carefully and explicitly formulated a series of demands which they made upon their employers. First, they demanded a 60 per cent increase of wages. They are already getting 70 per cent increase over prewar wages, but in addition to that they demand 60 per cent more, which would make an increase of 130 per cent above their prewar wages. They also demand a six-hour day, five work days a week, double pay for holidays and Sundays, and pay and a half for extra time. I suppose we

ought to go down on our knees and be thankful that they did not demand anything else; I suppose the country has great cause to be thankful because they did not demand more. Let us be thankful for small favors. Their employers have announced that they would not grant the demands. Of course, they could not grant them. If they should be granted, the cost of coal would be enormously increased. It is estimated that if those demands for an increase of wages and shorter hours and less number of days per week were granted it would increase their wages at least 153 per cent over their prewar wages. The cost of living has not risen to an extent to justify such an extortionate demand. This is attempted extortion, pure, simple, indefensible.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. MYERS. I yield with pleasure.

Mr. OWEN. There is great force in what the Senator from Montana is saying with regard to this matter; and some days ago I put into the CONGRESSIONAL RECORD a statement of George W. Perkins proposing a plan by which labor would be stimulated to make as large an output as possible by arranging a working plan in which labor would participate in the profits over and above what would be regarded as a mere wage. What the Senator says with regard to labor is equally true with regard to many of the employers or many of those interested in so-called monopolies, who limit production in order to expand the opportunity of a larger percentage of profits. That is against the public interest, because they do not stimulate the production as they ought to; they limit production and accomplish the evils which the Senator has pointed out.

Mr. MYERS. It may be that they do; but, if so, that should be remedied; of course, there should be a remedy found for both evils. I shall be pleased, so soon as I may get the opportunity, to read the article to which the Senator from Oklahoma refers.

Mr. KING. Will the Senator yield?

Mr. MYERS. With pleasure.

Mr. KING. Apropos of what the Senator from Oklahoma has just stated, I was interested to read the other day that a number of labor leaders—I do not mean the highest leaders of the organization—opposed the profit-sharing plan, and stated that the employees as a rule did not care for a share in the profits, but were more interested in getting a higher wage and satisfactory hours. I asked one laboring man why the unions did not care to share in the profits, and he said that he believed if the profit-sharing plan were adopted it would lead to a disintegration of the unions, and he believed that many of the leaders of the unions were violently opposed to the profit-sharing plan because, as he stated, it would lead to the destruction of the unions.

Mr. OWEN. If the Senator from Montana will permit me, it would have the effect, undoubtedly, to abate the necessity for leadership when labor was perfectly well satisfied. If it were a participant and shared in the profits, and if in that way it secured abundant reward, there would be no need for organized warfare between capital and labor.

Mr. MYERS. The railroad employees object to participation in profits. A scheme of that kind was provided for in the Cummins railroad bill, but the representatives of the railroad brotherhoods appeared before the Senate Committee on Interstate Commerce, which is considering the bill, and objected to it; and I believe the provision has been or will be stricken out on their objection. Undoubtedly for years and years capital and employers abused their privileges and were tyrannical to a great degree; and not only that, but were rapacious, greedy, and dishonest, and through trusts and monopolies restricted production and fixed prices to such an extent that the public suffered. This continued until the public sentiment of the country rebelled and such a state of feeling was aroused that Congress enacted laws to curb much of that rapacity; and it is by law curbed to-day to a great extent. But as between capital and labor, I do not believe in curbing one and letting the other run riot and unbridled, to work havoc, without any restraint, just because it has the most votes. Both should be made amenable to the law. Labor, as well as capital, should be restrained when indulging in unwholesome excess. I believe the welfare of the people should be considered in connection with both. The rights of the people are paramount to both. Neither should be exempt from the restraining hand of law.

I believe the demand made by the bituminous-coal miners of the country is the most monstrous demand that ever was made upon the industries of this country. They have threatened, if their demands are not granted in toto, 100 per cent, that they will strike on the 1st day of November; go out and tie up the mines of the country on the eve of winter; freeze the people of this country into submission to their tyrannical demands; and not only freeze them, but starve them into submission; for if the coal mines are closed, not only will people freeze, but it will result in starvation, because the railroads can not run without coal. If the railroads can not get coal, there will be no transportation of food from one section of the country to another. I believe the threat of the bituminous-coal miners of the country to strike on the 1st of November, unless they can obtain their outrageous demands in full, is the most brutal threat that ever was made against the people of this country. It is so brutal, merciless, tyrannical, as to be absolutely shocking.

What is causing the high cost of living more than anything else is such outrageous demands for increase in wages and shortened hours and the brutal threat to freeze and starve the people of the country into submission. There are elements of organized labor that seem to think they have a strangle hold on the throat of the country, and apparently they believe in strangling while the strangling is good; and I believe the strangling is good right now. At any rate, it is merrily going on with very little resistance. Here we have the cause of the high cost of living, in the main, in this country, in my opinion.

If the farmers of the country should all adopt an eight-hour day, or a day with any other limit, or if they should restrict their acreage and say, "We will only put in half of the acreage of wheat, corn, cotton, and other necessities of life which we did last year," they could freeze and starve the country into submission to almost any demand they might make or precipitate civil war or a revolution. Happily, though, I am very glad to say the farmers are not doing that. They are taking a more patriotic stand. They limit neither hours of labor nor acreage.

There is another feature of this matter that I do not like, that does not appeal favorably to me. The employees of the Post Office Department are thoroughly organized, and they are nearly all affiliated with the American Federation of Labor, thus giving their moral support to every strike their fellow labor unions precipitate. Strikes lessen production. Thus these Federal employees encourage lessened production and help make hard times and high cost of living. It has been reliably stated that the American Federation of Labor will in a few days call upon each and every member of every union in the country to contribute so much per month for strike benefits for the striking steel workers, the object being to raise a benefit fund of $2,000,000 a month in order to keep up the steel strike, which has already resulted in lawlessness, rioting, defiance of the constituted authorities, and martial law, and which is resulting in industrial paralysis, stagnation, shortage of production, and consequent high cost of living. If that report be true, I suppose that each postal employee of the country who is affiliated with the American Federation of Labor will in a short time be taking a part of the money which this country appropriates for his support, possibly a part of the $38,000,000 which this measure calls for, and paying it to the striking steel workers in order to keep up this strike, which is proving so disastrous to the industry and welfare of the country.

If the bituminous coal miners of the country carry out their threat and go on a strike on the 1st day of November, on the eve of winter, in order to freeze and starve the people of the country into submission to their outrageous demands, I have no doubt the American Federation of Labor will back the strike, and will call upon every member of the American Federation of Labor in the country to contribute so much per capita per month as strike benefits to the striking coal miners; and if that be done I suppose every postal employee of the Government who is affiliated with the American Federation of Labor will, in a little more than a month from now, be contributing a part of this very $38,000,000, if we give it to them—a part of the money voted to them by Congress, the money of the taxpayers—as strike benefits to the striking coal miners of the country, in an effort to help freeze and starve the people of this country; the people whose money they take, the people who are feeding them.

Now, that I do not like nor the prospect of it. It would not be right. I do not believe a Federal employee should be affiliated with any superior body of organized labor. There has been much said in defense of their claim of right to do so. It is said that it results in no conflicting obligation; that it does not conflict with their duties to their Government; and yet I claim that it may. Circumstances may arise where there would be a conflict of allegiance and of duty, and it comes about in instances just like those of which I have been speaking. It comes about, I think, in such an instance as the steel strike. If Federal employees who are affiliated with the American Federation of Labor take a part of the money which is voted them by Congress for their support, part of the tax-

payers' money, and devote it to keeping up the steel strike I think they are doing an injustice to the people of their country and to their Government; and if the bituminous coal miners of the country carry out their brutal threat and strike on the 1st of November, in order to freeze and starve the people of this country, and if that strike should be backed by the American Federation of Labor, and every Government employee who is affiliated with the American Federation of Labor should be called upon to pay so much per month out of his salary to support that strike and thereby aid in starving and freezing the people of the country, I think it would be radically wrong and would result in violation of obligations and duties that would be most serious. I think that would be biting the hand that feeds them, that votes money to support them. I believe the Federal employees' unions that are affiliated with the American Federation of Labor should withdraw their affiliation from the American Federation of Labor, just as I understand the policemen's union of the District of Columbia has done, and I think, if true as reported, has done very properly and wisely.

There can be, I think, no serious objection to Federal employees, whether they be policemen or any other class of employees, having their own organization, their own union, to meet and consult about their common good and welfare, and to present requests to Congress for increase of wages or other concessions that they may deem due them; to act by united and concerted action, and present their grievances to the heads of departments and to committees of Congress. I can see no sound objection to that, but I do not believe that they ought to be affiliated with any higher body of organized labor, and I think we are confronted right now with some illustrations and possible illustrations of harm to result therefrom.

I believe, as I have said, in fair and adequate compensation to Government employees. I believe they ought to be fairly well compensated; but it seems to me it should be done in a systematic manner; it should be done once a year, and it should be done when arrangements are made to provide compensation for all. I do not believe it should be done in the midst of a fiscal year, in the face of the stout opposition of the head of the department for which the increase is asked. In this instance the proposed increase, being opposed and declared unnecessary by the Postmaster General and the First Assistant Postmaster General, I believe it would be unwise, improper, and improvident, and setting a bad example, for Congress to grant the increase. I believe the Postmaster General and the First Assistant Postmaster General know what they are talking about, and are acting in the interest of the welfare of their department and the welfare of the Government and the people of the country, when they say that $2,000,000 is all they ask for and all that ought to be appropriated.

For these reasons I shall vote against this measure.

Mr. KING. Mr. President, under the latitude permitted in debate, I desire to submit a few observations relating to present economic conditions and concerning appropriations made by Congress and the lack of appreciation upon the part of the executive and legislative branches of the Government, of the conditions of the Treasury, and the financial resources of the Government.

I have no doubt that many employees of the Government are not adequately compensated. The same may be true of millions of persons employed in private occupations. I think it can also be truthfully said that there should be a more scientific plan adopted to deal with the subject of compensation to be paid those who are employed by the Government. I doubt, however, the wisdom of engaging in general legislation to deal with the question of salaries for the employees of the Government at this particular time. The situation confronting us now is peculiar. The times are out of joint. Everything is abnormal. It could not be otherwise. The great war which shook the foundations of the world was bound to affect the industrial and economic conditions of all peoples. War demoralizes industry, dislocates every part of the economic structure, and it is impossible to readjust conditions and return to normal ways immediately after the termination of the conflict. The activities of millions of men for years were devoted to the prosecution of the war. War became the trade of the world, and whatever ministered to the destruction of human life and the overthrow of opposing armies and nations engaged the earnest attention of the people. Greatly as we were affected by the war, its effects were infinitely greater upon the other side of the Atlantic. Industry that gave employment to the people and supplied them with food and shelter were practically destroyed. Waste and dislocation existed in nearly every country of Europe. Poverty and want stalk through Europe; and to the millions who lost their lives upon the battle field there must be added millions more who went to their graves prematurely because of want and privation resulting from the terrible conflict. We suffered directly and indirectly from the sufferings in Europe. The disturbances there in the industrial and social organisms react to our disadvantage in this land. So interdependent are peoples and nations that it is impossible to disturb industrial conditions in one nation without its effect being felt to a greater or less degree throughout the world. Millions of Americans were withdrawn from gainful pursuits to engage in war activities. This necessarily affected the production of food and clothing and all other things connected with the welfare of the people.

With a diminishing output of food, clothing, and the prime necessities of life high prices in respect to those commodities were inevitable. With the great increase in the circulating medium and with the shortage in production mounting prices were to be expected, and with the rise in the level of prices there was bound to be an advance in the wage scale. In the frenzied efforts which have been made since the war to get back to a peace basis and in the earnest efforts made by farmers, manufacturers, and employers generally to increase production to meet not only the domestic but foreign demands it was impossible for wages to fall below the war level, and indeed in some instances the wages were necessarily increased. Hundreds of thousands of aliens departed from our shores, and this further resulted in scarcity of labor.

There is no question but what selfish and unpatriotic persons have taken advantage of conditions to unfairly and unjustly increase commodity prices. I think it may also be said that in some instances the workmen have also taken advantage of conditions to unduly increase their wages. It is a supreme task to stabilize conditions, to relieve the tense situation, and to guide the activities of the people along rational and safe lines. The situation calls for patience and forbearance, for sacrifice, and the highest form of patriotism. I think it would be wiser if all parties would call a halt in the effort to increase prices and increase wages. Indeed the suggestion has been made repeatedly by labor leaders, as well as by employers, that a truce be called in the demands for price advancements, and that every possible effort be made to effectuate reductions in prices, if not in wages. As the Senator from Montana and others have said, the amount of wage a person receives is not to be determined by the number of dollars paid him, but by what the amount received will purchase. The American dollar has become inflated and its purchasing power thus reduced. Prices of all of the products of toil have risen to extraordinary heights, and reductions must come if we shall have permanent prosperity and industrial peace. The efforts of all patriotic people should now be devoted to the stabilization of conditions. Strikes, lockouts, and the restriction of production all tend to aggravate the situation and make for unrest and discontent, and to augment the difficulties that will be encountered in bringing industrial peace and in maintaining unimpaired the liberties which our form of government provides.

The difficulty that is encountered whenever an attempt is made to deal with wages in one department or section is found in the fact that such increase calls for readjustment and increases in other departments and sections and activities.

A person whom I know stated that he was receiving $250 per month from the railroad. Before the war he was receiving only $100 per month. He expressed dissatisfaction with his present wage, notwithstanding the great increase since the war and since the Government took control of the railroads, because he had discovered that many persons working in the coal mines and some employed in the steel mills were receiving higher wages than those which he obtained.

The Senator from Colorado [Mr. THOMAS] stated yesterday that the measure now before us was not a remedy and scarcely a palliative. Whenever wages are increased, such increase is seized upon as a pretext to augment the prices of every article which the wage earner is compelled to purchase. It were the part of wisdom, as I have suggested, if the manufacturer as well as the producer of the raw material, the employer and the employee, and indeed all of the people of our land, by concerted action to seek to curb these pyramidal and pyramiding prices and to emerge from the hysterical, abnormal, and feverish condition in which the Nation now finds itself. I make the prediction that the passage of this bill will lead to demands for millions of dollars of additional appropriations. I am making no criticism of those who are asking for increases. I have no doubt that there are thousands of postal employees who are insufficiently paid. I believe that there should be a reclassification of salaries—a readjustment of compensation. I am only directing attention to the abnormal conditions now

existing in order that we may judge what is the wisest course to pursue to meet the exigencies which the war has produced.

I desire to briefly call the attention of the Senate to the large appropriations which are constantly being made by Congress. It is apparently a most pleasant, certainly it is an easy task, to vote money out of the Treasury of the United States. It is refreshing to find a Senator lifting his voice, as the Senator from Montana [Mr. MYERS] has just done, in behalf of economy. I have served in this body for a little more than two years, and I recall but few instances in which there have been pleas for economy in governmental expenditures; seldom indeed has the taxpayer, upon whom the burden rests, been the object of concern or solicitude upon the part of Senators. Our principal concern, apparently, has been to get money out of the Treasury. There has been but little interest shown in ascertaining the ways and means of putting money into the Treasury. It has looked at times as if any appropriation that might be asked, if it were large enough, could receive the approval of Congress. Indeed, it has been said that the larger the appropriation the easier its passage.

The psychology of large appropriations is a phenomenon to me. The small appropriation sometimes leads to an inquiry. It may be rather irrelevant and the reply wholly insufficient, yet, as a rule, it stifles further inquiry and prevents further opposition. A huge appropriation, as I have observed, rarely provokes an inquiry and seldom results in opposition. I have sometimes thought that there was a conspiracy of silence upon the part of Senators when appropriation bills were presented to this body. The interests of the public seem to be disregarded. The taxpayer seems to be voiceless here and to be on trial with none to defend and with a court predetermined to convict. Those seeking appropriations are usually active in advocacy of their demands and eloquent speakers are ready to proclaim the virtues and necessities of the demanded appropriation. I have noticed in many instances organized efforts to obtain appropriations and it is an obvious fact that many seeking appropriations are not concerned in the source from which the money expended must come. I am glad to hear the frank and candid statement of the Senator from Montana [Mr. MYERS]. On more than one occasion he has spoken in a patriotic way with respect to the problems confronting the American people. The Senator from Colorado [Mr. THOMAS] has repeatedly challenged the attention of the country and the Senate, perhaps more so than any other man of the Senate, at least since I have been here, to the problems confronting the American people and to the profligate manner in which appropriations were made by the Federal Government. But these warnings and admonitions fall, I am afraid, upon deaf ears. We persist in our extravagances and ignore the warnings of history and the admonitions of the wise and courageous in our midst.

Mr. President, there were some unthinking people who entertained the view that the greatest dangers to be encountered by our country were those which the war produced. These same individuals fancied that with the termination of the war our Nation as well as other nations would pass from the storm into a placid and pacific sea. They failed to appreciate what history so strongly teaches—that the post-war problems and dangers are even more serious than those to be encountered when nations are at war. This seems so obvious that one can not understand how it could be controverted. When the integrity of the Government is assailed and the standard of war is raised the people come together with an earnestness and devotion not experienced in days of peace.

War produces for the moment a patriotic fervor, and a feeling of sacrifice and service that transforms individuals and nations; and so they do heroic things in a heroic way. But when peace comes the moral stimulus that led them to mighty achievement and self-abnegation seems to subside. Too often the spirit of materialism takes possession of the people; they become mercenary and selfish; greed, cupidity, and avarice find expression in individuals and nations. We are not free from this well-recognized characteristic among nations. We are exhibiting the weakness and selfishness, perhaps the cupidity and avarice, that have followed other nations and peoples in other ages after mighty contests have been concluded. I have sometimes felt that the producers of our country were too selfish and given over to profiteering. Everywhere we hear the cry that those having the power are robbing the people. Upon the one hand, it is claimed that the manufacturers are making enormous profits, that the middlemen and the retailers are robbing and plundering the people, and we hear it said by others that labor is taking advantage of the situation to make exactions that are unfair and unjust. The Senator from Montana has just referred to the reported attempts of the United Mine Workers of America. If the demands are such as have been stated by the Senator, it must be manifest to all that those making them are not concerned in the welfare of the people or of the country and are exhibiting calloused selfishness that is unworthy the just wage earner. I have no doubt that many manufacturers—many who are producing the things essential to life—are making demands for their products that are unfair and indefensible.

The world is on fire. We are not free from its scorching heat. All patriotic Americans, all who love our flag and our country, should so conduct themselve as to not add to the conflagration or increase the difficulties and dangers now confronting this Nation. While historical precedents and the experience of the past are illuminating and instructive, too often they are written in a book which is closed, if not sealed, to the eyes of the people. We forget the law of cause and effect and are unwilling to be guided by the lamp of experience, the teachings that come down from wise statesmen and prophetic leaders who have gloriously served humanity.

Because we think we are standing upon the shoulders of our fathers we believe that we have broader visions than those who lived in the past, and that we will avoid the pitfalls which were in their paths, as well as in the paths of nations. It has been said that the lamp of experience, even if we have it in our hands, is devoid of oil or if there is oil within it we are so indifferent to its worth as to refuse to light it. I am not sure that we are meeting the problems of this hour with greater courage and wisdom than that which guided our fathers and our fathers' fathers. There are some who doubt our ability to satisfactorily meet the evils of this day and to preserve our civilization of our country. I do not share this view. I am of the opinion that each succeeding age records some advancement, however slight, over the preceding one. Humanity's progress is slow; it is a long journey from the darkness of the past into the light of an effulgent and enduring civilization.

But I desire to particularly call attention to one of the evils of most, if not all, nations—that of extravagance and profligacy in dealing with public funds. We have not learned the lesson of economy. The American people, as individuals and as a people, are hopelessly extravagant. The value of money to them is unknown. Thrift is not one of our virtues. Though the people were never so prosperous and wages were never so high, I am afraid that the ultimate savings will be so insignificant as to emphasize the claim that we are an extravagant and thriftless people. The municipalities and counties and States are increasing their expenditures by millions and hundreds of millions. There is no proper ratio between expenditures and benefits and increases in population. I think American government, whether municipal, State, or Nation, is the most costly and extravagant government in the world. Economy, which is urged by all political parties, is a virtue possessed by none. The Democrats when out of power denounce the Republicans because of their profligacy and their waste of public treasure, but when in power I am afraid it is too true that they follow the unworthy footsteps of the Republican Party. When the House and the Senate at the last election were placed in the hands of the Republicans we heard the cry from hundreds of Republican orators that the extravagances of the Democrats had brought the Nation to the brink of bankruptcy, but that now the most rigid economy was to be pursued and the Nation was to be saved, the expenses of the Government were to be reduced, and reforms were to be wrought in all departments of the Federal Government.

Mr. President, these loud cries from our Republican friends seem to have been forgotten; the pledges and promises of economy and reform do not leave even an echo to remind us of these loud vociferations.

If the appropriations made since the Republicans came into power be scrutinized, one will easily be convinced that there has been no reform. There has not been even a spasm of economy. Waste and extravagance have found a place in the measures receiving approval in the legislative branch of the Government. Organized efforts have been more successful in getting money out of the Treasury under the Republican administration than when the Democrats were in power.

Indeed, I believe that there is greater rapacity and effrontery upon the part of organizations now than ever before. Every conceivable scheme is suggested for the purpose of getting Federal aid. Individuals, municipalities, and States are urged to make demands upon the Federal Treasury, and the plainest duties resting upon the sovereign States are ignored in order that the Federal Government may assume obligations which are not within its constitutional power. The Senator from Montana just asked where the money is to come from in order to satisfy the demands that are made upon the Federal Treasury. That question was propounded in the last Congress, when an appropriation bill carrying more than $400,000,000 was under

consideration. The distinguished Senator from Alabama [Mr. BANKHEAD] replied that that was a question for the Finance Committee. In other words, it is no concern of Senators, except the members of the Finance Committee, as to how money is to be raised to meet the appropriations. Mr. President, I believe that no committee in this body has the right to ask an appropriation without fully canvassing the entire situation and ascertaining the source from which the appropriation will be made. It is a dangerous way to legislate—that is, to appropriate money without any thought of how the appropriation is to be met. This policy has led to enormous deficits in the budgets of municipalities and States and nations. If individuals were so reckless in the conduct of their private affairs they would soon be brought into the courts of bankruptcy. Whenever an appropriation is sought Senators should think of the taxes which it will impose. Whenever we spend we should know where the money is coming from with which to meet the expenditure, and the responsibility of providing the money should not be borne alone by the Finance Committee, but it should be equally shared by all Members of the Senate.

The appropriations which are being made by this Congress are so staggering and so stupendous that the taxes of the Government, in my opinion, will have to be increased, or we will have to resort to another bond issue in order to meet the deficit that our appropriations are creating.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. I am very glad to yield.

Mr. MYERS. I would like to make a suggestion that I intended to make during my brief remarks, but which I overlooked. It is that President Wilson has advised that there should be no further increases of wages or salaries in any of the avocations of life until Congress has a chance to do something in regard to the high cost of living. He took that attitude in an address which he made before a joint meeting of the House and Senate a few weeks ago, at the time a strike of the railroad employees was threatened. He very plainly stated in his address to Congress at that time that it was no time for increasing wages, that people should be content to work for what they were receiving, and do the best they could until better times prevailed. It seems to me if we enact this legislation we will be departing very widely from his advice.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. I would be glad if the Senator from Montana would get the address of President Wilson and read it. I think the Senator will find in it a complaint that Congress was not appropriating enough money for some purposes at least.

Mr. MYERS. I have not so understood it.

Mr. NORRIS. I would like to have the address read. That would be the best evidence.

Mr. MYERS. I know that the President gave utterance to sentiments of the kind I mentioned in regard to an increase of wages.

Mr. KING. Mr. President, I am very glad to have the statement made by the Senator from Montana [Mr. MYERS]. But even if the President made that statement as broadly as was stated by the Senator, and there was no qualification of the statement, I do not think it would have the slightest effect in restraining this body from passing this and other appropriation bills which take from the Treasury of the United States.

I was just speaking about the question of taxation. I wonder if Senators reflect as to the source of money with which to meet these stupendous and staggering appropriations. We have proceeded during the past two years, in framing revenue bills, upon the theory that excess profits and incomes would furnish the overwhelming portion of the taxes that would be poured into the Federal Treasury. Mr. President, I make the prediction that with the constant strikes that are going on in our land, and the diminution in productivity in almost every activity of our country, the excess profits for the calendar year of 1920 will be much less than for 1919, and that the number who will pay an income tax during such calendar year will be less than the number who paid an income tax during the year 1919. If we fall down materially in excess profits and in incomes, it is manifest that we will be compelled to resort to other sources of taxation; we may have to lay consumption taxes upon the country, perhaps taxes upon tea, upon coffee, upon many of the things that go into the daily wants and necessities of the people.

We owe a duty to the people, and it is our sworn duty to scrutinize with the utmost care every dollar appropriated from the Public Treasury. Now, more than ever, should the most rigid economy be practiced. The example set by Congress will affect not only the municipalities and States, but will affect the people themselves. If the Government is prodigal and wasteful and grossly extravagant, its influence will be felt by the people. Its evil example will be followed by many, and it will be largely responsible for the dire consequences which will come to individuals as well as to the Nation. A proper budget system might lead to more careful consideration of appropriations and challenge our attention to the profligate way in which we spend the money wrung from the people by burdensome taxation. I repeat again, Mr. President, that we need some one to speak for the taxpayers. This bill calls for $38,000,000. It will be followed by bills calling for millions and tens of millions of dollars for increases in salaries and compensation of Federal employees. I am told that already demands are being made in many of the executive departments for additional appropriations to meet what are denominated "extraordinary conditions." We are constantly importuned to raise the salaries of the employees of the Government, because of the high cost of living or for some other reason. Many of the executive agencies and departments of the Government are demanding additional employees, though we were promised that with the termination of the war many thousands of individuals who were brought into the Government service would be separated from it.

It seems as if everyone is anxious to get money out of the Treasury and that no one is trying to lift the burdens from the taxpayers. The time has come now when we must balance our accounts. We should take stock and ascertain what our assets are, and inquire as to what our liabilities consist of. This is not a partisan matter. We are confronted with a plain business proposition. We are charged with a solemn duty to relieve the people from burdensome taxation and to cut down the expenses of the Government. We are not discharging that duty. We are increasing appropriations along many lines, and will be compelled to increase the burdens of taxation or to resort to further bond issues. I have no doubt but that the Finance Committee shrinks from the supreme task of considering a revenue bill. The members of the Ways and Means Committee of the House unquestionably appreciate the stupendous task which rests upon them.

For the current fiscal year there will be a deficit of considerably more than $2,000,000,000; perhaps it will be $3,000,000,000. It appears now that the deficit will be nearly as great as the cost of the Civil War. Notwithstanding that nearly one year has elapsed since the armistice, we are still spending hundreds of millions of dollars monthly, billions of dollars for the year; and though the taxes imposed upon the people are enormous, we will be confronted with a deficit so huge and enormous as to terrify even the most courageous financier and statesman. Mr. President, I am criticizing the executive departments of the Government and the agencies and instrumentalities of the Government which are calling for such enormous expenditures. Congress should have served notice in no unmistakable way upon the executive departments of the Government that their expenses were too great and that the most rigid economies should be practised. We have not done so, but, on the contrary, we have listened to their pleas for additional appropriations and have answered their demands to meet enormous deficits. Though there is a statute forbidding the executive departments from creating deficits, we have not only winked at the infraction of this statute but have encouraged it by making the most liberal and generous appropriations to meet deficits that covered millions and tens of millions of dollars.

Mr. LODGE rose.

Mr. KING. Did the Senator rise to interrupt me?

Mr. LODGE. I do not desire to take the Senator off the floor. I only rose thinking the Senator was about to conclude.

Mr. KING. We will have difficulty, Mr. President, in finding the sources of taxation to meet the expenditures of the Government. Indeed, we will be unable, in my opinion, to come within $2,000,000,000 during the coming fiscal year of raising the funds that will be required to meet the expenses of the Government if we continue in this extravagant and prodigal manner of making expenditures. It is possible a bond issue may be averted; but if so, the Treasury will be compelled to issue short-time notes to the extent of two or more billions of dollars. And if we issue bonds, where will be found purchasers for the same? The patriotic spirit which prompted millions of American citizens to purchase Government securities during the war will not reach the high tide that then was experienced. So banks will be in the end compelled to purchase the bond issues. Notwithstanding the great earnings of the people, their savings have been limited, and I do not believe

the mass of the people can be expected to purchase any considerable part of any issue of bonds that may be made.

I now yield to the Senator from Massachusetts, as I understand he desires to submit a motion.

CONTROL OF FOOD PRODUCTS—CONFERENCE REPORT.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the treaty with Germany in open executive session.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I yield.

Mr. GRONNA. I have a conference report, and I hope the Senator will yield for a sufficient time to allow me to submit it and have it disposed of. I am sure it will take only a few minutes. It is on the bill which passed the Senate a week ago to-day, the food control and rent bill. There were only three remaining disagreements. The conferees have agreed and the House is very anxious to get the report that it may adopt it to-day.

Mr. HITCHCOCK. Can not the Senator bring it up in the morning hour to-morrow?

Mr. LODGE. I regret very much, but I do not think I ought to yield for any purpose now.

Mr. KING. I yielded to the Senator from Massachusetts for the purpose of submitting a motion which I understand has precedence.

Mr. LODGE. I have submitted the motion.

Mr. GRONNA. I ask the Senator if he will yield long enough to enable me to present the report and have it printed in the RECORD?

Mr. LODGE. I yield for that purpose.

Mr. GRONNA. I was in hopes that the report could be disposed of to-day, but as I can not get consideration now, I submit it and ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "section 1;" and, on page 1, after line 2, of the engrossed bill insert the following:

"That this act may be cited as 'the food control and the District of Columbia rents act.'

"Title I. Food control act amendments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Title II. District of Columbia rents.

"SEC. 101. When used in this title, unless the context indicates otherwise—

"The term 'rental property' means any building or part thereof or land appurtenant thereto in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith; but does not include an hotel or apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'hotel' or 'apartment' means any hotel or apartment or part thereof, in the District of Columbia, rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee or other person, not the owner, entitled to the use or occupancy of any rental property, hotel or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment or hotel.

"The term 'commission' means the rent commission of the District of Columbia.

"SEC. 102. A commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President by and with the advice and consent of the Senate. The term of each commissioner shall be two years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. The commission may make such regulations as may be necessary to carry this title into effect.

"All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed.

"SEC. 103. Each commissioner shall receive a salary of $5,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of $3,000 a year, payable in like manner; and, subject to the provisions of the civil-service laws, it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this title. All of the expenditures of the commission shall upon the presentation of itemized vouchers therefor approved by the chairman of the commission be audited and paid in the same manner as other expenditures for the District of Columbia.

"With the exception of the secretary, all employees of the commission shall be appointed from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil-service law.

"SEC. 104. The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. Every officer or employee of the United States or of the District of Columbia, whenever requested by the commission, shall supply to the commission any data or information pertaining to the administration of this title which may be contained in the records of his office. The assessor shall receive for the performance of the duties required by this section a salary of $1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

"SEC. 105. For the purpose of this title the commission or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter. Any member of the commission may sign subpœnas, administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpœna or of the contumacy of any witness appearing before the commission, the commission may invoke the aid of the Supreme Court of the District of Columbia or of any district court of the United States. Such court may thereupon issue an order requiring the person subpœnaed to obey the subpœna, or to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. No officer or employee of the commission shall, unless authorized

by the commission or by a court of competent jurisdiction, make public any information obtained by the commission.

"SEC. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property, hotel, or apartment are fair and reasonable. Such complaints may be made (a) by or on behalf of any tenant, and (b) by any owner except where the tenant is in possession under a lease or other contract, the term specified in which has not expired, and the fairness and reasonableness of which has not been determined by the commission.

"In all such cases the commission shall give notice personally or by registered mail and afford an opportunity to be heard to all parties in interest. The commission shall promptly hear and determine the issues involved in all complaints submitted to it. All hearings before the commission shall be open to the public. If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and / or fair and reasonable service, terms, and conditions of use or occupancy. In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property, apartment, or hotel, except an appeal from the commission's determination as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto.

"SEC. 107. A determination of the commission fixing a fair and reasonable rent or charge made in a proceeding begun by complaint shall be effective from the date of the filing of the complaint. The difference between the amount of rent and charges paid for the period from the filing of the complaint to the date of the commission's determination and the amount that would have been payable for such period at the fair and reasonable rate fixed by the commission may be added to or subtracted from, as the case demands, future rent payments, or after the final decision of an appeal from the commission's determination may be sued for and recovered in an action in the municipal court of the District of Columbia.

"SEC. 108. Unless within 10 days after the filing of the commission's determination any party to the complaint appeals therefrom to the Court of Appeals of the District of Columbia, the determination of the commission shall be final and conclusive. If such an appeal is taken from the determination of the commission, the record before the commission or such part thereof as the court may order shall be certified by it to the court and shall constitute the record before the court, and the commission's determination shall not be modified or set aside by the court, except for error of law. If any party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original determination, with the return of such additional evidence. In the proceedings before such court on appeal from a determination of the commission, the commission shall appear by its counsel or other representative and submit oral or written arguments to support the findings and the determination of the commission.

"SEC. 109. The right of a tenant to the use or occupancy of any rental property, hotel, or apartment, existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant subject, however, to any determination or regulation of the commission relevant thereto; and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property, hotel, or apartment subject to the rights of tenants as provided in this title. The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property, apartment, or hotel shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, or for the purpose of tearing down or razing the same in order immediately to construct new rental property, hotel, or apartment, if approved by the commission, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled 'An act to establish a code of laws for the District of Columbia,' approved May 3, 1901, as amended, which notice shall contain a full and correct statement of the facts and circumstances upon which the same is based; but in no case shall possession be demanded or obtained by such owner in contravention of the terms of any such lease or contract. If there is a dispute between the owner and the tenant as to the accuracy or sufficiency of the statement set forth in such notice, as to the good faith of such demand, or as to the service of notice, the matters in dispute shall be determined by the commission upon complaint as provided in section 106 of this title.

"SEC. 110. Pending the final decision on appeal from a determination of the commission, the commission's determination shall be in full force and effect and the appeal shall not operate as a supersedeas or in any manner stay or postpone the enforcement of the determination appealed from. Immediately upon the entry of a final decision on the appeal the commission shall, if necessary, modify its determination in order to make it conform to such decision. The difference, if any, between the amount of rent and charges paid for the period from the date of the filing by the commission of the determination appealed from and the amount that would have been payable for such period under the determination as modified in accordance with the final decision on appeal may be added to or allowed on account of, as the case demands, future rent payments or may be sued for and recovered in an action in the municipal court in the District of Columbia.

"SEC. 111. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property, hotel, or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or conditions for the rental property, hotel, or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant.

"SEC. 112. If the owner of any rental property, apartment, or hotel collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this title, he shall be liable for and the commission is hereby authorized and directed to commence an action in the municipal court in the District of Columbia to recover double the amount of such excess, together with the costs of the proceeding which shall include an attorney's fee of $50, to be taxed as part of the costs. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him and the balance shall be paid into the treasury of the District of Columbia: *Provided*, That if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's determination, the whole amount of such recovery shall be paid into the treasury of the District of Columbia.

"SEC. 113. If in any proceeding before the commission, begun by complaint or on the commission's own initiative, and involving any lease or other contract for the use or occupancy of any rental property, hotel, or apartment the commission finds that at any time after the passage of this act but during the tenancy the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or

omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission, exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property, hotel, or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in the municipal court of the District of Columbia.

"SEC. 114. Whenever under this title a tenant is entitled to bring suit to recover any sum due him under any determination of the commission, the commission shall, upon application by the tenant and without expense to him, commence and prosecute in the municipal court of the District of Columbia an action on behalf of the tenant for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of the tenant the costs of the action, including a reasonable attorney's fee, to be fixed by the court. Such costs and attorney's fee when recovered shall be paid into the treasury of the District of Columbia.

"SEC. 115. The commission shall, by general order, from time to time prescribe the procedure to be followed in all proceedings under its jurisdiction. Such procedure shall be as simple and summary as may be practicable, and the commission and parties appearing before it shall not be bound by technical rules of evidence or of pleading.

"SEC. 116. Any person who with intent to avoid the provisions of this title enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property, hotel, or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property, hotel, or apartment without subjecting such use or occupancy to the provisions of this title or to the jurisdiction of the commission shall upon conviction be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

"SEC. 117. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property, hotel, or apartment and shall require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form.

"The owner of an hotel or apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such hotel or apartment, and a schedule of rates and charges therefor. The commission shall, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such hotels or apartments; and the rates and charges stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such hotel or apartment. The commission's determination in such case shall be made after such notice and hearing and shall have the same force and effect and be subject to appeal in the same manner as a determination of the commission under section 106 of this title.

"SEC. 118. No tenant shall assign his lease of or sublet any rental property or apartment at a rate in excess of the rate paid by him under his lease without the consent of the commission upon application in a particular case, and in such case the commission shall determine a fair and reasonable rate of rent for charge for such assignment or sublease.

"SEC. 119. The public resolution entitled 'Joint resolution to prevent profiteering in the District of Columbia,' approved May 31, 1918, as amended, is hereby repealed, to take effect 60 days after the date of the confirmation by the Senate of the commissioners first nominated by the President under the provisions of this title; but a determination by the commission made within such period of 60 days shall be enforced in accordance with the provisions of this title, notwithstanding the provisions of such public resolution. All laws or parts of laws in conflict with any provision of this title are hereby suspended so long as this title is in force to the extent that they are in such conflict.

"SEC. 120. The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available to carry out the provisions of this title, one-half thereof to be paid out of money in the Treasury of the United States not otherwise appropriated and the other one-half out of the revenues of the District of Columbia.

"SEC. 121. If any clause, sentence, paragraph, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"To amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, and to regulate rents in the District of Columbia."

And the Senate agree to the same.

A. J. GRONNA,
HOKE SMITH,
Managers on the part of the Senate.
G. N. HAUGEN,
J. C. MCLAUGHLIN,
THOS. L. RUBEY,
Managers on the part of the House.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I ask that the question be put on my motion.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. NORRIS addressed the Senate. After having spoken for more than three hours,

Mr. LODGE. Mr. President, if it will not interrupt the Senator, I do not know how near the conclusion of his speech he may be, but if he desires to yield the floor and finish to-morrow we can take up the treaty and read it now. He has been speaking for about three hours.

Mr. NORRIS. Yes; I have been speaking for over three hours, and I am a little tired. I could go on for two or three hours longer, but I shall not be able to finish to-night.

Mr. LODGE. Then, if the Senator is willing, he will yield the floor for to-day.

Mr. NORRIS. I am willing to do so.

Mr. LODGE. I ask unanimous consent for the following agreement:

It is agreed by unanimous consent that the Senate will now proceed to the reading of the treaty of peace with Germany, subject to speeches and debate upon the treaty; that the so-called "Shantung amendments" (sec. 8, arts. 156, 157, and 158) be passed over until the calendar day of Wednesday, October 15, 1919, to be considered then in block, and that if during the reading of the treaty amendments numbered 45 and 46, on page 261, are reached, they also shall be passed over, to be considered subsequent to and next after the Shantung amendments.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Senator from Massachusetts asks unanimous consent for the adoption of the order as read by him. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. I now ask that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. I now ask that the reading of the treaty may be continued under the unanimous-consent agreement just entered into. I desire to speak briefly on the Shantung amendment myself, but it is so late to-night that I shall not undertake to do so until to-morrow. To-morrow I shall wish to speak upon it.

The PRESIDING OFFICER. Under the order, the Secretary will proceed with the reading of the treaty.

The Secretary resumed the reading of the treaty at the top of page 191, part 5, and read as follows:

"PART V.

"MILITARY, NAVAL AND AIR CLAUSES.

"In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.

"*Section I.*

"MILITARY CLAUSES.

"*Chapter I.*

"EFFECTIVES AND CADRES OF THE GERMAN ARMY.

"*Article 159.*

"The German military forces shall be demobilized and reduced as prescribed hereinafter.

"*Article 160.*

"(1) By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

"After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the miantenance of order within the territory and to the control of the frontiers.

"The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

"(2) Divisions and Army Corps headquarters staffs shall be organized in accordance with Table No. I annexed to this Section.

"The number and strengths of the units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid Table constitute maxima which must not be exceeded.

"The following units may each have their own depot:

"An Infantry regiment;

"A Cavalry regiment;

"A regiment of Field Artillery;

"A battalion of Pioneers.

"(3) The divisions must not be grouped under more than two army corps headquarters staffs.

"The maintenance or formation of forces differently grouped or of other organisations for the command of troops or for preparation far war is forbidden.

"The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form.

"The officers, or persons in the position of officers, in the Ministries of War in the different States in Germany and in the Administrations attached to them, must not exceed three hundred in number and are included in the maximum strength of four thousand laid down in the third sub-paragraph of paragraph (1) of this Article.

"*Article 161.*

"Army administrative services consisting of civilian personnel not included in the number of effectives prescribed by the present Treaty will have such personnel reduced in each class to one-tenth of that laid down in the Budget of 1913.

"*Article 162.*

"The number of employees or officials of the German States, such as customs officers, forest guards and coastguards, shall not exceed that of the employees or officials functioning in these capacities in 1913.

"The number of gendarmes and employees or officials of the local or municipal police may only be increased to an extent corresponding to the increase of population since 1913 in the districts or municipalities in which they are employed.

"These employees and officials may not be assembled for military training.

"*Article 163.*

"The reduction of the strength of the German military forces as provided for in Article 160 may be effected gradually in the following manner:

"Within three months from the coming into force of the present Treaty the total number of effectives must be reduced to 200,000 and the number of units must not exceed twice the number of those laid down in Article 160.

"At the expiration of this period, and at the end of each subsequent period of three months, a Conference of military experts of the Principal Allied and Associated Powers will fix the reductions to be made in the ensuing three months, so that by March 31, 1920, at the latest the total number of German effectives does not exceed the maximum number of 100,000 men laid down in Article 160. In these successive reductions the same ratio between the number of officers and of men, and between the various kinds of units, shall be maintained as is laid down in that Article.

"*Chapter II.*

"ARMAMENT, MUNITIONS AND MATERIAL.

"*Article 164.*

"Up till the time at which Germany is admitted as a member of the League of Nations the German Army must not possess an armament greater than the amounts fixed in Table No. II annexed to this Section, with the exception of an optional increase not exceeding one-twentyfifth part for small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

"Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the League. Furthermore she hereby agrees strictly to observe the decisons of the Council of the League on this subject.

"*Article 165.*

"The maximum number of guns, machine guns, trench-mortars, rifles and the amount of ammunition and equipment which Germany is allowed to maintain during the period between the coming into force of the present Treaty and the date of March 31, 1920, referred to in Article 160, shall bear the same proportion to the amount authorized in Table No. III annexed to this Section as the strength of the German Army as reduced from time to time in accordance with Article 163 bears to the strength permitted under Article 160.

"*Article 166.*

"At the date of March 31, 1920, the stock of munitions which the German Army may have at its disposal shall not exceed the amounts fixed in Table No. III annexed to this Section.

"Within the same period the German Government will store these stocks at points to be notified to the Governments of the Principal Allied and Associated Powers. The German Government is forbidden to establish any other stocks, depots or reserves of munitions.

"*Article 167.*

"The number and calibre of the guns constituting at the date of the coming into force of the present Treaty the armament of the fortified works, fortresses, and any land or coast forts which Germany is allowed to retain must be notified immediately by the German Government to the Governments of the Principal Allied and Associated Powers, and will constitute maximum amounts which may not be exceeded.

"Within two months from the coming into force of the present Treaty, the maximum stock of ammunition for these guns will be reduced to, and maintained at, the following uniform rates:—fifteen hundred rounds per piece for those the calibre of which is 10.5 cm. and under: five hundred rounds per piece for those of higher calibre.

"*Article 168.*

"The manufacture of arms, munitions, or any war material, shall only be carried out in factories or works the location of which shall be communicated to and approved by the Governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict.

"Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions, or any war material whatever shall be closed down. The same applies to all arsenals except those used as depots for the authorised stocks of munitions. Within the same period the personnel of these arsenals will be dismissed.

"*Article 169.*

"Within two months from the coming into force of the present Treaty German arms, munitions and war material, including anti-aircraft material, existing in Germany in excess

of the quantities allowed, must be surrendered to the Governments of the Principal Allied and Associated Powers to be destroyed or rendered useless. This will also apply to any special plant intended for the manufacture of military material, except such as may be recognised as necessary for equipping the authorised strength of the German army.

"The surrender in question will be effected at such points in German territory as may be selected by the said Governments.

"Within the same period arms, munitions and war material, including anti-aircraft material, of origin other than German, in whatever state they may be, will be delivered to the said Governments, who will decide as to their disposal.

"Arms and munitions which on account of the successive reductions in the strength of the German army become in excess of the amounts authorized by Tables II and III annexed to this Section must be handed over in the manner laid down above within such periods as may be decided by the Conferences referred to in Article 163.

"Article 170.

"Importation into Germany of arms, munitions and war material of every kind shall be strictly prohibited.

"The same applies to the manufacture for, and export to, foreign countries of arms, munitions and war material of every kind.

"Article 171.

"The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany.

"The same applies to materials specially intended for the manufacture, storage and use of the said products or devices.

"The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions suitable for use in war are also prohibited.

"Article 172.

"Within a period of three months from the coming into force of the present Treaty, the German Government will disclose to the Governments of the Principal Allied and Associated Powers the nature and mode of manufacture of all explosives, toxic substances or other like chemical preparations used by them in the war or prepared by them for the purpose of being so used.

"Chapter III.

"RECRUITING AND MILITARY TRAINING.

"Article 173.

"Universal compulsory military service shall be abolished in Germany.

"The German Army may only be constituted and recruited by means of voluntary enlistment.

"Article 174.

"The period of enlistment for non-commissioned officers and privates must be twelve consecutive years.

"The number of men discharged for any reason before the expiration of their term of enlistment must not exceed in any year five per cent. of the total effectives fixed by the second sub-paragraph of paragraph (1) of Article 160 of the present Treaty.

"Article 175.

"The officers who are retained in the Army must undertake the obligation to serve in it up to the age of forty-five years at least.

"Officers newly appointed must undertake to serve on the active list for twenty-five consecutive years at least.

"Officers who have previously belonged to any formations whatever of the Army, and who are not retained in the units allowed to be maintained, must not take part in any military exercise whether theoretical or practical, and will not be under any military obligations whatever.

"The number of officers discharged for any reason before the expiration of their term of service must not exceed in any year five per cent of the total effectives of officers provided for in the third sub-paragraph (1) of Article 160 of the present Treaty.

"Article 176.

"On the expiration of two months from the coming into force of the present Treaty there must only exist in Germany the number of military schools which is absolutely indispensable for the recruitment of the officers of the units allowed. These schools will be exclusively intended for the recruitment of officers of each arm, in the proportion of one school per arm.

"The number of students admitted to attend the courses of the said schools will be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres will be reckoned in the effectives fixed by the second and third sub-paragraphs of paragraph (1) of Article 160 of the present Treaty.

"Consequently, and during the period above fixed, all military academies or similar institutions in Germany, as well as the different military schools for officers, student officers (*Aspiranten*), cadets, non-commissioned officers or student non-commissioned officers (*Aspiranten*), other than the schools above provided for, will be abolished.

"Article 177.

"Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs and, generally speaking, associations of every description, whatever be the age of their members, must not occupy themselves with any military matters.

"In particular they will be forbidden to instruct or exercise their members, or to allow them to be instructed or exercised, in the profession or use of arms.

"These societies, associations, educational establishments and universities must have no connection with the Ministries of War or any other military authority.

"Article 178.

"All measures of mobilization or appertaining to mobilization are forbidden.

"In no case must formations, administrative services or General Staffs include supplementary cadres.

"Article 179.

"Germany agrees, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory, and Germany further agrees to take appropriate measures to prevent German nationals from leaving her territory to become enrolled in the Army, Navy or Air service of any foreign Power, or to be attached to such Army, Navy or Air service for the purpose of assisting in the military, naval or air training thereof, or otherwise for the purpose of giving military, naval or air instruction in any foreign country.

"The Allied and Associated Powers agree, so far as they are concerned, from the coming into force of the present Treaty, not to enroll in nor to attach to their armies or naval or air forces any German national for the purpose of assisting in the military training of such armies or naval or air forces, or otherwise to employ any such German national as military, naval or aeronautic instructor.

"The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

"Chapter IV.

"FORTIFICATIONS.

"Article 180.

"All fortified works, fortresses and field works situated in German territory to the west of a line drawn fifty kilometres to the east of the Rhine shall be disarmed and dismantled.

"Within a period of two months from the coming into force of the present Treaty such of the above fortified works, fortresses and field works as are situated in territory not occupied by Allied and Associated troops shall be disarmed, and within a further period of four months they shall be dismantled. Those which are situated in territory occupied by Allied and Associated troops shall be disarmed and dismantled within such periods as may be fixed by the Allied High Command.

"The construction of any new fortification, whatever its nature and importance, is forbidden in the zone referred to in the first paragraph above.

"The system of fortified works of the southern and eastern frontiers of Germany shall be maintained in its existing state.

"Table No. I.

"State and establishment of army corps headquarters staffs and of infantry and cavalry divisions.

"These tabular statements do not form a fixed establishment to be imposed on Germany, but the figures contained in them (number of units and strengths) represent maximum figures, which should not in any case be exceeded.

"I.—ARMY CORPS HEADQUARTERS STAFFS.

Unit.	Maximum No. authorised.	Maximum strengths of each unit.	
		Officers.	N.C.O.'s and Men.
Army Corps Headquarters Staff	2	30	150
Total for Headquarters Staffs	.....	60	300

"II. ESTABLISHMENT OF AN INFANTRY DIVISION.

Unit.	Maximum No of such units in a single division.	Maximum strengths of each unit.	
		Officers.	N. C. O.'s and men.
Headquarters of an infantry division	1	25	70
Headquarters of divisional infantry	1	4	30
Headquarters of divisional artillery	1	4	30
Regiment of infantry	3	70	2,300
(Each regiment comprises 3 battalions of infantry. Each battalion comprises 3 companies of infantry and 1 machine-gun company.)			
Trench mortar company	3	6	150
Divisional squadron	1	6	150
Field artillery regiment	1	85	1,300
(Each regiment comprises 3 groups of artillery. Each group comprises 3 batteries.)			
Pioneer battalion	1	12	400
(This battalion comprises 2 companies of pioneers, 1 pontoon detachment, 1 searchlight section.)			
Signal detachment	1	12	300
(This detachment comprises 1 telephone detachment, 1 listening section, 1 carrier pigeon section.)			
Divisional medical service	1	20	400
Parks and convoys	.....	14	800
Total for infantry division	.....	410	10,830

"III. ESTABLISHMENT OF A CAVALRY DIVISION.

Unit.	Maximum No. of such units in a single division.	Maximum strengths of each unit.	
		Officers.	N. C. O.'s and men.
Headquarters of a cavalry division	1	15	50
Cavalry regiment	6	40	800
(Each regiment comprises 4 squadrons.)			
Horse artillery group (3 batteries)	1	20	400
Total for cavalry division	.....	275	5,250

"Table No. II.

"Tabular statement of armament establishment for a maximum of seven Infantry divisions, three Cavalry divisions, and two army corps headquarters staffs.

Material.	Infantry division. (1)	For 7 Infantry divisions. (2)	Cavalry division. (3)	For 3 cavalry divisions. (4)	Two army corps headquarters staffs. (5)	Total of columns 2, 4, and 5. (6)
Rifles	12,000	84,000	.....	.....	This establishment must be drawn from the increased armaments of the divisional infantry.	84,000
Carbines	.....	.....	6,000	18,000		18,000
Heavy machine guns	108	756	12	36		792
Light machine guns	162	1,134	.....	.....		1,134
Medium trench mortars	9	63	.....	.....		63
Light trench mortars	27	189	.....	.....		189
7.7-cm. guns	24	168	12	36		204
10.5-cm. howitzers	12	84	.....	.....		84

"Table No. III.

"Maximum stocks authorised.

Material.	Maximum number of arms authorised.	Establishment, per unit.	Maximum, totals.
		Rounds.	*Rounds.*
Rifles	84,000	400	40,800,000
Carbines	18,000		
Heavy machine guns	792	8,000	15,408,000
Light machine guns	1,134		
Medium trench mortars	63	400	25,200
Light trench mortars	189	800	151,200
Field artillery:			
7.7 cm. guns	204	1,000	204,000
10.5 cm. howitzers	84	800	67,200

Mr. HITCHCOCK. Mr. President, I ask unanimous consent to have printed as a Senate document an article by the Senator from Oklahoma [Mr. OWEN], entitled "The Covenant of the League of Nations: What It Proposes and What It Does Not Propose."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHEPPARD. Mr. President, I desire to have published in the RECORD a telegram relating to the league of nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegram is as follows:

SOMERVILLE, TEX., *October 8.*

MORRIS SHEPPARD,
Care J. P. Buchanan, Washington, D. C.:

Whereas we, the people of Somerville, Tex., after giving patient, solemn, and deliberate thought to the situation, believe that the whole structure of humanity, commerce, industry, labor, and, in fact, the whole social order of the world, and especially of our own beloved Nation, are swinging in the balance with Socialism, Bolshevism, and anarchy on the one end and justice and democracy on the other; and

Whereas it is our opinion that civilization the world over is marking time awaiting ratification by our Senate of the peace treaty and the covenant of the league of nations, and that unreservedly: Now, therefore,

We, the people of Somerville, en masse assembled, do hereby urge, request, and pray the men of the Senate to act like Americans and immediately take a vote and ratify the peace treaty and the covenant of the league of nations without any change whatsoever.

R. A. BRANTLY, *Mayor.*

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate, as in legislative session, adjourned, the adjournment being, under the previous order, until to-morrow, Saturday, October 11, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *October 10, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we rejoice with exceeding great joy that at last and for the first time in the history of our Republic common sense and reason have brought together in a conference the representatives of labor, capital, and the people to discuss the great question between capital and labor, and the people; and we most earnestly pray that good will and earnest efforts may solve the great problem and bring relief to the people involved in the controversy, that common sense, reason, and good will may prevail in all its deliberations, and justice and equity be established for all, and peace prevail throughout the Nation. In the name of Him who taught us to live together in harmony. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. HASKELL. Mr. Speaker, I ask unanimous consent that the Committee on Expenditures in the Navy Department of the House of Representatives, and any subcommittee thereof, be authorized to sit during the sessions of the House and the recess of the Congress, and may meet at such places as said committee deem advisable, and compel the attendance of witnesses, send for persons and papers, and administer oaths to witnesses.

Mr. CLARK of Missouri. What committee is that?

Mr. HASKELL. The Committee on Expenditures in the Navy Department. We have reached a point where this authority is necessary. Just before the last recess that we took the Committee on Rules were ready to report a rule favorably for this resolution, but in the rush of business we were unable to obtain action upon it. It is necessary that we should have this authority. The committee have agreed upon it unanimously, and the gentleman from Texas [Mr. HARDY] and the gentleman from New York [Mr. CULLEN], the minority members of the committee, are in accord and satisfied to recommend that this action be taken.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, the more that these committees have the right to sit while the House is in session the harder it gets to keep a quorum here, and it is almost impossible to keep a quorum now. I believe I will object, temporarily at any rate.

The SPEAKER. The gentleman from Missouri objects.

BASEBALL.

Mr. GARD. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. GARD. Mr. Speaker, 50 years ago the first famous Cincinnati Red Stockings became the undisputed baseball champions of the world. Yesterday the latest Cincinnati Red Stockings became again the undisputed champions of the world, and to-day, at least in the minds of hundreds of thou-

sands of red-blooded fans and followers of the national game, the good old town of Cincinnati is the capital of the Nation. [Applause.]

Mr. MADDEN. Mr. Speaker, of course I do not blame the gentleman from Ohio when once in 50 years something happens that gives him a chance to gloat. [Laughter.] It is very proper that he should pat himself on the back and pat Ohio and Cincinnati; but when you want to get the real thing for a continuous diet, you have got to come to Chicago. [Applause.]

Mr. SMITH of Michigan. I ask unanimous consent for one minute to speak about the famous ball club of Michigan. I wish to say——

Mr. BLANTON. Mr. Speaker, I object to any more ball games.

FRANCES SCOVILLE-MUMM.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution, the House shall proceed to consider S. J. Res. 90, being a resolution restoring to American citizenship Frances Scoville-Mumm; there shall be 40 minutes debate to be divided equally between those favoring and those opposing the resolution; at the conclusion of the debate the previous question shall be considered as ordered on the passage of the Senate joint resolution, without intervening motion, except motion to recommit.

Mr. BANKHEAD. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. On yesterday afternoon the House adopted a resolution giving consideration to H. R. 4438, providing for two hours and a half general debate, and then consideration for amendments. The general debate under that rule was not concluded at the time the House adjourned. I want to ascertain what will be the parliamentary status of that bill at the conclusion of the measure covered by the proposed rule, whether or not it will be given then instantly the same status that it had before this resolution was taken up.

The SPEAKER. The Chair understands the program is that after the consideration of bills and conference reports under rules to-day the bill to which the gentleman refers will be taken up again.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule that I have just submitted makes in order a Senate joint resolution restoring to American citizenship Frances Scoville-Mumm, a former resident and citizen of the State of Kansas. I ask that the resolution be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read Senate joint resolution 90, to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States, as follows:

Whereas Frances Scoville-Mumm, daughter of C. C. K. Scoville, a citizen of the United States residing in the State of Kansas, being a native-born citizen of the United States, married in 1913 Walter Mumm, an alien of German birth and parentage, but at the time of, and for many years prior to, said marriage a resident of France; and Whereas the said Frances Scoville-Mumm has since returned to the United States and renewed her residence therein and petitioned Congress to be readmitted to the character and privileges of a citizen of the United States under and by virtue of the power and laws of the United States of America: Therefore

Resolved, etc., That Frances Scoville-Mumm, daughter of the said C. C. K. Scoville, be, and she is hereby, on her own application unconditionally readmitted to the character and privileges of a citizen of the United States.

Mr. CAMPBELL of Kansas. Mr. Speaker, the circumstances leading up to this resolution and the rule making it in order would be interesting if they were fiction instead of fact.

Frances Scoville was a young woman of rare charm and unusual graces. She had also an ample fortune. She traveled much. Her travels took her to Europe. There she met Walter Mumm. He was handsome, rich, and of ancient family. All the circumstances were favorable to a romantic international marriage, which followed in due time. Mr. Mumm was by birth and parentage a German citizen. He resided in France, where his business was, and on marriage his wife took his citizenship. They resided in France. She invested a portion of her fortune in a home in Paris, and furnished it. They resided there until the outbreak of the World War.

It is unfortunate perhaps that all international marriages are not happy. The dreams of youth picture a state of happiness that does not last. This case was no exception. During the period of gestation and motherhood, when the husband's affection and tender attentions were most needed by his wife, he yielded to the beguilements of the gay capitals of the Continent. He gambled without a limit. He did not omit wine and women in his excesses. He forfeited his right to the affections of his wife.

The World War broke out. The necessity of making a change in the place of residence of the Mumm family was imperative. They must either move to Germany or be interned in France. So Mrs. Mumm went to Germany with her husband, to a country she did not like and with a man who had forfeited his right to her affection. She resided there for a time under intolerable conditions. She then went to Berne and resided in Switzerland until the close of the war. Then the State Department permitted her to return to the United States, her native land and the land she loved. Now, it is important to her and to her child that she be in a position to assert her rights to her property in France.

She has large property interests in her husband's estate. Her own property is there, her household goods and much of her wearing apparel are in Paris. She can not even secure a handkerchief from her personal effects, all the property being in control of the alien-property custodian in France, and she being rated as a German citizen can not assert her rights to it.

The Government of France is to-day disposing of much of the property of the Mumm estate. She can not by proper proceedings protect her interest in that estate because of her citizenship. If she were an American citizen, the courts of France would give recognition to her claim, so she could protect her interests in her own property and her interest in the property of her husband. That is the purpose for which this application for the restoration of her citizenship is made. Now, I will yield to the gentleman from Texas for a question.

Mr. BLANTON. I wish to inquire as to the necessity for the word "unconditionally" preceding "admitted," with respect to her being readmitted. In other words, when we admit a citizen to the United States we do not admit him unconditionally.

Mr. CAMPBELL of Kansas. I will say that it is the purpose of the word "unconditional" to admit Mrs. Mumm to citizenship at once.

Mr. BLANTON. But why not readmit her, as all other citizens are, without the word "unconditionally"? It might carry with it rights that we did not wish to give.

Mr. CAMPBELL of Kansas. Oh, no; the purpose I assume that the Senate had in inserting the word "unconditional" was to obviate any period of residence or complying with the usual statutory conditions.

Mr. BLANTON. One other question. This case is a sample of the history of all or nearly all of the international marriages, and has not the time come, at least in taking action by Congress, in such cases to give the American girls to understand that whenever they contract these international marriages they must bear the burden of them?

Mr. GOOD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GOOD. I want to ask the question for information as to the legal status. At first blush I would think that the rights of the authorities in Paris for the possession of this property would be fixed and determined at the time it took possession and that any subsequent action by change of citizenship would not change the legal status of the rights.

Mr. CAMPBELL of Kansas. The very eminent lawyer in Paris who has charge of the matter states that her interest can be protected if her citizenship is restored to her in the United States.

Mr. KNUTSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield to the gentleman from Minnesota.

Mr. KNUTSON. Was it not brought out in the hearings that if Mrs. Mumm is not restored to American citizenship within 90 days there is a possibility of her losing her entire fortune?

Mr. CAMPBELL of Kansas. Yes; every day of delay endangers loss to her estate.

Mr. CARSS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield to the other gentleman from Minnesota.

Mr. CARSS. Has Mrs. Mumm secured a divorce?

Mr. CAMPBELL of Kansas. She has secured a legal separation and has instituted proceeding for a divorce.

Mr. CANDLER. What has become of Mr. Mumm?

Mr. CAMPBELL of Kansas. He is living probably in Germany or some city of Europe to which he has access as a German citizen.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Certainly.

Mr. GARD. I would like to understand what distinction the gentleman makes, legally and in the forum where the case is tried, between what the gentleman says is a legal separation and the filing of an application for a divorce?

Mr. CAMPBELL of Kansas. In most Catholic countries a legal separation is recognized which does not give the right of marriage to either party to the separation.

Mr. GARD. I understand that, but I am speaking about the legal status.

Some time ago I had a rather similar case—and this was a German—where the State Department ruled at that time that the procuring of a divorce from one foreign-born husband automatically restored the citizenship to a citizen of the United States who had married a German subject.

Mr. CAMPBELL of Kansas. Attorneys in Paris thought, after mature consideration, that the circumstances not only warranted but required the action now being taken. The property involved makes this action at this time necessary.

Mr. POU. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield to my colleague.

Mr. POU. I want to ask the gentleman if there is not debate allowed on the resolution, and if there will not be ample time under the resolution which the gentleman has presented to discuss the various phases in general debate?

Mr. CAMPBELL of Kansas. There will be 40 minutes' debate, if it is desired. I yield to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. How long did Mrs. Mumm live in Germany after her marriage?

Mr. CAMPBELL of Kansas. She never resided in Germany at all. She resided in France, and did not go to Germany until after the outbreak of the World War, and then remained there only a few months.

Mr. GOLDFOGLE. How long did she remain in France?

Mr. CAMPBELL of Kansas. She was married in 1913, and remained in France until the outbreak of the war.

Mr. GOLDFOGLE. Then, if she had been an American citizen—in other words, if she had not married a German subject—she would have come under the provisions of the act that we passed some years ago that would take away, if she were a naturalized citizen, her citizenship because of her residence continuously for more than five years abroad.

Mr. CAMPBELL of Kansas. That is correct; but, in addition, there is the provision of our law that transfers the citizenship of the wife to that of the husband upon her marriage.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CALDWELL. I wondered if the husband bore arms against the United States in the late war.

Mr. CAMPBELL of Kansas. I understand he did not.

Mr. CALDWELL. What was his age?

Mr. CAMPBELL of Kansas. Somewhere in the thirties.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MILLER. I understand the gentleman from Kansas makes the statement that she has a legal separation from her husband?

Mr. CAMPBELL of Kansas. Yes.

Mr. MILLER. And that action for divorce is pending?

Mr. CAMPBELL of Kansas. Yes.

Mr. MILLER. Suppose the divorce case should fail, what would then be the legal status? Would one spouse be a citizen of the United States and the other of Germany?

Mr. CAMPBELL of Kansas. Under the circumstances of the case, that would be the citizenship relation. In some countries the citizenship of the wife does not follow that of the husband, and I do not see any reason why we should be particularly interested that it should in this case.

Mr. MILLER. I understand that this would be the situation: The husband in Germany would be a citizen of Germany and the wife a citizen of the United States.

Mr. CAMPBELL of Kansas. Residing in the United States under legal separation.

Mr. MILLER. Where is this divorce case pending?

Mr. CAMPBELL of Kansas. In Berlin.

Mr. MILLER. There will be some complication, I imagine, in respect to the offspring in this case.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. TREADWAY. I understood the gentleman to say that this matter had been called to the attention of the State Department.

Mr. CAMPBELL of Kansas. Yes; on Mrs. Mumm's application to reenter the United States.

Mr. TREADWAY. My question is, Has the State Department called it to the attention of the Congress through the Rules Committee? Is this action in any sense official?

Mr. CAMPBELL of Kansas. No; the State Department immediately granted Mrs. Mumm the right to reenter the United States, although she was rated as a German citizen. That is the way the State Department's attention was called to this case.

Mr. TREADWAY. Has the department had anything to do with the hearings before the gentleman's committee?

Mr. CAMPBELL of Kansas. No.

Mr. TREADWAY. Then it is entirely at the request of Mrs. Mumm that this resolution is before us?

Mr. CAMPBELL of Kansas. Yes. This bill passed the Senate unanimously; was reported unanimously by the Senate committee. It was also unanimously reported by the House Committee on Immigration and Naturalization and also by the Committee on Rules.

Mr. CARSS. Has the American Alien Property Custodian taken over any property that belonged to this man Mumm in the United States; and if so, how much?

Mr. CAMPBELL of Kansas. He did not have any property in the United States, but I understand there were some unallotted claims that have been seized.

Mr. CARSS. Has she any property in the United States?

Mr. CAMPBELL of Kansas. No; her property is in France.

Mr. CONNALLY. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CONNALLY. Did this lady undertake to secure her reinstatement as an American citizen prior to her difficulties in respect to property?

Mr. CAMPBELL of Kansas. She came home. Afterwards this question of citizenship arose on account of her property. She found it was necessary that she have a restoration to her citizenship.

Mr. CONNALLY. So the whole question is one of her property?

Mr. CAMPBELL of Kansas. No; but her American citizenship is necessary to secure her own property and that of her child.

Mr. CONNALLY. But for that she would not have been concerned about her citizenship?

Mr. CAMPBELL of Kansas. Oh, yes; very deeply concerned about it. She has all of the patriotic impulses of a Kansas or a Texas woman for her native land.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. KINCHELOE. Is she now, in the eyes of the law of France or Germany or of both, a citizen of France or of Germany?

Mr. CAMPBELL of Kansas. Of Germany. She has taken the citizenship of her husband.

Mr. KINCHELOE. I understood the gentleman to say that they were married in France.

Mr. CAMPBELL of Kansas. They were married in England. Her husband was a citizen of Germany by birth.

Mr. KINCHELOE. And she is now considered a citizen of Germany?

Mr. CAMPBELL of Kansas. Yes; by France, under the law.

Mr. JONES of Pennsylvania. I understand the present citizenship of the wife has been determined by the marriage status.

Mr. CAMPBELL of Kansas. Yes.

Mr. JONES of Pennsylvania. Does the gentleman think that the French courts would insist on the dissolution of that marriage vow before they recognized a different citizenship?

Mr. CAMPBELL of Kansas. No; they recognize a legal separation in France. A letter that I read yesterday from a French attorney, whose name is known to most American lawyers, states that this action on the part of Congress will restore her to her rights, and that it is necessary in order that she may assert her rights.

Mr. JONES of Pennsylvania. Even before the divorce is obtained?

Mr. CAMPBELL of Kansas. Yes.

Mr. SUMMERS of Washington. When did the marriage occur?

Mr. CAMPBELL of Kansas. In 1913.

Mr. SUMMERS of Washington. Before the war?

Mr. CAMPBELL of Kansas. Yes; before the war.

Mr. KINCHELOE. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. KINCHELOE. Has the Alien Property Custodian of this country any of her property, either real or personal?

Mr. CAMPBELL of Kansas. Oh, no; none whatever.

Mr. KINCHELOE. She has none in this country?

Mr. CAMPBELL of Kansas. None, but some jewelry, money, and personal effects.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Ohio.

Mr. GARD. I would like to ask the gentleman if he and his committee had given consideration as to what would be the effect, conceding that we pass this act, if the divorce suit severing the marriage relations which the gentleman says is now applied for in Germany should be decided adversely to the contention of Mrs. Mumm and the divorce refused?

Mr. CAMPBELL of Kansas. She would simply be denied the right to remarry, as would her husband, and she would still have the legal separation that has been granted to her, which is the custom in most of the countries where man and wife disagree and separate.

Mr. GARD. I understand that; but what I am concerned with is not a question of the matter of the application of the law and semiecclesiastical law to citizenship, but what is her status in the event we pass this enabling act saying she is an American citizen and the German court denies her application for divorce, and that decree in a forum which can properly separate a husband and wife being final, will she still remain a German subject because she is the wife of a German?

Mr. CAMPBELL of Kansas. Not at all; we are restoring her to American citizenship, as we have the right to do.

Mr. GARD. I know we have the right to do that. But suppose the German court refuses to give that divorce to her?

Mr. CAMPBELL of Kansas. That would not affect our action.

Mr. GARD. I think it would.

Mr. CAMPBELL of Kansas. Not at all. She can assert her rights to her property under a legal separation if she is an American citizen.

Mr. WELLING. The report of the committee seems to indicate that Mr. Mumm is a French citizen and not a German citizen.

Mr. CAMPBELL of Kansas. The report may indicate that; but the fact is that he is a German citizen, and went to Germany immediately on the outbreak of the World War on the alternative of either being interned in France or going to Germany. He went to Germany.

Mr. BLANTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Texas.

Mr. BLANTON. If by this act we will restore her to the status such as to permit her to regain her property in Paris and then the court or tribunal in Berlin which has jurisdiction of her divorce case should deny her the decree of divorce, then under the laws of Germany what right of control, if any, would her German husband have over this property that we help her to regain?

Mr. CAMPBELL of Kansas. None whatever, nor over the child, because that matter is settled by the decree of separation.

Mr. MADDEN. Does the gentleman know whether it is her intention to come and live in the United States?

Mr. CAMPBELL of Kansas. I know it is her intention to live in the United States. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. According to the rule, the resolution is called up, which the Clerk will report.

The Clerk read as follows:

Whereas Frances Scoville-Mumm, daughter of C. C. K. Scoville, a citizen of the United States residing in the State of Kansas, being a native-born citizen of the United States, married in 1913 Walter Mumm, an alien of German birth and parentage, but at the time of, and for many years prior to, said marriage a resident of France; and

Whereas the said Frances Scoville-Mumm has since returned to the United States and renewed her residence therein and petitioned Congress to be readmitted to the character and privileges of a citizen of the United States under and by virtue of the power and laws of the United States of America: Therefore

Resolved, etc., That Frances Scoville-Mumm, daughter of the said C. C. K. Scoville, be, and she is hereby, on her own application unconditionally readmitted to the character and privileges of a citizen of the United States.

The SPEAKER. Under the resolution there are 40 minutes' debate provided for, 20 minutes to the gentleman from Kansas and 20 minutes to those opposed to the resolution.

Mr. CAMPBELL of Kansas. Mr. Speaker, I suggest the Speaker put the question on the joint resolution.

The SPEAKER. If nobody desires time the Chair will put the question.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

Mr. GOLDFOGLE. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Will the gentleman defer that for a moment and make it on the joint resolution? The gentleman from New York makes the point of order there is no quorum present.

Mr. GOLDFOGLE. I withdraw the point for the present.

Mr. BLANTON. Mr. Speaker, I make the point of order. I think we ought to have a roll-call vote on this measure. We ought to teach rich American girls and their ambitious mothers seeking titled husbands a lesson in regard to foreign marriages, and let them understand that when they buy such a foreign bed with its consequent great responsibilities and troubles they must lie in it, and then they will more highly appreciate American husbands.

The SPEAKER. The gentleman from Texas renews the point of order——

Mr. BLANTON. Mr. Speaker. I withdraw the point of order.

The SPEAKER. The point of order is withdrawn.

The House divided; and there were—ayes 97, noes 14.

So the joint resolution was agreed to.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

CONSIDERATION OF HOUSE RESOLUTION 329.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 329.

Resolved, That immediately upon the adoption of this resolution the House shall proceed with the consideration of the conference report agreed upon by the managers on the disagreeing votes of the two Houses on H. R. 8624, being an act to amend an act entitled "An act to provide further for the national security and defense by encouraging production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917. That all points of order on said conference report shall be considered as waived. That there shall be one hour of debate to be divided equally between those favoring and those opposing the conference report. That at the conclusion of debate the previous question shall be considered as ordered upon the conference report, without intervening motion, except one motion to recommit.

Mr. WALSH. Mr. Speaker, I make the point of order on the resolution.

The SPEAKER. The gentleman from Massachusetts makes the point of order on the resolution. The gentleman will state his point of order.

Mr. WALSH. Mr. Speaker, I submit that it is not within the province of the Committee on Rules on a conference report which involves the questions in controversy between the two Houses and which have been compromised by managers appointed for that purpose to bring in a rule which provides that all points of order shall be considered as waived. Now, points of order are not the action of the House, but they are the action of an individual Member, and I contend that the Committee on Rules have no authority to bring in a resolution to say that if an individual Member desires to make a point of order that it shall be considered as waived. In reporting resolutions which make legislation in order, or which provide for an order of business, the custom has been and the decisions of the Chair have been that in reporting the resolution the Committee on Rules must specify the amendments which shall be in order and which would have been out of order but for the resolution.

Now, I submit in a matter of as much importance as a conference report that it is improper for the Rules Committee to say that points of order shall be considered as waived.

The SPEAKER. Will the gentleman allow a question?

Mr. WALSH. Certainly.

The SPEAKER. Does the gentleman admit if the Rules Committee had indicated and specified certain points in the conference report and said that they should be in order, that that would have been in order?

Mr. WALSH. No; I am not willing to concede that for the present, Mr. Speaker, but I am directing my argument to the committee's position. If this were a bill, and it contained matters which were out of order under the rules of the House, if the Rules Committee desired to make them in order the resolution would be framed so that not all points of order would be considered as waived but that certain provisions of the bill should be in order, any rules of the House to the contrary notwithstanding, or some similar language.

With reference to the inquiry of the Speaker, as to whether on a conference report the Rules Committee have jurisdiction to provide that no matter what is in the conference report it shall be considered, the rules notwithstanding, I have grave doubts, Mr. Speaker, whether the Rules Committee would have the same jurisdiction over a conference report that they would over a bill which was being taken up in its initial stage. Because in the case of a bill which they have made in order, which has been introduced and referred to committee and reported out, containing matter which it is conceded would be a violation of the rules of the House, the Rules Committee in fixing the procedure of the House has jurisdiction to say that in considering this measure the amendments which are out of order under the rules of the House shall be considered as in order, and it will be proper for the House to consider them. But in case of a conference report the bill has been considered by the House. It has been considered by the other branch. It has come back to the House, and the amendments which the other branch put onto the bill were disagreed to, and the matter sent to conference for adjustment. Now, I doubt whether the Rules Committee can by a special order, which involves not only the action of the House but which involves the action of the Senate under its rules, and which involves conferees on the part of both branches, bring in a rule and say, while this is a conference report that has heretofore been considered by the House and passed by the Senate and sent to conference and has come back in the shape of a conference, that no matter whether this does contain matter that is in violation of the rules of the House, which is put in there not by the House itself but put in by the managers on the part of the House, I say, I doubt whether the Rules Committee can say that what the managers of the House have done, whether it is in violation of the rules of the House or not, shall be in order, and can not be considered by the House, or can not be presented to the House in such shape as the House can say whether it is in conformity to its own rules. Of course, the merits of the matter do not enter into the question.

Mr. CAMPBELL of Kansas. Mr. Speaker, information has just reached me that the Senate still has these papers, and that it is not in order, of course, to consider this matter. I therefore withdraw the resolution for the present.

The SPEAKER. The gentleman withdraws the resolution.

PROHIBITION.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit another privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas, from the Committee on Rules, submits a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 331.

Resolved, That immediately upon the adoption of this resolution the House shall proceed with the consideration of the conference report agreed upon by the managers on the disagreeing votes of the two Houses on H. R. 6810, entitled "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries"; that all points of order on said conference report shall be considered as waived; that there shall be one hour of debate to be divided equally between those favoring and those opposing the conference report; that at the conclusion of the debate the previous question shall be considered as ordered upon the conference report, without intervening motion, except one motion to recommit.

Mr. WALSH. Mr. Speaker, I make a point of order on the resolution.

Mr. GOLDFOGLE. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman form Massachusetts [Mr. WALSH] has already made a point of order. The gentleman from Massachusetts will state it.

Mr. WALSH. Mr. Speaker, I make the same point of order——

Mr. GOLDFOGLE. Mr. Speaker, I raise the point of order there is not a quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty Members are present; not a quorum.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Bell	Brumbaugh	Christopherson
Andrews, Md.	Brand	Cantrill	Clark, Fla.
Anthony	Britten	Casey	Classon
Babka	Brooks, Pa.	Chindblom	Cleary
Collier	Houghton	McPherson	Shreve
Copley	Hull, Iowa	Magee	Siegel
Costello	Husted	Maher	Sinclair
Crowther	Hutchinson	Mann	Sisson
Currie, Mich.	Ireland	Mason	Slemp
Davey	Jefferis	Merritt	Small
Dempsey	Johnson, S. Dak.	Montague	Smith, Ill.
Dewalt	Jones, Pa.	Mooney	Smithwick
Donovan	Kelley, Mich.	Moore, Pa.	Snyder
Doremus	Kennedy, Iowa	Moores, Ind.	Steele
Doughton	Kennedy, R. I.	Morin	Stephens, Miss.
Dupré	Kettner	Murphy	Stephens, Ohio
Dyer	Kleczka	Newton, Minn.	Strong, Pa.
Elliott	Kraus	Olney	Swope
Ellsworth	Kreider	Paige	Taylor, Ark.
Emerson	LaGuardia	Parker	Taylor, Tenn.
Fitzgerald	Langley	Peters	Tinkham
Foster	Larsen	Purnell	Upshaw
Frear	Lea, Calif.	Rainey, H. T.	Vaile
Fuller, Ill.	Lee, Ga.	Reber	Vare
Fuller, Mass.	Lesher	Reed, N. Y.	Ward
Gallagher	Little	Robsion, Ky.	Wilson, Ill.
Gallivan	Luce	Rowe	Wingo
Gandy	McAndrews	Rucker	Winslow
Good	McArthur	Sabath	Wise
Goodall	McClintic	Sanders, N. Y.	Wood, Ind.
Goodykoontz	McCulloch	Scully	Wright
Graham, Pa.	McKinley	Sells	Zihlman
Hernandez	McLaughlin, Nebr.	Sherwood	

The SPEAKER. Two hundred and eighty-four Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Kansas moves to dispense with further proceedings under the call. Without objection, it is so ordered.

There was no objection.

Mr. WALSH. Mr. Speaker, I direct the Chair's attention to the provisions of paragraph 47 of Rule XI, page 310, section 713, of the Manual:

All proposed action touching the rules, the joint rules, and order of business shall be referred to the Committee on Rules.

Now, I suppose it can not be controverted that this resolution is of double purpose. It refers to the order of business and also is a proposed action touching the rules of the House. The resolution says that—

All points of order on said conference report shall be considered as waived.

Now, Mr. Speaker, we are in this situation: Assuming the resolution to be adopted and the conference report laid before the House for consideration and a Member rises and says, "Mr. Speaker, I make a point of order on the conference report," the Chair under this resolution would say, "Well, under the rule the points of order are considered as waived." Now, that is not changing the rules of the House which prohibit the matter to be included in the conference report. The Speaker simply says to the Member, "Your point of order is considered as waived." I submit that the Committee on Rules can not bring in a rule which says to the individual Member that any point of order he may lodge shall be considered as waived, because it does not change the rules of the House, and it does not make in order under the rules that which would be out of order but for the resolution from the committee.

Now, heretofore there have been certain forms followed in making in order legislative provisions which violate the rules of the House. They usually specify the provisions or they usually say the House may consider them as if the same were not subject to a point of order. Then the House is in this situation, that a Member rises after the adoption of such a rule and says, "Mr. Speaker, I make a point of order against the provision," and the Speaker, of course, is compelled to say, "The gentleman's point of order can not be sustained, because the rule has made it in order."

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARRETT. I call the attention of the gentleman to the fact that, so far as precedents are concerned, there is no instance where there has ever been an effort to make in order by a rule a conference report confessedly out of order. The custom has been uniformly to present a concurrent resolution for that purpose.

Mr. WALSH. I had directed the attention of the Chair to the fact that this had not been in accordance with the practice in the case of conference reports, according to the RECORD, and attention was called to the fact that the provisions in question were the result of the action only of the managers of the conference.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. SNELL. If we presented a concurrent resolution it would be necessary to present a rule to make the concurrent resolution in order, so we are accomplishing the desired end in a quicker way.

Mr. WALSH. Oh, the gentleman says that we are accomplishing the fact sought to be accomplished and are saving time; but we should not save time at the expense of the rules of the House, and particularly not in a case where we are attempting to enact something which has been agreed upon simply by three Members of the House and three Members of the coordinate branch, and which has not been considered in the House, and to which under the rules no consideration can be granted if the gentleman desires to move the previous question immediately after the reading of the conference report or the statement.

Now, Mr. Speaker, it seems to me that in a matter as important as a conference report, which has only been reported recently, the Committee on Rules have gone beyond their province and jurisdiction under the rule which says, "All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules," in reporting the resolution which says that "All points of order are considered as waived," because if I want to make a point of order against this conference report I do not believe the Committee on Rules can say in their resolution, if the House adopts it, "Why, your point of order is considered as waived," because that does not dispose of the point of order, and it is depriving the individual Member of a right that he has under the rules; and I insist that the only way that they can get around a situation such as that is by reporting a resolution and having it adopted to the effect that the matters in the conference report shall be considered in order, the rules of the House to the contrary notwithstanding, or shall be considered the same as if they were not subject to a point of order. Then a Member is left with his right to make a point of order, and while he arrives at perhaps the same result and is left in the same situation, he is entitled to make the point of order, and the Chair is then sufficiently authorized under the resolution to overrule it. But according to this the Chair is not even entitled to make a ruling on the point of order, and the man who makes it is met with the answer, "Your point of order is considered as waived" when the man who makes it does not waive it, and is entitled to insist upon it under the language of this resolution.

I therefore insist upon what I referred to at the outset, because this also touches the action agreed upon by the managers of the two Houses that it is not within the province of the Committee on Rules to report a resolution making in order that which is the joint action of a small body delegated to meet and smooth out the differences by way of compromise and report back to the House for action.

Mr. CAMPBELL of Kansas rose.

The SPEAKER. Does the gentleman support or oppose the point of order?

Mr. CAMPBELL of Kansas. I oppose the point of order.

The SPEAKER. The Chair would prefer to hear some one in favor of the point of order. Is there anyone who wants to be heard in favor of the point of order? If not, the Chair is ready to rule.

This is a novel point. The Chair has been unable to find any precedents upon it. It is undoubtedly true, as the gentleman from Massachusetts [Mr. WALSH] suggests, that the usual practice has been to avoid points of order by a concurrent resolution. That, of course, does not prove that there is no other method of doing it, and on the general principle the Chair sees no reason why each House separately can not by a rule determine its own action. Each House has until quite recently had very different rules about conference reports. The Senate rule was, until their recent change, much more liberal than the House rule, which seems to confirm the opinion of the Chair that each House has the right to determine separately its own limitations on conference reports and that the use of a concurrent resolution is not exclusive. The gentleman from Massachusetts contends that the provision in the rule that "points of order shall be considered as waived" takes away from a Member of the House his constitutional right to make a point of order. The Chair is disposed to agree with the gentleman that that is not a fortunate choice of language. It would have made the ruling easier if the precedents had been followed. As the Chair recollects the ordinary custom is to say—

Shall be considered without the intervention of points of order.

It seems to the Chair that it would have been better to have followed the precedents. On the other hand, the purpose of the rule seems very clear, that it simply means that points of order shall not be raised. It means to dispose of points of order, and although, as the gentleman from Massachusetts [Mr. WALSH] has stated, the language is subject to criticism, yet it seems to the Chair that the real intent and purpose of the phrase and not the verbiage should be considered. So, inasmuch as in the opinion of the Chair the House has a right to provide by a rule that points of order shall not be made against a conference report, and inasmuch as this language was evidently intended and may fairly be construed to accomplish that result, the Chair overrules the point of order.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The question being taken, on a division (demanded by Mr. BLANTON and others) there were—ayes 98, noes 31.

Accordingly the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CAMPBELL of Kansas. Mr. Speaker, there are 40 minutes of debate.

The SPEAKER. Certainly, if it is desired.

Mr. CAMPBELL of Kansas. I wish to make a brief statement, and then will yield to the gentleman from North Carolina [Mr. POU]. This resolution brings before the House for consideration the conference report on the prohibition bill. In the opinion of the majority of the Committee on Rules the House had a right to consider the conference report notwithstanding points of order. It brings the matter before the House for its consideration, to vote it up or down as it may determine.

The rule provides for debate, and makes it out of order to raise points of order against matters that otherwise would be subject to a point of order, which the Committee on Rules, I submit, has a perfect right to do.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. WALSH. Will the gentleman state what was the particular emergency which resulted in the committee reporting a rule making in order matter in a conference report which otherwise would have been subject to a point of order, upon this great piece of legislation?

Mr. CAMPBELL of Kansas. The conference, in adjusting the differences between the two Houses, found it necessary to take up the questions in dispute, and to clothe them in just a little different language, to accomplish the common purpose that was sought by both Houses of the Congress.

Mr. WALSH. Was that the representation that was made to the Committee on Rules, that they simply clothed these things in a little different language?

Mr. CAMPBELL of Kansas. That is the understanding of the Committee on Rules.

Mr. WALSH. Well, the gentleman must admit that they went beyond that and included matters over which they had no jurisdiction.

Mr. KAHN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from California.

Mr. KAHN. What does the gentleman say about this provision in the rule—

There shall be no intervening motion except one motion to recommit.

How can you recommit a conference report?

Mr. CAMPBELL of Kansas. That can be done if the conferees have not been discharged by either House.

Mr. KAHN. But I understand the other House has acted.

Mr. CAMPBELL of Kansas. Then the motion would not lie.

Mr. KAHN. I do not know. If the rule provides for a motion to recommit, and the motion is made, then the motion would lie; and the other House having already acted on this proposition, it seems to me the rule as it now stands would bring about a condition that would be rather awkward, to say the least.

Mr. CAMPBELL of Kansas. It is doubtful if the gentleman from California could get a motion to recommit agreed to by the House.

Mr. WALSH. He could make the motion.

Mr. CAMPBELL of Kansas. He might make the motion. It would simply take the time of the House in voting the motion down.

I yield to the gentleman from Pennsylvania [Mr. FOCHT] five minutes.

Mr. FOCHT. Mr. Speaker, the question before the House is one that has been under discussion for probably half a century. It reached its culmination here when we voted for national prohibition. I voted for national prohibition on the theory that in order to save from destruction those who are unable to control themselves in the habit of drinking, it was necessary to deny the clubman his highball and champagne and cocktail, and the family their case of cold beer. Now we are confronted with a situation which is rather at variance with the idea I had in mind when I voted for prohibition. My idea was that the way to determine whether it was possible to destroy the demon alcohol was to enforce national prohibition and wipe out the whole thing.

Now, what happened? Here is a newspaper printed by a decidedly prohibition editor, at Lewistown, Pa., sent to me by my very dear friend, Mr. William Eckbert. I want to say that the editor of this paper is a very good friend, a man of high class, one of the best citizens of central Pennsylvania. Yet in his Daily Sentinel of Lewistown, on September 22, we find an advertisement which reads like this:

A. PH. TONIC APPETIZER.

This is a Tonic Bitters and when taken before meals stimulates the appetite, tones up digestion and gives strength to entire system.
The Alcoholic contents are just sufficient to dissolve and preserve the medical ingredients (Alcohol 11%). A Bottle has Convinced Thousands of the Merits of this Tonic. Try a Bottle Yourself—it Probably is Just What You Need. At Eby's Drug Store.

Yet under the provisions here it is proposed that you can not have even a bottle of beer that contains 2¾ per cent alcohol, a beverage pure and made under Government control, certified by great chemists. Yet they are allowed to sell in Eby's drug store in Lewistown an alcoholic decoction that might tear the lining out of your stomach.

Mr. BLANTON. Mr. Speaker, a point of order. Under the rule now before the House, is it in order to debate an extraneous subject?

The SPEAKER. The Chair must admit that he was consulting the parliamentary clerk and can not state what the gentleman was discussing.

Mr. BLANTON. The debate was concerning intoxicating liquors.

Mr. FOCHT. That is what I am discussing. I hope this will not be taken out of my time. The gentleman has taken too much of the time of the country already and should not thus interrupt Members.

Mr. BLANTON. I submit, Mr. Speaker, that the subject of intoxicating liquor is extraneous to the discussion of the rule now before the House.

Mr. FOCHT. I am willing to submit to the House whether what I am discussing is germane.

The SPEAKER. The Chair is inclined to think, if that is what the gentleman is discussing, that it is in order, because this is a rule making in order a bill with reference to intoxicating liquor.

Mr. FOCHT. Now, Mr. Speaker, I have a copy of another newspaper printed by another estimable gentleman who never took a drink in his life, the Belleville Times, published in Belleville, Mifflin County, Pa., in which I find an editorial which reads:

Quite well do we remember Hostetter's Stomach Bitters more than 40 years ago. This tonic is still on the market and contains only 25 per cent of alcohol.

I would like to ask where those of us who went so far as to deny so many good people, rich and poor alike, the right to have a glass of beer containing 2¾ per cent alcohol, or a drink of good whisky manufactured out of the grain that grew on the sunny hillside, and yet allow newspapers to print advertisements to be sent abroad advertising brain-crazing and kidney and liver perforating dog medicine, which much that is sold really is. [Laughter.]

Will the gentleman from Texas and the gentleman from California [Mr. RANDALL], or the gentleman from Minnesota [Mr. VOLSTEAD], clear this matter up before the people and let them know what compensation there is for denying so many citizens who hoped that the whole thing might be redeemed before it went so far that a greater evil than was ever known in the whole country is perpetrated on the people, and where such advertisements are printed in the newspapers inviting and enticing people to drink a worse poison known as Coca-Cola? It is a common rumor that the manufacturers of these decoctions were active for national prohibition, and, in all seriousness, possibly some Member can tell all about the extent of their activities, and whether we are really going to have the cleaner put on the whole business, which was my idea when I voted for national prohibition, or whether poisonous substitutes are to without hindrance supplant beer and whisky. [Laughter and applause.]

Mr. POU. Mr. Speaker, the House should understand exactly what it is doing if it shall decide to adopt this rule. We at least ought to do it with our eyes open. Here is the situation. The prohibition bill was sent to conference. The conferees have added onto the bill matter which was not considered in this body, which was not considered in the coordinate legislative branch, and now by the terms of the rule the right of the individual Member to make a point of order against any of the matter written into the bill for the first time by the conferees is taken away.

Gentlemen of the House, if conferees are permitted to do that in this instance it sets another precedent which I respectfully submit is fraught with danger. We have certain rules which are intended to safeguard legislation. Legislation which takes money out of the Treasury must proceed along a certain parliamentary avenue. It must be considered in the House in Committee of the Whole. It is open to amendment. After this procedure it is reported to the House and the House accepts or rejects the legislation considered in this careful manner. In that way certain very wise safeguards are thrown around legislation.

But here you set a precedent which allows three Members of the House of Representatives and a like number of representatives of another body to write into the bill entirely new matter. It is brought back to the House, and their reports must be either voted up or voted down.

The merits of the prohibition question are not involved at all. It is a question of safe and orderly legislation. Somebody said awhile ago that there is a precedent for just such a rule as this. That is true; but because there is one precedent for it is no reason why we should set two if the first is bad. I submit that the position of the gentleman from Massachusetts [Mr. WALSH] carries great force. A point of order was made by him and overruled by our conscientious and able Speaker; but now the question is whether or not we will permit the conferees of the House and Senate to write into this bill anything that they may see fit and nobody be permitted to make a point of order against it.

Mr. RANDALL of California. Will the gentleman yield?

Mr. POU. Yes.

Mr. RANDALL of California. Why does not the gentleman specify the exact language that the conferees added outside of the matter in conference?

Mr. POU. My friend from California will not deny that there has been included in this conference report legislation which has never been considered in either body. If he can deny that I will take my seat and not utter another word. We all know that it is so. If you can add on two words not considered by either House you can add on 20 words. If you can add one dollar you can add one million, and if you can add $1,000,000 you can wreck the Treasury of the United States provided you could get a majority of the House to accept the report of conferees of the two bodies.

Gentlemen, speaking in all seriousness, there is no necessity to set this additional precedent. There is no reason why we should ride roughshod over the rights of the individual Member. You have got the votes here. You have an ample majority to do anything you want to in the regular legislative way. Why is it that you must resort to this arbitrary action and set another precedent that just as sure as the sun shines will come home to plague the men who are in control of this House and trying to protect the Treasury.

Mr. ALEXANDER. Will the gentleman yield?

Mr. POU. I will.

Mr. ALEXANDER. Was the gentleman a member of the Committee on Rules in 1912?

Mr. POU. I was.

Mr. ALEXANDER. At that time the conference report on the Panama Canal Act——

Mr. POU. Did just what we are doing here to-day.

Mr. ALEXANDER. Contained added matter, and a point of order was made against the report that it contained matter beyond the jurisdiction of the conferees. Pending the consideration of that question and before it was decided by the Chair, the Committee on Rules brought in a rule making the subject matter in the conference report in order, the rule as to points of order to the contrary notwithstanding.

Mr. POU. I said that if we have set one bad precedent, that was no reason why we should set two. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, my objection to this rule is one of substance and not one of form. So far as the form of the rule is concerned, it could have been better phrased, but it is not on that that I desire to speak. I merely desire to emphasize the thought which has been expressed by the gentleman from North Carolina [Mr. POU], and I do this notwithstanding the precedent which has been cited by the gentleman from Missouri [Mr. ALEXANDER].

There is legislation brought in here by the conferees which was not in dispute between the two bodies. At least, I assume that to be true; otherwise this rule would not have been sought. That being true, it is legislation which has not been considered by this body and which can not as an independent proposition be considered by this body under this rule. I undertake to maintain that that is a dangerous policy to lay down. The method which should have been pursued in this case and in another case, because there is another rule of exactly the same character on another conference report that will soon be called up, is

the old policy that was pursued for long years of bringing in a concurrent resolution authorizing the conferees to place the language in the bill. One of the precedents cited in Hinds' compilation is when the distinguished gentleman from Illinois [Mr. CANNON], then the chairman of the Committee on Appropriations, brought in such a concurrent resolution authorizing the conferees to put the language in the bill. That concurrent resolution being considered by the House, of course, was open to amendment, and it gave to the House the opportunity to consider the legislation and perfect it. Under this rule there is no chance for this House to consider the legislation except, I may say, in a purely negative way. This conference report must be either voted up or voted down as a whole.

Some suggestion was made about passing a rule authorizing amendments to the conference report. That would have been absurd, of course, because an amendment to a conference report would be equivalent to its rejection. I do not know what the legislation is that the conferees have put into the bill, because I have not had the opportunity of examining it, but it is legislation that this body has never considered. Whether the other body has ever considered it, I do not know. We ought not to delegate our power. There is criticism and there has been again and again in this country criticism of Congress because it delegated to conferees this power of legislation. This legislation, whatever it may be, has never been considered by any committee and has never been considered by the House. It is a thing that will rise to plague us and bring criticism on the Congress as a body again and again if the unfortunate example now being set shall be followed in the future.

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, I indorse heartily all that has been said in opposition to this rule. It occurs to me that this dry conference of dry conferees has taken advantage of the House and has reported a dry conference report through a dry Committee on Rules, or at least a majority of which committee is dry, and that then they have brought it in here to a dry House and are going to gag us and put it through.

Mr. CAMPBELL of Kansas. And give it to a dry country.

Mr. CALDWELL. Oh, no! I have just traveled through the State of Kansas, which is supposed to be very dry, and I found more wet oases in Kansas than I found in any other State of the Union, and I assure you and I assure the Members of this House that there is not any kind of legislation that you can force upon the people of this country which will make them dry, because the people of America are a liberty-loving people, and no law can be enforced that is not supported by the people of America. In my travels throughout this country, and I have been over more than half of it in the last two weeks, I found a unanimous feeling among the business people of our country, the bankers, the insurance men, the manufacturers, the people of affairs, the men who control all of the great civic organizations, chambers of commerce, and boards of trade, that this legislation is vicious and ought not to be passed. I yield back the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from New York [Mr. CALDWELL] states that he found wet oases in Kansas. I know men who have been looking for a drink in Kansas for 20 years, who would give the gentleman from New York a reward if the exact location of those oases which he found traveling through there on a Pullman train could be given them. Much is made of what the House is about to do. The only language that this conference report makes in order is that which provides that the cost of the analysis of beer, to ascertain whether it contains one-half of 1 per cent of alcohol, shall be taxed as the costs in the case, and that the beer shall be in sealed containers until the analysis is made, and after. Those are the important things that are about to revolutionize the procedure in the House of Representatives, that are made in order by this rule. I agree with the gentleman from Tennessee [Mr. GARRETT] and with others that this is not the most desirable procedure on a conference report, and I want to serve notice now upon conferees that they must not bring conference reports to the Committee on Rules with a request that their provisions be made in order contrary to the ordinary rules of the House. If it had not been that the matter involved in this instance and in the other instance to which reference has been made, comprises merely the incorporation of language that enables the conferees to get together on the matters in dispute between the two Houses, I doubt very seriously if a rule would have been agreed to making the report in order.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. The gentleman from New York indicated a moment ago that in his opinion the American people would not respect this law should Congress pass it. I want to ask the gentleman from Kansas if that is his opinion of the American people?

Mr. CAMPBELL of Kansas. No, Mr. Speaker; the American people are a law-abiding people, and the revolutionists in the country are diminishing in number every day. Intolerance of law will not be tolerated by the American people. There is no reason why this rule should not be agreed to. It simply makes a new precedent to accomplish a usual purpose.

I reserve the remainder of my time.

Mr. POU. Mr. Speaker, I yield the remainder of my time, six minutes, to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, I want to say, if the distinguished gentleman from Kansas [Mr. CAMPBELL] would devote to his friend, who has not been able to get a drink for 20 years in the State of Kansas, one-half of the same energy he applied toward getting the fortune of the founder of "Mumm's Extra Dry" brought back into this country, his friend in his own State of Kansas would not suffer from this 20-year thirst. [Laughter and applause.] Independently of the merits of this legislation we are now facing a proposition to do indirectly that which we may not do directly, and I am glad the distinguished chairman of the Committee on Rules has faced this question with the utmost candor, because he says it is an unwise proceeding and he desires to serve notice on conferees that this sort of legislation shall not be repeated, if I may use his language, at least this sort of legislation shall not be encouraged. And, indeed, that is true, Mr. Speaker and gentlemen of the House, because when you consider this matter in its finality the House of Representatives has had taken away from it one of its prerogatives. Every man who is elected a Member of the House of Representatives has a right to make his voice heard for or against legislation. That is the reason he is sent here. He comes as a representative of his people, and legislation is properly enacted here not only by being passed in one House but by being passed in the other, and the differences reconciled in conference. But there can be no legislation where the conditions are not reconciled in conference, but instead of that the conferees take upon themselves the privilege of being higher than the House and greater than the Senate, and by having three men delegated by the House to represent what it had done we let those three men decide that the House did not do what it wanted to do, and that those three knew better the meaning of the House than did the Members of the House themselves. And so they in their wisdom legislate. They put things upon the conference report not contemplated by the legislation of either House, and then they come in with a rule and say that, notwithstanding that, the House must adopt the conference report here at once and the individual Member has not the privilege of objecting. Indeed, it says for him that all points of order on the conference report shall be considered as waived. Now, that is a dangerous policy. I am not discussing the aspect of the law, but I will when we come to the later proceeding of it; but this, as the chairman of the Committee on Rules says, is a policy not to be encouraged, because in its finality it does exactly what I have stated—it takes away from the House the privilege of saying what it wants the legislation to be. Now, as a matter of fact, gentlemen, this conference report—and I have gone through it with great care—begins in amendment No. 4, with an amendment which would be out of order if the point of order were made upon it. It closes in its Panama Canal amendment, that is practically the big one, in No. 226 with another amendment which is out of order, and of the 44 amendments passed upon by the conferees, 10 are subject to points of order, and this is what the House is doing, and doing with its eyes open, I hope, absolutely forsaking all previous rules, taking not what it did itself or the coordinate branch did, but what three men without delegated authority have done to adjust the differences.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. CAMPBELL of Kansas. I yield three minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, without reference to the merits of this conference report, and without reference to whether or not the conferees exceeded their powers, I insist that the Committee on Rules has followed a wholesome precedent in bringing in this rule making the conference report in order. The gentleman from Ohio says that the conferees have usurped the powers of the House. That argument is without merit for the reason that if, in the opinion of the House, the conferees have exceeded their powers and have incorporated in this conference report provisions that should not have been

incorporated in the conference report, that have not been considered by the House, and do not meet the approval of the House, the House can vote down the rule or it can reject the conference report. In the Sixty-second Congress a conference report was brought in on the Panama Canal bill. In section 5 of the conference report provision was incorporated by the conferees permitting foreign-built ships to be admitted to American register for the foreign trade. That question had not been considered by the House or the Senate. A point of order was made against the consideration of the report upon the ground that the conferees had exceeded their powers. The gentleman from North Carolina [Mr. POU] and the gentleman from Tennessee [Mr. GARRETT] were then on the Committee on Rules, and the committee brought in a rule making the conference report in order. The rule—House resolution 699, second session Sixty-second Congress, CONGRESSIONAL RECORD, page 11202—reads as follows:

Resolved, That immediately upon the adoption of this order the House shall proceed to consider the report of the managers of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; that none of the provisions of said report shall be subject to a point of order; that general debate shall continue for two hours, unless sooner concluded; and that immediately upon the conclusion of general debate the previous question shall be considered as ordered on the motion to agree to the report.

So that the action of the Committee on Rules, in reporting the rule now under consideration, is exactly in line with that precedent. It is for the House to determine whether or not the conferees exceeded their powers by incorporating new matter, if there is any new matter in this report, and if the new matter does not meet the approval of the House the House can vote down the rule or reject the conference report.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided; and there were—ayes 77, noes 44.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair thinks that no quorum is present, and the Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 205, nays 75, answered "present" 2, not voting 147, as follows:

YEAS—205.

Alexander	Fess	Kraus	Sanders, La.
Almon	Fields	Lanham	Saunders, Va.
Anderson	Fisher	Lankford	Schall
Andrews, Nebr.	Flood	Layton	Sears
Ashbrook	Focht	Lufkin	Sinnott
Ayres	Freeman	Luhring	Smith, Idaho
Baer	French	McFadden	Smith, Mich.
Bankhead	Garner	McKenzie	Snell
Barbour	Goodwin, Ark.	McKeown	Steagall
Begg	Gould	McLaughlin, Mich.	Stedman
Benham	Graham, Ill.	Major	Stiness
Benson	Greene, Mass.	Mansfield	Strong, Kans.
Black	Griest	Mapes	Summers, Wash.
Bland, Va.	Hadley	Mays	Sumners, Tex.
Blanton	Hardy, Colo.	Michener	Sweet
Boies	Hardy, Tex.	Miller	Taylor, Colo.
Bowers	Harrison	Monahan, Wis.	Temple
Box	Hastings	Mondell	Thomas
Briggs	Haugen	Moore, Ohio	Thompson
Brinson	Hawley	Moore, Va.	Tillman
Brooks, Ill.	Hayden	Morgan	Timberlake
Browne	Hays	Mott	Tincher
Buchanan	Heflin	Neely	Towner
Burroughs	Hernandez	Nelson, Mo.	Treadway
Butler	Hersey	Nelson, Wis.	Venable
Byrnes, S. C.	Hersman	Newton, Minn.	Vestal
Byrns, Tenn.	Hickey	Nichols, Mich.	Vinson
Campbell, Kans.	Hicks	Oldfield	Volstead
Candler	Hill	Oliver	Walters
Carss	Hoch	Osborne	Wason
Carter	Holland	Overstreet	Watkins
Clark, Mo.	Howard	Padgett	Watson, Va.
Cole	Huddleston	Park	Weaver
Connally	Hudspeth	Parrish	Webb
Cooper	Hulings	Quin	Webster
Cramton	Hull, Tenn.	Raker	Welling
Crisp	Jacoway	Ramseyer	Welty
Dale	James	Randall, Calif.	Whaley
Dallinger	Johnson, Ky.	Randall, Wis.	Wheeler
Darrow	Johnson, Miss.	Rayburn	White, Kans.
Dickinson, Mo.	Johnson, Wash.	Reavis	White, Me.
Dickinson, Iowa	Jones, Pa.	Reed, W. Va.	Williams
Dominick	Jones, Tex.	Rhodes	Wilson, La.
Dowell	Kearns	Ricketts	Wilson, Pa.
Drane	Keller	Riddick	Woods, Va.
Dunbar	Kelly, Pa.	Robinson, N. C.	Woodyard
Echols	Kendall	Rogers	Yates
Elliott	Kiess	Romjue	Young, N. Dak.
Elston	Kincheloe	Rose	Young, Tex.
Evans, Mont.	King	Rubey	
Fairfield	Kinkaid	Rucker	
Ferris	Kitchin	Sanders, Ind.	

NAYS—75.

Bee	Dupré	Lazaro	Ogden
Blackmon	Eagan	Lea, Calif.	Pell
Bland, Mo.	Eagle	Lehlbach	Phelan
Booher	Edmonds	Linthicum	Platt
Browning	Evans, Nebr.	Lonergan	Pou
Burdick	Fitzgerald	Longworth	Radcliffe
Burke	Ganly	McDuffie	Rainey, J. W.
Caldwell	Gard	McGlennon	Ramsey
Campbell, Pa.	Garland	McKiniry	Riordan
Cannon	Glynn	McLane	Rodenberg
Carew	Goldfogle	MacCrate	Rowan
Cleary	Griffin	MacGregor	Sanford
Coady	Hamill	Madden	Smith, N. Y.
Crago	Haskell	Martin	Sullivan
Cullen	Humphreys	Mead	Tilson
Curry, Calif.	Igoe	Minahan, N. J.	Voigt
Denison	Johnston, N. Y.	Mudd	Walsh
Donovan	Kahn	Newton, Mo.	Watson, Pa.
Dooling	Lampert	O'Connell	

ANSWERED "PRESENT"—2.

Johnson, S. Dak Knutson

NOT VOTING—147.

Ackerman	Esch	Little	Sanders, N. Y.
Andrews, Md.	Evans, Nev.	Luce	Scott
Anthony	Fordney	McAndrews	Scully
Aswell	Foster	McArthur	Sells
Babka	Frear	McClintic	Sherwood
Bacharach	Fuller, Ill.	McCulloch	Shreve
Barkley	Fuller, Mass.	McKinley	Siegel
Bell	Gallagher	McLaughlin, Nebr.	Sims
Bland, Ind.	Gallivan	McPherson	Sinclair
Brand	Gandy	Magee	Sisson
Britten	Garrett	Maher	Slemp
Brooks, Pa.	Godwin, N. C.	Mann	Small
Brumbaugh	Good	Mason	Smith, Ill.
Cantrill	Goodall	Merritt	Smithwick
Caraway	Goodykoontz	Montague	Snyder
Casey	Graham, Pa.	Moon	Steele
Chindblom	Green, Iowa	Mooney	Steenerson
Christopherson	Greene, Vt.	Moore, Pa.	Stephens, Miss.
Clark, Fla.	Hamilton	Moores, Ind.	Stephens, Ohio
Classon	Houghton	Morin	Stevenson
Collier	Hull, Iowa	Murphy	Strong, Pa.
Copley	Husted	Nicholls, S. C.	Swope
Costello	Hutchinson	Nolan	Taylor, Ark.
Crowther	Ireland	O'Connor	Taylor, Tenn.
Currie, Mich.	Jefferis	Olney	Tinkham
Davey	Juul	Paige	Upshaw
Davis, Minn.	Kelley, Mich.	Parker	Vaile
Davis, Tenn.	Kennedy, Iowa	Peters	Vare
Dempsey	Kennedy, R. I.	Porter	Ward
Dent	Kettner	Purnell	Wilson, Ill.
Dewalt	Kleczka	Rainey, H. T.	Wingo
Doremus	Kreider	Reber	Winslow
Doughton	LaGuardia	Reed, N. Y.	Wise
Dunn	Langley	Robsion, Ky.	Wood, Ind.
Dyer	Larsen	Rouse	Wright
Ellsworth	Lee, Ga.	Rowe	Zihlman
Emerson	Lesher	Sabath	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. MAGEE (for) with Mr. GALLIVAN (against).

Mr. JOHNSON of South Dakota (for) with Mr. WARD (against).

Mr. SHREVE (for) with Mr. DYER (against).

Mr. ANTHONY (for) with Mr. HULL of Iowa (against).

Mr. MONTAGUE (for) with Mr. MCANDREWS (against).

Mr. HOUGHTON (for) with Mr. GALLAGHER (against).

Mr. SINCLAIR (for) with Mr. MAHER (against).

Mr. CROWTHER (for) with Mr. LAGUARDIA (against).

Mr. PURNELL (for) with Mr. BROOKS of Pennsylvania (against).

Mr. FOSTER (for) with Mr. TINKHAM (against).

Mr. STRONG of Pennsylvania (for) with Mr. SCULLY (against).

Mr. GANDY (for) with Mr. STEELE (against).

Mr. CARAWAY (for) with Mr. BACHARACH (against)

Mr. BLAND of Indiana (for) with Mr. REBER (against).

Until further notice:

Mr. CHINDBLOM with Mr. WRIGHT.

Mr. ROWE with Mr. MAHER.

Mr. MORIN with Mr. BRAND.

Mr. DUNN with Mr. STEVENSON.

Mr. ESCH with Mr. STEPHENS of Mississippi.

Mr. SCOTT with Mr. MCCLINTIC.

Mr. STEENERSON with Mr. LESHER.

Mr. TAYLOR of Tennessee with Mr. LARSEN.

Mr. GREENE of Vermont with Mr. SISSON.

Mr. HUTCHINSON with Mr. OLNEY.

Mr. IRELAND with Mr. EVANS of Nevada.

Mr. KENNEDY of Iowa with Mr. DOUGHTON.

Mr. KENNEDY of Rhode Island with Mr. DOREMUS.

Mr. COPLEY with Mr. WISE.

Mr. VARE with Mr. KETTNER.

Mr. KNUTSON with Mr. BELL.

Mr. COSTELLO with Mr. WINGO.

Mr. KREIDER with Mr. DEWALT.

Mr. MURPHY with Mr. BARKLEY.

Mr. FORDNEY with Mr. SMITHWICK.
Mr. PAIGE with Mr. BABKA.
Mr. PETERS with Mr. O'CONNOR.
Mr. FREAR with Mr. SMALL.
Mr. PORTER with Mr. NICHOLLS of South Carolina.
Mr. LUCE with Mr. DENT.
Mr. GOOD with Mr. SISSON.
Mr. REED of New York with Mr. MOONEY.
Mr. MCARTHUR with Mr. DAVIS of Tennessee.
Mr. MCCULLOCH with Mr. DAVEY.
Mr. WINSLOW with Mr. GOODWIN of Arkansas.
Mr. MCKINLEY with Mr. COLLIER.
Mr. MCPHERSON with Mr. CLARK of Florida.
Mr. ROBSION of Kentucky with Mr. MOON.
Mr. ZIHLMAN with Mr. GARRETT.
Mr. WOOD of Indiana with Mr. ASWELL.
Mr. GOODALL with Mr. SIMS.
Mr. GOODYKOONTZ with Mr. SHERWOOD.
Mr. GRAHAM of Pennsylvania with Mr. SABATH.
Mr. HUSTED with Mr. HENRY T. RAINEY.
Mr. STEPHENS of Ohio with Mr. LEE of Georgia.
Mr. DAVIS of Minnesota with Mr. UPSHAW.
Mr. MANN with Mr. CASEY.
Mr. DEMPSEY with Mr. TAYLOR of Arkansas.
Mr. MOORE of Pennsylvania with Mr. CANTRILL.
Mr. MOORES of Indiana with Mr. BRUMBAUGH.

Mr. KNUTSON. Mr. Speaker, I desire to withdraw my vote in the affirmative and answer "present." I am paired.

Mr. JOHNSON of South Dakota. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. JOHNSON of South Dakota. I have a pair with the gentleman from New York, Mr. WARD, and I therefore withdraw my vote of "yea" and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. Under the resolution there is one hour of debate, half to be controlled by those in favor and half by those opposing the conference report. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that the time be divided between myself and the gentleman from Missouri [Mr. IGOE].

The SPEAKER. The gentleman from Minnesota asks that the time be divided between himself and the gentleman from Missouri [Mr. IGOE]. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the conference report. Does the gentleman wish the report itself to be read?

Mr. VOLSTEAD. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement was read.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 25, 46, 47, 61, 66, 72, 90, 118, 123, 127, 133, 134, 164, 178, 184, 219, 232, and 233.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 26, 27, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 48, 51, 52, 53, 54, 55, 56, 57, 64, 67, 68, 69, 70, 71, 73, 75, 76, 78, 79, 82, 83, 84, 86, 87, 88, 89, 92, 93, 94, 96, 97, 98, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 124, 125, 126, 128, 131, 132, 135, 136, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 162, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 220, 221, 222, 223, 224, 227, 228, 229, 230, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, and 285, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

" : *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of Title II of this act, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

" : *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per cent of alcohol by volume, and is made as prescribed in section 37 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: ", and the commissioner is authorized to make such regulations"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Officers mentioned in said section 1014 are authorized to issue search warrants under the limitations provided in Title XI of the act approved June 15, 1917 (40 Stats. L., p. 217, et seq.)."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "to the end that the use of intoxicating liquor as a beverage may be prevented.

"Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor: *Provided*, That nothing in this act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in Government bonded warehouses, and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "use as a beverage, or for intoxicating beverage purposes"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and preserved sweet cider"; and, on page 11, line 15, of the engrossed bill, strike out the words "other article"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the articles named in paragraphs b, c, and d of this section which may be"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "29"; and, on page 12, line 7, of the engrossed bill,

strike out the words "the person"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "any known principal for"; and, on page 12, line 8, of the engrossed bill, strike out the words "if any"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such rules, regulations, and conditions as the commissioner shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "transport liquor, may be issued for one year, and"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ": *Provided*, That the commissioner may without formal application or new bond extend any permit granted under this act or laws now in force after August 31 in any year, to December 31 of the succeeding year: *Provided further*, That permits to purchase liquor for the purpose of manufacturing or selling as provided in this act shall not be in force to exceed 90 days from the day of issuance. A permit to purchase liquor for any other purpose shall not be in force to exceed 30 days. Permits"; and, on page 13, line 22, of the engrossed bill strike out the words "Every permit"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In addition to the words proposed to be stricken out by the Senate amendment strike out, on page 13, line 25, of the engrossed bill the words "and shall not be in force more than"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "ten"; and beginning on page 13, line 25, of the engrossed bill, strike out the words "10 days from the day of its issuance," which end on page 14, line 1; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", unless the sale is to be made through a pharmacist designated in the permit and"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Nothing in this title shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rites, except section 6 (save as the same requires a permit to purchase) and section 10 hereof, and the provisions of this act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "liquor. And no"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In addition to the matter proposed to be stricken out by the Senate amendment strike out, on page 15, lines 11 and 12, of the engrossed bill the words "its use as a medicine by the one for whom he prescribes" and insert "the use of such liquor as a medicine by such person"; also, on page 15, line 13, after the word "some," of the engrossed bill insert the word "known"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "the purpose or ailment for which it is to be used and"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "holding permits to prescribe"; and the Senate agree to the same.

Amendment numbered 95; That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "prescription blanks have been"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", except in cases of emergency, in which event a record and report shall be made and kept as in other cases"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the judicial district and within"; and on page 17, line 16, of the engrossed bill after the word "occurred" insert: ", unless the parties agree on another place"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: ", which shall at all times be open to inspection as in this act provided"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "of the"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "to purchase or ship the same, together with the name and address of the person using the permit"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "No one shall permit any sign or billboard containing such advertisement to remain upon one's premises."; and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142,

and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "No"; and on page 22, line 12, after the word "receive" of the engrossed bill insert the following: ", nor knowingly permit his employee to solicit or receive,"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 23. That any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant, or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things.

"In such proceedings it shall not be necessary to show any intention on the part of the accused to continue such violation if the action is brought within 60 days following any such violation of the law."

And the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: ", the containers thereof," and on page 27, line 17 of the engrossed bill, strike out the words "other property" and insert "such property so"; and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "unless the court shall otherwise order"; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The term 'private dwelling' shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "brought for violation of law," and on page 30, line 13, after the word "of" in the engrossed bill, insert ", if not claimed within 60 days from the date this section takes effect"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

And the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "reported, provided"; and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the record is kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the commissioner when called for"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "shall be assessed against, and collected from, the person responsible for such illegal manufacture or sale"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ": *Provided*, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per cent of alcohol by volume, and sold to such manufacturers for conversion into such beverages"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved.

"When fortified wines are made and used for the production of nonbeverage alcohol, and dealcoholized wines containing less than one-half of 1 per cent of alcohol by volume, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this act, whether carbonated or not, shall not be subject to the tax on artificially carbonated or sparkling wines, but shall be subject to the tax on still wines only.

"In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any malt, vinous, or fermented liquids containing one-half of 1 per cent or more of alcohol by volume, or in any case where the manufacturer, having been permitted by the commissioner to develop a liquid such as ale, beer, porter, or wine containing more than one-half of 1 per cent of alcohol by volume in the manner and for the purpose herein provided, is charged with failure to reduce the alcoholic content of any such liquid below such one-half of 1 per cent before withdrawing the same from the factory, then in either such case the burden of proof shall be on such manufacturer to show that such liquid so manufactured, sold, or withdrawn contains less than one-half of 1 per cent of alcohol by volume. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case."

And the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: ", except such executive officers as may be appointed by the commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this act, and persons authorized to issue permits, and agents and inspectors in the field service"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "required," and on page 37, line 5, after the word "act" in the engrossed bill, insert: "including personal services in the District of Columbia, and for the fiscal year ending June 30, 1920, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000 for the use of the Commissioner of Internal Revenue and $100,000 for the use of the Department of Justice for the enforcement of the provisions of this act, including personal services in the District of Columbia and necessary printing and binding"; and the Senate agree to the same.

Amendment numbered 257: That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or

for use in any hospital or sanatorium"; and the Senate agree to the same.

Amendment numbered 281: That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 20. That is shall be unlawful to import or introduce into the Canal Zone, or to manufacture, sell, give away, dispose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous, malt, or spirituous liquors, except for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President, and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: *Provided*, That this section shall not apply to liquor in transit through the Panama Canal or on the Panama Railroad.

"That each and every violation of any of the provisions of this section shall be punished by a fine of not more than $1,000 or imprisonment not exceeding six months for a first offense, and by a fine not less than $200 nor more than $2,000 and imprisonment not less than one month nor more than five years for a second or subsequent offense.

"That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this act had not been passed."

And the Senate agree to the same.

A. J. VOLSTEAD,
DICK T. MORGAN,
E. Y. WEBB,
Managers on the part of the House.
THOMAS STERLING,
KNUTE NELSON,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conferene on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6810, the national prohibition act, submit the following statement:

The word "That," commencing 64 different sections of the bill, has been stricken out, and the following amendments make only changes in language or punctuation: Nos. 8, 9, 10, 13, 18, 23, 24, 27, 37, 38, 45, 48, 51, 53, 54, 57, 64, 89, 91, 92, 93, 94, 95, 96, 97, 98, 101, 103, 106, 119, 120, 121, 125, 148, 149, 154, 155, 158, 159, 169, 171, 172, 174, 175, 176, 177, 179, 180, 183, 191, 192, 193, 194, 205, 206, 207, 208, 212, 215, 216, 241, 247, 248, 253, 254, 256, 259, 268, 271, 285. In addition to the foregoing changes, many of the sections have been renumbered, but such renumbering does not change the effect of the bill. No further notice of these amendments will be taken in this statement.

Amendment 1 provides that the short title of the act shall be "The national prohibition act."

Amendment 2 makes the limitation of one-half of 1 per cent of alcohol in liquors apply only to beverages of the class enumerated in section 1 of the bill by inserting the word "such" before the word "beverages" therein.

Amendments Nos. 4 and 22 modify the definition of intoxicating liquor. They require near beer, dealcoholized wine, and similar beverages to be manufactured under the provisions of section 37, title 2, in conformity with the requirements of the bill as it passed the House and require that these beverages be sold in or from such containers as the Commissioner of Internal Revenue may prescribe. The provision in regard to sweet cider contained in these Senate amendments was made a part of amendment No. 44, which permits the sale of preserved sweet cider, subject to the limitations contained in section 4, title 2.

Amendment No. 7 eliminates the provision that creates a lien on property for the fine and cost imposed on the occupant for the illegal use thereof if the owner suffers the property to be used illegally after he has reason to believe that it is so used.

Amendment No. 12 strikes out the requirement that a bond in an amount equal to the full value of the property alleged to be a nuisance, required as a condition for regaining possession of property enjoined, must be given, and substitutes a bond of not less than $500 nor more than $1,000. This makes the provision correspond with a like provision contained in title 2 of the bill.

Amendment No. 28 strikes out of the provision granting power to make regulations the words "so as to afford safety to the revenues and adequate protection against diversion of liquor for illegal uses."

Amendment No. 29 changes the word "shall" to "may," which effects no real change.

Amendment No. 31 permits officers named in section 1014 of the Revised Statutes of the United States to issue search warrants.

Amendments 33 and 34 strike out the provision making it unlawful to give away or receive liquor.

Amendment 35 makes a slight change in the language of section 3, title 2, and makes it legal to purchase and sell warehouse receipts of liquor in Government bonded warehouses.

Amendments 39, 40, and 41 strike out the word "nonpotable" contained in the bill as a limitation upon the character of certain medicinal, toilet, and antiseptic preparations.

Amendment 42 strikes out the requirement that the alcoholic contents of certain of these preparations must be stated on the label.

Amendment 43 requires that flavoring extracts and sirups shall be unfit for use as a beverage as well as unfit for intoxicating beverage purposes.

Amendment 44 permits the manufacture and sale of preserved sweet cider. In lieu of Senate amendment No. 44 there has been added to section 29, title 2, a provision giving a right to manufacture nonintoxicating cider and fruit juices for sale and delivery to persons holding permits to manufacture vinegar.

In defining what alcohol may be used in manufacturing extracts, sirups, and certain medicinal, toilet, and antiseptic articles the bill provided that the limitations should apply to all such articles capable of being used for beverage purposes. Amendment No. 45 limits this to certain articles which may be so used.

Amendment 58 permits hospitals and sanitoriums for the treatment of inebriates to use liquor as heretofore.

Amendments 61, 62, and 63 give to manufacturers and persons permitted to sell liquor permits to purchase liquor that may remain in force not to exceed 90 days; other permits to purchase are limited to 30 days.

Amendment 60 allows annual permits issued after the 31st day of August in any year to be extended until December 31 of the following year, without requiring a formal application and new bond.

The House conferees have accepted amendments 67, 68, 69, 70, and 71, and the Senate recedes from amendment No. 72. These amendments effect no change except in language.

Amendment No. 73 gives a person who has been refused a permit an opportunity to have such refusal reviewed in court.

Amendment 74 provides for the manufacture, purchase, and sale of wine for sacramental purposes. It is a substitute for a like provision in the bill as passed by the House, and was agreed to with a slight amendment.

Amendment 78 permits physicians to prescribe liquor without making an examination of the person for whom he prescribes upon the best information obtainable if such examination is found impracticable.

Amendment 82 eliminates the requirement that each prescription must contain a statement of the ailment for which the liquor is prescribed.

Amendment 83 permits liquor for external use to be prescribed in addition to the 1 pint allowed in any 10-day period by the bill as it passed the House.

Amendment 85 requires physicians to state in their records of prescriptions the "purpose or ailment" for which the liquor is prescribed.

Amendment 86 eliminates the requirement that the physician's record of prescriptions shall show the druggist to whom the prescription was addressed.

Amendment 87 eliminates section 7½. This section was designed to prohibit physicians who have their office in, or in rooms connected with, drug stores from prescribing.

Amendment 99 allows physicians in case of emergency to issue prescriptions on blanks not furnished by the Commissioner of Internal Revenue, but requires a record and report of such prescriptions.

Amendment 102 adds to the provision defining the limit within which a hearing can be had on an application to vacate a permit the further limitation that it must be within the judicial district unless the parties agree on another place.

Amendments 106, 107, 108, 109, 110, and 111 do not materially change the effect of the bill as it passed the House except in that they strike out the provision requiring periodical reports of records kept by persons manufacturing, purchasing for sale, selling, or transporting liquor, and specify more in detail the character of the records to be kept.

Amendment 114 makes it unnecessary for a manufacturer to attach to a container of liquor a copy of the permit for its manufacture, but in place thereof requires that the number of the permits shall be so attached.

Amendment 115 requires the label attached by a manufacturer to a container to state the quantity of liquor.

Amendment 117 strikes out the provision in section 13, title 2, requiring a carrier to have a permit to transport liquor.

Amendment 122 strikes out the affidavit required to be presented by a consignee to the carrier before obtaining delivery of a consignment of liquor, and allows such delivery on presentation of a verified copy of the permit to purchase the liquor.

Amendment 124 gives the agent of the carrier power to administer oath to the consignee in verifying his copy of the permit to purchase.

Amendment 128 makes it unnecessary to state on the label attached to a consignment of liquor the name of the person receiving the liquor.

Amendment 129 requires upon such label the number of the permit to purchase or ship the liquor, and name, and address of the person using the permit.

Amendment 136 makes it unlawful to advertise liquor anywhere or by any means or method, and strikes out provision against circulating price lists or order blanks for liquor.

Amendment 138 strikes out provisions requiring billboards to be removed by the owner of the property, and permits alcohol to be advertised in certain trade journals, and makes the provisions of the bill and of the Post Office appropriation act, approved March 3, 1917, inapplicable to newspapers published in foreign countries.

Amendment 139 strikes out prohibitions against advertising liquor by means of pictures.

Section 18 prohibits advertising, manufacturing, selling, or possessing for sale certain preparations and compounds designed for the unlawful manufacture of liquor. "Utensils, contrivances, and machines" designed for the like purpose are added by amendment No. 141 to the prohibited list.

Amendment 142 has been agreed to with an amendment that in effect restores the House provision. The section is designed to prohibit employers from permitting their employees to act as agents for the unlawful sale of liquor.

Amendment 143 eliminates section 20. This section made it unlawful to drink liquor or be intoxicated on cerain public conveyances.

Amendment 146 makes a person unlawfully selling liquor liable in damages to anyone injured by reason of the intoxication of any person whether resulting in his death or not.

Amendment 147 strikes out the provision that the right of action against persons injured by an intoxicated person, or by reason of the intoxication of a person, shall be in addition to the right of action against the intoxicated person. Effects no material change.

Amendment 157 strikes out a provision making it the duty of prosecuting officers to institute proceedings to abate a nuisance if in a criminal suit one is found to exist, and makes the evidence of conviction in such suit evidence in a civil suit.

Amendment 160 strikes out the provision for the enforcement of an injunction, as contained in title 2 of the bill, and substitutes for it the like provision contained in title 1.

Amendment 163 struck out the provision expressly authorizing the seizure under a search warrant of the containers in which liquor might be found. This was agreed to with an amendment which in effect restores the language of the bill as passed in the House.

Amendment 165 authorizes courts to dispose of property taken on a search warrant otherwise than by destruction of the property.

Amendment 166 defines private dwelling as including rooms occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house.

Amendment 170 changes the following language on page 34, "bond with two or more sureties" to "bond with sufficient sureties."

Amendment 173 strikes out the limitations imposed by the bill as it passed the House on the power of the court to exempt from sale a vehicle used in the unlawful transportation of liquor. As agreed to, the court may exempt for any "good cause."

Amendments 184 and 185 give anyone claiming liquor, heretofore seized in any suit or proceeding, 60 days in which to claim it. If not so claimed, it may be confiscated and disposed of. This carries out more effectually the purposes of the bill as passed in the House.

Under the language of the bill, as passed by the House, a special penalty was prescribed against manufacturers and wholesale and retail druggists for unlawfully selling liquor. This provision has been broadened by amendment 190 so as to apply to any person who may sell unlawfully.

Amendment 195 gives permission to manufacture nonintoxicating cider and fruit juices for exclusive use in the home. To this amendment has been added the provision above referred to authorizing the sale and delivery of such cider and juices to anyone who has a permit to manufacture vinegar. This last provision is a substitute for Senate amendment No. 44.

Amendment 200 strikes out the provision allowing prosecution in counties through which liquor may be transported.

Amendment 205 strikes out "January 16, 1920," and inserts "the date when the eighteenth amendment of the Constitution of the United States goes into effect."

Amendments 206 and 207 make a change in phraseology designed to more clearly forbid the use of liquor kept in the home except for consumption of the family and its bona fide guests therein.

Amendments 209, 210, and 211 eliminate the requirement that the Commissioner of Internal Revenue keep a record of reports made to him. It authorizes the commissioner to call for copies of any record and makes copies of records and reports properly certified evidence with the same effect as the originals thereof, and makes more ample provisions than the House bill for inspection of records by officers authorized to enforce the act, including peace officers of the State where the records are kept.

Amendments 218 and 219 were agreed to with an amendment restoring the language stricken out and adding thereto in modified form the language of the Senate amendment. The effect of this is to make the fine and cost assessed against a person unlawfully manufacturing or selling liquor collectible only from the guilty person.

Amendment 224 permits fortification of wine in the development of dealcoholized wine.

Amendment 225 allows, under bond and regulation, any liquor to be transported from one bonded plant or warehouse to another for the purpose of removing the alcohol therefrom.

Amendment 226 permits credit on the tax assessible on alcohol recovered from any liquor equal to the sum paid as a tax on the alcohol used for fortification, and provides that no tax shall be paid on fortified wines used for the production of nonbeverage alcohol or dealcoholized wine; and that such wines shall only be taxed as still wines. That part of amendment No. 226 which strikes out the provision in regard to the burden of proof has been agreed to with an amendment that places this burden on the manufacturer to show that the beverage he produces or sells contains less than one-half of 1 per cent of alcohol, and makes the expense of an analysis of any liquor taxable as cost in any suit or proceeding involving the alcoholic contents thereof.

Amendment 231 excepts from the civil-service act employees who have immediate direction of the enforcement of the act, persons authorized to issue permits, and inspectors in the field.

The Senate recedes from its amendments Nos. 232, 233, and 234, but in lieu thereof an appropriation is made for the fiscal year ending June 30, 1920, of the sum of $2,000,000 for the use of the Commissioner of Internal Revenue, and $100,000 for the use of the Department of Justice, in place of the appropriation of $3,500,000 provided in the Senate amendments.

Amendment 245 strikes out "January 16, 1920," and inserts "the date when the eighteenth amendment of the Constitution of the United States goes into effect."

Amendment 255 adds to those who may obtain alcohol tax free municipal subdivisions of States and Territories.

Amendment 257 adds to those who may obtain tax-free alcohol under existing law sanatoriums and hospitals conducted for profit.

Amendment 263 strikes out a provision that declares regulations made under title 3 to have the force and effect of law.

Amendments 266 and 267 strike out a provision allowing release from or refund of taxes for loss of alcohol occurring in its use.

Amendment 268 substitutes for the word "shall" the word "may" so as to give a discretion in refusing to permit release from or refund of taxes in certain cases.

Amendment 280 strikes out a provision that the act may be cited as the national prohibition act.

Amendment 281 prohibits in the Canal Zone the manufacture, sale, and other disposition of intoxicating liquor.

Amendment 285 strikes out "on and after January 16, 1920," and inserts "from and after the date when the eighteenth amendment of the Constitution of the United States goes into effect."

A. J. VOLSTEAD,
DICK T. MORGAN,
E. Y. WEBB,
Managers on the part of the House.

Mr. VOLSTEAD. Mr. Speaker, I wish only to make a few observations with reference to the report. It has been suggested that the conferees have made many, or at least a number of changes that are outside their province and not permitted under the rule. Attention has been called to amendment No. 4 and also to the Panama Canal amendment as instances. The Panama Canal amendment was made by the Senate, and there was ample authority to put that into the bill. The conferees amended it by striking out a number of provisions that had application to other matters than alcoholic liquors and simply retained a provision in the Senate amendment that covered the alcoholic liquor traffic in the canal. Amendment No. 4, I believe, is clearly within the power of the conferees to add to the bill, and I shall not apologize for it; no rule was needed to make that particular amendment in order. It is simply a modification of the Senate amendment, and clearly germane to the bill itself, and clearly germane to the particular Senate amendment for which it is a substitute.

I am not going to go over these amendments in detail. There were three or four of them of which I had doubts. I personally consulted with a number of men in this House, men I consider very good parliamentarians, both before and after the report was made. Some thought that one or two of these amendments might be out of order, while others expressed the conviction that they were strictly within the rules. But here was a report covering 285 amendments. True, a number of them cut no figure, but there were at least 200 amendments that we had to deal with in some fashion or other.

It would be surprising if in some of these we might not be found to have exceeded the authority that we have under the rules, especially in view of the fact that many of the changes were resisted very strenuously by the Senate conferees, and that as a consequence we had to accommodate ourselves to the circumstances in which we found ourselves. I believe that if a person will examine the report carefully he will find that in no instance has there been an attempt to drag in new matter, but simply to carry out the purpose had in view by the House in passing the bill.

The one real difficulty that we encountered was this: For the first time, I believe, we have written into a prohibition bill the permission to make near beer. In practically every State in the Union where they are attempting to prohibit the sale of intoxicating liquor they absolutely prohibit anything like beer, ale, or wine. We permit it expressly under this bill, but we permit it under the limitation that it must contain less than one-half of 1 per cent of alcohol. Great difficulty must result from the attempt to distinguish between the kind that has one-half and the kind that has less than one-half of 1 per cent of alcohol. I think we have solved it in a practical fashion. We have tried honestly to do so. We do not feel as though we ought to pursue the policy that has been pursued by States generally, to make the man guilty if he sells near beer and suffer him to sell it in violation of the law; that has been the policy that has been pursued practically all over this country. We did not believe that the National Government should sanction that course. We believe that we should specify in the law just what might be sold and not place a person who sells near beer or any other soft drink in a position where he is at the mercy of a crank or an enemy.

I do not want to take any more time at this time. I reserve the balance of my time.

Mr. IGOE. Mr. Speaker, I yield 20 minutes to the gentleman from Ohio [Mr. GARD].

The SPEAKER. The gentleman from Ohio is recognized for 20 minutes.

Mr. GARD. Mr. Speaker, the conference report, I regret to say, as I have regretted many other things during the progress of the debate, is not explained with the degree of particularity which I think the House is entitled to by the gentleman who is chairman of the Committee on the Judiciary. Therefore, with the indulgence of the membership of the House, I will endeavor to discuss what is in the conference report, since I suspect that the membership of the House desire to know that upon which they are voting.

It is unfortunate, I think, that the course of legislation in the House concerning this measure has been such that discussion was sought to be eliminated rather than encouraged. You all remember that this discussion began on the 8th of July of this present year, and that the bill passed the House on the 22d day of July. We considered it with lapses of two or three days between, but always the most insistent cry was the droning chant of a motion to close debate, a motion to restrict debate, any sort of a motion which would prevent the bill from being known to the membership of the House.

Now, the same thing arises. We come in here with a rule, a rule after the conference report is made, and the rule gives those who seek information about the bill, or who seek to disclose information, a pitiful 30 minutes on each side, and then all you can do is to vote up or down the conference report. I suggest that such form of legislation is unfortunate, because legislation should seek the light rather than hide itself in darkness.

Now, I say that this bill as it comes from the conference committee had better consideration than it has ever had, and had before a limited body, the body of conferees.

There were 331 amendments to this bill. When it left the House it was in such conglomerate shape that nobody knew what was in it, and I do not believe that the bill was ever considered, in the light of fair consideration, until it reached the conferees, where the power of the gag could not be invoked, as it was in this House. There were 331 amendments to this bill put on by the Senate, and I desire to have the House know what the conferees did. The Senate receded from 19 amendments, and they were the most immaterial amendments, mostly matters of phraseology, while the House receded from all the remainder save these 19.

After this bill passed through the House under the whip and spur of a legislative and parliamentary gag, the House abandoned everything it had put in and accepted what the Senate did. I say to the membership of the House that I think the bill is in much better shape than it was when it left the House. There is a principle involved, which principle is unnecessary of enunciation in legislation. That principle was decided by this body and ratified by the States. That was the principle that liquor should not be manufactured or sold for beverage purposes. That is the principle, and nobody can now find fault with it. In this bill we are writing a form of enforcement of that constitutional amendment, it being thought necessary to change certain particulars and things which the Senate found objectionable, and things which the House agreed were objectionable when they got where there was a fair hearing. The administrative features in this bill were so drastic that they provided traps for those who would be entirely innocent of wrongdoing under the law. So, in the consideration of the conference report, as I say, 19 Senate amendments, altogether textual, were receded from by the Senate, and the remainder were accepted by the House.

Mr. VOLSTEAD. Will the gentleman yield?

Mr. GARD. Oh, yes; I am glad to yield to the gentleman.

Mr. VOLSTEAD. Does the gentleman know that there are only 285 amendments instead of 331?

Mr. GARD. No; I have stated the number advisedly.

Mr. VOLSTEAD. The gentleman can see for himself if he wants to, because they are all numbered; and does he know that a great many important Senate propositions were stricken out?

Mr. GARD. I know what I am talking about. If the gentleman had kindly explained the bill when he had the floor—something which Members here have a right to ask the chairman of the committee to do—then we might have had a better understanding of it, but the gentleman leaves the matter entirely without explanation. The gentleman seeks to hide behind the conference report, so it is well for the country to know exactly what has been done. That is all I am trying to tell. I desire to discuss the matter fairly. There is no question about the number of amendments. As the statement of the House conferees makes known, there were 85 amendments which applied only to changes in language or punctuation. Then there were 44 other amendments which were passed upon by the conferees, to which the conferees added something and then placed them back in the bill in some form or other. Then there were a number of other amendments from which the House receded entirely, and I think properly receded. I have no fault to find with that, because the bill, as I have already stated, has been cleared, and property cleared, by the elimination of a number of drastic and unnecessary administrative features which were calculated only to harass the people of the United States and to maintain legal traps for those who were entirely innocent of all wrongdoing.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. GARD. Yes.

Mr. SAUNDERS of Virginia. Will the gentleman be kind enough to tell us some of these drastic provisions that were eliminated by the Senate?

Mr. GARD. Yes; I will be glad to do that.

Mr. SAUNDERS of Virginia. I do not mean at this moment, but as he goes along.

Mr. GARD. I will be glad to discuss them as I come to them.

The matter coming as it has now presented itself, for approval or disapproval of the conference report, I call attention, first, to the statement of the gentleman as to the number of amendments. In the report of Senator STERLING, which I have in my hand, it is disclosed that the Senate receded from 19 amendments, that the House receded from 268 amendments, that other amendments, from 4 to 280, inclusive, and 44 in number, were amended by the conferees. Now, 19 and 268 and 44 make a total of 331, as I make the calculation.

The bill is now in three parts, as it was when it left the House. The first part deals with war prohibition. It is but just to say that the war-prohibition part was considered by the Committee on the Judiciary, and when it now comes back from conference it comes back with but few necessary amendments; while Title II, which never had its origin in the Committee on the Judiciary, comes back with a number of amendments, nearly all of which are agreed to by the conferees.

Mr. VOLSTEAD. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Minnesota.

Mr. VOLSTEAD. I want to ask why Title II did not come from the Committee on the Judiciary just as much as Title I. Was not the gentleman present in the committee?

Mr. GARD. I did not say it did not come from there. I said it did not originate there.

Mr. VOLSTEAD. I will say that Title I did not originate with the Committee on the Judiciary either.

Mr. GARD. I am not disposed to bicker with the gentleman, and if he is proud that section 1 did not come from the Judiciary Committee he exhibits a pride in something which I do not care to discuss.

Mr. RANDALL of California. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from California.

Mr. RANDALL of California. The gentleman has made a large number of complimentary remarks about the improvements made on this bill. I should like to know if the gentleman intends to vote for it?

Mr. GARD. I will vote for the bill. I will vote for any reasonable enforcement bill. My attitude has been all along that I wanted a reasonable and proper enforcement bill. As I have stated, when a constitutional amendment is passed, I think it is the duty of the legislative body to write an enforcement bill, and so long as the bill is proper and the best bill I can obtain I will vote for it.

At this time, in view of the extraordinary proceedings, I should like the attention of the chairman of the Committee on the Judiciary.

On page 3, line 15, the words "reason to believe" in connection with the use of property as a nuisance are stricken out, while on page 28, in line 10, under the title of "General prohibition," the same words, "reason to believe," remain in.

Mr. VOLSTEAD. The gentleman can readily understand why.

Mr. GARD. I can not.

Mr. VOLSTEAD. There was no amendment on page 28, while there was on page 3.

Mr. GARD. The same principle applies, if the gentleman makes it apply, to war-time prohibition; why not to general prohibition?

Mr. VOLSTEAD. We had no power to deal with it.

Mr. GARD. The rule puts in everything; you could do everything you wanted to.

Mr. VOLSTEAD. We did not get the rule until the report came here.

Mr. GARD. Now, Mr. Speaker, I desire to call attention to another thing. Amendment 49, if the gentleman will give heed, the matter in conference was this: The House put in "subject to penalty in section 30," and the Senate amended it by putting in section 25. The conferees—I do not know whether intentionally or unintentionally—put in section 29, entirely without authority. I do not know now whether it means 25 or 29.

Mr. VOLSTEAD. The conference report says it means 29. We amended the bill by striking out one section, and we had to make a change of renumbering the sections. That is how we make so many concessions to the Senate striking out the word "that," and all that sort of thing.

Mr. GARD. I am not speaking about concessions to the Senate; I am glad the gentleman did make concessions to the Senate. I say, for the first time the bill has been properly considered by a body where the gag rule was not invoked. The bill was open before the rule came in to at least 10 or 12 points of order. The points of order have been eliminated by the adoption of the rule, and so it is unnecessary to discuss longer that proposition.

The changes made in the bill to which I desire to call attention are changes in the administrative features of it, changes which the House, when the matters were brought to them, either rejected on votes after practically no debate or which were not considered on points of order. But the changes which are now in the bill are, first, that a more liberal construction is given to that which we have heretofore classed as innocent beverages of the household. We have welcomed back into the sacred circle sweet cider, and, indeed, preserved sweet cider. We have provided that not alone can one make sweet cider, but he can sell cider to one who has a license or a permit for the manufacture of vinegar.

The bill strikes out the requirement of a bond, which was in the House bill, to the full value of the property in nuisance cases and substituted a fair and reasonable bond.

Amendment 31, the search-and-seizure section, I confess, I do not understand, although possibly the chairman of the Committee on the Judiciary does. It provides in its present form that one under section 1014 may issue a warrant, whereas the amendment of the Senate provided that they might issue and serve a warrant. If the limitation on the bare issuance of the warrant is authorized by the conferees on the part of the House, then it is fair to understand it. I am merely calling attention to it thinking possibly there might be some error in the gentleman's not including that which was included in the Senate amendment and making section 1014 generally applicable.

Section 1014 was rejected in the House, with the approval of the chairman of the Committee on the Judiciary, and is now reinserted by the Senate, except the service of the process is eliminated and we have the bare issuance of the warrant.

Then we had a considerable discussion in the House about the word "nonpotable." It was thought to be essential in matters like the sirups and patent medicines and other things with which some perverts seek to assuage a disordered thirst. Now, the word "nonpotable" is stricken out as an unnecessary limitation on the bill.

Amendments 58 and 59 permit, for what purpose I hardly know, except to follow the ground of reason, the establishment and continuance of hospitals and sanitariums.

Amendment 73, for instance, permits an opportunity to have a refusal of a permit reviewed in court.

Amendment 74 very largely and properly enlarges the question of the sacramental wines, providing for proper manufacture, for their manufacture under supervision, words a great deal better than those used by the House, and I say it with great respect, are now contained therein.

There was a section providing that no physician who had an office in a drug store could write a prescription containing alcohol. That has been eliminated and stricken out. There was a provision inserted with much vehemence that no man could take a drink on the train or a moving vehicle. That has been eliminated.

Mr. Speaker, I see that my time is expiring. We have only 30 minutes' debate, and I have no desire to longer use time. I merely desired to call attention to these changes which were made in conference by those representing the House and the Senate and to advise the House what is the present condition of the bill.

Mr. IGOE. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. HASKELL].

Mr. HASKELL. Mr. Speaker and gentlemen of the House, I am opposed to this conference prohibition report and shall vote against it upon the grounds that I advanced when the bill was originally brought before this House, and upon the further ground that the conferees have exceeded their authority; also, that there are a number of States that yet have referendum votes to take upon this subject. While I will support just and proper measures to enforce the Constitution and will uphold the laws as passed, I shall work for a resubmission of the eighteenth prohibition amendment. I believe that representative government did not come up to its high standard in its action taken on this proposition, and I believe the American people ought to have a direct vote upon it. I ask to-day, as I have before, that Congress take up for consideration House joint resolution 7, which I introduced on the first day of this session of Congress, which, when passed with a two-thirds vote by this Congress and ratified by three-fourths of the States, will allow a referendum vote to the people of America upon this important subject. That resolution is 100 per cent Americanism. Let the vote and the voice of the people of America be heard. I submit that is fair and just. We changed the system with reference to the election of Senators of the United States. There was doubt throughout the country as to whether or not elections by the State legislatures were proper, whether certain

influences were injected that were improper. We changed the Constitution to let the people elect their Senators directly. Why not follow the same procedure with reference to prohibition and amend the Constitution again, providing for a direct vote by the people on prohibition?

In the name of constitutional freedom and the preservation of self-determination to the individual upon purely moral questions, I ask that favorable action be taken upon my proposal.

Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, has the gentleman this doctrine in his platform in his race for county judge of New York?

Mr. HASKELL. I would state to the gentleman that in the primary contest, in which I was a candidate, the issue was injected and the people of Brooklyn, the greatest and most independent county in the United States of America, showed plainly that they wanted a referendum vote by the American people.

Mr. BLANTON. If the gentleman needs it in his campaign, I shall not object.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. IGOE. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, little can be said in the last two minutes of debate—I am sorry I have not more time—in opposition to this bill. I want it distinctly understood that I remain now, as I always have been, an antiprohibitionist. I have always voted against prohibition, except upon those times when I was paired with a prohibitionist; that is, when the vote of a prohibitionist was matched off against mine, neither of us voting. And I now register as the final act in this legislation my disapproval of the unfair and un-American method by which the majority of this House has forced upon the people of this country things that many do not want. It is contrary to our American institutions to attempt by legislation to prescribe the personal habits of our citizens. It is wrong, and the men here to-day who are forcing this on our people will live to regret the action that they are taking. It is a stroke at the very foundation of the institution that we call free government, and I protest against the methods that have been adopted. As I pointed out a few moments ago, dry conferees have reported a dry conference report to a dry Rules Committee, and a dry House is trying to make a free people——

A MEMBER. Dry?

Mr. CALDWELL. No; not dry, because you can not ever make the American people do anything that they do not want to do. I will continue—and a dry House is trying to make a free people conform their personal habits to the will of a few, and as I voted against the rule I will vote against the bill.

Mr. IGOE. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I wish to take advantage of part of the time allotted to me to correct a statement which I made on the floor of this House in my speech on prohibition last July, in which I said, speaking of the officials of the State of Virginia in their indorsement of the prohibition law in that State, that the police of that State entered trains and ransacked the wardrobes of women and committed assaults which bordered on indecency.

That statement was made by me as the result of an article which I saw in the public press at the time. A few days after I made that statement I received a letter from the office of the Commissioner of Prohibition of the State of Virginia, which stated that the newspaper item to which I had referred had been spread broadcast to the detriment of Virginia. As a result a complete investigation had been ordered by the officials of Virginia, and I have the report here in my hand, which completely exonerates any of its officials of that indecent conduct. I wish publicly in this House to withdraw the statement and say that from my information no such incident occurred, and the newspaper item did a great injustice to public officials of the State of Virginia. [Applause.]

Now, a word about present-day conditions since war prohibition has been in effect. In my own city of Boston thousands of persons have become Jamaica ginger addicts, with resultant injury to their systems, while thousands of others have become drug fiends; and this is but the beginning. How much more beneficial to the cause of temperance it would have been to have approached prohibition moderately, as is being done in Norway, rather than adopt the drastic provisions now before us.

This measure discriminates against the poor man at a time that every effort should be made to show that the rich man enjoys no advantages. We are having conferences in this city now between capital and labor, with a view to the amelioration of the conditions of the everyday man. There is too much evidence everywhere about us that a comparatively few have too much while the many have not enough. In a Republic like ours this should not be so. Yet in this very measure before us the rankest discrimination is shown. People who have the money to buy liquors and put them away in their dwelling can have as much as they like for themselves and friends, while the man without money to buy it in quantity must do without it. A dwelling under this act is construed to mean any room in any dwelling or hotel used as a home, and the man of independent means can have a dozen homes if need be, and under this law can store whatever amount of liquor he wishes for his own and friends' use. This is not like America, and yet it will be the law when this bill passes. See the chance for the Bolshevist to stir up trouble among right-thinking citizens on an issue like this. I say to the men of this House that this and other provisions of this bill spell trouble for America. To deny the man or woman in the big city the chance to make beer to drink after a hard day's work while the farmer can make his cider or wine is another act of discrimination perpetrated by this bill. The farmer should have his chance to make his cider and wine, but why deny the ordinary citizen the right to make beer? It is not justice, and unless I miss my guess the American people will say so in no uncertain tones when given the chance. [Applause.]

Mr. TINCHER. Mr. Speaker, I shall of course support the conference report. I want to call attention to the fact that this House has given more careful consideration to this measure, in my judgment, than it has to any measure before the House at this session of Congress, and more time, and that most of that time was consumed by the gentlemen who were opposed to the measure. I do not know that I ever knew of an instance where men opposed to prohibition have taken such an interest in enacting a prohibition law.

I want to predict now that the time will come when the gentleman from New York [Mr. CALDWELL], who just addressed this House, will be as anxious to withdraw his remarks from the RECORD as was the distinguished gentleman from Massachusetts [Mr. FITZGERALD], who so gladly withdrew his a moment ago. Prohibition is here to stay, and no God-fearing, liberty-loving citizen in 10 years from now will be willing to admit that he ever stood on the floor of the House of Representatives and opposed it.

[By unanimous consent, leave was granted to Mr. TINCHER to revise and extend his remarks in the RECORD.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS]. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Speaker, the curtain is so nearly down on this controversy that I do not think that there is need for much further speaking on the part of either the friends or the opponents of the conference report.

The American people have decided that they are going to try out this reform in the social life of the Nation. All that has been done, has been in conformity with the requirements of the Constitution with respect to amending that instrument. I can not understand how Members of this body, like our friend from New York [Mr. CALDWELL] can speak of this amendment as an assault upon our democratic theory of government. It is of the essence of democracy. That theory contemplates government as a growth. Progress and development are its handmaidens. Our organic law provides for the changes that new ideas born of progress and experience will suggest, and prescribes the procedure by which amendments shall be adopted. It is impossible for the Constitution to be amended in any hasty fashion, or in response to any sentiment that is not Nation wide in its character. The procedure with respect to this amendment has been taken in strict conformity with the requirements of the organic law. How can the gentleman from New York speak of the successive steps which have culminated in the ratification of the prohibition amendment, as a blow at the foundations of popular government? This experiment may be a wise, or an unwise one. Time alone will definitely tell. But at least it is orderly procedure, resting upon the sure foundation of the approving sentiment of a great majority of the American people. The gentleman from Ohio has, I think, somewhat slurringly referred to the manner in which this measure was prepared and handled in the House as compared with the alleged superior methods of treatment applied in the Senate. I have seen many issues debated in the course of my years of service in this body, but I do not recall any bill to which proportionately a larger measure of deliberation was accorded, and greater opportunity of unrestricted debate was granted, than were afforded during the considera-

tion of the prohibition enforcement bill. If the gentlemen in opposition did not engraft upon it the amendments which they submitted that failure was due to their lack of votes to support their amendments, not to lack of opportunity either to offer, or to debate them. They had their day in court, and an ample hearing. It has been correctly stated, I think by the chairman of the Judiciary Committee and possibly by other gentlemen, that the great bulk of the speeches made during the consideration of this bill in the House were made by the Members who opposed it. If they failed to secure favorable action on their amendments, it was not for lack of much speaking. I do not recall any amendment offered by the opponents of this legislation which was not discussed and voted upon in due and orderly fashion. Every step taken in connection with this legislation, has conformed to the requirements provided by the rules to secure a fair hearing, and impartial consideration of a legislative proposition.

Just a word in response to the intimation of the gentleman from Ohio that this bill was so badly constructed in the House that it had to be reconstructed by Senate amendments. Many of the amendments of the Senate were verbal or textual amendments of the most trivial and unimportant character. I will call the attention of the Members to some of these Senate amendments, in order that they may note their utter immateriality. Looking to page 12 of the bill, you will find that the words "capable of being" were stricken out by the stylists of the Senate, and in lieu thereof the words "which may be" were inserted. Our conferees accepted this amendment without demur. In another place on the same page where the words "and d" occur, these words were stricken out, and replaced by the words "and f." This amendment too, was readily accepted by the House conferees, as a proper consequential amendment due to rearrangements in the bill. Then I turn to the next page, page 13, and find that instead of the word "thirty," the word "twenty-five" appears in the Senate amendment. Later in the conferees' report, I believe my friend from Ohio said that 25 was made "29." Rearrangement of the sections of the bill made necessary the final change to "29."

The SPEAKER. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. I look to the next page, and find that the words "as defined in this title the," are stricken out, and the word "The" is substituted therefor. A very large proportion of the amendments of the Senate, were of this character, and it is to the the credit of our conferees, and not to the discredit of the House bill that they were readily accepted.

The SPEAKER. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Mr. Speaker, I wish to say in conclusion that if there are other amendments of the Senate, which according to the statement of the gentleman from Ohio very much improve the House bill, that I for one am very willing to see our handiwork improved, from whatever quarter that improvement may come, I hope that the measure has been so greatly improved by the collaboration of the Senate that it will now receive the support of the gentleman from Ohio, and his associates in their opposition to this measure. [Applause.]

Mr. IGOE. Mr. Speaker, the rule that was adopted provides that a motion to recommit may be offered. I shall offer a motion to recommit with instructions to insist upon the disagreement of the House to Senate amendment No. 31. When this measure was before the House the gentleman from Virginia [Mr. SAUNDERS] offered an amendment, which was adopted in the Committee of the Whole, providing that officers who might make arrests under section 1014 could issue search warrants. That amendment was adopted without debate, but when the House passed upon that amendment, after the Committee of the Whole had reported the bill, a roll call was had and that amendment was rejected by a vote of 285 to 73, and the 285 included the chairman of the committee, Mr. VOLSTEAD, of Minnesota. The Senate, however, reinserted that provision, and the conferees have agreed to the amendment in language somewhat modified but which still gives the officers mentioned in section 1014 the power to issue search warrants. This Congress has always safeguarded that right, and the only time that we passed such a provision was in the espionage law, adopted shortly after the declaration of war against Germany, and that law provides that this search warrant could only be issued by a United States judge or a State court or Territorial court of record or by a United States commissioner for a district. Now, what is proposed to be done by this amendment which the conferees have agreed to in utter violation of a record vote of this House, and in which the gentleman from Minnesota, the chairman of the committee, joined? Under that section a search warrant may be issued by any chancellor, judge of a supreme court or a superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate of any State. Now, what can be done under these search warrants? Congress in passing the espionage law confined this power to courts of record. And there was good reason for it.

In this act, which is a Federal act, the conferees are extending the powers of State officials to enforce a Federal law and provide that they may issue search warrants under which houses may be broken into and entered if admittance is refused, and where the application states that the property to be seized is in the house it may be entered in the nighttime. The reason that Congress safeguards this provision, even in the enforcement of the espionage law, was because Congress felt that people should be secure in their papers and that their homes should be inviolate except under the most extraordinary circumstances. And so this very House in this Congress, this session of Congress, in passing upon an amendment to this bill, upon this very measure, rejected the proposition that the authority to issue search warrants should be extended to justices of the peace, many of whom may not be versed in the law, and none of whom maintain courts of record. It was the theory of this Congress, including the gentleman from Minnesota [Mr. VOLSTEAD], the chairman of the committee, as shown by this record vote, that this privilege of issuing search warrants should be restricted, should be confined to those who are mentioned now in title 11 of the espionage act, section 1, and that that right should be confined to courts of record.

So, Mr. Speaker, I shall offer this motion to recommit, because I believe that this House will stand by the record vote which was cast on July 21, when by a vote of 285 to 73 they refused to sanction this proposition, which is substantially the one that was offered by the gentleman from Virginia and which was rejected at that time.

I have nothing further to say about this bill. I am opposed to it, and while the Senate amendments have liberalized it the bill is still objectionable. But I believe that these amendments of the Senate have gone far to remove some of the objectionable matter. But this amendment which has been accepted is, to my mind, an extremely objectionable one, and it is one of the few which was voted upon in this House and by an overwhelming majority was rejected. I hope this House will again go upon record against such an amendment as this.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield seven minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Speaker, the talk we have had about the passage of the bill in the House is like discussing a last year's bird's nest. That is past and gone, and the water is over the dam. And, as observed here, our antiprohibition friends took up more space in the RECORD, probably by 50 per cent, than the dry people in discussing the bill. It was fully and fairly discussed. To-day's debate has been on how the conferees, one of whom I happen to be, had violated the rules of the House, had attempted to overturn the foundations and the policies of the Government in violating some great rule by their conduct in presenting this conference report. I have listened to all this debate, and I have yet to hear the first man lay one objection to anything before the House that the conferees on the part of the House put in the bill.

Mr. GARD. Will the gentleman yield?

Mr. WEBB. I yield, and I want my friend to name the language in which we exceeded our authority to which he objects.

Mr. GARD. I can name at least 10 points. As the gentleman says, this is water over the dam, because the resolution the gentleman voted for, declaring all points of order should be waived, makes it unnecessary to say anything about it.

Mr. WEBB. I will tell you what they objected to. Every one of the things they objected to liberalized the bill in favor of the antiprohibition people, and they would all have gladly voted for them if they had been presented in the House. They are objecting to what the wet people want. If anybody objects to the conference report, it ought to be the dry men, and it does not lie in the mouths of the whisky men of this House to come in and object to the liberal acts we reported. When this bill passed the House it provided that every man who was indicted for selling a beverage with one-half of 1 per cent of alcohol should have to prove that he had not done it. The burden of proving the alcoholic content was placed on the defendant. The gentleman from Ohio never did object to that provision, and yet it was a radical change in the proceedings of our courts by placing the burden of proof on the defendant in every such case. When that provision went to the Senate, the Senate struck out the whole of that section, and I am not

telling any secret when I say that we stayed in "grips" for two weeks on that burden-of-proof proposition. In order to compromise it and get it back here, we agreed to put the burden of proof on the manufacturer alone, because he is familiar with what goes into the beverage, and we left the burden of proof on the Government as to the retailer, but provided in every case when the alcoholic content was analyzed that the reasonable expense for analyzing it should be taxed as a part of the costs. They say that is in violation of the rule and is about to overturn the Government because we agreed to it.

And the other provision was that the shipment should be in sealed containers or bottles, as prescribed by the commissioner. They are the only two that I know of wherein there is a ground for making the point of order that we exceeded our authority, and if we committed an error it was in behalf of the men who want liquor sold. Yet they are the ones who make the most fuss as to violation of the conference rules by your conferees.

My friend refers to the number of amendments that we yielded on. We yielded on 55 amendments where we struck out "That" at the beginning of each section. The Senate, out of its sense of style, struck "That" out and let the sentence just begin "The." It struck out the word "That" and left in the word "The." We agreed to that 55 times, and thus committed another offense. It was just a question of taste and of style, but we wanted to agree and get down to business, and we agreed to let the Senate have its way there.

Now, before my time expires, I want to discuss this section 1014 of the Revised Statutes, which my friend from Missouri [Mr. IGOE] referred to. When the amendment was offered in the House before and beaten, I want to say that the House did not fully understand it. I do not believe the House understood it, because Members said they did not understand it. It reads like this:

Officers authorized to issue warrants or cause arrests to be made under said section 1014 of the Revised Statutes of the United States are authorized to issue search warrants under the limitations provided in Title XI of the act approved June 15, 1917, Fortieth Statutes at Large, page 217, et seq.

What we did in the House, and the reason why the House voted against it, was that the House got the impression——

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. WEBB. Has the time of the gentleman from Minnesota entirely expired? Give me one minute more.

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman one minute.

The SPEAKER. The gentleman from North Carolina is recognized for one minute more.

Mr. WEBB. The House got the impression that this not only authorized the issuance of search warrants, but arrests by these officers. So it struck out that language and made it read this way:

Officers mentioned in section 1014 are authorized to issue search warrants under the limitations provided in Title XI of the act approved June 15, 1917.

The gentleman from Missouri objects to that. Every State in the Union—and there are 48 of them, I believe—permits its justices of the peace and all other judicial officers to issue search warrants. What objection has a man who lives in a State—and we all do—against a judge issuing a search warrant?

Mr. IGOE. Why did not the committee permit them to do it under the espionage law?

Mr. WEBB. There we were treading on new ground, and the States did not have jurisdiction to enforce it. We could not leave it to the States. Why not trust these State judicial officers? I hope this House will trust them by defeating any motion to strike it out. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman from Iowa is recognized for five minutes.

Mr. TOWNER. Mr. Speaker, I think that instead of being subject to criticism, both the Committee on the Judiciary and the conference committee should receive from this House hearty thanks for performing the very arduous, embarrassing, and difficult work that they have had committed to them.

This legislation, which was reported from the Committee on the Judiciary, was the most difficult piece of legislation that has ever been submitted to any committee, at least since I have been a Member of this House. Not only did it have to travel untraversed ground and make new precedents and arrange methods of meeting the duty that was imposed upon them, but it was necessary to meet a conspicuously difficult proposition, because of the fact that we had still under operation in this country the law with regard to war-time prohibition, as it has been termed.

I would have been better satisfied if separate measures had been brought in here, but I recognize the difficulty of the task which the committee had, and I certainly feel deeply under obligations to them for the manner in which they have performed their duty. Not only that, gentlemen, but I think we are under obligations to the committee for the very careful, considerate, and courteous manner in which the majority of the committee conducted the debate in this House during the progress of this legislation through the House. I was certainly surprised that the gentleman from Ohio [Mr. GARD], who himself was treated with more consideration and courtesy than I ever saw exhibited on the floor of this House to any individual before, who more times secured unanimous consent to extend his remarks than I ever saw granted before to any individual, should object to the way in which that debate was carried on. For three weeks that bill was debated in the House. Every possible objection that the ingenuity of the very ingenious gentleman opposing this measure could suggest was brought forward in the House. They were all met, and, I believe, carefully and graciously. There was ample consideration afforded to every one of them.

I know that it has been said by gentlemen time and time again that this legislation was railroaded through the House. Gentlemen, there never was a piece of legislation placed more conspicuously and directly before the House than this legislation. Members were compelled to act under their constitutional obligations. They were compelled to pass this legislation because it was their duty to do so, and, as I said before, I believe they did their duty honestly and fairly. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for two minutes.

Mr. BLANTON. Mr. Speaker, in all the history of Congress in my judgment there has been no piece of legislation passed more important to the happiness of the homes in America than this bill.

I want to challenge the statements made by the gentleman from New York [Mr. CALDWELL], "that the American people can not be made by Congress to do anything which they do not want to do," and "that the people will not respect this law after Congress passes it." The characteristic American citizen is a law-loving, law-abiding citizen, and the great majority of American citizens, notwithstanding the fact that many are foreign born, are law-loving, law-abiding citizens and will obey any and all laws passed by Congress. We have passed in the history of this Nation only 18 amendments to the Constitution, and every single one of those amendments has been passed in the identical manner in which this seventeenth amendment was passed—submitted to the States by Congress, and by the legislatures of the various States ratified—and never before in the history of this Nation was any one of the 17 amendments thus far ratified more quickly acted on than this seventeenth amendment; and I want to call your attention to the fact that 44 of the 48 States in less than a year promptly ratified this seventeenth amendment. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, the gentleman from Iowa [Mr. TOWNER] has just complimented the work of the Judiciary Committee on this work it has done in the preparation and enactment of this bill. The members of the Judiciary Committee are no doubt all grateful for the kind remarks of the gentleman from Iowa. The members of the committee generally have done their duty conscientiously. But the work of the preparation of this bill has devolved largely upon one man, the chairman of the Judiciary Committee. For months he has given a large part of his time to the work of perfecting this bill. He has done the work efficiently and conscientiously. We are about to take a final vote on our first national prohibition statute. It is a great measure, and for its preparation and its final passage in its present form the country is indebted, above all others, to the gentleman from Minnesota, the chairman of the Judiciary Committee, Hon. ANDREW J. VOLSTEAD.

Mr. Speaker, I shall vote for this bill with a great deal of pleasure. In the adoption of the prohibition amendment the American people have taken a great step forward. Few measures have been enacted since the organization of our first Congress which are so far-reaching in influence as this measure will be. It will leave its impress upon the social, moral, and economic conditions of the Nation. It will be felt in every avenue of human activity and in every home. It will mold and

modify the Nation at large. Through it a new Nation will be developed. It will be a better Nation. It will be a Nation with less crime, immorality, and injustice. It will be a more efficient Nation. It will be a greater Nation industrially, commercially, and financially. Through it will come better citizenship physically, intellectually, and morally. As a result of this measure there will come a higher standard in our political world. So I hail this measure as the harbinger of a greater Nation, a brighter day, and a better world.

Mr. IGOE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Missouri offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. IGOE moves to recommit the conference report to the conferees with instructions to the House conferees to insist upon the disagreement of the House to Senate amendment No. 31.

Mr. VOLSTEAD. Mr. Speaker, I make the point of order that that motion is not permissible under the rules. There are no conferees any more on this bill. The Senate has passed this report, and the Senate conferees have been discharged, and this motion is clearly out of order under the rules.

Mr. IGOE. Mr. Speaker, I do not quite understand the gentleman. To be candid, the point of order comes to me as a surprise. I am not going to repeat what has been said about the way this bill has been handled, but the rule just adopted to-day provides not only that points of order can not be made and that the debate shall be limited, but it winds up by saying that one motion to recommit may be permitted. That rule was adopted by the House just an hour ago, and surely the gentleman from Minnesota can not have read the rule. We are bound by it. The majority of this House by a special rule governing the consideration of this conference report has provided for a motion to recommit, and all that I have submitted is a motion expressly permitted in the rule which has just been adopted.

The SPEAKER. The Chair thinks the gentleman from Missouri did not hear what the gentleman from Minnesota said. It was that the conferees on the part of the Senate had been discharged, so that there are not any conferees to whom the motion which he makes could be addressed.

Mr. IGOE. We are governed, as I take it, by this special rule, not by the rules of the Senate, and if this House by a majority vote adopts a rule which is senseless, because of some fact which does not appear in the rule itself, then the fault lies with the House, and we are not to be prejudiced in our right because of some fact which, it seems to me, it was the duty of the gentleman from Minnesota and others who proposed this rule to have informed the House of before the rule was adopted. I think the gentleman is estopped by the rule under which we are acting, which authorizes the minority to present a motion to recommit. What other right have we to secure an expression from the House upon this proposition?

Mr. RANDALL of California. The gentleman has the remedy. Let the House reject the conference report and ask for a further conference.

Mr. IGOE. When we suggested something here a little while ago the gentleman said, "You can vote up the rule and then vote down the conference report." But some Members of this House want an expression of opinion upon one feature of the conference report, a proposition which the House voted down before by a record vote. But the conferees, ignoring that record vote, go into the conference and agree to the Senate amendment setting up the very thing which the House rejected.

Mr. WEBB. I beg the gentleman's pardon. We struck out, and made it very clear that no one but the officers mentioned should issue search warrants. They had the idea that a deputy sheriff might do it.

The SPEAKER. The Chair could not hear what the gentleman said.

Mr. IGOE. That is all I have to say.

The SPEAKER. It was the gentleman from North Carolina that the Chair could not hear.

Mr. WEBB. I intended to say that the gentleman from Missouri was mistaken when he said that the conferees adopted the very thing that was beaten in the House, because we have amended the language and made it clear what officers shall issue these warrants.

Mr. IGOE. The gentleman from North Carolina is mistaken.

The SPEAKER. The Chair thinks that is not pertinent to the point of order.

Mr. VOLSTEAD. The fact that the rule permits a motion to recommit does not mean that any motion is in order. If the gentleman presents a motion to recommit that is in order, it should be permitted, but it is perfectly clear to me that the motion he offers is not in order. He can not recommit to conferees who have no existence.

The SPEAKER. Will the gentleman suggest any motion to recommit that would be in order?

Mr. VOLSTEAD. I do not know of any that I can think of; it is for the gentleman to find some motion that is in order that he can avail himself of. Of course every rule of this kind that contains permission to move to reconsider is subject to the requirement that the motion to recommit is one that is in order, and I submit that under the circumstances no motion to recommit is in order.

Mr. SAUNDERS of Virginia. Mr. Speaker, while I am opposed to the motion to recommit, it seems to me very clear that the gentleman from Missouri [Mr. IGOE] has the right to make it. No new condition has developed since the rule was adopted. When the House voted on the rule it knew that the Senate conferees had been discharged. The rule against recommitting a conference report, when the conferees of the Senate have been discharged, is a rule of order of the House, but that rule has been avoided by the rule that we adopted this morning. If that rule provides for a vain or futile thing—and this motion to recommit is both vain and futile—the Chair is not called upon to hold it out of order. The House can do a foolish thing, if it is so minded, and when it does a foolish thing, if it is within its authority, such action does not present a question of order. The sole question now is whether the gentleman is asserting a right given to him by the rule. The right in its exercise may amount to nothing. As I have said, it may be a vain and futile thing that he is doing. But this rule expressly provides that there shall be a motion to recommit. To what committee, if recommitted, shall the conference report be sent? Plainly, to the conferees on the part of the House. As I caught the purport of the motion, it directs these conferees to do certain things. Well, the House can give these instructions. The House conferees have not been discharged, and we can instruct them as we see fit. The fact that the instructions can not be carried out and therefore are vain, is immaterial. The gentleman is entitled to make the motion that the rule provides may be made. When the motion is submitted, the House by its action can adopt, or reject it. That is our part in the procedure which the rule has provided. The Speaker in admitting the gentleman from Missouri to make this motion, is merely carrying out the provisions of a rule deliberately adopted by the House. If this provision of the rule is a foolish one, the responsibility for this folly attaches to the House which agreed to the rule. The gentleman from Missouri is entitled to exercise a right explicitly afforded by the action of this body when it fixed the terms for the consideration of this report.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. There is one point of order pending.

Mr. BLANTON. Will the Chair hear me on the point of order?

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. BLANTON. I take it that when the conference committee presents its conference report for the consideration of the House, and their report is placed before the House for action, the conferees are thereby discharged from the further consideration of the bill and the disagreements in conference. A rule which would make it in order to offer one motion to recommit legislation to conferees when they have ceased to exist would be absolutely without value, merit, or standing, even though it is a rule passed by the House, if there are no conferees to whom the matter could be recommitted. In other words, if there are no conferees, even though the House has adopted a rule providing that there could be one motion to recommit, I submit to the Chair that the rule is meaningless and without standing before the House, and is absolutely without value, because we have no conferees to whom we could recommit the bill. For, if this conference report is disapproved by the House, conferees will again have to be appointed by the Chair.

The SPEAKER. It seems to the Chair that this is an awkward and quite unprecedented situation. If it were not for the fact that the rule especially permits the motion to recommit, the Chair would have no hesitation, following the precedents in ruling, that the motion to recommit was out of order, because the conferees on the part of the Senate have been discharged and there is really no conference committee to whom it could be recommitted.

But, as the gentleman from Virginia forcibly says, the rule which the House adopted in the full light of the conditions, knowing that the Senate conferees had been discharged, especially authorized a motion to recommit. The Chair agrees with

the gentleman from Virginia that it is a vain and futile thing, but the Chair does not think that it is within the province of the Chair to invalidate a rule which the House has just passed. While it seems to the Chair that the adoption of such a motion would be useless—and the Chair can only speculate what might be the fate of the bill if the motion should carry—at the same time the Chair does not think it is within the province of the Chair to nullify what the House has just adopted with its eyes open. Therefore the Chair overrules the point of order. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. IGOE) there were—ayes 44, noes 105.

Mr. IGOE. Mr. Speaker, I demand the yeas and nays.

Mr. GARD. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Ohio makes the point of order that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 83, nays 218, answered "present" 2, not voting 126, as follows:

YEAS—83.

Bee	Eagan	Lampert	O'Connor
Blackmon	Eagle	Lazaro	Ogden
Booher	Edmonds	Lea, Calif.	Pell
Browning	Fitzgerald	Lehlbach	Phelan
Burdick	Flood	Linthicum	Pou
Burke	Ganly	Lonergan	Radcliffe
Caldwell	Gard	Longworth	Rainey, J. W.
Campbell, Pa.	Garland	McDuffie	Ramsey
Carew	Glynn	McGlennon	Rhodes
Carss	Goldfogle	McKiniry	Riordan
Clark, Mo.	Griffin	McLane	Rodenberg
Cleary	Hamill	MacCrate	Rowan
Coady	Haskell	MacGregor	Sanford
Crago	Heflin	Madden	Smith, N. Y.
Cullen	Holland	Martin	Sullivan
Curry, Calif.	Humphreys	Mead	Tilson
Denison	Igoe	Minahan, N. J.	Volgt
Dent	Jefferis	Mudd	Walsh
Donovan	Johnston, N. Y.	Newton, Mo.	Watson, Pa.
Dooling	Juul	Nolan	Watson, Va.
Dupré	Kahn	O'Connell	

NAYS—218.

Alexander	Evans, Mont.	Kincheloe	Sanders, La.
Almon	Evans, Nebr.	King	Saunders, Va.
Anderson	Evans, Nev.	Kinkaid	Sears
Andrews, Nebr.	Fairfield	Kitchin	Sims
Ashbrook	Ferris	Kraus	Sinnott
Aswell	Fess	Lanham	Smith, Idaho
Ayres	Fields	Lankford	Smith, Mich.
Baer	Fisher	Layton	Smithwick
Bankhead	Focht	Luhring	Snell
Barbour	Fordney	McFadden	Steagall
Barkley	Freeman	McKenzie	Stedman
Begg	French	McKeown	Steenerson
Benham	Garner	McLaughlin, Mich.	Stevenson
Benson	Garrett	Major	Stiness
Black	Good	Mansfield	Strong, Kans.
Bland, Mo.	Goodwin, Ark.	Mapes	Summers, Wash.
Bland, Va.	Gould	Michener	Sumners, Tex.
Blanton	Graham, Ill.	Miller	Sweet
Boies	Green, Iowa	Monahan, Wis.	Taylor, Colo.
Bowers	Greene, Mass.	Mondell	Temple
Box	Greene, Vt.	Moon	Thomas
Briggs	Griest	Moore, Ohio	Thompson
Brinson	Hadley	Moore, Va.	Tillman
Brooks, Ill.	Hamilton	Morgan	Timberlake
Browne	Hardy, Colo.	Mott	Tincher
Brumbaugh	Hardy, Tex.	Neely	Towner
Buchanan	Hastings	Nelson, Mo.	Treadway
Burroughs	Haugen	Nelson, Wis.	Venable
Butler	Hawley	Newton, Minn.	Vestal
Byrnes, S. C.	Hayden	Nichols, Mich.	Vinson.
Byrns, Tenn.	Hays	Oldfield	Volstead
Campbell, Kans.	Hernandez	Oliver	Walters
Candler	Hersey	Osborne	Wason
Cannon	Hersman	Overstreet	Watkins
Carter	Hickey	Padgett	Weaver
Cole	Hicks	Park	Webb
Connally	Hill	Parrish	Webster
Cooper	Hoch	Platt	Welling
Cramton	Howard	Quin	Welty
Crisp	Huddleston	Raker	Whaley
Dale	Hudspeth	Ramseyer	Wheeler
Dallinger	Hulings	Randall, Calif.	White, Kans.
Darrow	Hull, Tenn.	Randall, Wis.	White, Me.
Davis, Minn.	Jacoway	Rayburn	Williams
Davis, Tenn.	James	Reavis	Wilson, La.
Dickinson, Mo.	Johnson, Ky.	Reed, W. Va.	Wilson, Pa.
Dickinson, Iowa.	Johnson, Miss.	Ricketts	Winslow
Dominick	Johnson, Wash.	Riddick	Wood, Ind.
Dowell	Jones, Pa.	Robinson, N. C.	Woods, Va.
Drane	Jones, Tex.	Rogers	Woodyard
Dunbar	Kearns	Romjue	Yates
Echols	Keller	Rose	Young, N. Dak.
Elliott	Kelly, Pa.	Rubey	Young, Tex.
Elston	Kendall	Rucker	
Esch	Kiess	Sanders, Ind.	

ANSWERED "PRESENT"—2.

Johnson, S. Dak. Knutson

NOT VOTING—126.

Ackerman	Frear	McClintic	Schall
Andrews, Md.	Fuller, Ill.	McCulloch	Scott
Anthony	Fuller, Mass.	McKinley	Scully
Babka	Gallagher	McLaughlin, Nebr.	Sells
Bacharach	Gallivan	McPherson	Sherwood
Bell	Gandy	Magee	Shreve
Bland, Ind.	Godwin, N. C.	Maher	Siegel
Brand	Goodall	Mann	Sinclair
Britten	Goodykoontz	Mason	Sisson
Brooks, Pa.	Graham, Pa.	Mays	Slemp
Cantrill	Harrison	Merritt	Small
Caraway	Houghton	Montague	Smith, Ill.
Casey	Hull, Iowa	Mooney	Snyder
Chindblom	Husted	Moore, Pa.	Steele
Christopherson	Hutchinson	Moores, Ind.	Stephens, Miss.
Clark, Fla.	Ireland	Morin	Stephens, Ohio
Classon	Kelley, Mich.	Murphy	Strong, Pa.
Collier	Kennedy, Iowa	Nicholls, S. C.	Swope
Copley	Kennedy, R. I.	Olney	Taylor, Ark.
Costello	Kettner	Paige	Taylor, Tenn.
Crowther	Kleczka	Parker	Tinkham
Currie, Mich.	Kreider	Peters	Upshaw
Davey	LaGuardia	Porter	Valle
Dempsey	Langley	Purnell	Vare
Dewalt	Larsen	Rainey, H. T.	Ward
Doremus	Lee, Ga.	Reber	Wilson, Ill.
Doughton	Lesher	Reed, N. Y.	Wingo
Dunn	Little	Robsion, Ky.	Wise
Dyer	Luce	Rouse	Wright
Ellsworth	Lufkin	Rowe	Zihlman
Emerson	McAndrews	Sabath	
Foster	McArthur	Sanders, N. Y.	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ACKERMAN with Mr. GODWIN of Arkansas.

Mr. CHRISTOPHERSON with Mr. HARRISON.

Mr. FULLER of Illinois with Mr. LESHER.

Mr. FULLER of Massachusetts with Mr. MAYS.

Mr. KELLEY of Michigan with Mr. UPSHAW.

On the vote:

Mr. BACHARACH (for) with Mr. CARAWAY (against).

Mr. WARD (for) with Mr. JOHNSON of South Dakota (against).

Mr. STEELE (for) with Mr. GANDY (against).

Mr. SCULLY (for) with Mr. STRONG of Pennsylvania (against).

Mr. GALLIVAN (for) with Mr. MAGEE (against).

Mr. TINKHAM (for) with Mr. FOSTER (against).

Mr. BROOKS of Pennsylvania (for) with Mr. PURNELL (against).

Mr. LAGUARDIA (for) with Mr. CROWTHER (against).

Mr. MAHER (for) with Mr. SINCLAIR (against).

Mr. GALLAGHER (for) with Mr. HOUGHTON (against).

Mr. MCANDREWS (for) with Mr. MONTAGUE (against).

Mr. HULL of Iowa (for) with Mr. ANTHONY (against).

Mr. DYER (for) with Mr. SHREVE (against).

Mr. REBER (for) with Mr. BLAND of Indiana (against).

Mr. JOHNSON of South Dakota. Mr. Speaker, I voted "nay," but I have a pair with the gentleman from New York, Mr. WARD, and wish to withdraw my vote of "nay" and answer "present."

The name of Mr. JOHNSON of South Dakota was called, and he answered "Present."

Mr. KNUTSON. Is the gentleman from Georgia, Mr. BELL, recorded?

The SPEAKER. He is not recorded.

Mr. KNUTSON. Then I wish to withdraw my vote of "nay" and answer "present."

The name of Mr. KNUTSON was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the adoption of the conference report.

The question was taken; and on a division (demanded by Mr. IGOE) there were—ayes 156, noes 62.

Mr. IGOE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 69, answered "present" 1, not voting 129, as follows:

YEAS—230.

Alexander	Benham	Browne	Clark, Mo.
Almon	Benson	Browning	Cole
Anderson	Black	Brumbaugh	Connally
Andrews, Nebr.	Bland, Mo.	Burroughs	Cooper
Ashbrook	Bland, Va	Butler	Cramton
Aswell	Blanton	Byrnes, S. C.	Crisp
Ayres	Boies	Byrns, Tenn.	Dale
Baer	Bowers	Campbell, Kans.	Dallinger
Bankhead	Box	Candler	Darrow
Barbour	Briggs	Cannon	Davis, Minn.
Barkley	Brinson	Carss	Davis, Tenn.
Begg	Brooks, Ill.	Carter	Denison

Dickinson, Mo.	Hickey	Moon	Steenerson
Dickinson, Iowa	Hicks	Moore, Ohio	Stevenson
Dominick	Hill	Moore, Va.	Stiness
Dowell	Hoch	Morgan	Strong, Kans.
Drane	Holland	Mott	Summers, Wash.
Dunbar	Howard	Neely	Sumners, Tex.
Echols	Huddleston	Nelson, Mo.	Sweet
Elliott	Hudspeth	Nelson, Wis.	Taylor, Colo.
Elston	Hulings	Newton, Minn.	Temple
Esch	Hull, Tenn.	Oldfield	Thomas
Evans, Mont.	Jacoway	Oliver	Thompson
Evans, Nebr.	James	Osborne	Tillman
Evans, Nev.	Johnson, Ky.	Overstreet	Timberlake
Fairfield	Johnson, Miss.	Padgett	Tincher
Ferris	Johnson, Wash.	Park	Towner
Fess	Jones, Pa.	Parrish	Treadway
Fields	Jones, Tex.	Platt	Venable
Fisher	Kearns	Quin	Vestal
Flood	Keller	Raker	Vinson
Focht	Kelly, Pa.	Ramseyer	Volstead
Fordney	Kendall	Randall, Calif.	Walsh
Freeman	Kiess	Randall, Wis.	Walters
French	Kincheloe	Rayburn	Wason
Gard	King	Reavis	Watkins
Garner	Kinkaid	Reed, W. Va.	Watson, Va.
Garrett	Kitchin	Rhodes	Weaver
Good	Knutson	Ricketts	Webb
Goodwin, Ark.	Kraus	Riddick	Webster
Gould	Lanham	Robinson, N. C.	Welling
Graham, Ill.	Lankford	Rogers	Welty
Greene, Mass.	Layton	Romjue	Whaley
Greene, Vt.	Lufkin	Rose	Wheeler
Griest	Luhring	Rubey	White, Kans.
Hadley	McDuffie	Rucker	White, Me.
Hamilton	McFadden	Sanders, Ind.	Williams
Hardy, Colo.	McKenzie	Sanders, La.	Wilson, La.
Hardy, Tex.	McKeown	Saunders, Va.	Wilson, Pa.
Hastings	McLaughlin, Mich.	Sears	Winslow
Haugen	MacGregor	Sims	Wood, Ind.
Hawley	Major	Sinnott	Woods, Va.
Hayden	Mansfield	Smith, Idaho	Woodyard
Hays	Mapes	Smith, Mich.	Yates
Heflin	Michener	Smithwick	Young, N. Dak.
Hernandez	Miller	Snell	Young, Tex.
Hersey	Monahan, Wis.	Steagall	
Hersman	Mondell	Stedman	

NAYS—69.

Bee	Eagan	Lea, Calif.	Ogden
Blackmon	Edmonds	Lehlbach	Pell
Booher	Fitzgerald	Linthicum	Phelan
Buchanan	Ganly	Lonergan	Pou
Burdick	Garland	Longworth	Radcliffe
Burke	Glynn	McGlennon	Rainey, J. W.
Caldwell	Goldfogle	McKiniry	Ramsey
Campbell, Pa.	Griffin	McLane	Riordan
Carew	Hamill	MacCrate	Rodenberg
Cleary	Haskell	Madden	Rowan
Coady	Humphreys	Martin	Sanford
Crago	Igoe	Mead	Smith, N. Y.
Cullen	Jefferis	Minahan, N. J.	Sullivan
Curry, Calif.	Johnston, N. Y.	Mudd	Tilson
Dent	Juul	Newton, Mo.	Voigt
Donovan	Kahn	Nolan	
Dooling	Lampert	O'Connell	
Dupré	Lazaro	O'Connor	

ANSWERED "PRESENT"—1.

Johnson, S. Dak.

NOT VOTING—129.

Ackerman	Frear	McCulloch	Scott
Andrews, Md.	Fuller, Ill.	McKinley	Scully
Anthony	Fuller, Mass.	McLaughlin, Nebr.	Sells
Babka	Gallagher	McPherson	Sherwood
Bacharach	Gallivan	Magee	Shreve
Bell	Gandy	Maher	Siegel
Bland, Ind.	Godwin, N. C.	Mann	Sinclair
Brand	Goodall	Mason	Sisson
Britten	Goodykoontz	Mays	Slemp
Brooks, Pa.	Graham, Pa.	Merritt	Small
Cantrill	Green, Iowa	Montague	Smith, Ill.
Caraway	Harrison	Mooney	Snyder
Casey	Houghton	Moore, Pa.	Steele
Chindblom	Hull, Iowa	Moores, Ind.	Stephens, Miss.
Christopherson	Husted	Morin	Stephens, Ohio
Clark, Fla.	Hutchinson	Murphy	Strong, Pa.
Classon	Ireland	Nicholls, S. C.	Swope
Collier	Kelley, Mich.	Nichols, Mich.	Taylor, Ark.
Copley	Kennedy, Iowa	Olney	Taylor, Tenn.
Costello	Kennedy, R. I.	Paige	Tinkham
Crowther	Kettner	Parker	Upshaw
Currie, Mich.	Kleczka	Peters	Valle
Davey	Kreider	Porter	Vare
Dempsey	LaGuardia	Purnell	Ward
Dewalt	Langley	Rainey, H. T.	Watson, Pa.
Doremus	Larsen	Reber	Wilson, Ill
Doughton	Lee, Ga.	Reed, N. Y.	Wingo
Dunn	Lesher	Robsion, Ky.	Wise
Dyer	Little	Rouse	Wright
Eagle	Luce	Rowe	Zihlman
Ellsworth	McAndrews	Sabath	
Emerson	McArthur	Sanders, N. Y.	
Foster	McClintic	Schall	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. SHREVE (for) with Mr. DYER (against).

Mr. ANTHONY (for) with Mr. HULL of Iowa (against).

Mr. MONTAGUE (for) with Mr. MCANDREWS (against).

Mr. HOUGHTON (for) with Mr. GALLAGHER (against).

Mr. SINCLAIR (for) with Mr. MAHER (against).

Mr. CROWTHER (for) with Mr. LAGUARDIA (against).

Mr. PURNELL (for) with Mr. BROOKS of Pennsylvania (against).

Mr. FOSTER (for) with Mr. TINKHAM (against).

Mr. MAGEE (for) with Mr. GALLIVAN (against).

Mr. STRONG of Pennsylvania (for) with Mr. SCULLY (against).

Mr. GANDY (for) with Mr. STEELE (against).

Mr. CARAWAY (for) with Mr. BACHARACH (against).

Mr. JOHNSON of South Dakota (for) with Mr. WARD (against).

Mr. NICHOLLS of South Carolina (for) with Mr. WATSON of Pennsylvania (against).

Mr. BLAND of Indiana (for) with Mr. REBER (against).

Until further notice:

Mr. LANGLEY with Mr. BELL.

Mr. HAMILTON with Mr. EAGLE.

Mr. GREEN of Iowa. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. GREEN of Iowa. Mr. Speaker, I was not. I simply desire to state that I misunderstood the call, and if I had been present I should have voted "aye."

Mr. FREAR. Mr. Speaker, I desire to make the same statement. I would have voted "aye" if I had been present.

Mr. JOHNSON of South Dakota. Mr. Speaker, I have a pair with the gentleman from New York, Mr. WARD, and I desire to withdraw my vote of "aye" and answer "present."

Mr. HARRISON. Mr. Speaker, I desire to vote "aye," but I was not present. I make the same statement as the others.

The result of the vote was announced as above recorded.

Mr. VOLSTEAD. Mr. Speaker, I move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The SPEAKER. That is not necessary.

EXTENSION OF REMARKS.

Mr. WEBSTER. Mr. Speaker, on Saturday of last week Mr. Samuel Gompers, president of the American Federation of Labor, appeared before the Committee on Interstate and Foreign Commerce and submitted his views in reference to certain legislation then under consideration by the committee. At that time I asked Mr. Gompers some questions. On the 7th of this month I received a letter from Mr. Gompers dealing with the testimony given by him on that occasion. On the 9th of this month I replied to that letter. I desire to ask unanimous consent that I be permitted to insert in the RECORD a copy of Mr. Gompers's letter and a copy of my reply. I am sure any gentleman who will take the pains to examine the correspondence will have no objection.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by inserting a letter from Mr. Gompers and his reply to the same. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, I did not understand what the gentleman asked. What does the gentleman desire to insert in the RECORD?

Mr. WEBSTER. I want to insert a copy of a letter received by me from Mr. Samuel Gompers and a copy of my answer to that letter.

Mr. GARD. The gentleman's letter and his answer to the same. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., October 6, 1919.

DEAR SIR: At the hearing before the Committee on Interstate Commerce of the House of Representatives on Saturday, October 4, when the committee had under consideration the Esch bill and the general conditions of labor were discussed, you asked me a question which you put in several forms, and, unsatisfied with my answer, you stated that I hesitated in giving my reply. Your manner impressed me as if you intimated that I would not care to make a direct reply to your question. This thought has grown upon me since then. I have been so engrossed with duties that I could not defer, or I should have written you earlier.

The transcript of the testimony is not before me and I have only my memory to serve me. In substance, you asked me that if the Congress should pass a law making it unlawful for two or more persons to cease work and the courts decided that such an act was constitutional, whether I would still hold that these workers had the right to cease work.

I endeavored to give a direct answer, and the record will so show. Unless you may misunderstand the record or I have not made myself clear, I now state to you that I now hold and would, in the eventuality which you suggested, hold that no bill enacted by Congress, whether held by the courts to be constitutional or unconstitutional, will deprive the right of free men from giving their service or withholding it; that no compulsory labor—slavery—can in this day and time be enacted and enforced.

I have an abiding faith in the patriotism and the good judgment of the Members of Congress, that no matter how much they and others in common with myself deplore strikes and lockouts, no matter how much any of us may do to try and avert and prevent them, that an attempt to reintroduce slavery—involuntary servitude—is neither a cure for nor an expedient method for strikes and lockouts.

After all your question was, as I stated at the hearing, speculative and hypothetical, one which I could have entirely declined to answer, much

less be required to answer at all. I endeavored to be frank with you and the committee and did not, as you stated or intimated, hesitate at all.

You stated that you intended to make an address to the Congress, and if ever a Member of the House indicated opposition to labor you indicated it by your demeanor.

There may be and no doubt are radicals in the labor movement. There are some Bolshevists in the United States, who claim to speak in the name and in the interests of labor. These the organized labor movement of America regard as enemies to the cause of labor and justice and enemies to the Republic of the United States.

I beg to remind you that there are men in other walks of life, some standpatters and reactionaries among employers and big business men and lawyers, who by their conduct may be well termed capitalistic anarchists and Bolshevists, and it is a fair question whether the latter are not primarily responsible for the former.

Your attention should be called to the fact that the constitution of the Bolshevist Government of Russia provided for compulsory servitude.

Respectfully, yours,

SAMUEL GOMPERS.

J. STANLEY WEBSTER,
Care House of Representatives, Washington, D. C.

—

OCTOBER 9, 1919.

DEAR SIR: I have before me your letter of October 6, in which you state, in effect, that during your discussion of the so-called Esch bill and general labor conditions before the House Committee on Interstate and Foreign Commerce on Saturday, October 4, I asked you a question in varying form of words and indicated by my demeanor that I thought you did not care to make a direct reply. You then say that at the time of writing your letter you did not have before you a transcript of the testimony, but from memory undertook to state the substance of the question in these words: "In substance you asked me that if the Congress should pass a law making it unlawful for two or more persons to cease work and the courts decided that such an act was constitutional, whether I would still hold that these workers had the right to cease work."

The record discloses beyond cavil that I asked you no such question, either in words, substance, or effect. A deliberate attempt to misstate the question could scarcely have succeeded better. I can only account for your misstatement of the question by the fact that you say you did not have before you a transcript of the testimony and that your mind had been engrossed with other pressing duties. There is absolutely nothing in any question asked by me, considered singly or in the series of questions asked considered as a whole, which affords even the slightest foundation for your attempted restatement of the substance of my inquiry. Unlike yourself, at the time of writing I do have before me an official transcript of your testimony, and, in order that you may clearly see how utterly you failed to state the question with anything even approximating accuracy, I shall set forth the question that was asked:

"Mr. WEBSTER. It is my purpose to make some observations in Congress upon your testimony, and I have not the slightest purpose to misquote you or to misconstrue anything you say. I want you to keep me from doing that by telling me frankly, without any qualification or condition, just what your position is. I had gotten the impression from the newspaper reports of your testimony before the Senate committee that you had, in effect, taken the position that you would defy the laws of your country. Of course, I would not act upon that and I should like before this committee, speaking in an official capacity, to ask you this question, and I want you to give me a fair answer so that there will be no possibility of misconstruction of what your position is.

"Suppose this Congress should incorporate in the bill that we now have under consideration some provision or provisions relating to compulsory arbitration and denying to some extent or qualifying your right to strike, and that law should be tested through the ordinary channels and in accordance with the established procedure to the point where the Supreme Court of the United States declared that law in all respects to be constitutional and valid, would you advise the men constituting the organizations which you represent to go counter to the provisions of that law so interpreted and construed by the Supreme Court of the Untied States?"

Albeit you state in your letter that "I endeavored to give a direct answer, and the record will so show," your answer to the above question was as follows:

"Mr GOMPERS. The question that has been propounded is one to which I have made answer."

The record discloses that no such question had been propounded and no answer, either direct or evasive, had been made to any such question. Proceeding, you said:

"Of course I do not think that I shall ever again work as a wage earner in a factory; it would be simply impossible—that is, for any practical purposes. I would say that if I were a wage worker, I would still assert my right to quit my employment, even though in asserting that right it involved a violation of a declared constitutional statute. I would assert my right to quit work, to leave my employment, the same right as you have, sir, the same right as every other man in business has or in the law has to quit employment, to quit his client at any time when his interests or his whim or his fancy prompt him. No one undertakes to stop any man from quitting his business."

This comprises your entire answer. My question referred to a law relating to compulsory arbitration and "denying to some extent or qualifying your right to strike." Not one word was said in the question about one's right to quit one's employment, and your answer was a palpable evasion of the question propounded. Not one word was stated as to what advice you would give, and that was the very gist of the question.

Your reference to the legal profession, which both your testimony before the committee and your letter indicate you hold in such scant respect, was hardly a happy one. Do you not know that a lawyer may be compelled against his will and without compensation to defend an impecunious prisoner? Do you not know that in many situations a lawyer may not "quit his client when his interest or his whim or his fancy prompt him," but before ceasing his employment must seek and obtain permission of the court? Is it your conception that a lawyer possesses the right, pursuant to his whim, to quit his client in the midst of a trial where the client's life is at stake? The profession to which I have the honor to belong, and for which I have no apology to offer, either to you or to anyone else, is compelled to render what you would no doubt be pleased to characterize involuntary service and is required to submit to what you would perhaps denominate involuntary servitude, but for the reason, if you please, that the orderly administration of justice in the interest of the people as a whole is greater than the right of any individual, no matter what his profession may be.

My question was, "Would you advise the men constituting the organizations which you represent to go counter to the provisions of that law, so interpreted and construed by the Supreme Court of the United States?" Where, in your entire and complete answer, is there to be found one syllable as to what advice you would give the workmen under the circumstances indicated by my question. You were pleased to preface your answer by stating, "Of course, I do not think that I shall ever again work as a wage earner in a factory," and contented yourself with a statement of what you would do if you were engaged as a wage worker, but you were significantly silent as to what advice you would give the men, which was the very essence of the question. This is indeed a splendid sample of how you made "a direct answer, and the record will so show." The plain truth can not be gainsaid that you either intentionally or unintentionally evaded the question, and your answer was wholly irresponsive; in fact, it was no answer at all to the question asked.

Here is another sample of a direct answer which the record will show: "If such a law as I have just indicated (referring to the question above quoted) should be passed by Congress, and, in accordance with the established and orderly procedure of our Government, should be sustained as within the constitutional power of the Congress to enact, would you advise or encourage or counsel the men comprising your organization and who look to you as their leader, their counselor, and their adviser to-day to act in violation of the provisions of that declared constitutional statute?"

Answer:

"Mr. GOMPERS. You said, Mr. WEBSTER, that you had read in the newspaper what purported to be my statement before the Committee on Interstate Commerce of the Senate in regard to the majority of the matters that I am discussing."

"Mr. WEBSTER. Yes, sir.

"Mr. GOMPERS. I may say that so far as I know the testimony and statements made by witnesses, myself included, were taken down stenographically and made a part of the official record of the committee, and I would commend them to you if you desire to learn my attitude upon that subject, rather than the newspapers.

"Mr. WEBSTER. I said that I had no intention of acting upon any newspaper report of your testimony."

Here again is evasion. In answer to a plain, specific question you referred me to a dissertation upon general principles to be found in the voluminous hearings before the Senate Committee on Interstate Commerce.

You state in your letter that "I endeavored to be frank with you and the committee and did not, as you stated or intimated, hesitate at all." The moral effect and the truth of past occurrences can not be changed by bold assertion. I wonder if in making that statement you had in mind the fact that the record "will so show" this question and answer:

"Mr. WEBSTER. You have just stated that if this law (the one just referred to) should be declared constitutional, though it were your personal opinion that it was unconstitutional, that you would not advise the members of your organization to obey the law. Am I to understand from that that you would withhold the benefit of your very great influence as an exponent of labor in this country in a matter of encouraging obedience to the laws?

"Mr. GOMPERS. Your question is entirely speculative and hypothetical. My work and the character of my work, my services, stand. I am willing to submit them to any prejudicial opinion which may be held of me."

Another instance of a "direct answer, and the record will so show." However, when in referring to the same law I asked, "Would you counsel or advise the workmen to obey it?" you answered, "No, sir. I should probably remain quiet upon that subject and permit them to act as their judgment as law-abiding citizens directed them; but I would appeal and make the most strenuous efforts of which I was capable to secure a reversal of the Supreme Court's decision by the people through their Congressmen in the next Congress, as the decisions of the Supreme Court have been reversed in many instances by Congress and by the people, etc."

Since you submit your work, the character of your work—your services—as your answer to my question whether you would withhold the benefit of your influence as the president of the American Federation of Labor in so important a matter as that of encouraging obedience to the constitutional laws of your country, and then emphatically assert that you would withhold such influence, am I to understand that this reflects your consistent attitude of mind as disclosed by your work and services, or have you, like your colleague, William Z. Foster, had a change of heart? The public has recently discovered that it is not safe to act upon the past work, services, and declarations of men as indicative of their attitude upon important public problems. Shortly after Representative COOPER, of Ohio, disclosed upon the floor of the House of Representatives "the work and the character of the work—the services" of William Z. Foster, Mr. Foster announced to a Senate committee that he had changed his mind and courted a star chamber session of the committee, with the newspaper correspondents excluded, so that he might in private make a new confession of faith.

In the light of this experience, it was my sincere purpose to ascertain what your present views were on the very important question: Are the constitutional enactments of the Congress advisory merely, to be obeyed only when they suit one's convenience, whim, or caprice, or are they the sovereign laws of a great nation to be voluntarily obeyed and respected by every good citizen and to be vigorously enforced by all the power of the State against those who defy and violate them?

During the process of my examination I asked you these questions:

"Mr. WEBSTER. When your point of view is so definite and well understood upon a matter of this sort, why should you hesitate to give me the benefit of it now?

"Mr. GOMPERS. I do not hesitate.

"Mr. WEBSTER. Well, then, Mr. Gompers, you may answer this question for me; yes or no. The Congress of the United States places upon the statute book a law relating to compulsory arbitration and the right of labor to strike, which, in your judgment, trenches upon the constitutional right of an American free man in that behalf, and that law is brought on for a test in the courts as to its constitutionality, and it finally reaches the Supreme Court of the United States, and that tribunal declares that the law is constitutional, that the limitations placed upon the right to strike are valid, and that the machinery arranged for the arbitration of disputes is legal and constitutional, would

you, as the president of the American Federation of Labor, advise and counsel obedience to the law or not?"

Your answer was as follows:

"Mr. GOMPERS: Perhaps I may be entirely in error, but I think the question is unintelligibly stated. It occurs to me that it is unintelligible—that part of the question, that if the Congress should enact a law for compulsory arbitration and the right to strike. What I think was intended was to prevent the right to strike."

This answer was a plain misstatement of the question; and, with no pride in the form of the question, I assert that for a man of your acuteness of intellect to characterize that question as unintelligible is to resort to plain subterfuge, and no amount of explaining on your part can refute the assertion.

Notwithstanding your indicated hostility to the legal profession, I beg to remind you that the guaranty against involuntary servitude contained in the Constitution of the United States was formulated by lawyers, and has been steadfastly safeguarded by lawyers ever since. No body of men have ever been more loyal to any principle than have the lawyers of this country to that principle.

I note that you say in your letter "you stated that you intended to make an address to the Congress; and if ever a Member of the House indicated opposition to labor, you indicated it by your demeanor." Please permit me to assure you that this statement will not disturb me in the least. It is astounding to think that any fair mind will attribute to me hostility toward labor merely because I am not in sympathy with an individual, no matter how exalted his position may be, who hesitates openly to stand up and say, "I am an American citizen, amenable to the laws of my country. I believe in a government of law—not of class—and I shall at all times and under all circumstances render obedience to the constitutional laws of my Government, and will advise and encourage others to do likewise."

Respectfully, yours,

(Signed) J. STANLEY WEBSTER.

SAMUEL GOMPERS,
Care American Federation of Labor, Washington, D. C.

Mr. FITZGERALD. Mr. Speaker, I would like permission to revise and extend my remarks made on the floor to-day.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks made to-day. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE, ETC.

Mr. HASKELL. Mr. Speaker, I ask unanimous consent that the Committee on Expenditures in the Navy Department of the House of Representatives, and any subcommittees thereof, be authorized to sit during the sessions of the House and the recess of Congress, and may meet at such places as said committee deems advisable, and compel the attendance of witnesses, send for persons and papers, and administer oaths to witnesses.

Mr. WALSH. Mr. Speaker, reserving the right to object, I have serious doubt whether simply asking unanimous consent that a committee may do that will confer adequate authority upon the committee. I think it should be in the form of a resolution, which should be adopted by the House. I think if the gentleman simply asks unanimous consent that this committee may summon witnesses, issue subpœnas, and administer oaths, that if it is simply the unanimous consent of the House that the gentleman will find he may have to come back to the House for further authority; that this must be done by legislation.

Mr. HASKELL. Mr. Speaker, I ask unanimous consent——

Mr. WALSH. I think he needs a certified copy of the resolution.

Mr. HASKELL. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution No. 151, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 151.

Resolved, That the Committee on Expenditures in the Navy Department of the House of Representatives, and any subcommittee thereof, be authorized to sit during sessions of the House and the recess of the Congress, and may meet at such places as said committee deems advisable, and compel the attendance of witnesses, send for persons and papers, and administer oaths to witnesses.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, under the phraseology of this resolution, providing that they may sit anywhere they deem advisable, this committee, or any subcommittee thereof, if it sees fit, without authorization from Congress, could sit in France or in Italy or anywhere else in the world at the expense of the people of the United States. It says they may sit anywhere they may deem advisable; and other committees have gone to France and have gone to England and other places abroad, and other subcommittees have lately visited many distant places in the United States, and, I take it, that if other committees have seen fit to go abroad, this subcommittee might do likewise. Therefore I object.

Mr. HASKELL. Will the gentleman withhold that a moment until I make a statement? I will say there is not any intention of doing anything of the kind that the gentleman has outlined. This brings in the Navy Department, as to the investigation of the Norfolk Navy Yard. Certain charges have been made, and in all fairness the officers and others down there ought to be heard, and we can not bring them all here to Washington. We want to go there to obtain their side of the case. We have not given out any statement in regard to our investigations, because we want to be fair and hear both sides of the story. We want to go down to the Norfolk Navy Yard in order to hear the other side of the story, and New York is another place to which we want to go. Conditions have been developed by our committee where certain witnesses ought to be examined. The gentleman from Texas [Mr. HARDY] is a distinguished member of the committee, and he is in favor of this resolution, and the gentleman from New York [Mr. CULLEN] is a member, and in the interest of facilitating our work this resolution ought to be agreed to.

Mr. BLANTON. Will the gentleman yield?

Mr. HASKELL. I will.

Mr. BLANTON. When the hearings are held here in Washington every Member of Congress has access to them and has the same benefit as every member of the committee. If the hearings are held elsewhere Members of Congress are deprived of that privilege. It is easier and cheaper for witnesses to come here than for the committee to go to the witnesses. If the subcommittee can meet at Norfolk and at other places which the gentleman intimates they can meet at San Francisco, or in Seattle, or in Paris, France.

Mr. HASKELL. The gentleman can be sure that this committee will not abuse any power conferred upon it by this Congress. We have been very conservative in every move that we have made. We are conducting an economical investigation, and all we desire is an opportunity to complete the work.

Mr. BLANTON. Without reflecting in any way on any committee that has made visitations, I think there is entirely too much junketing. And I object.

EXTENSION OF REMARKS.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the prohibition bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. CROWTHER, for four days (at request of Mr. HICKS).

To Mr. WINGO, on account of illness (at request of Mr. SUMNERS of Texas).

Mr. SUMNERS of Texas. Mr. Speaker, in connection with the latter request I would like to state that I was asked to make it on yesterday, as Mr. WINGO was ill yesterday. I merely want to make that statement, as I overlooked making the request at that time.

EXTENSION OF REMARKS.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Saturday, October 11, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Winyah Bay, S. C., with a view to securing a channel of increased depth and adequate width from a point on the Sampit River 1 mile above the limits of the city of Georgetown to the entrance of Winyah Bay (H. Doc. No. 261), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting report on the development of the unused lands of the country (H. Doc. No. 262); to the Committee on the Public Lands and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOULD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9821) to amend an

act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes, reported the same without amendment, accompanied by a report (No. 370), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes, reported the same without amendment, accompanied by a report (No. 371), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 7752) relating to detached service of officers of the Regular Army, reported the same without amendment, accompanied by a report (No. 372), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 2464) granting a pension to George Gwynne, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 9846) to enlarge, extend, and remodel the post-office building at Albert Lea, Minn., or to authorize the purchase of a site and erection and completion of a building thereon, in the discretion of the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9847) to enlarge, extend, and remodel the post-office building at Rochester, Minn., or to authorize the purchase of a site and erection and completion of a building thereon, in the discretion of the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9848) to authorize the purchase of a site and the erection and completion of a public building thereon at Waseca, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: A bill (H. R. 9849) authorizing the return to its former owners of certain land, title to which was taken by the United States by proclamation of the President for the enlargement of the naval training station, Great Lakes, Ill., and for other purposes; to the Committee on Naval Affairs.

By Mr. LONERGAN: A bill (H. R. 9850) to authorize the construction of a bridge across the Connecticut River between Windsor Locks and East Windsor, at Warehouse Point, in the county of Hartford, Conn.; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9851) granting a pension to Henry M. Smith; to the Committee on Pensions.

Also, a bill (H. R. 9852) granting an increase of pension to Charles H. Heimlich; to the Committee on Pensions.

By Mr. BENSON: A bill (H. R. 9853) granting an increase of pension to Worthington Fringer; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 9854) granting an increase of pension to Edgar C. Martin; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 9855) granting an increase of pension to Lysa B. Ringold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9856) granting an increase of pension to Ernest R. Lee; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 9857) granting an increase of pension to Edward J. Bean; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 9858) granting a pension to Belle Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9859) granting an increase of pension to James M. Foss; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 9860) granting a pension to Lucy Lavin; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 9861) granting a pension to Lottie McDuffy; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 9862) granting a pension to Sarah J. Bowers; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 9863) granting a pension to Robert Criswell Pollock; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 9864) granting a pension to Mary F. Russell; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 9865) for the relief of Thomas F. Veno; to the Committee on Claims.

By Mr. McKINLEY: A bill (H. R. 9866) granting a pension to Isabella Gruver; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 9867) granting an increase of pension to Emma R. Walters; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 9868) for the purchase of a post-office site at Venice, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9869) for the purchase of a post-office site at Santa Monica, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. REED of West Virginia: A bill (H. R. 9870) granting an increase of pension to Nancy Summers; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9871) granting an increase of pension to G. A. Settle; to the Committee on Pensions.

Also, a bill (H. R. 9872) to correct the military record of Wyatt Adkins; to the Committee on Military Affairs.

Also, a bill (H. R. 9873) to correct the military record of John W. Hardwick; to the Committee on Military Affairs.

Also, a bill (H. R. 9874) to correct the military record of J. R. Sellars; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 9875) granting a pension to W. A. Estep; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9876) granting a pension to Harriet E. Fortune; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 9877) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Legislative League of New York City, some of the mothers of the country, affectionately wishing the welfare of our beloved land, earnestly urging that Congress shall declare to the world that the war with Germany is ended and that a state of peace now exists between the United States and Germany; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of Local 493, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Springfield, Mo., protesting against the passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Kansas City, protesting against H. R. 8157, known as the Plumb plan; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of the National Association of United States Civil Service Employees at Navy Yards and Stations, of Lake Bluff, Ill., praying for an increase in compensation; to the Committee on Naval Affairs.

Also, petition of N. G. Grasty, of Baltimore, Md., favoring the passage of H. R. 9204; to the Committee on Military Affairs.

Also, petition of Ralph Robinson, of Baltimore, Md., protesting against the changes suggested by the Secretary of the Navy in the pending Navy pay bill; to the Committee on Naval Affairs.

Also, petition of Donald L. Burns, of Washington, D. C., favoring an additional bonus for the men who fought for our country in the Great War; to the Committee on Military Affairs.

By Mr. MacGREGOR: Petition of Mrs. L. F. Allen, of Buffalo, N. Y., favoring the passage of House bill 8063; to the Committee on Foreign Affairs.

By Mr. OSBORNE: Memorial of Los Angles Federation of Parent-Teacher Associations, alleging that large numbers of Asiatic women are brought to and reside in the United States as wives and mothers under conditions contravening American ideals, laws, and customs, and praying the enforcement of pres-

ent laws and the enactment of such new laws as may be necessary to prevent such alleged practices; to the Committee on Immigration and Naturalization.

By Mr. ROWAN: Petition of American citizens of Lithuanian origin, appealing to the United States and the Allies, those who granted independence to Poland, to issue an order to the Polish Government to withdraw immediately from Lithuania; to the Committee on Foreign Affairs.

Also, petition of H. O. Rosenthal, of New York, favoring the passage of House bill 8587; to the Committee on Military Affairs.

Also, petition of Branch No. 1, New York, National Association of United States Civil Service Employees at Navy Yards and Stations, asking an increase in salaries of not less than 40 per cent; to the Committee on Naval Affairs.

Also, petition of United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Detroit, Mich., protesting against the passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dwight Braman, of New York, favoring universal military training as suggested by Gen. Wood; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: Petition of Abington monthly meeting of the Society of Friends, protesting against universal military training; to the Committee on Military Affairs.

By Mr. YATES: Petition of W. H. Sikes and others, urging the passage of House bill 2; to the Committee on Pensions.

Also, petition of Branch No. 1, New York National Association of United States Civil Service Employees at Navy Yards and Stations, Brooklyn, N. Y., by Mr. F. D. Armour, president, urging an increase in salaries; to the Committee on Naval Affairs.

Also, petition of American Unity Post, No. 22, American Legion, Chicago, urging the following legislation: To bring back the remains of such of our soldiers who died overseas whose relatives so desire at Government expense; the Morgan bill, or similar legislation; congressional action on the Mexican situation; congressional action toward the deportation of alien neutrals who surrendered their first papers to escape military service; to the Committee on Military Affairs.

Also, petition of Charles L. L'Hommedieu & Sons Co., Chicago, Ill., urging that a protective tariff be placed on imported pumice; to the Committee on Ways and Means.

Also, petition of B. Heller & Co., Chicago, Ill., favoring bill introduced by Senator CALDER, enabling manufacturers of food and drug products to adopt certain standards suitable for shipment to all localities, and thereby increasing the production, consequently lowering prices; to the Committee on Agriculture.

Also, petition of Seymour & Peck Co., Chicago; Hunt-Helm-Ferris & Co., Harvard; Joseph Turk Manufacturing Co., Bradley, Kankakee County; Jacob Press Sons, Chicago; Orbon Stove Co., Belleville; Joliet Forge Co., Joliet; Furst McNess Co., Freeport; Fargo Hallowell Shoe Co., Chicago; Decatur Bridge Co., Decatur; S. A. Maxwell & Co., Chicago; and Boynton & Co., Chicago, all in the State of Illinois, protesting against the closed shop; to the Committee on Labor.

SENATE.

SATURDAY, *October 11, 1919.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy divine guidance and blessing for the work of this day. We must draw from Thee the wisdom that will equip us for the great tasks that have come to our hand. We are willing to give the highest and the best we have. We pray that Thou wilt take the best we give and sanctify it to Thine own service. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE CASE OF EMMA GOLDMAN.

The VICE PRESIDENT. The Chair lays before the Senate the report of the Secretary of Labor in response to Senate resolution 206. It may be read.

The Secretary read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, October 9, 1919.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, transmitting Senate resolution 206, in relation to an Associated Press dispatch appearing in the Washington Post of October 4, 1919, on the subject of the alleged postponement of the Goldman case, and to state, for the information of the Senate, that the proceeding under the immigration law against Emma Goldman has not been indefinitely postponed, but that it is now pending and hearing thereon has been fixed for the 16th instant, at the immigration station, Ellis Island, New York Harbor.

The department is unable to state how, or by whom, the information contained in the Associated Press telegram was furnished. In the regular order of business it was impracticable to have the hearing at an earlier date, and the instructions given by the department to the immigration officials at Ellis Island were that the hearing be "deferred to a date to be determined upon later." As above indicated, it has now been fixed for the 16th instant.

Respectfully, W. B. WILSON, *Secretary.*

The PRESIDENT OF THE SENATE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 90) to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of Charles Sumner Camp No. 37, Sons of Veterans, of Gardner, Mass., and a memorial of sundry citizens of Jersey City, N. J., remonstrating against the ratification of the proposed league of nations covenant, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Lawrence, Methuen, Andover, and North Andover, all in the State of Massachusetts, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Legislative League of New York City, N. Y., remonstrating against the ratification of the proposed league of nations treaty and praying for its separation from the treaty of peace with Germany, which was ordered to lie on the table.

Mr. POMERENE. I have before me a certain preamble and resolutions in the nature of a petition adopted by the World War Veterans, of Cleveland, Ohio, relating to the subject of an increased service bonus and requesting the appointment of a committee under proper legislation to administer this subject. I suggest that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. It will be so referred.

Mr. MYERS presented memorials of sundry citizens of Park County, Mont., remonstrating against the passage of Senate bill 2182, establishing game sanctuaries in national forests, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FLETCHER presented a resolution adopted by the Wholesale Grocers' Association, of Jacksonville, Fla., favoring action by Congress to put car lines upon a common carrier basis so that car shortage may be remedied, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Marion County Post No. 1, American Legion, of Ocala, Fla., praying for an investigation into the alleged unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces, which was referred to the Committee on Military Affairs.

Mr. SUTHERLAND presented a memorial of sundry citizens of Ohio County, W. Va., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CAPPER presented a petition of Local Lodge No. 293, International Association of Machinists, of Parsons, Kans., praying for the adoption of the so-called "Plumb plan" for control and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Clay County, Kans., praying for the immediate return of United States troops from Russia, which was referred to the Committee on Military Affairs.

MATTHEW M'DONALD.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 1743) for the relief of Matthew McDonald, reported it with an amendment and submitted a report (No. 259) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3210) for the consolidation of lands within the Jefferson National Forest; to the Committee on Public Lands.

By Mr. RANSDELL:

A bill (S. 3211) for the relief of the heirs of Isabella Ann Fluker; to the Committee on Claims.

By Mr. NEW:

A bill (S. 3212) granting an increase of pension to Austella Stephenson (with accompanying papers); and

A bill (S. 3213) granting an increase of pension to Joseph T. Kling (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3214) granting a pension to Virginia Dodd; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3215) granting an increase of pension to Harley Mowrey (with accompanying papers); to the Committee on Pensions.

A bill (S. 3216) for the relief of occupants and claimants of unsurveyed public land in township 8 north of range 2 west of Salt Lake meridian, Utah; to the Committee on Public Lands.

CONSTRUCTION OF GOVERNMENT BUILDINGS.

Mr. FERNALD. I submit the resolution which I send to the desk, and I believe it to be of sufficient importance to have immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Maine will be read.

The Secretary read the resolution (S. Res. 210), as follows:

Resolved, That the Committee on Public Buildings and Grounds, or any subcommittee thereof, be directed to inquire into the costs, construction, operation, maintenance, and future disposition of the public buildings of the Government of every nature, kind, and location, and the program and contracts of the various departments of the Government with reference to future costs, construction, operation, maintenance, and location, and report to the Senate thereon, together with their recommendation of any steps which they may deem advisable to take with a view to remedying conditions.

Mr. KING. Mr. President, does the Senator from Maine ask for immediate consideration of the resolution?

Mr. FERNALD. I should like to make a statement in regard to the resolution, if the Senator from Utah will permit me. I regret to take any of the time of the Senate to make explanation on a matter of such importance.

Mr. KING. I do not want the Senator to think that I am going to object to the resolution. I merely wanted to propound an inquiry of the Senator, but if he is going to make a statement he may furnish the information I desire.

Mr. SMOOT. Will the Senator yield to me for just a moment?

Mr. FERNALD. I yield.

Mr. SMOOT. I desire to ask the Senator if he has modified the resolution in accordance with the suggestions I made to him on yesterday?

Mr. FERNALD. I have eliminated the matter to which the Senator then objected.

Mr. SMOOT. Then I am willing that the resolution shall be given consideration. I think it is perfectly proper if the matter which I suggested on yesterday to the Senator from Maine has been eliminated in accordance with my suggestion.

Mr. FERNALD. If there is no objection to the consideration of the resolution, Mr. President, it is not necessary for me to make a statement.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

PROPOSED AMENDMENT TO PEACE TREATY.

Mr. SHERMAN. I present a proposed amendment to the covenant of the league of nations, and I ask that it may be printed and lie on the table.

The VICE PRESIDENT. Without objection, that action will be taken.

The amendment is as follows:

Amend, by inserting before the word "agree," in the last line of the preamble or statement of the league's purposes, the following: "invoke the considerate judgment of mankind and the gracious favor of Almighty God and."

PROPOSED RESERVATIONS TO PEACE TREATY.

Mr. THOMAS. I submit four proposed reservations to part 13 of the pending treaty, in order that they may be printed and go over.

The reservations are as follows:

Reservations intended to be proposed by Mr. THOMAS, to be made a part of the resolution of ratification of the treaty of peace with Germany, viz:

1. The United States declines to submit the credentials of its delegates and their advisers to the general conference to the determination of that body or to receive or act upon proposals of any conference from which its delegates and advisers or any of them have been excluded. And the United States understands and construes the Government delegates provided by article 389 and the 12 delegates representing Governments upon the governing body of the international labor office and the person of independent standing to be nominated for the panel provided by article 412 to mean that both employers and workers are ineligible to selection or appointment to said positions or any of them. And the United States declines to submit the credentials or qualifications of any of its appointees under part 13 of the treaty to any authority whatever.

2. The United States understands that the provisions of article 1, part 1, of the treaty, authorizing any member of the league to withdraw therefrom, mean that any such withdrawal, when made, is a withdrawal from the international organization created by part 13 of the treaty. The United States also understands that amendments to part 13, under the provisions of article 422, shall not bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league.

3. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and that of the States, respectively, and declares that all domestic and political questions relating to its affairs, including immigration, coastwise traffic, agriculture, the tariff, commerce, and all other domestic subjects, are not under part 13 of this treaty submitted to the determination of the general conference, the governing body of the international labor union, or any other commission of inquiry to be chosen thereunder.

4. The United States reserves the right to decline to recognize the authority, except that of a member of the league, to file a complaint with the international labor office that it is not securing effective observance of any convention which both have ratified in accordance with the article of part 13.

LEAGUE OF NATIONS.

Mr. LODGE. Mr. President, I have here a letter from ex-Speaker CANNON in reply to a demand on him from the League to Enforce Peace to contribute money.

Mr. PENROSE. It ought to be read.

Mr. LODGE. The accompanying telegram and letter need not be read, but I ask that the letter from ex-Speaker CANNON be read, and that the others be placed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., October 6, 1919.

HERBERT S. HOUSTON,
Treasurer League to Enforce Peace, New York.

DEAR MR. HOUSTON: I have your favor of the 2d instant, requesting me to send contribution at once to organize public opinion to take courageous action and demand of the Senate prompt and unreserved ratification of the league of nations covenant.

I am now serving my twenty-third term as a Representative in Congress and have twenty-three times taken the following oath of office:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. So help me God.

"No man can serve two masters," said One who was credited with divine wisdom; and having sworn my undivided allegiance to the Constitution of the United States, I can not in the closing days of my life divide that allegiance with the league of nations covenant as it has been presented to the Senate, and to unreservedly pool the interests of the United States with those of all other nations, some of whom have been foreign enemies in the past and may be in the future.

Under the obligations that I have taken "without any mental reservation or purpose of evasion," I can not contribute to a publicity fund to arouse public opinion to demand that Senators of the United States shall ignore their oaths of office and unreservedly ratify the covenant of the league of nations.

Respectfully, yours,

J. G. CANNON.

The accompanying telegram and letter are as follows:

NEW YORK, N. Y., *September 17, 1919.*

Personal and confidential.

Humanity, commerce, industry, labor, and the whole social order need immediate ratification of the peace treaty and the covenant of the league of nations. It is vitally important that you shall communicate with your Senators, preferably by telegraph, urging them to ratify promptly and unreservedly. If you have already done so, do it again in a positive and conclusive manner, and get others to do the same. This is the time for us to strike straight from the shoulder with all our strength behind the blow. There is no time to lose.

LEAGUE TO ENFORCE PEACE.

LEAGUE TO ENFORCE PEACE,
New York, October 2, 1919.

To friends of the league of nations:

In the past the nations of the world have been organized for war; the league of nations proposes to organize them for peace. It proposes to substitute the rule of international justice for the rule of force. Without the league of nations, the world faces a crushing race of armaments, another war more destructive than all former wars, and the suicide of civilization.

And yet in the face of these alternatives the league is now facing a bitter partisan attack in the United States Senate. The next few weeks must decide whether or not the United States shall enter the league of nations—whether or not, indeed, there shall be a league of nations; for, as the opposing Senators themselves have said, "Without us the league is a wreck, and all the gains from a victorious peace are imperiled."

There must be courageous action. Public opinion in every State must be organized and trained on Washington. The campaign must go on until the Senate vote on ratification is taken.

All this will require funds, immediate and adequate. We are not asking you to sign a pledge card; the time is too short for that. Won't you send your check to-day? Next month may be too late.

Yours, very truly,

HERBERT S. HOUSTON,
Treasurer.

REPEAL OF CANADIAN RECIPROCITY ACT.

Mr. LODGE. Mr. President, the bill (H. R. 7779) to repeal the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, and for other purposes, was referred to the Committee on Foreign Relations. That question of reciprocal trade has always been in the Finance Committee, and I ask that the reference be changed.

The VICE PRESIDENT. It will be so ordered. That was not the fault of the Chair, however.

Mr. PENROSE. Mr. President, I want to take this opportunity to call the attention of the Chair and of the Senate to the fact that great irregularity is indulged in in the reference of bills. This is a notable case. Personally, as chairman of the Committee on Finance, I do not care anything about whether the committee has the bill or not, but the original reciprocity bill under Mr. Taft's administration was referred to the Finance Committee. The bill which the Senator from Massachusetts has just asked to have assigned to the Finance Committee was reported from the Ways and Means Committee of the House, and yet we see the gross irregularity of having the bill referred to the Committee on Foreign Relations, which has never had anything to do with it whatever. My attention has been called to quite a number of similar instances. It does not seem to matter from what committee in the House a bill is reported and comes over here, the whim of a Senator or the carelessness of a clerk seems to send the bills scattering to miscellaneous committees. I sincerely hope that some historical continuity and parliamentary consistency will be observed hereafter in the reference of bills. This is quite a flagrant case.

The VICE PRESIDENT. The Chair will state to the Senator from Pennsylvania that the present occupant of the chair was not here when the bill was referred or it would have been referred to the Committee on Finance. It should have gone there.

Mr. PENROSE. I hope the present occupant of the chair will pardon me. I had not the present occupant in mind in any way when I made my remarks. I was thinking that it had been carelessly done by one of the clerks, perhaps by one of the new clerks at the desk. I know that if the present occupant of the chair had been present he would have known about this notable and, I may say, very unfortunate bill, and would have made the proper reference.

The VICE PRESIDENT. That the Senator from Pennsylvania may know, the Chair will state what has been the practice of the present occupant. Senators frequently introduce a bill and ask that it go to a certain committee. If the Chair does not have the time to examine the bill and if there is no objection, it goes to that committee. When there is no request made, the Chair tries to ascertain, particularly in the case of House bills, what House committee had it in charge, and so refers it.

Mr. PENROSE. I know that accuracy is impossible, and I am not rising in a complaining mood, but simply to call attention to a condition which sometimes arises, with the hope that it may tend toward correcting it.

I know that the other day in the Committee on Banking and Currency extensive hearings were held in connection with the essential features of the bill that certain securities should be tax free. This question had been exhaustively discussed in the Finance Committee, and the benefit of Treasury experts had been had by consultation with them, and yet this committee, which had given no attention whatever to the tax exemption of certain securities, was called upon to thrash over new ground, when the bill should have gone to the Finance Committee. Let the Banking and Currency Committee go on and learn a little about the tax exemption of certain issues, but certainly it would have been better for the business of the Senate if the Senator who introduced the bill, for whom I have the highest esteem and who is a member of both committees, had had the bill referred to the committee to which it belonged. This is only another illustration of the way work is doubled up and sometimes delayed.

FREE ZONES.

Mr. President, without criticizing anyone, but in order to complete the statement that I made a moment ago, I desire to say—and the matter is really hardly important enough perhaps to refer to, but as it is before me I want to do so—that quite an important inquiry concerning free zones in ports of the United States has been conducted by the Committee on Ways and Means of the House of Representatives. A pamphlet which I hold in my hand contains the information on the subject from the United States Tariff Commission. It is purely a financial and fiscal matter, which is always within the jurisdiction of the Ways and Means Committee of the House of Representatives and of the Finance Committee of the Senate; and yet I find Senate bill 2284, introduced by the senior Senator from Washington [Mr. JONES], to provide for the establishment, operation, and maintenance of free zones in ports of entry of the United States, and for other purposes, referred, undoubtedly at his request, as it was his bill, to the Committee on Commerce.

I am not in any way questioning the entire propriety of the Senator taking his own bill under his own jurisdiction and conducting the hearings—and hearings are now being conducted—but if it were not the Senator's own bill it would certainly be highly irregular to have the Ways and Means Committee and the Tariff Commission conducting an inquiry at one end of the Capitol and the Committee on Commerce, which has never had any jurisdiction over these questions, conducting a similar inquiry at this end of the Capitol. Under ordinary circumstances the bill should have gone to the Committee on Finance.

The VICE PRESIDENT. The Chair will entertain a motion to discharge the Committee on Commerce from the further consideration of the bill and refer it to the Committee on Finance.

Mr. PENROSE. I would not do that under the circumstances, because it is the Senator's own bill, and he has already commenced hearings. I shall be satisfied to call the attention of the Senate to the irregularity of the proceeding in the hope that it will not occur too frequently in the future.

Mr. SMOOT subsequently said: Mr. President, if the Senator from Washington [Mr. JONES] were in the Chamber I would ask that the Committee on Commerce be discharged from the further consideration of the bill (S. 2284) to provide for the establishment, operation, and maintenance of free zones in ports of entry in the United States, and for other purposes, and that it be referred to the Committee on Finance. I do not wish to make that request in the absence of the Senator from Washington.

The VICE PRESIDENT. A motion to that effect may be entered and postponed until the Senator from Washington comes into the Chamber.

LEASE OF INDIAN RESERVATIONS FOR METALLIFEROUS MINING PROJECTS.

Mr. ASHURST. Mr. President, section 26 of the Indian appropriation act approved June 30, 1919, contains a provision which authorizes the leasing of portions of certain Indian reservations for metalliferous mining. I have within the past half hour been supplied by the Interior Department with a copy of the rules and regulations under which such leases may be entered into, which rules were promulgated to-day, together with a copy of the descriptions by legal subdivision, and where that is impossible a description by metes and bounds of various portions of the reservations that will be open for the prospecting for and leasing of metalliferous minerals therein.

Throughout the entire West there is a wide demand for copies of these rules and regulations and for copies of the descriptions of the lands open for prospecting and lease. I ask unanimous consent to include in the RECORD a copy of the rules and a copy of the descriptions of the lands so opened. I will state for the record that the rules and regulations will take effect and be in force and effect at noon on Saturday, November 1, 1919, and the date for such opening has been placed far enough in the future so that all interested persons might have due notice and so that no discriminations could possibly occur.

I have received a large number of letters and telegrams asking whether this law applies to oil, coal, potash, gas, potassium, sodium, and so forth, and I have in each instance replied that this law does not apply to such minerals, as they are not metalliferous, and that the law applies solely and only to metalliferous minerals.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF LANDS SUBJECT TO LEASE FOR MINING METALLIFEROUS METALS.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 20, 1919.

Section 26 of the Indian appropriation act of June 30, 1919 (Public, No. 3), authorizes the location of mining claims by citizens of the United States on unallotted lands of Indian reservations, after such lands shall have been declared by the Secretary of the Interior to be subject to exploration for the discovery of gold, silver, copper, and other valuable metalliferous minerals. Should minerals be found locators have the privilege within one year of entering into a lease covering the land located. In accordance therewith I hereby declare the following-described unallotted Indian lands subject to exploration on and after 12 o'clock m. on Saturday, November 1, 1919, and, with the exception of such land therein as may contain springs, water holes, or other bodies of water, subject to location and lease:

"Arizona.

"MOQUI INDIAN RESERVATION.

"South: Beginning at the Moqui south line (running east and west) the northernmost ¾ of sections 1, 2, 3, 4, 5, and 6, in each of townships 24 north, in each of ranges 13, 14, 15, 16, 17, 18, 19, 20, 21, and part of range 22; being all that part of the Moqui Indian Reservation lying in said ranges and in townships 24 north (Navajo County). All of townships 25 north, in the same ranges (Navajo County). (These townships form the entire south belt of the reservation. Probably not all of the belt will be inviting to prospectors.)

"West: Townships 26, 27, 28, 29, 30, and 31 north, in ranges 13, 14, and 15, a broad belt along the Moqui west line, running from the south line to Blue Cayon; half of range 15 being in Navajo County, but the remainder and ranges 13 and 14 being in Coconino County.

"Northeast: North and northeast of township 31 north, being the complete northeastern corner of the Moqui Reserve, which has not been surveyed, known locally as "the Black Mountain country," extending from Blue Cayon on the west to the Moqui east line, and from the strip of townships numbered 31 north to the north line of the Moqui Reserve.

"SALT RIVER INDIAN RESERVATION.

"(Gila and Salt River meridian.)

Sections.	Township north.	Range east.
E. ½ of 1	2	5
6, 5, 4, 3, 2, 1, 7; N. ½ of 8, 11, 12; W. ½ of the NW. ¼ and the W. ½ of the E. ½ of the NW. ¼ of 13	2	6
All of 6 west of Salt River	2	7
36	3	5
31, 32, 33, 34, 35, 36	3	6
31, 32, and all of 33, 27, 28, and 29 lying within the Salt River Indian Reservation	3	7

"SAN CARLOS INDIAN RESERVATION.

"Beginning at the mouth of the San Carlos River where the same empties into the Gila River, same being within the San Carlos Indian Reservation; thence in a west and southwesterly direction with the thread of the stream of the said Gila River to the point where the south boundary of the said reservation touches the thread of the stream of said Gila River coming east from the southwest corner of said reservation; thence west with the south boundary of said reservation to its said southwest corner; thence in a northern and eastern direction with the west boundary of said reservation to the thread of the stream of Black River; thence up Black River with the thread of that stream to a point where the bridge over Black River is approached by the public highway which leads from Rice to Fort Apache; thence in southern, western, and southwestern directions with said highway to the sawmill of the said San Carlos Indian Reservation; thence in a southerly direction with said highway to Cassadore Springs on said highway and Natural Corral Creek; thence in a southerly direction with said creek with the thread of its stream to where same empties into the San Carlos River; and thence in a southerly direction following the thread of said last-named river to its mouth, the place of beginning, embracing approximately between one-quarter and one-third of the reservation on the west.

"WALAPAI INDIAN RESERVATION.

"All of the reservation.

"COLORADO RIVER INDIAN RESERVATION.

"T. 10 N., R. 19 W.; fractional secs. 27, 34, 33, 32.

"T. 9 N., R. 19 W.; fractional sec. 3; whole secs. 10, 15, 22; fractional secs. 27, 33, 34.

"T. 8 N., R. 19 W.; fractional secs. 4, 5, 8, 9, 17, 18, 19, 30, 30, 31.

"T. 8 N., R. 20 W.; secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 34, 35, 36.

"T. 7 N., R. 19 W.; fractional secs. 6 and 7.

"T. 7 N., R. 20 W.; secs. 1, 2, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.

"T. 6 N., R. 20 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33.

"T. 6 N., R. 21 W.; secs. 1, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36.

"T. 5 N., R. 20 W.; secs. 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, 32.

"T. 5 N., R. 21 W.; secs. 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36.

"T. 4 N., R. 20 W.; secs. 6, 7, 18.

"T. 4 N., R. 21 W.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 16.

"All Salt River meridian, situated on the Colorado River Indian Reservation, Yuma County, Ariz.

"T. 2 N., R. 26 E.; fractional secs. 9, 16, 17, 19; secs. 20, 21; fractional secs. 22, 27; secs. 28, 29, 30, 31, 32, 33; fractional sec. 34.

"T. 2 N., R. 25 E.; fractional secs. 25, 35, 36.

"T. 1 N., R. 25 E.; sec. 1; fractional secs. 2, 10; secs. 11, 12, 13, 14, 15; secs. 21, 22; fractional secs. 16, 20, 26, 33, 34; secs. 27, 28.

"T. 1 S., R. 25 E.; fractional secs. 4, 5, 7.

"T. 1 S., R. 24 E.; fractional secs. 13, 23, 24, 26, 34.

"T. 2 S., R. 24 E.; fractional secs. 3, 4, 8, 17, 20, 21; secs. 9 and 16.

"All San Bernardino meridian on Colorado River Indian Reservation in California.

"FORT APACHE INDIAN RESERVATION.

"All the western part of the reservation west of a line drawn 1 mile east of Carixo Creek and Limestone Creek; also that part of the reservation south of the east fork of White River and east of a line beginning at the mouth of Rock Creek, where it empties into East Fork, and running south to the mouth of Corn Creek, where it empties into Big Bonita Creek, including East Poker Mountain. This description takes in the headwaters of Rock Creek, Bonita Creek and all its branches, Pachete and Reservation Creeks, which empty into Black River.

"WESTERN NAVAJO INDIAN RESERVATION.

"Entire reservation.

"Arizona and New Mexico.

"SAN JUAN INDIAN RESERVATION.

"Entire reservation.

"NAVAJO INDIAN RESERVATION.

"Entire reservation.

"California.

"HOOPA VALLEY INDIAN RESERVATION.

"All unallotted land.

"Klamath River extension, lots 8 and 9, sec. 7, T. 11 N., R. 3 E., Hoopa meridian, comprising the Indian village of Wauteck.

"TULE RIVER INDIAN RESERVATION.

"Entire reservation.

"FORT YUMA INDIAN RESERVATION.

"Secs. 25, 26, 35, and 36 in T. 15 S., R. 21 E., San Bernardino meridian.

"All of secs. 25 to 31, inclusive, above the main irrigation canal in T. 15 S., R. 23 E., San Bernardino meridian.

"Secs. 2 to 10, inclusive, T. 16 S., R. 22 E., San Bernardino meridian.

"Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, and 35 in T. 16 S., R. 21 E., San Bernardino meridian.

"Secs. 25 to 36, inclusive, in T. 15 S., R. 22 E., San Bernardino meridian.

"MORONGO INDIAN RESERVATION.

"Secs. 8 and 9; E. ½ of sec. 16; secs. 17, 18, and 19, T. 2 S., R. 2 E.

"Idaho.

"FORT HALL INDIAN RESERVATION.

"Sec. 13; E. ½ sec. 14; secs. 23, 24, 25; E. ½ sec. 26; E. ½ sec. 35; sec. 36, T. 5 S.; secs. 1, 2, 11, and 12, T. 6 S., R. 36 E.; secs. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 5 S.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, T. 6 S., R. 37 E., SW. ¼ sec. 3, sec. 9, NW. ¼; S. ½ sec. 10, sec. 13, NW. ¼; S. ½ sec. 14, secs. 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, T. 9 S., R. 32 E.; secs. 1, 2, E. ½ sec.

3, NE. ¼ sec. 10, secs. 11, 12, 13, 14, E. ½ sec. 15, secs. 18, 19, 20, E. ½ sec. 22, secs. 23, 24, 25, 26, E. ½ sec. 27, secs. 29, 30, 31, 32, 35, and 36, T. 9 S., R. 33 E.; sec. 14, SE. ¼ sec. 15, NE. ¼; W. ½ sec. 22, secs. 23, 24, 25, S. ½ sec. 26, secs. 35 and 36, T. 8 S., R. 33 E.; secs. 12, 13, E. ½ sec. 14, SW. ¼ sec. 15, SE. ¼ sec. 16, secs. 21, 22, 23, 24, 25, N. ½ sec. 26, N. ½ sec. 27, sec. 28, NE. ¼ sec. 33, NW. ¼ sec. 34, and E. ½ sec. 36, T. 7 S., R. 33 E., Boise meridian.

"NEZ PERCE INDIAN RESERVATION (FORT LAPWAI SCHOOL).

"Secs. 16–17–20, T. 36 N., R. 2 E., Boise meridian.
"Sec. 27, T. 35 N., R. 2 E., Boise meridian.
"Secs. 20–29, T. 34 N., R. 3 E., Boise meridian.
"Secs. 10–15, T. 34 N., R. 3 W., Boise meridian.
"Sec. 22, T. 33 N., R. 2 W., Boise meridian.

"Montana.

"ROCKY BOY INDIAN RESERVATION.

Section.	Township north.	Range (east).
1	28	15
S. ½ 2	28	15
N. ½ 3	28	15
N. ½ 4	28	15
5	28	15
Lots 1, 2, 9, 10, sec. 6	28	15
8	28	15
SE. ¼ 11	28	15
12	28	15
N. ½ 13	28	15
14	28	15
15	28	15
27	28	15
N. ½ 28	28	15
Lots 5, 6, 15, 16, 19, sec. 1	28	15
2	28	16
7	28	16
9	28	16
11	28	166
Lots 2, 3, 6, 7, sec. 12	28	16
Lots 2, 3, 6, 7, sec. 13	28	16
N. ½ 14	28	16
16	28	16
18	28	16
21	28	16
W. ½ 26	28	16
27	28	16
W. ½ 28	28	16
N. ½ 30	28	16

"TONGUE RIVER INDIAN RESERVATION.

"All of reservation except Indian settlements and land reserved for schools, agency, and farming sites.

"Nevada.

"PYRAMID LAKE INDIAN RESERVATION (NEVADA SCHOOL).

"T. 21 N., R. 24 E. of Mount Diablo meridian, Nevada.
"NW. ¼ sec. 3; NE. ¼ and SW. ¼ sec. 3 within the reservation boundary; NE. ¼ sec. 10 lying within the reservation boundary; NW. ¼ and SW. ¼ sec. 11 lying within the reservation boundary; NW. ¼ sec. 14 and NE. ¼ sec. 23 lying within the reservation boundary.
"T. 22 N., R. 24 E., Mount Diablo meridian.
"All of secs. 1, 2, 3, 4, 10, 11, 12, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36, not covered by water.
"T. 28 N., R. 22 E., Mount Diablo meridian.
"All of secs. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
"T. 22 N., R. 24 E., Mount Diablo meridian.
"W. ½ sec. 5; SW. ¼ sec. 6; SW. ¼ sec. 7; and S. ½ sec. 8 lying within the reservation boundary.
"All of secs. 17, 18, 19, 20, 29, 30, 32, 33.
"All of secs. 16, 21, 27, 28, and 34 lying within the reservation boundary.
"T. 23 N., R. 21 E., Mount Diablo meridian.
"NE. ¼ sec. 3 within the reservation boundary; NW. ¼ sec. 2; W. ½ sec. 1; all of sec. 12; all of secs. 11 and 13 within the reservation.
"T. 25 N., R. 21 E., Mount Diablo meridian.
"S. ½ sec. 18; SW. ¼ sec. 17 not covered by water.
"All of secs. 19, 29, 30, 31, 32; NW. ¼ sec. 28; W. ½ sec. 23.
"All of sec. 20 not covered by water.
"T. 24 N., R. 22 E., Mount Diablo meridian.
"All of secs. 1, 2, 11, and 12; NW. ¼ sec. 14; N. ½ sec. 13; W. ½ sec. 13 not covered by water.
"T. 29 N., R. 22 E., Mount Diablo meridian.
"All of secs. 19, 20, 21, 22, 27, 34, and 35 within the reservation boundary. All of secs. 28, 29, 30, 31, 32, and 33.
"T. 27 N., R. 22 E., Mount Diablo meridian.
"All of secs. 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36; NW. ¼ sec. 8; W. ½ sec. 21; W. ½ secs. 28 and 33 not under water.
"T. 23 N., R. 22 E., Mount Diablo meridian.
"All of secs. 6, 7, 8, 15, 16, 17, 21, 22, 23, 25, and 26; SW. ¼ sec. 5; W. ½ sec. 9; SE. ¼ sec. 9; SW. ¼ sec. 14 not covered by water; SW. ¼ sec. 24; all of secs. 18, 19, 20, 27, 28, 34, 35, and 36 within the reservation boundary.
"T. 25 N., R. 20 E., Mount Diablo meridian.
"All of secs. 11, 13, 24, 25, and 36; SW. ¼ sec. 2; SW. ¼ sec. 12; all of secs. 3, 10, 14, 23, 26, and 35 within the reservation.
"T. 23 N., R. 22 E., Mount Diablo meridian.
"All of secs. 6, 7, 8, 15, 16, 17, 21, 22, 25, and 26; SW. ¼ sec. 5; NW. ¼ sec. 5; SE. ¼ sec. 5; NW. ¼ sec. 9; SW. ¼ sec. 9; SE. ¼ sec. 9; all of secs. 18, 19, 20, 27, 28, 34, 35, and 36 lying within the reservation boundary; SW. ¼ sec. 24.
"T. 28 N., R. 23 E., Mount Diablo meridian.
"All of secs. 18, 19, 29, 30, 31, 32, 33 lying within the reservation boundary.
"T. 26 N., R. 23 E., Mount Diablo meridian.
"All of secs. 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, and 33; NW. ¼ sec. 34; SW. ¼ sec. 34; SE. ¼ sec. 34 not under water; W. ½ sec. 10.
"T. 28 N., R. 20 E., Mount Diablo meridian.
"All of secs. 2, 11, 14, 32, 33, 34, 35, and 36; W. ½ secs. 1, 12, and 13; NW. ¼ sec. 24; SW. ¼ sec. 24; SE. ¼ sec. 24; S. ½ sec. 25; NW. ¼ sec. 25; W. ½ sec. 31.
"T. 27 N., R. 21 E., Mount Diablo meridian.
"All of secs. 5, 6, 7, 8, 17, and 18; W. ½ sec. 9 not under water; W. ½ sec. 16 not under water.
"T. 27 N., R. 30 E., Mount Diablo meridian.
"All of secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 21, 22, 23, 26, 27, and 28; E. ½ secs. 6 and 7 within the reservation boundary. All of sec. 17 within the reservation boundary; SE. ¼ sec. 29 and NE. ¼ sec. 32 within the reservation boundary; NW. ¼ sec. 34; N. ½ sec. 35.
"T. 28 N., R. 21 E., Mount Diablo meridian.
"All of secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 15, 18, 19, 20, 29, 30, 31, and 32; S. ½ sec. 7; W. ½ sec. 8; W. ½ sec. 23.
"T. 24 N., R. 23 E., Mount Diablo meridian.
"All of secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, and 21; NW. ¼ sec. 19; NE. ¼ sec. 34.
"T. 27 N., R. 21 E., Mount Diablo meridian.
"All of secs. 5, 6, 7, 8, 17, and 18; W. ½ of secs. 9 and 10 not under water.
"T. 24 N., R. 24 E., Mount Diablo meridian.
"All of secs. 1 and 12 within reservation.

"WESTERN SHOSHONE INDIAN RESERVATION.

"In R. 53 E., T. 46 N., all of the portions of secs. 14, 23, 26, and 35 within the reservation boundary and all of secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34.
"In R. 52 E., T. 46 N., all of secs. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.
"In R. 51 E., T. 46 N., all of secs. 13, 14, 23, 24, 25, 26, and 36.

"New Mexico.

"MESCALERO INDIAN RESERVATION.

"T. 12 S., R. 16 E. (Surveyed.)
"T. 13 S., R. 16 E. (Surveyed.)
"T. 14 S., R. 16 E. (Surveyed.)
"N. ½ T. 15 S., R. 16 E. (Surveyed.)
"T. 12 S., R. 15 E. (Surveyed.)
"T. 13 S., R. 15 E. (Not surveyed.)
"T. 14 S., R. 15 E. (Not surveyed.)
"N. ½ T. 15 S., R. 15 E. (Surveyed.)
"T. 12 S., R. 14 E. (Partial survey covering secs. 1, 11, 12, 13, 14, and 21 to 36, inclusive.)
"T. 13 S., R. 14 E. (Not surveyed.)
"T. 14 S., R. 14 E. (Surveyed.)
"N. ½ T. 15 S., R. 14 E. (Partial survey covering secs. 4, 5, 6, 7, 8, 9, 16, 17, and 18.)
"T. 12 S., R. 13 E. (Surveyed.)
"T. 13 S., R. 13 E. (Not surveyed.)
"T. 14 S., R. 13 E. (Not surveyed.)
"N. ½ T. 15 S., R. 13 E. (Surveyed.)
"T. 13 S., R. 12 E. (Partial survey covering secs. 19 to 36, inclusive.)
"T. 14 S., R. 12 E. (Partial survey covering secs. 1, 7, 8, 12, 17, 18, 19, and 20.)
"N. ½ T. 15 S., R. 12 E. (Not surveyed.)
"T. 11 S., R. 10 E. (Surveyed, less secs. 6, 7, 18, 19, 30, and 31.)
"The Sierra Blanca District covering—
"T. 11 S., R. 11 E. (Not surveyed.)
"Fractional T. 11 S., R. 12 E. (Not surveyed.)
"Fractional T. 12 S., R. 10 E. (Not surveyed.)
"T. 12 S., R. 11 E. (Not surveyed.)
"Fractional T. 12 S., R. 12 E. (Not surveyed.)

"PUEBLO BONITO INDIAN RESERVATION.

"T. 17, Rs. 14, 15, and 16, New Mexico principal meridian.

"*Oregon.*

"WARM SPRINGS INDIAN RESERVATION.

"Ts. 6, 7, 8, 9, 10, 11 S., Rs. 8 and 9 E., and Ts. 6 and 7 S., Rs. 13 and 14 E., Willamette meridian.

"*Washington.*

"YAKIMA INDIAN RESERVATION.

"Ts. 8 and 9 N., fractional Rs. 11 and 12 and R. 13 E.

"Ts. 10 and 11 N., fractional R. 12 and R. 13 E., Willamette meridian.

"NEAH BAY INDIAN RESERVATION.

"Township 32 N., R. 15 W.

"Sections 1, 2, 3, and the SW. ¼ of SW. ¼ of SW. ¼ of section 4, NW. ¼ of section 9, and all of sections 10, 11, 12, 13, 14, and 15.

"Township 33 N., R. 15 W.

"Sections 4, 5, 6, 7, 8, 9, all of 13, exception of the NE. ¼ of NE. ¼. N. ½ of sec. 16 and all of sec. 17 and the N. ½ and SE. ¼ of sec. 18. SE. ¼ of sec. 21. All of the section 22, with the exception of the NW. ¼ of the NW. ¼ of the NW. ¼ of the NW. ¼.

"All of sections 23, 24, 25, 26, and 27. All of section 28, with the exception of the NW. ¼. The E. ½ of section 33 and all of 34, 35, and 36.

"Township 33 N., R. 14.

"Sections 19, 30, and 31, and the S. ½ of section 18.

"As occasions warrant other tracts of unallotted Indian land may be declared opened to prospecting. Persons desiring information whether land not mentioned above is subject to exploration should apply to the Indian superintendent in charge of the land for information on this point.

"(Signed) FRANKLIN K. LANE, *Secretary.*"

REGULATIONS TO GOVERN PROSPECTING FOR AND MINING OF METALLIFEROUS MINERALS ON UNALLOTTED LANDS OF INDIAN RESERVATIONS.

Section 26 of the act of June 30, 1919 (Public, No. 3), reads:

"That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this section, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming, heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

"That after the passage and approval of this section, unallotted lands, or such portion thereof as the Secretary of the Interior shall determine, within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this section, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within 60 days with the superintendent in charge of the reservation on which the mining claim is located, and that application for a lease under this section may be filed with such superintendent for transmission through official channels to the Secretary of the Interior: *And provided further*, That lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering live stock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this section.

"That leases under this section shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

"That in addition to areas of mineral land to be included in leases under this section the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, subject to the payment of an annual rental of not less than $1 per acre, a tract of unoccupied land, not exceeding 40 acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

"That the Secretary of the Interior, in his discretion, in making any lease under this section may reserve to the United States the right to lease for a term not exceeding that of the mineral lease, the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

"That any successor in interest or assignee of any lease granted under this section, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the lease under which such rights are held and also subject to all the provisions and conditions of this section to the same extent as though such successor or assign were the original lessee hereunder.

"That any lease granted under this section may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this section or with such conditions not inconsistent herewith as may be specifically recited in the lease.

"That for the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall not be less than 5 per cent of the net value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of not less than 25 cents per acre for the first calendar year thereafter; not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively; and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

"That in addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than $100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States: *Provided*, That the lessee shall also agree to pay all damages occasioned by reason of his mining operations to the land or allotment of any Indian or to the crops or improvements thereon: *And provided further*, That no timber shall be cut upon the reservation by the lessee except for mining purposes, and then only after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof.

"That the Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

"That all moneys received from royalties and rentals under the provisions of this section shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress: *Provided*, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds.

"That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this section as may be necessary and proper for the protection of the interests of the Indians

and for the purpose of carrying the provisions of this section into full force and effect: *Provided*, That nothing in this section shall be construed or held to affect the right of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

"That mining locations, under the terms of this section, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is hereby authorized and empowered to lease such lands to such Indians in accordance with the provisions of this section: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to permit other Indians to make locations and obtain leases under the provisions of this section, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products, and the disposition of the proceeds thereof of any such mine by such Indians.

To carry this provision of law into effect the following general regulations are prescribed:

"1. From time to time unallotted land on Indian reservations within the States named in the section above quoted will be declared subject to exploration. The land will be opened only after reports have been received from the superintendent or other officer in charge (hereafter called the officer in charge) as to the desirability of such action and of the part, if any, which should be reserved in the interests of the Indians. Anyone desiring to prospect on any particular reservation may obtain information from the officer in charge thereof as to whether it is subject to lease.

"2. All persons prospecting on unallotted Indian land under these regulations or who may acquire rights of occupancy of such lands thereunder in the use of the lands are bound to a strict compliance with all the laws of the United States prohibiting the introduction of intoxicants into the Indian country and with the laws of the United States and the regulations of the Department of the Interior prescribed thereunder in respect to trade intercourse with the Indian tribes.

"3. Should valuable metalliferous minerals be found, the section contemplates the location of mining claims in the same manner as mining claims are located under the mining laws of the United States. Should the locator fail to file a duplicate copy of the location notice with the officer in charge of the land within 60 days or fail within 1 year thereafter to make application through the officer in charge to the Secretary of the Interior for a lease of the land, he will thereby forfeit all preference right to a lease. Any locator who fails to comply with the United States mining laws and the regulations of the General Land Office prescribed thereunder as to the location of mining claims will also forfeit all preference right to a lease.

"The regulations of the General Land Office provide in effect that no lode claim can exceed a parallelogram 1,500 feet in length by 600 feet in width, but whether surface ground of that width can be taken depends upon the local regulations or State or Territorial laws in force in the several mining districts; that no such local regulations or State or Territorial laws shall limit a vein or lode claim to less than 1,500 feet along the course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than 50 feet in width; that all records of mining locations shall contain the name or names of the locators, the date of location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim; that no lode claim shall be located until after the discovery of a vein or lode within the limits of the claim; that the claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft or run a tunnel or drift to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice and determine, if possible, the general course of such vein in every direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface; that his location notice should give the course and distance as nearly as practicable from the discovery shaft on the claim to some permanent, well-known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well-known gulches, ravines, or roads, etc., which may be in the immediate vicinity; that the claimant should also state the names of adjoining claims or, if none adjoining, the relative positions of the nearest claims; that he should drive a post or erect a monument of stone at each corner of the surface ground and at the point of discovery or discovery shaft should fix a post, stake, or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery, it being essential that the location notice filed for record should state whether the entire claim of 1,500 feet is taken on one side of the point of discovery or whether it is partly upon one and partly upon the other, and if the latter, how many feet are claimed upon each side of the discovery point.

"4. Lessees will have the right to mine only within the exterior boundaries of the leased lands and to lines drawn vertically downward therefrom. The provision of the general mining laws that the locator of a mining claim shall have the exclusive right to all veins, lodes, or ledges throughout their entire depth, the tip or apex of which lies inside the surface lines, extending downward vertically, does not apply to these leases, since the act limits the application of the general mining laws to the manner of the location of mining claims.

"5. Individual placer claims are limited by the general mining laws to not more than 20 acres for one person, 40 acres for two, and 160 acres for an association of eight or more persons. Locations, if upon surveyed land, must be located in conformity to the legal subdivisions of the survey. If made upon unsurveyed land the locations must be marked in the same manner as lode locations, but shall conform as nearly as practicable to what would be public-land surveys and the rectangular subdivisions thereof.

"6. Before a lease will be granted covering a lode mining claim or a placer claim on unsurveyed land, it will be necessary for the locator, at his expense, to have the claim surveyed by a United States surveyor. The survey must be made in the form and manner required by and under the laws and regulations governing the survey of claims under the United States mining laws, application for such survey to be made to the United States surveyor general for the State wherein the claim is located. Two copies of the plat and two copies of the field notes must be filed by the locator with his lease.

"7. Locators whose application for a lease has been approved will be allowed 30 days from the date of notification of approval within which to complete and file a lease with the officer in charge of the reservation, and the failure to complete and file a lease within that time will be cause for the forfeiture of the preference right to a lease, in the discretion of the Secretary of the Interior.

"8. Upon being notified of the acceptance of its application for a lease, a corporation shall file a certified copy of articles of incorporation, and evidence showing compliance with local corporation laws if a foreign corporation: *Provided*, That if any such papers have already been filed, a statement to that effect may be submitted.

"Leases made by corporations shall be accompanied by an affidavit showing the authority of its officers to execute leases, bonds, and other papers.

"9. Each lease shall be accompanied at the time of filing by the advance annual rental for the first year. No lease shall be forwarded by the officer in charge for favorable consideration unless the advance annual rental for the first year has been deposited with him.

"10. Lessees shall furnish with each lease a bond with two or more personal sureties or with an acceptable company authorized to act as sole surety. Said bond shall be in amounts as follows:

"For less than 40 acres, $500; for 40 acres and less than 80 acres, $1,000; for 80 acres and less than 120 acres, $1,500; for 120 acres and not more than 160 acres, $2,000: *Provided*, That a lessee may file one bond in the sum of $15,000 covering all the leases to which he is or may become the lessee. The right is reserved to increase the amount of the bond above the sums named in any case and to accept substitute bonds where the Secretary of the Interior deems it proper to do so.

"11. Lessees may assign their leases or any part thereof or sublease the premises or any part thereof with the consent and approval of the Secretary of the Interior. Lessees shall not permit any person or persons to have possession of the leased premises, or any part thereof, save and except those rightfully entitled thereto, pursuant to the conditions set forth in the law, regulations, and lease.

"12. Leases shall be irrevocable except for breach of the terms and conditions of the same, and may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which the land or some part thereof is situated. Lessees may, with the consent of the Secretary of the Interior, surrender their leases in whole or in part upon payment of a fee of $1, provided all royalties, rentals, and other obligations due and accrued up to the date of completion of their applications for surrender have been paid and fulfilled. If a lease has been recorded, the lessee shall execute

a release and record the same in the proper county recording office, and file the release with the officer in charge. An application for surrender will be considered as completed on the date of the filing of same in the office of the officer in charge, provided the foregoing regulations have been fulfilled.

"13. Each lessee will be required to pay a royalty on production computed on the net value of the output of the minerals at the mine, payable at the end of each month. The law provides that this royalty shall not be less than 5 per cent, but in view of the impossibility of fixing in advance by regulation the exact royalty to be imposed upon the different minerals found, varying in value and in conditions under which they are mined, the royalty governing each lease will be fixed and determined prior to the issuance of each lease and incorporated therein. The term used in the law, 'net value of the output of the minerals at the mine,' is construed to mean the gross value of the ores, less the cost of mining said ores, the cost of concentration, of handling, of transportation, of shipping from the mouth of the mine to the works where the ore is treated, and the cost of milling, reducing, or smelting. 'Cost of mining said ore' covers only the cost of mining the ore produced and brought out of the mine during the month, and does not include cost of prospecting, of preliminary workings, or the cost of the mining plant.

"14. In addition to the royalty on production the lessee will be required to pay advance annual rental of 25 cents per acre for the first year, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each year thereafter, the rental for any one year to be credited against the royalties as they accrue for that year. It will also be necessary for the lessee to expend annually not less than $100 in development work for each mining claim located or leased in the same manner as required under the mining laws of the United States.

"15. Each lessee shall keep books of accounts showing the amount of ore mined each month, the cost of mining same, the amount of ore shipped or other mineral substances sold or treated, and the amount of money received from the sale of ores, etc. The books of the lessee shall be open to inspection, examination, and verification by any officer of the Interior Department assigned to such duty by the Secretary of the Interior, and the duly authorized agents of the United States shall be permitted freely to make copies of all the accounts and other books of the lessee. All royalties due under the lease shall be paid to the officer in charge of the reservation in cash, or by certified check or other suitable form of exchange, and at time of payment each lessee must file with said officer a sworn statement showing the amount of ore mined during the preceding month, cost of mining and extracting the same, the amount of ore shipped or sold, and the amount received therefor. Lessee must also file with the officer in charge within 20 days after the reduction of the ores a duplicate of all mill and smelter returns.

"16. Lessees shall file annual reports, accompanied by maps and diagrams when necessary, within 20 days after the close of each calendar year with the officer in charge, showing the extent, character, and location of all development work and mining operations, such annual reports to be in the form of sworn statements by the lessee or superintendent in charge of the work, and such other reports from time to time as the Secretary of the Interior may, in his discretion, require.

"17. In mining operations the lessee shall keep the mine well and sufficiently timbered at all points where necessary in accordance with good mining practice and in such manner as may be necessary to the proper preservation of the property leased and safety of the workmen, compatible with economical mining. If it be necessary to use any wood, stone, coal, or other material the lessee shall first obtain written permission from the officer in charge and shall pay him, for the Indians, the current prices for all such material taken.

"18. On expiration of the term of the lease or when a lease is surrendered the lessee shall deliver to the Government the leased premises with the mine workings in good order and condition, and bondsmen will be held for such delivery in good order and condition unless relieved by the Secretary of the Interior for cause. It shall, however, be stipulated that the machinery necessary to operate the mine is the property of the lessee, but that it may be removed by him only after the condition of the property has been ascertained by inspection by the Secretary of the Interior or his authorized agents.

"19. It is expressly understood that any duly authorized agent of the Government shall be permitted from time to time, and at all times during the life of the lease, freely and without notice, to enter upon and in all parts of the leased premises, and, if desired, take with him the local mine inspector and such mining experts as may be necessary for the purpose of inspection and examination thereof, with a view of ascertaining whether or not the terms and conditions of the agreement are being faithfully complied with, and to know that the mine is operated in workmanlike manner as required by the lease and in compliance with the law of the State or Territory in which the mine is situated.

"20. Any lessee desiring to use not to exceed 40 acres of unoccupied land for a camp site, milling, smelting, and refining works, or for other purposes connected with the proper development of the leased land, should make application therefor to the officer in charge for the land desired. The application must be accompanied by affidavits from two or more persons familiar with the ground, that it is nonmineral, unoccupied, and necessary for the purpose of properly developing the lease.

"21. No prospector, locator, or mine owner shall keep stock of any kind on the lands leased except by permit at such rates as may from time to time be established.

"22. The provisions of the foregoing regulations shall apply to any Indian who has heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage his own affairs. Should Indians who have not been declared competent to manage their own affairs desire to obtain a lease of land the officer in charge of the reservation where the land is located will report all the facts in connection therewith, whereupon suitable instructions will be given as to the manner of procedure.

"23. On those reservations where unallotted Indian land may be leased for mining purposes under section 3 of the act of February 28, 1891 (26 Stat. L., 795), the provisions of section 26 of the Indian appropriation act of June 30, 1919, and the regulations herein prescribed shall hereafter govern the leasing of such unallotted land, so far as metalliferous minerals are concerned.

"24. These regulations shall take effect 45 days from and after the date of approval hereof, and shall be promulgated 20 days prior to their taking effect.

"FORM OF MINING LEASE.

"Mining lease of unallotted lands on ——— Indian Reservation.

"This lease, made and entered into in triplicate this ——— day of ——— 19—, by and between the Secretary of the Interior, party of the first part, hereinafter called the lessor, by reason of the authority vested in him in section 26 of the Indian appropriation act for the fiscal year ending June 30, 1920, and ——— of ———, State of ———, party of the second part, hereinafter called the lessee; witnesseth:

"1. The lessor, for and in consideration of the royalties, covenants, stipulations, and conditions hereinafter contained, and hereby agreed to be paid, observed, and performed by the lessee, doth hereby demise, grant, lease, and let unto the lessee for the term of 20 years with privilege of renewal for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the lessor, unless otherwise provided by law at the time of the expiration of such periods, from the date of signing hereof by the lessor, for the purpose of mining all the deposits of metalliferous minerals in or under the following described lands, to wit:

"——— ——— containing ——— acres, more or less, the same being within said reservation, with the exclusive right to prospect for, mine, and extract the minerals above named and no others, and to occupy and use so much only of the surface of said land as may be reasonably necessary to carry on the work of prospecting for, mining, extracting, storing, and removing such minerals; also the right to obtain from wells or other sources on said land by means of pipe lines or otherwise a sufficient supply of water to carry on said operations, and the right to pass over and across said reservation for the purpose of said work.

"2. The lessee hereby agrees to pay or cause to be paid to the superintendent or other officer of the United States having jurisdiction over the leased premises, hereinafter called the officer in charge, for the use and benefit of the Indians of said reservation, annually in advance, a rental of 25 cents per acre for the first year beginning with the date of execution of lease, 50 cents per acre per annum for the second, third, fourth, and fifth years, and $1 per acre for each succeeding year, all rent paid in any year to be credited on the royalty for that year if production begins therein.

"The lessee further agrees to pay as royalty on the production of ores and minerals under this lease a royalty of —— per cent upon the net value of the output of the minerals at the mine, which is to be ascertained by deducting from the gross value of the ores and minerals the cost of mining said ores and minerals, the cost of concentration, of handling, of transportation, of shipping from the mouth of the mine to the works where the ore is treated, and the cost of milling, reducing, or smelting. It is understood and agreed that the cost of mining said ores covers only the cost of mining ores produced and brought out of the

mine during the month, and does not include the cost of prospecting or preliminary workings or of the mining plant. The lessee agrees to file with the officer in charge of the reservation within 20 days after the end of the month within which the minerals were extracted a sworn statement showing the amount of ore mined during the preceding month, cost of mining and extracting same, the amount of ore shipped or sold, and the amount received therefor. He also agrees to file with the officer in charge within 20 days after the reduction of the ores a duplicate of mill and smelter returns, and to pay all royalties under this lease monthly to the officer in charge of the reservation, or such officer or agent as may be designated by the Secretary of the Interior, payments to be made in cash or by certified check or other suitable form of exchange.

"There shall be expended annually in development work on each lease a sum of not less than $5 per acre, the total annual amount to be not less than $100.

"The royalties on all products mined under this lease shall be based on sworn reports and shall be paid within 10 days after the close of each month.

"3. The lessee shall immediately upon notification of the signing of this lease by the lessor proceed to develop and work said mineral deposits, and during the entire term of this lease he shall prosecute such mining operations on said lands to the fullest practicable extent, the state of the market being considered; and his neglect or refusal to conduct actual mining operations for a period of six months at any one time (unless exempted by the lessor) shall operate as a forfeiture of all his rights under this lease, and subject it to cancellation by an appropriate proceeding in the United States district court for the district in which the land or a part of it is situated. Within 20 days after the close of each calendar year he shall file with the officer in charge an annual report, verified by oath, showing the character and value of the development work performed and the gross output of his mining operations hereunder during the year; and within 20 days after demand by the lessor he shall file with the officer in charge of the reservation a sworn report, giving such information relative to his mining operations as may be demanded.

"4. The lessee shall at all times conduct operations in a workmanlike manner, protect all mines and deposits, and not commit nor suffer any waste upon the reservation; and if it be necessary to use any wood, stone, coal, or other material thereon, he shall first obtain written permission from the officer in charge and shall pay to him for the Indians the current prices for all such material taken. He shall take good care of the land herein described and not permit any nuisance to be maintained nor any intoxicating liquors to be sold or given away thereon for use as a beverage; he shall not use or permit the use of said lands and premises for any other purpose than as herein authorized, and at the expiration of this lease he shall return the same to the owners in as good condition as received, excepting for the ordinary wear and tear and unavoidable accidents in their proper use.

"5. The lessee shall keep an accurate account of said operations, showing the whole amount of mineral mined or extracted and all mineral shipped, smelted, used, or disposed of, the cost of such operations and the net value of the output of the minerals at the mine; and the officer in charge and other proper representatives of the department shall have the right at all times during the existence of this lease, and for six months thereafter, to make such reasonable examination of the papers and books of account of the said lessee, and of the mines, as may be necessary to obtain all information desired; and there is hereby created a lien on all implements, tools, movable machinery, and other personal chattels belonging to the lessee used in the said mining operations, and upon all minerals obtained from the land herein leased, as security for the monthly payment of said royalty.

"6. The lessee in selecting employees shall give preference, so far as practicable, to Indians of the reservation who may be able and willing to perform the kind of work required; and he shall not retain in his employ any person objectionable to the officer in charge of the Indians. With each annual report he shall furnish the names and addresses of his employees.

"7. The lessee shall not interfere with any personal or property rights or legitimate industry or occupation of the Indians without first obtaining consent in writing and paying proper compensation approved by the officer in charge; nor obstruct any road or trail now in use without permission of the officer in charge; and the right to cross the lands leased by the usual methods and in a manner not inconsistent with the mining operations herein provided for is reserved for the Indians; and all rights to make and accept allotments within the boundaries of this lease of any lands demed suitable for agriculture are hereby reserved.

"8. The lessee shall not, without the consent of the lessor, assign or sublet any part of the lands leased. He may, however, surrender the lease for cancellation with the consent of the lessor, but the lessee or assignee should surrender his copy of the lease to the officer in charge, and all royalties and other obligations due and accrued to date of completion of application for cancellation, in addition to a cancellation fee of $1, must be paid and discharged before such application will be considered, provided that if the lease has been recorded the lessee or assignee shall execute a release, record the same in the proper recording office, and file the release with the officer in charge. An application for cancellation will be considered as completed on the date such application is filed in the office of the officer in charge, provided the foregoing requirements have been fully observed.

"9. In the event of failure or neglect of the lessee to perform any obligations under this lease, the lessor shall have the right at any time to cancel this lease by an appropriate proceeding in the United States district court for the district in which the land or a part thereof is situated, unless within 30 days after notice specifying the terms and conditions violated the lessee shall correct such failure and make good any loss caused thereby.

"10. This lease is made and accepted subject to existing law and any laws hereafter enacted as to said reservation, also to the regulations relative to such leases heretofore or hereafter prescribed by the lessor; and in no event shall the United States or the lessor be liable in damages or otherwise under the provisions hereof.

"The obligations and agreements hereinbefore expressed shall extend to and be binding upon the successors in interest of the parties hereto.

"11. Before this lease shall be in effect the lessee shall furnish a satisfactory bond with two or more personal sureties or with an acceptable company authorized to act as sole surety.

"12. No prospector, locator, or mine owner shall keep stock of any kind on the lands except by permit at such rates as may from time to time be established.

"13. It is expressly understood and agreed that there is reserved to the United States the right to lease under existing law or laws hereafter enacted so much of the surface of the lands covered by the lease as is not actually used or necessary for mining purposes.

"Signed and sealed this ——— day of ———, 19—.

"[SEAL.] ———,
"*Secretary of the Interior.*

"[SEAL.] ———,
"*Lessee.*

"Witnesses:
"———.
"———.
"———.
"———."

"BOND.

"Know all men by these presents, That ——— ———, of ——— ———, as principal, and ——— ———, as suret—, are held, and firmly bound unto the United States of America in the sum of fifteen thousand ($15,000) dollars, lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves and each of us, our and each of our heirs, successors, executors, administrators, or assigns, jointly and severally, firmly by these presents.

"Sealed with our seals, and dated this ——— day of ———, 19—.

"The condition of this obligation is such that whereas the above bounden ——— ———, as principal—, ha— heretofore or may hereafter enter into mining leases covering unallotted Indian land on the ——— ——— Reservation, in the State of ———, of various dates and periods of duration, covering the lands described in such leases, which leases have been or may hereafter be, signed by the Secretary of the Interior, and the identification of which herein is expressly waived by both the principal— and suret— hereto.

"Now, if the above-bounden ——— ——— shall faithfully carry out and observe all the obligations assumed in said indentures of lease to which ——— ——— is now or may hereafter become a party, and shall observe all the laws of the United States and regulations made or which shall be made thereunder for the government of trade and intercourse with Indian tribes, and all regulations that have been or shall hereafter be lawfully prescribed by the Secretary of the Interior relative to mining leases covering unallotted Indian land on

the ——— ——— Reservation and the development thereof, and shall in all particulars comply with the provisions of said leases and such regulations, then this obligation shall be null and void; otherwise to remain in full force and effect.

"Signed and sealed in the presence of—

"Witnesses:

"———, "Post office, ———. } as to ——— ———. [SEAL.]
"———, "Post office, ———.

"———, "Post office, ———. } as to ——— ———. [SEAL.]
"———, "Post office, ———.

"———, "Post office, ———. } as to ——— ———. [SEAL.]
"———, "Post office, ———.

"———, "Post office, ———. } as to ——— ———. [SEAL.]
"———, "Post office, ———.

"DEPARTMENT OF THE INTERIOR,
"*Washington, D. C.*, ——— ———.

"Approved:

"———,
"*Assistant Secretary of the Interior.*"

—

"*To accompany mining leases covering unallotted Indian lands.*

"BOND.

"KNOW ALL MEN BY THESE PRESENTS, That ——— ———, of ——— ———, as principal—, and ——— ———, of ———, as surety—, are held firmly bound unto the United States of America in the sum of ——— dollars, lawful money of the United States of America, for the payment of which well and truly to be made we bind ourselves, and each of us, our and each of our heirs, executors, administrators, successors, or assigns, jointly and severally, firmly by these presents.

"Sealed with our seals and dated this —— day of ———, 19—.

"The condition of this obligation is such that whereas the above-bounden ——— ———, as principal—, entered into a certain indenture of lease, dated ——— ———, with ——— ——— for the lease of a tract of land described as follows: ——— ——— and located in the ——— ——— Reservation, in the State of ——— for ——— mining purposes for the period of ——— years from the date of approval thereof.

"Now, if the above-bounden ——— ——— shall faithfully carry out and observe all the obligations assumed in said indenture of lease by ——— ———, and shall observe all the laws of the United States, and regulations made, or which shall be made thereunder, for the government of trade and intercourse with Indian tribes, and all the rules and regulations that have been, or may be, lawfully prescribed by the Secretary of the Interior relative to leases executed to cover unallotted Indian land on the ——— ———, then this obligation shall be null and void; otherwise to remain in full force and effect.

"Signed and sealed in the presence of—

"Witnesses:

"———, "Post office, ———. } as to ——— ——— [SEAL.]
"———, "Post office, ———.

"———, "Post office, ———. } as to ——— ——— [SEAL.]
"———, "Post office, ———.

"———, "Post office, ———. } as to ——— ——— [SEAL.]
"———, "Post office, ———.

"———, "Post office, ———. } as to ——— ——— [SEAL.]
"———, "Post office, ———.

"Two witnesses to each signature.

"DEPARTMENT OF THE INTERIOR,
"*Washington, D. C.*, ——— ———.

"Approved.

"———,
"*Assistant Secretary of the Interior.*"

"FORM OF PERMIT FOR CAMP SITES, MILLING, SMELTING, AND REFINING WORKS.

"DEPARTMENT OF THE INTERIOR,
"UNITED STATES INDIAN SERVICE,
"——— ——— RESERVATION.

"By authority of the Interior Department permission is hereby granted to ——— ———, lessee of mining lease No. ———, on the ——— ——— Reservation, to use the following-described tract of unoccupied land on the said reservation:

"——— ———. That land covered by this permit is to be used for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by mining lease No. ——— all rights hereunder to cease and terminate upon the termination of the aforesaid mining lease.

"In consideration of the above privilege, the permittee agrees to pay on the date of the execution of this permit and annually in advance thereafter to the officer in charge of the said reservation for the use and benefit of the Indians the sum of $——— (not less than $1 per acre).

"It is understood and agreed by the permittee that this instrument is not a lease, but a mere permit, and on failure of the permittee to fulfill its terms or to comply with the rules and regulations of the Secretary of the Interior relative thereto this permit may be revoked by the Secretary of the Interior and all rights thereunder will then terminate.

"I agree to the foregoing conditions and stipulations.

"———, "*Permittee.*

"The above permit is hereby approved:

"———, "*Secretary.*"

—

"EVIDENCE OF AUTHORITY OF OFFICERS TO EXECUTE PAPERS.

("To be sworn to by secretary or president of a corporation and sealed with its seal.)

"I solemnly swear that ——— ——— and ——— ——— ——— were on the ——— day of ———, 19—, the duly elected, qualified, and acting president and secretary, respectively, of ——— ———, a corporation organized under the laws of ——— ———, on which day they executed ——— mining lease for and in behalf of said corporation as lessee, covering certain unallotted Indian lands of the ——— ——— Reservation; that they were fully empowered to execute said lease and all papers in connection therewith, and that their action in executing the same binds the said corporation to full performance of all obligations thereunder.

"(Signed) ——— ———
——— ——— (Title.)

"This ——— day of ———, 19—.

"[CORPORATE SEAL.]

"Subscribed and sworn to before me this ——— day of ———, 19—.

"(Signed) ——— ———
"[SEAL.] ——— ——— (Title.)

"Note and carefully follow instructions and explanations on reverse.

"Report No. ——— ——— (Not to be filled in by lessee.)

—

"LESSEE'S ANNUAL REPORT OF MINING OPERATIONS.

"RESERVATION, STATE OF ———,
"——— ——— LESSEE, YEAR ENDED ———.

"I, ———, being duly sworn, according to law, depose and say that I am the lessee (or the duly authorized agent of the lessee) above named; that I am familiar with all the mining operations under the lease hereinafter mentioned, and that I know of my own personal knowledge that the following statement is correct:

Lease No.	Description.	Total on hand at beginning of year.	Total mined.	Total shipped.	On hand.	Freight charges.	Transportation and handling charges other than railroad.	Gross smelter returns.	Royalty paid.[1]	To whom ore sold.

[1] Should agree with total shown by remittance for year.
[2] Should show all royalty paid during year and should total same as balance royalty in remittance reports for year.

Mining lease No.	Level.	Dimensions.	Labor.	Value.	Comment.
Shaft sinking					
Station cutting					
Drifting					
Cross cutting					
Winzing					
Raising					
Chutes					
Manways					
Pumps					
Air lines					
Water lines					
Track					
Powder magazines					
Bulkheading (not in ore)					
Bulkheading (in ore)					
Gob filling[1]					
Miscellaneous					

[1] Gob filling is necessary to hold ore bodies of size; must be done where necessary, but is not considered development.

"_____ _____
"(Name of lessee.)
"_____ _____
"(Signature of person sworn.)
"_____ _____
"(Capacity in which he is sworn.)

"Subscribed and sworn to before me this —— day of ——, 19—.

"_____ _____
"*Notary Public.*

"My commission expires —— ——, 19—."

"INSTRUCTIONS AND EXPLANATIONS.

"1. A separate report must be submitted for each lease.

"2. The report must be in the hands of the superintendent or other officer in charge within 20 days after December 31 of each year the lease is in effect.

"3. The report must be submitted for every year during the life of the lease, regardless of whether or not mining operations are being carried on.

"4. 'On hand' should show the total tonnage unpaid for at the date of the report, including that remaining in the smelter, on the way to the smelter, and in the bins.

"5. 'Total shipped' should show separately each shipment made during the year on which separate payments of royalty were made, and separate royalties should be shown in 'Royalty paid' column. All royalty should be paid promptly.

"6. Any classification not included in this form may be added. If added on separate sheet, separate sheet must be made a part of this report and attached to same. Separate letters will not be considered part of the report.

"7. The report must show all development work done during the period for which rendered, as reports may be compared with your workings at any time between reports.

"8. Show clearly the dimensions of the workings, together with starting and ending points. Make these brief but accurate. Submit plats where practical. Include all permanent surface workings as development."

SEPTEMBER 10, 1919.

The foregoing regulations and forms are hereby approved.

CATO SELLS,
Commissioner of Indian Affairs.

Approved September 16, 1919.

FRANKLIN K. LANE,
Secretary of the Interior.

SPEECH OF HON. WILLIAM J. BRYAN.

Mr. HITCHCOCK. Mr. President, I ask to have printed in the RECORD a recent speech of Hon. William J. Bryan, delivered at Washington, D. C., or, rather, I should say, an abstract of the speech.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE LEAGUE OF NATIONS.

[Abstract of speech delivered by Mr. Bryan at Washington, D. C., Sept. 24, 1919.]

"Mr. Chairman, before taking up the treaty or the covenant of the league of nations I venture to express my gratification that we are about to abandon the old doctrine of conquest and enter upon a new era in which the taking of territory by force will not be permitted. Objection has been made that it will prevent the doing of things that we have commended in the past. All progress is a repudiation of the past. Our Nation, like other nations, has taken territory by force of arms, as, for instance, in the War with Mexico New Mexico, Arizona, California, Nevada, Utah, and part of Colorado were ceded to us as a part of the settlement. But shall we refuse to turn over a new leaf because we have in the past employed the old ways?

"As late as 1898, in the War with Spain, we took Porto Rico and the Philippine Islands. Is that any reason why we should stand out against article 10, which preserves for the future the integrity of nations, large and small? And, speaking of the Philippines, it is interesting to note the change that has taken place in the opinions of those who favored the holding of the Philippines. Senator LODGE, for instance, made a speech on the 20th of June, 1900, as permanent chairman of the Republican convention, then being held in Philadelphia, in which he defended the holding of the Philippines. He stated:

"'We make no hypocritical pretense of being interested in the Philippines solely on account of others. While we regard the welfare of those people as a sacred trust, we regard the welfare of the American people first. We see our duty to ourselves as well as to others. We believe in trade expansion. By every legitimate means within the province of government and legislation we mean to stimulate the expansion of our trade and to open new markets. Greatest of all markets is China. Our trade there is growing by leaps and bounds. Manila, the prize of war, gives us inestimable advantages in developing that trade. It is the corner stone of our eastern policy, and the brilliant diplomacy of John Hay in securing from all nations a guaranty of our treaty rights and of the open door in China rests upon it. We ask the American people if they will throw away these new markets and widening opportunities for trade and commerce by putting in power the Democratic Party, who seek under cover of a newly discovered affection for the rights of man to give up these islands in the East and make Dewey's victory fruitless.'

"Senator LODGE rather harshly of the doctrine of 'the rights of man' at that time. He put our commercial interests above the welfare of the Filipinos. He did not even promise that the islands would be turned back, and 16 years later he voted against the Jones bill granting autonomous government and promising independence. As the President points out, he did not protest against the taking of Shantung by the Germans; he did not protest the taking of other lands from China by other nations. He has certainly traveled a long ways if we can judge by his criticism of the Shantung provision in the treaty, even though Japan promised to return the land to China. My answer to this criticism is that it is better for China to trust her case to the league of nations than to risk the chaos that might follow if the treaty was not ratified by the United States or even if long delay preceded ratification.

"The first question to be decided in considering the league of nations is whether it is desirable to prevent war. I take it for granted that few will answer in the negative. Then comes the question, Is it possible to prevent war? If not, then the promises held out by the league are futile; but a large majority of the world to-day believe that it is possible to prevent war, and this is the real issue presented by the league of nations. It is the doctrine of Christ against the teachings of Nietzsche. The latter regarded war not only necessary but desirable; Christianity holds out the hope of universal and perpetual peace.

"If peace is desirable and possible it is fair to inquire whether the covenant of the league of nations is calculated to bring peace. I believe it is. The investigation of all questions before war, with nine months' time for deliberation, will in itself make war almost impossible. The President describes this provision as 'the heart of the covenant' and calls attention to the fact that no Senator has yet attacked this provision. It is taken from the 30 treaties that bind us to three-quarters of the world. The treaties were ratified by our Senate without opposition. No objections were then made to the surrender, for one year, of our right to declare war, and no one then doubted the value of the treaties as a means of insuring peace.

"The reduction of armaments is another long step toward peace and the abolition of secret treaties gives additional assurance that future difficulties will be settled without resort to arms.

"Objections have been made and reservations proposed. The right to withdraw at the end of two years greatly reduces the force of all objections made. If that provision is not sufficiently specific, the defect can be cured at the first meeting of the league and surely the provision gives us sufficient protection until that effort is made.

"I can not agree with those who think that the Monroe doctrine is in danger. The language of the covenant is so clear on this point that there is no possibility of an attempt on the part of other nations to interfere with us.

"Article 10 seems to be the center of the fight. It pledges the members of the league to protect the territorial integrity of each

against external aggression but the council only advises as to the use of force; it does not compel. And besides, the council acts by unanimous vote and we, being in the council, can veto any action that we do not approve. If it is desirable to make this reservation more specific the matter can be presented at the league when the league meets; our veto power will certainly protect us until then.

"The reservation of each nation's right to attend to its own affairs is sufficient; it does not need strengthening.

"A great deal is said regarding the large representation given to Great Britain. I am not prepared to defend the inequality in representation, either in this case or in some other cases, but here again our veto power protects us from any possible harm, and when the league meets we can ask to have the representation equalized.

"In every case where a reservation is urged as a part of the ratification I will make the same answer. A change can be made as easily after the treaty is ratified and the league established as it can now, except on the theory that we can secure by threats what we could not secure by persuasion, and that theory is destructive of the spirit which must underlie the league, if it is to be a success. Every change desired can be made afterwards without the risk that is involved in an attempted change at this time.

"Each nation has the right to decide upon the method of selecting its delegates, and each country can select them in such a way that they can be instructed as to the position they shall take on any important question that arises. If desired, provision can be made for the delegates to consult Congress or even the whole people by a referendum. We have it in our power to protect ourselves to the fullest extent, and, therefore, do not need to delay the ratification of the treaty or to adopt reservations that would require action on the part of other nations.

"And I beg you to consider the possible results of delay. The treaty is a compromise, each nation surrendering some of its contentions. If we ratify with reservations upon which other nations must act, what reason have we to believe that they will accept these reservations without asking changes themselves? And who will say when an agreement can be reached? Who will protect the world from the calamities that delay might invite? If Senators were dealing with their own affairs they might be willing to take chances, but is it not a more serious responsibility when their action may bring unspeakable injury upon their country and the world which they are powerless to repair? Nero has been held up to scorn because he 'fiddled while Rome burned,' but the burning of Rome is not to be compared with the possible conflagrations that may burst out anywhere at this time. Why take incalculable risks of delay when the covenant gives us protection, at least for a time sufficient to enable us to secure such changes as we may desire? We have the privilege of withdrawing if, after the league is established, we feel that we are not sufficiently protected or the league does not fulfill our hopes.

"The President has done the best he could, and, considering the difficulties he had to meet, he has done better than we had any reason to expect. We have no right to expect a plan perfect in its details. We do not choose between perfection and imperfection. We choose the best alternative presented. The Bible tells us of a leper who sat at the gate of a besieged city when the people were reduced to the point of starvation. One morning he thus reasoned with himself: 'If I stay I die; if I go to the camp of the enemy I may live.' That is the alternative which confronts us to-day. We must go forward with the league of nations and take whatever risks the step may involve or turn back to chaos and to certain wars. I believe the American people will go forward and do their part toward making the war out of which we have come the last war to redden the earth with blood."

LEAGUE OF NATIONS.

Mr. HITCHCOCK. I also ask to have printed in the RECORD a brief editorial from the St. Louis Post-Dispatch showing the overwhelming sentiment of the recent convention of bankers held in New Orleans in favor of a league of nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch.]

"BANKERS ON THE TREATY.

"The Post-Dispatch's poll of the delegates to the convention of the American Bankers' Association on the question of ratifying the peace treaty is interesting. The 874 ballots cast showed 442, a slight majority, in favor of ratifying the treaty in its present form; 308 for interpretations, provided they did not require reopening of negotiations with Germany; 84 for amendments, regardless of whether they necessitated another conference; and 40 flatly opposed to the treaty.

"How accurately the judgment of bankers reflects public sentiment may be debatable. There is no question, though, that the banker of to-day is in closer touch with his community and is more nearly representative of his community's sentiment than was the banker of yesterday. Like every other business, banking has been humanized. It has cast off that icy mantle of reserve which once enveloped it and now wears the regimentals of the day's work.

"The tally of this unofficial poll, disclosing a more than three-fourths majority in favor of a ratification which will be acceptable to the Allies, and which will end the war, may not be conclusive, but as a straw vote it goes far to confirm the belief that the American people are overwhelmingly for peace.

"If the Senate has its ear to the ground this expression of the Nation's bankers ought to be an instructive message."

DISPOSAL OF SUPPLIES IN FRANCE.

Mr. SHERMAN. The Washington Post of October 11, 1919, this morning, contains an article on bargains in food and clothing offered Europe by Secretary of War Baker. I ask leave to present it and have it printed in the RECORD at length, and without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"GETS FOOD UNITED STATES NEEDS—EUROPE STILL BEING OFFERED BIG BARGAINS BY BAKER—KEEPING UP COST AT HOME—COMMITTEE ON WAR DEPARTMENT EXPENDITURES COMPLETES DETAILS OF ITS REPORT ON SALES TO FRANCE AND OTHER COUNTRIES—MEAT AND CLOTHING CONTINUE TO BE INCLUDED.

"How France drove a bargain with the United States which netted it a huge profit, amounting to more than $1,000,000,000, and how this profitable transaction helped to keep up the cost of living, is contained in the report which the Committee on Expenditures in the War Department will make to Congress.

"The report also will show it to have been the policy of Secretary Baker to avoid disturbing market conditions in America by selling surplus food supplies abroad. The present shortage in sugar receives exemplification by the pointing out that among war supplies turned over to the French for a low figure were 22,000,000 pounds of sugar.

"PROFIT OF MANY MILLIONS.

"For the supplies sold the French the United States received $400,000,000. The supplies were valued at $1,759,000,000. The thrifty French also insisted upon including in this transfer the docks, railways, and equipment built by the American Expeditionary Forces in France, valued at $180,000,000, making the value of what they obtained something more than $2,000,000,000, for which they paid $400,000,000.

"These startling facts are found in the minutes of the liquidation commission, of which Judge Edwin B. Parker, of Houston, Tex., an appointee of Col. House, was chairman. These minutes show 'that the Secretary of War expressed the opinion that no property or materials not needed by the Army for consumption in the United States should be returned to the United States, and that in no event should any clothing, food supplies, or engineering equipment be returned, but that all such commodities, as the same became surplus, should be disposed of by the commission in Europe to the best advantage.'

"SOME SUPPLIES SENT ACROSS.

"Among the supplies that were so disposed of were the following: Twenty-two million pounds of sugar, 74,000,000 pounds of bacon, 6,000,000 pairs of shoes, and 1,900,000 blankets.

"Placed in values of money, the articles so disposed of amounted to $259,000,000 of food, $323,000,000 of clothing, $310,000,000 of automobiles, and $352,000,000 of hospital supplies.

"All of these articles were sold to the French for $400,000,000, and the value placed on them in reaching the totals was lessened by an allowance for depreciation despite the fact that since the time they were bought, the prices of all these articles had greatly increased. Dock supplies and other permanent equipment were thrown in for good measure.

"MORE THAN MILLION POUNDS OF BUTTER.

"The report will also show that in addition to the sale of all these foodstuffs and other articles in France, the Secretary of War, in addition, informed Judge Parker and the liquidation commission that there was a huge amount of foodstuffs in the United States, and named C. W. Hare, of director of sales, to dispose of them in Europe. This supply consisted of 38,536,000 pounds of bacon; 39,000,000, roast beef; 36,000,000, corned beef; 20,000,000, corned-beef hash; 39,000,000 cans baked beans; 42,000,000, tomatoes; 42,000,000, string beans; 38,000,000, corn; 32,000,000, peas; 27,000,000 pounds of sugar; 5,250,000, oleomargarine; and 1,250,000, butter.

"These supplies, the report will show, Mr. Baker wishes transported from the United States and sold in Europe, presumably on the same basis that the goods were sold to the French.

"HARE'S SALARY FOR TIME $25,000.

"Mr. Hare took with him a large corps of assistants, and was receiving a salary of $25,000 a year until Congress cut it down to $12,000.

"In addition to this, according to the forthcoming report, a sale of $25,000,000 worth of foodstuffs and clothing was made to the Belgian Government in 1918. These were shipped from the United States instead of being taken out of the surplus stock in France.

"These supplies consisted of the following: Four hundred and twenty-two thousand overcoats, 412,000 trousers, 300,000 felt shoes, 165,000 leggings, 1,100,000 heavy woolen socks, 36,000 khaki coats.

"The report will show it was the policy of the Secretary of War that nothing should be done to reduce the cost of living in America by disposing of these articles here, until Congress acted, by quoting from the minutes of the same liquidation commission the following:

"The Secretary of War pointed out that the War Department had on hand in the United States large surpluses of raw materials, supplies, and equipment, of which there was only a limited market in the United States, and said these surpluses should be disposed of in Europe."

Mr. SHERMAN. I ask unanimous consent for a minute or two to make a statement in relation to this matter.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SHERMAN. Mr. President, the liquidation commission shows that $1,759,000,000 worth of supplies in France have been disposed of there for $400,000,000. Dock supplies and permanent equipment were thrown in as a bonus in the sale, making the actual value transferred nearly $2,000,000,000. C. W. Hare, director of sales, further shows that a huge amount of foodstuffs and clothing, surplus military supplies, are now in the United States. Mr. Hare has been designated as manager to dispose of these surplus lines in Europe. The report, according to the House Committee on Expenditures in the War Department, recites:

The Secretary of War pointed out that the War Department had on hand in the United States large surpluses of raw materials, supplies, and equipment of which there was only a limited market in the United States, and these surpluses could be disposed of in Europe.

The quotation so reported by the committee is an extract from the minutes of the liquidation commission.

Just now, when housewives can not buy a pound of sugar in Washington, when prices are increasing beyond the reach of ordinary incomes, when fruit can not be preserved for lack of sugar, it will interest a long-suffering public to read that among surplus Government supplies in the United States proposed to be sold in Europe there are 27,000,000 pounds of sugar, which will be shipped from this country and placed upon the market in Europe. There are likewise many million cans of vegetables, a vast quantity of felt shoes, woolen socks, and other articles of clothing. In meats it will be interesting to observe that 39,000,000 pounds of bacon are recommended to be turned away from our market and sold abroad; over 5,000,000 pounds of oleomargarine and 1,250,000 pounds of butter. As if the foregoing were not enough to arouse the average American's interest, the liquidation commission further shows a sale of 22,000,000 pounds of sugar surplus in France, 74,000,000 pounds of bacon, 6,000,000 pairs of shoes, and 1,900,000 blankets. Our transports are not loaded at this time, and there are other facilities by water to return them to this market.

The report further shows, quoting from the minutes of the liquidation commission, that Secretary Baker announced the policy of selling all surplus food supplies abroad and not returning them here, as it would disturb market conditions existing at this time in our own country.

The prices referred to, I wish to say in conclusion, are the existing level of prices which I think ought to be disturbed and must necessarily be disturbed if any relief comes to the consumer. We have been investigating for some two months prices in Washington and vicinity, and if any relief comes there must be a lowering of prices to levels which the sale of these commodities in the United States would tend to produce.

Mr. POMERENE. Mr. President, a moment ago some reference was made by the Senator from Illinois [Mr. SHERMAN] to the subject of sugar and its sale abroad. I have had occasion to make some inquiry about this matter, and I have here before me a letter which I received this morning from the United States Sugar Equalization Board, now located at 111 Wall Street, New York City. The charge has been made that sugar has been sent abroad by the Government of the United States from the United States. Without taking the time to read the letter, it discloses the fact that when the supply of Cuban sugar was bought, probably a year or more ago, there was some arrangement with foreign Governments that a certain portion of that sugar should be sent abroad. That sugar was refined in this country and the refiners were under contract to send it abroad. This is explained fully in the letter, and I ask that it be incorporated in the RECORD for the information of Senators. I do not care to take the time to have it read.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

UNITED STATES SUGAR EQUALIZATION BOARD (INC.),
New York City, October 9, 1919.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

DEAR SIR: We have your valued favor of October 8. We regret greatly the many complaints being received about the difficulty of getting sugar. The situation has developed not so much through an insufficient supply as from an inordinate demand. The country, according to our figures, from the 1st of January to the end of September, consumed this year 3,263,000 long tons of sugar against 2,661,000 long tons a year ago—an increase of about 602,000 long tons. This increase was entirely unexpected and is mainly responsible for the present scarcity.

The information given you in respect of exportation is not quite correct. When the equalization board bought the Cuban crop it resold to the Allies one-third of the purchase. Of this one-third the royal commission on the sugar supply arranged to have refined here 500,000 tons of raw sugar on toll. There was no objection to this, inasmuch as it kept American industries and labor employed. This is practically the only sugar that is now being exported. On the 1st of July we asked the refiners to suspend all export sales, which request has been complied with. There were, however, some contracts made prior to that date for shipment to the Allies and neutral countries. These contracts, having been made in good faith, are legal and binding on the refiners and must be lived up to. The amount, however, is small and, in our opinion, not enough to affect the American people.

In regard to your inquiry as to what the Government has done to secure the Cuban supply for the coming year, we respectfully refer you to the hearing at Washington last Friday before the Subcommittee on Agriculture, and also to the bill which, we understand, has recently been introduced by Senator MCNARY.

If you desire any further information, please have no hesitancy in asking us for same.

Yours, very truly,

U. S. SUGAR EQUALIZATION BOARD (INC.),
By GEO. A. ZABRISKIE.

Mr. SMOOT. Mr. President, I desire to say just a word in connection with the matter referred to by the Senator from Ohio. I was informed by one of the leading sugar men of the United States the other day that Japan had purchased most of the Hawaiian sugar crop for this year; in other words, that the extra large crop raised this year will be taken away from the American market and the sugar product of the Hawaiian Islands sent to Japan or wherever Japan directs that it be shipped. If that be the case, I wish to say now that the shortage of sugar in the United States will continue at least until the crop of 1920 is manufactured.

Mr. LODGE. The Hawaiian sugar crop, I think, amounts to over 600,000 tons.

Mr. SMOOT. Last year it was the largest in the history of the islands.

Mr. LODGE. And heretofore this country has had it all.

Mr. POMERENE. I simply presented the letter because it gives the facts from the viewpoint of the United States sugar administrator. I understand the subject is now being investigated by a committee of the Senate, and I thought the public would be interested in the letter.

Mr. SMOOT. I think the Senator's action is very wise. I wish to say, however, in this connection that there is no doubt that an agreement was made between our Government and European powers as to the division of the Cuban sugar crop of 1918. There is no question as to that; but a condition developed in this country, I think not to exceed two months ago, to which I called the attention of the Senate at the time, namely, that certain sugar merchants were purchasing sugar in the United States from that portion of the Cuban crop which was to come to the United States and exporting it and making a dollar a hundred pounds. That came about from the fact that the world became aware that there was going to be a shortage of sugar, and there developed at once trading in sugar, with a profit, as I am told, on the part of many of the merchants exporting it of $1 a hundred pounds. I called the attention of the Food Administration to that fact, and they promised me that such exportations of sugar should cease, and I understood that they have ceased.

Mr. GAY. Mr. President, the Senator from Utah [Mr. SMOOT], in discussing the shortage of sugar, stated that he had been informed by some of the leading men in the United States that the Japanese Government had purchased the Hawaiian sugar crop. At the time he made that statement I felt sure

the Senator was in error. I have since communicated with one of the leading authorities on sugar, Mr. Sidney Ballou, who is the attorney for the Hawaiian sugar planters, and he tells me that it is a mistake; that the Hawaiian crop has not been purchased by the Japanese Government; that it will come to the United States, as usual; that it will amount to about 600,000 tons, and will be refined in the California-Hawaii refineries on the Pacific coast.

The impression that the Japanese Government had purchased the sugar crop of Hawaii was probably gained by the Senator from Utah from an article published in a paper called "Sugar," which intimated that the Hawaiian as well as the Philippine crop would go to Japan. It is a fact that the Philippine crop will go to Japan. Very little of that crop has been coming to this country. But the usual amount of Hawaiian sugar, in fact probably more than the usual amount, will come to the United States.

Japanese merchants have recently been in Hawaii buying sugar in retail quantities and shipping it to Japan. That probably is another reason for the rumor.

I merely make this statement in order to get the facts correctly before the Senate.

ADDRESS OF HON. JOHN WOODWARD.

Mr. LA FOLLETTE. Mr. President, I have before me an address delivered by Hon. John Woodward, justice of the appellate division of the third department, at the Albany (New York) Law School on Wednesday evening, September 17, on the league of nations and the Constitution of the United States. I asked to have it printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Knickerbocker Press, Sept. 21, 1919.]

THE LEAGUE OF NATIONS AND THE CONSTITUTION.

(An address by Hon. John Woodward, justice of the appellate division, third department, at the Albany Law School, Wednesday evening, September 17, before the students of the school and the members of the bar, on the subject of the League of Nations and the Constitution of the United States.)

"This is Constitution day, and all over this country people are meeting to learn and to exchange views about that sacred instrument, which has been to us a charter of liberty and a guide to good government, and it is thought that a day given over to this may be beneficial to our understanding, to our patriotism, and to our love and confidence in our country and its institutions. And I am willing to do my part the best I can before an audience of this character to make the day one worth while.

"I feel some embarrassment in addressing a student body. I have none in addressing my associates who are present on this subject. I know their limitations as well as they know mine.

"The Constitution of the United States was a growth, and it grew out of conditions that never prevailed anywhere else in the world. To be brief about it, the 13 Colonies declared their independence, having already elected a Congress which had control of their joint government. That Congress was a revolutionary body and not bound by any very strict, hard, and fast rules, and such bodies never are. Time went on, independence was achieved, a treaty of peace signed, and the 13 Colonies at war with England each became a little separate country, 13 little Englands planted on this continent, each absolutely independent of the other, each a nation.

"Now, for their mutual protection and defense they decided to continue their alliance which had existed during their long war, and they continued it under the Articles of Confederation, and their government was a government by a legislative body. That government was not a success, because it was a mere voluntary league without any force anywhere to compel any member of the league to do anything that it was asked to do by the league. They could request the various States to contribute funds to pay the old war debt, or to meet the current expenses of the government, and New York could refuse, and Rhode Island could do the same, and any other State could do the same, and there was no force to compel them to do otherwise. So the government was a failure, and then followed the great convention of 1787, over which George Washington presided, and which created a more perfect union.

"Now, if I may diverge a little, government is an evolution, and it is a science, and it is based on well-established principles. The first government that we know anything about, or that the antiquarians pretend to know anything about, was the government by a chief, the government of one who had the power over life and death and of the disposition of the property of each member of the tribe; and so, according to Mr. James C. Carter, whose book I commend to you as the best one I know of on this subject, that government continued with us until the people of the tribes began to discover that the chief did not always do right; that he sometimes punished people and sometimes took away their lives and sometimes deprived them of their property and the results of their labor, like the rabbit they had killed for their dinner or their weapon that they had forged for defense; and he took them when he hadn't any right to, and when the subject punished had not done anything in violation of any of the rules and customs of the tribe. And so these people, with their dawning intelligence, said, 'It isn't fair to punish a man who hasn't violated the customs of the tribe,' and there should be somebody to say whether he has or not before any punishment can be meted out by this chief—this executive—who had been ruling. And so there followed the selection of arbitrators in the tribe; and when one was charged with having violated any of the customs—they had no laws, because they had no way of preserving them—he was first placed on trial before the arbitrators and proof was taken as to whether or not he had violated a custom of his tribe. If he had, he was punished; if he had not, then the chief could not administer any punishment. That was the first court; and the court was the second branch of government that was recognized. Then intelligence increased and men learned how to reduce their thoughts to writing and to preserve them; and then they thought best to have their laws preserved in ways that people could know what they might do or what they might not do. Then came the legislative branch of the government that prescribed the rules of conduct, prohibiting what was wrong and permitting what was right. So then there came the scientific government, composed of three branches, the executive, the judicial, and the legislative, and from that early period no civilized government has existed that has not had those three branches. So these 13 States at the Constitutional Convention assembled, through their representatives, desired to make a constitution to govern not the local affairs of the various States that made up the league, but to govern the league itself; and so they provided for somebody to make the rules of the league—the laws of the league—and that was the Congress. Having provided for a Congress to make the laws and rules of the league, there was to be somebody to interpret those laws and rules of the league, and that was the Federal court. Then, having done that, there had to be somebody to administer those laws, and that required an executive officer, and resulted in the creation of the office of President, as the Chief Executive, to execute the laws, not of local affairs but of this league.

"Now, there was no way for the officers of this league to execute the laws of the league without it had power and force behind it, and there never was any way for any government to execute its laws and enforce its decrees except through force; and that necessitated that the league should have an army and navy with which it could enforce its decrees, and that was created, and the Federal Government became a Government in fact, a Government of power, a Government with force to perpetuate itself.

"I have to be brief in sketching these things, but now we come to the great subject of the present time, the league of nations, and I am not here as a disputant or an advocate of one or the other side in a partisan spirit, because I remember the admonition of my old friend, Judge Bartlett, when I used to sit with him in court. He said it wasn't the business of a judge to engage in disputes, but to settle and adjust them. But it is proposed now that this war is over that we enter into a league of nations, and the advocates of the league of nations point to the success af the American union as an example and reason why a league of nations can be successful.

"Now, if you have a league of nations you have to have the same kind of a Government that you had to have when you had a league of nations in the United States, by putting the 13 independent colonies or States together. And when you get your league of nations, no matter what power is vested in it just now, or what the arrangements of its officers are, eventually it is a Government, and it is a Government made up of independent States, the same as the United States of America was made up, and they must have somebody to make the rules of this league of nations. And when they get somebody to make the rules of the league of nations, they must have somebody to interpret those rules, and they will have a power corresponding to our Congress to make these rules or laws, and they will have a body corresponding to our Supreme Court to interpret the rules of this league, and then they must have the indispensable thing, an executive to enforce the decrees of this league of nations, and the only way that that executive branch

of this new Government can enforce its decrees is to be backed by an army and navy, the same as the United States of America has been backed by an army and a navy, so that when they make a decree they can enforce it on the world.

"Now, when the Federal Union was formed there were two distinct views existing about the rights of the various States of the Union to withdraw from the new league which they were entering if they should see fit, and, to be entirely fair about the matter, there were probably what you might call two correct views diametrically opposed from the beginning, one side having the belief of one school, and the thinkers on the other side of another school. So it went on and a man prided himself on living in Virgina, or being a New Yorker, or a Massachusetts man, and the local pride of these people was strong, and at varying times and on varying questions nearly every section of the country asserted the right to withdraw from this league if it wanted to. They said it was but a compact, and a part of the compact was the right to withdraw. There came a time in 1860, after the election of President Lincoln, when a large section of the Union, relying on what it believed to be part of the compact which permitted them to withdraw, decided that they would withdraw from the league, and so they gave notice to that effect, and that notice to withdraw was met by force by the great central Federal Government, and they were not permitted to withdraw, and a long and bloody war followed to compel them to stay within the league which they had entered, and the force and power of the Federal Government kept them there until now it is no particular credit to be a citizen of Massachusetts, or a citizen of Virginia, or a citizen of any other State of the Union, or whether a man hails from Montana or from South Carolina. The States are a mere subdivision of the country, like the counties.

"Now, you may say that has all worked out very well, and doubtless so far it has in this country, but this was a homogeneous people, speaking the same language throughout and accustomed to the same laws, with wide areas of territory yet unsettled so that they could expand, and so the country has gone on until it has a great central government located at the national seat of government and not at the several State seats of government. And so when you have a league of nations into which is incorporated several of the nations of the earth you can not have it without you have a government, and you can not have a government that is of any consequence that is not stronger than any one of the parts of that government. And this big central government never can be anything without great armies and navies, and from its seat on Lake Geneva or some distant point it shall pronounce its decree or decide upon a particular course. If the United States of America should say we do not approve of this thing that you want to do, we want to withdraw from the league of nations, the league of nations, just as surely as the sun rises, will make the same answer to the United States of America that the United States of America made to the Southern States when they sought to withdraw. It will say you can not do so, and if you try to do it you will face the British fleet and the German fleet, or the German fleet and the French fleet, and the fleets and the armies of the balance of this league, who will keep you in it. So I say that when you decide to enter a strong league of nations you should realize that you are submerging your own nation in this league and giving it up and giving it a second place in your patriotism, and that your main government will hereafter be the great central government of the league.

"I do not know whether I have made myself clear or not, but that is why I am not in favor of a league of nations. I was raised probably under the old school of thought, and I love my country. I think its aims and purposes and objects and direction of its travel are different from those of European countries, and I think that a union with European countries such as is contemplated can only reduce our standing to the average of all the world. I can only believe that we are establishing in a distant point a great and powerful government which has more power over the citizen than any government that we desire to have over us. You see the great beauty of our Government so far has been that locally we have attended to our local affairs, and you will have to go through a period of war, such as you young men have seen, to find what it is to have a great central government to take charge of your affairs and submerge your State and govern your individuality and have distant agents in your neighborhood enforcing your laws and spying upon you—I am not complaining of their doing it in times of war, but I mean to say that is what it is, that the officers placed over you by this distant government, distant center of power, are strangers to you, and you come to an imperial state, and you shake off your democratic state.

"I heard Dr. Jackson, of Washington, who is traveling over the country speaking in favor of the league of nations, and who is a delightful gentleman. In speaking of this subject he said those things are all different now, and public opinion will control. Now, I do not advertise myself to be a great scholar, but I have read some, and I do not think the human mind, or human nature, has altered much since history has been recorded or since literature has been provided us, and you young men, who have recently read Horace, or Homer, or Aristotle, or any of the ancient philosophers, did not find any trouble in understanding them. They spoke a language and of affairs that you perfectly understood, and you felt that if you were to meet any of those gentlemen you could engage in conversation with them, that you spoke a like language, and there was not much difference in the human mind of then and now.

"Herbert Spencer says that laws and governments are evolutionary, and that we reached certain states because of evolution, but William H. Mallock, in his great book, Aristocracy and Evolution, contends to the contrary as to the evolutionary forces and says that the great events of all history are shaped more by great men than by evolution, and that you never could have had the Cromwellian period in English history without Oliver Cromwell; that you never could have had a Napoleonic period in France without Napoleon Bonaparte, because in each instance as soon as the central figure was gone the cause collapsed, and that the American colonies never could have secured their independence but for George Washington, and no evolution could have brought it about. They say that Napoleon Bonaparte's aim was a world dominion or empire, and that William II of Germany aimed at a world empire, and those who are promoting a league of nations are, I think, preparing the world for some future Napoleon Bonaparte, or some future William II, by furnishing him with a complete outfit, a complete government to subjugate and to take control of and through it rule the world in imperialistic fashion. I may be mistaken about this, but I offer it as my humble contribution to this day's discussions. You young men have a great many more days ahead of you, if you live your lives, than I have ahead of me, because mine is nearer lived out, and you have a Constitution which you ought not to understand in any misty sort of way. You ought to have a clean-cut idea of just what was tried to be accomplished by this Constitution, and have it in words that are spoken by plain men, and not encumbered with so much learning that you do not know what you have read after you have read it.

"The Constitution of the United States, when it was adopted by the States, omitted certain provisions that it was thought by the patriots and lovers of liberty at the time should have been incorporated in it, and so, in order to induce its adoption there was a tacit understanding, or gentleman's agreement, that the Constitution would be at once amended so as to incorporate the things that had been left out, and the first amendment adopted was as follows: 'Congress shall make no law * * * abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.' Now, that meant something. When John Adams was the representative of this country in France, during the Revolutionary War, he wrote a letter to the president of the Congress at home commenting upon a speech that had been made in the British Parliament, in which he defined our understanding of free speech and a free press in the United States, and this during a war, and he said we have the freest press and freest speech in the world. We criticize Congress, the president of the Congress, the magistrates, the generals of the Army, the Army itself, and the measures of our Congress freely, and yet, he said, I have never heard any such suggestion as made by this member of the British Parliament.

"That continued to be the understanding of what free speech was down to the Mexican War, and during the Mexican War, with our armies in the field and Gen. Taylor leading his troops over the Rio Grande, there was great opposition to the Mexican War in this country, and a great meeting was held at Lexington, Ky., which was presided over by the great Henry Clay (during a war), and Henry Clay stated at that meeting this is an unjust and unjustifiable war of aggression, and it ought to be stopped. He said we are not fighting for our altars and our firesides, but the Mexicans are fighting for theirs. And at the close of the meeting resolutions were adopted calling for an ending of the war, and asking like-minded people throughout the United States to hold meetings and pass similar resolutions to try to stop this war, and they held them. In the city of Boston Charles Sumner was the principal orator, and he made a speech denouncing the Mexican War, and in Congress Abraham Lincoln and Daniel Webster made similar speeches, and nobody

thought these people were guilty of sedition. Everybody thought they were within their rights, and the understanding of the Government was that the people had a right to discuss the matters involved in a war, as much as they had a right to discuss anything else. Judge Cooley, in his work on constitutional limitations, says it is a more sacred right to be able to discuss public questions during a war than it is during peace time.

"Now, such was the law, such was the understanding of these constitutional provisions, down to the Civil War, and during the Civil War arbitrary arrests took place, and the imprisonment of men in Fort Lafayette caused a great deal of criticism, but it produced no judicial interpretations which justified arbitrary action on the part of the executive authority.

"Then came this war, and the sedition act was passed, by which it was sought to prevent people discussing war measures adversely to the Government. Men were indicted and placed on trial for saying that they did not believe in a conscript army, or that they believed that the conscription law should be repealed, or that in their judgment the only sort of an army that should be raised in the United States was a volunteer army, and when the case was made out against them the district judge, in some cases, held that the citizen was within his rights, and dismissed the indictments. Then, to meet these decisions, Attorney General Gregory prepared an act, which Congress passed, which provided that an utterance of that character might be submitted to a jury, for the jury to say whether or not the effect of such utterance would tend to interfere with the draft or discourage enlistment, and if the jury said it would do that, then it was sedition, and the person who said the things could be convicted, although guilty of no overt act against the Government, and guilty of nothing except the expression of his opinion about pertinent questions during a period of war. Through such convictions hundreds of citizens were sent to prison. Many are there now, and others are out on bail. I do not say this to criticize the Government.

"I am only telling you the facts, so that you may know exactly the conditions under which you live in this respect. And it is not going too far to say that the right of free speech during war has been abrogated in this country, and it is undoubtedly true that our Constitution has been limited in such a way that there is no longer a right of free speech in war time. It will be for the men of your generation to say whether society is so constituted that the privilege of free speech can not be safely given to the people, either in war or peace, for at the present time, in the effort to suppress the disseminators of certain political doctrines, it is proposed seriously to limit the freedom of speech in times of peace. I do not say that they ought not to be deprived of it to some extent, or that limitation should not be placed on it, but it ought to be done with a perfect understanding of what is being done, particularly by young men such as are assembled here to-night.

"The Constitution was not for the purpose of protecting majorities alone. The Constitution was for the purpose of having a government of laws and protecting the rights of minorities as well. It was prepared and adopted for the purpose of preventing the Government from being arbitrary and making it deliberate. It is hard in this country for people to differentiate. They think of a sovereign as a man. They think of a king. But in this country the sovereign is the majority, and the people have no more right in their sovereign capacity to do you an injustice than Kaiser Wilhelm II or the Czar of Russia had. And so the Constitution stated that you should be sacred in certain rights and no majority can be sufficient to make it justifiable to deprive you of your life, or your liberty, or your property, without due process of law. What are constitutions for? We hear in lecture rooms about this great writ of habeas corpus. Now, a writ of habeas corpus is a great and beneficent writ, but it is not of any use while a body of law students hear a profound lecture about it. It is not of any use when the orator on the Fourth of July in the town hall is telling what a wonderful thing it is. It is not of any use except when the citizen is reduced to a minority of one, and is put in jail and locked up and deprived of his liberty, and if he can not get a writ of habeas corpus then that writ is a failure. That is what this writ is for. It is the same with free speech. Free speech did not mean, and a free press did not mean, originally, that you had a right when times were absolutely placid and nothing was going on, and nobody was interested in what you said, to say something. [Laughter.] It did not mean anything like that. It meant in the great crises of human affairs, when great movements were on, and the world was moving in one direction or another that a man had a right to give his contribution to the forces that were moving it. When it said that you had a right to assemble freely in your communities and petition the Government, it did not mean that when you did not having anything to petition the Government about and there was not anything that anybody was interested in, you could have a meeting in this hall and petition the Government. Nobody would know what to petition for. That is no privilege. It is when you have a wrong and a grievance, and when the Government is doing something that you do not like, and things are happening in the world that do not suit you—that is when you want to appeal to the Government, and petition it, and if you can not petition it then and you can not assemble, then that right, which was supposed to be guaranteed by this great charter of liberty, is no right at all."

DISPOSITION OF THRACE.

Mr. KING. Mr. President, I should like the attention of the chairman of the Committee on Foreign Relations to a matter I desire to bring to his notice. I apologize for the observation which I am going to make to the distinguished chairman of the Committee on Foreign Relations and to the membership of that committee. Some time ago a resolution was offered in the Senate expressing the views of the Senate in respect to the disposition which the peace conference should make of the territory of Thrace. I sincerely hope that the Committee on Foreign Relations, to whom the resolution was referred, may report the resolution at as early a date as possible, for the reason that, as I understand, the peace conference has not yet reached a conclusion as to what arrangement shall be made in the treaty with respect to Thracian territory.

We were advised that representatives of our Government at the peace conference made a proposition so absurd as, in my opinion, to call for dissent from the American people and from those who are familiar with the situation in the Balkans. The proposition which they made, as I understand, was to divide Thrace into a number of parts. A portion was to be given to Greece, another portion to Bulgaria, another portion was to be internationalized, and I am not sure what disposition was to be made of the other remnants. That policy, it seems to me, was entirely wrong. It disregarded the ethnographic and geographic conditions.

I have felt that an expression from the Senate of the United States with respect to the disposition which they think should be made of Thrace might influence the representatives of our Government at the peace conference. At any rate, I think that we should place our seal of disapproval upon that proposed dismemberment and ravishment of Thrace, and that we should express our view that the Thracian territory should be given to Greece. I sincerely hope that the Committee on Foreign Relations will report the resolution at an early date, in the hope that it may have some influence upon the peace congress.

Mr. LODGE. Mr. President, the Senator from Utah, I am sure, is aware that I am in full sympathy with him regarding his views about Thrace. Among the many amazing things of this strange time, nothing has been more amazing to me than that the United States should be the one country that has stood out against giving Thrace, which is almost wholly Grecian, to Greece; but we did. That is the fact. The other great powers, as I understand, were ready to comply with the Greek demands; but we, for some reason, have prevented that thing. I do not know why.

Mr. SMITH of Georgia. Mr. President, does the Senator think there is any objection to the Senate expressing its opinion?

Mr. LODGE. Not the least. I shall be very glad to have the Senate express its opinion.

Mr. SMITH of Georgia. I should be very much gratified to have an opportunity to cast that vote myself.

Mr. LODGE. I was about to say that although I believe the committee is in favor of it, since the treaty with Germany has been in the Senate I have been so occupied, and the members of the committee have been so occupied, that I have not called a meeting for that purpose, and I ought to have done it. I admit that; but I have been so pressed with other matters that I have not. I assure the Senator from Utah that I will call a meeting of the committee immediately. I will call it for Monday, and I will endeavor to get that Thracian resolution out, for I feel quite as strongly about it as does the Senator from Utah.

Mr. KNOX. Mr. President, I do not recall the language of the resolution presented by the Senator from Utah, but I wish now to inquire if the resolution indicates the action that the United States Senate should take in respect to this matter?

Mr. KING. My recollection of the matter is that it merely expresses the sense of the Senate that Thrace, up to a line drawn from Enos to Midia, should be given to Greece. There is a con-

cluding part of the resolution upon which I shall not ask the committee to report favorably at the present time. That is, with respect to the disposition which should be made of Constantinople. That is a matter that may be debated; but the Thracian territory proper, up to the line indicated in the resolution, I think, should be given to Greece; and the resolution merely calls for the expression of the views of the Senate with respect to that matter.

Mr. KNOX. May I venture to inquire if the Senator would be willing to express an opinion as to whether or not the Thracian people should determine the question of their own disposition?

Mr. KING. I should not have the slightest objection in the world to that, for the reason that within the territory to which I have referred perhaps 7 to 1 are Greeks, the one out of the seven being Bulgarian.

Mr. KNOX. Would not the Senator think, then, that the same rule should also apply to Egypt, and to Shantung, and to Persia?

Mr. KING. Mr. President, the Senator is going far afield from the resolution which I have introduced. Let us take one resolution at a time.

Mr. KNOX. I am seeking a principle; that is all. I am seeking for a principle that should be of general application, and I am desirous of knowing the views of the Senator from Utah upon that point.

Mr. KING. I am not seeking the vindication of a principle in the resolution which I have offered. I am simply attempting to secure a right in behalf of the Grecian people.

Mr. McCUMBER. Mr. President, may I ask also whether or not the same principle should be applied to the Philippines?

Mr. KING. Oh, obviously if we begin the application of that principle of self-determination and apply it strictly, we will have to apply it to the Porto Ricans, and to the Hawaiians, and to the Filipinos, and perhaps to other territory which is now under the flag of the United States.

Mr. KNOX. I might add, in reply to the suggestion of the Senator from North Dakota, that most people understand that the Philippines are not in hock and being disposed of. They are owned by the United States.

Mr. KING. I might respond to the Senator from Pennsylvania by making an inquiry as to whether he is in favor of giving Ireland the right of self-determination?

Mr. KNOX. I should like to have an opportunity to do it.

Mr. LODGE. Mr. President, the resolution of the Senator from Utah is as follows:

Resolved, That it is the sense of the Senate that, in the treaties of peace with Bulgaria and with Turkey, western or Bulgarian Thrace to the line of the Arda River and eastern or Turkish Thrace, including Adrianople, to the line from Enos on the Ægean Sea to Midia on the Black Sea, should be awarded to Greece, proper facilities for Bulgarian commerce to be reserved at Saloniki, Kavalla, and Dedeagatch.

Resolved further, That the residue of European Turkey, including Constantinople, the coasts of the Sea of Marmora, and the peninsula of Gallipoli, should be constituted a free State under the protection of the league of nations.

This, Mr. President, is not a case of a country, one of the Allies, holding territory occupied by people of another race. This is the peace conference undertaking to decide the fate of people who are Greeks; and they propose at present to hand them back, in large measure, to Bulgaria, which was our enemy during the war.

Mr. MOSES. Mr. President, I merely wish to warn the Senator from Utah not to build too high hopes upon the expression of opinion which this resolution contains—a resolution which the Committee on Foreign Relations has been ready to report for some time and which I am sure the Senate is willing to adopt—because the fact is that other communications, notably a round robin signed by 39 Senators, was forwarded to the peace commission at Paris with notable lack of result; and I have grave doubts whether even a formal resolution of the Senate will produce any other result.

PORTO RICO AND THE LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, I have here a communication, dated October 9, from the Resident Commissioner of Porto Rico, Mr. FELIX CORDOVA DAVILA, which I send to the desk and ask to have read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., October 9, 1919.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: As you know, according to the covenant of the league of nations, any fully self-governing state, dominion, or colony may become a member of the league if its admission is agreed to by two-thirds of the assembly, provided that it shall give effective guaranties to its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the league in regard to its military, naval, and air forces and armaments. Canada, Australia, South Africa, New Zealand, and India have been admitted as original members of the league. The island of Porto Rico is at present a self-governing state, with a legislature elected by the people and some members of the executive appointed by the governor, with the consent of the insular senate. I have no doubt but that we will obtain in the near future complete self-government by an act of Congress, and for the present time I am sure that India, South Africa, and New Zealand have no more self-governing powers than those of the island of Porto Rico. In my opinion, Porto Rico is entitled to have a seat in the assembly created by the league of nations as a member of the said league, and I respectfully suggest to you that in case the treaty be ratified it should be stated in clear language that it is understood by the United States Senate that Porto Rico will be made a member of the league with the same representation that the colonies of England have.

Trusting that you will give full consideration to my suggestions, I remain,

Very truly, yours,

FELIX CORDOVA DAVILA.

Mr. BRANDEGEE. Mr. President, as far as I know, that matter has not been before the Committee on Foreign Relations; but inasmuch as the Resident Commissioner has seen fit to communicate with me upon the subject, I thought it was only courteous to him to place his communication in the RECORD for such attention as the Senate may care to give it.

The VICE PRESIDENT. The communication will lie on the table.

REPORT OF PAUL P. WHITHAM.

Mr. BRANDEGEE. Mr. President, while I have the floor I desire to call the attention of the Senate to a report which was made to the Department of Commerce by a very skillful engineer whom that department sent to China for the purpose of informing the department, and, I assume, through the department the country, what the conditions in China were, among other things, as to the transportation system. Of course, the prosperity and development of China, as well to a great extent as the policy of the "open door," which this country has always so insistently stood for, depends largely upon the question of transportation and its control in China.

This engineer is named Mr. Paul Whitham. He was formerly employed by the Chicago, Milwaukee & St. Paul Railroad, and had charge of the great water-front development of that railroad system at the Pacific port of Seattle. He was recommended by the president of the St. Paul Railroad, and, I think, largely upon that recommendation was employed by the Department of Commerce. He made a voluminous and noteworthy report upon the railroad situation in China, which becomes of special interest to us at this time, inasmuch as we are now dealing with the pending amendment in relation to Shantung, the Province of China which, with its 40,000,000 of people, has been handed over to Japan.

It is well known that Shantung, with its great industrial development and its railroad facilities, is that portion of China upon which, to a great extent, its transportation systems converge and bring the products of China to the coast; so that, having heard of this report and of its great importance in relation to the very matter which the Senate is now considering in relation to this treaty of peace, I wrote on August 14, nearly two months ago, the following letter:

AUGUST 14, 1919.

Hon. WILLIAM C. REDFIELD,
Secretary of the Department of Commerce,
Washington, D. C.

DEAR MR. SECRETARY: Can you send me a copy of the report made to the Department of Commerce by Mr. Paul Page Whitham concerning the unification and neutralization of transportation in China, dealing with the railroads of China among other things?

Very respectfully, yours,

FRANK B. BRANDEGEE.

I received a communication from Secretary Redfield stating that the report was no longer in his possession, that it had been taken by the Department of State, and was in the custody of that department, whereupon I wrote the following letter:

AUGUST 22, 1919.

Hon. ROBERT LANSING,
Secretary of State,
State Department, Washington, D. C.

DEAR MR. SECRETARY: I inclose herewith a letter from Mr. E. F. Sweet, Acting Secretary of the Department of Commerce, in relation to the report of Mr. Paul P. Whitham upon "Neutralization of Transportation in China." Will you be kind enough to send me a copy of this report?

Very respectfully, yours,

FRANK B. BRANDEGEE.

I received from Secretary Lansing the following letter:

"DEPARTMENT OF STATE,
"*Washington, D. C., August 26, 1919.*

"In reply refer
"F. E. 195 253.

"The Hon. FRANK B. BRANDEGEE,
"*United States Senate.*

"SIR: I have received your letter of the 22d of August asking for a copy of a report made by Mr. Paul Whitham on 'Neutralization of transportation in China.' The report in question has never received the approval of the department, for its tendency is such that this department is not disposed to give it circulation under circumstances which might be construed as implying any responsibility for its conclusions.

"The proposal embodied in this report has, furthermore, been confused in some quarters with certain matters now under negotiation in China.

"In view of these considerations, I regret that it does not seem compatible with the public interests to communicate Mr. Whitham's report as requested."

Mr. KNOX. Mr. President, may I ask whether the Senator has indicated by whose authority the engineer made this report in the first instance?

Mr. BRANDEGEE. Will the Senator be kind enough to withhold his inquiry until I finish reading the letter?

Mr. KNOX. I beg the Senator's pardon; I thought he had finished the letter.

Mr. BRANDEGEE. When I finish the letter I will answer the inquiry of the Senator. The letter continues:

"I have the honor to add that I have obtained for you, and inclose under separate cover, an advance copy of a report on the railways of China, prepared by Mr. Frank Rhea, which contains, on pages 224–226, a consideration of the question of consolidating or unifying the railways of China. This monograph is not yet ready for distribution to the public, but will doubtless be given out after the 30th of the present month. I venture to hope that it will give you the information for which you are seeking.

"I have the honor to be, sir,
"Your obedient servant,

"ROBERT LANSING.

"Inclosure:
"Monograph relating to railways in China under separate cover."

Replying to the inquiry of the Senator from Pennsylvania [Mr. KNOX] as to the responsibility of any department in instructing the report to be made, I stated in opening, but I have no doubt the Senator's attention was diverted at the time, that it was an official of the Department of Commerce who made this report. He was sent to China for the purpose of making it; he did make it, and sent it to the Department of Commerce, whose records are open to the public.

Mr. NELSON. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. NELSON. Does not the matter relate to the domestic affairs of China, and are we to assume guardianship over the domestic affairs of China?

Mr. BRANDEGEE. Mr. President, the treaty proposes that we shall assume guardianship over so many peoples, and be mandatory over so many disjointed, disrupted, and dismembered remnants of empires, that I do not know what activity the Government will be engaged in in the near future.

But this I do know, that this treaty proposes to transfer the sacred province of China, one of its seacoast provinces, a province containing from thirty-five to forty millions of its citizens, to a foreign empire, and that is recommended by our President, and we are asked to assent to it. In doing that, it seems to me germane for us to know at least what constitutes the Province of Shantung, and how it is related to the great Empire of China, to the dismemberment of which we are asked to be a party.

Mr. President, it appears that the Department of Commerce had this report. It is supposed that it was getting it in aid of the commerce of this country, for the information of our citizens. The minute it is discovered in the Department of Commerce it is grabbed by the State Department and put under the seal of diplomatic secrecy.

Being unable to get this report, because, forsooth, the Secretary of State says that he does not approve of it, the Senator from Massachusetts [Mr. LODGE] introduced in the Senate, on the 11th day of September, as will appear on page 5216 of the CONGRESSIONAL RECORD, the following resolution:

Resolved, That the Secretary of State be, and he is hereby, requested to send to the Senate a copy of the report made by Mr. Paul Whitham on "Neutralization of transportation in China."

That resolution was unanimously agreed to by the Senate of the United States, having been proposed by the chairman of the Foreign Relations Committee, which has jurisdiction of the treaty now pending. That was on the 11th day of September, Mr. President. No attention whatever was paid to that by the State Department, and finally, about three weeks after that, the Senator from Massachusetts, addressing the Senate during the morning hour, called attention to the fact that apparently the State Department of the Government had inaugurated a new policy, of ignoring the resolutions adopted by the Senate as to the business in hand, and there was some debate upon the question. A few days afterwards the following message from the President of the United States was sent to the Senate, to wit:

To the Senate:

In response to the resolution adopted by the Senate on September 11, 1919, "That the Secretary of State be, and he is hereby, requested to send to the Senate a copy of the report made by Mr. Paul Whitham on 'Neutralization of Transportation in China,'" I am constrained to say that, after a thorough consideration of the resolution and with every desire to meet the wishes of the Senate, I am of the belief that the public interests would not be conserved by the transmission to the Senate of the report requested.

WOODROW WILSON.

THE WHITE HOUSE,
September 29, 1919.

Mr. President, the Senate is one-half the treaty-making power of the country, and it now has pending this treaty, involving a question which this report deals with intimately, and though it was originally made to a department which does not have the right to decline Senate resolutions calling for the submission of documents, the Senate is not permitted to see this report in order to inform itself about this very treaty and the condition of Shantung and the bearing of the railroad system of China upon the disposition of Shantung. The President of the United States, on the 29th of September, which I am informed was the very day he returned here ill, and we know in what condition he arrived on that day, states that he is "constrained to state that after a thorough consideration of the resolution, and with every desire to meet the wishes of the Senate," he is "of the belief that the public interests would not be conserved by the transmission to the Senate of the report requested."

Mr. President, I wonder how many Senators think that the President of the United States has read that report or has given it a "thorough consideration"? I have seen the original signature of the President to that communication.

Mr. President, I do not know whether anything can be done about this matter. I do not understand why the Senate can not be informed about this report, and can not have the information that the executive department has in relation to it. What difference does it make whether Mr. Lansing approves of this report or not? Nobody is asking him to assume responsibility for it. It was not made to him. A report was made to the Department of Commerce. Is Mr. Lansing a branch of the treaty-making power of this country? There is no question but what the Senate is. We are entitled to that information, we are entitled to read the statement of that engineer made to the Department of Commerce, and to form our own opinion as to whether we approve of it or believe in it. Has it come to the point where in the consideration of a great new world order of things, a treaty involving 26 or 30 nations, reports bearing upon vital questions connected with that treaty are to be seized from other departments by the Department of State and squelched and denied to the Senate, under the seal of diplomatic secrecy?

How is it expected that we can form an accurate and correct judgment of the existing state of things in those far-away countries? Here is a report of our own agent. What business has the State Department to go to the records of other departments and take their reports and sequester them? It is no part of the diplomatic business of this country. It was not a diplomatic question at all. The whole investigation was made by a business agency of this Government, and because the President, under the Constitution, has the appointment of ambassadors to foreign countries, and is authorized to receive ambassadors and diplomatic officers from foreign countries, simply upon that constitutional provision, the Secretary of State presumes to invade another department and take its records, collected in the ordinary transaction of business, upon business questions, sequester them in his own department, and then say, "I decline to give them to the Senate of the United States, because I have not attached my approval to them, and I do not think it is in the public interest."

Mr. President, I call attention to this simply because it is right in line with the conduct of the executive department in not furnishing information to the Committee on Foreign Relations and the Senate through the consideration of this entire treaty.

Mr. PENROSE. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. PENROSE. I did not quite understand whether the Senator, in his very interesting discussion of the matter, stated that it was actually the President's own signature on his communication to the Senate. I am a little curious to know whether he signed it himself, and when he read this communication, in the multitude of matters engrossing him, and in view of his lamentable condition when he returned.

Mr. BRANDEGEE. Mr. President, I will state that I am not an expert in handwriting and I am not familiar with the President's signature. I did see the signature, or alleged signature, to the response to the Senate resolution. I do not know whether it is the President's signature or not. A message came in here yesterday or day before from the President of the United States, and I did not see that. I do not know whether it contained his signature or not.

I do not know whether the messages that have been received from him during his absence in Europe for six months contained his signature. I would not know his signature if I saw it. But in the light of the well-known circumstances, the President arriving here on the 29th and being immediately taken charge of by his physicians and having been ill ever since, it seems to me on the face of it the President could not have really given this matter the "thorough consideration" which he states over this signature that he has given to it. But whether he has or not, of course, what I assume happened is that if the President signed this reply to the resolution of the Senate, Secretary Lansing or the State Department sent it to him for his signature, and he signed it as a routine matter. He could not have had time to read the report and give it any thorough consideration; that is, I should not judge he could, even if he were well.

Mr. HITCHCOCK. Does the Senator recall when the report was made?

Mr. BRANDEGEE. I have not seen the report, so I am unable to answer the Senator's question.

Mr. HITCHCOCK. I am inquiring because it occurs to me, without knowing any of the facts, that it is quite within the possibilities that the report had been in the State Department for some time and had previously been read by the President, or he might have had it with him on his trip and read it at his leisure. There are any number of contingencies that might have occurred, and it seems to me a little reckless for a Senator to question a fact officially stated over the President's signature, without having made any inquiry as to the circumstances.

Mr. BRANDEGEE. I may be a very reckless gentleman, Mr. President, though I do not feel very reckless at this moment.

Mr. HITCHCOCK. If the report was of the importance the Senator suggests, it is quite likely, in fact, I should say it is highly probable, that the President discussed it with the Secretary of State and probably examined it, either prior to his trip or upon his trip. Any number of contingencies may have placed the President in possession of the information.

Mr. BRANDEGEE. I quite agree with the Senator. All things are possible. It may be that the President has read this report in its entirety. I am not discussing possibilities. I am discussing probabilities. I say to the Senator that I have formed no final and conclusive judgment about this, because I am in utter ignorance about it except for the information that I have read here this morning contained in my letter of inquiry and the responses, and in one other matter to which I was about to allude when the Senator rose.

I have stated that I do not know what was the date of this report nor when it was filed in the Department of Commerce. I never have seen it. I understand the gentleman, Mr. Whitham, is now in China. If he were here I would have gone to him and asked him all about the details of it. I do know this, that while it was in the Department of Commerce, a gentleman who does not live in Washington, but with whom I happened to be talking one evening on other matters connected with the treaty, told me that there was such a report in the Department of Commerce, and that he had read it, and told me, if I can trust my recollection, that it showed the extent to which the Japanese were penetrating China and controlling its avenues of transportation; and proposing a way to carry out the very title of the report, to wit, to neutralize the transportation system of China, so that the policy of the open door for all nations could not be defeated or put in peril by Japan or any other country.

Then, Mr. President, that gentleman, who had been allowed to read the report there in the department—they would not give him a copy of it, compelling him to stay there and read it right there—told me that another gentleman had been allowed to see it, and he gave the address of the other man.

Mr. HITCHCOCK. Mr. President——

Mr. BRANDEGEE. If the Senator will be kind enough to indulge me until I can complete my statement I shall then be glad to yield.

I wrote to this gentleman stating that I had been informed that he had been allowed the privilege of reading this report while it was in the Department of Commerce, and asking if he would be kind enough to advise me, if he could, as to the general purport and tenor of it. He replied that he would be in Washington in a few days and would be glad to call upon me, which he did. He said he had been shown the report when it was in the Department of Commerce and had read it; that it was a magnificent report and stated the true situation about the transportation system of China and what was happening to it and who was controlling it and what it meant to the commerce and future industries and prosperity of this country; but he said, "I do not want to get drawn into this matter. I have not the report, and while I think it is of vital interest to this country that it should be made public, I can not say anything publicly about it."

I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. I wanted to ask the Senator from Connecticut whether the facts which he has stated do not testify very strongly to the conclusion that the administration is very alert in protecting the interests of the open door and of China? According to what he has stated, the administration has sent an able representative to China; he has made an investigation, and, according to the Senator himself, his report is an able and conclusive one, to show that Japan is engaged in attempting to secure an undue control over the railways of China, and that the report further proceeds argumentatively to show methods by which those railroads can be neutralized.

If that is all true, what the Senator says is really a commendation and amounts to a eulogy of the department as being alert and giving proper attention to protecting the proper interests of other countries in China and of China herself. If that is true, if the administration is taking these wise steps, with which I am sure the Senator from Connecticut sympathizes and which he evidently approves, it is very evident that nothing the Senate can do will aid in that matter. It is not within our jurisdiction. It is purely an executive affair at the present time.

If, on top of that, after making that effort to secure the information, the Executive advises the Senate that it is contrary to the public interest or inimical to the public interest to make public a matter of this kind, it seems to me that is a very conclusive statement and argues very strongly in favor of the wisdom of the course taken by the Executive.

Mr. BRANDEGEE. Of course, the question asked by the Senator is perfectly plain and obvious. It is approached by a somewhat circuitous route and under several subheads, but he has managed to interweave—I believe that is the treaty word used—or "intertwine" into it his usual enconium upon all branches of the administration and its superwisdom and good intentions.

Mr. President, the administration, until its diplomatic head got hold of this matter, which was of great importance to the country, was doing its duty to the American people, and in the Department of Commerce the duty was performed, and it had the information, and it should have been sent where it pleased; but when our partner in the treaty-making business, our senior and guiding and predominant, not to say exclusive—I will not say silent or wicked, but exclusive—partner got on the trail and the minute he found that there was some information that would throw light upon this benevolent assimilation of the domain of our fellow democrats, the Chinese, he immediately sent to the Department of Commerce and removed that report, and it is now under lock and key. How much vigilance that indicates in a desire to inform the Senate and the country of the facts in the case I do not know.

Mr. LODGE. Is it not true that the suppression of the report is directly in the interest of Japan?

Mr. BRANDEGEE. If the report contains what I suspect it contains, the effect of its suppression is in the interests of Japan. But, as I said, Mr. President, I have no knowledge of what it contains except what two gentlemen who have read it have told me, and, necessarily, their verbal report of what a whole written report contains must be very lacking in detail and must be in general terms; but the fact remains, nevertheless, and that is all I care to call attention to—and I prefaced my remarks by saying we were helpless in the matter—that the State Department of this country, upon its own judgment and the declaration that it does not approve the tendency of the report, declines to give it to the Senate.

Mr. KNOX. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Pennsylvania.

Mr. KNOX. May I remind the Senator from Connecticut that the relations which the railroads of Shantung bear to the railways of China, both those that are now constructed and those that are in contemplation, and more particularly to northern China and to the far east of China, the old eastern camel route, now about to be occupied by railroads, are not matters for speculation. It has passed beyond the realm of speculation. Dr. Ferguson, as the Senator will recall when I mention it, the American adviser of the Chinese Government, testified before the Committee on Foreign Relations specifically to that effect, that it was the key to the heart of existing and potential transportation systems of China.

Mr. BRANDEGEE. That is true. I do not suppose many Senators have read the testimony that was taken by the Committee on Foreign Relations. A good many of the minority Members of the Senate thought it was all foolishness to have any testimony at all, stating to the committee that everybody had made up his mind about the treaty and there was no use to take any testimony or to get any information. They were all ready to swallow it just as it is and they do not want to know what it is. As Mr. Lansing said to Mr. Bullitt, if the country only knew what was in it and what it "let them in for," it would be repudiated and spewed out of the mouth of the country. But knowing that, the demand is that we should swallow it without knowing what is in it, and anything that would tend to make anybody hesitate or want to amend it or vote against it should be kept from him. Let not the light shine before men.

Under this administration, when nothing is to be done in the dark or in corners, when diplomacy is to be open, when there is to be no more secrecy, such carryings-on as this are simply disgusting, and the American people would say so if they knew the truth. Some deluded people, under the lead of certain newspapers who do not know what the treaty means, are urging us to stop debating it and abandon any attempt to find out what it means.

I do not believe that constitutional government in a free democracy has arrived at that stage of degradation where the public men of this country, having sworn a solemn oath to preserve and defend the Constitution, simply because of fright about their political positions or what may happen to them at the polls, are going to surrender to this unreasonable demand. I for one will not, and I think there are others.

But, Mr. President, I said that this proceeding is merely a part, and a characteristic part, of the conduct of this administration in trying to force this treaty through the Senate without giving the Senate the necessary light and information that it and the country are entitled to.

Mr. THOMAS. Mr. President, I have listened with a great deal of interest to the remarks of the Senator from Connecticut [Mr. BRANDEGEE], one of which I do not think should go entirely unchallenged. If I understood the Senator, he imputed the withholding of this document to be in the interest of Japan.

Mr. BRANDEGEE. Will the Senator yield to me?

Mr. THOMAS. I yield.

Mr. BRANDEGEE. I did not intend to make any such imputation; far from it.

Mr. THOMAS. Then, I have nothing to say. I misunderstood the Senator, and I am very glad that I did.

CONTROL OF FOOD PRODUCTS—CONFERENCE REPORT.

Mr. GRONNA. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 8624, which is known as the food-control and rent bill. There are only two or three important amendments which have been made by the conferees to the bill, which I shall ask the Secretary to read if unanimous consent is given for the consideration of the conference report.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

There being no objection, the Senate proceeded to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

Mr. SMITH of Georgia. Mr. President, I desire to say that the Senate adopted a conference report on this bill a few days ago and there have been only three changes from the conference report as the Senate then adopted it, which enabled the House conferees to carry the conference report to the House.

Mr. GRONNA. That is correct.

Mr. ROBINSON. Mr. President, I do not see the relevancy of the announcement of the Senator from Georgia that there are only three changes in the conference report. One change, as we all know, might totally alter the character of the report which the Senate heretofore considered. I merely point that out to the Senator from Georgia.

Mr. SMITH of Georgia. That is true; but the Senator from Arkansas will find that the three changes are very minor ones.

Mr. ROBINSON. They are unimportant?

Mr. SMITH of Georgia. Well, I do not say that they are unimportant. I can state to the Senate in a moment what they are.

The original conference report continued the operation of the bill for three years, and we have now reduced it to two years. The original bill had rather broad language about land, but it has been so changed as to cover only buildings and lands appurtenant thereto. The other change, as I recall, is that where anyone desires on a small piece of property with some improvements on it afterwards to put thereon much larger improvements for rental purposes, it may be done.

I mentioned that there were only three changes, and I called the attention of the Senate to that fact, thinking that it would help in the consideration of the report. I think the three changes are those which I have stated.

Mr. ROBINSON. The last statement of the Senator from Georgia is illuminating.

Mr. SMOOT. Mr. President, I desire to ask the chairman of the committee making the report whether any authority is given to the commission to dictate as to the repairs and improvements that shall be made and as to the character of service furnished in connection with houses and apartments rented in the District of Columbia?

Mr. GRONNA. I will say to the Senator from Utah that that part of the bill has not been changed from the original text.

Mr. SMOOT. I received a letter only about 20 minutes ago in which it is stated that additional authority to dictate as to repairs, improvements, and so forth, has been granted to this rent commission.

Mr. GRONNA. If the Senator will allow me, I will state briefly what the changes are. The Senator from Georgia [Mr. SMITH] has just stated the first change which was made by the conference committee, which is found on page 5 of the original bill. If the Senator from Utah has the bill before him, he will see that in the original bill it was provided that "the term 'rental property' means any land or building or part thereof." The conferees struck out the two words "land or," and after the word "thereof," in line 5, inserted the words "or land appurtenant thereto."

Mr. SMOOT. The bill which I have in my hand, I will say to the Senator, is not the same bill as that from which he is reading.

Mr. GRONNA. The Senator probably has not the last print of the bill. If the Senator will get to-day's RECORD, he will find the report there printed. There was some objection to including vacant land. For that reason the words "lands or" were stricken out and the language which I have just read was substituted.

The next change will be found on page 6, line 22, of the bill, section 102, where it was provided that the term of each commissioner shall be three years. The word "three" has been stricken out and the word "two" inserted; in other words, the term of the commissioners is reduced to two years. I might say that this law will also expire in two years instead of three, as provided by the bill which passed the Senate about a week ago.

The next change will be found on page 19 of the bill, in lines 3 and 4, in section 117. After the word "file" the words "upon the request of the commission" have been stricken out, so that the language now reads:

> The owner of an hotel or apartment shall file with the commission plans and other data in such detail as the commission requires—

Simply making it mandatory upon the owner to file such plans and data.

Then, in the next sentence the word "may" has been stricken out and the word "shall" substituted.

Mr. HARRISON. In what section?

Mr. GRONNA. That is in the same section, in line 9. On page 21, in line 12, section 122, the words to which I referred a moment ago relating to the term of three years have been stricken out and the word "two" substituted in place of "three," so that it reads:

> It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act unless sooner repealed.

Those are all the changes made.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. GRONNA. Certainly.

Mr. HARRISON. Was any change made touching the services to be rendered by the assessor of the District in connection with the proceedings of the commission?

Mr. GRONNA. None whatever.

Mr. HARRISON. It was pointed out when the report was previously considered by the Senate that it would probably take all of his time if the assessor were required to attend all of the meetings of the commission, and I thought perhaps the conferees changed the wording of that provision because of the criticism then made.

Mr. GRONNA. I will say to the Senator that there was no objection to that provision on the part of any Member of the House, and it was not discussed, so far as I remember.

Mr. SMOOT. Then the bill gives the assessor $1,000 per annum extra pay in connection with his services to the commission.

Mr. GRONNA. Yes. He will receive under this bill $1,000 extra pay per annum. He is receiving now from the District, $3,500, and if this bill is enacted into law he will receive $4,500.

Mr. SMOOT. I was in hope the conferees would strike that provision from the bill. It is a bad precedent and never ought to be established by Congress; in fact, I think the assessor of the District is receiving now all that the work required of him entitles him to receive.

I wish to ask the Senator another question. Is it true that a tenant can make up his mind that he wants certain repairs, improvements, or services, reasonable or unreasonable, in the house or apartment where he dwells and demand that the landlord make such repairs and improvements, and if he refuses immediately appeal to the commission, which is given authority to order the improvements or repairs to be made or services to be furnished?

Mr. GRONNA. Mr. President, I have discussed this bill with a number of men who are acknowledged to be very good lawyers, and they concur with me that there is no such provision in the bill. The Senator from Georgia [Mr. SMITH], however, can, of course, answer the question of the Senator from Utah better than I can.

Mr. SMOOT. I simply asked the question because I have not had time this morning to go into the matter, and I have received a criticism on that score.

Mr. SMITH of Georgia. I have not studied the rent provisions of the bill with great care; I have only given my attention to certain points which were at issue in the conference and helped to work them out. I do not think there is anything like that suggested by the Senator from Utah in the bill, but I do not know.

Mr. SMOOT. Let me read from a letter I received a few moments ago, before the conference report was laid before the Senate, from an attorney interested in this question. He says:

> This legislation would be sufficiently annoying if the acts of the proposed rent commission were limited to the fixing of rental values, but when it is clothed with the additional authority to dictate repairs, improvement, service—

And so forth, it goes beyond what he considers wise, and he contends that such legislation should not be enacted by Congress. Really, I think if the bill goes that far it goes too far.

Mr. GRONNA. Let me say to the Senator from Utah that in the first place the commission is not only authorized but directed to fix a standard form of lease.

Mr. SMOOT. That is right; and I have no objection to that.

Mr. GRONNA. The only thing the lessee can do, in case he has a complaint and there is a dispute about it, is to make his complaint to the commission.

Mr. SMOOT. But has the commission authority to dictate or direct what repairs and improvements shall be made and what service shall be accorded?

Mr. SMITH of Georgia. I think the bill contemplates that when the commission fixes a rate of rental the landlord shall not lower the character of service rendered and undertake to destroy the effect of the act of the commission by suspending the service. The bill does permit an appeal to the commission by way of complaint if the service becomes unreasonable or improper.

Mr. SMOOT. That is right.

Mr. SMITH of Georgia. That is as far as it goes.

Mr. SMOOT. However, the attorney who writes me says that the commission has power to dictate as to repairs and improvements.

Mr. GRONNA. It has not.

Mr. SMOOT. There is a reason, as the Senator from Georgia says, why provision should be made as to the service to be furnished; the service rendered at the time the party rents ought to be maintained; and I think there ought to be an appeal where the service is in any way hampered or decreased; but the attorney tells me that they have the power and authority to say as to what repairs and what improvements shall be made.

Mr. SMITH of Georgia. Does he call attention to the part of the bill which, he says, makes such a provision?

Mr. SMOOT. No; he does not. It was sent to me in a hurry.

Mr. GRONNA. Mr. President, if the Senator will allow me, I think the Senator has reference to section 106; and I shall be glad to read that section, or the Senator can refer to it himself.

Mr. SMOOT. The Senator can read it now, and I will follow this and see if it is the same.

Mr. GRONNA. Section 106 reads as follows:

> For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy.

In every instance, as the Senator from Georgia has stated, the words "fair and reasonable" are used; and I can not understand how any lawyer can put such a construction upon that language.

Mr. SMITH of Georgia. Mr. President, this is the only language on that subject:

> If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and fair and reasonable service, terms, and conditions of use or occupancy.

That is the language.

Mr. SMOOT. That is as to the rents.

Mr. SMITH of Georgia. That is the only language that has been brought to my attention in the bill. As I stated before, I did not expect to be a member of the conference committee, and I was not in the Senate Chamber when this provision was added; but I served and helped them with those points that were in dispute.

Mr. SMOOT. As I have not had time to read the bill myself, I am not prepared to discuss the situation, and having received this letter just a few moments ago I shall not object to the adoption of the report; but I want to say right now that if this bill grants to this commission authority to dictate at any time what improvements shall be made, or what repairs of any sort shall be made, I think it is a very dangerous piece of legislation. I am going to take the word of the two Senators here that such a provision is not found in the bill.

Mr. GRONNA. Let me say to the Senator that it is not found in the bill.

Mr. SMITH of Georgia. I will say that if it is in the bill I have not had it called to my attention.

Mr. GRONNA. I simply want to say that I can assure the Senator from Utah, and every other Senator here, that no such provision as the Senator from Utah has referred to is in the bill, and no such construction can be placed upon the language used in the bill.

Mr. PHELAN. Mr. President, I desire to ask the Senator from North Dakota if the bill relates only to dwellings and hotels and apartments?

Mr. GRONNA. It also relates to hotels.

Mr. PHELAN. Does it relate to stores and warehouses?

Mr. GRONNA. I presume it takes in all property. It says, "all rental property." There is no change in the bill at this time from the form in which it was passed by the Senate. In order to be accurate, I want to say to the Senate that I overlooked one amendment on page 13, which I believe every Senator here would be glad to agree to.

Mr. THOMAS. In what section?

Mr. GRONNA. Section 109, on line 23 of the bill, after the word "dependents." This relates to the provision as to how the owner of property can get his own property back if he wants it for his own use. That is amplified in this language after the word "dependents":

> Or for the purpose of immediate construction of new rental property of a character approved by the commission.

The Senator will understand that that simply applies to cases where a person wants to improve his property, and it may be in the possession of some one else, and the person could not otherwise get his property to make those improvements.

Mr. SMOOT. Does that mean that if an owner desired to tear down an old building, and erect a new one, he would have the authority to do it?

Mr. GRONNA. No; it does not go as far as that. It simply means if he wants to enlarge it. I will say to the Senator that

this is in the interest of the property owners, and has been requested by them.

Mr. SMOOT. I think they should not have any more right than the party that rents.

Mr. GRONNA. That has been carefully considered by the House and by the conferees.

Mr. KING. Mr. President, I am advised that this bill has been reported by the Agricultural Committee. Few, if any, of the Senators have had an opportunity to examine its provisions. I have hurriedly read two or three sections of the bill since the chairman of the committee asked for the consideration of the report.

Let me say in passing that it is somewhat strange that a bill of this character should be referred to the Committee on Agriculture. It would seem under the rules of the Senate that the District of Columbia Committee should have considered the measure, or that it should have been referred to the Judiciary Committee. It involves important legal and constitutional questions which call for its consideration by the Judiciary Committee of the Senate. There is no explanation for the unprecedented course of having the Committee on Agriculture consider the measure containing such unusual and important provisions. The only explanation which can be suggested, and it does not explain, is that during the war, as a war measure, a food-control law was enacted. That measure when introduced in the Senate went to the Committee on Agriculture. Now that the war is over and the food-control bill is repealed, if not in terms, certainly by the logic of events, it is proposed to graft upon it a rent provision dealing with the District of Columbia. Of course, such a procedure is illogical if not preposterous. This measure deals with property rights within the District of Columbia. It affects contracts, sets up an extra judicial body, and attempts to clothe it with more or less judicial authority and power; it interferes with the ownership of private persons in their property; it attempts to deprive persons who may have a controversy of the right to have the same heard by a court and issues of fact determined by juries. Moreover, it attacks economic principles; it interferes with the law of supply and demand, and proposes a hateful system of governmental inquisition and control that will, I believe, defeat the purpose of the authors of the bill.

Mr. President, I join in the strictures and criticisms that have so often been made in this Chamber of many of the owners of real estate who have leased the same during the past two or three years. I have no doubt but what many landlords have been oppressive and brutal in their treatment of tenants and have exacted rental charges that were exorbitant if not extortionate. My information is, however, that many of the complaints made because of extortionate charges do not lie at the door of the owners of the properties but should fall upon the heads of tenants who sublet the demised premises without the consent of their landlords. Cases have been brought to my attention where tenants have sublet the rooms and buildings which they have leased at a fair figure for two, three, and four times as much. My attention was called to one instance where a tenant who paid $50 per month for an apartment rented it for $200 per month.

Unquestionaby the same propensity to profiteer which was exhibited in so many parts of our country during the war found expression in the city of Washington. It has seemed to me that landlords, tenants who sublet, merchants—indeed, people in most of the activities of life within the District—seemed determined to gouge and rob and exploit to the limit while the war was on, and that the same devouring appetite abides with many of them now that the war is ended. There is a disposition, apparently well nigh universal in our land, to make illegitimate profit. This is not confined to any one class or any one line of business. Everybody charges all that the traffic will bear. Indeed, many are pressing the limit and are bringing disaster to our social and economic system. It is unfortunate that the cupidity of the people lead so many into devious paths and to oppressive and indefensible conduct. Landlords in the District of Columbia, I fancy, are no worse than those to be found in other parts of our country. I have read numerous accounts of the alleged extortionate demands of landlords in many cities of the United States. Only recently I read in a number of New York papers accounts of evictions there of helpless tenants. Many of them, though the rents were greatly increased, would have been willing to pay the demands, heavy and severe as they were in many instances, but their pleas for an extension of their leases, or for an opportunity to again lease the premises, were denied. It appears that the demands for houses, for apartments, and places of abode are so numerous that it has been impossible to supply them. I am told that there are thousands of persons unable to obtain suitable residences or apartments within the city of New York, and also in other large industrial cities of the United States. Of course, these great demands lead to an increase in the rent charges.

For a number of years we have witnessed a growing tendency upon the part of the people living in rural communities and upon the farms to move to the large centers of population. Millions of people have left the farms and the country and the small towns and cities and established themselves in the large cities of our land. Such a condition is not only to be regretted, but it occasions alarm upon the part of those who give attention to social problems and are interested in the welfare of the people of our country. It is unfortunate that there should be such a migration to the industrial centers. It has been written by publicists and asserted by historians, statesmen, and political writers that the decay of nations begins when the farms and fields and the rural sections are abandoned and the great centers of population draw the people within their borders.

There should be a nation-wide campaign inaugurated to not only keep people who are now living within the country upon their farms and in the towns and villages, but to induce the decentralization of population and the return to the country of millions who have taken up their residence within the cities. I may say in passing that it is unfortunate for the country that so many of the manufacturing plants that have been erected were built either within the large cities or in close proximity to the same. I know the many arguments advanced in support of this course, and there is no doubt but what many of them are incontrovertible; but I believe that a movement should be made to induce business men and corporations to erect their plants in rural sections. The railroads of our country are so constructed as to permit this plan, and I am sure that if this plan were adopted, though it would result in many disadvantages to the owners of the plants, it would bring compensations and benefits that in the end would prove highly advantageous.

Mr. President, it is well known that by reason of the war there has been a complete cessation of building during the past two or three years. Four or five millions of men were taken from gainful pursuits, from the field, and farm, and shop, and mill, and mine, and placed in the ranks of the Army and the Navy. Millions of others were drawn from their usual avocations and placed in plants devoted to producing the munitions of war and the numerous articles which the war required. The thousands and tens of thousands of individuals who had been engaged in building operations were thus taken from their usual employment. Senators will also remember that every possible effort was made by the Government to restrict work in those fields of employment and industry that did not contribute directly to the winning of the war. The Government denied many corporations the right to sell bonds and securities for the purpose of obtaining funds to erect plants and buildings and to conduct their business operations. School districts were refused permission to issue and sell securities for the purpose of erecting schoolhouses, and the erection of public buildings was discouraged and the construction of buildings for private purposes was practically prohibited, if not by law, certainly by the pressure of the Government and the prevailing inexorable conditions. It will readily be perceived that the suspension of building operations for a number of years would result in a scarcity of buildings for housing purposes. The population of the United States is increasing very rapidly. Perhaps during the past three years the increase has been several millions. To provide homes for the increased population calls for the erection of thousands of homes and apartment houses.

The war also brought to certain cities and certain industrial centers thousands and hundreds of thousands of people. I am advised that in some parts of the United States, particularly those sections from which heavy drains of soldiers and employees for war activities were made during the war, real estate is less valuable now than before the war. Buildings are cheap and many houses are vacant; but, of course, in the large cities, particularly those which have been the scenes of war activities, the increase in population has been enormous and the housing facilities have been, and still are, wholly inadequate.

As I have stated, there is no question but what conditions in Washington are very unsatisfactory. Many thousands of persons were brought to Washington by reason of the war. This city seemed to be not only the center of the United States but, indeed, the pivotal point of the world during the last year and a half or two years of the war. The activities of the Government called for thousands and tens of thousands of additional employees. So many individuals coming here for various reasons and purposes, it was bound to result in congestion and inconvenience and privation upon the part of large numbers. And, as stated, the practical prohibition of building during the war added to the seriousness of the situation. Everyone sympa-

thizes with those who have suffered inconveniences and privations, and the unfortunate condition existing is to be deplored. But the important question is, How best can the situation be remedied? It is manifest that what is needed more than anything else in this city is an increase in the number of houses and apartments for the accommodation of the people who seek homes in Washington. If rents are too high, and all concede that they are, there is no question but what there will be a reduction if additional residences are erected.

Scarcity always produces an increase in prices. A shortage of crops is invariably attended with a rise in crop prices. If the farmers know that the wheat crop of the coming year will be short, they plant more wheat and thus increase production. The increased production results in a fall in wheat prices. During the war every effort was made to stimulate production, particularly in food products. It was realized that any attempt to impose restrictions and limitations upon the agriculturists and the stock growers would curtail production. It was felt by many that it was necessary to fix a minimum price for wheat in order to increase production.

If the Government had attempted to regulate the prices of wheat and fix commissions and restrain and restrict the planting and the selling and had surrounded the production of wheat with all sorts of rules and regulations, the farmers would have failed to plant, and want and privation would have come not only to the people of our own country, but to the people of Europe. There were some foolish people who wanted during the war to put the strong hand of the Government upon all business. They seemed to entertain the view that by regulation and governmental supervision, by the creation of boards and commissions and governmental agencies to control and direct and regulate business, production would be increased. The unsoundness of this position is revealed by a moment's reflection, and history is replete with the ignoble and inglorious failures which have attended the enforcement of such a policy.

I repeat that what is needed in the District of Columbia is the erection of more buildings. More buildings for rent and more buildings for sale. There is capital in the United States for investment in legitimate enterprises. Wherever there is a field that promises a suitable reward there will be found an investor ready for the undertaking. Where there are so many promising fields for investment as exist to-day, those who have funds for investment purposes will select those avenues which promise the safest and surest returns. Men who have trust funds to handle will not invest them where they are sure to encounter embarrassments and annoyances, impediments and threatening and assured dangers. It must not be forgotten that much of the money for investment comes from the people. There are hundreds of thousands and, indeed, millions who have small savings deposited in banks and trust companies and insurance companies. The trustees and directors of these corporations are charged with the responsibility of making safe and sound investments. The fiduciary relations existing demand the utmost care and caution upon their part in handling the moneys of other persons. And individuals whose fortunes are so great as to enable them to invest large sums, prompted by a spirit of prudence and proper caution, will seek those fields for investment that will give them a fair return and assure them a reasonable degree of safety.

Corporations or individuals who may be ready to invest money in building operations within the city, before so doing will examine the laws and regulations governing the District. They will inquire as to the taxes laid upon property, and generally familiarize themselves with all conditions that would affect directly or indirectly any investment made. If laws are enacted that hamper and restrict and subject the owners of buildings to annoyances, limitations, and oppressive control it is manifest that prospective investors will place their funds in industrial stocks or in some other field of enterprise. Senators will also keep in mind the fact that in many parts of our country the returns upon real estate have not been fair or satisfactory. In many cities, those which have witnessed a steady and constant growth, real estate investments have proven of the highest value, but in many parts of our country prices of real estate have been uncertain and fluctuating, and the returns upon the investments have proven very disappointing. I know of individuals who have sold houses which they have erected for rent at figures far below the cost price, and I know that in many sections large property owners have received no returns for years, though their buildings were rented the greater part of the time. The heavy expenses of municipalities which are constantly increasing have materially affected the rental values of real estate. I was reading a few days ago that many of the choicest real estate holdings in the city of New York were being sold by the owners because of the high taxes which they were compelled to pay and the very small returns which the properties yielded.

This bill is somewhat along the lines of a number of measures the enactment of which was sought during the war, and as war measures. I am afraid that too many people have drifted into the habit of seeking legislation whenever evil, real or fancied, is found to exist among the people. There are also some people so foolish as to believe that whenever the Government lays its hand upon an enterprise or a business or a pursuit that prosperity and benefit and advantage immediately ensue.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield to the Senator.

Mr. POMERENE. This bill, as it has been perfected by the conferees, provides for a reasonable return on the property referred to. Of course, if there are men who are not content with a reasonable return, necessarily, perhaps, they will be deterred in their speculative operations. But that is not the immediate question. The immediate question is this: Shall we allow these tenants to be put out of their homes or pay a double rental? That is the immediate proposition that is before the Senate. What shall we do to avoid that?

Mr. KING. Mr. President, I know that during the past two years the Senator from Ohio [Mr. POMERENE] has very earnestly, and, I think, conscientiously and patriotically, given consideration to this question, and I have no doubt that in his judgment this is a measure that will tend to relieve the situation here, and in the end produce beneficent results. But I think he is mistaken. I do not agree with his premises nor do I agree with his conclusions.

I do not concede that any considerable number of tenants will be compelled to pay double rental, nor do I believe that there will be any general eviction of tenants. It has been charged, and I think there is some truth in the charge, that there are some tenants who obtained leases some time ago who have refused to pay an additional rent, though conditions warranted an increase. There is no question but what conditions justify higher rentals in Washington than what were demanded and paid three or four years ago. I do not think that tenants will be treated any differently here than they will be treated by landlords elsewhere. But concede that there will be some cases of injustice and that some landlords will take advantage of the necessities of their tenants and exact exorbitant rents, does this bill provide that form of relief that in the end will prove beneficial to the entire people? It is easy, when we come to legislate, to call attention to some concrete case of injustice as an excuse or pretext to warrant drastic, imprudent, and dangerous legislation. I think an examination of many of the unwise statutes which have been passed by legislative bodies will reveal that they were enacted because of the resentment experienced by the legislators at the recital of some great act of injustice. But it is dangerous to legislate for general purposes and for all classes and for long periods of time having in view some local grievance or evil and some specific or concrete case where a great injustice has been done.

There is an evil here. How can it best be cured? It is admitted that the evil would be abated if we had more houses within the District. That would be not a palliative only but a permanent cure for the evil. The Senator from Ohio has stated that one of the questions is whether the landlords are willing to be satisfied with a fair return upon the money invested. On its face the statement of the Senator seems to justify this legislation. Everyone should be satisfied if he can receive a legitimate and fair profit upon an investment which he makes. But what is a legitimate and a fair profit? Men will differ, and vitally differ, upon this question. A man invests in an uncertain oil property or a mining claim where he takes great chances. No one would say that a return of 5 or 6 per cent upon the money invested was fair. I think it can truthfully be said that for every mine discovered nine hundred and ninety-nine efforts fail. Indeed, it has been said for every dollar taken from the mines of the United States two dollars have been expended. Hundreds and thousands of men have given their lives and their fortunes in attempts to obtain a producing and profitable mine and their efforts have been in vain.

Some cities are so situated and their resources are of such a nature as to insure the constant growth and certainty of occupancy of all buildings erected. A reasonable return on an investment in a city of that character necessarily would be less than the return yielded upon real estate in a city which suffered many vicissitudes, and whose geographical and industrial environment was such as to prophesy uncertainty as to its future growth and development. Not by way of a complete analogy,

but rather by way of illustration, let me direct attention to the railroads and the relation of the Interstate Commerce Commission to the same. The presumption is that the Interstate Commerce Commission fixes rates that are fair and reasonable, but we know that many of the railroads in the United States have gone into the hands of receivers, and that so uncertain have been railroad investments and securities that for a number of years it has been impossible to secure any private capital for railroad improvements or the construction of new lines of railroad. Men will hesitate to invest money in enterprises under the control of boards and bureaus and governmental agencies and officials, and the bureaucratic flunkies and functionaries who are found in most forms of government—municipal, State, or national. The controlling hand of the Government does not encourage development and progress upon the part of investors, but it is repressive, deadening, and destructive. It kills initiative, hampers enterprise, and prevents development. In many investments there is more or less of a risk and gamble, and there must be a promise of adequate returns to compensate for the risks that are to be incurred. Moreover, persons who are satisfied with a reasonable return and want no more than a reasonable return upon their investments, will hesitate to expend their capital if they were to be subject to the inquisitorial examination and control and supervision of Government functionaries.

As I have stated, there are so many other avenues for investment which promise a fair return thereon that individuals will hesitate to devote their savings to enterprises which call for governmental supervision and control.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. KING. I yield.

Mr. McCUMBER. I think the Senator assumes by his argument that the trouble lies in the fact that we have not enough buildings to take care of the many clerks whom we have in the Government departments to-day.

Mr. KING. That is the principal reason for this bill, as I understand the committee.

Mr. McCUMBER. And therefore we should encourage building.

Mr. KING. Exactly.

Mr. McCUMBER. Does not the Senator agree with me that we have twice as many clerks in the departments as we ought to have, and could we not remedy the situation by discharging about half of them? Then there would be plenty of room, and then the rents would necessarily come down.

Mr. KING. Mr. President, I agree with the statement made by the Senator. I have repeatedly stated upon the floor of the Senate that the army of employees in the Federal service here and elsewhere is entirely too great. Yesterday in the course of some remarks which I delivered I stated in substance that Congress had failed to do its duty in making such large appropriations for the compensation of needless employees and in responding to the demands made by executive departments to appropriate tens of millions of dollars to cover deficits created by such departments. Without desiring to be critical, I submit that if the Appropriations Committee—and I think the junior Senator from North Dakota [Mr. GRONNA] is a member of that committee—would serve notice upon the departments and governmental agencies that they must discharge thousands of unnecessary employees now found in the Government they would be performing a public service and doing much toward ameliorating the condition which it is claimed this bill is calculated to do.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. KING. I yield.

Mr. SMITH of Georgia. Does it not occur to the Senator that we probably have buildings enough to house all the employees we ought to have, but while they are here we ought to see that they are not gouged in the charges?

Mr. KING. Mr. President, as I have stated, I have no doubt but what employees of the Government, as well as many others who are residing temporarily in the District, are overcharged by those from whom they are renting, but it is a question not free from complications when attempts are made to relieve the lessees from charges, which the Senator claims, subjects them to the process of being "gouged." I have been endeavoring to show that this legislation does not strike at the root of the evil and that it is not calculated to remedy the situation. If rents were immediately reduced it would not cure the evil if the population of the District maintains the same level or its numbers are increased. It is not temporary relief that is wanted, but permanent relief. Permanent relief is only obtainable by providing sufficient buildings to meet the requirements of the people. The law of supply and demand operates in the real estate field as well as in other departments of human endeavor. If rents are maintained at an inordinately high standard, additional buildings will be erected to meet the demands of the people. If legislation is enacted which deters the investment of capital, then the permament relief which alone the construction of buildings can effectuate will not be obtained. I repeat, the rental charges are determined by the law of supply and demand.

Of course, if there was any combination upon the part of the owners of buildings to maintain high rentals, or if there were any form of monopoly suggested, I would be in favor of the most drastic legislation to punish those participating in the combination or who were guilty of taking part in the monopolistic scheme. But it has not been suggested that there is a monopoly or a combination, or that any criminal statute is necessary to deal with the existing situation.

Mr. SMITH of Georgia. But realizing that we are going to cut largely this force and send home quite a large part of the present force——

Mr. KING. We will not do that; we have not the courage to do it.

Mr. SMITH of Georgia. As a result of the efforts of the Senator from Utah and the Senator from North Dakota [Mr. GRONNA] property holders would hesitate to erect new buildings.

Mr. KING. Mr. President, in my opinion we will not send home any considerable number of the employees of the Government who are here in Washington. No matter how many increases are made in the number of employees because of some exigency, we do not decrease the number when the exigency has passed. It is one of the unpalatable facts that we must admit that Congress does not have the courage to enforce economy in the administration of the affairs of the Government. The demands of executive departments for more bureaus, executive agencies, and employees, no matter how resolutely Congress may set their faces against them, finally are acceded to. The tens of thousands of employees now in Washington, instead of being diminished, will probably be added to. I regret to admit this, but I see no reason to anticipate any different result.

But if it be true, as the Senator has suggested, that a large number of the employees will be separated from the service and returned to their homes, the problem will then be partially solved. If 50,000 of the employees of the Government should leave Washington, unquestionably there would be vacant houses and apartments, and rents would immediately fall.

But as I have stated, Mr. President, capital seeks an outlet. Those who have savings intrusted to their hands for investment are always seeking opportunities to invest such savings in order that the owners may derive suitable returns. If there is a continued demand for buildings for residence purposes in Washington investors will erect the needed buildings. Notwithstanding the high prices of building material and labor, hundreds, if not thousands, of houses are being erected in Brooklyn and in New York and in many other industrial centers of the United States. Buildings are being erected in Washington and efforts are being made by those who have funds for investment to meet the demands of the people for homes and apartments within which to live. What is needed in the District is encouragement to investors. There should be rigid economy in the administration of the affairs of the District. The taxes should be reduced to the minimum, and owners of property should understand that their property and their investments will be reasonably safe and secure. It is not necessary to grant bonuses or hold out inducements of an unnatural character in order to secure development and obtain money for homes.

When there was a demand for railroads and they paid a suitable return capital was always available. There is ample money to develop coal mines, build smelters, construct factories, purchase farms, and build such industrial plants as are essential to supply the wants of the people. But if repressive, inquisitorial, and archaic legislation is enacted, investments cease, the construction of factories and plants and smelters and railroads terminates, and stagnation and hard times ensue. I do not mean to contend that legislation may not be required in many instances to curb combinations of capital and unjust and improper activities upon the part of investors. I am only urging that the rules of common sense and the policies which experience demonstrate to be wise shall be adhered to.

I know that the purposes of the authors of this bill and the committee reporting it are entirely praiseworthy. They perceive an evil and desire its correction. They are advised that employees of the Government and others who come here for legitimate purposes have been robbed and are being robbed now by the rapacity of landlords. It is a fact of which we all have knowledge that some of the hotels in this city are charging extortionate prices, not only for rooms but for meals which they

serve. That is not only the case in Washington but in many places throughout the United States. Rapacious, extortionate landlords exist here, and they are found in many places in the United States; but can the evil be corrected by a policy of governmental control of landlords and the owners of real estate?

In my opinion, this measure, as I have stated, may prove to be a palliative, but not a cure.

I would be tempted to vote for this bill notwithstanding some serious objections from a legal and constitutional standpoint if I believed that it would cure the situation and afford more or less of permanent relief to the oppressed tenants and lessees found within the city.

There is no question but what this measure interferes with the right of contract and limits the right of owners to control their own property.

Mr. President, I hastily, as I said, examined one or two of the provisions of the bill. Let me call attention to one provision. Section 106, to which the Senator from North Dakota [Mr. GRONNA] referred, provides that—

For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy.

What does that mean? It means that every contract made between the landlord and the tenant, its conditions, its terms, will be subject to revision by the commission created by the bill. If an individual now desired to construct a building for rental purposes within the District, will it be claimed that a provision of this character would not act as a deterrent? He would know that every line of his contract might be the subject of review by this commission. He would know that he might be haled before the commission at any time to defend the contract and its terms and conditions. Obviously a man who was seeking an investment, knowing the peculiarities of human nature, would be very reluctant to spend his money when he might be subjected to harassment and annoyance and lawsuits—because a hearing before the commission is in the form of a lawsuit—to the extent that is permitted and is possible under this bill.

Then:

The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, or other terms or conditions of a lease or other contract for the use or occupancy of any such rental property, hotel, or apartment are fair and reasonable.

Upon their own initiative the commission may subject to review every contract that is entered into.

I am afraid that there will be great reluctance upon the part of investors to erect buildings for rental purposes if the question of fixing the rent to be charged is to be left to a governmental agency. The experiences of those who deal with executive boards, departments, and agencies is not very satisfactory. The red tape, the heart-breaking delays, the tyrannous and oppressive methods, the supercilious attitude of governmental functionaries—these and many other considerations will act as powerful impediments to extensive and greatly to be desired real estate investments.

Section 113 provides that in a proceeding before the commission it may determine "whether a person has been exposed, directly or indirectly, to any unsafe or insanitary condition or whether the contract imposed upon the tenant any burden, loss, or unusual inconvenience in connection with his use or occupation of such rental property, hotel, or apartment." Then the commission shall have the power "to determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor."

By this provision we set up a court and give it the powers of a jury to determine questions of damage and sharply controverted questions of fact. We are creating an extrajudicial body by this provision, and if some individual claims that he has been inconvenienced or injured by his landlord he may file a claim for damages before the commission, and the commission may sit as a jury, assess the damages, and presumably award judgment against the landlord. Where is the right of trial by jury that is guaranteed by the Constitution of the United States? It would appear that not only are the powers of courts of equity conferred upon this commission, but also that they are given all the powers of common-law courts, as well as the power to try disputed questions of fact, as jurors under our form of government are permitted to do.

Hastily glancing at the bill, I find that section 117 provides that the commission "shall prescribe standard forms of leases and other contracts" and "shall require their use by the owner of any property which is leased." I submit that this is a most remarkable provision. The most autocratic government does not deny the right of individuals to make contracts, and it permits contracting parties to prescribe the terms of their contracts. But it appears that that right is denied to the owners of real estate within the District of Columbia. They are not permitted to enter into contracts with individuals respecting their own property, but must employ "standard forms of leases and other contracts," prescribed by the commission. It is a most remarkable suggestion that the right of contract is denied, and that the Government, through an agency created by it, will write the contracts between individuals.

It would seem we have not emerged in the District of Columbia from a status to the level of contract. Such a provision is to me most repugnant, and I am sure will be distasteful to those who have partaken of the spirit of our institutions. The idea of a Government standardizing contracts and standardizing the relations between individuals is to me an absurd and, indeed, a monstrous proposition.

It is easy to declare that private property is affected with a "public interest," but such a legislative declaration, if applied to many forms of property, would prove almost confiscatory.

Senators criticize those who urge the Government to seize the railroads, deprive the owners of the same, and turn them over to employees of the railroads for the purpose of operation. We say that it is economically unsound and politically unwise, if not immoral, to nationalize coal mines and other forms of property, or to subject such property to governmental control. We have insisted that the growth of this Republic and the prosperity of the people have resulted from the application of the principles of certain schools of political economy which recognized the right of individuals to acquire, hold, own, and control property. A proper individualism is essential to the preservation of our Government and the principles of liberty which it represents. Destroy the right of contract, the right of ownership in property, the right of individuals to control and manage and operate their property, and the glory of this Nation will depart. Communism is a deadly and dangerous creed. The socialism of Karl Marx, which finds expression in the Bolshevism of Russia, is destructive of liberty and morals and religion. It develops a brutal, calloused, materialistic people, and if persisted in will culminate in the destruction of those uplifting social forces and moral and religious principles and precepts which are essential to the progress and development of the human race and to the triumph of a splendid civilization.

This legislation will encourage demands for State socialism. It will be regarded as a precedent to invite attacks in municipalities and States upon the right of property and the right to control property and to contract with respect to the same. It may be regarded by socialists as a stepping stone to the control and ownership by the Government of houses for the use of the people.

I can not but believe that the proponents of this measure are making a mistake. They are permitting, in my view, a present evil to obscure their vision and bias their judgment, as a result of which they are proposing a measure the principle of which is condemned by experience, refuted by the principles of political economy, and denied by the letter and spirit of the Constitution of the United States. Those supporting this legislation proceed upon the assumption that the Government can enter into the fields of private endeavor and deal with enterprises and business undertakings and business pursuits that are exclusively within the province of individual effort.

But, as I have stated, and I again repeat, the measure will prove abortive and will fail to realize the expectations of its defenders.

As stated, I have only glanced at one or two sections of the bill, but I am sure a critical examination of it will reveal provisions equally as objectionable as those to which I have alluded. This legislation, in my opinion, is not only crude, but it is an anachronism. It seeks to lay the heavy and clammy hand of bureaucracy upon the people of the District. It does not encourage but will discourage investment. I am afraid that it will lead to further demands for governmental interference with the rights of individuals with respect to the control and development of their own interests and their own property.

We should stand not for socialism but for Americanism. The American people are not communistic or socialistic. They are opposed to Bolshevism. They believe in individual initiative, in self-development, in the right of contract. They have confidence in themselves and in their power to meet the problems of the day and to advance high the standard of freedom and civilization. This is no time to indulge in iconoclastic experiments or to tamper with the foundations of republican institutions. Let us rather encourage enterprise, remove impediments and restrictions in the way of individual development and prog-

ress, and give to every man under the flag a free and equal opportunity to work out his political and industrial salvation. If free opportunity is denied by combinations, by monopolies, or capitalistic combinations, the law should be rigorously applied and punishment speedily administered. But this Republic is dedicated to freedom—freedom of thought, freedom of speech, freedom of religious views, freedom to engage in callings and pursuits which accord with individual preference. In this hour it is important that the landmarks erected by the fathers should not be forgotten, and the principles underlying this Republic should not be effaced from the hearts of the people.

The VICE PRESIDENT. The question is, Shall the conference report be agreed to?

The report was agreed to.

INCREASED PAY OF POSTAL EMPLOYEES.

Mr. TOWNSEND. Mr. President, I ask unanimous consent to call up House joint resolution 151.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Mississippi [Mr. HARRISON] to the amendment of the Committee on Post Offices and Post Roads.

Mr. TOWNSEND. Mr. President, I do not care to delay the passage of the joint resolution. It has already been delayed too long. I think there is much merit in the proposition of the Senator from Mississippi [Mr. HARRISON], but, as I said before, the committee have tried to consider the whole question upon the lowest basis that seemed to be consistent with the good of the service at this time. However, for the purpose of getting the joint resolution into conference, I shall not ask for any record vote on the amendment, but will allow it to be submitted to the action of the Senate, in order that it may be disposed of immediately.

Mr. GERRY. Mr. President, I hope the amendment of the Senator from Mississippi [Mr. HARRISON] will be agreed to, as I know that the fourth-class postmasters are generally woefully underpaid. There are other branches of the Post Office Department in which the postal employees are underpaid, and I am therefore in favor of the entire joint resolution. It is not for the good of the public service nor in the interest of sound economy that a great number of our faithful public servants, after long years of service, should not receive proper compensation, and many of the most competent be thus forced to seek other employment.

Mr. TOWNSEND. Mr. President, I feel as though I ought to state that the fourth-class postmasters, under the provisions of last year, received $1,200,000 as a gratuity. The amendment of the Senator from Mississippi increases the amount, over and above the $1,200,000 additional which is proposed, by something over $700,000.

As I said the other day, I have not any doubt that many fourth-class postmasters are underpaid, though some of them are not underpaid. However, a commission has been appointed for the purpose of determining and classifying these salaries, and the committee believes it has provided a sufficient amount to continue these offices for the remainder of this year and until the report of the commission is presented.

Mr. SMITH of Georgia. Passing from that a moment, would it interrupt the Senator if I asked him what pay has been fixed for messengers around the post offices?

Mr. TOWNSEND. Certain messengers who are receiving a salary of $1,000 or more we have increased the same as we have the clerks, but in other cases where they are receiving but $840 and are not in the classified service and are not to be promoted, we make their salaries $1,000 instead of $840.

Mr. SMITH of Georgia. I really feel that their increase is, perhaps, more than it ought to be compared to the employees occupying more responsible positions.

Mr. TOWNSEND. The class of which I am speaking are only increased $160; that is, their salary is raised from $840 to $1,000, and I think $1,000 is as little as we should pay them.

Mr. SMITH of Georgia. The work of a messenger, however, is not of the same class as the work of the other employees.

Mr. TOWNSEND. And we have not put them in the same class.

Mr. HARRISON. Mr. President, I hope the amendment will be adopted. The chairman of the Committee on Post Offices and Post Roads stated in the opening discussion of this question that the theory of the joint resolution was to allow a greater percentage of increase to the employees of the Postal Service who receive the smaller salaries than to those who receive the larger salaries. If the provisions of the joint resolution are worked out on that theory, this amendment should be adopted. There are employees getting $1,000 a year or $1,200 a year who are receiving 15 per cent and in some instances more than 20 per cent increase. It does seem to me, therefore, that it is all wrong, inasmuch as other employees are receiving a larger increase, that fourth-class postmasters who are receiving only from $200 to $999 a year should be allowed but a 10 per cent increase.

Mr. GRONNA. Will the Senator yield to me?

Mr. HARRISON. I yield to the Senator.

Mr. GRONNA. I want to ask the Senator from Mississippi is he has modified his amendment so as to allow a postmaster receiving less than $500 a 20 per cent increase?

Mr. HARRISON. No. I will say to the Senator from North Dakota that I feel that in conference this matter can be worked out on such a basis that the fourth-class postmaster who receives less than $500 may be allowed an increase of 15 per cent or 20 per cent, as the case may be, and those who receive more than that be allowed probably a little less, and so forth. My amendment, however, increases the 10 per cent to fourth-class postmasters to 15 per cent, which is very small, indeed. In addition to that, my amendment provides:

> And in all cases where the post office is kept in a room or building in which no other business is conducted they shall be allowed a reasonable sum, to be determined by the Postmaster General and not to exceed $50 per quarter, to cover the cost of rent, fuel, and light.

That would not allow any rental charge to the postmasters who, in order to attract customers for their business, use a little side room in their places of business for post-office purposes; but where there is a separate building maintained for the purpose of carrying on the post office, and where necessarily fuel and light must be furnished at times, it is left in the discretion of the Postmaster General to pay such postmasters for that service not in excess of $50 a quarter.

Mr. GRONNA. Would that apply to postmasters receiving up to $1,000 a year?

Mr. HARRISON. That would apply to those receiving up to $999 a year. I think it would apply to all fourth-class postmasters. I hope the amendment will prevail.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi to the amendment reported by the committee.

Mr. TOWNSEND. I ask for a division.

Mr. HARRISON. I ask for the years and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. If permitted to vote, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from New York [Mr. WADSWORTH]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. UNDERWOOD (when his name was called). I inquire if the junior Senator from Ohio [Mr. HARDING] has voted?

The VICE PRESIDENT. He has not.

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio, and therefore withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. KING (after having voted in the negative). I have a general pair for the day with the Senator from Maine [Mr. HALE]. I understand, however, if he were present he would vote "nay," so I will permit my vote to stand.

Mr. FLETCHER. I inquire whether the Senator from Delaware [Mr. BALL] has voted?

The VICE PRESIDENT. He has not voted.

Mr. FLETCHER. I have a general pair with that Senator, which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. ELKINS. I have a pair with the Senator from Arkansas [Mr. ROBINSON], and therefore withhold my vote.

Mr. KENDRICK (after having voted in the affirmative). I inquire if the Senator from New Nexico [Mr. FALL] has voted?

The VICE PRESIDENT. He has not voted.

Mr. KENDRICK. I have a general pair with that Senator, which I transfer to the Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. KNOX] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. UNDERWOOD. I find that I can transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator

from Nebraska [Mr. HITCHCOCK]. I make that transfer and vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent. I do not know how he would vote on this question, and, for that reason, withhold my vote.

Mr. JONES of Washington (after having voted in the negative). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with that Senator during his absence, but I transfer the pair to the junior Senator from Iowa [Mr. KENYON] and allow my vote to stand.

Mr. WARREN (after having voted in the negative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. I inquire if he has voted?

The VICE PRESIDENT. He has not.

Mr. WARREN. I transfer that pair to the Senator from Maryland [Mr. FRANCE] and will allow my vote to stand.

Mr. DIAL. I transfer my pair with the Senator from Colorado [Mr. PHIPPS] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. GERRY. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families. The Senator from Tennessee [Mr. MCKELLAR] and the Senator from Massachusetts [Mr. WALSH] are detained in attendance on a meeting of the Committee on Education and Labor. The Senator from Delaware [Mr. WOLCOTT], the junior Senator from North Carolina [Mr. SIMMONS], and the Senator from Oklahoma [Mr. OWEN] are detained from the Senate on public business.

Mr. GAY. The senior Senator from Arkansas [Mr. ROBINSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Alabama [Mr. BANKHEAD], the Senator from Nebraska [Mr. HITCHCOCK], and the junior Senator from Arkansas [Mr. KIRBY] are detained on official business.

The result was announced—yeas 28, nays 23, as follows:

YEAS—28.

Ashurst	Gronna	Norris	Shields
Chamberlain	Harris	Nugent	Smith, Ga.
Dial	Harrison	Page	Spencer
Fletcher	Jones, N. Mex.	Phelan	Sutherland
Gay	Kendrick	Ransdell	Trammell
Gerry	La Follette	Sheppard	Underwood
Gore	McNary	Sherman	Williams

NAYS—23.

Beckham	Henderson	McCumber	Pomerene
Borah	Jones, Wash.	Moses	Stanley
Brandegee	Keyes	Nelson	Townsend
Calder	King	New	Walsh, Mont.
Capper	Lodge	Penrose	Warren
Curtis	McCormick	Poindexter	

NOT VOTING—45.

Ball	Hale	Martin	Smith, S. C.
Bankhead	Harding	Myers	Smoot
Colt	Hitchcock	Newberry	Sterling
Culberson	Johnson, Calif.	Overman	Swanson
Cummins	Johnson, S. Dak.	Owen	Thomas
Dillingham	Kellogg	Phipps	Wadsworth
Edge	Kenyon	Pittman	Walsh, Mass.
Elkins	Kirby	Reed	Watson
Fall	Knox	Robinson	Wolcott
Fernald	Lenroot	Simmons	
France	McKellar	Smith, Ariz.	
Frelinghuysen	McLean	Smith, Md.	

So Mr. HARRISON's amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. Are there any further amendments?

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 15, it is proposed to strike out "$150" and insert "$240," so that, if amended, it will read:

Who receive compensation at the rate per annum of * * * $1,300, $1,400, $1,500, or $1,600, to be increased $240.

Mr. CALDER. Mr. President, this amendment will increase by $90 the amount to be paid the postal employees who are receiving $1,300, $1,400, $1,500, and $1,600. The committee recommends an increase of $150 for men in these grades, and my amendment gives them $240. If this amendment is adopted, I shall offer the same amendment on line 13, which will increase the men getting $1,100 and $1,200 by $240 rather than $200.

I offer this amendment because I am convinced that the sum recommended by the committee is not sufficient. In New York City there are vast numbers of men leaving the service. In fact, we find it impossible to get men to apply for these places. I have in my hand a telegram from the local secretary of the Civil Service Commission in New York. In it he states that at the November examination, in 1913, 2,881 men applied to enter the examination for letter carrier. At the examination in September of this year but 21 applied. This indicates very clearly that private employment offers better opportunities.

Mr. President, the other day when I was in New York a letter carrier came to see me. He was receiving $1,500 per annum, which is the average rate received by the great majority of the clerks and carriers in the Postal Service. This man told me that he had been living in a little house where he paid $30 a month rent. The house had been sold, and he was compelled to move. He had searched the city over, and the very best he could do for a home in which his wife, four children, and himself could live was $55 a month. That left him $840 a year to feed and clothe a family of six. So it seems to me that, with this condition of affairs existing in our cities—and, of course, most of the men of the rates of salary for which I have proposed an increase reside in the cities—we have got to do a little better than the committee has recommended.

Mr. President, much was said yesterday by the Senator from Utah [Mr. KING] and the Senator from Montana [Mr. MYERS] about the wave of profiteering now sweeping the country. I know that many men in every walk of life are guilty of this practice, but who can assert that the men employed in the Postal Service have asked for unusual consideration? The cost of living is to-day at least 125 per cent higher than before the war. The men in the Postal Service have been increased 15 per cent; this bill gives them another 10 per cent, so that their total increase will be 25 per cent. I simply propose to give them an additional 5 per cent. Surely this is not unreasonable. Reference has been made to the fact that men, both in and out of the Government service, are not producing as much as they formerly did. This, however, can not be maintained where the men in the Postal Service are concerned. During and since the war they have rendered patriotic service to their Government, and if we expect them to continue to do so they must be paid accordingly. I sincerely trust that the Senate will agree to this amendment.

Mr. TOWNSEND. Mr. President, I think I have already said enough about this subject to give the Senate a right understanding of the committee's attitude. I have not the exact figures, but I have no doubt that this amendment of the Senator from New York will add at least $7,000,000 to this measure. It comprehends the largest class of employees in the Post Office Department. Now, I do not wish to state that everybody in the service is satisfied with what the Senate committee has proposed. I do know that the representatives of these organizations feel that the Senate committee has done well, and that what we have done will tide the Post Office Department over until we get a hearing on the general proposition of readjusting salaries.

I do not think this amendment is right at this time as an emergency measure. The Senate committee is not prepared to say now what ought to be paid as a just and reasonable salary to these men. We have not attempted to do it. We have not had time to do it. Nobody expected that we would undertake it. What we have done is to obtain the information that we could secure as to what was necessary to maintain the efficiency of the Post Office Department. We believe that what the committee recommends will accomplish that end.

If the Senate desires to increase not only the House provision, which was $150, but that same provision approved by the Senate, $150 additional, by making these higher graded men receive exactly the same increase that the substitutes receive per hour, or the first-year men, where the separations from the service

are the greatest, why, it is up to the Senate to decide. I think myself that it is wrong; that it has not been properly understood; and that it ought not to be acted upon without due consideration.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. TOWNSEND. Mr. President, there are two or three amendments which I wish to offer for the purpose of carrying out the intent of the committee.

The Post Office Department reported to us on the classification of the employees. Since that report was made it has suggested and others have suggested some verbal changes.

I ask that on page 3 of the joint resolution, after the word "Ohio" in line 10 there be inserted the words "and employees of the mail-equipment shops." We thought we had covered them, but the question has been raised that possibly we may not have done so unless we put in those words.

I offer that amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. TOWNSEND. In line 12 on page 3, after "$1,000," I move to insert the words "or less," so as to read: "$1,000 or less, to be increased $240."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment.

The amendment to the amendment was agreed to.

Mr. TOWNSEND. I ought to say that on line 9, page 3, the word "and" should be stricken out after "substitutes," in view of the other amendment that we put in.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment.

The amendment to the amendment was agreed to.

Mr. TOWNSEND. The Post Office Department suggests another amendment as necessary on page 4. Before the word "who" in line 2 I move to insert the words "and the United States stamped-envelope agency, Dayton, Ohio."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment.

The amendment to the amendment was agreed to.

Mr. TOWNSEND. One of the objects in putting in this amendment is that the provision here for village-delivery carriers seems to have been a hard and fast provision. I relied entirely upon the statement of the Assistant Postmaster General as to what salaries they received. I now find that they receive a different rate of salary, which is less than $1,000, and where they serve only half the time we want to make the same provision apply to them that we apply to rural-delivery carriers who serve only a portion of the time; and this amendment will accomplish that purpose.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. TOWNSEND. Certainly.

Mr. KING. The Senator from Colorado [Mr. THOMAS] yesterday suggested an amendment. Was that agreed to?

Mr. TOWNSEND. That was adopted at the time.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. TOWNSEND. I move that the Senate request a conference with the House of Representatives upon the joint resolution and amendment and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. TOWNSEND, Mr. STERLING, and Mr. BANKHEAD conferees on the part of the Senate.

TREATY OF PEACE WITH GERMANY.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to.

THE INDUSTRIAL CONFERENCE.

Mr. CALDER. Mr. President, yesterday afternoon at the close of the proceedings the junior Senator from Nebraska [Mr. NORRIS] was addressing the Senate on the Shantung amendments. He had not concluded his remarks. He has very graciously yielded to me that I may address the Senate for a little while on the subject of the industrial conference. He will proceed with his address after I have concluded.

In opening the industrial conference on Monday of this week, Secretary of Labor William B. Wilson stated that—

> The right of any man to cease working for another for any reason that is sufficient to himself is the basic element of human liberty. The right of any person to refuse to operate his plant at any time he desires to do so is the exercise of a property right guaranteed by the Constitution. It does not follow that because these rights exist it is necesary to exercise them. They must nevertheless be safeguarded. Having done that, and having devised machinery by which justice can be secured and by which everybody at interest has the opportunity of knowing that justice has been secured, it is not likely that the right to cease work will be exercised by sufficient numbers or the right to cease operating industrial plants will be carried to such an extent as to seriously affect the welfare of the balance of the people.

Covering this same subject, Secretary Wilson, before the governors' and mayors' conference at the White House, in March, said:

> I do not believe that any country owes any man a living, but I do believe that every country owes every man a chance to earn a living.

One may therefore infer that the Secretary of Labor believes that no artifice, restriction, or convention should be placed between a man and his opportunity to engage in work or his right to cease work, or between an employer and his right to employ or cease to employ, and that having insured these rights the Secretary believes that it is not likely that these rights will be exercised by sufficient numbers to affect the welfare of the balance of the people.

Yet during the last six months, largely because of attempts to devise machinery to enforce these rights, work throughout the United States has ceased to such an extent that production has been greatly curtailed and prices have correspondingly increased, and national progress has been toward lower rather than toward higher standards of living, which are the ultimate measures of industrial systems.

As I understand it, this conference was called by the President for the purpose of reaching, if possible, some common ground of agreement and action with regard to the future conduct of industry, to the end that we may obviate the wastefulness caused by the continued interruption of many of our important industries by strikes and lockouts.

It is the earnest hope of thoughtful men that this industrial conference will not fail to make "public welfare" the golden rule of its deliberations, and it is their well-grounded belief that public interest will be served by no temporary expedients for immediate current industrial ills.

Temporary conditions in industry are not the real issues. Temporary remedies may do more harm than good, just as the policy of following the line of least resistence during the war aggravated the industrial controversies we have had since the armistice was signed. Rather than devise passing palliatives and defer the final reckoning it would be prudent, in the opinion of some, to adjourn the conference and permit economic pressure to write its ruthless solution.

This conference should not be viewed by its participants as between "scientificos," exploiters of natural resources and human beings, on the one hand, and I. W. W.'s, Bolshevists, exploiters of the public through organized sabotage and slacking, on the other hand.

In a country where there are more jobs than men and more resources than can be developed there can be no permanent quarrel between labor, the producer of wealth, and the true capitalist, who is the investor in permanent wealth which possesses reproductive power.

In a country where there are more men than jobs there may be some purposefulness in the restriction of output of each man through short hours, closed shop, or otherwise, but in a country such as the United States and at a time such as the present, when there is a crying need for men and output, there can be no sensible reason for the creation of machinery designed to decrease output, whether this machinery be created by the employer, in the form of artifices for hoarding, or the employee, in the form of closed shops, an institution borrowed from foreign parts where men were more numerous than jobs.

The public will have little patience in seeing its interests subordinated and its production held in abeyance while either employer or employee perfects machinery or systems for selfish protection or exploitation. If the spirit is wrong, no amount of machinery can be created to adequately serve public welfare,

necessity, and convenience; if the spirit is right, the machinery already in existence can continually be perfected.

We had I. W. W.ism long before any of us heard of Bolshevism. There has been a steady and ominous increase in resentment against fortunes built on real or imaginary privilege, and now it seems that a considerable element in this country points the finger of suspicion toward every business success. Some people appear to believe that bankruptcy is the one trade-mark of honesty and that material success, regardless of the efforts and intelligence behind it, is somewhat criminal.

Of course the former view is as erroneous as the latter. Both are wrong and must be put aside if we are to work out a constructive program. There is good and bad in every human activity. To discover the good qualities in contemporary organized labor and current industrial management, to coordinate and preserve them, while discarding all that is vicious in collective bargaining as now practiced and in private ownership and management now prevailing, is the test of real industrial statesmanship.

A NEW INDUSTRIAL DAY.

If we are facing a new industrial day, we should face it without looking back too much on old prejudices and suspicions if real progress is to be made in this conference, and there must be complete confidence between the industrial factors; there must be cordial relations and a large measure of faith between the conferees, and a readiness to admit past errors and estimate at their real value virtues, past and present.

Not only is this attitude essential to the success of the negotiations between the delegates, but without it there can be no clear diagnosis of the ailments. There should be—the country is expecting it, and has a right to expect it—a clear statement of the issues, a statement of our industrial problem as free from prejudice and passion as is humanly possible. For many years the public has heard so many contentions and arguments colored by the self-interest of those who stated them that there is utmost confusion in public thinking. It is up to the conference to set them right, to tear away the husks and dead leaves and reveal the true nature of the industrial fruit we have been growing in the United States.

If the delegates, regardless of the industrial factors they represent, can not think in terms of common good and public welfare, we need expect nothing permanently helpful from these deliberations. The public good is the key to this situation, and it can not be unlocked by any other key.

The two factors in our industrial life—employer and employee—have been so intent on defending themselves against each other, that both, at times, appear to forget that the cake they bake as factors they must also eat as the public.

Is it not significant that in an era of unprecedented living costs we hear so much about "sharing the profits with labor" and so little about sharing the profits with the public? If there is a profit melon to be cut, why not hand it to the public in the form of reduced prices?

Labor representatives on several occasions recently have insisted that wage increases were necessary to meet the increased cost of living, and that if no curb was put on this latter further wage increases would be necessary. Labor, of course, must have a living wage, but if there are unusual profits to be divided, why not distribute them in the form of lower living costs rather than by handing them out to one of the industrial factors?

Furthermore, the dividing of profits, indeed, giving all present profits to labor, will not decrease the price level or materially benefit labor. Business was conducted at a loss amounting to $630,000,000 by 119,000 corporations, one-third of those reporting to the Commissioner of Internal Revenue for the year 1917. From profits must be deducted taxes, upkeep of plant, and so forth. Profits must be accumulated, not only for development of plant throughout the United States but also for development of plant in foreign countries. Up to the beginning of the war our accumulated profits had been $6,000,000,000 less than our plant investments in this country. We borrowed this money from abroad, and we can no longer borrow the accumulated profits—that is, capital—from abroad.

Unfortunately we have formed the habit of thinking in the terms of capital and labor. A capitalist is one who invests his time or his energy in the acquisition of commodities which are enduring in value and have a potentiality of production. The wage earner is literally a capitalist if he thus invests his time and money. Those who invest the results of their efforts in consumable goods and in idleness are spendthrifts. Those who fritter away the result of their efforts are inclined, when the time of need arrives, to attempt to extricate themselves from their unfavorable situations by demanding a right to share in the permanent goods of increasing value which have been acquired by their more industrious companions and to call such companions "capitalists."

It is fortunate for the conference, perhaps, that the war has brought out in bold relief many of the causes of industrial infelicity and discord. Higher wages, the curtailment of production, and the interruption of distribution are always factors in higher prices. To-day their influence is more apparent than ever; privilege, always making for the restriction of opportunity, to-day shows up in more vicious colors; the desire for power and the tendency to abuse power once gained, always present in industrial and social groups, to-day is more clearly discernible than ever.

One phase of the conference task is to reestablish the authority of contract; for unless we can find a way to make effective an agreement after it has been entered into, how is any business to proceed to that maximum activity on which the world's welfare depends?

Labor asserts, with some justification, that great iniquities have resulted from modern corporation business. We are so organized in that field that not only labor may be, but also the minority stockholders may be, the victims. One hundred dollars in stock may control a corporation in which millions are involved, and the interests having less than a majority of stock, even though in money they lack by $100 of the majority, have been, are, and can be exploited by the majority interests if the latter see fit to go in for intrigue against the minority interests.

FEDERAL INCORPORATION.

Has the time come when Federal incorporation is the next logical step in industry? Is this not a step, American in its spirit, more effective than Government ownership? Federal incorporation would give us such Government control as would effectively protect both labor and minorities in corporation business, and at the same time would retain the thoroughly American development of private initiative and hustle of private management. To turn the railroads, for example, to the control and operation of labor is to transfer the control and operation from one class of private interests to another, and there is no reason to believe that future ills will not equal if they fail to surpass the past ills. Federal incorporation would give the Government such power as is essential to guaranteeing justice to labor, shipper, passenger, majority and minority stockholder, and at the same time there would be no diminution of incentive in endeavor and efficiency, because private initiative would remain free in its executive and operative capacity.

With the close of the war labor occupied the most favorable moral position it has ever enjoyed.

Since the armistice labor has insisted that it shall retain all the advantages it gained during the war; that there shall be no wage reductions, but that our industrial readjustment should be made on the war wage level. In the first months after the armistice this position was maintained in the face of a prospective oversupply of labor, so threatening that the United States Government, through the Department of Labor and the War Department, under the direction of Col. Arthur Woods, carried on a nation-wide campaign for the reemployment of soldiers and the stimulation of labor-absorbing activities.

PRICES STILL INCREASING.

At the cessation of hostilities prices had risen, according to the Bureau of Labor Statistics, to 107 per cent above prewar levels. On the early prospects of an abundance of labor and possible overproduction, prices receded by March, 1919, to 98 per cent over the prewar level. Labor, however, was determined to hold the status quo in wages and working conditions, or make them even more favorable. Strikes were of increasing frequency until we are having an unprecedented number of them. Some of these strikes were not so much for the prosperity of the workers, but, in their real effect, strikes against replenishing promptly the national shortage of goods; strikes, therefore, against public welfare and favorable to the maintenance of the high cost of living against which the labor element, and all other elements, have been and are complaining.

These were and are strikes not only for higher wages, but for shorter hours, producing idleness, lack of effort, and reduced output. During the six months succeeding the armistice the production of peace commodities, even with the release of machinery and labor from war production and with the returning soldiers to recruit the force of producers, has been estimated by some authorities as but half the production of peace commodities during the six months preceding the armistice, when our maximum effort was concentrated on war activities.

There are other influences, of course—the Federal Trade Commission asserts one of these is the abuse of storage facilities and possibilities—entering into the increasing costs of living, but labor disturbances, resulting in decreased production,

have largely been responsible for sending the price level up again, until to-day it is 128 per cent above the prices current at the beginning of the war, an increase of 30 per cent in six months.

Labor can not escape the responsibility for much of this increase in living costs from 98 per cent in March to 128 per cent in September. The effects of currency inflation and of export business had largely spent themselves by March and can not properly be counted as factors in the increase in living costs from March to September. The lack of production is the major cause, and this has resulted in the main because labor has ceased to produce and has brought its economic power to bear on the solution of what it holds to be a more equitable division of the wealth already extant. While we are quarreling we are consuming, and soon the monkey of contention will have consumed the cheese, and if at last we agree on an equitable division we will find there is no cheese to divide. Everyone in his senses realizes that we should be creating new wealth rather than concerning ourselves with divisions of wealth already created. Whether such division be made through barter, speculation, or wage adjustments, still it is dividing and not creating.

Public welfare clamors for increased production at once; industrial welfare demands a permanent policy of bargaining, so that the minimum of uncertainty as to future production costs can be had.

PUBLIC INTEREST FIRST CONSIDERATION.

The conference can not be a success unless every act is based on consideration of the public interest and industrial stability. The conference can not be a success if one side or the other attends with the idea of getting something for itself rather than contributing something to the common interests and public welfare. The pugilistic attitude demanding this, that, or the other, and threatening to back up the demand with tie-ups, disorders, or revolution leads only to ruin. To make collective bargaining a a camouflage for consolidating the gains of organized labor is to prejudice industrial owners and the general public against such virtues as there may be in collective bargaining. Subterfuge and pretension must be torn aside, deuces called deuces, and spades called spades. May we have a frank statement of purpose from all concerned and compare those purposes and arrive at the inevitable compromise, and, having arrived, establish responsibility on the part of all parties to it; let us raise labor to the same level of responsibility as we hold employers; let us put the public in as the Government on the same plane of responsibility; let us not have labor agreeing and no way of holding it accountable when delinquent in its obligations under the agreement; let us not have the Government agreeing and not there when it comes to shouldering responsibility for its agreement. Let the owning interest be subjected to no greater responsibility, and no less, than devolves on the other two elements.

THE ULTIMATE PURPOSE OF UNIONISM.

The Nation must gradually improve the standards of living. We have gone backward since March in this respect. Labor pays its own wage, and the consequence of what labor as labor does must be borne by labor as the public. The American Federation of Labor, representing the highest development of labor thought and practice, is yet human and makes its mistakes, and must admit them, as must the employing interest admit its mistakes. It is obvious that employees can not go to their employers one at a time and receive the consideration and justice forthcoming when they appear through group representatives. Collective bargaining has its economic virtue, and as such it deserves to prevail as an accepted practice in industry. But if collective bargaining is to be prostituted and used as a weapon for ultimate domination of management, of profits, of political action, and of social conventions, then do we have anything less than a government within a government? Let us know now to what end the union movement travels. Where does it draw the line on its quest of power? Having a unionized nation, what then? Here is the danger which the public intuitively senses. The inescapable logic of nation unionism is an inner government more powerful than the outer or constitutional government.

It may be admitted, perhaps, that properly handled such an inner government might prove a blessing, but we must judge its future on its record to date. Power in unionism finally comes to rest in a few hands; these may count votes unfairly; they might surpass the most corrupt political machine in the manipulation of alien and ignorant workers; and we then have an inner government dominated by a few powerful men without the consent of the constitutional government and with the aid and influence of the alien, and, as the Senator from Oklahoma [Mr. OWEN] suggests to me, without the pale of the law.

If the one alternative is such a national unionism, then the open shop is essential to perpetuate our Government on the foundations of its Declaration of Independence and of its Constitution. But, also, this open shop must not in fact be a closed shop; a union man should enjoy the same rights in this shop as a nonunion employee.

If we can have from this conference a clear, honest statement of the actual conditions in industry, the real purposes of the groups which have been in conflict for years, if the public can have an authoritative statement of the industrial situation as it is to-day and as it has developed since the Civil War, the conference will not have labored in vain, but to approach the task as a temporary one requiring temporary treatment surely is to add insult to the injury and increase confusion. It is to lead labor to expect divisions of profits where there are no profits, to expect privilege without responsibility, which eventually leads to disaster; it is to lead the public to expect reductions in prices when there can be no reductions in prices if we are to produce abnormal profits and then divide them between employer and employee; it is to urge our citizens to turn investors without protecting their investment, leaving them to the tender mercies of the wolves which travel in sheep's clothing; it is to work inestimable injury on the legitimate and productive business of the Nation and solve nothing, but only intensify and aggravate the irritations and make the final reckoning more certain and vastly more precarious and menacing.

Mr. OWEN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. OWEN. The true way in which to meet organized minorities, when they shall attempt to exercise undue control of the Government or of the rights of the people in the Government, is to establish the organized majorities of the country through the ballot box, that the conscience and power and opinion of the men and women of the country can make itself felt in these ways. It is due to the failure of our administrative processes to control monopolies in large degree and our failure to deal with the questions which affect the high cost of living, which unavoidably, because of matters which were within no man's control, recently have gone beyond all bounds, that there has been a growing discontent all over the world, and men have organized and naturally tried to improve their conditions, unmindful to some extent of the interests of the large majority of men who are the great consumers and the great producers; but the great producers and the great consumers ought to have a right to be protected through the organization of the majority, the one great union in this Nation, the union which appears here on this floor by representatives chosen by the people of this country at the ballot box. There is where the people have a right to control, and it is through the representatives on this floor and on the floor of the House of Representatives that the remedy will be largely found for the high cost of living.

Mr. CALDER. I thank the Senator for his comment. There is no question that, in the last analysis, that is the place where the remedy wil be found.

NOT A PARTISAN ISSUE.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SHIELDS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Not a partisan issue," relative to the league of nations, appearing in the Columbia Herald, a Democratic daily newspaper of Columbia, Tenn. Columbia is the capital of Maury County, Tenn., a splendid section of the country, beautiful and fertile as any in the world, and inhabited by a population of the most enlightened and broad-minded people in the world. The late Senator Robert L. Taylor well described it as "the dimple of the universe." It is a very able editorial and I think it will be somewhat enlightening to the Senate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"NOT A PARTISAN ISSUE.

"Nothing could be more unfortunate than that the ratification of the league of nations should be made a party issue. In the past it has been said that the Americans were partisans in their own country but beyond the territorial limits they were simply Americans. This assuredly was the case during the late war, although the President in his appeal for the election of a Democratic Congress appeared to label the war as a Democratic measure. All of us, however, know that such was not the case.

"The ratification of the league of nations covenant is not a personal or a party issue. It is unpatrictic to attempt to make it a partisan matter. Democrats, supporters of President Wilson, ardent patriots during the war, frankly can not 'swallow whole' the entire covenant, because their Americanism is too intense to permit it. That is all. Because a man loves his

country better than a political party or places his allegiance to flag above his loyalty to a party leader surely ought not to condemn him before patriotic Americans, however anxious they may be to try the experiment of the league of nations.

"There are Americans who can not, much as they would like to, follow the President when he declares his efforts are being given to put into effect a league of nations that 'will be greater than the Government of the United States.' This language is that of the President. Now, there are Democrats in this country who would never help to establish any government that would be greater than the Government established in Independence Hall, born amid the thunders of Yorktown's guns, and rededicated and reconsecrated to its eternal principles at Gettysburg's sacred shrine. They appreciate all the idealism of the President; they abhor war just as much as he does; they may not always have been 'too proud to fight,' but they are just as peace loving as the Chief Executive; nevertheless, when it comes to any supernation that shall in the slightest degree determine when this Nation should fight or should not fight for principles dearer than life itself, they must be pardoned if they insist upon standing upon the Constitution of the United States and beneath the folds of Old Glory and ask to be excused.

"Some of the most brilliant minds in the world conceived the idea of a league of nations. In truth, the idea is not new. A similar effort was made at Westphalia more than two and a half centuries ago to set up a force to police the world and prevent wars. It failed. President Wilson and those who stand with him are sincere and devoted to a very lofty ideal. They place all humanity above the interests of one country. In their desire to serve mankind they look across boundary lines; they are willing to sail uncharted seas; to place the destiny of their own nation at least partially within the keeping of many nations of many races and tongues. They are moved by high and noble aims. No one can question their sincerity.

"But the advocates of the league and all the ideals for which it stands must concede equal sincerity and honesty to those rather old-fashioned Americans who place the Stars and Stripes above every other flag that ever floated to heaven's breezes; who love country and its institutions better than they do the black man south of the Equator, the yellow man of the East, or the motley peoples of southern Europe and the Balkans. They may not live as high above the clouds as the President, but with their feet firmly planted upon the Constitution of the United States they are thinking more of perpetuating the opportunities which their own Nation affords for their own children and children's children than they are about preserving the territorial integrity of motley nations that were born from the travail of the recent war. The issue of the league covenant should not be and must not be made a partisan one."

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed consideration of the treaty of peace with Germany.

Mr. NORRIS resumed the speech begun by him yesterday. After having spoken for 2 hours and 20 minutes he yielded the floor for the day.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session with closed doors, the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate, as in legislative session, adjourned until Monday, October 13, 1919, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate October 11, 1919.

UNITED STATES DISTRICT JUDGE.

Charles B. Faris, of Missouri, to be United States district judge, eastern district of Missouri, vice David P. Dyer, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 11, 1919.

COLLECTOR OF INTERNAL REVENUE.

Leslie A. Miller to be collector of internal revenue for the district of Wyoming.

UNITED STATES ATTORNEY.

John W. Bennett to be United States attorney, southern district of Georgia.

RECEIVER OF PUBLIC MONEYS.

Ernest L. Parker to be receiver of public moneys at Lewiston, Idaho.

COAST AND GEODETIC SURVEY.

Ernest E. Reese, to be hydrographic and geodetic engineer in the United States Coast and Geodetic Survey, Department of Commerce.

PROMOTIONS IN THE NAVY.

The following-named second lieutenants to be first lieutenants in the Marine Corps:

Charles A. Wynn,
Thad T. Taylor,
Glenn D. Miller,
Herbert Rosenzweig,
Thomas E. Watson,
Burwell H. Clarke,
Walter G. Sheard,
Paul Brown,
Roger W. Peard,
John D. Nevin,
Peter C. Geyer, jr.,
James E. Davis,
Lloyd L. Leech,
Charles P. Gilchrist,
Joseph E. Brewster,
Raphael Griffin,
Karl I. Buse,
Harold S. Fassett,
Samuel A. Woods, jr.,
George C. Hamner,
James M. Bain,
George B. Reynolds,
James T. Moore, and
Nimmo Old, jr.

The following-named first lieutenants to be captains in the Marine Corps:

Charles A. Wynn,
Thad T. Taylor,
Glenn D. Miller,
Herbert Rosenzweig,
Thomas E. Watson,
Burwell H. Clarke,
Walter G. Sheard,
Paul Brown,
Roger W. Peard,
John D. Nevin,
Peter C. Geyer, jr.,
James E. Davis,
Lloyd L. Leech,
Charles P. Gilchrist,
Joseph E. Brewster,
Raphael Griffin,
Karl I. Buse,
Harold S. Fassett,
Samuel A. Woods, jr.,
George C. Hamner,
James M. Bain,
George B. Reynolds,
James T. Moore, and
Nimmo Old, jr.

The following reserve and warrant officers to be second lieutenants in the Marine Corps:

Angus Wilson,
Fred Lueders,
Charles S. Beale,
John F. Duffy,
William R. Perry,
Bert Pearson,
Charles G. Knoechel,
John F. Evans,
Ray W. Jeter,
Louie W. Putnam,
Stephen F. Drew,
Charles F. Finger,
William S. Robinson,
James E. Snow,
Harry Paul,
John W. Hingle,
Augustus Aiken,
Austin G. Rome,
Arthur J. Trask,
Joseph Jackson,
Earl C. Nicholas,

Joseph M. Swinnerton,
Leslie G. Wayt,
Charles A. Smith,
Arcnie Farquharson,
Robert W. Winter,
Max Cox,
Edgar S. Tuttle,
William L. Erdman,
Ernest L. Russell,
William F. Becker,
Charles H. Martin,
Ross L. Iams,
George Nielsen,
Harry E. Leland,
John J. Darlington,
Robert P. Harris,
Frank S. Flack,
Eli Savage,
Frederick D. Harbaugh,
Charles C. Carroll,
Norman Johnston,
Spencer N. Phillips,
William T. Crawford,
Francis Kane,
Edward A. Platt,
Charles Wald,
George S. Furey,
Charles R. Francis, and
Edward G. MacFayden.

The following-named second lieutenants to be first lieutenants in the Marine Corps:

Kenneth R. Berkey,
Lindley H. Pryor,
William K. MacNulty,
Ralph W. Luce,
George F. Stockes,
Rowan C. Pearce,
Stanley E. Ridderhof,
Elton C. Hersman,
Charlton P. Lee,
Julian N. Frisbie,
Ervin R. Whitman,
Benjamin W. Atkinson, jr.,
William S. Fellers,
Henning F. Adickes, and
Augustus H. Fricke.

POSTMASTER.

KANSAS.

Burton C. Peterson, Lyons.

HOUSE OF REPRESENTATIVES.

SATURDAY, *October 11, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, Father of all souls, for the complete revelation Thou hast made of Thyself in Jesus Christ; for the disclosures Thou hast made in Him of man at his best, by which we understand that the genius of the Christian religion shall never be fulfilled in any man, until he has developed harmoniously and symmetrically all that is purest, noblest, Godlike, in his being; that there is no royal road to perfection, no short cut to heaven.

Teach us therefore patience, diligence, kindness, generosity of soul, until under the dispensation of Thy providence we all come unto the measure of the stature of the fulness of Christ; and Thine be the glory forever. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. WALSH. Mr. Speaker, I desire to correct the Journal. I understood from the reading that it contains the statement that Mr. WALSH made the point of order against the motion to recommit offered by the gentleman from Missouri [Mr. IGOE]. The point of order was made by the gentleman from Minnesota [Mr. VOLSTEAD]. The Journal should be corrected.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The SPEAKER. Without objection, the Journal as corrected will stand as approved.

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. MOON. Mr. Speaker, I want to ask permission of the House to proceed for four or five minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

CORRECTION.

Mr. BLANTON. Mr. Speaker, may I correct the RECORD first?

The SPEAKER. Certainly.

Mr. BLANTON. On page 6700, column 2, line 34, the word "must" should be "much." I ask that it be corrected.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. MONDELL. Mr. Speaker, I assume it is not at all necessary to call the attention of the House to errors of that sort in the RECORD. They can be corrected simply by calling them to the attention of the clerk in charge of the RECORD, Mr. Andrew W. Smith, in Statuary Hall, and asking him to have the permanent RECORD corrected where it is a matter of misspelling or where a word is not in the proper place.

Mr. BLANTON. I will state to the gentleman from Wyoming that I know that that can be done in some instances, but I thought that such matters in the body of the RECORD, matters which come up in debate, where corrections were made concerning the debate, it was necessary for the action of the House to be taken.

Mr. MONDELL. It does not require to be merely a correction of a grammatical error or misspelling or a transposition of a word where the intent is very clear, and where an error has been made for some reason or other.

Mr. BLANTON. I thank the gentleman for the information. Hereafter I shall pursue that suggestion.

LEAVE TO ADDRESS THE HOUSE.

The SPEAKER. Is there objection to the gentleman from Tennessee to proceed for five minutes?

There was no objection.

Mr. MOON. Mr. Speaker, inasmuch as it is likely that I shall not be able to read in the five minutes allotted to me certain communications between the Postmaster General and myself, I will ask that they be incorporated in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend in the RECORD the communications indicated by him. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, perhaps there is nothing more important to this House than that the statements made on the floor by its Members should be entirely accurate. The dignity of the House, the dignity of the membership, can not be maintained if false and incorrect statements are made on the floor of the House that go finally unchallenged. We speak here under the shield and the protection of the Constitution. No man can be called to answer on the outside for what he says on the inside of this House. Therefore it is the more important that everything that is said about persons who have not seats in this House shall be said accurately and with a view to truth and in the public interest. Otherwise, if that privilege is made the means by which one slanders, traduces, and calumniates another, it is a most foul and infamous degradation of the privileges of the House.

I assume that if any man on the floor of this House makes the statement or draws an inference from facts and afterwards finds the same to be incorrect, his manhood will compel him to rise up on the floor of the House and make the amende honorable. If he makes a statement purely for partisan purposes, regardless of the truth, for the purpose of taking advantage, we can not expect apologies from such because they possess not those instincts that actuate the conduct of gentlemen. So when a man makes a statement of fact here, if he finds it to be erroneous, if he is an honorable man he will retract it. If he still believes, after it has been traversed that he is correct, he will produce the proof to sustain his position. But one of two things can be done. When a man says a thing is true and finds out that he has been misinformed and that it is not true, he must retract it. If he believes it to be true, he must prove it. If he does neither, he must be relegated to that unenviable position where in the judgment of the honorable men of this House he has neither decency, respectability, nor virtue to attend him.

Now, while I make these general remarks, I do not want it to be understood by the House that I am making them applicable to any particular individual in this House. I thus re-

mark because certain things have happened in this House which need correction.

I am going to assume that the gentleman of whom I shall speak a little later is a thoroughly honorable man, and that if he finds that he has been mistaken he will correct his statement, or that if he still believes he is not in error he will furnish proof to sustain his position. If he does neither, he stands subject to the judgment of this House under the rules that I have laid down and to which all must agree.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. I ask for one minute more.

The SPEAKER. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, on the 11th of September a debate occurred in the House in reference to the Newark, N. J., post office and the action of the Postmaster General in attempting to control, as was alleged, the Civil Service Commission in the appointment of an official—a postmaster. This debate is fully set out in the RECORD, and in it the gentleman from New Jersey [Mr. LEHLBACH] charged not only that the post-office inspectors were falsifying records, but he charged the Postmaster General with stating that which was not true in reference to the matter.

Mr. CAMPBELL of Kansas. I notice that the gentleman from New Jersey [Mr. LEHLBACH] is for the moment not on the floor.

Mr. MOON. I am not going to say anything about the gentleman from New Jersey which would reflect on him in the least degree. I do not know whether the gentleman from New Jersey was correct or not in his statements. I want to say, however, that the inferences which he drew from his own statement do not seem to be justified from the statements that he made, and I offer the statement of the Postmaster General and records to show that he is in error.

I addressed a letter to the Postmaster General on this subject, which I will insert in the RECORD at this place, and I have from him a reply to that letter, in which he demonstrates very clearly that the gentleman from New Jersey [Mr. LEHLBACH] is thoroughly in error, and that the action taken by the department was upon the recommendation of Republican and not Democratic inspectors, whose action was correct. The gentleman from New Jersey [Mr. LEHLBACH], as an honorable man, must apologize or prove his charge.

The SPEAKER. The time of the gentleman has again expired.

The letters referred to are as follows:

COMMITTEE ON THE POST OFFICE AND POST ROADS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., October 9, 1919.

Hon. A. S. BURLESON,
Postmaster General, Washington, D. C.

MY DEAR SIR: A few days ago Representative LEHLBACH, of New Jersey, addressed the House in connection with the appointment of presidential postmasters under the Executive order of March 31, 1917, and reference was made to the number of cases referred by you to the Civil Service Commission for review of the ratings; also the Newark case.

Will you kindly advise me promptly how many cases at the present time have been returned by you for the purpose of having the ratings reviewed and are still with the Civil Service Commission, who were the inspectors who investigated the charges of political activity against Mr. Bock, former postmaster at Newark, N. J., and with which of the political parties is each affiliated, if you know?

It has been claimed by Mr. LEHLBACH that the charges in the case of Mr. Bock were not substantiated by the evidence. Will you kindly advise me as to this? Also furnish me with a copy of the report made by these inspectors who visited Newark, and any other pertinent facts which may have a bearing on this case, so that I may know the facts.

Sincerely, yours,

JOHN A. MOON.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., October 8, 1919.

Hon. JOHN A. MOON,
House of Representatives.

MY DEAR JUDGE MOON: Receipt is acknowledged of your letter of the 3d instant, relative to statements made on the floor of the House by Representative LEHLBACH with respect to the appointment of presidential postmasters under the Executive order of March 31, 1917. I wish to state that the number of cases handled since this order was issued is as follows:

Number of nominations from eligible register, 1,267.

Number of nominations of first eligible, 1,188, or 93.7 per cent.

Number of nominations of other than first eligible because of death or refusal of first eligible to accept, 26, or 2 per cent.

Number of cases where other than first eligible was nominated because of character or residence of No. 1, 35, or 2.8 per cent.

Number of nominations of other than first eligible for various reasons, such as health of No. 1, tuberculosis, skin disease, etc., 18, or 1.5 per cent.

Number of cases still in the hands of the Civil Service Commission, 466.

Number of cases before the President for consideration awaiting determination of the application of the act of July 11, 1919, 35.

Number of cases certified by the Civil Service Commission but still under consideration by the department, 285.

In his statement on the floor of the House, Mr. LEHLBACH stated that: "While it was well known that in a number of cases vacancies have been unfilled for a year or more because of the Postmaster General's failure to coerce the Civil Service Commission to change its ratings in compliance with his desires, it was not believed that his contumacy and effrontery had developed to such astounding proportions that 786 of the most important post offices throughout the country are left without permanent appointees to administer them. He speaks of 466 of such cases being still in the hands of the Civil Service Commission. It will be interesting to note, should he eventually comply with the House resolution, how many of these cases are still in the hands of the Civil Service Commission because of reference by the Postmaster General on the ground that the original ratings were improper."

Mr. LEHLBACH apparently is under the impression that acting postmasters are serving at all of these offices, but as a matter of fact there are acting postmasters at only approximately 25 per cent of these offices. In the remainder of the cases the present incumbent has either resigned or is not to be reappointed, but is continued in office until his successor is appointed and qualified, so that many of the offices referred to by Mr. LEHLBACH are in charge of regularly appointed postmasters. Of the 466 cases still in the hands of the Civil Service Commission, Mr. LEHLBACH stated that it would be interesting to note how many of these cases are still in the hands of the Civil Service Commission because of reference by the Postmaster General on the ground that the original ratings were improper. Had Mr. LEHLBACH made the slightest inquiry he could easily have ascertained either from the Civil Service Commission or the Post Office Department that of the 466 cases referred to only 23 had been returned to the commission for review because of protests filed with the Post Office Department, and that the remainder were referred to the commission for the purpose of holding an examination to enable it to certify an eligible register which had not yet been done.

With reference to the investigation at Newark, N. J., Mr. LEHLBACH stated: "When the charge was lodged against Postmaster Bock two post-office inspectors were sent to Newark to make an investigation. They took statements of a number of the people in the city of Newark; they thereupon falsified certain of the statements, and on the basis of the statements so falsified made their report, which received the formal approval of the chief inspector. When the papers were referred to the Civil Service Commission the suspicions of that body were aroused on the face of the case, and Mr. Doyle, of the commission, was sent to Newark to make a personal investigation. He discovered the fact that the statements of several persons had been altered, and procured from them correct statements and also affidavits to the fact that the earlier statements had been falsified."

In accordance with your request, I wish to state that the two post-office inspectors referred to were both Republicans and of the same political faith as Mr. Bock. As requested by you, I am inclosing a copy of the report of these inspectors, also Exhibits A, B, and C. It requires but a reading of this report to show that the inspectors making the investigation were not only broadminded, but absolutely just and fair in their conclusions. The report also shows how groundless is Mr. LEHLBACH'S statement. Mr. Bock was perniciously active in politics, and his actions are a matter of record and the record speaks for itself. It shows that he not only violated the orders of the department which had been issued by a Postmaster General of his own political faith, but during the time he was postmaster solicited contributions for political purposes and disbursed the funds so collected. It is true, as charged by Mr. LEHLBACH, that one of these inspectors has since been promoted. The inspector referred to is Mr. Mosby, who was only recently appointed inspector in charge, and appointed solely because of his record, not only as a fearless investigator but one who did not hesitate to present the facts as disclosed by his investigations. There can be no question that Mr. Bock was guilty of pernicious political activity; that he has not only violated orders issued by a Postmaster General of his own political faith, but his actions were highly repugnant to and in violation of the very principle of civil service. At a time when the administration is endeavoring to remove these positions as far from political patronage as possible, to appoint a man guilty while holding office of such pernicious actions, of which Mr. Bock is clearly shown to be guilty, would be in violation of the spirit and letter of the Executive order issued by the President on March 31, 1917.

Very sincerely,

A. S. BURLESON,
Postmaster General.

REPUBLICAN COUNTY COMMITTEE OF ESSEX COUNTY,
Newark, N. J., July 15, 1912.

DEAR SIR: The Republican county committee of the county of Essex is preparing for an active and aggressive campaign for the reelection of President William Howard Taft and Vice President James Schoolcraft Sherman.

The election of the entire Republican ticket in the city, county, State, and Nation is of the utmost importance to those who believe in representative government and in the principles of the Republican Party.

The legitimate expenses in this county of a campaign of this kind are necessarily heavy, and these expenses must be met by voluntary contributions. If you believe in the great Republican principle of protection to American industries, and desire to maintain the integrity of the Republican Party, you are earnestly requested to make as large a contribution as possible.

By giving this your prompt, thoughtful, and favorable consideration you will greatly aid and encourage this committee.

Very truly, yours,

FRANK J. BOCK, *Treasurer.*

Please make checks payable to Frank J. Bock, treasurer, Strauss Building, Newark, N. J.

Subject: Charges against the postmaster, Newark, N. J.
Case No. 250114-C. H. B. Mosby, W. B. Robinson.

WASHINGTON, D. C., *May 19, 1913.*

The CHIEF POST-OFFICE INSPECTOR,
Washington, D. C.

SIR: We have the honor to return herewith the above-numbered case, which relates to charges that the postmaster, Frank J. Bock, at Newark, N. J., "has been neglecting his official duties in the interest of a real estate business and other projects in which he is concerned, and that for

a long period of time after his appointment as postmaster he retained the position of treasurer of the Essex County Republican committee and in said capacity was particularly active in politics," and we present the following report as the result of a personal investigation at the office named from the 13th to 16th instant, both dates inclusive:

As to the charge of neglecting his official duties in the interest of a real estate business and other personal projects, the investigation developed that the same was not well founded. Interviews with employees and patrons of the office disclosed that the postmaster has devoted, since he assumed charge of the office, about six hours daily to his official duties. While he has no fixed office hours, as a rule he reports at the office about 9 a. m. and remains thereat until noon, returns to the office about 2 p. m. and remains until 5 p. m., and frequently visits the office in the evenings after business hours.

The official duties performed by him consist of general supervision of all divisions of the office; personal attention to complaints by the public and to all correspondence of importance; reviewing reports and financial statements of the office; selecting employees and assigning their duties; the discipline of employees and presiding at semimonthly conferences of the various supervisory officers for considering ways and means of improving the local service; and making daily tours of the workroom and the various divisions of the office. It might also be stated that he has, since January 1, 1913, given much personal attention to the inauguration and handling of the parcel-post system.

From careful inquiry and observation we are satisfied that, as a result of the intelligent personal attention the postmaster has devoted to the office, there has been much improvement in the service, and this is a subject of frequent favorable comment on the part of the employees and the public.

As to the attention he devotes to his private business, we found that the time he thus consumes would average probably two hours daily, and that his private business does not require his daily attention. He has charge of the sale of the residential lots of a real-estate company, which some years ago laid out a large tract of land, but most of the lots have since been sold; and Mr. Frank B. Sinnott, a real-estate agent and candidate for the postmastership, stated to us that in his opinion the small amount of unsold lots required but little of the postmaster's attention. The postmaster's stenographer, who impressed us with his apparent truthfulness, said the postmaster did not give in excess of two hours daily to his private business, and this was either in the mornings before office hours or at lunch time; that the real-estate business was not conducted at the post office, and he had not written for the postmaster any letters pertaining thereto.

Referring to the charges of political activity, the postmaster has been for a number of years one of the leading Republican politicians of the city of Newark and county of Essex, N. J., and is generally so recognized. He was appointed postmaster January 16, 1912, and assumed charge of the office February 9, 1912, at which time he was acting treasurer of the Republican county committee of the county of Essex and chairman of the Republican committee of the ninth ward, Newark, N. J. These positions he continued to hold, and on October 1, 1912, was regularly elected to the office of treasurer of the Republican county committee. In the capacity of treasurer and war chairman he served actively throughout the presidential primary campaign in the spring of 1912, and the presidential and municipal campaigns in the fall of that year. He resigned the treasurership of the county committee December 27, 1912, and chairmanship of the Ninth Ward February 28, 1913. An examination we made of the minutes of the Essex County Republican Committee established these facts. As treasurer of the Essex County Committee, Mr. Bock solicited campaign funds by means of circular letters, bearing his stamped signature as treasurer, one of which we secured and submit herewith as Exhibit A. He disbursed, by means of checks bearing his signature, the funds of the committee and handled all finances pertaining thereto. However, there was no evidence adduced that any circular, bearing his name as treasurer and soliciting political contributions, was sent to any post-office employee at Newark, N. J., or that he, while postmaster, attempted to influence any of the employees politically. He also attended the regular monthly meetings of the committee as an officer thereof, and was present at call meetings for the discussions of party matters, such as the making of a slate of delegates to political conventions and a slate of candidates for municipal offices of the city of Newark. He participated vigorously in the discussions at such meetings, according to the statement of the recording secretary.

As chairman of the ninth ward Republican committee he called meetings of the ward committee and presided thereat; he recommended to the county committee persons for appointment as challengers and workers, and at the elections of 1912 and at previous elections he was active in supervising the efforts of poll workers and others employed in like capacity. In the ninth ward he is and has been the recognized active leader of the Republican Party. These facts were obtained from personal interviews with various Republican leaders in Newark, some of whom are personal and political friends of the postmaster; from officers of the committee, and from prominent members of opposite political faith.

The postmaster admitted that he had been an active political leader up to the time of his appointment as postmaster, but denied any activity since that time, claiming that he held the position and performed the duties of committee treasurer in a perfunctory way. However, he stated that he, as ward chairman, called the political meetings and presided thereat, but this, too, in a perfunctory manner; and he did not deny that he received political contributions and signed all checks in payment of bills incurred by the county committee.

As bearing upon the credibility of the postmaster's statement to the effect that after his appointment as postmaster his position as treasurer and the performance of the duties incident thereto were merely perfunctory, it is worthy of some notice that the members of the county Republican committee regarded the position of treasurer as filled by him as being so "perfunctory" as to merit his reelection on October 1, 1912. After his appointment as postmaster he stated he considered the advisability of resigning as ward chairman and county committee treasurer, but was persuaded by the county chairman, Mr. Dalrymple, to hold the positions until after the fall election.

As further evidence of the postmaster's active participation in politics since his appointment as postmaster, we submit herewith notices (Exhibits B, C and D) of three different Republican committee meetings called by the county chairman, Alfred D. Dalrymple, and John R. Flavell, secretary, under dates of August 14 and October 12, 1912, the headings of which bear conspicuously the name of Mr. Bock and other officers of the committee. Mr. Bock was present and voted at the afternoon meeting of August 14, 1912 (Exhibit B), when the candidacy of certain favored persons for the Republican nomination for various county and municipal offices was indorsed by the executive committee.

We interviewed numerous persons of political and business prominence in the county of Essex, from whom the facts herein set forth were obtained, some of the more prominent persons being as follows:

Simon P. Northup, title officer, Prudential Building.
John F. Sinnott, real estate dealer and Democratic eleventh ward chairman.
John M. Rodabeck, automobile commissioner.
B. W. Terlinda, publisher and ninth ward Democratic chairman.
Jerome T. Congleton, member Republican county committee, eleventh ward chairman.
John R. Flavell, secretary of county Republican committee.
D. F. Gavin, recording secretary Republican county committee.
E. Tracy Lauterman, newly appointed postmaster, East Orange, N. J.
Fred T. Sticler, superintendent of mails.
William F. Cyphers, assistant postmaster.

Each of the above-named persons stated that it was the general understanding that Mr. Bock was one of the three or four active and influential Republican leaders of Essex County, and that he was very active during the 1912 political campaigns in furtherance of the interest of the party and its candidates.

Mr. Terlinda, Democratic ward chairman of the ninth ward, stated that on election day in the fall of 1912 Mr. Bock rode over the ninth ward consulting with and advising the Republican workers, and that he was the recognized active Republican leader of that ward.

Jerome T. Congleton, a member of the Republican county committee in 1912, stated that Mr. Bock participated in the committee meetings and party conferences and caused the ninth ward Republican committee, of which he was chairman, to indorse the candidacy of John L. Reid for mayor, and secured for him a like indorsement of the county committee as against Louis V. Aaronson.

D. F. Gavin, recording secretary of the Republican county committee, and a warm personal friend of the postmaster, stated that Mr. Bock regularly attended, during 1912, the meetings of said committee and actively participated in the political discussions which occurred thereat; that his political activity during the 1912 campaigns was greater than that of the chairman of the committee, Mr. Dalrymple; that as treasurer of the committee he collected money for campaign purposes and for the expenses of the committee; that he was also chairman of the ninth ward Republican committee during 1912, and his duties as such consisted of calling meetings of the committee and presiding thereat, of selecting election workers, of seeing that measures were taken to insure the proper organization of the Republicans of the ward, and their active participation in the campaign; that Mr. Bock was active in his ward on election day in the fall of 1912 advising the workers; that it was Mr. Bock's efforts that secured the executive committee's indorsement of the candidacy of Mr. Reid for the Republican mayoralty nomination; and that he was influential in organizing the Taft Republican Club and was president thereof in 1912.

Charles Meyer, stenographer in the postmaster's office, stated with reference to the postmaster's political activity, that in company with Mr. Dalrymple and other party leaders the postmaster attended the Chicago convention in June, 1912; that at the request of the postmaster he wrote and mailed for one Rodriquy, during office hours, several letters of invitation to a reception to be given in honor of the candidates for delegates to the Republican national convention at Chicago (Exhibit E); that he had noticed stationery of the county committee on the postmaster's desk; that it is generally understood that the postmaster and three or four others are the political leaders of Newark; and the assistant postmaster, Mr. Cyphers, while having little knowledge of political affairs, stated that the postmaster was regarded as one of the political leaders of the county.

The facts disclosed by the investigation reveal that Frank J. Bock, postmaster at Newark, N. J., was particularly active during 1912 in politics as an officer of the Republican county committee and also as an officer of two other political organizations; that his activity did not cease, and that he did not resign his political positions until the campaign of last year had been terminated. His actions in this respect have been prejudicial to the best interests of the service; have been contrary to the spirit of the civil-service law and rules, and directly opposed to the long-established policy of the department as set forth in a letter of the Postmaster General, inclosed herewith, dated November 20, 1906, to the President of the Civil Service Commission, in which it was stated:

"* * * You are informed that it is not the practice of this department to prohibit postmasters from holding positions as members of political committees, but it does prohibit them from serving in the capacity of officers of such committees."

Said letter was embodied in the "Civil Service Act, Rules and Executive Orders, edition of June, 1908," and on page 32 of said pamphlet it was stated, being an extract from Executive instructions of July 14, 1886:

"The influence of Federal officeholders should not be felt in the manipulating of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair; and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns."

Therefore we recommend the removal of the postmaster and the closing of the case. Form 577 is submitted herewith.

Very respectfully,

H. B. MOSBY,
W. B. ROBINSON,
Post Office Inspectors.

EXHIBIT B.

REPUBLICAN COUNTY COMMITTEE OF THE COUNTY OF ESSEX,
Newark, N. J., August 1½, 1912.

DEAR SIR: A special meeting of the executive committee of the Republican county committee will be held at headquarters, corner Halsey and Academy Streets, Newark, N. J., on Monday afternoon, the 19th day of August, at 4.30 o'clock sharp.

You are earnestly requested to be present.

ALFRED N. DALRYMPLE, *Chairman.*
JOHN R. FLAVELL, *Secretary.*

EXHIBIT C.

REPUBLICAN COUNTY COMMITTEE OF THE COUNTY OF ESSEX,
Newark, N. J., August 1½, 1912.

DEAR SIR: A special meeting of the elective members of the county committee will be held on Monday evening, the 19th instant, at 8 o'clock sharp, at headquarters, Strauss Buildings, Halsey and Academy Streets,

Newark, N. J., for the purpose of suggesting candidates for nomination to be voted for at the primary on September 24 next.

Every member is earnestly requested to be present.

Respectfully, yours,

ALFRED N. DALRYMPLE,
Chairman Republican County Committee.
JOHN R. FLAVELL,
Corresponding Secretary.

EXHIBIT D.

REPUBLICAN COUNTY COMMITTEE OF THE COUNTY OF ESSEX,
Newark, N. J., October 12, 1912.

You are cordially invited to attend a Republican mass meeting to be held at Krueger's Auditorium, Belmont Avenue, Newark, on Tuesday evening, October 15, 1912, at 8 o'clock.

Hon. Edmund W. Wakelee, chairman of the Republican State committee, will preside.

Hon. Chauncey M. Depew, the world-famed orator, will speak.

Addresses will also be made by Louis V. Aronson, Republican candidate for mayor of Newark, and the Republican city, county, and congressional candidates.

Music by Voss's band. Ladies invited.

ALFRED N. DALRYMPLE, *Chairman.*

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. STEENERSON. Will the gentleman withhold that for a moment? I want to make a motion with reference to the Hawaiian post-office bill.

Mr. WALSH. I withhold the point for a moment.

POSTAL SERVICE IN HAWAII.

Mr. STEENERSON. Mr. Speaker, I desire to call up from the Speaker's table the Hawaiian post-office bill, H. R. 7972, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Minnesota calls up the bill (H. R. 7972) to improve the administration of the postal service in the Territory of Hawaii, with Senate amendments, which the Clerk will report.

The Senate amendments were read.

The SPEAKER. The gentleman from Minnesota moves to concur in the Senate amendments.

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman a question. Is not the postmaster at Honolulu getting $4,000 a year now?

Mr. STEENERSON. No; he is not. He is getting $3,600, and this bill provides for making branch nonaccounting offices of all the other post offices in the islands, which will increase the work of the postmaster at Honolulu, in the opinion of the Postmaster General, so that he is entitled to $4,000. The Postmaster General approves. The gentleman from Hawaii [Mr. KALANIANAOLE] is present, and he asks me to make this motion.

The SPEAKER. The motion is on concurring in the Senate amendments.

The Senate amendments were concurred in.

Mr. WALSH. Mr. Speaker, I renew my point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that no quorum is present. In the opinion of the Chair no quorum is present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following-named Members failed to answer to their names:

Ackerman	Dallinger	Graham, Ill.	Lee, Ga.
Andrews, Md.	Darrow	Griest	Lesher
Anthony	Davey	Griffin	Linthicum
Babka	Davis, Minn.	Hardy, Tex.	Little
Bacharach	Dempsey	Haugen	Luce
Baer	Dewalt	Hersman	McAndrews
Bell	Dooling	Holland	McArthur
Benson	Doremus	Houghton	McClintic
Bowers	Doughton	Hull, Iowa	McKenzie
Brand	Dupré	Husted	McKinley
Britten	Dyer	Hutchinson	McLaughlin, Nebr.
Brooks, Pa.	Echols	Ireland	McPherson
Browning	Edmonds	Jefferis	Magee
Brumbaugh	Ellsworth	Johnson, S. Dak.	Maher
Buchanan	Emerson	Johnson, Wash.	Mann
Burke	Ferris	Johnston, N. Y.	Mansfield
Caldwell	Flood	Jones, Pa.	Mason
Cantrill	Focht	Juul	Mead
Caraway	Foster	Kendall	Merritt
Carew	Frear	Kennedy, Iowa	Montague
Casey	Fuller, Ill.	Kennedy, R. I.	Mooney
Chindblom	Fuller, Mass.	Kettner	Moore, Ohio
Clark, Fla.	Gallagher	Kiess	Moore, Pa.
Classon	Gallivan	Kincheloe	Moores, Ind.
Cleary	Gandy	Kleczka	Morin
Collier	Garrett	Kreider	Mott
Costello	Goldfogle	LaGuardia	Murphy
Crago	Goodall	Langley	Neely
Crowther	Goodykoontz	Larsen	Nelson, Wis.
Currie, Mich.	Gould	Layton	Nicholls, S. C.
Curry, Calif.	Graham, Pa.	Lea, Calif.	Nichols, Mich.
O'Connor	Reed, N. Y.	Smith, Ill.	Upshaw
Olney	Riordan	Smith, N. Y.	Vaile
Osborne	Robsion, Ky.	Smithwick	Vare
Paige	Rowan	Snyder	Venable
Parker	Rowe	Steele	Ward
Pell	Sanders, N. Y.	Stephens, Miss.	Watson, Pa.
Peters	Saunders, Va.	Stephens, Ohio	Webb
Platt	Schall	Strong, Pa.	Welling
Porter	Scott	Sullivan	Wilson, Ill.
Purnell	Scully	Swope	Wise
Radcliffe	Sells	Taylor, Ark.	Wood, Ind.
Rainey, H. T.	Siegel	Taylor, Tenn.	Woodyard
Ramsey	Sisson	Thompson	Wright
Reber	Slemp	Tinkham	

The SPEAKER. Two hundred and forty-eight Members have answered to their names; a quorum is present.

Mr. FESS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

INDUSTRIAL VOCATIONAL REHABILITATION.

Mr. FESS. Mr. Speaker, I call up the bill H. R. 4438.

The SPEAKER. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

Mr. WALSH. Mr. Chairman, I desire to be recognized in opposition to the bill.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. WALSH. Yes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent——

Mr. WALSH. I am not asking unanimous consent; I am asking to be recognized.

The CHAIRMAN. The Chair was inclined to think that disposition could be made of the entire hour and a quarter.

Mr. CLARK of Missouri. Mr. Chairman, I would like to inquire if the gentleman is on the committee?

Mr. WALSH. No.

Mr. CLARK of Missouri. Is the gentleman opposed to the bill?

Mr. WALSH. I am.

Mr. CLARK of Missouri. Is there no member on the committee opposed to the bill?

Mr. WALSH. You can rake the committee with a fine-tooth comb and find nobody opposed to the bill.

Mr. CLARK of Missouri. I have no objection.

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, this bill first came to the attention of the House as a body day before yesterday although introduced some time ago. I have been busy with other matters since then and have not been able to give the bill a very careful study, and therefore I ask the indulgence of the House so far as the nature of my remarks in connection with it.

I favored the soldiers' rehabilitation bill. The other day, in the course of a discussion, reference was made to a comparison between the soldiers' bill and this bill, and some of the testimony before the committee appears to imply that this would be regarded as supplementing that legislation. There is absolutely, in my opinion, no comparison between the two measures. We were under obligations, in honor bound, to do everything possible for the returning soldiers, especially those physically disqualified for the continuance in the pursuits in which they may have been engaged previous to entering the service. That is a Federal Government duty.

We as representatives of the people are called upon to pass suitable legislation for their rehabilitation so far as it is in our power to do so. But to draw any comparison between that bill and this is to my mind absolutely begging the question. There is no reason why this bill should have any status before the Congress because we have voted for the soldiers' bill.

I am opposed to this kind of legislation, particularly at this time. It would seem to me that there could be no more inopportune time than the present to call up a bill of this nature when the very board in whose hands the execution of this legislation is to be given is under great criticism, rightly or wrongly I will not say, but they are certainly under great criticism to-day for their failure to have executed in a proper manner the legislation already intrusted to them. There can be no question

about that. We read it every day in the press, and the Committee on Rules has now under consideration a resolution for investigation.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SMITH of Michigan. What board does the gentleman refer to, the Vocational Educational Board?

Mr. TREADWAY. The Vocational Educational Board, in whose hands would be placed the carrying out of this law.

Mr. SMITH of Michigan. The gentleman does not mean the Soldiers' Rehabilitation Board.

Mr. TREADWAY. I mean the original board. Let me call attention to one or two particular figures of the bill before us. In the first place, the bill was in the last Congress, and it would seem to me that by this time it could have been properly considered by such a leading committee of the House as the Committee on Education, and presented to us in a good form.

I note that in line 4, page 1, this legislation is to apply to persons disabled, but I find no designation of what would constitute a disabled person, nor who is to decide as to that disability. There is no definition except in general terms, no provision in the bill itself in any way defining disability. That seems to me to be a very important omission in the construction of the bill.

In section 2 we find another great objection to the phraseology of the bill. It may conform to former methods of legislation, but it directly prescribes the manner in which the legislation must be passed by the States to have the so-called benefit of this legislation.

In all our States the methods of procedure varies, and it strikes me, from line 16 in paragraph 3, the absolute designation of the kind of legislation that must be passed by the State is subject to grave criticism.

Mr. BANKHEAD. Mr. Chairman, wlil the gentleman yield for a question?

Mr. TREADWAY. Yes.

Mr. BANKHEAD. Did the gentleman vote for the Fess-Hughes Vocational Educational Board?

Mr. TREADWAY. I did.

Mr. BANKHEAD. I would state to the gentleman that the same provision is in that.

Mr. TREADWAY. I understand that it is a standing provision, where there is cooperation, and I will touch upon that point later. We are getting to a very close approximation, in a great deal of legislation, of paternalistic control in Congress over State affairs, and therefore we may have to adopt some such legislation as is in this clause if this method of cooperation is to be continued between the States and the Federal Government. It is a mighty attractive sort of proposition to put up to the States to say to them, "If you will put up one dollar, the Federal Government will put up another to match it"; and that is exactly what this proposition is. You are trying to induce us, as Representatives from various States, to be able to say to our State legislatures that the Federal Government is the most liberal sort of organization going; that it will match every State dollar with a Federal dollar. But whose dollar is that that you are going to match it with? It is the money of the taxpayers of those various States, and nothing else. We have had several illustrations of this kind of legislation—of matching dollar for dollar. You are simply asking the taxpayer of your State to pay out just that much more money, and you are matching it, dollar for dollar, in the taxation scheme.

There is no question in the world that if we are to have legislation of this kind it should be handled by the States themselves. I think the State of Massachusetts was among the first to adopt the workmen's compensation act. As I recollect, that act was in 1911 declared constitutional by the supreme court of our State. One or two other States had previously adopted a workmen's compensation act, I think New Jersey and New York, and possibly others.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. BEE. If we pass this bill, what becomes of the workmen's compensation acts and the procedure in the various States?

Mr. TREADWAY. I was coming to practically the point of the gentleman from Texas. Somewhere in support of this bill I have seen reference to the statement that this is a corollary and supplements the workmen's compensation act, and should be under the control practically of the same sort of a board that handles the workmen's compensation act.

We have advanced rapidly in the workmen's compensation legislation in the various States. There are now 38 States that have such legislation. If this should supplement the workmen's compensation acts, the fact that the States have established the workmen's compensation acts is absolute argument for the continuation by that same sort of a board with the States. The States should pass this legislation rather than the Federal Government.

Mr. BEE. Unless this legislation is amended, will not the effect of it be to substitute this law in the States for the various workmen's compensation aets?

Mr. TREADWAY. I should think it was open to that criticism.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. May I have two minutes more?

Mr. WALSH. I yield the gentleman two minutes more.

Mr. TREADWAY. Mr. Chairman, I want to call attention to another section, section 5, where there is appropriated $100,000 this year and $150,000 in future years, for investigations and studies. That simply means that you are putting a number of men on the pay roll for that sort of investigation, so called.

Mr. GARNER. Propaganda.

Mr. TREADWAY. It is a propaganda, as my friend from Texas says, and has nothing to do with the rehabilitation of men injured in industrial pursuits. You are asking for appropriations reaching up to a million and half a year. In other words, for that sort of a propaganda you are going to have 10 very good positions from $5,000 down——

Mr. HULINGS. Fifteen.

Mr. TREADWAY. Fifteen positions?

Mr. HULINGS. Yes.

Mr. TREADWAY. Well, whatever the number is, for the handling of a million dollars. It is entirely out of proportion.

There has been no call for this legislation so far as the hearings go. A few educators, a few interested in this same sort of vocational education, appeared before a joint committee in the last Congress. No big industries are represented. This matter can be absolutely handled and cared for by the States. There is no public call that it should be taken over by the Federal Government.

In view of the effort to establish good, big positions, and the disproportion of the amount used for investigations, together with the drawbacks that I have pointed out in the phraseology of the bill, I am thoroughly convinced that this is bad legislation and ought not to be enacted at this time.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAPES having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

The message also announced that the Senate had passed without amendment the bill (H. R. 8986) granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.

INDUSTRIAL VOCATIONAL REHABILITATION.

The committee resumed its session.

Mr. FESS. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, it would be impossible for me within the limitation of 10 or 15 minutes to undertake a complete analysis of the provisions of this bill and the purposes sought to be accomplished under its operation. For a number of years I have thought it a strange thing that no definite and concrete policy had ever been inaugurated either by State or the Federal Government to retrain for useful and gainful employment the multiplied thousands of men and women of this Nation who become permanently crippled through industrial or occupational accidents. This necessity was presented at the hearings on the bill for the vocational retraining of disabled soldiers, but it was thought not expedient to incorporate the industrial cripples' feature in that bill. So impressed was I with the great economic and humanitarian appeal that legislation of this nature carries that in the Sixty-fifth Congress I introduced House bill 12880, which is, with only a few changes in terms, the bill we are now considering. I again introduced it early in the

Sixty-sixth Congress, and at both sessions the bill was favorably reported by a unanimous vote of the Committee on Education.

The gentleman from Massachusetts [Mr. TREADWAY] said that there did not seem to be any general demand for legislation of this character. I assert to the membership of this committee that that was one of the impelling reasons that convinced the committee after hearings of the urgent necessity for the immediate passage of a bill of this kind. The very fact that legislation of this kind has heretofore been ignored, the fact that there are in the United States of America to-day a total of 300,000 industrial cripples, for whom heretofore no coherent or concerted action has been taken by State, municipal, county, or Federal Government, the fact that there came before our committee representatives not only of all the great manufacturing institutions of the United States, representatives of the eleemosynary institutions of the country, who are interested in philanthropic institutions, representatives of organized and unorganized labor, sufficiently convinced the committee of the urgent necessity for this legislation. In fact, there appeared before the joint hearings on this bill representatives of every class of our people, who showed us the urgent necessity for decisive and immediate legislation upon this great problem. Among them were Dr. R. M. Lieter, director American Museum of Safety; Charles H. Verrill, United States Employees' Compensation Commission; Samuel Gompers, president American Federation of Labor; Frederick W. Keough, president National Association of Manufacturers; John B. Andrews, secretary American Association for Labor Organization; John Mitchell, chairman New York Industrial Commission; Arthur E. Holder, representative of labor on Federal Board; Douglas C. McMurtrie, director Red Cross Institute for Crippled and Disabled Men of New York.

Now, what is the problem with which we have to deal? For years and years we have had going on in this country in our industries, in our manufacturing establishments, on our farms, in our mines, on our railroads, an annual toll of permanent cripples that amounts to staggering figures. Gentlemen of this committee would probably be amazed at the number. I regret I have not time to go into an analysis of them for the various occupations, and a statement of the astounding number of these disabled men and women there are in this country to-day, amounting at least to 300,000 and increasing annually all the time, more than 50 per cent disabled in their earning capacity. Now, what is the character of moral and national duty that we owe to these people, if we owe them any? Why, when our soldiers went to the front there was no man here who said we did not owe a duty to retrain those who came back disabled, because they were serving their Government in a great national crisis.

But you take these men and women covered by this bill, were they rendering any service to the Government? Why, they are composed of people of every element of our citizenship, of men who are injured upon railroads carrying on the transportation facilities of the country absolutely necessary for its economic and industrial life; men injured down in the bowels of the earth, working in the coal mines to produce fuel which will sustain the life of the Nation against the rigors of winter; and women, if you please, all over this country working in the shops to earn an honest living for themselves and their families; and a great preponderance of these, hundreds of thousands who are business men, men with families dependent upon them. What is the result when they are disabled? Not only the enormous economic loss that ensues because of the loss of their earning capacity, but in addition to that loss they become a positive charge in a great number of instances either upon charity or the generosity of the community in which they live. They compose the aggregate in industry in this country, my friends, who have become not by their own choice but by some misadventure so crippled that they can not earn a living. What does this bill propose? That the Federal Government shall take charge of them and educate them? Not at all. The bill expects national leadership, but the real burden will be upon the States. There are any number of precedents for that policy. Take the Smith-Hughes vocational educational bill, passed a few years ago, that has now been adopted by every one of the 48 States of this Union. What did that provide for? That bill—and the gentleman from Massachusetts voted for it, and I doubt not the other opponents of this measure voted for it—provided that the Government should cooperate with the States for the education of normal pupils in the schools, not crippled, not unfortunate, not maimed, not handicapped, but in the possession of their normal faculties. Why? Because this Government recognizes that the progress and prosperity of this Nation depends upon the aggregate intelligence and efficiency of its citizenship. Therefore we appropriated a million dollars a year under that bill, to be distributed to the States in proportion to their population, like we propose in this bill for this purpose. To educate the youth of this country along the line of intelligence and efficiency, avocations and pursuits. Now, what does this bill propose to do? To follow exactly the same principle of legislation. The purpose of this bill is not so much for the money that may come out of the Federal Treasury, but the main purpose is to give Federal leadership and inspiration and stimulus to this great movement. The result, when it is put into effect, will be like that of the Smith-Hughes bill, under which already 200,000 pupils of this country are in vocational schools learning to increase their efficiency.

Mr. WALSH. Will the gentleman yield for a question?

Mr. BANKHEAD. I will.

Mr. WALSH. Does the gentleman contend that because the States have not performed their duty toward its unfortunates that therefore that duty rests upon the Federal Government to do it?

Mr. BANKHEAD. Why, if the States had failed to perform their duty in the building of good roads, the Federal Government went to their assistance; and in regard to agricultural extension, the Government went to their assistance under the provisions of the Smith-Lever bill. In the case of the land-grant colleges, this Nation bestowed an aggregate of its lands to the extent of millions and hundreds of millions of acres to aid the primary education of the public schools of this great country. The following summary discloses what the Federal Government has done directly to aid primary and higher education:

Total of national grants for education.

[From Monroe's Cyclopedia of Education, article on "National Government of the United States and education."]

Grant and purpose.	Acres granted.	Fund derived from sales.	Probable future income.[1]	Total income.
1. For common schools:				
Sections for schools	81,064,300	$103,000,000	$410,000,000	$513,000,000
Saline grants	900,000	1,000,000	.....	1,000,000
Five per cent of land sales	.....	7,187,316	7,000,000	14,000,000
Surplus revenue	.....	14,000,000	.....	14,000,000
Internal improvement act	5,000,000	6,000,000	8,000,000	14,000,000
Swamp-land grants	45,000,000	15,000,000	2,000,000	17,000,000
Forest reserve per cent	.....	1,000,000	[1] 25,000,000	26,000,000
Total	131,964,300	147,187,316	452,000,000	599,000,000
2. Aid for higher education:				
University grants	3,407,643	5,000,000	27,500,000	32,500,000
Land-grant colleges—				
Grants of land	11,367,832	13,736,178	25,000,000	39,000,000
Experiment station grants	.....	14,000,000	[1] 30,000,000	44,000,000
Laws 1890 and 1907	.....	23,920,000	[1] 62,500,000	86,420,000
Total	14,775,475	56,656,178	145,000,000	[2] 200,920,000
3. Grants for other types of schools:				
Normal schools	1,500,000	2,500,000	17,500,000	20,000,000
Deaf, dumb, and blind	560,000	.....	5,600,000	5,600,000
Reform schools	500,000	.....	5,000,000	5,000,000
Total	2,560,000	2,500,000	28,100,000	30,600,000
4. Summary of grants	149,299,775	206,343,494	[2] 725,100,000	[2] 829,520,000

[1] Calculated for 20 years from 1911 at present rate of increase.
[2] These totals are not the correct sums of the items, but are given as shown in the work cited.

And that is one reason why the Government should undertake it, because no other institution or agency or political subdivision up to this hour has. What is the result? Why, we have this enormous wastage in our industrial life. It amounts annually in loss of earning capacity to $100,000,000. You have seen these beggars with little tin cups in their hands on the street, or selling pencils, or in the poorhouse. You have seen these people maimed and handicapped; and what we propose to do here——

Mr. GARLAND. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. GARLAND. I will state to the gentleman that the State of Pennsylvania has this sort of a bill at work.

Mr. BANKHEAD. I am glad to hear it. This will only be an additional amount to go to them. Now, who controls the operation of this measure? It is not the Government taking charge of State affairs. If you will read the bill you will find that the State board of vocational education or State board of Federal compensation shall be in actual control of the retraining; and this answers the question of my friend from Texas. This does not handicap in the slightest degree the operation of State compensation now, but only provides where there are compensation boards that the legislature of the State shall pass proper laws to make them assistants in the administration of this law within the State. That is all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield the gentleman five minutes additional.

Mr. OLIVER. To what extent will the appropriations carried by this bill really give relief to the 300,000 cripples of the country, and how is the money carried in this appropriation to be expended by the different States?

Mr. BANKHEAD. If my friend will read section 1 of the bill, on page 3, he will see that it provides that the funds provided shall be expended in the State under the supervision or control of the State board.

Mr. OLIVER. Take, for instance, Alabama; and that State will be entitled to about $17,000 out of this appropriation; and it is not intended that the board and lodging of those who are taking training shall be paid out of this sum, and yet it seeks to offer benefit only to those who are unable to give the training to themselves. How would the $17,000 provide any adequate aid to any large number of cripples in our State?

Mr. BANKHEAD. I will say to my friend that it is a meager beginning, but the real burden is put on the States. If they want to make it effective, they have got to help. The Federal appropriation is limited, and I anticipate the same experience that we had with land-grant colleges all over the country. The gentleman from Ohio [Mr. FESS] pointed out that at least twenty times more has been spent by each State than has been spent by the Federal Government in those great institutions of learning. The States are not compelled to accept the provisions of this act if they do not wish to do it. It is entirely optional with a State whether it desires to accept the benefits of this legislation. As I stated, the main purpose of the legislation is to start and give stimulus and dignity to the leadership in this great humanitarian purpose.

Mr. BLACK. If the gentleman will permit, I would like to ask him a question on just one phase of the bill. It provides that this relief shall only be extended to those who are injured in certain cases. If a man is disabled by any sort of action, why should he not come under the provisions of this bill?

Mr. BANKHEAD. The purpose of this bill, I will state to the gentleman, is to give any man who may be injured in any form of legitimate occupation or enterprise an opportunity to take advantage of it.

Mr. BLACK. Why should it be necessary he should be in an active pursuit?

Mr. BANKHEAD. There was a difference of opinion whether it should not embrace people of all classes, people suffering from occupational diseases, like tuberculosis, and so forth, but the majority thought it unwise to extend the field that far, and so we put reasonable limitations upon the purposes of the bill.

Mr. TREADWAY. Will the gentleman yield?

Mr. BANKHEAD. For a brief question.

Mr. TREADWAY. I would like to ask if this pamphlet, the joint hearings, which I hold in my hand, contains all of the hearings held on the bill?

Mr. BANKHEAD. Yes; in substance. In the last Congress I introduced this bill and Senator SMITH of Georgia introduced it in the Senate. We had these hearings, and they covered every phase, as we thought, and the conditions are exactly similar now as they were then. Therefore we thought it unnecessary and unwise to hold additional hearings on this bill.

Mr. TREADWAY. I am not criticizing the committee's attitude. The gentleman in criticizing my statement that there was not a general call for such legislation as this denied that position and referred to the hearings. Now, I have carefully looked them over, and I find that 12 gentlemen testified. I would like to ask if he thinks those gentlemen represent the best sentiment of the country?

Mr. BANKHEAD. They practically represented every element of industry and society in the United States in a large sense. Of course, I do not mean in a specific and limited sense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Massachusetts asks the same privilege. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, I yield eight minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, it is with some hesitancy that I rise to oppose the bill sponsored by the distinguished gentleman from Ohio [Mr. FESS] and by my friend who has just left the floor. In asking for this legislation I know that those gentlemen are actuated by no improper motives, and I feel sure that they, at least, are convinced that the legislation is proper. But I do believe, however, gentlemen, that it is possible for a good man to be carried away with his hobby. And I do not believe that an investigation of the hearings on this bill, that were conducted at the last Congress—there being no hearings during this Congress—and a realization of the time will justify this legislation. And for that reason, at this time, I desire to speak against the bill.

There can be no question but that if this legislation is right we should take the further step and offer the vocational training and rehabilitation to the man that becomes sick and afflicted by reason of his service in these institutions, the same as the man who is crippled. And if the principle here is right, the Federal Government should take charge of all State affairs. Take the State of Kansas, for instance, and we have a compensation act, under which it is supposed to take care of these cases. Our law is supposed to be just and equitable in those cases. While there is not any money appropriated by this bill for the care of the cripple, there is money appropriated to justify further investigations of his condition and to authorize a pay roll and a large number of appointees to go into those investigations.

Mr. FESS. Will the gentleman yield?

Mr. TINCHER. Gladly.

Mr. FESS. Does the gentleman use the term "appropriated" technically?

Mr. TINCHER. No; I do not mean to use it technically. I take it, however, if this Congress sees fit to undertake this legislation, that the appropriations herein authorized would, as a matter of course, follow from the Committee on Appropriations. And I would dislike to support a bill which mentions an appropriation or authorizes an appropriation unless I would be willing and glad to vote for that appropriation when asked for by the Appropriations Committee.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Certainly.

Mr. FESS. What does the gentleman mean when he says that it does not appropriate anything for the training of the cripples, but does for the administration?

Mr. TINCHER. As I understand the measure, I say you take the man who is taken care of by the workmen's compensation act and he can not qualify under this act.

Mr. FESS. The gentleman is mistaken.

Mr. TINCHER. You say that the man who is taken care of by law under that can still say that he is disabled and unable to care for himself and can come under this act?

Mr. FESS. Will the gentleman yield again?

Mr. TINCHER. Yes.

Mr. FESS. The gentleman is incorrect in that statement.

Mr. TINCHER. My best understanding of this bill—and if I am wrong in it I want the gentleman from Ohio to correct me in his own time—is that it authorizes duplicate investigations. It authorizes the expenditure of money, just as we are prone to do here in Congress, where the State is already spending money for the same purpose. My understanding is, if the gentleman will pardon me, that it will take too much money to administer this law, and I believe I am justified in that position by reason of the attitude of the country to-day toward the board in which you invest the authority to administer this law. That board to-day is on trial, under the charge that it is incompetent to expend the money properly that is already appropriated to it.

If any individual were on trial, charged and accused by the people whose money he was spending that he did not know how to properly expend that money and was not properly expending it, you would hesitate about putting more responsibility and intrusting more money in the hands of that individual, and it is the same way with Congress in respect to an institution like this. Congress ought to hesitate about placing more money in the hands of this institution to expend. Congress would not think of doing such a thing in the case of an individual, and it should not think of doing it in the case of this board.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BANKHEAD. Has the gentleman heard any criticism of the Federal board because of its failure to carry out the Smith-Hughes Vocational Act, similar in character to this?

Mr. TINCHER. I have not; but I have heard of this Vocational Board conducting as many as three or four examinations on one soldier boy before admitting him to training when one examination ought to have been sufficient, and still withholding him from school on the ground that there was something wrong with him before he enlisted in the Army. I may say that since

then they have backed down and admitted that they reached that decision improperly.

The very day that this bill came before the Committee on Rules that committee was engaged in hearing testimony against this board; and now the Congress, which is supposed to reduce appropriations and revenues——

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Oklahoma?

Mr. TINCHER. No; I have but a moment. The gentleman can get time in his own right. We are starting an appropriation which we know is just a beginning. This is just a postage-stamp starter. Gentlemen know that if this Vocational Board, the same that is here now, starts in with this proposition, it will be here in a few months asking for millions of dollars of appropriations.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. FESS. Has there been any increased demands upon the Federal Treasury by the land-grant colleges under the Smith-Hughes bill and under the Smith-Lever bill? This is fixed.

Mr. TINCHER. Will the gentleman permit me to make this answer? This board to which you are intrusting this proposition asked this Congress for $6,000,000. You gave them four millions and a half. They asked for $6,000,000 additional. The President said it was not enough. They are going now to ask Congress for $21,000,000 for another proposition, when every soldier in the United States that I have had any dealings with says they are not carrying out properly the provisions of the law and are wasting the money that has already been appropriated. Until they are cleared of the charge that is being brought out now by the Committee on Rules I say that this Congress, which is supposed to be conservative and in favor of reducing taxes on the taxpayers of this country, ought to pause and consider this matter very carefully. I am opposed to this legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GOOD].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. GOOD. Mr. Chairman, I realize there are many things that so appeal to the tender sympathies of every man that he would like to do something to aid in alleviating suffering wherever it may be found. The poor, the crippled, and the aged, who can not care for themselves, appeal to us, and appeal to us very strongly, indeed; but I am persuaded that the care of them ought to be provided for by the taxation of the several States, which have a power over taxation and the collection of money that the Federal Treasury does not possess.

Already I feel that we have gone far afield, especially when we view the condition of the Treasury of the United States as a result of the war. Prior to the outbreak of the war the bulk of our revenue was raised by indirect taxation, and a very large portion of it came from the tariff. For the calendar year 1917 3,500,000 men and women in America made income-tax returns. The most we ever raised in a single year by customhouse duties was $334,000,000, and last fiscal year we raised only about $184,000,000. I do not care how you adjust the tariff, you will probably never again get tariff duties that will bring in a sum more than the $334,000,000 that was collected in the fiscal year 1910.

Why do not the States do this? Every State legislator, owing his place to the electorate of a county or a district, is apprehensive of that electorate when election day comes around if he has done anything to increase taxation. And yet you are about to take a step here now—and I assume that you will take it—that is going to mean increased taxation to the American people. We are going to talk about economy, but no man—I care not which side of the aisle he sits on—can in the next elections say anything about economy or criticize the lack of economy if he votes for a bill of this kind, which absolutely requires annual appropriations.

For two weeks the Select Committee on the Budget has been holding hearings, and we were often told that not all of the blame for appropriations was attached to the committees of Congress that have appropriating jurisdiction. Much of that responsibility originates with a legislative committee that brings in a new activity for the Government to carry on, and the proper appropriating committee is powerless to do anything except to follow the law and report out an appropriation.

Let us see what we have for this fiscal year, so far as education is concerned and what our appropriations are for that purpose. The cooperative agricultural extension act of May 8, 1914, carried a permanent appropriation of $3,080,000. The Agricultural appropriation act for this year enlarged that by $1,500,000, making $4,580,000 to be expended by the Government this year for that purpose.

The act of February 28, 1917, creating the Federal Board for Vocational Education, carried a permanent appropriation of $3,182,000 for this year for cooperative vocational education. We have also appropriated for this year $14,000,000 for vocational rehabilitation of soldiers and sailors. I do not complain about that. The board in that respect is doing a service which was caused by the war, and I want to do everything I can to give that board all the power and all the money necessary to make self-supporting citizens out of the boys who were unfortunate in that Great War, so that they can earn a livelihood.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. GOOD. For a question.

Mr. BANKHEAD. Does not the gentleman think that all the appropriations to which he has referred meet with the full and cordial approval of the American taxpayers?

Mr. GOOD. I do not know anything about that. I have not talked with them.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. GOOD. Yes.

Mr. MOORE of Virginia. I agree with the gentleman's view. Does he think any limit could be imposed if we once started upon the policy suggested here?

Mr. GOOD. There does not seem to be any.

Mr. MOORE of Virginia. Applied to insurance against accident, insurance against sickness, to old-age pensions, and almost everything that is conceivable that would appeal to human sympathy?

Mr. GOOD. The gentleman is entirely right. Here is a family of children. The father is sick, the mother is sick, and the children are dying of disease. Are we to withhold our support from them? Here is an old man or an old lady who has been a useful citizen. Shall we deny the support that will give them a livelihood? I undertake to say that these are subjects that appeal to the human heart; but in deciding them we must decide the functions of government, and I take it that it was never the intention of the founders of this Republic and the framers of the Constitution to provide that all of these services should be paid, no matter how worthy they might be, out of the Federal Treasury.

Mr. MOORE of Virginia. May I ask the gentleman another question? Has he heard any of the supporters of this bill specify any provision of the Constitution which can be taken as a source of the power that is contemplated to be exerted by this measure?

Mr. GOOD. No; and I have not heard of a Member of Congress outside of the Committee on Education who has received a single letter from his constituents urging this legislation. I will ask any gentleman to rise who has received any such letter.

Mr. NEWTON of Minnesota. I have.

Mr. NOLAN. I have received such letters.

Mr. ANDREWS of Nebraska. So have I.

Mr. CARSS. I have.

Mr. GOOD. Only four or five Members of the House out of the 435, except members of the Committee on Education, have received letters asking for this legislation.

Mr. CARSS. Are there 435 Members here to answer about that?

Mr. DUNBAR. Will the gentleman yield?

Mr. GOOD. No; I have only a little time.

As I have stated, the act of May 8, 1914, carries $3,080,000 for this year. The act of February 28, 1917, appropriated $3,182,000. We have appropriated $14,000,000 for vocational rehabilitation. I had a report yesterday that the Board of Vocational Education had practically broken down; that it was overloaded with this work, and will admit that it can not perform it. Yet here is a bill which, according to the gentleman from Ohio [Mr. FESS], if all the industrial cripples should take advantage of it would throw 300,000 more persons upon it for consideration. Why, that board every week or two has many of the district officers not only write but wire the true records of field employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman three minutes more.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GOOD. No; I can not yield. And now you saddle upon this board, that has broken down and can not function, this enormous additional work. Read a recent statement of the American Legion, complaining that this Federal board has not functioned. After you enact this proposed bill and the soldiers and sailors complain of the failure of this board to care for them, point your finger to the act now under consideration and say to these boys that this bill made it impossible for the Federal board to function for them. The current Army appropriation

act carries $2,000,000 for vocational training. The act making provision for the agricultural colleges and colleges of mechanic arts carries a permanent appropriation of $2,500,000 for this year. All the acts I have enumerated make available for this year $26,262,000 for educational purposes. Where is the money called for by this bill to come from? Every man who votes for it must recognize that he must vote for another tax upon the American people. I firmly believe that every bill we now pass making it necessary to appropriate money out of the Treasury in the future will compel the raising of that money either by the sale of bonds or by additional taxation. Here is legislation to accomplish an object which is desirable, but I say to you that the local authorities of the States and counties should always and must always be obligated to care for their sick, their poor, and their aged, if they can not earn a livelihood and have not been able to save anything upon which to live. Are we to take in all of these? The one appeals to me as strongly as the other. If we do, instead of $1,000,000 a year, it will take $100,000,000 a year and more to provide for them. Let us make the bill comprehensive. If we are going to lend support to one person because he is unfortunate, let us extend it to all our unfortunates and do it with an open hand. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FESS. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I am glad to give my support to this legislation, which proposes Federal aid in cooperation with the States in providing vocational training for those crippled in industry, with a view of enabling them to again engage in gainful and useful occupations.

No right-minded person will, I am sure, fail to sympathize with the objects and purposes of this legislation. There are, however, some who question the necessity, desirability, or wisdom of the Federal Government embarking upon this enterprise of vocational training for those unfortunately crippled in the world's activities. It is to this view of the matter that I shall address my brief remarks on the subject.

The views of a very great many people have undergone a change in the past few years relative to the responsibility of organized society to the helpless and unfortunate. More and more the world is coming to realize the duty that rests upon society as a whole to look after, care and provide for the weak, the helpless, and the unfortunate.

So far as these duties and responsibilities are to be met and performed through governmental agencies the primary responsibility is, of course, on the local and State governments. They are to a considerable extent responsible for the conditions which surround the citizen in his employment. They are on the ground and familiar with the conditions and armed with authority to deal directly with the situation.

All this being true, it is natural that it be urged that as the responsibility is primarily that of the State and local community, as they are best qualified for the undertaking and their citizens are those most directly interested, they should assume and perform a duty and responsibility so clearly theirs.

These arguments have much force with those who realize the importance of confining the activities of the Federal Government within proper bounds, and the even greater importance of insisting that the States and their communities shall, for their own good and that of the people generally, continue to assume and exercise their local duties and responsibilities.

There is, however, a growing sentiment in favor of national leadership, stimulus, and direction in various lines in which the primary responsibility is local and in which the States and communities must wield the laboring oar, and that sentiment has been strongly expressed in behalf of legislation such as that now before us. Without minimizing State and local responsibilities for the rehabilitation and the restoration to lives of usefulness of those who suffer the accidents of industry, humanitarians, welfare workers, labor leaders, captains of industry, and forward-looking folks of all classes have urged that the Federal Government assume a position of leadership and guidance in this work of practical humanitarian endeavor.

The bill provides not only for Federal encouragement and direction in cooperation with the States in the work of preparing those injured in industry for lives of further usefulness, but it also provides for Federal contributions toward this cooperative work. These contributions will, of course, encourage the States and the communities in the performance of their duty in this regard, but more important than any cash contribution is the fact that the National Government recognizes the importance of saving industrial cripples from lives of despair and dependence; of placing them in the way of self-help; restoring them to a condition enabling them to do their useful part in the world's work. [Applause.]

Of course, it is going to cost a little money. It will actually cost a million dollars, and my, how gentlemen do hesitate to expend a million dollars in this humanitarian work! Gentlemen who have had no hesitation at all in voting billions for the destructive work of war; men who have without question or a qualm voted for appropriations running into the hundreds of millions, which, while perhaps necessary or warranted, serve no helpful purposes in the cause of humanity, in the upbuilding of the race, or in making more tolerable the conditions of living, hesitate at this comparatively small proposal of appropriation which, if wisely expended, will serve to save thousands from becoming human derelicts.

No man who ever occupied a seat in this House has spoken more frequently or more earnestly than I against undue and improper extensions of Federal authority, jurisdiction, and control. But, gentlemen, I have learned something in the more than 20 years of my service here, and I trust I have grown with the growth of the sentiment of the country in favor of progressive legislation. I trust that I can see things in the light of to-day rather than from the viewpoint of the past.

Mr. SNELL. Will the gentleman yield?

Mr. MONDELL. For a question.

Mr. SNELL. Does the gentleman regard the appropriations which Congress has voted of hundreds of millions, as he says, not necessary and desirable?

Mr. MONDELL. I have not said that. I have said that Congress has voted billions for work of destruction, and I have cast my vote for those appropriations, appropriations, as a whole, running far into billions. In the face of all that, looking at the matter from the standpoint of cost, it seems to me men are rather exaggerating the situation when they say that the spending of a single million dollars for purposes which are helpful and useful, as proposed in this bill, is a gross extravagance, and objectionable from that viewpoint.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I yield to the gentleman two minutes more.

Mr. MONDELL. We want to help keep down appropriations; we must keep down appropriations; but it seems to me that in the desire of gentlemen to keep down appropriations they should pay their attention to vast sums that are expended for purposes of more or less questionable necessity rather than to rise in opposition to these comparatively small proposed appropriations for purposes that appeal to the heart and conscience of every one of us, and relative to which the only question is whether or not the Federal Government should participate in the worthy and helpful work. I want to help keep down the vast appropriations for military purposes and out of the vast sums thus saved be able to do something for humanity.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. What has the State of Wyoming done along this line?

Mr. MONDELL. The State of Wyoming has done very good work, but will do better work under the encouragement, stimulus, and direction of the Federal Government.

Mr. WALSH. Has it a board to take care of industrial cripples?

Mr. MONDELL. I think so.

Mr. WALSH. For how many years has it had it?

Mr. MONDELL. I do not know. Wyoming may not have done as well as the great State of Massachusetts, but I believe that even Massachusetts will do more under the encouragement and stimulus of a Federal organization.

Mr. SNELL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SNELL. Will the gentleman state whether this is a desirable appropriation or one that is absolutely necessary?

Mr. MONDELL. Will the gentleman answer my question? Is it desirable that men who are crippled shall be restored to lives of usefulness, or is it essential that they should be? That question can and will be answered by the vote on this bill. [Applause.]

Mr. GOOD. Will the gentleman answer another question?

Mr. SNELL. I ask that the gentleman answer my question.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. WALSH. Mr. Chairman, I yield eight minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, the executive head of the Federal Board for Vocational Education, Dr. Prosser, in a communication sent to Members of Congress under date of August 22, estimates the number of disabilities to American soldiers, sailors, and marines resulting from the war at 250,000. That estimate includes only men who have been discharged with a disability rating of 10 per cent or more. The report on this bill

indicates that the number of persons disabled in industry only throughout the United States is estimated at 280,000. In other words, if this bill is enacted into law the burden thrown upon the Federal Board for Vocational Education will, numerically at least, be somewhat more than doubled. It had on its hands, since we gave authority under the act of June 27, 1918, 250,000 disabled soldiers, sailors, and marines; under this law there will be added 280,000 civilians who will be eligible for vocational education.

The question then arises how the action of Congress in doubling the task of the board at this time will be construed by the country. Will it be construed as an indorsement, as a testimonial of their achievement in handling the soldier problem with which they have been at work for something over a year? Is there any escape, gentlemen of the House, from the conclusion that if we double their task the country will say that Congress regards as entirely satisfactory the work that they have already done in caring for the soldier?

Mr. BANKHEAD. Will the gentleman yield? Will the gentleman explain what he means by doubling the work under the provisions of this bill?

Mr. ROGERS. I have stated that there were 250,000 soldiers, sailors, and marines within the purview of the board, and that this adds 280,000. I do not see why that does not more than double their work, from a numerical standpoint at least.

Mr. TOWNER. Mr. Chairman, I think the gentleman is under a misapprehension. Will he allow me to ask him a question?

Mr. ROGERS. Could the gentleman do it in his own time, because I have only eight minutes? Then the question arises, what the attitude of the House and the country in fact is upon the past achievements of the Federal Board for Vocational Education. I have no desire, and I know no Member of this House has a desire, to condemn without a hearing what the Federal board has done or has failed to do; but I think it is fair to say—and I think almost every Member of the House will agree with me in this—that the Federal board is not generally deemed to have been successful with its problem of rehabilitating the soldier.

I have in my hand the Vocational Summary, issued by the Federal Board for Vocational Education, for the month of September. That gives the actual number of people which have been dealt with by the Federal board during the year and three months when the act has been in operation. As I have said, there are 250,000 disabled service men. This table shows that the Federal board on August 23 had established contact with 170,000 of those 250,000 men. In other words, the Federal board had then received applications for aid from 170,00 men, and it had failed to establish contact at all with 80,000 men more. Of the 170,000 men who had appealed to the board for aid 23,000 had been recommended for training by the agencies of the board; 146,000 applicants had not been recommended or had not been reached in the machinery of the board's activities. Of the 170,000 suppliants for aid 7,812 men on August 23 had actually been put in training. In other words, less than 8,000 men had been started on their way toward vocational usefulness through the medium of the training authorized by the act of Congress. Further, I am advised on authority which I have not seen contradicted—that is, an article in the American Legion Weekly of about two weeks ago—that on September 4 33 men, having completed their training, had entered gainful occupation as a result of the board's assistance.

I am frank to say that I am not sure that those figures which I have given are correct, though they have been officially issued by the board itself. I have indicated that the board stated that on August 23 it had established contact with 170,000 soldiers. Dr. Prosser, in his communication to Congress, which I have mentioned, says that the board had established contact with only 133,000 soldiers on August 22, one day prior to the date of the report printed in the Vocational Summary. Which is right I do not know. There is a disparity of over 35,000. The Congress does not know which of those official statements is correct. Every man in this House knows that the Federal board has not yet been able to take up in earnest and effectively and efficiently the training and the placing of the great mass of our soldiers in gainful occupations.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I can not yield now. The experience of Great Britain is this: They have 1,000,000 cripples from the war. We have a quarter of a million crippled soldiers and sailors. Great Britain discharges the soldier one day, it surveys him for training the second day, and puts him into training the third day.

That has been done by means of a highly decentralized organization which they have perfected to a marked degree. The United States, through its Federal Board for Vocational Education, takes from three to six months, according to testimony before the Committee on Rules the day before yesterday, before it even puts in training the men who call upon the United States for aid under this act. I repeat that less than 8,000 men out of 250,000 disabled soldiers had in fact been put in training on the 23d of August.

Mr. FESS rose.

Mr. ROGERS. I can not yield. It was testified at the hearings before the Committee on Rules on my resolution the day before yesterday that of every dollar appropriated by Congress for the work of this board, 40 cents went to expenses of administration. It was testified that there were 20,000 paid employees of the board, some of them in Washington, some in the 12 districts throughout the United States. If that is true, it has taken about two and one-half employees per soldier put in training during the last year. If that is true, it has taken about 600 employees per soldier put into gainful occupation after training during the last year when the Federal board has been functioning.

As I say, I am not disposed on ex parte testimony to condemn the Federal board; but the question is pressing for consideration whether the Federal board has been able to handle or will be able to handle the soldier problem alone. If we pass this law, it is a vindication, a justification of the conduct of the board and of the achievements which it has wrought. With conditions as they are, I am not willing to give that testimonial.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I reckon it is out of date to intimate that this bill is not justified under our Constitution. It might be justified under the welfare clause, as so many things have been, but if it can be justified, then the Federal Government is authorized to erect hospitals in every ward in every city, schools in every village and every county, and there is nothing that can not be authorized under the general welfare clause, if it be admitted that some good would be accomplished by it.

Mr. MOORE of Virginia. May I suggest this to my friend, that he is saying almost what Mr. Justice Story said a good many years ago in his Commentaries on the Constitution, that if the view of the welfare clause which seems to be now prevalent is warranted, then this ceases to be a Government of limitations and restrictions, and becomes a Government of unlimited authority and power.

Mr. HARDY of Texas. I thank the gentleman very much, and, without further arguing that question, I hope I shall never vote for a measure that shows on its face that it is unconstituional. A number of gentlemen seem to forget that when we vote away hundreds of thousands and millions of dollars that the money we vote away here must be earned somewhere. A tax is imposed on the people by the Federal Government, or else it is a tax imposed by the State, and whether the State spends the money for the care of their people, or the Federal Government, it must be earned. Gentlemen here say they favor this legislation because it gives the Federal Government the right to take the lead in this great humanitarian problem. I want to ask, Is it possible that the States have no more initiative and no more capacity to take the lead in humanitarianism, and must we come to the Federal Government to lead us as helpless children? Gentlemen, I want to ask, if this law is enacted, where is the limit of like laws in the future? Absolutely there is none. There is no justice in taking care of a cripple injured on a farm and not taking care of one who has been born crippled or who was crippled elsewhere. One farmer has a plow run away with by his team and is injured; another farmer is riding to town and is thrown from his horse and is injured. The one is as much a burden upon his community as the other. One is as much a subject of care and humanitarian care as the other. This bill would take care of one and not the other. This legislation picks out a certain class. If I should vote for any such unconstitutional legislation, I would, at least, make it uniform and universal. I would apply it to all who were crippled. The time may come when we should pass old-age pension laws, the time may come when we should pass laws to care for all the helpless, to build houses to take care of them, and when we should pass laws to care for the sick and to build hospitals to take care of them. If we do reach that time, I trust the States will pass the laws. Is it possible

that the State is going to abandon all its functions? We have asserted State rights and clung to them. The time has come when we should assert and perform State obligations and duties. [Applause.] The fact is by shirking State duties we are losing State rights, and every man who votes for a measure which puts an arm into the Treasury of the United States to take out money and pay for something that the State ought to do—because, as it was stated here, he is afraid to go before the State legislature and tax the taxpayers of his own State with the burden—is voluntarily, consciously or unconsciously, surrendering the whole of the doctrine that, on our side of the aisle at least, we have always professed to adhere to. There is nothing in the world in this bill to justify it that would not justify any expenditure of money for any benevolent purpose in any State, county, or precinct all over the broad area of the United States. In addition to that, this bill picks out certain classes—industrial classes, farming classes. Why should the charity of the Government be extended to one class more than another.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HARDY of Texas. If we are to help the poverty stricken and helpless, let us not be partial. Yes; I will yield.

Mr. BANKHEAD. Were not the sufferers of the Galveston flood a particular class of our people who received aid from the Federal Government?

Mr. HARDY of Texas. We have by one precedent after another extended aid and in many instances refused to extend aid. In cases of great calamity we have used Army tents and other property, and I think outside of that we have in a few instances overridden the Constitution under urgent appeals to our sympathy, but that kind of admittedly unjustifiable legislation ought not to be made and can not be made any justification for permanent legislation of that kind. [Applause.]

Mr. Chairman, we have provided very properly for the rehabilitation of persons disabled in war. That work is to be done by the Federal Board for Vocational Education. That board's work will end and it must go out of existence when they have given such training as they can to our maimed and wounded soldiers, but under this bill that board will not only be made permanent but it will grow in the number of its employees and the money it spends from year to year. Not many years hence it will be spending hundreds of millions of dollars, and be the established precedent for the establishment of more and more bureaus to spend more and more millions of tax money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, I am absolutely opposed to the consideration of this legislation at this time. In fact, I am absolutely opposed to giving more power or money to a board where there is at least very grave and serious doubt whether they are able to perform at the present time the duties that have already been imposed upon them or expend the money already granted them in a capable and efficient manner. We had day before yesterday about a four hours' hearing in regard to this Federal Vocational Rehabilitation Board. There are the hearings—of course, it is impossible to place them before the House, as they have not been printed, but I am absolutely sure that if every Member of this House would read those hearings and see the charges that have been made by creditable persons in regard to the inability of this board to perform the duties already imposed upon them, you would not be willing at this time to impose double duties on the same board or grant them any more money. I am absolutely——

Mr. DUNBAR. Will the gentleman yield?

Mr. SNELL. I can not. If this were a private matter or a business proposition, we would never consider for a single moment the extending of the functions of a board or bureau until we had succeeded in getting it better organized, better established, and better able to cope with the conditions confronting it than this board has been able to do up to the present time. I am also opposed to considering this legislation at the present time on the ground that while it may be desirable legislation it is certainly not necessary legislation, and as it authorizes appropriations it is no time to consider it when we take into consideration the condition of the Public Treasury. Every man in this House, when you talk to him in the lobby or in his office or anywhere else, will say that we must not pass any appropriations unless they are absolutely necessary at the present time; that they do not believe in passing any measures except those that are absolutely essential to carry on the present activities of the Government, and they desire to decrease rather than increase them. There is no demand from any part of the country that we should create additional boards or give additional privileges and money to boards already established, and for that reason it is inopportune to even consider such legislation at this time. Now, the gentlemen who are the proponents of this bill keep referring to the soldiers' rehabilitation act.

That has absolutely nothing to do with this act. The Government was under obligation to take care of its soldiers. The other is merely a desirable thing on the part of the Government. Let the various States do their own work in this line and not put everything up to the Federal Government. Let the States assume this obligation and take care of their dependent just a the Government at the present time is taking care of its soldiers. Especially is this true when up to the present time the Government has not been able to do what is absolutely obligatory upon it, to say nothing about entering this new and much broader field. This bill only carries an initial authorization of $500,000. It must be matched by $500,000 by the individual States. Now, let us see what that means. From the testimony before the Committee on Appropriations and also before the Committee on Rules the other day it costs from $1,200 to $1,800 to educate or rehabilitate an individual man, while this bill only provides about six or seven dollars per man. Not enough under present conditions to get the names of the men, to say nothing about what must be done later.

Testimony was offered by the gentleman from Ohio [Mr. FESS], I believe, that there were about 300,000 industrial cripples in the country at the present time. On the basis of what it has cost the Federal Government to rehabilitate these soldiers, it would cost for this new scheme $30,000,000 for the first year, and we are making appropriations of $1,000,000, or about 3 per cent of what it will cost if we go into it to the extent as provided for in this bill.

Now, as I look at this proposition, this is merely a "starter," and it is going to cost millions upon millions before it is ever carried out and go much further than most of us expect. I think before we enter upon this wider field we should fulfill our obligations to the soldiers and see how much that is going to cost. And when this board is able to function, able to do the work that is asked of it, it will be plenty of time for us to enter into the wider field and take up the rehabilitation of the industrial cripples of the country. I believe the time is now here for Congress to stop, look, and listen before it makes any appropriations that are not absolutely necessary. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON], a member of the committee.

Mr. BLANTON. Mr. Chairman, it has been asserted that this bill is a paternalistic measure, and such assertion is true. Ordinarily I would be opposed to every species of paternalistic legislation.

Mr. HERSEY. Will the gentleman yield?

Mr. BLANTON. I regret exceedingly that I can not yield to the gentleman from Maine. I have only five minutes, and am sorry that I have not the time.

This bill does not seek to aid persons who have already lived their full 65 years, in full possession of all their faculties, and endowed with full mental and physical strength and vigor, but who failed during the period of their maximum earning capacity to save up out of their annual income and lay aside sufficient to take care of them in their old age; but this proposed legislation seeks to make over, rehabilitate, and restore to full earning capacity, in so far as education and training makes possible, the young man who has not yet reached the prime of life, and, in many cases, even the young man who has not yet reached his majority, but who, by having suffered a physical injury, has been deprived of the chance to live as you and I live and whose life has been made purposeless, disconsolate, and without hope.

Every crippled human looks through the glass of life darkly. Just how darkly, neither you nor I are in a position to know, unless we have experienced and suffered the same or a similar affliction. It is said that a parent who has never lost a child is not in a position to adequately sympathize with the father or mother whose child has been taken. And I submit that we Members of Congress who are in full possession of our faculties, and who have never suffered physical injury, who have perfect our hands and arms, our feet and legs, our eyes to see, who can walk and run and jump as we will, are not in a position to see through the eyes of the cripple, destitute of funds and property, looking the cold world squarely in the face without backing or assistance, and in competition with it must earn his daily bread.

It was my misfortune while in college, through an accident in a football game, to walk upon crutches for six long months, during which time, through my own efforts keeping books at

night for a mercantile firm, I was earning my own current expenses, and I would then have been willing gladly to have forfeited half my life to be restored to my former physique. Not until I saw others running when I could not did I fully appreciate the boon and blessing of being whole physically. During this short experience I then made up my mind that in life I would never let an opportunity pass to assist in every way possible all human beings so unfortunate as to be crippled. This is the moving influence which makes me in this case overlook and waive the paternalistic phase of this bill, and makes me willing to vote for it, provided its announced purpose is not changed and it is properly amended in one vital and necessary particular.

Since this debate began day before yesterday it transpires that this bill will not do that which we expected from its announced purpose in lines 7 and 8 on page 1, wherein it states that the cripples for whom it is to provide rehabilitation are those "who are without sufficient means to provide for their own rehabilitation and their return to civil employment," leading us to believe that the beneficiaries of this legislation are the destitute cripples of our land.

Yet, when opening this discussion last Thursday, the chairman of the committee, the distinguished educator from Ohio [Mr. FESS], stated that in order to obtain the training provided for in this bill it would be necessary for the disabled persons to pay for same, whereupon—on page 6656, column 2—the gentleman from Michigan propounded the following question:

Mr. SMITH of Michigan. Suppose he did not have money enough to go to school?
Mr. FESS. He would be unfortunate, that is all.

Hence, the present situation indicates that this bill must be amended if its expressed purpose of rehabilitating destitute cripples is to be carried ou.

In this connection I desire to call the chairman's attention to the fact that the only provision in this bill attempting to specify to whom the courses of training shall be open and available is subdivision (5) of the first section, which, at top of page 4 of the bill, reads:

That all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Fderal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

When the bill is read for amendments I shall offer the following amendment, so as to carry out the original intent of the measure, to wit:

Amendment offered by Mr. BLANTON: On page 4, line 1, beginning with the word "that," strike out all of the balance of the paragraph and insert in lieu thereof the following: "The vocational rehabilitation provided for herein shall be given under the supervision and control of the State board, and all courses shall be available, under such rules and regulations as the Federal board shall prescribe, to all persons, in such destitute circumstances that they are financially unable to provide their own rehabilitation, disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, all mechanic arts, and to civil employees of the United States disabled while in the performance of their duty: *Provided*, That persons who have received compensation for injuries and other disabled persons who are able to pay for same may be given rehabilitation training upon paying reasonable tuition therefor."

Clearly this amendment should be adopted. Unless it is adopted or this defect is otherwise remedied, I can not support the measure.

Then again, Mr. Chairman, I believe that all of section 5 should be stricken from the bill, and I shall offer such an amendment at the proper time.

It has been repeatedly stated that the only function of the Federal board under this bill will be to apportion and pay over the money to the various States. At the time we first considered the soldiers' rehabilitation bill I took the position that in that we should make provision for destitute industrial cripples, as with very little additional overhead it could be done. All of the research and investigations made by the Federal board with respect to the soldiers is equally applicable to the industrial cripple, and in section 5 we are merely duplicating this expense when it is entirely unnecessary. The appropriations provided for in section 5 are wholly unnecessary, for the Federal board has sufficient machinery already, and whatever further money we spend should be spent directly upon the cripples themselves. I sincerely hope that the chairman will see fit to accept this amendment, for this avenue of waste should be eliminated.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 17 minutes remaining.

Mr. WALSH. I desire to be advised when I have consumed seven minutes.

Mr. Chairman, I think it is entirely agreed that notwithstanding the fact we have appropriated money for vocational education and for the rehabilitation of our soldiers who have been crippled in the war, that this is an entirely new departure. And I wish to deny the right of the Congress of the United States to appropriate money for this particular purpose, notwithstanding the fact that they may have appropriated money for vocational education.

Why, the gentleman from Texas [Mr. BLANTON], who last addressed us, stated that because he was unfortunate in his youth and knows what it is to have suffered in his early years, he made up his mind that he would give his consent to a Federal appropriation to help the cripples. There is no duty resting upon the Federal Government to rehabilitate men who are crippled in private enterprise. [Applause.] And there is nobody who has yet pointed to a line or a word of the Federal Constitution warranting any such action as that.

Why, gentlemen, legislation such as this will be hailed with glee by that element now within our borders who were raided the other day in the great city of New York, that branch of society that prefer to be known as the "Reds"; who believe that they owe the Government nothing, but that the Government owes them everything, even to furnishing them free doctors and free women. And this is setting a precedent that will justify legislation in the future to furnish free doctors to the children of the land, to take money from the Federal Treasury every time they are attacked with the whooping cough or the measles.

I say the duty rests upon the 48 States of this Union and the various municipalities within those States to take care of the men who have become so unfortunate as to have been crippled in industry.

Now, who is it that favors this? Well, I assume that if this great labor conference that has been called by the Chief Executive and is now attempting to organize in Washington could begin to function that possibly they might be able to get a resolution through favoring some such legislation, because I assume Mr. Samuel Gompers, as the spokesman of labor, has no objection to the great industrial States of the Union furnishing over one-half of the money that will go into the Federal Treasury to be expended for this purpose. I assume that this organization in the great West, which seems to be growing and increasing in number, and which is only a few steps removed from the principles which have brought Russia crashing down over the heads of the people—I refer to the Nonpartisan League—favors some such idea as this. I say that after we have come out from a great war, with a tremendous burden of debt that is to meet us in the future, we should not at this time embark upon this journey.

Ah, the gentleman from Wyoming [Mr. MONDELL], the distinguished leader of this side, said that he had learned a great deal in 20 years. I know one thing that the gentleman from Wyoming has learned in 20 years, and that is if the States refuse to perform the duties that rest upon them it is pretty easy to get Uncle Sam to take up that burden and pay the expenses that ought to be borne by the individual States and the communities that go to make them up.

Why, sir, this is but getting the camel's nose under the tent. A million dollars!—the gentleman from Wyoming says, "A mere paltry sum." I say we ought not, by conferring this extra jurisdiction upon the Federal Vocational Board, to say to the soldiers of the country, the crippled and the maimed who went across the ocean to make the supreme sacrifice if necessary—I say we ought not to say to those boys in the Army and Navy, "We are satisfied with what the Vocational Educational Board has done for such of your number as have needed aid from the Federal Treasury through this board; we approve of the administration they have given as touching the improvement of the crippled soldier, and therefore we will enlarge the jurisdiction of that board and have it take care of the farmer who falls off his horse or his laborer who tumbles out of a haymow."

Why, Mr. Chairman, if we embark upon these measures there is no limit to the jurisdiction which the Federal Vocational Board will be asking of this Congress. This appeal is made simply and solely from them, because there is no great demand from any of the States of this Union, from any of these 284,000 cripples; there is no great demand that Uncle Sam should come to their aid. The State of Alabama, I understand, has a large number of cripples within her borders. Why does not Alabama and the cities and towns of Alabama go to the rescue and to the

aid of those men? And why should Ohio and Illinois and New York and Massachusetts and Pennsylvania be called upon to contribute to the Federal Treasury for their aid? Because those five States will pay into the Federal Treasury more than one-third, and nearly one-half, of the revenue by direct taxation.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Alabama?

Mr. WALSH. Yes.

Mr. HUDDLESTON. The gentleman has asked why Alabama should call upon other States to help in taking care of her cripples. I want to state to the gentleman that so far as my part of Alabama is concerned, nearly all of its cripples were injured in the service of great corporations, the owners of which live in the States which the gentleman has named, and who are able to live there because they derived great profits out of the labor of these men who have been injured in their service in my State.

Mr. WALSH. Does the gentleman want the industry taken away and have the people refuse to work in Alabama simply because the owners live in some other State, or does the gentleman want those owners to move from the other States to Alabama? Which does the gentleman desire?

Mr. HUDDLESTON. The industry is a partnership in which the people of the various States are interested, together with the people of my own State. The care of the cripples maimed in the industry should also be a partnership—a joint interest of the people of the various States. Why should Alabama bear the whole burden?

Mr. WALSH. The law of partnership does not apply to operations of the Federal Government under the Constitution of the United States. These 48 States can not escape their responsibility simply because somebody owns an industry in a particular State and sees fit to reside in some other State. Why, in many of the industrial States of this Union. States that have become great, they are now providing for group insurance that is borne by the various industries, to which the men themselves are not called upon to contribute. In many of the other States we have workmen's compensation laws that take care of these various things; and if those States can pass those laws, why can not all and each of the 48 States pass similar laws and administer them? Why should we say, "Uncle Sam, you are partly responsible and you must be held for contributions in aid of these men, because Alabama or Texas or some other State has not passed a law to do it"?

I submit again to this committee in all seriousness that we ought not at this time, with the burden of debt that is facing us, embark upon this policy, even with the "paltry appropriation of $1,000,000." [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. FESS. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. TOWNER. Mr. Chairman, gentlemen who are opposing this bill either do not understand it or deliberately misrepresent it. You can not arrive at any other conclusion. Gentlemen assume here—all of those who are opposed to this bill—that the Vocational Board are to administer this bill. The Vocational Board are not to administer this bill. This is not a bill for the administration of the Vocational Board. This bill is for the purpose of aiding and stimulating the States. The Vocational Board will not have anything to do with a single industrial cripple, in so far as his education is concerned, except in the apportionment of these funds. This law is to be administered exclusively under the supervision and control of the State boards.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. TOWNER. No; I can not yield, Mr. Chairman, because I have no time to yield.

That is one of the assumptions that is not borne out by the facts. Now, then, that of course makes it absolutely inapplicable as a ground of objection to this bill. Again, they say this board is incompetent for the administration of the act. The board will not attempt to administer it. It has no business except merely to see to the distribution of the funds and to see that they are properly administered. It will not add one single particle of work to the present operative work of the board.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. TOWNER. Yes.

Mr. CLARK of Missouri. If this Educational Board is not going to administer this, who is?

Mr. TOWNER. Let me state to the gentleman from Missouri this fact: The present Vocational Board administers absolutely and in its entirety, and has absolute administrative power and executive power with regard to the application of the work to the individual soldier. The Vocational Board with regard to this has nothing to do except to distribute the funds.

Mr. CLARK of Missouri. Let me ask the gentleman another question.

Mr. TOWNER. Yes; and it is placed exclusively under the control of the States, just as the vocational act is.

Mr. CLARK of Missouri. What are these fellows, on page 8, with big salaries going to do?

Mr. TOWNER. They will have, of course, the duty of apportioning this sum and seeing that the funds are properly administered. That is all the duties they have to perform.

Mr. CLARK of Missouri. Will you fellows accept an amendment to strike these fellows out of this bill?

Mr. TOWNER. Oh, I do not think they should be stricken out, but I think some of the salaries might be reduced to the betterment of the bill.

Mr. CLARK of Missouri. Let me ask the gentleman another question.

Mr. TOWNER. I can not yield all my time, I will say to the gentleman from Missouri.

Mr. CLARK of Missouri. All right.

Mr. TOWNER. Gentlemen here say that there is no power in the General Government to grant this money. I have heard that said time and again. If that is the case, then for at least 75 years of the life of this Government we have been continually passing appropriation acts that were unconstitutional. It is too late to raise that proposition. The gentleman from Iowa [Mr. GOOD] said on the floor here that we were now spending $26,000,000 a year for education. They argue it is unconstitutional. You can not lay your finger on the provision of the Constitution that they say will justify it. On the contrary, gentlemen, long years ago we commenced by giving the public lands of the United States to the States for their schools. What power of the Constitution did we have to do that? Later we passed the bill which established the land-grant colleges, and gave them large grants of land from the United States, throughout the Nation. What power did we have to do that? Later we continued and now continue to the present day to give these colleges money from the Public Treasury. What power have we to do that, year by year, and every year? And now they say we are spending $26,000,000. They say it is constitutional to expend $26,000,000 already appropriated by those gentlemen who are now opposing this bill; but when a new proposition for education comes up, it is unconstitutional and you can not find any power in the Constitution. Ah, gentlemen, that will hardly be an answer to the general demand in this country for this legislation.

Gentlemen say that the only people who will be pleased by the passage of this bill will be the Bolshevist laborites. Gentlemen, if there is any justification or excuse for the Bolshevist laborites in this country, it is because we have not done our duty to the legitimate interests of labor in this country. [Applause.]

And now, when we can do something that will be of benefit to them, gentlemen come here and say, "Oh, you must not do this, because it will encourage Bolshevism." Ah, it is the very best cure for Bolshevism that could be suggested, and, in my judgment, the only cure.

Let us see what this means: It does not mean, as gentlemen assume—and that is another assumption—that this is a charitable institution to take care of these men. No such proposition is suggested. These boards in the States assume to take care of them. The State compensation laws assume to take care of them. This has nothing to do with that. This simply says, as an economic proposition, as a humanitarian proposition, if a man is injured in industry so that he becomes at once a burden to his family and the State, if we can give him a few weeks or months of education and put him back in the productive class, so that he can again become a self-supporting American citizen, then we have done something for the Nation and the State, and the Nation has an interest in maintaining its citizenship and making them self-supporting. That is the proposition that we have involved in this case; but it is something that has not yet been done.

Gentlemen say, "If you embark on this enterprise, that means it will be constantly increasing." It will not. Experience shows that it is not necessary. It has not been necessary to increase the funds under the Smith-Hughes Act. It is not

proposed to increase the funds. The fact is that, once having set in operation this proposition and this scheme as we did the others, then it will be carried on from year to year with increasing appropriations by the States that will make it unnecessary for the General Government to make further additional appropriations; and I believe it will not be long before we will be able to cease making Federal appropriations entirely.

Now, I want to call attention to one other great mistake. Gentlemen say we will have to take care of 300,000 cripples. There is no proposition of that kind before you. It is estimated that there are now in existence in the United States 300,000 men who have been injured in industry; but a very small proportion of them need assistance. Let me tell you how that works out: There are 74,000 men injured in industry in the United States every year, but 52,000 out of the 74,000 have lost only one finger and 9,000 more have lost only two fingers. Now, these men do not have to be reeducated. As a matter of fact, less than 14,000 out of the 74,000 will ever or can ever make application for industrial training—for rehabilitation to put them back into industry. A large proportion of them go back voluntarily. They do not need any further training.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman two minutes.

Mr. TOWNER. I thank the gentleman from Massachusetts.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. TOWNER. For a brief question.

Mr. BROOKS of Illinois. I should like a concrete statement of how one of these crippled men can get into the school you speak of?

Mr. TOWNER. This goes to the States, which have already, under the vocational-training act, established schools to which people in those States are sent for vocational training. All they have to do is to send them to schools already established. The expense, so far as that is concerned, will be very small.

Mr. BROOKS of Illinois. Supposing a man who is crippled has not any money with which to pay his expenses at this school where the tuition is free?

Mr. TOWNER. In all probability that man will be taken care of by the State.

Now, gentlemen, just a word about the amount of money that is required. My colleague from Iowa [Mr. GOOD] puts practically the whole responsibility of maintaining the fiscal independence of this country upon the Board of Vocational Education. Gentlemen, after all it is only a question of what money will be spent and for what purposes. Gentlemen, in your own experience have you ever heard in your community one single man, be he ever so niggardly and stingy, complain about the taxes that he has to pay for schools? He would not dare do it. There is only one class of taxes and expenditures that are not criticized in the United States to-day, and they are the expenditures for education. If gentlemen want to justify their conduct for what they do here, they can not do better than to go before their constituents and say, "I helped to take care of the industrial cripples and place them again in the list of self-supporting citizens of the United States." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I wish I had an hour or an hour and a half to talk about this bill, but I have five minutes and can not cover much ground in that time. Under the five-minute rule, as the bill is read for amendment, I can get time now and then, and I will have something more to say about it. I am against this bill. [Applause.] The gods help those who help themselves. If there is one danger that we are running upon with more than railroad speed in the United States, it is in making the Government, especially the United States Government, and the State government as well, the guardian of everybody. [Applause.] The result is it begets inefficiency. In my judgment, the best manhood North and South, on the average, was when with 3,000,000 people we won our independence, greatly increased until we now have 110,000,000 people—the best manhood that we ever had in this country was when this Government was in its formation and when you were making the States and when the people were self-reliant. [Applause.]

I am not concerned, gentlemen—I have said it before and I may enlarge upon it under the five-minute rule in considering the merits of this bill—I am not concerned for the man or the woman or the child that has to live by the sweat of their faces. It breeds good manhood, its breeds good womanhood. I would like to have the men listening to me now stand up and say what they did. Take my friend from Texas, take the Texas delegation, take the Illinois delegation, you are here in Congress, but did you make your own way? You can not confer efficiency upon somebody. On the average—and we legislate for the average—the weak, feeble-minded, the man that is incapable of laboring, and the woman and the child, are cared for by the States right on the ground by and through local self-government, and very well cared for, with insane asylums and hospitals. Now you propose to care for them by the United States under an organization that has spent a million dollars since it was organized for the purpose of giving vocational education to our returned soldiers. It is stated has spent a million dollars, and what have they done for vocational education? It is stated in this paper—I do not know whether it is right or not—that there are two soldiers who have been given employment under this organization to one member of the vocational board. And it has cost a million dollars already. Now, let me tell you I have great respect, gentlemen, for the school-teachers, I have great respect for the college professors, for the college presidents, I have great respect for the men that have vision, vision, vision, while the rest of us do not have vision.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WALSH. I yield the gentleman one minute more.

Mr. CANNON. I was going to say that nine-tenths of the people that have vision are visionaries. [Laughter and applause.] They dream this, that, and the other. Beginning with Germany, they are responsible for the present condition of the world. Germany was wonderfully efficient; Germany had colleges, scientists, and visionaries, and they got up a propaganda and spread it over the earth. We see the results. Now you say, do you want to kill off the college professors? Nay, nay, I do not want to do that, but I do not want all the visionaries to overthrow our form of government. [Applause.]

Mr. FESS. Mr. Chairman, I yield the balance of my time to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Chairman, the gods help those who help themselves, says the distinguished gentleman from Illinois [Mr. CANNON], and I am sure that we all agree with that sentiment. But how about the man who can not help himself. Who helps him? How about the man who, through no fault of his own, has lost the means of taking care of himself? How about the man, like that poor fellow who came, or rather was brought, into my law office a year or two ago—I remember it well—who, through no fault of his own, had had both legs cut off at the body? Who is going to take care of him? Now, that is the sort of man, that is the sort of case, Mr. Chairman, that this bill is designed to help.

Mr. WALSH. Will the gentleman yield?

Mr. BURROUGHS. No; I would like to yield to the gentleman, but I have only five minutes. This is a good bill and it ought to pass.

As stated by the gentleman from Ohio [Mr. FESS], chairman of the committee, this bill in substantially its present form passed the Senate without a dissenting vote on June 21 last. It comes into the House with the unanimous report of the members of the Committee on Education. It is, in my judgment, one of the most meritorious measures that we have been called upon to consider at this session of Congress. It ought to receive, and I sincerely trust it will receive, substantially the unanimous support of this House on both sides of the Chamber.

Consider for a moment the situation which makes this legislation necessary.

From testimony appearing in the printed joint hearings before the Senate and House committees it was shown that each year there are more than 2,000,000 industrial accidents in this country, resulting in loss of time, and more than 700,000 where inability to work extends through a period of at least four weeks. The representative of the National Association of Manufacturers of the country, representing more than 4,000 manufacturing concerns, stated at the hearings that if any value at all could be placed upon human life, the cost of industrial accidents in this country would be found to amount to $2,000,000,000 a year. That is one-third of all the deposits in all the savings banks in the United States. The hearings also showed that at the present time there are between 200,000 and 300,000 industrial cripples in the country who are permanently disabled to a degree equal to 50 per cent and more. The average age at which such injuries are received is said to be between 30 and 33 years; in other words, at a time when the injured person has a right to assume that he has 20 or 25 years at least of his working life ahead of him. Conservative estimates made by those who were in position to speak with authority were to the effect that there were not less than 15,000 persons substantially totally disabled in industrial pursuits in this country every year.

Now, the purpose of this bill is to reeducate and rehabilitate these injured persons. We want to take them off the scrap heap where they have been thrown as a part of the wreckage of humanity and put them back into productive industry. We want to take away their dependency upon relatives and upon society and make them once again self-supporting, self-respecting members of the community. The bill is a conservation measure, a reclamation measure, as well as a great humane, patriotic, and far-sighted measure.

Two main arguments have been urged against it—

First, that the particular agency designated in the bill through which Federal functions are to be performed has not proved itself to be an efficient agency in the performance of other similar functions; and

Second, that the plan involves the expenditure of a lot of money, and that under present circumstances the Government can not afford to embark upon such an enterprise.

Neither of these arguments, in my judgment, should influence Members to vote against this bill.

The Federal Board for Vocational Education is now administering the funds provided by the Smith-Hughes Act, which established the system of vocational education in this country. It is doing that in cooperation with State agencies substantially as is provided in the terms of this bill. This board is also administering the law passed in 1917 for the rehabilitation of disabled soldiers, sailors, and marines. This latter function it is performing without reference to the States because that was and is conceived to be solely a Federal function.

Whatever criticism has been made by the Federal Board for Vocational Education has, I believe, been confined almost entirely to its administration of the law providing for the rehabilitation of disabled soldiers, sailors, and marines. Under that law this board has entire administrative and executive control. It makes all investigations, determines who should and who should not receive benefits under the act, and provides the necessary instruction to those found entitled to the benefits of the act.

Under this bill the functions of this board will be almost entirely supervisory. Certain moneys are to be provided by the Federal Government for this work and this money is to be apportioned among the several States according to population and provided that certain conditions specified in the bill are complied with by all the States. Of course, it is necessary that there should be some Federal agency to supervise the administration of this act and see to it that the conditions specified are met by each of the States desiring Federal aid.

Even granting all that has been said in criticism of this board in conection with the soldiers' rehabilitation act, where it has full administrative and executive control, it does not follow by any means that this board may not perform with entire satisfaction and complete success all duties imposed upon it in this bill, as, indeed, it appears to have performed with entire satisfaction and with complete success all similar duties imposed upon it under the terms of the original Federal vocational act.

If the Federal board is not efficient as at present organized it is entirely possible to force a reorganization of this board. Perhaps that ought to be done. I am frank to say that I am not well enough acquainted with the facts to state positively at this time whether it ought to be done or ought not to be done. But whatever the fact may be in that regard, the shortcomings of this board ought not to prejudice or delay the passage of this wise and beneficent legislation.

To those who say that we can not afford to appropriate the money provided in this bill my answer is that we can not afford not to appropriate it. [Applause.]

I believe I am just as anxious to economize, to cut down expenditures, and to save money for the Government at this time as is any Member of this House. I realize the need, I may say the absolute necessity, of the strictest economy under present circumstances, but I am supporting this bill because I believe it is in the interest of true economy. I am supporting this bill because I believe it is not only a humane proposition but because it is a first-rate business proposition as well. If I can make two blades of grass grow where only one grew before I consider that good economy and good business. If by spending $1 I can save $10 I am not only willing but glad to do it, even in the present condition of the national finances. That is just what I understand this bill is designed to do. Here are from 200,000 to 300,000 persons in the country to-day who, unless some training of this sort is given them, are not only not producing anything but are actually a burden to their relatives, to society, and to themselves.

Take a pencil and paper and figure for yourselves what it is costing right now to support these 200,000 persons. Even at $5 a week, and they can not be supported in the almshouses for less than that, it would, as I figure it, amount up to the enormous sum of $50,000,000; and remember, too, that many of these people have families that must also be cared for. Remember, too, that this is not simply for one year but that it is going on year after year. Remember, too, that this does not take into account the economic loss due to inability to work, and consequent loss of wages, which would mount up to hundreds of millions of dollars more.

By this bill we are seeking to eliminate this enormous, this appalling economic waste. Enough has been accomplished already under the soldiers' and sailors' rehabilitation act to demonstrate some of the possibilities along this line. We know that at least some of this wreckage can be salvaged. We know that a fair proportion of persons supposed to be totally disabled can be restored to be self-respecting, self-supporting members of societies. We know that the Nation as well as the State is vitally concerned in this problem of the conservation of its man power. When the opportunity presents itself, as it is now presented, to save not less than $50,000,000 a year—and it probably would be after a few years many times that amount—by the expenditure of a half a million or a million dollars annually, it seems to me this is not only good philanthropy but good business as well. I sincerely hope the bill will pass. [Applause.]

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. WALSH (interrupting the count). Mr. Chairman, I withdraw the point.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in order to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and who are without sufficient means to provide for their own rehabilitation and their return to civil employment there is hereby appropriated for the use of the States, subject to the provisions of this act, for the purpose of cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment, for the fiscal year ending June 30, 1919, the sum of $500,000; for the fiscal year ending June 30, 1920, the sum of $750,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall not be less than a minimum of $5,000 for any fiscal year. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section, for the fiscal year ending June 30, 1919, the sum of $66,000; for the fiscal year ending June 30, 1920, the sum of $46,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of $34,000.

All moneys expended under the provisions of this act from appropriations provided by section 1 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of the appropriation made by this act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this act as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study; (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees; (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this act; (4) that no portion of any moneys appropriated by this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. This is the sort of bill that appeals to the sensibilities of men. It is liable to appeal to their sensibilities with such force as to override their judgment. It is a great pity that everyone who is crippled can not be repaired. It is a great pity that everyone who is sick can not be taken care of. Such duties should be discharged by States, counties, and municipalities, but not by the United States Government, for it is not an eleemosynary institution. One trouble under which we labor in Congress to-day is that the State governments have practically abdicated their functions—dodged their duties—and everything is loaded onto Congress. I have been here long enough to see that bad habit grow most portentously. Some of these days, if I do not quit lecturing, and I think I will quit, I intend to prepare a lecture on the compromises of the Constitution, taking them up seriatim. They made

one logrolling arrangement that is costing this Government untold millions of dollars, and that was that the Federal Government should have control of interstate commerce, if they would let the African slave trade run, until 1908. The abuse of that interstate commerce clause—making it a pack horse for the universe—is largely the reason why Congress is almost in perpetual session in these latter days.

Everyone comes to Uncle Sam to get some of his money. He seems to be regarded as a general Santa Claus. We have come to a pretty pass. The chairman of the Committee on Appropriations says—and he ought to know something about it—that there is going to be a deficiency in the revenues of this Government this year of $3,500,000,000. Why go on rolling up that deficiency? The gentleman from Wyoming [Mr. MONDELL] says that it will cost only a million dollars. Of course, we have got so that we think in billions, unfortunately, and a million dollars, which to the fathers was a very large sum, is to us a mere bagatelle. Until within a few years we thought in thousands, occasionally rising to millions. Every dollar that is appropriated means sweat and toil and labor somewhere, and you are loading up the backs of the taxpayers in this country until they are cracking and about to break. It is said by the proponents of this bill that the United States Government gives only a dollar where the State gives another dollar. Where does the United States Government get its dollar? Out of the taxpayers. Where does the State get its dollar? Out of the taxpayers, and the taxes are high enough now, and every man in the House who has three ideas above a Hottentot is devoting his thoughts to how to cut down these tax bills, and if we do not cut them down these places that know us now will know us no more forever. [Applause.]

The gentleman from Iowa [Mr. TOWNER] undertakes to bolster up this thing upon the ground that years ago we gave away vast parcels of land for educational purposes. That was all right. It was given away and it worked a good purpose. Uncle Sam had land then to give, while to-day he has not a 160-acre tract left in the United States that is fit for cultivation unless it is doctored up in some way by irrigation or drainage, and I am in favor of both. When I was a child my father used to put me to sleep with a song—

Uncle Sam is rich enough to give us all a farm.

And it was God Almighty's truth then, but it is not now. The United States Government never had a dollar of its own in its life, except the result of proceeds of public lands. It has no estate. Neither had the State of Missouri or the State of Illinois or any other of these States. This bill is not on all fours with the acts giving land for education in the days that are done. The situation has changed radically. While the purpose underlying this bill, it is true, is good—and nobody sympathizes with the afflicted more than I—we ought to leave something for individual initiative and something for State action. For instance, any man in this country who will allow his children to grow up bowlegged ought to be put in the penitentiary or in an insane asylum. It is easy to cure, and yet walking down the street yesterday I saw a man in front of me and the biggest hog in the State of Missouri could have run between his legs and never touched them at all. A very simple operation in infancy or childhood would have cured his deformity. Bowlegs should be straightened, but I humbly submit that it is not Uncle Sam's duty.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Why do not parents take care of that thing instead of coming to the Congress of the United States to have bowlegs and other afflictions like that cured? We have got to cut down these appropriation bills. I was in favor of the soldier's vocational education bill because we will never be able to repay the debt that we owe the men who fought for the flag of the country. [Applause.] But this is not a parallel case at all. Oh, they say, it will only cost a million; but that is a starter, that is the camel's nose under the tent, and you all know it—any of you that are fit to be here know it. I have seen several of these bureaus created since I have been here. I have seen three departments created, and I will tell you how they worked. They will have a little tiny bureau with 5 or 10 or 15 people in it, and the first thing you know it has grown like Jonah's gourd vine, until they have hundreds of them, and it gets to be a great big thing. Then they clamor to be made a department, and there is a bill coming up here some time that proposes to make a Cabinet member of the Commissioner of Education, a secretary of education, and I am against it. The first thing you know they will have as many employees down there in that Bureau of Education as they have in the War Risk Bureau, with its 14,000 employees jostling each other around in each other's way.

I am as much in favor of education as any man who ever lived. I plowed corn and mauled rails and broke rock and cut corn and wormed tobacco in order to get money enough to go to college.

I began to teach school before I was 15. The only qualification I really had was my size [laughter], and down in Kentucky just after the close of the Civil War size went a good piece in the community. [Laughter and applause.] I was president of a college when I was 23 years old down in West Virginia, so I have a right to talk about educational matters. I saw to it that my children both secured good education. My son graduated at or from, or, to use Senator HENRY CABOTT LODGE'S formula, "was graduated from," two or three universities and colleges. Now, if he has as much common sense as he ought to have he will succeed in the world. But whenever that bill comes in here to make a useless department out of the Bureau of Education, I am against it, and I will use every parliamentary means at my command to beat it. The United States Government can not do everything; it is utterly impossible. The best thing for Congress to do would be to pass a resolution here directed to the States advising them to resume their governmental functions [applause] and let us alone. Now, they all "cuss" Congress. It is an open season for Congressmen the year round for these newspapers and magazines. They abuse us with unanimity. Some college professor wrote a whole article in a magazine recently on this budget business, in which he assumed all the way through that if it were not for the departments up here that Congress would be so extravagant and reckless as to vote away the Goddess of Liberty on top of the Capitol. Just the opposite is the truth. If it were not for Congress these departments up here would gobble everything betwixt the two oceans.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CLARK of Missouri. Just one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. It got so bad, as Mr. Speaker CANNON knows, that we absolutely had to pass a law here making it a criminal offense for the head of a department or bureau to spend more money than Congress appropriated, and these doctrinaires who write these essays about the sins of Congress and the virtues of these departments should be taken out into some cool and sequestered spot and tapped for the simples. [Laughter and applause.]

The milk in this coconut is to create a lot of new fat jobs. The appropriation for the first year is $500,000.

The following part of the bill shows that the salaries of officials absorbs 10 per cent of that as a starter:

No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of $5,000 per annum, to not more than one person; at the rate of $4,000 per annum each, to not more than four persons; at the rate of $3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of $2,500 per annum: *Provided*, That no person receiving compensation at less than $3,500 per annum shall receive in excess of the amount of compensation paid in the regular departments of the Government for like or similar services.

Mr. FESS. Mr. Chairman, I regret that under the circumstances we can not continue the consideration of this present bill because we have promised at 3 o'clock to make a motion to rise in order to take up some other matter. Therefore I move that the committee do now rise.

Mr. BLANTON. Will the gentleman permit a parliamentary inquiry for just a moment?

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 4438 had come to no resolution thereon.

FOOD PRODUCTS, FUEL, AND RENTS (H. RES. NO. 329).

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 329.

Resolved, That immediately upon the adoption of this resolution the House shall proceed with the consideration of the conference report agreed upon by the managers on the disagreeing votes of the two Houses on H. R. 8624, being an act to amend an act entitled "An act to provide

further for the national security and defense by encouraging production, conserving the supply, and controlling the distribution of food prodcts and fuel," approved August 10, 1917. That all points of order on said conference report shall be considered as waived. That there shall be one hour of debate, to be divided equally between those favoring and those opposing the conference report. That at the conclusion of debate the previous question shall be considered as ordered upon the conference report, without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Illinois [Mr. GRAHAM] desires briefly to make a unanimous-consent request, and I yield to him.

Mr. GRAHAM of Illinois. Mr. Speaker, I first ask unanimous consent that I may proceed for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. GRAHAM of Illinois. Mr. Speaker, the Select Committee on Expenditures in the War Department has decided unanimously that it ought to present a matter to the House as soon as possible, and for that reason I am going now to prefer a unanimous-consent request, and I shall try to express in it the situation as well as I can. The matter we want to discuss with the House and to make plain to the House is in reference to some matters arising out of the plant at Nitro, W. Va., that is about to be sold, or is in process of sale at this time. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal on Monday next the Committee on Expenditures in the War Department may report to the House verbally on the plant at Nitro, W. Va., and that it may address the House for one hour at that time, the time to be controlled by the chairman of the committee.

The SPEAKER. The gentleman from Illinois has preferred the request which the House has heard. Is there objection to the request?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois touching the control of the time, if he would not be willing to provide that one half of the time should be controlled by the chairman of the subcommittee on ordnance and the other half by the minority member?

Mr. GRAHAM of Illinois. Well, it was my purpose, Mr. Speaker, to yield to the gentleman from Tennessee and divide time with him. I understand that Mr. JEFFERIS, the other member of our subcommittee on ordnance, does not desire to discuss the matter, and therefore I may say to the gentleman there will be at least no trouble about that. However, Mr. Speaker, it might be necessary for me to discuss this matter a little longer than half an hour. I do not know whether I can finish what I have to say in that time, but in that event I would suggest that it is very likely that we can get additional time from the House, and with that understanding I will concede that what the gentleman from Tennessee asks should be incorporated in the unanimous-consent request. I should like, however, Mr. Speaker, the indulgence of the Members of the House if we find we need to discuss that longer that they will give us more time.

The SPEAKER. The gentleman modifies his request so that half an hour shall be controlled by himself and half by the gentleman from Tennessee. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, under the rules of the House next Monday is set aside for the consideration of business reported by the Committee on the District of Columbia. It has been several weeks since the committee has had a day in the House, and there are some bills on the calendar of very great importance. So I hope the gentleman from Illinois will be able to find some other day. From what he says it is liable to take a greater part of the afternoon if he brings his matter up. I dislike to object, but I hope the gentleman can find some other day for its consideration.

Mr. GRAHAM of Illinois. If the gentleman will yield, I will state very frankly to the House why I think this ought to be brought up now. This sale over there is in progress now. If the House and the people of the country are to be informed about it, this thing will not wait. I do not know, Mr. Speaker, what the situation is as regards the program of the House, but it might be possible that next Tuesday could be set aside for District day, so that the day might be devoted to that; but so far as this is concerned I have not gone to the Rules Committee with it, because I thought very likely the Members of the House would concede us this right to come in on Monday without a rule. I do not want to interfere with the gentleman's work, as I think it is important, but I think it important, too, if we are to make this report, that it be done quickly.

Mr. MAPES. I will say to the gentleman that I consulted a few days ago with the leaders on the majority side, including the Speaker, in regard to bringing up District business on Monday, and it was the consensus of opinion that Monday should be devoted to District business. It seems to me the gentleman could well put his matter over one day. Monday is the regular District day, and I would not feel as though I could consent to having it set aside.

The SPEAKER. Is there objection?

Mr. MAPES. I object, Mr. Speaker.

FOOD PRODUCTS, FUEL, AND RENT (H. RES. NO. 329).

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule I have submitted makes in order the consideration of the conference report on the bill from the Committee on Agriculture.

Some question has arisen about the language of the rule. I do not agree that other language to accomplish the same purpose would be preferable to the language that is used in this rule, but I do agree with the gentleman from Tennessee [Mr. GARRETT] and with others that this is not the proper way to legislate, and that conferees should not be encouraged to bring in legislation in conference reports that has not been considered by either House, but that if it is done it should be done by resolution authorizing the conferees to exceed their authority in advance, rather than in the consideration of the conference report after it has been agreed to under a rule making the objectionable matter in order in the conference report.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. GARD. Can the gentleman imagine more encouragement than to bring in two of these extraordinary rules in two successive days?

Mr. CAMPBELL of Kansas. I was just approaching that question. The matters under consideration have been hanging in conference for many weeks, and the conferees seem to have been unable to come to a conclusion in harmonizing their differences in any other manner than that in which they have agreed in the report submitted to the House. We are all almost worn to a frazzle. The House is tired; the Senate is tired, and if we keep on the country will be tired of what we are doing. It is important that we conclude our business at the earliest date possible, and it is important that the subject matters considered in this conference report be adjusted before Congress takes a recess or adjourns.

Mr. BEGG. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. BEGG. Assuming that what he has just said is exactly the truth, is that any justification for passing legislation at this time and at this moment?

Mr. CAMPBELL of Kansas. I am not justifying the passage of the legislation. I am justifying the right of the House to dispose of the matter one way or the other, and do it finally. The resolution does not commit the House to agree to the conference report. It submits the conference report to the House to be voted upon on its merits. That is what the resolution does that I have just submitted.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, it is characteristic of conferees—and I say this without intending any reflection upon the present conferees—to be entirely satisfied with their work and to seek the method of disposing of it which will be the quickest and which will give them the least difficulty. Hence the declination of the conferees in this case, as in the case that was before the House on yesterday, to take the method of a concurrent resolution, which would give to the House the opportunity to consider the legislation that they propose. For the convenience of the conferees we are asked to take this extraordinary method of passing a rule which prevents the House from considering legislation, in any proper sense of that term, that the conferees have themselves put into this bill. I am opposed to that. It involves a dangerous principle of legislation, and in this particular matter, as a practical proposition, it is worse than even that of yesterday, and for this reason: Let gentlemen recall the history of the legislation which is really in dispute here, namely, the rent legislation applying to the District of Columbia. That has not been before this body in any form for actual consideration. What occurred? The food bill reported from the Committee on Agriculture and passed by the House was sent to the Senate. There, under some sort of peculiar rules, which I do not understand—the

gentleman from Missouri, the former Speaker of this House, once expressed it, probably very accurately, when he said that that body had no rules and did not observe what they did have—but under some sort of rule they take up a bill concerning rents in the District of Columbia and put it on an Agricultural bill. That comes back to this body. And what occurs? The amendments are disagreed to informally, theoretically considered, but practically never read to the House. No chance to amend, no opportunity to perfect that legislation. And in that crude form it goes to conference, and the conferees find themselves in a condition where to give vitality and vigor to the very purpose or supposed purpose of the other body they must change the language of that particular bill or that particular part of the bill that was in dispute, and hence were compelled to exceed their authority. Now, what ought to have occurred, Mr. Speaker, was that the conferees should have brought here a concurrent resolution authorizing them to place in the bill the language which they found necessary. I should gladly have voted for a rule to make such a concurrent resolution in order, and thus bring it before the House for consideration under the general rules of the House.

Mr. WELLING. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. WELLING. Why did not the House conferees do that very thing and ask for a resolution?

Mr. GARRETT. The only answer I can give to the gentleman is that the conferees were satisfied with their work. It may be good work—and I am saying this without any reflection on the conferees. They were satisfied with their work, and this was a quicker method, in their opinion, to bring about final action upon their proposition.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. ALEXANDER. The gentleman seems to level his criticism against the conferees. Primarily it rests against the House. Why was not that sent to the Committee on Agriculture and considered in the House in the first instance? The House took an easier course. The criticism rests primarily on the House and not on the conferees.

Mr. GARRETT. I am not criticizing the conferees in any offensive manner, I trust. What I am criticizing is this particular practice of legislating. If I were one of the conferees I would doubtless be satisfied with their work. But I am pleading for the integrity of legislative procedure; I am pleading for the opportunity of this House to pass upon this legislation in a way that it would have the opportunity to amend it if in its wisdom it thought it was desirable to amend it. That opportunity does not exist here now, because this conference report must be voted up or down as a whole, and there is no chance to place upon this legislation any amendment, however germane it may be or however desirable it may be. Against this sort of policy I protest. I realize that it is futile now, probably, so far as this particular rule is concerned; but I desire to give my support to the notice which the gentleman from Kansas [Mr. CAMPBELL] served upon the House yesterday, which he has reiterated again to-day, and I desire to assure him that he will have my support in the future against rules of this character.

Mr. Speaker, I reserve the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield one minute to the gentleman from Iowa [Mr. HAUGEN].

The SPEAKER. The gentleman from Iowa is recognized for one minute.

Mr. HAUGEN. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] has just stated that this matter has not been given consideration by the House. If any matter has been given consideration by the House, I believe it is the rent proposition. I call the gentleman's attention to the fact that it has been before this House twice—first, the Saulsbury resolution, and then the amendment thereto, besides the conference report that we had here a week ago.

Mr. GARRETT. I referred to the legislation involved in this particular bill and what has occurred in this Congress. There was nothing the other day except talk. There was no opportunity to amend.

Mr. HAUGEN. The facts are as I stated before. The amendments were hurriedly drawn, and the conferees thought it absolutely necessary to rewrite them in order to accomplish the results desired by the amendments. We have not changed the principle. The principle is the same, but we have clarified the language and made clear just what is desired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, in my opinion, when this bill came over from the Senate with this amendment to it, it should have gone to the Committee on Agriculture, and there the amendment would have been written, so that it would not be subject to a point of order, as it was when it came as a conference report. But I was persuaded not to object to the unanimous request that was made, that it might go to conference instead of to committee, with a view of hastening the bill to early passage.

As I have said on previous occasions, this bill is not all I would have, but I wish to repeat that it is all we are going to get. Delay after delay, running through a year and a half now, has enabled the profiteers to feed upon the Government employees and the public generally in the District of Columbia.

Again, as I said, this bill will either be good or bad, as the commission is good or bad. We can all only hope that it will be good. But I do wish to say in this connection that the profiteers to-day have out their candidates for the places of commissioners that are provided for in this bill. More than that, a citizen from Ohio, who is one of the principal lobbyists against the passage of an antirent profiteering bill, is still busy; he is still knocking at the doors of both Houses of Congress, asking for delay, asking that nothing be done. That is the plan. My judgment is that this rule should be adopted without delay, and then let us have the advantage of the legislation that is in the bill. I repeat, it is not all that I want, but it is something. Every time it has been tinkered with it has been hurt.

I said to you the other day that if this bill were sent back to conference it was reasonably certain that it would come back impaired in some respects, and it has so come back. It has been impaired some little. The conferees, in endeavoring to do justice with a certain condition, have yielded somewhat to it, and in order that they might be induced to yield, one particular instance has been cited to them which has some merit to it, in order to open the gates so that any number of apartment houses and boarding houses may become exempt from the provisions of this law.

I again wish to repeat that the further this thing will go the worse it will get, and to-day we are compelled to make choice between doing away with the alleged sacredness of a rule of the House or to permit profiteering to continue. Which are you going to take? There is no rule so sacred that it may not be suspended momentarily in order that great justice—justice crying almost to heaven—may be done. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. Accordingly the Clerk will report the conference report.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. WALSH. I think the report ought to be read. I object.

The SPEAKER. The gentleman from Massachusetts objects. The Clerk will read the conference report.

The conference report was read.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "section 1"; and on page 1, after line 2, of the engrossed bill insert the following:

"That this act may be cited as 'the food control and the District of Columbia rents act.'

"Title I. Food control act amendments."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Title II. District of Columbia rents.

"SEC. 101. When used this title, unless the context indicates otherwise—

"The term 'rental property' means any building or part thereof or land appurtenant thereto in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith, but does not include an hotel or apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'hotel' or 'apartment' means any hotel or apartment or part thereof, in the District of Columbia, rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee or other person, not the owner, entitled to the use or occupancy of any rental property, hotel or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment, or hotel.

"The term 'commission' means the Rent Commission of the District of Columbia.

"SEC. 102. A commission is hereby created and established, to be known as the Rent Commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President by and with the advice and consent of the Senate. The term of each commissioner shall be two years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. The commission may make such regulations as may be necessary to carry this title into effect.

"All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed.

"SEC. 103. Each commissioner shall receive a salary of $5,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of $3,000 a year, payable in like manner; and, subject to the provisions of the civil-service laws, it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this title. All of the expenditures of the commission shall upon the presentation of itemized vouchers therefor approved by the chairman of the commission be audited and paid in the same manner as other expenditures for the District of Columbia.

"With the exception of the secretary, all employees of the commission shall be appointed from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil-service law.

"SEC. 104. The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. Every officer or employee of the United States or of the District of Columbia, whenever requested by the commission, shall supply to the commission any data or information pertaining to the administration of this title which may be contained in the records of his office. The assessor shall receive for the performance of the duties required by this section a salary of $1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

"SEC. 105. For the purpose of this title the commission or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to for the purpose of examination, and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter. Any member of the commission may sign subpœnas, administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpœna or of the contumacy of any witness appearing before the commission, the commission may invoke the aid of the Supreme Court of the District of Columbia or of any district court of the United States. Such court may thereupon issue an order requiring the person subpœnaed to obey the subpœna, or to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. No officer or employee of the commission shall, unless authorized by the commission or by a court of competent jurisdiction, make public any information obtained by the commission.

"SEC. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property, hotel, or apartment are fair and reasonable. Such complaints may be made (a) by or on behalf of any tenant, and (b) by any owner except where the tenant is in possession under a lease or other contract, the term specified in which has not expired, and the fairness and reasonableness of which has not been determined by the commission.

"In all such cases the commission shall give notice personally or by registered mail and afford an opportunity to be heard to all parties in interest. The commission shall promptly hear and determine the issues involved in all complaints submitted to it. All hearings before the commission shall be open to the public. If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and / or fair and reasonable service, terms, and conditions of use or occupancy. In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property, apartment, or hotel, except an appeal from the commission's determination as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto.

"SEC. 107. A determination of the commission fixing a fair and reasonable rent or charge made in a proceeding begun by complaint shall be effective from the date of the filing of the complaint. The difference between the amount of rent and charges paid for the period from the filing of the complaint to the date of the commission's determination and the amount that would have been payable for such period at the fair and reasonable rate fixed by the commission may be added to or subtracted from, as the case demands, future rent payments, or after the final decision of an appeal from the commission's determination may be sued for and recovered in an action in the municipal court of the District of Columbia.

"SEC. 108. Unless within 10 days after the filing of the commission's determination any party to the complaint appeals therefrom to the Court of Appeals of the District of Columbia, the determination of the commission shall be final and conclusive. If such an appeal is taken from the determination of the commission, the record before the commission or such part thereof as the court may order shall be certified by it to the court and shall constitute the record before the court, and the commission's determination shall not be modified or set aside by the court, except for error of law. If any party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is

material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which shall be conclusive, and its recommendations if any for the modification or setting aside of its original determination, with the return of such additional evidence. In the proceedings before such court an appeal from a determination of the commission, the commission shall appear by its counsel or other representative and submit oral or written arguments to support the findings and the determination of the commission.

"SEC. 109. The right of a tenant to the use or occupany of any rental property, hotel, or apartment existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant subject, however, to any determination or regulation of the commission relevant thereto; and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property, hotel, or apartment subject to the rights of tenants as provided in this title. The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property, apartment, or hotel shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, or for the purpose of tearing down or razing the same in order immediately to construct new rental property, hotel, or apartment if approved by the commission, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled 'An act to establish a code of laws for the District of Columbia,' approved May 3, 1901, as amended, which notice shall contain a full and correct statement of the facts and circumstances upon which the same is based; but in no case shall possession be demanded or obtained by such owner in contravention of the terms of any such lease or contract. If there is a dispute between the owner and the tenant as to the accuracy or sufficiency of the statement set forth in such notice, as to the good faith of such demand, or as to the service of notice, the matters in dispute shall be determined by the commission upon complaint as provided in section 106 of this title.

"SEC. 110. Pending the final decision on appeal from a determination of the commission, the commission's determination shall be in full force and effect and the appeal shall not operate as a supersedeas or in any manner stay or postpone the enforcement of the determination appealed from. Immediately upon the entry of a final decision on the appeal the commission shall, if necessary, modify its determination in order to make it conform to such decision. The difference, if any, between the amount of rent and charges paid for the period from the date of the filing by the commission of the determination appealed from and the amount that would have been payable for such period under the determination as modified in accordance with the final decision on appeal may be added to or allowed on account of, as the case demands, future rent payments or may be sued for and recovered in an action in the municipal court in the District of Columbia.

"SEC. 111. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property, hotel, or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or conditions for the rental property, hotel, or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant.

"SEC. 112. If the owner of any rental property, apartment, or hotel collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this title, he shall be liable for, and the commission is hereby authorized and directed to commence an action in the municipal court in the District of Columbia to recover double, the amount of such excess, together with the costs of the proceeding which shall include an attorney's fee of $50, to be taxed as part of the costs. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him and the balance shall be paid into the treasury of the District of Columbia: *Provided*, That if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's determination, the whole amount of such recovery shall be paid into the treasury of the District of Columbia.

"SEC. 113. If in any proceeding before the commission, begun by complaint or on the commission's own initiative, and involving any lease or other contract for the use or occupancy of any rental property, hotel, or apartment the commission finds that at any time after the passage of this act but during the tenacy the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission, exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupany of such rental property, hotel, or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in the municipal court of the District of Columbia.

"SEC. 114. Whenever under this title a tenant is entitled to bring suit to recover any sum due him under any determination of the commission, the commission shall, upon application by the tenant and without expense to him, commence and prosecute in the municipal court of the District of Columbia an action on behalf of the tenant for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of the tenant the costs of the action, including a reasonable attorney's fee, to be fixed by the court. Such costs and attorney's fee when recovered shall be paid into the treasury of the District of Columbia.

"SEC. 115. The commission shall, by general order, from time to time prescribe the procedure to be followed in all proceedings under its jurisdiction. Such procedure shall be as simple and summary as may be practicable, and the commission and parties appearing before it shall not be bound by technical rules of evidence or of pleading.

"SEC. 116. Any person who with intent to avoid the provisions of this title enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property, hotel, or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property, hotel, or apartment without subjecting such use or occupancy to the provisions of this title or to the jurisdiction of the commission shall upon conviction be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

"SEC. 117. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property, hotel, or apartment and shall require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form.

"The owner of an hotel or apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such hotel or apartment, and a schedule of

rates and charges therefor. The commission shall, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such hotels or apartments; and the rates and charges stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such hotel or apartment. The commission's determination in such case shall be made after such notice and hearing and shall have the same force and effect and be subject to appeal in the same manner as a determination of the commission under section 106 of this title.

"SEC. 118. No tenant shall assign his lease of or sublet any rental property or apartment at a rate in excess of the rate paid by him under his lease without the consent of the commission upon application in a particular case, and in such case the commission shall determine a fair and reasonable rate of rent for charge for such assignment or sublease.

"SEC. 119. The public resolution entitled 'Joint resolution to prevent profiteering in the District of Columbia,' approved May 31, 1918, as amended, is hereby repealed, to take effect 60 days after the date of the confirmation by the Senate of the commissioners first nominated by the President under the provisions of this title; but a determination by the commission made within such period of 60 days shall be enforced in accordance with the provisions of this title, notwithstanding the provisions of such public resolution. All laws or parts of laws in conflict with any provision of this title are hereby suspended so long as this title is in force to the extent that they are in such conflict.

"SEC. 120. The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available to carry out the provisions of this title, one-half thereof to be paid out of money in the Treasury of the United States not otherwise appropriated and the other one-half out of the revenues of the District of Columbia.

"SEC. 121. If any clause, sentence, paragraph, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"To amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, and to regulate rents in the District of Columbia."

And the Senate agree to the same.

G. N. HAUGEN,
J. C. MCLAUGHLIN,
THOS. L. RUBEY,
Managers on the part of the House.

A. J. GRONNA,
HOKE SMITH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1919," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendment No. 1: To this amendment the House recedes with an amendment, which amendment changes "the first paragraph" to "section one" which involves only a matter of form or phraseology; and adds: "That this act may be cited as 'the food-control and the District of Columbia rents act,' TITLE I.—FOOD-CONTROL-ACT AMENDMENTS," the purpose of which is for convenience and separating the food-control-act amendments from the District of Columbia rents.

The House recedes from its disagreements to the amendments of the Senate Nos. 2 to 10, inclusive. The changes resulting therefrom involve only matters of form and phraseology.

Amendment No. 2: This amendment strikes out "be, and the same."

Amendment No. 3: This amendment strikes out a comma.

Amendment No. 4: This amendment strikes out "so as."

Amendment No. 5: This amendment changes "the" to "such."

Amendment No. 6: This amendment strikes out "entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel' approved" and adds "of."

Amendment No. 7: This amendment strikes out "be, and the same."

Amendment No. 8: This amendment strikes out a comma.

Amendment No. 9: This amendment strikes out "so as."

Amendment No. 10: This amendment changes "*And provided*" to "*Provided further.*"

Amendment No. 11: This amendment is the Senate amendment pertaining to rents within the District of Columbia. The House recedes with an amendment which is a comprehensive substitute therefor.

Section 101: This section contains the definitions. The term "rental property" includes all buildings and the land appurtenant thereto, within the District of Columbia. This term also varies the Senate amendment by covering all service furnished in connection with any rental property. Such service thus becomes an element in determining the fair value of rental property for the purpose of fixing the rent therefor. The terms "hotel" and "apartment" are similarly defined. The conference amendment further varies the Senate amendment by covering business property, and by providing a definition of "service." The Senate amendment definitions of "true value," "controversy," and "jurisdiction" are omitted as unnecessary.

Section 102: This section creates a commission of three members not engaged in or connected with the real estate business in the District of Columbia. The members are to be appointed by the President, by any with the advice and consent of the Senate, for terms of two years. The Senate amendment qualifications of two years' residence within the District is omitted.

Section 103: This section provides an annual salary of $5,000, payable monthly, for each commissioner. Provision is further made for certain specified expenditures by the commission and the audit thereof. The Senate amendment provided an annual salary of $6,000 for each commissioner.

Section 104: This section provides that the assessor ex officio becomes an advisory assistant to the commission. The assessor receives an additional salary of $1,000 per annum for such additional duties, instead of $2,000, as provided in the Senate amendment. The section further varies the Senate amendment by providing that every officer or employee of the United States or the District of Columbia shall upon request from the commission supply it with any data or information which is contained in the records of his office and which pertain to the administration of the title.

Section 105: This section provides that duly authorized officers and employees of the commission shall at all reasonable times have access to any books, records, or papers relating to any matter before the commission. The commission is given the power to issue subpœna for the production of such books, records, and papers, and for requesting the attendance of witnesses. The district courts of the United States are to enforce such subpœnas. The section varies the Senate amendment by providing that no officer or employee of the commission shall, unless authorized by it or by a court, make public any information obtained by the commission.

Section 106: This section declares that rental property and hotels and apartments are affected with the public interest, and that all rents and charges therefor and all service in connection therewith shall be fair and reasonable. The provisions of the section vary the Senate amendment, which provides for the determination of the commission of fair and reasonable rents, charges, services, and other terms and conditions of a lease or contract upon complaint of the tenant or owner by permitting the commission to make such determinations upon its own

initiative and by allowing the owner to complain when the tenant is in possession under a lease or contract which has been extended by operation of law or which has been modified by the commission. Such determinations shall be made upon notice and hearing to all parties interested. The provisions of the Senate amendment are further varied by a provision that any determination of the commission must be observed by all Federal courts and courts of the District of Columbia in any collateral action.

Section 107: This section provides that determinations of the commission fixing a fair and reasonable rent or charge upon complaint shall be effective from the date of such complaint. The tenant may collect any difference by deductions from future rent or by suit in the municipal court of the District of Columbia. This section in a measure is a substitute for a provision in the Senate amendment to the effect that the tenant could recover damages for any unreasonable rent collected under a lease or contract made subsequent to September 15, 1919, even though such collections were made previous to any determination by the commission that the rent or charge collected was unfair or unreasonable.

Section 108: This section provides that appeals from the commission's decisions are permitted to the Court of Appeals of the District of Columbia for error in law. The commission shall provide counsel in any such appeal to defend its determination.

Section 109: This section continues the Saulsbury resolution, save that the tenant holds possession, not under the terms of the expired lease or contract only but under such terms, subject to modification, upon complaint by the owner to the commission under section 106. This section varies the Senate amendment, which permits the owner to recover his property when required for the bona fide occupancy of himself or his wife or dependents by providing that any dispute as to the good faith of any such requirement shall be determined by the commission. It varies the Senate amendment further, in that it also permits the owner to recover his property for the purpose of immediate construction of new rental property (hotel or apartment) of a character approved by the commission.

Section 110: This section provides that the commission's determination shall remain in force, despite the taking of an appeal, until such appeal is decided. These provisions were not present in the Senate amendment.

Section 111: This section provides that any determination of the commission shall apply to the rental property, apartment, or hotel involved, despite any change in tenancy or ownership thereof, until the commission modifies such determination in a future proceeding. These provisions were not present in the Senate amendment.

Section 112: This section penalizes the collection of rent in excess of that fixed by determination of the commission by permitting the commission to sue the owner in the municipal court of the District of Columbia for double the amount so collected, together with costs and a $50 attorney's fee. The tenant shall receive that part of the excess which he paid the owner involuntarily. These provisions were not present in the Senate amendment, except in so far as the Senate amendment provided a criminal penalty for a violation of an order of the commission.

Section 113: This section provides that the commission may assess any loss suffered by a tenant due to a willful withdrawal of service by the owner or the exposing of the tenant to any unsafe or insanitary condition or the imposing upon the tenant of any additional burden or unusual inconvenience or the collection from the tenant of any bonus in connection with any existing lease. The tenant may recover such amount by suit in the municipal court of the District of Columbia. Those provisions were not present in the Senate amendment.

Section 114: The commission, upon application of the tenant, shall recover for such tenant any sum due him as the result of any determination by the commission. These provisions were not present in the Senate amendment.

Section 115: This section provides that the procedure of the commission shall be simple and summary and shall not follow technical rules of evidence or pleading.

Section 116: This section provides a criminal penalty of $1,000 or imprisonment not exceeding one year, or both, for any person who enters into any agreement or arrangement for the payment of any bonus in connection with any lease or other contract, or who participates in any fictitious sale or other arrangement to avoid the provisions of the title. These provisions were not present in the Senate amendment.

Section 117: This section gives the commission the power to provide for and require the use of standard forms of lease. The section further requires that hotels and apartments file with the commission plans and schedules of rates and charges. The commission shall make collective determinations of the reasonableness and fairness of the rates and charges of all rooms or apartments in any hotel or apartment in a proceeding similar to that under section 106. These provisions were not present in the Senate amendment.

Section 118: This section prohibits subletting at an advanced rent or charge without the consent of the commission. This varies the Senate amendment which prohibited all subletting without consent of the owner or of the commission.

Section 119: This section repeals the Saulsbury resolution 60 days after the confirmation by the Senate of the commissioners first nominated by the President. All portions of the landlord and tenant law directly in conflict with the title are suspended so long as the title is in force. The Senate amendment provided for the repeal of the Saulsbury resolution 30 days after the act took effect.

Section 120: This section provides an appropriation of $50,000.

Section 121: This section provides the usual provision as to the effect of holding unconstitutional a portion of an act.

Section 122: This section declares the war power is one basis of Congress's authority for enacting the title and that the title is temporary legislation. The section further bases the title upon the power of Congress to prevent any embarrassment to the Federal Government in the transaction of public business resulting from rental conditions dangerous to the health of and burdensome to Federal officers and employees and persons whose activities are essential to the maintenance and comfort of such officers and employees.

Amendment of the Senate to the title of the bill: To this amendment the House recedes with an amendment which adds: "and to regulate rents in the District of Columbia."

G. N. HAUGEN,
J. C. MCLAUGHLIN,
THOS. L. RUBEY,
Managers on the part of the House.

Mr. HAUGEN. Mr. Speaker, I will point out the changes between this conference report and the one presented a week ago.

In section 101 the words "lands or," were stricken out and the words "or land appurtenant thereto" were inserted. As the section was originally drawn it included vacant lands; now it will include only land appurtenant to the buildings referred to.

In section 102 the word "three" was stricken out and the word "two" inserted, so as to limit the term of the commissioners from three to two years.

In section 109 the following language was added:

Or for the purpose of tearing down or razing the same in order immediately to construct new rental property, hotel, or apartment if approved by the commission.

That is, the tenant may be dispossessed if the building which he occupies is to be torn down or razed for the purpose of constructing a new building, if approved by the commission.

Then, in section 117, we strike out the words "upon the request of the commission," so as to make it mandatory for the hotel owner to file the information called for. It is also mandatory upon the commission to fix fair and reasonable rates. The last change fixes the term of the act, limiting it from three to two years. As now drawn it will expire in two instead of three years.

I believe that these are the only changes that have been made from the first conference report.

I reserve the balance of my time.

Mr. BEGG. Mr. Speaker, I desire to speak in opposition to this bill.

The SPEAKER. The Chair recognizes the gentleman. The rule provides that there shall be one hour's debate, to be equally divided between those favoring and those opposed to the report.

Mr. BEGG. May I inquire for what time the Speaker recognizes me?

The SPEAKER. The Chair will be glad to inquire what gentlemen desire to be heard against the report.

Mr. BEGG. If the Chair will pardon me, I suggest that if he will give me control of the time in opposition, I care for only about 10 minutes for myself.

The SPEAKER. The Chair does not think he is authorized to do that.

Mr. WALSH. Then the gentleman from Iowa [Mr. HAUGEN] can not control the time in favor of the report.

The SPEAKER. No; the gentleman from Iowa does not control the time. The Chair will be glad to have unanimous consent that it shall be controlled by the gentleman from Iowa and the gentleman from Ohio.

Mr. WALSH. I ask unanimous consent that the gentleman from Iowa [Mr. HAUGEN] may control 30 minutes in favor of

the report and the gentleman from Ohio [Mr. BEGG] 30 minutes against it.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman from Iowa [Mr. HAUGEN] control 30 minutes in favor of the report and the gentleman from Ohio [Mr. BEGG] control 30 minutes against it. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker, I wish to be notified when I have consumed 10 minutes.

I think I have possibly been misunderstood in my attitude in opposing what I believe to be vicious legislation. So far as the conferees have gone, with one exception, I am perfectly willing to go with them. Under the guise of the emergency that seems to exist, I honestly fear that instead of alleviating the conditions that confront us in the District of Columbia to-day they have only created the machinery that will either cause this law to be declared unconstitutional by the courts of the District of Columbia—which I am very frank to say, not as a lawyer but as a layman, I think will happen—or else I can see nothing other than the creation of the machinery to prolong in power the subletter, who is the very individual that is the curse of the District of Columbia to-day. In spite of all that has been claimed for this act, you have not given the subletter the death blow which he so richly deserves. You have created the machinery whereby you have robbed the legitimate, honest, bona fide investor in real estate in this town; and if you can do it in the city of Washington, you have certainly set a precedent that is going to confront you in other cities in the United States. You have robbed the legitimate owner of property, whether he be the owner of a thousand-dollar cottage or a million-dollar apartment house, of the control of his own property. You have taken it away from him and given it to the subletter.

What is a lease? The word "lease" is used repeatedly in this bill. Now, if it is anything, it is a contract. I will submit to the lawyers of this House if that is not a fair statement that will stand in any court. A lease is a contract. Any contract, in order to get recognition in any court, must be founded on the fundamental and basic principle of a coming together of two minds on some subject for a consideration, for a limited time. That is a contract; and if this bill does not destroy the contract and give the lessee unlimited time, in violation of the will of one party to the contract and the mutual agreement with the lessor, then I can not read the English language. Why, the wildest-eyed Bolshevist that ever spoke from a soap box in the city of New York never advocated any wilder doctrine than this; and I want to say to you men that you will be confronted with this same proposition when you go to your homes, with having set up a precedent for taking away from a property owner the right to determine who shall live in his house. I am not averse to saying by law what he shall charge, because I myself am paying $136 a month for two little old rooms in this town that are worth about $16 a month.

I am in favor of a rent commission to regulate the price; but in the name of God, men, does the property right founded in the Constitution and the bill of rights of the Constitution mean anything, or can you legislate it away? The only excuse that the proponents of this bill have is that they say the property owners of the District of Columbia are a bunch of thieves and robbers, and that they do not deserve any consideration or any rights. I challenge you men who are in favor of this bill in this form to go back home and pass such a bill for your State. If you do, you will never get another vote from any man who owns property valued at as much as $500. If there is a thing that America is going to be confronted with—and it is going to be the dead line inside of five years' time—it is a showdown between the man who through industry and perseverance and economy has saved out of a mere pittance enough to acquire something, and the profligate and the waster who has spent his all, to-day has nothing. I know what it means to be poor. I have always been poor, and I have rented nearly every year of my life. I expect to rent every day that I live in Washington, and I have not a dollar to-day other than that which I have earned by hard work and the economy of my wife and my children and myself. But do you think I will stand on the floor in the Hall of the United States Congress, or any other spot, and vote away the sacredness of the interest of the man who owns his house as to who shall occupy it? I want to emphasize again that I do not care how much you regulate the price a man shall pay, but let the owner say who shall live there.

I submit to every fair-minded man if that is asking anything more than is guaranteed by our Constitution. I stand here to prophesy that the courts will call this law unconstitutional; but if they do not, I have lost my confidence in the old teaching of the sacred protection that is thrown around every man by that old mantle, the Constitution of the United States. I want to say to you that the fear of being punished does not deter me from defending the sacred principles that I believe made this country what it is to-day.

I want to submit this final question and then I am willing to turn over some time to some other gentleman. Who made this country to-day what it is, from the time of the adoption of the Constitution until now? Was it the man who was industrious, the man who saved, the man who acquired, or was it the other element of society? Think it over. Now, will you take away from him one of the fundamental rights guaranteed by the Constitution of the United States, and make that first step in the Capital? The reason, and I do not have any hesitancy in saying it, why some of you are so ready to take it away from the people of the District of Columbia is because you think they can not get after you. They do not have a vote. You will not go back to your homes and talk that kind of stuff that you are now talking on the floor of the House.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BEGG. I will.

Mr. HUDDLESTON. In line with what the gentleman has just said, permit me to call his attention to the fact that the Committee of the Whole House in considering this bill originally voted by a vote of seventy-odd to about sixty to incorporate an amendment to apply this same principle against which the gentleman complains to the whole United States. That is to say, we adopted an amendment which included rentals and made it a crime for the tenant or owner to charge more than a reasonable rate for the premises, and it was applicable to the whole United States.

Mr. BEGG. I have no quarrel with the man who wants to fix a price where the law of supply and demand can not function properly. But when it comes to saying to the owner you shall let John Jones occupy your premises instead of Sam Smith, you are transgressing the sacredness of property rights.

Mr. HUDDLESTON. But the gentleman said we would not dare to go home and make that kind of talk. I want to call his attention to the fact that the majority of the Committee of the Whole did do it.

Mr. BEGG. But it is not on the statute books.

Mr. HUDDLESTON. No; it did not pass in the House, but at least 79 Members of the House were willing to "talk that kind of stuff" with reference to the people at home.

Mr. BEGG. I would suggest to the gentleman from Alabama that he go home and work for that in his legislature and see what happens after the public understands what he is doing. Mr. Speaker, I reserve the balance of my time.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Missouri [Mr. RUBEY] 15 minutes.

Mr. RUBEY. Mr. Speaker, I would like to be notified when I have used 10 minutes. Mr. Speaker and gentlemen of the House, as the gentleman from Kentucky [Mr. JOHNSON] has stated, we are presenting to you this afternoon a bill which is not so good a bill as the one we presented to you about a week ago. When that bill came before the House, a point of order was made against it by the gentleman from Ohio [Mr. BEGG], and the point of order was sustained. It then went back to the conferees, and it now comes to you somewhat weaker, in my opinion, than it was when it was here before. We were compelled to strike out that part of the bill which refers to land, and in doing that we have prevented the United States Government from saving a great many thousand dollars which it has been paying in excessive rents. If that provision could have remained in the bill, it would have meant the saving of thousands of dollars to the Government. The gentleman from Ohio [Mr. BEGG] has succeeded at least in saving that much money to the property owners who are renting land to the Government in the District of Columbia. The second provision is that we cut down the length of time to two years. In doing that, we have weakened this measure. We passed the Saulsbury resolution a little over a year ago to meet a peculiar situation in the District of Columbia. We had passed a bill through this House advocated by the gentleman from Kentucky [Mr. JOHNSON], an excellent bill in my opinion. It went to the Senate and then there came a disagreement between the two bodies and we could not get legislation. The result was that in order to protect the tenants in the District of Columbia, thousands of whom were Government employees, we passed the Saulsbury resolution. That went into effect and that has enabled the tenants, the employees of the Govern-

ment, to retain their respective places of abode up to the present time.

My friend from Ohio [Mr. BEGG] talked to you about the owner of the property. Let me say to him and to you that there are thousands of Government employees in Washington to-day who are holding their rooms and their apartments by virtue of the Saulsbury resolution, and they have been notified by the owners that just as soon as the terms of the Saulsbury resolution expire they will be put out in the street. Does the gentleman from Ohio want the employees of this Government, the young men and the young women who have come here from every State in this Union, who are working at moderate salaries of from twelve hundred and two thousand dollars a year, and who took advantage of a law passed by Congress for their benefit, to be put out at the behest of the owners of the property? I say no.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. JOHNSON of Kentucky. In the remarks made by the gentleman from Ohio [Mr. BEGG], a few moments ago, he said, and correctly said, that perhaps the worst profiteer in the District of Columbia is the subletter. Does not this bill provide in specific terms that the subletter shall not sublet at a price greater than that which he himself pays?

Mr. RUBEY. I will say to the gentleman from Kentucky that there is in this bill, in section 118, the following provision, and I want to read it for the benefit of the House:

> No tenant shall assign his lease or sublet any rental property or apartment at a rate in excess of the rate paid by him under his lease without the consent of the commission, upon application in a particular case, and in such case the commission shall determine a fair and reasonable rate of rent or charge.

And so forth.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. STEVENSON. There is no provision there providing against the man who rents an apartment unfurnished and then furnishes it and sublets it. That is one of the great profiteering schemes. I happen to know of apartments to-day rented for $65 a month where the subtenant puts in about $700 worth of furniture and then rents the whole thing for $175, and I have paid some of that rent myself.

Mr. RUBEY. The evil that the gentleman has stated is one of the greatest evils we have in the city of Washington to-day, and I have no doubt whatever that it is taken care of absolutely in this bill and that the commission will fix a fair and reasonable rate of rent that that tenant shall charge to the subtenant.

Mr. STEVENSON. Do you give them the jurisdiction to establish the rental of the furniture.

Mr. RUBEY. There is no question about that.

Mr. HERSEY. But you have denied the House the privilege of amending that section, have you not?

Mr. RUBEY. Mr. Speaker, the parliamentary situation denies that. The parliamentary situation is such that we come here with a conference report, and the House must accept it or reject it. I regret very much that this House can not take up and consider this bill from beginning to end, go through it and amend it in any way it sees fit, but we have a situation confronting us in the city of Washington that must be met; we can only meet it by passing some kind of legislation, and that proposed legislation is now before us in the shape of this conference report.

As I said a moment ago, the worst feature is the cutting down of the time to two years. We passed the Saulsbury resolution. It is in effect now; it is a makeshift. When we pass this bill and cut the time down to two years it becomes somewhat of a makeshift. The commission can not get organized and into active operation within six months, and they can not plan out the work and do it as efficiently as they could if they had four years before them. Besides you are not going to be able to get competent men to come to the city of Washington and take a responsible position of that sort at a salary of $5,000 a year when they know that the term of office is only two years.

The result is going to be that when this commission is appointed they are going to be men selected from the District of Columbia, because competent men can not be found from other localities who will accept that sort of a position for so short a time. I wish it were possible for the President, as he has the right to do under this bill, to go out into other communities and get good, efficient, experienced men who are not in any way mixed up or connected with the affairs of the District of Columbia, to come here, as disinterested judges and jurors, to pass upon those questions that will come up between landlords and tenants. I think that two of the commissioners should come from outside the District of Columbia.

Mr. Speaker, they tell us that this is temporary legislation; that it is going to last just for a little while. I want to say to you that, in my opinion, the legislation that we are about to enact is going to stay on the statute book. They say we should let the law of supply and demand regulate. I say to you that the law of supply and demand, so far as rents are concerned, has been long since repealed by the rent hogs and profiteers in the District of Columbia, and they are not going to let the law of supply and demand come back, and you can rest assured of that. Let me tell you another thing. Your people and mine are coming here every day from every part of the country, and they are being held up by the high rates at the hotels. I have been here at two inauguration ceremonies and I have known of the large hotels in this city charging $25, $50, and $100, and even more per day to the people who come here from your State and mine to witness the inauguration ceremonies. It has been absolutely outrageous, and upon these occasions I have heard Members of Congress condemn that sort of thing and say that we must pass a law to prevent it. Yet, time goes on, and after a few weeks you forget all about it and do not enact any legislation to prevent the hotels from making these exorbitant charges. This bill that we are going to pass this afternoon will, in some form or other, remain on the statute books. You can rest assured of that.

I reserve the remainder of my time.

Mr. BEGG. Mr. Speaker, I yield 15 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker and gentlemen of the House, very few Members are present this late Saturday afternoon. I noticed that many of you did not listen very particularly to the reading of the conference report, and I fear that few have even studied the Ball rent bill that has to-day been brought into the House as a legislative rider on a report of a committee of conference.

This new and novel method of legislation ought to be something startling to the Congress of the United States. For the first time in our history a conference committee has attempted to deprive the House of the benefit of a committee hearing and right of amendment or the proper consideration of new legislation and to force through a most vicious rider against the best judgment of a majority of this House.

This deplorable condition in legislation has been brought about by very peculiar parliamentary tactics on the part of those who could not succeed by the use of the usual and customary methods of procedure. The food-control bill recently passed the House and went to the Senate; on its return from the committee of conference it was found that the committee had taken a long, complicated Senate bill, called the "Ball rent bill," that had never been considered in the Senate, and had agreed with the Senate conferees to adopt and make this rent bill a part of the food-control bill.

The House committee of conference, knowing that the House would reject such a conference report, secured in advance of making their report a rule from the Committee on Rules making in order this Ball rent bill, thereby limiting the debate to 30 minutes on a side and depriving the House of the right to even amend this long rent bill in any particular, and also by the rule forcing the House to accept and vote for this vicious legislation or defeat the food-control bill, a measure that all the Members favored.

I do not understand how it was possible for the conference committee to secure from the Rules Committee the necessary power to deprive the House of the right to give proper consideration to new and important legislation. It will not happen again, we are informed, for the able chairman of the Rules Committee, the gentleman from Kansas [Mr. CAMPBELL] in presenting the rule apologized for the rule and said he would never do it again. This is his statement from the RECORD:

> Mr. CAMPBELL of Kansas. I agree with the gentleman from Tennessee [Mr. GARRETT] and with others that this is not the most desirable procedure on a conference report, and I want to serve notice now upon conferees that they must not bring conference reports to the Committee on Rules with a request that their provisions be made in order contrary to the ordinary rules of the House.

The gentleman from Tennessee [Mr. GARRETT], one of the most useful and efficient members of the minority, and who has a high regard for the rules and always insists that the House shall have proper opportunity to discuss and amend all bills presented, felt keenly the embarrassment and humiliation of his committee in bringing in such a rule, and he, too, promised it should never occur again. I quote him from the RECORD, as follows:

> Mr. GARRETT. I am pleading for the opportunity of this House to pass upon this legislation in a way that it would have the opportunity to amend it if in its wisdom it thought it was desirable to

amend it. That opportunity does not exist here now, because this conference report must be voted up or down as a whole, and there is no chance to place upon this legislation any amendment, however germane it may be or however desirable it may be. Against this sort of policy I protest. I realize that it is futile now, probably, so far as this particular rule is concerned; but I desire to give my support to the notice which the gentleman from Kansas [Mr. CAMPBELL] served upon the House yesterday, which he has reiterated again to-day, and I desire to assure him that he will have my support in the future against rules of this character.

The able gentleman from Tennessee [Mr. MOON], on Saturday last, made a logical and unanswerable argument against this "Ball rent bill." His speech was short, and I shall insert it as a part of my remarks. It is as follows:

Mr. MOON. Mr. Speaker, I am not concerned in the ad hominem arguments that have been made to-day. But I believe this bill to be thoroughly unconstitutional in every way, and therefore I would not support it under any circumstances. It is an invasion of the rights of property that the Constitution does not authorize. To say that Government employees must be housed does not carry with it the right to say to the citizen that he shall furnish the housing at such figures as a commission may fix. You may take private property for public uses and public purposes, but I deny the right under the Constitution of this Congress to take private property of a citizen and turn it over at figures fixed by a commission in the interest of another citizen.

When you have said that the man who owns a piece of property has no longer the right to control it, no longer the right to say who shall occupy it, no longer the right to say what the price shall be, it is such an invasion of the private rights and interests of a citizen as comes directly in conflict with the provision of the Constitution that guarantees the protection of property in this country.

It is a beginning of that system of legislation, the fixing of rates and prices about everything that you will find the most dangerous and pernicious that has ever been undertaken. There should be general laws controlling all things, but when the Congress goes down to the private citizen and says you shall handle your property this way, that you shall fix this price and no other, Congress has assumed an undertaking that it can not very well carry out.

I insist, Mr. Speaker, that the best interests of this country require that life, liberty, and property under the Constitution shall be protected by the Congress, and you shall not pass any of these Bolshevik laws affecting the property rights of the people of this country. If I own a house, have I not the right to say who shall go into it; if I want to rent it, shall I not have the right to say what the price shall be; if I want to leave it vacant, have I not the right? What right have you under the Constitution to destroy the rights of property which the law gives the citizen? It is an infamous suggestion. [Applause.]

In the three minutes I have I can not discuss this bill nor the constitutional limitations on the powers of Congress in time of war or peace on the questions involved. The mere statement that no power can be found in the Constitution to force the citizens of the District of Columbia to make unwilling contracts as to the use of their property ought to be sufficient for all just men to oppose this measure. Congress can not impair, by express terms of the Constitution, the obligations of contracts in the State, and under the spirit of the Constitution it can not make contracts for the private citizen to accommodate another private citizen in the District of Columbia, however desirable it might be to reduce rents. If it can be done as to rents, it can be done as to all things; and you become the masters and not the servants of the people, and you rule the District as only masters can rule slaves.

Mr. Speaker, in the few moments I have remaining I want to bring before you some of the features of this vicious and unconstitutional rent bill. What does this "Ball rent bill" propose?

It provides a court composed of three commissioners, to be known and called "the rent commissioners of the District of Columbia," to be appointed by the President, to hold office for three years, and receive each a salary of $5,000 a year. The commission shall appoint a secretary, who shall receive a salary of $3,000 a year, payable in like manner; it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this Ball rent bill.

The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the power or duties of a commissioner. The assessor shall receive a salary of $1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

The only qualifications required of these commissioners is that none of them "shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia." In other words, this court shall be made up of renters; owners of real estate are disqualified. I would like to have a photograph of this bunch of irresponsibles that exercise arbitrary power and control over all private property in the District of Columbia.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. HERSEY. I can not yield at present.

Mr. JOHNSON of Kentucky. Will the gentleman yield later?

Mr. HERSEY. I may if I get through with what I want to say.

Now, what is the jurisdiction and power of this rent commission? I have only time to call your attention to a few of the many arbitrary and unconstitutional powers granted to this court over the 470,000 persons that live in the District of Columbia.

These rent commissioners have by this Ball rent bill full control and authority over all the rental property, land or building or part thereof, in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith, hotels or apartments. Also over the tenant, subtenant, lessee, sublessee, or other person, not the owner, entitled to the use or occupancy of any rental property, hotel, or apartment. Also over any hotel or apartment, or part thereof, in the District of Columbia, rented or hired, and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith. Also over the owner, lessor, or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel, or apartment, or any interest therein, or his agent. Also over the service, furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment, or hotel.

Further, the commission or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter. Any member of the commission may sign subpœnas, administer oaths and affirmations, examine witnesses, and receive evidence.

This new court for the District of Columbia provides and furnishes an attorney free of charge for the benefit of the tenant and pays all his costs in the lawsuits in all matters of rents and real estate and contracts with real estate owners; but the owners or landlords get no free services or benefits, but pay the costs of the proceedings before a court organized to look after the interests of the tenants only.

This prejudiced court has the power and authority to make its own rules of procedure, and at the hearing or trial they are not even bound by the usual and ordinary rules of evidence. Trial by jury, provided and guaranteed by the Constitution, is denied to the owners of real estate. They are to be robbed of their property without a jury trial and in total disregard of the rules of evidence.

From the decision of these autocratic commissioners on a question of fact there is no appeal. They shall fix and determine the amount of rent charges and services and all the terms and conditions of a lease or other contract for the use or occupancy of any rental property, hotel, or apartment, and from their decision there is no appeal. They can change all contracts and leases of real estate in the District, permit the tenant to sublet in violation of his contract, and when the lease has expired and the tenant, under his contract, has no further right to occupy the premises, this commission is authorized and empowered, against the wish of the landlord, to extend the lease for two years more, and from this decision there is no appeal.

And this is not all. This unconstitutional commission shall make all contracts between landlord and tenant in the District of Columbia; they draw the forms, agreements, covenants, and terms between the parties, and provide that no other forms shall be used and no other contracts or agreements made by the owners of real estate under a penalty of a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

Under this "Ball rent bill" these commissioners have power and authority, within the District, to demand that the owner of every hotel or apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such hotel or apartment, and the commission shall determine and fix the rates and charges for such rooms, hotel or apartment, for two years, and from this decision the owners of the real estate shall have no appeal.

Such a despotic use of unbridled power is clearly unconstitutional, and the authors of this so-called "Ball rent bill" know it; but they seek to escape by invoking the war powers of the Constitution after the war is ended. They say:

SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to

public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed.

The late war brought an influx of 150,000 new renters into the District of Columbia, and they will remain here, even after the war has ended. The real estate owners of Washington have used their capital and all their resources to enlarge tenements, build houses, hotels, and apartments to meet this great demand, and if given a reasonable time they will solve the problem, and the law of supply and demand will take care of rents and charges. The Washington Times of yesterday says:

BUILDING IN DISTRICT OF COLUMBIA SHOWS BIG GAIN—HEALY'S REPORT SHOWS TEN MILLION EXPENDED IN LAST YEAR.

Building operations in the District during the fiscal year ended June 30, 1919, showed a very marked increase over the preceding 12 months, and $10,520,866 was spent on new buildings and improvements in the Capital, which is an increase over last year of $356,409, the report of John P. Healy, inspector of buildings, shows. New homes erected numbered 749.

During the same period 4,948 permits were issued to build and make improvements. This is an increase of 1,042 over the past year. There were 1,267 brick buildings and 331 frame buildings erected during the year.

This "Ball rent bill," if held constitutional by the courts, will stop at once all further building and progress in the District of Columbia. The tenant you propose to help will find himself unable to obtain rent, and the tenements will be vacant because the landlord can not under any law be forced to rent his property. Harry Wardman will build no more beautiful apartment houses to grace this great city, for under this law he will have no more to say about his property than an idiot under guardianship. Under this bill Jack and Jill, who work on the street cars or in the sewer department, and who possess nothing but their daily wage, can live at the New Willard Hotel, for those beautiful rooms will be rented by the commission at a low rate, and the city hotels will be nothing but cheap rooming houses. The great dining rooms will be closed while the roomers eat at lunch counters.

In the meantime the courts will declare this vicious "Ball rent bill" unconstitutional. These three wise commissioners will lose their jobs and salaries and be forced to seek some honest employment and pay a reasonable rent and be bound to keep their contracts. Property rights will still be held sacred at the Capital of the Nation. Congress will recover from its hysterical condition and legislate in a sane and lawful manner, and the good people of the District of Columbia, although they have no vote, will still be entitled to "life, liberty, and the pursuit of happiness."

Mr. RUBEY. Mr. Speaker, I yield the remainder of my time to the gentleman from Kentucky [Mr. JOHNSON].

The SPEAKER. The gentleman from Kentucky is recognized for three minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, I regret that it becomes necessary to correct misinformation that has been conveyed to the House by the gentleman from Maine [Mr. HERSEY], who has just spoken. The gentleman from Maine, it appears, has made a careful study of the bill. He spoke from elaborate notes, which, at least, indicates that he has made a careful study of it. After his careful study of the bill, he enunciates two propositions. The first is, that it is unconstitutional, and the next is that a man who owns any property can not be a member of the rent commission. The constitutional question is a large one, but lawyers as good as the gentleman from Maine in the past have been mistaken upon propositions like this, and I greatly trust that in this instance the wish is not father of the opinion.

We remember quite well that only a few years ago Mr. Taft, then President of the United States, a most careful lawyer, vetoed a bill of great national moment because it was unconstitutional. In a few months thereafter the Supreme Court of the United States held it to be constitutional.

As to the other proposition, that a man can not own any property and be a member of this commission, I believe I have only to read this section of the bill, section 102:

A commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia.

Can anything be plainer than that the gentleman has made a mistake in his interpretation of the bill? A man can own all the property he wants to own here in the District of Columbia or elsewhere and be eligible to membership upon this commission provided he is not interested in the real estate or renting business.

The SPEAKER. The time of the gentleman has expired.

Mr. BEGG. Mr. Speaker, I should just like to call the attention of the House to this condition: If I own my property and desire to be gone for the summer, say over the vacation, and I can not afford to leave that property setting idle, if I sublease it to a man when this bill becomes a law, under section 109, I defy any legitimate property owner to get the tenant out without the trouble of going before the commission and establishing the fact that you want the property again for the bona fide residence of your own family.

Let us suppose just a little variation of that. Suppose that I have a property and a family; suppose I have a son who is going to be married in two years, and I do not need this property which I have until two years. A legitimate tenant comes to me and makes a legitimate contract with me to vacate that property in two years' time, so that my son may live in it. If this law passes, if this bill becomes a law, there is no power that can get that tenant out of that property against his will, because section 109 says "any contract or lease made hereafter"—even after this law becomes effective—"any lease or any contract for such use or occupancy or under any extension thereof by the operation of the law shall, notwithstanding the expiration of the term, continue." In other words, it shall not expire, even in the face of the fact that there was a contract or agreement between the two parties of sound mind, recognized as having power to make a contract. This law says it shall not expire if the lessee decides that he does not want to move out.

Read it, gentlemen. I simply make a closing appeal to you, gentlemen, not to defeat the provision of the law but to compel these conferees to take cognizance of the fact that the owner of the property has some rights. I hate to oppose this bill, because it has many good features. It will strike somewhat at the high rates of rent. But in a choice between two evils I would rather be robbed of something in paying house rent than jeopardize property rights.

If the conferees had been willing they could have amended this bill without any trouble. One of the conferees stated on the floor that the bill was not a good bill, and in the next breath he said, "You could not get good men as commissioners to serve for $5,000 for two years," but he said it would stay on the statute books; it would stay on, and——

Mr. RUBEY. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. RUBEY. The gentleman is misquoting me. I did not say it was not a good bill. I said it was not as good a bill as was brought in the other day.

Mr. BEGG. I beg the gentleman's pardon. I stand corrected. But the gentleman said in his judgment it would stay on the statute books permanently. I submit to you, gentlemen, if you are framing a basic law that is likely to become permanent, should you not be a little bit jealous of the direction that this is going?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

The SPEAKER. The gentleman from Michigan is recognized for five minutes.

Mr. MCLAUGHLIN of Michigan. Mr. Speaker, I am sure the House does not wish to listen to a constitutional argument, and if it does wish to hear such an argument, I am not able to make it. But we took counsel of gentlemen who are supposed to be learned on these questions, and without exception they expressed themselves to the effect that this bill is constitutional. The Congress of the United States, under the Constitution, has exclusive jurisdiction over the District of Columbia; a state of war exists; disturbed conditions following and due to the war will exist for a long time; and the war power of Congress continues while these conditions continue. And, besides, the Government of the United States has the right to protect itself. If not, a condition somewhat aggravated over the condition now existing might exist, making it difficult for the Government to function. Unquestionably the Government has the right to protect itself.

The gentleman from Ohio [Mr. BEGG] says that Congress has no power to pass a law impairing the obligation of a contract. There is nothing in the Constitution to that effect. The only provision of that kind in the Constitution is that no State shall pass a law which impairs the obligation of a contract, and that is the only limitation of that kind I know of. There is no express limitation of that kind as to the power of the Congress of the United States that I know of.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MCLAUGHLIN of Michigan. Yes; briefly.

Mr. WALSH. Do I understand the gentleman to say that a few of the landlords here in the District of Columbia could prevent the Government of the United States from functioning?

Mr. McLAUGHLIN of Michigan. A few of them?

Mr. WALSH. Or all of them.

Mr. McLAUGHLIN of Michigan. Yes; and other owners of rental property. They might embarrass the Federal Government seriously, and it is to forbid and to prevent that that this act is passed.

Mr. WALSH. That is a very interesting statement.

Mr. McLAUGHLIN of Michigan. The gentleman from Ohio [Mr. BEGG] is insisting that there shall be an amendment. For what purpose? I will tell you why. So that a tenant can be thrown into the street without notice, without any opportunity to appeal to a board, to a commission, or to a court. Why do I say that? A week ago the gentleman was discussing this bill and was insisting that the right of the landlord is being taken away from him. His remarks appear on page 6373 of the RECORD of October 4. He said:

Put in mine—

That is, speaking of his amendment—

and you will get rid of them—

The tenants—

the day you pass it.

Mr. BEGG. That is the sublettor.

Mr. McLAUGHLIN of Michigan. He said:

How soon can a bona fide owner of property get rid of a sublettor under this? Under this law all I am asking is some kind of an arrangement whereby it can be done at once.

This law is intended to prevent that very thing; it is intended to take away from anyone who controls property—the owner, the lessee, or the sublessee—the arbitrary right to fix rents or renting conditions, to make them exorbitant or unreasonable, if he wishes to do so, or to forbid possession altogether of rental property, and to put the tenant into the street at his will and pleasure.

It is to prevent extortion and unwarranted abuse of tenants and at the same time to protect property owners in a proper use of their property that this law is to be passed. The gentleman from Maine [Mr. HERSEY] speaks about no opportunity having been given on the floor for those who wish to plead the cause of the owners and the landlords. Well, I did not know that any gentleman here wished to appear and pose as the representative of the owner and the landlord. The conferees, to the limit of their ability, took into consideration the rights and obligations of owner and lessee alike. We tried and did the very best we could to protect both, and in my judgment that has been done in the bill. No one of the conferees took the position which the gentleman from Maine takes, that somebody must be on hand on committees and on the floor of the House to represent the owner and the profiteer. We tried to give proper consideration to the rights of all, and I believe we have protected all. We think we have brought a fair bill before this House.

Mr. WELLING. Is it the judgment of the conferees that this bill will decrease the building that is now going on in the District of Columbia?

Mr. McLAUGHLIN of Michigan. In our judgment it is as fair a bill as can possibly be made under the circumstances and will not, at least unduly, embarrass any interest.

Mr. HAUGEN. Mr. Speaker, how much time is remaining?

The SPEAKER. Six minutes.

Mr. HAUGEN. Mr. Speaker, it is gratifying to note the fact that only two men have risen to oppose this proposition. One raises the contention that this amendment will discourage building. Why, gentlemen, if it does anything, it will encourage building and increase housing facilities in the District of Columbia.

Under the Saulsbury resolution leases were continued without increased rent. We now provide that the landlord may appeal to a commission and have a fair and reasonable rent determined by the commission. That surely is an improvement over the present state of affairs.

The conferees undertook to protect the landlord as well as the tenant. I will never be a party to the repudiation of a contract or the confiscation of property. Why, even the pirates of old had a sense of honor that led them to redeem rather than to repudiate their obligations.

Mr. HERSEY. Does the gentleman think he did a fair thing to the landlord, when the contract of rent had expired, to continue that contract for two years more?

Mr. HAUGEN. We have improved upon the rights which he now has. We have now guaranteed him a just and reasonable return for the rental of his property. He does not have that guaranty under the Saulsbury resolution. We give him a right that he does not have at present. The law has been improved upon to that extent. True, it does not allow the landlord to turn the tenant out into the street without just cause, but it does guarantee a just and reasonable rent to him.

Mr. BEGG. Will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman from Ohio.

Mr. BEGG. The gentleman made the statement, if I understood him, that he would never sanction the repudiation of a contract.

Mr. HAUGEN. I did.

Mr. BEGG. Section 109 says that at the expiration of the contract if the tenant decides that he wants to stick on, he may do so.

Mr. HAUGEN. That is in the Saulsbury law.

Mr. BEGG. The Saulsbury law is already here.

Mr. HAUGEN. It is in effect now. Here we give protection to the landlord affected by the Saulsbury resolution.

Mr. BEGG. Yes; but after this goes into effect——

Mr. HAUGEN. We repeal the Saulsbury resolution after 60 days. As the gentleman knows, the term of the Ball bill originally was for four years, but we have cut it down to two years. That will give ample time to test the law, and for the Committee on the District of Columbia to pass another bill, if it sees fit to do so.

Mr. MONDELL. Will the gentleman from Iowa yield?

Mr. HAUGEN. Yes.

Mr. MONDELL. Has anyone called attention to the fact that the legislation now before us is the important amendment to the food-control bill which the President asked for in his most recent message, which puts teeth in section 4 of the food-control act? That important matter, so far as I have heard, has not been referred to in this discussion. One would get the impression in listening to this debate that we were simply passing a rent bill for the District of Columbia rather than a very important piece of legislation affecting the whole country, which the President and the Attorney General recommended as important in carrying out the effort to reduce the high cost of living.

Mr. HERSEY. Will the gentleman yield?

Mr. MONDELL. I have not the floor.

Mr. HAUGEN. I yield.

Mr. HERSEY. Did the President recommend the passage of this Ball rent bill?

Mr. MONDELL. Not that I now recall, and that is why I am calling attention to the fact that the legislation now before us is not primarily the Ball rent bill for the District of Columbia, but the very important and far-reaching amendment to the food-control bill recommended by the President of the United States, urged by the Attorney General, and believed by them to be of importance in the control of the high cost of living.

Mr. WALSH. Will the gentleman yield? Does not the gentleman know that the food-control conditions of this bill have become balled up with the rent proposition in the Ball bill? [Laughter.]

Mr. MONDELL. There seems to have been some balling up, and hence my remarks calling attention to the fact that this is an amendment to the food-control bill which we are discussing, and not, except in an incidental way, a rent bill.

The SPEAKER. The time for debate has expired, the previous question is ordered, the question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. WALSH and Mr. JOHNSON of Kentucky) there were 57 ayes and 15 noes.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. It is clear that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 210, nays 8, answered "present" 4, not voting 207, as follows:

YEAS—210.

Alexander	Blanton	Candler	Drane
Almon	Boies	Cannon	Dunbar
Anderson	Booher	Carter	Eagan
Andrews, Nebr.	Box	Clark, Mo.	Echols
Ashbrook	Briggs	Coady	Elliott
Ayres	Brinson	Cole	Elston
Baer	Brooks, Ill.	Connally	Esch
Bankhead	Browne	Cramton	Evans, Mont.
Barbour	Brumbaugh	Crisp	Evans, Nebr.
Barkley	Buchanan	Dale	Fairfield
Bee	Burdick	Davis, Tenn.	Ferris
Benham	Burroughs	Denison	Fess
Black	Byrnes, S. C.	Dickinson, Mo.	Fisher
Bland, Ind.	Byrns, Tenn.	Dickinson, Iowa	Fordney
Bland, Mo.	Campbell, Kans.	Dominick	Frear
Bland, Va.	Campbell, Pa.	Dowell	French

Gard	Kinkaid	Oldfield	Steagall
Glynn	Kraus	Oliver	Stedman
Goodwin, Ark.	Lampert	Overstreet	Stevenson
Graham, Ill.	Lanham	Padgett	Stiness
Green, Iowa	Lankford	Parrish	Strong, Kans.
Greene, Mass.	Lazaro	Phelan	Summers, Wash.
Greene, Vt.	Lea, Calif.	Quin	Sumners, Tex.
Hadley	Lehlbach	Rainey, J. W.	Sweet
Hamilton	Lonergan	Raker	Temple
Hardy, Colo.	Lufkin	Ramsey	Thomas
Hardy, Tex.	McDuffie	Ramseyer	Thompson
Haskell	McGlennon	Randall, Calif.	Tillman
Hastings	McKeown	Reed, W. Va.	Tilson
Haugen	McKinley	Ricketts	Timberlake
Hawley	McLaughlin, Mich	Riddick	Tincher
Hayden	MacCrate	Robinson, N. C.	Treadway
Hays	MacGregor	Rodenberg	Venable
Hernandez	Madden	Rogers	Vestal
Hickey	Mapes	Romjue	Vinson
Hill	Martin	Rose	Volstead
Hoch	Mays	Rouse	Wason
Huddleston	Mead	Rubey	Watkins
Hudspeth	Michener	Sabath	Watson, Va.
Hull, Tenn.	Miller	Sanders, Ind.	Weaver
Igoe	Minahan, N. J.	Sanders, La.	Webster
Jacoway	Monahan, Wis.	Schall	Welling
James	Mondell	Sears	Welty
Johnson, Ky.	Moore, Va.	Sherwood	Whaley
Johnson, Miss.	Morgan	Shreve	White, Kans.
Johnson, S. Dak.	Mott	Sims	White, Me.
Jones, Tex.	Nelson, Mo.	Sinclair	Wingo
Kahn	Newton, Minn.	Sinnott	Winslow
Kearns	Newton, Mo.	Small	Woods, Va.
Keller	Nicholls, S. C.	Smith, Idaho	Young, N. Dak.
Kelly, Pa.	Nichols, Mich.	Smith, Mich.	Young, Tex.
Kincheloe	Nolan	Smithwick	
King	O'Connor	Snell	

NAYS—8.

Begg	Evans, Nev.	Hersey	McFadden
Dent	Gould	Humphreys	Walsh

ANSWERED "PRESENT"—4.

Butler	Flood	Garner	Garrett

NOT VOTING—207.

Ackerman	Fields	Lee, Ga.	Reber
Andrews, Md.	Fitzgerald	Lesher	Reed, N. Y.
Anthony	Focht	Linthicum	Rhodes
Aswell	Foster	Little	Riordan
Babka	Freeman	Longworth	Robsion, Ky.
Bacharach	Fuller, Ill.	Luce	Rowan
Bell	Fuller, Mass.	Luhring	Rowe
Benson	Gallagher	McAndrews	Rucker
Blackmon	Gallivan	McArthur	Sanders, N. Y.
Bowers	Gandy	McClintic	Sanford
Brand	Ganly	McCulloch	Saunders, Va.
Britten	Garland	McKenzie	Scott
Brooks, Pa.	Godwin, N. C.	McKinley	Scully
Browning	Goldfogle	McLane	Sells
Burke	Good	McLaughlin, Nebr.	Siegel
Caldwell	Goodall	McPherson	Sisson
Cantrill	Goodykoontz	Magee	Slemp
Caraway	Graham, Pa.	Maher	Smith, Ill.
Carew	Griest	Major	Smith, N. Y.
Carss	Griffin	Mann	Snyder
Casey	Hamill	Mansfield	Steele
Chindblom	Harrison	Mason	Steenerson
Christopherson	Heflin	Merritt	Stephens, Miss.
Clark, Fla.	Hersman	Montague	Stephens, Ohio.
Classon	Hicks	Moon	Strong, Pa.
Cleary	Holland	Mooney	Sullivan
Collier	Houghton	Moore, Ohio	Swope
Cooper	Howard	Moore, Pa.	Taylor, Ark.
Copley	Hulings	Moores, Ind.	Taylor, Colo.
Costello	Hull, Iowa	Morin	Taylor, Tenn.
Crago	Husted	Mudd	Tinkham
Crowther	Hutchinson	Murphy	Towner
Cullen	Ireland	Neely	Upshaw
Currie, Mich.	Jefferis	Nelson, Wis.	Vaile
Curry, Calif.	Johnson, Wash.	O'Connell	Vare
Dallinger	Johnston, N. Y.	Ogden	Voigt
Darrow	Jones, Pa.	Olney	Walters
Davey	Juul	Osborne	Ward
Davis, Minn.	Kelley, Mich.	Paige	Watson, Pa.
Dempsey	Kendall	Park	Webb
Dewalt	Kennedy, Iowa	Parker	Wheeler
Donovan	Kennedy, R. I.	Pell	Williams
Dooling	Kettner	Peters	Wilson, Ill.
Doremus	Kiess	Platt	Wilson, La.
Doughton	Kitchin	Porter	Wilson, Pa.
Dunn	Kleczka	Pou	Wise
Dupré	Knutson	Purnell	Wood, Ind.
Dyer	Kreider	Radcliffe	Woodyard
Eagle	LaGuardia	Rainey, H. T.	Wright
Edmonds	Langley	Randall, Wis.	Yates
Ellsworth	Larsen	Rayburn	Zihlman
Emerson	Layton	Reavis	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. LANGLEY with Mr. FIELDS.

Mr. STEPHENS of Ohio with Mr. BRAND.

Mr. MCPHERSON with Mr. MAJOR.

Mr. MCARTHUR with Mr. SISSON.

Mr. BOWERS with Mr. NEELY.

Mr. LONGWORTH with Mr. GARNER.

Mr. BUTLER with Mr. STEELE.

Mr. KLECZKA with Mr. MCANDREWS.

Mr. REAVIS with Mr. BABKA.

Mr. REBER with Mr. ASWELL.

Mr. FOSTER with Mr. POU.

Mr. FULLER of Illinois with Mr. PELL.

Mr. GRIEST with Mr. LEE of Georgia.

Mr. PETERS with Mr. CANTRILL.

Mr. FOCHT with Mr. HENRY T. RAINEY.

Mr. TINKHAM with Mr. MONTAGUE.

Mr. TOWNER with Mr. MANSFIELD.

Mr. VARE with Mr. MCLANE.

Mr. GOODYKOONTZ with Mr. LINTHICUM.

Mr. DAVIS of Minnesota with Mr. SAUNDERS of Virginia.

Mr. HULL of Iowa with Mr. KETTNER.

Mr. WATSON of Pennsylvania with Mr. GALLIVAN.

Mr. VOIGT with Mr. GODWIN of North Carolina.

Mr. HUSTED with Mr. JOHNSTON of New York.

Mr. CROWTHER with Mr. SULLIVAN.

Mr. HUTCHINSON with Mr. HOWARD.

Mr. KENDALL with Mr. HERSMAN.

Mr. ACKERMAN with Mr. WRIGHT.

Mr. RADCLIFFE with Mr. BENSON.

Mr. MOORE of Ohio with Mr. CULLEN.

Mr. MOORE of Pennsylvania with Mr. COLLIER.

Mr. MORIN with Mr. CLEARY.

Mr. MUDD with Mr. CLARK of Florida.

Mr. NELSON of Wisconsin with Mr. CASEY.

Mr. KREIDER with Mr. HAMILL.

Mr. DUNN with Mr. ROWAN.

Mr. DYER with Mr. RIORDAN.

Mr. CURRY of California with Mr. STEPHENS of Mississippi.

Mr. DALLINGER with Mr. SMITH of New York.

Mr. KENNEDY of Rhode Island with Mr. HEFLIN.

Mr. KIESS with Mr. HARRISON.

Mr. OGDEN with Mr. CARSS.

Mr. OSBORNE with Mr. CAREW.

Mr. PAIGE with Mr. CARAWAY.

Mr. WHEELER with Mr. GALLAGHER.

Mr. WILLIAMS with Mr. FITZGERALD.

Mr. ZIHLMAN with Mr. DOREMUS.

Mr. ANTHONY with Mr. WISE.

Mr. BROOKS of Pennsylvania with Mr. WILSON of Pennsylvania.

Mr. LAYTON with Mr. GRIFFIN.

Mr. LUHRING with Mr. GOLDFOGLE.

Mr. RHODES with Mr. DONOVAN.

Mr. DARROW with Mr. SCULLY.

Mr. MCLAUGHLIN of Nebraska with Mr. DEWALT.

Mr. PORTER with Mr. CALDWELL.

Mr. WALTERS with Mr. GANLY.

Mr. WARD with Mr. GANDY.

Mr. MAGEE with Mr. DAVEY.

Mr. PURNELL with Mr. BLACKMON.

Mr. ROWE with Mr. OLNEY.

Mr. SCOTT with Mr. O'CONNELL.

Mr. STRONG of Pennsylvania with Mr. MOON.

Mr. BROWNING with Mr. WILSON of Louisiana.

Mr. WILSON of Illinois with Mr. EAGLE.

Mr. WOOD of Indiana with Mr. DUPRÉ.

Mr. BURKE with Mr. WEBB.

Mr. CHINDBLOM with Mr. UPSHAW.

Mr. WOODYARD with Mr. DOUGHTON.

Mr. FULLER of Massachusetts with Mr. PARK.

Mr. COSTELLO with Mr. TAYLOR of Colorado.

Mr. GOODALL with Mr. MCCLINTIC.

Mr. CRAGO with Mr. TAYLOR of Arkansas.

Mr. EDMONDS with Mr. RAYBURN.

Mr. HOUGHTON with Mr. LARSEN.

Mr. HULINGS with Mr. KITCHIN.

Mr. GRAHAM of Pennsylvania with Mr. LESHER.

The result of the vote was announced as above recorded.

ADJOURNMENT.

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until Monday, October 13, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the secretary of Hawaii, transmitting copy of the journal of the senate of Hawaii (H. Doc. No. 263); to the Committee on Territories and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GOOD, from the Special Committee on Budget, to which was referred the resolution (H. Res. 324) to provide changes in the rules of the House in connection with the establishment of a national budget, reported the same with amendment, accompanied by a report (No. 373), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (S. 2867) authorizing the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general, reported the same without amendment, accompanied by a report (No. 374), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KINCHELOE: A bill (H. R. 9878) granting additional pay to the enlisted personnel of the Army, Navy, and Marine Corps; to the Committee on Ways and Means.

By Mr. MOTT: A bill (H. R. 9879) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, as amended; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 9880) granting recognition to certain female employees of the War Department who served abroad; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 9881) changing the time of day in March and October of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 9882) to further provide for the presidential succession; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. GODWIN of North Carolina: Joint resolution (H. J. Res. 228) authorizing the establishment of a free port at Wilmington, N. C.; to the Committee on Ways and Means.

By Mr. JOHN W. RAINEY: Joint resolution (H. J. Res. 229) requesting the President of the United States to proclaim demobilization of the Army; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplemental report on the condition of the cotton crop; to the Committee on Agriculture.

By Mr. TIMBERLAKE: Joint resolution (H. J. Res. 231) providing for the loan of Army tents, tarpaulins, and other means of protection to certain States of the Union; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills, and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 9883) granting a pension to James Phelps; to the Committee on Pensions.

Also, a bill (H. R. 9884) granting a pension to Henry Blankenship; to the Committee on Pensions.

Also, a bill (H. R. 9885) granting a pension to Albert N. Oakleaf; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 9886) granting a pension to John B. Lang; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 9887) granting a pension to George J. Molloy; to the Committee on Pensions.

By Mr. GANLY: A bill (H. R. 9888) for the relief of Mary Ginsberg and Abram Ginsberg; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 9889) granting an increase of pension to Julia A. Birge; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS: A bill (H. R. 9890) to reimburse Hugh J. McKane for property destroyed by fire in the District of Columbia; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9891) granting an increase of pension to Tillie Wester; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 9892) granting an increase of pension to Minnie Nordyke; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9893) granting an increase of pension to Hester A. Phillips; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9894) granting an increase of pension to Walter J. Shelley; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 9895) to correct the military record of Patrick Kennedy; to the Committee on Military Affairs.

By Mr. MOON: A bill (H. R. 9896) to remove the charge of desertion from the military record of A. K. Ball; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 9897) granting a pension to Mirtie Hudson; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 9898) granting a pension to Hodges W. Drayton, alias Lawrence G. Sommers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLAND of Missouri: Petition of the American Legion of Kansas City, relating to the unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. ELLIOTT: Petition of the American War Mothers, in national convention assembled in Washington, D. C., favoring the return to this country of all the American dead; to the Committee on Military Affairs.

By Mr. McGLENNON: Petition of Patrick J. Long and others, of New Jersey, protesting against the ratification of the proposed league of nations; to the Committee on Foreign Affairs.

By Mr. MOON: Papers to accompany bill to remove desertion charge from record of A. K. Ball; to the Committee on Military Affairs.

By Mr. RAKER: Letter from the Engineer and Architects' Association of Los Angeles, Calif., inclosing copies of two resolutions relative to the General Staff bill for reorganization of the Army and an all-American canal in Imperial County, Calif.; to the Committee on Military Affairs.

Also, petition of John R. Lyle & Co., of Susanville, Calif., protesting against the passage of the Siegel bill (H. R. 8115); to the Committee on the Judiciary.

Also, letter from the California Metal Producers' Association of California, San Francisco, Calif., protesting against Senate bill 2896, known as the revenue explosive act of 1919; to the Committee on the Judiciary.

By Mr. REED of West Virginia: Petition of Messrs. S. M. Levinstein, J. H. Fisher, J. H. Asper, and 30 other merchants of Buckhannon, W. Va., protesting against the provisions of the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: Petition of John R. White and 91 other voters and taxpayers of Waitsburg, Walla Walla County, Wash., favoring the enactment into law of Senate bill 1017, known as the Smith educational bill; to the Committee on Education.

SENATE.

MONDAY, *October 13, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy gracious favor. Thou dost hold the nations in the hollow of Thy hand. Thou art our king. Thou art our father. We look to Thee for Thy command. We look to Thee for Thy gracious voice calling us to the larger fields of life and service. Fit us to-day for the responsibilities that are upon us. Grant us Thy gracious favor. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. SMOOT. I ask unanimous consent that the further reading of the Journal may be dispensed with.

Mr. JONES of Washington. I rather think the Journal should be read.

Mr. SMOOT. I have no objection if any Senator wants to have it read.

The Secretary resumed and concluded the reading of the Journal.

Mr. JONES of Washington. I wish to ask a question with reference to the Journal. I tried to observe the reading closely, but was interrupted. I want to know whether the Journal shows that a motion was entered to discharge the Committee on Commerce from the further consideration of what is known as the free-port bill.

The VICE PRESIDENT. It does not.

The Journal was approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 129).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation in the sum of $2,000 required for additional employees for the courthouse for the fiscal year 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

KANSAS CITY SOUTHERN RAILWAY CO. (S. DOC. NO. 130).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting a copy of the report of the commission in valuation docket No. 4, the Kansas City Southern Railway Co. et al. The communication will be printed and, with the accompanying paper, referred to the Committee on Interstate Commerce.

SHORTAGE OF SUGAR.

The VICE PRESIDENT. The last paragraph of clause 5 of Rule VII reads:

No petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received unless the same be transmitted to the Senate by the President.

This devolves upon the part of the Presiding Officer the sending of every paper from a citizen or subject of a foreign power to the President of the United States for the purpose of a determination as to whether it shall be handed down by the Senate.

The Chair has a communication which has nothing whatever to do with the foreign relations of the United States of America, which the Chair believes conveys certain information that the Senate is not advised of, and the Chair asks unanimous consent that the rule may be suspended in order that he may lay it before the Senate. Is there any objection? The Chair hears none. The Secretary will read the communication.

The Secretary read as follows:

[Telegram.]

SANTIAGO, CUBA, *October 11, 1919.*

HON. PRESIDENT OF THE SENATE
OF THE UNITED STATES OF AMERICA,
Washington.

In the name of the Association de Hacendados y Colonos de Cuba—that is to say, the manufacturers and sugar planters' association—I beg to inform you respectfully that no person is authorized to legally negotiate the sale of the coming Cuban sugar crop.

ALEJO E. CARRENO,
President of the Association.

Mr. GAY. Mr. President, in connection with the sugar shortage, I have a newspaper article published in the Washington Star of yesterday on the subject, which I ask to have inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Oct. 12, 1919.]

"DEMAND FOR SUGAR IN UNITED STATES IN EXCESS OF PRODUCTION—PRESENT SHORTAGE BELIEVED DUE TO ECONOMIC MISTAKE—CALL FOR BRINGING THE CONSUMPTION BACK TO NORMAL.

(By Sidney Ballou.)

"The facts in regard to the sugar shortage are fortunately undisputed, whatever may be the difference of opinion with regard to what should or should not have been done. These facts, as established before the Senate Committee on Agriculture, are as follows:

"1. There has been no shortage of actual supplies of sugar available in this country for this year. On the contrary, more sugar is being furnished and consumed in the United States this year than ever before.

"2. The shortage is caused by an excessive demand and the effort to supply sugar enough to meet that demand. Our prewar consumption averaged about 83 pounds per capita and our war-time consumption 75 pounds. This year the consumption is running at the rate of 92 pounds per capita.

"3. For the first nine months of the year there has been furnished and passed into consumption—that is, sold by producers and refiners to the trade—3,263,000 long tons, as against last year's figure to the same date of 2,661,000 long tons. Our total consumption for the whole of last year was 3,500,000 tons.

"4. The world production of sugar is about 2,000,000 tons short of the prewar average, and this year's production is nearly a million tons short of last year's.

"5. In the midst of this world shortage the American consumer has been furnished sugar at a price substantially lower than that prevailing in any other country, and very low in comparison with the increase in price in other basic food commodities.

"VARIANCE IN VIEW.

"As to the deductions to be drawn from these facts, there is a difference of opinion. The Sugar Equalization Board takes great pride in having thus furnished this sugar to the American consumer at this price in the midst of a world's shortage. It is open to question, however, whether they have not made an economic mistake in so doing, for which we are about to pay in the shape of a shortage and of extraordinarily high prices.

"It would be an ideal arrangement if the price of sugar could be fixed at a point which would yield a fair profit to the producers, the refiners, and the distributors, and could be supplied to the consumers indefinitely at the resulting price. Such an arrangement, however, omits one important factor, and that is the law of supply and demand.

"In ordinary times the price of sugar fluctuates and is constantly maintained at a point at which the country is just consuming the available supply as it comes to the market. If the demand increases or the supply is diminished, the price rises until the consumption is checked accordingly. If the contrary happens, a decrease in price stimulates the consumption.

"When a price is fixed based solely upon cost of production and distribution plus a fair profit, it may happen that the resulting price is such that the consumer will proceed to do as he has done this year—that is, eat up a normal year's supply in nine months. When this happens, one of two things must be done—either the price must be increased or the sugar must be rationed. Failure to do either will inevitably result in a shortage. During the war Hoover administered sugar upon the basis of cost plus a fair profit for all concerned. The costs of the producers and refiners were carefully and impartially determined, the figures in most cases being checked up by the Tariff Commission. The Food Administration never fixed the price of a commodity without first calling the producers together, examining their costs, and finally agreeing on a price. This avoided the most dangerous pitfall of price fixing, which is the discouragement of production.

"HOOVER'S DRASTIC RATIONING SYSTEM.

"At the other end of the line, in order to overcome the natural working of the law of supply and demand, Hoover adopted a drastic system of rationing. Manufacturers who used sugar were put on a particularly strict allowance, so that a fair proportion of sugar was reserved for table consumption. Individual consumers were appealed to to restrict their consumption and responded to an extraordinary degree. Offenders against the regulations of the Food Administration were haled before perfectly illegal tribunals and fined for the benefit of the Red Cross, all of which was approved and sustained by public sentiment.

"The present Sugar Equalization Board is a corporation which was formed by the Food Administration for the purpose of assisting in the control of the sugar situation. It purchased the entire Cuban crop for this year—two-thirds on our own account and one-third on account of our allies. Added to our domestic sugars, this seemed an adequate provision of supplies for the present year.

"With the cessation of hostilities, however, the consumption of sugar began to increase enormously. Physical workers, who particularly need sugar, were being paid high wages and could indulge in the luxury of sweets. Prohibition added to the demand. By July 1 it was established that the country was consuming sugar at an unparalleled rate of 92 pounds per capita, and at the same time the revised estimates of the world's production were published, showing a shortage of a million tons even, as against last year's war-time production.

"It was evident that the law of supply and demand was making itself felt and should be reckoned with. Nevertheless neither alternative for checking consumption was adopted. An increase in the price would have been unpopular, and even at present the Equalization Board insists that it will maintain the present price on all sugar still within its control until the close of the year. Rationing would have been still more unpopular, even if it were still practicable after the relaxation of war tension.

"RENDERS SHORTAGE INEVITABLE.

"Failure to adopt either expedient rendered a shortage inevitable. The Sugar Equalization Board apparently proceeded on the theory that this shortage could be post-

poned until after the end of the year, when it expected to go out of business. It began to borrow against the future. First it instructed the refiners to fill no more export orders, thereby practically placing an embargo on exports. All our so-called exports, however, were merely our allies' one-third of the Cuban crop, which was being refined in this country, so that this amounted to a temporary stoppage of their supplies, doubtless on the expectation that it could be repaid without inconvenience in the future. Like so many borrowers' expectations, this has been disappointed. For the balance of the year the Equalization Board is depending upon the domestic beet-sugar crop to relieve the situation. This again would involve a marketing of an unusually large percentage before January 1, and even if the limits of railroad equipment permitted this to be done it would be more borrowing against the future.

"In August there arose the question of the desirability of purchasing the Cuban crop for next year. The Cuban committee opened the subject by professing its readiness to negotiate, though no price was mentioned. The Equalization Board requested authority from the President, who is nominally its only stockholder, to begin negotiations, but received no reply to its communications other than formal acknowledgments. On September 23 the Cuban offer to negotiate was withdrawn, and President Menocal stated that it would no longer be possible to control the Cuban producers sufficiently to effectuate the sale at a fixed price. Nevertheless this question is still being agitated, and a bill has been introduced in the Senate to give the Equalization Board the necessary authority.

"ONLY ONE STEP IN PROBLEM.

"In considering the advisability of this purchase, even if it was still possible, it must be remembered that this is only one step in the problem. It must not be assumed that even if the whole crop were available it could be passed on to the American consumer in unrestricted amounts at a price below that dictated by a world shortage. This can not be done. Either the price must be fixed at a level which will check consumption or some central body must be given authority to say who shall have sugar and who shall not. Otherwise the big manufacturers will get their quota, and the entire shortage will be turned upon the portion destined for table consumption, while in this field the big man will have the advantage in the scramble over the small one, with endless inequalities and charges of favoritism.

"Another feature which is apparently to be introduced is the Department of Justice. Attempts to regulate prices by penal statutes have failed at all times, in all places, and in all countries. Mr. Hoover testified that such attempts in England frequently resulted in the entire commodity disappearing from the visible market. If left to the initiative of individual district attorneys the first effect will be that sellers of the commodity will avoid the chances of indictment, and the more vigorous the prosecution on the ground of excessive prices the less sugar will be found in that particular district.

"RESULT IS HIGHER PRICES.

"It looks as though we had already overstayed our limit in the contest with the law of supply and demand. It is already evident that there will be a shortage during the remaining months of this year, and that the price, whether it escapes from control now or after January 1, will reach a point which it would not have reached had it been allowed to conform more nearly to economic law. The longer that regulation is continued upon the present policy, with no adequate provision for bringing consumption back to normal, the more acute will be the shortage."

VOTING POWER OF GREAT BRITAIN IN LEAGUE OF NATIONS.

Mr. NELSON. Mr. President, I have a short article here from a prominent attorney of Minneapolis, Mr. Bright, one of the ablest attorneys, upon the question of the voting power of England and her colonies, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"THE ENGLISH DOMINIONS AND THE LEAGUE OF NATIONS.

"*To the Editor of The Tribune:*

"Some misapprehension is manifest in the discussion of this subject. In the first place, the notion has been fostered that Great Britain secured membership in the league for the Dominion so that her power would be enlarged, whereas membership was conceded to the dominions as a recognition of their independent dignity and worth as free, self-governed peoples. No one, upon cool judgment, would say that Cuba, Haiti, and Panama should be members and Canada, Australia, New Zealand, and South Africa should be excluded on their merits. India with her 300,000,000 is not, to be sure, as self-governed as the others, but she is looking that way and will be more and more self-governed as time goes on.

"The question has been raised as to whether these dominions may be represented on the council, and Mr. Wilson has been sharply criticized because he said they could not, although in Paris he agreed with Lloyd-George and Clemenceau that they were eligible. Now the object of this criticism was not so much to show Mr. Wilson's inconsistency as to create the impression that there was danger of Great Britain and the dominions all being represented on the council and thus have control or an overpowering influence. Mr. Wilson was right when he said the dominions were eligible because four of them could be chosen to take the place of Belgium, Brazil, Greece, and Spain, and the fifth might be represented if the number of league members having the right to representation on the council were enlarged as provided in article 4 of the covenant. If, then, everything was done as provided by the covenant to the end that Great Britain and the dominions should all be represented on the council they would be. On the other hand, Mr. Wilson was also right when he said that it was impossible for that to occur, because in the first case it would require a unanimous consent of the whole assembly to choose the four, and, in the second, the unanimous consent of the council with a majority approval of the assembly to enlarge the council.

"Now, when a thing is practically impossible, it is impossible in a very real sense. There would be no reason in objecting to the result apprehended if all were agreed that it was desirable and should give their consent, but it would then cease to be apprehended or considered a menace. In such case the United States would have consented and could not complain. But it is nothing short of an absurdity to suppose that such overwhelming representation of the English-speaking peoples on the council would find that unanimous support which would be necessary to accomplish it. You could not get a majority of the assembly to support such a proposition, and you must have unanimous consent to admit one dominion in place of Belgium or Brazil or Greece or Spain. And think of the quadruple absurdity of putting a dominion in the place of each of them. Before there would be any place for the fifth you must secure the unanimous consent of the council and a majority of the assembly to an enlargement of the council as provided in article 4, and the unanimous consent to elect India instead of some other State to a seat on the council. It may be stated with great certainty that such result is a practical impossibility.

"UNEQUAL REPRESENTATION.

"It must be conceded that many people sincerely believe that the United States will suffer a serious disadvantage in comparison with Great Britain and her dominions because of the basis of representation in the assembly of the league. But if this disadvantage is sentimental and not practical, then it is not serious and we can well afford to bear it rather than hinder for an hour the ratification of the treaty. Our consolation should be ample in the reflection that if the English-speaking peoples are all members of the league on an equal footing, and, without jealousy or rivalry, looking not to control of the league, but rather cooperating in the interest of peace, the league will be worth while. If, however, at the very threshold that harmony is broken by childish protests of a sensational nature, and which carry a suggestion of distrust and antagonism between the United States and the other English-speaking State, a cloud passes over the league. There can be no successful league of nations without the harmony of the English-speaking nations, and the demagogic cry that this covenant is a pro-British covenant because of the representation on the assembly of these self-governing peoples on an equal footing with all others is made by those who would defeat the treaty, and is repeated by many honest men who accept what Senators or editors say instead of reflecting upon what the covenant provides and making their own conclusion.

"It is perfectly clear that the United States has greater protection in a dispute between it and Great Britain in the assembly than would be enjoyed if the dispute were in the council, concerning which no alarm has been sounded, because a decision or conclusion could only be reached by the unanimous vote of the seven nations represented on the council outside the disputants, and by a majority of all the other members of the league excluding the disputants. We would be better protected notwithstanding the votes of the dominions because it would be no easy thing for Great Britain, simply as matter of influence, to get a majority of the assembly. It would have to appear pretty clearly that she was in the right. Whatever disadvantage there might be in the votes of the dominions in such a dispute, or any other, the United States may well accept it in order that the dominions shall have representation in the assembly as fully self-governing States, with the same standards, the same language, and the same great purposes in entering the league that we have. It has been said that it is not demanded that they be excluded, but that the United States have

six votes; but it is plain enough that where the United States is a party to a dispute six votes would be no better than one, as they would all be silent or excluded. In all other cases we can well afford to take our chances on an equal and friendly footing with the dominions.

"ALFRED H. BRIGHT."

Mr. McCORMICK. I have here a copy of the official record of the debates in the Canadian Senate of September 30. I ask to have printed in the RECORD so much of it as deals with the representation of the British Empire and colonies in the league of nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"Hon. HEWITT BOSTOCK. Honorable gentlemen, we are now asked to deal with a bill which is for the purpose of supplementing the treaty which we approved of by resolution the other day. It is not my intention to go into a discussion of the treaty itself, because I think it was fully discussed before, and I should be only repeating what was said at that time. But, with the permission of the house, I desire to bring to your attention some papers that have been brought down to Parliament since the adjournment and which I think have considerable bearing on the way in which this matter has been dealt with and show the reason why we have been asked to deal with this question in what, on a previous occasion, I termed a rather hurried and unsatisfactory way, inasmuch as the honorable members of this house had the official copy of the treaty placed in their hands on the 2d of September and were asked to approve of it, and did approve of it, on the 4th of September. Considering that the treaty contained some 440 articles, it was rather a large order to ask honorable gentlemen to deal with the various questions and express an opinion upon them in that short time.

"I think I drew attention to the fact that on this side of the house we did not consider that the approval of the treaty by Parliament was absolutely necessary; that Parliament approved of a treaty by passing, as we are asked to pass now, a bill that provides that the Government shall do certain things in order to carry out the terms of the treaty; that the practice that we were asked to follow was entirely new for Parliament; and that we were establishing a precedent.

"I am afraid that I shall have to take up a little of the time of the house in reading the correspondence; I think it is of interest, and I hope honorable gentlemen will not object. It reads as follows:

"[Telegram from the prime minister of the United Kingdom to the prime minister of Canada.]

"LONDON, *October 27, 1918.*

"Sir ROBERT BORDEN, *Ottawa:*

"October 27, 1918. I think that you ought to be prepared to start without delay for Europe, if the Germans accept the terms of the armistice, which we shall propose after our meeting at Versailles this week, as the peace conference will in that event probably open within a few weeks, and this will have to be preceded by interallied conferences of at least equal importance. It is, I think, very important that you should be here in order to participate in the deliberations which will determine the line to be taken at these conferences by the British delegates.

"LLOYD-GEORGE.

"[Telegram from the prime minister of Canada to the prime minister of the United Kingdom.]

"OTTAWA, *October 29, 1918.*

"Right Hon. DAVID LLOYD-GEORGE,
"10 Downing Street, London:

"October 29. There is need of serious consideration as to representation of the dominions in the peace negotiations. The press and people of this country take it for granted that Canada will be represented at the peace conference. I appreciate possible difficulties as to representation of the dominions, but I hope you will keep in mind that certainly a very unfortunate impression would be created and possibly a dangerous feeling might be aroused if these difficulties are not overcome by some solution which will meet the national spirit of the Canadian people. We discussed the subject to-day in council, and I found among my colleagues a striking insistence which doubtless is indicative of the general opinion entertained in this country. In a word, they feel that new conditions must be met by new precedents. I should be glad to have your views.

"BORDEN.

"[Telegram from the prime minister of the United Kingdom to the prime minister of Canada.]

"LONDON, *November 3, 1919.*

"Sir ROBERT BORDEN, *Ottawa:*

"November 3. Your telegram reached me while in Paris. I fully understand the importance of the question that you raise. It makes me impressed all the more with the importance of your coming immediately to Europe, for practically it is impossible to solve by correspondence the many difficult problems which it raises and which you fully appreciate. Also, on many questions now coming under consideration I should value your advice greatly. It will, I earnestly hope, be possible for you to sail at once.

"D. LLOYD-GEORGE.

"I think that date should be November 3, 1918.

"[Telegram from the secretary of state for the colonies to the governor general.]

"LONDON, *July 4, 1919.*

"It is hoped German treaty may be ratified by three of the principal allied and associated powers and by Germany before end of July.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *July 9, 1919.*

"Following from prime minister: 'Your message July 4 respecting ratification of peace treaty with Germany. I am under pledge to submit the treaty to Parliament before ratification on behalf of Canada. No copy of treaty has yet arrived and Parliament has been prorogued. Kindly advise how you expect to accomplish ratification on behalf of whole Empire before end of July.'

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"LONDON, *July 23, 1919.*

"Following for your prime minister. Begins:

"'I have now consulted with prime minister and the cabinet with reference to your most secret telegram of July 9. Our view is that early ratification, especially now that Germany has ratified, is of the highest importance. In the British constitution there is nothing which makes it necessary for the King to obtain the consent of Parliament before ratifying treaty. With perfect constitutional propriety the King can ratify on the advice of his ministers. For a treaty of this far-reaching importance, and one embracing the whole Empire, the King certainly ought not to act at the instance of all his constitutional advisers, the Dominion ministers as well as that of the United Kingdom—

"I think the word 'not' is a mistake—

"'But inasmuch as Dominion ministers participated in peace negotiations, and side by side with ministers of the United Kingdom sign preliminaries of treaty, we hold that His Majesty, if he now ratify the treaty for the whole Empire, would have the same constitutional justification in doing so in respect of dominions as he has in respect of the United Kingdom. The King by a single act would bind the whole Empire, as it is right he should so, but that act would represent the considered judgment of his constitutional advisers in all self-governing States of the Empire, because it would be merely giving effect to an international pact which they had all agreed to. We realize at the same time the difficulty in which you are placed by your pledge to Parliament. We are willing, in order to meet this difficulty, to delay ratification (which if we alone were concerned we would desire to effect immediately) as long as we possibly can in order to give you time to lay treaty before your Parliament. The question is how long will this take. At an early date could you not have a special meeting of Parliament solely for the submission of the treaty; and if so, how soon might its approval be expected? It would be impossible, in our opinion, without the gravest consequences to delay ratification until the late autumn.

"'I am communicating with the Governments of South Africa, New Zealand, and Australia, explaining urgency and begging them to submit treaty to their Parliaments without delay, if they feel bound to do so before assenting to its ratification. Ends.'

"(Sgd.) MILNER.

"[Telegram from the Governor General to the Secretary of the Colonies.]

"OTTAWA, *July 29, 1919.*

"Following from my prime minister. Begins:

"'Your secret telegram of July 23 has been carefully considered by cabinet, and it seems to us that there is considerable doubt whether under modern constitutional practice the King should ratify without first obtaining the approval of Parliament. We think that in accordance with recent practice and authorities such approval should be obtained in the case of treaties imposing any burden on the people or involving any change in the law of the land, or requiring legislative action to make them effective, or affecting the free exercise of the legislative power, or affecting territorial rights.

"'On the other point, we fully agree that the King in ratifying the treaty ought only to act at the instance of all his constitutional advisers throughout the Empire, but we do not entirely understand the suggestion that in the case of the Dominions the signature of the Dominion plenipotentiaries is equivalent to the tendering of advice to ratify. Do you regard this as holding good in the case of the signature of United Kingdom plenipotentiaries?

"'We propose to call special session on September 4 for purpose of presenting treaty to Parliament, and I am confident we can ratify within a week thereafter. Please cable whether this meets your views.'

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *August 1, 1919.*

"Following from my prime minister. Begins:

"'As we have to give 30 days' notice of summoning Parliament, I hope we have immediate reply to my telegram of July 29 respecting ratification of peace treaty.'

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"Summoning of Parliament. I strongly advise your giving notice to summon immediately in view of severe pressure being put upon us from Paris to ratify at earliest possible moment. It is impossible to promise that we shall be able to keep back ratification till the 11th of September. But I will certainly do my best, and I feel pretty confident that the argument for that amount of delay would be irresistible if we could count on Canadian approval by that date.

"(Sgd.) MILNER.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"Following message from prime minister for you:

"'Your message reached me yesterday afternoon and this morning Parliament has been summoned for Monday 1st September. I can not emphasize too strongly the unfortunate results which would certainly ensue from ratification before Canadian Parliament has had an opportunity of considering treaty.'

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"Urgent.

"Re your cipher telegram of August 4. The Government of Union of South Africa has convened special session of Parliament to consider peace treaty with Germany. They are of opinion that it will be very desirable to secure uniformity in dealing with this question, and have asked me to submit suggestions as to form in which peace treaty should receive in Dominions parliamentary approval; that is, whether motion should be submitted to Parliament for that purpose or whether approval should take form of bill on lines of that submitted to Parlia-

ment here. I have answered to the effect that matter is, of course, one for decision of local government, but that best course, in my opinion, would be to obtain approval of treaty by resolution of both houses; and that if, as is probable, legislation on lines of British bill is required in order to give effect to treaty, this could follow later.

"British bill, it is important to bear in mind, is not a bill to ratify treaty, but to empower the Government to take necessary steps to carry out those provisions of treaty which require legislative authority.

"Paris is putting severe pressure upon us to ratify at the earliest possible date, and ratification by the French expected September 2 or 3.

"I should be grateful if you will inform me that procedure will be adopted by your Government. My reason for suggesting resolution of both houses is that this procedure might enable ratification to take place without delay that might be involved in obtaining parliamentary powers for carrying out treaty.

"If, as I hope, procedure by resolution will be adopted, I will assume that on receiving cable to the effect that such resolution has been passed there will be no objection to His Majesty immediately ratifying.

"Other dominions I have telegraphed in the same sense.

"(Sgd.) MILNER.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *August 23, 1919.*

"Your telegram of August 12 respecting parliamentary approval of treaty of peace with Germany. Canadian Government propose to proceed by way of resolution of both houses, in order to expedite the matter. Legislation giving effect to the treaty will be introduced later.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *September 12, 1919.*

"Most urgent.

"Following order in council approved to-day. Begins:

"'AT THE GOVERNMENT HOUSE AT OTTAWA,

"'*12 September, 1919.*

"'Present: The Governor General in council:

"'Whereas at Versailles, on the 28th day of June, 1919, a treaty of peace (including protocol annexed thereto) between the allied and associated powers and Germany was concluded and signed on behalf of His Majesty for and in respect of the Dominion of Canada by plenipotentiaries duly authorized for that purpose by His Majesty on the advice and recommendation of the Government of the Dominion of Canada;

"'And whereas the Senate and House of Commons of the Dominion of Canada have by resolution approved of the said treaty of peace;

"'And whereas it is expedient that the said treaty of peace be ratified by His Majesty for and in respect of the Dominion of Canada:

"'Now, therefore, the Governor General in council, on the recommendation of the secretary of state for external affairs, is pleased to order and doth hereby order that His Majesty the King be humbly moved to approve, accept, confirm, and ratify the said treaty of peace for and in respect of the Dominion of Canada Ends.'

"(Sgd.) DEVONSHIRE.

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"LONDON, *September 19, 1919.*

"Most satisfactory to know that treaty of peace with Germany has been approved by Canadian Parliament. As matters have turned out, and owing to unforeseen delays on the part of other powers, British Empire will probably be in position to ratify as soon as any other two of the principal allied and associated powers. Parliaments of the Union of South Africa and New Zealand have also approved, and I hope soon to receive telegram announcing that Australian Parliament has approved.

"(Sgd.) MILNER.

"That is all the correspondence on this file. I thought it was of such interest that probably the house would not think I had taken up too much time in reading it. It shows that we were right in the contention which we made when we were asked to approve of the resolution in the first instance—the contention that it was not really necessary, inasmuch as Canada had plenipotentiaries in Paris at the time the treaty was signed; it was not really necessary, according to the custom followed in England heretofore, that the treaty should be formally approved by Parliament. But, apparently, from this correspondence, it has been arranged between the Government of the Dominion and the Government of Great Britain that this method of approving of the treaty be carried out, and in doing so we have established a new precedent in constitutional matters of this kind.

"With regard to the bill itself, honorable gentlemen who have read it will notice that we are asked by legislation to approve of the governor in council passing orders in council. We had a tremendous amount of legislation by order in council during the war, and we had hoped that when the war was over this class of legislation would be to a large extent done away with; but under this bill we are asked to give the Government power to deal by order in council with different matters arising under the treaty. If I understand the bill aright, it will give the Government the power to appoint their representatives in the assembly of the league of nations by order in council.

"Hon. Sir JAMES LOUGHEED. That is not intended.

"Hon. Mr. BOSTOCK. I think the minister of justice stated in another place that it could be done.

"Hon. Sir JAMES LOUGHEED. I think his statement was that it was not the intention in framing the bill that power should be exercised in that direction at all.

"Hon. Mr. BOSTOCK. The point I was wanting to make was that it can be done.

"Hon. Sir JAMES LOUGHEED. Oh, yes; I suppose it might be done even without that.

"Hon. Mr. BOSTOCK. It may not be the intention of the Government so to do; but, if I read this clause aright, the Government would have the power to do so if they wished.

"It would also, I think, allow the Government to appoint the representatives that are provided for in the clauses of the treaty that deal with the labor situation. Under article 388 it is declared:

"The permanent organizations shall consist of:

"(1) A general conference of representatives of the members, and

"(2) An international labor office controlled by the governing body described in article 393.

"Then, in article 389 it is declared:

"The meetings of the general conference of representatives of the members shall be held from time to time, as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the members.

"I think that honorable gentlemen looking at that will see that those members can also be appointed by order in council under this bill as it is at present drafted.

"Then I would draw attention to this, that in the first subsection of clause 1 there is no provision that those orders in council shall be laid before Parliament. The second subsection reads:

"Any order in council made under this act may provide for the imposition by summary protest or otherwise of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made and shall have effect as if enacted in this act, but may be varied or revoked by a subsequent order in council.

"These orders in council, apparently, it is intended shall be laid before Parliament as soon as they are made; but the orders in council that are provided for in the first subsection of that clause would apparently not necessarily be laid before Parliament under the act. I think it would be very desirable that it should at any rate be understood that in both cases the orders in council would be laid before Parliament as soon as possible after they are passed, so that Parliament may at least be seized of what has been done by the Government in regard to these matters.

"We can quite understand that, in order to carry out the terms of the treaty, it may be necessary to provide in this way for the Government making appointments and doing other things by order in council, but I would express the hope that this power of enacting legislation by order in council may be limited as much as possible.

"I do not intend taking up the time of the House any longer in dealing with this matter. The other points that arise could probably be better discussed when the bill is in the committee stage. But I think it is only fair to point out that in dealing with this matter we have been more expeditious than almost any of the other nations that have been concerned in the making of the treaty. Our neighbors to the south are still discussing the treaty, and, as far as we on the outside know, they have not come to any conclusion as to what they will do about it. In France itself, where the people are very much more concerned with the immediate results of the treaty than we are ourselves, they have taken considerable time in discussing it, and, according to accounts that one sees in the papers, they are likely to take considerably longer time before they are in a position to ratify the treaty. Therefore I think that we have been expeditious, and that in this matter it might have been possible for the honorable leader of the Government in this House to have given us a little more time before asking us, in the first instance, to approve of the treaty by resolution.

"Hon. Mr. DAVID. Will the honorable leader of the House be kind enough to say what interpretation he places upon this subsection 2:

"Any order in council made under this act may provide for the imposition by summary protest or otherwise of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made and shall have effect as if enacted in this act, but may be varied or revoked by a subsequent order in council.

"Does the latter part of that subsection mean that any order in council may be varied or revoked without Parliament being consulted?

"Hon. Sir JAMES LOUGHEED. I would think so.

"Hon. WILLIAM ROCHE. Honorable gentlemen, I have read the bill which has been presented. It is in very simple language, conveys a vast amount of liability, and is far-reaching, under apparently explicit and plain limitations, and I have heard the exposition of it given this evening by the honorable leader of the Government. He very wisely, I think, referred to the speech which he made on presenting the resolution, and made that his preamble.

"I want to know where we are. By the correspondence which has been read it is plain that the Dominion of Canada is, like Mahomet's coffin, between heaven and earth. A gentleman very high in the councils of Canada announced that we were a nation, and that we had the attributes of nationality. Now, we know that we have been a Dominion of the British Crown, that our status was secured under the British North America act, that we have the governor general here representing His Majesty, and that all our laws are subject to the surveillance of the British Government. Therefore we were a dependency, and I would like to know by what act, by what public declaration or sanction, we have been made a nation. It is vain to have declamations about the achievements of our boys at the front as entitling us to nationality and many other considerations which have been advanced. But what is the plain fact? What are we here? Are we here as an independent nation of Canada, or are we here as a dependency of the British Crown? If, on the one hand, we are still, as it is said, attached by leading strings to Downing Street and rejoice to be subjects of His Majesty King George, or if, on the other hand, we are a dependent nation, we ought to know it, and we want to know it.

"For my part, I am not prepared to argue—I have never thought of it—which would be the better condition—whether we should be a dependency of the Crown, or whether we should be an independent nation. I have not thought of that myself; neither have I heard it argued out. I know this, that if this war had not occurred, and if Canada had had 20 years of peaceful progress she would have been a nation, alongside the British nation, the best ally of the British nation, with all hearts in one—a buttress and defense for the great British nation to which we belong. I do not know what has been the reason for desiring this change. I never heard it expressed in any official quarter. I never knew that our people were disloyal or were dissatisfied with their relations with the British Crown or were inveighing against Downing Street or against the leading strings, or anything of that kind. It is quite a novelty, and it appears to me that those who were so anxious on previous occasions to unfurl the British flag and wave it are the people who now are looking for independence and desire to throw aside the British flag. So it appears to me.

"This council of the league of nations is erected for the purpose of suggesting to the various powers—and we are to be one of them apparently—what armaments we shall provide, how much soldiery, how much fleet, and how much money. It seems always to come back to that question—how much money we will provide for the general fund. This bill provides for an elaborate panorama of officials and negotiations and banking institutions and clearing houses and ambassadors, I dare say, and all the paraphernalia of nationhood; and, on the other hand, all this is to be done through the governor general and through the British Government. On which side are we? This council of the league of nations ought to have authority to summon certain powers to carry out the mandates of the council, but it appears not to have that; it has only a recommendatory power. I take it for granted that the council is the central power and should have the authority to constrain the various governments and nations that are parties to this league to summon these forces to execute the mandate of the council, which is the voice of the powers in general and in combination. But apparently it is a rope of sand. The council has power to recommend and suggest, and that is all. Unless there is a unanimous vote in the assembly, wherein the council makes its recommendations, nothing can pass and nothing will come of it.

"The various great nations have not totally disarmed. At its own option each one can retain so much military and naval force as that power thinks necessary. Certain large divisions of the armies have been disbanded, but large forces have been retained by all the great nations. On the other hand, several of the nations are still at war. Peace has not actually been obtained. Apparently the whole of Europe is convulsed still, and only the dependencies of the British Government have signed. Apparently other nations have held aloof. It occurs to me that the view is held by a great many thinking people that the league of nations will never mature, because the objects of the nations are dissimilar, and each one of the great powers wishes to carry out its own objects. I think that is the reason why great powers like France, the United States, and Italy—leaving Germany and Russia out of the question—have not signed and obligated themselves to this treaty. Each one wishes to carry out its own designs of aggrandizement. It is true that a great force is to be provided and that the nations shall contribute soldiers and navies and whatever is necessary, and shall endeavor to coerce inferior powers by refraining from trade arrangements with them and by bringing to bear all those forces and compulsions outside of actual war; but sign the treaty and obligate themselves to it—they have not done it.

"That is one side of the question. If the rulings of this council have no binding force, look at the responsibility we incur under this treaty. We shall be bound to take part in all wars in Europe, in wars the world over, and will be compelled to contribute to the expense of those wars; while the treaty lasts we shall be forced to contribute beyond our resources to the maintenance of the views of aggrandizement of some of the powers. It is true that Great Britain has signed, and we on this side of the House contended that that was all that was necessary. It has been proved now that that was correct, and I hope that Canada in her relations with the British nation will remain in the same position that she occupies to-day, and that we will have a governor general and will have King George on the throne and will be good, loyal British subjects."

ADDRESS BY JAMES M. BECK.

Mr. BORAH. Mr. President, I ask leave to have printed in the RECORD an address by Hon. James M. Beck, delivered on Constitution Day in Philadelphia, on the Constitution and its framers.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A RISING OR A SETTING SUN.

(An address delivered at the invitation of the Allied Patriotic Societies of Philadelphia, in Independence Hall, Constitution Day, Sept. 17, 1919, by James M. Beck, formerly Assistant Attorney General of the United States; officier de la Légion d'Honneur.)

"My fellow citizens, 132 years ago to-day there was finished within these walls the greatest written work of statecraft in the annals of man.

"Such was the oft-quoted estimate of the most scholarly statesman of the nineteenth century. The world, by word and act, has confirmed Gladstone's judgment that this Constitution is 'the most perfect work of statecraft ever struck off by the brain and purpose of man at a given time.' Another prime minister of England, and a greater than Gladstone, said, when he first read this wonderful charter of government, 'It will be the wonder and admiration of all future generations and the model of all future constitutions.'

"Time has verified this remarkable prophecy of William Pitt, for not only have the nations paid to it the sincere tribute of imitation, but, tried by the arduous test of permanence, it remains to-day the oldest written form of government in the world. The stream of time, which ceaselessly erodes the sandy substance of other governments, has left untouched the adamant of the Constitution.

"It is, therefore, no mean event that we are met to commemorate to-day. But how impotent are words to voice the significance of the occasion! This place speaks to us with an eloquence unattainable by mortal man. In the silent presence of the epic past, of which these walls are eloquent, it were better that the living be mute, if gratitude to the dead and a duty to the unborn did not require us at this crisis in the world's history to voice again the spirit of this sacred place.

"This is the floor the fathers trod, thereafter to be forever sacred to the cause of freedom. These walls echoed their voices. Through that doorway they entered on the 25th day of May, 1787, to begin their sessions, and through that portal—their great work nobly done—they departed 132 years ago to-day. Where we now sit they sat during the long period of their momentous session. There sat James Madison, quill in hand, to record their deliberations, only to be revealed in detail 50 years later. Somewhere near the platform sat the sage and Nestor of the Revolution, Benjamin Franklin, the very genius of common sense and the most versatile intellect of the eighteenth, and possibly of any, century. Seated well to the front, by reason of his intellectual preeminence, was that divine boy, the 'Admirable Crichton' of his time, Alexander Hamilton. Among others were James Wilson, Gouverneur Morris, Thomas Mifflin, Robert Morris, Jared Ingersoll, and the two Pinckneys. Verily 'there were giants in those days,' when an assemblage of 55 men could number so many who had a title clear to immortality. Not less amazing is the youth of many delegates. Gouverneur Morris, to whom the unequaled lucidity of the text was so largely due, was barely 35; Madison was only 36; and Hamilton but 30.

"Above all, upon this platform, through the long sessions of the convention, sat 'the noblest man that ever lived in the tide of time,' of whom it can be said, quoting the incomparable orator of our centennial period, Henry Armitt Brown—alas! too soon forgotten, except by those who heard the music of his golden voice:

"Modest in the midst of pride, wise in the midst of folly, calm in the midst of passion, cheerful in the midst of gloom, steadfast among the wavering, bold among the timid, prudent among the rash, generous among the selfish, true among the faithless, greatest among good men, and best among the great—such was Washington.

"The task which these men had essayed to accomplish was a seemingly impossible one. Their high purpose was to unite a discordant congeries of jealous commonwealths, divided by many conflicting interests, against their will. Like all true master builders, they 'builded better than they knew'; for, when they left this hall, 132 years ago, it was not with elation in their hearts, but rather in the spirit of the deepest depression. For nearly four months they had labored in secret, but only to multiply and accentuate their differences. Again and again, it seemed that they had reached an impasse, and nothing further was possible, except the dissolution of the convention with resultant chaos in the infant Nation.

"On one occasion especially, a powerful minority, after many days of weary and at times acrimonious debate, had threatened to leave the convention unless their view prevailed, and to this challenge the majority had interposed an equally uncompromising negative. It was at that critical moment that Washington, the masterful spirit of the convention, looked significantly at Dr. Franklin, and the 'grand old man' arose and moved an adjournment for a few days, and suggested with his characteristic sagacity that in the interim the delegates should fraternize not with those with whom they agreed but with those with whom they disagreed. What happened in that interval of 48 hours history does not record; but it can readily be imagined that the great soldier, Washington, who had led the colonists to final victory, and the honored sage, Franklin, who had worked for the unification of the Colonies from his earliest days, influenced the dissenting delegates to meet again with the result that another of the great compromises of the Constitutional Convention was effected.

"Even on this last day of the convention it was Franklin's wonderful tact and inimitable wit which secured for the final action of signing the Constitution an appearance of unanimity. Of the 55 delegates who had originally met, 16 had left before the final day. Of those who remained, a number refused to sign as individuals, and at least 3 were outspoken in their criticism. Franklin then brought into play that which has always had its appeal to the American character, namely, humor. It is the great solvent of common sense. The two most typical Americans, Franklin and Lincoln, knew that in a wholesome laugh the bitterest acrimony would often dissolve. With the most ingratiating wit and in a manner that must have brought many smiles to the stern and set faces of the delegates, this wisest man of his generation reminded them of their fallibility in modestly suggesting his own.

"Thirty-nine delegates, representing 12 States, finally agreed to sign the document which was to confer immortality upon them all.

"The long suspense had ended, the crisis had passed, and it was then that Franklin, pointing to the half-disk of the sun painted on the chair of the president of the convention, made the prophetic remark that, while he had often in the weary and arduous months of the convention wondered whether that sun was a symbol of a rising or a setting sun for that America, to which he had already given more than half a century of his noble life, concluded:

"That now at length I have the happiness to know that it is a rising and not a setting sun.

"What better benediction than from him who, 33 years before, had first suggested a Union of the Colonies, and who on that day saw the fruition of his great labors.

"On this day, when the sun, whose rising Franklin so clearly saw, is seemingly in its noontide splendor, with its rays illumining the whole world, we can see the full realization of the sage's prophecy. That sun is still ascendant in the constellation of the nations, for who can ignore the momentous shifting of the world's center of gravity which recent events have evidenced? It does not require the gift of prophecy to realize that the future destinies of the world will be determined not alone along the Tiber, the Danube, the Rhine, the Seine, and the Thames, but also—and perhaps predominantly—from the Hudson and the Mississippi.

"The present organic unity of the United States serves, however, to blind us to the terrible conditions out of which the Constitution grew, and this notwithstanding the fact that there is a remarkable similarity between world conditions in 1787 and those of the present hour. Then, as now, a world war had just ended. Then, as now, there had been a swift and terrible reaction in the souls of men from the nobility of purpose and the divine spirit of self-sacrifice that had animated the nations in their fierce struggle for existence. As Washington said, 'The whole world was in an uproar,' and again he said the difficulty was 'to steer between Scylla and Charybdis.' Especially deplorable were the conditions in the Colonies in the years that had intervened between the treaty of peace and the meeting of the Constitutional Convention.

"The days that followed Yorktown were as truly the times 'that tried men's souls' as the period of bitter struggle, when the fortunes of Washington's little army found their lowest ebb at Valley Forge. In fact, the times were graver, for a nation can always resist external aggression better than internal dissension.

"The spirit of anarchy, or, as we would now say, Bolshevism, had swept a people who had already been gravely tried in the fiery furnace of war.

"Credit was gone, business paralyzed, and lawlessness rampant. Not only between class and class, but between State and State, there were acute controversies and an alarming disunity of spirit. The currency of the little Nation was valueless. It had shrunk to a nominal ratio of 1 cent on the dollar. Even its bonds were sold at one-fourth their value. The slang expression, 'not worth a continental,' is a surviving evidence of the contempt for the financial credit of the country. Tradesmen derisively plastered the walls of their shops with worthless bills.

"The armies were unpaid, and only their love for their great leader kept them from open revolt. The property class, who largely held the Nation's certificates of indebtedness, were not averse to an uprising of the Army to put an end to the social chaos which prevailed. Even the higher officers, led by Gen. Gates, then second in command, were conspiring in secret meetings to bring about a strong government through the Army. At one of these meetings Washington suddenly appeared unbidden. Although he, a shy and diffident man, rarely spoke, on this occasion he denounced the conspirators in fervid phrases and so shamed them that many left in tears. Due to their love of their heroic leader the soldiers went home, as Washington said, 'without a farthing of money in their pockets.' A few, however, resisted his great influence. Some marched to Philadelphia to threaten Congress, which appealed to the Pennsylvania Council of State, only to receive the reply that that body did not care to call out the militia lest they, too, should join the mutineers. Congress then fled to Princeton, in the fear of a military coup d'état. 'Chaos had come again.'

"It seemed to many—and to Washington himself—that the heroic struggle for independence would end in a general fiasco, which would confound the lovers of liberty in every land and again enthrone autocracy. To weld 13 jealous and dicordant States, inhabited by men of different races, creeds, and classes, into a unified and efficient nation was a seemingly impossible task. Its final accomplishment blinds us to the difficulty of the problem.

"In those trying times it was to Washington that a distracted people turned. Without him all was lost. He repaid that confidence as he had at Trenton, Valley Forge, Monmouth, and Yorktown. To quote the words of the great poet of American democracy, he—

"Stood serene, and down the future saw the golden beam incline
To the side of perfect justice, mastered by his faith divine,
By one man's plain truth to manhood, and to God's supreme design.

"Having surrendered his commission as Commander in Chief, he had retired to Mount Vernon, believing that 'the noon-tide of life was past' and that all that remained was 'to glide quietly down a stream which no human effort can ascend.' He felt that his life work was over, but viewed with acute apprehension the growing anarchy. At times even his brave spirit was discouraged. Writing in 1786 he said:

"I think often of our situation, and view it with concern. From the high ground we stood upon, from the plain path which invited our footsteps, to be so fallen, so lost, is mortifying; but everything of virtue has, in a degree, taken its departure from our land.

"When invited to attend the proposed Constitutional Convention in Philadelphia, he at first declined. Suddenly the news of Shay's rebellion in western Massachusetts came to his startled ears. It was esssntially, as we would now say, a Bolshevist movement, an uprising of debtors to prevent the collection of debts or of taxes. Courts of law were seized to subvert order and destroy property rights. The revolution spread from Massachusetts to adjoining States and threatened to strangle the infant Republic at its birth. Only an army of 5,000 men and an actual battle sufficed to end it. Civil war had come.

"Washington saw this in his retirement at Mount Vernon. With acute anguish of spirt, he wrote:

"What, gracious God, is man that there should be such inconsistency and perfidious in his conduct? It was but the other day that we were shedding our blood to obtain the constitutions under which we now live, and now we are unsheathing our swords to overturn them. The thing is so unaccountable that I hardly know how to realize it or to persuade myself that I am not under an illusion of a dream.

"Once again the father of his people came to their rescue. Turning his back upon the sweet retirement of Mount Vernon, which he had thought would be his solace for the nine years of absence during the great struggle, Washington again accepted

the call of his country, and was hailed on his journey to Philadelphia to attend the Constitutional Convention as the savior of his people.

"So little was the interest in the project and so weak the faith in the possibility of any favorable result, that only a few delegates had arrived on the day set for the beginning of the convention, and for many days it was impossible to secure a quorum, but when it became known that Washington had come from Virginia, it had the same inspiring effect as when he galloped down the Freehold road and rallied his retreating army of the Battle of Monmouth.

"While waiting for enough delegates to form a bare quorum of the proposed convention, Washington gathered the faithful few about him and, as Gouverneur Morris narrated years afterwards, he said:

"It is too probable that no plan that we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and just can repair. The event is in the hand of God.

"How splendidly his faith was vindicated! By appealing to the best in men, and not the worst, a work was wrought which has hitherto endured and which is the admiration of all men.

"In this noble declaration, which should be written in letters of gold over our legislative halls, we have not only a valued lesson, but a potent inspiration at this critical hour, when the very foundations of society are cracking.

"When the terrible conditions out of which the Constitution arose are remembered one can paraphrase the words of St. Paul:

"It was sown in corruption, it is raised in incorruption; it was sown in disbonor, it is raised in glory; it was sown in weakness, it is raised in power; it was sown a natural body, it is raised a spiritual body.

"Yes; it is indeed a spiritual body, for the Constitution is something more than a written formula of government. It is a great spirit, the most quickening that now exists in the world. It is the highest assertion, and, indeed, vindication of the morality of government that the science of politics has yet given to the world. Underlying its formal provisions is a profound moral philosophy, and it is this fact which gives to its perpetuity a deep ethical significance. Should the Constitution now be undermined by the inundating waves of socialism and Bolshevism not only would the best hope of man in political institutions perish but the cause of righteousness would suffer in the destruction of some of its basic principles. The great purpose of the Constitution is to reconcile the authority of government with the rights of the individual as a responsible moral being. It not merely 'renders unto Cæsar (the political state) the things that are Cæsar's,' but in safeguarding the fundamental moral rights of the individual it 'renders unto God the things that are God's.'

"It must not be understood, however, that the Constitution was formulated in a spirit of political doctrinarianism. Nothing was further from its purpose. Its simplicity and brevity alike repel the suggestion. Read as a mere legal document, it is as dry and passionless as a manual of parliamentary law. Although it represented the concrete thought of more than 50 exceptionally able men, who had labored upon it for nearly four months, it contains little more than 4,000 words, 89 sentences, and about 140 distinct provisions. No document ever set forth more simply and briefly a comprehensive scheme of government.

"None of its provisions even remotely suggests a speculative political philosophy or theoretical abstractions. The men who framed it were very practical men, and they were never more practical than when they formulated this wonderful instrument of government. They saw no visions and heard no voices in the air. I say this in no invidious sense, for there is a time for abstractions and a time for the concrete, a time for the ideal and a time for the practical. Columbus had a vision, and he discovered America. Jeanne d'Arc heard voices in the air, and she saved France.

"Within this same hall there had been adopted, 11 years before the Constitution, a Declaration which, especially in its noble preamble, did see visions and did hear in the air the voices of a new day. The generous and noble abstractions with which Thomas Jefferson prefaced the immortal Declaration not only developed the sentiment of independence and nerved the infant Colonies to their terrible task, but gave a definition of liberty which, although it is not now and never has been fully realized, is to men a 'pillar of cloud by day and a pillar of fire by night.' Seventeen hundred and seventy-six was a time for visions and voices in the air, when the appeal had to be made to the profoundest emotions of men, which are always best stirred by generous, even if unattainable, ideals. In such crises it is well to 'hitch your wagon to a star.' Seventeen hundred and eighty-seven was a different time. Only stern realities then had any value. The same men who had framed the Declaration of Independence then attempted to give it concrete expression in a workable form of government.

"In 1776 the task was to make America safe for democracy; in 1787 it was to make democracy safe for America. The latter was the more difficult task.

"The fathers worked with a sad and terrible sincerity, begotten of the awful necessities of their situation. In 1787 they did not 'hitch their wagon to a star,' to be whirled through the ethereal spaces of the stellar universe. They preferred to walk on Mother Earth's hard ground of reality, over which they painfully struggled with bleeding feet until they had reached the eminence of a marvelous achievement.

"They were plain men, and their unequaled success owes much to their simplicity in thought and action, for the great things of life are always simple and sincere. Their manner of life differed but little from that which had prevailed for 2,000 years. They plowed the fields as their ancestors had for countless generations before them. The age of machinery, with its infinite complexity and diversity, had not arrived. They knew few things, but they knew them well, the more so because their minds and souls were concentrated upon a few things rather than dissipated, as the modern mind, between myriads of ideas.

"Washington could not talk a thousand miles, but what he said, notably in the Farewell Address, will outlive all the lengthy utterances of contemporary statesmen.

"Franklin had only a hand press, but the few hundred books that he could print more powerfully affected the mind of the America of his day than all the printed pages, thick as the leaves of Vallombrosa, cast off each day by uncounted millions from Hoe presses affect the mind of the American people to-day.

"It took Alexander Hamilton as many days to travel from New York to Philadelphia as it now takes hours, but who shall say that any living statesman travels with results comparable to those which he achieved?

"The age of machinery has infinitely complicated and diversified human life, but it has been at the cost of the simplicity and sincerity of which supremely great men are born and epoch-making deeds are accomplished. The stage of Shakespeare had the ground as a floor and the sky as a ceiling, and yet what dramatic literature is comparable with that of the 'specious days' of Queen Elizabeth?

"While the Constitution apparently only deals with the practical and essential details of government, yet behind these simply but wonderfully phrased delegations of power was a broad and accurate political philosophy, which constitutes the true doctrine of America and, indeed, the 'whole law and the prophets' of free government. Its principles are of eternal verity. They are founded upon the inalienable rights of man. They are not of the day or of temporary circumstances. If they are destroyed in principle, then the spirit of our Government is gone, even if the form survive.

"The essential principles of the Constitution, which form its political philosophy and which at least at one time constituted the American doctrine of free government, may be summarized as follows:

"The first is representative government. In the discussions before the Constitutional Convention all speakers made a distinction between that which they called 'democracy' and that which they called 'republicanism.' By the former they meant direct legislative action by the people, or, as we would say, a pure democracy. By 'republicanism' they meant representative government.

"However much the fathers disagreed upon other questions, they were substantially of one accord in the opinion that wise, direct legislative action was impossible without conference, and that, in a Commonwealth of many scattered communities, such a conference was impracticable, especially in cities where the size of the population made a town meeting impossible.

"Even in New England, the home of the town meeting, it was provided as early as 1635 that wherever a community had more than 5,000 inhabitants legislation should be committed to representatives, to whom they gave the title 'selectmen.' The fathers had in mind the weakness of former republics, such as those of Greece and Italy, where the peoples attempted themselves to enact laws in tumultuous assemblies with only one result—disunion, civil strife, and final anarchy.

"Our fathers did not accept the idea that every one was equally qualified to determine the destinies of their country by the ballot. Universal manhood suffrage was unknown to them and woman's suffrage would have been to them an unthinkable possibility. They little appreciated that their work would one day be subjected to the arduous test of an immense electorate of both sexes and of all races, classes, and conditions.

"The second principle of the Constitution was our dual form of government. The Thirteen Colonies were most reluctant to surrender even a portion of their sovereignty to the Federal Government. They were widely scattered communities and varied greatly in racial origin and local habits and customs. They were tenacious of the great principle of home rule, and even when our country did not extend beyond the Alleghenies there was, on the part of the local communities, a deep-rooted objection to being governed by a central power. Only the immense influence of Washington triumphed over this feeling of local independence, and success could only be secured by confining the Federal Constitution to those matters of general concern which required of necessity a common rule and which each State was incompetent to determine for itself. For this reason the tenth amendment, without which the Constitution would not have been ratified, was formulated, providing that all rights not expressly delegated to the Federal Government should be reserved forever to the States and the people thereof.

"The third principle was the guaranty of individual liberty through constitutional limitations. This marked the great contribution of America to the science of government. In all previous government building, the State was regarded as a sovereign, which would grant to individuals or classes, out of its plenary power, certain privileges or exemptions, which were called 'liberties.' Thus the liberties which the barons wrung from King John at Runnymede were virtually exemptions from the power of government. Our fathers did not believe in the sovereignty of the State in the sense of absolute power, nor did they believe in the sovereignty of the people in that sense. The word 'sovereignty' will not be found in the Constitution or the Declaration of Independence. They believed that each individual, as a responsible moral being, had certain 'inalienable rights' which neither State nor the people could rightfully take from him.

"This conception of individualism was wholly new and is the distinguishing characteristic of American constitutionalism. As to such reserved rights, guaranteed by constitutional limitations and largely by the first 10 amendments to the Constitution, a man, by virtue of his inherent and God-given dignity as a human soul, had rights, such as freedom of the press, liberty of speech, property rights, and religious freedom, which even 100,000,000 people could not rightfully take from him. The fathers did not believe that the oil of anointing that was supposed to sanctify the monarch and give him infallibility had fallen upon the multitudinous tongue of the people to give it either infallibility or omnipotence. They believed in individualism. They were animated by a sleepless jealousy of governmental power. They believed that the greater such power the greater the abuse. They believed that that people was best governed which was least governed. They felt that the individual could generally best work out his own salvation, and that his constant prayer to government was that of Diogenes: 'Keep out of my sunlight.'

"The worth and dignity of the human soul, the free competition of man and man, the nobility of labor, the right to work, free from the tyranny of state or class, this was their gospel. Socialism was to them abhorrent. To the abuses of power their reply was that of Ajax on the plains of Troy:

> "Dispel this cloud. The light of heaven restore.
> Give me to see, and Ajax asks no more.

"This theory of government gave a new dignity to manhood. It exalted the human soul as no previous governmental institution had ever done. It said to the State: 'There is a limit to your power. Thus far and no further, and here shall thy proud waves be stayed.'

"Closely allied to this doctrine of limited governmental powers, even by a majority, is the fourth principle of an independent judiciary. It is the balance wheel of the Constitution, and to function it must be beyond the possibility of attack and destruction. Our country was founded upon the rock of property rights and the sanctity of contracts. Both the Nation and the several States are forbidden to take away life, liberty, or property 'without due process of law.' This is the very palladium of our liberties. It is as old as Magna Charta, for 'due process of law' is but a paraphrase of 'the law of the land,' without which no freeman could be deprived of his liberties or possessions.

"'Due process of law' means that there are certain fundamental principles of liberty not defined or even enumerated in the Constitution but having their sanction in the free and enlightened conscience of just men, and that no man can be deprived of life, liberty, or property, or of his right to the pursuit of happiness, except in conformity with these fundamental decencies of liberty. It is the contradiction of Bolshevism, which means the unrestrained rule of a class. To protect these even against the will of a majority, however large, the judiciary was given unprecedented powers. It threw about the individual the solemn circle of the law.

"The fifth fundamental principle was a system of governmental checks and balances, whereby it was sought to divide official authority and responsibility in order that power should never be concentrated in one man, or even in one branch of the Government. The founders of the Republic were not enamored of power. They had just thrown off the tyranny of a king. They were as little disposed to accept the tyranny of a Parliament or Congress. As they viewed human history, the worst evils of government were due to excessive concentration of power, which, like Othello's jealousy, 'makes the meat it feeds on.'

"The sixth fundamental principle was a concurrent power of the Senate and the Executive over the foreign relations of the Government.

"Nothing, excepting the principle of home rule, was of deeper concern to the framers of the Constitution, and in nothing did they make a more radical departure from all existing forms of government. When the Constitution was framed, nearly every government of Europe was a monarchy, and it was the accepted principle that whatever control parliaments or other legislative bodies had over domestic concerns, the right to determine the foreign relations of the government, including the issues of peace and war, was the exclusive prerogative of the sovereign. In England, the freest of all Governments at that time, the only check on the power of the King to select the diplomatic representatives of the Government, to make treaties, and generally to determine the issue of peace and war was the power which the House of Commons had over the purse of the nation. If the King had the necessary means to make war without a parliamentary grant, he was free to do so. But, as he rarely had sufficient means, he was generally dependent upon Parliament for the necessary grants. Many of the greatest struggles for English liberty concerned the attempt of the King to exact money without parliamentary grant, in order to carry on wars in which his dynasty was engaged.

"When the Constitutional Convention met, it was at first resolved that the power to appoint ambassadors, ministers, and consuls, and to make treaties should be vested exclusively in the Senate, as the body that most directly and equally represented the constituent States. It was, however, recognized by these practical men that the Senate was not always in session, and that it was not easy for a body, consisting originally of 26 men, to negotiate treaties with advantage; and, therefore, it was finally resolved that the President should, 'with the advice and consent of the Senate,' appoint ambassadors, ministers, and consuls, and make treaties; but that, if a declaration of war was contemplated, only the concurrence of both Houses of Congress could authorize such a declaration.

"The language of the Constitution was drawn with the greatest precision. It is a model of literary style. In it there is no tautology, not even a wasted word; and when, therefore, the Constitution made necessary the 'advice and consent of the Senate,' something more than a mere ratification of an appointment or of a treaty was in contemplation. The word 'advice' clearly meant cooperation with the Executive in an advisory capacity before a conclusion was reached and the Nation, to some extent, morally committed.

"It was the undoubted intention of the fathers to make the Senate the final and principal treaty-making power, and as such to enable it at any stage of the negotiations either to propose a treaty, to express disapproval of treaties in contemplation, to determine the suitability of those who were appointed to negotiate a treaty, to advise with the President at any stage of the negotiations, and finally to consent to or reject, or to amend, any tentative draft.

"The President was thus the agent of the Senate in negotiating a treaty; but, through usage, which may have some justification, he has been freely given in practice the initiative to such an extent that precedent no longer requires him to discuss preliminarily with the Senate the terms of a treaty before he tentatively offers it to another nation. The fact is that by innovating precedents the dominating power over foreign relations has been slowly shifted to the Executive. This may be wise—the slow changes of an orderly development of the Constitution generally are—but it is clearly not what the fathers intended. As we become more and more involved in the maelstrom of world politics we may find that they were right.

"As America is now the first power of the world, and is destined to play the most potential part in shaping its destinies, it is vitally important that any decision which affects the future relations of this Government with the rest of the world should have the consideration and approval not merely

of the Chief Magistrate but of that body of Congress which in a peculiar way represents the sovereign Commonwealths of the Federal Union.

"In this connection the present crisis suggests an interesting question. In all countries there has always been a ceaseless war between the executive and legislative departments for dominating power. Our fathers sought to avert this by their system of checks and balances. On the one hand, they did not desire to make a king of the President, and, on the other, they were equally averse to parliamentary tyranny. Their own experience with both the Crown and Parliament had not made them partisans of either branch of government. Unfortunately, the tides of popular action do not always run in the channels of constitutional theories. It is as difficult for two planets to continue in one orbit without collision as it is for two branches of government who are theoretically equal. Each is jealous of its power and ambitious for more.

"Until recent years the predominance of the legislature was regarded as the great ideal of democracy.

"In this country the opposite tendency has been observable for over 50 years. The Executive, in the person of the President, appeals more to the imagination of men than a many-headed body like the Congress. Thus the attitude of the popular mind has been marked by an ever-increasing appreciation of the presidential office, and an ever-decreasing respect for the legislative branch of the Government.

"In the last 50 years the President has largely determined the policy of the Nation, and when any difference arises between the Executive and the Congress, generally the sympathy of the people is with the President. He is regarded, rightly or wrongly, as more representative of the popular will.

"Now, if the experience of the past teaches us anything, it is that nations gradually lose their freedom by the undue exaltation of the Executive. When the President's prestige becomes so great that the popular mind will not brook any opposition to his wishes by the legislative branch, then America will be a Republic only in name.

"Moreover, nothing adds so much to the prestige of the Executive as the foreign relations of the Government. When they become the dominating subject of popular solicitude, then differences as to internal policies yield to the exigencies of foreign relations, and thus the office of President becomes of overshadowing importance.

"The stupendous part which America is invited to play on the stage of the world by the league of nations may compensate for this possible change in the structure of our Government. Upon that I express no opinion, as I would not willingly offend the susceptibilities of any; but on this Constitution Day, I trust I may without impropriety call attention to a fact, which has been proved by the experience of history, that if America is to become a dominating element in the proposed superstate of the world, it will so enhance the dignity and power of the presidential office that the equilibrium of power between the Executive and the legislative branches of the Government may be seriously disturbed. This may be for the best. Time will tell. The genius of our people will best determine that question, and with their instinct of freedom the decision can be best left to them.

"These are the six fundamental principles of the Constitution and constitute the great contribution of its framers to the ordered progress of mankind. In essence they are unchangeable, for they are fundamental verities. Destroy these one by one, and the Constitution will one day become a noble and splendid ruin like the Parthenon—useless for practical purposes and only an object of melancholy interest.

"Let me not be misunderstood as suggesting that the Constitution is too rigid to permit of adaptation to changed conditions. It is not static. It changes from generation to generation, sometimes by formal amendment, more frequently by judicial interpretation, and sometimes by mere usage. It contains many administrative details which need expansion to meet the changed needs of the most progressive Nation in the world. Without such changes the Constitution would soon be as an ocean bulkhead, which stands for a time, but, sooner or later, is destroyed by the invincible waves of the ocean. The Constitution is neither, on the one hand, a sandy beach, which is slowly destroyed by the erosion of the waves, nor, on the other hand, is it a Gibraltar rock, which wholly resists the ceaseless washing of time and circumstance.

"Its strength lies in its elasticity and adaptability to slow and progressive change.

"While this is true, yet, in the fundamental principles above suggested, it asserted certain basic verities which 'time can not wither nor custom stale.' These are eternal truths, and if these are subverted the spirit of our Government is gone, even if the form survive.

"Were Franklin again to revisit the glimpses of the moon and enter this hall to-day, would he, with his unequaled prescience, still regard the sun as a rising one? Would he, if he knew the developments of the last quarter of a century, regard this great luminary of the nations as in the noontide of its splendor, or would he regard it as slowly disappearing behind a dark cloud of socialism—only to set some day in the flaming West, which would write its irrevocable sentence upon this as it has upon so many strong governments that have preceded?

"The pitiless judgment of history discloses an unending cycle of industry, wealth, corruption, decay, and death.

"What would Washington say if, clad in brown velvet and with sword by his side, he entered that doorway and again took his place upon this platform? We can know his thoughts from those which he expressed in the Farewell Address—the noblest political testament that any founder of a State ever gave to a people whom he had led to high achievement. Let me quote the significant words which he, as 'an old and affectionate friend,' addressed, not only to his own generation, but to all that were to follow, and therefore to this generation:

> "It is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness. * * * Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown.

"Washington well saw that the Constitution could be more easily undermined from beneath than overthrown from without. If this were true in the day of our weakness, it is more true in this the day of our overshadowing strength. We need not fear external aggression. This great, self-sustaining Nation is probably invincible to any attack that could be made upon it. Another civil war between the sections seems equally improbable, for the 48 States of the Union are seemingly indissolubly bound together by the potent agencies of steam and electricity.

"But we can not speak with equal optimism of the processes which, as Washington so sagaciously pointed out, might 'undermine what can not be directly overthrown.'

"Thirty-two years ago it was my privilege as a citizen of Philadelphia to participate in the centennial celebration of the adoption of the Constitution. Who that participated in that festal celebration will ever forget that memorable week of September, 1887, when the representatives of the Nation met in Philadelphia to acclaim the great work of the fathers?

"The guns of the new Navy of the United States awoke joyous echoes from the banks of the Delaware from their bronze throats. Down our chief highway marched the veterans of the Civil War headed by Phil Sheridan, the 'boys in blue,' who with immortal valor had saved the Union in the dark days of the Civil War.

"Within the shadow of the belfry which crowns this building and from which the old bell, 143 years ago, proclaimed 'Liberty throughout the land and unto all the inhabitants thereof,' there met this day 32 years ago the President of the United States, the leading officials of the Government, the representatives of many nations, and a great body of American citizens, to thank God that a full century had attested the splendor of the fathers' achievement. Through the cathedral arches of the trees of Independence Square there sounded in noble song the faith of a people that 'ages upon ages' would be the happy lot of America.

"This joyous io triomphe of a proud and exultant people had then no minor chord of doubt as to the future. In all the public utterances that marked that noted celebration there was undoubted faith that the ship of state had weathered its hardest storms, had escaped the rocks and shoals which had wrecked other governments, and that in the unlimited future there were before it only smooth seas and cloudless skies.

"If any of us who took part in that celebration had then anticipated the portentous changes of the next 25 years, I think the note of exultation would, like Macbeth's 'Amen,' have stuck in our throats. Little we then realized that before another quarter of a century had passed every fundamental principle of the Constitution would be challenged by great political parties and responsible leaders of thought, and that within that time there would be Americans who would openly proclaim their belief that the Constitution was an antiquated and reactionary document and an obstacle to the progress of the American people.

"If anyone questions my statement, I beg to refer them, in order to avoid any reference to contemporary events, to the political platforms of the three great parties in the year 1912, when each of them contained statements of party principles

which were a direct negation of one or more of the fundamental principles of the Constitution.

"Possibly party platforms may be dismissed as causes of apprehension on the ground that they are merely 'springes to catch woodcock'; but if you will consider the events of the last 25 years you can hardly fail to see an alarming departure from the principles upon which this Government was founded.

"In measuring the force of constitutional changes it is necessary to note the changes in the constitutions of the States, as well as in that of the Federal Government. Together they form the real constitutional system of the American Commonwealth.

"The representative principle has been challenged in 22 States of the Union by the initiative and the referendum.

"The principle of home rule has been subverted by a steady submergence of the States, which has now made of them little more than glorified police provinces. The latest illustration is the prohibition amendment, whereby Congress is given power to prescribe the habits of the people. At such an abuse of power over personal liberty Washington, Franklin, Jefferson, and Hamilton would have stood aghast.

"The guaranty of individual liberty has been violated by many socialistic measures, while property rights are destroyed from time to time by confiscatory legislation.

"The independence of the judiciary is menaced by many provisions for the recall both of judges and of judicial decisions.

"The system of governmental checks and balances has been disturbed by the persistent subordination in the practical workings of the Government of the legislative to the Executive, while the concurrent power of the Senate over the foreign relations of the Government has been so weakened that more than one responsible leader of thought has boldly asserted that this power is more nominal than real. Contemporaneous events show that the power of the Senate has not yet been wholly destroyed.

"The taxing system has been perverted to redistribute property.

"The commercial power of the Union has been utilized to attain unconstitutional results which were clearly outside of the sphere of the Federal Government.

"The fifth and fourteenth amendments have largely broken down as bulwarks against confiscatory legislation.

"Under more than one administration the control of the Senate in the election of diplomatic representatives of the Government has been nullified by the appointment of extra-constitutional diplomats.

"Even the concurrence of the Senate in the treaty obligations of the country has been impaired under many administrations by protocols, informal treaties, and latterly by methods of treaty making which make the free decision of the Senate difficult, if not impossible.

"I am not now referring solely to contemporary events or to any one party or President, for in the last 25 years, under both parties, there has been a steady encroachment of the Executive upon the sphere of the legislature, until it has sometimes seemed that the only function of the former was to register the edicts of the latter.

"Alarming as are these tendencies, infinitely more portentous is the shifting of power from the Government to organized classes—and this tendency of our time is so grave that it threatens the very existence of organized society. When any class becomes so numerous or powerful that it can force its will upon the Government, not through the ballot box but through its control over the necessities of life, then the Government exists in form and not in name, and such a nation has been Bolshevised. Bolshevism means the rule of the majority, but in its practical operation, as seen in Petrograd, Budapest, Vienna, Munich, and Berlin, it is the rule of a class. Of all oligarchies, that of a class is the most hateful.

"Even in England, once preeminently the land of authority and law, there is manifest danger at this hour of a Soviet government—in fact if not in form. There the miners, railroad employees, and the dock laborers have united in a trinity of power, not to impose their views upon their employers but to compel the Government to take political action, under the threat that otherwise the people of England will freeze and starve. This they have called 'direct action,' meaning thereby that they are not content to assert the legitimate demands of their class through the ballot box, which is thus impliedly stigmatized as indirect. It is a time for plain words. 'Direct action' is civil war, and unless it be checked there is an end of free government.

"A week ago the trade unionist congress of England, with an unprecedented approach to unanimity, demanded the nationalization of the mines as a preliminary to the nationalization of all industries and added a scarcely veiled threat of 'direct action' by starving and freezing the English people if their Parliament did not submit. This is revolution. If successful, it is the end of free government in the land of its birth. The 'mother of democracies' will be led in chains by a new soviet and the cause of free government everywhere will be in peril.

"Verily there are again the 'times that try men's souls.' None more portentous since Luther nailed his thesis on the door of Wittenberg Cathedral. That mighty impulse of the sixteenth century was for the emancipation of the individual, but this movement is for his enslavement.

"Our own land has not been exempted from similar exhibitions of class tyranny. No one questions the right of labor to organize and to strike to compel the employer to recognize the demands of the employee. This is inherent in the liberty of man to work or to refuse to work, as he thinks proper. But when labor organizations, the nature of whose work enables them to strangle the industries of a country, use this power to coerce the Government to compel the employer to surrender his equal liberty, then the nation which tolerates such a spirit of anarchy exists only in name and the freedom of its people has been effectually destroyed.

"On the eve of the last presidential election the organization which represents the labor engaged in transportation—as essential to the life of a nation as the circulation of the blood is to the life of an individual—arrogantly served notice upon the President and Congress that their wages must be raised by statute. With a stop watch in their hands they demanded immediate compliance with their imperious demands; and not only did the President and the Congress yield, but even the Supreme Court bent to the storm in sustaining as constitutional an unprecedented exercise of the legislative power. 'Can such things be and overcome us as a summer cloud without our special wonder?'

"It is gratifying to add that when a second attempt was very recently made to turn this free Republic into a Soviet form government and the same labor leaders demanded the passage of an act which would largely take from the owners of railway securities their own property, both the President and the Congress, without division of party and with a gratifying unanimity, refused to surrender to the arrogant demand. In America, thank God, the spirit of constitutional government is not yet dead.

"Who, however, can underestimate the peril? If the labor leaders who control mining and transportation can deny to the people coal and food unless their demands for legislation are met, there is an end of free government.

"Such attempted subversions of constituted authority recall the solemn warning of George Washington in the Farewell Address, and, as I quote them, perceive the extraordinary aptness of his language to present conditions:

"All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency * * *.

"However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

"Who can deny that in recent years our country has witnessed such 'obstructions to the execution of the laws,' such 'combinations and associations' designed 'to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities'?

"Let us recall the extraordinary prediction made more than a half century ago by one of the most sagacious students of history of his or any time. In a letter written to the biographer of Thomas Jefferson, Lord Macaulay ventured the prediction that the Constitution of the United States would prove workable as long as there were large areas of undeveloped land. He added, however, that when our country became one of great cities—when we, too, had our Birminghams, Manchesters, and Liverpools—that then the real test of our institutions would come. He added:

"I believe America's fate is only deferred by physical causes. Institutions purely democratic will sooner or later destroy liberty or civilization, or both. In Europe, where the population is dense, the effect would be instantaneous. The poor would plunder the rich, and civilization would perish, or prosperity would be saved by a strong military government and liberty would vanish. The American Constitution is all sail and no anchor.

"I can not share Macaulay's view that our Constitution 'is all sail and no anchor,' for hitherto it has proved a very effective anchor; but it may be true that the anchor is dragging and the ship of state is slowly swinging away from its ancient moorings. Certainly the danger was never greater than in this

hour, when in every country there is a revolt against accepted principles of government. Indeed, the future historian may say that the first quarter of the twentieth century was marked by a revolt against the past in all departments of human life. One can see this tendency in literature, art, music, sociology, and political government. Everywhere there is a craze for innovation, everywhere hostility to that which has the sanction of the past.

"This question is of vital importance, for there is no greater error than to suppose that the Constitution has some inherent vitality to insure its perpetuity. The breath of its life is public opinion, and, when that public opinion ceases to support any or all of its fundamental principles, they will perish. Its continued vitality must depend upon the continued and intelligent acceptance of its political philosophy by the people.

"Human institutions gather no strength from pieces of parchment or red seals. In a democracy the living soul of any human institution must be the belief of the people in its wisdom and justice.

"It is true of all human institutions, ecclesiastical or political, that the form may often survive the substance of the faith, and while the Government, which the Constitution brought into being, might for a time survive the destruction of its vital spirit, even as a dead oak stands for a while after the sap has failed, yet if the fundamental principles of the Constitution cease to receive popular support, the whole edifice will slowly crumble.

"This Nation has spent its treasure like water and, what is infinitely more, the blood of its gallant youth to make 'the world safe for democracy.' The task is accomplished; but, in the mighty reaction from the supreme exertions of the war, it is now apparent to thoughtful men that a new problem confronts mankind, and that is to make democracy safe for the world.

"Kaiserism has been haled to the bar of civilization and has been convicted and sentence of execution pronounced. And now the world is slowly perceiving that democracy is also on trial, charged by its foes with unduly restraining the will of the majority to inflict their will upon the inalienable rights of the individual and by its friends with inefficiency.

"In this period of popular fermentation, the end of which no man can predict, the Constitution of the United States, with its fine equilibrium between efficient power and individual liberty, still remains the best hope of the world. If it should perish, the cause of true democracy would receive a fatal wound and the best hopes of mankind would be irreparably disappointed.

"These are 'the times that try men's souls.'

"The situation is strikingly similar to that April morning of 1787, when Washington entered the city of Philadelphia to gather about him a few faithful adherents to restore law and order.

"Can we do better than to imitate his spirit?

"Shall we not raise the standard that he then raised?

"Ought not men of all parties who love this country and believe in its past as well as its future unite in the same spirit to which Washington gave utterance at the beginning of the great convention, when he so nobly said:

"It is too probable that no plan that we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and just can repair. The event is in the hand of God."

TREATY OF PEACE WITH GERMANY.

Mr. HENDERSON. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Nevada Woman's Christian Temperance Union in favor of the ratification of the treaty of peace with Germany.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NEVADA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Reno, Nev., October 6, 1919.

Hon. CHARLES B. HENDERSON,
United States Senate, Washington, D. C.

DEAR SIR: The Woman's Christian Temperance Union passed the inclosed resolution to-day and instructed the same to be sent to you.

"Whereas we believe the league of nations aims to promote international cooperation and to achieve international peace and security; and

"Whereas we recognize that the covenant of the league of nations can not be separated from the peace treaty, since the latter was founded upon the assumption that the league of nations would be formed; and

"Whereas we believe that delay on the part of the United States Senate to ratify the peace treaty will seriously jeopardize the peace of the world: Therefore, be it

"*Resolved*, We, the Woman's Christian Temperance Union of Nevada, do most earnestly urge the United States Senate to ratify the treaty of peace, including the covenant, without reservation or amendment, as soon as possible."

(Signed) WOMAN'S CHRISTIAN TEMPERANCE UNION,
By BESSIE R. EICHELBERGER, *Secretary.*

OWNERSHIP OF WATER CARRIERS.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that there may be printed in the RECORD a document which comes to me from the Chamber of Commerce of the State of New York, being the action of that body upon the recommendation of one of its committees favoring the repeal of the legislation which was passed in the Panama Canal act prohibiting the ownership of water carriers by railroads. The pamphlet, which is very brief, embracing only three or four pages, contains the rulings of the Interstate Commerce Commission upon the applications of all the railroads which have made application under that legislation for continuance of ownership by them of their steamboats, and the decisions of the commission upon that point. The pamphlet is very interesting, and I ask that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Chamber of Commerce of the State of New York.]

"At the regular monthly meeting of the Chamber of Commerce of the State of New York, held October 9, 1919, the following report and resolution, submitted by the executive committee, were unanimously adopted:

"'*Ownership of water carriers by railroads recommended.*

"'*To the Chamber of Commerce:*

"'Your executive committee respectfully submits the following report:

"'PANAMA CANAL ACT.

"'The act of Congress known as the Panama Canal act, approved August 24, 1912 (37 Stat., 566, ch. 390), included, as a rider, an amendment to the interstate-commerce law which effectively deprives railway companies of the right to own or operate or have any interest, however slight or indirect, except with the permission of the Interstate Commerce Commission, in any water carrier with which the railway does or might compete. The commission's conclusions as to the existence or possibility of competition are, in terms, made final. The prohibition was made to take effect on July 1, 1914.

"'A copy of this portion of the Panama Canal act is attached hereto marked "Exhibit A."

"'Thirty-three decisions under this provision were rendered by the commission between the effective date of the prohibition and the middle of May, 1918, the earliest being rendered on February 1, 1915 (32 I. C. C., 690), and the latest on May 13, 1918 (49 I. C. C., 737). The applications respectively affected were wholly granted by 26 of these decisions; wholly denied by 3; granted in part and denied in part by 4. One of these decisions, rendered on March 3, 1917 (43 I. C. C., 286) was on rehearing and granted an application that had been denied on May 7, 1915 (33 I. C. C., 699). Of the first 4 decisions 2 were incomplete and 1 was in part denial of the applications affected; since May 7, 1915, no application has been wholly denied. Yet some of the decisions adverse to the joint relation are important and far-reaching.

"'1. The Southern Pacific Co. was required to dispose of its interest in the Pacific Mail Steamship Co. (32 I. C. C., 690).

"'2. The Spokane, Portland & Seattle Railway was required to dispose of its interest in Dalles, Portland & Astoria Navigation Co. (33 I. C. C., 462).

"'3. The Associated Oil Co. (controlled by the Southern Pacific Co.) was forbidden to operate its boats between ports in California and those in Washington and Oregon (34 I. C. C., 77).

"'4. All trunk-line railways were required to dispose of their interests in boats operating upon the Great Lakes (33 I. C. C., 699), although this requirement was later withdrawn as to the Grand Trunk Railway of Canada (43 I. C. C., 286).

"'5. The Pennsylvania Railroad and affiliated corporations were required to dispose of certain of their interests in boats operating on Chesapeake and tributary rivers (35 I. C. C., 692); and

"'6. The Norfolk & Western Railway was required to dispose of its interest in Old Dominion Steamship Co. and Virginia Navigation Co. (41 I. C. C., 285).

"'A synopsis of the decisions under this amendment is attached hereto marked "Exhibit B."

"'Your committee finds:

"'A. That the relatively few decisions adverse to the joint relations affected by the act have produced no benefit, but, on the other hand, and particularly those operating upon the Pacific Mail Steamship Co. and the boat lines on the Great Lakes, have resulted in reduction and deterioration of service and in general public protest.

"'B. That the later decisions of the commission, probably in recognition of these results, seem to indicate a desire to strain the terms of the statute as far as possible in order to save rela-

tionships that are plainly essential to the perpetuation of necessary and efficient services.

"'C. That the prohibitions of this portion of the Panama Canal act are based upon an erroneous conception of the economic principles involved and tend to restrict the investment of capital in facilties for water transportation and to impair the efficiency in the public service of such capital.

"'D. That railway carriers ought not to be interfered with or prevented when, in the sound discretion of their owners and managers, they see fit to extend their services to water routes.

"'E. That in any degree in which such relations between railway and water carriers tend to control competition between the rail routes and the water routes, any otherwise possible injury to the public interest can be prevented by the exercise of the power already existing to regulate the rates and practices of the railway and water routes.

"'F. That the prohibitions added to section 5 of the interstate commerce law by the Panama Canal act ought, in the public interest, to be forthwith repealed.

"'Your committee therefore offers the following resolution:

"'*Resolved*, That the Chamber of Commerce of the State of New York approves the above report and the findings of its executive committee and directs that copies of the report and appendices be sent to the President and to the Members of Congress.

"'Respectfully submitted.

"'Welding Ring, chairman; Alfred C. Bedford, Delos W. Cooke, Irving T. Bush, Leonor F. Loree, Charles L. Bernheimer, Howard C. Smith, Alfred E. Marling, William H. Porter, A. Barton Hepburn, John Claflin, E. H. Outerbridge, of the executive committee; Alfred E. Marling, president.

"'Attest:

"'CHARLES T. GWYNNE, *Secretary*.

"'NEW YORK, *October 10, 1919*.'

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"Exhibit A.

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"'From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce, to own, lease, operate, control, or have any interest whatsoever—by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner—in any common carrier by water operated through the Panama Canal or elsewhere with which such railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision, each day in which such violation continues shall be deemed a separate offense.

"'Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may, on its own motion or the application of any shipper, institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

"'If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission, and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.' (37 Stat., 566, ch. 390.)

"Note.—The above is part only of the section. The next paragraph prohibited passage through the Panama Canal of boats owned, operated, chartered, or controlled by any company doing business in violation of the antitrust acts. The balance of the section is the amendments to section 6 of the interstate commerce law.

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"Exhibit B.

"2–1–1915. Upon application of Southern Pacific Co. for extension of time during which applicant may retain ownership of the Pacific Mail Steamship Co. Application denied, unless the applicant would limit it to service not beyond Balboa. (32 I. C. C., 690.)

"3–22–1915. Upon application of Lake Tahoe Railway & Transportation Co., to retain ownership of a boat line on Lake Tahoe. Application granted. (33 I. C. C., 426.)

"3–22–1915. Upon application of Spokane, Portland & Seattle Railway Co. to retain ownership of Dalles, Portland & Astoria Navigation Co., operating on the Columbia and Willamette Rivers between Portland and The Dalles, and all the capital stock of which was owned by the applicant. Application denied. (33 I. C. C., 462.)

"3–30–1915. Upon application of the Southern Pacific Co. to continue its interest in and operation of steamer schooner *Pasadena*, principally operated between Albion and San Francisco, and owned by the Albion Lumber Co., all the capital stock of which is owned by the applicant. Application granted as to interest in and as to operation between Albion and San Francisco, but denied as to operation between San Francisco and San Pedro and Redondo. (33 I. C. C., 476.)

"4–27–1915. Upon application of Georgia, Florida & Alabama Railway Co. to continue to own and operate a steamboat between Carrabelle and Apalachicola. Application granted. (33 I. C. C., 632.)

"4–27–1915. Upon application of the Oregon-Washington Railroad & Navigation Co. to continue operation of boats which it owns and operates on the Columbia, Willamette, and Snake Rivers and on Lake Coeur d'Alene. Application granted. (33 I. C. C., 658.)

"4–29–1915. Upon applications of Pennsylvania Co. and Canadian Pacific Railway Co. to continue their interest in and joint operation of the Pennsylvania-Ontario Transportation Co., owning and operating a car ferry between Ashtabula and Port Burwell, one-third of the capital stock of the ferry company being held, respectively, by each of the applicants and by James W. Ellsworth & Co. Application granted. (34 I. C. C., 47.)

"4–29–1915. Upon application of the Grand Trunk Railway Co. of Canada to continue its interest in and joint operation of the Ontario Car Ferry Co. (Ltd.), of Canada (see statement as to next previous case). Application granted. (34 I. C. C., 49.)

"4–29–1915. Upon application of the Buffalo, Rochester & Pittsburgh Railway Co. to continue its interest in and joint operation of the Ontario Car Ferry Co. (Ltd.), of Canada, applicant owning 2,497 shares of its 5,000 shares of capital stock, and the Grand Trunk Railway Co. owning an equal number (the balance being directors' shares), and the Ontario Car Ferry Co., operating a car ferry between Charlotte and Coborg. Application granted. (34 I. C. C., 52.)

"4–29–1915. Upon application of Grand Trunk Western Railway Co. to continue its interest in the Grand Trunk Milwaukee Car Ferry Co., operating car ferries between Grand Haven and Milwaukee, and, like the applicant, an integral part of the system of the Grand Trunk Railway Co. Application granted. (34 I. C. C., 54.)

"5–7–1915. Upon application of Southern Pacific Co. and Associated Oil Co. for authority to retain ownership in oil steamers operated between California ports and those of Oregon, Washington, Alaska, and the Hawaiian Islands, these boats being owned by the latter applicant which is controlled by stock ownership by the applicant first named. Application granted as to boats operating to and from Alaska and Hawaiian Islands and denied as to the others. (34 I. C. C., 77.)

"5–7–1915. Upon applications of (1) Pennsylvania Railroad Co. and Northern Central Co. to continue interest in and operation of Erie & Western Transportation Co., operating steamboats on the Great Lakes serving the ports of Buffalo, Erie, Cleveland, Detroit, Mackinac Island, Milwaukee, Chicago, Sault Ste. Marie, Marquette, Hancock, Houghton, Superior, and

Duluth; and (2) Lehigh Valley Railroad Co.; (3) New York Central & Hudson River Railroad Co.; (4) Rutland Railroad Co.; (5) Erie Railroad Co.; and (6) Grand Trunk Railway Co. of Canada, to continue interest in boat lines also on the Great Lakes and, respectively, performing services of a kind similar to or identical with those of Erie & Western Transportation Co. Application denied, but on rehearing that of Grand Trunk Railway Co. of Canada was subsequently granted. (33 I. C. C., 699; 43 I. C. C., 286.)

"5-11-1915. Upon application of the Ann Arbor Railroad Co. to continue its ownership and operation of car ferries between Frankfort and Manistique, Menominee, Kewaunee, and Manitowoc. Application granted. (34 I. C. C., 83.)

"5-11-1915. Upon application of Pere Marquette Railroad Co. to continue its interest in and operation of its car ferries on the Detroit River between Detroit and Windsor, on the St. Clair River between Port Huron and Sarnia, and on Lake Michigan between Ludington and Milwaukee, Manitowoc, and Kewaunee, and upon the joint application of the Pere Marquette Railroad Co. and the Bessemer & Lake Erie Railroad Co. to continue their interest in and joint operation of the Marquette & Bessemer Dock & Navigation Co., one-half of the capital stock of which is owned by each of the applicants, owning and operating a car ferry between Conneaut and Port Stanley. Application granted. (34 I. C. C., 86.)

"5-25-1915. Upon application of the Oregon-Washington Railroad & Navigation Co. for authority to continue to operate the San Francisco & Portland Steamship Co., operating on the Columbia and Willamette Rivers and between Portland and San Francisco and San Pedro, on the Pacific Ocean, the capital stock of the steamship company being owned by the applicant. Application granted. (34 I. C. C., 165.)

"5-25-1915. Upon application of the Southern Pacific Co. and the Central Pacific Railway Co. to continue to operate boats on the Sacramento River, these boats being owned by the latter and leased to the former applicant. Application granted. (34 I. C. C., 174.)

"5-29-1915. Upon application of the Erie Railroad Co. to continue its interest in and operation of the Lake Keuka Navigation Co., operating boats on Lake Keuka. Application granted. (34 I. C. C., 212.)

"5-29-1915. Upon application of the Erie Railroad Co. and the Chicago and Erie Railroad Co. to continue their interest in and operation of certain tugboats, barges, and other equipment used on the Chicago River. Application granted. (34 I. C. C., 218.)

"5-29-1915. Upon joint application of the Duluth, South Shore & Atlantic Railway Co., Grand Rapids & Indiana Railway Co., and the Michigan Central Railroad Co. to continue their joint interest in and operation of the Mackinac Transportation Co., owning ferryboats plying between St. Ignace and Mackinaw City. Application granted. (34 I. C. C., 229.)

"7-2-1915. Upon application of Southern Pacific Co. and Central Pacific Railway Co. to permit continued operation by the Sacramento Transportation Co., which owns and operates steamboats on the Sacramento River and in which petitioners own stock. Application granted. (34 I. C. C., 648.)

"7-30-1915. Upon application of the Pennsylvania Railroad Co. and certain of its subsidiary companies for authority to continue the operation of steamers on Chesapeake Bay and tributary waters; the Maryland, Delaware & Virginia Railway Co., which directly owns some of said steamers being controlled through stock ownership by the Baltimore, Chesapeake & Atlantic Railway Co., which directly owns and operates the rest of said steamers and the Baltimore, Chesapeake & Atlantic Railway Co., being controlled through stock ownership by the Pennsylvania Railroad Co. Application granted as to the boat lines between (1) Baltimore and Claiborne and (2) Baltimore and Love Point and denied as to the other lines. (35 I. C. C., 692.)

"4-11-1916. Upon application of Florida East Coast Railway Co. and the Atlantic Coast Line Railroad Co. to continue joint ownership of the Peninsular & Occidental Steamship Co., a corporation owning and operating three steamboats between Miami and Nassau, Key West, and Habana, and Port Tampa and Habana, and sometimes chartering additional boats for freight service. Application granted. (37 I. C. C., 432; 38 I. C. C., 662.)

"6-21-1916. Upon application of Michigan Central Railroad Co. to institute a service by boats on Lake Erie between Ashtabula, Ohio, and Port Maitland, Province of Ontario, such boat line to be owned and operated by an Ohio corporation in which applicant will have an interest. Application granted. (40 I. C. C., 143.)

"6-22-1916. Upon application of the Maine Central Railroad to continue to operate the Bath Ferry and its boat lines on Frenchmans Bay and Penobscot Bay. Application granted. (40 I. C. C., 272.)

"6-22-1916. Upon application of the Delaware & Hudson Co. to continue to operate and have an interest in the Lake Champlain Transportation Co. and the Lake George Steamboat Co., operating on Lake Champlain and Lake George. Application granted. (40 I. C. C., 297.)

"6-29-1916. Upon applications of the Southern Railway Co., the Chesapeake & Ohio Railway Co., the Norfolk & Western Railway Co., the Seaboard Air Line Railway, and the Atlantic Coast Line Railroad Co. for an extension of time during which they may operate the Old Dominion Steamship Co., the Virginia Navigation Co., the Chesapeake Steamship Co., and the Baltimore Steam Packet Co. Application granted, except that of Norfolk & Western Railway Co., which was denied. (41 I. C. C., 285.)

"7-3-1916. Upon application of Boston & Maine Railroad to continue service by its steamers on Lake Winnepesaukee and Lake Memphremagog. Application granted. (40 I. C. C., 565.)

"7-5-1916. Upon application of Central Vermont Railway Co. to continue existing service by boats between New York City and New London and to install similar service between New York City and Providence. Application granted. (40 I. C. C., 589.)

"3-3-1917. Upon rehearing of application of Grand Trunk Railway Co., of Canada, for permission to continue operation of Canada Atlantic Transit Co., a boat line which owns and operates on the Great Lakes, such permission having been originally denied. (33 I. C. C., 699.) Application granted. (43 I. C. C., 286.)

"5-12-1917. Upon application of the Southern Pacific Co. for an extension of time during which applicant may operate and have an interest in its Atlantic Steamship lines, operated between New York and Galveston and between New Orleans and Habana. Application granted. (43 I. C. C., 168; 45 I. C. C., 505.)

"7-13-1917. Upon joint application of Southern Pacific Co. and Morgan's Louisiana & Texas Railroad & Steamship Co. for extension of time during which they may operate or have an interest in the Direct Navigation Co., a Texas corporation owning three tugs, six barges, wharves at Houston, and other property, and operating on Buffalo Bayou between Houston and Galveston: *Held* that (1) the Southern Pacific Co., through its subsidiary, the Galveston, Harrisburg & San Antonio Railway Co., does and may compete with the Direct Navigation Co., but (2) under present conditions the service of the Direct Navigation Co. is in the interest of the public and of advantage to the commerce and convenience of the people, (3) and such continued ownership by applicants will neither exclude, prevent, nor reduce competition on the water route. Application granted. (46 I. C. C., 378.)

"5-1-1918. Upon commission's own motion: *Held* that Nashville, Chattanooga & St. Louis Railway neither does nor may compete with the boats and barges which it operates on the Tennessee River between Hobbs Island and Guntersville. (49 I. C. C., 737.)"

STATE EX REL. MULLEN V. HOWELL.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD and also as a public document the majority opinion of the Supreme Court of Washington in the case of State ex rel. Mullen *v.* Howell. The opinion will be found in the advance sheets of the Pacific Reporter, dated Monday, July 28, 1919, and was handed down May 24 last. It relates to the ratification of amendments to the Federal Constitution, and is particularly interesting at this time with reference to the pending amendment for Federal suffrage. It is not generally available, and I take this means of making it so. I would like to have bracket 7, which appears in the second column, on page 924 of the Pacific Reporter, printed in blackface type. This announces the controlling principles.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

STATE EX REL. MULLEN V. HOWELL, SECRETARY OF STATE.
(No. 15313. Supreme Court of Washington. May 24, 1919.)

"1. Statutes—Referendum—Construction of constitutional amendment: Constitutional amendment 7, article 2, section 1, providing for a referendum in all cases 'except such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State government and its existing public institutions,' by specifying the things not reserved, is an expression of a reservation to pass upon all things not so specified.

"2. States—Police powers of States—Federal interference: The Federal Government has no power to control the police power of the States, except as such power may have been expressly granted or as it may be necessary to maintain the acknowledged powers of the Federal Government.

"3. Constitutional law—Validity of statutes: A law will not be held unconstitutional if it is within the spirit of the policy enunciated by the constitutional provision under consideration.

"4. Constitutional law—Amendment to United States Constitution — Resolution of legislature — Referendum — 'Law': Under constitutional amendment 7, article 2, section 1, providing for referendum of 'acts, bills, or laws,' joint resolution of State legislature ratifying constitutional amendment for national prohibition proposed by Res. Dec. 19, 1917, 40 Statutes, 1050, is subject to referendum, the amendment to the United States Constitution being a law within the seventh amendment of the State constitution.

"[Editor's note: For other definitions, see Words and Phrases, first and second series, Law.]

"5. Constitutional law—United States Constitution—Amendment—Method of ratification: The authority to act in the matter of a proposed amendment to the Constitution of the United States does not arise in or out of the constitution of the State, but arises out of the Federal Constitution; and any act, whether by resolution or bill, on the part of the State legislature, is a sufficient expression of the legislative will, unless Congress itself challenges the method or manner of its adoption.

"6. Constitutional law—United States Constitution—Amendment—Legislative and judicial powers: In mandamus to compel submission of joint resolution ratifying amendment to United States Constitution, the contention that the legislature has no power to act by resolution is nonjusticiable, the power to question the manner of adoption being in Congress, and not the courts.

"7. Constitutional law—United States Constitution—Amendment—Ratification: Congress has no concern of the manner in which the people of the several States pass upon proposed amendments to the United States Constitution.

"8. Constitutional law—Amendment to United States Constitution—Referendum—'Legislature': Constitution of United States, Article V, providing that proposed amendment shall be valid 'when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof,' does not preclude submission of joint resolution of State legislature ratifying proposed amendment to a referendum, the words 'legislatures' and 'conventions' not having present-day meanings, the former referring to legislative authority, including all its branches, and not merely the legislative assembly.

"[Editor's note: For other definitions, see Words and Phrases, first and second series, Legislature.]

"9. States—Federal Constitution—Reservation of powers—To States: Constitution of United States, amendment 10, providing that 'the powers not delegated to the United States * * * are reserved to the States, respectively, or to the people,' is a declaration that the people of the several States may function their legislative power in their own way, especially in view of the ninth amendment.

"Parker, Mitchell, Tolman, and Fullerton, JJ., dissenting.

"En Banc.

"Mandamus by the State of Washington, on the relation of Frank P. Mullen, against I. M. Howell, secretary of state of the State of Washington. Writ ordered to issue.

"P. C. Sullivan, of Tacoma; John F. Murphy, of Seattle; and Turner, Nuzum & Nuzum, of Spokane, for appellant.

"L. L. Thompson and Glenn J. Fairbrook, both of Olympia, for respondent.

"CHADWICK, C. J. At the general election held in 1912 the people of the State of Washington adopted as a principle of government the power to initiate laws, and to review at the bar of popular opinion all acts, bills, or laws passed by the Legislature of the State of Washington.

"[1] The right so to do is emphasized as a power reserved, and the terms of the amendment imply in the strongest possible way that the intention of the people was to reserve a right to review every act of the legislature which might affect the people in their civil rights, or limit or extend their political liberties; for they wrote an exception, saying that a referendum may be ordered in all cases 'except such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State government and its existing public institutions.' (Amendment 7, art. 2, sec. 1.) The writing of an exception specifying the things not reserved is an expression, within sound rules of construction, of a reservation to pass upon all things not so specified.

"The court in passing directly upon the amendment, and in other cases arising under city charters, has held firmly to the principle of the referendum, and has consistently refused to limit it by construction.

"In December, 1917, Congress proposed an amendment (Res. Dec. 19, 1917, 40 Stat., 1050) to the Federal Constitution, providing that:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

"[2] It will be noted that the amendment does not pertain to matters within the original concept of the Constitution, to the definition, or distribution of powers of public officers, but by its terms assumes to cover matters that are purely legislative, and which have hitherto been a subject of legislation by the several States under the police power. We understand that the Federal Government has no power to control the police power of the States except as such power may have been expressly granted, or as it may be necessary to maintain the acknowledged powers of the Federal Government.

"This amendment was submitted to and ratified by the Legislature of the State of Washington by joint resolution passed January 13, 1919. On March 20, 1919, relator tendered a petition for a referendum to the respondent secretary of state; he asked that it be filed and a ballot title be supplied. Respondent refused to receive it upon the grounds (a) that the amendment having been adopted by a joint resolution, and not by an act, bill, or law, it was not within the terms of the seventh amendment; and (b) that it was not a subject for referendum under Article V of the Constitution of the United States.

"Addressing ourselves to the first contention of the respondent, Is the resolution an act, bill, or law within the meaning of those terms as employed in our constitution—whether the people intended an act, bill, or law to be statutes enacted by the legislature, or whether they meant action by the legislature which affected them as law?

"[3] No cases have been cited, and we may confidently say that there are none, holding to a rule of strict construction where the power of the whole people is in question. It is a rule, become axiomatic by long-continued reiteration, that no court will hold a law to be unconstitutional unless such holding is compelled; that a law will not be held to be unconstitutional by construction; that is to say, the power of the legislative body, or the people if exercising that function, will not be abridged by the courts, or suffered to be abridged by others, if the thing sought to be done is within the spirit of the policy enunciated in the provision under consideration. To this end the courts of the country have so addressed themselves that, without resort to the tedium of limitless authority, we may well adopt the language of Judge Cooley, who was an acknowledged master in the field of constitutional law, that constitutional provisions must be interpreted with reference to—

"the times and circumstances under which the state constitution was formed—the general spirit of the times and the prevailing sentiments among the people. Every constitution has a history of its own which is likely to be more or less peculiar, and unless interpreted in the light of this history, is liable to be made to express purposes which were never within the minds of the people in agreeing to it. (People *v.* Harding, 53 Mich., 48; 19 N. W., 155; 51 Am. Rep., 95.)

"The safe way is to read its [the Constitution's] language in connection with the known condition of affairs out of which the occasion for its adoption may have arisen, and then to construe it, if there be therein any doubtful expressions, in a way, so far as is reasonably possible, to forward the known purpose or object for which the amendment was adopted. (Maxwell *v.* Dow, 176 U. S., 581, 602; 20 Sup. Ct., 448, 456 (44 L. Ed., 597).)

"The courts are not bound by mere forms, nor are they to be misled by mere pretenses. They are at liberty—indeed, are under a solemn duty—to look to the substance of things, whenever they enter upon the inquiry whether the legislature has transcended the limits of its authority. (Mugler *v.* Kansas, 123 U. S., 623, 661; 8 Sup. Ct., 273, 297 (31 L. Ed., 205).)

"The people, too, have directly charged us with a duty to be mindful of their sovereign rights.

"A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government. (Constitution of State of Washington, art. 1, sec. 32.)

"Wherefore the purpose of the people in adopting the seventh amendment is a proper subject to be considered. Did they intend to grant any exceptions other than those enumerated in the seventh amendment? If this were an ordinary case of statutory construction, we have no doubt that we could all agree that we would look first to the old law, the mischief, and the remedy. It is more important in considering a question involving, the first of all, the sovereign rights of the citizen—the right to speak ultimately and finally in matters of political concern—that we should measure the power reserved by the former condition.

"It is well known that the power of the referendum was asserted not because the people had a willful or perverse desire to exercise the legislative function directly, but because they had become impressed with a profound conviction that the legislature had ceased to be responsible to the popular will. They endeavored to, and did—unless we attach ourselves to words, and words alone, reject the idea upon which the referendum is founded, and blind ourselves to the great political movement that culminated in the seventh amendment—make reservation of the power to refer every act of the legislature, with only certain enumerated exceptions.

"Guided by these considerations, we are satisfied that the people used the words 'act, bill, or law' in no restricted sense, but in a sense commensurate with the political evil they sought to cure.

"[4] And why should not the amendment be a law within the meaning of the seventh amendment? No reason is assigned other than that 'law' as there used is synonymous with 'bill' or 'act.' We may well argue, and be within sound rules, that if the people had so intended they would not have used the word 'law' at all, as was done in the State of Oregon. We can conceive of no more sweeping law than the proposed amendment. Certainly no amendment has ever been proposed that goes deeper into the vitals of the American idea of government. It surrenders pro tanto the sovereignty of the State, gives to the Federal Government a right to enact laws and to enforce them through the Federal courts, and it will deny the citizen the protection of some of those guaranties that we have written out of the travail of time into our own Bill of Rights. Upon construction we hold that the amendment to the Constitution of the United States is a law, within the meaning of the seventh amendment, and is subject to referendum.

"But it is contended that, whereas the legislature ratified the amendment by joint resolution instead of by act of bill, as it might have done, the resolution, being not eo nomine an act, bill, or law, is not subject to a referendum. This argument defeats itself, for if we are to be literal and exact in terminology, and so insistent upon 'scholastic interpretation' as to admit this premise, we must hold that the legislature had no power to ratify the amendment except by act or bill; for we find no power granted in the constitution to that body to act in matters legislative other than by act or bill.

"This reasoning would lead to two consequences, equally absurd: Either the amendment being ratified by resolution, the act of ratification is void as a thing done in a manner not provided; or, if sustained, would permit the legislature to defeat the power of referendum by acting, in matters purely legislative, by resolution instead of by bill. The latter is the consequence in the instant case if the argument of the learned attorney general is to be sustained. But we are not put to the extremity of holding that the legislature may not in matters of ratification act by resolution, for there is a high road of reason leading down to a true result.

"The contention that a resolution, although it may have the force and consequence of a formal legislative enactment, and affect the people in their civil and political rights, can not be referred, arises from a misconception of the term. This case sounds in fundamentals, not in definitions. It is not the resolution, but the act of the legislature in adopting it, that is to be referred. A resolution, like all acts of the legislature, is to be measured by the end accomplished. It is true that we have no provision in our constitution providing for the passage of resolutions even in the formal matters in which the legislature has throughout the entire history of our territory and State been wont to act, but it is just as evident that there is no limitation upon the power of the legislature to act by resolution.

"The constitutions of some of the States and the Constitution of the United States (sec. 7, Art. I) permit or recognize the practice of acting by resolution, and some of them limit its uses. It has been held if the Constitution is silent, as ours is, that legislation can not be effected by that method. Boyers *v.* Crane (1 W. Va., 176), State ex rel. Attorney General *v.* Kinney (56 Ohio St., 721, 47 N. E., 569), Barry *v.* Viall (12 R. I., 18).

"[5] And were we considering a matter involving private right, arising in or out of the laws of this State, we could not question the authorities just cited; but they are not applicable for the reason that the authority to act in the matter of a proposed amendment to the Constitution of the United States does not arise in or out of the constitution of the State, but arises out of the Federal Constitution, and any act, whether it be by resolution or by bill, on the part of the State legislature must be held to be a sufficient expression of the legislative will, unless Congress itself challenges the method or manner of its adoption. It is upon this principle that the Supreme Court of the United States has held that the question whether the referendum does violence to the Constitution of the United States is nonjusticiable, holding that the question whether it deprives the government of a State of its representative character, thus violating the guaranty of a republican form of government, is a question for Congress and not for the courts.

"[6] The power to question the manner of adoption being in Congress, and not in the courts, the contention that the legislature has no power to act by resolution is nonjusticiable, but this holding does not foreclose an inquiry as to the legislative character of the thing done.

"It may be that my argument is not entirely clear. If so, we may profitably resort to an illustration. The people of the State of Washington have, by expression of their reserved right to legislate upon all proper subjects of legislation, declared the policy of this State to be against the barter and sale of intoxicating liquor within the State, and by subsequent laws that we, as citizens of a sovereign State, are opposed to the use of intoxicating liquor by any of our citizens. The original law, by its accretions, has become what is popularly called, in the nomenclature of the Anti-Saloon League, 'bone dry.' This the people did of their own free will and accord and by the assertion of a hitherto unused power. Let the question occur, Can their act be undone by any plan, power, or authority less or other than the power that established the present state of the law? Keeping in mind our present 'bone-dry' condition, or plight, if that term be preferred, suppose the Congress of the United States should propose an amendment to the Federal Constitution providing that it shall hereafter be lawful to ship and sell in all of the States of the Union wines and beers containing not to exceed a certain minimum of alcohol—that it has the power so to do will not be denied; then suppose that the State legislature did by resolution, as in the present instance, ratify the amendment, and that it was ratified by a sufficient number of States only, including our own, to meet the demands of the Federal Constitution. We would then have a law that was not a law before; that would wipe out pro tanto the present law; that would work such an exception to it that, so far as the policy of our citizens had been expressed by their direct vote, would defeat its purposes. In such event—and it is a reasonable postulate—would it be urged for one moment that the people of this State could be denied a right of referendum to determine for themselves, under their reserved powers, whether they desired their own law to be thus overcome? Would they have to stand by helplessly, while the fruits of their victory were swept away and their sovereignty surrendered in degree by resolution of the legislature?

"I opine that we would find some way to declare that the right to refer the matter to the people, who had theretofore exercised their reserved power upon the very subject of the proposed legislation, could not be thus defeated. It is no argument to say that a referendum in that event would operate to promote a good cause, while this demand comes from those who would defeat all liquor legislation. We are here to declare the law, not to maintain or defend policies; and it is enough to say that the relator is within the law as declared by the whole people, and as such his right should not in conscience be denied. We can not fit a rule to meet a particular case; it must apply to all alike, whatever the cause and whatever the character of those who invoke it.

"The final, and, as we believe, the principal, ground of opposition is that the amendment, being submitted under Article V of the Constitution of the United States, is a Federal question in the sense that State laws and State constitutions have no bearing upon or relation to the issues.

"It is argued that inasmuch as Article V of the Constitution of the United States provides that a proposed amendment 'shall be valid, to all intends and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof,' and so forth, the people have hitherto fixed the manner and form of ratification, against which the reserved power of the people of a sovereign State may not prevail. If we are to stand upon the word 'legislatures'; if that word, and that alone, is the Alpha and Omega of our inquiry, it follows that the controversy is at an end; but we are cited to no instances where a great question involving the political rights of a people has been met by such technical recourse; where any court has so exalted the letter or so debased the spirit of the law.

"In Noble State Bank *v.* Haskell (219 U. S., 104, 31 Sup. Ct. 186, 55 L. Ed., 112, 32 L. R. A. (N. S.), 1062, Ann. Cas., 1912A, 487) Justice Holmes frowned upon a like invitation, saying:

"We must be cautious about pressing the broad words of the fourteenth amendment to a dryly logical extreme. Many laws which it would be vain to ask the court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of

the great guaranties in the Bill of Rights. * * * Judges should be slow to read into the latter [the Constitution of the United States] a nolumus mutare as against the lawmaking power.

"[7] **It may be set down as a truism that the Congress of the United States has no concern of the manner in which the people of the several States pass upon the proposed amendments. It is the act of ratification or rejection by the legislative power in a State, and not the manner of doing, that makes for the result to be accomplished.**

"**It may be true that it might have been provided that amendments could be made directly by Congress, and the submission of amendments for ratification or rejection by the legislatures of the several States at all was a matter of grace upon the part of the whole people when the Constitution was adopted; but we would incline to the opinion that the right to pass upon proposed amendments should be treated as a reservation in the several States of the right to express their legislative will in the manner in which they had then provided, or might thereafter provide, and, when so regarded, as a compact between the States and the Federal Government.**

"**It is provided in the Federal Constitution that proposed amendments shall be ratified by the legislatures of the States or by conventions assembled for the purpose of considering them. It can not be urged successfully that the framers of the Constitution used the words 'legislatures' and 'conventions' as terms describing then present institutions, for it is well known that at the time the Constitution was adopted some of the States did not have legislative assemblies.**

"**Article 5 can mean no more than this: That no amendment shall be adopted unless it is sanctioned by the supreme legislative power of a sufficient number of the Commonwealths, whether such ratification be by legislative assembly, convention, or such other method as might thereafter be adopted by the people in the several States.**

"[8] If we hold that the words 'legislatures' and 'conventions' do not control the plain purpose and spirit of Article V—that is, that the people shall pass upon a proposed amendment by their representatives, if that be the plan provided by them at the time of its submission, or, if not, under such other plan of expressing their will as may not be offensive to the Federal Constitution—we are on solid ground. For the framers of the Constitution had well in mind—for they had lived in that time when our political system was being fashioned into concrete form—they understood, as we sometimes forget, that 'the theory of our political system is that the ultimate sovereignty is in the people, from whom springs all legitimate authority.' Cooley, Constitutional Limitations (6th Ed.), page 39. Wherefore it may be said that it is the meaning and intent of Article V that an amendment to the Constitution of the United States shall not become effective until it has been ratified by the legislative authority of a sufficient number of the States, and it should not be held that a ratification or rejection by a popular vote, under the referendum clause of a State constitution, would be contrary to the provisions of Article V unless it can be said, under sound rules of construction, that the referendum is offensive to the Constitution of the United States.

"The people of several of the States, having the sovereign right of self-government, excepting only as they may have yielded that right under the Constitution of the United States and its amendments, have adopted the referendum as a rule of government, and the only objection that has ever been urged, or that could have been urged, against it, is that it violates section 4, Article IV, of the Constitution, guaranteeing to every State a republican form of government. The Supreme Court of the United States has held that it does not so offend. (Pacific States Telephone & Telegraph Co. *v.* Oregon, 223 U. S., 118; 32 Sup. Ct., 224; 56 L. Ed. 377.)

"The fault of disassociating a word or correlative words from the text of a written law, and promising a judgment without the warmth of the spirit of that law, may be illustrated. If we are wrong, it may well be that a State might, and withal unwittingly, put it beyond its power to pass upon a proposed amendment to the Federal Constitution. If the people of this State had, when they adopted the referendum, provided for the abolition of our legislative assembly—as they might have done—and had provided that all laws should thereafter be initiated by, and voted upon by, direct vote of the people, or that the legislative functions of the State should be exercised by a council of three, and that all their acts should be subject to a referendum at the next succeeding general election, it would follow, under the theory advanced to defeat a referendum in this case, that a proposed amendment could not be either ratified or rejected in the State of Washington, for there would be no 'legislature' or 'convention' in the sense in which those terms are employed in the Federal Constitution.

"Significance is placed on the word 'conventions,' it being contended that if the word 'legislatures' had been used alone our argument might seem plausible, but the added word 'conventions' necessarily implies that Congres had in mind a representative body and not legislative authority, but we are inclined to take a broader view.

"It was doubtless intended that 'legislatures' should mean one thing—that is, the legislative authority of the State—and 'conventions' another thing—an extraordinary representative body, convened by and in the State, for the sole purpose of passing upon the proposed amendment to the Federal Constitution. If it had no other intention in adopting the term 'legislatures' in specifying one of the instrumentalities for passing upon the proposed amendment than to express the idea of legislative power, of whatever that power consists, then it must be deemed to mean all the branches or component parts of that power, which have included the qualified voters also, if they so desire. Inasmuch as the Constitution was formulated not for a day or a year, but for all time except as amended, we may consider that it contemplated the same kinds of State legislative bodies then in existence and known to the framers, or any other kinds of legislative bodies that should come into existence in the future.

"One of the important ideas governing the framers of the National Constitution was that amendments to that instrument should be ratified by the States as units, recognizing and preserving the integrity and sovereignty of the States as parties to the compact creating and continuing that Constitution. Doubtless there was no other idea prevailing in providing for adoption of amendments by the 'legislatures' or 'conventions' of three-fourths of the States than that. Certainly it was and is of no concern to the others what sort of legislature any particular State has, so long as it conforms to the scheme of a republican form of government.

"We have preferred to meet the question upon the plane of broad reason, having in mind the spirit and policy of the referendum; but we are not without competent authority to prove that the manner or the name attached to the legislative power of the State, whether it be a representative body or the people themselves, is of no concern to the Federal Government.

"In State ex rel. Schrader *v.* Polley (26 S. D. 5, 127 N. W., 848) it was contended, inasmuch as it was provided in the Federal Constitution (sec. 4, Art. I) that 'the times, place, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, * * *' that the relator was entitled to have his name go upon the ballot at a general election under an act of the legislature, but against which a referendum petition had been filed. And it would seem, if the argument of the respondent is sound, that the prayer of the relator in that case should have been granted, for there the Constitution of the United States provided that the legislature should prescribe the times, places, and manner of holding elections, while in the instant case the provision is that the amendment shall be ratified by the legislatures.

"[9] After noting the tenth amendment to the Constitution, that 'the powers not delegated to the United States * * * are reserved to the States, respectively, or to the people,' which, by the way, is a declaration that the people of the several States may function their legislative power in their own way, especially so when the ninth amendment, 'The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people,' is regarded—for the right to legislate directly or by representative bodies is a right asuredly retained, and, being retained, may be exercised in the form and manner provided by the people of a State—the court says:

"We are also of the opinion that the word 'legislature,' as used in section 4, Article 1, of the Federal Constitution, does not mean simply the members who compose the legislature, acting in some ministerial capacity, but refers to and means the lawmaking body or power of the State, as established by the State constitution, and which includes the whole constitutional lawmaking machinery of the State. State governments are divided into executive, legislative, and judicial departments, and the Federal Constitution refers to the 'legislature' in the sense of its being the legislative department of the State, whether it is denominated a legislature, general assembly, or by some other name. Under section 1, article 3, of the State constitution, it will be observed, the people of this State have reserved to themselves, as a part of the lawmaking power, the right to vote by referendum upon any law passed by the legislature, with certain specified exceptions, prior to the going into effect of such law. That the exceptions mentioned are 'such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State government or its existing State institution.' It is clear that said chapter 223 is not within any of these exceptions. Under the constitution of this State the people, by means of the initiative and referendum, are a part and parcel of the lawmaking power of this State, and the

legislature is only empowered to act, in accordance with the will of the people as expressed by the vote, when the referendum is properly put in operation. The term 'legislature' has a restricted meaning, which only applies to the membership thereof, and it also has a general meaning which applies to that body of persons within a State clothed with authority to make the laws (Bouvier's Law Dic.; Webster's Dic.; 18 Am. & Eng. Ency., 822; 25 Cyc., 182), and which, in this State, under section 1, article 3, Const. S. D., includes the people. * * *

"In Baldwin *v.* Trowbridge (2 Bart. Contested El Cas., 46) the minority report, in presenting the legal side of the controversy, shows the following pertinent language, which meets with our approval: 'But it was argued that this power was by express terms left, not to the States simply, but to the legislatures thereof, and that this is such a limitation upon the people of the States that they have no power to restrict their legislatures in the exercise of this right, conferred upon them by the Federal Constitution; but I submit, with all due respect, that not only the history and object of the section under consideration, but the proper definition of the term 'legislature,' as therein used, show the fallacy of this construction. The 'legislature' of the State, in its fullest and broadest sense, signifies that body in which all the legislative power of a State resides, and that body is the people themselves, who exercise the elective franchise, and upon their power of legislation there is no limitation or restriction, except such as may be found in the Federal Constitution, or such as they themselves may provide by the organic law of the State.'

"The writ was denied.

"State ex rel. Davis *v.* Hildebrant (94 Ohio St., 154; 114 N. E., 55), is likewise to the point. The general assembly, being the representative legislative body of the State of Ohio, passed an act on May 27, 1915 (105–106 Ohio Laws, p. 474), redistricting and apportioning the State into several congressional districts. The State had theretofore by an act passed April 28, 1913 (103 Ohio Laws, p. 568), been districted and divided. A sufficient number of the people filed a petition for a referendum of the later act. It was submitted to the electors of the State, and was reejcted by a majority of the voters. It was contended that the act of 1915 was a valid act, and was not a subject of referendum, because section 4, Article I of the Federal Constitution, provided that the times, places, and manner of holding elections for Members of Congress 'shall be prescribed in each State by the legislature thereof.' The court put the question:

"Does the term 'legislature,' as used in Article I, section 4, of the Federal Constitution, comprehend simply the representative agencies of the State, composed of the members of the bicameral body, or does it comprehend the various agencies in which is lodged the legislative power to make, amend, and repeal the laws of the State, including the power reserved to the people, empowering them to 'adopt or reject any law' passed by the general assembly under the provisions of section 1, article 2, of the constitution of Ohio?

"After reference to the State constitution, which is in form similar to the seventh amendment to our own, the court says:

"These various sections disclose that, while the legislative power has been delegated to the bicameral body, composed of the senate and house of representatives, the people of Ohio have, by the aforesaid provisions of their constitution, determined the manner by which such legislative power may be exercised, under what circumstances the laws passed by it may become operative without an appeal to the people, and have further imposed the conditions under which such laws may become operative or inoperative as they may have been adopted or rejected by the popular vote designated as the 'referendum.'

"While Article I, section 4, of the United States Constitution, is controlling upon the States, in so far as it grants the legislature of the State authority to prescribe the times, places, and manner of holding elections, this is the quantum of the Federal grant. The character of the legislature, its composition, and its potency as a legislative body are among the powers which are, by Article X of said Constitution, 'expressly reserved to the States, respectively, or to the people.'

"Webster's New International Dictionary defines 'legislature' as follows: 'The body of persons in a State, or politically organized body of people, invested with power to make, alter, and repeal laws.'

"The Century Dictionary defines the same term as follows: 'Any body of persons authorized to make laws or rules for the community represented by them.'

"Under the reserved power committed to the people of the States by the Federal Constitution, the people, by their State organic law, unhindered by Federal check or requirement, may create any agency as its lawmaking body, or impose on such agency any checks or conditions under which a law may be enacted and become operative. Acting under this recognized authority, the Ohio constitution, prior to the adoption of the amendment of 1912, provided that the 'legislative power' of the State should be vested in the general assembly, consisting of a senate and house of representatives. The same provision now exists, but by the adoption of the amendment of 1912 the people expressly limited this legislative power by reserving to themselves the power to reject any law by means of a popular referendum. The lawmaking body, the legislature, as defined by lexicographers, comprehends every agency required for the creation of effective laws. It can not be claimed that the term 'legislature' necessarily implies a bicameral body. When the term was originally embraced in the Constitution the Legislatures of Pennsylvania, Georgia, and Vermont consisted of but a single house, with a second body in each called an executive council. These States later abolished their councils and established a legislature consisting of two branches, and such is the character generally of the various State legislatures to-day. (1 Bryce's American Commonwealth, p. 461, note.)

"The constitutional provision relating to the election of Congressmen, conferring the power therein defined upon the various State legislatures, should be construed as conferring it upon such bodies as may from time to time assume to exercise legislative power, whether that power is lodged in a single or two-chambered body, or whether the functions of the latter be curbed by a popular vote or its enactments approved by a referendum vote.

"This case went to the Supreme Court of the United States. (State ex rel. Davis *v.* Hildebrant, 241 U. S., 565, 36 Sup. Ct., 708, 60 L. Ed., 1172.) That court passed the question of the power of the State to adopt and use the referendum as an instrument of legislative will 'as obvious,' holding that the State law, which had been made subject to the referendum, was valid and operative. A conclusion manifestly unsound if the word 'legislature' means a bicameral body, and that meaning is inflexible under the Constitution of the United States; for, if that were so, the States would have no power to prevail against it whatever the form of their expression may have been.

"But it is said that the Supreme Court may be unsound in that respect, but is sound in result, because the Congress had passed an act (act Aug. 8, 1911, c. 5, 37 Stat., 13) making the referendum a component part of the legislative authority empowered to deal with the election of Members of Congress. There is nothing in the act of Congress which 'prevents the people of a State from reserving a right of approval or disapproval by referendum of a State act redistricting the State for the purpose of congressional elections' (syllabus). But, if it were so, it would not avail respondent, for the power of the State to act comes from the Constitution and not from any act of Congress. To give such effect to an act of Congress would be to say that Congress might by act amend the Constitution, Chief Justice White disposed of the controversy when he defined the issue:

"The right to this relief was based upon the charge that the referendum vote was not and could not be a part of the legislative authority of the State, and therefore could have no influence on the subject of the law creating congressional districts for the purpose of representation in Congress—

"And said—

"The court below adversely disposed of these contentions, and held that the provision as to referendum was a part of the legislative power of the State. * * * As to the State power, we pass from its consideration, since it is obvious that the decision below is conclusive on that subject, and makes it clear that, so far as the State had the power to do it, the referendum constituted a part of the State constitution and laws, and was contained within the legislative power, and therefore the claim that the law, which was disapproved and was no law under the constitution and laws of the State, was yet valid and operative, is conclusively established to be wanting in merit.

"It could not have been so held if the act of the legislature, as distinguished from legislative authority, was essential under section 4. If that were so, the court must have denounced the referendum in that and all cases where the Constitution leaves a matter to the 'legislature,' and refused to follow the State court, for its first duty is to the Constitution.

"Our attention is called to an unpublished decision of the Supreme Court of Oregon in Hebring *v.* Attorney General (180 Pac., 328). The premise of the decision is that the reserved power of the people is limited to a review of 'any act of the legislative assembly,' and that the word 'act' was used having in mind the exercise of the legislative function as outlined in the original draft of the State constitution, and that the word 'act' did not comprehend a joint resolution.

"We have already demonstrated that our Constitution is more comprehensive. The decision does not appeal to us for another reason. Its basis is fundamentally unsound, in that it proceeds upon the theory that the right of the people to legislate upon the question rests in the antecedent provisions of the State constitution, whereas the right comes from the Constitution of the United States.

"Other questions were discussed by counsel. We have considered them, and are agreed that they are not controlling.

"The writ will issue.

"Mount, Main, and Holcomb, JJ., concur.

"MACKINTOSH, J. (concurring). By the adoption of the initiative and referendum amendment the people of this State became a part of the legislative branch of the State government, and all legislative actions, except those especially exempted, are subject to their participation. The reasons which have led up to this modern form of legislation are as set forth in Judge Chadwick's opinion, and, upon both authority and reason, no curtailment of this power should now be judicially sanctioned. If the people have declared their intention to assert their authority over the legislature in acts many of which are of temporary or small importance, it was surely their intention to preserve to themselves the right of reviewing legislative action of lasting and great importance, and within this category assuredly fall all actions dealing with the amendment of the Federal Constitution. It would be idle to say that the right of referendum could be exercised in the unimportant matters and not in the important.

"The dissenting opinion of Judge Parker indulges in altogether too narrow and restricted an interpretation of the right of referendum, and seems to be entirely out of harmony with the course of the decisions of this court upon this and kindred matters arising under laws affecting modern legislative and governmental functions. By strict adherence to dictionary definitions this dissenting opinion crushes the spirit of the constitutional provisions under consideration, and, if it were the prevailing

view in this case, would mark a step backward by a court which has come to be recognized as rather liberal in its interpretation of legislation aimed at the correction of social and public evils. It is clear to my mind that the law contemplated the submission to the people of all legislative acts, using that word in its broad signification, and it is also clear that the Constitution of the United States, in providing for amendments thereof, intended that those amendments should by Congress be submitted to the legislative powers of the various States, and that the term 'legislature,' as used in that broad way, was not meant to refer merely to what is commonly called a legislature.

"The view expressed by Judge Fullerton appears to me to be equally as untenable as those written by Judge Parker and those agreeing with him. As I understand it, that view is that because the legislature ratified the proposed constitutional amendment by joint resolution instead of by an act, that therefore there has never been any ratification by the State of Washington of the proposed prohibition amendment. The answer to this has been admirably expressed in the majority opinion, and it would appear to be self-evident that the technical manner of signifying the agreement of the legislative body is a question which should be determined by the Congress of the United States and is not a matter of our concern.

"I am compelled by the majority opinion to concur in the result therein arrived at."

SALARY OF DISTRICT ATTORNEY OF NEW YORK.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York.

Mr. CALDER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. THOMAS. I ask that it may go over.

The VICE PRESIDENT. The bill goes to the calendar.

CHOCTAWHATCHEE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably with amendment the bill (S. 3159) granting the consent of Congress to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, and I submit a report (No. 260) thereon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in line 3, after the word "That," to strike out "the consent of Congress" and insert "authority," so as to make the bill read:

Be it enacted, etc., That authority is hereby granted to the State road department of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River at a point suitable to the interests of navigation, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting authority to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NUGENT:

A bill (S. 3217) authorizing and directing the issuance of patent to certain lands to Franklin S. Ault; to the Committee on Public Lands.

By Mr. JONES of New Mexico:

A bill (S. 3218) for the relief of Martina Sena, Luis E. Armijo, and Maria Baca De Romero; to the Committee on Agriculture and Forestry.

By Mr. PENROSE:

A bill (S. 3219) extending the benefits of the general pension laws to the members of the Eighth, Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Regiments, the several batteries of Artillery, the several troops of Cavalry, and the several independent companies which comprised the Pennsylvania Volunteer Militia, otherwise known as the "emergency men," who were called into service by the President of the United States of America, officered by United States officers, and sworn into the service of the United States for an indefinite period, the same as if they had been in the service of the United States for a period of 90 days or more; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3220) for the relief of Janie Beasley; to the Committee on Claims.

A bill (S. 3221) to construct a public building for a post office at the city of Savannah, Ga.; to the Committee on Public Buildings and Grounds.

EMBARGO ON WHEAT.

Mr. OWEN submitted the following resolution (S. Res. 211), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry immediately investigate the reasons for the embargo on wheat and why transportation is not available to move the wheat of Oklahoma, Kansas, Texas, Colorado, and other States, and what steps the Grain Corporation has taken to obtain ships for the movement of such grain.

The said committee is hereby empowered to sit and act at such time and place as it may deem necessary to require, by subpœna, or otherwise, the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost not exceeding $1 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expense thereof shall be paid from the contingent funds of the Senate on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Contingent Expenses.

FREE ZONES.

The VICE PRESIDENT. Is there any further morning business?

Mr. JONES of Washington. On Saturday last the Senator from Pennsylvania [Mr. PENROSE] referred to the so-called free-zone bill and its reference to the Committee on Commerce. I was absent at that time attending a hearing of the Committee on Commerce on that bill. I desire to read from the RECORD for just a moment as to what then occurred. After referring to different bills which had been referred to different committees, as he thought improperly, the Senator from Pennsylvania said:

Mr. President, without criticizing anyone, but in order to complete the statement that I made a moment ago, I desire to say—and the matter is really hardly important enough perhaps to refer to, but as it is before me I want to do so—that quite an important inquiry concerning free zones in ports of the United States has been conducted by the Committee on Ways and Means of the House of Representatives. A pamphlet which I hold in my hand contains the information on the subject from the United States Tariff Commission. It is purely a financial and fiscal matter, which is always within the jurisdiction of the Ways and Means Committee of the House of Representatives and of the Finance Committee of the Senate; and yet I find Senate bill 2284, introduced by the senior Senator from Washington [Mr. JONES], to provide for the establishment, operation, and maintenance of free zones in ports of entry of the United States, and for other purposes, referred, undoubtedly at his request, as it was his bill, to the Committee on Commerce.

I am not in any way questioning the entire propriety of the Senator taking his own bill under his own jurisdiction and conducting the hearings—and hearings are now being conducted—but if it were not the Senator's own bill it would certainly be highly irregular to have the Ways and Means Committee and the Tariff Commission conducting an inquiry at one end of the Capitol and the Committee on Commerce, which has never had any jurisdiction over these questions, conducting a similar inquiry at this end of the Capitol. Under ordinary circumstances the bill should have gone to the Committee on Finance.

Mr. President, this bill was not referred to the Committee on Commerce because I introduced it or because it was my bill. It has not been my practice to prepare bills, introduce them, and have them referred to committees which do not ordinarily have jurisdiction over the subject matter simply to get them before a committee that I think may give favorable consideration to the measure.

I desire merely to call attention to the history of the bills on this subject. I regret that the Senator from Pennsylvania is not present. I had supposed that he would be here. I desire, however, to simply make an explanation about the matter, and then whatever action the Senate may desire to take can, of course, be taken hereafter.

The first bill relating to free zones was introduced nearly two years ago—March 21, 1918—by the junior Senator from Texas [Mr. SHEPPARD]. That bill was referred to the Committee on Commerce. It remained in the Committee on Commerce during the remainder of the Congress, and no question was raised by the Senator from Pennsylvania or any other Senator as to the

proper reference of that bill or the improper reference of it, if they considered it had been improperly referred.

Then, over a year afterwards, on May 23, 1919, in the Sixty-sixth Congress, the Senator from Texas reintroduced the bill, and it was again referred to the Committee on Commerce. I had then become chairman of the committee. I examined the bill and found that there were some provisions in it that I preferred to have changed, and I prepared a bill covering the same matter, taking the bill of the Senator from Texas as the basis for it, made the changes that I really thought I should prefer, and then introduced the bill. Because similar bills covering the same subject matter had twice previously been referred to the Committee on Commerce, and because I really thought that the bill related to the commerce of the country, especially its foreign commerce and our shipping commerce—it seemed to me that there was not any financial question involved in it, as it was entirely a proposition looking toward improving the facilities for commerce and promoting the interests of the commerce—I asked that the bill be referred to the Committee on Commerce, and that was done on June 23, 1919.

Then, at a later date, those who were specially interested in the proposition thought that they would like to change the bill in some particulars, and they prepared another bill, sent it to me to be introduced and referred to the committee, they having previously asked that a date be set for hearings upon the bill. On October 6 I introduced Senate bill 3170, covering substantially the same subject matter, and had it referred to the Committee on Commerce. That is the history of these measures.

The Senator from Pennsylvania stated that the bill was purely a financial or fiscal measure. I think anyone reading the bill will see that it is not a financial measure; that it is not really a fiscal measure; but that it relates almost solely and exclusively to the commerce of the country, especially the foreign commerce, and the methods of carrying it on. The purpose of the bill is to facilitate our foreign commerce, to facilitate the methods of carrying it on, not in the way of raising duties or lowering duties, or anything of that sort, but making the facilities for carrying on and conducting foreign commerce more simple, less expensive, and in that way to promote its development.

We have no special line of jurisdiction marked out in our rules for the various committees of the Senate. In the other body of Congress there are limitations in express language placed upon the jurisdiction of the different committees. We have in the Senate a Finance Committee, but there is not anything said about what bills shall go to it or anything of the sort. Then, we have an Interstate Commerce Committee, and there is not anything in the rules as to what bills should go to that committee; but its name indicates really its jurisdiction as covering measures relating to commerce among the States. Then, we have a Commerce Committee, but there is no definition of the jurisdiction of that committee except as indicated by its name. When we consider that we have an Interstate Commerce Committee and have also a Commerce Committee, we have a right to assume that the Commerce Committee has jurisdiction of bills relating to and dealing with foreign commerce of the country, and I think it has been the practice to accord to that committee jurisdiction of such measures, embracing proposed legislation relating to shipping, especially to overseas shipping, and coastwise shipping, too, for that matter.

As I have stated, this bill really simplifies the methods of carrying on our foreign commerce. It provides simpler and less expensive facilities for conducting it, and, it seems to me, comes very clearly within the jurisdiction of the Commerce Committee.

I do not know what particular reasons may be assigned for its going to the Finance Committee of the Senate. If it is on the ground that it touches the tariff or affects the revenue, then the proper course would be to strike the bill from the files of the Senate rather than to take it from one committee and refer it to another, because under the Constitution all bills affecting the revenue must originate in the House of Representatives; and if this is a bill affecting the revenue, then not only should it be taken away from the Commerce Committee, but it should be stricken from the files of the Senate, as being in violation of the provision of the Constitution to which I have referred.

The Chair suggested that he would entertain a motion to discharge the Committee on Commerce, and the Senator from Pennsylvania then said:

I would not do that under the circumstances, because it is the Senator's own bill, and he has already commenced hearings. I shall be satisfied to call the attention of the Senate to the irregularity of the proceeding in the hope that it will not occur too frequently in the future.

The Committee on Commerce was holding hearings on this measure at that time—that was the reason I was not on the floor of the Senate—but I wish to say that if this bill does not properly belong to the Committee on Commerce that committee does not desire to consider it. We have an abundance of work to do in connection with measures which are clearly within the jurisdiction of the committee; we have an abundance of work in connection with measures as to which no question can be raised concerning our jurisdiction. The bill was not sent to the Committee on Commerce simply for the purpose of obtaining jurisdiction of it; it was sent there because it was believed that there is where it belongs. I still think that that is where it belongs, unless it should be held that it is a bill affecting the revenue, and if that contention is sound then it should be stricken from the files.

The Senator from Utah [Mr. SMOOT] said:

Mr. President, if the Senator from Washington [Mr. JONES] were in the Chamber, I would ask that the Committee on Commerce be discharged from the further consideration of the bill (S. 2284) to provide for the establishment, operation, and maintenance of free zones in ports of entry in the United States, and for other purposes, and that it be referred to the Committee on Finance. I do not wish to make that request in the absence of the Senator from Washington.

Mr. President, if the Senator from Utah thinks that the bill does not properly belong to the Committee on Commerce, I am perfectly willing that the matter should be submitted to the Senate; at any rate, I should like to know the grounds for the contention that it does not come within the jurisdiction of the Committee on Commerce. I find from the Journal that apparently the motion was not in fact entered to discharge the Committee on Commerce; but I hope that if there are Senators who think that the bill should not be before the Committee on Commerce they will not hesitate for a moment about making a motion and letting the Senate pass upon the matter.

Mr. FLETCHER. Mr. President, it seems to me the Senator from Washington takes the sound and correct view of this matter. The bill referred to by him is not a revenue-raising measure, nor does it affect the tariff at all. If the point raised against the bill is based upon that idea, as the Senator from Washington has said, then the bill should have originated in the House and ought not to be here at all. The Committee on Commerce has entertained jurisdiction of it, and it seems to me the jurisdiction of that committee extends to every feature of this bill.

It is not a tariff measure at all. In the hearings before the Commerce Committee those in favor of high protection have advocated the bill and some who are in favor of a tariff for revenue only have advocated the bill; and they all agree that it is not a measure affecting the tariff, but is simply a measure to promote foreign commerce, which is a subject clearly within the jurisdiction of the Commerce Committee.

As the Senator from Washington has said, that committee takes jurisdiction of shipping, both coastwise and foreign; it has handled all such legislation, and, in addition to that, what is known as the trading-with-the-enemy act, establishing an alien enemy property custodian for property of that description, was handled entirely by that committee. Every measure affecting commerce and designed to promote foreign commerce, especially overseas commerce, has been handled by that committee. I think the bill is clearly within the jurisdiction of the Commerce Committee, and that the Finance Committee has really no function to perform in reference to it. It is not a tariff measure. It is not a revenue measure. It does not possess any of the features involved in that, because, as I have said, in the hearings before us people who are in favor of high protection favored this bill; people who are against high protection favored the bill; and they all concede that it is not a question of protection or of free trade or anything of that sort that is involved in this measure. It is purely a measure intended to promote foreign commerce, and that is clearly within the jurisdiction of the Commerce Committee. I think the bill ought to stay there and the hearings ought to be continued.

CLASSIFICATION OF SALARIES.

Mr. JONES of New Mexico. Mr. President, on last Friday the senior Senator from Utah [Mr. SMOOT] had some articles from the local papers read into the RECORD, and a discussion of those articles ensued, consuming quite a little of the time of the Senate, which related to the Joint Commission on the Reclassification of Salaries of Federal Employees.

I was not present on Friday when the Senator from Utah produced these articles and commented on them, else I think I could at that time have made a statement which would have satisfied the Senator from Utah, as well as other Senators who seem to have been interested in the matter. I believe, however, that it is advisable for me to make some statement at this time, not in defense of the Joint Commission on the Reclassification of Salaries, but that Senators may have some definite information and not be directed in channels which are not warranted by the situation.

The Senator from Utah, in opening his statement, said:

I now desire to read certain extracts from articles which of late have appeared in some of the local newspapers, and particularly to call the attention of the members of that commission to them and ask them whether or not the articles are inspired.

I also desire that the Senate shall understand that there is no power granted to the joint commission to pursue the policy which these articles state is to be pursued under the direction and power of the commission.

Mr. President, from this statement one would infer that some very important course of action had been taken by the commission which was in violation of its authority under the law, and whereby the commission was deviating from a correct policy. I have read these articles with much care since my attention was called to them, as well as the colloquy which took place after they were read. I have endeavored to discover what it was that would call for such a serious inquiry and for information bearing upon such an important question.

During the colloquy, particularly in response to a question by the Senator from New York [Mr. WADSWORTH], the impression was left that this commission was intending to establish a training school. That idea was commented on also by the Senator from Nebraska [Mr. NORRIS], and anyone reading the colloquy which took place at that time certainly would gain the impression that this Joint Commission on the Reclassification of Salaries were intending to establish a training school and to pay the professors and teachers out of the money appropriated for the work of the commission.

Mr. President, there is not only no substance to any such claim, but, if I am able to read these newspaper articles correctly, there is no foundation in the articles themselves for any such assumption. The articles themselves do not say that the commission is going to establish a school, and, so far as I know, these articles convey nothing but a little bit of information which is of value, doubtless, to the many thousands of employees of the Government in the District of Columbia. If I am able to read the articles aright, there is nothing more stated than that the commission has appointed an advisory committee, among other advisory committees, for the purpose of considering various questions of employment policy, and that this question of the establishment of a training school is merely one subject to be considered by the advisory committee. There is no thought in the minds of the commission and, I submit, no intimation in these articles which would justify any conclusion that the commission is going ahead to establish a training school.

There are various other matters referred to by the Senator from Utah which, it seems to me, convey an impression which ought not to prevail here in the Senate about this commission. I call attention further to another statement by the Senator from Utah. At the end of one of these articles—the one in the Post, I believe—is found this statement:

The national federation is bending every effort to make sure that the jurisdiction of the commission, at present limited to the District, will be extended to cover all employees of the Government throughout the country.

And the Senator from Utah says:

Where is the authority for such a proposition?

Well, now, Mr. President, what was the proposition? Nothing except a statement that the representatives of Federal employees were seeking to have the jurisdiction of the commission extended to the employees throughout the country, whereas at the present time the jurisdiction is confined to the employees in the District of Columbia. What is there involving the question of authority? The commission has done nothing about it. Nobody else has done anything about it except some outside people who really feel that the work of this commission should be extended; but the thought that it should be extended, when presented to me, was not approved, for the reason that I wanted and the other members of the commission wanted to have the work in the District of Columbia first concluded, so that the Senate, and the commission as well, and the country, should know the value of the work of the commission.

In other words, we did not want to extend our jurisdiction throughout the country, but we were importuned to ask that it be done.

But what has this to do with the question of authority? It is a statement of the newspapers as to what somebody else is doing; but, somehow or other, it seems that the Senator from Utah rather felt that the commission was trying to do something in the matter, although there is nothing in the article which would warrant such an inference.

Then, after reading the authority which created the commission, the Senator from Utah says:

Mr. President, we find, if these reports are true, Mr. Luther C. Steward—and every Senator knows who he is—directing the policies of this commission which was created by Congress; and, not only that, but making arrangements for the purpose of opening a school to teach the employees of the Government how to carry on the work which the Government has employed them to do and for which it is paying them.

Mr. President, it seems to me that that would be considered by some people at least as a reflection upon the entire commission, not because the commission is willing at all times to accept advice and suggestions from anyone but because it seems to leave the inference that some outsider is directing the policy of the commission; and, by the way, there is no such inference in these newspaper articles. The only statement that is made in these newspaper articles in regard to Mr. Steward is that he, as one of the representatives of the Federal employees in the District of Columbia, has been appointed a member of an advisory committee of nine, and the Senator says, "We all know who Mr. Steward is." I suppose we do, and I for one want to say here that I do not know of anybody in the District of Columbia who is more familiar with the conditions of the employees in this District, who has studied the question of wages and conditions of employment more than Mr. Steward; and if we were to close our ears to his suggestions we would not be performing our duty. As I view it, it is the duty of this commission to get information and to get assistance from whatever source it can; and I submit that we are not only justified in calling on Mr. Steward for whatever assistance he may render, but we would be derelict in our duty if we did not do it.

The Senator from Utah also refers to the appropriations which have been made for this commission. He says we first got $25,000; that then we came asking for $125,000 more; and finally another $65,000 was granted. Mr. President, the situation is simply this: When the commission was created $25,000 was appropriated. But the members of the Appropriations Committee themselves said they knew after the commission was formed that that would not be enough; that it was only for the purpose of getting something started; and that they expected the commission to come to Congress for an additional appropriation. That the commission did. Some of the members of the commission thought they ought to have $125,000, and the committee finally recommended an appropriation not of $65,000 additional but $50,000 additional, making a total appropriation of $75,000.

The reason why there was this difference of opinion among the members of the commission as to the amount that would be required is very easily understood. Under the joint resolution nobody expected that the entire work of the commission would be done for that amount of money, and so provision was made in the resolution for requiring the heads of the departments to detail to the work of the commission such employees as the commission might request. So it was simply a question of how many people we should take out of the departments and use in this work or how many should be employed from the outside. So far as the Government is concerned, it makes no material difference, because the Government pays the salaries of these people anyhow.

I for one rather felt that we ought to go outside the Federal employees and get more help than we did. We have secured very valuable people who have been making a study of this identical proposition. I want to state to the Senate now that this work of reclassification is a business in itself; it is a profession in itself, and there are experts who have been devoting years of their lives to this particular work. We have employed some of those to assist us, and we have gathered in additional help from the employees of the various departments. So it makes no material difference whether we have the work done by some one already in the Government service or employ some one from the outside. The work means so much labor, and it must be paid for by the Government, whether it is done by those in the present employ of the Government or whether they are newly employed from the outside.

But, in all seriousness, Mr. President, in regard to the innuendo which is carried in the Senator's remarks that the commission is seeking from time to time to augment the work which it has been delegated to carry on, I wish to say that there never has been a commission, I believe, which has exerted itself more earnestly in the attempt to carry out the program as outlined in the joint resolution creating it than this commission. The commission was created by a joint resolution of Congress, approved March 1, 1919. On the 3d of March the commission organized, and it has been at work ever since. By the terms of the joint resolution its report is to be forthcoming by the 20th of January next. The commission is working to that end, and unless some unforeseen obstacle should arise, I have not any present doubt but that the commission will be able to complete its labors by that time, and within the appropriation which has been made.

Reference has been made, Mr. President, to certain members of the commission. If I mistake not, on a previous occasion the Senator from Utah [Mr. SMOOT] took occasion to refer to the fact that this commission was created for the purpose of providing for some "lame ducks" of the House; that is to say, Members of the last Congress who were not reelected to the present Congress. As to the commission seeking to continue its labors, and positions upon the commission being sought, for the entire commission I want to disclaim any such purpose or intent. I want to say also that not a member of the commission, either from the House or from the Senate, had anything to do with the joint resolution which created the commission, or has anything to do with seeking a position upon the commission. As I understand, in the original joint resolution provision was made that the entire membership of the commission should be appointed from those who should be Members of the present Congress. When it came over to the Senate, as I understand it, the Senator from Washington [Mr. JONES] proposed to amend the joint resolution in the committee, and it was amended, so that Members of the last Congress might become members of the commission. The three members of the commission on the part of the House were named from those who are not Members of the present Congress, and it was provided that their salaries should be the same as if they were Members of Congress. I want to congratulate the Senator from Washington for his foresight in suggesting that amendment. From actual experience I am convinced that it is one of the best features of the joint resolution.

The work of this commission requires daily and constant attention on the part of its members, and the three members appointed by the Speaker of the House—Mr. Keating, Mr. Hamlin, and Mr. Cooper—have devoted practically all their time to the work of the commission since it was organized. I do not usually throw bouquets at anyone, but I want to say that those three men have given as intelligent, as faithful, and as efficient service to the work of the commission as any three men whom you can imagine. I do not know of any three men who could have been selected who would have performed this service any better than they have done, and I think it was an extremely wise provision that at least three members of the commission should not be called to the work of the present Congress.

The three Senators on the commission are Members of the present Congress, and they devote such time as they can to the work; and a good deal of time is being devoted by the Senate Members to the work; but necessarily the detailed supervision must be put upon somebody who can be in constant attendance.

A statement was also made during the discussion to the effect that Mr. Keating had been engaged to superintend the lobbying in regard to the Plumb bill, and reference was made to his salary as superintendent or manager of that enterprise. Mr. Keating has not received a dollar of compensation for any work of that sort, it has not interfered with his work on this commission in the slightest, and whatever attention he may give to that matter is given out of office hours or in the evenings. I want to say also that the evenings are not given to it. Mr. Keating, Mr. Hamlin, Mr. Cooper, and other members of the commission meet at night and go over this work, as do many of the various employees.

The commission has brought to its assistance men throughout the country of recognized ability in this direction. Richard H. Dana, president of the National Civil Service Reform League; Dr. Beard, of the board of research of New York; and others whom I might name have been called upon. Wherever we have taken up any subject it has been done with the idea in mind that when anything is finally agreed upon there will have to be a reason given for it.

I want to say further that the work of the commission is not behind closed doors. There is nobody imposing any ideas upon the commission, but the commission is seeking to gather in the ideas from all sources, and wherever any important factor is involved we have sought to enlist the services of representatives of the employees, representatives of the administration, and representatives of the citizens of the country at large; and whatever is done will be done with information from these various sources at hand.

I know, Mr. President, that some criticism has been made that we have been calling upon the employees to give their version of the situation. We have not only gotten their versions, their statements of fact, but we have statements of fact from the various heads of the departments and the various chiefs of bureaus. We have gotten information from all those sources, and I will state the reason for it. You have here in the District of Columbia, coming under the jurisdiction of this commission, practically 108,000 employees, who will be affected by the work of the commission.

Do you want to close the door to the information which they can give? When you begin to cast aspersions upon the work of Mr. Steward, who is one of the representatives of the employees, I want to ask you if you want to close your doors to testimony from that source? Do you not want to get the point of view of the men and women who do the work for the Government here in the city of Washington? Do you not want to hear from them? It is their lives that are vitally concerned in this work.

But it is also the duty of the Government and of this commission to take into consideration the situation outside of the service, to try to find out how the pay for service there compares with the pay here. This commission, if I may say it, has tried to bring to its assistance all these various elements, and I want to compliment and to thank the employees of Washington, the supervising officials, the heads of departments, and the various outside citizens who have lent their aid, for the very efficient work which they have been performing. We expect to bring in a report. Whether a training school shall be established or not, it is not for the commission to decide; but we want to present all these questions to Congress so that Congress may do the right thing both for the employees and for the country at large.

Mr. SMOOT. Mr. President, if it had not been for one or two statements made by the Senator from New Mexico, I would not ask a moment's time of the Senate. In the first place, I am very glad to learn that the commission over which the Senator has the honor of presiding, the Reclassification Commission, has not authorized the statements that were published in the papers and read by me last Friday, and has no thought of carrying them out.

I want the Senator from New Mexico to know that at no time have I ever said that the commission did intend to carry out the program as contained in those newspaper articles. I did say this:

> I now desire to read certain extracts from articles which of late have appeared in some of the local newspapers, and particularly to call the attention of the members of that commission to them and ask them whether or not the articles are inspired.

Nowhere in my statement did I say anything otherwise, but I based all that I said upon the proposition "if the newspaper articles were true," and the Senator knows it if he has read my remarks.

Mr. JONES of New Mexico. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. JONES of New Mexico. I ask the Senator to point out any statement in the articles themselves which justify the thought that the commission, at the expense of the funds provided or otherwise, intended to establish a training school.

Mr. SMOOT. I think the Senator from New Mexico knows as well as other Senators know that these newspaper articles were prepared for the papers. The last paragraph in the article in the Star reads as follows:

> The National Federation is bending every effort to make sure that the jurisdiction of the commission, at present limited to the District, will be extended to cover all employees of the Government throughout the country.

The joint resolution gave the commission no authority for that. I want to say further, Mr. President, that in this article it states that—

> Retirement plans will be gone over by the committee, and the results of its deliberations laid before the members of the Reclassification Commission for their consideration. It is out of all these deliberations that all the final policies of the reclassificationists, as they will be placed before Congress, will grow.

I do not believe the commission ever authorized any subcommittee of the commission to go into any question that is not authorized by the joint resolution creating the commission.

Mr. JONES of New Mexico. I should like to ask the Senator what there is in that last paragraph of the newspaper article which seems to indicate that the commission attempted to do anything of the kind?

Mr. SMOOT. Whoever wrote this article, and I think it was inspired and perhaps written by Mr. Steward, knew enough about it to know that—

> Three representatives of the organized Government employees have been appointed by the Joint Congressional Commission on Classification of the Civil Service to serve on an advisory committee on wages. They are Luther C. Steward, president of the National Federation of Federal Employees; W. Carson Ryan, jr., president of Federal Employees' Union No 2; and Miss Ethel Smith, executive secretary of the Washington committee of the National Women's Trade Union League, with which local and national organizations of the Federal employees are affiliated.
>
> The chairman of the advisory committee is Courtney W. Hamlin, of the Reclassification Commission, and other members or representatives of two groups, as follows:

Then it goes on and names them all. I have not any doubt that that information came from the commission. It could not have come from any other source. Their appointment was for a

specific purpose, and a reading of the article shows what I have stated.

Mr. JONES of New Mexico. The article states that the National Federation is bending every effort to make sure that the jurisdiction of the commission will be extended.

Mr. SMOOT. Yes; and connected with the appointment of these three people by the commission for the purpose of considering the question as to what to recommend to the commission. That is what the article says.

Mr. JONES of New Mexico. But the newspaper article does not say that the commission or anybody on its behalf is seeking to have its jurisdiction extended.

Mr. SMOOT. No; and in my opening statement here I simply said that I called the attention of the commission to the article, and I ought to have done so, and any other Senator who was interested in the question ought to have done it, because I say to the Senator now that if the program is carried out as stated in the newspaper articles and Congress appropriates money that will be demanded we will have no end to the life of the commission.

I have not a word of complaint about the Senator, nor have I a word of complaint as to the labors the commission have performed under the authority granted it. That is not what I am complaining of. I wanted to know whether the newspaper report was true and whether the commission had entered into any arrangement that a school should be established in the different departments here in order to educate the employees of the Government to do their work. I say that no Senator can read the article in the Star without drawing the conclusion that that is what is going to happen if Mr. Luther C. Steward can accomplish it.

Not only that, but I say to the Senator from New Mexico that I heard of this very program before it appeared in the paper, but I did not believe that it would be made public so quickly—at least, before the commission acted upon it.

Mr. JONES of New Mexico. Will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. JONES of New Mexico. I should like again to ask the Senator to read anything in either one of those newspaper articles which intimates that the commission intends to establish a training school.

Mr. SMOOT. I had better read the article and then let the Senator himself judge whether it does or not. I do not want him to take my word for it. This is what appeared in the newspaper:

> Training of new Government employees for the work they have to do for Uncle Sam will be one of the big matters to be passed upon by the advisory committee on employment policies which is in process of selection to-day by the Joint Congressional Commission on Reclassification of Salaries in the District.
>
> "Training of new Government employees for the work!"

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. McCORMICK in the chair). Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Certainly.

Mr. WALSH of Montana. I should like to inquire of the Senator from Utah how long his discussion of this matter will last?

Mr. SMOOT. If I am not interrupted, I shall conclude in a very few moments.

Mr. WALSH of Montana. I am very anxious to proceed to the calendar.

Mr. SMOOT. So am I, I will say to the Senator, and therefore I am not going to take the time I should like to occupy.

In my remarks in the Senate last Friday I made this statement:

> Mr. President, we find, if these reports are true, Mr. Luther C. Steward—and every Senator knows who he is—directing the policies of this commission which was created by Congress; and, not only that, but making arrangements for the purpose of opening a school to teach the employees of the Government how to carry on the work which the Government has employed them to do and for which it is paying them.

That is the statement I made, and that is the conclusion that I or anyone else reading the article would reach.

I simply want to say to the Senator from New Mexico that he is mistaken when he says that the Senator from Washington [Mr. JONES] offered the amendment changing the appointment so as to include the three ex-Members of Congress. I remember very well when the Senator from Washington offered an amendment to the bill that was introduced by former Senator Weeks creating a commission; but the Senator from New Mexico is mistaken in that respect, and I want to tell him another thing about which he is mistaken.

I was a member of the subcommittee which recommended the first appropriation of $25,000. I will tell the Senator now that I knew every Member who was appointed from the House, and that was even before the appropriation was made. The Senator is mistaken when he says that nobody knew who was going to be appointed.

Mr. JONES of New Mexico. I did not make that statement.

Mr. SMOOT. I will let the Senator repeat the statement then that he did make.

Mr. JONES of New Mexico. I simply said that the members of the commission, I am authoritatively advised, had no part in the passage of the joint resolution creating the commission and never sought the positions which were finally given them.

Mr. SMOOT. I say that the Senator is mistaken, and I say it because I know it. The Senator says Mr. Keating is giving all his time to the commission. If that is the case, why is he employed as an attorney to do outside work? No contradiction has ever been made of the statement that I put in the RECORD when it was first announced that he was employed as an attorney for certain work by labor organizations. I objected at the time, not that he was employed as an attorney, but because of the fact that the commission created by Congress appointed Mr. Keating as a member of the commission, paid him a salary of $7,500 a year, and it was his duty, as I thought, to give his time to the business for which the Government of the United States paid him and for which he was appointed.

Mr. JONES of New Mexico. Will the Senator permit an interruption?

Mr. SMOOT. If it will not take too much time, I will yield.

Mr. JONES of New Mexico. Will the Senator give us any information that he may have regarding those alleged activities of Mr. Keating? Does the Senator believe Mr. Keating is neglecting his duties on the commission?

Mr. SMOOT. Mr. President, I am not in a position to state that he has neglected his duties as a member of the commission, but I do say that a man appointed to such a position, with the Government paying him the same salary that a man receives who is serving as a Senator or Representative, can not accept a position outside, such as he did accept, and give his time and his service to the persons who have employed him if he gives the time he ought to give as a member of the commission to which he was appointed. I do know that, Mr. President.

Close the doors to the employees of the Government? Why, no. No one ever suggested such a thing, and the Senator knows that there is not a Government employee in the District who has not had a chance to tell the commission just what work he was doing and just what he was employed to do and to give all the information that the questionnaire which was sent to every employee in the District asked for.

I was delighted when I heard that every employee of the departments in the District would have an opportunity to say just what he or she was called upon to do. I should like to see every one of those answers; I want them classified; and I then desire that there shall be a thorough examination of them, in order to ascertain if they correspond with what the heads of the departments of our Government say those employees are doing.

Let me tell the Senator from New Mexico [Mr. JONES] that when that time comes a great deal of the duplication work that is going on in the departments will cease, for there will not be in the future appropriations made for such work. The Senator knows that there is duplication of work in the departments; any Senator who has given any time to the study of the question knows it; and the quicker it is rooted out the better it will be for the Treasury of the United States. I know that the people of the United States, burdened as they are and will be for the next generation with heavy taxation, will call upon us to see that unnecessary salaries are not paid, even though they are proposed to be paid, to employees in the District of Columbia.

Mr. President, I know that the Senator from Montana [Mr. WALSH] wants the floor, and I am not going to take any more time upon this question; but I desire to say that every word I uttered on last Friday in reference to this matter was for the best interest of our Government. I called attention to the article, and no honest man can read it but will know that it was inspired by some one close to the commission. I believe, Mr. President, that this publicity will have the effect of checking much of the work that was under way in order that this plan mapped out in the article should be carried to a successful conclusion.

REFERENCE OF "FREE-ZONE" BILL.

Mr. JONES of Washington. Mr. President, the Senator from Pennsylvania [Mr. PENROSE] is now here, and I desire to direct his attention to the fact that I called the attention of the Senate a few moments ago to what occurred on Saturday in

reference to the free-zone or free-port bill. Without going over what I have previously stated, I merely wish to say that I gave the history of the bill and showed that in the last Congress the Senator from Texas [Mr. SHEPPARD] introduced a free-port bill, so called, and it was referred to the Committee on Commerce; that no question was raised with reference to the jurisdiction of the committee over that bill; that again—in May, I think it was, of this year—he reintroduced the bill and had it referred to the Committee on Commerce; that when I examined the measure I thought that there should be some changes in it, and I prepared a bill covering those changes, and that as the original bill had been referred to the Committee on Commerce, and as I believed from the terms of the bill it should go to that committee, I had the bill introduced by me so referred.

I wish to say to the Senator from Pennsylvania that I do not want any Senator to hesitate about questioning the jurisdiction of the Committee on Commerce with reference to the free-zone bill if he does not think it belongs there. That committee has all it can do with measures that are clearly within its jurisdiction. I believed when I introduced this bill and had it referred to that committee that it was within the jurisdiction of the Committee on Commerce; I still think so. As I stated awhile ago, it has not been my practice to prepare bills and introduce them and have them referred to committees which would have jurisdiction over them in order to get them considered.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. Yes.

Mr. SMOOT. I desire to ask the Senator from Washington which Senate bill his committee has under consideration? I notice that on June 27 the Senator from Washington introduced Senate bill 2288. That was the bill to which the Senator from Pennsylvania referred last Saturday. I understand that there is also Senate bill 3170, which was introduced by the Senator upon the same subject. Which bill has the Senator's committee under consideration?

Mr. JONES of Washington. The committee has under consideration all of the bills covering the subject matter, but is having the hearings especially on Senate bill 3170, because that is the bill the friends of the proposition finally prepared. That bill, as the Senator will notice, is the bill which was introduced by me by request a few days ago.

Mr. SMOOT. I will procure a copy of Senate bill 3170, as I have not one, though I have a copy of Senate bill 2288.

Mr. JONES of Washington. Well, the bills are substantially the same, except that Senate bill 3170 has a provision in it that those who are interested in it do not really desire to have retained in the bill; but they did not indicate that to me when they sent the bill to me to be introduced. I introduced it for them. The next day they came up and said they wanted a great part of section 3 stricken out, but I did not care to reintroduce the bill in order to make that change. The bill, however, was reintroduced in the other House in amended form. The committee is considering the proposition of free zones, and has before it not only Senate bill 3170 but also Senate bill 556, which was introduced by the Senator from Texas, and Senate bill 2288, to which the Senator from Utah has referred.

If the Senator from Pennsylvania thinks that the bills should not be considered by the Committee on Commerce or that committee has not jurisdiction of them, I hope the Senate will be called upon to pass on the question. As I suggested when the Senator was not here, if this bill affects the revenue, and that is the reason the Senator thinks it ought to go to the Finance Committee, then the bill should be stricken from the files of the Senate entirely, because the Constitution provides that bills affecting the revenue must originate in the House. I do not know, however, the particular grounds the Senator had in mind when he raised the objection.

Mr. PENROSE. Mr. President, I rose on Saturday merely to call the attention of the Presiding Officer and of the Senate to a careless practice which has grown up of referring bills undoubtedly belonging to one of the leading committees to some other committee. The practice arises in two ways: A Senator has a bill which he wishes, very naturally, to keep under his personal supervision, and he has the bill referred to some committee of which he is a member, notwithstanding the fact that it very evidently belongs to some other committee. I have known bills that beyond any question belonged to the Committee on Commerce being referred to some committee such as the Committee on the Five Civilized Tribes of Indians, because the Senator introducing the bill happened to be a member of that important committee. While that comparison may seem ridiculous, it is a fact that bills are often referred without any propriety or reason, simply at the whim of the Senators who happen to introduce them; or it occasionally happens that the lobby or those back of a bill like the personnel of one committee rather than another and urge the reference of the measure in which they are interested to the committee of their fancy.

While I have the highest respect for the personnel of the Committee on Commerce and know it is constituted of very able Senators both on the majority and the minority side, most of whom are sound in their economic views, so far as the majority are concerned, I know that a great many exporters wanted this legislation referred to the Committee on Commerce. But be that as it may, I am not disposed to get into a controversy over it. I only wanted to call attention to the abuse.

My attention was directed to it by the reference of the reciprocity repeal bill to the Committee on Foreign Relations—a most gross violation of parliamentary propriety and procedure. Measures affecting that question have always gone to the Finance Committee. When the original reciprocity bill was introduced, during the second half of the Taft administration, it was referred to that committee, and the committee held hearings, extending over a period of months, participated in by representatives of the State granges from all over the United States, and yet, through the gross carelessness of some one at the desk, the reciprocity repeal bill was referred to the Committee on Foreign Relations. As my attention happened to have been called to similar omissions and miscarriages of reference, I thought it my duty to call the matter to the attention of the Senate and of the Chair.

There are other important instances where not only the Finance Committee but other committees have been ignored to the serious detriment of the public service, because, Mr. President, when a committee has spent 10 or perhaps 20 years in considering all the issues and ramifications of a certain character of legislation it is certainly not in the interest of efficiency and effective legislation to refer some bill embodying similar principles to a committee that has never given any consideration whatever to the subject. I have two or three quite important bills in my mind to which I intend to call the attention of the Senate later which have been improperly referred; but before doing so I wish to proceed in an amicable and just way and to consult the Senators who introduced the measures and the chairmen of the committees to which they were referred.

So far as the bill referred to by the Senator from Washington is concerned, measures affecting the question of free ports have from time immemorial been referred to the Committee on Finance of the Senate and to the Committee on Ways and Means of the House. If in the last Congress, which was under the control of the now minority party, bills of that character were irregularly referred and if the example was followed in this Congress, that does not excuse or condone what was clearly either a mistake or an irregularity.

This is not a new question before the American Congress; it has been before us every year or so during the 24 years I have been a Member of the body. The Senate has——

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. PENROSE. Yes.

Mr. WALSH of Montana. I desire to say to the Senator from Pennsylvania that some 20 or 25 minutes ago, when the Senator was not in the Chamber, I felt constrained to rise and suggest that this is Calendar Monday and quite a number of us are interested in measures upon the calendar. I do not like to insist upon the regular order this morning, but I hope the Senator will recognize that he is speaking by unanimous consent.

Mr. PENROSE. I am pretty nearly through; I am rising to a question of privilege; I do not detain the Senate very often with any remarks of mine, and so I think I will proceed until I am through.

Mr. WALSH of Montana. The Senator, of course, is at liberty to do so——

Mr. PENROSE. Yes.

Mr. WALSH of Montana. If he is speaking to a question of personal privilege. I did not understand that he rose to speak to such a question.

Mr. PENROSE. It is a question of privilege under the rules.

Mr. WALSH of Montana. Of course, if the Senator does not take the suggestion in the kindly spirit I made it, I will rely upon my right to call for the regular order.

Mr. PENROSE. I shall be through in a minute, Mr. President.

Mr. WALSH of Montana. Very well; I shall be glad to indulge the Senator for a few minutes, if he cares to go on.

Mr. PENROSE. Mr. President, as I was saying, this is not a new question. It has been before the Congress for a generation. Legislation of the character proposed has generally been

supported by the importers, and opposed by manufacturers and those believing in the policy of protection. The question is an ancient one, and I do not know that the Committee on Commerce has ever, until within the last few months, devoted any consideration to it or to the principle involved, or that it knows anything about it. I was on the Committee on Commerce for some 10 years and I never heard of any such question discussed before that committee.

As the chairman of the committee has said, they have all they can attend to without hunting trouble. So has the Finance Committee, and I do not intend at this time, nor at any other time, to ask to have the reference of this bill changed. The Commerce Committee can go on, so far as I am concerned, with all the hearings they want on this measure, and doubtless the more hearings they have, the more they will know, which is desirable. As a matter of fact—and I want to call the attention of the chairman of the committee to this for his information—I have grave doubts as to whether the bill is constitutional. I want to call his attention to, and have him consider when he proceeds with this entertaining occupation of considering free ports, paragraph 6 of section 9 of Article I of the Constitution of the United States, if his attention has not already been called to it, which reads as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

I am not going to discuss the constitutional point involved in this paragraph, but it looks to me as though it was of sufficient force to render the whole bill impossible and unconstitutional; and from the information I have received lately, the bill is not likely to get very far in the House of Representatives or in the Ways and Means Committee. So I am not going to say anything further than to record my dissent, and express the hope that there will be greater logic and regularity followed in the future in the reference of bills in this body.

Mr. JONES of Washington. Mr. President, I agree with what the Senator has said with regard to the reference of bills, although I do not believe that anyone at the desk is responsible for these references. My observation has been that Senators usually designate where they want bills to go, and the clerks at the desk either follow that suggestion or else the Presiding Officer announces the committee to which the bill should be referred. As I said, however, this bill was not referred in order to give the committee jurisdiction; and I should like myself, if the Senator thinks it is an irregularity, to have it go there, or anything of that sort, to have him ask that it be referred to some other committee. It would not offend me in the least.

Mr. PENROSE. I appreciate the Senator's courtesy, Mr. President, but I have already stated that I do not intend to ask that, and am entirely satisfied to have the Committee on Commerce proceed with the hearings on the bill, particularly as I think the bill has little or no show of passage.

Mr. JONES of Washington. Mr. President, I want to assure the Senator that every feature of the bill will have consideration if it is left to the Commerce Committee, if the Senate thinks that is the proper place for it. The constitutional provisions will be considered, I think, probably as fully there as they would be in the Finance Committee. The clause of the Constitution to which the Senator refers I have read several times and am familiar with it, and it will be taken into consideration in the consideration of this measure. But if the Senator from Pennsylvania, or any member of his committee or any Member of the Senate, thinks that this bill is improperly before the Commerce Committee, I should be glad if they would make the motion and ask that it be referred to the committee which they think should properly have jurisdiction of it.

AIR SERVICE.

Mr. WADSWORTH. Mr. President, by direction of the Committee on Military Affairs, I offer an amendment to House bill 9205, the first deficiency appropriation bill, and I shall follow the reading of the amendment with a somewhat unusual request.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

On page 11, after line 23, insert the following:

"For the activities of the Air Service of the Army during the fiscal year ending June 30, 1920, the sum of $15,681,350 is hereby made available from the unexpended balance of funds appropriated for the fiscal year 1918 by the act approved July 24, 1917, entitled 'An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, maintain, manufacture, repair, and operate airships and to make appropriations therefor, and for other purposes,' and of the funds appropriated for the Air Service for the fiscal year 1919, by the act approved July 9, 1918, entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919.'"

Mr. WADSWORTH. Mr. President, I am not entirely certain as to the parliamentary procedure which would be proper in this case. Suffice it to say, in explanation—it will take me but a sentence or two—that the War Department sent a request to the Committee on Appropriations, which now has under consideration a deficiency bill, to include in that bill an appropriation for the purchase of airplanes. Such an estimate was not a deficiency estimate, and the chairman of the Committee on Appropriations very properly, I believe, insisted that the Committee on Military Affairs should take some jurisdiction over that request. The Committee on Military Affairs, therefore, requested the Secretary of War and the appropriate officers of the Aviation Department of the Army to come before the commitee and explain to them how it was that $15,000,000 was requested for the purchase or the building of airplanes, which in no sense constituted a deficiency item. There is no bill before the Committee on Military Affairs to-day for this purpose; but the committee, after listening to the arguments in favor of the request made originally to the Appropriations Committee, instructed me, as its chairman, to present this amendment to the Senate, the amendment being applicable to the deficiency bill now resting in the Appropriations Committee.

I therefore, by the direction of the Military Affairs Commitee, offer this amendment, and I am instructed by them to state that it constitutes a report from the Committee on Military Affairs upon this question, and then to request that the amendment be referred to the Committee on Appropriations.

In other words, Mr. President, I report this amendment from the Committee on Military Affairs. That would place it upon the calendar; and I then ask that it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. The Senator from New York requests that the amendment just reported by the Committee on Military Affairs be referred to the Committee on Appropriations.

Mr. SMOOT. The Senator does not want it to go on the calendar?

Mr. WADSWORTH. No, sir.

Mr. SMOOT. Just to go to the committee?

Mr. WADSWORTH. It has to go on the calendar momentarily, as a report, but I ask that it be immediately referred to the Committee on Appropriations.

Mr. SMOOT. The proper way is just to report it, and ask that it go to the Appropriations Committee.

Mr. WADSWORTH. I merely want it noted in the RECORD that it is the equivalent of a committee report.

The PRESIDING OFFICER. Without objection, the amendment will be referred to the Committee on Appropriations.

ISSUANCE OF SECURITIES.

Mr. PENROSE. Mr. President, Senate joint resolution 88, being a joint resolution to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to supervise the issuance of securities, and for other purposes," was reported from the Committee on Banking and Currency and undertakes to amend the bill which was enacted in the last Congress, having been reported from the Finance Committee, providing for a corporation having a capital of $1,000,000,000 for certain purposes. The Senator from Utah [Mr. SMOOT] will remember it very well.

Mr. President, this is an amendment to a bill which was acted on by the Finance Committee in the last Congress, and also by the Ways and Means Committee. Many hearings were held by the Ways and Means Committee and by the Finance Committee. The Secretary of the Treasury and one if his assistants, Mr. Leffingwell, came before both committees and had prolonged consultations with them. Yet, notwithstanding that extraordinary familiarity and experience which the Finance Committee has with this extraordinarily important piece of legislation, it goes to the Committee on Banking and Currency, which never heard of the measure and does not know anything about it, and then is reported out to the Senate without, I believe, a quorum present. I am a member of the Committee on Banking and Currency. I admit that I was not there. The Senator from North Dakota [Mr. GRONNA] is a member of that committee, and I do not recall whether he was there or not; but I feel very safe in asserting that no quorum was present when this joint resolution, involving a billion dollars, was reported out of the committee.

I therefore move that the joint resolution be taken from the calendar and referred to the Committee on Finance for further examination and investigation.

Mr. SMOOT. Mr. President, just one word before that is done. I want to call the Senator's attention to the fact that the

title of the joint resolution is wrong. The title of the joint resolution is:

Joint resolution to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to supervise issuance of securities, and for other purposes."

That is not the name of the act at all. The act is the one to which the Senator has just referred, and was considered by the Finance Committee; and not only was Mr. Leffingwell there, but the Secretary of the Treasury himself appeared there.

Mr. PENROSE. For several days the committee met to study this very important question.

Mr. FLETCHER. Mr. President, I remember attending a session of the Committee on Banking and Currency when this matter was considered there. I never understood that it was a matter which the Finance Committee at any time had had before it. In the absence of the chairman of that committee, I should dislike to see this action taken.

Mr. PENROSE. I do not think there will be any trouble with the chairman of the committee. I know the chairman so well that, while I believe he is out of town, I will answer for him.

Mr. FLETCHER. I do not see what is to be gained by that, unless the Senator from Pennsylvania is opposed to the joint resolution.

Mr. GRONNA. Mr. President, I want to say that, although I am a member of the Committee on Banking and Currency, and I may say that I have given this joint resolution some consideration, I have always believed that it was a matter which should go to the Committee on Finance. I am sure the matter was considered by that committee when it was first enacted into law.

Mr. PENROSE. For several days.

Mr. GRONNA. I was the one, I think, who opposed the passage of this joint resolution under a unanimous-consent request; and the Senator from Utah [Mr. SMOOT], I know, has refused to let the joint resolution go through. It is a matter of tremendous importance, and it should not be passed until it has had further consideration. I am very glad to have it referred to the Committee on Finance, although I am a member of the Committee on Banking and Currency.

Mr. FLETCHER. What is the number of the joint resolution on the calendar?

Mr. PENROSE. One hundred and eighty-seven. Certainly no Member of the Senate can object to having a committee admitted to be expert on this question reexamine the bill. I do not see how anyone can object to that.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that Senate joint resolution 88 be taken from the calendar and referred to the Committee on Finance. Without objection, it is so ordered.

THE CALENDAR.

The PRESIDING OFFICER. The morning business is closed, and the calendar, under Rule VIII, is in order.

The first business on the calendar was the resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EMMA H. RIDLEY.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

Mr. CALDER. I hope there will be no objection to this bill. It is exactly the same as one passed by the Senate at the last session of Congress. The bill proposes to appropriate one year's salary for the widow of a doctor who died under extraordinary circumstances while attending the sick at the hospital on the Isthmus of Panama during an epidemic of typhoid fever. He really gave up his life for his country. By an act which I have in my hand, approved June 22, 1914, of almost the same character, we gave the family of another doctor two years' pay. This is a very meritorious measure and ought to pass.

The PRESIDING OFFICER. The bill goes over.

BILLS, ETC., PASSED OVER.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1369) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home owners and Federal aid therefor was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1273) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes, was announced as next in order.

Mr. SMOOT. The Senator from Washington [Mr. JONES] is not present, but on two or three occasions when this bill has been reached on the calendar he has asked that it go over. He did not want to have it stricken from the calendar. He stated that the same provision is already in a bill that has passed the Senate, and if it passes the House it will then be in force, and there will be no necessity for action upon this bill. I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 41), proposing an amendment to the Constitution of the United States, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

DISTRICT RENT COMMISSION.

The bill (S. 2992) to create a rent commission of the District of Columbia was announced as next in order.

Mr. GORE. Let that go over.

Mr. SMOOT. I move that the bill be indefinitely postponed.

The motion was agreed to.

WATER-POWER DEVELOPMENT.

The bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

JACOB NICE.

The bill (S. 1448) for the relief of Jacob Nice was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

OFFICERS AND MEN OF COAST GUARD.

The joint resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy was announced as next in order.

Mr. HENDERSON. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

JOHN T. EATON.

The bill (S. 209) for the relief of John T. Eaton was announced as next in order.

Mr. GRONNA. I do not understand that there is any objection to this bill.

The bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John T. Eaton, of Helena, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $560, in compliance with the findings of the Court of Claims, Senate Document No. 220 of the first session of the Sixty-third Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. MAYERS.

The bill (S. 642) for the relief of Mary C. Mayers was considered as in Committee of the Whole, and was read as follows:

Whereas Joseph L. Mayers, lately an American citizen, residing at Yokohama, Japan, died on May 7, 1899, as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. *Charleston*, then lying in Victoria Harbor, Hongkong, China, and which whaleboat was negligently detached from the davits of said ship by some of the ship's crew, said Mayers having gone to said ship on official business; and

Whereas the said Mayers left surviving him a widow, Mary C. Mayers, who was wholly dependent on her husband for support, and said widow is now without means: Therefore

Be it enacted, etc., That the sum of $5,000 for the aid and support of the said Mary C. Mayers, widow of the said Joseph L. Mayers, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be paid to said Mary C. Mayers by the Secretary of the Treasury immediately upon the approval of this act.

Mr. SMOOT. Mr. President, I desire to ask the Senator reporting the bill if that is the usual compensation given in such cases? Is it more than a year's salary, or is it just the annual salary?

Mr. GRONNA. I will say to the Senator from Utah that it has been some time since I wrote the report, but as to both this and the following bill, Senate bill 1194, similar bills were passed by the Senate during the last Congress, and they are in exactly the same form as they were when passed. In all these cases we have always complied with the law and allowed the beneficiary one year's salary.

Mr. SMOOT. I will take that for granted, then, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS PASSED OVER.

The bill (S. 1194) for the relief of Elizabeth Marsh Watkins, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2377) to amend section 1 of the act approved July 17, 1916, known as the Federal farm loan act, so as to provide for the payment of the expenses of the Federal Farm Loan Board and employees by the Federal land banks and joint stock land banks, was announced as next in order.

Mr. WALSH of Montana. I ask that that may go over.

The PRESIDING OFFICER. The bill will be passed over.

FISHLAKE NATIONAL FOREST, UTAH.

The bill (S. 430) to authorize the exchange of certain lands within the Fishlake National Forest, Utah, was considered as in Committee of the Whole, and was read as follows:

Be is enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to accept title to the following-described lands, either in whole or in part, upon certification by the Secretary of Agriculture, that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor: West half of the northwest quarter of section 17; northeast quarter of the southeast quarter of section 18; north half of the northeast quarter, southwest quarter of the northeast quarter of section 21; southwest quarter of the southwest quarter of section 28; south half of the southeast quarter of section 30; west half of the northeast quarter, northwest quarter of the southeast quarter of section 31; northwest quarter of the northwest quarter of section 33, township 26 south, range 2 west of the Salt Lake meridian, within the Fishlake National Forest, and to issue to the Monroe Land & Livestock Co., a corporation organized and existing under the laws of Utah, in lieu thereof patents to the following-described areas, or to such parts thereof as are approximately equal in value to the lands conveyed: East half of the northwest quarter of the northeast quarter, southwest quarter of the northeast quarter, northwest quarter of the southeast quarter of section 19; north half of the northeast quarter of section 20; southwest quarter of the northwest quarter of section 21; south half of the northeast quarter, northeast quarter of the southeast quarter, northwest quarter of the southwest quarter, southwest quarter of the northwest quarter of section 29; east half of the northeast quarter of section 30, township 26 south, range 2 west, of Salt Lake meridian: *Provided*, That the lands conveyed to the Government shall thereupon become parts of the Fishlake National Forest and subject to all laws and regulations applicable thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SWAN LAND & CATTLE CO.

The bill (S. 2758) providing for an exchange of lands between the Swan Land & Cattle Co. and the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That upon proper execution and delivery by the Swan Land & Cattle Co. (Ltd.), a corporation, of a deed conveying to the United States, its successors and assigns, a good merchantable title in fee, free of incumbrance, to certain lands needed by the United States for construction, operation, and maintenance purposes, in connection with the North Platte irrigation project, Nebraska-Wyoming, to wit: The southwest quarter of the northeast quarter, and the southeast quarter of the northwest quarter of section 25, township 25 north, range 63 west, sixth principal meridian, Wyoming; then in exchange for such lands so conveyed a patent shall be issued by the United States to said Swan Land & Cattle Co., its successors and assigns, conveying to said company the northeast quarter of the northeast quarter of section 26, and the northeast quarter of the southwest quarter of section 23, township 25 north, range 63 west, sixth principal meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IDAHO NATIONAL FOREST AND PAYETTE NATIONAL FOREST.

The bill (H. R. 1429) adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That, subject to the approval of the Secretary of the Interior, all public lands in central Idaho within the tract commonly known as the Thunder Mountain region, bounded by the Idaho, Salmon, Challis, and Payette National Forests, are hereby reserved and set apart as national forest lands, as follows, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests: That part of the said tract lying north of the fourth standard parallel north, Boise meridian and base, is hereby added to and made a part of the Idaho National Forest; and that part of the said tract lying south of the said fourth standard parallel is hereby added to and made a part of the Payette National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL AIRCRAFT STANDARDS COMMISSION.

The joint resolution (S. J. Res. 56) to enable the United States to participate in the work of the International Aircraft Standards Commission was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PROTECTION OF BIRDS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 1199) to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in line 5, page 1, after the word "any," to strike out "game bird. For the purpose of this act the following shall be considered game birds: The anatidae, or waterfowl, including brant, wild ducks, geese, and swan; gruidae, or cranes, including little brown, sandhill, and whooping cranes; rallidae, or rails, including coots, gallinules, and sora, or other rails; limicolae, or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plover, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellow legs; columbidae, or pigeons, including doves and wild pigeons; gallinae, or grouse, including wild turkey, pinnated grouse, ruffed grouse, or any kind of grouse, and quail; reedbirds, or ricebirds; marsh blackbirds"; and insert "heath hen, sage hen, any kind of quail, bob white, grouse, partridge, ptarmigan, prairie chicken, pheasant, wild turkey, Hungarian partridge, English, ring-necked, Mongolian or Chinese pheasant, or marsh blackbird," so as to read:

Be it enacted, etc., That it shall be unlawful, within the District of Columbia, for any person at any time to buy, sell, or expose for sale, or to have in possession for the purpose of selling, any heath hen, sage hen, any kind of quail, etc.

The amendment was agreed to.

Mr. THOMAS. I ask to have the bill go over. I should like to hear from the Senator having charge of the bill something more about it.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed in open executive session to the consideration of the treaty with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The motion was agreed to.

Mr. NORRIS obtained the floor.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. Certainly.

Mr. BORAH. Mr. President, I desire to occupy just a moment of the time of the Senate to make a brief statement.

It has been stated a number of times of late that at the time Germany secured the treaty with China with reference to her possessions in Shantung John Hay was Secretary of State. This statement was originally made by the President at Los Angeles. It was not surprising that a man speaking extemporaneously should be inaccurate in his dates, and I do not call attention to it for the purpose of charging an intentional misstatement, but that we may be accurate as to the facts and for the truth of history. Furthermore, my admiration for the services of Mr. Hay and my understanding of his vast work is such as to lead me to the conclusion that things might have been different if he had been Secretary of State at that time.

The two German missionaries who were killed in Shantung, over which the dispute afterwards arose, were killed in November, 1897. The date of the German lease is that of March 6, 1898. President McKinley on August 23, 1898, notified Mr. Hay by cable that he would offer him the Secretary of Stateship. Mr. Hay accepted the appointment and became the Secretary of State on September 30, 1898, actually entering upon the performance of his duties of the office on October 1, 1898. The German treaty was consummated, therefore, some six months prior to the time that Mr. Hay became Secretary of State.

After Mr. Hay became Secretary of State, Italy, following the program which had apparently been outlined in China by Great Britain, France, and Germany, also sought certain concessions in China, to which Mr. Hay objected. He afterwards, as the world knows, immediately after he became Secretary of State, took up the work of checking the further division of China and of establishing the policy associated with his name known as the "open door."

I read a paragraph or two from the Life of Hay, by William Roscoe Thayer. I read a paragraph from page 240:

> The Boxer upheaval interrupted and made more difficult Hay's endeavor to preserve the Chinese Empire. After the Japanese defeated the Chinese in 1894, China lay like a stranded whale, apparently dead, or dying, and the chief powers of Europe came, like fishermen after blubber, and took here a Province and there a harbor, and were callous to the fact that their victim was not dead. They not only seized territory, but forced from the Chinese concessions for mines, railways, commercial privileges, and spheres of influence. From the time that Hay became Secretary he strove to keep intact the political integrity of China and to persuade all the powers to maintain there the policy of the open door.

It was after he became Secretary of State, as I have stated, that he made his objection to the further aggression upon the part of Italy.

Under date of September 20, 1900, Mr. Hay, writing to a friend, said:

> I take it you agree with us that we are to limit as far as possible our military operations in China, to withdraw our troops at the earliest day consistent with our obligations, and in the final adjustment to do everything we can for the integrity and reform of China and to hold on like grim death to the open door.

The author, commenting, says:

> Hay's achievement in this Chinese contest gave him an immense prestige. Throughout the world he was now looked upon as a statesman, honest, disinterested, resourceful, and brilliant.

Mr. President, my purpose in calling attention to this is no other than to get the facts in the RECORD as they actually exist. Mr. Hay was not Secretary of State at the time the German aggression took place, and the aggressions which followed the German aggressions he sought from his first entrance as Secretary of State to prevent. He exercised his influence from the very beginning to protect the integrity of China.

Friday, October 10, 1919.

Mr. NORRIS. Mr. President, the pending amendment is in reference to article 156 of the treaty. It strikes out the word "Japan" and inserts in lieu thereof the word "China." If this amendment should prevail and the treaty should be amended in this respect it would give to China what belongs to China, and it would relieve the treaty of one of its very many serious objectionable features.

Mr. President, when the armistice was signed by the contending armies there was a specific and definite written agreement among the powers as to the basis of peace and as to the grounds and principles which should govern the making of a peace under the armistice. The allied Governments, after propositions had been made for an armistice by Germany, submitted a written proposition which was agreed to by all the Allies and by our Government, and I desire to read it from the official correspondence of our Secretary of State:

> The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.
>
> Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed. The allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression by Germany by land, by sea, and from the air.

That, Mr. President, is the end of the proposed agreement. When Mr. Lansing transmitted this to the German Government through the Government of Switzerland he used this language, after quoting what I have just read:

> I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of an armistice.

When the President approved this memorandum made by the other allied Governments and sent it to Germany through the officials of Switzerland, he gave the last approval necessary to make a binding contract between all the parties. There can be no doubt, Mr. President, that everybody understood, on both sides of the controversy and all over the world, that this was an agreement positively to make a treaty of peace upon the conditions and the terms laid down by President Wilson in this address. But if there should be any possible doubt, at least as to Great Britain and our country, that is dissipated by what happened afterwards. The armistice was agreed to on the 11th day of November, 1918, and on that day the President issued a proclamation to the people of our country as follows:

> My fellow countrymen, the armistice was signed this morning. Everything for which America fought has been accomplished. It will now be our fortunate duty to assist by example, by sober, friendly council, and by material aid in the establishment of democracy throughout the world.

On the same day, or within at least a day or so, but I think on the same day, the President sent an official message to Congress in which he practically reiterated the same thing. But a few days later the premier of England, Lloyd-George, who was representing Great Britain in making the agreement to which I have referred, sent a cablegram of congratulation to the President in the following language:

> My heartiest thanks for your kindly message. I am certain that the ideals of our two countries regarding international reconstruction are fundamentally the same. I feel sure that at the peace conference we shall be able to cooperate fruitfully to promote the reign of peace with liberty and true democracy throughout the world.

Mr. President, it seems to me there can be no doubt that this agreement superseded and set aside any other agreement between the same parties made at any time at which there was an agreement for a different basis of settlement. Every person knows, and particularly every lawyer knows, that when an agreement is once reached between parties it takes the place of and sets aside every other prior agreement that is in conflict with its terms. If that doctrine be true, then, under that agreement every one of the Governments which were parties to it—and that included all of the belligerent Governments; when Germany agreed to it, it included her likewise—said, "Any other agreement that we have made on the side or in any other

way with a view of bringing about a peace differing from that to which we have now agreed must be cast aside and held for naught." There can be and there is no question that this agreement absolutely by its terms set aside the secret treaties to which I am going to refer later.

There is no doubt, Mr. President, that that agreement met the hearty approval of all civilized people everywhere in the world; neither is there any doubt that the treaty finally agreed to and which is now before us violated that agreement and the President's address upon which it was based in almost every particular. The President's address referred to is the one in which he sets forth the famous 14 points; and the very first of those 14 points is what everybody knows to be the proposition of "open covenants of peace openly arrived at"; but the very first day that the conference met they violated that particular stipulation of the President's address.

The President undoubtedly was in earnest when he made that address. I know it met with my hearty approval and I think it met with the approval of all of our citizens. One of the things we had fought for—or, at least, so we claimed—was the abolishment of secret treaties, was the abolishment of secret diplomacy, was to open a new rule for the world, based on open diplomacy, "open covenants of peace, openly arrived at." So much was the President in favor of that particular provision that in the same address, which was officially approved by all the powers and used by the agreement as a basis for a future peace, he approved the methods that had been adopted by the Bolsheviki and our enemy, Germany, in agreeing to a peace at Brest-Litovsk. In that same address the President said:

The Russian representatives—

He is speaking now of the Brest-Litovsk treaty—

The Russian representatives have insisted, very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with the Teutonic and Turkish statesmen should be held with open, not closed, doors, and all the world has been an audience, as was desired.

But when the peace council met, as I have said, the first thing they did was to close the doors. After the President gave official approval even to the despised Lenin and Trotski in their demand for open diplomacy, and after the entire world had agreed that this treaty should be based upon the 14 points, the first of which is "open covenants of peace, openly arrived at," the peace delegates violated the agreement, went behind closed doors, and in all the history of the world there never were treaty negotiations carried on with greater secrecy than were the negotiations leading up to the formulation of this treaty.

Mr. President, the representatives of the British Government, the French Government, and the Japanese Government—Mr. Balfour representing Great Britain, Viscount Ishii representing Japan, Viviani and Ambassador Jusserand representing France—all stood on the rostrum where you now sit and to us and to our assembled guests made speeches that were published all over the United States; speeches full of professions of earnestness, of a desire for a democratic peace, of a desire for a just and a fair peace. They delivered to us orations on that occasion that moved many of their hearers to tears. We believed what they said; we thought they were in earnest; we thought we were working with the Allies represented by these leaders sent here to address us, and that they were going to do what they proclaimed to us and to the world they would do when we made peace. Many of us went over the country at different times when funds were being raised for the Red Cross or Liberty bonds were being sold and proclaimed from every stump that one of the things for which this war was being fought was to abolish secret diplomacy; was to bring about absolute justice between nations; was to abolish conquest; that no nation should be transferred from one nationality to another like chattels without their consent. Those were the doctrines that from that rostrum came from the eloquent lips of those great representatives of the great governments that were allied with us in the Great War. But, Mr. President, to their shame I think it should be said—yes; to their disgrace, and the disgrace of the governments they represented—at the very time they were so eloquently addressing us, their pockets were bulging with secret treaties by which they had agreed at the peace table to carve up the world among themselves, in absolute violation of every principle enunciated in the address delivered by the President containing the 14 points, and in absolute violation of all their professions of fairness and justice so eloquently pronounced from that rostrum.

Not only did they conceal from us, their allies, that they had already agreed how they should parcel up the world, but they concealed later on from China that they were going to ravish her. They concealed it from her when they were inducing her to enter the war on our side. It seems to me that in all the annals of history from the very beginning of civilization there was never a more disgraceful spectacle than great nations that claimed to be and are recognized to be the leaders in civilization and in world affairs, on the one hand, inducing China to come into the struggle, to cast her lot with them, to send her men to the front, to turn over to them the numerous ships of Germany which were interned within her waters, and which were almost vital to allied success, and at the same time concealing from her the fact that they had agreed secretly that when the war was over they were going to carve her up, that they were going to turn over a large share of her domain to her worst enemy.

Mr. President, what is said in defense of this rape of China effectuated in the particular clause which we are now considering? I have heard no man defend it. It is a well-known fact that in private conversation the President himself, who agreed to it, describes it as infamous. But they say in extenuation that it was necessary to give Shantung to Japan—the President has repeated the statement over and over again—because England and France had made secret treaties agreeing to do it. He has also said officially that he did not know anything about those secret treaties until the representatives of the nations met around the peace table at Versailles.

I am going to take up that and whatever other objections I can think of or that can be offered in defense of this treaty as it stands, but before I do so I wish again to correct a statement made by the President of the United States. In his recent trip over the country the President made his first great speech at St. Louis. It was perhaps the greatest of all the speeches he made and was recognized as such. St. Louis was the place where he went into the question fully and discussed it in detail. In that speech the President said:

Great Britain and France, as everybody now knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleet, had promised that any rights that Germany had in China should, in case of the victory of the allies, pass to Japan.

Mr. President, that speech was published, and the quotation I have read was, I presume, printed in practically every daily newspaper in the United States the morning after the President delivered it. It received greater circulation than any other speech the President made on his trip.

If what the President has said is true, then some of the infamy and shame and disgrace of this provision of the treaty is removed. It would not make it right even then, but it could at least be offered as an extenuating circumstance.

It was, however, a misstatement entirely of the facts; it was absolutely untrue that England and France had to agree with Japan to give her the German possessions in China in order to get Japan into the war. Yet, the great American citizenship were not fully informed on that subject; and when they read this statement from the lips of the President, and particularly if they had not seen it contradicted, and particularly knowing that the President was one of the commissioners at Versailles, and knew all about what happened there, they naturally would have a right to believe it. As I said a moment ago, if it were true there would be some excuse for giving this territory to Japan, because we could say that we would look with some favor on a proposition made by the fighting nations to give something to another prospective ally to get her into the war.

But, Mr. President, the next morning after the President of the United States made that statement, I called attention here on the floor of the Senate to the fact that it was absolutely without any foundation of fact. The war began in August, 1914. Japan, as I remember now—I am speaking only from memory, and I should be glad to be corrected if I am wrong—declared war against Germany on the 23d day of August, 1914. At least, Mr. President, it was but a few days after the war commenced. There was no such agreement made with Japan by any government. There was no pretense of such an agreement. There was no necessity of making such an inducement, and, in fact, no such agreement and no such promise was made at that time. But in order that there may be no misunderstanding and no possible doubt, since the President made the statement unqualifiedly, and the denial, of course, not going to the people as his statement did, I want to read the telegram which the President sent to me on the 12th of September. It was sent from Garrison, Mont.:

Hon. G. W. NORRIS,
United States Senate, Washington:

I thank you for correcting an unintentional inaccuracy in one of my recent speeches.

(Signed) WOODROW WILSON.

There can be no doubt of the fact that this telegram refers to this particular correction, because it was the only time that I had referred to anything that the President had said anywhere.

Mr. President, the misstatement of fact went forth all over the country, as I said. I waited until the President's trip was concluded before I gave publicity to his telegram, in which he admits that the statement he made was, as he puts it, inaccurate. I had hoped that when a misstatement of this importance was made, pertaining to a very material proposition involved in this treaty, and the man who made it had his attention called to the fact that he had made it, even if he had in some way made it innocently, he would at least give as great publicity to the correction as he did to the misstatement that was originally made.

Of course the truth will never completely overtake the falsehood. The truth will never reach the eyes and ears of all the millions of people who read and heard the statement that is untrue. It seems to me if the President wanted to be fair with the American people and with the American Senate, if he wanted to be fair with the world, with the honest, peace-loving citizenship of this age, he would at least have been careful to have given as great publicity to this correction as he did to this misstatement.

Mr. President, the secret agreement that I am coming to was not made until in February, 1917. There never was even any negotiation to make until the 27th day of January, 1917. The war had been going on since August, 1914, and Japan had been in the war practically all of that time. The President, in this misstatement, said that it was for the purpose of enabling Japan to assist to clear the Pacific of the German fleets. At the time that agreement was made there was not a single German ship of any kind, either merchant or naval, on the Pacific Ocean. There was no ship in any harbor that belonged to Germany except those that were interned from the beginning of the war. The Pacific Ocean was as free from German ships of all kinds at the time that secret agreement was made as is the Potomac River at the foot of Seventh Street in Washington at the present time.

I put this secret correspondence in the RECORD on the 15th of last July, but I think, in connection with what the President has said, I had better put some of it at least in the RECORD again.

On the 26th day of February, 1917, the British ambassador at Tokyo wrote to Viscount Ichiro Motono, the imperial Japanese minister for foreign affairs, as follows:

MY DEAR EXCELLENCY: With reference to the subject of our conversation of the 27th ultimo—

That would mean the 27th day of January; that is when it was first proposed—

when your excellency informed me of the desire of the Imperial Government to receive an assurance that on the occasion of a peace conference His Britannic Majesty's Government will support the claims of Japan in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the Equator, I have the honor, under instructions received from His Britannic Majesty's principal secretary of state for foreign affairs, to communicate to you the following message from His Britannic Majesty's Government:

His Britannic Majesty's Government accede with pleasure to request of the Japanese Government for an assurance that they will support Japan's claims in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the Equator on the occasion of the peace conference, it being understood that the Japanese Government will in the eventual peace settlement treat in the same spirit Great Britain's claims to the German islands south of the Equator.

I avail myself of this opportunity, M. le Ministre, to renew to your excellency the assurance of my highest consideration.

CONYNGHAM GREENE,
His Britannic Majesty's Ambassador.

The reply of the Japanese Government is short, and I will read it. It follows, and it was written on the 21st of February:

The Japanese Government is deeply appreciative of the friendly spirit in which your Government has given assurance, and happy to note it as a fresh proof of the close ties that unite the two allied powers. I take pleasure in stating that the Japanese Government, on its part, is fully prepared to support in the same spirit the claims which may be put forward at the peace conference in regard to the German possessions in the islands south of the Equator.

Mr. President, remember, that was just before we went into the war.

Mr. CURTIS. Mr. President——

Mr. NORRIS. I yield to the Senator from Kansas.

Mr. CURTIS. Has the Senator referred to the statement made by Mr. Balfour in the House of Commons to the effect that President Wilson was acquainted with all the secret treaties?

Mr. NORRIS. No; I have not referred to that. I understand that he made that assertion, but I am assuming that the President's statement is correct when he said that he did not know anything about them. That is a conflict between Balfour and President Wilson that I am going to let them fight out. One or the other of them is most woefully mistaken, undoubtedly; but the President has said that he did not know anything about these treaties until they got around the peace table, and I am assuming, for the purpose of my argument, that the President told the truth.

Mr. President, following this agreement between Great Britain and Japan, the same kind of an agreement was made with France. The consideration was different. The islands of the Pacific had already been disposed of and divided up between Great Britain and Japan. They made the same agreement with Italy. They made the same agreement with Russia, Russia at that time being still in the war.

But what I started to say when I was interrupted was that we must remember that this was just before America entered the war. It was done at a time when it was known that America was going into the war, and it was done at a time when it was practically certain that if America went into the war China would follow us in. And, as I shall show later, Japan had thus far kept China out of the conflict. China would have been in at the beginning had it not been for Japan. At that time Japan had reason to believe that China was coming in, and would therefore sit at the peace table with the rest of the nations who had been in the war, and she wanted at that time to sign and seal China's fate before she could get in.

Remember also that while this happened two and a half years after Japan went into the war—and this conclusively shows that the President's statement to the American people was untrue—it all did happen before the representatives of France and of Great Britain and of Italy and of Japan came here to America to enthuse us in this war. So that they knew all the time after we went in of these secret agreements. They knew also when China went in. I think it was a breach of faith with us when they did not tell us of these secret agreements; but it was doubly a breach of faith with China when they all, including ourselves, induced her to come in, knowing that they had made an agreement between themselves that they were going to rob her at the peace table, just as if she were an enemy.

Mr. President, it is said, in extenuation of this provision in the treaty, that if we do not sign it Japan will go ahead just the same and keep Shantung, and that therefore we do not do any good for China by refusing to sign it. There is a good deal of doubt whether Japan will keep Shantung, Mr. President. But for the moment, for the sake of the argument, I am going to admit it. What does it amount to? Here is China about to be ravished. She has been our ally. She went in with us. She helped us more than Japan did. She lost more men from German guns in France than Japan lost in the entire war. She made greater sacrifices than Japan made. She comes to the peace conference and asks nothing but what is hers.

Now, it is said that if we do not approve this treaty she is going to be robbed anyway; therefore, let us approve it and give our official sanction to the robbery. Mr. President, regardless of what may happen, let us keep our hands free from being stained with the innocent blood of one of our allies in this contest. If Japan takes Shantung anyway, are we not at least in better position before God and humanity if we can say that we did not approve it?

Then we are asked if we would go to war to take Shantung away from Japan. Nobody has suggested such a thing. Yet the President and others make the argument that if we do not approve this treaty we will have to go to war with Japan in order to keep her from getting Shantung. Nothing is further from the truth, Mr. President.

Nobody has advocated that we should declare war upon Japan if she refuses to give up Shantung. Nobody has suggested such a thing; and, so far as I know, nobody is advocating it. It does not follow, though, even if we are not willing to go to war, that we must therefore give our official approval to this disgraceful rape of an innocent people.

Then it is said that if we reject this proposition the treaty will fall. I do not believe that. But for argument's sake let us admit that to be true. What does it mean? Mr. President, we had better have no treaty than to stain our hands with dishonor and crime against a friend and an ally. I believe that Mr. Lansing told the truth before the Foreign Relations Committee when he testified that if we had refused to agree to the Shantung crime it would not have meant the overthrow of the treaty or the abolishment of the league of nations.

There was presented to President Wilson at that conference an opportunity, Mr. President, when these secret treaties were disclosed, that never before was presented to any human being. Never since the days of Adam and Eve in the garden was mortal man given an opportunity to do such a great act and such great good for humanity as was presented to him there.

When these treaties were laid on the table, he ought to have laid on the table by the side of them this agreement I have read,

to which they had all agreed, fixing the basis for a peace. He ought to have said, "We have fought this war to abolish secret treaties, and we will not lay the foundation of a future peace upon a crime." And he should have further said to them, "These secret treaties must go in the discard."

Mr. President, if he had had the courage to do that, there would have risen up behind him and in front of him and all around him millions, yea, billions, of war-sick people all over the universe, holding up his hands. There would have been a crystallized sentiment in favor of that proposition from every nation in the world. England would have been there, France would have been there, Italy would have been there. Those who represented those Governments could not have withstood the sentiments of their own countries. If they had, and had gone back for new instructions, they would have been repudiated. I have more faith in the great common people of England and France than to think that any other result could have happened. After all, Mr. President, the strongest power in this world is a crystallized public sentiment. In the end, it is more powerful than the combined armies and navies of the world. Before this onward march the decrees of monarchs and kings, the demands of rulers, are disregarded and trampled under foot. Before this onward march the schemes and machinations of men disappear as the dew fades in the morning sun. The sentiment of a civilized world is crystallized, and was crystallized when this peace conference met, in favor of a permanent peace—a fair and honorable peace—a peace such as had been outlined in the written agreements between all the parties when the armistice was signed. There was a world sentiment in favor of the abolition of secret treaties, of secret agreements, of the transfer of peoples from one nationality to another without their consent. All this sentiment needed to become the most powerful factor in the world was some one at the peace conference to act as a spokesman—some one with the courage to stand up in that peace conference in favor of justice, in favor of honesty. If our President had had the courage to do this in this momentous hour, the world would be on a different basis to-day. Had he absolutely demanded that the peace conference should go no further unless it proceeded to carry out in good faith the agreements under which they met, and give to the suffering, hungry world that for which all humanity had need and that for which more than 50,000 of our boys had given their lives—had he done this, the world would have been with him; the opposition would have faded; the other representatives would have submitted, and we would have had a just peace instead of this criminal violation of everything that is sacred to honest men.

But suppose they had not? What then? Then the President ought to have said, and he ought to have made it good, if it were necessary, "This peace conference ends as far as America is concerned. We will not be a party to a crime such as this. We will not carry out secret agreements the effect of which will be to violate the territory and the neutrality and the rights of one of our allies which, although weak, was just as sincere and just as honest and just as faithful as any of us."

But, Mr. President, if you go on and put it through, what will it mean? They say we must put it through in order to have a permament peace. To me that seems foolish. To me that is absolutely illogical. But for the moment let us admit that we can not get peace any other way, that we can not get a league any other way, that we have to put it through with this crime in it. Do you not know that it is just as impossible to build a permanent peace on such a foundation as it is to stop the sun in its course? Mr. President, it is contrary to the laws of God and nature. Every page of history tells us that such a peace can not last, and never has lasted. You can not violate the laws of God by any man-made treaty or law, and when you start to build a peace on such a foundation, when you start to build the temple of justice upon a foundation of sand, of crime, of dishonor, of disgrace, your temple will crumble and decay just as surely as history repeats itself. When you expect permanent peace under such conditions you are expecting an impossibility. If we reject this treaty we will take one step—a necessary step—toward a permanent peace, because the adoption of the treaty in its present form absolutely means future war. All history proves this. There is no danger of America being left out in the organization of a league of nations. Everyone knows that a league without America in it will not succeed. All civilization wants a treaty that will bring permanent peace. The first step to get such a treaty is to reject any proposal that all history proves will bring the opposite of peace. Let the peace-loving people know that America will not stand for anything but a genuine treaty based upon absolute justice, and there will be no difficulty in securing consideration on such a basis by all honest, civilized, fair-minded peoples.

Every student of the world's history knows that such a peace can not be lasting. Why, Mr. President, 50 years ago Germany took Alsace and Lorraine from France, and she had at least the excuse that she was at war with France. We do not even have that here. We are proposing to take territory from an ally. But Germany took Alsace and Lorraine. She took them because she was powerful enough to do it. She thought she had them for all time, and apparently that was true. Time went on, and nobody made a move to free Alsace and Lorraine. Nothing was done. Practically 50 years passed, and the world had almost forgotten it. But the first cannon that boomed in this war aroused a cry all over the civilized world that Alsace and Lorraine must be restored to France.

Many years ago Poland was despoiled. The powerful nations divided it up just as this treaty proposes to divide up China. They did it because they had the power—because Poland was not strong enough to resist. Just like this treaty proposes to treat China because she is too weak to resist. Many years of history passed away. The world had forgotten that there ever was such a country as Poland. It was necessary to become a student of ancient history in order to have any knowledge of Poland; but, Mr. President, this war was not half fought out until the spirit of Poland arose from a grave that was green with the grass and moss of centuries. Do not get the idea that because you have the power you can do things that are contrary to the laws of God Almighty. This disgraceful Shantung provision, if approved, will just as surely bring the fruits of disruption and ruin to anything builded and founded on it as the sun will rise to-morrow morning. There is no escape. The cruel, heartless nations that despoiled Poland never doubted but that they had completed the job so thoroughly that Poland would never again be known as a nation. On the face of it it looked as though they had done this. According to the standards of man power that was true, but these men did not realize that a law higher than man controls the destinies of peoples and of nations. It looked as though Poland was crushed, never to rise again. According to human laws this seemed to be true. We know now that it was not. Germany thought she had Alsace and Lorraine for all time. She had no doubt whatever on this score. The balance of the world had practically conceded that this was true; and yet, as if by magic, in God's own time, all this changed and Alsace and Lorraine, by common consent, came back to France. And this wrongful and inhuman thing—the taking of Alsace and Lorraine by Germany because she had the power to do it—was one of the real causes of the present World War. It was a smoldering fire that was never extinguished, although man was not able with mortal eye to see the flame. So it will be with Shantung. So it will be with other crimes and illogical things that are supposed to be handled for all time by this treaty. We could not change this law if we would. We should not desire to change it, even if we could.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. McCORMICK in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I should like to ask the able Senator if, in his judgment, at the peace conference, in order not to perpetuate the evils of which he has been speaking, in order not to perpetuate wrongs which had been committed against China, he would have insisted, or does now insist, that our representatives ought to have compelled Great Britain and France to cede back to China the interests which they had in Hongkong, the Yangtze Valley, and in the Tonkin part of China, which is really, in part at least, under the domination of France?

Mr. NORRIS. No; for the reason, I will say to the Senator, that it was not an issue. China was not demanding it, and there was not any occasion to give it any consideration. It was not brought up at the conference.

Mr. KING. The Senator, I understand, is denouncing the perpetuation of wrongs which result from depriving a nation of a part of its territory; and I think he speaks in conformity with the lessons of history. Now, if it was a wrong for Japan to have negotiated that treaty with China in 1915, under which certain cessions were made to Japan, was it not a wrong for England and France to have taken China's territory? And if it was the perpetuation of a wrong to allow Japan to keep Shantung, to use the expression of the Senator, was it not a wrong to recognize the rights of Great Britain and France in China?

Mr. NORRIS. Mr. President, there is this difference. We are asked now to give official approval to this wrong. If we are ever asked to give approval to another thief's conduct, I will be opposed to it, but it may be that it will never be brought or called to our attention. We must act in this case. The responsibility is on us. We can not escape it, and we must either approve a crime, or we must adopt this amendment or reject the treaty.

There is no other escape. We were not consulted, and had no responsibility in the cases the Senator has called attention to, and there are many other sins in the past that have gone on, of which we have not taken any notice, because probably better—possibly to our shame but probably better—to hold aloof than to mix in quarrels where we are completely out. But we are in this quarrel, we are in this war, we can not escape this responsibility, and it is up to us to determine whether we shall give approval to this criminal act.

Moreover, the cases which the Senator put happened before this war—happened before the time when by universal consent we were setting up a new milestone in the history of the world; before we agreed to make a treaty based on self-determination, the abolition of secret treaties, and the establishment of a doctrine that nations can not be transferred by kings and rulers, even though they are weak, from one nationality to another without their consent. When do we expect to establish this new doctrine? If we are going to use the sins of the barbarous days as a precedent for crimes in this civilized age, then how can we expect the civilized world to progress and become better?

Mr. KNOX. Mr. President——

Mr. NORRIS. I yield to the Senator from Pennsylvania.

Mr. KNOX. It seems to me there is absolutely no analogy between the Shantung case and the case of the British possession of Hongkong and the French possessions anywhere in China, for this reason: We and our Allies have taken away from Germany whatever rights she was claiming in China. The analogy would be perfect if, in a war in which we were concerned, the possession of Great Britain and France of their territory in China had been taken away. Then we might have been called at the peace table to hark back to the original conditions under which Great Britain and France acquired that territory. But that is not this situation.

Mr. KING. If the Senator from Nebraska will permit me, I invite the Senator's attention to the fact, however, that Japan and China had entered into a treaty in 1915 under the terms of which that was ceded to Japan.

Mr. NORRIS. I am going to take up that treaty later.

Mr. KING. I know that the Senator from Nebraska, if he will pardon me, will contend that that treaty was forced upon China.

Mr. NORRIS. I shall not only contend it, but I will prove it, and I will prove it by a witness that the Senator will not dare dispute, when I reach that part of my address. Nobody, outside of a few Senators here, and I am surprised that they do, contends that there is any validity to that treaty of 1915. I am not going into it now, but before I get through I am going to take up that question probably more extensively than I otherwise would. I did not believe there was anybody left in this body who would even contend for a moment that that treaty had any validity or was entitled to any respect by any honest man.

Mr. President, English troops recaptured Belgium. Did anybody think or even suggest that it should be given to England, and let England by a side agreement agree to restore Belgium? American troops took portions of France from Germany. Yes; American troops recaptured a portion of the sacred soil of Alsace-Lorraine. Has anybody heard any American say that we ought to give Alsace-Lorraine, or any part of it, to America because we recaptured it? No; as the Senator from Oklahoma [Mr. GORE] suggests to me just now, it would have made it no better even if we had had a secret treaty.

Mr. President, it is absolutely as cruel to take Shantung from China and give it to Japan as though in this treaty we took California from the United States and gave it to Japan. I can not see any difference in principle. The only difference existing is that the United States is strong and China is weak, and that is the thing for which we fought the war, to equalize the weak and the strong, and we are violating that principle here in the very peace treaty which we make and upon which we expect to build the future peace of the world. I have more respect for the thug who attacks on the street an able-bodied man than I have for the thief who has not the courage to attack anybody but a cripple. I think it would be more honorable if we by this treaty took California and gave it to some other nation than it is to take it from somebody who is unable to defend himself.

Mr. President, I have here an editorial printed in the News-Herald, of Franklin, Pa., written, I think, by William P. F. Ferguson. It takes up some of this ground that I have gone over, and does it so well that I want to read a portion of it. It is headed "Why Think Us Fools?"

WHY THINK US FOOLS?

It is difficult not utterly to lose patience with the President when we read such reports of his utterances as the wires have been giving us during the past few days.

For example, yesterday's dispatches represent that at San Francisco the President made to his hearers statements like the following:

"That he asked his colleagues at Versailles specifically whether they meant, under the league, to inaugurate a new policy toward China, and they told him they did.

"Far from being detrimental to China's interests the treaty is really the first in the world's history to do something for China's benefit.

"In all previous instances of acquisition of Chinese territory the United States has not even protested.

"That he is not satisfied with the Shantung settlement, but it is 'irrational' to propose to make the situation better by the treaty's amendment.

"It is not from China, but from Germany, that Shantung is taken by the treaty.

"It's the first time in the history of the world that anything has been done for China."

Before I read what this able editorial writer says in commenting on the President's address thus quoted, I want to refer to something that I intended to refer to and forgot, that it has been said that we are doing something for China, that this is a good thing for China, that when the league is established then we will restore this country to China.

Mr. President, I do not see how anybody can offer that argument in good faith. If we want to give Shantung to China, our chance is now to put into the treaty, to put into the bond, what we want to say. Every lawyer knows that it would not be admissible in evidence to prove, after we have made a law of this treaty, that when we said "Japan" in the treaty we really meant "China." No one would ever be able even to get into evidence in a court of justice anything to make an explanation of that kind. Another principle of law that is as old as the hills is that you can not explain by parol evidence a written document unless there is something misleading or capable of different construction in the written document. It must be its own explanation. The theory of the law is that all conversations and all agreements and all divergences of opinion were brought together when the agreement was made. Japan will be able to say, when the treaty is properly approved and becomes a law, "We point to the bond; we object to the introduction of any other evidence in explaining something that is perfectly plain on its face."

Then where is the opportunity in the treaty for China to get relief? Nobody has ever yet, so far as I have heard, pointed to a single sentence or a single provision in the treaty or the league that would give China an opportunity, that would give Ireland an opportunity, that would give Egypt an opportunity, that would give India an opportunity, that would give Korea an opportunity, that would give South Africa an opportunity to ask for independence or the return of their own property. There is no such thing in the treaty. When the treaty is agreed to, the last nail in the coffin, as far as this league is able to hold it, is driven into every one of those nationalities. There is no other outcome. There is no other possible construction.

Permit me now to return to the editorial. Commenting on what I have quoted from the President, the editor says:

Sandwiched among these assertions the President asked his hearers whether it would be "wise to go to war with Japan" to prevent her taking Shantung from China.

It depends upon whether you take the President seriously, whether, reading this carefully, you pronounce it deliberate and willful misrepresentation with intent to deceive or most undignified pettifogging.

Neither form of expression is desirable in speaking of the utterances of the President of the United States, but the facts are of an extreme sort that demand a consideration of truth and fairness that is difficult with a careful observance of the laws of conventional courtesy.

For by no possible interpretation nor with any conceivable allowance for the temptations of oratory, can any informed mind excuse such presentations of the Shantung case. The President's statements are neither fair nor truthful. They exhibit either a lamentable inability to appreciate plain facts and a deliberate closing of the presidential eyes to matters which challenge and demand attention or a desire to obscure the thinking and lead astray the conclusions of those who, in good faith, come to him for information upon a matter where he should be the best informed man in the world.

Put in plain words, these utterances convince us that President Wilson is either blinded by his idealistic dreams to the point where he is incapable of recognizing the most obvious facts or he is led away by the necessities of his controversy to a point where the dividing line between truth and falsehood loses definition in his mind.

Are we too severe?

Let us examine.

We have no disposition to dispute the President's word when he says that he asked the representatives of the powers at Paris whether they purposed to deal fairly with China; the circumstances were such that that question was naturally suggested. It may easily be that the powers replied with assurances of fair intent; we fail to recall a case in history where international throat cutting has not been attended by the warmest assurances to the world as to the honor and beneficence of the cutthroats.

But the fact is that in the presence of that question and answer the powers—President Wilson, "in his own name and in his own right," as the document runs, consenting—fixed upon and adopted and put into operation, so far as they were able, a policy of monumental injustice toward China.

Our President can talk about the treaty "doing something for China's benefit"; he can call it a "new policy"; the thing that the treaty does is to rob China of a Province that is as truly and as integrally a part of the Chinese domain as Hampshire or Kent is of England; and the policy is new and different from the old policy of "grab" only in that the signature and approval and guaranty of the civilized world is solemnly to be given to the theft.

It is sheer drivel to try to justify the proceedings by saying, as the President does, that the treaty takes Shantung, not from China, but from Germany. The close parallel of that sort of pleading is the shyster lawyer contending that his client is blameless and in lawful possession of the stolen money because he stole it, not from its rightful owner, but from the thief who had stolen it from the rightful owner.

It is equally shallow drivel to plead that the United States did not protest when Germany committed the original theft and therefore, by that failure to protest, is now committed to giving our solemn approval and blessing to a transfer of the stolen property to another thief.

We are ashamed, profoundly ashamed, to find stuff of that sort upon the lips of the President of the United States.

True, we did not protest against Germany's seizure of Shantung. The failure was to our shame; but we have the excuse that it was a day when international justice was in a most confused state and few statesmen of any country saw clearly. We have the further excuse that the extent and purpose of the act of Germany could by no means then be understood.

But will the President say—nay, he does say that our failure to protest against a wrong a quarter of a century ago binds us to approve a wrong now; that our neglect to stop a thief puts upon us the obligation to approve and declare right the transfer of the stolen goods to another thief!

The unescapable conclusion of the President's position is monstrous. The doctrine is not that of the idealistic Americanism that President Wilson has been talking to us and all the world about, but that of the cynical might-makes-rightism of the Hun.

It is pitifully weak in the President to admit his dissatisfaction with the Shantung provisions of the treaty but pronounce any effort to amend those provisions "irrational." Wherein irrational? Intelligent thought asserts that the irrational thing is formally to consent to that which is not acceptable, to give the force of the most widely agreed upon international covenant ever entered into, and then to hope that, in some unknown way and by some unseen means, it will not accomplish the injustice which it is framed to perpetuate. If anyone can point out anything more irrational than to assert, as the President does, that the way to do justice for China is first to consent to and become partner in an utterly gross and indefensible injustice he must go to the madhouse to find it.

And the question about going to war with Japan, which the President has brought forward two or three times, as if it were a profound argument, is petty claptrap.

There is no issue of going to war with Japan; no proposition to do anything of the sort—and the President knows it. He asks the question purely for its psychological suggestion to unthinking minds.

Mr. President, it seems to me that the argument, what little there is, in favor of the Shantung provision is based upon irrational considerations, such as this writer points out, without in any instance logic, reason, or justice behind them, without in any case any plea that is justifiable, the main argument being, "We had the power and we took it in order to satisfy Japan." We robbed an ally to give to another ally.

Mr. President, Japan was not so good an ally as was China. There is some question about Japan's loyalty to the cause of the Allies. Japan went into the war at the beginning. With the assistance of English troops she captured the German stronghold in China. Then she quit and used her influence to keep China out of the war. What would be said in France if, when we were about to enter the war to help the Allies, it had been disclosed that the English Government tried to keep us out? Would they think that the English Government was loyal to the cause? What would have been said of us if, after we went in, we had used our influence to keep China out, as Japan did and as Japan succeeded in doing up to the time we went in, and until she made the secret agreement to carve China up at the peace table? That does not look to me like loyalty; that does not look to me as though Japan's heart was in the cause.

Take those two things and put them together—the fact that Japan quit fighting when she got what she wanted and the fact that she kept China out of the war for more than two years—and you can not square them with loyalty to the cause. Yet we take from the loyal ally a part of her domain—that has been her domain from the very beginning of her history—and give it to the other ally; and it happens in this case that the other ally is the bitterest enemy that China has on the face of the earth. If China had had a voice in the matter and we had said, "China, we are going to carve you up; we are going to take away from you your ancient province, that contains the ashes of Confucius, that contains the ancient homes of your ancestors, just because we have the power to do it; but we are going to allow you to say to whom it shall go," what would China have said? Her answer would have been, "Give it to anybody on earth except to the Japanese Government." There is not any question about that. So we have added insult to injury when we propose such an unholy, such a wicked, thing. We are asked to do in this treaty, and particularly in this particular provision, just what we have condemned in the past. We are asked to do the very thing that is conceded by all students of history, by all earnest believers in a permanent peace, by all Christian people who want the world to become better, the thing that has always, without any exception, brought war in the past. It is universally conceded that all similar things, from the beginning of history, have ultimately and finally resulted in war; and yet it is proposed that we shall do over again what has always brought war, on the theory that this time it will bring peace. And never in the barbarous days of the darkest ages has there ever been put over on an innocent nation a more damnable, wicked, cruel, and unjust thing than is proposed in this particular article.

Mr. President, I want to read a portion of an editorial printed in England which I think shows that, as a rule, the great common people of the world of equal education are about the same in their sympathies and in their aspirations. They want what is square and fair; they do not want to do an injustice to anybody else, even though it would benefit them, financially or otherwise. I want to read a portion of the leading editorial printed in the August number of an English magazine called Foreign Affairs. It is the official organ of the Union of Democratic Control, a British organization composed of trade councils, labor unions, teachers' associations, and so forth. They have a total of more than 260 organizations affiliated together. I will not read all of it, although it is all worthy of consideration; but speaking of the treaty, it says:

> The treaty is repudiated by liberal thought all over the world. Its terms constitute a palpable breach of faith, inasmuch as they violate the conditions upon which the armistice was signed.

I think I have proven that by the official records, Mr. President, this afternoon—

> The treaty is repudiated by liberal thought all over the world. Its terms constitute a palpable breach of faith, inasmuch as they violate the conditions upon which the armistice was signed. Its ratification is a political unreality. Large portions of it are literally incapable of fulfillment. It seeks to make of a great people an outcast among the nations. Reaction against it is certain. The moral support of the world, withdrawn from imperialist Germany by her invasion of Belgium, passes henceforth from the Allies to the German democratic Republic.
>
> The men who betrayed their peoples and the world by dictating this dishonorable and violent settlement will be execrated by posterity.
>
> To labor for its revision, and for the expulsion from power of the men and governments guilty of transmitting such a heritage of damnation to posterity becomes henceforth the duty of all sane influences in every country. For the latter have repeated, but even with less justification, and on a larger scale, the enormous blunder committed by the German militarists at Brest-Litovsk. Their sin is unforgivable.
>
> No man who realizes what this so-called "peace" treaty means, and the bitter mockery of the peace celebrations in connection with it, can pass a group of children playing in the street or in the fields without saying to himself, "Upon these innocents four men at Versailles have passed sentence of death; and that sentence will in due course be executed if I and my neighbors do not intervene to prevent it."

Mr. President, from the depths of my heart I believe that the last sentence I have read from that editorial is absolutely true. As I look over the pages of history and see the crimes which in the past have been committed by nations simply because they had the power, and as I see how in God's own time the works of human beings, although it seemed they were invincible at the time, were afterwards made to look foolish and to appear silly from their weakness, and how in the years that have followed those works have been overthrown, I can not help but feel that the approval of this treaty will fasten upon posterity future wars which will bring suffering and death to millions and millions of those who shall follow us.

Why, Mr. President, about the only word that comes to Senators concerning this treaty—at least from honest sources—comes from men and women who honestly want to rid the world of war, who are conscientious in their desire to make a peace which will be permanent. They have been told by a few of the leaders of the world who have drafted the treaty, including our own President, that it means a permanent peace; and they believe what they have been told. They do not realize that bound up in the folds of this treaty, which is as long as the Holy Bible, are innumerable Alsace-Lorraines, are many other instances where the very law of God has been violated, and where every provision of the 14 points has been cast to the winds and nullified. It is based on crime; it must fail; it can not endure.

Mr. President, the history of this world, the history of civilization, is a history of progress. From barbarism up to now we have climbed as the result of one contest after another. The world is bound to go on; we can not tie it up in a strait-jacket; we can not put a fence around every country and say that this shall be the line now and eternally. If we could do that, in a thousand years from now we would not have advanced an inch from where we are now. If that had been done before 1776, if we were here at all, we would be subjects of Great Britain.

A good many people have been made to believe, falsely, I think, wrongly in all cases, that the rejection of this treaty means more war right now. There is not anything to that contention; but there are things that are even worse than war, as much as I dislike war, as much as I abhor it, as far as I would go to avoid it.

Mr. President, there was not any danger of the peace conference being dissolved if America had demanded what was right in this and in other particulars, and it would not have been con-

fined to Shantung alone. There would have been other benefits. The very fact that the President has agreed to this, the very fact that it has been put in the treaty and agreed to by the representatives of these several governments, by the great powers, has emboldened nations to take steps that they would have been afraid to take in the face of the world if it had not been for such an agreement.

We read in the papers, since the armistice was signed, about a treaty between Persia and England. That was concluded on the 9th day of August. The preamble says:

Preamble: In virtue of the close ties of friendship which have existed between the two Governments in the past and in the conviction that it is in the essential and mutual interests of both in future that these ties should be cemented and that the progress and prosperity of Persia should be promoted to the utmost, it is hereby agreed between the Persian Government on the one hand and His Britannic Majesty's minister, acting on behalf of his Government, upon the other, as follows:

Let me pause there to say what this editorial writer says—that in all the history of the world, where a great nation was about to cut the throat of a weak nation, it always started in by professing friendship for the weak nation. In the treaties to which I am going to refer between Japan and China, and later between Japan and Korea, that is true in every instance; and here comes England, now, with a great profession of friendship for Persia, and she practically takes her over.

This is article 1:

The British Government reiterates in the most categorical manner the undertakings which have been repeatedly given in the past to respect absolutely the independence and integrity of Persia.

England, as Hamlet says, "protests too much." We might not doubt her virtue if she were not continually asserting it and calling it to our attention.

Second. The British Government will supply—

Listen—

at the cost of the Persian Government the services of whatever expert advisers may, after consultation between the two Governments, be considered necessary for the several departments of the Persian administration.

"After consultation" means after English representatives decide what is best, not for Persia but for England. That is what will be done at the expense of the taxpayers of Persia.

These advisers shall be engaged on contract and endowed with adequate powers, the nature of which shall be the matter of agreement between the Persian Government and the advisers.

And there will not be very much for Persia to do except to sign where the advisers tell her, and when.

Third. The British Government will supply at the cost of the Persian Government such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military experts, British and Persian—

Think of a Persian military expert in consultation with a British military expert! Of course, it is a travesty. Everybody knows that it means that Great Britain will do what she pleases, and that Persia will acquiesce—

which shall assemble forthwith for the purpose of estimating the needs of Persia in respect to the formation of a uniform force which the Persian Government proposes to create for the establishment and preservation of order in the country and on its frontiers.

For the purpose of financing the reforms indicated in clauses 2 and 3 of this agreement the British Government offers to provide for or arrange a substantial loan.

Then, Mr. President, it is provided in the treaty that Great Britain shall loan to Persia for this purpose $10,000,000 at 7 per cent interest. Reduced dov n to a nutshell, it means that England will take charge of Persia, appoint the officers, put in the military experts, send in the munitions that she needs, have them all under her control, make Persia pay for it, and in order to let Persia pay she will loan her the money at 7 per cent. It is the entering of the camel's head in the Persian tent. It will never go backward; and the history of those things in the past will be repeated there, in the face of the league of nations and in the face of this great treaty that they said was going to bring about perpetual peace!

And where does England get her money to loan at 7 per cent? Why, she gets it from us at four and a quarter. [Laughter.] We are loaning money to England, and I have been told—although I have not been told officially, and it may not be true—I have been told that the interest is due and has not been paid on what she owes us. But we are loaning money to England. We got the money by going out before the taxpayers of the United States and coercing them, in many instances, into subscribing for bonds. That goes to England, a great share of it, several billions, and England gives it to Persia and gets 7 per cent, besides practically taking Persia under her wing. Do not forget, Mr. President, that the commerce that will grow out of this will enrich English merchants as well as the profit on the money will enrich the British treasury.

Mr. President, it may be said that that has not anything to do with Shantung, and directly that is true. I have mentioned it because I believe it has an important bearing on the treaty at large, on the proposition of entering into this treaty that is laid before us. It shows, I think, that the great nations, of which Great Britain was the leader, have concocted this scheme, by which she is going to gobble up all the loose parts of the earth, and while they are coming to us and getting our money and asking our people to bow down in toil to produce it they are going to profit by it in taking advantage of a weak nation like Persia, just as Japan took advantage of Korea.

If at this conference our President had been true to the principles that he enunciated, and which the other nations agreed to as a basis for a peace treaty, England would never have dared fly in the face of public sentiment of the world with this disgraceful rape of Persia. If the treaty that we now have before us as it refers to China was not such a parallel to what England is now doing in Persia, she never would have dared take the step. The treaty before us gives her a precedent. She will at least be able to say her taking of Persia is founded upon the precedent established by this treaty in permitting Japan to take China, and she can no doubt truthfully add that her treatment of Persia will be better and more humane than the treatment which everybody knows Japan will accord to China.

If we had stood upon the contract that was made between all the nations when the armistice was signed and insisted that we should have an honorable treaty, this treaty with Persia never would have seen the light of day. But they started in at Versailles with a crime, with many crimes, and instead of overthrowing the old methods of diplomacy, which we said we fought to overthrow, we reestablished them, and thereby gave license to any nation to go out and practice the same old cruel methods that they have practiced since the days of barbarism.

Now, Mr. President, I am going to read some extracts from various treaties that have been made between China and Japan, and between Japan and various other countries, in which the independence of China was not only recognized but guaranteed. It is important to know that all nations, including our own, practically all of our great allies, have made various treaties in which they have practically guaranteed the integrity of the Chinese Nation, and that this treaty is a violation of everyone of those sacred agreements. It is important in that respect; but I call your particular attention to it because I intend to follow it later on with quotations from treaties that were made between Japan and Korea, and show that the course that Japan is taking now with China is exactly and precisely the same thing that she did with Korea, and that she is pursuing such a course that if you should strike out of the various treaties the word "China" and insert "Korea" you would have almost a reproduction of the treaties that she made with Korea. Everybody knows what happened to Korea; and if Japan is pursuing the same course now it will not be long before the same thing will happen to China that happened to Korea.

Our own Secretary of State, Mr. Hay, sent a circular telegram to the diplomatic representatives of the United States at Berlin, Brussels, The Hague, Lisbon, London, Madrid, Paris, Rome, St. Petersburg, Tokyo, and Vienna, July 3, 1900, and in that he says:

The policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve China's territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international laws, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.

Lord Salisbury, English prime minister, in an interview with the United States ambassador to England, July 7, 1900, "expressed himself most emphatically as concurring" in the policy of the United States as set forth in the above telegram.

In a statement made in the English House of Commons August 2, 1900, regarding the policy of the British Government, it was declared:

Her Majesty's Government are opposed to any partition of China, and believe that they are in accord with other powers in this declaration.

August 12, 1905, Great Britain and Japan entered into a treaty, and it reads in part as follows:

Preamble. The Governments of Great Britain and Japan * * * have agreed upon the following articles, which have for their objects:
(a) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India;
(b) The preservation of the common interests of all the powers in China by insuring the independence and the integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

In a dispatch from the Marquis of Lansdowne to His Majesty's minister at St. Petersburg, September 6, 1905, this language is used:

His Majesty's Government believe that they may count upon the good will and the support of all the powers in endeavoring to maintain peace in Eastern Asia and in seeking to uphold the integrity and independence of the Chinese Empire and the principle of equal opportunity,

And so forth.

On September 5, 1905, Japan made a treaty with Russia, article 3 of which reads as follows:

Japan and Russia mutually engage—

I will skip the first engagement, because it has nothing to do with China—

2. To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in the occupation or under the control of their troops, with the exception of the territory above mentioned. * * *

* * * * * * *

4. Japan and Russia reciprocally engage not to obstruct any general measures common to all countries which China may take for the development of the commerce and industry of Manchuria.

China and Japan, on December 22, 1905, made a treaty, article 12 of which reads as follows:

The two Governments "engage that in all matters dealt with in the treaty signed this day or in the present agreement the most favorable treatment shall be reciprocally extended."

France and Japan made a treaty June 10, 1907, in which this language is used:

The Governments of Japan and France, being agreed to respect the independence and integrity of China, as well as the principle of equal treatment in that country. * * *

Japan and Russia on July 30, 1907, made a treaty, article 2 of which reads as follows:

The two high contracting parties recognize the independence and the territorial integrity of China and the principle of equal opportunity in whatever concerns the commerce and industry of all nations in that Empire, and engage to sustain and defend the status quo and respect for this principle by all the pacific means within their reach.

In an exchange of notes between Japan and the United States in November, 1908, it is said:

It is the wish of the two Governments * * *

2. They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and the integrity of China and the principle of equal opportunity * * * in that Empire.

On July 4, 1910, Japan and Russia made a treaty, article 2 of which reads:

Each * * * engages to maintain and respect the status quo in Manchuria resulting from the treaties, conventions, and other arrangements concluded up to this day between Japan and Russia, or between either of those two powers and China.

On the 13th of July, 1911, Great Britain and Japan made a treaty, the preamble of which reads as follows:

The two Governments declare as among their objects: The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

Mr. President, in the face of that, when the war was on, and after Japan had taken the German possessions, and had them in her possession, and all the rest of the Allies were fighting against Germany and her allies, one morning, out of a clear sky, came the demand made by Japan upon China known as her famous 21 demands, which, in effect, demanded the surrender at least of all foreign affairs and many internal affairs of the Chinese Government to Japan. That is another illustration that Japan did not have at heart a desire to very loyally support the Allies' cause, because while the other allies were struggling with the Kaiser's forces in Europe, she endangered the cause by practically declaring war against China unless she submitted, and that would have driven China, regardless of her wish, into the arms of Germany.

The importance of this act as it relates to Japan's fidelity to the allied cause can not be overestimated. These 21 demands were made, for instance, without there being even indirectly any dispute or controversy between the two nations. They were made without any cause, without any reason, at a time when all the allied nations except Japan were anxious to get China into the war on the side of the Allies. Had China refused to consider them or to make any concessions to Japan, Japan—as her ultimatum, which she soon thereafter gave, shows—would have made it impossible for China afterwards to come in as an ally. In addition it would, as I have said, regardless of her wish, made her an ally of Germany. This conduct of Japan can not square with loyalty to our cause.

On December 3, 1914, the Japanese minister at Peking, Mr. Hioki, was handed at Tokyo the text of the 21 demands for presentation to the Chinese Government. They were divided into five groups, and it is interesting, Mr. President, to note the instructions that the Japanese Government gave to its ambassador to carry out the purpose of these 21 demands. Those instructions contained the following language:

In order to provide for the readjustment of affairs consequent on the Japanese-German War and for the purpose of insuring a lasting peace in the Far East by strengthening the position of the Japanese Empire, the Imperial Government have resolved to approach the Chinese Government with a view to conclude treaties and agreements.

Mr. President, let us look at that language just a moment. It says "In order to provide for the readjustment of affairs," and also to insure a lasting peace. How were those objects to be attained? To get a lasting peace by strengthening the position of the Imperial Japanese Government.

It is because Japan wanted to strengthen herself that she took that opportunity, when all the world was at war, to make these demands upon China.

There had been no quarrel. There had been no controversy between Japan and China. No one knew that this was coming out of a clear sky. A great part of the world was engaged in a war at that time. Our Government was not in and China was also neutral. In that situation Japan, without any warning, without any notice to anybody, made 21 demands upon the Chinese Government. I will put those in the RECORD later, and comment on them. But at the present time I am calling attention to the language of the instructions that the Japanese Government gave to its ambassador when he was instructed to present those demands.

Later on, in these same instructions, this language is used:

Believing it absolutely essential, for strengthening Japan's position in eastern Asia as well as for the preservation of the general interest of that region, to secure China's adherence to the foregoing proposals, the Imperial Government are determined to attain this end by all means within their power. You are, therefore, requested to use your best endeavor in the conduct of the negotiations, which are hereby placed in your hands.

Seizing an opportunity, Mr. President, when nobody else was in condition to object, she pounces upon China, and makes demands which, if complied with, would have meant practically the nullification of the Chinese Empire. She did it at a time when she knew no one could come to the relief of China, when the whole world was at war, and she did it notwithstanding the fact that if China had refused to do what she had demanded, and had gone to war, it would have put another ally in the arms of Germany.

Mr. President, while most of the Senators are probably familiar with the 21 points, I think I ought to read an analysis of them, and I am reading now from the analysis that was submitted to the peace conference by the Chinese representatives. I might say these demands are in five groups. Group I deals with the Province of Shantung, which is greater in area and in population than the whole of England, besides being a piece of China, packed with memories of Confucius, hallowed as the cradle of Chinese culture.

The first demand of this group insists on the Chinese Government engaging to "give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

I will have occasion later on to comment on this language when I come to the treaty between Japan and China, made in pursuance of these demands, in which this language is practically repeated.

At the date of the 21 demands, the "rights, interests, and concessions" of Germany in Shantung included the leased territory of Kiaochow with the harbor of Ysingtao, the trans-Shantung railway, known as the Tsingtau-Chinan Railway of Kiaochow, Tsinanfu railway, and other railway rights, as well as mining rights in the Province.

They were the fruits of 16 years of German aggression in Shantung Province. And their transfer to Japan means that the Teutonic methods, which enabled Germany to dominate and exploit the Province, will pass into the hands of a power with a great military base already standing on Chinese soil at Port Arthur.

The meaning of this Japanese succession to German rights in Shantung is best illustrated in the railway situation arising out of Japan's exercise of two of the "other railway rights" that were vested in Germany.

Although Japan's claim now before the peace conference, in so far as it relates to China, is confined to the "railways and other rights possessed by Germany in respect of Shantung Province," she has pressed on China the acceptance of the view that her first demand in Group I—which is substantially repeated in her conference claim—covers the German rights to finance, construct, and supply the materials for two lines of railway running into the two other Provinces of Kiangsu and Chihli, though starting in Shantung.

If the peace conference concede this Japanese claim, the following formidable situation will be created: Through the trans-Shantung railway, with its western or inland terminus at the provincial capital of Chinanfu where it flanks the northern section of the Tientsin-Pukow railway—built by the Germans—Japan will at once dominate the whole of Shantung as well as the northern half of this important trunk line. Then, by financing, constructing, and supplying the materials for the first of the aforesaid "two lines of railway"—i. e., a line from the city of Kaomi, on the trans-Shantung railway, to a point strategically dominating the southern or British constructed section of the same Tientsin-Pukow railway—Japan will practically master the great railroad linking Tientsin (the port of Peking) and North China with the Yangtze Valley and South China.

The seven demands in Group II exact in favor of Japan and her nationals a series of preferential rights, interests, and privileges in south Manchuria and eastern inner Mongolia calculated at once to increase the existing difficulties which seriously hamper effective Chinese administration in these two areas and to develop a situation facilitating the extension thereto of the territorial system which has transformed Korea into a Japanese province.

GROUP III. JAPAN'S IRON POLICY IN CHINA.

Besides involving the violation of the territorial integrity and sovereignty of China in Shantung, south Manchuria, and eastern inner Mongolia, the 21 demands also encroach on Chinese economic independence by their exaction in Group III of an undertaking with respect to the Han-Yeh-Ping Co., or iron works, well calculated to lead to ultimate Japanese acquisition of the most important industrial enterprise in the Yangtze Valley.

In its final form as insisted upon in the Japanese ultimatum the undertaking reads that if in future the Han-Yeh-Ping Co. and the Japanese capitalists agree upon cooperation, the Chinese Government, in view of the intimate relations subsisting between the Japanese capitalists and the said company, will forthwith give its permission. The Chinese Government further agrees not to confiscate the said company nor, without the consent of the Japanese capitalists, to convert it into a state enterprise nor cause it to borrow and use foreign capital other than Japanese.

I will not read further from this presentation made by the Chinese representatives, because the reading of the demands themselves, which I shall print, show clearly that Japan was pursuing the same course with China she had followed in Korea and meant that Japan's ultimate intention was the complete subjugation of China.

Mr. President, if you will really gather the idea of these demands, you will find that, taken altogether, they absolutely took away from China not only the right to govern herself but the right to conduct business in her own Empire, and gave to Japan a bill of sale of everything she had. The demand from which I have just read says that a certain corporation, financed to some extent, as I understand, by the Japanese Government, but altogether by Japanese capital, and being very close to the Japanese Government, had to be allowed certain concessions and was to be allowed to do certain things, being practically given extreme control in a particular line of industry in which it was engaged.

I want to read what Baron Makino, one of the Japanese statesmen, said. He was a member of the peace delegation at Versailles. He said:

China has the raw material. We have need for raw material, and we have the capital to invest with China in its development for use by ourselves as well as by China. We have to rely—

He said—

in a large measure upon the rich natural resources in China in order to assure our own governmental existence.

That explains why these demands were made. He has left no doubt as to why they were made. He said, "China has the raw material; we need it; we will get it," and from official instructions given to the ambassador who presented the 21 demands, we learn that they said, "We are determined to have it at whatever cost."

Mr. President, there are a good many similarities, and I am reminded of a couple now, between Germany and Japan. When Germany wanted to attack France the shortest way was across Belgium, and so, without any right and in violation of every national precedent and law, she simply went across Belgium. When Japan wanted to attack Germany over in China she did the same thing. She crossed 150 miles of Chinese territory in order to get at Germany, and she did not have to do it because England, with the small army that she had there in assisting in that attack on the Germans, landed her army and made her fight and attack upon soil that was in possession of the Germans at the time. So while we condemn Germany, and rightfully, too, because it is acknowledged to be a crime against civilization and humanity, we must remember that the great Japanese Government did not hesitate to do the same thing in the same war.

Germany 50 years ago took Alsace-Lorraine. Why? Because Alsace-Lorraine had iron and Germany needed the iron in her business and she took it. What do we get from the Japanese statement? "China has the raw material, and in a large measure we have to rely," said the minister, "upon the rich natural resources in China in order to insure our own economic existence." So while the world was at war Japan landed troops on the soil of a neutral territory, just as neutral as Belgium, marched them across that territory without the consent, and without even asking the consent, of the Government—I believe Germany did ask consent and it was refused, but Japan did not even go that far—and she did it because of one of the reasons, as her minister says, that "China has the raw material and we want it; it is necessary for our economic existence."

The demands contained in Group V were postponed, as the official correspondence between China and Japan will show, but they are pending now. They have never been withdrawn. Japan has never said she would withdraw them; she has never intimated that she would withdraw them. All of Group V, however, were postponed with the exception of one, and then Japan delivered an ultimatum to China, who had refused to concede the right of Japan to control and administer her governmental affairs. That ultimatum was delivered to China on the 7th day of May, 1915, and said:

In case the Imperial Japanese Government failed to receive from the Chinese Government before 6 p. m. of May 9—

Two days—

satisfactory response to their advice, they will take such independent action as they may deem necessary to meet the situation.

When that ultimatum was delivered, Japan already had several thousand soldiers landed on Chinese soil to enforce it. China knew it. Helpless as she was, she had to concede, and the treaty of 1915 between China and Japan, that has been called to my attention earlier in the discussion by the Senator from Utah [Mr. KING], was the result.

In considering that treaty we ought to remember the world conditions that existed then. An ultimatum given to China and she was given only two days to reply. Mr. President, if there had been a dispute, if there had been a claim that Japan owned something over in China, there would have been some reason for this difficulty, but there never was even a pretense that China had not fulfilled her duty to Japan, there was not even a pretense that Japan had any property or rights there. It was just as bare-faced as though to-morrow morning we would wake up and find that Canada had demanded that Maine should be turned over to Canada and would give us only two days to comply. There was no quarrel, there was no war, there had been no dispute, and there was no claim even by Japan, and to say that a treaty drafted under those circumstances should be given a moment's consideration by any honest people or any honest tribunal is a travesty upon justice.

Mr. President, I think the American people ought to know—and so far as I know they have had no opportunity as yet to know—some of the secret correspondence that went on between the Russian ambassador to Japan and his Government. Mr. Krupensky was the ambassador of Russia at Tokio, and on the 16th day of November, 1917, he sent a dispatch to his Government, of which I shall read a part. Speaking of the conversation he had with the Japanese foreign minister, he says:

In reply to my question as to the credibility of the rumors alleging that Japan is prepared to sell to the Chinese Government a considerable quantity of arms and munitions, Viscount Motono—

He was the minister of foreign affairs of Japan—

confirmed them and added that the Peking Government had promised not to use the arms against the southerners. It was evident from the minister's words, however, that this promise possessed only the value of a formal justification of this sale, infringing, as the latter does, the principle of nonintervention in the internal Chinese feuds proclaimed by Japan herself. It is most likely that the Japanese are aiming principally at obtaining the privilege of rearming the entire Chinese Army and at making China dependent in the future on Japanese arsenals and the supply of munitions from Japan. The arms to be supplied are estimated at 30,000,000 yen. At the same time Japan intends establishing an arsenal in China for the manufacture of war materials.

Mr. President, this official dispatch, sent by Mr. Krupensky to his government, gives undoubtedly his honest conception of what the Japanese Government intended to do. The Japanese demands on China were pending at that time, and a reading of them will show that among other things Japan demanded that the practical control of the manufacture of arms in China be turned over to Japan; that Japan be given the right to establish arsenals in China and to control them, which would give Japan practically the right to say what arms China should use and to supply to China what munitions she pleased and to handle them and use them as she pleased. It would have made the Chinese Army, whatever that might be or might become, absolutely dependent for its very existence upon Japanese officials and Japanese generals.

In another dispatch that Krupensky sent he says:

The Japanese are manifesting more and more clearly a tendency to interpret the special position of Japan in China, inter alia, in the sense that other powers must not undertake in China any political steps without previously exchanging views with Japan on the subject—a condition that would to some extent establish a Japanese control over the foreign affairs of China.

In that connection we ought to remember that one of the decisive acts preceding the annexation of Korea by Japan was the conclusion of a Japanese-Korean treaty in November, 1905, vesting in the Japanese Government the direction and control of foreign affairs. That was one of the specific steps which Japan took in getting control of Korea. Here she is continuing the same step in China. Again reading from Krupensky's official letter:

On the other hand, the Japanese Government does not attach much importance to its recognition of the principle of the open door and the integrity of China.

There you are getting the truth; there you are getting the judgment of an unbiased ambassador in an official letter telling his Government the conditions that exist in the capital of China. Let me repeat it:

On the other hand, the Japanese Government does not attach much importance to its recognition of the principle of the open door and the integrity of China.

Japan had made the various treaties which I have read; she had officially agreed to the Hay doctrine of the open door; but now we find from the secret correspondence of an official of the Russian Government, giving his Government the true situation in Japan, that he states that Japan does not pay much, if any, attention to those things:

The Japanese Government does not attach much importance to its recognition of the principle of the open door and the integrity of China, regarding it as merely a repetition of the assurance repeatedly given by it earlier to other powers and implying no new restrictions for the Japanese policy in China. It is therefore quite possible that at some future time there may arise in this connection misunderstanding between the United States and Japan. The minister for foreign affairs confirmed to-day in conversation with me that in the negotiations by Viscount Ishii at Washington the question at issue is not some special concession to Japan in these or other parts of China, but Japan's special position in China as a whole.

I think that dispatch ought to be rather interesting to our Government, to note the impression that the Russian ambassador got as to what Japan thought of the agreement that she had made, among other powers with us, as to the integrity of China. She did not regard it as being much of a stumbling block. Now, Krupensky sent another dispatch after the Lansing-Ishii agreement had been made. From the dispatch it seems he was referring to a conversation he had with Viscount Motono, Japanese minister of foreign affairs, and he asked him:

Whether he did not fear that in the future misunderstandings might arise from the different interpretations by Japan and the United States of the terms "special position" and "special interests" of Japan in China.

And Krupensky said in reference to that in his official letter to his home Government as follows:

I gain the impression from the words of the minister that he is conscious of the possibility of misunderstandings in the future, but is of the opinion that in such a case Japan would have better means at her disposal for carrying into effect her interpretation than the United States.

Mr. President, the Lansing-Ishii agreement between our Government and Japan was entered into in November, 1917, while the war was in progress. That was after Japan had made secret treaties in February, 1917, with Great Britain and France by which she was to get Shangtung and the islands of Germany north of the Equator. Remember that it was subsequent to that time that the agreement was reached; and we find that Mr. Krupensky, the Russian ambassador, in conversation with the Japanese foreign minister at Tokyo, gains the impression that Japan expects a misunderstanding because of a difference of interpretation of the Ishii-Lansing agreement in the future, but she thinks she will be in better position than we will be to enforce her understanding. That agreement was made without Japan notifying Lansing or our Government that Japan had a secret agreement in regard to China, which, I think, was a violation of good faith. There can be no doubt about the truth of that statement, for Mr. Lansing testified before the Foreign Relations Committee in the hearings on this treaty that when the agreement between himself and the Japanese Government was reached he had no knowledge of the secret treaties to which I have referred, that might have a very important bearing upon the Lansing-Ishii agreement; and now we have the official correspondence of the Russian ambassador at Tokyo stating that he gets the impression from conversations with the foreign minister of Japan that Japan expects a difference in interpretation to arise. She was looking forward to it. She made the agreement with Mr. Lansing with her pockets filled with secret treaties, and even when she made it she was conscious that she was going to construe it differently from what she knew was going to be our construction. Yet we are asked here to approve a treaty that will give Japan a greater right to enforce her understanding.

Senators, I am sorry the map which was on the wall yesterday has been removed. If you will look at the map of the Pacific Ocean you will realize that the giving of the German island possessions north of the Equator to Japan means that Japan is brought thousands of miles nearer to our coast. When she gets those islands fortified she will not be so distant from us as she has been heretofore, and she will, as Krupensky says in his official correspondence, be at least in better shape to enforce her demands than she would be now.

Mr. HITCHCOCK. Mr. President, the Senator, I presume, realizes that Japan will not be allowed to fortify those islands. She merely receives them in trust for the league of nations, and no fortifications will be permitted.

Mr. MOSES. Mr. President——

Mr. NORRIS. I yield.

Mr. MOSES. In connection with the suggestion the Senator from Nebraska has made in reference to the position which Japan has in the league of nations, I wish to read a translation of an editorial in the Niroku, a Japanese newspaper, the translation having been published in the Japanese Advertiser of May 9, 1919. It reads as follows:

The imperial family of Japan is as worthy of respect as God and is the embodiment of benevolence and justice. It is the parent not only of her 60,000,000, but of all mankind on earth. The league of nations, proposed to save mankind from the horrors of war, can only attain its real object by placing the imperial family of Japan at its head, for to attain its object the league must have a strong punitive force and a supernational and supperracial character; and this force can only be found in the imperial family of Japan.

So, in the Japanese view of things, appealing to the league of nations would be to appeal to the imperial family of Japan.

Mr. HITCHCOCK. Mr. President, the Senator knows that some very foolish things are also printed in some very foolish American newspapers.

Mr. NORRIS. Yes; I happen to know about that; some of them are printed in a newspaper I know of in Omaha.

Mr. President, it may be that Japan will not fortify these islands; but when I realize that the representatives of all these great nations stood on that rostrum with their pockets full of secret treaties without disclosing them to us, and when I know that they brought China into the war without letting her know that they had already agreed to carve her up into mincemeat, I do not know how many secret agreements still exist and, regardless of anything that may be said in the treaty, may be carried out, and I am led somewhat to that conclusion by the fact that England has just entered into this disgraceful treaty with Persia by which she is going to take her over without regard to the league of nations.

I want to tell you, Mr. President, that I started in this thing in good faith. No man had more honest and hopeful intentions than I had when that peace conference met at Versailles. No man in all this world was more anxious to have a permanent peace than I. No man under any flag would sacrifice more according to what he had to sacrifice than I would to have brought about a league that was honest and honorable. I believed that our allies were honest and honorable. I went out in the liberty loan campaigns, for the Y. M. C. A., for the Red Cross, all over this country proclaiming that doctrine to the people, and I believed it from the bottom of my heart. I thought they were square; I thought they were fair; and when the league of nations part of the treaty was first given to the world, while I disliked some of it very much, I was almost on the point of swallowing it. I was willing to sacrifice almost anything to get the right kind of a league of nations. To me it seemed that article 10 was almost damnable. I thought that the article providing for disarmament might not mean anything, and other things the same way; and yet I said to myself, "They are honest, we are honest, and if all of us are going into this honestly I can overlook a good many things that do not seem right."

Later, however, the treaty came. You will remember that the league of nations was given to the world first. Later it developed what they had done in making the treaty; and although it seemed to me that there were a lot of sins even in the league as they had promulgated it, when the treaty came forth it made the league look like a banner of purity compared to the crime, the deceit, the wrong, and the sin that was bound up in that treaty.

When I discovered that these same men who had talked eloquently here to us had in their pockets secret treaties when they did it; when I discovered that they pulled out those secret treaties at the peace table, in contravention and in contradiction to the very agreement that they all made when we entered that peace conference; when I saw that they were demanding that these secret treaties be legalized; and, more than all, Mr. President, when I saw our own President lie down and give in and submit to the disgrace, the dishonor, the crime, and the sin of that treaty, then I said: "Great God! I do not believe I want to have any kind of dealings with any of you people. I am suspicious of you all the way through. You are dishonest. You have not been fair with us or with the world. You have been wicked. You have concluded to act here just the same as though you were acting in barbarous days after proclaiming to us and after we had believed that you were in earnest and fighting for democracy to build a peace, a world peace, a league of nations that would bring peace and happiness forever to a suffering people."

Now, Mr. President, I want to ask permission to print without reading, in connection with this Krupensky correspondence, the Lansing-Ishii agreement.

The PRESIDING OFFICER (Mr. FRANCE in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

THE LANSING-ISHII AGREEMENT.

DEPARTMENT OF STATE,
Washington, November 2, 1917.

EXCELLENCY: I have the honor to communicate herein my understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests, they have no desire to discriminate against the trade of other nations or to disregard the commercial rights granted by China in treaties with other powers.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open-door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I shall be glad to have Your Excellency confirm this understanding of the agreement reached by us.

Accept, Excellency, the renewed assurance of my highest consideration.

ROBERT LANSING.

His Excellency Viscount KIKUJIRO ISHII,
Ambassador Extraordinary and Plenipotentiary of Japan on Special Mission.

(The ambassador extraordinary and plenipotentiary of Japan, on special mission, to the Secretary of State.)

THE SPECIAL MISSION OF JAPAN,
Washington, November 2, 1917.

SIR: I have the honor to acknowledge the receipt of your note to-day, communicating to me your understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

I am happy to be able to confirm to you, under authorization of my Government, the understanding in question set forth in the following terms:

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of Japan and the United States recognize that territorial propinquity creates special relations between countries, and consequently the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurance of the Imperial Japanese Government that while geographical position gives Japan such special interests, they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.

The Governments of Japan and the United States deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any Government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I take this opportunity to convey to you, sir, the assurances of my highest consideration.

K. ISHII,
Ambassador Extraordinary and Plenipotentiary of Japan on Special Mission.

HON. ROBERT LANSING,
Secretary of State.

Mr. NORRIS. Now, Mr. President, I want to read from a statement made at the peace conference by the representatives of the Chinese Government. They say:

It is also submitted that but for the attitude of Japan—inspired largely, it seems, by her desire to replace Germany in Shantung—China would have been associated with the Allies in August, 1914, and again in November, 1915, in the struggle against the Central Powers.

In August, 1914, the Chinese Government—

Now, just let us pause there a moment. August, 1914, was when the war commenced.

In August, 1914, the Chinese Government expressed their desire to declare war against Germany and to take part in the Anglo-Japanese operations against the German garrison at Tsingtao. The proposal was not pressed, owing to the intimation reaching the Chinese Government that the proposed Chinese participation was likely to create "complications" with a certain power.

Everybody knows that that "certain power" was Japan.

If that does not demonstrate that Japan's loyalty was merely skin deep, I do not know what it does demonstrate.

Reading further from the same article:

Again in November, 1915, the Chinese Government expressed their desire to enter the war in association with the Allies, but the Japanese Government opposed the proposal.

Eventually, however, the Chinese Government addressed a note of warning to Germany on February 9, 1917, severed diplomatic relations with the latter on March 14 following, and finally declared war against Germany and Austria on August 14, 1917, the opposition of the Japanese Government having been removed in the circumstances indicated in another dispatch written by M. Krupensky to the Russian Government on February 8, 1917, reporting on his efforts to induce Japan to withdraw her opposition to China's entry into the war on the side of the Allies.

Mr. President, China declared war against Germany August 14, 1917. She wanted to declare war in August, 1914, at the beginning of the war, but did not do it because of Japan's influence. She wanted to do it again in November, 1915, but did not do it because Japan objected, and the Allies did not want her in without Japan's consent. There was a great deal of correspondence, and I am going to read another letter from Krupensky later, if I do not forget it, showing what he was trying to do, and how he was trying to get Japan to consent that China should come into the war on our side.

My God, Mr. President! Can there be any doubt about the desirability of having China come in? Here was the war, engaged in which were nearly all of the nations of the earth, trying to get every power in, big and little, to help in whatever way they could. Here was China, wanting to come in. She wanted to furnish men to take the German possessions in China and was denied the privilege by the Allies because Japan wanted to keep her out. She wanted to come in in 1915, but Japan kept her out again; but in 1917 Japan withdrew her objections. Why? Because of that secret agreement made in January and February, 1917, that I have already read. In the meantime the other Governments were trying to get Japan to consent, and Japan started out and got this secret agreement with England and France and Italy and Russia; and when she got that she said: "All right; let her come in. I have got her nailed up, anyway."

Now, put that up against Japan, and what have you? Engaged in a great struggle, one of the things that was vital was ships—we all knew that—ships to meet the destruction of the German submarines. Articles now appearing in the papers by the American admiral who was over there and had charge of the American Navy disclose now publicly the fact that about this time there was a feeling of great distress among the officials all through the British Navy and the American Navy. They were afraid they were not going to be able to meet the destructive methods of the German submarines. They could not build ships fast enough to do it. Night and day, everywhere, they were urging more ships. Now, here was China. In her harbors were a lot of German ships, interned. China was neutral; they had not let her come in; Japan had kept her out, and they needed every ship that China had. Do you think Japan had the interests of the Allies' cause at heart? Does it look as though Japan was loyal to the cause for which more than 50,000 American boys gave their lives? Does it look as though she was doing what she could, when they needed ships, to keep China out when we could have gotten not only ships but men to help in the fight? And she never did consent until she got that secret agreement that I have read, in January, February, and March, 1917, by which these other powers agreed that China should be dismembered at the peace table and turned over to Japan.

Then they all asked her to come in. In friendship, or at least it had the appearance of being friendship, they invited China into this war. "Come in," they said to China, "and help us to whip Germany. Give us these ships." And China came in. She sent several hundred thousand men to the battle fields of France—not as soldiers, but as workers—and they worked in the trenches under the fire of German shot and shell, where Japan's men never did go. She turned over all those ships to the allied cause, and they were used in carrying men, munitions, and food to the soldiers on the battle front. And now we propose to carve her up and give her sacred territory to that very Government that kept her out so long; that did not have the high sense of honor to the Allies to try to get another Government in to help win the war; who kept her out at a time when ships were vital, and when the leading men on the allied side feared that we were going down to defeat for want of ships. I wonder, Mr. President, if the American people understood that condition, whether they would ever consent that this criminal portion of this treaty should be approved by the American Senate.

I want to read a sentence or two from this same paper presented to the peace conference:

The chief value of Kiaochow lies partly in the harbor of Tsingtao and partly in an area dominating the finest anchorage of that harbor, which has been delimited by the Japanese Government and is already reserved for exclusive Japanese occupation under Japanese jurisdiction, no one other than Japanese being permitted to hold land within its boundaries.

All done during the war. A portion set aside exclusively for Japanese, no one allowed to be there; and, if we are to believe the pretensions of friendship and peace in a country that is soon going to be turned back to China, it is going to be turned back just as Korea was turned back. If Japan intended it should be turned back she would not have objected to putting it in the treaty. Why should it not be put in the treaty? Japan has never offered a suggestion or a reason. There is none. Here is part of China; China wants it, and the world wants her to have it; but Japan says, "Give it to me. I will give it back to her when I get ready."

Japan will make the conditions of its return, and she will make them so as to give nothing but the shell. She will keep the kernel, and eventually, if she goes on in the same course that she pursued in Korea, the Chinese Republic will be no more.

This same article, speaking further on this same subject, says:

This delimited area presumably is the "place to be designated by the Japanese Government" as "a concession under the exclusive jurisdiction of Japan." The restoration of Kiaochow to China, with retention by Japan of the area dominating it, would be the restoration of the "shadow" of this "place in the sun" and the retention of its substance by Japan.

I will now read from a letter by Mr. Krupensky. Of course Russia wanted to get China in, and there was a good deal of communication between the home government and the Russian ambassador at Tokyo. Mr. Krupensky sent another letter, which, as far as I know, has never been published in this country, but which is in the official correspondence of Krupensky with his government. He was instructed to sound out Japan to see if Japan would not agree to let China come into the war, and here is what he says, in part, in an official letter:

On the other hand, the minister pointed out—

That is, the Japanese minister—

the necessity for him, in view of the attitude of Japanese opinion on the subject, as well as with a view to safeguard Japan's position at the future peace conference—

Now, note that, "with a view to safeguard Japan's position at the future peace conference."

This letter was sent on the 8th day of February, and it was just a few days afterwards when the Japanese minister at Tokyo took up with the British ambassador at that place the proposition of giving Shantung to Japan.

This continues:

With a view to safeguard Japan's position at the future peace conference, if China should be admitted to it, of securing the support of the allied powers to the desires of Japan in respect of Shantung and the Pacific islands.

Now, Mr. President, there is Krupensky ordered to sound out the Japanese Government and see if there can not be some arrangement brought about by which China can come into the war, and she is anxious to come in if they can get Japan's consent. Everybody else wants her in. Krupensky, in sounding out the Japanese minister at Tokyo, finds that Japan wants to have some understanding at the peace conference, if they will let China in, about Shantung and the German islands in the Pacific.

Mr. JONES of Washington. What is the date of that?

Mr. NORRIS. It is within a few days of the time when these other negotiations started. This is February 8.

Mr. JONES of Washington. Nineteen hundred and seventeen?

Mr. NORRIS. Nineteen hundred and seventeen; when, as you noticed in the first part of my address, I showed where the conference took place in the month of February, a little later than this. It is all connected up. This continues:

With a view to safeguard Japan's position at the future peace conference, if China should be admitted to it, of securing the support of the allied powers to the desires of Japan in respect of Shantung and the Pacific Islands. These desires are for the succession to all the rights and privileges hitherto possessed by Germany in the Shantung Province and for the acquisition of the islands to the north of the Equator which are now occupied by the Japanese. Motono plainly told me that the Japanese Government would like to receive at once the promise of the Imperial [Russian] Government to support the above desires of Japan.

Now, listen! Here is Krupensky's conclusion:

In order to give a push to the highly important question of a break between China and Germany I regard it as very desirable that the Japanese should be given the promise they ask.

Oh, that looks like loyalty on the part of Japan, the other allies striving to get China in for the valuable assistance she could be to them, Japan keeping her out, and succeeding in keeping her out, as I said before, until she got that disgraceful agreement to permit the acquisition by Japan of this Chinese territory.

Mr. President, some of the people who have argued in favor of this proposition have taken the position that China had entered into the treaty of May, 1915, in answer to these demands, by which she had agreed that Japan should have these German possessions; and I said to the Senator from Utah, when he seemed to refer to that treaty with approval, that I would bring a witness on the stand who would denounce that treaty whom he would not dare dispute, and I am going to produce him now, Mr. President.

First I will read the official statement of the Japanese Government on the question of Shantung, because I will have to read the other one made by this witness. That official statement reads:

The official text of the statement made to the press in Tokyo Sunday by Viscount Uchida, minister for foreign affairs, in regard to the Shantung settlement, as made public by the Japanese embassy here to-day, reads:

"It appears that, in spite of the official statement which the Japanese delegation at Paris issued on May 5 last, and which I fully stated in an interview with the representatives of the press on May 17, Japan's policy respecting the Shantung question is little understood or appreciated abroad.

"It will be remembered that in the ultimatum which the Japanese Government addressed to the German Government on August 15, 1914, they demanded of Germany to deliver, on a date not later than September 15, 1914, to the imperial authorities, without condition of compensation, the entire leased territory of Kiaochow with a view to eventual restoration of the same to China. The terms of that demand have never elicited any protest on the part of China or any other allied or associated powers.

"Following the same line of policy, Japan now claims as one of the essential conditions of peace that the leased territory of Kiaochow should be surrendered to her without condition or compensation. At the same time abiding faithfully by the pledge which she gave to China in 1915, she is quite willing to restore to China the whole territory in question and to enter upon negotiations with the Government at Peking as to the arrangement necessary to give effect to that pledge as soon as possible after the treaty of Versailles shall have been ratified by Japan.

I will pause there just a moment. Assuming that Japan is honest, that she wants to give it back to China, why does she not give it; why does she not pick up her duds and go home? Why does she not let China have it? Why does she not put it in the treaty that way? Why does she insist that in order for China to get it she must get it first?

Now, she says, "When the treaty is agreed to I will enter into negotiations with a view to turning it back." Everybody who has studied the history of Japan in Korea knows what these negotiations mean.

Reading further from this same official statement:

"Nor has she any intention to retain or to claim any rights which affect the territorial sovereignty of China in the Province of Shantung. The significance of the clause appearing in Baron Makino's statement of May 5, that the policy of Japan is to hand back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany, must be clear to all.

"Upon arrangement being arrived at between Japan and China for the restitution of Kiaochow—

What necessity of arriving at anything? If she wants to give it to China, and China is anxious to get it, for God's sake, why does she not give it to her and go home?—

"the Japanese troops at present guarding that territory and the Kiaochow-Tsinanfu Railway will be completely withdrawn.

As a matter of fact, they have been extended, since the armistice has been signed, in all kinds of directions and in all ways.

"The Kiaochow-Tsinanfu Railway is intended to be operated as a joint Sino-Japanese enterprise without any discrimination in treatment against the people of any nation.

"The Japanese Government have, moreover, under contemplation proposals for the reestablishment in Tsingtao of a general foreign settlement, instead of the exclusive Japanese settlement which by the agreement of 1915 with China they are entitled to claim."

You will notice that she refers to the agreement of 1915, brought about by force; to that treaty; to those demands, all illegal, all immoral, all wicked, all without justification, all brought about by force; and yet this man refers to those, and this witness that I am now going to put on the stand by the name of Woodrow Wilson takes up that question. He can not remain silent and let the Japanese Government even claim that there is any validity to that treaty of 1915 or to those negotiations.

You will remember that when this statement was published the President issued a statement in answer to it, in dignified language, but without question calling attention to the fact that these demands made by Japan upon China in 1915 were of no validity whatever and had nothing to do with the treaty of peace at Versailles. They were certainly without foundation. He did not consider them as amounting to anything and he would not dare let the occasion go without saying so to the world.

Now comes the President's statement. I will ask permission to print the entire statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

THE PRESIDENT'S STATEMENT.

President Wilson's statement was as follows:

"The Government of the United States has noted with the greatest interest the frank statement made by Viscount Uchida with regard to Japan's future policy respecting Shantung. The statement ought to serve to remove many misunderstandings which had begun to accumulate about this question.

"But there are references in the statement to an agreement entered into between Japan and China in 1915 which might be misleading if not commented upon in the light of what occurred in Paris when the clauses of the treaty affecting Shantung were under discussion. I therefore take the liberty of supplementing Viscount Uchida's statement with the following:

"In the conference of the 30th of April last, where this matter was brought to a conclusion among the heads of the principal allied and associated powers, the Japanese delegates, Baron Makino and Viscount Chinda, in reply to a question put by myself, declared that—

"'The policy of Japan is to hand back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany and the right to establish a settlement under the usual conditions at Tsingtao.

"'The owners of the railway will use special police only to insure security for traffic. They will be used for no other purpose.

"'The police forces will be composed of Chinese, and such Japanese instructors as the directors of the railway may select will be appointed by the Chinese Government.'

"No reference was made to this policy being in any way dependent upon the execution of the agreement of 1915 to which Count Uchida appears to have referred. Indeed, I felt it my duty to say that nothing that I agreed to must be construed as an acquiescence on the part of the Government of the United States in the policy of the notes exchanged between China and Japan in 1915 and 1918, and reference was made in the discussion to the enforcement of the agreements of 1915 and 1918 only in case China failed to cooperate fully in carrying out the policy outlined in the statement of Baron Makino and Viscount Chinda.

"I have, of course, no doubt that Viscount Uchida had been apprised of all the particulars of the discussion in Paris, and I am not making this statement with the idea of correcting his, but only to throw a fuller light of clarification upon a situation which ought to be relieved of every shadow of obscurity or misapprehension.

"WOODROW WILSON."

Mr. NORRIS. Mr. President, I think that those who ask us to approve the treaty in the face of the testimony of that witness will be willing to admit that the treaty of 1915 is what I have claimed for it all the time, absolutely a nullity. Your leader denounces it; even though he asks us to approve this criminal thing he does not go so far as to say, "You shall approve that damnable treaty of 1915, forced upon China against her will while the world was at war."

But, Mr. President, there is still another reason why that treaty is of no force and effect. China is a republic. She has a written constitution. I wish Senators would remember that she is a republic, and that while we ought always to do justice to every nation regardless of the form of government, we ought to be particularly careful that the newborn republics, that have taken our Nation as an example when coming into the fold, to follow us, are properly and honestly protected, particularly when we have by solemn declaration many times in the past said we would do it.

This treaty of 1915, as I have said, was brought about by force. It was never approved by the Legislature of China, and the constitution of China provides that it must be. I put this in the RECORD once before, but I am going to do it again. Article 25 of the constitution of China reads as follows:

ARTICLE 25. The President makes treaties. But, should articles therein provide for any change of territory, or increase the burdens of the citizens, the concurrence of the legislature shall be required.

So even if everything was lovely, that treaty is a nullity, because no man claims that there was even a pretense at concurrence by the Legislature of China. The legal effect of the constitution in regard to treaties is practically the same as ours. Who would ever claim that this treaty now before us would be legal or binding, or have any effect whatever upon the American Government, unless it is approved by the Senate of the United States? The treaty of 1915 between Japan and China, culminating out of the famous 21 demands and signed at the point of the sword, was never approved by the Chinese Legislature. It is null and void; first, because it was signed under compulsion and coercion, admittedly so by everybody who knows anything about it. And even if this had not been true it is absolutely null and void because it has never been approved by the Chinese Legislature.

I can hardly understand how anyone can stand on the floor of the Senate and defend that treaty. I am going to read later on at least the first article of it. It shows on its face that it is illogical and dishonorable. But now since the President has spoken, since the man who is behind this treaty has condemned it, I do not suppose any more of his cohorts or followers will stand up and say that there is any validity to the treaty of 1915 between Japan and China.

I want to read again—I read it before, but I think it was in two different places—the instructions given to the representative of Japan when these demands were made:

Believing it absolutely essential for the strengthening of Japan's position in eastern Asia as well as for the preservation of the general interests of that region to secure Chinese adherence to the foregoing proposals, the Imperial Government are determined to attain this end by all means within their power.

That means by anything. They started out with their instructions that "We are going to obtain these things by any means that it may be necessary for us to resort to." When she makes that kind of demand without cause, without reason, without there having been any dispute or quarrel or disagreement, it is time for the Christian world and for civilized people to take notice. That is the way this treaty of May, 1915, between Japan and China was brought about.

Mr. President, I ask unanimous consent to print at this point in my remarks the original 21 demands made by Japan upon China.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Without objection, consent is granted.

The matter referred to is as follows:

JAPAN'S 21 DEMANDS.

JAPAN'S ORIGINAL DEMANDS.

Handed to His Excellency the President of Yuan-Shih-kai, by His Excellency Mr. Hioki, the Japanese minister to China, on January 18, 1915, translated from the Chinese text and published by the Chinese Government at Peking in June, 1915.

I.

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations agree to the following articles:

ARTICLE 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

ART. 2. The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext.

ART. 3. The Chinese Government consents to Japan's building a railway from Chefoo or Lungkow to join the Kiaochow-Tsinanfu Railway.

ART. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places shall be opened are to be jointly decided upon in a separate agreement.

II.

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

ART. 2. Japanese subjects in South Manchuria and Eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

ART. 3. Japanese subjects shall be free to reside and travel in South Manchuria and Eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

ART. 4 The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in South Manchuria and Eastern Inner Mongolia. As regards what mines are to be opened, they shall be decided upon jointly.

ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned hereinbelow the Japanese Government's consent shall be first obtained before action is taken.

(*a*) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in South Manchuria and Eastern Inner Mongolia.

(*b*) Whenever a loan is to be made with a third power pledging the local taxes of South Manchuria and Eastern Inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in South Manchuria or Eastern Inner Mongolia, the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co., have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.

ART 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which, it is apprehended, may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.

IV.

The Japanese Government and the Chinese Government with the object of effectively preserving the territorial integrity of China agree to the following special article:

The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

V.

ARTICLE 1. The Chinese Central Government shall employ influential Japanese as advisers in political, financial, and military affairs.

ART. 2. Japanese hospitals, churches, and schools in the interior of China shall be granted the right of owning land.

ART. 3. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle, cases which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

ART. 4. China shall purchase from Japan a fixed amount of munitions of war (say, 50 per cent or more) of what is needed by the Chinese Government or that there shall be established in China a Chino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

ART. 5. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hanchow, and another between Nanchang and Chaochou.

ART. 6. If China needs foreign capital to work mines, build railways, and construct harbor works (including dockyards) in the Province of Fukien, Japan shall be first consulted.

ART. 7. China agrees that Japanese subjects shall have the right of missionary propaganda in China.

[At this point Mr. NORRIS yielded the floor for the day.]

Saturday, October 11, 1919.

Mr. NORRIS. Mr. President, when the Senate adjourned last night I had just placed in the RECORD the 21 demands made by Japan upon China. Prior to placing them in the RECORD I discussed them at some length and gave an explanation of some of them. Before I pass from that subject I wish to comment briefly on a few of those demands.

To begin with, the demands were prefaced, as was every other treaty made by Japan with China or Korea, with a pretentious declaration of the friendship of Japan, in this case for China.

Mr. McCUMBER. They copied the Germans.

Mr. NORRIS. The Senator from North Dakota [Mr. McCUMBER] says they copied the Germans. That is what I tried to demonstrate yesterday—that in a great many of the things they had been doing they were following the process that has been followed for years by the Kaiser in building up his immense military machine.

The 21 demands were prefaced with the following profession of friendship:

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations agree to the following articles.

I shall show later, Mr. President, in the case of Korea how Japan pursued for years the same course in every attack that she made upon Korean independence. When she was about to stab China to the heart she prefaced her action, in which she demanded the agreement of China, with the statement that it was done because she was desirous of "further strengthening the friendly relations and good neighborhood existing between the two nations."

I commend to the reading of the Senate and of the country these 21 demands. In my humble judgment no person, particularly if he is familiar with the history of Japan, can read them without reaching the firm conclusion that if those 21 demands were acceded to, and action taken accordingly, the doom of China as an independent nation was absolutely sealed.

I said on yesterday the demands in group 5 were suspended. I believe I was somewhat in error in that statement. There were seven demands in group 5 altogether, and one of those demands was not suspended. None of them has been withdrawn; they stand now suspended as a sword over the neck of weak China and are likely to be renewed any day as the demands originally were presented without any possible excuse or reason.

Article 1 in Group II reads as follows:

The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

That illustrates the method that Japan has pursued. She gets a concession; then with arms and with force she demands an additional concession and extends the old one. The leases of Port Arthur and these railways had not yet expired, but Japan took the occasion to extend them for 99 years. Article 4 of Group II reads as follows:

The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in South Manchuria and Eastern Inner Mongolia. As regards what mines are to be opened they shall be decided upon jointly.

I read yesterday, Mr. President, the instructions given the Japanese ambassador when these demands were sent to him. I also read the prime minister's statement affecting them. The ambassador was told in substance that Japan was determined to have these demands allowed at whatever cost, and the prime minister said in substance—and I gave the language literally on yesterday—that China had the raw materials that were necessary for Japan's progress and advancement. Putting them together they decided, when there was not even the semblance of a dispute, to make this demand at a time when the world was at war. Article 5 says:

The Chinese Government agrees that in respect of the (two) cases mentioned herein below the Japanese Government's consent shall be first obtained before action is taken:

(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railroad in South Manchuria and eastern inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of South Manchuria and eastern inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in South Manchuria or eastern inner Mongolia the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years, dating from the signing of this agreement.

If we went no further, Mr. President, if we considered only this demand, what is left to China? It is true that in article 4, which I have just read, it is stated that where the Chinese Government grants to subjects of Japan the right to mine in South Manchuria and eastern inner Mongolia the mines to be opened shall be decided upon jointly. Of course, everybody who is familiar with the history of the diplomacy of Japan, the strength of Japan, and the weakness of China, knows what that camouflage means. "Jointly" means that Japan will do as she pleases and as she did under similar conditions with Korea.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield.

Mr. MOSES. May I ask the Senator from Nebraska if, in the course of his discussion of the preposterous and outrageous demands made by Japan upon China, he intends to touch upon the peculiar phraseology employed in some of the demands, namely, "outer" and "inner" Mongolia, employing geographic terms which hitherto had been wholly unknown to the Chinese mind, and involving a shadowy, indefinite geographic definition of territory, under which all sorts of complications might ensue and the actual demands of the Japanese Government might be extended to an indefinite area, inasmuch as those particular terms of description of territory have never been employed by the Chinese or, indeed, Mr. President, anywhere by geographers of the Orient?

Mr. NORRIS. In answer to the Senator, I will say that, in a general way, I expect to discuss the proposition, although I do not know whether or not the Senator has reference to some specific matter which I intend to discuss.

Mr. MOSES. Oh, no, Mr. President; but in reading the group of demands, of course, the Senator can not have overlooked the terms "inner" and "outer" Mongolia with reference to various phases of the concessionary demands which were made upon the Chinese Government. Those terms, "inner" and "outer" Mongolia, were terms absolutely new in the geographic terminology of the Orient. They meant nothing or everything to the oriental mind. Under them the Japanese Government, by the forced concession it had wrung from China through the operation of the threat by which they imposed this group of demands, might have extended its field of operations to cover the entire Chinese Empire, for all the Chinese authorities could tell.

Mr. NORRIS. I think there is no doubt about that.

Mr. MOSES. These new geographic terms were considered by oriental scholars and by publicists who have dealt with oriental affairs, particularly so far as the relations between the Chinese Republic and the Nipponese Empire are concerned, to have been intentionally introduced for the purpose of confusing the situation later on and of enabling the Japanese to extend far beyond the bounds of what anybody then dreamed possible the operation of their sovereignty under these demands.

Mr. NORRIS. Mr. President, I thank the Senator for his very valuable contribution, the importance of which can not be overestimated; and there is no doubt about the truth of the statement the Senator has just made.

Now, to continue with a few more of these demands. In article 1 of Group V the language reads as follows:

The Chinese central Government shall employ influential Japanese as advisers in political, financial, and military affairs.

Think of that! The Chinese Government shall employ Japanese advisers in political, financial, and military affairs! That means the turning over to Japan of the financial, political, and military affairs of China. What would be left? I wish every man who reads these demands—and I am only mentioning a few of them, for I desire to hasten along as rapidly as I can; many of those that I have not read are as bad and some of them worse than those I have read—I wish every man who does me the honor to read these demands would apply them to himself and to his own country. What would we say if some great nation without any warning, without any dispute or controversy existing, should on some bright day send its ambassador to our Government and make such a demand as the one I have just read? What would we think as citizens? If we were unarmed, if we did not have a large military establishment and the other country did, and the other countries of the world from whom we might expect some sympathy and aid were at war, we would be helpless. Everybody knows that to the very extent of our power we would resist any such a demand.

But if the power against us was sufficient to overcome us, or if we were weak and had no Army and no Navy to make a defense, would the crime be any less? Would it not be greater, Mr. President? Would it not, as I said yesterday, be the difference between attacking a full, able-bodied man and trying to rob a cripple or a woman or a child?

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I do.

Mr. MOSES. I should like to call the attention of the Senator from Nebraska to the fact that the practice he is denouncing is not an uncommon one among these precious allies of ours. The seizure of the purse and the sword of China by Japanese hands has been paralleled by the seizure of the purse and sword of Persia in British hands.

Mr. NORRIS. I will say to the Senator that I called attention to that yesterday.

Mr. MOSES. I am very glad to know that.

Mr. NORRIS. And I put the treaty in the RECORD. That is true. The only difference is that with regard to Persia, that treaty is not before us. We are not called upon to act; but in this case we have to act. The responsibility is on our shoulders now, and we must either approve or disapprove this treaty and this provision in this treaty.

Article 4 of the Japanese demands reads as follows:

China shall purchase from Japan a fixed amount of munitions of war (say, 50 per cent or more) of what is needed by the Chinese Government, or that there shall be established in China a Chino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchsed.

After she had turned over her political, financial, and military affairs to Japan, then she has still further to buy of Japan her munitions of war, and an arsenal is to be established in China, controlled, this says, jointly by Japanese and Chinese; but then they must employ Japanese technical experts. That means that Japan is going to control it.

That means that the munitions of war, the guns and the powder that China will be allowed to have in the future will be absolutely and completely under the control of Japan. She will be powerless to defend herself, powerless to equip an army without Japan's consent. Japan was not taking any chances in this matter.

Article 6 says:

If China needs foreign capital to work mines, build railways, and construct harbor works (including dockyards) in the Province of Fukien, Japan shall be first consulted.

As I said a while ago, the simple reading of these demands, made without cause, is sufficient to convince anybody that the object of Japan is to get complete and absolute control of China.

I had something to say yesterday about the treaty. I offered the treaty between Japan and China that followed close upon these demands, that resulted from the ultimatum that I mentioned yesterday, and I want to read one article of that treaty, although I think I showed yesterday that it is not entitled to the consideration of any man who wants to be fair. It is absolutely discarded by everybody as far as I know, including the President of the United States, as I showed yesterday; but article 1 of that treaty reads as follows:

The Chinese Government agrees to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Mr. President, if there were no other evidence, that treaty shows upon its face that it is brought about by force. No one but a crazy man would agree to that treaty. Now, remember that that was in May, 1915, while the war was on, and no one knew what the treaty of peace was going to be. China agrees by that provision of that treaty to agree to anything that Germany afterwards consents to when the Allies get her down on her knees, as they ultimately did. There is only one like instance in modern history, and that is where the Allies compelled Germany to agree, in the present treaty, that she would agree to any treaty that might be made with Austria. Germany was an enemy. There was reason why we should make demands and exactions of that kind of Germany; but no one pretends that that was anything but force. Yet the same thing, almost in the same language, Japan requires, and there were for some time people who even contended that was valid. It shows on its face that it is infamous and is not entitled to anybody's consideration.

Now Mr. President, I want to read to the Senate one of the secret treaties that Japan made with Russia while this war was on, and then I am going to ask the Senate to look at the evidence that I have disclosed and see the conspiracy that Japan was in.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I do.

Mr. GRONNA. As I understood the Senator yesterday, Japan entered the war against Germany in August, 1914.

Mr. NORRIS. That is right.

Mr. GRONNA. And she attacked the Germans, of course, in Shantung?

Mr. NORRIS. Yes.

Mr. GRONNA. During that time and up to the date which the Senator has just mentioned—May, 1915—she demanded what the Senator has read and made her 21 demands?

Mr. NORRIS. Yes.

Mr. GRONNA. In other words, she threatened China unless these demands were granted?

Mr. NORRIS. Oh, yes. She had soldiers on Chinese soil—quite a large army—at the time she issued her ultimatum.

Mr. GRONNA. Now, as I understand the situation, in the first place, during 1897 and 1898 Germany stole this territory from China. Now Japan makes a raid upon the Germans who are in this territory and upon the people of China and demands the same territory that Germany demanded. Am I correct?

Mr. NORRIS. That is right.

Mr. GRONNA. And the United States must justify its position and say that, although we realize that Germany stole this territory from the people of China upon the pretext of having some one or two of her people murdered, we must now condone that theft and hand that stolen territory over to Japan?

Mr. NORRIS. Yes; that is what this treaty provides.

Mr. President, on the 3d day of July, 1916—and these dates are somewhat important, Senators, because I am going to couple them together in a few minutes to show the whole scheme, just what Japan was doing, and how our own country, in my judgment, was included in the scheme—this treaty between Russia and Japan, parts of which I am about to read, was negotiated and signed. I think it was the same day on which Japan and Russia made another treaty. They made two treaties. The other one was made public. This was kept secret.

Article 1 of that treaty reads as follows:

The two high contracting parties acknowledge that the vital interests of both require the safeguarding of China against the political domination by any third power entertaining hostile designs against Russia or Japan and therefore mutually pledge themselves, each time when circumstances demand it, to enter into frank relations based on complete mutual trust with one another with a view to taking joint measures for the prevention of the possibility of the advent of such a state of affairs (in China).

That article is important, Mr. President, as showing that the object of this treaty was to prevent anybody else interfering in China. I have already shown that at the very time this treaty was made Japan was keeping China out of the war. The other allies were trying to get her in. She then commenced to make it known that she wanted an agreement about the German possessions in Shantung at the peace table. Krupensky, in the secret correspondence that I read yesterday, showed up that proposition. A little later she entered into direct negotiations with England, with France, with Italy, and with Russia and agreed with every one of them what should be done with Shantung when the war was over.

It had begun to dawn on Japan that America was coming in, and she not only went so far as to make these secret agreements with other powers but she entered into at least one secret agreement, which I am about to read, by which, in my judgment, she showed that she had taken into consideration the fact that

America might object to her actions in China, and she was making a combination with Russia against our own country.

ART. 2. If as a result of the measures taken by mutual agreement by Russia and Japan, in virtue of the preceding article, war should be declared by the third power referred to in article 1 of the present convention—

That is, any power that undertook to interfere—

on either of the contracting parties—

That is, either Japan or Russia—

the other party shall on the first demand of its ally come to its assistance, and each of the high contracting parties pledges itself hereby, in case such a situation should arise, not to conclude peace with the common enemy without the previous consent of its ally.

ART. 3. The terms on which each high contracting party is to render armed assistance to the other in accordance with the preceding article, as well as the form in which this assistance is to be rendered, shall be determined jointly by the respective competent authorities of the two contracting parties.

ART. 4. Provided that neither high contracting party shall regard itself bound by article 2—

Article 2 is the one in which they say they will go to war—

of the present convention in respect of rendering armed assistance to its ally so long as it has not been given guaranties by its allies that they, too, will render such assistance to it as would correspond to the seriousness of the impending conflict.

Mr. President, everybody knows that Japan has a treaty alliance with Great Britain, and did have it when they entered into this treaty. That proviso, article 4, is put into this treaty to save Japan from going to war in case Great Britain should interfere in China. That is what that means. She would not have to go to war then unless her ally, after being informed, would consent to come in. What other power is left? Of course there are a good many other powers left, but what other power has any probability on earth of making any objection? Mr. President, there is only one, and that is the United States of America. This was at a time when we were not in the war. It could not mean France, it could not mean Italy, it could not mean any of the countries at war. It could mean only the United States. They put in the proviso so as to make it perfectly plain that it could not mean England. That construction is emphasized when you read the next article, which tells how long this convention shall last.

ART. 5. The present convention enters into force from the moment of its signature and shall remain in force until July, 1921.

Assuming that we did not go into the war, but stayed out, and when Japan made those demands on China we had said, "We can not stand for that; that is cruel and inhuman; that is the same as Germany did with Belgium," they had it fixed, not only if China went into the war, by the agreement with England and the other powers in those secret treaties, but they had it fixed so that if America did not go into the war and did not, therefore, come to the peace table and demand something for China, but, on the other hand, did object to this high-handed course of Japan in China, Japan would have an ally ready to go to war with her to fight the United States.

Mr. President, this is only one secret treaty. I am indebted to the Bolsheviks for this one. When they got possession of Russia they gave publicity to it. I do not know what other secret treaties Japan has up her sleeves with other countries to the same effect.

Article 5 continues:

Should one of the high contracting parties not deem it necessary 12 months before the expiry of this term to give notice of its unwillingness to prolong the validity of the present convention, the latter shall remain in force for a period of 1 year after it has been denounced by one or other of the high contracting parties.

ART. 6. The present convention shall be kept in complete secrecy from everybody except the two high contracting parties.

There you have it, Mr. President. While the war was on Japan wanted to guard against two contingencies. America at that time was not in the war. Japan had succeeded in keeping China out of the war to the extent, as I said before, in my judgment, of demonstrating that she was not loyal to the Allies' cause. But the Allies were trying to get China in, and trying to get Japan to consent that she should come in, to get the ships China had. Then she went into the secret agreements with the other powers, so that if China went in she had them all tied up with those agreements, so that when China came to the peace table she would be carved up just the same as though she stayed out.

But to meet any possibility that America might not go into the war, she made this secret treaty of July, 1916, so that when she was raping and outraging China while the balance of the world were fighting, if America said anything at least the Russian Government, and I do not know how many others, was bound by that secret treaty to declare war against America and come to Japan's relief.

Think of it, Senators, in connection with the question of the loyalty of Japan to the allied cause. What does that mean? Suppose we had not gone into the war. Suppose the American Government had in some way found out and protested against this rape of China and Japan had refused to pay any attention; and suppose it had resulted in war with the United States of America while that other great war was on. Then Japan would have declared war against America, there would have been war against China, and Russia, according to that secret compact, would have declared war against America. Then where would America have been in this World War? Whether she liked it or not she would have been fighting the Allies and in favor of Germany. That does not look to me very much as though Japan had the cause of the Allies at heart.

Mr. President, I want to offer some evidence to the Senate and to the country of what Japan is doing in China now, what Japan is doing in this country that she says she is so anxious to give to China. The Senator from New Hampshire [Mr. MOSES] interrupted me and read a translation of an article printed in a Japanese paper, and my colleague the Senator from Nebraska [Mr. HITCHCOCK] made some remark to the effect that we ought not to pay any attention to irresponsible newspaper publications, because, just as in this country, there are a great many such in Japan. That is true, and I would not pretend to offer a newspaper article as proof of a condition existing in a country. But, Mr. President, I can pile up that Senate desk with propaganda and newspaper articles from Japan so high that the President can not see a Senator, carrying out the very ideas contained in the editorial read by the Senator from New Hampshire. We can get an idea of what the Japanese people are thinking if we take a broad view of their country and consider what appears in their newspapers.

I will not take the time of the Senate or burden the RECORD with a production of such records. But I can produce them; I have them—illustrations, posters, newspapers of all kinds—that go to show that the Japanese people believe that Japan is destined to rule the world. This is one of the steps. There is not any question but what hidden in the breast of Japan is an idea that the Mikado some day will rule over the world; that the Christian religion will be destroyed and the pagan religion of the Mikado established everywhere on God's footstool. That is what they talk to their people. Again, there is a similarity to Germany, who for 50 years inculcated into the breasts of all her people, including the little school children, that Germany was supreme, that Germany was second to none, that she was destined to be the great power of all the world, that she was invincible. That is the doctrine that is taught to the Japanese by the Japanese. That is their propaganda. It is sacred to them. It is part of their religion.

Now, I want to read, as bearing out what I have said, part of an article that appeared in a Japanese paper at Tsinan, called Jih Pao, referring to Christians. Mr. President, some of these papers that Japan is printing are printed in the Chinese language and are circulated among Chinese in the way of a propaganda to make the Chinese believe particularly that missionaries of the English tongue, and more particularly that American missionaries of the English tongue, are frauds and that their religion is no account. It is a wide propaganda that she is spreading through China right now while we are here. In this article it is said:

Christians have assumed that civilization is a monopoly of Christian States, and look down on non-Christian States as uncivilized heathens and heretics. But this disastrous European war originated with Germany, the most important of all the Christian States and the home of Martin Luther, the author of the Reformation. All intelligent people in Europe realize that this strife has shaken the belief in Christianity to its very foundations; that unless some new mainspring of action be found it will lose all influence in the spiritual world. Disciples of Christianity are very anxious and worried about this, for since belief in Christianity has been shaken in the spiritual world of Europe the missionaries sent out to the East by Europe and America must also be profoundly affected, and this is in a very special degree a source of anxiety to preachers of Christianity in China.

Unfortunately the Tsingtau question gave rise to the boycott and a violent anti-Japanese movement spread with great rapidity.

These missionaries seized upon this as an opportunity for bolstering up the waning fortunes of Christianity, and they therefore expressed sympathy with the student agitation in order to purchase their support for Christianity. Truly they are cunning foxes, with ever an eye for the main chance.

Although church and state are separate, the question whether priests should be allowed to take part in political movements is evidently not one that can be hastily decided. Up to now the problem of Shantung has been a purely political question, and the present attempt to make it into a spiritual question is obviously with the object of producing a spiritual reaction. There is certainly not much righteousness to be discerned in the actions of the missionaries in this regard.

The forcible seizure of Kiaochow by Germany had for its pretext the murder of two missionaries, and China has ceded territory and paid indemnities in many similar cases. Thus may the church become an instrument of national destruction.

That is the sort of propaganda they are feeding to the Chinese and sending out printed in Chinese language.

In fact, all the calamities from which China has suffered down to the present day have sprung from the Christian Church, and that is why intelligent people object to the political activities of Christian missionaries.

I read that, only one out of hundreds that I have, to show the insidious propaganda that Japan is circulating through China. She has obtained control of newspapers and established others; she prints them in the Chinese language, as that was, and circulates them all over China to prejudice China against the missionary, against the church, and to try to make her believe that a continuation of activities upon the part of the church and the missionaries will mean the destruction of China, just as she argues in that article.

When this war broke out——

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, in view of what the Senator has said with reference to the Christian churches and the Christian missionaries in China and in Japan, and I assume that all these newspapers are printed either in the Japanese or in the Chinese languages, is it not fair to presume that some of these Christian missionaries are able to read both the Japanese and the Chinese languages, or at least one of them?

Mr. NORRIS. Most of them are able to read both languages.

Mr. GRONNA. What surprises me is this: How does the Senator from Nebraska account for the fact that many of those who profess to preach the gospel of Christ, as laid down by Him in the Sermon on the Mount, are advocating this treaty and are advocating the very same thing the Japanese are advocating—the destruction of the Christian religion in the world?

Mr. NORRIS. I thank the Senator from North Dakota for asking the question. It is an extremely important one. I have quite a number of documents that I want to produce on the subject, but I am not quite ready to do it now. I will promise the Senator, however, that before I get through I am going into that question.

Mr. GRONNA. I am very glad to know it.

Mr. NORRIS. I think any honest believer in the religion of Jesus Christ, when he understands what we are asked to do, would suffer death before he would advise us to give our official sanction to the treaty as it stands.

Mr. GRONNA. I apologize for interrupting the Senator at this time, and I am glad to know that he is going into that matter.

While I am on my feet, if I may be permitted, I will propound another inquiry. The Senator called attention to the fact that some time in July, 1916, a secret treaty was entered into between Japan and Russia. The Senator, I am sure, will remember as well as I do the brilliant speech delivered in this Chamber shortly after the United States had declared war against the Imperial German Government. Viscount Ishii at that time, I believe, spoke, and I remember distinctly some of his language. In substance at least it was that Japan entered this war in the interest of humanity and in the interest of democracy.

Mr. NORRIS. Yes; I referred to that briefly yesterday, and I want to say to the Senator, since he has asked the question now, that when Viscount Ishii made that beautiful speech it made a great impression upon the mind of the Senator from North Dakota, as it did upon me and all the other Senators, believing, as I did and as I believe all other Senators believed, that he was in earnest and was conscientious. We did not know that he had his pockets filled with secret treaties by which he was going to carve up China when the war was over, in violation of the very doctrine which he proclaimed and that we said we were in the war to vindicate.

As I started to say, when this war broke out there was an American school—there are quite a number, but here is one in particular—that got into difficulty over in Shantung. It got into difficulty when the Japanese got control. I have three accounts of it. One is a Japanese account, one is a Chinese account, and the other is an American account from an American missionary. I want to read parts of those or the substance of them. First I will take up the Japanese account. Here is what it says:

The pastors are sneakingly hidden within these institutions—

Referring to missionary schools—

and hypocritically take on the name of the church, pretending to preach. They go everywhere making the acquaintance and winning the friendship of all classes of people, pretending to preach the Gospel to distant lands, while their real work is to use all their efforts to extend the influence and power of their country. And Japan is now exposing their real purpose, namely, not to save and help China but to swallow her up and annex her. Now they are using every foul means to destroy the good relations between Japan and China and the friendship of Japanese and Chinese which everyone well knows is so beautiful.

Oh, it is beautiful, Mr. President! That is a beauty that no man as yet has been able to comprehend except through the devious ways and dark alleys of Japanese diplomacy.

But now a newly fomented enmity has suddenly appeared. The whole body of missionaries has stirred up and set aflame an angry Korean revolt; they have compelled the Peking students to revolt and boycott Japanese in business and social intercourse; they have spread their poison throughout China.

For many years a good relationship has existed between America and Japan, and upon first hearing of this affair we thought it only a rumor. But now we know that this relation is in every way broken up, and we are compelled to hate them with a deep hatred.

Mr. President, there was over there, when the action of the peace conference became known in China, a boycott against Japanese goods. They resorted to all kinds of things, and I will read some evidence of it, to compel the Chinese to buy Japanese goods. There was a movement on foot over there to hold the Chinese Government responsible wherever the Chinese people did not buy Japanese goods. Now, let me read the Chinese report of this mission school. This is from Tsinan, May 30:

The Japanese papers this morning published that the principal and two teachers of the American Presbyterian Mission School and two American pastors of that mission have been tried before the civil governor of Tsingtao, the American consul having been summoned to be present, on the charge of "disturbing the public peace."

This took place in China. If Japan has not interfered with the Chinese Republic and is not destroying her capacity as a nation, it would seem funny that a trial of this kind should be had before Japanese officials, would it not? But that is what happened.

The principal of the school has been expelled from Tsingtao for a term of three years and the school closed and sealed.

The charge remains unexplained. The day the summons was received the missionary in charge of the Presbyterian work in Tsingtao stated that the students of the mission school there were exercising no part in the boycott or patriotic demonstrations. Indeed, they are but children, as the school only runs to the middle school grades. Personal inquiry among Chinese shop keepers in Tsingtao elicits the fact that these Chinese population of Tsingtao have been kept in ignorance by their overlords of the patriotic movement elsewhere, and their ignorance demonstrates the fact that the mission school could have done extremely little publicity campaigning, if any at all.

The missionaries state that they have been subjected to continued difficulties since the Japanese are certain that they have attained their will at the conference.

Ever since Japan won at the peace conference, the missionaries have felt the effect of it in China.

The Japanese Tsingtao Daily News to-day publishes an editorial page half filled with polemics against the Christian Church and religion, and over all this a grandiose article on the proper relationship of church and state and religious liberty.

That is what I read.

A common expression in Tsingtao and, indeed, entire Shantung is "the peace conference has devoted us to become a second Korea"—

That is the way the Chinamen feel, and no wonder they refuse to patronize Japanese merchants or to buy Japanese goods. Would you? Would we? Would we refuse to buy under those circumstances? Just ask yourselves the question—

but this exhibition of militarist lordship is convincing many that the occupational authorities here are prepared to go even one step further in their Prussianistic policies than their colleagues in Japan and Chosen.

Now, listen to this. While they are destroying American missionary schools, listen to this account of the German schools—Japan, supposed to be an enemy of Germany and fighting her, supposed to be an ally of America, is abolishing American schools and permitting German schools to continue.

GERMAN MISSION UNTOUCHED.

An interesting feature of the case is that, although the American mission in Tsingtao is thus being hindered, the German mission there is still allowed freedom to operate to the extent of its limited funds, and was allowed this freedom during the entire war, although the German missionaries never ceased to press in the most forceful language their pro-German sentiments. It is the old psychological principle that fear is the greatest breeder of hate, and that the worst-hated enemy is the one which is unconquered.

It is being speculated here whether or not Japan's haste in showing her authority and opposition to Christianity and Americans in Tsingtao will jar the Paris peace conference into a reconsideration of the question. Opinion is that if Japan has the matter finally closed beyond reopening, such actions will at least cost her the good will and congratulations of the nations subscribing to her success.

The American Presbyterian mission expects to be forced to dispose of its beautiful Tsingtao site and the costly buildings thereon at great sacrifice, and to give up its work of many years standing there.

Here is an American version:

THE AMERICAN VERSION OF THE TSINGTAO AFFAIR.

MAY 31, 1919.

Word has been received that Hugh O'Neill Boys' High School of the Presbyterian Mission in Tsingtao has been closed by order of the Japanese Tsingtao military government.

This action was taken after several weeks of continuous interference on the part of the police. While a single woman only was in the station a campaign of investigation was conducted by the gendarmerie, who insisted that a spy from Peking was being harbored in the school.

This campaign began Sunday, May 20, and was continued until Sunday, May 27, when a posse of eight men came and searched the home of

the principal, Wang Shou-ching, and the school office. The gendarme have also persistently interrupted the work of the station by visiting and interrogating the missionaries in their homes.

On May 28 the entire teaching staff, American and Chinese, were summoned to appear at the courthouse and threatened with punishment if they failed to appear. This left the school with no overseer, and immediately after the staff had left a force of seven soldiers appeared and took possession of the school. They took pictures of the building and posted a military guard inside the schoolhouse.

At the courthouse the teachers, foreign and Chinese, were arraigned before the civil administrator and his staff and two police officers. An order from the commanding general was read in Japanese, Chinese, and English demanding that, because of disturbances and crimes—the nature of the crimes were not mentioned—and for the sake of peace, the school must be closed at once and all teachers and pupils sent home within 10 days.

A second order was read and delivered to Mr. Wang Shou-ching, the principal, banishing him from Tsingtau for three years, emphasizing the heinousness of his crime, but giving no hint as to what his crime was except that his presence in Tsingtau threatened the peace. Mr. Wang has been in the service of the mission for many years and has a good reputation and a clear record. He is a peaceable man, taking no part in politics, and has shown every sign of being scrupulously careful at this time. Thus without trial or conviction he has been condemned and banished in disgrace as a dangerous criminal.

On May 28 and 29, a day and night military guard was maintained in the schoolhouse, forbidding any classes, and watching every movement of teachers and pupils. And now even though the school is dispersed, and the schoolhouse empty, the military guard still holds possession of the school building.

Also on May 13, five Japanese soldiers carrying their guns visited the mission girls' school at Ta Sin Tan, a village eight li from the Lan-Tswen railroad station. The principal demurred at their entrance, but they demanded admission, so the principal finally took them to a classroom. They, however, insisted upon wandering off in ones and twos, going wherever they pleased. The girls fled to their rooms and locked their doors, and the soldiers still peeped in the windows.

There is being conducted a persistent campaign of villifying and reviling Europeans and Americans, especially missionaries, by the local Japanese papers, which are printed both in Japanese and Chinese.

Mr. President, I have here a news item printed in the North China Star, a Chinese publication, which I think shows what is going on. It shows the propaganda which I have briefly outlined. I read from the paper mentioned of August 4, 1919:

Considerable irritation is felt by Chinese here—

That is at Peking—

at a series of resolutions recently passed by the Japanese residents at Fangtze, a town in Shantung along the Shantung Railway, which resolutions it is believed have been officially instigated and are to be passed by all Japanese communities in Shantung, and possibly in China.

The irritation is felt not at the mere passing of resolutions, which it is admitted even the three tailors of Tooley Street have a right to pass if they be so minded, but at the believed official instigation and at the extreme demands embodied in the resolutions, which are roughly as follows:

(1) That all agreements between China and Japan concerning Shantung must be upheld to the letter.

(2) That all important points along the Shantung Railway should be opened to international trade.

I will show you a little later on what a camouflage that is, though it sounds rather good.

(3) That Japanese troops should be maintained along the line of the Shantung Railway.

(4) That the Japanese gendarmery along the railway should be at least doubled in strength.

(5) That Japanese currency should be legal tender in Shantung.

(6) That the boycott directed against Japanese goods should be terminated.

(7) That China should indemnify Japan for all losses sustained in consequence of the boycott.

(8) That a zone within 20 kilometers of the railway should be administered by Japanese police.

(9) That the privileges formerly enjoyed by Germany with respect to mining within 30 kilometers of the railway and within a certain radius of Poshan, Chichuan, and other districts should be granted to Japan.

With respect to the second demand—

Now, let us see what that was. The second demand was "that all important points along the Shantung Railway should be opened to international trade."

With respect to the second demand it is pointed out that at practically all the places that it is suggested should be opened to foreign trade, Japanese trade has, during the period of the war, strongly entrenched itself, and by compulsory sales of property made by the Chinese all the best business sites have been acquired by Japanese, so that to open these places to foreign trade would be a farce, except for the Japanese.

Mr. President, later on I shall show you that the same thing happened in Korea. The Japanese are able to buy any piece of property in China they want. As they did in the case of Korea, they manipulate the finances of the country until it is impossible for a native to have any money; they call it all in. They compel them to take paper money and to pay their taxes in a kind of money which they do not possess and can not get unless they get it from the Japanese. In order to get it from the Japanese they must sell their property, and they must sell it at the price that the Japanese put on it. That was worked to a finish in Korea; it is being worked right now in the territory that Japan is so anxious to give up to China.

Mr. President, missionaries of the various Christian churches of America, who have spent the best part of their lives in China and in Korea, have given me their personal testimony of cases of which they had personal knowledge of hundreds and thousands of Koreans who were in this way compelled to leave the country. They could not pay the taxes; they could not get any money that would be received with which to pay the taxes. They had to go to the Japanese to get such money. There was a man there who was ready to give it to them, but he had to have a deed to the property before they could get the money. If they would not give the deed, the Japanese would sell the property for taxes and get it in that way. That is what is going on there. This article continues:

With respect to the fifth demand, it is pointed out that a beginning has been made with the introduction of Japanese currency by the refusal of the railway to accept anything but Japanese bank notes for the payment of freight or of passenger tickets, and even when large sums are paid by check, they have to be paid by checks on Japanese banks.

How long would America live if some other Government came into our midst and ousted the justices of the peace, ousted the county clerk and the county judge and the district judge and the supreme judge, put their officials in their places, then took our railroads and said, "When you want to pay freight on your goods, if you are permitted to do business at all, you must give a check, and if you give a check it must be on one of my banks"? How long would our banks last under that method of doing business? How long will the Chinese banker live when the Japanese will not accept checks on any other than a Japanese bank? The article says further:

Moreover, it is pointed out, the Japanese have prepared the way for the introduction of their own currency by buying out of the Province all the copper cash, a transaction that it is estimated has brought millions of yen profit to the Japanese.

With respect to the mining rights along the railway, it is pointed out that although originally Germany had exclusive mining rights in a zone of 30 kilometers on each side of the railway, these rights were absolutely canceled in July 1911, and the exclusive mining rights at many points not in the railway zone were also canceled, so that what the Japanese resolutions demand is something a great deal more than what Germany enjoyed when she was ousted from the Peninsula.

There is, of course, general criticism of the other demands, as indicative of Japanese militaristic ideas, but the main specific criticism is directed against the foregoing points, and the fact that they are evidently officially indorsed, and thus reveal the hollowness of Japanese alleged promises in Paris and Washington.

W. S. R.

Mr. President, let us suppose that, although living, as we supposed, under the laws of America, we were weak and unarmed and Great Britain came over here and took our railways, ousted all of our officials and put Britishers in their place, so that we had to go before them in our own country to get justice, and then she should say, "You can not do business with American banks; you have got to do business with British banks; you have got to pay your taxes in British money; we will not accept American money." How long would we live, and what would we think? Mr. President, is it any worse to practice that kind of oppression upon weak China than it would be upon America? I want every American citizen to take home with him the thought of the Golden Rule and ask himself, "How would I like it if I were weak and some greater power worked its will upon me in this kind of a fashion?"

I desire now to quote from a Japanese paper, published in the Chinese language, attacking the school and the church. I am going to read only a small part of it to indicate the character of the propaganda which is going on:

From the beginning the Christian church in China has been unreasonable and guilty of violence. History proves this. All of China's troubles and the loss of national sovereignty are due to the church. It is not necessary to specify these troubles, for all the Chinese know about them. Originally Christianity was an important religion, but to-day it is extremely corrupt. The intellectual leaders of Europe realize that the Great War was due to the decline of the church.

I wish the ministers about whom the Senator from North Dakota was talking would read the Japanese propaganda now going on in China, in which the central fire always is directed against the Christian religion and the Christian church. They could not then escape the truth of my statement that it is a part of the Japanese propaganda; it is a part of the religious belief of the Japanese that paganism under the jurisdiction of the Mikado will eventually rule this earth and that everything standing in the way will be sacrificed and destroyed.

Mr. GRONNA. Mr. President, did I understand the Senator to say that the statement was made by the Japanese publication from which he has read that originally the Christian religion was sound and good?

Mr. NORRIS. The Senator must understand that what I have read is from a Japanese publication in the Chinese language intended to be circulated amongst the Chinese. It is propaganda.

Mr. GRONNA. But, at any rate, it is a confession that originally the Christian religion was good?

Mr. NORRIS. Yes.

Mr. GRONNA. Does it, then, say that the practice of the Christian religion has become corrupt?

Mr. NORRIS. Yes; it says, for instance—I only read a part of it; it all runs along the same line—

The intellectual leaders of Europe realize that the Great War was due to the decline of the church—

Blaming the war on the church.

Mr. GRONNA. Not on religion, but on the church.

Mr. NORRIS. On the church.

Mr. President, I have here an exceedingly interesting letter from an American Presbyterian missionary. It is a lengthy letter, and I do not want to take up the time of the Senate in reading all of it; but, in the hope that some student of this question will want to get to the bottom of it and get his information from first-hand, I am going to print it in the RECORD. It goes on to show just what Japan has been doing and what she is doing now. It comes from a Christian man whose name I am not at liberty to divulge, but as to whom I have the best of evidence that he is in every way trustworthy. I can not divulge his name, because, as has been said to me in many a letter, and personally by many an individual who expects to go back, their usefulness would be absolutely ended if it were known that they had given information as to conditions over there.

It is not true, Mr. President, that these missionaries in Korea or in Japan have incited rebellion. It is not true; but they all believe in education. That is part of the Christian religion. That is part of their work. They are spreading the English language, in addition to other things. They are having schools educating the people as well as giving religious instruction; and that, in addition to their religious preaching, is very objectionable to the Japanese.

This missionary has been over there a good deal of his life. I am going to to read a few extracts from his letter. One of them is as follows:

The Japs hate American missions in China with a special virulence. They—the missions—interfere with Koreanizing China.

And I would not have any respect for a religion that would not do that. These missionaries, when they see some one suffering, go to their relief, whether they are heathen or Christian, whether they are Japanese or Chinese or American or what not; and whenever they do that for one of the victims of the Japanese, they immediately get into trouble.

They—

Meaning the Japs—

have recently kicked one station's educational work out of Tsingtau, arresting the missionaries, clerical and ladies, leading them before their inquisitors, banishing the Chinese principal and Chinese teachers, and sealed up the boys' high school, an expensive brick and stone plant, the gift of Mr. Hugh O'Neill, of New York City—all this without any justification, on a false charge and with no chance of defense. By their soldiers terrorizing our girls' high school, they have also broken that up. It is many miles west, outside of the German "Gebiet," which alone was supposed to be taken over by the Japs.

This man tells us that these things have been done away beyond anything that the Germans have ever had, as far as territory is concerned.

Here is another quotation:

In every important city they have an inspired newspaper in the vernacular, each of which continually reiterates two lies in every conceivable variation. First, America is the sly enemy of China; and, second, China ought to walk into the friendly embrace of Japan to escape the insidious plans and spoliation that America plans. At the same time, just as Germany tried by "frightfulness" to break the morale of the people whose land she coveted, so her apt pupil here, by immense quantities of illicitly used opium, morphine, cocaine, and other dopes, peddled all through this Province and China, and by thousands of Jap prostitutes brought into the cities and market towns and villages of this Province and outside, is systematically and with an immense accrument of wealth breaking up the spirit of these people to resist by the tens of thousands. It is my business to itinerate through the villages among the people. I know. The German railroad is used for these "economic privileges," and China is helpless to resist, just as she is to resist the use of that railroad to rush Chinese grains and salt and produce out of the country to Japan, via Tsingtau and other ports, north and south, that Japan dominates. This same "prostitute" weapon was recently used by the Jap Government to drive the educational work of our mission out of its fine compound in Tsingtau, by ringing it around with an extensive Government-run red-light district.

Listen to that, Mr. President. Are we going to give our approval, by the ratification of this treaty, to the imposition of such things upon an innocent people? Are we going to take a step that will make it possible for Japan to continue this conduct through all time?

The writer of this letter says, in substance, that to drive out the educational work of the missionaries from its fine home, from its churches and its schools, they practically put around it a ring of prostitutes, so as to make it untenable by respectable people. I might stop here to say that Japan has done a big business along this line. She takes the prostitutes into China. She will do like this man says she did with the mission. She will establish a house of prostitution in the very center of the city, probably, if she can accomplish something by doing so, and she does it for money. She charges each one of the inmates of those houses of ill fame and gets taxation from it. She makes a large amount of money, besides the effect that it will have upon the people where these things are pushed and forced; yet we are practically asked to approve it, not for a month or a day, but forever.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield.

Mr. GRONNA. I assume that the missionaries from whom the Senator from Nebraska is quoting are citizens of the United States?

Mr. NORRIS. This letter is written by an American citizen; yes, sir.

Mr. President, I ask unanimous consent to print the entire letter of this missionary.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

A PARISH IN EAST SHANTUNG WITH 5,000,000 SOULS.

SHANTUNG PROVINCE, NORTH CHINA.

Senators NORRIS and BORAH,
Washington, D. C.

HONORED SIRS: I am a member of the American Presbyterian Mission, located * * * have been there longer than any other foreigner, and know, sub rosa, conditions in the Province—political and economic—well. Like many other foreigners, before I came to the Orient, I was enamored of the Japs; but the longer I live here the more, like other foreigners, I see their cunning, duplicity, brutality, arrogance, and utter untrustworthiness in China. All nationalities resident in the Far East are practically a unit in condemnation of their aims, methods, and policies in China. This unique unanimity is not caused by German propaganda but by the mean, detestable things that the Japanese Government and its creatures are daily doing here in carrying out its policy of unjustifiable aggression. Japan has tried to blame many revelations of her dirty deals off on "German propaganda."

Since Japan's recent diplomatic triumph at Paris she has thrown off the mask here as to her carefully worked out, sinister policy in China; she is turning heaven and earth in a skillful world propaganda of lies to fool her western allies and cover up her intent to continue to make her "economic privileges" mean political domination. They do in Shantung, as Americans can furnish you many detailed accounts in proof. Jap press reports and smooth, smiling, titled Jap after-dinner speakers and magazine writers and diplomatic and consular agents are staking everything on trying to befuddle the American public and make it think that "economic privileges" and "political domination" are two different things. But, for Japan, in Manchuria, Mongolia, Chihli, Fukien, Formosa, Korea, and Shantung they are one and the same. If you hang to this point (using some of the many available facts of history, which are being made every day in these provinces and which American missionaries and business men can furnish you) and if you drive this sinister fact into the consciousness of America—not letting the Japs switch you off by any of their many specious, lying arguments—you may help to avert and save another world war that is arising from the Orient, due to the conscienceless ambition and militaristic power of the Asiatic Prussian. Experience proves that no word of Japan in China can be trusted.

Even the Germans allowed the Chinese, according to treaty, to have responsible officials at Tsingtau in the customs, post office, and telegraph administrations; and to police all the stations of the great railroad. The Japs (in contravention of the "rights" they claim to have inherited from the Germans) have kicked out the Chinese. The Germans, by their "economic concessions," dominated the Province politically; but the Japs—by numberless political usurpations all over the Province; by a process of frightfulness; by land seized and business squeezes; by forced purchases or seizures of natural resources; by persecution of Christians (both leaders and peasants); by the break-up of American mission educational work—have far transcended any aggressions of which the Germans were guilty; and thereby strengthened a Jap strangle hold on Shantung far exceeding the one Germany had.

The Japs hate American missions in China with a special virulence. They—the missions—interfere with Koreanizing China. They have recently kicked one station's educational work out of Tsingtau, arresting the missionaries, clerical and ladies, leading them before their inquisitors, banishing the Chinese principal and Chinese teachers, and sealed up the boys' high school, an expensive brick and stone plant, the gift of Mr. Hugh O'Neill, of New York City—all this without any justification, on a false charge, and with no chance of defense. By their soldiers terrorizing our girls' high school, they have also broken that up. It is many miles west, outside of the German "Gebiet," which alone was supposed to be taken over by the Japs.

The Japs have a great wireless plant, big brick and stone barracks full of soldiers, and a compound like a fort in this and many other centers of China—each gripping the throat of a strategic section.

In every important city they have an inspired newspaper in the vernacular, each of which continually reiterates two lies in every conceivable variation. First, America is the sly enemy of China; and, second, China ought to walk into the friendly embrace of Japan to escape the insidious plans and spoliation that America plans. At the same time, just as Germany tried by "frightfulness" to break the morale of the peoples whose lands she coveted, so her apt pupil here, by immense quantities of illicitly used opium, morphine, cocaine, and other dopes, peddled all through this Province and China, and by thousands of Japanese prostitutes brought into the cities and market towns and villages of this Province and outside, is systematically and with an immense accrument of wealth breaking the spirit of these people to resist by the tens of thousands. It is my business to itinerate through the villages among the people. I know. The German railroad is used for these "economic privileges," and China

is helpless to resist, just as she is to resist the use of that railroad to rush Chinese grains and salt and produce out of the country to Japan, via Tsingtau and other ports, north and south, that Japan dominates. This same "prostitute" weapon was recently used by the Japanese Government to drive the educational work of our mission out of its fine compound in Tsingtau, by ringing it around with an extensive Government-run red light district.

Inclosed is Document "A," a sample of the daily program of vituperation of the Japanese Government inspired press in China against Americans and their legitimate institutions in China, which institutions are welcomed by the Chinese. No lies are too absurd and blatant to be hashed up for the Chinese, as, e. g., "American missionaries conceal large quantities of opium on their compounds and sell it illegally to Chinese"—"they offer large monetary rewards to Chinese to assassinate Japs and promise them immunity from punishment"—"they furnish them money for anti-Japanese propaganda," etc.

Japan, by her cunning propaganda, has succeeded in impressing the world that she "made a sacrifice in the interest of peace and harmony on the race equality issue." Japan has sacrificed nothing. We, in the Far East, know that was a successful smoke screen thrown out to cover her steal of Shantung. Japan has gotten everything that she has thus far gotten by riding rough-shod over other Oriental races and states and governments. She more completely ignores race equality and the rights of other peoples than any other State except Germany. Whenever she gets in the claws of her "economic privileges" she crowds all other nationalities to the wall. Wherever she has conquered alien territory the business of other nationalities is sniffed out, e. g., in Korea and Formosa.

Japan is fast drawing the net to possess herself of all Manchuria, Outer Mongolia, Chihli, Shantung, and Fukien Provinces—2,000,000 square miles; one-half the area of the United States. And, increasingly in these areas, she crowds all other nationals to the wall, despite her treaty promises.

Another foreign firm at Tsingtau, almost the last one, has just been knocked out by Japan's observance (?) of the "open door" economic policy. See news item "B."

A matter that is maddening to all non-Japs in the Far East is for Japan to talk blandly on to the world about the "Concessions Japan is making to China in Shantung." It is as if all the New England States and New York had been given by the Big Five to Canada, our ally in the war, for Canada's services, plus nearly one-third the population of the United States, plus vast natural resources, and then as if Canada made vague verbal statements (never in writing) as to the future possibility of giving back this colossal plunder, and designating her action as gracious "concessions to United States." See "C."

If Japan were cornered into making a statement (written) as to when she would return "Kraochon," it would have no worth in the eyes of all dwellers in China, for they know from China's experience with Japan that Japan always demands, never concedes; Japan would give only a shell (to keep pace with the uninitiated outside world) and keep the meat.

If you could visit Tsingtau, you would see that attached statement "D," by Japanese representatives in Washington, is one tissue of lies. Japs have so remapped the city and environs and so removed the business, so seized Chinese premises and so occupied foreign business sites, even moving the railroad and station centers, that no business is possible outside of the "Jap settlement." They have even put the water supply off in the mountains, in their settlement.

(1) The "gains" of China in any settlement with Japan are a farce.

(2) Note the definiteness (?) of Jap official declaration "as soon as possible." China presses Japan for a definite answer. Why does Japan wait? "As soon as possible" means until Japan can slip another of her planned nooses around China's neck.

(3) The "German" railroad had many Chinese stockholders in it, was run by thousands of Chinese, from top to bottom, except a few German administrators. The Japs have kicked out all the Chinese.

(4) Tsingtau as a German "fortified port" had very few cannon, mostly old guns of the style of, and relics from, the Franco-Prussian War—no chance against the bigger guns and united power of Jap army and navy. In a few years Tsingtau, under joint German-Chinese customs management, had leaped from twenty-second place (in the annual revenue it turned over to China—after Germany took out 20 per cent) to fifth place, being exceeded only by Shanghai, Tientsin, Canton, and Foochow. Under Japan's "open trade to the world" "without discrimination," the business of the Japs is very unsatisfactory and non-Jap business has been driven out by the mean, cunning tactics of the paternal Jap Government.

Everybody who knows the local conditions knows that no "internation settlement" could exist under conditions cooked up by the Japs. Foreign business men say they would not risk it.

(5) The Germans, after the Russo-Jap War, did not "exercise the right of stationing troops in Kraochow" (which is a walled city some distance westward outside the "Gebiet"). But the Jap troops have overrun and terrorized the whole Province, every day committing fresh outrages in a Province as large as France, where they have no more right to exercise authority than in Pennsylvania.

(6) No one of any nationality in China has any faith in Japan's suggestion or pledge to administer anything "jointly" with China. The principal departments of the Chinese Government are now nominally administered by Chinese, but really by high officials of the Jap Government. That Government has subsidized and made into its agents many apparently innocuous Jap companies to buy up something like two-fifths of the natural resources of China—just as Germany had such companies to despoil Belgium and France. Nobody out here imagines that Japan will administer these illegal holdings "jointly" with China. Japan gets these concessions without the consent or even knowledge of the cabinet or the parliament.

Document "E" means that Japan will agree to negotiate with China in re Shantung's restitution to China if, or when, China will first agree to be bound hand and foot, for the 18 Provinces and the outlying dependencies. What use then to talk about Shantung? If China fulfills the terms of the 21 demands of 1915 as the condition of Japan's "restitution of Shantung," then China will have lost her independence. Yet this is what Japan demands in "E."

In the eyes of the Chinese and foreign residents of the Far East the reason advanced for America's delegation yielding at Paris to the threats of Japan and to the recent agreements of European powers with Japan amounts to this: "They did China a great wrong, therefore America must do a wrong also to a sincere and innocent and weak ally." If the price of keeping Japan in the "big five"—a militaristic, imperialistic Government that plans, by the power of the mailed fist, only outrage upon peaceable-minded neighbors—is China as her spoil, then Japan had better have left the peace conference. See document "F."

In reality of control Japan possesses Shantung; but in justice, according to international law, Germany forfeited her "rights" in Shantung by virtue of China's declaration of war. The Chinese, therefore, ask how Japan can legally give Shantung to China. See document "G."

In every instance when it has been necessary in the interests of justice for China to be heard abroad, the Japs who control the Far East news service get in their false report first to the world, holding back the Chinese account. Even if it be a difficulty with foreigners, the foreigners on Chinese soil, using Chinese news service, get left, as the Japs, through their spy system, suppress or garble the telegraphic and cable accounts. Remember the Jap account of the "Tientsin incident." They garbled the entire story and held back the American account. See document "H" in re preceding point.

The Japs have succeeded in ousting the civil governor from Shantung and getting one of their henchmen put in his place, as well as many country magistrates. One of the first results of that is the proclamation of martial law here, in order to suppress anti-Jap agitation. See document "I."

The inclosed document "J" is a typical illustration of how the Japanese Government uses its native pastors, religious sects, and Y. M. C. A. to meddle in Chinese affairs in China, seeking to intimidate the young Chinese, as well as the older, militaristic officials.

The Japanese Government is behind all these "spontaneous" movements of its subjects in China in the same way that Germany was behind the same fake movements of its subjects in places coveted. Note in documents "K" and "L" that a Jap "counselor of the Japanese foreign office" has been visiting the Jap colonies all along the Shantung Railroad, 280 miles in length, and stirring up the Jap subjects to petition the Japanese Government for a "few items" in Shantung. Fantze (L) is about six hours by railroad west of Tsingtau. Here the Japs, as at many other places, have great stone and brick barracks full of troops, have seized the coal mines that Germany re-ceded to China; have an extensive colony, many of whom are Jap prostitutes, who have forced the British Government to move its emigration bureau and the British-American Tobacco Co. its plant; also forcing many Chinese to clear out of that region. Please return "K" and "L" to me.

Document "M" shows to what extreme the Japanese consul generalate in the capital of Shantung has gone in high-handed action to intimidate and frighten the people. Gen. Ma Leang, the new dictator there, is a Jap tool, has a Jap wife, is supplied by the Japs with Korean opium and Jap geisha girls. Note the tortures, executions, and what Ma Leang says about our American university in this city.

As per inclosed document "N," Viscount Uchida, Japanese minister of foreign affairs, has a three-plank platform outlined to deceive the American Senate. It can fool no one who knows the local situation.

Keep your eye on this new "Japanese Oriental Colonization Corporation," a Japanese Government subsidized company of large capital to exploit Siberia, Manchuria, Chile, Shantung, Kiangsu, and the Philippines. An earlier one, organized by the Japanese Government, prepared Formosa and Korea for the later "coups de main." And Fulsien Province, opposite Formosa, is a plum about ripe to be shaken down into the capacious loot lap of Japan, already ripened by this O. C. C. See document "O."

Your esteemed colleague, Senator LODGE, has earlier had considerable collateral information on Japan's doings in Shantung sent him.

Please do not quote me in public, as the Japanese Government will use that fact to harm our American mission in China.

Hoping to receive a reply, assuring you that many men of all nationalities in China are with you in your efforts for justice to the weak ally.

Respectfully, yours,

_____.

I am 100 per cent American, father a northern officer in Civil War, grandfather a captain in War of 1812. I have helped to enlist many Chinese in the allied cause.

Mr. NORRIS. Mr. President, it will be interesting to the business men of the United States to know what is going to happen over there also. To my mind, that is a secondary consideration, not nearly so important as the other that I have mentioned; but if the American business man thinks this treaty is going to bring business to America from China he is going to be woefully disappointed. He has got to go through the Japanese to get it.

I have here a letter written by the secretary of an American business organization in an important Chinese city. I commend it to those who want to consider this question from the business aspect. I will read an extract from it:

It is difficult for the American people to realize the feeling that this decision—

He is speaking of the decision in Paris giving Shantung to Japan—

has provoked in the minds of the Chinese people. It has had about the same effect that the giving of the State of California or of New York State to a foreign power would provoke among the people of the United States.

And, Mr. President, is it not just the same? Is it not just as bad? Again, ask yourselves what you would do if the State of New York were given to some foreign Government by this treaty. You might not have any particular love for New York, but you would die by inches, you would be in favor of going to war until the last man and the last dollar were gone, before you would surrender a thing of that kind. And yet the same thing is being demanded of China, and we wonder why she boycotts Japanese goods.

Germany's control in Shantung Province, while irksome, had nothing of the present effect, because Germany was on the other side of the world, and the weight of the iron hand in China was light.

Japan is an Asiatic power, and with her control established in Shantung Province, on the China mainland, Chinese people see the fate of Korea, Formosa, and Manchuria before them. When Japan first intervened in Korea she announced that it was for the purpose of establish-

ing the independence of the country. Now, after 20 years, the Korean people are engaged in a life-and-death struggle to gain their liberty from Japan.

Let me read another extract from this letter:

The adoption of the efficient German system in Japan had its advantages in the past, but now, in the light of new understanding, it has its distinct disadvantages. Japan is now dominated by a militarism that is potentially just as dangerous as was the German militarism that America helped to crush. The Korean Peninsula furnished the first stepping stone, and then followed Manchuria, Shantung Province, and Fukien Province of China, are now to follow unless something is done by America to prevent it. Japan is now working to fix her control on the Asiatic mainland. With China's unlimited resources of minerals, foodstuffs, and man power under the control of Japanese militarists the next war is bound to be in the Pacific, and America is certain to be drawn into it. With the great distance involved, and with the almost certain racial element involved, it doesn't require much imagination to foresee the future.

In the archives of the State Department at Washington is to be found a complete record of Japanese underhand intrigue in China since the beginning of the war. In the correspondence of the American Legation at Peking and the American consulate at Tsing-tau is all the information that America needs for "proof" as to Japan's real purposes in China.

It is to the future vital interests of the American people that these matters be made public.

Mr. President, we know what happens to us when we want information. We know that we are not given the information by the President and by the Secretary of State. We know a great deal of it is there. The Senator from Connecticut [Mr. BRANDEGEE], I believe, called attention to one particular instance this morning of great importance, where even the Senate had asked for information bearing directly on this particular question, and we were refused by the President, after he stood on yonder platform and so solemnly and eloquently said that everything he had in his possession, and all the information that he could get, would be at the disposal of the Senate in the consideration of this treaty.

Here is just a little newspaper item calling attention to what the Japanese are doing:

Mr. Wang Na and a number of other parliamentarians have addressed an interpellation to the Government regarding Japanese high handedness in Shantung.

The Government's attention is called to the recent outrageous actions on the part of the Japanese bad characters in the Province and along the Kiaochow-Tsinan Railway, such as the attack on the Chinese Canning Co. in Tsinanfu; arrest of Wang Chi-chien, a student of the Shantung Christian University; arrest and torture of two villagers, etc. The Japanese authorities concerned are giving a deaf ear to all appeals regarding these matters. The Government is asked to make known what measures it has decided to take to appease the indignant people and avoid further trouble.

Mr. President, I simply read that as a matter of news, calling attention to the fact that in China, where we are led to believe by the Japanese, at least, and by those who advocate this treaty, that China still rules as a nation, when all through it the laws are administered and are made by Japanese, even now people are punished and laws enforced as they may see fit, and punishments inflicted often that are inhuman.

Now, I am going to read a letter from a missionary that was published in the North China Star last July. He says:

WEIHSIEN, SHANTUNG, *July 21.*

EDITOR OF NORTH CHINA STAR,
Tientsin, China.

DEAR SIR: Our usual summer Bible school for evangelists finished a profitable session a week ago. An incident connected with its closing may have some general interest.

Just get in your minds what this is. There was a summer Bible school where the missionaries came in from their various fields of activity to spend a few weeks in study and getting Christian instruction. They close their operations, like a teachers' institute, and here are three of those men starting back to their parishes, you might say, where their work demands their attention.

The letter continues:

Three evangelists, departing from the mission for their several fields of work, at a small railway station to the east of this decided to take a train for a part of their journey. Arrived at the station, they were at once challenged as to what their business was. They replied, "Christian preachers." At once all their belongings were searched. Upon one of them was found one small leaflet on the love of country.

Now, think of that. That is all they found on these men. They searched them, as they used to do, and are doing yet, in Korea, with those who have not been driven out. At the slightest pretense they will search a missionary to see what they can find. They searched these men, their clothing, their baggage, and everything they had, and the only thing they could find upon which to base a charge was a small leaflet on "The love of country." That is a crime there. Japan does not want the Chinese to love their country. She expects to take them over, and anybody who is advocating patriotism is an enemy of Japan, the same as in Korea. This continues:

Upon one of them was found one small leaflet on the love of country which some one had given him (for the mission does not circulate any political literature). It was nothing more than a hymn or poem urging all Chinese to love their country, and in it was no other mention of Japan than the sentence that every effort should be made by China to save Tsingtao to China. But this was a grave crime in the eyes of the gendarmes. The possessor was at once seized. He was so unfortunate as to ask the others to tell his family, when they, too, were seized, and the three taken to the Japanese court at Fangtzi and put into small, hot, dark prison cell, where they were confined for three days. They were compelled to pay for their own food, $1 apiece being charged them for that time. They had neither bed nor chair, and were allowed no communication with the outside world, though they managed to rip off a pocket from a garment and write me a note, apprising me of their predicament—

You must remember this letter is written by a missionary—

which was gotten out to me by stealth. At the second appearance before the examining officer they were treated to a tirade against Christianity. He told them that the Japanese were the ones who really loved China, and they were the dupes of the American missionaries. It can be imagined how convincing these professions of love would be, reinforced as they were by three days of unjust confinement in a hot, dark prison cell.

Mr. President, I spoke a while ago of the boycott of Japanese goods instituted by the Chinese. When the news got into China that the peace conference in Paris had given Shantung to Japan it created an excitement in China that I presume has never been equaled in the history of that country. As it percolated through the country, and the people found it out, there was an intense excitement that had never before been equaled. That is natural. Every citizen of the Chinese Republic fears Japan. They know what Japan has done in the past. They know what she did in Korea. They knew about these demands. They knew about the treaty forced on them. They knew that Japan had covetous eyes on them, and that she was going to take China unless she was restrained at the peace conference. And so, when the word came that Shantung had been given to Japan, and that even the President of our country, representing the great American Republic that she loved more than any other country, had acquiesced in it, the excitement in China could not be overestimated.

The Chinese refused to buy Japanese goods. Part of the propaganda of Japan is that the missionaries are to blame for that. I deny that, on the testimony of every missionary with whom I have talked. It would not be necessary. What would happen to us under those circumstances? Think again of ourselves. Take it again to our own home, our own country, and to our own firesides. Would we buy Japanese goods under those circumstances?

So a boycott naturally spread against Japanese goods. Now, these people are being arrested. Missionaries have been arrested, and other people have been arrested, with a charge made against them of having instituted the boycott. Japanese citizens in these places are now demanding that the Chinese Government shall pay the loss sustained by the merchants who can not sell their goods. Mark you, that is the next step. That will be part of the "negotiations," if we approve this treaty. When Japan "negotiates" with China about taking Shantung over one of the claims will be that the Chinese will have to pay these Japanese merchants for every sale that they claim they lost on account of the boycott, and it will be decided by the Japanese; the price will be fixed by them, the consideration will be fixed by them, without consideration for China.

Here is a newspaper account of some of the arrests and the punishment of men charged with inciting the people to boycott Japanese goods. This was printed at Tsinan on August 5:

Three business men who had been leaders of 10-men teams organized for the promotion of the Japanese boycotts were executed at 5 o'clock this morning.

These men did boycott Japanese goods; they helped to organize the boycott, that is true. But they killed them because they did it. That is the punishment the Japanese are inflicting on the Chinese for that kind of a crime.

Two of these men, Dju Chuin-Hsiang and Dju Hsiu-liu, were brothers, a third brother being in Gen. Ma's body guard. The other man, Ma Yuin-ting, was a prominent man among the Mohammedans.

So it is not always, of course, Christians. All Chinamen entertained this intense feeling against Japan on this unjust decision in regard to Shantung, regardless of religion.

The other man, Ma Yuin-ting, was a prominent man among the Mohammedans, a doctor, 68 years old, who had formerly professionally attended both Gen. Ma and his wife.

Their activities in the Japanese boycott was the only charge against these men.

Though there was no accusation of crime, these three men were cruelly tortured, their bodies being burned with red-hot irons and their heads and chests slashed with swords in an attempt to make them confess to being traitors and robbers. When the tortures became unbearable the men were taken outside the city and shot.

Intimations have now been sent to the foreigners that they should keep off the streets in case further disturbances arise, and no one dares predict what the next few days may bring forth.

MA IS DICTATOR.

Gen. Ma Liang, who because of increased authority given him by the establishment of martial law in Tsinan, has assumed the rôle of a practical dictator, and is gaining an unenviable reputation.

Two days ago 300 students, including nearly 100 girls, were arrested and confined for several hours in the grounds of the First Normal School.

Gen. Ma appeared in person before them and accused them of being guilty, because of their disobedience to their own officials and threatened them with severe punishment and even with execution. He boasted of his "heavy sword of slaughter," saying that he was not afraid of anybody—merchants, students, officials, or the "white devils." He has formerly been very friendly to the Shantung Christian University, but in his address he stigmatized the university as being composed of "second devils," and said the foreign professors were only western propagandists and admonished the students to beware of trusting in the name of the institution, as it could in no wise protect them.

SHOTS FIRED INTO SCHOOL.

Presumably to further intimidate the students, on Monday, August 4, soldiers were sent for rifle practice to a gulley only about 200 yards from the dormitories of the university. The place is not a regular rifle range and target shooting has never been done there before. During the practice several bullets struck in the dormitories and might easily have resulted in fatalities. (North China Star.)

Here is another item of news that I want to commend to the business men who expect to get some share for our country and our merchants of the trade of the Far East. This is a dispatch from Peking to the North China Star, dated August 6:

The Japanese authorities at Tsingtau have given the Asiatic Petroleum Co.—

Which is an American company, I understand—

notice to quit their present site, on the ground that the presence of tanks and pipe lines to the wharf is detrimental to the public interest. Considering the great care that the Germans took in laying out the place, and the first consideration given to public interest in sanctioning buildings and other works, the excuse that the Asiatic Petroleum installation is detrimental to the public interest is considered farcical.

Here is a corporation, the Asiatic Petroleum Co., doing business in a city that was under the dominion of Germany, erecting its plant and its building at great expense at places designated by the German Government after careful examination and survey of the situation.

Now comes Japan and compels them to tear down the buildings, to remove the tanks, and to take everything away, giving as a reason that it is not the proper place. Consider two things, that whatever else may be said about the Germans, they were careful in their business relations, and no doubt when they designated this site to be used by this oil company, they did it after full consideration and after a full consideration of all the facts, and undoubtedly selected the proper place. Consider, second, that Japan is claiming that she is only going to hold this place temporarily. She is, oh, so anxious to give it back to China. She is just tumbling over herself to turn this over to China. Only in temporary possession, yet she makes this corporation remove their property, tear down their buildings, and practically go out of business. It is absolutely inconceivable that she should take this course if the pretensions she makes are halfway fair or halfway honest.

Mr. President, I have a letter written by an American missionary who has spent more than 12 years in Shantung. He has traveled all over that district. He has devoted all his time to the advancement of Christianity. I want to read some extracts from that letter. He is a man who knows. He is testifying from his personal knowledge. He is vouched for by the Far Eastern Bureau of New York, an organization that in my judgment would not, under any consideration, do anything that was dishonest or unfair in the consideration of this question. I do not know the man personally; I have never had any personal communication with him, and, for obvious reasons, since he is still there in that country and often in Japan, I will not disclose his identity. He says:

It seriously threatens the peace of the world now that Japan has practically drawn the net to possess herself of some 2,000,000 square miles of China's domain (Manchuria, Outer Mongolia, Chihli, Shantung, and Fukien); and that she now possesses two-fifths of China's natural resources.

Think of that, two-fifths of her natural resources.

Despite Japan's fair reiterations, daily given to the great powers, she has settled into the policy of getting possession of China's land and railroads and resources, at any cost, by any and every means, fair or foul; and keen students of many nationalities on the field can prove these means are mostly foul.

* * * * * * *

Shangtung is much more the keystone of China than Pennsylvania is of the United States. Because of its strategic location and because of its unique religious hold on one-fourth of all humans, its possession by one of two rivals North or South has repeatedly carried the other Provinces with it.

At present Shantung with its railroads forms the southern handle of a political nut-cracker; the northern handle is Manchuria with its railroads. The nut is the metropolitan Province of Chihli with its connecting railroads. Japan now possesses both handles, and practically controls the nut it is about to crack. That means all of North China, which has always controlled the rest of the land, gone to Japan.

The methods used by Japan in China as well as in Korea to gain her trade and political ascendancy are tricky, mean, and unfair, filling those who know these methods with indignation at the outrages perpetrated, and with contempt and detestation for the perpetrators. Following the example of their Prussian teachers, they systematically work to break the spirit of the people, whose land and possessions they covet, by destroying their monuments and terrorizing them by a policy of "frightfulness," which makes them give up their lands, stores, fisheries, orchards, gardens, and whatever else these Prussians of the Orient covet. They are past masters in taxing people (e. g., in Shantung) out of existence, and in hounding them into submission or flight, and then the Japanese squatters, got ready by the Japanese Government, are rushed into Shangtung by the tens of thousands to take possession of their ill-gotten gains.

I can not here take space to detail the sharp tricks, their regular practices, to get possession of crops in Shantung and the north and market them (e. g., contracting with peasants at a fair price and finally forcing them to sell at a fraction of that price); the practices used to drive non-Japanese foreign business out of the competition (e. g., by unfair cuts and secret rebates on the Shantung Railroad); the sly opening by steaming of business correspondence, extracting checks, bills of lading, drafts, etc., therefrom; delay of orders; nondelivery of mail; many kinds of artificial hindrance on transit of goods competing with Japanese.

A Japanese administration has been set up for many villages along the line of the railway in the Province outside the German concession; the Chinese guards, allowed the policing of the entire length of the railroad from east to west by the Germans, have been driven away; the actual boundary of the "Gebiet," established by treaty with Germany, has been illegally set over still farther into Chinese territory, though kept secret by the Japanese; the magistrates of many eastern counties of the 108 of Shantung have been terrorized and made to do what amounts to surrender of their authority; bogus revolutions are frequently worked up and led by Japanese and financed and equipped with Japanese money and arms, and these have systematically ruined a number of Shantung's most prosperous market towns and walled cities; the gentry under systematic harassment by Japanese bands have been blackmailed, robbed, and tortured, and some killed (when their relatives on short notice could not find the large sums demanded). These sums have ranged from $9,000 to $30,000. Many peasants have also been blackmailed for their small land holdings. New and unheard-of and extortionate taxes and licenses have been charged against the peasants in many sections. The peasants have been badly fooled and stirred up to rebel against the tax collectors of salt (almost the only source of Chinese Government revenue on which the Japanese have not got a hold), arms and ammunition being promptly furnished them. The peasants have been and are continually hauled to the county yamens newly established by the Japanese, and there blackmailed and tortured in a variety of ways, e. g., walking barefooted on hot sheet iron, oil jammed down their throats with force pumps, bambooing, thumb stringing, etc. The Province has been largely cleared of copper cash (the real money of the peasants, and of intrinsic merit, has been everywhere bought up at a slight advance over its market value) and shipped to Japan—this business carried on openly by Japanese collectors against the proclamations of Chinese officials forbidding it, and worthless paper money of Japanese banks forced on the people across the length of the Province (as was earlier done at a like great profit by the Japanese Government in Formosa, Korea, Manchuria, and Fukien, and is now being done in Siberia's economic subjection to Japan). Japanese troops, fully accoutered, ostentatiously march through Chinese villages and cities far outside Japan's "Gebiet" and drag machine guns after them to overawe the people. Their spies, dressed as Chinese, fill the Province and continually stir up fights which result in "commissions" of Japanese and Chinese (being appointed to make settlement for loss of Japanese dignity). (These square-ups are sub rosa; Chinese officials are too ashamed to publish these episodes, and the Japanese don't want them to leak out, because revealing their aggression.)

Many false causes or reasons for fining and punishing and torturing and blackmailing the many villages along the railroad are cunningly worked up by the Japanese; e. g., their section hands cutting wires and accusing the simple-minded, terror-stricken peasants of the same; then many villages along the railroad are fined heavily for this bogus offense. I know of a case where they were fined two years in succession for the offense for which Japan forced prompt and costly settlement the year it was committed—though the offense was committed by the Japanese section hands. This creates a facile excuse for Japanese military governing reterrorization of the villages outside their jurisdiction throughout the Province.

Every railroad station the entire length of this long peninsular east and west lying Province has a Japanese garrison of greater or less size. At some of them immense permanent barracks of brick and stone have been erected and are occupied. Artificial excuses are constantly manufactured as to why more Japanese soldiers should dribble in to new centers.

That is only carrying out the news item that I read a while ago, of Japanese men meeting and passing resolutions demanding that additional soldiers be sent there.

There is no limit to their contemptible methods of bullying a humble, inoffensive peasantry, like placing their rifle range across a great trunk cart road in the middle of the Province (hundreds of li west of Tsingtao), and thereby causing the peasants and their carts, loaded, to go some distance out of their way to avoid being shot; taxing peasants who cross the railroad on big, intersecting wagon roads; commandeering food and supplies, and at markets taking things without pay or setting their own price, and wantonly destroying goods under their boots.

They took the railroads, and then, where there is a railroad crossing, they charged the Chinese for driving across the railroad. That is one way, this man says, that they have of raising funds.

Their stolen railroad is a hateful imperium in imperio that causes them to dominate this Province, as will others (for which they have forced secret concessions), give them paramountcy in other strategic sections of China. Under the treaty with Germany the Chinese Government had post-office and telegraph and customs inspectors and employees of authority stationed at Tsingtau. The Japanese have kicked these all out. They buy salt for almost nothing at the east end of the Province and smuggle it on their railroad across the Province to the capital at the west end, and there sell it at great profit. They ship immense quantities of arms and ammunition, of opium and morphine and cocaine and liquors to Tsingtau, and their spy peddlers distribute these all through the Province. And the Chinese Government dare not touch them, for fort, goods, trains, land, agents, procurers—all are sacredly "Japanese."

Many thousands of peasants and of city dwellers in the Province have been already ruined in property and broken in body and morale by the illicit sellings of these forbidden "dopes," as itinerating and medical missionaries and business men here can give you abundant evidence.

The Japanese begin with free "dopes" and charge increasingly for each succeeding dope. Against treaty, their dope shops have been established in many of the walled cities and market towns and even in the villages of this Province.

But worst of all is the systematic establishment of their Government-run prostitution houses all over the Province, not to speak of the principal cities of China. These girls are specially trained to serve Japanese interests politically and have enslaved a great company of officials, high and low, to Japan.

Mr. President, comment on that is necessary. The most despicable means that any human being could resort to would be such as is described by this missionary of 12 years' experience in Shantung. This instance given by this writer is not an isolated case. It is a common practice. It is one of the most disgraceful methods to obtain control of a people or country that has ever been resorted to any time in the history of the world. The business of prostitution is almost a governmental function with the Japanese, and, as this man says, they establish houses of prostitution, the inmates of which are exclusively Japanese, and then by enticing Chinese officials and other important personages into their web these Japanese prostitutes, who are in reality political agents of Japan, are thus enabled to intimidate and to control the activities of public officials and leading men who have fallen victims to their machinations.

In every Province they are trying to stir up every class of people against one another so as to render China still weaker against aggression; not only playing the northern generals off against those of the south, supplying both with Japanese gold and munitions, but inciting the Buddhists against the Taoists, stirring up Mohammedans in this and other Provinces, and leading the Mongol princes to revolt. Against the helpless protest of Chinese students, Japanese military engineers have openly surveyed and mapped Mongolia, Fukien, Shantung, and many other great sections; established in the last-named great domain the Japanese military stud farms as well as cattle and sheep ranches for Japanese Government military purposes, thus preparing mounts and beef and pelts for future military operations there.

No one who has seen the permanent military preparations of Japan on Chinese soil—in Manchuria, Chihli, Shantung, Mongolia, Fukien, far up the Yangtze Valley, and in southwest China; Japanese telephones and telegraph lines, barracks, and garrisons, and wireless plants—can doubt Japan's studied policy of continuous military and economic aggression; e. g., the Japanese Government now has great wireless plants erected all over China at these strategic points—Hankow, Peking, Manchuli, Dalny, Port Arthur, Kungchuling, Tsingtao, and Tsinanfu. This last named, in the capital of this Province, is located in a great, high, stone-walled fortresslike compound; permanent barracks here of brick and stone to accommodate hundreds of soldiers. And the garrison is full of soldiers who periodically sally out and terrorize the people. This compound could not be more strategically located, being between the yards of two great railroad lines, one running north and south from Peking to Shanghai (Nanking), the other from Tsingtao westward. The compound was taken away by the Japanese from the Standard Oil Co. of the United States. This one Japanese garrison in this place, with its powerful wireless, has a stranglehold on China—north, south, east, and west.

In another place this man says:

One of the many illuminating illustrations of what Japan will do in China for the "equality of races" and "equal opportunity" and "the open door" of John Hay is seen in her recent doings at Tsingtao, as soon as the Paris decision made her secure in her position. She began the same sort of proceedings there and in the same spirit as against American missions and missionaries that she tried to carry out in Korea several years ago in the bogus conspiracy trials and secret tortures there. On utterly false and absurd charges the American missionaries and Christian teachers were arrested, haled before the Japanese authorities, the missionaries rebuked, the Chinese teachers sent home, the Chinese principal of the boys' high schools, Mr. Wang Shu Ching, a peaceable, law-abiding man, banished for three years; the fine big high-school building, of stone and brick, the gift of Mrs. Hugh O'Neill, of New York City, seized and sealed by Japanese soldiers. The American mission has been practically kicked out of the east end of the Province. It will have to move, at great monetary loss and detriment to a fine work it has been building up among the Chinese since it was begun, in 1863, under the venerable and beloved missionary pioneer, the Rev. Hunter Corbett, D. D., LL. D. The Chinese church at Tsingtao, self-supporting for years, has been broken up by the Japanese; the Christians, leading business men and educators, have been forced to get out. Two Chinese pastors are held there, constantly spied upon by the Japanese soldiers and ordered several times a week to the yamen to be grilled by inquisitors. Needless to say that American business, as well as Chinese, has long since been throttled in Tsingtao by the Japanese Government. In the unfairly acquired property the Japanese have opened up business.

In the same manner the American Girls' High School, though more than one hour westward by railroad outside the Japanese "Gebiet," has been repeatedly visited by Japanese armed and in uniform, the girls' rooms entered, and the girls and teachers insulted, until all are terrorized, and the parent constituency in all the five adjoining counties now fear to send their girls away to school. The Japanese have therefore accomplished the same purpose in this instance as by more formal proceedings against the boys' high school at Tsingtao.

The Japanese Government hates American missions in China with a deadly hatred. The Bible, which they teach, stands square against all the injustice Japan purposes and pushes in China. The Japanese officers in uniform have told the missionaries to their face, "There are too many American missionaries in Shantung." There are indeed—for Japan's purpose in Koreanizing China.

Any student of the Japanese press will soon be astonished and then alarmed at the political and economic gospel that is being preached the Japanese Nation. Its leaders, following their Prussian teachers, are sedulously indoctrinating the people with the idea of Japanese supermanship and ability and right to conquer, not merely China but the world, in view of Japan's ready mailed fist and superior "Kultur." It is preached skillfully and all the time in the current literature by parliament members, Government professors, army and navy officers, Government civil officials and editors, just as Gerard shows it was preached in Germany in order to uphold the militaristic, oligarchic clique. If this propaganda and policy is not counteracted vigorously and speedily, here is the powder train of a greater world war.

The above is not "German propaganda." The writer, like most Americans, came to the Far East an ardent admirer of Japan. The unanswerable logic of Japanese doings outside Japan in the Far East, and particularly in Formosa, Korea, and the Chinese Provinces and dependencies, slowly but inevitably turns one in unqualified condemnation of the Japanese Government and its people abroad. Outside Japan they are not merely a nuisance, disliked by foreigners of all nationalities, but feared as a menace of world peace.

No wonder, then, that every sort of an association and company of Americans in the Far East has cabled home protests to the purport of that cabled by the Americans of Shantung:

Then he quotes the cablegram, as follows:

American citizens in Shantung capital against treaty ratification.

The American citizens of Tsinanfu, the capital of Shantung Province, China, on July 9 sent the following cablegram to Senator JOHNSON of California:

"Paris decision Shantung question aggravating Japanese arrogant aggression. Treaty proposals unjust to China, antagonistic to American ideals, mean closing open door, imperiling peace Far East. American citizens Tsinan, Shantung, therefore strongly protest against ratification peace treaty in present form."

Mr. President, I have read at considerable length from this man's letter. I have done so because it seemed to me, in the first place, there was no doubt of the reliability and the honesty of the man, and there can be no question of his knowledge of the situation about which he is writing.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. SMOOT. I was going to ask the Senator if he desired to conclude his remarks to-night? There is a wish on the part of some Senators for a closed executive session.

Mr. NORRIS. Mr. President, I am willing to go on or to quit now; but I will say to the Senator from Utah that I am not going to be able to conclude my remarks to-day. If it is desired to have an executive session and the Senator from Utah desires to make such a motion, I will yield for that purpose.

Mr. GRONNA. Mr. President, before the Senator from Nebraska yields the floor, I desire to ask him a question.

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. How recently was the letter which the Senator has read written? If the Senator has stated it for the RECORD, it will not be necessary for him to repeat the date.

Mr. NORRIS. I do not know whether I stated it or not.

Mr. GRONNA. I should like to know the date of the letter.

Mr. NORRIS. This letter was written on the 20th day of July, 1919.

Mr. GRONNA. As I understood the Senator, only German missionaries have been undisturbed in the Province of Shantung?

Mr. NORRIS. Yes, sir.

Mr. GRONNA. And all American missionaries have not only been disturbed but that they have been persecuted and sent to prison. Am I right in my conclusion?

Mr. NORRIS. The Senator has said in his question, "All American missionaries." I do not know of any who have not been persecuted, but I would not dare to say that all of them have been persecuted, for I do not know.

Mr. GRONNA. But a great many of them have been persecuted, as I understood the Senator?

Mr. NORRIS. Yes; I have not heard of any who have not been persecuted.

Mr. GRONNA. I do not know that it would be fair for me to propound an inquiry as to why so many of the ministers of the gospel, the men who are looking after the welfare of our souls, the men who are supposed to preach the true doctrine of Christ, are so insistent upon the ratification of this treaty unamended. Can it be that they are ignorant of these facts?

Mr. NORRIS. Mr. President, the Senator has asked a very fair question. In a sentence, I will say that my judgment is that there is not a Christian minister anywhere on the face of the globe who, if he understood all that this treaty means, would ask that we approve it unamended. On Monday I am going to take up and compare with what has been done in China that I have outlined so far, what Japan did in Korea, and in doing that I expect to go more fully into the particular aspects of the matter that is suggested by the question of the Senator. I do not care to go into it now, because I have a great deal more evidence, more convincing than any I have yet produced, as to what the Japanese were doing in Korea in blotting out the Christian religion and destroying the Christian churches.

Mr. GRONNA. I want to thank the Senator. I have been very much interested in his speech. I may say that I am always interested in what the Senator has to say, but this particular

discussion has been very illuminating to me. I can readily see where these men may be honestly mistaken.

Mr. NORRIS. These preachers?

Mr. GRONNA. Yes.

Mr. NORRIS. Oh, they are. I have no doubt of that. I would not think of accusing any of them, or anyone else, of having any malicious motive. I do not think they have. I think they are just as honest in their convictions as I am in mine.

Mr. GRONNA. The Senator has not accused anyone, so far as I have been able to hear; but, if the Senator will permit me, I will state that it is as old as history; in fact, it is older than history. We find that prophets, scribes, and Pharisees can easily get together with great aggregations of wealth, and for a time delusions and false doctrines prevail. But I am really surprised to learn that the great financiers of this country, the men who are located on a certain street in the great metropolis of our country which I do not care to name now, with their great eagle eye for business, have overlooked the fact that this treaty will not be beneficial to them in any business way. I am sure the Senator's remarks will be not only glanced over but read with care; and if they find that the conditions are as I believe them to be, and as the Senator from Nebraska has stated them to be, then, sir, there will not be so many millions poured into the treasury of these men who are so eagerly and so anxiously asking that this treaty shall be ratified without the dotting of an "i" or the crossing of a "t."

Mr. NORRIS. Mr. President, I am not going to discuss in any detail the financial provisions of the treaty at this time or in this address. I am confining my remarks to the pending motion; but the Senator has gauged it rightly. If I can understand it, not only are American missionaries and the Christian religion to be driven out of Asia, but American business men in the Far East are going to lose business if this treaty is approved. Of course, the great millionaires to whom the Senator refers may be more interested in making millions in Europe, so that the loss of business in Asia will be so small as compared to what they will make over in Europe by the ratification of the treaty that they will still be for the treaty. I only wanted to suggest to the Senator from North Dakota and to the Senate, in connection with his suggestion about the moneyed men of the country being so anxious to have this treaty approved, that they never ought to forget that the first copy of this treaty that ever came to the United States came to Wall Street. They had it before the Senate was able to get it. They had it when the President refused to let us see it, and they had it with the President's consent. Wall Street had it at that time and knew what was in it.

At this point Mr. NORRIS yielded the floor for the day.

Monday, October 13, 1919.

Mr. NORRIS. Mr. President, following what the Senator from Idaho [Mr. BORAH] has said, I desire to make a further correction of the President of the United States in some other erroneous statements that he has made, and to do this I will have to repeat slightly what I have already said in my present address.

On the 5th day of September the President, in speaking at St. Louis, used the following language:

> Great Britain and, subsequently, France, as everybody knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should, in the case of the victory of the Allies, pass to Japan.

On the next day after the President made that speech at St. Louis, in the Senate I called attention to the error in the following language, after quoting that which I have just read:

> Mr. President, the President represented our Government at the peace conference. He knows, of course, what was presented there and what the facts are; but it is a matter of history that Great Britain and the other Governments of which the President speaks did not make that secret agreement with Japan until the year 1917. Japan went into the war soon after it was declared, in 1914. At the time the secret agreement of which he speaks was made with Great Britain and the other powers all of the German possessions in China had been captured, and there was not a German vessel free on the Pacific Ocean; so the President does not have his history on straight.
>
> The first move that was ever made to bring about that secret agreement was made on the 27th day of March, 1917, and I challenge anyone to produce any evidence that before Japan went into the war she had any such agreement. I ask the President, in his next speech to the American people, to produce that evidence and substantiate what he said at St. Louis.

Shortly after I made that speech I received the telegram that I have already read in evidence, but I will read it again because what will follow immediately bears directly upon it:

> GARRISON, MONT., *September 12.*
>
> Hon. G. W. NORRIS,
> *United States Senate, Washington:*
>
> I thank you for correcting an unintentional inaccuracy in one of my recent speeches.
>
> (Signed) WOODROW WILSON.

Mr. President, there can be no meaning to that telegram excepting the particular correction that I have just read. I made no other, so it must refer to that.

In my remarks in the present address, I think it was on Friday, I commented on the fact that the President in making the correction had done it by a private telegram to me; that I had not given that telegram to the public until he had finished his tour, because I had hoped, I had expected, that if he wanted to be fair with the American people he himself would make the correction in as public a manner as he had made the misstatement of a very material matter in connection with the treaty. I am not going to comment on that now, because I have already done it in this address.

But this morning some one gave me an official copy of the addresses of President Wilson. They have been printed by the Government of the United States, and I have the volume now in my hand. I had assumed that, though the President had not made a public correction of that important mistake and misstatement of fact, he would at least not repeat the misstatement in other speeches to the American people. Mr. President, I was dumbfounded when, just a few moments ago, since I have come into the Chamber and was given this official report of his speeches, in the few minutes that I have had to spare to look at it, I have found four instances where the President, since he sent that telegram to me, has made practically the same misstatement that he made at St. Louis.

He made it at Los Angeles, in the same speech to which the Senator from Idaho [Mr. BORAH] has just referred, and in which he has corrected another misstatement made—and I will say to the Senator from Idaho that the same mistake that the President made about John Hay in the Los Angeles speech was made in several other speeches, as I have just accidentally observed while I was looking for this particular Shantung provision. But notwithstanding the President's telegram of September 12 to me, on September 20, at Los Angeles, he used this language:

> In the meantime, after this present war began, England and France, not at the same time, but successively, feeling that it was essential that they should have the assistance of Japan on the Pacific, agreed that if Japan would go into this war and take whatever Germany had in the Pacific, she should retain everything north of the Equator which had belonged to Germany.

Again, on September 22, at Reno, Nev., the President used this language in a public address to the American people:

> Not only that, but, in the meantime, since this war began, Great Britain and France entered into solemn covenants of treaty with Japan that if she would come into the war and continue her operations against Germany in the Pacific they would lend their whole influence and power to the cession to Japan of everything that Germany had in the Pacific.

Again, at Salt Lake City, on the 23d day of September, the President used this language:

> At the beginning of the war and during the war Great Britain and France engaged by solemn treaty with Japan that if she would come into the war and continue in the war, she could have, provided she in the meantime took it by force of arms, what Germany had in China.

Again, at Cheyenne, on September 24, the President said:

> Before we got into the war, Great Britain and France had entered into solemn covenant by treaty with Japan that if she would take what Germany had in Shantung by force of arms, and also the islands lying north of the Equator which had been under German dominion in the Pacific, she could keep them when the peace came and its settlements were made.

Now, Mr. President, I have only had a few minutes to examine the President's speeches. I do not know how many other times the President has made that misstatement of fact.

Of course, as I have already shown in my present address, Japan had been in the war for two and a half years. There was not a free German ship anywhere in the Pacific Ocean, armed or unarmed, at the time that secret agreement was made.

It is not with any comfort, Mr. President, that I call the attention of the Senate to these facts. I assumed, of course, that when the President sent the telegram acknowledging his error he would not repeat it. It seemed to me that if he wanted to be really fair with the American people he would have told them that he had made a mistake at St. Louis. It is hardly conceivable that he made a mistake at St. Louis even, because he knew the facts were not what he said they were; but not only has he withheld the facts from the American people, but after he has acknowledged in a private way the error, he has gone on and repeated the statement over and over again to the American people.

As I said at the beginning of my remarks on last Friday, the truth will probably never overtake the falsehood, because wide circulation was given particularly to the St. Louis speech; but I can hardly conceive how any man—oh, I can not conceive how the President of the United States—can deliberately restate and state again and again something that he not only knows but has acknowledged to be wrong and which he knew was absolutely untrue in connection with an extremely important matter per-

taining to this treaty. I commented at some length last Friday on that, and I am not going to repeat what I then said.

Mr. President, when we adjourned on Saturday last I had reached in my remarks a place where I was going to take up Korea. Before I do so, however, I wish to refer briefly to what the treaty provides in other cases where property has been taken in the course of the war and turned over to the people to whom it rightfully belonged.

Everybody knows that Shantung belongs to China and ought to go to China, and that the treaty ought to have given it to China. Belgium was recaptured by English troops and turned over to Belgium. Everybody concedes that that was right. Portions of France were recaptured from Germany by American troops and turned over to France. Everybody admits that that was right. The sacred soil of Alsace-Lorraine, captured in part by the sacrifices and the lifeblood of American troops, was turned over to the rightful owner—France. Nobody has said that anything should be different. But, Mr. President, it was not only in relation to the big powers but to the little powers as well, with the one exception of China, that the same rule applied. Let me read article 135 of the treaty. It provides:

Article 135.

Germany recognizes that all treaties, conventions and agreements between her and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

It must be remembered that China claimed when she went into the war with Japan that that act abrogated Germany's right, whatever it might have been. Let me read article 136 of the treaty, which applies more particularly to the point I am now making:

Article 136.

All goods and property in Siam belonging to the German Empire or to any German State, with the exception of premises used as diplomatic or consular residences or offices, pass *ipso facto* and without compensation to the Siamese Governement.

The goods, property and private rights of German nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

Article 139.

Germany recognizes that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

Article 141.

Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

Article 144.

All property and possessions in the Sherifian Empire of the German Empire and the German States pass to the Maghzen without payment.

For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

Then another clause of the same article provides:

Mining rights which may be recognised as belonging to German nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall form the subject of a valuation, which the arbitrators shall be requested to make, and these rights shall then be treated in the same way as property in Morocco belonging to German nationals.

Mr. President, when it came to China a different rule was applied—the only exception in the treaty.

Now, I am going to take up Korea. There are several reasons why the situation of Korea ought to be given very close consideration in passing on this treaty. In the first place, I have set out at length the treaties which Germany and other nations made with China in which the integrity of the Chinese nation was recognized and guaranteed. I will show that Japan proceeded along the same lines with reference to Korea that she is now proceeding with reference to China, although from time to time, by treaty obligations with Korea similar to those I have shown to exist in the case of China, Japan guaranteed the integrity of the Korean Empire. If that be true, then it is fair to conclude that what Japan did with Korea she is going to do with China, since up to the present time she has pursued exactly the same course, in a good many instances almost word for word and step by step. Everyone knows that eventually she took all of Korea and annexed the nation.

There is another reason why the consideration of the Korean question is important. If we were a court of probate and some one were here asking for the custody of an orphan child which was within the jurisdiction of the court we would look into the character of the person asking for the child's custody, and, if that person had been given the custody of another child prior to that time we would investigate and ascertain how he took care of the other child the custody of which he had theretofore been given. If we are going to turn China over to Japan it is interesting and important and necessary that we inquire how Japan has conducted herself in other cases where people and nations have been turned over to her.

There is another reason why it is extremely important to give heed to these considerations. If this treaty is ratified, as I think I will be able to show, American citizens will never dare harbor within their midst or within our territory anyone who advocates the independence of the Korean Republic. Let me read the much-discussed section 10 of the covenant of the league of nations and consider it in a light in which it has not been discussed:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

Nearly everybody—I do not know but that everybody, so far as I remember now—who has discussed article 10 has discussed it in the sense that we guarantee to preserve against external aggression the territorial integrity and existing political independence of members of the league. No one has yet discussed what obligation we will be under when we come to consider that we are not only bound to preserve from external aggression the territorial integrity and political independence of the members of the league but we are bound to "respect" the territorial integrity and political independence of members of the league. If we approve the league the first Irishman who stands on a street corner and makes a speech in favor of the freedom of Ireland will be doing something that will show disrespect to a member of the league, and we will have to suppress him and ought to suppress him under the league; it would be our duty to do so. The same is true as to Korea, and the agitation for Korea's independence will have to cease if we have the proper respect that we say we will have in article 10.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. ROBINSON. Does the Senator consider the word "respect" there to mean esteem for, or does he not regard it as meaning the obligation upon the part of members of the league not to violate the territorial integrity or political independence of the other members of the league? Does the Senator construe the word "respect" to mean esteem?

Mr. NORRIS. Well, I should say that "respect" includes both of the interpretations that the Senator has suggested.

Mr. ROBINSON. If the Senator will pardon me for a further interruption——

Mr. NORRIS. Certainly.

Mr. ROBINSON. In my opinion, clearly the word "respect" there simply means that the nations obligate themselves not to violate the territorial integrity or political independence of the other members of the league, and the allusion that the Senator has made to a Sinn Feiner or an Irishman on the streets advocating independence for Ireland would not constitute a violation of the obligation as I construe it.

Mr. NORRIS. I thank the Senator for his suggestion, and, of course, he may be right in his interpretation, but in my opinion we would not be having the respect that this treaty demands we should have for other members of the league if we should permit our citizens or people under the jurisdiction of our laws to try to work up a sentiment in favor of the independence of any people anywhere on the face of the earth; and I believe the first thing that would happen would be an objection on the part of England, or if it took place in reference to Korea the first thing that would happen would be an objection upon the part of Japan; and as I construe the word "respect" they would have legal grounds for making it.

Mr. FALL. Mr. President, will the Senator yield to me for just a moment?

Mr. NORRIS. I yield to the Senator from New Mexico.

Mr. FALL. Would the Senator understand that the interpretation placed upon article 10 as it stands here now was the interpretation placed by the President of the United States upon article 10 originally when he presented to the "A, B, C" countries of South America the proposition for a treaty?

Mr. NORRIS. Well, I am not going to try to construe anything that the President said. I confess I give that up. [Laughter.]

Mr. FALL. I have here what the President said with reference to article 10, the original draft.

Mr. NORRIS. Yes; I have read it. I am familiar with it.

Mr. FALL. He gives his own interpretation of it. I thought it might be enlightening.

Mr. NORRIS. If the Senator desires to read it, I will yield for that purpose.

Mr. FALL. Referring to the original draft of article 10, which was presented by the President of the United States to Argentina, Brazil, and Chile, with an invitation to the other Latin-American countries to join it—this was in December, 1915—in speaking of it on January 6, 1916, the President said:

It will be accomplished, in the first place, by the States of America uniting in guaranteeing to each other absolute political independence and territorial integrity.

Mr. NORRIS. I thank the Senator. I want to read, before I take up the Korean question, the second clause of article 11 of the league of nations:

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Now, Mr. President, if some one were going through the country advocating the independence of Ireland, or if some one were trying to raise funds, for instance, to further the movement for the independence of Korea, or it might be for the relief of Egypt, or it might be for India, and Japan or Great Britain said to the council: "Here is the United States Government permitting within her borders the creation of a sentiment that is against our Government"—in the case of India they would say it was against Great Britain, and in the case of Korea they would say it was against Japan—is there any doubt but that they would have the right, under that treaty, to make that complaint? And if they made it, would not a fair construction of it be that we would be ordered by the council or the assembly to stop it? At least, we would not be able to pass on it. The council or the assembly would do that.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. This treaty has not been ratified; but has the Senator had called to his attention the cases—14 in number, I think—of the Hindus who during the war advocated the independence of India who are now to be deported to India?

Mr. NORRIS. Yes; I am somewhat familiar with it; and I want to say to the Senator that my understanding is, from talking to some of those men themselves, that if they are sent back it means either death or imprisonment for a long term of years, probably life. I do not know whether they will be sent back or not, but our Government has the question up now; and if we are going that far before we get this clause that I have read as binding, what can we expect when we make the agreement by which they will have a perfect right to do those very things? Always heretofore this has been a land of refuge from which political prisoners have never been extradited. When they came to free America they were not subject to be deported and taken back because some monarchical Government had said that they were conspiring against it. When this treaty is agreed to, that freedom is gone, and gone forever.

In August, 1894, Japan entered into a treaty with Korea. Article 1 said:

The object of the alliance is to maintain the independence of Korea on a firm footing.

April 17, 1895, not quite a year afterwards, Japan made a treaty with China, article 1 of which reads:

China recognizes definitely the full and complete independence and autonomy of Korea.

That was at the end of the Japo-Chinese war, and Japan required that China should make that recognition.

April 25, 1898, Japan made a treaty with Russia. Article 1 reads as follows:

The two Governments recognize definitely the sovereignty and entire independence of Korea and pledge themselves mutually to abstain from all direct interference in the internal affairs of that country.

Bear that date in mind—August 25, 1898. Could there be anything clearer? Could there be any possible doubt but that Japan, by her own act, had guaranteed the independence of Korea?

January 30, 1902, England and Japan made a treaty, and the preamble says:

The Governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme East, being moreover especially interested in maintaining the territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all the nations, hereby agree—

Now, they are not only so desirous to maintain the national integrity of Korea, but here comes article 1 in the same treaty:

ARTICLE 1. The high contracting parties, having mutually recognized the independence of China and Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country.

Now, that will apply to China as well as to Japan; and, remember, that was made January 30, 1902, not only recognizing the independence of Korea and China both, but declaring before the world that they are uninfluenced by any aggressive tendencies in either country. Since that time Japan has gobbled up one, and if this treaty is ratified and becomes a law she will have the greater portion of the other.

When Japan declared war against Russia on February 10, 1904, the Emperor of Japan used this language as a part of the declaration of war:

The integrity of Korea is a matter of gravest concern to this Empire. * * * The separate existence of Korea is essential to the safety of our realm.

That was February 10, 1904.

February 23, 1904, Japan and Korea made a treaty, article 1 of which said:

For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan, and adopt the advice of the latter in regard to improvements in administration.

Article 2 of the same treaty:

The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea.

Article 3 of the same treaty:

The Imperial Government of Japan definitely guarantee the independence and territorial integrity of the Korean Empire.

Remember, all those protestations were made February 23, 1904.

August 12, 1905, Japan made a treaty with Great Britain, article 3 of which reads as follows:

Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures * * * in Korea as she may deem proper * * *. *Provided*, That such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

Now, Mr. President, the camel is getting his nose into the tent. You remember that Japan had made a treaty with Great Britain in which she had recognized and guaranteed the territorial integrity of Korea? Later, she made this other treaty with Korea, in which the Korean Government says that she will have full confidence in the Imperial Japanese Government, and adopt the advice of the latter.

Japan has the treaty with Great Britain in her way, and so she goes to her ally and makes another treaty by which Great Britain practically takes her hands off and says, "Go ahead, Japan."

That was August 12, 1905. September 5, the next month, Japan makes a treaty with Russia, article 2 of which says:

The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military, and economic interests, engage neither to obstruct nor to interfere with the measures * * * which the Imperial Japanese Government may find it necessary to take in Korea.

The camel is going in a little farther. Japan is making arrangements now with Russia, so that Russia will keep her hands off and let Japan proceed in Korea. She makes a treaty with Great Britain in August, with Russia in September, and then she gets hold of Korea, and on November 17, 1905, makes a treaty, and the preamble to that treaty reads as follows:

The two Governments—

That is, Japan and Korea—

desiring to strengthen the principle of solidarity which unites the two Empires, have * * * concluded:

ARTICLE 1. The Government of Japan * * * will hereafter have control and direction of the external relations and affairs of Korea.

The camel has his head in now.

Then, in 1906, Marquis Ito was made Japanese resident general in Korea, and in 1907 Japan prevented the representatives of the Korean Emperor from being given a hearing at The Hague conference.

The camel is going in a little farther.

Then, on July 24, 1907, Japan makes another treaty with Korea, the preamble of which reads:

The Governments of Japan and Korea, desiring speedily to promote the wealth and strength of Korea, and with the object of promoting the prosperity of the Korean nation, have agreed—

Now, whenever Japan says that, look out for what follows. This is what they have agreed to:

ARTICLE 1. In all matters relating to the reform of the Korean administration the Korean Government shall receive instructions and guidance from the [Japanese] resident-general.

You see the similarity, Mr. President, with what I showed at the beginning of my remarks about China. They are taking the same course, following a parallel line exactly. I will read

further from the same treaty. I read article 1. Article 4 reads as follows:

In all appointments and removals of high officials, the Korean Government must obtain the consent of the resident-general.

Whom you will remember was a Japanese appointee.

ARTICLE 5. The Korean Government shall appoint to be officials of Korea any Japanese subjects recommended by the resident-general.

ARTICLE 6. The Korean Government shall not appoint any foreigners to be officials of Korea without consulting the resident-general.

The independence of Korea was practically taken away by that treaty, contrary to every solemn obligation and promise that Japan had made, not only to Korea, but to all the world. And, Mr. President, in the one treaty that I have referred to, at the beginning of the Russo-Japanese War, the Korean Government went so far as to permit the Japanese Government to bring soldiers and munitions and guns into Korea, to use her railroads and transportation facilities in order that she might reach the Russians, who were up north of Korea. The Korean Government practically went into an alliance with Japan, which saved no man knows how much in that great war Japan was waging with Russia. It might have been the difference between victory and defeat for all I know. But it gave her a great advantage, and from that day to this the Japanese soldiers have never been taken out of Korean territory.

Now, we are down to 1908. In 1908 Prince Ito declared publicly that it was no part of Japan's purpose to annex Korea. They had practically taken possession of the Government, but were still keeping her separate.

In 1909, one year afterwards, Prince Ito, the same man, declared that Korea must be amalgamated with Japan, and August 22, 1910, there was a treaty between Japan and Korea; and I will show you, Mr. President, that every one of these treaties in which Korea surrendered any part of her sovereignty was made by force. None of them were ever made until after the Russo-Japanese War, until the Japanese soldiers were quartered on Korean soil, until Japan had taken possession of the railroads, given at that time voluntarily with the idea of helping Japan in her contest with Russia, but from that time on everything was compulsion. Unarmed, unfortified, Korea had to submit to the will of the military government of Japan.

Now, we come to the treaty between Japan and Korea, wrung by force out of Korea on August 22, 1910. It reads in part:

ARTICLE 1. His Majesty the Emperor of Korea makes complete and permanent cession to his Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea.

Everything that Japan said she would not do is now accomplished. But mark the words, it is the Emperor of Korea who makes this cession. Maybe Japan will not accept it. If Japan was so anxious to keep Korea independent perhaps she will say, "No; you had better not do that."

Let us see what article 2 of the same treaty says:

His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article, and consents to the complete annexation of Korea to the Empire of Japan.

Remarkable, remarkable, what a concession Japan was making!

On August 29, 1910, seven days later, Japan formally declared Korea annexed to the dominion of his imperial majesty the Japanese Emperor.

And thus disappears from the world of nations one of the oldest nations of the earth, the Korean Government, annexed absolutely to Japan. Mr. President, I want again to call attention to the parallel between Korea and China. Every step all the way along Japan was making professions and giving guaranties of her intention to preserve the integrity of the Korean nation. Everywhere she is doing the same with China, by taking one slice after another.

If the 21 demands are ever acceded to she will be as fair with China as she was with Korea when she appointed a resident general who took practical control, appointed all the officers of Korea, and removed all Koreans from holding office. It will be only one step more until, as she did in Korea, there will be a treaty by which China will ask the Japanese Government to take her over, and the Japanese Government will reluctantly consent.

Mr. President, during all this time we had a treaty with Korea, and because I want to produce some evidence that has some bearing on it I want to read article 1 of that treaty. It was made May 22, 1882, and was in force at the time Japan took Korea over. Article 1 says:

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen—

Chosen, of course, means the same as Korea—

and the citizens and subjects of their respective Governments.

This is the part to which I want to call the Senate's attention:

If other powers deal unjustly or oppressively with either Government, the other will exert their good offices on being informed of the case to bring about an amicable arrangement, thus showing their friendly feeling.

During most of the time while these things were going on an American citizen, H. B. Hulbert, was the adviser of the Korean Emperor. As I remember, he has spent 30 years in Korea, and I am going to read part of the letter in which he sends me some documents. I will read the first paragraph anyway:

MY DEAR SENATOR: I inclose herewith the documents which we spoke of in our conversation. They are, of course, translations of the original, and though there may be slight inaccuracies, I am sure that they correspond very closely with the original. If these documents are found in the archives of the State Department or elsewhere it will be possible to verify them with the new translation, if desired.

One of the documents that I have talked over with Mr. Hulbert, and which he inclosed in that letter, was a translated copy of the message that the Emperor of Korea, in October, 1905, which was about the time Japan was getting the last treaty with Korea, sent to our Government, and he sent it because of the provision in the treaty between our Government and the Korean Government that I have just quoted. Mr. Hulbert was the bearer of this message. He brought it with him from Korea to Washington in person. The original is signed by the man who was Emperor of Korea. It reads as follows:

Ever since 1883 the United States and Korea have been in friendly treaty relations. Korea has received many proofs of the good will and the sympathy of the American Government and people. The American representatives have always shown themselves to be in sympathy with the welfare and progress of Korea.

Many teachers have been sent from America who have done much for the uplift of our people.

I think I ought to pause there to say that under the Korean rule, American missionaries and American teachers were welcomed in Korea. They were protected. The Korean people took kindly not only to the Christian religion, but to the English language, and the missionaries and teachers established schools all over the Empire of Korea. Continuing, the Emperor's letter says:

But we have not made the progress that we ought. This is due partly to the political machinations of foreign powers and partly to our mistakes.

It seems to me this is a very modest letter, because he says later on that he would be glad to receive advice even from the Japanese.

At the beginning of the Japan-Russia war the Japanese Government asked us to enter into an alliance with them, granting them the use of our territory, harbors, and other resources, to facilitate their military and naval operations. Japan, on her part, guaranteed to preserve the independence of Korea and the welfare and dignity of the royal house. We complied with Japan's request, loyally lived up to our obligations, and did everything that we had stipulated. By so doing we put ourselves in such a position that if Russia had won she could have seized Korea and annexed her to Russian territory on the ground that we were active allies of Japan.

Nobody disputes that statement. It is simply a restatement of historical facts.

It is now apparent that Japan proposes to abrogate their part of this treaty and declare a protectorate over our country, in direct contravention of her sworn promise in the agreement of 1904. There are several reasons why this should not be done.

In the first place Japan will stultify herself by such a direct breach of faith. It will injure her prestige as a power that proposes to work according to enlightened laws.

In the second place, the actions of Japan in Korea during the past two years give no promise that our people will be handled in an enlightened manner. No adequate means have been provided whereby redress could be secured for wrongs perpetrated upon our people. The finances of the country have been gravely mishandled by Japan. Nothing has been done toward advancing the cause of education or justice. Every move on Japan's part has been manifestly selfish.

The destruction of Korea's independence will work her a great injury, because it will intensify the contempt with which the Japanese people treat the Koreans and will make their acts all the more oppressive.

We acknowledge that many reforms are needed in Korea. We are glad to have the help of Japanese advisers and we are prepared loyally to carry out their suggestions. We recognize the mistakes of the past. It is not for ourselves we plead, but for the Korean people.

At the beginning of the war our people gladly welcomed the Japanese, because this seemed to herald needed reforms and a general bettering of conditions, but soon it was seen that no genuine reforms were intended and the people had been deceived.

One of the gravest evils that will follow a protectorate by Japan is that the Korean people will lose all incentive to improvement. No hope will remain that they can ever regain their independence. They need the spur of national feeling to make them determine upon progress and to make them persevere in it. But the extinction of nationality will bring despair, and instead of working loyally and gladly in conjunction with Japan the old-time hatred will be intensified and suspicion and animosity will result.

It has been said that sentiment should have no place in such affairs; but we believe, sir, that sentiment is the moving force in all human affairs and that kindness, sympathy, and generosity are still working between nations as between individuals. We beg of you to bring to bear upon this question the same breadth of mind and the same calmness of judgment that have characterized your course hitherto, and, having weighed the matter, to render us what aid you can consistently in this our time of national danger.

That is the message. Mr. Hulbert attaches to that message an affidavit, in which he says:

I declare under oath that the above is the substance of a letter delivered to me by the late Emperor of Korea on or about the 20th of October, 1905, in the city of Seoul, Korea, for transmission to President Roosevelt; that I brought it to Washington, arriving on the 17th of November; that I delivered it into the hands of Secretary Elihu Root on the 21st, after its acceptance at the White House had been refused; and that I hold a letter from Elihu Root acknowledging receipt of the letter.

That is signed by Mr. Hulbert and is sworn to before a notary public.

Now, Mr. President, the principal object that I had in reading this correspondence is to show, if it can under any conceivable circumstances be considered necessary, that this treaty made between Korea and Japan, by which Korea signed away her birthrights, was made by force. In my judgment, under that treaty, our Government ought to have done something then, but, as a matter of fact, we stood like the rest of the world did and saw Japan gobble it up. That is sometimes used as an argument why we should sign the present proposed treaty.

As I have said before in referring to the treaty with China that was made by force and this treaty here, we are confronted with a responsibility that we can not throw off of our shoulders. We must take some action. It is the difference between not being in a position where any action is required and being in a position of responsibility.

Mr. President, if you in your neighborhood knew that some one had stolen your neighbor's horse, if you were a very high-class citizen, you probably ought to go and report it; but suppose you did not and later on some other neighbor steals a horse and you are put on the jury to try him. The case comes before you and the defendant says, "Why, here, Mr. Smith stole a horse last week from this same man and nobody was prosecuted." Would that be a defense if you were a juror or if you were the court when you are required to pass on who owns the property or in a criminal case the punishment of the criminal? In this case it is the ownership of the property we are trying, like a replevin suit.

Would it be a defense to say to Mr. B, who stole a horse from Mr. C, that he could not be prosecuted and that he had a right to keep the horse because Mr. A had stolen a horse from Mr. C and had not been prosecuted?

But, Mr. President, the other document that Mr. Hulbert inclosed in the letter, which I have partially read, was a telegram sent by the Emperor of Korea to him. I will read his letter to me, in which he describes what he did. He took this letter and started for Washington. While he was away they took the Emperor and the members of his cabinet by force and compelled them to sign another treaty, as he describes in the letter, but when he got here he got this telegram from the Emperor of Korea:

I declare that the so-called treaty of protectorate recently concluded between Korea and Japan was extorted at the point of the sword and under duress, and therefore is null and void. I never consented to it and never will. Transmit to the American Government.

(Signed) THE EMPEROR OF KOREA.

Mr. Hulbert says:

I hereby affirm under oath that the above cablegram was received by me on the date named—

That is on the 21st day of November, 1905—

and that I delivered it into the hand of Robert Bacon, the then Assistant Secretary of State, and received from him the assurance that it would be put on file in the records of that department.

Signed by Mr. Hulbert and sworn to before a notary public.

I think I can describe what happened over there when this last treaty was agreed to that he describes there by reading the letter of Mr. Hulbert to me. That was the treaty of August 22, 1910, when the Japanese Government took over the entire Korean Government. I will not read all the letter, but I will read that part which has a direct bearing here. This is a letter directed to me and written by this same Mr. Hulbert, who was for 20 or 30 years the advisor of the Korean Emperor and who was the custodian of the message from the Emperor of Korea to our President, which I have just read. In part this letter reads as follows:

When the Japan-Russia war broke out, Japan made a treaty with Korea—

I have read extracts from it—

whereby Korea gave Japan some very tangible advantages and thereby put herself in such a position that, had Russia won the war, Russia could have annexed Korea without a word of protest from any other Government in the world. Japan on her part guaranteed the perpetual independence of Korea. After the cessation of hostilities, it became apparent that Japan did not intend to keep her agreement with Korea. The Emperor was naturally much disturbed and asked for advice from his friends. I suggested that he consult the treaty with America, in the first clause of which it is agreed that if either of the high contracting parties should be threatened by any third party, the other should use her good offices to find an amicable settlement of the difficulty. The Emperor examined the treaty, and then asked me to carry a letter from him to President Roosevelt. I then consented to do so, but before starting with it I consulted the American minister in Korea, Mr. E. V. Morgan, who made no objections at all, but rather encouraged the mission. The Japanese became aware of the matter, through what source I do not know, but greatly suspect, and knew that they must seize Korea before I should reach Washington, or else it might embarrass the administration in Washington. They worked upon the Emperor and his cabinet until I was within a single day's journey from Washington—

As a matter of fact, he was in Cincinnati when this thing he is about to describe happened—

but without avail. The Korean Emperor and cabinet were adamant in their determination to prevent the alienation of Korean sovereignty. But during that last night, before I reached Washington, the Japanese filled the palace with their own troops and summoned the cabinet. Please note that there could be no legal meeting of the Korean cabinet except as called by the prime minister at the instance of the Emperor. A peremptory demand was then made by the Japanese that Korea consent to a protectorate by Japan. This demand was instantly and indignantly refused. Field Marshall Hasegawa and his aids then took Han Kyu-Sul, the Korean prime minister, into an adjoining room and closed the door. Hasegawa drew his sword and demanded that the prime minister consent. The latter again refused. The Japanese left him there under guard and went back to the Emperor and the rest of the cabinet. The latter supposed that Han Kyu-Sul had been disposed of, and that a like fate awaited them, and under such mortal pressure three of them signed the document.

In other words, they took the prime minister out, where they were in a meeting, put him in another room, and when they came back they all reached the conclusion—and it was a very reasonable one, under all the circumstances—that the prime minister had been murdered and that they were about to be murdered unless they signed the treaty, and three of them signed it.

And under such mortal pressure three of them signed the document. The great seal—

They had to have the great seal to make it legal—

The great seal of State was stolen from the foreign office and placed upon that document by the Japanese themselves. Full evidence of these facts can be secured from Han Kyu-Sul and other members of that cabinet still living. This was accomplished almost at the moment when I was entering Washington. I immediately sent to President Roosevelt, through the kind offices of Judge Wendell P. Stafford, of the Supreme Court of the District of Columbia, and asked that I be received. The Emperor had asked me to deliver the document into the hands of the President in person. The reply came back that the letter could not be so received, but that I might apply to the State Department if I saw fit. I immediately did so, but was refused admittance on the plea that they were "too busy." I was advised to come the next day. I did so, but was informed that they were still too busy, but that I should come the following day. I went, then, directly to the White House, and was told by Secretary Loeb's secretary that they were well aware of the contents of the letter from the Emperor, but that if anything were to be done it must be at the State Department and not at the White House. That very day, while still holding the message from the Emperor in abeyance, the administration accepted as true the Japanese statement that the new arrangement was very pleasing to the Korean people, and without a word to the Korean Emperor or the Korean Legation in Washington, it cabled our legation to remove from Korea. The following day I was admitted to the office of Secretary Root, and I placed the letter in his hands. I hold his acknowledgment of its receipt with the statement that the letter came too late to be seriously considered. The following day I received the cablegram from the Emperor declaring the forced treaty to be null and void, having been extorted by duress. This cablegram I handed to Assistant Secretary Bacon in the State Department, and received his assurance that it would be placed on file in the archives of the department.

Mr. GORE. May I inquire whose letter that is from which the Senator is reading?

Mr. NORRIS. This is Mr. Hulbert's letter, the personal advisor of the Emperor of Korea.

I might read some of the comments which are made further on in this letter:

Now, in view of these facts, which are susceptible of corroboration, I contend, that unless simple, brute force is the final argument of international law, the seizure of Korea at that time was an illegal act and without valid force; and if so, every subsequent act of spoliation on the part of Japan was consequently illegal and void because they were all based upon and derived from that act.

Mr. President, so far we have found an exact parallel between the conduct of Japan in China and in Korea, with the one sole exception that Japan has finished her work in Korea and is not quite through in China; and one of the steps to enable her to complete her mastery of China is the approval of this treaty with the provision in it which we have before us.

As I said a while ago, it is quite important to know what Japan has done with Korea while she has had her during practically these 20 years. What has Japan done in Korea? What kind of a government, after she robbed the people of the sovereignty of their nation, has she given them? I want in passing to read an extract from Japan's own report about crime in Korea. There is not a more peaceable people on the face of the earth than are the Koreans, who are absolutely unarmed, with a civilization older than the Christian era, older than that of Japan, but without any military spirit; a fine class of people. I will have occasion later on to comment somewhat upon the women of Korea and their ideals and to show that they correspond with what we in our age in America believe ought to be womanly attributes, but that those ideals are absolutely contrary to every Japanese conception of modesty or of virtue.

In the Japanese report for 1912–13 on Korea, on page 47, speaking of crimes, it is stated:

The total number of criminal cases decided during the year 1912 by police summary judgment reached 21,483—

If I wanted to take up an hour or two, I should show you what "police summary judgment" means, and, incidentally, as I go along and from the evidence that I shall read and produce, Senators will learn what "police summary judgment" means. It means that men and women who are arrested for acting contrary to Japanese requirements, without charges being made against them, are disposed of by the men who arrest them—the soldiers or the police, as the case may be.

The total number of criminal cases decided during the year 1912 by police summary judgment reached 21,483, being an increase of 2,580 over that of the previous year. Of the persons implicated in these cases 433 were sentenced to short terms of imprisonment with hard labor, 34 to imprisonment only, 5,736 to a minor fine, 1,807 to police detention, 9,705 to a police fine, 18,438 to flogging, and 800 were acquitted, making a total of 36,953 persons.

The Japanese report for 1916–17, on page 126, states:

The total number of criminal cases decided during the year 1916 by police summary judgment reached 56,013, involving 82,121 offenders, being an increase of 14,777 cases and 21,750 offenders over those of the preceding year. Of the persons implicated in these cases 81,139 were sentenced—

Now, listen to this, and remember that it is an official statement—

30 proved their innocence, and the remaining 952 were pardoned.

They arrested altogether 81,139, and out of that number there were 30 who proved their innocence and were let go. What does an American think of that kind of a record? How would you like it if a foreign Government took possession of our Government, simply because they had the power to do so at the point of the sword; ousted every American official from office and put their men in, and then arrested 81,000 of us and said, "Unless you prove your innocence you are going to be punished"? That is the kind of jurisprudence under which Japan operates in Korea. The police rendered "summary judgment" on 56,013 in that year.

Mr. GORE. Were the police natives or Japanese?

Mr. NORRIS. The police are Japanese. I say "the police," but it is very often—probably oftener than otherwise—the soldiers who make the arrest. I will say that there are occasionally some Koreans who are put into office; but if there are, they are in positions where they are under the Japanese, and unless they obey—and there are some of those, of course, who follow and do whatever their masters tell them—they do not hold office very long. There is no one in position over there who is not either a Japanese or some one that the Japanese absolutely control.

I only offer these observations in passing to show that while we are asked to turn over the Chinese to the Japanese Government, according to the evidence produced by me on Saturday and Friday it is proven they are doing the same thing in China which they have been doing all the time in Korea.

For 20 years Japan has had possession of Korea, and everybody supposed that Korea was completely subjugated. The Koreans were absolutely under the heel of the conqueror; their schoolhouses had been burned; their language had been almost abolished; their houses had been searched for books and papers printed in the Korean language, which, when found, were destroyed. Everybody supposed that Korea was dead; Japan thought so; she considered that she had conquered the spirit of the people; but in March, all at once, all over Korea, as by a flash, the people—men, women, and children—rose up, and, though unarmed, with not a gun in the whole country, not a revolver, a pistol, a sword, or a club, they all came out on the streets on that day shouting "Mansei," which means "hurrah for Korea." Thirty of them got together and declared the independence of Korea. They are now either dead or in jail.

The Japanese then brought out their soldiers. However, I described that somewhat when I spoke on Shantung here last July, and I am not going to repeat it now. I only mention it to show that you can not by any man-made edict or law or treaty, regardless of the amount of power that you may have behind it, kill the spirit of liberty and freedom. It lives under a law not made by man; and this treaty can no more kill it, can no more drown it out in China, than Japan, by her militaristic course that would have made the Kaiser blush, succeeded in doing in Korea. Unarmed though she was, and almost without the knowledge of anybody, as if by magic, she rose up and said, "I want to be free."

The spirit of Korea still lives. There is now an organized Korean Republic, mostly in the United States, mostly on paper, I admit, growing out of that movement. I have here a letter signed by a man who represents that Republic from which I desire to read a few extracts. He describes what happened when the Japanese took over Korea, as follows:

The Japanese seized all of our telephone and telegraph lines, took control of our postal service, suppressed and confiscated all of our newspapers, and established a strict censorship, not permitting any news of our real condition to be openly published in the world.

Now, there is a charge. Somebody may say that is written by an interested party; but, Mr. President, from the beginning of the publication of the treaty I have investigated this question, and if there ever has been in my life a statement as to the truth of which I am satisfied, I am satisfied that the paragraph from the letter which I have read is no exaggeration whatever of the truth. I have talked with ministers, missionaries, and others who have spent their lives over there; I have had letters and telegrams from them and from organizations as to the truth of which there can be no question, substantiating everything that is said in this communication. Now let me read a little further:

They then seized all of our public lands, turning them over to Japanese colonists exclusively, and used every conceivable method of coercion to compel our Korean people to give up their lands to Japanese. As a means to that end, they had the Japanese-controlled Bank of Chosen call in all money and specie throughout the country, thus practically depriving Korea of a circulating medium, and proceeded to levy excessive taxes, which they stipulated must be paid in money.

Remember that. I have had men who were there personally, representative Americans, tell me the same story. I had a man in my office who told me that he personally furnished money and bought some of the Korean homes, paid for them, and had the deeds put in his own name, being an American citizen, in order to keep them from falling into the hands of the Japanese.

The stories told me corroborate the statement made here that the Japanese, through the bank which they absolutely controlled, called in all of the metal money and then issued a decree that taxes must be paid only in metal money. Here is a Korean with his family living in a home which he owns, which his father owned, which has come down through the ages; no one questions his title; but taxes must be paid; he can only pay them in metal money, and there is only one place on earth to get the metal money, and that is from the Japanese, and there is only one way to get it. The Japanese will give him the money, but they fix a price on his home, on his land, and they fix the price invariably at much less than the property is worth. Then they get it, and the Korean has to go away. They have gone by the thousands into Manchuria and other places. Therefore I know the writer of this letter is telling the truth when he describes the situation as he does:

Having no money, Koreans were compelled to make arrangements with the Bank of Chosen, and the only arrangement they could make was to give up lands to Japanese. In the course of this oppression the Japanese have seized and destroyed Korean historic records and literature that had been accumulating and recorded for over 4,000 years in both public and private archives and attempted to burn every vestige of the public records and documents of the Korean Government.

Laws have been enacted and enforced by the Japanese prohibiting the teaching of the Korean language and of history and geography in the schools, and, as a stroke against Christianity, have prohibited the holding of any religious services in the schools, compelling the Koreans instead to worship Mikado tablets. Koreans are now prohibited from being educated abroad, which is a direct violation of article 11 of the provisions of our treaty with your government permitting and inviting our citizens to become educated in your colleges and universities, which reads—

Then he quotes another provision from the treaty which I have read, and I think I had better read the extract:

Students of either nationality who may proceed to the country of the other in order to study the language, literature, laws, or arts shall be given all possible protection and assistance, in evidence of cordial good will.

I will have something to say further on about some of the Koreans who have come here to secure an education. There are thousands of them in the United States; there are a great many in Great Britain; there were many in France; and there were many in Russia.

Korea was susceptible to the work of the Christian missionaries. She was on the eve of a great upheaval for Christianity and civilization when the Japanese Government took possession. Her Emperor, who was compelled to sign this, was not of very much force. I concede that. They would in time, of course, have gotten rid of him. They would have been better off without him, or at least they would have been much better off if they had had somebody with more stamina than he had, although it must be said for him that he refused to comply with the last request to sign the death warrant of the Korean people and only consented to it under force.

Mr. President, I think this might be as good a place as any to comment a little on the question that is raised there about the students who were in this country.

I have here copies of cablegrams and letters showing what happened to 50 Koreans. They were in England. This was all since the armistice. They were students. I do not know whether

or not Senators are familiar with the way these students work to get an education. I happen to have some personal knowledge of it. I know that in my own congressional district there is a college where there are always a lot of Korean students. I have been there, I have talked with the president of the institution, and without a single exception during the time that there were probably 50 or 100 of them over here there was not one that went wrong. They were always anxious to get an education in English, Christians every one of them, and all were preparing themselves to go back to their own people to teach civilization and Christianity.

When Japan took over Korea it found these students scattered all over the world, and they have never been able to go back, except on one condition. We have them right in the United States now. They can not go back to their native country, because in order to get a passport our State Department requires that it shall be visèed by the Japanese ambassador in Washington, of which technically Korea is a part, and the Japanese never will visé a passport to a Korean to go back to his native home unless he takes the oath of allegiance to the Japanese Government.

Here were 50 Koreans over in Europe. This cablegram says:

Fifty Koreans from Russia, one from America, are here. Communicate with State Department for transportation to America. Cable what can be done.

So the cables went back and forth. The long and short of it all was that they were not allowed to come to America from England. France finally admitted them, I am told, although it does not show from this; but the man who gave me the information said they had succeeded in getting out of England and getting into France.

Here is one of the cablegrams, which says:

Authorities here—

That is from our own liberty-loving land—

Authorities here won't issue passport or permit landing without Japanese visé. Cable immediately when students arrived, under whose surveillance and orders, and under what authority are they interned? What did they do in Russia? Where were they? When did they leave Korea? Will British authorities permit departure for Canada, France, or Shanghai?

I had taken up with me a few days ago the case of five Korean girls over in the Hawaiian Islands. They were born there, and they have lived there all their lives. You know, in the case of these Koreans who were over here or any other place when Japan took over their country, very few of them have ever gone back. They would like to go back to their homes, but they will never go back on the conditions that are required of them—an oath of allegiance to the Japanese Government. They refuse to give allegiance to the Japanese Government. They still claim their own liberty and their own freedom and their own country; and for that hundreds, thousands, many thousands, have suffered death. These five Korean girls were not even allowed to come to the United States until I took up the matter. I finally succeeded in getting the State Department to grant permission—and the State Department seemed willing, too, I will say for them, to do it. They have told me that they have wired the immigration authorities to let them come in. All of them are going to different schools to study.

These Koreans, scattered over the world, have formed organizations in various places, all of them clamoring for the independence of Korea, just like you would do if, while you were in England, Mexico had come up here and conquered our country and would not let you come back unless you took the oath of allegiance to Mexico. You would starve before you would do it. You would not do it, but you would never stop fighting, you would never stop agitating, you would never stop working for the independence of your native land, your own country. That is what I said a while ago. In my judgment, article 10 and article 11 of the league of nations, if adopted as they now stand, will put a stop to that kind of work.

But, Mr. President, you will learn as I proceed that the Japanese have a particular dislike to Americans, and a particular dislike to American Christian missionaries. The Christian religion is one of the things they object to, because with the Christian religion always goes education. The missionaries not only teach Christianity, but they teach the English language. They give education to everybody that will come to get it, as far as their capacity and room will permit.

I am going to read you now a letter from an American missionary in Korea. Of course, I can not give his name; I will not give, in a good many instances, the places that he writes about, because you must understand that if his identity were established over there his life would pay the penalty, and another martyr for Christianity would pass into eternity. I do not know the man personally, but the letter and the man are vouched for to me by the Presbyterian Missionary Society of San Francisco, Calif. This letter is to his mother, and I am going to read it. Although it is long, I am going to read it in full:

KOREA, *May 25, 1919.*

That is written comparatively recently, quite a while after the armistice was signed.

DEAR MOTHER: My heart is heavy to-night, for I have just come from the hospital, where I sat by the bedside of a beautiful lad while the light of life went out in suffering, heart breaking to see. He is another of the victims of the butchery going on here—the second one to die in our hospital within three days among a group of 11 young men brought here from the prison in ———. Several of them I knew last fall when I was there teaching.

They were arrested at the time of the demonstration for shouting "Mansei" and distributing announcements regarding the demonstration for independence. They were kept in prison in ——— for some weeks, and finally brought to "trial," or what the Japanese military government calls a trial, and sentenced upon the above charge to 90 stripes.

You will notice that in the Japanese report which I read of the number of floggings that took place that looked simple; but, Mr. President, when you find out what one of those floggings means, it is another matter. Let me go back and quote that again, so that we will have that in mind. This is the Japanese report, now:

In the year 1912–13 there were 18,438 floggings.

In the other year they do not give the number of floggings; but now this young man is going to describe what a flogging is:

They were * * * sentenced upon the above charge to 90 stripes. They demanded an appeal, but were roughly refused and forced to accept the sentence.

Now, to an American that is something we ought to consider. We feel particularly proud of the fact that under our laws a man, before he can be sent to prison, before he can be punished criminally, has a right to go through the courts, have his case reviewed, and, if error is found, he is entitled to a new trial or to a dismissal, it may be. That does not go over there.

They demanded an appeal, but were roughly refused and forced to accept the sentence.

On May 16 the first 30 of the 90 blows were inflicted, three Japanese taking turns inflicting 10 blows each with all their might on naked forms prostrate and securely tied at neck, wrists, waist, and ankles upon a wooden frame in the shape of a Roman cross. These blows were given in such a way as to violate the law which prohibits the drawing of the bludgeon farther back than in front of and parallel with the shoulders of the striker.

It seems they have a law governing flogging which says that you can draw the bludgeon back only so far, but he tells you how they get away from that:

The boys showed me how the blows were given—the bludgeon drawn back as far as possible and the leg raised so as to give the maximum force to the blow.

May 17, 30 more blows were laid on the raw and bleeding wounds made the day before, and May 18, the next day, the remaining 30 were inflicted in like manner. They had no medical attention and no medicine of any sort for their wounds while in prison, according to testimony given by one and corroborated by the others as they lay in their beds in the ward to-day.

On May 18 they came out and went to an inn, waiting for their wounds to heal so they could travel. By May 22 six of them had developed gangrene, while five were recovering. Three who could walk by this time brought the six who were in serious condition to our hospital on that day, and two more came later, a distance of two hours by rail.

Among them was the lad who had acted as my secretary while I was at ———. Of course, I knew him very well, having worked with him every afternoon for a month, dictating outlines, which he wrote out and duplicated on the mimeograph for my classes. When I heard that a group of prisoners had come in, I did not at first learn that they were boys I knew. Next day, just as I was setting out to teach my English class, Dr. ——— called to me across from his porch that one of the boys was my secretary, and that he could not live. The boy had told them that he knew me, and asked for me. Of course I started at once to see him, but on the way I met Miss ———, who had just come from the hospital, and she told me that my boy was dead. I saw his still form when I reached the hospital—the same finely chiseled features, but sharply drawn and thin, with marks of pain deep lined into his forehead.

He had died from his wounds in intense agony, beaten to death like a dog for shouting for his country and taking part in a peaceful demonstration; absolutely nothing else was even falsely brought against him.

Then I went to see the others. One, who could walk, met me in the hall and greeted me joyfully. He looked pale, weak, and shaken—no wonder, after those 90 blows, even though he did escape the gangrenous poison which was threatening the lives of some of his mates. I went with him into the ward; four boys lay there writhing in agony, while a fifth, thought to be least likely to survive, lay in another room by himself.

One lad, with big dark eyes and a handsome head and face, seemed especially glad to see me, and he was the one whose face I seemed to remember most clearly.

Yesterday I visited them again. This one who especially attracted me was suffering intensely, and the doctor told me he was not likely to live. He had been taken to a private room so that he might not die in the presence of the others. He had been so glad to see me the day before, and he knew me, but was too ill to give me his attention long. After foreign service—about 6 p. m.—I went again. The doctor said he could not last much after sundown. He knew me, and I knelt by his bedside to pray. I could only ask that God would make His presence very real in that hour, relieve his physical pain, and give his heart peace. He knew he must die, and said his faith held. His pain was so great—peritonitis had developed to add to the already unbearable pain of the

wounds—that he wanted to die quickly if he must go, and yet his young life was sweet, and he clung to it. He told Dr. ——— in the afternoon that his one regret was that he could not live to see his country free, but that he was glad to give his life for her. During the afternoon he tried to bite off the end of his little finger—the sign of those who have pledged their lives to the freeing of their country, they signing the pledge with the blood that flows from the wound.

As I was praying he reached out and grasped my hand with a surprising firmness, and as I rose he begged me to lift him up; his pain was so great that he constantly sought relief by change of position. I went back to the compound for supper, returning with Miss ———, the nurse, about 7.30. Just as we turned into the hospital gate his brother, just arrived by bicycle and train all the way from ———, rushed past us saying as he ran, "Is he dead?" Assured that he still lived, he flew to the room where the sick boy lay. The meeting was a cry, the dying boy arousing himself and turning to his brother with upraised arms. Hearing his brother's sobs, he said, "Don't cry; I will not die now but live. Let us have a talk to-night." It seemed almost that his words might be true, but the doctor knew there was no chance, so they sent the crowd that had gathered out of the room, leaving him in charge of Miss ——— while the brother received his last messages.

I went to see the others in the adjoining room. After a little the brother went out for a few minutes, and Miss ——— and I watched by the dying boy. His life ebbed fast. He reached out to grasp our hands and begged to be turned. The brother came back and took his place by the bedside with a fan. The chosa, church leader, from his own church, one of the 11, himself suffering severely from his unhealed wounds, came in with him and stood at the foot of the cot, and one of my young women students who came down from ——— with me at Christmas time—a relative of the patient—came in with the matron. As he dropped the fan in his grief, the dying boy called for it—his last articulate words. I took it up and fanned him until the breath was gone, holding the wrist, which was now pulseless and growing cold. The chosa prayed, and as he did so the boy's eyes were suddenly alight with clear understanding, and he tried so hard to say something, looking straight into my eyes as I bent over him to catch any word he might speak.

He could not utter a word, but at last he got strength to lift his hand to his mouth. He bit at his little finger, looking at me with the message so plainly written in the brilliant dark eyes which a moment later closed in death. He wanted to pledge his life in blood to the country he loved so well. Poor boy; he had already given his blood; the bed was soaked with it from the seeping wounds on his back and hips where the cruel blows of the bamboo bludgeon had beaten the flesh to a mangled pulp.

As the chesa finished his prayer, the eyes glassed again. He called loudly the boy's name and asked, "Have you faith?" The head nodded in affirmative reply. Then the brother called, "Do you know God?" Again he nodded; the last sign he gave on earth.

Those two are gone; one more may go to-morrow. I have seen them in their terrible agony—worse than any death sentence ever inflicted in a civilized country—and yet Japan dares declare her laws are the same as those of civilized countries, and we are subject to them by the consent of our own United States.

Again I think of those scores (nearly a hundred and fifty, besides those killed outright at last report from this town) who have died from their wounds with no medical care; hiding miserably from the terror that still threatened them in our neighboring town of ———, where occurred the massacre of the unarmed crowd which broke into shouts on a market day. And I remember the hundreds more through the country—thousands it is more likely—for nearly every person I meet can tell of relatives and friends who have been beaten for no declared cause, as well as those beaten in prison after "trial." I am beginning to realize what all this means, yet it is too horrible to realize.

I shall send photos of those boys to prove what I am telling you, and a statement I shall draw up giving the testimony as they gave it to me in detail.

Can you believe that such horror continues under the flag of an "ally" who pretends to be shocked by the atrocities committed by Germany? Mother, every word is more than true. I have now seen enough to know that I really know very little of all the awful suffering that is going on. Nobody on this earth will ever know the whole story, but the God who heard the blood of Abel crying from the ground will avenge the blood unjustly spilled even in this dark day. I can't stand any more, so good-by.

Lovingly, ——— ———.

Later on the boy wrote a postscript and added it to the letter, in which he said:

Later: The two boys were buried on Monday. Under the bright noon sun the sad company gathered, following the carriers, Christian men of ———, out to the elevation just beyond our compound, where the procession halted while a funeral service was held. A pastor of our church, himself having spent 20 days in prison, conducted the service. The chesa from the boy's home town persistently kept up, in spite of his own wounds, and gave the life histories of the lads he knew so well as their spiritual leader. And the pastor who recently came here preached the sermon. He resigned on account of ill health and has been suffering from hemorrhages of the lungs. His eyes filled with tears and his voice broke as he expressed his grief at seeing those young lives go out before his own. One of the ——— deacons prayed, and his voice vibrated with grief and faltered as he cried, "Oh, Lord, why hast Thou forsaken us? Look with pity upon Thy people and save us from the hands of our enemies."

A quiet, deep sob swept over the crowd, not the cry of "Aego, aego," so characteristic of Korean heathen funerals, but a sob too deep for loud expression. The group of foreigners gathered there could not refrain from weeping with them as they took up the strains of our sweet hymn of Christian hope "In the sweet by and by."

Again the procession moved out over the beautiful valley, growing green in the spring sunshine, and climbed the steep hillside which commands one of the wonderful views of fertile valleys and blue mountains which the Koreans love so well.

There, facing the eastern hills, they laid them side by side. A woman, daring the consequences, though she must have known spies would be present, drew forth a little Korean paper flag and placed it upon the coffin of the boy whose dying message had been a pledge to his country and an acknowledgment of his God. Remonstrated with for her daring, she said, "They have done their worst to him. No blows can harm him now, and I know he would want it."

Mr. President, it seems to me that a Christian people can not read evidence like that, Christian preachers, of whom the Senator from North Dakota [Mr. GRONNA] was speaking the other day, and then in the next breath ask the Senate of the United States to approve a treaty that will compel us for all time and all eternity, if the league could last that long, to stand by and utter no word of protest to the nation that is carrying on that kind of practice against a helpless people. It does not seem to me, Mr. President, that we can afford to turn over to that Government, to that heathen Government, the Christians who are Americans, to say nothing of the Chinese, who have given up their pagan religion, and in answer to our call, to the sermons of our missionaries and our preachers, have confessed to the religion of Jesus Christ, and who will be left to the mercy and the peril of the same men who are persecuting and killing, as this boy tells his mother.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. I asked the Senator certain questions on Saturday for the reason that I knew a widespread propaganda was going on, asking the good people, the women especially, of the churches of the United States, to send to their Senators telegrams asking them to vote for the proposed treaty in its original form. Of course, those people do not know that certain provisions of the treaty would simply leave things in statu quo, and that we would be absolutely prohibited, if we adopted this treaty, from seeking a change of conditions in Korea or in other lands, as the Senator has pointed out. I am receiving daily, I will state to the Senator from Nebraska, petitions and telegrams from ministers of the gospel who either have renounced their Christian religion or else they are ignorant of the facts as they exist in Korea and elsewhere.

Mr. NORRIS. Yes; I believe that is true. I think the latter is true—that they are ignorant of the facts as they exist.

Mr. President, Korea technically is a part of the Japanese Empire to-day, and so recognized by our Government, the same as Ireland is a part of Great Britain. If we approve the treaty, under article 10, we guarantee to preserve and protect Japan in her possession of Korea. As I said a while ago, if we turn over Shantung, if Shantung should rebel, if Korea should rebel, and go to arms, and Shantung and Korea together fight Japan, and then the balance of China come to the relief of those contending parties, we, under the treaty, would be bound to go to the relief of Japan. If those things never do happen, under article 10, in respect to our Allies, we must stop permitting Koreans to organize in our country as they are organizing now. The next thing we will have to do, if we live up to our agreement and the treaty, is ourselves to punish Koreans in America who are crying out loud for the freedom of their native land.

Mr. President, when I spoke before on the question of Shantung—I think it was last July—I gave some evidence and testimony from religious organizations in regard to Korea and the treatment of Koreans. I am not going to repeat any of that; but after that occurred there was an organization of churches called the Federal Council of the Churches of Christ in America, which made an investigation. They are composed of churches of various religious denominations. They had reports from all over Korea, from their own missionaries. I am going to read portions of those reports that are vouched for by this organization. I will say that I have talked personally with some of the witnesses, but this Federal Council of the Churches of Christ in America, with headquarters in the city of New York, gives sufficient stability to the investigation to at least call for fair consideration of what they shall say, and I want to read just a little of their introductory where they explain what their work is:

About the middle of April the first person who came direct from Korea, bringing personal knowledge of the situation, and arriving in New York, was Rev. A. E. Armstrong, secretary of the board of foreign missions of the Presbyterian Church of Canada.

Then he went back to Korea.

He had spent 10 months in the Far East, visiting the stations of his board in China, Manchuria, Korea, and Japan, and was on the point of sailing from Yokohama for America when he received a wire urging an immediate revisit to Korea. He reached Seoul March 16; was there for three days, in consultation with various parties, getting full and accurate information.

On reaching New York he at once consulted Dr. Arthur J. Brown, secretary of the board of foreign missions of the Presbyterian Church of the United States; Dr. Frank Mason North, secretary of the board of foreign missions of the Methodist Episcopal Church of the United States; and Dr. William I. Haven, secretary of the American Bible Society. The subject matter to be dealt with was of such a nature that they thought it could best be handled by the Federal Council of the Churches of Christ in America rather than by the mission boards.

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The documents printed in the following pages the commission believes to be thoroughly reliable. More than 30 American and British individuals in Korea have shared in their preparation. Some of the documents are carefully prepared reports by committees; some are personal letters; some are signed affidavits of eyewitnesses. If all the material in hand were published, a volume of about 1,000 pages would result.

I will read extracts as I go along through this report made by this Federal Council of Churches. Here is another statement:

Many of the atrocities perpetrated in Belgium have been duplicated in Korea. According to one newspaper 6,000 Koreans are now in jails and prisons, and this is probably below the actual number.

In another place they say this:

Their police system is German to the core; and in their colonial government they have taken the Prussian rather than the British method as their model. The sword is the emblem of authority. Not only is it carried by the military, gendarmerie, and police, but by the civilian members of the civil service. Every male school-teacher wears a sword; in fact, almost everyone who holds a Government office carries a sword as the symbol of his authority. To bolster up the militaristic system a vast system of espionage exists. Consequently there is no freedom of assembly, no free speech, no freedom of the press. And there is no right of petition of grievances with immunity from arrest. Needless to say, there is no participation in self-government. In the law courts it is alleged that a Korean has no chance in a suit with a Japanese. Habeas corpus is unknown. The State has a right to keep a prisoner for two weeks or more before producing him in open court, and if it desires by means of securing extensions of 10 days ad lib. need not produce a prisoner in practice until it desires to do so. The prisoner is not allowed to consult a lawyer or to see his friends. Torture is freely applied, and a man is considered guilty until proved innocent.

That corresponds with the reports of the Japanese who, in something over 80,000 prisoners in one year, said there were only 30 that succeeded in proving their innocence.

Neither is the Korean permitted to enjoy many offices of emolument under the Government. There are some Korean police and gendarmes, but there are very few Koreans in other departments of the civil service. Korea is a paradise for the Japanese job hunter. Efforts have been made by Government officials to deprave the youth of Korea. Commercialized prostitution is flourishing and is extending from the capital to the country parts. A manifesto describing the grievances of the people has been issued by the independence committee. Another grievance which strikes deeply to the heart of the Korean is the determination of the Japanese to drive out the use of the Korean language from the schools. The proclamation which provides that Japanese is to be the sole language of instruction comes into force in 1920. The lesson of Poland and other countries seems to be lost upon the Japanese. Then there seems to be an organized attempt to deprive the Koreans in the southern part of Korea—which is the warmer portion—of their land and to force them to emigrate to Manchuria. Pressure is put upon the Korean landholder or tenant to sell, usually at a disadvantageous price, and he and his family go north to make a new home. Japanese settlers replace the Korean. This policy is fostered by a semi-official company called the Oriental Development Co., which receives valuable concessions from the Government.

March 3 was set for the date of the ex-Emperor's funeral—

That is, the Emperor of Korea, who was held as prisoner ever since the country was taken over by Japan, died this year, and March 3 was set as the date of his funeral—

and it had been arranged that the ceremonies inside the city should be Japanese and outside the city Korean. Needless to say, the arrangements for the Japanese part of the ceremony were not made with the hearty concurrence of the Koreans.

The atmosphere was becoming tense. Evidently the authorities had an inkling that something was brewing, for the principals of schools were called before the prefect at the city hall and told to warn their students not to be led away by the actions of the Korean students in Japan. It should be stated here that during February the Korean students who were attending the various colleges in Japan had started a movement for the self-determination of Korea, and many had been imprisoned.

On Saturday, March 1, notices were posted on the streets of Seoul that public gatherings would be held at Pagoda Park, and printed proclamations of independence signed by 33 men were distributed. Shortly after noon a large number of the signers of this manifesto met at a Korean hotel and telephoned to the authorities that they had declared the independence of the country, announcing where they were. The authorities thereupon sent and arrested them. The police published in the newspapers that they had surrounded the ringleaders in an eating house as they were drinking success to their plot.

Meanwhile the people, including many students, had gathered at the park, and from there started to parade some of the principal streets. They walked along in an orderly way, with hands held aloft, calling their national cry of "Mansei," which means "ten thousand years." In front of public buildings, such as police headquarters and the various consulates, they would stop and take off their hats and wave them, uttering their cry of "Mansei." At the consulates they sent in letters and their proclamation manifesto. No single act of violence was done. At one point mounted gendarmes charged the crowd and inflicted some saber cuts. The police were arresting as many as they could, and all that evening and on the following day, Sunday, men were being arrested at their homes on suspicion of having been connected with the demonstration. Of the 33 signers—

Of the 33 signers of the declaration of independence, just note who they were:

Fifteen were members of the native cult, the Chuntokyo; 15 were Christians, and 3 were Buddhists. Of the Christians the majority were ministers of the various city churches, many of them college-trained men; one was a Y. M. C. A. secretary, another was connected with the Severance Hospital. Since that day arrests have been made daily, until at present there is scarcely a city church which has not its minister locked up.

Mr. President, I have already described at some length the first time I addressed the Senate on this question what happened during those days, and I am not going to repeat it now. I got a great deal of my information from eyewitnesses who were there in the streets and saw what occurred. Those witnesses can be produced. They will be glad to testify before a committee of the Senate, if they will request them to, to just what occurred when that declaration of independence was made. Men, women, and children were murdered, killed in cold blood. There was not one of them that was armed; there was not one of them, as this article says, that committed a single act of violence. They were just filled with the enthusiasm and the hope of the heart that they might do something to establish the independence of their native land.

In many cases—

This report says—

the police have questioned demonstrators and have arrested only those who admitted being Christians.

That is a thing that happened often. Particularly were they after the Christians.

An attempt was made to get 24 wealthy Koreans to sign a statement which said that the 33 signers were low-class people. They refused to do so, and pressure was brought to bear on them for several days before the attempt was given up. It should be said here, to make this point clear, that wealthy men are compelled to submit to periodical police audits of their private finances. There is no halfway government in Korea.

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It is not possible at this time to record in detail all of the uprisings in various places. These are fair samples of what occurred throughout the country. The truth will eventually come out as to what has happened in places where no foreigners were present to record what has transpired.

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Beating and torture are the cardinal principles of police methods in Korea. When making arrest, usually the victim is cuffed and kicked by several policemen.

These are general statements made by the Confederated Council of Churches in Christ in the United States; made, as they say, after full investigation; and they say in anything they publish no statement is included which they will not be able to prove. If there is any doubt about anything, they do not publish it.

From released prisoners stories of cruelty and torture are now pouring out. One student was asked to tell who the leaders were, and his finger nails were pushed back from the skin to assist his memory. Still another prisoner had his finger tips burned for the same purpose. Still another was put in an upright press, which operated with a screw from the back. When the screw is turned the four sides contract, and while the pressure becomes stronger the questioning is carried on—a way of squeezing out information. After being subjected to this torture the same man had a strong cord tied around the middle finger of his right hand; the cord was then passed through a hook in the ceiling, and his body was pulled up until he was resting on the tips of his toes. He became insensible during the process, and when he awoke found himself lying down while a salve was being applied to his wounds. He left the jail with a swollen hand, which had to be lanced immediately.

Mr. President, there was no charge of crime against any of these people. They were arrested simply because they were in a parade or because it was thought by the Japanese authorities that they had done something to instigate the Koreans to cry, "Hurrah for Korea!"

The girls fared even worse. For the first few days after being arrested they were confined in the several police stations. As far as can be ascertained, no matrons were on duty in those jails. Of course, the girls were not allowed to communicate with relatives or friends. The main facts in the story of one released girl are as follows: A few hours after being arrested she was brought before an officer, questioned and beaten by him on the face, shoulders, and legs. The following day the same process was repeated before a second officer. The third day she was taken before a third officer, who called her by vile names, and insinuated that she and the other girl prisoners were pregnant. "You can cut us open and see," she retorted. He then said that the Bible taught that sinless people were naked (some coarse references to Adam and Eve being intended) and ordered her to disrobe. She cried, and he did not press his demand. She was again beaten, and the fourth day, before still another officer, she was questioned and beaten again. One of her ordeals was to kneel down on the floor and hold a heavy board at arms' length for an hour. If her arm trembled she was beaten again. The girls were always accompanied to the toilet under guard. On the fifth day she was removed to the West Gate prison. She and two other girls were summoned to an officer's desk. She was told to wait outside while her two companions went in. A little later she saw them pass out stark naked, with hair down their backs, holding their clothes in a bundle before them. She was then called in and found two Japanese matrons present with the officer. After being questioned by the officer, she was ordered by the matrons to take off her clothes. After resisting for a time, and being threatened, she did so. Her hair had first been taken down by the matrons. There was no apparent purpose in this request except to humiliate her. After standing several minutes disrobed, she was told to follow one of the matrons. She wrapped her skirt around her, and carrying the rest of her clothes, walked through the hall to a cell, where she found two other girls. On the way thither she passed several male employees of the prison. The following day she was taken out by a matron and taken to a room where a very youthful Japanese doctor was waiting. Again she was ordered to disrobe for a physical examination.

After a long altercation she was allowed to retain one garment. The doctor tapped her chest, asked no questions whatever about her health, and she was in due course taken back to her cell. Several days later a gold-braided official came into her cell, asked her to remove her waist, examined her back and chest, and left the cell.

Mr. President, it ought to be said here that the Korean women are modest and are as careful of their virtue and of their persons as are American women. That is not true, however, of the Japanese. I mention this only as a fact. Any nation may have any standard it desires, so far as I am concerned. To a Japan-

ese woman the treatment accorded to these Korean women would not be much of a humiliation. The Japanese officers know that. Their desire is to punish and to hurt and to injure the Koreans, and they know that nothing will injure a Korean woman more than to ask her to disrobe and to stand without clothing in the presence of civilians and soldiers, and to walk the streets in such a condition. So it is done because the Japanese know that it is the severest punishment that they can inflict on the Koreans.

If you will follow the cases—and there are thousands and thousands of them—you will find that almost invariably, even before they are tried, the clothes are taken off the Korean women as a part of the punishment. It is done where they are held, as is stated by this girl, awaiting a trial that may never come; there never will be a charge, probably, against them; but the Japanese want to humiliate them; they want to inaugurate, as the Kaiser did, "a reign of frightfullness," and this being the way they can best accomplish that design it is the method they follow.

Mr. President, I could fill the CONGRESSIONAL RECORD with evidence such as I have read, but I am only going to touch a few of the "high spots" as I go along. I am really not selecting anything because it is worse than something else. I confess when I read it all over I can not tell which is the worst; it is all worst; there is not an incident with one redeeming feature in it. I read a little further from another page of this testimony:

It is quite evident that the most rigorous repression of demonstrations is directed against Christians in those sections of the country where the church is prominent. In the north a number (15 according to credible reports) of churches have had windows, furniture, bells, and Bibles destroyed by soldiers, gendarmes, or authorized thugs, and in many communities where general arrests are made discrimination is always against the Christians.

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We have not the remotest thought of meddling in politics and we can not hold any brief in defense of Christians who have deliberately committed themselves to a program of revolutionary agitation, but it is maddening to have to stand by and see unarmed and unresisting people treated with brutality and violence and even shot down indiscriminately and to know that these things are daily occurring in all parts of the country.

* * * * * * *

The stirring up of the minds of the Koreans is the sin of the American missionaries. This uprising is their work. In investigating the causes of the uprising two or three missionaries have been arrested and have been examined. There are a good many shallow-minded people among the missionaries and they make the minds of the Koreans bad and they plant the seeds of democracy. So the great part of the 300,000 Korean Christians do not like the union of Japan and Korea, but they are waiting for an opportunity for freedom.

Mr. President, what I have just read is a translation from a Japanese paper that is circulated in Korea for the purpose of injuring Christianity, for the purpose of hurting Christians, for the purpose of working up the minds of the Koreans against the missionaries. There is some more of it:

The missionaries have tried to apply the free customs of other nations to these Korean people, who are not wholly civilized. From the part that even girl students in Christian schools have taken it is evident that this uprising has come from the missionaries.

This is another quotation from the Japanese publication:

These messengers of God are only after money and are sitting around their homes with a full stomach. The bad things of the world all start from such trash as these. They planned this dirty work and got into league with the Chuntokyo. If we take all this into consideration, these missionaries are all hated brutes.

Here is a further description of treatment accorded Koreans who were taken prisoners:

Among those so treated was a young man named Chai Kyusae, a student and a younger brother of one of the Korean policemen. He was crying, as if in great pain; his head hung to one side from a terrible wound in the left side of his head; blood was streaming down his face. This man was sent home after a few days in a critical condition.

Another man was being dragged along toward the police station by two Japanese firemen. Across his head was the mark of a violent blow, and his face was knocked out of shape from a blow on the left side, from which blood was flowing. His left leg also hung limp, and he, too, groaned in pain. This man is a Christian, about 50 years of age. After treatment in the hospital for several days he was set free by the police with no charge against him. His name is Chai Haksung.

Another of those dragged to the police station was Fak Yichin, a student from one of the non-Christian schools. His skull was so badly crushed that after a few days he was sent out in apparently a dying condition to the home of his friends.

On this same day at least seven Korean men and a number of girls were taken to the police station in a pitiful condition from the wounds received.

While these scenes were being enacted, the police and gendarmes seemed to take no part in the arrests, but simply kept guard over the Japanese fire brigade as they clubbed and arrested the Koreans.

So far as was seen, there was no resistance made by the Koreans; they neither lifted a stick nor hurled a stone to defend themselves, nor did they utter a word of abuse against the Japanese.

These missionaries are speaking of instances where these people were brought to their hospitals. By the way, there is another institution which always follows Christianity and missionaries—hospitals where men and women are cured or given relief regardless of their ability to pay, their nationality, or religion.

During the first days of the demonstration in March a crowd of two or three hundred people visited the gendarme station at Suna Ub, Whanghai Province, and told the gendarmes that the country had declared its independence and that they should leave. The gendarmes replied that of course if the country had secured its independence they would leave, but that they would need to receive orders from Seoul before they could do so. This satisfied the crowd and it left. A matter of two hours later another crowd of people came and made the same demand. This time the gendarmes opened fire on them and killed five people. A number of others were wounded and thrown into the prison. Later on an old man went to the gendarme station to protest against the treatment meted out to the Koreans. This man the gendarmes shot dead. His wife came in and, finding the body, sat down beside it, wailing, as is the custom of the Koreans. She was told to keep still, and, not doing so, was also killed. That day or the next morning the daughter of this couple, going to the gendarme station, was slashed with a sword. The wounded men who had been thrown into prison were kept two days, a little bit of rice given them, but not a bit of water. They were in such terrible thirst that they say they drank their own urine.

That was another means of punishment. When they get them in jail sometimes they give the prisoners some food, but almost invariably they give no water to drink. Although water costs nothing, although it is free, and could easily be furnished, the Japanese seem to think that is one way to make men suffer the worst—choke them for want of water.

During the last part of March, after the people at this place—

That is, Maungsan, another place in Korea—

had shouted for independence, 56 people were asked by the gendarmes to come to the gendarme station, which they did. When they were all inside the gendarmerie compound the gates were closed, gendarmes climbed up on the wall and shot all the people down. Then they went in among them and bayoneted all who still lived. Of the 56, 53 were killed and 3 were able later to crawl out of the heap of dead.

Mr. President, I could keep reading testimony of this kind all day, but I am anxious to hurry along, and I will skip over a great deal of what I intended to read.

Here he is describing the experience of a Korean girl who was arrested, not because she committed a crime, but because she was in the parade in March, at the time of the independence jubilee.

As we were nearing the Dok-su Palace, all of a sudden a Japanese policeman seized me from behind by my hair and I was violently thrown to the ground. He kicked me several times with his merciless foot. At this I was rendered almost unconscious. He rushed me along by my hair and I was led to the Chongno police department. At the entrance of the police office 20 or more Japanese policemen who stood in line sneered and kicked me and struck me with their swords and struck me in the face so many times that I became almost unconscious. The cruelty was so great that at times I did not realize whether they were beating me or some one else. This was really more than I was able to bear. My hands and legs were bleeding terribly. My body was black and blue from their blows.

I was led into a room and here again I was handled brutally, as before. They dragged me on the floor, they struck me in the face, they struck me with their swords, they flung me to one corner of the room. At this point I must have been completely unconscious, as I do not remember what happened after that.

On recovering my senses I found myself in a room packed with young men and women. I saw some of them handled so brutally it almost broke my heart to see them beaten. After some time, we were cross-examined by a police officer, one by one. It is beyond my power to convey to another person how those cross-examinations were carried on. I was made to kneel down with my legs bound together and each question and answer was accompanied alternately by blows in the face. They spit in my face. This with curses and invectives of the worst kind. He said, "You prostitute, you vile, pregnant girl!" I was ordered to expose my breasts, but, refusing, they tore my upper garment from me and I was told all sorts of inhuman things, which shocked me terribly. They tied my fingers together and jerked them violently. This made me feel as if my fingers were being torn from my hand. I shut my eyes and dropped down on the floor. Thereupon the examining officers utterd a loud, angry roar and ordered me to kneel down as before, then rushed at me, seizing me by the breast, and struck me violently. Is there anything to be compared with this inhuman treatment? He then said, "You want independence, eh? Preposterous thought. You will get independence when you are locked in jail. Your life will vanish with a stroke of the sword." He then shook me fiercely by the hair. He pulled me by the ear. But he was not satisfied even with this, so he beat me on the head with a stick without mercy. They made me to extend my hands and hold up a heavy chair, which, if I let drop, he would strike my elbow with a stick. He made me kneel down near a window with the chair held up as before. If the chair was lowered, or it touched the window pane, he would come and strike me. An hour or so was passed in this manner, when I was told to go down the stairs. I found that I was completely exhausted. I could not walk; I crawled on the floor with much difficulty, even with the help of one of their professional spies, who followed me. I arose and attempted to go downstairs. As I made the first step down my strength gave out and so I rolled down the whole length of the stairs. I was again unconscious.

On recovering my senses I was obliged to crawl into a room. The policeman in charge of the room was very much amused to see me crawling into the room. He laughed loudly at my misery. Then I prayed, and seemed to see Jesus, and was much comforted from on high. I thank the Lord for the comfort he gave me at this time.

I spent five days in all at the police station. Then I was sent to the West Gate Penitentiary. There I was stripped naked and was looked at by the men. Then I was allowed to put on my dress and was led into a room. I was sneered at and cursed beyond my power to realize. In this room there were 16 persons who were like myself.

The room was not very large, and so we were densely packed together. The toilet arrangements are placed in the room, just like the pig's shelter. The room was so filthy that it was not fit even for pigs. We were given beans and salt to eat. While we were eating now and then some one would look in and call us all sorts of names: "You dogs!" "You pigs!" etc.

On the second day a person, called the police doctor, and several others came in and weighed me stripped naked. They, too, sneered and spat upon me. Now and then I was told by the keeper that I would be tried publicly. I looked forward to that with a great deal of consolation, as I thought I would have some chance to state my case without reserve; but, alas, I was let out one day without trial and without being told the nature of my offense or, indeed, that there had been any legal offense.

Now, Mr. President, this is the story of a girl, vouched for by this organization of Christian churches, who went through all that misery and all that suffering and never was tried, and there never was a charge made against her. She was simply tortured and persecuted almost beyond the power of human endurance and then turned loose, because she was anxious for independence, because she wanted her native land to be free; and we in America are asked to put the seal of condemnation upon her prayer by the approval of this wicked and inhuman treaty that is before us!

Here is another one:

To-day, March 28, 1919, a girl, ———, about 21 years of age, came to our home and told the following: "I was arrested on the streets of Pyengyang the 3d of March and taken to the police station. There were many others, both men and women. They asked if we smoke, if we drank, and if we were Christians. Soon all were let out, with little or no punishment, with the exception of 12 Methodist women, 2 Presbyterians, and 1 Chundokyo woman.

You see, they let practically everybody go except the Christians. They are the ones they are after, and it is the Christian religion that this treaty is going to hit the worst.

Three of the Methodist women were Bible women. They stripped all the women naked in the presence of many men. They found nothing against me except that I had been on the street and had shouted "Mansei." They beat me until the perspiration stood out all over my body. Then they said, "Oh, you are hot," and threw cold water over my naked body. My arms were pulled tight behind my back and tied. Then they beat me again until my body was covered with perspiration, and then threw cold water over me. Then, saying I was cold, they stuck me with the lighted end of their cigarettes. (Some were stuck with hot irons.) My offense was very little compared with those who made flags, took part in the independence, etc. Some were beaten until they were unconscious. * * * One day an old man was beaten until he died. One of the Bible women was right next to him. She asked to be moved, but they compelled her to watch the dead body all night. One of the Bible women not only had her hands bound but had her feet put in stocks. They took our Bibles away and would not allow us to talk or pray. They made vile and indecent remarks to us. All this was done by the Japanese. Though there were Korean policemen in the room they took no part in the beating or in the vileness. The Japanese know the Bible and blaspheme the name of Christ, and asked us if there was not a man by the name of Saul who was put in prison. They asked us most of all as to what the foreigners had said, and were most vile and cruel to those who had been with the missionaries or who had taught in the mission schools. Some of the girls were so changed that they did not look like persons.

Most of these incidents, although I did not give the place, occurred in the central or southern part of Korea; but I have instances of a similar nature that have occurred in every part of Korea. I want to read now one that occurred up in the northern part, and there is very little difference between them. The same thing happened everywhere. The same treatment of women always took place, as far as I have been able to find.

Here is a school that was destroyed:

They also beat the teacher of the day school, and smashed up things in other Christian homes. They broke every window in the church, with the lamps and stoves, and took the pulpit, the Bibles, and the hymn books into the churchyard, where they burned them. They said such low-down people as the Christians had no right to live, and would all be run out of that region.

There has been no demonstration in this village. None of the Christians here took part in any demonstrations for independence in other places.

There was a case where they practically did the same thing, when no demonstration was had, without any claim that they had even cried the national word, "Mansei!" without any claim that they had marched in a procession that had asked for the independence of their country. Simply because they were Korean Christians they were murdered and their churches destroyed. While this incident does not speak of it, there were a good many instances where they not only took the Bibles and burned them, and the pulpits, but they burned the church as well, and often burned it after they had compelled Korean Christians to get inside of it, and there were soldiers standing around to shoot them if they came out.

This organization says that the Kwak San Church was burned on April 25, 1919, and that the Christians were prevented from going to put out the fire, and that they add this:

The atrocious tortures of the prisoners in Tyungju are worthy of African savages and barbarians.

Throughout the country the police immediately began to arrest pastors, elders, and other church officers. Some of these have been released after weeks of imprisonment and examination. Sentences against others are being daily announced, even in the case of men who took no part in the demonstrations, ranging from six months to three years of penal servitude. Of course no apology is intended for those who took part in the uprising deliberately and expecting the consequences. We are emphasizing the fact of the wholesale arrest and beating of Christians simply because they are Christians. In some places the men and women of the village were called together, all those who admitted they were Christians were maltreated or arrested and the others sent away. Wayfarers met by soldiers and gendarmes are asked whether they are Christians, and beaten and abused on the admission of the fact. Korean Christians remaining in the villages are given all sorts of announcements by local police and gendarmes. They are told that Christianity is to be exterminated, that all Christians are to be shot, that meetings are to be forbidden. It has been stated that Chunt Kyo is to be completely abolished because it is a native religion, but that Christianity, because of its foreign affiliations, while not being abolished, will be reduced by legislative restrictions to half its present size. There is, of course, no uniformity in these announcements, but they are all evidently part of a campaign of intimidation. That they are not groundless statements is evidenced by the fact that 19 churches have been partly or wholly wrecked by soldiers; bells, furniture, Bibles, and hymn books being smashed or burned. Seven other churches have been burned to the ground. We have no record of churches of other missions involved except as noted below.

The effect of this treatment varies in different localities. In some places worship is entirely suspended, church officers not under arrest are in hiding, and the congregations are scattered. In some places church meetings have been forbidden; in others the services are continued, but with reduced attendance and with police detectives and spies present; in still others the disturbances have had no effect on the congregational gatherings, and many new inquirers are present, attracted doubtless by the reputation for patriotism which Christians have acquired. It may be said that the local officials are always ready with some absurd explanation of the destruction of church property such as that the Christians burn their own churches to show their abandonment of Christianity or that non-Christians burn them in hostility to Christians.

Since the bringing in of additional troops from Japan things have grown incredibly worse. These troops were brought in with the avowed purpose of "using severe measures," and interpreted in the light of facts this means a campaign of fire and sword and devastation, the burning of whole villages accompanied in some instances with the massacre of inhabitants in the most approved style of Hun and Turk. * * * In all instances the hostility of the soldiers and gendarmes and police is directed against Christians. Christians in districts adjoining the devastated region have been told that the same thing would happen to them, and over large areas the people are sleeping out in the hills without shelter at night because they dare not stay in their villages, which may be burned over their heads at midnight and the inhabitants massacred.

In one village the Christians were ordered to tear down the church building and told that unless they signed an agreement not to be Christians they would be arrested as insurgents. Profession of Christianity is regarded as equivalent to confession of revolutionary purpose.

* * * * * * *

In parts of the country where the reign of terror is being maintained people dare not walk from one village to another for fear of being shot, and the men dare not work in the fields. Frightfulness of another kind is employed. Inhabitants of villages are lined up to be shot and then sent away till another day, when the process is repeated. Even though not actually shot, on these occasions the people have the instances of massacre and devastation before their eyes and never know when the threat will be carried into effect. And always the animus is directed against the Christians.

We can not go into further details in this report. The accompanying documents may be examined. But it can not be doubted that a persistent campaign is being carried on against Christianity under the plea of suppressing revolt.

Vilifying, beating old men and little children, breaking up meetings by armed officers and men, wholesale arrests, brutal treatment of those under arrest, threats and intimidation and massacre are all being employed to break the spirit of Christians and to prevent the spread of Christianity. These statements are supported by photographs, signed statements, and narratives on file.

Now, I want to read something from one of the letters they have here as exhibits, and which this organization vouches for:

The Japanese as a nation do not like Christianity—it is too democratic.

* * * * * * *

Oh, Japan is cruel! Even the best Japanese Christians, of course, back their Empire. I know Japan now. Nationally aggressive, obtaining her ends at all costs; if Christianity and love suit her, they are used; if the foulest methods of Machiavelli are required, they are employed, and all is covered with a smiling lie. I know her, but it took me two years.

Here is a letter from one of the missionaries, from which I quote:

That the Christian Church is right in the midst of the movement no one will deny. The fact that a very large number of our most influential pastors, elders, students, and prominent Christians are in prison now is clear proof that they have been making their influence felt. It is evident that the Christians are the only ones sufficiently in touch with the international situation to realize that the principles of the self-determination of small nations could be applied to their case at this strategic time. The idea that appeal and protest and noise are as powerful as guns would never have swept the country if the Christians were not what they are. The Christians are the only ones who have not been intimidated to the extermination of all hope. Our Christians have felt that our presence was an influence which would compel justice.

* * * * * * *

Their mail is searched and seized at any small pretense. Commercial enterprise is flourishing, but under such conditions as to render Koreans hopelessly the commercial slaves of the Japanese overlords. Competition on a fair basis seems impossible. Public schools are very few. They have changed textbooks so that Korean children are taught history which lauds Japan and ignores the ancient glories of Korea. Fathers clench their fists as they complain that they are compelled to send their children to Japanese schools to learn in a hated language things that they hold to be lies. Christian and non-Christian schools have been crushed and the Bible ordered out of mission schools even. Newspapers are filled with stuff that has been concocted and censored

by the Government till one wonders that manhood could so desert an editor. How can any intelligent human being so garble facts in their papers while admitting that they do so at the order of the powers that be? New roads are good, but the Koreans, who have built them without proper remuneration at the point of a sword in great gangs of forced labor, do not appreciate them. Koreans justly feel outraged that Japan limits their right to have good schools of higher than high-school grade, and then refuse to let their best sons go abroad to get an education, except a limited number who are kept under Japanese tutelage in Tokyo. Japanese salaries for men in the same work throughout the whole Government system are twice what Koreans get. And yet it is the Koreans who pay the taxes. The progress is fine and the ship rides high on the wave, but it has become unbearable to the galley slaves in the hold.

Now, Mr. President, I will read a little further from this report of these charges:

Look at the administration from whatever point you will, the aim of the Japanese to make Korea a preserve for Japanese officialdom and exploit her for the benefit of Japan and Japanese colonists stands out as clear as day. Visit the large harbors and you will find that the land adjoining the docks is monopolized by the Japanese and the Koreans denied building rights within the Japanese section. The Crown lands that have been held in perpetual lease by generations of Korean farmers have been sold by the Government almost exclusively to Japanese settlers. For this reason the immigration to Manchuria has been increasing year by year. The banking system of the peninsula has been greatly extended and improved and is increasingly proving a boon to the natives. But it is surely unfortunate that, with the possible exception of the Kanjo Bank, all the managers and nine-tenths of the clerks are Japanese. It is this wholesale handicapping of the Korean youth that engenders the disaffection which has recently shown itself. This coming as it does, from a people who are so strongly urging their policy of "No race discrimination," is, to say the least, an aspersion on Japanese sincerity. Discrimination runs through their whole imperial policy, is applied in their private business enterprises, and is perpetuated by their school system. For not only are Japanese and Korean children separated in their schools, but the standard of education is higher for the Japanese than it is for the Korean.

Mr. President, further on this report shows that one of the sources of revenue the Japanese get out of Korea is the licensing of wholesale prostitution and the sale of cocaine and other drugs, which the Korean people, and that the Chinese people also, have, with the assent and approval of the whole civilized world, been trying to keep away from their citizens. That is just what they are doing in China, as I have shown in the last two or three days of my effort here, absolutely repeating in China what this history shows they have been doing in Korea for 20 years.

Mr. President, I have a communication here written by Newell Martin, of Milford, Conn. Mr. Martin was born in China, his father, the Rev. W. A. P. Martin, being president of the Chinese Imperial University, probably one of the most esteemed and distinguished American citizens in China. I intended to read some extracts from it, but on account of the lateness of the hour and my desire to finish before the Senate adjourns, I am going to ask permission to print it in the RECORD without reading it. It practically demonstrates, from an eyewitness, every statement that I have made, Mr. President, in regard to China and in regard to Korea.

The PRESIDING OFFICER (Mr. NEWBERRY in the chair). Without objection, leave is granted.

The matter referred to is as follows:

To any Americans that are prejudiced against the use of torture as a means of religious persuasion the following extract is intended:

"For the Korean Christians no relief or remedy can be seen on this side of eternity. My prayer is that your hearts may be touched so that none of those that hear me may consent to the sin of giving over Chinese Christians to the tormentors. If you had lived during the rise of the Dutch Republic would you, for any political profit, great or small, have sold the Netherlands to the Spanish inquisition? In those days of manly faith and honor what English statesman could have debated, even in his mind, the expediency of so dark a reason?"

In this letter is nothing new. In his "Mastery of the Far East" and in his short, clear article in "Asia" for September Dr. Arthur Judson Brown has told how Japan already intimidates and degrades the Shantung Christians and from a certain little brown pamphlet are taken the few examples of persecution in Korea here given.

Nothing about Korea is here stated of my own knowledge. The Korean facts are all taken from that pamphlet in a letter dated July 9, and that pamphlet (certain pages of which I shall refer to thus, "P. 30") is entitled "The Korean Situation: Authentic Accounts of Recent Events." The price is 25 cents. It was issued in August by the Commission on Relations with the Orient of the Federal Council of the Church of Christ in America, 105 East Twenty-second Street, New York City. The foreword is signed by William I. Haven, chairman, and Sidney L. Gulick, secretary. The latter is widely known as a powerful propagandist for Japan. So much of the pamphlet as is written by him and Dr. Haven shows an intense desire that the laity keep quiet and not get excited, and a deplorable eagerness to persuade us that butter will not melt in the mouth of a Japanese torturer. The pamphlet is, obviously, issued reluctantly, under pressure of persistent inquiry from missionaries and other Christians.

The statements of fact in that pamphlet are not like tales of atrocity told by refugees, in places of safety, against a distant enemy. They are statements made in secret, in the hope of bringing some sort of hope or relief. Both victim and reporting missionary are still in the awful grip of the oppressor. Neither can hope to profit by falsehood or exaggeration.

All American missions, indeed, have many times been sternly warned by their superiors that it will be worse for them if they mislead the home office by any exaggeration or show sympathy with any opposition to authority.

Published with reluctance by an advocate of the Japanese Government, the statements of fact tucked away in that pamphlet have more than the weight of charges against that Government. They are the unwilling confessions of its friends.

The first five pages of that brown pamphlet make unintentionally a sinister and terrifying revelation of Japan's hidden hand in America.

The problem before Tokio was:

(1) To blast Korea with a sudden flame of persecution, so that no crop of Christian weeds would ever make head again;

(2) To terrify so profoundly all Koreans and Chinese that prudent men would know without ever being told again that in Japanese colonies faith in a crucified Saviour leads straight to a martyr's crown; to heavenly glory, perhaps, but to certain earthly shame and ruin;

(3) To perfect this advertisement of her heathen power among her slaves before midsummer; and

(4) To keep America and Paris ignorant of the Korean horrors.

Japan achieved these seemingly incompatible triumphs with a skill beyond imagination. She began by choking off such voices as the Japan Chronicle, the most potent English newspaper in Japan, by a rigid perfection of censorship. But how silence the angry murmuring Christians of San Francisco and New York? How keep their murmurs from rising to a roar that might reach Paris over the heads of European censors?

Any American has cause for grave thought when he learns that all this was foreseen and provided for beforehand as carefully and completely as were the rawhides and hot irons that tore the flesh of faithful Christians.

Who knows by what magic or good luck or supernatural persuasiveness heathen Japan controls the time and manner of disseminating—no, of suppressing in a "publicity" department of our own Christian missions—the most important missionary news since Diocletian's day? Hundreds of pages of facts had been brought through all the perils with speed and secrecy to the Presbyterian and Methodist mission boards. Published, those horrifying documents would have roused the most complacent priest of our city churches, the meanest deacon of us all, and the coldest of our politicians; and the persecutors would have been slowed up or inconvenienced; and Paris might have denied their prayer for added power. A machinery, however, had been prepared beforehand, and according to plan, as the Japanese of Europe used to say, the unsuspecting Presbyterians and Methodists poured their facts into the "publicity" department of a "commission," the secretary of which is Dr. Sidney L. Gulick, famous for his eulogies of Japan, many of them entirely just. Those facts were buried forever, then, in the office of a Japanophile enthusiast, who was not less determined than Tokyo to keep them from getting about among the Americans or getting to Paris. Dr. Gulick called in Japanese officials, who controlled and directed the obsequious whispers in which we Christians vented our fiery wrath. Month after month went by, and five months after the persecution broke out Dr. Gulick's "publicity" department, under pressure, reluctantly printed that brown pamphlet. To kill all possible interest in it he prefaced it with five pages of flattery of the Japanese Government and of advice to us to trust Apollyon to execute all necessary "reforms." Who wishes to read one single page of these atrocities when assured by Dr. Gulick in the "foreword" that a most efficient Government is doing what we pray for and that the mission boards themselves are content? God will not be content, nor will the Christians of California.

Perhaps you have not seen Japanese executioners. I have. July 6, 1919, was perhaps the very day on which Dr. Gulick was writing his misleading praise of Tokyo. Months before that day Dr. Gulick had begun prostrating us in respectful telegrams before the Mikado's throne. On July 6, in the capital city of Korea, a muscular Japanese executioner strips to his task again. The swordlike rawhide whistles through the air, and falls with sickening force across the bare flesh of a Christian student. After 10 cruel lashes, delivered with all his might, he is relieved by a second executioner for 10 more cuts; and then comes a third to give 10 more. On July 7, once more three executioners drive the rawhide with full swing and force into the very place that was torn and gashed yesterday. The boy is again dragged back to his jail. If you were he, lying there, waiting for the next day's torture, would you not pray for death? Or would you, perhaps, curse the day you became a Christian: Or, if you knew whose secret hand was guilty of your torments, would you not curse Gulick?

A seventeenth-century writer says that it is sport to see a man on the rack for half an hour. There are sadists that skin cats alive. But neither of these sports is so thrilling to amateurs of pain as the torment of the rawhide, and sadists gather where the police are torturing Christians.

On July 8 the boy is brought out for a third torment, and at the first blow, as if the festering wounds were torn open by steel fingers, blood and pus and gobs of Christian flesh fly up and bespatter the locating bystanders. Thence young Christian goes to the American hospital or sometimes to his grave. He is but one of many; how many none will ever know.

The persecution has done its deadly work; and now the friends of the persecutors will ask us to trust and admire the new governor general and his smooth words about gentleness and reform—the purring of the sated tiger.

I have no part in trade or politics or missions, but I have a powerful motive for beseeching your attention. Chinese is my native language, and I mourn over the all but hopeless enslavement of the land where I was born and which I have always loved. From childhood I have hated with an implacable hatred all those that trade in secrecy and all persecutors and torturers.

NEWELL MARTIN.

MILFORD, CONN., *September, 1919.*

Neither Italy nor the Aegean is so beautiful as Japan, nor is any people more lovable and admirable than the Japanese. Gentlest of men with their own children, fiercest to their foes, these indomitable islanders are aware from a calm observation of facts that they are above common human beings as Hebrews are above Hottentots, but that is no reason why common men should unduly smooth the path for their coming masters.

The Japanese have seen how a handful of Greeks under Alexander, and, in their turn, a handful of British, have risen to world dominion. The cold-blooded Japanese oligarchs think their own turn should come next. In the relentless pursuit of this unwholesome ambition Japanese politicians have set themselves to possess, enslave, and assimilate Korea and Shantung, the two keys of Asia.

To the Koreans, only 15 years ago, they guaranteed independence. To-day in Korea it may be death to speak the word. To the Koreans, nine years ago, they guaranteed freedom of religion. In Korea to-day to be a Christian is to be in deadly peril. To-day, in enslaving the

Koreans, the Japanese recklessly degrade themselves and smirch the honor of their race.

Like forest fires in a season of drought, atrocities now break forth all over the world, and men become despairingly indifferent and wait wearily for the horrors to burn themselves out. But the Japanese atrocities in Korea demand our most intense attention, because: First, pagans are persecuting Christians; secondly, we are using our gigantic power to extend these persecutions to Shantung and the rest of northern China; thirdly, these are not war atrocities or civil-war atrocities, and these tales are not scandals invented by a feeble folk to discredit their tyrants but are the horrors of religious persecution directed against peaceful Christians and unarmed women and children.

We begin to understand that in "opening" Japan we played the perilous part of the Rash Fisherman of the Arabian Nights. We unbottled the appalling Afreet, whose omnipotent form now towers to the stars and blackens all the eastern sky. But yesterday we were condescending to these islanders. To-day, under the dictation of Japanese, our huge Nation turns to paths of shame. Imperious, on their tiny islands, they make cowards of us all.

If you are a Japanese policeman, you can have no end of fun with a Presbyterian schoolgirl (p. 47). Throw her down, kick her, here and there, hard; drag her to your police court. Beat her about the face and head and legs and back until she is all blood and tears and shrieks and convulsive sobs. Tell her to show her breasts. When she refuses, tear off her undershirt. Keep her four days, then take her to another prison. There strip her naked; have her "looked at by the men." This is one of the mildest of the things done in Korea in March of this year, while the silent, inscrutable, secretive, thoroughly informed envoys of Japan, in Paris, were offering every diplomatic courtesy to our commissioners.

But for the calm confidence of those Japanese envoys in America's submissiveness to Japan that girl to-day would be like any New York maiden, securely studying her Bible lesson, and no harm would have come to her from the Japanese officials who, with greedy, lecherous eyes, watched her as she went by, all faith and hope and maiden modesty. The soldiers that gloated over her bare body are a part of the forces with which her own soldiers and engineers are affiliated to-day in northern Asia.

In March, 1919, while we were praying daily that the Paris conference might lay firm foundations for peace, righteousness, and freedom, the Japanese Government secretly ordered its police in Korea to extirpate the Christian religion, which used to flourish there, and also the modern Korean religion, a sort of Sermon-on-the-Mount affair, whose creed begins with the fantastic proposition—

Who waits on God
Will wield God's might.

No nonpagan eye but that of the Recording Angel has ever seen that decree.

You can infer, however, with scientific accuracy, from the acts of Japanese soldiers and police, the orders of their Government, more exactly than you can infer from the movement of a man's hand the action of his brain.

From those actions we know that the Japanese Government had directed that the Korean people must be taught by terror that it pays to be a Buddhist, and that it does not pay to be a Christian or to follow the gentle Korean religion or to have dealings with American missionaries.

The American missionaries had held utterly aloof from politics, but Christianity embarrassed the Japanese Government, because it gave the Koreans an outlook from slavery, a window on the world. You can not be in the house of even an intensely neutral and cautious American missionary without stumbling on incendiary books like Uncle Tom's Cabin, Milton's, or John Bunyan's.

Religious freedom in Korea is guaranteed by solemn treaties, but Tokyo thinks it no longer necessary to wear any pretense about the sanctity of treaties or to make broad any phylacteries.

Tokyo found its opportunity to get rid of these irksome religions in the Korean declaration of independence of March 1. Never was so calm a declaration. As a result of skillful secrecy and combination, without a foreknowledge of missionary, priest, or police, all the people of Korea came forth on one day and peacefully declared themselves independent. Their sole object was to inform the peace conference of Paris that 17,000,000 of Koreans desired to be free (p. 22).

In this outpouring of unarmed multitudes who shouted "Mansay!" meaning "Hurrah!" there was a natural preeminence of people of schooling. As a great number of those who have some education belonged to the two doomed religions, this gave the pagan persecutors their chance.

The Government resolved to strike terror forever into these Korean Christians, so that never again would they lift their meek faces from under the lash and cry out to mankind. They were to be taught that it does not pay to be mixed in the remotest way with Christians or Americans.

Such of the declarants as were not shot down at once had gone peacefully home to wait for Mr. Wilson's justice, now, they thought, thoroughly advised and aroused. To those homes went spies and gendarmes and police, and dragged the Christians away to torment, shame, and death.

In six weeks Korea was quiet with the stillness of death. Every Korean had learned that if he breathed a word about Americans or Mr. Wilson or freedom, he was to be classed with Christians and meet a Christian's doom.

The Christians were swept away like torn paper before a hurricane. We are told of 40,000 arrested and 6,000 killed in the Japanese fury.

Not till the graves give up their dead will the numbers be known exactly. Those figures are probably low. The people of Korea are one-sixth of those of the United States. It is doubtful whether even Japanese efficiency can strike utter terror into so great a population without killing at least 1 in every 2,000 and arresting six times as many. Some Japanese Torquemada may offer to deny these figures. I will not argue with a murderer as to the number of his victims unless he permits me at least to inspect the cellar where he hides their skeletons. Will you, Prime Minister Hara, of Japan, invite an inhabitual commission to report, from sifted testimony, exact statistics as to how many women have been dishonored, how many maidens put to shame? And what can statistics tell us of the torments of Christians slowly done to death in heathen jails? Have the Japanese kept record with algometers and registered the sum total of their torments?

When Torquemada ruled in Spain, what English Protestant would give statistics of his cruelties? When the Waldenses went to the stake and the rack, centuries had to pass before the ledgers of the Inquisition were open to the historian. I offer only a few examples of the different kinds of torture and massacre. You may infer the rest from the dumb terror that now binds all Korea and all Korean Christians.

In this persecution the resourceful Japanese use many different tortures for the body, and, in addition, a torture for the mind that is a sadistic twentieth-century novelty in religious persecution.

"A Korean woman," writes a missionary, "would rather die than expose her naked body in ways not conformable to local custom. But it seems to be the common delight of official depravity just now to humiliate our Christian women by stripping them and beating them while naked" (p. 104).

Ingenious Japanese! Some Korean Christian might dare for himself sword or fire or Damiens's bed of steel; but let him think twice of his wife and daughters put to open shame.

The ordinary slaveholder used to be inclined to encourage modesty among his helots as increasing their market value; but the Japanese, in the systematic degradation of his new slaves, finds a profit in breaking down the personal dignity of wives and daughters. No chief of police would have ventured of his own accord to adopt such a system of organized indecency. It was obviously thought out and directed by the controlling brain at Tokyo.

A government that rests on torture is a government of devils, unfit for even our time. But this Japanese Government plans carefully the violation of sanctities that lie at the base of civilized society. I remember no other modern government that has deliberately schemed to degrade the unhappy women who are its subjects. There is an unparalleled fiendishness in minds that can thus systematically befoul the purity and modesty of young girls. We might make league and alliance with an inhuman brute and put him in a council to rule over us; but we have some pride in our manhood, some reverence for womanhood, and we will not enter into covenant with a Sadist.

Of those that were arrested, be they 40,000 or 4,000, or more or fewer, how can we sleep at night when we remember that every pang they suffered earned pleasure, profit, or reward for their tormentors? Of those that died, be they 6,000 or 600, or more or fewer, how many died an easy death? Those that died quickly were the lucky ones.

Japanese methods are precise and thorough. Christianity in Japan was stamped out utterly in the seventeenth century. Then, if one Christian was found in any house, from four houses to the right of that house and from four houses to the left every man, woman, and child was taken and died the death. Doubt not that in uprooting Korean Christianity to-day the Japanese use a similar perfection of method.

In the recent uprooting machinery, of course, was sometimes used. One man was squeezed in an upright press. Then a cord was tied firmly about one finger, and he was hoisted till his toes barely touched the floor. His two crimes were cheering in a procession and receiving a letter from a friend in America and withholding it (p. 45).

In his case the Japanese applied an unnecessarily spectacular torture, so as to put another stumbling block in John Hay's open door by advertising to Koreans and Chinese that it is bad luck to receive letters from America.

The best modern tortures need no cumbrous machinery. The grewsome complexities so fashionable in medieval Europe were meant to save people from torture by frightening them beforehand.

The Japanese held wounded men in prison two days without water. Think about that quietly. They took out of our missionary hospitals men with gunshot wounds and dragged them away to the horrors of the question (p. 44).

"Beating" is a weak word for a strong torment. Beating can easily be made the seventh hell of agony. With a club discreetly used, a Japanese can break the stoutest heart; he can in a few minutes drive the strongest to scream and beg for death. He can do the same thing with 3 feet of cord.

"Beating and torture," writes a missionary, "are the cardinal principles of Japanese police methods in Korea."

"It is usual for the arrested man to be cuffed and kicked by several policemen" (p. 16).

I offer no schedule of cruelties, but I may tell the story of a dozen or more, and you then know the story of 10,000.

1. The Story of the Pregnant Woman (p. 55). No machinery is needed to torture a pregnant woman. This woman had been a mission teacher, "very bright and intelligent." She was two months advanced in pregnancy. She had gone to the house of one Pyo to comfort the mother, who was distressed because her young daughter had been carried off by the Japanese police. "As she came out of the house several police and soldiers came into the yard. They knew she was the school-teacher and had been searching for her at the school. They told her to come with them. As she stood in front of the police station, a policeman kicked her hard from behind, and she fell forward into the room. As she lay, stunned, on the floor, a policeman put his foot on her head. Then he raised her up and struck her many times over the head and face." He tore off her clothes, "meanwhile constantly kicking and striking her. He also beat her with a heavy stick and with a paddle. He tore off her underclothes and kicked her in the chest and beat her, accusing her of setting the minds of the Korean children against Japan, and said that he intended to beat her to death."

"She tried to cover her nakedness with the underclothes that had been stripped from her," but they were torn away from her. "She tried to sit down, but was forced to rise by constant kicking and beating with a stick. She tried to turn away from the many men in the room, but was constantly forced to turn again so as to face the men. She tried to protect herself with her hands and arms, and one man twisted her arms behind her back and held them there while the beating and kicking continued. All parts of her body were beaten. She became benumbed and was losing consciousness of pain. Her face swelled, and her body became discolored."

2. The story of the widow Chung, an attendant of the Bible Institute (p. 54). She is 31. She was taken into the office, and a policeman tore off her underclothes, and she protested. For this "they struck her in the face" till she was black and blue. She was beaten "systematically on the arms and legs with a paddle. The beating continued for some time. The police then stopped the beating and sat down to drink tea and eat Japanese cakes, meanwhile making fun of the woman sitting there naked. There were many men in the room." Nor was she the only woman there. The beaten mission-teacher woman was lying naked at the side of the room, while the tormentors rested and laughed and ate and drank.

3. The story of the naked Methodist women (p. 50). Fifteen women, 12 of them Methodists and 2 of them Presbyterians, were held at the Pyengyang police station. One of them, a girl of 21, tells the story: "They stripped all the women naked in the presence of many men. They found nothing against me except that I had been on the street and had shouted 'Mansay.' They beat me. My arms were pulled tight behind my back and tied. They stuck me with the lighted

end of their cigarettes. Some were stuck with hot irons. My offense was very little compared with those who made flags.

"Some were beaten until they were unconscious. One young woman was just at the time of her monthly sickness. She resisted having her clothes taken off. They tore off her clothing and beat her all the harder. After four days we were taken to the prison. Here we were packed in a room with men and women. One day an old man was beaten until he died. One of the Bible women was right next to him. She asked to be moved away from the corpse, but was denied. 'They took our Bibles away and would not allow us to talk or pray.' The jailers 'blasphemed the name of Christ,' and asked 'if there was not a man by the name of Saul who was put in prison.' They asked, most of all, as to what the foreigners had said, and were most vile and cruel to those who had been with the missionaries or who had taught in the mission schools. Some of the girls were so changed that they did not look like persons."

4. The story of a young girl (p. 47). "Near the Dok Su Palace a Japanese policeman seized me from behind by my hair and I was thrown to the ground hard." "He kicked me several times." "At the entrance of the 'Chongo' police office 20 or more Japanese policemen who stood in line sneered and kicked me and struck me with their swords and struck me in the face many times. I became almost unconscious. My hands and legs were bleeding.

"I was led into a room, and here they dragged me on the floor. They struck me in the face. They struck me with their swords. They flung me to one corner of the room. On coming to my senses I found myself in a room packed with young men and women. I saw some of them handled so brutally it almost broke my heart to see them beaten."

After some time "we were examined by a police officer one by one. I was made to kneel with my legs bound." Each question and answer was accompanied by "blows in the face." "I was ordered to expose my breasts." "They tied my fingers together and jerked them violently. This made me feel as if my fingers were being torn from my hand." She then tells of her going to the cells. "As I made the first step down my strength gave out, and so I rolled down the whole length of the stairs. I was obliged to crawl into a room. The policeman in charge was very much amused to see me crawling into the room. He laughed loudly. Then I prayed and seemed to see Jesus and was much comforted from on high. I spent five days in all at the police station. Then I was sent to the West Gate penitentiary.

"There I was stripped naked and was looked at by the men."

5. The torturing of one Kim (p. 51). Kim, a young man of promise, a member of the Third City Church of Taiku, was heard by a friend in another cell "to cry out a number of times at the pain of the punishment inflicted on him in the jail." He was frequently beaten on the head with the key of the cell. After his release he suffered terrible pain in his head. "It seemed as if all one side of his head was gone." He died in 10 days.

"The night he died he was protesting in his delirium that he was innocent and that his punishment was too severe. The doctor who attended him states that he died from blows on the head. The neck and the base of the skull were darkly discolored."

6. Chopping a Christian (p. 43). "A young man was peacefully going home (he had, it is true, been shouting 'Mansay'), and was 'walking along a small street' when a policeman from behind threw him down and 'drew his sword and hacked at him.' 'His skull was cut through so that the brain showed. This was done by three sword cuts in the same place.' The photograph showed 10 sword cuts. 'During the next day his little cousin, a mission-school girl,' who was greatly attached to him, 'stood watch over his body.'"

7. The elder's wife (p. 34). On March 24 "soldiers looking for one of the elders" of a certain church "took his wife, a bright-looking woman of about 30." "They stripped her of all her clothing and beat her without mercy" to make her tell where her husband was.

8. Official advice to Christians. One missionary statement runs as follows:

"Wholesale arrest and beating of Christians simply because they are Christians.

"In some places the men and women of the village were called together. All those who admitted they were Christians were maltreated or arrested and the others sent away. Wayfarers met by soldiers and gendarmes are asked whether they are Christians and beaten and abused on the admission of the fact." Korean Christians surviving "are given all sorts of announcements by local police and gendarmes. They are told that Christianity is to be exterminated; that all Christians are to be shot; that meetings are to be forbidden."

"Throughout the country the police immediately began to arrest pastors, elders, and other church officers."

A Japanese vice governor (the real executive of his Province) "in a public meeting advised people to have nothing to do with Christianity. Police officials are urging the same thing everywhere" (p. 89).

"Presbyterian and Methodist organizations are both obnoxious to the Government."

9. Scourged on the cross (p. 67). Four young theological students who had taken no part in any demonstration "were found in the college dormitories by Japanese soldiers. Tied to a wooden cross they were given 39 strokes with a paddle and told that as Christ suffered on the cross, it was fitting that they should."

10. The massacre at Cheamni (p. 74). The village of Cheamni lay only 15 miles from the railroad by which all tourists used to travel on their way from New York to Peking and from Paris to Tokyo. Japanese soldiers were sent there in motor cars.

"The gendarmes and soldiers marching into this village, summoned the men of the village to attend a meeting in the church, where, they were told, certain orders would be read to them."

The Japanese gathered in this way about 12 Christian men and about 25 of the Korean religion. As soon as the men had "been gathered together, the soldiers opened fire upon them through the open windows, after having surrounded the building. To complete their work, the surviving women of the village told the missionaries, the soldiery entered the building and bayoneted all the men whom the bullets had not killed, while two women who had approached the building to learn the fate of their husbands were bayoneted and their bodies thrown among those of the men. Then kerosene was poured upon the dead and the bodies and the church building consumed by fire."

A missionary who saw the place the next day makes these notes: "Heaps of smoking ashes. Groups of women, children, and old men sitting on the hillside watching the ruins in dumb despair. Corpse horribly burned lying just outside of a building, which we learned later had been the church. This body was photographed where it lay. I questioned 'a villager,' but fear and shock had numbed him. He held his head in his hand and said that everything he had and all the results of years of hard work had gone."

The missionary said, "How is it you are alive?" and he answered, "I am not a Christian."

These Christians were Methodists. "These people had lost everything, even their seeds for the coming year." Another man said that "his house had not been set fire because he was not a Christian."

The soldiers seem to have belonged to the Seventy-eighth Regiment. The missionary says that at Cheamni "the odor of burnt flesh" about "the church was sickening."

One of the men who accompanied the British consul to this place says:

"Whenever we started to talk to the natives" the "policemen would saunter up and the Korean would freeze up." "The number of Christian men killed is 12, whose names were secured, in addition to which 2 women who went to find out what was happening to their husbands were killed, one a woman over 40 and the other 19. These may have been the bodies we saw outside the church."

Cheamni is a type of one class of burnings and massacres. In that one district 15 towns were burned.

11. A night massacre (p. 80). A type of another kind of official burning is Soo Chon, where "the people were awakened by finding their houses on fire. As soon as they ran out they were struck with swords or bayonets or shot." A church and 30 houses were burned.

12. Another type of massacre (p. 33). Of massacres we find another type, exemplified in Marengsan, where 56 men were summoned to the police station, locked in the police yard, and shot down by the police from the top of the wall.

The Koreans had heard, as a voice from heaven, the inspiring declarations of our President. It was their plan to march, utterly unarmed, and cheer for independence and their native land and to submit to any cruelty. Their whole aim was to tell the outer world of their woes. The outer world finds it profitable to be deaf to their cry, and hurries to put its obsequious neck under the conqueror's foot, and begs him to accept 30,000,000 new slaves and pass on to fresh conquests. Resolved to use no violence, the Koreans kept themselves under firm control to a surprising degree. That was the case even where two women were carried out from a police station, and the crowd of 500 that had gathered to protest burst into sobs at the horror of their condition. That was the station where the police officer explained that, although it was not necessary to strip men or old women, girls and young women had to be stripped naked in the search for seditious papers (p. 56).

13. The story of a brave young man (p. 16). One young man, seeing the girl that he was engaged to in the hands of the police, went to her rescue. How many of us would have had that daring? Between him and that helpless girl stood all the armies of the league of nations What do you suppose was done to that young man in the dungeon where he lay when last heard of?

14. The story of a man's mother (p. 34). "The mother of one of the wounded men told a policeman that if her son died 'she would take revenge.' The policeman went to her house and again stabbed her son, who was lying on the floor wounded."

15. Respect for gray hairs (p. 32). At Suna Ub an old man went to the gendarme station to protest against the atrocities. In the East reverence is paid to gray hairs, and old men can speak up where others fear to tread. "This man the gendarmes shot dead. His wife came in and, finding the body, sat down beside it wailing, as is the custom of Koreans. She was told to keep still, and, not doing so, she also was killed." The daughter who came to seek her aged parents was spared, being merely slashed with a sword.

This persecution throws light on the part which Japan will take in the league of nations.

The governor general of Korea is close to the heads of the Japanese State and in the closest confidence of the court. What he says and what he does are in a high degree the voice and act of Tokyo.

The great Ito was resident in Korea. The powerful Terauchi was governor general before he became prime minister, preceding Hara, now prime minister. Hasegawa succeeded Terauchi as governor general.

We may expect Hasegawa in a short time to rule over us as Japan's representative in the council of the big five.

This governor general made a proclamation reminding the Koreans, with a view to letting them understand that there is no hope from any quarter, that Japan is "one of the principal factors in the league of nations." He exhorted Koreans "to participate in the great work of humanity and righteousness" of Japan "as one of the leading powers of the world" (p. 109).

Lovers of the league of nations, which this governor general describes so accurately, will be pleased to know what is done in this governor general's house.

Pak Tun Nak, aged 25, met with all the other people of this village at the end of March, and without violence paraded the village, calling "Mansay." Gendarmes told them to go home. This they did, and that day there was no trouble. Five days later gendarmes went from house to house arresting people. Pak Tun Nak and many others were taken to the governor general's and flogged. He received 30 strokes at 12 o'clock and 30 at 2 o'clock. He was taken to the missionary hospital (p. 41).

A government schoolgirl says: "On March 1, at 2, we went to the French consulate and the American consulate and shouted 'Mansay.' We pressed forward to the governor general's, and there the kotung koan (high official) 'came out with his sword, beating all in his way. He struck me with his sword on the back, making a wound 3 inches long. The force of the blow threw me down, after which he stamped on my head with his foot'" (p. 82).

Poor little lamb! Shouting her cry for freedom before France and England and before the august governor general who stands for the might of the league of nations!

A peculiar gravity attends the Korean terrorizing. It has a twofold object. It is to terrify the Koreans into silence; it is also to terrify Japan's new Chinese subjects into silence. When Japan moves in China, she wishes to hear no protests and to be bothered with no Christians. The prudent Chinese study the reports on Korea, and will hasten to avoid being mixed up in any way with Christians and Americans. The prestige of Christianity and of America is gone, and Hara is content. One would suppose that at the first offense the nearest missionary could go to the polished governor general and through him and the polished Viscount Uchida cable all the facts to New York and Paris. Nobody dares to mail even sealed letters from Korea about these crimes.

Japan controlled the mails and telegraphs. America, therefore, could hear nothing of these atrocities. America meekly waits for such news from Asia as Japan thinks wholesome for her weak mind. The peace conference was sitting, and we in our homes were invoking divine light and guidance for its counsels.

The facts about Korea were essential to aid our President in deciding whether he should award the 30,000,000 of Shantung to the cruel taskmasters that hold the whip over the 17,000,000 of Korea. If we had made any promise, it would be void because of the concealment of these material facts about the policy and conduct of the men to whom we awarded Shantung.

A missionary came to New York, a messenger, as if we were back in the days of Erasmus. Messengers, with documents hidden about their clothes made their way out of Korea.

In a famous painting, The Missionary's Story, a shabby priest tries to tell an absent-minded cardinal what the pagan wolves have done to the lambs of his flock. I fear that some of the officers of the great mission boards were alarmed when they heard this Korean missionary's story lest the American people might hear what should fire the coldest heart. Who, with the smell of burning Christian flesh in his nostrils, could vote for Gov. Gen. Hasegawa and his league of nations?

The Commission on Relations with the Orient, which operates as a brake on the mission boards, has consistently followed the policy, in which it has been skillfully seconded by the press, of keeping everything quiet and keeping everybody cool.

There are indications that some of the hierarchy of our Protestant churches have been misled by Japanese diplomatists into believing that everything should be hushed up that may diminish the popular demand for a league of nations and for a permanent alliance between our Government and that of Japan.

On April 16, 1919, the mission boards called a meeting of that commission of the sesquipedalian name.

To two such meetings "important Japanese were invited." "Urgent and full cablegrams" were promptly sent to Japan by some of these "Japanese friends."

The commission sought by these "quiet and friendly methods" to exert influence. "It deemed it only fair and just to take up the matter first with the Japanese" "before giving to the daily press the rapidly accumulating matter from Korea."

Under pressure from anxious, inquiring Christians, that commission scrambled together such papers as they could no longer withhold and printed them in the little brown pamphlet of 125 pages referred to in the preface, entitled "The Korean Situation."

That pamphlet begins by saying that "many exaggerations have been circulated." It says that "there is good ground for belief that even before the uprising"—"uprising" is a strange word to describe the Korean's peaceful protest—"the present cabinet" "was earnestly grappling with the problem of administrative reform in Korea," and that "there is every reason to believe that Premier Hara and his colleagues will exert their fullest power to rectify the wrongs and inaugurate a new era in Korea."

The facts set forth here have been dug out of that pamphlet. You may rest assured, then, that these notes contain none of the "exaggerations" deplored by the Rev. Dr. Gulick.

How much effort has been made by the press and the commission to awaken and inform the public you may infer from the amount of information that you yourself had in regard to the Korean atrocities before reading these notes.

Viscount Uchida will smile and say, "You ask Americans to be more royalist than the king, to be more zealous against pagan cruelty than the mission boards." Let me remind you that there was once a mission board in London that derived revenue from the African slave trade.

Cæsar's image and superscription go a long way with a mission board, but when I hear of Christian maidens dishonored, Christian men with their finger nails torn up by torturers, Christian women tormented to make them betray their husbands, I need no cautious clergyman or prudent prelate to tell me what to think or what to say.

The mission boards are made up of earnest, honest, able, learned men, devoted to spreading the gospel. In every board are ardent servants of God who plead with the board to make no bargain with such Japanese officials as are even now forcing morphine on Shantung, and always there is some unpractical zealot, like John Brown, of Ossawatomie, who feels on his own back every lash that tears the flesh of a Christian slave. But boards of directors bank and cool all apostolic fires. Six mission boards, acting through a commission, operate as a freezing mixture on righteous indignation. After ragged martyrs have told their tale, the chilly voice of Mr. Worldly Wiseman advises pliancy and the conciliation of the powers of darkness.

On April 20 a cablegram was sent to Viscount Uchida, minister of foreign affairs. We can infer from the answer that it was "cordial and friendly" and that the commission declared itself "moderate." The commission seems pleased with the answer they received. In that Hara, while acknowledging the obsequious attitude of the commission, coldly threatens that any publicity, any excitement, any denunciation in the press, will "seriously interfere" with his "reforms." In other words, more torture, more massacre, unless you are silent under the whip. What Premier Hara means is: Not one word from you Americans until we have carried out point at Paris and secured a free hand in China. When we Japanese have stamped out Korean Christianity we may later grant you some "reforms."

The Premier Hara who said, in answer to the mission boards, that he was laboring on reforms is the same Hara who, on August 27, 1919, said: "Japan has no ambitious designs against China. The ministry is urgently advocating closer friendly relations. The day will arrive when China will come to comprehend the sincerity of Japan."

Korea and, I hope, some Americans already understand the sincerity of Japan.

On April 20 the "cordial and friendly" telegram was sent to Viscount Uchida, which elicited the information that "Premier Hara is now in the midst of special investigations for the realization of reforms" and his threat.

The Americans and the American press were humble and silent. Let me describe some of the activities of a liberal Japanese premier "in the midst of" plans for "reform."

On April 19, 1919, Mowry, American missionary, innocent of any knowledge of the agitation, was sentenced to six months at hard labor.

On April 24 a missionary writes, "Since the coming in of fresh troops and the inauguration of 'more severe' methods of repression as announced by the Government, increasing numbers of reports come in regarding the violation of women by the soldiers." "The absence of this form of violence in the past" and "the sudden appearance of such reports coincident with the new order"—these things fit together. "The reports * * * come from trustworthy sources. Complaint made to the police in regard to this has been met by beating" (pp. 85, 101).

On April 26 a missionary writes, "The Kwak San Church burned yesterday morning. Atrocious tortures of prisoners in Tyung Ta."

On April 30 a missionary writes that Christian refugees "have no bedding, no clothes. The church at—better not give its name—was burned the other night."

Under date of May 25, 35 days after the "friendly and cordial" message, you will find a tragic report about nine Christian boys who were "beaten." Perhaps, besides being Christians, they had complained to the police about rapes. Let their case tell you what it means to be beaten, and I need not give more examples of Premier Hara's "reforms."

"Eleven Kangkei boys came here from ———. All the 11 were beaten 90 stripes—30 each day for three days, May 16, 17, and 18, and let out May 18. Nine came here May 22, and two more May 24.

"Tak Chank Kuk died about noon, May 23.

"Kim Myungha died this evening.

"Kim Hyungsun is very sick.

"Kim Chungsun and Song Taksam are able to walk, but are badly broken.

"Kim Oosik seemed very doubtful, but afterwards improved.

"Kim Syungha reached here about an hour before his brother died. The first six who came into the hospital were in a dreadful fix, four days after beating. No dressing or anything had been done for them. Dr. Sharrocks just told me that he feels doubtful about some of the others since Myungha died. It is gangrene. One of these boys is a Chun Kyoin, and another is not a Christian, but the rest are all Christians.

"Mr. Lampe has photographs. The stripes were laid on to the buttocks and the flesh pounded into a pulp" (p. 125).

"Ninety strokes of the bamboo flail, 30 each on three successive days, is a frequent penalty."

Observe that after 24 hours the torn victim is given over again to the tormentors, and the flail falls exactly on the gaping wounds of yesterday. Now hear what the servants of hell were doing 80 days after our "cordial" telegram:

"SEOUL, *July 9, 1919.*—Yesterday we admitted, beaten cases, 15. Dr. Ludlow has been treating cases which have come to us ever since early in March, but these 15 students came straight from the West Gate Prison in Seoul, having received their last 30 blows in the morning. They expect 20 of their comrades to be released to-morrow. These beatings are given either with bamboo rods or rawhide, and the blows are usually delivered on the buttocks.

"We have had cases, however, where the blows extend from the shoulders to the buttocks.

"In some cases the men who do the beating are relieved after each tenth stroke."

I have nothing to say about Korean independence. I wish that in 1917 our President had asked the great powers, then in a frame of mind suited for virtuous resolves, to stipulate that China and Korea should be given such treatment as the American conscience can approve.

I wish our Secretary of State, when the first messenger arrived from Korea, had conveyed to Japan in diplomatic language a statement of views and policy like this:

"I hear that you are stamping out Christianity. That is old stuff and will not go. America maintains that American missionaries can go anywhere in the world and preach their various gospels and set up hospitals and churches and make converts. No man anywhere in the world can interfere with them or their converts. You may threaten that my words will cause fresh sufferings to Korean Christians. Such threats also are old stuff. I require you to admit instantly to Korea commissioners to take account of facts and see that no such threats are carried out.

"You may retort that we have mobs and lynchings in America. That is true, but not in point.

"America is not in form a Christian nation, but to a great extent she is a nation of Christians. Many of these Christians are anxious not to be detected and exposed as hypocrites. If you show the slightest intention of carrying on in any respect a pagan persecution of Christians and Christianity, I shall instantly call on the Governments of England and France to join with me in choking you, and shall ask them at once to lay aside all their crooked bargains with you. If they decline, I shall report your refusal and their refusals to my people and they will be guided in their dealings with other powers by the light that these refusals throw on governments that misrepresent their people."

It is your turn next, America. Japan is moving toward you by way of Korea and Shantung. With northern China enslaved and assimilated, Japan, with her speed and cunning, can smile at your measureless resources. When she chooses to move against you some injudicious economizer will have disarmed you.

No nation can go unarmed while old Pagan gnashes his teeth, particularly when he sits in a high seat of the high council of the league of nations. When she chooses to move against you she will contrive to embroil you in some new European quarrel, and you will have to face Japan and some European power at once. Japan has a right to expect that at the critical moment our rulers will show themselves not infallible.

We can never make a greater blunder than alliance with Japan. We can never make a greater blunder than surrendering China to Japan. We have only one course to follow: Cut loose at once from the league of nations. Demand the withdrawal of America, France, Japan, and England from all illegitimate interference in China. Ask the Japanese afreet to step out of China and confine himself to eastern Siberia.

John Milton lifted up his voice and cried, "Avenge, O Lord, thy slaughtered saints!" The Lord has not avenged them to this day, and the Japanese know it. Milton and Hampden, lovers of God and liberty and honor, could waste their time on such invocations.

Listen to our modern form of prayer: "Lord God of Sabaoth, before whom lie Thy slaughtered saints, Thou dost hear the long agony of tortured Christian women. Grant that there may be on earth the minimum of publicity, and no excitement, and that we may continue in our moderate attitude, and that we may still receive the congratulations of Viscount Uchida on our cordial and friendly spirit.

"Thou knowest, O Lord, that those inquisitors who are paid by Prime Minister Hara commit their deeds of cruelty against his wishes and in violation of his commands.

"Thou knowest, O Lord, that any public criticism will seriously interfere with the realization of the reforms with which Prime Minister Hara has been for some time past most deeply concerned.

"Thou knowest, O Lord, and Prime Minister Hara knows, that during the several months in which he has been most deeply concerned in regard to the introduction of reforms in Korea, bodies of military have been taking more severe measures against Korean Christians which can not be described in church, and that the machinery of the Japanese Government in Korea has been directed to the suppression of all practice and teaching of Christian religion; but Thou knowest how unfaithful human servants are and with what helpless sorrow Prime Minister Hara has observed this disobedience of his orders.

"We pray Thee to open the ears of our people, so that they may aid the Christian powers in extending to China the dominion of Japan and the persecution of the church.

"There now rises to heaven, as the incense of sacrifice, the smell of the burnt flesh of Korean Christians.

"Hasten, therefore, O Lord, the day on which we shall join the league of nations and make firm alliance with the Emperor and the various priesthoods, Buddhist and Shinto, of Japan; and, above all, hasten the day on which the Japanese may enter into undisturbed possession of their promised land, Shantung, so that the smell of the burning flesh of Chinese Christians may float as incense to Thy throne. Amen."

John Bunyan, in the "Pilgrim's Progress," wrote a prophetic description of a Japanese police court and of the trial and execution of Christians in Korea.

"Then were these poor men brought before their examiners again and there charged as being guilty of the late hubbub. So they beat them pitifully and hanged irons upon them * * * for an example and a terror to others, lest any should further speak in their behalf or join themselves unto them. * * * They were brought before their enemies and arraigned. Their indictment was * * * that they were disturbers * * * that they had made commotions and divisions, and had won a party to their own most dangerous opinions in contempt of the law of the Prince.

"Then Faithful began to answer: * * * 'As for disturbance, I make none, being myself a man of peace. The parties that were won to us were won by beholding our truth and innocence, and they are only turned from the worse to the better.'"

Testimony was given against Faithful.

In the course of his defense, Faithful said: "The Prince of this town, and all the rablement of his attendants * * * are more fit for being in hell than in this town and country, and so the Lord have mercy upon me. * * *"

Judgment was given against Faithful.

"Then they scourged him, then they buffeted him, then they lanced his flesh with knives and * * * pricked him with their swords. * * * Thus came Faithful to his end."

"At the end of the Valley of the Shadow of Death," says Bunyan, "lay blood, bones, ashes, and mangled bodies of men. * * * I copied a little before me a cave where the giant Pagan dwelt in olden time, by whose power and tyranny the men whose bones, blood, and ashes lay there were cruelly put to death. * * * I have learned since that Pagan has been dead many a day."

John Bunyan wrote 244 years ago. He thought, in his innocence, that pagan persecution of Christianity was at an end.

I can imagine Uchida and Hara and Hasegawa and Terauchi smiling at this in the library of the Noblemen's Club.

"Old Pagan is dead, is he?" says Terauchi. "We'll show them whether old Pagan is dead or not."

The Japanese Government invites us to enter into a permanent league in the face of George Washington's advice. In that league the fiercest, most ambitious, and most formidable of its controlling members will be a heathen nation, drunk with ambition.

The world was backward enough in 1675, but even then we thought we were beyond pagan persecution. Now the pagans begin again, and we are their obedient acolytes and the familiars of their torture chambers, and we hurry to give them fresh victims.

It is to believe that the powerful priests of the Missionary Cold-Storage Commission say: "Hush; let us be friendly with Old Pagan. Let us act so that he may realize reforms."

I have no prejudice against paganism. I love many pagan temples. Some of the religions of Japan are better than some of the religions that I see about me here. But let us use no tact with torturers. Let us hear of no policy of "cordiality and friendship" with any man in Asia that crucifies a Christian.

The pains and horrors of this persecution came to us here through secret messengers. The telegraph and the wireless were closed by our own associates against the sending of these messages; and then the Government of Japan sends us word that we must not protest or publish. Yes, they threaten us. They say: "For a long time we have been planning reforms, but if you do not shut your mouths we will stop the reforms."

And this is the Government that is to be one of the "big five" who in the league are to dominate our own sublime free Nation.

May my life cease and my hand wither before I consent by any voice or vote, public or private, to any such Japanese dominion.

Mr. NORRIS. The writer of this article is Mr. Newel Martin, of Milford, Conn. Mr. Martin was born in China. His father, Rev. W. A. P. Martin, was president of the Chinese Imperial University and probably the most esteemed and distinguished American resident in China.

Mr. President, no man can read the record, no man can read the evidence, and not reach the conclusion that the signing of this treaty unamended means the driving of the Christian religion out of Asia. It is piled up so high that no disinterested student of the subject can reach any other conclusion.

There is one of the great churches of our country that has a rule which requires every one of its pastors once every year to preach a sermon on the activities of the missionaries in heathen lands and to take up a subscription on that occasion. He can preach as many other sermons as he sees fit, but he is required, under the rules of that great church, to preach at least one in behalf of the missionaries. If we approve this treaty, the church can revoke that rule. If we approve this treaty unamended, we will not need to pass the hat for the missionaries in Asia or to have anybody pray to extend the work of those Christians there. Under articles 10 and 11 of the league of nations it will be the duty of those preachers, instead of preaching for the missionaries of Christ and praying for them, to raise their eyes to heaven and pray, "We thank Thee, O God, for the rule of the Japanese, for the Government of the great Mikado. Give strength, we pray Thee, to the arms of his slaves and soldiers as they strike the dagger to the hearts of Christians, and as they wash their heathen hands in Christian blood give them new courage, O God, to go forth and destroy Christian churches, murder Christian missionaries, ravish Christian women, starve Christian children. Let them go on, O Father, until the teachings of Thy Son, the lowly Nazarene, shall be unknown of man, until all the world shall be under the control of this great heathen nation, Christianity destroyed, and paganism established; and we will ascribe to the great Mikado and his heathen gods all the honor, all the glory, forever and ever. Amen."

That, Mr. President, will be the prayer that our preachers will have to pray. I can not conceive how anyone with a love of Christianity in his soul can ask the Senate to stab the Christian religion to the heart, to destroy it in Asia, and to lift up in its place the reign of heathen paganism.

Mr. President, I am not a member of any church; I am not a member of any religious organization, but my hand shall wither and my lips shall be sealed in eternal silence before I will ever give my official approval to any act that will stamp out the religion of Jesus Christ and establish paganism in its stead. I hope that we can meet every question that comes before us and decide it on the proposition of whether it is right or wrong. If it is right, then let us approve it. If it is wrong, let us turn it down; and let us have the courage to do it regardless of what the consequences may be.

I hope that I may be given the humble privilege of being classed as one of the followers of the religion proclaimed by Abou Ben Adhem. Old Ben Adhem was awakened in the night by an angel. The angel was writing in a Book. Ben Adhem asked him what he was doing, and the angel said, "I am writing the names of those who love the Lord." Ben Adhem asked, "Is my name written there?" and the angel said, "No." Then Ben Adhem said, "I pray you write my name as one who loves his fellow man." The angel wrote and vanished and the next night Ben Adhem was wakened again from his slumber. The same angel appeared and he bore in his hand a scroll, upon which was written in letters of flaming fire the names of those who loved the Lord, and, behold, Ben Adhem's name led all the rest.

Mr. President, we must not take this step against what has been the civilizing influence and the advancement of our race from the beginning of the Christian era. We should not now give approval to this damnable instrument that strikes the worst dagger into the heart not only of Christianity but of civilization—we must not; we can not. We must not forget now that we fought this war not to enslave nations but to free them. Let us remember that we went forth before the people and that on every rostrum and on every stump we said we were fighting for a world democracy: we were going to abolish secret treaties; we were going to establish self-determination; we were going to advance civilization. Here we come now to a step, Mr. President, that if we take it will put the clock of civilization back a thousand years. We can not kill the spirit of freedom or religious liberty, even if we say in our might and in our power that we will, because under God's law paganism in the end must go down. The Christian religion will live, it will thrive, and the world will go forward. This treaty, unamended, will hold it back, will retard progress. It is a crime against humanity, a dishonor to our Nation. In the name of every American boy who breathed out his life's blood in fertilizing the soil of France I ask that this amendment to the treaty be made, and if the treaty is unamended that it be condemned out of honor to the memory of the men who have given their lives for a cause that we have all said was the cause of freedom, of liberty, of Christianity, and of an advancing civilization.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate, as in open legislative session, adjourned until to-morrow, Tuesday, October 14, 1919, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 13, 1919.

UNITED STATES DISTRICT JUDGE.

Charles B. Faris to be United States district judge, eastern district of Missouri.

REGISTER OF LAND OFFICE.

PUBLIC LAND SERVICE.

William H. Lackey to be register of the land office at Williston, N. Dak.

COAST AND GEODETIC SURVEY.

TO BE JUNIOR HYDROGRAPHIC AND GEODETIC ENGINEERS.

Casper Marshall Durgin.
Francis Lawrence Gallen.
John Aloysius Bond.
William Thomas Combs.
Cornelius Daniel Meaney.

TO BE AIDS.

Lowrie Wilson Burdette.
William McCaslan Scaife.

POSTMASTERS.

NORTH CAROLINA.

Owen Gudger, Asheville.

OKLAHOMA.

Hattie L. Story, Bochito.
Judith L. Black, Marietta.

PENNSYLVANIA.

Charles A. Hoff, Lykens.

VIRGINIA.

Clara Matheny, Fincastle.
Samuel T. Dove, Accotink.
Walter Faunfleroy, Altavista.
Otis M. Joyner, Courtland.
Reuben M. Beazley, Ettrick.
Charles F. Cummins, Fairfax.
Katherine T. Maclin, North Emporia.

HOUSE OF REPRESENTATIVES.

MONDAY, *October 13, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With all reverence and gratitude welling up in our hearts, our Father in Heaven, for the blessings of the past vouchsafed unto us, we most earnestly pray that Thou wilt continue Thy blessings upon us, since nothing is strong, or great, or enduring, but has its origin in Thee.

Every sentence written, every score of music, every picture painted, every thought or deed which lives, is inspired of Thee.

Guide we beseech Thee our statesmen in all their deliberations, to deeds which shall live and glorify our Republic and all its people. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave was granted as follows:

To Mr. TINCHER, indefinitely, on account of important business.

To Mr. JOHNSON of Mississippi, indefinitely, on account of illness in family.

To Mr. OVERSTREET, for 10 days, on account of business.

CONTESTED-ELECTION CASE—JAMES D. SALTS AGAINST SAMUEL C. MAJOR (H. DOC. NO. 265).

The SPEAKER laid before the House a communication from the Clerk of the House of Representatives, transmitting testimony, papers, and documents relating to the contested-election case in the seventh Missouri district, which was referred to the Committee on Elections No. 1 and ordered to be printed.

PUNISHING TRANSPORTATION OF STOLEN MOTOR VEHICLES.

Mr. DYER. Mr. Speaker, I desire to move to take from the Speaker's table the bill H. R. 9203, which has passed the Senate with two very unimportant amendments. I have conferred with the Committee on the Judiciary and members of the committee, and I desire to call it up and move that the amendments be agreed to.

The SPEAKER. The gentleman calls up the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

The Senate amendments were read.

Mr. WALSH. Will the gentleman yield?

Mr. DYER. I will yield.

Mr. WALSH. I was just going to ask to have the language stricken out in the latter amendment read. Perhaps the gentleman can state what would be the effect.

Mr. DYER. The first amendment strikes out, as reported by the Clerk, "with intent to deprive the owner of the possession thereof," because in the same paragraph it says they are not punishable unless they know the same to have been stolen. It is really a repetition and duplication and it is unnecessary. The second amendment is simply a matter of providing that where action has been taken and brought in a State court it shall bar prosecution in a Federal court. The Senate states that it is unnecessary under the practice, because where a case has been tried upon the merits it is a bar to further prosecution in a criminal case and it is not necessary. I now yield to the gentleman from Ohio [Mr. GARD].

Mr. GARD. All I wanted the gentleman to do was to state the effect of the second amendment. The first amendment striking out language is apparent because one can understand that, but the second amendment strikes out language which the House adopted about a conviction in a State or District of Columbia or Territory being a bar to prosecution under the Federal act.

Mr. DYER. That is language the Senate has stricken out.

Mr. GARD. If the House agrees to the language stricken out by the Senate, is there any protective measure for such language remaining in the bill?

Mr. DYER. As I understand it, Mr. Speaker, the Senate claims, and they inform me, that this language is unnecessary, because where a man has been tried upon the merits in a criminal matter and the case has been disposed of, it is a bar anyway to further prosecution; that it only may complicate matters and interfere with the administration of the act.

Mr. GARD. Has the bill as amended by the Senate been brought to the attention of the Committee on the Judiciary?

Mr. DYER. I have taken it up with the chairman and most of the members of the committee whom I have been able to see.

Mr. GARD. But not the committee sitting as a committee?

Mr. DYER. No; it has not been referred to the committee. The bill has been on the Speaker's table.

Mr. GARD. What is the attitude of the chairman of the committee upon the matter?

Mr. DYER. The chairman of the committee says that both of these amendments ought to be agreed to.

Mr. GARD. I have no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

PERMISSION TO ADDRESS THE HOUSE.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to speak for 10 minutes.

The SPEAKER. The gentleman from New Jersey asks permission to speak for 10 minutes. Is there objection?

Mr. CLARK of Missouri. On what subject is the gentleman going to talk?

Mr. LEHLBACH. On Saturday the gentleman from Tennessee [Mr. MOON] in effect charged me with making untrue statements on the floor in relation to the postmastership situation——

Mr. CLARK of Missouri. Could not the gentleman wait until the gentleman from Tennessee [Mr. MOON] is here?

Mr. LEHLBACH. I was not present when the gentleman from Tennessee [Mr. MOON] made his statement, and that fact was called to his attention by the gentleman from Kansas [Mr. CAMPBELL].

Mr. CLARK of Missouri. I think it would be better to have both of you here at once and get this thing settled somehow, so I object.

The SPEAKER. Objection is heard.

DISTRICT OF COLUMBIA BUSINESS.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the state of the Union for the consideration of bills on the District Calendar.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of District of Columbia business.

Mr. MAPES. Mr. Speaker, and pending that I would like to see if we can agree upon general debate. I suggest to the gentleman from Kentucky [Mr. JOHNSON] that we have one hour's general debate, one-half of that time to be controlled by the gentleman from Kentucky and one-half by myself.

Mr. WALSH. For all bills?

Mr. MAPES. For the two bills.

Mr. JOHNSON of Kentucky. Does the gentleman mean that debate be limited to the bills?

Mr. MAPES. And that the debate be limited to the bills.

Mr. JOHNSON of Kentucky. I do not object to that.

Mr. WALSH. Oh, well; that is too short.

The SPEAKER. The gentleman from Michigan asks unanimous consent that general debate be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Kentucky [Mr. JOHNSON] and that the debate be confined to the bill. Is there objection?

Mr. GARD. Reserving the right to object——

SWEARING IN OF A MEMBER—L. B. RAINEY.

Mr. DENT. Mr. Speaker, I reserve the right to object, for the purpose of asking the gentleman from Michigan a question. The Representative elect from the seventh district of Alabama is present. His credentials, which are in proper form, have been shown to the gentleman from Ohio [Mr. FESS], and he desires to be sworn in at this time. Will the gentleman withhold his motion until that can be done?

Mr. MAPES. I will.

Mr. DENT. Mr. Speaker, the Representative elect from the seventh congressional district of Alabama, the Hon. L. B. RAINEY, has presented his credentials. He is present and desires to take the oath of office as a Member of this body. [Applause.]

Mr. L. B. RAINEY appeared at the bar of the House and took the oath of office administered by the Speaker.

DISTRICT BUSINESS.

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Michigan a question? Does the one hour proposed for debate apply to only one bill or several bills which the District Committee may take up?

Mr. MAPES. All bills to be considered to-day.

Mr. BLANTON. One hour of debate on all of the bills to be considered to-day? How many bills will be considered?

Mr. MAPES. It is pretty hard to tell; two or three, if we can reach them.

Mr. BLANTON. Would the gentleman mind stating the nature of the bills that might be considered, and upon which general debate is limited to one hour?

Mr. MAPES. One is the policemen's salary bill; one is a bill revising the weights and measures law for the District of Columbia, and one is a bill relating to the Washington Market Co.'s charter.

Mr. BLANTON. May I ask the gentleman whether or not the police bill which will be considered has in it a provision that will prevent the affiliation with a union that affiliates with any other union?

Mr. MAPES. There is a section which deals with that subject, as the gentleman will see.

Mr. BLANTON. There is a section of the bill which takes care of that situation?

Mr. MAPES. Yes.

Mr. GARD. Mr. Speaker, I understood I was recognized. Reserving the right to object, I desire to inquire which bill the gentleman intends to take up first?

Mr. MAPES. The police salary bill.

Mr. GARD. I do not desire to object to any plan that is convenient to the members of the committee, but how much time is to be allowed upon the police bill, for instance, for debate?

Mr. MAPES. I have very little request for time. Of course, we would like to proceed with the business of the House as fast as we can.

Mr. GARD. What other bill is there? The standard-measure bill?

Mr. MAPES. Yes.

Mr. GARD. Is there anything else?

Mr. MAPES. There is the Washington Market Co. bill, if it is possible to reach it.

Mr. GARD. Does the gentleman think that the general debate of 1 hour, 30 minutes on a side, is sufficient for those three bills?

Mr. MAPES. There is no request for time.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, further, I want to ask the gentleman whether he has heard of any opposition to the police bill, or the particular provision to which he refers?

Mr. MAPES. I have not.

Mr. BLANTON. He has heard of no opposition?

Mr. MAPES. I have not.

Mr. BLANTON. Mr. Speaker, I think this is one of the most important measures that has come before Congress, and therefore I object.

The SPEAKER. Objection is made.

Mr. GOODALL. Mr. Speaker——

Mr. BLANTON. I withdraw the objection for the present.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONTESTED-ELECTION CASE—TAGUE AGAINST FITZGERALD.

Mr. GOODALL, from the Committee on Elections No. 2, submitted the majority report and the minority views on the contested-election case of Peter F. Tague against John F. Fitzgerald, tenth congressional district of Massachusetts, for printing under the rules.

DISTRICT BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. MAPES] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of business on the District Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TREADWAY in the chair.

METROPOLITAN POLICE.

Mr. MAPES. Mr. Chairman, I call up the bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes.

The CHAIRMAN. The gentleman from Michigan calls up the bill H. R. 9821, which the Clerk will report.

Mr. BLANTON. Mr. Chairman, a point of order. I think the bill should be read. It is a short one. I request that it be read for information.

The CHAIRMAN. Without objection, the Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes.

Be it enacted, etc., That paragraph 8 of section 1 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended by the act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," is hereby amended to read as follows:

"PAR. 8. That the basic salaries of the officers and members of the Metropolitan police of the District of Columbia, herein provided, shall commence August 1, 1919, and shall continue thereafter annually, unless changed by Congress, as follows: The major and superintendent shall receive an annual salary of $4,500; the assistant superintendents shall each receive an annual salary of $3,000; inspectors shall each receive an annual salary of $2,400; police surgeons shall each receive an annual salary of $1,400; captains shall each receive an annual salary of $2,300; lieutenants shall each receive an annual salary of $2,000; sergeants shall each receive an annual salary of $1,800; privates of class 3 shall each receive an annual salary of $1,660; privates of class 2 shall each receive an annual salary of $1,560; privates of class 1 shall each receive an annual salary of $1,460: *Provided*, That privates of class 1 shall serve one year on probation, privates of class 2 shall serve two years subsequent to service in class 1, and privates of class 3 shall include all those privates who have served efficiently three or more years; members of said police force who may be mounted on horses, furnished and maintained by themselves, shall each receive an extra compensation of $480 per annum; and members of the said force who may be mounted on motor vehicles, furnished and maintained by themselves, shall each receive an extra compensation of $480 per annum; and members of the said force who may be mounted on bicycles shall each receive an extra compensation of $60 per annum: *Provided further*, That patrol drivers of the Metropolitan police are hereby declared to be members of the Metropolitan police of the District of Columbia, but shall not be rated above class 2 privates, and those patrol drivers who have been appointed since April 6, 1917, shall be required to pass the usual physical and other tests required for members of the regular force."

SEC. 2. That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

Mr. MAPES. Mr. Chairman, the greater part of the work on this bill was done by the subcommittee of the Committee on the District of Columbia, of which the gentleman from New York [Mr. GOULD] is the chairman. I yield to the gentleman from New York 15 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. GOULD. Mr. Chairman, there has been in the city of Washington a high increase in the cost of living. In July of this year the Commissioners of the District of Columbia decided that the police department was not receiving adequate pay in order to enable the commissioners to secure the class of men which the police department should have and also to maintain its personnel. A bill was introduced by the chairman of the Committee on the District of Columbia at the request of the commissioners, the bill H. R. 7983, and in order to make inquiry into the question hearings were held. At a subsequent date it was decided that a subcommittee had better give it some further attention, and I may say to the Members of the House that the

hearings as the result of the points raised relative to the conditions under which the policemen work and live and endeavor to support their families were fully investigated. The committee also conferred with the congressional committee which had charge of the reclassification of Federal employees, and considerable information was secured relative to the salaries which are paid in other cities of the country. Finally, after going through the whole question, it was decided, on the report of the subcommittee to the full Committee on the District of Columbia, to incorporate its recommendations to the House in a new bill, which was introduced on October 9, the bill H. R. 9821, and that is the bill under consideration to-day.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GOULD. Yes.

Mr. MADDEN. How many members are there on the police force now?

Mr. GOULD. The list is in the report. There are about 800 privates.

Mr. MADDEN. Does this increase the number?

Mr. GOULD. No, sir.

Mr. MADDEN. Are there still two superintendents in the police department?

Mr. GOULD. There are two assistant superintendents.

Mr. MADDEN. Have they been there all the time?

Mr. GOULD. The second was authorized in the District appropriation bill passed at this Congress.

Mr. MADDEN. In the great cities of the United States having three or four millions of people they have only one assistant superintendent.

Mr. GOULD. That was handled by the subcommittee of the Committee on Appropriations having charge of the District of Columbia appropriation bill.

Mr. MADDEN. I think it is absurd to have two assistant superintendents in a city like this. There is one commanding officer for every eight men.

Mr. GOULD. The matter of the assistant superintendents was incorporated in the appropriation bill approved July 11, 1919.

Mr. MADDEN. While we might need more men—privates—it seems to me the law proposed and as it exists gives a great many more commanding officers than there is any need for.

Mr. GOULD. That question was not considered fully by our committee. Our committee took the recommendation of the commissioners, as to what was necessary to give us an efficient police force in the District of Columbia.

Mr. MADDEN. Does the gentleman think that the best way to get an efficient police force in the District of Columbia is to have all the men at the top and none at the bottom?

Mr. GOULD. No, sir.

Mr. MADDEN. Then in that respect the recommendation of the commissioners would not seem to be very wise.

Mr. GOULD. That is up to the judgment of the House.

Mr. MADDEN. I realize that; but I thought, perhaps, the committee would have given some consideration to the proprieties of the situation, and that they would have put on patrolmen instead of commanding officers.

Mr. GOULD. We were assured that everybody does a full day's work, and that many of them are working extra hours.

Mr. MADDEN. The question is whether we have not a good many more commanding officers than we should have in proportion to the number of men employed.

Mr. GOULD. Well, that may be. The gentleman from Illinois ought to introduce a resolution calling for an investigation of these various points, where the matter could be decided.

Mr. MADDEN. I think that the committee having that matter under consideration would be the best qualified to deal with that.

Mr. GOULD. The committee was asked to take up the question of salaries, and was not asked whether the police force was sufficient.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. GOULD. Yes.

Mr. RAMSEYER. May I ask the gentleman how long the District has had two assistant superintendents? How long have they had these? Or is this an innovation in the bill?

Mr. GOULD. It was carried on the appropriation bill. The statute up to this time has not provided for it.

Mr. RAMSEYER. So that under the statute only one is provided for?

Mr. GOULD. Yes; and the second was put on, subject to a point of order, in the appropriation bill.

Mr. RAMSEYER. In the bill now you provide for two assistants. If your bill passes, future appropriation bills providing for the pay of two assistants would not then be subject to a point of order?

Mr. GOULD. No.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. GOULD. Yes.

Mr. SNYDER. Do I understand that this is now a three-platoon proposition—an eight-hour day shift for policemen?

Mr. GOULD. Yes, sir.

Mr. SNYDER. And are the salaries mentioned here fixed plus a bonus?

Mr. GOULD. Yes, sir.

Mr. SNYDER. So that a private of the first class instead of receiving $1,460 will actually receive $1,700?

Mr. GOULD. Yes, sir.

Mr. SNYDER. That, of course, applies to all up to $2,500?

Mr. GOULD. Yes, sir.

I might further say that the duty of the police requires seven days' service per week, with 22 days' leave per year, and that, based on an investigation in the conditions in the District of Columbia, led the committee to decide unanimously that the salaries as specified are not any more than adequate. I would bring to the attention of the House the fact that these are basic salaries, and that under the present law any man receiving $2,500 a year or less would be entitled to the bonus of $240 for this fiscal year.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. GOULD. I will.

Mr. GARD. What is the entire personnel? What is the number of the police employed here?

Mr. MADDEN. About 900.

Mr. GOULD. The committee embodied that in the report. It is about 903 as a total.

Mr. GARD. I note in the report that in New York City, which, of course, is a city hardly comparable with the city of Washington in police business, the highest paid private—and I am talking about privates under the police force—does not get as much as the lowest paid private in the District of Columbia with the bonus that we are adding of $240 a year.

Mr. GOULD. The gentleman is probably not informed that the board of estimates of New York City to-day has practically decided, according to information that we have received, to recommend an increase of $250 per year to all of their patrolmen, which would bring it practically to the same basis as we have provided here for the Washington police.

Mr. GARD. You want to put the Washington force on the same basis as the New York City force?

Mr. GOULD. Yes.

Mr. GARD. How about cities that are comparable with Washington, cities like Richmond, Va., Baltimore, Md., and cities of about 400,000? I saw the statement published in a paper the other day that the population of Washington was about 400,000, including whites.

Mr. BENSON. Will the gentleman allow me to answer for Baltimore?

Mr. GOULD. I think the gentleman from Ohio will find that as far as the cost of living is concerned, Washington is almost in a class by itself as compared with Richmond or Baltimore.

Mr. GARD. I agree that Washington is in a class by itself as far as the high cost of living is concerned, but are we to make a permanent increase based upon what we all know to be the inordinate demands of almost everybody connected with living in the city of Washington?

Mr. GOULD. The records of the committee and also the information given us by the commissioners lead us to the opinion that in order to procure in Washington the grade of men of which our police force should be composed the salaries must be as much as those recommended to the House by the committee.

Mr. GARD. I am thoroughly in accordance with the idea of paying these men an adequate salary so as to obtain good policemen. From what sources are the new officers recruited?

Mr. GOULD. Quite a few of them are discharged soldiers and other men are drifting in from other cities.

Mr. GARD. Drifting in?

Mr. GOULD. They hear of the life in Washington and want to come here and watch the National Legislature.

Mr. GARD. And as soon as they get here do they get on the police force?

Mr. GOULD. The requirements for the police force are very strict and they are required to pass a very severe examination, both physically and every other way.

Mr. GARD. I may cite the gentleman to an illustration of the kind of men we are getting. I live within two squares of Calvert Street. On my way home a few nights ago I saw a policeman under a tree trying to keep dry. The rain was falling. He asked me where Calvert Street was; said he had to go there, and wondered how he was going to get there.

Mr. GOULD. I think that ought to be reported to the superintendent of police. It was the gentleman's duty to report it.

Mr. GARD. I did not wish to report the matter. I am simply showing the gentleman what sometimes occurs when men from other cities are appointed on the police force. Now, I would like to ask the gentleman, What is carried in this bill about the woman's bureau?

Mr. GOULD. Nothing.

Mr. GARD. Is there any increase in the woman's bureau, or any provision for the employment of women as policewomen?

Mr. GOULD. No, sir.

Mr. GARD. What is it intended to do as to the employment of policewomen?

Mr. GOULD. We leave that in the discretion of the Commissioners of the District, as it has been handled in the past.

Mr. GARD. Can the gentleman advise the House what has been the recent provision for that?

Mr. GOULD. There has been a decision to the effect that the basic law does not specify as to whether a member of the force shall be a male or a female, and the District Commissioners and the superintendent of police decided that inasmuch as the act does not mention it, they were therefore empowered to employ policewomen if they so desired.

Mr. GARD. The report states that one of the commissioners seemed to think that the bureau of policewomen should be increased, for the protection of young girls in the city of Washington, and that for a time at least the committee acquiesced in this belief and thought that there should be an increase. The gentleman now states that there is to be no increase.

Mr. GOULD. The gentleman does not state any such thing. The gentleman states that the matter is up to the discretion of the commissioners and of the superintendent of police, and I have no doubt that if they desire to put in 40 or 50 additional policewomen, they will go ahead and do it under the act as it now exists on the statute book.

Mr. GARD. If they do, what is the compensation of the policewomen?

Mr. GOULD. The policewomen start as privates. The head of the policewomen's bureau serves as a detective sergeant.

Mr. GARD. And the pay is the same as that of a male sergeant?

Mr. GOULD. Yes.

Mr. GARD. Or of the class to which they belong?

Mr. GOULD. Yes.

Mr. SNYDER. Will the gentleman yield?

Mr. GOULD. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. I yield to the gentleman five minutes more?

Mr. SNYDER. Of course, this increase of salary is a very large increase?

Mr. GOULD. Yes.

Mr. SNYDER. And it will establish a precedent practically throughout the United States that will probably lead to many increases in salaries for policemen and possibly for firemen throughout the United States. I do not want to make a speech in the gentleman's time, but I think this is important. Recently there was a dispute with the policemen in the city here as to whether or not they should be permitted to continue as members of the American Federation of Labor. Now, I want to know, and I think the public would like to know, how much bearing that particular issue had on these raises of salary?

Mr. GOULD. As to whether or not the commissioners were moved in that direction I do not know, and whether or not the requests of the District Commissioners were framed on any considerations of that kind I do not know; but I can say without reservation that the salaries recommended by the committee have not been influenced by the policemen's union.

Mr. SNYDER. Will the gentleman yield?

Mr. GOULD. I will.

Mr. SNYDER. The gentleman is willing to state that this action was not hastened by reason of any difficulty that has been going on between the police department and the commissioners?

Mr. GOULD. The action of the committee was not hastened in any way by the action of the alleged police union.

Mr. BLACK. Will the gentleman yield?

Mr. GOULD. Yes.

Mr. BLACK. I understand the purpose of section 2 is to prevent the Metropolitan police of Washington from affiliating with organizations like the American Federation of Labor.

Mr. GOULD. And similar organizations.

Mr. BLACK. The provision of section 2 is that they shall not affiliate with organizations who claim the right to demand a strike. It is my understanding that the American Federation of Labor has always claimed that it had no right or authority to call out any man in any industry to a strike or to send him back to a strike if he is striking. In other words, that they have nothing to do with strikes. Therefore, as I understand it, this provision would not prevent the Metropolitan police from affiliating with the American Federation of Labor.

Mr. GOULD. I am not informed on that point; but I would be inclined to say that, basing my opinion on the action that has been taken recently by the American Federation of Labor, this section would apply. I am not a lawyer and would not consider myself entirely competent in that regard.

Mr. BEE. Will the gentleman yield?

Mr. GOULD. Yes.

Mr. BEE. By what authority are the policemen appointed, and who controls them?

Mr. GOULD. The superintendent of police makes the recommendation and the commissioners make the appointment.

Mr. BEE. Is there an examination prescribed by the superintendent and commissioners?

Mr. GOULD. There is a civil-service examination and a physical examination.

Mr. BEE. Who has the right to discharge policemen?

Mr. GOULD. The commissioners are the final authority of discharge.

Mr. BEE. Is there a provision in the law of the District of Columbia in reference to the trial of a policeman before he can be discharged?

Mr. GOULD. Yes.

Mr. BEE. Is there any provision for a summary discharge without a hearing?

Mr. GOULD. There is not.

Mr. BEE. Is there a limit of time as to when the hearing shall be had after the complaint is filed?

Mr. GOULD. I can not tell the gentleman.

Mr. BEE. In the question of demotion, is that authority vested in the commissioners or the chief of police to demote a man without a trial?

Mr. GOULD. I imagine that that could be done by a transfer for the good of the service.

Mr. BEE. Either demotion or suspension without a trial?

Mr. GOULD. Yes.

Mr. BEE. But to discharge a man there must be a trial?

Mr. GOULD. Yes.

Mr. BEE. Is there a provision that only residents of the District can be appointed on the police force?

Mr. GOULD. I do not think there is.

Mr. BEE. A man from outside can come in any day and be examined and be appointed?

Mr. GOULD. Yes.

Mr. CARSS. Will the gentleman yield?

Mr. GOULD. Yes.

Mr. CARSS. Does the provision in section 2 prevent the Metropolitan police in the District of Columbia from forming an organization for the purpose of collective bargaining?

Mr. GOULD. I should not think it would; no, sir.

Mr. CARSS. Provided they do not affiliate with outside organizations. The gentleman understands that that would not be a bar?

Mr. GOULD. At this time I wish to direct the attention of this House earnestly and seriously to a condition which threatens the deepest roots not only of our national American institutions but of our homes, our families, our lives, and the very structure of our civilization. And I wish in so doing to discuss a section of this bill, which strikes directly and tellingly at one of the most advanced and sinister phases of this menace, that phase which seeks to turn our police forces from their paths as pledged and trusted guardians of society into the paths of desertion and traitorous alliance with a movement one of whose fundamental principles involves repudiation of government by law and order.

Section 2 of this bill reads:

SEC. 2. That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

That section had a twofold aim, an immediate local application to the District's police force, and a national application, a note of warning and advice from the Congress of the United States to State and municipal officers throughout the country who are faced with a similar menace and may not, perhaps, appreciate it at this time.

As it applies to the Metropolitan police of the District of Columbia, section 2 seeks to keep members of the force, still as the trustworthy guardians of organized, God-fearing society, to prevent them from becoming unwittingly involved and engulfed in a movement which would seek ultimately to turn them from faithful protectors to dangerous assailants of civilized society.

That movement is called "syndicalism." Its leaders boast that—

Syndicalism has placed the anarchistic movement upon a practical, effective basis—

and that the syndicalist—

is a radical opponent of "law and order."

Do you know what the movement to unionize the police of this country means when translated into terms of syndicalism? Let me quote you a brief passage from an authority on the subject, Mr. William Z. Foster, who, having written as a syndicalist, that "that natural course of evolution for a labor movement * * * is gradually from the conservative to the revolutionary" has become a leading figure in the American Federation of Labor:

They—

syndicalists in every country—

are teaching working-class soldiers * * * to shoot their own officers and to desert the Army when the crucial moment arrives.

The policeman, Mr. Chairman, is the doughboy of peace, the "working-class soldier" of law and order arrayed against the constant attack of criminal classes and lawless movements of unrest and malcontent. He has no more right to desert when his "crucial moment arrives" than has the khaki-clad soldier to abandon his arms on the eve of battle.

"Soldier" and "policeman" are but classifying terms; both designate public servants, warriors for and defenders of the laws and institutions of their country; both fight under one flag. The soldier protects from aggression from without; the policeman from aggression from within. The battle of the policeman is the harder and the more vital, because it is never ending, his enemies are never still, his campaign knows neither truce nor armistice, neither final victory, nor, so far in this country, thank God, final defeat. And the more constant the success of the policeman in keeping strong and firm our national institutions of democratic government, the less frequently is the soldier called upon for the bloody and costly battle against aggression from outside our borders.

The soldier in his infrequent campaigns deals with a foe, as a rule, who recognizes much the same laws of humanity as he does himself, an organization serving some national government. In dealing with criminal classes the policeman guards society against a body lost to the rules of honor, feeling neither pity for the weak nor respect for the strong.

In which case, then, think you, Mr. Chairman, is desertion "when the crucial moment arrives" more awful to contemplate? In which case—soldier desertion or police desertion—are our national destinies, our constitutional institutions, our very homes and families more terribly menaced?

Gentlemen, I am raising no straw man for the purpose of knocking him down. Let me read one more brief quotation from Foster's red-bound book on "Syndicalism," so ably and adequately exposed here recently by my distinguished and courageous colleague from Ohio, Mr. COOPER, before I seek to point out the present existence of this menace.

"To revolutionize the American labor movement," wrote Syndicalist Foster, as a prophesy of what Labor Unionist Foster would essay, "syndicalists must follow the course taken by successful syndicalists the world over, viz, develop the existing unions and organize unions for these workers for whom at present none exist. The natural course of evolution for a labor movement, even as for individual workers, is gradually from the conservative to the revolutionary. * * * By actively participating in the labor movement they (the syndicalists) can greatly hasten this evolution. *They can best make their influence felt upon the labor movement through the medium of the organized militant minority.*" The italics are my own.

Now, then, what is the practical application of all this to our present-day problems? Gentlemen, the application is luminously clear and terrifyingly present. The syndicalist program for the overthrow of our democratic form of government by revolution involves two principal divisions:

Part 1: Prostituting the American Federation of Labor, Mr. Foster's "militant minority," into a syndicalist revolutionary movement and utilizing its machinery to involve unorganized labor, Mr. Foster's "vast majority," in the same movement.

Part 2: Organizing the police of the country and affiliating them with Mr. Foster's "militant minority" so that when "the crucial moment of revolution" arrives these "working-class soldiers" will be so ensnared and enmeshed in the anarchistic toils that they will be useless as protectors of law and order.

The working out of this program is well under way, both as to parts 1 and 2. It is strong and growing, and will reach for success unless the American spirit awakes in its might and crushes it with relentless heel.

Already, as you know, the author of "Syndicalism" has donned the sheep's clothing, entered the ranks, and become a member of his "militant minority" and as an authorized agent of the American Federation of Labor has brought on an upheaval among ignorant aliens in the steel industry which has seriously affected the industrial life of the country and has required the presence of United States troops in some sections to preserve constitutional guaranties. For the third time since January, without warning and in violations of agreements, people of the great city of New York and the traveling public are flouted and threatened with starvation by strikers in the marine departments of the United States Railroad Administration—a strike against the Government of the United States. Also, in violation of previous agreements, the head of an organization of 225,000 coal miners announced in Philadelphia Saturday his intention of calling a general strike on November 1 because of failure to obtain demands for a 60 per cent increase in wages, a 30-hour working week, and additional concessions. The threat comes hand in hand with winter's icy blasts to chill the body and soul of the general public. Throughout the Nation the conservative American voices in the American Federation of Labor are being hushed or thrust aside by the radical encroachments of syndicalist "educators." So much for progress in carrying out the first part of the program of revolution.

Now, to provide immunity for the "revolution" when the "crucial moment" may arrive to organize the "working-class soldier," the policeman of the city, and gradually taint him with syndicalism.

Do you know, or have you pondered the fact that police unions have been formed and affiliated with the American Federation of Labor in 37 cities of the United States, involving a total population of about 4,344,000, in 22 of our 48 States? In two of these instances the movement has failed—in Boston, after bloodshed and riot, and in Washington, because the Congress of the United States is still great enough, even in the view of radical agitators, to resist such an attack upon American institutions.

These cities, listed by the American Federation of Labor at its headquarters in this city, are as follows: Oklahoma City, Okla.; Knoxville, Tenn.; Peoria, Ill.; Washington, D. C.; Jersey City, N. J.; Macon, Ga.; Cumberland, Md.; Tulsa, Okla.; Fort Worth, Tex.; East St. Louis, Ill.; Norfolk, Va.; Pueblo, Colo.; Boston, Mass.; Warren, Ohio; Clarksburg, W. Va.; Portland, Oreg.; St. Paul, Minn.; Meridian, Miss.; Evansville, Ind.; Terre Haute, Ind.; Moberly, Mo.; Los Angeles, Calif.; Wheeling, W. Va.; Chattanooga, Tenn.; Hattiesburg, Miss.; Miami, Fla.; Superior, Wis.; Huntington, W. Va.; Portsmouth, Va.; Richmond, Calif.; Key West, Fla.; Zanesville, Ohio; St. Joseph, Mo.; Lynn, Mass.; Vicksburg, Miss.; Belleville, Ill.; Topeka, Kans.

Boston and Massachusetts met the issue with an unadulterated Americanism which did credit to their heroic sires of Lexington, Concord, and Bunker Hill. And the spirit of America in all parts of the country rose as from one sound, clean heart to cry shame on the deserting, striking policemen of Boston, and to acclaim, as with one voice, the courageous State and municipal officials who refused to make compromise with treason.

Boston and Massachusetts have struck the first telling blow against this Russianized program of syndicalist revolution, and the country has applauded to the echo. You gentlemen, like myself, must enter the lists in the second test of strength between the American Government and anarchy. Section 2 of this bill furnishes you with a weapon and a duty you can not evade, and which, as Americans, you must not repudiate. The policemen of Washington have proven that the threat of strike and desertion is not necessary to obtain justice and fair treatment for the servants of the people; and to their great credit be it said that they have evidenced their acceptance by voluntarily relinquishing their charter in the American Federation of Labor. But if they were misled once, may they not be misled again, unless the elements with allegiance divided between their organization and that of the American Federation be forced to come out in the open and confine their allegiance to one organization or another? That is all this section seeks to accomplish in so far as the Metropolitan police force is concerned.

But your responsibility as the aldermen of Washington is unimportant as compared with your responsibilities as Members of the Congress of the United States. And as Members of the Congress of the United States, faced at once with this grave menace

against the Government of which you are a part and which you are sworn to uphold and with an opportunity to strike a telling blow against our common enemy, dare you withhold that blow?

This bill, through section 2, announces to the country which looks to the Congress of the United States for aid and guidance that the American Government recognizes no distinction between doughboy kakhi and police blue in the performance of duty by public servants; that the right of the people of the United States to protection of their lives and property from lawless aggression is greater than the right of any individual to traitorous idleness; and that the policeman who leaves his post and exposes the community he is sworn to protect to the anarchistic aggression of criminal hordes is on all fours with the soldier who deliberately abandons his post under fire for the purpose of aiding the enemy.

Is there anything in that message that you, as Americans and as members of the American Government, can not subscribe to? If there is, you can not vote for this bill in its present form. This bill merely gives legislative expression to the stirring platform of Gov. Calvin Coolidge, of Massachusetts, during the recent desertion of Boston policemen:

There is no right to strike against the public safety by anybody, anywhere, any time.

Mr. MAPES. Does the gentleman from Kentucky want to use any of his time now?

Mr. JOHNSON of Kentucky. Under the suggestion that was made, I prefer to reserve my time until some other bill is up. I have had no requests for time on this bill.

Mr. MAPES. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That paragraph 8, of section 1, of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended by the act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," is hereby amended to read as follows:

"PAR. 8. That the basic salaries of the officers and members of the Metropolitan police of the District of Columbia, herein provided, shall commence August 1, 1919, and shall continue thereafter annually, unless changed by Congress, as follows: The major and superintendent shall receive an annual salary of $4,500; the assistant superintendents shall each receive an annual salary of $3,000; inspectors shall each receive an annual salary of $2,400; police surgeons shall each receive an annual salary of $1,400; captains shall each receive an annual salary of $2,300; lieutenants shall each receive an annual salary of $2,000; sergeants shall each receive an annual salary of $1,800; privates of class 3 shall each receive an annual salary of $1,660; privates of class 2 shall each receive an annual salary of $1,560; privates of class 1 shall each receive an annual salary of $1,460: *Provided*, That privates of class 1 shall serve one year on probation, privates of class 2 shall serve two years subsequent to service in class 1, and privates of class 3 shall include all those privates who have served efficiently three or more years; members of said police force who may be mounted on horses furnished and maintained by themselves shall each receive an extra compensation of $480 per annum; and members of the said force who may be mounted on motor vehicles furnished and maintained by themselves shall each receive an extra compensation of $480 per annum; and members of the said force who may be mounted on bicycles shall each receive an extra compensation of $60 per annum: *Provided further*, That patrol drivers of the Metropolitan police are hereby declared to be members of the Metropolitan police of the District of Columbia, but shall not be rated above class 2 privates, and those patrol drivers who have been appointed since April 6, 1917, shall be required to pass the usual physical and other tests required for members of the regular force."

Mr. MADDEN. Mr. Chairman, I move to amend on page 2, line 4, by striking out the word "superintendents" and inserting the word "superintendent"; and in line 5, strike out the word "each."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word "superintendents" and insert the word "superintendent"; and in line 5, strike out the word "each."

Mr. MADDEN. Mr. Chairman, I think the time has come when we ought to take into consideration the propriety of having a police force that is top-heavy in the District of Columbia. If there is anything the trouble with the police force here it is that it is top-heavy. We have a superintendent, we have 2 assistant superintendents, we have 3 inspectors, 12 captains, 4 police surgeons, 21 lieutenants, and 56 sergeants, while we have only 800 men. As a matter of fact, we have one commanding officer for every eight men. It is no wonder that the police department in the District of Columbia does not function. In the first place, we have a man at the top who ought not to be superintendent of police. He knows nothing about the conduct of a police force, and he does not function. I suppose we ought not to be surprised, in view of that fact, that we have to have two assistant superintendents. In the great city of Chicago, with 3,000,000 people, we have only one assistant superintendent. That seems to be enough, and we have about 4,500 men. Yet we have here two assistant superintendents.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RAMSEYER. The gentleman speaks about the police system being top-heavy. Is it top-heavy only in that it has one assistant superintendent too much?

Mr. MADDEN. It is top-heavy in that it has a hundred commanding officers and only 800 men.

Mr. RAMSEYER. Would the gentleman cut some of the lieutenants and the sergeants also?

Mr. MADDEN. I do not know enough about the functions they perform to justify myself in offering an amendment to the bill in that respect, but I do know definitely and positively that there should not be two assistant superintendents.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BEE. I know nothing about this matter except as the bill reads, but is not the duty of the assistant superintendents one a day shift and the other a night shift?

Mr. MADDEN. What are the inspectors for?

Mr. BEE. Would the gentleman not have a superintendent there in full authority at night and one in the daytime?

Mr. MADDEN. They have their inspectors, who have complete authority over the territory. They have a certain number of stations under each inspector, and he is the superintendent of police to all practical purposes. That is true everywhere, and why should it not be true here? What is the superintendent of police doing?

Mr. BEE. Why not do away with the assistant superintendents altogether?

Mr. MADDEN. That is what we should do, although one assistant superintendent might be necessary—certainly not two. The bill provides, if I may be permitted to go outside of the amendment which I have offered, for the payment of $480 a year to a man who rides a motor cycle, because he owns the motor cycle. I do not know how much a motor cycle costs, but it certainly does not cost over $150.

Mr. GOULD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GOULD. The hearings show that a motor cycle costs as high as $350.

Mr. MADDEN. Then let us say $350. How many years will it takes to wear out a motor cycle.

Mr. WHEELER. The evidence shows that it takes two years to wear out a motor cycle.

Mr. MADDEN. Then in those circumstances you give the man $960 for two years' use of a motor cycle which costs him $350.

Mr. WHEELER. And it costs him over $75 a year for repairs.

Mr. MADDEN. I do not believe that. Of course, with a man who has to ride a horse it is different. He has to pay $250 at least for his horse, and then he has to pay for the shoeing of the horse and the feed for it. The horse wears out very quickly, and after being ridden around for a year he is not worth very much; but when you pay $480 a year for a motorcycle policeman in addition to his pay, you are doing an injustice to the Treasury.

Mr. WHEELER. Mr. Chairman, will the gentleman yield again?

Mr. MADDEN. Yes.

Mr. WHEELER. Does the gentleman think that a man mounted on a motor cycle does not pay anything for gasoline?

Mr. MADDEN. Oh, yes; but we pay him for that. He incurs a cost in the purchase of gasoline and tires, but we pay him for his motor cycle and besides a profit on top of that under this scheme of paying him $480 a year for the use of the motor cycle. Why, we would better own the motor cycle and furnish it to the man than to have him pay for it and then pay him $480 a year for its use. A man who rides a motor cycle has an easy job That is one of the easiest jobs in the department.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WHEELER. I will state to the gentleman that a policeman on a motor cycle has to buy one more uniform a year than does a regular patrolman.

Mr. MADDEN. I do not believe that; and, even so, the uniform of a motor cycle policeman does not cost as much as the uniform of a patrolman, because he does not wear the same kind of a uniform. He does not wear out the shoes that the

patrolman wears out. Shoes are costing $10 a pair, and the patrolman wears out three or four pairs of shoes a year. Why not pay him for the extra shoes that he wears.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JUUL. Does not the gentleman think that a motor cycle might be rather hard on a man's trousers? [Laughter.]

Mr. MADDEN. Of course, he might wear out an extra pair of trousers.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARD. Directly in line with what the gentleman is speaking of, I note that in bill H. R. 7983, formerly taken up, the increase pay for the man on the motor cycle is $360 per annum.

Mr. MADDEN. Of course. You are going ahead and increasing this pay without rhyme or reason. What is the matter with this District Committee? Is it afraid of the police force? [Laughter.] Why do we not run the police force instead of having the police force run us?

Why do not we put a superintendent in charge of the police force who knows how to direct a police force? Everybody you meet anywhere, except a few sissies, admits that the major and superintendent of police is totally unfit for the job he holds.

Mr. WHEELER. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. WHEELER. I will state to the gentleman that the police force has no more influence over the Committee on the District of Columbia than the postal employees have over the gentleman from Illinois.

Mr. MADDEN. Then they have a good deal of influence over the committee that you represent, I will say that. [Laughter.] And I hope that the influence the police force has over this committee is as salutary as the influence that the postal men have over the Committee on the Post Office and Post Roads. If it is as beneficent in its influence as that of the postal employees, it is well; but I fear it. Why should we now have two assistant superintendents? That is the thing that is before us. We ought to eliminate one, at any rate. I think we ought to eliminate them both, but I will be satisfied with a halfway measure now and cut out one.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. MADDEN. We ought not to have all of this police force at the top and then complain because we have not got police protection. These men do not give us police protection. They are sitting in easy chairs out of the light of day. They do not see the people; they do not know the crimes which are committed; they do not protect the property.

Mr. McLAUGHLIN of Michigan. There may be some other law that limits the number of assistant superintendents——

Mr. MADDEN. There is a law limiting the number to one.

Mr. McLAUGHLIN of Michigan. As this language seems to go, there can be as many assistant superintendents as somebody might wish to appoint——

Mr. MADDEN. Of course, you can have as many as you like.

Mr. McLAUGHLIN of Michigan. If there is no law prohibiting it.

Mr. MADDEN. There is only law for one, but there is an appropriation which provides for two. If you strike out the word "superintendents" and insert the word "superintendent," then you have complied with the law as it exists and appropriations can only be made for one.

Mr. McLAUGHLIN of Michigan. I think the gentleman's amendment should prevail, unless there is some law that limits the number of assistant superintendents——

Mr. MADDEN. There is. It is limited to one, but there is an appropriation that provides for two, but not a law.

Mr. McLAUGHLIN of Michigan. We ought to provide for as many of them as the law provides.

Mr. MADDEN. There is only one provided for by law, and the superintendents ought not to exceed that.

Mr. SUMNERS of Texas. The committee report recommends increases based on present salaries. I would like to know how long since there has been a raise in salaries?

Mr. MADDEN. I do not know anything about it; I do not know when they were raised; I only know the police force is too heavy, and I hope the committee will agree to strike out one of these superintendents.

Mr. BENSON. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, if you will read the report you will find that many of the larger cities that do not have two assistant superintendents have a secretary, and you will find in Washington that there is not any secretary in the list. You will find in Detroit, for instance, three assistant superintendents. Now Mr. Chairman, we have gone over this question of the salaries of the police. My friend from Ohio said something about Baltimore. I want to tell him that both the Democratic and Republican conventions recently put in their platforms a promise for increase of salaries for the police of Baltimore. There has been no strike or threatened strike in Baltimore, but because there has not been is no reason why justice should not be done these men, but every reason why justice should be done. In the Democratic platform the language reads that the increase in salaries shall be commensurate with other wages and salaries paid in the community.

Mr. GARD. Will the gentleman tell us what a private gets in the city of Baltimore?

Mr. BENSON. They get about $1,200 at the present time, and that is ridiculously low. There is one good thing, I think, that has come out of this Boston strike of policemen. The people of this country, I think, realize the importance of the police force, and I agree that a strike of policemen is as reprehensible as a strike in the Army or the Navy, but at the same time the Boston strike has called attention to the fact that we do need a police force in every large community, and that those men as a class are loyal in performing those duties. Now, as to whether section 2 is effective, I believe if anyone will read carefully section 2 of this bill he will find that it not only provides against affiliating with other organizations that can call strikes, but it also provides against a formation of an organization of their own in which strikes can be called.

Mr. MAPES. Mr. Chairman, the committee in reporting this bill did not take into consideration the number of men on the force of the Metropolitan police, either of the privates, the sergeants, the lieutenants, captains, inspectors, or superintendents. Furthermore, I would like to say now, once and for all, that the committee is in no way responsible for the personnel of the police department. It has no jurisdiction over the appointment or the selection of the superintendent, or assistant superintendent, or any of the other men on the force. It has nothing to do with the efficiency of the force. It has nothing to do with the selection of the patrolmen, or how they perform their duties. The committee interested itself in the question as to how much ought the members of the police force of the District of Columbia be paid in order to make it efficient; in order to have the proper men on it; and in fairness to all concerned. It took that into consideration in fixing the salaries of the superintendent; it took that into consideration in fixing the pay of the assistant superintendents and of the patrolmen. We are not responsible for the personnel of the department; we have no way of assuming that responsibility; we could not, if we wanted to do so, select the assistant superintendents, or the superintendent, or the patrolmen. We have no desire to assume the responsibility that we can not exercise.

Mr. JUUL. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. JUUL. The gentleman states that his committee has absolutely nothing to do with selection of the higher officials in the police force of Washington, and yet the gentleman's committee practically sits as a city council, running the affairs of this great city. Does the gentleman say that his committee, which through all the years has been substituted for the city council, has so far relinquished its hold upon the situation locally here that they have nothing to do with the picking of the men that are running things?

Mr. MAPES. Mr. Chairman, the gentleman from Illinois falls into the error which people often fall into who are not so familiar with the legislative procedure of Congress as the gentleman from Illinois is. The Committee on the District of Columbia does not act as a council for the District. The business of the Committee on the District of Columbia is to consider and report legislation introduced in the House of Representatives which pertains to the District of Columbia, and is referred to it. It has not administrative powers; it has not executive powers; it is a committee of the House of Representatives, and has the same jurisdiction and the same power, and none other, as any other committee has, dealing with like questions of legislation.

Mr. JUUL. Does the gentleman mean to tell this body that the power of his committee is to sit here and increase salaries?

Mr. MAPES. I do not mean to tell this body any such thing, and have not told it any such thing.

Mr. McLAUGHLIN of Michigan. Will the gentleman from Michigan yield?

Mr. MAPES. I yield.

Mr. McLAUGHLIN of Michigan. How are the officers and patrolmen, and so on, appointed?

Mr. MAPES. A civil-service examination is provided for the men, which includes a mental and physical test, and they are

appointed by the commissioners upon the recommendation of the superintendent after such examination.

Mr. McLAUGHLIN of Michigan. The superintendent himself is not selected in that way, is he?

Mr. MAPES. I think the superintendent is appointed by the commissioners.

Mr. McLAUGHLIN of Michigan. Who determines the number of men to be employed?

Mr. MAPES. Primarily, the Committee on Appropriations in Congress. None of these men can be paid except Congress appropriates for them, and that matter, as the gentleman knows, is taken up by the Committee on Appropriations.

Mr. McLAUGHLIN of Michigan. And the number is limited by the lump-sum appropriation recommended by the committee and approved by the Congress, and there has been some authority by which that money could be distributed and by which it can be divided among the men as they wish?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. I ask that the gentleman's time be extended five minutes.

Mr. MAPES. The appropriation fixes the number, the same as the number of clerks in an executive department.

Mr. McLAUGHLIN of Michigan. The number in each one of these positions as set out in this bill?

Mr. MAPES. Yes. This bill takes the number that was provided for in the last appropriation act. It follows the last appropriation act and does not attempt to reduce them or increase them.

Mr. McLAUGHLIN of Michigan. Would the gentleman feel like acceding to the demands of the gentleman from Illinois [Mr. MADDEN] and provide for only one superintendent? As it is here, the authority which appoints these men and distributes their salaries, as provided, could appoint any number of assistant superintendents.

Mr. MAPES. I will say frankly that I am not well enough posted on the duty of these assistant superintendents to be able to answer the question of the gentleman fully. But whether they have two assistant superintendents or one depends upon the Appropriations Committee, and the Appropriations Committee in the last Congress gave them two assistant superintendents.

Mr. McLAUGHLIN of Michigan. If this act remains as it is, if there is any money left anywhere, and those in authority can get hold of it, they will use it whether they need it or not?

Mr. MAPES. Oh, no. It is appropriated for the patrolmen and for the captains, and for the lieutenants, and sergeants, and so forth, and unless there is a specific appropriation for the assistant superintendents, it would not be possible to use it for that purpose.

Mr. McLAUGHLIN of Michigan. It seems to me one assistant superintendent would be enough, and I would be inclined to vote for the amendment of the gentleman from Illinois [Mr. MADDEN], unless the gentleman from Michigan [Mr. MAPES], who we all know has more information, advises us to the contrary.

Mr. MADDEN. The gentleman from Michigan is willing to admit, is he not, that the basic law only provides for one?

Mr. MAPES. The basic law, that was passed in 1906.

Mr. MADDEN. Whenever it was passed; there is only one provided for in the law.

Mr. MAPES. It only provides for one.

Mr. MADDEN. And the other place was provided for by appropriation and is not the law except for the current year, and we ought not to let that exist.

Mr. MAPES. I would like to say further, Mr. Chairman, in answer to some of the criticism that has been leveled here at the police force, that it is the contention of those who are responsible for the efficiency of the force, that it has been impossible—and it seems to me that their contention has a great deal of force—under existing conditions to get men, proper men, or to get enough of any kind of men, to fill out the department and properly police the District.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. MAPES. In a moment. This is to give them sufficient pay, so that they may get the men to take care of some of these things that you gentlemen are now criticizing them for not doing. The subcommittee went into the question very thoroughly and very carefully, and they feel that the amounts put into this bill are very conservative. They are to be the basic salaries, and, of course, there is a bonus for this current year; but nobody knows how long that will continue, and certainly the basic salary plus the bonus, under the present conditions, is not too great for a man living in the District of Columbia.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes; I yield.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MAPES. To the gentleman from Texas, first.

Mr. BEE. Is not the trouble with the police departments all over the country, and is not the reason for the criticism the inadequacy of pay, that does not attract the right sort of men?

Mr. MAPES. Yes; and especially is that true in the District of Columbia.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. MADDEN. Now, the gentleman just stated that the difficulty about the management of the police force and its efficiency is that they have not been able to get the kind of men needed, because the compensation is not adequate. I have no doubt but that the compensation should be increased. I am in favor of paying good compensation to men in important places. But the gentleman will not be willing to say that they have had any difficulty in getting captains and lieutenants and superintendents and men who do not do patrol duty. They had no difficulty there, did they?

Mr. MAPES. They have had difficulty all along the line. Of course, the men are not made captains until they have served for a number of years, and a man who has served for a number of years, even under present conditions, and has been promoted to be a captain, does not feel that he could afford to withdraw from the service. The difficulty is under the present salaries to get the right kind of men to start in as patrolmen, so that they can be promoted.

Mr. MADDEN. I am anxious to get the best kind of men, and I want the best kind of a police force; but I want to call attention to this fact, that in Chicago they have 27 captains with over 4,500 men in the police force, while in Washington they have 12 captains with only 800 men. In Chicago they have no inspector, and yet they have 4,500 men, and here we have 3 inspectors. In Chicago they have only 1 assistant superintendent over all the men that they have on the force, and here you have 2 assistant superintendents with only 800 men. Here you have 1 commanding officer over every 8 men. It is no wonder that the police protection here is inadequate.

Mr. MAPES. And Chicago has how many?

Mr. MADDEN. We have 1 for about every 15 men.

Mr. MAPES. Is it not for every 10 men?

Mr. MADDEN. No; 15 men.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the Chair expressed himself as in doubt.

Mr. MADDEN. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 31, noes 19.

Mr. WHEELER. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded. Those favoring a vote by tellers will rise and stand until they are counted. [After counting.] Not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLARK of Florida: Page 3, line 7, at the end of section 1, insert "*Provided*, That after the expiration of the present term no person shall be eligible for appointment as major and superintendent unless he shall have previously served at least three years as a patrolman on said Metropolitan police force."

Mr. MAPES. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The gentleman from Michigan makes a point of order against the amendment.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman reserve his point of order?

Mr. MAPES. Yes; I will reserve it.

Mr. CLARK of Florida. Mr. Chairman, in my judgment there is just one reason why Washington has not got a proper police force. That one reason is the present superintendent and major. The police force of this city is absolutely no protection, as we all know, to the people here.

There have been in the last few days 10 holdups and robberies on the streets of this city, and nothing has been done about them. We all remember the saturnalia of crime that existed here a few weeks ago. If anybody has been punished for that nobody has heard of it. Neither the crimes that were committed previously and subsequently nor the riotings have been punished, and if steps have been taken to punish them they have been very quietly taken.

Now, Mr. Chairman, the fact of the matter is this: Washington ought to have what almost every other city has, a practical and experienced man at the head of the police force. I

have nothing against the present superintendent and major of police. So far as I know, he is a very nice gentleman. But his business was that of a newspaper reporter. He never had any experience at all in police affairs, and he had no connection with them, and it does seem to me that this Congress ought to provide so that these men who come from the bottom, who have had experience all along the line, may have an opportunity to become the head of the force. As it is now, these positions are given out as a sort of political proposition, and it is in all administrations just the same.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. McLAUGHLIN of Michigan. Under the gentleman's amendment only patrolmen could be promoted to the position of superintendent. That would exclude assistant superintendents, inspectors, captains, lieutenants, and sergeants.

Mr. CLARK of Florida. No. I think those are taken from the patrolmen.

Mr. McLAUGHLIN of Michigan. Is that required in all cases under the law now?

Mr. CLARK of Florida. I am not sure that it is. I do not know what the law is, but I rather think it is required. I think they all have to come up from those other positions, from patrolmen up.

Mr. McLAUGHLIN of Michigan. If that be true, then it would be all right; but on the face of it it would not seem so.

Mr. CLARK of Florida. Now, this is a bill increasing salaries.

The CHAIRMAN. The Chair would like to interrupt the gentleman a moment. The Chair did not understand the gentleman from Michigan to state what his point of order was.

Mr. CLARK of Florida. If the gentleman from Michigan will state that I will be glad to discuss it.

Mr. MAPES. I assume that the gentleman from Florida will concede the point of order.

Mr. CLARK of Florida. No; I do not.

Mr. MAPES. I make the point of order, then, that the gentleman's amendment is not germane to this bill. This bill deals with the question of pay for the police department. The gentleman amends a certain paragraph in the act relating to the Metropolitan police force. The decisions are that amendments which go into the general subject matter on a bill which relates only to the amendment of a paragraph of a law are not in order.

Mr. CLARK of Florida. Mr. Chairman, this is a bill to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia."

Mr. MADDEN. If you can fix the salaries you can fix the conditions under which the salaries shall be paid.

Mr. CLARK of Florida. Certainly. This being a bill to amend an act entitled "An act relating to the Metropolitan police force of the District of Columbia," any amendment which relates to the "Metropolitan police force of the District of Columbia" is clearly in order. The act itself undertakes to fix the compensation. Now, certainly anything which prescribes the manner in which that compensation shall be paid, or to whom it shall be paid, is germane and in order, and I contend that anything relating to the "Metropolitan police force" would be in order on this bill.

But, this bill undertaking to prescribe the compensation, my amendment relates to the eligibility of the persons to whom the compensation is to be paid. Therefore it seems to me, Mr. Chairman, that it is clearly in order and absolutely germane. It can not be otherwise, because it relates to the police force, and this relates to the personnel.

Mr. MAPES. Does the gentleman want to take up the question of order now or does he want to discuss the amendment further?

Mr. CLARK of Florida. I do not care to discuss the amendment further.

Mr. MAPES. I want to be heard further on the point of order before the Chair rules.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MAPES. I yield to my colleague [Mr. McLAUGHLIN of Michigan].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, without expressing an opinion as to the merits of the amendment offered by the gentleman from Florida, I call the attention of the Chair to the portion of the bill on page 2, line 14, which prescribes the qualifications of men who shall be employed on the police force. It provides—

> that privates of class 1 shall serve one year on probation, privates of class 2 shall serve two years subsequent to service in class 1, and privates of class 3 shall include all those privates who have served efficiently three or more years.

It goes on and provides the number of officers, those who can serve in one capacity and another, and provision is made as to the previous service that these men shall have given. So it would seem to me entirely proper to amend this bill in such a way as to provide that the superintendent of police himself shall have passed through such and such a course, as outlined by the amendment of the gentleman from Florida. It occurs to me that the amendment is in order.

Mr. MAPES. Mr. Chairman, at first blush, perhaps, the statement which the gentleman from Florida [Mr. CLARK]—and the gentleman from Michigan [Mr. McLAUGHLIN] apparently subscribes to it—has made, that any amendment which relates to the Metropolitan police force of the District of Columbia is in order, would appear to be correct; but an examination of the rules and authorities on the subject will clearly demonstrate that that statement is too broad, and, as a matter of fact, there is no foundation at all for it in the rules.

The rules provide that an amendment to be in order must be germane to the particular section or paragraph which the bill before the House attempts to amend, and that an amendment is not necessarily in order because it relates to the general subject matter of the law which it is proposed to amend, or a subject which is under discussion in the public press.

Section 777 of the manual says that—

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Before I go further, Mr. Chairman, I want to say that this section in no way pertains to the appointment of the superintendent of the police force. There is an entirely different provision for his appointment.

The CHAIRMAN. The Chair will ask the gentleman just how the superintendent of police is appointed?

Mr. MAPES. The superintendent of police is appointed by the Commissioners of the District. I should like to read to the Chairman a digest of a few of the decisions that have been made on this particular subject. It seems to me that they are all so clearly one way that, by calling attention to them, anyone must conclude that this amendment is not in order.

It is not in order during consideration of a bill in the House to introduce a new subject by way of amendment. Whether or not an amendment be germane should be judged from the provisions of the text of the bill rather than from the purposes which circumstances may suggest.

The rule that amendments shall be germane applies to amendments reported by committees. Under the later practice an amendment should be germane to the particular paragraph.

I should like to have the Chair follow this particular statement.

The CHAIRMAN. Certainly.

Mr. MAPES. Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered. In support of that proposition several sections in Hinds' Precedents are cited.

An amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane. That was held by Speaker Reed, also by Speaker CANNON and Speaker CLARK.

So to a legislative section in a general appropriation bill amending one section of the Criminal Code a provision amending the Criminal Code in other particulars was held not germane.

One individual proposition may not be amended by another individual proposition, even though the two belong to the same class. Thus the following are not germane:

To a bill proposing the admission of one Territory into the Union an amendment for admission of another Territory.

To a bill for the relief of one individual an amendment proposing similar relief for another.

To a resolution providing a special order for one bill an amendment to include another bill.

To a provision for extermination of the cotton-boll weevil an amendment including the gypsy moth.

To a provision for a clerk for one committee an amendment for a clerk to another committee.

All of those propositions were held not in order.

Mr. ASWELL. Will the gentleman yield for a question?

Mr. MAPES. I yield to the gentleman.

Mr. ASWELL. Does not this bill provide for the increasing of the salary of the superintendent of police?

Mr. MAPES. It provides for the pay of the superintendent of police, but it has nothing whatever to do with his appointment.

Mr. ASWELL. Will the gentleman please answer the question?

Mr. MAPES. The appointment of the superintendent is taken up in an entirely different section if not in a different law.

Mr. ASWELL. Will the gentleman answer the question?

Mr. MAPES. This bill proposes to amend a certain section pertaining to the act of the Metropolitan police force.

Mr. ASWELL. The gentleman does not answer the question. It provides for an increase of salary of the superintendent, and if Congress has the right to increase the salary it has the right to prescribe the conditions under which the salary shall be paid.

Mr. MAPES. Congress has the right if it proceeds in the proper manner, but it can not do it on this bill, according to the precedents.

Mr. PARRISH. Will the gentleman yield?

Mr. MAPES. I will.

Mr. PARRISH. I notice that this is an amendment to section 8 of the act referred to in the bill. Can the chairman tell us where the qualification and manner of appointment of the chief of police is prescribed or provided for in the original bill, whether in section 8 or some other section?

Mr. MAPES. The other sections of the law provide for qualifications and manner of appointment. This section does not deal with those matters.

Mr. PARRISH. Or the appointments?

Mr. MAPES. No.

Mr. PARRISH. If I may offer the suggestion, if it does not amend the section dealing with the qualifications or appointment of the chief of police, it seems to me it would be clearly out of order.

Mr. MAPES. Under the decisions of the Speakers, that is clearly the case.

The CHAIRMAN. The Chair would like to ask the gentleman from Michigan whether the amendment offered by the gentleman from Florida is considered as reached by the sentence on page 346 of the rules, as follows:

To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill is not germane.

Does the gentleman from Michigan consider that the amendment offered by the gentleman from Florida comes within that description?

Mr. MAPES. I think so, if the Chair please. I think also that it comes within the further provision which provides that a bill amending a certain section of the law can not be amended, or that an amendment to such a bill which pertains to another section of the law is not germane, and that the whole subject matter of this amendment is not germane to this bill before the House.

Mr. TILSON. Mr. Chairman, just a word on the point of order. It is not infrequent that we have a bill for amending a number of sections of an act. Quite recently we had a bill amending the War Risk Insurance act. A number of the sections of that act were included in the amending bill. It has been held, and I think without a break, that where a bill proposes to amend a number of sections of an act, then any other section of the act may be amended in the bill under consideration. On the other hand, where a single section of an act or a single paragraph of an act is the subject matter before the House for consideration in a bill, then in order to bring an amendment within the rule governing germaneness, it must be germane to the particular section or paragraph of the original act that the bill under consideration seeks to amend.

The bill before us undertakes to amend paragraph 8 of section 1 of "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended by a later act. It seeks to do nothing else but amend paragraph 8 of that section. It seems to me, Mr. Chairman, that if we would follow the line of precedents it must be held that if the amendment of the gentleman from Florida is in order it must be germane to some proposition in paragraph 8 of the original act, and that it can not be held in order unless it is germane to that paragraph.

In short, as I understand the situation, in the original act the qualifications of the superintendent of police are provided for in some other section and not in paragraph 8. For this reason I do not think the amendment of the gentleman from Florida is germane to a bill to amend paragraph 8 of that act, which alone is the subject matter for consideration in this bill.

Mr. CLARK of Florida. Mr. Chairman, this is a bill to amend an act pertaining to the Metropolitan police and increasing the salary of the superintendent. My amendment is a limitation upon that expenditure which comes directly within the Holman rule. It seems to me that if it is not admissible under anything else, it is admissible under that rule as a limitation upon the expenditure and tending to retrenchment of expenditure.

The CHAIRMAN. The Chair does not consider the last point made by the gentleman from Florida is well taken, as the Chair is under the impression that the Holman rule only applies to general appropriation bills, and of course the bill under consideration is not of that nature. But the Chair will not make this as a basis of his ruling.

The gentleman from Connecticut [Mr. TILSON] made the point very clear and plain to the Chair that the amendment must be germane to the paragraph as submitted. Paragraph 8 is one having to do solely with the matter of salaries, and the limitation that the gentleman from Florida seeks to put on the salary is in the form of a qualification of the appointee for the position of superintendent. There is some embarrassment growing out of the fact as to whether a selection recommended by the President for a position of this kind should be limited by a legislative designation of this nature.

But, of course, that would not necessarily be involved in the point of order made against the amendment offered by the gentleman from Florida [Mr. CLARK]. It would seem to the Chair that this matter is disposed of by two very recent rulings, especially the one made last week by the Chairman of the committee, Mr. ANDERSON, when the so-called magnesite bill was before us. There is also the clause in the citations to which the Chair referred in asking the question of the gentleman from Michigan, a matter that directly applies, that is, that to a bill amending a general law on a specific point an amendment relating to the terms of the law other than those contained in the original amendment reported by the committee is held not to be germane. That is a ruling made originally by Mr. Speaker Reed, and has been upheld by Mr. Speaker CANNON and Mr. Speaker CLARK.

The Chair therefore sustains the point of order.

Mr BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 4, strike out "$4,500" and insert "$4,000"; in line 5 strike out "$3,000" and insert "$2,500"; in line 6 strike out "$2,400" and insert "$2,000"; in line 7 strike out "$1,400" and insert "$1,800"; in line 8 strike out "$2,300" and insert "$1,960"; in line 10 strike out "$1,800" and insert "$1,600"; in line 11 strike out "$1,660" and insert "$1,400"; in line 12 strike out "$1,560" and insert "$1,300," and in line 14 strike out "$1,460" and insert in lieu thereof "$1,200."

Mr. GARD. Mr. Chairman, will the gentleman from Texas yield for a moment before he proceeds?

Mr. BLANTON. Well, I have only five minutes.

Mr. GARD. It is right in line with the gentleman's amendment. I notice on line 7 that he raises the amount from $1,400 to $1,800. Did the gentleman intend that or $1,080?

Mr. BLANTON. I intended $1,800, for this reason: Much beyond an adequate salary has been provided for every single police officer in this District until we get to the police surgeon, a position which requires years of study in order to qualify the man who holds it to prescribe medicine for sick policemen and their families, and then you provide a salary of $1,400 only.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret that I can not yield, as I have only five minutes. When we come to school-teachers or police surgeons, positions requiring technical skill and training, in all of these bills their salaries are made nominal in amount, upon which sums they can not live; and so it is with all such technical positions. I know one of the best physicians in the District, who is a police surgeon, and who devotes night and day of his time to waiting upon policemen and their families when they are sick. He is paid a salary no greater than our negro janitors receive in buildings of this District to-day. Why is it that this discrimination is made so frequently? We provide a salary for the major in the police service at $4,500 a year; and I want to call my colleague's attention again to the fact that there are nine States in the Union which pay their governors only $4,000 a year, and every one of those nine governors can come here and visit the District of Columbia, and they have access to the floor of the Senate and the House, and can mingle and talk with the Members of Congress. Yet a police superintendent is paid more money than they are, and he has no such privilege. I think we have gotten up a little too high. Every single salary in this bill, from $2,500 down, draws, in addition to the amount stated in the bill, $240 a year bonus. Take, for instance, the captains, who in the bill are to receive $2,300. Do they receive only $2,300? No; under the law, as a matter of fact, they receive $2,540 a year; yet there are many cashiers in banks in this country, holding responsible positions, handling millions of dollars of the people's money every year, who do NOT receive as much as $2,540 a year.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MAPES. Perhaps the gentleman does not know that the police surgeons are not required to give all of their time to the duties of the office?

Mr. BLANTON. They may not be required, but in many instances they do it; and the chairman will admit that whenever a sick policeman or a member of his family sends for a police surgeon or goes to his house and asks for treatment that police surgeon must wait upon him, and he can not refuse to wait upon a sick policeman or members of his family.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Kentucky. I can correct one statement made by the gentleman. These physicians are not required to pay any attention whatever to the families of policemen.

Mr. BLANTON. But they do it just the same.

Mr. JOHNSON of Kentucky. They are not required to do so.

Mr. BLANTON. One of the finest men in this District has been my neighbor for three years, and he has told me repeatedly that it takes nearly all of his time to wait upon the sick policemen and members of their families.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BANKHEAD. In reference to these cashiers' salaries, does not the gentleman think it is quite possible that they are underpaid, in view of the dividends the banks are making?

Mr. BLANTON. I am not discussing that subject now. Take, for instance, the nine governors of the States that I speak of. Possibly they are underpaid, yet there are splendid men in every single one of those nine States who every two years seek to be elected to this office—the very best brains that the States can produce—and they spend money to get it, at $4,000 a year.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. I want to pay to every single man a living wage. I want to see every policeman in this District have a living wage, but I want to say that, in my judgment, if you will take men who are holding similar positions in life, requiring the same sort of service to be performed, in many instances you will find good men who are giving the same or a better class of service for less money. The thing I am protesting against is the habit we Congressmen have fallen into of making special pets out of Government employees and paying to them salaries largely out of proportion to the salaries drawn by private employees in similar positions giving similar service.

Now, I think that the amount stated in this bill, every single one of these salaries, is an adequate salary without the $240 bonus, of which the people of the country know nothing. I want to say that in this graduated scale I have offered in this amendment I have sought to take off that bonus in so far as the maximum salary that is provided in this bill is concerned, and I think that when we talk to each other here and to our constituents about it being time for a retrenchment in the affairs of this Government that we ought to be consistent when we begin raising salaries time and time again of every single employee of this Government. I do not want to lower a man's salary, but during this emergency I think that we ought to stop raising them.

Mr. WHEELER. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Texas. The gentleman from Texas is not very consistent in his amendments. He proposes to reduce the salaries of patrolmen $240 or $250 per annum and raise the salaries of surgeons an additional $1,000, or near that——

Mr. BLANTON. No; $400.

Mr. WHEELER. The gentleman said $1,400——

Mr. BLANTON. From $1,400 to $1,800, which is a $400 increase.

Mr. WHEELER. I am speaking of the present salary.

Mr. BLANTON. I am speaking of the bill, and it is only a raise of $400.

Mr. WHEELER. A surgeon now receives $840. They are not required to be on duty any specific number of hours, but it came out in the hearings they are not on duty over four hours a day, and they have an outside practice, and the committee thought that they had certainly increased the surgeons sufficiently when they increased their compensation from $840 to $1,400. Unquestionably, they can make anywhere from $2,000 to $2,500 a year additional in their practice outside, and they will receive the bonus in addition. Now, the committee went into the raise of salaries very carefully, and we had a number of patrolmen before that committee. This is a statement from one of the patrolmen, and in substance nearly all the patrolmen stated their expenditures per month are practically the same, depending upon, of course, the number in the family. In this particular instance there were three in the family—this patrolman, his mother, and one child. The salary was $113.64 per month. His expenditures were $125, and there is no doctor's bill and no dentist's bill. Unquestionably, the physician and dentist would add a further amount of $100 a year, so his expenses at the end of the year probably would be $130 to $140 a month. The salary proposed by the gentleman from Texas for a private of the first class would be $1,200, together with the bonus, and it would not pay his expenses.

Mr. BLANTON. None would receive under $1,400 with the bonus.

Mr. WHEELER. I am speaking of the gentleman's amendment, together with the bonus. It would not meet the expenses at the end of the year.

Mr. BLANTON. It would be more than $1,400.

Mr. WHEELER. Assuming it would be $1,500; $1,500 a year would not pay the man's expenses with a family of three, and the bonus, the gentleman is well aware, applies only to this year, and in all probability there will not be any bonus voted next year.

Mr. RICKETTS. Will the gentleman yield?

Mr. WHEELER. Prices are so abnormally high that the committee felt that they were entitled to this salary as proposed by the bill, together with the bonus, which probably would not more than meet the expenses this year.

Mr. RICKETTS. I wanted to ask the gentleman whether or not he does not think that the bonus proposition ought to be done away with entirely? Does not the gentleman think that the bonus is a sort of bribe for a fellow to do his duty?

Mr. WHEELER. The gentleman means here in Washington?

Mr. RICKETTS. A bonus to all officers, to all employees of the department. Ought not we do away with the paying of a bonus?

Mr. WHEELER. Not this year. I think the Congress was wise. I think they did the right thing when they voted it under existing conditions.

Mr. RICKETTS. Is the gentleman in favor of continuing the bonus?

Mr. WHEELER. But next year, when prices go down and the high cost of living is reduced very considerably, Congress in its wisdom undoubtedly will not vote a bonus.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. BLANTON] proposes to reduce the salary of nearly everybody connected with the police department except the one who is fortunate enough to enjoy his personal acquaintance. [Laughter.]

Mr. BLANTON. I am well acquainted with a great many patrolmen who are fine men, personally acquainted, from Maj. Pullman down.

Mr. JOHNSON of Kentucky. Then, somewhat qualifying my statement, I will say that the gentleman's amendment proposes to reduce the salary of everybody except the particular one the gentleman from Texas has already announced enjoys his particular friendship or acquaintance.

These surgeons heretofore have been paid $840 a year. They have their regular office hours, and they have a practice entirely independent of the police department. When a patrolman meets with an accident, or is about to be taken into the service, and an examination is required, then these surgeons are called upon to pass upon his physical qualifications. It is entirely a mistake that they are paid out of the Treasury for medical attention given to the family of a policeman. This bill raises the compensation of these surgeons from $840 to $1,400 a year. The committee was loth to grant that increase, and I believe that every member of the committee would have objected most strenuously indeed to an increase of the salaries to the amount now proposed by the gentleman from Texas.

As to the superintendent of police, I have heard a number of complaints against him, and the principal ones are that he has been active, quite active indeed, in running down bootleggers and that on Sunday he teaches a Sunday school.

Only a few moments ago we heard an indictment of him presented by the gentleman from Florida [Mr. CLARK], wherein he asserted that arrests were not being made in holdup cases because of the inefficiency of the chief of police. In the same indictment we have heard that no one has been convicted of any of these holdups because of the inefficiency of the chief of police. Now, upon analysis, everybody knows that that statement has gone too far. Certainly no one will contend that the chief of police has given instructions to the patrolmen not to make

arrests for holdups. The chief of police has not given instructions to the prosecuting attorney that indictments shall not be returned. The chief of police has not instructed grand juries that indictments shall not be returned. The chief of police has not given instructions to the courts that holdup men are to be turned loose in order that they may commit their offenses again.

These are unjust charges against a good officer and Christian gentleman, and he ought to be paid like the chiefs of police are paid in other cities. And these exaggerated charges—these charges which upon their face show they can not be sustained—ought not to be the reason or argument to this House that this officer's salary should not be in keeping with the salaries of the chiefs of police of other cities, even though he runs down bootleggers and bookmakers and teaches Sunday school in the churches.

Mr. ASWELL. Mr. Chairman, I have the highest opinion of the chief of police of this city, and I would not say anything against him personally. He is an elegant gentleman, but he is no more fitted to be chief of police of the city of Washington than he is to man a flying machine or run an Army tank, as shown by his record. There is not a city in this country half as large as Washington that has as inefficient a police force as we have here. The secret is the lack of supervision. To every man who has investigated this case it is evident that the morale of the police force has been destroyed. The men are without heart. There is no law enforcement here.

Last week my wife and daughter had an automobile tire sawed from the car. They appealed to a policeman to catch the thief, and he said that it was of no use; that, if captured, the judge would turn him loose. And that was the end of it.

The superintendent has singing contests in this city, while murder, rape, and other crimes are committed; the superintendent of police of this city has swimming contests for policemen, while murder and rape are being committed!

And in order to show the magnificent equipment and skill of the chief of police of the city of Washington, where robbery and every other crime is committed and not punished at all, I shall refer to a circular which I hold in my hand, which is called the "Morning Bulletin," issued on April 4, 1919. This he issues to the police force; it contains good doctrine, but it does not take care of the robberies and murders on the streets of Washington. I will read a few paragraphs. It is issued regularly to the police force of this city:

It costs nothing to stand erect and breathe and walk properly.

That is a good doctrine. It is a good thing to salute and stand at proper attention, but the protection of our citizens, the control and punishment of crime, are the main duties of this officer. Listen to this:

It costs nothing to cleanse the teeth thoroughly after each meal. By so doing you may save not only dentists' bills but surgeons' and doctors' bills.

It is a good thing to clean the teeth, of course, but what of the unpunished criminals? It says further:

It costs nothing to avoid eating between meals candy and sweets that have high fuel value, and are liable to irritate the stomach and otherwise affect the digestion and metabolism.

That is good philosophy, but he is talking this to the policemen of the city while women are being raped, homes broken into, stores robbed, and highwaymen appearing on the streets. He tells the policemen:

It costs nothing to keep serene and cheerful; to show "malice toward none and charity for all"; to keep out of the nervous system "grouches" that waste your energies and infect the lives of those around you.

Mr. MAPES. Will the gentleman yield?

Mr. ASWELL. I can not yield. Gentlemen of this committee, as a citizen of this city and this Republic, I protest against this Congress indorsing this superintendent of police by increasing his salary even one penny, because he is unfitted and should not be in charge of this great body of as fine policemen as can be found. They need and deserve a chief who has come up from the ranks of the force.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. I ask that the gentleman may have one minute more. I desire to ask him a question.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BLANTON].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word.

The newspapers have told us that the Commissioners of the District have themselves recommended increases of salaries for the members of the police force, and that that recommendation went to the Committee on the District of Columbia. We learn also that the committee has not followed those recommendations, but in every instance, I believe, has recommended to this House an increase above those recommendations. I should like to have the chairman of the committee tell us what the recommendations of the commissioners are, so that we may compare them for our information with the recommendations made by the committee carried in this bill.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BLANTON].

Mr. McLAUGHLIN of Michigan. We are passing on the question of the amount of the salaries, Mr. Chairman, and it seems to me we should have an answer to my question.

The CHAIRMAN. The gentleman from Michigan had yielded the floor.

Mr. McLAUGHLIN of Michigan. I think we should have an answer to that before we vote on these amounts.

Mr. MAPES. I will say to the gentleman that if he will get a copy of H. R. 7983, he will find the recommendation of the commissioners.

Mr. McLAUGHLIN of Michigan. Is it true that your committee has increased each amount?

Mr. MAPES. I think not. There are some which it did not increase, although it did increase the recommendations for all the patrolmen, including classes 1, 2, and 3, and perhaps some of those who are better-paid members of the force. The subcommittee went into this matter very carefully and held hearings so as to ascertain the condition of the men here on the force and compared the pay the men in the District receive with the pay that men receive on police forces in other cities and came to the unanimous conclusion that the amounts put into the bill we are now considering were proper and conservative.

Mr. McLAUGHLIN of Michigan. I know the committee has given a lot of attention to this, and I have confidence in the committee, but it would seem to me that we should properly have the information I ask in order that we may know the difference between the recommendations of the commissioners and the salaries now put up to us by the committee.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Not inspectors but the commissioners.

Mr. MAPES. If the gentleman wants to know of any special member of the force, I would be glad to give him the recommendation of the commissioners.

Mr. McLAUGHLIN of Michigan. Was it recommended that the superintendent's salary should be increased?

Mr. MAPES. Yes; in the same amount as carried in the bill.

Mr. McLAUGHLIN of Michigan. How much of an increase over his present salary?

Mr. MAPES. Five hundred dollars. He receives now $4,000. This proposes to increase his salary to $4,500. The committee was of the opinion that a man capable and qualified to be superintendent of the police of the District of Columbia should receive $4,500.

Mr. McLAUGHLIN of Michigan. The report carries much of the information that I asked for. I was negligent in not reading it more carefully.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEE. I just wanted to ask the chairman of the committee whether or not it was not a very unsafe proposition to fix salaries or to cut salaries upon a judgment of individuals who then happen to be in office. This gentleman, whom I do not know, but who has been so bitterly assailed, might die tomorrow and we might get a gentleman who would meet all the requirements of these objecting gentlemen and his salary would be too low. It occurs to me that Congress and other legislative bodies ought to fix salaries based on what the offices are worth and not upon their judgment of the individual at the time holding the office and who might have met the disapproval of gentlemen or somebody else.

Mr. MAPES. Yes; and the bitterest criticism against the present superintendent of police comes from members of the gentleman's own party. I wonder if they have taken the trouble to go to the commissioners and tell them their views. The only body who can change the personnel of the superintendent is the commissioners.

Mr. BEE. I appreciate that; and yet if this Congress cuts the salary of the chief of police because Members of this Congress do not happen to like this chief of police we are playing with fire and we will get a low standard of salaries.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. BLANTON. I will state that I am not one of those who oppose the present chief of police, because there is no man in this House who thinks more of Maj. Pullman than I, and no man who would do more for him personally than I. I do not propose a decrease of salary in this bill because of any animosity to him. I approve of this bill from first to last.

Mr. BEE. I was not referring to the gentleman. I was speaking of speeches here on the floor in denunciation of a man unable to respond and reply to these charges. It occurs to me that it is not a fair deal.

Mr. WHEELER. Of course, this District Committee when appointed could only take into consideration the question of salaries.

Mr. BEE. That does not apply to the question of the individuals who fill the positions.

Mr. WHEELER. There was a resolution, I believe, introduced into this House relative to an investigation of the police officers and the police department, but that resolution is still pigeonholed somewhere and it has never been referred to the Committee on the District of Columbia. Of course, the committee would naturally investigate the police department and the officials if such a resolution should be referred to that committee.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. I would like to ask the chairman of the District Committee what recommendation the commissioners made as to the compensation to be paid to the superintendent of police?

Mr. MAPES. I stated that they recommended a salary of $4,500 a year.

Mr. MADDEN. What recommendation did they make for the payment of assistant superintendents of police?

Mr. MAPES. Three thousand dollars.

Mr. MADDEN. And for inspectors?

Mr. MAPES. Two thousand five hundred dollars.

Mr. MADDEN. And what did the committee recommend?

Mr. MAPES. Two thousand four hundred dollars.

Mr. MADDEN. What recommendation was made by the commissioners as to a captain's salary?

Mr. MAPES. Two thousand five hundred dollars, and the committee recommends $2,300.

Mr. MADDEN. What recommendation was made as to surgeons?

Mr. MAPES. The commissioners recommended $1,080, and the committee recommends $1,400.

Mr. WHEELER. The commissioners afterwards recommended, as I understand, $2,500.

Mr. MADDEN. Not for surgeons.

Mr. MAPES. The commissioners in the original bill that they sent up recommended the amount which I have named. Afterwards, in the hearings before the committee and before the subcommittee, they said they would be glad to have the amount increased.

Mr. MADDEN. What recommendation was made with respect to the lieutenants?

Mr. MAPES. Their original recommendation was, I think, $2,000.

Mr. MADDEN. That is what the committee recommends?

Mr. MAPES. That is what the committee recommends.

Mr. MADDEN. What was the recommendation of the commissioners as to sergeants?

Mr. MAPES. One thousand eight hundred dollars, and the committee left it at the same figure.

Mr. MADDEN. What recommendation was made as to the first 493 first-class privates?

Mr. MAPES. The commissioners recommended $1,560, and the committee raised the recommendation by $100.

Mr. MADDEN. And as to the 86 privates, second class, what was the recommendation?

Mr. MAPES. One thousand four hundred and forty dollars, and the committee raised it to $1,560.

Mr. MADDEN. And the 225 privates, first class?

Mr. MAPES. The commissioners recommended $1,320, and the committee raised it to $1,460. The gentleman will notice that the committee has raised the recommendations of the commissioners in very few instances except as to the patrolmen.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 1, noes 44.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

Mr. GARD. I offer an amendment on page 2, line 23, to strike out the figures "$480" and insert the figures "$360."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 23, strike out the figures "$480" and insert in lieu thereof the figures "$360."

Mr. GARD. Mr. Chairman, it is one of the inalienable rights of all American citizens to criticize the police force, whether the police force be a metropolitan force of one man in the town of Squeedunk or a force of 10,000 men in the metropolis of New York, so that we always view very lightly criticisms made in a general way about different police forces. My observation of the police force in the city of Washington and its control is that, so far as the general average of police forces go, Washington has a good police force.

I would say that the question of the superintendent of police is a greater one than the average Member thinks it is. The superintendent of police is not an officer. He is not a man who goes out and individually makes arrests, but he is an executive. He is the man who dictates and maintains a policy, and so far as the present occupant of the position of superintendent of police in Washington is concerned, I think everybody must agree that he is a man of high character and of excellent moral standing. The fact that he was not previously a policeman does not enter so much into the question, to my mind, because I think there are many elements other than that of mere service on the police force which enter into the question of making a man advisable for the executive position of chief of police. The amendment which I have offered is founded upon the original bill as recommended by the commissioners, embodied in section 7983, and the argument of the gentleman from Illinois [Mr. MADDEN]; because, while the amendment is inconsiderable in amount, it simply establishes a policy to increase without authorization. If I were disposed to make any criticism of the police force in the city of Washington it would be that it seems to me that their first occupation and, indeed, that of nearly every employee in the District of Columbia—their first and continuing occupation is to see how they are going to get more salary. This particular instance where a man received $480 per annum because he rides a motorcycle is not justified by conditions or circumstances. In other words, a man receives in a year probably what would pay for two motorcycles, certainly for a motorcycle and a half. There is no garage expense about a motorcycle. The expense incident to the upkeep of a horse is not present with a motorcycle. It is more nearly analogous to the upkeep of a bicycle, where $60 is allowed in the commissioners' bill and $60 in the bill as reported by the committee.

I do not desire to detain the membership of the House, because I realize that this is a small matter, but it is a matter where the question of policy is to be considered, and the policy to consider is the policy of service; and where it goes clear beyond necessities, it seems to me the amount in the original bill should be adhered to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question being taken, on a division (demanded by Mr. GARD] there were—ayes 15, noes 29.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 2. That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

Mr. WHEELER. Mr. Chairman, this is a very important section indeed. I think we ought to have the full membership here, and I raise the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety Members present, not a quorum. The Clerk will call the roll.

Mr. BANKHEAD. Tellers, Mr. Chairman.

Mr. CANNON. Mr. Chairman, tellers have been demanded.

Mr. BLANTON. Mr. Chairman, I make the point of order that tellers are not in order on a point of no quorum.

The CHAIRMAN. The Chair thinks he was too quick in declaring that there was no quorum present.

Mr. BLANTON. But having once declared it, does not that fix the status that there is no quorum present?

The CHAIRMAN. The Chair is inclined to think the gentleman is right, that having once declared there is no quorum present there is nothing to do except for the Clerk to call the roll.

Mr. MAPES. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. I move that the committee do now rise.

Mr. BLANTON. The Chair has already directed the Clerk to call the roll.

Mr. MAPES. But the Clerk had not begun to call the roll.

Mr. WALSH. He has been ordered to call the roll.

The CHAIRMAN. The gentleman from Michigan moves that the Committee do now rise.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The Chair having declared that there was no quorum present and having directed the Clerk to call the roll, I submit that it is too late now to make a motion that the committee rise, but that the Clerk must proceed with the calling of the roll.

Mr. GARRETT. Mr. Chairman, a motion that the committee rise is in order. It does not require a quorum for the committee to rise.

The CHAIRMAN. The Clerk had not begun the roll call. Therefore it is not too late to move that the committee rise. The gentleman from Michigan [Mr. MAPES] moves that the committee do now rise.

Mr. MAPES. On that, Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. MAPES and Mr. BLANTON.

Mr. BLANTON. I request the Chair to appoint some one else. I have a constituent here who wishes to see me on business.

The CHAIRMAN. The Chair will appoint the gentleman from Texas [Mr. BRIGGS].

Mr. MAPES and Mr. BRIGGS took their places as tellers.

The committee divided; and the tellers reported—ayes 1, noes 106.

Accordingly the motion that the committee rise was rejected.

The CHAIRMAN. A quorum is present.

Mr. GOULD. Has the reading of the section been completed?

The CHAIRMAN. The reading of the section has been completed.

Mr. GOULD. Since the request was propounded to me by the gentleman from Texas in regard to the wording of the section I have been investigating its scope, and I want to offer an amendment as an individual and not as a member of the committee or as a committee amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. GOULD: Page 3, strike out lines 10, 11, and 12 and all of line 13 down to and including the word "cause" and insert in lieu thereof the following:

"Or any labor organization or trade-union, or a member of any organization or union which is affiliated in any manner, directly or indirectly, with any labor organization or trade-union."

Mr. BEE. Mr. Chairman, I do not think the amendment of the gentleman from New York meets the difficulty in this case. I want to subscribe to the doctrine that a member of the police force ought not to be a member of any organization which exercises over him a control superior to that of his Government. In other words, a man ought not to belong to the police force or any other governmental agency and at the same time be subject to an organization whose orders can take him away from his work. The objection I find to this section, which I have discussed with the gentleman from New York and the gentleman from Texas, is that it is indefinite in its character and may have the effect of prohibiting members of the police force from belonging to an organization of their own.

Mr. GOULD. Will the gentleman yield?

Mr. BEE. I yield to the gentleman.

Mr. GOULD. I have a subsequent amendment which I propose to offer to cover that point.

Mr. BEE. I do not believe this Congress ought to pass a law specifying by name labor unions or trades councils. In the first place, I do not think that labor unions or trades councils are deserving of specific legislation to be directed against them by name.

Members of the police force should owe allegiance to no organization that is superior to the Government or that will interfere with the functions of the Government; but my objections to the amendment is that we ought not to direct that they shall not hold membership in a labor union or a trades council because it is possible that there may be men on the police force who have been for many years members of different labor unions and trade councils—and are not now active because of their membership on the police force—and the passage of this amendment would compel them to surrender their membership, to surrender inherent rights that have vested in them, their rights in insurance policies and protection which have come from their membership. I do not believe that the Congress of the United States ought by direct enactment to prohibit membership in labor unions or trade councils. The Congress of the United States ought to prohibit members of the police force and members of Government agencies owing an allegiance to the Government from belonging to any organization that makes that organization superior to their obedience to the Government and at the same time not limiting the right of members of the police force to join a charitable, social, or insurance organization or anything else, or, if need be, combining with a national or State organization of policemen all over the country for their betterment, for their upbuilding, for their usefulness, always with the cardinal principle as a beacon light that they shall not join or form any organization that interferes with their allegiance or obligation to the Government. For that reason I do not think the amendment of the gentleman from New York ought to be adopted.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York. I am a little surprised that a member of the committee should have offered an amendment, in view of the fact that I understood the committee had fully agreed on the language of this section. I think the language of the section is wise, proper, and well considered, and that it will accomplish exactly what we intend to accomplish without injuring the feelings of anyone.

Mr. BLACK. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BLACK. As I understand the purpose of the section, it is to prohibit affiliation by the police force with the American Federation of Labor.

Mr. MONDELL. Not necessarily or exclusively.

Mr. BLACK. That is one of the objects.

Mr. MONDELL. Let us see what the object is; the gentleman need not ask my opinion. He can read the language of the provision.

Mr. BLACK. I am not asking the gentleman's opinion; that is a common understanding.

Mr. MONDELL. Let me read the section; the gentleman is a man of judgment:

No member of the Metropolitan police of the District of Columbia shall become a member of any organization—

Now, for the purpose of clarity, let us drop a line—

which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause.

And then go back to the parenthetical clause—

or of any organization affiliated with another organization which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause.

What is it we seek? We seek to prohibit the police from belonging to any organization which in itself, or by or through another organization, is associated or affiliated with any organization that claims any right to call them from their service. In other words, we prohibit a divided control over the police. We are all, I take it, of the opinion that the guardians of the law should only have one allegiance and that is to the people, to the law, to the authorities; and we say that in order that their allegiance may be undivided they may not belong to an organization which itself claims the right to call them from their work, or any organization that affiliates with or is associated with an organization that claims that right.

We have accomplished in the language of the provision exactly what we all desired to accomplish. And what is more, we have taken the position that organized labor has always taken in this matter until very recently. For up to last June the great organized labor bodies of this country declined to grant charters to police organizations. They held—and I think the overwhelming majority still believe—that policemen should not be members of organizations that claim the right to order their members to strike.

The language of the section clearly prohibits the thing intended to be prohibited. It does it in a way that is definite and in a way that is not offensive, and I think that in itself is worth while. There is not a Member of this House or a Member of Congress but what is friendly to labor organizations properly organized and exercising control and authority within proper lines. We do take the position, however, and I assume we are united on that, the position that practically all good citizens have taken up, that the police organizations and policemen must not affiliate directly or indirectly with any who may claim the right to call them from their duty, that may claim authority or control over them to call them from their duty. The guardians of the law must have and hold allegiance to the law and to constituted

authority, and to none other. They should have no affiliation that under any circumstances might embarrass them in the performance of their duty.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SNELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor, had asked a conference with the House of Representatives on the said joint resolution and amendment thereto, and had appointed Mr. TOWNSEND, Mr. STERLING, and Mr. BANKHEAD as the conferees on the part of the Senate.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. GARD. Mr. Chairman, I rise also in opposition to the amendment proposed by the gentleman from New York [Mr. GOULD], and I think it is well for the committee to understand just what we are doing. That which the committee originally had in mind, I take it, was to prevent strikes on the police force. What is done by this amendment offered by the gentleman from New York is to strike out that very beneficent provision and have nothing in the law about that at all, but to strike out on page 3, lines 10, 11, 12, and 13, including the "cause," so that it will read like this:

That no member of the Metropolitan police force of the District of Columbia shall be or become a member of any labor organization or trade-union, or a member of any organization or union which is affiliated in any manner directly or indirectly with any labor organization or trade-union.

You may just as well understand, once and for all, those who intend to support this, that no man can support this amendment unless he believes that no workingman has a right to belong to a trade-union. That is a proposition I dispute, because I say that every man within the law has a right to choose his own association, whether he be in labor or in capital. This amendment seeks to provide that if a man is a member of a labor union he can not get on the police force in the city of Washington, and where would you get your policemen? Nearly all of the good young men between 21 and 30 years of age, from which policemen should be recruited, members of the crafts and trades, belong to unions, and they take great pride in their trade-unions; and to say that because they belong to a trade-union, not because they hold the union greater than their police obligation or their obligation in employment in any sense, but because they belong to a trade organization, they shall not have a position on the Metropolitan police force of the District of Columbia would be an outrage. I am sure that the Congress of the United States is not now, when labor and capital are meeting down here in the Pan American Building in a sincere effort to reconcile differences, going to say that a labor man shall not have a right to employment under the Government of the United States, because, perchance, some years ago he belonged to a labor union, or, indeed, now belongs to a labor union—not going to penalize a man or close the door of honest and honorable employment because he belongs to a trade organization.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. CANNON. The gentleman is satisfied with the provision in the bill as it is?

Mr. GARD. The provision in the bill has for its purpose the prevention of strikes on the police force. That provision is stricken out in this amendment offered by the gentleman from New York, and language inserted that nobody, if he be or has been a member of a union, shall become a member of this police force.

Mr. CANNON. I do not so read it, but I want to ask the gentleman a question. He is satisfied with the bill as it is, without any amendment? So am I. What is the use of mentioning anybody, since the language covers any organization that has a right to command the action of the police?

Mr. GARD. The object is that when one takes an oath to support the Constitution of the United States and to carry into effect the laws of the city, that is a binding oath upon him, if he is a member of the police force, and he ought not to strike, and he ought not to quit his police employment and leave the public safety to the hazard of the criminal and the looter, but my strong objection is to the amendment which seeks to punish a man and restrict his employment on the sole ground that he belongs to a trade organization.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CANNON. Mr. Chairman, I hope the gentleman may have further time.

Mr. GARD. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARD. I am now speaking of the amendment offered by the gentleman from New York, and I oppose the amendment.

Mr. CANNON. Mr. Chairman, I am thoroughly satisfied with the bill without amendment, so far as my vote is concerned.

Mr. GOULD. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with the recommendation that it do pass.

Mr. BLACK. Mr. Chairman, I have an amendment which I desire to offer.

Mr. NOLAN. Mr. Chairman, I desire to be heard upon this bill.

Mr. MAPES. If there is an amendment to be offered, I withdraw the motion.

Mr. NOLAN. Mr. Chairman, I want to say a word or two, and I move to strike out the last word.

Mr. BLACK. Mr. Chairman, I have an amendment that I want to offer.

The CHAIRMAN. The gentleman from Texas has a perfecting amendment, which takes precedence over a pro forma amendment. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 10, after the word "organization," insert "of police employees," and strike out "or of an organization affiliated with another organization," and on line 13, after the word "cause," insert "or of an organization affiliated with any organization not composed entirely of employees of municipal, State, or United States Government," so that the section as amended will read:

"That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization of police employees which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause, or of an organization affiliated with any organization not composed entirely of employees of municipal, State, or the United States Government."

Mr. BLACK. Mr. Chairman, the section as it is now contained in the bill has two provisions.

In the first instance, it prohibits the Metropolitan police employees of the District of Columbia from belonging to an organization of their own which claims the right to call a strike; or, in the second place, it prohibits them from belonging to any organization that is affiliated with another organization that claims a similar right. Now, so far so good; but as I understand and interpret the criticism that has been voiced by thoughtful men all over the country it is that the peace officers of a municipality or a State or of the Federal Government ought not to be permitted to affiliate with organizations similar to the American Federation of Labor. Now, it may be the thought of gentlemen of the House that the provision of this bill in section 2 would prohibit the Metropolitan police from forming an organization and then affiliating with the American Federation of Labor. But I contend that the section has no such meaning as that. The only organization that would come under the ban of affiliation is the one that definitely claims the right to call a strike of its members, and Mr. Gompers has said repeatedly before Members of the House and the Senate, and Mr. Morrison, the secretary of the American Federation of Labor, has said repeatedly before committees of the House and Senate, that the American Federation of Labor has not the right to call a strike of any labor organization; that that is a matter left solely within the jurisdiction of the respective labor organizations, such as the Western Federation of Miners, the United Steel Workers' organization, or members of the different crafts. They are the ones who must call a strike, they are the ones who must call their members back to work, not the American Federation of Labor, and therefore this section 2 as written in the bill, we may as well understand now, will not prevent the affiliation of police organizations with the American Federation of Labor, and I desire to say that any representative of labor, if there be such that might be thus referred to in the House, will admit that proposition.

Mr. TILLMAN. Will the gentleman yield?

Mr. BLACK. I will.

Mr. TILLMAN. The gentleman quotes a labor leader as having made the statement to which he referred. I will ask

if this leader has not also stated, as quoted in the press, that if there should be enacted a law against labor unions striking that the labor unions would not respect the law?

Mr. BLACK. Yes; and if I have time I will refer to that, not in criticism of Mr. Gompers especially but as bearing upon the question we have under discussion.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLACK. I will.

Mr. HUDDLESTON. Will not the purpose of the gentleman be accomplished by omitting that part of the amendment following the word "cause"?

Mr. BLACK. I did not offer the same amendment——

Mr. HUDDLESTON. I understand that; but the gentleman has inserted a provision which would not accomplish his purpose, it seems to me; that is, he is proposing to insert certain words after the word "cause," and those words would operate to prevent a member of the police force who belonged to a trade organization—say, a carpenter who belonged to a trade organization—from becoming a member of the police force. That is not what the gentleman is after at all.

Mr. BLACK. No; I did not intend to do that, and I do not think that is what my amendment does. My amendment, in the first place, does this, and that is the intention: In the first place, it prevents them from belonging to an organization of their own which claims and asserts the right to strike.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I would like to have five minutes more to explain my amendment, and then I will have finished.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK. Now, I simply want the gentlemen to bear this in mind: My amendment adds "police employees" to the word "organization," in line 10, so that it applies only to an organization of police employees and applies to them only whenever they belong to an organization of their own that claims the right to strike.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLACK. In just a moment. I think we are all agreed upon that. I do not think there is any difference of opinion that a police organization ought to be such as does not claim the right to order a strike. Now, upon the next proposition we may not be agreed, and that is as to their affiliations. Now, my amendment would strike out the words "or of an organization affiliated with any organization," in lines 10 and 11, and transpose them to after the word "cause," in line 13, so that it will read, "or of a police organization affiliated with any other organization not composed entirely of municipal, State, or United States Government employees." Now, I ask unanimous consent to add to my amendment, to the latter part of it, after the word "or," the words "of a police organizaion." My amendment as it now reads, if adopted, will prevent policemen of the District of Columbia from affiliating with any outside labor organization.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to change his amendment as indicated. Is there objection?

Mr. MAPES. Mr. Chairman, reserving the right to object, will the Clerk report the amendment as modified?

The CHAIRMAN. Without objection, the Clerk will report the amendment as revised by the gentleman from Texas.

There was no objection.

The Clerk read as follows:

Page 3, line 10, after the word "organization," insert "of police employees," and strike out "or of an organization affiliated with another organization"; and on line 13, after the word "cause," insert "or of a police organization affiliated with any other organization not composed entirely of employees of a municipal, State, or the United States Government," so that the section as amended will read: "That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization of police employees which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause, or of a police organization affiliated with any other organization not composed entirely of empoyees of a municipal, State, or the Government of the United States."

Mr. MAPES. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. MAPES. Would not the gentleman's purpose be accomplished if he would simply transpose the language "or of any organization affiliated with any such organization"; strike it out where it appears and put it after the word "cause"?

Mr. BLACK. No; it would be the same. The objection to that is this: The American Federation of Labor does not have the power to call a strike or stop one after it is called. And, therefore, if you leave that limitation in the bill as it now appears, then the Metropolitan police of the District of Columbia could still affiliate with the American Federation of Labor. I have no fight to make on the American Federation of Labor within its proper sphere, but I am positive in my convictions that police organizations should not be permitted to affiliate with it.

Mr. BEE. I wanted to ask my colleague if the effect of this would not be to compel a man, suppose he has been a tinner or a plasterer for 10 or 20 years, and goes on the police force, and is invested with rights under his union, to surrender his rights, and after he had served as a policeman he would have to go all over the matter again in order to get into his trade?

Mr. BLACK. No; it would not. It first prohibits him from belonging to a police organization which allows him to strike. Bear in mind the language of my amendment refers to police organizations and not otherwise. Next it says that he shall not belong to any police organization which affiliates with any organization except one of Government employees. Now, is not that just what we want to do? It does not prohibit him as an individual from continuing his membership in a union when he has, for instance, insurance benefits which he does not care to relinquish, but it does say that he shall not be a member of a police organization which is affiliated with any organization except one of municipal, State, or Federal employees.

Mr. REAVIS. Will the gentleman yield?

Mr. BLACK. I will.

Mr. REAVIS. The gentleman made the statement that Mr. Gompers is authority for the information that the American Federation of Labor has no power or authority to call a strike.

Mr. BLACK. I have seen where he stated that repeatedly.

Mr. REAVIS. An authority to call a strike would rest, say, with the Western Federation of Miners?

Mr. BLACK. Yes.

Mr. REAVIS. And is the American Federation of Labor affiliated with that organization?

Mr. BLACK. It is the organization that grants them their charter as a member of the American Federation of Labor.

Mr. REAVIS. So it is affiliated with those different organizations.

Mr. BLACK. I think it would hardly be correct to express it that way.

Mr. REAVIS. Reading from section 2—

That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike.

I was wondering if the American Federation of Labor, under the gentleman's construction, affiliated with an organization that has a right to call a strike, the language of the bill as now prepared would not prohibit a policeman from being a member of the American Federation of Labor?

Mr. BLACK. I will say that I read that language carefully, and I do not believe that the language of the bill as it now stands would prohibit a police organization from getting its charter from the American Federation of Labor. And as it is admitted that the American Federation of Labor has no power to call strikes within itself, then where is there any prohibition in this bill preventing the Metropolitan police from affiliating with it?

Mr. REAVIS. It would prohibit the policemen from being affiliated with any organization that is affiliated with an organization that has the power to call a strike, and if the American Federation of Labor has affiliation with an organization that has the power, under that power as now drawn the Metropolitan police could not belong to such an organization of labor, because it is affiliated with an organization having such powers.

Mr. BLACK. That is not the language. The language does not say it prohibits a policeman from entering an organization which itself is affiliated with an organization that is affiliated with still another organization that has the right to call a strike. The language is not so circuitous as that.

Mr. REAVIS. Permit me to read the sentence:

That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause.

Now, if the American Federation of Labor is affiliated with other organizations that have a right to declare a strike, then no member of this police force can belong to the American Federation of Labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. Mr. Chairman, I would like one minute, to ask the gentleman from Nebraska a question. Does the American Federation of Labor order strikes, or does it hold it can order them?

Mr. REAVIS. I am accepting the statement of the gentleman from Texas [Mr. BLACK] that it can not, although I have no information on it.

Mr. KITCHIN. Will the gentleman from California [Mr. NOLAN] permit me to ask him that question, because I do not know? Does the American Federation of Labor, as such organization, claim or exercise a right to demand of any of its membership an obedience to an order to strike?

Mr. NOLAN. It does not, either directly or indirectly.

Mr. Chairman, I want to say to the membership of the committee that, first of all, I do not believe any police organization or any organization of firemen ought to expect to have the right to strike or to exercise the right. [Applause.] I do not believe any governmental organization of men that has control of the interests of life and property ought to exercise the right to strike, and it should not do it either directly or indirectly. I do not think any organization of policemen in this country or any organization of firemen should do it. Recent history has shown us that outside of affiliation with the American Federation of Labor, and months before the American Federation of Labor admitted the police or firemen and similar organizations, there had been strikes of police and firemen in the larger cities of this country, and it did not seem to create the comment that was recently created by the Boston police strike or the organization of the policemen of Washington into the American Federation of Labor. Never until they were about to be affiliated with the American Federation of Labor did anyone pay any attention to police or firemen strikes.

Now, it did not make any difference; it did not make strikes any better or any worse. But that has been the history of these policemen's and firemen's organizations. My idea as to the police and fire organizations in their desire to affiliate is that when they were outside of the pale of organized labor they had these strikes, but they did not succeed in getting the conditions that they contended for, and they sought to affiliate themselves with some organization that in the municipality or in the State or nationally might be able to help them to secure the things they were contending for—to help them secure better conditions of labor and better pay and better treatment from the municipal authorities or other agencies who had authority over them. Now I yield to the gentleman.

Mr. HUDSPETH. I would like to ask the gentleman for information. Has there ever been a strike among policemen except the strike recently in Boston?

Mr. NOLAN. Within the last eight or nine months the police force of Cincinnati went on strike. Last year for a period of several weeks the firemen of Pittsburgh were on strike. We have had a number of firemen's strikes throughout the country for wages and better conditions, so that the Boston police strike was not the first strike of policemen; it was the first strike after policemen were admitted to the American Federation of Labor; but the strike was not called by the federation, as they had no power over this police organization. I agree with the interpretation of the gentleman from Texas [Mr. BLACK] that this section as written by the committee will not deprive the police of Washington of the right of belonging to an organization in affiliation with the American Federation of Labor. What the section as written will do will be to prohibit a member of the Metropolitan police force from belonging to any labor organization even though he was a member for years before joining the force. Some of the labor organizations have beneficial features, such as sick, death, disability, and insurance. Take, for instance, the railroad trainmen, engineers, and conductors. They have an organization which has a great beneficial feature attached to it. It has an insurance feature. A man withdraws from that organization, we will say, for the purpose of going on the Metropolitan police force here. Under section 2 of this bill it is provided that he must cease his membership and direct affiliation with such an organization. Even though he paid dues for years to obtain standing for these beneficial features, he must give them up, or else give up his place on the police force.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. BLACK. The gentleman no doubt listened to the reading of my amendment. Does the gentleman think that the amendment I offered would make it necessary for him to withdraw from a labor organization as an individual?

Mr. NOLAN. You leave language in this bill that would force him to give up his membership. I think a slight amendment here would clarify the situation. If you would take line 10 and strike out the rest of the line, after the word "organization," striking out the following language, "organization affiliated with another organization," and then go down to line 13 and after the word "work" insert the words "as a member of such Metropolitan police force," I think you would clarify the situation, and you would not leave in this section any language that would prevent a man from holding membership in a union of which he had been a member for many years before belonging to the police force, and it will not impose any obligation on him under his oath of office, and that will accomplish all you desire to accomplish.

Mr. BLACK. Let me interrupt the gentleman for one word more.

Mr. NOLAN. Let me read the paragraph as it would then read:

That no member of the Metropolitan police force of the District of Columbia shall be or become a member of any organization which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work as a member of such Metropolitan police force for any cause.

Mr. BLACK. That would not prevent their affiliation with this outside labor organization?

Mr. NOLAN. No; and these outside labor organizations would not impose upon them any obligation to cease work.

Mr. BLACK. The gentleman looks at it from one viewpoint and I look at it from another. My amendment does not prevent him from belonging to one of these outside organizations.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLACK. Both clauses of my amendment use the words "that he shall not belong to any police organization which has the right to strike or affiliate with any outside organization." It does not provide that as an individual he shall not be allowed to retain his membership in these different organizations.

Mr. NOLAN. I did not get that second part of it.

Now, let us see what the Congress of the United States is doing in this instance. When this subject first came up there was considerable discussion in the newspapers and it caused a lot of comment. The Commissioners of the District of Columbia gave the members of the Metropolitan police force a certain stipulated length of time in which to cease their membership in a certain organization. That time was about up. The members of the Metropolitan police force employed attorneys and they went into the courts of the District of Columbia and enjoined the District Commissioners from enforcing that order. Then, prior to the day upon which the order came up in court, or the case came to trial, the President of the United States intervened, and he asked the Commissioners of the District of Columbia and the superintendent of the Metropolitan police force to allow this thing to rest until such time as the industrial conference that is now sitting in Washington could take place, at which time he figured that this entire subject of police unions and their affiliation with the American labor movement could be discussed and some pronouncement made thereon.

Now, that was sufficient for the Commissioners of the District of Columbia. It was sufficient for the men themselves, and it was sufficient for Judge Gould, the judge of the court here in which that case was being tried, to suspend the trial of that case until such time as this industrial conference could be held. Now, if it is a good thing for labor in this country to obey the wishes of the President of the United States to declare a truce and suspend judgment—and they have done it in a number of instances—until the orderly processes of the Federal Government can function and this industrial conference can be held, why should the Committee on the District of Columbia of the House of Representatives meddle with this proposition at this particular time? If it was good for the policemen, if it was good for the District Commissioners, and good for the Federal judge to suspend their activities to settle this question, why can not we as a House of Representatives do the same thing? If we want to set a good example in the matter of orderly procedure, why can we not do it? Why can we not wait until this industrial conference gets through with its work, just as the Commissioners of the District of Columbia and just as the Federal judge are doing?

Mr. LAYTON. Why should not this lawmaking body pass laws without waiting upon other people who do not make laws? [Applause.]

Mr. NOLAN. I will answer that in this way: I expect, and I think everybody else expects, and we will all be disappointed if some good does not come as a result of that conference. I do not know whether it will come in the way of making recommendations, as far as legislation is concerned, to meet the industrial situation that is prevailing in this country to-day. I do know that this House of Representatives is doing nothing to meet that industrial situation. It might be that

men who know both sides of this question, it might be that the great body that is in between the two conflicting parties, the public, may be able to make some recommendations to this House and to the Senate that may be the subject of legislation. I think if they do and they are agreed upon it, this House will do as it ought to do and will try to meet the recommendations of this industrial conference.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NOLAN. May I have one minute more?

Mr. GARRETT. I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN (Mr. MCLAUGHLIN of Michigan). The gentleman from Tennessee asks unanimous consent that the time of the gentleman from California be extended five minutes. Is there objection?

There was no objection.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. NOLAN. I yield to the gentleman from Tennessee.

Mr. GARRETT. I understood the gentleman to say in the beginning of his remarks that he did not believe that policemen should have the right to strike or if they did have that right they should not exercise it.

Mr. NOLAN. That is true.

Mr. GARRETT. I understood the gentleman to say further that he thought all the Members of the House felt that way. I think so, too. Now, that being the case, and this bill being before us, why does the gentleman appeal that action be deferred upon this, since we are all agreed that the right to strike ought to be taken away from them? [Applause.]

Mr. NOLAN. I do that for the simple reason that I believe the House is going to do it anyway, but I want to call their attention to the facts in connection with the case. I call the attention of the House to the fact that this committee gave consideration to it, notwithstanding the request of the President of the United States that judgment be suspended upon this proposition until such time as the industrial conference could act. I had rather see the whole section stricken out and await the recommendations of the industrial conference.

Mr. REAVIS. Will the gentleman yield?

Mr. NOLAN. I yield to the gentleman from Nebraska.

Mr. REAVIS. Would not the only practical effect of postponing action be to refuse these policemen the increase in salary?

Mr. NOLAN. No. I think they ought to have their salaries increased.

Mr. REAVIS. And if we postpone action their salaries will not be increased.

Mr. NOLAN. I had no reference to section 1 at all. I am referring to section 2, which relates to the right of these men to belong to an organization of their own choosing, no matter with whom they may be affiliated. That is why the injunction was issued and served on the District Commissioners.

Mr. KELLY of Pennsylvania. Mr. Chairman, I think it is highly essential that we get the facts about this section as they really are. I understood the gentleman from California to say that, in his understanding of section 2, it does not prohibit the policemen from affiliating with the American Federation of Labor.

Mr. NOLAN. I am inclined to believe that.

Mr. KELLY of Pennsylvania. As I read it, affiliation means association. The police organization of the District of Columbia would be associated with the National Association of Machinists, for instance, which has the right to order strikes. Therefore, under the reading of section 2, would not the policemen be prohibited from affiliating with the American Federation of Labor?

Mr. NOLAN. I do not believe it would go that far. It says:

SEC. 2. That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization or of an organization affiliated with another organization which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause.

I think that means that they can not belong to the blacksmiths' union or any other union, no matter how many years any member may have belonged to it before he got on the Metropolitan police force, and that it would deprive any policeman of any right he has as a member of that organization, notwithstanding the fact that he might be a member of its benevolent feature.

Mr. KELLY of Pennsylvania. That is true; but at the same time they would be associated with the National Association of Machinists.

Mr. NOLAN. If that could be the construction placed upon it, yes; but that is not my interpretation.

Mr. KELLY of Pennsylvania. That is what I wanted to be sure about.

Mr. LAYTON. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. LAYTON. Does the gentleman mean to say that an organization is not affiliated with its subordinate organizations? It is admitted by the gentleman from California [Mr. NOLAN] and by the gentleman from Texas [Mr. BLACK], I believe, that the American Federation of Labor is the parent of all the subordinate lodges or organizations. Does the gentleman claim that it is not affiliated with and has no relation with these others?

Mr. NOLAN. I do not think the language of this section would be interpreted to go that far.

Mr. LAYTON. Would you say that a father has no affiliation with his offspring?

Mr. NOLAN. If you want to bring up a hypothetical case, you can stretch your imagination to almost any extent.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NOLAN. I ask unanimous consent to extend my remarks in the RECORD by inserting a statement of the position of the American Federation of Labor on this subject of the policemen of the District of Columbia and their affiliation with the American Federation of Labor.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD by including the matter referred to. Is there objection?

There was no objection.

HEARING BEFORE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, SEPTEMBER 4, 1919. 11 A. M.

Mr. GOMPERS. I have asked for this opportunity of a hearing before the Commissioners of the District of Columbia for the purpose of presenting to you some thoughts and facts for consideration, with a view of having you, as Commissioners of the District, reconsider your action on the regulation which you recently adopted regarding the policemen organizing into unions, or becoming members thereof, or of remaining members of union organizations, or of belonging to any organization affiliated with a labor organization, and, upon failure to comply with this order or regulation of the commissioners, the men would be summarily discharged; and that compliance with this order or regulation shall be had individually by each member of the police force on or before Saturday noon or Saturday night, September 6. The regulation to which I refer, without my reading it, may be placed in the record.

Mr. BROWNLOW. Sunday night, September 7. Perhaps it would be just as well to put this amended regulation in the record if you want to.

Mr. GOMPERS. The amended regulation—it may be an amendment to other regulations.

Mr. GARDNER. That is the amended regulation.

Mr. GOMPERS. But this is the one that burst upon the people of the District and which seemed to have no connection with any other arrangement or regulation. It is absolutely new and unprecedented.

"General Order No. 56.

"Circular: The following copy of an order of the Commissioners of the District of Columbia is published for the information and guidance of members of the Metropolitan police department. Pursuant to their statement of policy adopted on August 22, 1919, the Commissioners of the District of Columbia hereby make and adopt the following rules and regulations for the government of the Metropolitan police department of the District of Columbia:

"1. No member of the Metropolitan police department shall join or become a member of any organization of policemen which is affiliated directly or indirectly with any other labor organization; nor shall any member of the Metropolitan police department retain membership in any organization of policemen which is affiliated directly or indirectly with any other labor organization after September 7, 1919.

"2. Every member of the Metropolitan police department shall make a statement in writing on a form prepared for the purpose and shall file the same with the commanding officer of the precinct, division, or bureau to which he is assigned not later than 12 o'clock midnight, September 7, 1919; such statement to contain a categorical answer to the following inquiry: Are you a member of any organization of policemen which is affiliated directly or indirectly with any other labor organization?

"3. Each and every such statement as filed with the several commanding officers shall at once be sent to the major and superintendent of the Metropolitan police department.

"4. Any member of the Metropolitan police department who joins or becomes a member of any organization of policemen which is affiliated directly or indirectly with any other labor organization, or who retains membership in the same after September 7, 1919, or who fails, refuses, or neglects to make and file the written statement hereinbefore required, shall be deemed guilty of willful noncompliance with the rules and regulations adopted by the Board of Commissioners for the government of the Metropolitan police department, and upon conviction thereof shall be removed from the said Metropolitan police department."

Mr. GOMPERS. For years many policemen, many policemen's organizations which had been formed—providential, beneficial, and societies of that kind—by personal appeals, by correspondence with officers of the American Federation and with representatives of the American Federation in many of the cities of the country, have asked us to recognize them as unions and to organize them into unions and to issue charters to them as affiliated with the American Federation of Labor. For years we have held off. The requests and applications became so widespread and from so many sources that at the convention of the American Federation of Labor, held at Atlantic City June 9 to 26, 1919, or just about two months and a week ago, a resolution was adopted to issue charters to all bona fide organizations of policemen. That resolution was adopted during the last days of the convention. And within that period we have received 36 or 37 applications up to last night at the closing hours of our office. I have not seen the mail this morning and do not know what it contains—how many applications, if any—

but 33 charters have been issued to 33 bona fide local unions of policemen in various cities; in nearly every one of them the membership is a hundred per cent.

Mr. GARDNER. A hundred per cent of the force in the city?

Mr. GOMPERS. In the city; yes, sir. I am perfectly willing to leave the list of the organizations of policemen to whom we have issued charters for the record. You will see we have not anything to hide; nothing to disguise. I just want to read the names of the cities where we have issued charters to unions of policemen in order that you may see the tremendous spread of territory between the local unions which have been organized.

(List referred to is as follows:)

"SEPTEMBER 3, 1919.

"Policemen's unions affiliated with American Federation of Labor.

No.	Name.	Location.	Membership.
16668	City policemen's	Oklahoma City, Okla	23
16711	do	Knoxville, Tenn	75
16714	do	Peoria, Ill	50
16718	do	Washington, D. C	84
16721	do	Jersey City, N. J	59
16724	do	Macon, Ga	72
16727	do	Cumberland, Md	17
16730	do	Tulsa, Okla	30
16737	do	Fort Worth, Tex	[1] 8
16751	do	East St. Louis, Ill	92
16754	do	Norfolk, Va	63
16784	do	Pueblo, Colo	31
16807	do	Boston, Mass	975
16813	do	Warren, Ohio	[1] 12
16818	do	Clarksburg, W. Va	8
16820	do	Portland, Oreg	124
16845	do	St. Paul, Minn	135
16862	do	Meridian, Miss	
16863	do	Evansville, Ind	61
16864	do	Terre Haute, Ind	64
16869	do	Moberly, Mo	7
16874	do	Los Angeles, Calif	28
16875	do	Wheeling, W. Va	29
16879	do	Chattanooga, Tenn	32
16880	do	Hattiesburg, Miss	20
16891	do	Miami, Fla	[1] 7
16897	do	Superior, Wis	
16899	do	Huntington, W. Va	41
16902	do	Portsmouth, Va	42
16903	do	Richmond, Calif	16
16916	do	Key West, Fla	18
16924	do	Zanesville, Ohio	20
16941	do	St. Joseph, Mo	22
	Total membership (33 unions)		2,265

[1] Estimated membership.

No fees paid; no tax paid.

Mr. GOMPERS. I want you to note the distances between the cities where they have been organized.

Now, there must have been something in the minds of you gentlemen, as commissioners, as to what you thought good and sufficient reasons for your taking this action—forbidding policemen to organize a union or to have that union affiliated directly or indirectly with any other labor organization——

Mr. BROWNLOW. Not forbidden to organize a union, but organizing one which was affiliated and would embarrass——

Mr. GOMPERS (interposing). One which was affiliated with any other labor organization?

Mr. BROWNLOW. Yes.

Mr. GOMPERS. There must have been some thought behind which prompted that action, and that thought could be no other than that the affiliation of the policemen's union to any other labor organization would be detrimental to the force in the performance of the duty of the force; that it was violating the fundamental principle of civic duty and responsibility. Now, there are but two organizations known in America which are regarded as labor organizations; one is the American Federation of Labor and the other is the Industrial Workers of the World—the I. W. W.'s.

Mr. BROWNLOW. I may say that at the time we had no thought of the I. W. W.'s. We did think of other local organizations, particularly the City Employees' Association, not necessarily affiliated with the American Federation of Labor.

Mr. MORRISON. That is the Federal employees?

Mr. BROWNLOW. No; the City Employees' Association, which is not affiliated with the American Federation of Labor.

Mr. MORRISON. Oh, yes.

Mr. BROWNLOW. Which is an organization——

Mr. MORRISON. You mean Mr. Hurley's organization?

Mr. BROWNLOW. Yes.

Mr. MORRISON. Oh, I see.

Mr. GOMPERS. Such an organization, which has neither backbone nor the temerity to speak for itself. I do not know what the commissioners had in mind when they adopted this resolution. I only know what the record shows and what the regulation shows.

Mr. BROWNLOW. Did you read the statement of policy which the commissioners adopted and issued on the 22d of August?

Mr. GOMPERS. I did not. On the 22d of August I had not arrived in the United States from my most recent trip.

Mr. BROWNLOW. I know you had not; but that was the first statement of policy that we made when we first asked these gentlemen to withdraw from their affiliations.

Mr. MORRISON. Pardon me, Mr. Gompers. The statement was made—set forth, as I read it—that you did not want to have a division of authority, and that you thought if they organized into a union and affiliated with the American Federation of Labor in the event of a strike that they would not perform their duties as policemen and would be friendly to the strikers.

Mr. BROWNLOW. I think I had better read what I said, Mr. Morrison. [Reading:]

"The commissioners, after careful consideration of the whole question of the organization of a policemen's union affiliated with any other labor organization, have reached the conclusion that they must take the necessary steps to assure entire and complete independence of the police department.

"They approve heartily of the principle of collective bargaining, and they welcome the organization of members of the police force for the purpose of collective representation, mutual support, and organized effort to increase their salaries or improve their working conditions.

"They must, however, withhold their consent from any project to connect such an organization of members of the police department with any other labor organization.

"The fact that the policemen's union is bound by a 'no-strike' provision is an earnest of the intention of its members not to resort to a strike as a weapon of compelling its demands. But if it be affiliated with other organizations which do contemplate the use of the strike in an emergency, every member of the police force who is a member of the union would be liable to the charge, however falsely made, of favoritism in the performance of duty in the event of industrial trouble involving the organization with which it is affiliated.

"Authority, especially here in the National Capital, at all times must be represented by a police force that has no connection with any organization but the constituted agencies of the Government.

"This decision must not be interpreted to mean that the commissioners are opposed to labor organizations, nor must it be taken to mean that they are unwilling to meet representatives of any organization of policemen. It is only what it purports to be—a statement of the decision of the commissioners that the organization of policemen, a body of men sworn to enforce the law impartially under all circumstances, must be an organization of policemen and nothing more; that it must not be connected with any other labor organization."

Mr. BROWNLOW. That was the statement of policy adopted on the 22d of August and given out to the press on the 23d.

Mr. GOMPERS. The statement of policy just read simply accentuates what I desire to impress upon the minds of the commissioners. There are but two labor organizations in the United States—one the American Federation of Labor and the other the I. W. W.'s. The American Federation of Labor, with organizations affiliated, has nearly 4,000,000 members and the I. W. W.'s with perhaps 25,000 or 30,000 members. The policemen have chosen to become affiliated with the American Federation of Labor. The statement of the commission as to its policy justifies my statement that the Commissioners have no knowledge of the actual character of the American Federation of Labor. In one part of that statement of policy there is contained the statement that the policemen's union can not be affiliated, directly or indirectly, with any other labor organization that has for its purpose the strike.

Mr. BROWNLOW. It does not say that has for its purpose the use of the strike in an emergency.

Mr. GOMPERS. It implies the use of a strike in an emergency. The fact is that the American Federation of Labor has never in its existence of 39 years, directly or indirectly, ordered or carried on or had for its purpose a strike.

Mr. BROWNLOW. I know that.

Mr. GOMPERS. I have been president of the American Federation of Labor for 35 of the 39 years of its existence. Mr. Morrison has been secretary for 23 years. Mr. Duncan has been vice president for 26 or 27 years. There are other members of the executive council who have been there for from 15 to 20 years. Notwithstanding the unsupported opinion which many have as to the power of the executive council of the American Federation of Labor or the power of the president of the American Federation of Labor, neither I, as its president, nor the executive council ever ordered, directed, or authorized a strike of two men or more or one man. May I call your attention to a few of the matters which I think you will find of interest?

Mr. ROBERTS (reading). "The object of the American Federation of Labor, section 1"——

Mr. GARDNER. Is that your by-laws?

Mr. GOMPERS. It is the constitution of the American Federation of Labor.

Mr. ROBERTS (reading). "The object of this federation shall be the encouragement and formation of local trade and labor unions, and the closer federation of such societies through the organization of central trade and labor unions in every city, and the further combination of such bodies into State, Territorial, or provincial organizations to secure legislation in the interest of the working masses.

"SEC. 2. The establishment of national and international trade unions, based upon a strict recognition of the autonomy of each trade and the promotion and advancement of such bodies.

"SEC. 3. The establishment of departments composed of national or international unions affiliated with the American Federation of Labor, of the same industry, and which departments shall be governed in conformity with the laws of the American Federation of Labor.

"SEC. 4. An American federation of all national and international trade unions to aid and assist each other, to aid and encourage the sale of union-label goods, and to secure legislation in the interest of the working people, and influence public opinion, by peaceful and legal methods, in favor of organized labor."

Mr. GOMPERS. Those are the objects of the American Federation of Labor which have been set forth in that instrument since the formation of the federation.

Mr. GARDNER. May I examine that, Mr. Gompers?

Mr. GOMPERS. Yes, sir [handing paper to Mr. Gardner].

Mr. GARDNER. This, I assume, contains the by-laws?

Mr. GOMPERS. It is the constitution. We have no by-laws, except the resolutions adopted from time to time.

I hold in my hand here a little pamphlet called "Manual of Common Procedure for the Use of Local and Federated Labor Unions Affiliated With the American Federation of Labor. Washington, D. C., 1918." This has been the common manual used by the American Federation of Labor for local unions unattached to any international union for more more than 30 years. I drafted it, secured its indorsement by the executive council, and printed it. It is supposedly a secret document. Indeed, it is nothing more or less than a bit of information for the ordinary common procedure for local organizations which have been organized for the first time and the membership of which their minds are verging into an ability to conduct the affairs of a local organization. I think it will show you the character of this work. Mr. Morrison, will you kindly read this through?

Mr. MORRISON. I will read it, because we have had occasion to administer it once in a while. Do you want me to read the obligations?

Mr. GOMPERS. Read it through. I think the Commissioners want to hear the ringing of the innermost soul of the American Federation of Labor.

Mr. MORRISON (reading as follows):

"*Manual of common procedure.*

"It being desirable that a feeling of reverence should be cultivated for the noble aspirations underlying the labor movement, it is important that the lines and obligations herein contained should be committed to memory and delivered in a respectful and impressive manner. It is also desirable that this manual shall be kept under lock and key in the meeting room and not be exposed or submitted to the inspection of any person not a member in good standing of the American Federation without authority of the president.

"NOTE.—This procedure is not intended for local unions having a national or international head. Local unions may suspend this procedure by the president of the union making a declaration of the expediency of so doing immediately upon taking the chair.

"OPENING.

"The hour of meeting having arrived and a quorum being present, the president of the union shall call the body to order, upon which all officers and members shall be seated and a general silence observed.

"President: 'Brothers, the guardian being at his post to defend us against all intruders, the secretary being prepared to record the proceedings, and a sufficient number of brothers being present, I declare this meeting duly convened and qualified to consider and transact such business as may come before it that is recognized by the American Federation of Labor. All who are not members of the Federation will please retire.'

"President: 'By the authority vested in this union by the charter in our midst, and the formal consent of our members, we are pledged to the emancipation of our class from poverty, ignorance, and selfishness. This can best be accomplished by organization, education, and fraternity. Organization is necessary for the sake of education; education is necessary to organization; and fraternity is the cause and effect of unity. In union there is strength, so while we can not hope to be successful when working individually, by combining our efforts the most skillful and beneficent results may be attained.'

"If desired, the following ode may then be sung:

"OPENING ODE.

"(Tune: Auld Lang Syne.)

"Shall song and music be forgot
When workingmen combine;
With love united may they not
Have power almost divine?
Shall idle drones still live like kings
On labor not their own;
Shall true men starve, while thieves and rings
Reap where they have now sown?

"No! by our cause eternal, No!
It shall not forever be;
And union men will ere long show
How workers can be free.
No! by our cause eternal, No!
It shall not forever be;
And union men will ere long show
How the workers can be free.

"President: 'I now declare this meeting open for the transaction of such business as may legally come before it.'

"The president will then conduct the meeting according to the laws governing the union.

"On the occasion of the installation of newly elected officers, or the initiation of candidates for membership, the following ceremonies shall be observed:

"INSTALLATION.

"The newly elected officers will take their places in front of the president's chair; the president elect on the right, and the vice president, secretary, treasurer, guardian, and guide elect in the order here stated. All members will rise and remain standing while the presiding officer administers to the officers collectively the following obligation:

"'INSTALLATION OBLIGATION.

"'I, ———, do hereby sincerely pledge my honor to perform the duties of my office as prescribed by the laws of this union; and to bear true allegiance to the American Federation of Labor. I will deliver to my successor in office all books, papers, and other property of this union that may be in my possession at the close of my official term. I will also deliver all property of the American Federation of Labor to the president of the same upon demand. All of this I solemnly promise, with the full knowledge that to violate this pledge is to stamp me as a man devoid of principle and destitute of honor.'

"President: 'You will now proceed to your respective stations and perform the duties devolving upon you.'

"The outgoing president then surrenders the chair to his successor.

"INITIATION.

"President: 'Brother Guide, see that the candidates in waiting have been duly elected, and introduce them for initiation.'

"When the guide arrives with the candidates at the inside door he will give the alarm. The members will rise to their feet, and when the door is opened the following ode may be sung:

"ODE OF WELCOME.

"(Tune: Marching Through Georgia.)

"Start the music, brothers, we will sing a labor song,
Sing it with a vim that will speed our cause along;
Let it ring throughout the world, in chorus full and strong—
Yes; we are the members of the union.

"Chorus.

"Hurrah! Hurrah! Union makes us strong;
Hurrah! Hurrah! It helps our cause along;
So we'll sing the chorus wherever we may throng,
As we march onward in union.

"During the singing the guide and candidates start from the door to meet the president, who joins them at the corner of the room. If the ode is not used, the ceremony is as above after the alarm is given. The guide will have the candidates at his right and left, and when the singing is ended will say:

"Guide: 'Brother President, permit me to introduce Mr. ———, Mr. ———, all wageworkers of good character, and duly elected in regular meeting, who now come of their own free will to be admitted to the privilege of membership in the American Federation of Labor.'

"President: Fellow workmen, it is my duty to inform you that the American Federation of Labor requires perfect freedom of inclination in every candidate for membership in its body. An obligation of fidelity is required, but let me assure you that in this obligation there is nothing contrary to your civil or religious duties. With this understanding, are you willing to take an obligation which binds you upon your honor as a man to keep the same as long as life remain?'

"(Answer.)

"President: 'You will now, each of you, place your right hand upon your left breast while I recite the obligation.'

"INITIATORY OBLIGATION.

"When there is but one candidate use the singular instead of the plural, and in the case of the candidate being a woman or girl use the term 'sister.'

"'You, of your own free will, do sincerely promise to abide by the laws of this union?

"'You also promise to bear true allegiance to the American Federation of Labor, and never consent to subordinate its interests to those of any labor organization of which you may now or hereafter be a member?

"'You also promise to keep inviolate the traditional principles of the American laborer, namely, to be respectful in word and action to every woman; to be considerate to the widow and orphan, the weak and defenseless; and never to discriminate against a fellow worker on account of creed, color, or nationality. To defend freedom of throught, whether expressed by tongue or pen, with all the power at your command?

"'You further agree to educate yourself and fellow workers in the history of the labor movement, and to defend, to the best of your ability, the trades-union principle, which guards its autonomy and which regards capital as the product of the past labor of all toilers of the human race; and that wages can never be regarded as the full equivalent for labor performed; and that it is the mission of the trade-unions in the present and the future to protect the wage earners against oppression and to fully secure the toilers' disenthrallment from every species of injustice?

"'You further promise that you will never knowingly wrong a brother or see him wronged, if in your power to prevent it, and that you will endeavor to subordinate every selfish impulse to the task of elevating the material, intellectual, and moral condition of the entire laboring class?

"'You further solemnly promise on your word of honor that you will, whenever and wherever possible, purchase only strictly union-made goods, and that you will use your best endeavors to influence others to do the same, and never become faithless to your obligation?

"'To all of this you pledge your honor to observe and keep as long as life remains or until you may be absolved from this obligation by the American Federation of Labor?'

"PRESIDENT. 'Do you thus promise?' (Answer.)

"MEMBERS (in chorus). 'We bear witness.'

"PRESIDENT. 'You are now members of the American Federation of Labor, and I give you my right hand in full acknowledgment thereof. The vice president will give you further instructions.'

"The guide will then conduct the new members to the vice president, who will thus address them:

"VICE PRESIDENT. 'Brothers, to gain admission to the meeting room you must knock at the inside door. When the guardian opens the wicket you will give him the current password.' (Vice president gives current password.)

"'This will admit you to the meeting room, when you will advance to the center of the hall, facing the president, whom you will salute with your right hand extended before you, parallel with your shoulder and palm of your hand upward. The president will recognize you by extending his hand, palm downward. You can then take part in the meeting. Should you desire to leave the meeting before its close, you are required to ask permission of the vice president, when you will step to the center of the hall and repeat the salutation to the president as when entering, except that the palm of the hand must be turned downward. Upon the recognition by the president in extending his hand you will be permitted to retire.'

"The guide will then conduct the new members to the secretary, who will present them with their cards of membership, and then conduct them to reserved seats, where they will remain till the close of the meeting.

"CLOSING.

"PRESIDENT. 'There being no further business before the union, we will now proceed to close.

"'You will all bear well in mind your obligations. Cherish the union, for it teaches you how to live; have faith in the union, and it will comfort you in need; have zeal for the union, for in its growth you will find happiness for yourselves and your fellow men.'

"The following ode may then be sung:

"CLOSING ODE.

"(Tune, 'America.')

"Come, let our voices raise
In thankful songs of praise
For union's might;
May we as brothers kind,
In union strong combined,
United heart and mind,
Uphold the right.

"PRESIDENT. 'By virtue of my office, I now declare this meeting adjourned until our next regular session, unless specially called, when I hope to see you all present.'"

Mr. MORRISON. Then follow rules governing debate, motions, privileged questions, order of business, key to cipher, etc.

Mr. GOMPERS. In addition to that, I take you all into our confidence.

Mr. GARDNER. May I ask one question before you start? I learn from that that you will follow the pledges taken and do all you can for the working class, irrespective of whether they are affiliated with the American Federation of Labor or otherwise?

Mr. GOMPERS. Yes, sir.

Mr. MORRISON. Oh, yes; we are not selfish.

Mr. GOMPERS. I also want to call your attention to the key to cipher for private and confidential communications. I want to show this to you. It is simply a code of A, B, C, D, etc., meaning certain letters—figures rather, for certain letters. I call your attention to what that is for. That is to convey the password for each quarter. And I want you

to note the character of the passwords which have been given by me as president and sent in code—that code just mentioned. Will you kindly read those?

Mr. GARDNER [reading]:

"Labor and democracy is our fight."
"Labor and democracy is our fight."
"Fight and win for freedom."
"Fight and win for freedom."
"Fight on for freedom."
"Fight on for freedom."

Mr. GOMPERS. Those are the passwords during the war and before we entered into the war. I tried to make the passwords means something; a watchword and something that would make an impression upon the men to whom it was communicated in confidence and actually repeated by them before they could gain admission into the meeting rooms.

Mr. BROWNLOW. May I say to you, Mr. Gompers, what I have often said to other people, that no man in all the world has done more than you, and no man has aided our country more than you, and no man has done what you have done with the laboring classes of our country in the past three or four years. And I——

Mr. GOMPERS. I thank you for the compliment, but I am president of the American Federation of Labor and a member of one of its unions, and after all that our great rank and file has done in this great crisis I want to thank you for your appreciation of my efforts, not only to solidify the body of organized workers but to give tone and character and a watchword to the great mass of the workers of our country, because the organized workers are the leaders of the laboring forces of America, as they are of any other country, because the others are unorganized, have no voice, are inarticulate, and are lead by what we organized workers do for good or for evil. You have, Mr. Brownlow, taken occasion to express appreciation of the service that I have rendered, or tried to render, during this great crisis of our country and of the world. I am not vain a bit, but too great a modesty is a species of vanity. I have tried my very best, and I have felt it was the duty of every man in America, if he loved America, if he cared for himself, for his family, his descendants, that it was his duty to give his all, his very life if necessary, in order that America might triumph in this great cause, in this world struggle, and to give us an opportunity to live our own lives.

And then we find this and other things which I shall endeavor to lay before you in as concise a form as I possibly can. I find in the article that a stigma is placed upon the American Federation of Labor by the commissioners.

These people have not joined the I. W. W. They have joined the American Federation of Labor with a view only that we may be able to give them our moral support in every just claim they have for the consideration of the commissioners and of the other local authorities. We have seen, gentlemen of the commission, we have seen Presidents issue edicts forbidding men employed in the Government of the United States not only to organize, but also to petition Congress; to give information to Members of Congress, of the House or Senate, upon pain of demotion or dismissal. I say it with regret, certainly not with the purpose of saying anything derogatory to the great character of a former President, the former President of the United States, Roosevelt. I refer to his "gag rule," which was later supplemented by former President Taft. It was necessary that we go to the Congress of the United States in order to secure relief. It was done in the case of the employees in the Postal Department. We secured from the Congress of the United States a repeal of that order of President Roosevelt and President Taft. A provision in an appropriation bill and law of the land, approved by the President, made this provision.

Mr. MORRISON (reading):

"Act of August 24, 1912 (37 Stat., par. 555): *Provided, however,* That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor and of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said Postal Service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof, shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with."

Mr. GOMPERS. I hold in my hand a book, whose title is American Federation of Labor, History, Encyclopedia, and Reference Book. It is the only book of the kind issued by any organization of labor in the whole civilized world. It is a summary of all the actions for every convention as well as of the executive council and administrative officers of the American Federation of Labor. I submit this, not as a complete history and encyclopedia of the American Federation's activities, but as a summary we can submit and are willing to submit every official document printed or written, any documents official or otherwise. We challenge any man to show that there has ever been a strike ordered or directed by the American Federation of Labor or any of its officers. That will conclusively show you that the provision of the law just read contained that declaration not only at our instigation but with our absolute approval.

Mr. BROWNLOW. I did not understand that last sentence.

Mr. GOMPERS. I say that the provision of the law just read contains that the civil-service employees of the United States shall not belong to any organization which has for its purpose strikes, etc., and I say that the American Federation of Labor history demonstrates beyond question that the American Federation of Labor has never had the strike for its purpose or its activities, so that the regulation and the statement of policy of the commissioners has no application to the American Federation of Labor.

Mr. BROWNLOW. That statement of policy does not refer to the American Federation of Labor but to other organizations which are affiliated.

Mr. GOMPERS. But there are no organizations with which the policemen can become affiliated which order strikes. They can not join the machinists' union; they can not join the bricklayers', the molders', or carpenters' union.

Mr. BROWNLOW. What was meant was that through the American Federation of Labor they would be affiliated with various other bodies.

Mr. GOMPERS. The various other bodies are all affiliated through the American Federation of Labor.

Mr. BROWNLOW. That is what we meant.

Mr. GOMPERS. I want to call your attention to a law which has been upon the statute books since 1886. It provides for the incorporation of trade-unions and legalizes their actual existence and is recognized by the Government of the United States as such. It is the act of June 29, 1886. It is as follows [Aside: Mr. Morrison will you kindly read this?]:

Mr. MORRISON (reading):

"Incorporation of national trade-unions (p. 3204, act of June 29, 1886, U. S. Compiled Statutes).

"SECTION 1. The term 'national trade-union,' in the meaning of this act, shall signify any association of working people having two or more branches in the States or Territories of the United States for the purpose of aiding its members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character, the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of sick, disabled, or unemployed members, or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

"SEC. 2. National trade-unions shall, upon filing their articles of incorporation in the office of the recorder of the District of Columbia, become a corporation under the technical name by which said national trade-union desires to be known to the trade, and shall have the right to sue and be sued, to implead and be impleaded, to grant and receive, in its corporate or technical name, property, real, personal, and mixed, and to use said property and the proceeds and income thereof for the objects of said corporation as in its charter defined: *Provided,* That each union may hold only so much real estate as may be required for the immediate purposes of its incorporation.

"SEC. 3. An incorporated national trade-union shall have power to make and establish such constitution, rules, and by-laws as it may deem proper to carry out its lawful objects, and the same to alter, amend, add to, or repeal at pleasure.

"SEC. 4. An incorporated national trade-union shall have power to define the duties and powers of all its officers and prescribe their mode of election and term of office, to establish branches and subunions in any Territory of the United States.

"SEC. 5. The headquarters of an incorporated national trade-union shall be located in the District of Columbia."

Mr. GARDNER. My mind is somewhat confused about something—it was always my impression that these strikes were either supported by the national body or rejected by them. I gathered this from newspaper accounts, because I never read or had read to me the constitution. Now, I note by a reading of the provisions in this little book which you have prepared for the individual council that they pledge themselves to support all labor alike. Now, with that pledge, also providing that the controversy is between union and nonunion men; now, with that pledge how could that exist? In other words, if they will stand by all labor alike, organized or unorganized, in a strike between union and nonunion labor, how can the union laborer injure the nonunion laborer? My impression had always been that there was always a difference between the union and nonunion men; efforts of the union men to drive nonunion men away. Under that theory I was wondering if that was correct.

Mr. GOMPERS. All that we ask of the police department is that they shall be perfectly neutral in any controversy between employers and employees. The controversy is not between union and nonunion men. It is a dispute between union and nonunion men on the one side and the employers on the other. Now, in my old trade—that of cigarmaker—there is now a strike of 125,000 members of my craft. There are, I think, 38,000 members in that organization and there are 125,000 men on strike at this time and undoubtedly for a better wage. Their wages have not been increased in the last few years in spite of the higher cost of living. They are engaged in a common strike, union and nonunion workmen. That is all. In any dispute which may arise between employers and employees, that is the best term, in any dispute between them, all we ask of the police is that they shall be impartial and not throw their full weight against the poor devil who is trying to get something to which he is justly entitled.

Mr. GARDNER. I was trying to clear this up. For instance, there is a strike in any department of the District; if our street cleaners should go on strike and they were union men affiliated with your organization, and there should be brought into the city a carload of men and put on the streets in their place—nonunion men—if they were injured by the union men, struck with a brick or run out of town, that would be contrary to that?

Mr. GOMPERS. Yes, sir.

Mr. Morrison, will you kindly read this section from the Clayton Act, which was passed in 1914 and signed by the President October 15, 1914?

[Mr. Morrison read as follows:]

"(Public No. 212—Sixty-third Congress.)

"SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

Mr. GARDNER. What penalty is there for a member of the union, affiliated with the American Federation of Labor, violating his oath of allegiance?

Mr. GOMPERS. Such as a fine or reprimand, suspension from right to hold office or to attend meetings for a specific time, and some of them, I think, by expulsion. I am free to say that I am very much opposed to expulsion under any circumstances. I believe in the punishment of wrongdoers in any walk of life, in any sphere of activity. I am opposed to the expulsion of a member from the union by any of our organizations. The American Federation of Labor has no power to impose a penalty. The penalty is imposed by the organization itself upon its recalcitrant member or those who violate its obligations and rules. We have no power to pass upon it either favorably or otherwise. Now, my reasons for opposition to expulsion are somewhat as follows: The expulsion of a man from the union carries with it that these unexpelled men will not be working with him, otherwise where is the sense of expulsion? The simple privilege of being in the organization is nothing if it does not carry with it somewhat of a privilege or a right

to work with his associates. If the organization has not the power to prevent this man working at his trade, then the punishment by expulsion is a farce. If, on the other hand, it has the power to enforce such a penalty, it means capital punishment; it means taking away the means by which the man may live, and I am opposed to either of these actions. I believe in the penalizing of a man by his organization if he does wrong, but I believe that that penalty should be within the limit; that he shall have an opportunity to make good some other time, either by fine, by a reprimand, that he may so live to overcome it, but never expel him and deny him either the farcical or the actual opportunity of earning his livelihood.

Mr. GARDNER. Mr. Gompers, if I may analyze this as I go, coming down to policemen, if they were affiliated with the union, as they now are, they would have the right alone to pass upon their misdeeds, and you would have no right or power to pass upon any misdeeds of theirs.

Mr. GOMPERS. So long as they retained their local existence; that is, as a directly affiliated union of the American Federation of Labor. The actions of these local unions in matters of that character would be subject to appeal; that is, review and modification.

Mr. GARDNER. You have no power in the matter?

Mr. GOMPERS. No initiatory power. Merely appeal power.

Mr. GARDNER. You have the appeal power?

Mr. GOMPERS. Yes; we have the power of appeal from any action of local unions which is contrary to the principles of the American Federation of Labor.

Mr. GARDNER. What by-law or what regulation do you have as your guide in passing upon these appeals?

Mr. GOMPERS. The rule of common sense and common decency. Simply that.

Mr. GARDNER. And no written rule?

Mr. GOMPERS. There is no written rule governing that.

Mr. GARDNER. I see. Excuse me for interrupting you, but I want to get that thing in my mind.

Mr. GOMPERS. Not at all, Mr. Commissioner. If there was anything to hide, I would not come here and throw myself wide open as to anything you may care to inquire into.

Mr. GARDNER. I am simply seeking information.

Mr. GOMPERS. I am glad to furnish information. I want to call your attention to the declaration of the American Federation of Labor convention of 1910 [reading]:

"Declaration of American Federation of Labor in convention of 1910.

"Organized labor contends for the improvement of the standard of life, to uproot ignorance and foster education, to instill character and manhood and an independent spirit among our people, to bring about a recognition of the interdependence of the modern life of man and his fellow man. It aims to establish a normal workday, take the children from the factory and the workshop and place them in the school, the home, and the playground. In a word, the unions of labor, recognizing the duty of toil, strive to educate their members to make their homes more cheerful in every way, to contribute an earnest effort toward making life the better worth living, to avail their members of their rights as citizens, and to bear the duties and responsibilities and perform their obligations they owe to our country and our fellow men. Labor contends that in every effort to achieve its praiseworthy ends all honorable and lawful means are not only commendable but should receive the sympathetic support of every right-thinking, progressive man."

Mr. GOMPERS. I hold in my hand a printed copy of the declaration of the labor movement by its representatives about three weeks before we entered the war, or three weeks before the President appeared before Congress. I am perfectly willing that you gentlemen have a copy of this, not necessarily to burden the record with it, but for your own information.

Mr. MORRISON. It is an excerpt from President Wilson's address and reads as follows:

"You have made the statement of the American's labor question in peace or war on March 12, 1917, and in which appears the following paragraph:

"'We, the officers of the National and International Trade Unions of America in national conference assembled in the capital of our Nation, hereby pledge ourselves in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institutions and ideals of our Republic.'"

Mr. GOMPERS. Read the rest of it.

Mr. MORRISON. The rest of it?

"'In this solemn hour of our Nation's life it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace; that our people may be spared the horrors and burdens of war; that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood, and a higher civilization.

"'But, despite all our endeavors and hopes, should our country be drawn into the maelstrom of the European conflict we, with these ideals of liberty and justice herein declared as the indispensable basis for national policies, offer our services to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States of America against its enemies, whomsoever they may be, and we call upon our fellow workmen and fellow citizens in the holy name of labor, justice, freedom, and humanity to devotedly and patriotically give like service.'"

Mr. GOMPERS. That resolution was adopted by a unanimous vote, and at the subsequent convention of the American Federation of Labor adopted by a unanimous vote and, that is not all, the declaration was made good all through the war and since.

There is a declaration which was made in the convention, an excerpt from President Wilson's Buffalo address, which I should like you gentlemen to hear. President Wilson came to our convention—November, 1917—after we had been in the war about eight months and delivered an address, and among the wonderful things that he said was this tribute to the American Federation of Labor and its activities.

Mr. MORRISON (reading):

"While we are fighting for freedom, we must see, among other things, that labor is free, and that means a number of interesting things. It means not only that we must do what we have declared our purpose to do—see that the conditions of labor are not rendered more onerous by the war—but also that we shall see to it that the instrumentalities by which the conditions of labor are improved are not blocked or checked. That we must do. That has been the matter about which I have taken pleasure in conferring from time to time with your president, Mr. Gompers, and if I may be permitted to do so I want to express my admiration of his patriotic courage, his large vision, and his statesmanlike sense of what has to be done. I like to lay my mind alongside of a man that knows how to pull in harness. The horses that kick over the traces will have to be put in a corral."

Mr. GOMPERS. I could, gentlemen, go through much more in order to demonstrate the accuracy of the position and the justice of our protest against this regulation which you have adopted and promulgated to the police, but I have some consideration of time and your duties as well as my own, and therefore I shall desist from that feature of it, but I desire a few more moments to present a few more thoughts.

Gentlemen, after all, what have the people of the United States been fighting for? What have we been fighting for? Why did we organize this army of 4,000,000 men? Why have we made sacrifices of food and life; given our money in the drives; loaned our money for bonds, depriving ourselves of many, many of the things that make up the comforts of life? Why? Is it that after we have won a victory against militarism and autocracy and imperialism we shall have the rights which were exercised before taken from us? Autocracy does not merely exist in name. It exists as a fact; it is a state of mind; it is a state of fact. If the working people of the United States, policemen included, had the right before the war to organize and to affiliate with any lawful, honorable, patriotic body of people, surely, at the close of the war, when we have won against such great odds, a victory that will go down in history as the greatest struggle in the history of the whole world, then should not out of it, out of the glow, out of the glamor, out of the sacrifice, the denial of a right, come the right to organize, the right to affiliate with a bona fide organization of labor that has had a continuous and honorable existence for more than 39 years?

The declaration which you have adopted, the regulation which you have adopted, places a stigma on the American Federation of Labor, not upon any other organization. If the Commissioners of the District of Columbia can and they do adopt a resolution placing that stigma of making the American Federation of Labor anathema—what will the action be—what impression will it have upon the minds of employers generally? If constituted authority in the District of Columbia can say to these people, "You can have nothing to do with the American Federation of Labor," the only body with which they have been affiliated, then employers will say, "That is the official dictum; that is the judgment of the authorities in the Capital of our Nation and gives us the cue to follow in a like course." And we are not deserving of such characterization or of such a stigma.

Mr. BROWNLOW. No stigma was intended, and the proof of that is that our other employees are organized in unions that are affiliated with the American Federation of Labor.

Mr. GOMPERS. Mr. Brownlow, if I thought that the personnel of this commission was such that they intended to do that aforethought, cast a stigma upon the American Federation of Labor movement, and to do a wrong, I would not waste your time and my time to come here and make the statements that I have tried to make.

Mr. BROWNLOW. I am glad to have you say that; I am glad to be acquitted in your mind of any intent.

Mr. GOMPERS. It is because I have a respect for the personnel of the commission, and believe that they have gone further than they intended, further than they, in my judgment, have the right to go; further than is good for our Capital or good for our country that I have come here.

It is time that we take into consideration the situation which exists throughout the world. In no country on the face of the globe is there such tranquillity, such order, such a stablizing influence exercised by any labor movement as there is by the American Federation of Labor in our country.

Mr. KUTZ. I accept that statement without any question.

Mr. GOMPERS. And yet, because these men have become affiliated in their union with the American Federation of Labor you say to them that they must recede from that position or lose their jobs—be without employment.

Mr. MORRISON. And the pensions.

Mr. GOMPERS. Yes; and their pensions are forfeited.

The countries of the world are seething with revolution and revolutionary spirit. As I have indicated, have shown by proof beyond question, the American labor movement is of a constructive, not of a destructive character, going along within the law and within the rules, and within the Constitution and the guaranties of the Republic of the United States. We are engaged in this work, and it is no mean job, let me tell you, gentlemen; it is not and has not been any mean job to try to stabilize the activities of the working people of the United States. They have had great cause for dissatisfaction by reason of the fact that they are made the victims of the greed and avarice commonly known as food profiteering in one form or another. A large proportion of the workers of our country were engaged in the production of the things for war, engaged in the production of things for destruction. With the armistice and the practical ending of the war, all that species of industry came to a full stop. The employers and captains of industry and commerce have not been able to have the judgment or the enterprise to get back to something like normal conditions of industry. Large numbers of our people are unemployed. Many of them who are employed are not earning enough wages to insure them the opportunity to live decently because of the increased cost of living. Then to find opposition to the attempt to organize the policemen who seek organization, for the purpose of what? To seek here some relief from these grievances which they are required to bear in the service.

I assume, gentlemen, that you have read the statement made by the policemen in regard to the situation in which they find themselves and the grievances about which they complain. God knows they are hard enough.

Mr. BROWNLOW. We know that, and we want to do everything possible——

Mr. GOMPERS (interposing). Yes; I know, and you are the employers of these policemen of this city.

Mr. BROWNLOW. Not with respect to salaries, Mr. Gompers, because the salaries are fixed by Congress. The commissioners have not once, but every time that these conditions have arisen, sought increase in pay for the members of the police force, and are seeking it now. There is a bill for that purpose now before Congress, which has been approved by the District Committees in both the Senate and the House. We have recognized and have so stated publicly that the members of the police deparment are not sufficiently well paid. We have endeavored by every means within our power to secure from Congress the immediate change in legislation to ameliorate that evil.

Mr. GOMPERS. And thus far practically without success.

Mr. BROWNLOW. Thus far without success, in so far as this, the last measure, is concerned. Some very slight—I think insufficient—increase was granted by Congress in the last two years.

Mr. GOMPERS. These policemen are reasoning and patriotic men of families, as a rule. They find that all this is a slow process. They show by their affiliations, by their desire to have the support of the American labor movement, that they want the great mass of 4,000,000 workers to get behind their request and their applications and behind

the commissioners in order that they may become of some assistance to the commissioners in that regard, and, as their reward, they have the alternative of resigning from the organization or seeing that its affiliation is withdrawn or lose their positions.

Now, gentlemen, I think you will find that the commissioners in the adoption of the regulation have acted without proper information. They have not acted in the interests of the citizenship of the District of Columbia or of our country. I have heard—I do not know of my own knowledge—that court proceedings have been taken or that they are to be inaugurated to secure relief from the order or regulation which you gentlemen have adopted. I prefer at any time, by conference with those who are responsible for actions, to persuade them of an error which they have committed and endeavor to have it corrected. I ask, gentlemen, that time be given to these men. The ultimatum that they must recede or quit or be discharged is unwarranted so far as the American Federation of Labor is concerned.

If governmental authority, if employers as a general rule will antagonize the American Federation of Labor and by their actions and tendency cripple its efforts you will have something to deal with, not with us. You will have the men flying where they think they can secure relief, and in each stage of their disappointment they throw themselves anywhere where some relief is promised, either immediate or in the future. For good order, for peace, tranquillity, progress, safety, I appeal to the commissioners to rescind that order.

I thank you for the patience of the hearing.

Mr. BROWNLOW. Mr. Gompers, the commissioners have heard with very great interest all you have to say and will take it all into very careful consideration.

I want to repeat again that this action was taken without any thought that it would be or could be interpreted as casting a stigma upon the American Federation of Labor. For the organization I, as one of the commissioners, entertain the very highest respect and regard, and I have so expressed that many times privately and to some degree publicly when there was any occasion for a public utterance. The motives that actuated the commissioners was a different one. It had for its concern keeping the police department quite independent, so that even the charge of partiality on account of any affiliation of its members with a body, with any other labor organization, could not be made. Indeed members of the police department are affiliated with unions which are affiliated with the American Federation of Labor—bricklayers and printers and carpenters. I merely mention some of which I know. No disturbance of that relation is contemplated by this statement of policy or the order made in pursuance of that statement. It was, we believe, necessary to protect the police department from any question, however falsely made, of allegiance.

And now we will take into consideration very carefully what you have said, Mr. Gompers.

Mr. GOMPERS. May I make this suggestion: I do not know how long you gentlemen, members of the commission, may desire to take for the further consideration of this matter, in view of what has been presented to you this morning—that, if in your judgment you shall require further time to consider it, we think it would not be amiss to extend the time of the ultimatum, so that both you gentlemen, as commissioners, have the time to consider it, and secondly, that these men may also have time to consider their position.

Mr. BROWNLOW. That also we will consider. The communication can be made to the men very readily.

Mr. GOMPERS. Thank you, sir.

(Thereupon at 12.30 p. m. the conference adjourned.)

Mr. KITCHIN. Mr. Chairman, the real cause and the only cause of any such thing as section 2 being brought before this House is the fact that the police union of this city joined the American Federation of Labor. That was the contest in Boston between the police union and the State and city authorities. That is the contest of the policemen's unions in over 35 cities in the United States. There is no doubt that the majority of the District Committee, when it reported this provision, intended and had the special purpose in view to prevent by law the police union organization of this city from becoming a member of the American Federation of Labor or of any union or organization that resorts to the strike as a weapon to enforce its demands. There is no use to disguise it, and we ought to employ such language in this bill that will clearly do what was really intended.

Now, I ask, and I will pause for the answer, is there a gentleman on the committee which reported this bill who did not intend by that section to prevent the police union of this city from becoming a member of the American Federation of Labor or of any union or organization that employs the strike as a means to redress its wrongs or enforce its demands? I assert that that was and is the intention of the committee. I see present the members of the committee, and if I am not correct in my statement some of them ought to correct me. The very object of section 2, the very object for which every man on the committee that voted for it, was to prevent the police union or policemen individually from joining the American Federation of Labor or any union or organization that resorts to the strike. Does any man deny that?

Mr. HUDDLESTON. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. HUDDLESTON. Was not the purpose to prevent the policemen from striking?

Mr. KITCHIN. It was to prevent their union or organization from joining or affiliating with the American Federation of Labor or any union or organization that employs the strike as a weapon.

Mr. HUDDLESTON. What does Congress care what organization they join so long as they do not strike but go ahead and perform their duty? [Applause.]

Mr. KITCHIN. One of the objects, of course, was to prevent a strike; but the American Federation of Labor says that they do not order a strike, they do not command a strike, they do not strike, but the commissioners said you must get out of the American Federation of Labor, and they got out, because, as gentlemen said, we were going to raise the salaries.

Mr. HUDDLESTON. What was the purpose of permitting them to become members of the Federation of Labor if it was not to prevent a strike?

Mr. KITCHIN. If the gentleman means only to prevent a policemen's strike, his vision does not go far enough. The purpose of this section was not only to prevent the policemen from striking but to prevent them and their union from belonging to or affiliating with any union or organization that or whose members did strike, because the committee knew and this House knows that if the policemen or their union belonged to or affiliated with any such union or organization, the policemen—the law enforcers—would be in sympathy with the strikers, with their fellow unionists. [Applause.] The committee, by this section, intended to prevent this. If I were a policeman and belonged to the trainmen's union, or if my police union belonged to or affiliated with such trainmen's union, and if the trainmen of my city were to strike by order of the union, just as natural as water flowing downstream I would be in sympathy with the strikers, whatever they might do. We did not want, and the committee did not want, and the American people do not want, the policemen, the enforcers of law and order, to be fellow unionists with strikers in any industry. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KITCHIN. The construction of the committee that reported out this section, the construction of the gentleman from Wyoming [Mr. MONDELL], is that this section as it is written will prevent the policemen or their union or organization from becoming members of the American Federation of Labor. At first glimpse the language would seem to bear out such construction, but when you analyze it such can not be put upon the section. It does not prevent the police union of this city from joining or affiliating with the American Federation of Labor. The language used in the section does not do it, gentlemen.

We want to get at the right of this thing; we are all after the same object; all of us want to prevent the police union of this city from being a member of or affiliating with the American Federation of Labor or belonging to any union that does belong to the American Federation of Labor. I say this section with its present language does not do it.

Let us get these two facts in our minds and it will appear clearly that it does not do it: First, the American Federation of Labor does not "hold, claim, or exercise the right to demand of any of its membership obedience to an order to strike or cease work for any cause"; second, a policeman or an individual as such does not or can not become a member of the American Federation of Labor. Such federation is composed of unions or organizations and not of individuals. A police union or organization, but not the individual policeman, can become a member of or affiliate with the American Federation of Labor. A moment ago I asked the distinguished gentleman from California if that was the case, and he said yes; that individually one could not become a member of the federation.

Mr. REAVIS. Will the gentleman be good enough to yield to me?

Mr. KITCHIN. I will yield to the gentleman for a question.

Mr. REAVIS. Do I understand that the American Federation of Labor is composed of organizations or individuals?

Mr. KITCHIN. Organizations. Let us read the language of the section:

> That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause.

Under this a policeman can join a police union or organization unless it "holds, claims, or exercises the right," and so forth. First, he is forbidden to become a member "of any organization" which "holds, claims, or exercises the right," and so forth. If his police union or organization at any time "holds or claims or exercises the right," and so forth, he must get out of it or be dismissed from the police force. The police union or organization in this city does not so "hold" or "claim" or "exercise the right," and so forth. Second, he is forbidden to "become a member" of "an organization affiliated with another

organization which holds, claims, or exercises the right to demand," and so forth. But he can under this language become a member of "an organization" which is a member of or "affiliated with another organization" which does not "hold, claim, or exercise the right," and so forth.

Now, as has been shown and admitted here, the American Federation of Labor, "an organization," does not "hold, claim, or exercise the right to demand of any of its membership obedience to an order to strike or cease work for any cause." Its several members, the labor and trades unions or organizations, do, but the Federation of Labor does not. So, therefore, under the language of this section a policeman here can join the police union or organization, and such union or organization can join or affiliate with the American Federation of Labor, because the police union or "organization" does not "hold, claim, or exercise the right," and so forth, and the police union or "organization," being a member of or affiliated with the American Federation of Labor, is not "an organization affiliated with another organization which holds, claims, or exercises the right," and so forth.

Therefore the very minute this bill becomes law the policemen's union can join the American Federation of Labor, and neither the policemen nor their union will violate the provisions of this section if no change or amendment is made to its language. I am in favor of changing the language so that the section will clearly express the intention of the committee and the House.

Mr. BLACK. But if my amendment be adopted——

Mr. KITCHIN. If the gentleman's amendment be adopted, that would cure it.

Mr. MONDELL. Mr. Chairman, there seems to be a curious divergence of opinion with regard to the language of this section, language which was very carefully considered before it was adopted by the committee. Some gentlemen think that it does not go far enough and some think that it goes too far. After having listened attentively to all of the arguments that have been made, I believe that it does exactly what the committee intended to do, and what we all, or the great majority of us, believe ought to be done, and that is to prohibit the police from having an organization of their own claiming the right to strike, or from having an organization that is affiliated with another organization that claims the right to order its men to strike.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I think, if the gentlemen will permit me to elaborate, I can convince them that I am entirely right. Let me speak on the two amendments that have been offered. The amendment of the gentleman from Texas [Mr. BLACK] would prohibit a policeman's organization that claimed the right to strike, but it would not prohibit the police, from affiliating with another organization that claims the right to order its members to strike. Let us not lose sight of this fact. There are two things that we seek to prohibit. First, we seek to prohibit the policeman from himself striking or claiming the right to strike. Second, we seek to keep him from affiliation, directly or indirectly, with any other organization the members of which might strike, and for the very excellent reason that we do not want to embarrass him in the performance of his duty by affiliation with men belonging to another organization who may strike.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment. The amendment of the gentleman from Texas [Mr. BLACK] clearly would prohibit a police organization from the right to strike, but it would not prohibit affiliation with an organization that might claim the right to order its members to strike.

Mr. BLACK. Will the gentleman allow me to call his attention to the specific language of my amendment, which says that he shall not belong to any organization which is affiliated with any other organization not composed entirely of employees of a municipal, State, or Federal Government.

Mr. MONDELL. After reading the gentleman's amendment I wondered whether he could belong to a church or lodge, whether he could be a Mason or a Knight of Columbus, whether he could join a building and loan association, whether he could affiliate with any one of the thousand and one different classes of organizations that have nothing to do with the question of the right to strike. I am of opinion that the amendment of the gentleman from Texas would prohibit him from belonging to such organizations.

Mr. BLACK. The gentleman certainly loses sight of the fact that my amendment contains specific words that he shall not belong to a police organization that affiliates with this other organization.

Mr. MONDELL. Oh, yes; under the gentleman's amendment the policeman can not belong to a policeman's organization that claims the right to strike. That is the gentleman's language; but then he proceeds to prohibit him from belonging to the Knights of Columbus, to the Baptist Church, to a Liberty bond association, and to a few other things.

The gentleman from California [Mr. NOLAN] is afraid that under this language a man who has been a member of a beneficial order or beneficial organization of a labor union might be deprived of the privilege of obtaining benefits after he became a member of the police force. I am not entirely clear that somewhere sometime something of that kind might occur, but I doubt it, but I do not know the exact character of these beneficial organizations.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I will yield to the gentleman later. I do not know the exact character of beneficial orders connected with labor unions, but I assume that like the beneficial orders connected with other organizations one may retain the benefits of such insurance without retaining active membership in the order. I presume that is true of practically every labor organization or the beneficial organizations connected with every labor union. If that is not true, I do not know that we ought to make the exception, because if we are to divorce the police from organizations that claim the right to order their members to strike, we must do it rather clearly and definitely. Let us not lose sight of the fact that the police force of the District of Columbia are retired at a certain age on a very good pension. How much is that?

Mr. MAPES. One-half of the salary.

Mr. MONDELL. So the policeman is very well taken care of, and even though there was some one case somewhere, sometime, where a man would have some difficulty about the beneficial features of a labor organization, I do not think, in order to meet some one case of that sort, we ought to break down this entire prohibition. The language was very carefully thought out, and the danger in amending it on the floor without full consideration is the danger that always attends that sort of thing. We do not know very clearly, can not tell very clearly, what the amendments mean. It is very clear what the original language means. You shall not organize the police force into an organization claiming the right to strike; the police shall not be affiliated with an organization any member of which or an affiliated organization of which claims the right to strike.

The gentleman says that the American Federation of Labor, for instance, claims no right to order a strike. Well, everybody affiliated with it and every union affiliated with the bodies affiliated with it all claim the right to order their members to strike, and so if a police organization is affiliated with the American Federation of Labor, then through that federation they would be affiliated with these organizations claiming the right to order a strike. When you use the term "affiliated" here it not only means affiliated with some central organization, but affiliated through that central organization and other organizations affiliated with or attached to that central organization. I think that meets the contention of the gentleman from North Carolina. This language accomplishes in words that are simple, direct, and easily understood what we propose to accomplish, and in my opinion it is very dangerous to amend it in any way.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois.

Mr. MAPES. Mr. Chairman, will the gentleman from Illinois yield long enough to see if we can not agree upon time for debate upon this section and all amendments? Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto shall close in 15 minutes.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman provide that five minutes of that time shall come to me?

Mr. BLANTON. Will the gentleman make it 25 minutes, so that I may have five minutes?

Mr. MAPES. Mr. Chairman, there has been a very liberal amount of discussion already this afternoon on this question. There is only one amendment pending now, and I imagine that nearly every Member of the House has his mind made up as to how he is going to vote, and it seems to me we are taking a good deal of time, and I think we ought to get through in 15 minutes more, the Chair to have control of the time.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. MAPES. I ask unanimous consent that all debate on this section and all amendments thereto be closed in 15 minutes, the time to be controlled by the Chair.

Mr. GARLAND. I want three minutes.

Mr. MADDEN. The Chair recognized me before the gentleman from Michigan made his request.

The CHAIRMAN. The Chair recognized the gentleman from Illinois, and he yielded to the gentleman from Michigan.

Mr. MAPES. Including the five minutes of the gentleman from Illinois make it 20 minutes.

The CHAIRMAN. Is there objection to the request?

Mr. GARLAND. Mr. Chairman, I object unless I can get an opportunity to speak on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan, who asks unanimous consent that all debate on this amendment and all amendments to this section close in 15 minutes following the time assigned to the gentleman from Illinois?

Mr. GARLAND. Mr. Chairman, how do we understand we will get an opportunity to speak if one gentleman takes up all the time? A number of us have asked for a few minutes; I want three minutes; and if I understand I will have that three minutes I will not object.

Mr. HUDDLESTON. I want three minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I object, and I demand the regular order.

The CHAIRMAN. Objection is heard.

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEE. What is the motion pending before the House?

The CHAIRMAN. It is a unanimous-consent request, and objection has been raised, and therefore the gentleman from Illinois is recognized.

Mr. MAPES. Mr. Chairman, I will amend my request by asking unanimous consent that all debate on this section and all amendments thereto close in 25 minutes after the five minutes of the gentleman from Illinois, which will make it half an hour, the time to be controlled by the Chair.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on this section and all amendments thereto close in 25 minutes following the time of the gentleman from Illinois.

Mr. JOHNSON of Washington. Mr. Chairman, I object, and demand the regular order.

Mr. MAPES. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 30 minutes, the time to be controlled by the Chair.

Mr. MADDEN. Mr. Chairman, I decline to yield further.

The CHAIRMAN. The gentleman from Illinois declines to yield further.

Mr. MADDEN. Mr. Chairman and gentlemen, we are dealing with a serious problem which affects the peace and the welfare of the Nation, the protection of life and property from one end of the country to the other. The policeman is the country's civilian soldier, and I maintain that he ought not under any circumstances to belong to any organization which claims the right to direct his official acts. [Applause.] We are here to speak for America and we ought to have the courage to do it. The time has come when we must speak and we must not wait for any conference anywhere to tell us what to do. [Applause.] The American people are watching and they are waiting for a display of sufficient courage on the part of their representatives to protect them in their life and property. [Applause.] The Congress has displayed a cowardice in the past that is inexcusable, and the time has come, the issue is here, we are facing a crisis and we must meet it, and for one I am ready to meet it no matter what it may be, and I propose to say to the policemen of the District of Columbia, aye, to the policemen of America, if you please, that as law officers of America we propose to say that they shall execute the law and shall have no right to strike. [Applause.] And any man, a citizen of America, not willing to meet the issue has no business to make application for a position on the police force, and if he does his application should be refused. I do not care how you word the language of the bill, but it should be so worded as to leave no doubt as to what our attitude is. [Applause.] The people of America are looking to us to-day; we should set the pace; we should make a model of the police force of the District of Columbia for every police force in every city in this Union.

I was in Boston the day the police force struck. I saw the riots; I saw the mobs. I saw them break into the stores and loot the property of the people there. I saw the murdered men. And I said then that if God would permit me to live long enough to get an opportunity to place myself on record I would say to the people of America that no man should be employed anywhere as a law officer in the land who joined any organization that claimed superior power over his official action. [Applause.] The men and the women of the Nation have the right to the protection of their lives and property, and they have a right to demand of us who speak for them that we shall have the courage of our convictions; that we shall so enact the laws of the land as to protect them in their rights; and that we, no matter what may be the result of our action, when we leave this official place in which we are temporarily serving, may have the right to walk the streets of the land among our fellow citizens in the assurance that we as Americans are safe in our life and in our property. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. Mr. Chairman, I will be glad to see if we can fix the time for debate. I ask unanimous consent that the debate on this section and all amendments thereto close in 20 minutes, the time to be controlled by the Chairman.

Mr. QUIN. Reserving the right to object, Mr. Chairman, I would like to drop a few remarks on this matter. I think it is very important.

Mr. JOHNSON of Washington. Mr. Chairman, I object, and I ask for the regular order.

Mr. O'CONNOR. Mr. Chairman——

The CHAIRMAN. The gentleman from Louisiana [Mr. O'CONNOR] is recognized.

Mr. MAPES. Will the gentleman yield to me?

Mr. O'CONNOR. I will.

Mr. MAPES. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Michigan moves that all debate on this section and amendments thereto close in 20 minutes.

Mr. MAPES. Make it 30 minutes, Mr. Chairman.

Mr. KEARNS. Mr. Chairman, it is very evident that all of us who want to speak on this question can not get an opportunity to do so, and therefore I amend the motion by moving that all debate on this subject close now.

The CHAIRMAN. The gentleman from Ohio moves an amendment to the effect that the debate be closed now.

Mr. REAVIS. Mr. Chairman, I make the point of order that a gentleman has been recognized.

The CHAIRMAN. The gentleman had been recognized, but he yielded to the chairman of the committee in an endeavor to fix the time.

Mr. REAVIS. The gentleman can not lose his recognition or right to the floor by a motion that the debate close now.

I make the point of order that there has been a gentleman already recognized for five minutes.

The CHAIRMAN. The point is well taken.

Mr. KEARNS. I move to amend the motion.

Mr. O'CONNOR. I do not yield to the gentleman who has the floor.

The CHAIRMAN. The gentleman does not yield for the purpose of allowing an amendment.

Mr. KEARNS. I do not understand that when a gentleman has yielded the floor for a motion he has the right to object.

The CHAIRMAN. The gentleman yielded out of courtesy to the chairman of the committee only.

Mr. KEARNS. After he has yielded to the chairman to make a motion he certainly can not preclude other Members from making a motion to amend the motion.

The CHAIRMAN. No.

Mr. KEARNS. Therefore I move to amend the gentleman's motion by making it read that the debate close in five minutes.

The CHAIRMAN. The gentleman from Ohio moves an amendment that all debate on this section and amendments thereto close at the end of the time controlled by the gentleman from Louisiana [Mr. O'CONNOR].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan that all debate on this section and amendments thereto close in 30 minutes, the time to be controlled by the Chair.

The question was taken, and the motion was agreed to.

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, in view of the tremendously wide range of discussion that has taken place to-day in connection with this bill, even though my observations may be irrelevant, I hope they will prove sufficiently interesting to be worth while.

The gentleman from Ohio [Mr. GARD] said facetiously that it was an inalienable right of the American people to criticize their police establishments and constabularies, whether that police establishment or constabulary was located in some little village or hamlet or in the great metropolis of this country. I might add that it is not only an inalienable right of the Ameri-

can people, but it appears to be the favorite pastime of the English-speaking people.

I know that sounds strange as coming from a fellow that bears the name of O'CONNOR, and is presumably of Celtic origin, and therefore apparently hostile to police establishments. As a matter of fact, Mr. Chairman and gentlemen of the committee, I understand that the hostility that has from time to time broken forth furiously against police establishments during the last three centuries of English-speaking history has for its psychology, its genesis, the exacting nature of what corresponded to a constabulary under Cromwell, which aroused such a spirit of furious hostility in the minds of the English-speaking people, and particularly those of London, that they never forgot it, and transmitted it with their blood. The hostility is of Anglo-Saxon and not Celtic origin. But I believe at heart the American people really love their police establishments, and as one of the people that love them I am against the police becoming—and pardon this apparent abruptness in getting away from one subject and onto another—I am against a police establishment becoming a part of the American Federation of Labor, for the reason that it has done the police establishments more harm than good, and has resulted in the disadvantage to the wage earners of this country by arousing a spirit of hostility in the minds of patriotic American citizens against them as a general proposition. It has been a very unhappy union and should be dissolved in the interest of policeman and wage earner. I hope the measure will go through as it is written in the bill.

I want it distinctly understood, Mr. Chairman, that I am not unmindful of the sacrifices made by the police establishments of this country. Last year I had the honor of addressing the police chiefs of the United States and Canada, and of recounting the number of fatalities that occurred in our police department from the memorable day on which Chief of Police Hennessey was assassinated in New Orleans, a few years ago—an affair which shocked the people of this country and brought about international complications. I had to show that in our city alone our police establishment had given up 51 lives, and I was told on the floor that the police establishments of the United States of America during those years, year after year, had given up as many lives proportionately to the number engaged as were given up by our American Army in France.

I pay them honor. I say that I believe it is in their interest, I believe it is in the interest of the wage earners and of the laboring people of this country, that the police establishments and the wage earners' organizations shall be kept separate and apart. Policemen may organize for benevolent purposes and to aid and assist each other mutually, but I will take my stand with Mr. KITCHIN and Mr. MADDEN and say that it is against the best interests of this country, it is against the best interests of organized labor, for the police establishments to be affiliated with labor unions. It antagonizes them in the minds of the fair-minded American people to have the police establishments as a part of the American Federation of Labor, and it antagonizes the police department itself in the minds of fair-thinking people. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. HUDDLESTON. Mr. Chairman, I believe that the gentleman from Illinois [Mr. MADDEN] has correctly voiced the purpose of this section of the bill. We want to pass a law so that policemen will not strike and leave the city unprotected, and when we accomplish that we have done all that, it seems to me, fair-minded Congressmen ought to be trying to do. That, I am sure, is the only purpose that I have in mind. I do not want to strike a blow at the American Federation of Labor. Is that what some gentlemen are trying to do by this measure? Are they trying to strike the American Federation of Labor a "side swipe"? I hope not. I do not think any such purpose would be legitimate or fair.

I myself want to sustain the American Federation of Labor in every proper and appropriate way. I am for it. I know that it does a world of good. I know that it represents the great moderate force in the labor movement in this country; that it stands for the rights of the great masses of the toilers; and that its principles and activities are consistent with the American Constitution and American ideals. [Applause.]

Some gentlemen of reactionary instincts, perhaps, do not realize it, but I want to say to them that the American Federation of Labor stands as a great bulwark against extreme radicalism and direct action in America to-day. [Applause.] As we love our country, we ought to hold up this great organization which stands for the legitimate aspiration of the workers and give it respect. I do not want to strike a single blow at it.

The purpose of gentlemen—the proper and legitimate purpose—of preventing strikes among members of the police force is fully carried out by the amendment proposed by the gentleman from Texas [Mr. BLACK]. I hope that those who are real friends of labor and at the same time who want to protect the rights of the public and to insure that no strike of policemen will be possible will stand by that amendment and carry it through.

There is a great deal of misapprehension among Members, it seems, and a good deal of this argument is caused by the use of the word "affiliate" in the proposed law. Gentlemen use that word as though it had a certain legal significance. It has a certain meaning as applied to the American Federation of Labor, because labor organizations are affiliated with that organization upon definite terms; but it has no recognized or certain meaning whatever when applied to labor organizations not "affiliated" with the American Federation of Labor. It is then a word of vague, indefinite meaning. To say merely that "a policemen's union shall not be affiliated," and so forth, means nothing in itself. It depends altogether upon the terms of the affiliation. You might as well say that no police organization shall make any contract with any organization or with a certain organization. What would it mean, gentlemen? It would not mean anything. The trouble with the jealousy against "affiliation" is that gentlemen who do not know anything about the labor organizations or labor unions, or what their policies, practices, and ideals are, use this word and think it means some particular or definite relation. It does not, and any member of a labor union will tell you so.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. BEE. I wonder if the amendment of the gentleman from Texas would not compel a man who belongs to a labor organization, temporarily a policeman, to cancel his membership in that labor organization?

Mr. HUDDLESTON. Quite to the contrary. It will permit a member, we will say, of the carpenters' union to go on the police force and yet retain his membership in his carpenters' organization. I will say for myself that is what I want done. [Applause.]

Mr. GARLAND. Mr. Chairman, I am opposed as much as anyone to a policeman having the privilege of striking while in the employ of a municipality, but I do not think that this provision will keep him from doing so. I have seen a number of strikes in my time that were not declared strikes. The men simply got together and quit, and it was just as effective as though a declaration of a strike had been made.

The way to settle this matter, to my mind, is that you provide in the contract of every policeman employed or that comes to take employment a provision that he shall not strike while in the employ of that municipality. By this plan you do not provide against any organization. You should also provide that he give two weeks' notice of a desire to leave the employment of that municipality.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. GARLAND. Yes.

Mr. RUCKER. I think a better way to protect——

Mr. GARLAND. Oh, I do not yield for that. I have only three minutes.

Mr. RUCKER. But the gentleman——

Mr. GARLAND. Well, make it short.

Mr. RUCKER. No; go ahead. I will not ask anything.

Mr. GARLAND. The fact is that more than half of the policemen, I will venture to say, in this city and three-fourths of those in Pittsburgh and other cities carry union cards in their pockets. A number of Members of Congress carry union cards in their pockets. We do not have to provide that they shall not belong to a labor organization for fear of a strike. We have been trying to operate here in Congress departments where unfit individuals have been put in charge of them for the last eight years, ever since the Democratic administration went into power. The administration selected men with no knowledge of and no ability to command men, and have set them to run the departments. Then they come in here when a difficulty occurs and try to take away a God-given right, a constitutional right, of a man to belong to any organization he sees fit. You can not curtail him of that right.

My friends, I can have as much sympathy for the iron and steel workers with a card in my pocket as though I was in the organization here. All of these men who carry cards are in sympathy with the union movement. Their organization may strike, and you can not take away from them the right to belong to some home or trade organization, although you provide that while in the employ of the Government they shall not

have the right to join any organization. There is only one way to control them, and that is to make the contract that I speak of.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. QUIN. Mr. Chairman, this in my judgment is more far-reaching than appears on its face, applying simply to the policemen of the city of Washington. This is an act of the American Congress that I believe the people of this country will construe as fundamental. I can not understand why the police force of a city has any more right to go on a strike than has the Army. To me the action of the police in the city of Boston and the contemplated action of the police right here in this Capital City of the Government is incomprehensible and horrible to contemplate. With Bolshevism running through all Europe and a part of this country, it is time that Congress takes this stand. Notwithstanding the gentleman from Alabama has said that there is no Bolshevism in the American Federation of Labor, the activities of such European poison manifests itself in the I. W. W. and many of the men belonging to organized labor. The good, law-abiding element in the unions oftentimes can not control the radical and lawless element, especially the dangerous foreigner. When union workers in this country defy the President of the United States and say that if they can not have their way they will strike and starve the people of the United States that is a flagrant disregard of the constituted authorities and an absolute disregard for the great unorganized mass of people who observe all law.

Now is the time for the Congress of the United States to take a firm stand. Do not be afraid of the few wild radicals among the many good men of organized labor who hold union cards who want to trample the rights of the American people under their feet, men who only work a few hours a day and then come around and grumble because some dairyman with a wife and family who all work 7 days a week and 15 hours a day charges a decent price for his milk. And yet these fellows want every holiday, half of Saturday, and all of Sunday, and come down here and ask for 44 hours to constitute a week's work. The bituminous coal miners, in utter disregard of their contract with the mine owners, now demand 30 hours to constitute a week's work. They demand, on top of that, 60 per cent increase in wages. They even say they will strike November 1 and freeze the women and children to death. Now is the time, gentlemen, to take a firm stand and say that the police shall not join a union that affiliates with the American Federation of Labor. Those men are officers of the State and take an oath to uphold the law. If some other union violates the law on a strike, the police must be free to handle them. Let them belong to their own union, but under no circumstances should they be allowed to be connected with the American Federation of Labor. [Applause.]

Mr. BLANTON. Mr. Chairman, every Member of this House who has spoken, I believe, except one, has expressed his opinion that the time has come for Congress to prevent police organizations from joining unions that affiliate with other unions that could bring about a sympathetic strike. If that is the object of Congress, what is going to sidetrack or sidestep us? I believe that the amendment of the gentleman from Texas, my colleague, Mr. BLACK, does not go quite far enough, because it permits the police organizations to affiliate with other organizations of Government employees. Every single Member of Congress knows that every Government employees' organization—in other words, the national organization of Federal employees of this Government—is already affiliated with the American Federation of Labor. Under my colleague's amendment this police organization could affiliate with other employee organizations, and they are affiliated with the American Federation of Labor. Any other organization so affiliated could bring about a sympathetic strike and you would have the same condition that exists in New York City to-day.

Mr. BLACK. Will the gentleman yield?

Mr. BLANTON. I regret that I can not yield, because I want to bring this thought before the House. We have been talking about relieving the high cost of living and we have wasted many days. Yet to-day, because of a sympathetic strike among the longshoremen and expressmen in New York, the morning paper tells us that 5,000 tons of food are rotting in New York to-day because of that sympathetic strike. We are going to have a duplication of the Boston police strike unless we remedy it by this legislation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. Mr. Chairman, I am very much interested in this matter and I am interested in the substance a great deal more than I am in the form. So far as I have been able to gather in listening to the amendments read and to the analysis of them that has been made, it seems to me that the amendment proposed by the gentleman from Texas [Mr. BLACK] comes nearer reaching the solution than does the proposition in the original bill; that is to say, the proposition we desire to attain.

Mr. SNYDER. Will the gentleman yield?

Mr. GARRETT. Yes; for a question.

Mr. SNYDER. Does the gentleman think that this amendment would permit a man who belongs to the carpenters' union and joins the police force to retain his membership in the carpenters' union?

Mr. GARRETT. I do not think so. That is a construction others place upon it. Let me hasten to say that the thing I am anxious to obtain, and if this amendment that is proposed does not do it I hope we can have other amendments offered until we reach the result, is to absolutely prevent the police force in the District of Columbia from affiliating or being connected in any sort of way with any kind of a labor union. [Applause.]

In this period of unrest when every citizen of this Republic is trembling for the future because of the activity, not of the reasonable officials of the American Federation of Labor, but because of the action of a number of other irresponsible members of some of the affiliated organizations, with that occurring everywhere, the time has come when the Congress of this Republic should speak in a determined, plain, and unmistakable way a word in favor of law, law, law. [Applause.]

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. Is the time all consumed or all promised?

The CHAIRMAN. All promised.

Mr. RUCKER. There is no chance for anyone else to get any time?

The CHAIRMAN. Not under the action of the committee in limiting the debate.

Mr. CONNALLY. Mr. Chairman, I have an amendment which I desire to offer.

Gentlemen of the committee all seem to desire that this act be so framed as to prevent members of the police in the District of Columbia from joining a union so affiliated with other unions as to make it possible that the police may be called out on strike. I submit the following amendment, which, I take it, in connection with the language of the bill, will accomplish that purpose:

After the word "which," in line 11, insert the following: "itself or any subordinate, component, or affiliated organization of which."

Mr. RAMSEYER. That does not come in line 11, does it?

Mr. CONNALLY. Yes; there are two prints of the bill.

Now, Mr. Chairman and gentlemen of the committee, if you adopt this amendment it makes absolutely clear what the committee says is intended by this section.

It has been urged by the gentleman from North Carolina [Mr. KITCHIN] that section 2 would not permit the police union from affiliating with the American Federation of Labor, because the American Federation of Labor in itself neither strikes nor calls strikes, but the subordinate unions of the American Federation of Labor do that. If you adopt this amendment, it provides that the police shall not join a union of their own which advocates strikes. It provides that they shall not join another organization nor shall affiliate with another organization which advocates strikes. My amendment provides that they shall not affiliate with another organization any component part of which or any subordinate part of which or any affiliated organization which, in turn, advocates the right to strike or to demand of its members that they strike. So I take it that if the committee means what it says the adoption of my amendment will clarify the language and make it plain that this Congress is determined that the police of the District of Columbia shall not owe an allegiance to any such organization which is higher than that they owe to the Government which they are sworn to support.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. BLACK. Offer it as a substitute for mine.

Mr. CONNALLY. I offer it as a substitute for the amendment of the gentleman from Texas [Mr. BLACK], at his suggestion.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY as a substitute for the amendment offered by Mr. BLACK: On page 3, line 11, after the word "which," insert "itself or any subordinate, component, or affiliated organization of which."

The CHAIRMAN. This amendment is read for information.

Mr. BLANTON. Mr. Chairman, I call attention to the fact that that should be in line 14, instead of in line 11.

Mr. RAMSEYER. There are two different prints of the bill.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. Mr. Chairman, I think this section is just right without any amendment at all. Various amendments are offered, one from one angle and another from another angle. Section 2 provides first:

That no member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of any organization affiliated with another organization, which holds, claims, or exercises the right to demand of any of its membership obedience to an order to strike or cease work for any cause.

Now that covers the whole ground. He shall not belong to a union of policemen that can order a strike under an order of that organization. He shall not belong to any organization that is affiliated with any organization that can order a strike. They say the American Federation of Labor can not order a strike, but that it is composed of a number of organizations, many of them scattered throughout the country, either one of which can order a strike. That is affiliation, isn't it? Now, the amendment of the gentleman from Texas [Mr. BLACK], if it should be adopted, would allow membership with the Government clerks, with the postmasters, with rural-route carriers, who are affiliated with the American Federation of Labor. I will not discuss that now, but at the proper time and occasion I will. Their first loyalty ought to be to the Government. I am not speaking of that, but they are just as much affiliated as the steel strikers are affiliated with them.

Now, this only prohibits the policemen in the District of Columbia, who might be said to be the civil soldiers of the District of Columbia, from belonging to an organization which has a membership that would strike when ordered to strike. Ah, but that does not touch the American Federation of Labor. No, but the American Federation of Labor is affiliated with scores and scores of people who do order strikes. In fact, it charters them. The American Federation charters the clerks, charters the postmasters, charters the rural-route carriers. But they are not policemen. This only touches the civil soldiers of the District of Columbia—the policemen. I think it should not be amended in any respect.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired. The Chair recognizes the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman and gentlemen, I believe in the right of laboring men to organize, and I believe in their right to strike in order to secure better wages and working conditions; but I do not believe that the members of any police force ought to belong to any police organization which believes in or exercises the right to strike or affiliates with another organization which believes in or exercises the right to strike. I do not think that men in any essential employment ought to exercise the right to strike against the Government, either State, National, or municipal, or against any agency that, under our form of government, essentially exercises the functions of government. Therefore I shall support this bill. I did think that there ought to be a slight amendment made to perfect the text and make clearer its meaning, but there have been so many amendments offered here that I do not think I will offer it. I think the words "either of" ought to be inserted in front of the word "which" in line 11 on page 3, so that it will read "either of which holds, claims, or exercises the right to demand of its membership obedience to an order to strike or cease work for any cause," and so forth, in order to make the meaning absolutely clear; but after hearing the remarks of members of the committee and after conferring with others who feel reasonably sure that the meaning is clear enough as it is, I shall not offer the amendment. Personally I think it would make the meaning of the bill clearer if those words were inserted.

Mr. Chairman, I think the city of Washington ought to have a police force that would be a model for the entire Nation. And the police force of the Nation's Capital ought to have the privilege of serving under model conditions. There should be no necessity or occasion for their having to organize or affiliate with any other organization in order to secure adequate wages or proper working conditions. And this ought to be true of all American cities as well as of Washington. But certainly those who are intrusted with the duty and responsibility of preserving the peace and protecting the lives and the homes and the property of the people of our American cities ought to owe allegience and obedience to none except the governments that employ them. In that respect they should be absolutely above suspicion or doubt, in order that they may under all circumstances have the confidence and the respect of the public. This is fundamental, and to the extent that this bill will help to promote that end, I think it should receive the hearty support of all the Members.

Mr. MAPES. Mr. Chairman, it seems to me this debate has pretty clearly demonstrated that the language of this section covers the situation which the membership of the House thinks ought to be covered, and that it would be dangerous to amend it in the confusion which exists here this afternoon.

The gentleman from Texas [Mr. BLACK] has introduced an amendment which some Members think means one thing and some Members think means another. Some say it goes too far and others say it does not go far enough. The gentleman's colleague [Mr. CONNALLY] has offered a substitute which, it seems to me, comes right back to the language of the bill.

If we stick to the language of the bill, I believe that the situation will be taken care of and that it is better than anything that has been proposed here this afternoon. Mr. Chairman, I ask for a vote.

The CHAIRMAN. All time has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent that the substitute amendment of the gentleman from Texas [Mr. CONNALLY] be again read for the information of the House.

The CHAIRMAN. Without objection, the substitute will be reported.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. CONNALLY as a substitute for the amendment of Mr. Black: Page 3, line 11, after the word "which," insert "itself or any subordinate, component, or affiliated organization of which."

Mr. BLACK. Mr. Chairman, I accept that as a substitute for my amendment.

Mr. HULINGS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this subject.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANSFIELD. Mr. Chairman, I make the same request.

Mr. QUIN. Mr. Chairman, I make the same request.

Mr. PARRISH. Mr. Chairman, I make the same request.

Mr. FRENCH. Mr. Chairman, I make the same request.

Mr. EVANS of Nevada. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. MANSFIELD], from Mississippi [Mr. QUIN], from Texas [Mr. PARRISH], from Idaho [Mr. FRENCH], and from Nevada [Mr. EVANS]?

There was no objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken; and on a division there were—ayes 40, noes 59.

So the substitute was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Texas [Mr. BLACK].

Mr. MAPES. Mr. Chairman, I understood that he withdrew that.

Mr. BLACK. Oh, I did not withdraw it. I said that the substitute was acceptable to me, but I did not withdraw mine.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. BLACK) there were—ayes 40, noes 59.

Mr. BLACK. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Texas demands tellers. All in favor of ordering tellers will rise and stand until counted. [After counting.] Thirteen Members have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 10, after the word "any," strike out the words "organization, or of an organization affiliated with another organization, which," and insert in lieu thereof the following: "police organization which affiliates with the American Federation of Labor or which."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 2, noes 75.

So the amendment was rejected.

Mr. MAPES. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9821, an act relating to the Metropolitan police of the District of Columbia, and for other purposes, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the bill was passed.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

Mr. CONNALLY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is any gentleman on the committee opposed to the bill? Is the gentleman from Texas [Mr. BLANTON] opposed to the bill?

Mr. BLANTON. I am opposed to the bill.

The SPEAKER. Is the gentleman from Texas [Mr. CONNALLY] opposed to the bill?

Mr. CONNALLY. I am against the bill as it stands.

The SPEAKER. The Chair will recognize the gentleman from Texas [Mr. BLANTON].

Mr. MONDELL. Mr. Speaker, a point of order. The Chair announced that the bill was passed.

Mr. BLANTON. I was trying to get recognition.

The SPEAKER. If the gentleman states that he was trying to get recognition, the Chair thinks he ought to be recognized.

Mr. BLANTON. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Motion to recommit offered by Mr. BLANTON:

"Mr. Speaker, I move to recommit this bill to the Committee on the District of Columbia, with instructions to report the same back to the House forthwith with the following amendment, to wit:

"On page 2, line 4, strike out '$4,500' and insert in lieu thereof '$4,200'; in line 5 strike out '$3,000' and insert '$2,750'; in line 6 strike out '$2,400' and insert '$2,160'; in line 7 strike out '$1,400' and insert '$1,600'; in line 8 strike out '$2,300' and insert '$2,000'; in line 9 strike out '$2,000' and insert '$1,760'; in line 10 strike out '$1,800' and insert '$1,560'; in line 11 strike out '$1,660' and insert '$1,420'; in line 12 strike out '$1,560' and insert '$1,320'; and in line 14 strike out '$1,460' and insert in lieu thereof '$1,220.'"

Mr. MAPES. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Michigan moves the previous question on the motion to recommit——

Mr. CONNALLY. Mr. Speaker——

Mr. BLANTON. Mr. Speaker, a point of order. The gentleman from Texas is asking recognition to offer a substitute motion.

The SPEAKER. But the gentleman can not do it as long as the gentleman from Michigan moved the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit.

The question was taken, and the Speaker announced the noes appeared to have it.

Mr. BLANTON. Division, Mr. Speaker, and pending that I make the point of order that there is no quorum present, the House having divided.

The SPEAKER. The gentleman makes the point of order of no quorum. The Chair will count. [After having counted.] One hundred and fifty-nine gentlemen are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 2, nays 249, answered "present" 2, not voting 177, as follows:

YEAS—2.

Blanton	Steagall		

NAYS—249.

Alexander	Ayres	Begg	Bland, Ind.
Almon	Baer	Benham	Bland, Va.
Andrews, Nebr.	Bankhead	Benson	Boies
Ashbrook	Barbour	Black	Box
Aswell	Bee	Blackmon	Briggs
Brinson	Garrett	McCulloch	Sanford
Brooks, Ill.	Glynn	McDuffie	Sherwood
Browne	Good	McFadden	Shreve
Browning	Goodall	McGlennon	Sinclair
Buchanan	Goodwin, Ark.	McKenzie	Sinnott
Burdick	Gould	McKeown	Small
Burroughs	Graham, Ill.	McKiniry	Smith, Idaho
Butler	Green, Iowa	McKinley	Smith, Ill.
Byrnes, S. C.	Greene, Mass.	McLaughlin, Mich.	Smith, Mich.
Byrns, Tenn.	Greene, Vt.	McPherson	Snell
Campbell, Pa.	Griest	MacCrate	Snyder
Candler	Hadley	MacGregor	Stedman
Cannon	Hardy, Colo.	Madden	Steenerson
Carss	Hardy, Tex.	Major	Stephens, Ohio
Chindblom	Harrison	Mansfield	Stevenson
Christopherson	Hastings	Mapes	Stiness
Clark, Mo.	Haugen	Martin	Strong, Kans.
Classon	Hawley	Mason	Summers, Wash.
Coady	Hays	Merritt	Sumners, Tex.
Cole	Hernandez	Michener	Sweet
Connally	Hersey	Miller	Taylor, Colo.
Copley	Hersman	Minahan, N. J.	Temple
Crago	Hickey	Monahan, Wis.	Thomas
Cramton	Hicks	Mondell	Thompson
Crisp	Hill	Moon	Tillman
Crowther	Hoch	Moore, Va.	Tilson
Currie, Mich.	Howard	Morgan	Timberlake
Curry, Calif.	Huddleston	Mott	Towner
Dale	Hudspeth	Nelson, Mo.	Treadway
Darrow	Hull, Tenn.	Nelson, Wis.	Vestal
Davis, Tenn.	Humphreys	Newton, Minn.	Vinson
Denison	Igoe	Nolan	Voigt
Dewalt	James	O'Connor	Volstead
Dickinson, Iowa	Jefferis	Oldfield	Walsh
Dominick	Johnson, Ky.	Oliver	Walters
Doughton	Johnson, S. Dak.	Osborne	Wason
Dowell	Johnson, Wash.	Parrish	Watkins
Drane	Jones, Tex.	Pou	Watson, Va.
Dunbar	Juul	Quin	Webb
Dunn	Kearns	Radcliffe	Webster
Dupré	Keller	Rainey, J. W.	Welling
Dyer	Kelly, Pa.	Raker	Welty
Echols	Kincheloe	Ramseyer	Whaley
Elliott	King	Randall, Calif.	Wheeler
Elston	Kinkaid	Reavis	White, Kans.
Evans, Mont.	Kitchin	Reed, W. Va.	White, Me.
Evans, Nebr.	Kraus	Rhodes	Williams
Evans, Nev.	Lampert	Ricketts	Wilson, La.
Ferris	Lanham	Riddick	Wood, Ind.
Fess	Lankford	Rodenberg	Woods, Va.
Fisher	Layton	Rogers	Woodyard
Flood	Lazaro	Romjue	Wright
Fordney	Lehlbach	Rose	Yates
Freeman	Lesher	Rouse	Young, Tex.
French	Linthicum	Rucker	Zihlman
Gard	Lonergan	Sanders, Ind.	
Garland	Lufkin	Sanders, La.	
Garner	Luhring	Sanders, N. Y.	

ANSWERED "PRESENT"—2.

Dent	Knutson

NOT VOTING—177.

Ackerman	Fitzgerald	Little	Reed, N. Y.
Anderson	Focht	Longworth	Riordan
Andrews, Md.	Foster	Luce	Robinson, N. C.
Anthony	Frear	McAndrews	Robsion, Ky.
Babka	Fuller, Ill.	McArthur	Rowan
Bacharach	Fuller, Mass.	McClintic	Rowe
Barkley	Gallagher	McLane	Rubey
Bell	Gallivan	McLaughlin, Nebr.	Sabath
Bland, Mo.	Gandy	Magee	Saunders, Va.
Booher	Ganly	Maher	Schall
Bowers	Godwin, N. C.	Mann	Scott
Brand	Goldfogle	Mays	Scully
Britten	Goodykoontz	Mead	Sears
Brooks, Pa.	Graham, Pa.	Montague	Sells
Brumbaugh	Griffin	Mooney	Siegel
Burke	Hamill	Moore, Ohio	Sims
Caldwell	Hamilton	Moore, Pa.	Sisson
Campbell, Kans.	Haskell	Moores, Ind.	Slemp
Cantrill	Hayden	Morin	Smith, N. Y.
Caraway	Heflin	Mudd	Smithwick
Carew	Holland	Murphy	Steele
Carter	Houghton	Neely	Stephens, Miss.
Casey	Hulings	Newton, Mo.	Strong, Pa.
Clark, Fla.	Hull, Iowa	Nicholls, S. C.	Sullivan
Cleary	Husted	Nichols, Mich.	Swope
Collier	Hutchinson	O'Connell	Taylor, Ark.
Cooper	Ireland	Ogden	Taylor, Tenn.
Costello	Jacoway	Olney	Tincher
Cullen	Johnson, Miss.	Overstreet	Tinkham
Dallinger	Johnston, N. Y.	Padgett	Upshaw
Davey	Jones, Pa.	Paige	Vaile
Davis, Minn.	Kahn	Park	Vare
Dempsey	Kelley, Mich.	Parker	Venable
Dickinson, Mo.	Kendall	Pell	Ward
Donovan	Kennedy, Iowa	Peters	Watson, Pa.
Dooling	Kennedy, R. I.	Phelan	Weaver
Doremus	Kettner	Platt	Wilson, Ill.
Eagan	Kiess	Porter	Wilson, Pa.
Eagle	Kleczka	Purnell	Wingo
Edmonds	Kreider	Rainey, Ala.	Winslow
Ellsworth	LaGuardia	Rainey, H. T.	Wise
Emerson	Langley	Ramsey	Young, N. Dak.
Esch	Larsen	Randall, Wis.	
Fairfield	Lea, Calif.	Rayburn	
Fields	Lee, Ga.	Reber	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. KENNEDY of Rhode Island with Mr. EAGAN.
Mr. LANGLEY with Mr. FIELDS.
Mr. ROBSION of Kentucky with Mr. NICHOLLS of South Carolina.
Mr. DAVIS of Minnesota with Mr. BRAND.
Mr. FOCHT with Mr. MCLANE.
Mr. KAHN with Mr. DENT.
Mr. MCARTHUR with Mr. SISSON.
Mr. BOWERS with Mr. NEELY.
Mr. MCLAUGHLIN of Nebraska with Mr. LARSEN.
Mr. MAGEE with Mr. KETTNER.
Mr. CAMPBELL of Kansas with Mr. STEPHENS of Mississippi.
Mr. COOPER with Mr. STEELE.
Mr. MANN with Mr. JOHNSTON of New York.
Mr. EMERSON with Mr. SCULLY.
Mr. HULINGS with Mr. PELL.
Mr. FOSTER with Mr. RUBEY.
Mr. ANDREWS of Maryland with Mr. WILSON of Pennsylvania.
Mr. COSTELLO with Mr. SMITHWICK.
Mr. DALLINGER with Mr. SMITH of New York.
Mr. MOORE of Ohio with Mr. JOHNSON of Mississippi.
Mr. FREAR with Mr. ROWAN.
Mr. HULL of Iowa with Mr. PARK.
Mr. ESCH with Mr. SAUNDERS of Virginia.
Mr. FAIRFIELD with Mr. SABATH.
Mr. DEMPSEY with Mr. SIMS.
Mr. EDMONDS with Mr. SEARS.
Mr. ANTHONY with Mr. WEAVER.
Mr. BACHARACH with Mr. VENABLE.
Mr. BRITTEN with Mr. UPSHAW.
Mr. BROOKS of Pennsylvania with Mr. TAYLOR of Arkansas.
Mr. HUSTED with Mr. PADGETT.
Mr. NEWTON of Missouri with Mr. GRIFFIN.
Mr. FULLER of Illinois with Mr. ROBINSON of North Carolina.
Mr. MOORE of Pennsylvania with Mr. JACOWAY.
Mr. BURKE with Mr. SULLIVAN.
Mr. MOORES of Indiana with Mr. HOLLAND.
Mr. FULLER of Massachusetts with Mr. RIORDAN.
Mr. MORIN with Mr. HEFLIN.
Mr. GOODYKOONTZ with Mr. RAYBURN.
Mr. MUDD with Mr. HAYDEN.
Mr. GRAHAM of Pennsylvania with Mr. H. T. RAINEY.
Mr. HOUGHTON with Mr. PHELAN.
Mr. MURPHY with Mr. HAMILL.
Mr. PETERS with Mr. GALLIVAN.
Mr. PLATT with Mr. GALLAGHER.
Mr. NICHOLS of Michigan with Mr. GOLDFOGLE.
Mr. HUTCHINSON with Mr. OVERSTREET.
Mr. IRELAND with Mr. OLNEY.
Mr. JONES of Pennsylvania with Mr. O'CONNELL.
Mr. KELLEY of Michigan with Mr. MOONEY.
Mr. VAILE with Mr. CALDWELL.
Mr. REED of New York with Mr. DICKINSON of Missouri.
Mr. ROWE with Mr. DAVEY.
Mr. VARE with Mr. BRUMBAUGH.
Mr. WARD with Mr. BOOHER.
Mr. SCHALL with Mr. CULLEN.
Mr. SCOTT with Mr. COLLIER.
Mr. WATSON of Pennsylvania with Mr. BLAND of Missouri.
Mr. SIEGEL with Mr. CLARK of Florida.
Mr. WILSON of Illinois with Mr. BANKA.
Mr. PORTER with Mr. FITZGERALD.
Mr. OGDEN with Mr. GODWIN of North Carolina.
Mr. PURNELL with Mr. EAGLE.
Mr. SLEMP with Mr. CASEY.
Mr. RAMSEY with Mr. DOREMUS.
Mr. RANDALL of Wisconsin with Mr. DOOLING.
Mr. STRONG of Pennsylvania with Mr. CARTER.
Mr. TAYLOR of Tennessee with Mr. CAREW.
Mr. TINCHER with Mr. CARAWAY.
Mr. PAIGE with Mr. GANLY.
Mr. PARKER with Mr. GANDY.
Mr. TINKHAM with Mr. CANTRILL.
Mr. REBER with Mr. DONOVAN.
Mr. KIESS with Mr. MAYS.
Mr. KREIDER with Mr. MAHER.
Mr. LAGUARDIA with Mr. MCCLINTIC.
Mr. LITTLE with Mr. MCANDREWS.
Mr. LONGWORTH with Mr. LEE of Georgia.
Mr. ACKERMAN with Mr. WISE.
Mr. KENNEDY of Iowa with Mr. MEAD.
Mr. LUCE with Mr. LEA of California.
Mr. ANDERSON with Mr. WINGO.
Mr. KENDALL with Mr. MONTAGUE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 222, noes 8.

So the bill was passed.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION FOR POSTAL EMPLOYEES.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House joint resolution 151, the post office salary bill, and disagree to the Senate amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON], chairman of the Committee on the Post Office and Post Roads, asks unanimous consent to take from the Speaker's table House joint resolution providing additional compensation for the Postal Service, to disagree to the Senate amendments, and to agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 151, to provide additional compensation for employees of the Postal Service and making appropriation therefor.

The SPEAKER appointed the following conferees: Mr. STEENERSON, Mr. MADDEN, Mr. GRIEST, Mr. MOON, and Mr. BELL.

Mr. STEENERSON. Now, Mr. Speaker, I ask to have a reprint of the joint resolution with the Senate amendments included.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a print of the resolution be made with the Senate amendments numbered. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLACK. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. DOWELL. Reserving the right to object, on what subject?

Mr. HUMPHREYS. On Theodore Roosevelt.

The SPEAKER. The Chair hears no objection.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a short address of Secretary Wilson at the opening of the industrial conference.

Mr. GOULD. I reserve the right to object.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks by inserting an address of Secretary Wilson at the opening of the industrial conference. Is there objection?

Mr. WALSH. Well, Mr. Speaker, there were a whole lot of addresses made down there. I do not think that has any place in the records of Congress. I object.

The SPEAKER. The gentleman from Massachusetts objects.

PERMISSION TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal to-morrow morning and the disposition of matters on the Speaker's table the gentleman from Illinois [Mr. GRAHAM], chairman of the Committee on the Investigation of Expenditures in the War Department, may have the opportunity of addressing the House for one hour on the work of that committee.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, the request of the gentleman from Illinois as submitted by himself on Saturday was in its final form that there should be an hour's time, one half to be controlled by himself and the other half by the minority of the subcommittee. I know in a general way the subject he desires to discuss, although I do not know

what he desires to say. Does the gentleman from Wyoming agree to that?

Mr. MONDELL. Whatever is agreeable to the gentleman from Illinois in the matter will be agreeable to me.

Mr. MADDEN. I was here when the colloquy occurred between the gentleman from Tennessee and the gentleman from Illinois [Mr. GRAHAM], and it was understood that the time should be divided equally between the two gentlemen.

Mr. MONDELL. Very well. I ask unanimous consent, Mr. Speaker, that to-morrow, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, the Select Committee on Expenditures in the War Department may be given one hour, the time to be controlled equally by the chairman of that committee and the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. Is there objection?

Mr. FESS. Mr. Speaker, reserving the right to object, let me ask the gentleman from Wyoming whether, in view of the fact that the rehabilitation bill has been put over twice, and to-morrow was set for final discussion, there would be any objection to the request that we meet at 11 o'clock to-morrow?

Mr. MONDELL. I have discussed that with the gentleman from Ohio, and I think there would be. I would have no objection, but I think there would be objection in other quarters.

Mr. KITCHIN. We would save no time, because a point of no quorum would be made.

Mr. FESS. Is it the gentleman's idea that after these addresses are over the rehabilitation bill will go on?

Mr. MONDELL. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. J. Res. 90. Joint resolution to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States; and

S. 633. An act extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OLIVER, for one day, on account of official business with the naval subcommittee.

To Mr. HICKS, for to-morrow, on account of official business.

ADJOURNMENT.

Mr. MAPES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Tuesday, October 14, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Clerk of the House of Representatives, transmitting testimony, papers, and documents relating to the contested-election case in the seventh Missouri district (H. Doc. No. 265), was taken from the Speaker's table, referred to the Committee on Elections No. 1, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOODALL, from the Committee on Elections No. 2, to which was referred the contested-election case of Peter F. Tague *v.* John F. Fitzgerald, submitted a report (No. 375) thereon, which said report was referred to the House Calendar.

Mr. MILLER, from the Committee on Military Affairs, to which was referred the bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion, reported the same with amendment, accompanied by a report (No. 376), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHRISTOPHERSON: A bill (H. R. 9899) to provide for the disposition of abandoned portions of rights of way granted to railroad companies; to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 9900) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes; to the Committee on Military Affairs.

By Mr. LANKFORD: A bill (H. R. 9901) to increase appropriation for the purchase of site and erection of a building for a post office at Douglas, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. HULINGS: A bill (H. R. 9902) for the protection and encouragement of the American merchant marine; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON of Iowa: Resolution (H. Res. 332) requesting the President to call a conference of representatives interested in agricultural labor, agricultural capital, food producers, food manufacturers, and food consumers; to the Committee on Agriculture.

By Mr. FERRIS: Resolution (H. Res. 333) providing for the appointment of a special committee to consider all bills, resolutions, etc., relating to discharged soldiers, sailors, and marines; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9903) granting an increase of pension to Charles W. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9904) for the relief of Forrest R. Black; to the Committee on Claims.

By Mr. BLAND of Indiana: A bill (H. R. 9905) granting a pension to Lucy E. Harrison; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 9906) granting a pension to Ann M. Vanfleet; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9907) granting a pension to Ellen M. Deer; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 9908) to reimburse Leo T. Wolford for money lost in transmission in the registered mails; to the Committee on the Post Office and Post Roads.

By Mr. ELLIOTT: A bill (H. R. 9909) granting a pension to Peter Netz; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 9910) granting an increase of pension to Frank C. Stevens; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 9911) granting an increase of pension to Francis M. Lowrey; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9912) granting an increase of pension to Mary J. Miller; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 9913) for the relief of Lena Donner; to the Committee on Claims.

By Mr. MARTIN: A bill (H. R. 9914) to carry into effect the findings of the Court of Claims in the case of James A. Verret, administrator of Adolph Verret, deceased; to the Committee on War Claims.

By Mr. MERRITT: A bill (H. R. 9915) granting an increase of pension to Kate M. Henry; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 9916) to remove the charge of desertion from the record of Henry D. Cutting, alias Henry C. Stratton; to the Committee on Military Affairs.

Also, a bill (H. R. 9917) granting an increase of pension to William C. Adams; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9918) granting an increase of pension to Louisa Baumgard; to the Committee on Pensions.

By Mr. RANDALL of California: A bill (H. R. 9919) granting an increase of pension to Brooks E. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9920) granting a pension to Hugh Hoch; to the Committee on Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 9921) granting a pension to Charlotte Hays; to the Committee on Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 9922) granting an increase of pension to Frederick E. Troll; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 9923) granting an increase of pension to Margaret L. Reider; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HULINGS: Petition of Postal Employees' Association of Mercer County, Farrell, Pa., praying for an increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. McGLENNON: Petition of American citizens of Lithuanian origin, of Harrison, N. J., asking the President of the United States and the United States Congress to give moral support to the Lithuanian people in their struggle against the Bolsheviki; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of California Redwood Association, San Francisco, Calif., protesting against the bill introduced by Representative JEFFERIS prohibiting lumber exports; to the Committee on the Judiciary.

Also, petition of Watterson Bros. (Inc.), of Bishop, Inyo County, Calif., protesting against Senate bill 2896; to the Committee on Military Affairs.

Also, petition of Mrs. Lucy R. Winters, of San Diego, Calif., in support of the Lewis-Raker bill for rank for nurses; to the Committee on Military Affairs.

Also, petition of Holbrook, Merrill & Stetson, of San Francisco, Calif., and Waterhouse & Lester, of Los Angeles, Calif., protesting against the bill introduced by Representative SIEGEL, providing for the placing of the cost mark on all merchandise offered for sale; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *October 14, 1919.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the freedom which wraps us as with a mantle of glory, for freedom of speech and of council and freedom of conscience and thought. We desire to bring our free thought and conscience into harmony with Thy will to accomplish Thy great purpose in us as a Nation. Guide us this day to this end. We ask it for Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	McCormick	Smoot
Calder	Harris	McLean	Spencer
Capper	Harrison	Myers	Sutherland
Chamberlain	Henderson	Nelson	Swanson
Cummins	Hitchcock	New	Thomas
Dial	Jones, N. Mex.	Newberry	Townsend
Dillingham	Jones, Wash.	Norris	Trammell
Edge	Kellogg	Nugent	Underwood
Elkins	Kendrick	Overman	Wadsworth
Fernald	King	Page	Walsh, Mass.
Fletcher	Kirby	Poindexter	Walsh, Mont.
France	Knox	Pomerene	Watson
Frelinghuysen	La Follette	Robinson	Williams
Gay	Lenroot	Sheppard	Wolcott
Gronna	Lodge	Smith, Ga.	

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably detained. I will let this announcement stand for the day.

Mr. KIRBY. I was requested to announce the unavoidable absence, in attendance upon a committee, of the Senator from Tennessee [Mr. MCKELLAR], the Senator from Alabama [Mr. BANKHEAD], the Senator from New Hampshire [Mr. MOSES], and the Senator from South Dakota [Mr. STERLING].

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness in his family.

Mr. GAY. I desire to announce the absence of the Senator from Oregon [Mr. MCNARY], the Senator from Louisiana [Mr. RANSDELL], and the Senator from New Hampshire [Mr. KEYES] on committee work.

Mr. SHEPPARD. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] is detained by illness in his family. The Senator from Rhode Island [Mr. GERRY] and the Senator from Oklahoma [Mr. OWEN] are detained from the Senate on public business. The Senator from Nevada [Mr. PITTMAN], the senior Senator from Arizona [Mr. SMITH], the senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Arizona [Mr. ASHURST], the Senator from Oklahoma [Mr. GORE], the Senator from California [Mr. PHELAN], the junior Senator from Kentucky [Mr. STANLEY], the Senator from Maryland [Mr. SMITH], and the Senator from Tennessee [Mr. SHIELDS] are detained from the Senate on official business.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

VOCATIONAL REHABILITATION (S. DOC. NO. 133).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the vice chairman of the Federal Board for Vocational Education submitting a supplemental estimate of appropriation in the sum of $20,000,000 required by the board for carrying out the provisions of the vocational rehabilitation act during the current fiscal year, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CIVILIAN EMPLOYMENT OF COMMISSIONED OFFICERS (S. DOC. NO. 132).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of August 23, 1919, statements relative to the administration, organization, and personnel in or attached to the office establishment of the Chief of Staff of the Army, Washington, D. C., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 7972) to improve the administration of the Postal Service in the Territory of Hawaii.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate and foreign commerce.

The message also announced that the House disagrees to the amendment of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEENERSON, Mr. MADDEN, Mr. GRIEST, Mr. STERLING, and Mr. BANKHEAD managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

S. 633. An act extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes; and

S. J. Res. 90. Joint resolution to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States.

HOUSE BILL REFERRED.

H. R. 9821. An act to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present a joint resolution adopted by the Legislature of the State of Montana, which I ask to have printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the joint resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

House joint resolution 9.

A resolution to the Congress of the United States from the Sixteenth Legislative Assembly of the State of Montana, in special session, relating to the highway system running from the south boundary of the Blackfeet Reservation to Glacier Park and to the Canadian border.

Whereas there is an important road in the highway system of Montana running from the south border of the Blackfeet Indian Reservation to Glacier Park, and from the town of Babb on the Blackfeet Indian Reservation straight north to the Canadian line, a total distance of about 50 miles; and

Whereas this road is now in very bad condition and some of it practically impassable; and

Whereas the improvement of this highway is essential to the development of commercial relations with Canada, and is necessary for the encouragement of travel into Glacier National Park by automobile; and

Whereas the Province of Alberta has just completed a good road from Banff Park to the Montana line, it being evident that the improvement of the road from Babb to the Canadian line would make the most accessible highway to connect Glacier National Park, in the United States, with the Rocky Mountain Parks in Canada: Therefore be it

Resolved by the Legislative Assembly of the State of Montana in special session, That the Department of the Interior of the United States Government be, and is hereby, urged to build and maintain a highway north and south across the Blackfeet Indian Reservation; and be it further

Resolved, That a copy of this resolution be forwarded to the Senators and Representatives in the Congress of the United States from the State of Montana, requesting them that they take such action as may be necessary and proper for the purpose of securing to the State of Montana equal terms and prices to those similarly situated for petroleum and its by-products.

O. W. BELDEN,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Filed August 12, 1919, at 10.20 o'clock a. m.
C. T. STEWART, *Secretary of State.*
By CLIFFORD L. WALKER, *Deputy.*

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint resolution No. 9, enacted by the Sixteenth Legislative Assembly of the State of Montana, in extraordinary session assembled.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Montana at Helena, the capital, this 12th day of August, A. D. 1919.

[SEAL.]
C. T. STEWART, *Secretary of State.*
CLIFFORD L. WALKER, *Deputy.*

Mr. MYERS. I present a joint resolution adopted by the Legislature of the State of Montana, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

House joint resolution 11,

Relating to the independence of Ireland.

Whereas the people of Ireland for 750 years have been struggling to maintain their national independence and during that time have suffered the oppression that always follows where a people are compelled to live under a government not founded upon the consent of the governed; and

Whereas the United States of America fought and assisted in winning the war for the establishment and preservation of the principle of the right of self-determination; and

Whereas the people of Ireland have determined for themselves the form of Government under which they propose to live: Now, therefore, be it

Resolved, That the House of Representatives of the State of Montana, the senate concurring, do urge that the Congress of the United States by resolution ask the President of the United States to use all peaceful means to secure the general recognition of the republic of Ireland as a member of the nations of the world; and be it further

Resolved, That a copy of this resolution be forwarded by the secretary of state to the Secretary of the House of Representatives of the Congress of the United States, to the Secretary of the Senate of the United States, and to the President of the United States.

O. W. BELDEN,
Speaker of the House.
W. W. MCDOWELL,
President of the Senate.

Filed August 12, 1919, at 10.20 o'clock a. m.
C. T. STEWART, *Secretary of State.*
By CLIFFORD L. WALKER, *Deputy.*

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint resolution No. 11, "Relating to the independence of Ireland," enacted by the sixteenth session of the Legislative Assembly of the State of Montana, in extraordinary session assembled.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Montana at Helena, the capital, this 12th day of August, A. D. 1919.

[SEAL.]
C. T. STEWART, *Secretary of State.*
CLIFFORD L. WALKER, *Deputy.*

Mr. MYERS. I present a joint resolution adopted by the Legislature of the State of Montana, which I ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

A memorial petitioning Congress to enact legislation for the prevention of monopoly control and the reduction of the price of farm implements and machinery.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas as has been demonstrated by Federal investigation, the production of farm implements and machinery is wholly controlled by the few private interests who conduct and operate said industries; and

Whereas the said price of said farm implements and machinery has for the past two years or over been steadily advancing; and

Whereas said increase in price has been wholly out of proportion to the legitimate operation of the laws of supply and demand but has been and is in a large measure the result of monopoly price control; and

Whereas said products enter into interstate commerce and are of necessity universally purchased by all engaged in farming and thereby rendering impossible and ineffective any attempt at price regulation by the several States; and

Whereas in connection with the sale of farm implements and machinery in particular, grave abuses have arisen and exist resulting from the practice of said manufacturers in selling their products on commission, and thereafter dictating the price at which said products shall be sold by the persons to whom the same have been consigned, and often enormously increasing said prices without any economic reason for so doing; and

Whereas all the people of the United States are the victims directly or indirectly of unwarranted and extortionate profiteering in the industry hereinbefore mentioned: Now, therefore, be it

Resolved, That we, your memorialists, the Sixteenth Legislative Assembly of the State of Montana, in extraordinary session convened, do earnestly petition the Congress of the United States to enact with all possible expedition and dispatch suitable laws to control and regulate monopoly in the industry hereinbefore mentioned and to effect a reduction in the price at which farm implements and machinery are now sold to the public; and be it further

Resolved, That the secretary of the State of Montana be, and he is hereby, directed to forward a duly authenticated copy of this memorial both to the Senate and House of Representatives of the United States, and like copies to each of the Senators and Representatives in Congress from Montana, with the request that they use their best endeavors to bring about a speedy consummation of the relief herein petitioned for.

W. W. MCDOWELL,
President of the Senate.
O. W. BELDEN,
Speaker of the House.

Filed August 12, 1919, at 10.20 o'clock a. m.
C. T. STEWART, *Secretary of State.*
By CLIFFORD L. WALKER, *Deputy.*

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 5, "A memorial petitioning Congress to enact legislation for the prevention of monopoly control and reduction of the price of farm implements and machinery," enacted by the sixteenth session of the Legislative Assembly of the State of Montana in extraordinary session assembled.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Montana at Helena, the capital, this 12th day of August, A. D. 1919.

[SEAL.]
C. T. STEWART, *Secretary of State.*
CLIFFORD L. WALKER, *Deputy.*

Mr. MYERS presented a petition of sundry citizens of Melstone, Mont., and a petition of sundry citizens of Thompson Falls, Mont., praying for the ratification of the proposed league of nations treaty without amendment or reservation, which were ordered to lie on the table.

Mr. SMITH of Maryland presented a petition of the Woman's Christian Temperance Union, of Baltimore, Md., and a petition of the faculty and students of Hood College, Frederick, Md., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Wheeler, Mich., remonstrating against atrocities of the Turks against the Armenians, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 2746) to amend the act of June 3, 1916, entitled "the national defense act," adding section 15½ thereto, and for other purposes, submitted an adverse report (No. 267) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 1300) to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes, reported it with an amendment, and submitted a report (No. 261) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 2188) to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other

purposes," approved March 3, 1901 (31 Stat. L., p. 1133) (Rept. No. 262); and

A bill (S. 2379) to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed (Rept. No. 263).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 5818) for the retirement of public-school teachers in the District of Columbia, reported it without amendment and submitted a report (No. 264) thereon.

OFFICERS OF NAVY AND MARINE CORPS.

Mr. PAGE. From the Committee on Naval Affairs I report back favorably with an amendment the joint resolution (S. J. Res. 112) continuing temporarily certain allowances to officers of the Navy and Marine Corps, and I submit a report (No. 266) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. SMOOT and Mr. NORRIS. Let it be read.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Whereas since it now appears that peace has not been declared by October 1, 1919, on which date officers of the Navy, by operation of law, will cease to receive the benefits prescribed in the act of April 16, 1918 (Public, No. 129); and

Whereas said benefits will accrue to officers of the Army until peace shall have been declared: Therefore be it

Resolved, etc., That the paragraph in the act of July 11, 1919 (Public, No. 8), which reads as follows: "The act of April 16, 1918 (Public, No. 129), granting under certain conditions to every commissioned officer of the Army the right to quarters in kind for their dependents or the authorized commutation therefor, including the allowances for heat and light, shall hereafter be construed to apply to officers of the Navy and Marine Corps only during the period of the war and in no event beyond October 1, 1919," be, and the same is hereby, repealed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Naval Affairs was, at the end of the joint resolution, on page 2, line 3, after the word "repealed," to insert a colon and the following proviso:

Provided, That officers of the Navy and Marine Corps shall be entitled to all the rights and benefits under said act of April 16, 1918 (Public, No. 129), from and after October 1, 1919.

Mr. NORRIS. Will it be the effect of the joint resolution to continue these allowances without limit?

Mr. PAGE. No; the effect of it will be to place the Navy on the same basis as the Army until the conclusion of hostilities or the end of the present emergency.

Mr. NORRIS. Is there a law applying to the Army which provides that the allowances shall cease?

Mr. LODGE. There is. This puts the sailors and the Marine Corps on the same basis as soldiers in the Army.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

POCOMOKE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 3190) to authorize the construction of a bridge across the Pocomoke River at Pocomoke, Md., and I submit a report (No. 265) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the State roads commission of the State of Maryland, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Pocomoke River, at a point suitable to the interests of navigation, and at or near Pocomoke City, in Worcester County, State of Maryland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF CLAYTON ACT.

Mr. KELLOGG. From the Committee on the Judiciary I report back favorably with an amendment the joint resolution (S. J. Res. 46) extending until July 1, 1920, the effective date of section 10 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the joint resolution which he has just reported. Is there objection?

Mr. SMOOT and Mr. GRONNA. Let the joint resolution be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to July 1, 1920: *Provided*, That said section shall become effective on March 1, 1919, as to any corporations hereafter organized.

Mr. KELLOGG. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Let the Senator from Minnesota first explain the joint resolution, Mr. President.

Mr. KELLOGG. Mr. President, the joint resolution relates to the provision of the Clayton Act as to common directors of railroads. The Interstate Commerce Commission first recommended that the date when section 10 of the act referred to should become operative be extended, and then recommended that the time of its operation be extended during the war, because all of the railroads are in the hands of the Government except certain short lines, and section 10 would work to their disadvantage. Now, the Interstate Commerce Commission have recommended the extension of the act until after the war is over. I think that, perhaps, it should be extended a little longer, but the Committee on the Judiciary concluded to make the extension until the 1st of July, 1920.

I do not know of any objection from anybody to the joint resolution. The short lines have asked for the extension of the act; the railroads generally do not object, for they are in the hands of the Government; and the Interstate Commerce Commission think it should be done.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. GRONNA. Mr. President, do I understand that the joint resolution applies only to railroads?

Mr. KELLOGG. Yes; I believe it applies only to railroads.

Mr. GRONNA. If it does, I shall have no objection to its consideration, but if it does not I shall object.

Mr. KELLOGG. I have not the original act before me, but my recollection is that it applies only to railroads.

Mr. GRONNA. I think I shall ask that the joint resolution go over, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota objects to the present consideration of the joint resolution, and it will go to the calendar.

Mr. KELLOGG subsequently said: Mr. President, I understand that the Senator from North Dakota is willing to withdraw his objection to Senate joint resolution 46, for which I asked immediate consideration.

Mr. GRONNA. Yes, Mr. President.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the immediate consideration of the joint resolution formerly read. Is there objection?

Mr. GRONNA. Mr. President, a moment ago I objected to the consideration of the joint resolution because I did not know at the time that it had reference only to purchases by the railroads. The Senators from Minnesota have explained to me what it contemplates, and I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 46) extending until July 1, 1920, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, which had been reported from the Committee on the Judiciary with an amendment, on page 1, lines 8 and 9, to strike out the proviso and to insert:

Provided, That said section shall be effective as to all corporations organized after January 12, 1918.

So as to make the joint resolution read:

Resolved, etc., That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to July 1, 1920: *Provided*, That said section shall be effective as to all corporations organized after January 12, 1918.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 3222) to amend sections 4 and 10 of the act of June 29, 1906, as amended, relating to naturalization, and for other purposes; to the Committee on Immigration.

By Mr. NORRIS:

A bill (S. 3223) authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry inventions, patents, and patent rights, and for other purposes; to the Committee on Patents.

By Mr. WADSWORTH:

A bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 3225) for the relief of bona fide settlers who intermarry after having complied with the homestead law for one year; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 3226) for the relief of Herbert M. Friendly and Archibald E. Burns and each of them; to the Committee on Patents.

By Mr. TOWNSEND:

A bill (S. 3227) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 3228) granting a pension to Harry L. Dean (with accompanying papers); and

A bill (S. 3229) granting a pension to Margaret Scholton (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3230) to provide for the national welfare by assuring an adequate supply of sugar for the people of the United States for the year ending December 31, 1920; to the Committee on Agriculture and Forestry.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. POMERENE submitted an amendment proposing to repeal the limitation contained in the legislative act of March 1, 1919, relative to the number of persons employed by the Bureau of Efficiency at rates of compensation in excess of $3,000 per annum, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Bureau of Efficiency to use not more than $5,000 of its current appropriation for the payment of rewards to Federal employees for suggestions or inventions which result in material economy or increased efficiency in handling Government business, etc., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Bureau of Efficiency to establish and conduct a service school for employees of the Federal Government and for the District of Columbia in such Government buildings as may be available, etc., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that in order to facilitate the Bureau of Efficiency's investigation of duplication of work in the several executive departments and independent establishments as now authorized by law it is directed that before any Government department or independent establishment shall undertake any new activity, inquiry, or investigation, the Bureau of Efficiency shall be informed of such action, etc., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COLD-STORAGE REGULATIONS.

Mr. McNARY submitted amendments intended to be proposed by him to the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, which were referred to the Committe on Agriculture and Forestry and ordered to be printed.

SHORTAGE OF SUGAR.

Mr. FLETCHER. Mr. President, I desire to have inserted in the RECORD a clipping from the Washington Star of yesterday with reference to the sugar situation, and especially stating that the Hawaiian sugar crop has not been sold to Japan but to the United States.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"DENIES HAWAIIAN SUGAR SOLD TO JAPANESE.

"Judge Sidney Ballou, attorney for the Hawaiian Sugar Planters' Association, in a statement here last night denied that next year's Hawaiian sugar crop had been sold to Japanese interests, as stated by Senator SMOOT, of Utah, Saturday during the course of debate in the Senate on the sugar shortage.

"'The entire Hawaiian crop,' said Judge Ballou's statement, 'has been sold to two sugar refineries in California, the California & Hawaiian and the Western. It will be refined on the Pacific coast and distributed to American consumers. No sale to the Japanese has ever been contemplated. The Hawaiian planters would consider it an act of disloyalty to divert their supplies from their own country in time of need, and there is nothing in their record of unswerving support of the Food Administration during the war which would justify the circulation of such a report.'

"Senator GAY, of Louisiana, made a similar denial of the information which Senator SMOOT said had reached him, in debate which followed the Utah Senator's address."

Mr. SMOOT. Mr. President, in connection with the article presented by the Senator from Florida I wish to say that a number of the papers have stated that I said that the Hawaiian sugar crop had been sold. I did state on the floor of the Senate that I was told by one of the leading sugar men of the United States that the Hawaiian sugar producers had contracted for the sale of their sugar for this year. My informant was a gentleman who has been in the sugar business for a long time; he came direct from Chicago and stated that he had just left a meeting at which that statement had been made. It was upon that statement that I said if such was the case we would have a shortage of sugar.

Mr. FLETCHER. I am only anxious to see that a correct statement is given to the people of the situation.

ARTICLE BY ALFRED B. WILLIAMS.

Mr. THOMAS. Mr. President, the New York Times of Sunday published a very instructive and interesting article entitled "When Real Bolshevism Was Here in 1793–1796." The article is by Mr. Alfred B. Williams, whose account of the insurrectionary character of the mission of "Citizen" Genet during the administration of President Washington affords a parallel to some of the excitements and conditions of the present time with which the public is not generally familiar. I think it would be most useful and instructive to insert this article in the CONGRESSIONAL RECORD, and I ask that it be inserted in the next issue of the CONGRESSIONAL RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 12, 1919.]

"WHEN REAL BOLSHEVISM WAS HERE IN 1793–1796—THAT WAS WHEN THE 'REDS' DRANK DEEP AND LOUDLY DEFIED THE GOVERNMENT, PARADED AND DENOUNCED GEORGE WASHINGTON, CHEERED 'CITIZEN' GENET, AND ADVOCATED THE BOMB AS A PANACEA.

"(By Alfred B. Williams.)

"Bolshevism and revolutionary tendencies as we have them now compare with the frenzies with which President Washington had to deal as a mild attack of dyspeptic irritation compares with a roaring case of delirium tremens.

"From April, 1793, well into 1796 rabid anarchy swept over the baby Republic, from Boston to Savannah, like prairie fire. Comparison with delirium tremens is right, because, so far as we may judge from the scraps of history available, the little Nation was wildly drunk the greater part of the three years. Certainly liquor was sprinkled, poured, and soaked throughout the orgy. The reek of it comes to us strongly across more than a century and a quarter of time in the frantic speeches, toasts, printed articles, and crazy, limping versification vociferously applauded by crowds at banquets spread to glorify the red cap and the guillotine.

"Cities, sections, and classes seem to have vied with one another in howling threats to destroy our own Government and all government and to make here a reign of terror in faithful imitation of the worst excesses of the French Revolution. The thoughts, the talk, and the songs of men and the columns of newspapers and pages of pamphlets bristled and burnt with 'Ca ira,' with la lanterne for the bourgeoisie, the capitalist

and the stock jobber, tumbrils and the ax for all aristocrats, with daggers for the hearts of Senators and rulers, the torch for the homes of wealth, the tumbling over and tearing down of authority.

"This was in the happy, simple, and sturdily patriotic early days of our land which orators lament with pathetic glibness and extol with blatant belittling of the present. The school histories, and most of the others, cater to national vanity and ancestral pride by gliding over this period of contagious lunacy and treason with dutiful daintiness. Apparently it has been thought not good to inform oncoming generations that so many of those we are taught to revere as the founders had their desperate spree, tried to fire the temple before it had been completed, and were far more dangerous than all the wild-eyed and wild-ideaed foreigners we are denouncing and dreading.

"INSANITY NOT NEW HERE.

"Yet the effects of a good tonic are valuable, however unpalatable the taste of it. It is easy to find in the records of that old time the tonic of confidence for the present. When we are frightened by ugly symptoms it is reassuring to remember that like symptoms appeared long ago far more virulently and subsided, with no harm done and leaving no traces. We may find substantial comfort in the thought that if a frail, unfinished structure endured a worse shock than is possible now, there can be no reason to fear for the Nation as it is. Really, we need go back in our history no further than 55 years to understand that if the numbers, the power, the brains, organization, and courage enlisted in the Southern Confederacy failed to dismember or destroy this Union no other force now imaginable can disturb it seriously, but the earlier test was severe undoubtedly. It is worth recalling, at least as evidence, that temporary insanity is not a new disease in this country and that its occasional and sporadic appearance does not prove decadence.

"Further, we may find in it cheering demonstration of the conservative influence of American institutions and surroundings. 'Citizen' Genet, agent of the new and crazy French Republic and the provocation and center of the storm, lived to be a peaceful and prosperous gentleman farmer, busy and active in trying to promote cultivation of the silkworm in this country. Twenty-five years after he was threatening to overthrow Washington and the entire United States, he was reading essays to his fellow farmers in northern New York, telling them how to restore our lost balance of trade by growing more wool and flax to increase our exports. He was a valuable and enthusiastic helper of DeWitt Clinton in building the Erie Canal, and his great-great-grandson, by curious coincidence, was the first man to die under the American flag in France in 1917.

"The 'Red' destroyer not only became a constructive patriot, but founded a line of good and patriotic citizens. Brockholst Livingston, chosen and approved mouthpiece of one of the most furious mobs New York City ever saw, when Hamilton was stoned at the Tontine Coffee House because he dared to talk plain common sense, lived to become an honored and faithful Justice of the Supreme Court of the United States.

"Possibly the most really humiliating element of what we would call now 'Bolshevism' in 1793–1796 were the absurdities and incongruities it developed. Genet came accredited by the persons calling themselves the French Government—in many respects the exact model for the Trotski and Lenin control now in Russia. He landed at Charleston April 8, 1793, three months after the execution of King Louis, head filled and perhaps hands stained with slaughter, intent on rushing this country headlong into alliance with the French and war against Great Britain. His ship carried at her masthead the bonnet rouge, the red cap itself, emblem of the ideas of liberty then prevailing in Paris and of the flow of blood so ardently demanded by the patriots there.

"It was on the same day that President Washington issued his proclamation of neutrality as between France and Great Britain, omitting, however, the word 'neutrality' in deference to the scruples of Jefferson, who feared that the American public would be driven to uncontrollable rage by the sight and sound of it.

"'RED CAPS' IN THE SOUTH.

"Then the grim and ugly fun began. The 'Citizen' and his red cap were received by throngs of South Carolinians, headed by Gov. Moultrie and welcomed with an ecstacy of acclamation. His progress toward Philadelphia, capital of the country, was a long triumph, a series of ovations. Church bells were rung everywhere in honor of the representative of the nation that had just repudiated all religions and desecrated such churches as it had not destroyed. The Carolina gentry rode long distances in his train, shouting for liberty and fraternity, the rights of man, and the equality of all men, fuddling themselves continually with toasts to the same great principles. Virginians, priding themselves on descent from the British nobility, tossed off bumpers and tossed away costly hats in enthusiastic honor of the unbreeched and for the damnation of England and all aristocrats and aristocracy. Communities in which proposals to celebrate Washington's Birthday had been met by bitter and enraged protests as savoring of monarchistic customs, cheered stormily for Danton and rejoiced over massacre.

"It was no upheaval of the proletariat, the workingman, or the peasantry. All these were elbowed aside and consigned to silence by lordly planters, untitled aristocrats, politicians, lawyers, even preachers, monopolizing leadership and craving prominence in denunciation of their own Government and its policies and praise of the commune and anarchy. The murder of the King who 14 years before had sent troops, ships, and money to help us win the War for Independence seemed to be approved universally by the same people to whom he had given timely help. Those who had cut off his head were welcomed as benefactors and blood brothers.

"Philadelphia was a riot of joy over the arrival of Genet, of seething hate of Washington, and tempestuous love for Danton and his party. Banquets were given the agent by the 'German Republicans,' the 'French Republicans,' and the 'American Republicans.' At each of these, according to the publications of the day and the intrinsic evidence of surviving records, whisky punch and Madeira flowed copiously. At each a huge red cap was set aloft on the table, and the company joined hands and danced around it fraternally, singing 'Ca ira' and the 'Marseillaise,' and a song improvised and much in vogue for such occasions beginning 'Freedom's sons are Frenchmen all.'

"PROLETARIANS WERE OUTSIDERS.

"Crowds of the excluded proletariat surrounded the scenes of these festivities, 'huzzaed' vociferously, and attended Genet on the streets, shrieking for him and against the Government. The welcome culminated, but did not abate, with a grand affair June 1, for which 600 patriots contributed $4 each, preceded by a succession of Republican parades in the streets, the most notable fact of which was that at every step there were damns and groans for Washington and neutrality.

"The name 'Republican' was dropped quickly as suggestive too much of an organized, orderly, and established Government, authority, and peace. The souls of the noisy and apparently prevailing throngs sickened at the thought of such trammels. So far as can be gathered now, nobody was to be accepted as leader or ruler. Any man assuming to direct or control his fellow man was to be decapitated. 'Democratic societies' were organized, modeled after the Jacobin societies of Paris. The chief officers of these, in Philadelphia, bore names now associated with conservative tendencies as Rittenhouse, Biddle, Dallas, and Sergeant.

"Even then New York was not to be outdone by Philadelphia, though the latter city was the capital. The New Yorkers not only rang their church bells and packed the streets to welcome the 'Citizen,' but they inaugurated something Philadelphia seems to have overlooked—fired cannon in his honor. Nothing that could be devised to infuriate Great Britain and stimulate her to war against us or to insult the President was omitted. The same New York that 19 years later, in 1812, opposed war with Great Britain with all the power of its unanimous press and the overwhelming majority of its citizenship, met 'Citizen' Genet with howled challenges to Britain to battle and demands for its overthrow as the most formidable of all tyrannies and foes to liberty, always then begun with the biggest 'L' that could be made.

"No wonder the Frenchman was convinced he owned and could rule America as firmly as the Kaiser believed six years ago. No wonder he believed himself to be a bigger man than Washington! At Charleston, quickly after his visit, privateers had been fitted and armed for the French service, named *Citizen Genet* and *Sans Culotte*, and, manned by American sailors, started on their way to prey on English commerce. Gov. Moultrie, promptly and sternly ordered by the President to recall them, resorted to the trick of sending after them vessels so notoriously slow that the pursuit appeared to be hopeless. The privateers, putting into North Carolina harbors, were hailed as the representatives of liberty and the officers and crews exalted as heroes, lawbreakers, and rebels against their own Government, as they were. The British man-of-war *Grange* was seized in Philadelphia Harbor by the French *l'Ambuscade* and held insolently and with the loudly proclaimed approval of the populace until it became evident that Washington had his back to the wall and was set and ready to make an issue which would involve something more than exchange of words and the hurting of somebody in more ways than through the sensibilities. Later when the *Grange* was beaten in a fight outside and chased away

by *l'Ambuscade* Philadelphia went wild again, and all her poets tuned up and heralded the affair as the most momentous naval victory of all time.

"DEMONSTRATIONS IN BOSTON.

"At Boston the demonstrations were immense and long continued. The people swarmed to the water front to cheer a French vessel which put in under the red cap and with a placard nailed to her mainmast denouncing the city and State governments as composed of aristocrats, because they had prevented the fitting out of privateers. The infection spread to the farthest frontier. In Kentucky an expedition was formed to float down the Mississippi and seize New Orleans, and in the Carolinas agitators busily promoted plans to attack Florida and rout the Spanish there. All kings were declared to be enemies of humanity, and the American democracy and their possessions were to be lawful prey for any who could take them.

"All titles, terms, and phrases supposed to be even remotely suggestive of the recognition of the superiority of anybody to anybody else were denounced by the patriots, and, so far as they had the power, abolished. 'Sir,' 'madam,' and even the general and mild 'mister' were rejected as remnants of aristocracy. No sound American was to subscribe himself as 'your humble servant' or 'respectfully,' because such tokens of subserviency were not to be tolerated by a free spirit.

"Washington looked on at all this with tolerant disgust and with unwavering faith that beneath all the froth and trash the real ballast and substance of the American people lived and was ready to function when it was needed. It seems to be certain that he understood there was grave danger, but that he was more concerned lest England be exasperated to action than by the internal disorders, threatening as they presently became. Every callow, gun-shy, and silver-tongued politician in the country professed to be spoiling for a fight, while boasting that England dared not attack us and would be impotent if she did, her days being numbered. The foremost fighting man of his time was contriving anxiously to avoid entangling alliances on the one side or fighting on the other. He was as firm then as when he wrote his Farewell Address a few years later against mixing in European quarrels. As a practical soldier, he knew what his countrymen discovered, to their mortification, in 1812—that the Nation was not prepared for war with anybody. He applied to every situation his farm-bred common sense, and his army learned self-command and cool courage in emergency. In private he allowed himself now and then the luxury of letting go of his temper and engaging in monologues which included some robust profanity and frank expressions of opinion, especially when imported editors of yellow 'red' newspapers accused him of having stolen money from the Continental Congress and intending to steal the continent for a kingdom for himself. Before the public he stood unperturbed. He held steadily to the view that the treaty between this country and France had been made with a King who was dead and a Government which was extinct, and that before a new treaty was made there must be a responsible government with some promise of stability and definite policies. He declined to be enthusiastic, sympathetic, or responsive to Genet's grandiloquent adjurations, and listened coldly when besought 'to forget the buried jurisprudence of Grotius, Puffendorf, and Vattel and their worm-eaten writings' and join the new and glorious brotherhood of man.

"SOME RUSSIAN PARALLELS.

"Messages which have come here from Russia the last two years might have been copied from some of Genet's appeals to Washington, who, however, continued to insist, with diplomatic politeness but increasing sternness, on deciding for himself with whom he would hold fraternal relations and on knowing with whom he had to deal.

"With each rebuff and postponement he met Genet was comforted by louder and more menacing shrieks against the President from the 'red' elements, from which he deduced new assurance that he really was the boss of the situation. When he threatened to appeal from Washington, first to the sovereign State of Massachusetts and then to the sovereign people, many thousands of Americans applauded the threat and his course was commended by press and pulpit. The Pennsylvania State government was 'red' from governor to constable, and all the local courts were under the same influence. When Gideon Henfield, American, was caught in the act of serving on a French privateer, in defiance of the laws and the President's proclamation, a Philadelphia jury unanimously and promptly acquitted him, amid the triumphant uproar of the crowds in and around the courthouse.

"Through the nine months of 1793 and into 1794 the frenzy became louder, wilder, fiercer. At Philadelphia the authorities of Christ Church were compelled to tear out a bas relief of George II, placed when the church was built, on the ground that true Americans could not worship in an edifice desecrated by the image of a king—even a dead one. At Charleston a statue of Lord Chatham, placed there because of his friendship for the Americans, was pulled down, by order of city council, because it represented one who had been a lord and therefore might be an offense to the susceptibilities of the new brothers. In the same city use of 'his honor' and 'esq.' in legal documents was forbidden as flavored with hideous memories of titles of nobility and indications of differences among men. At Pittsburgh recent attempted demonstrations are not without local precedent. A democratic society there in 1794 formally adopted resolutions and had them published demanding immediate use of the guillotine for all holders of stocks in joint-stock companies because their possession was proof conclusive that the owners had more money than they needed to live and such offense merited the death penalty. In Wythe County, Va., Washington's own State, the assembled citizenry on the Fourth of July drank toasts to the guillotine, sang with presumably tipsy and hiccoughing hurrahs, 'Bright Flame of Liberty,' alluding to France, and that 'Here the Despot Prevails,' and sent accounts of the exploit for publication and perpetuation.

"WHISKY AS CURRENCY.

"The same year came the whisky insurrection in Pennsylvania, and involving parts of Virginia and Maryland. In all that country a quart of whisky had been circulating currency and practically legal tender for a quarter of a dollar through generations, and 6,000 armed men assembled to resist collecting of the excise tax that would increase the price. Local demagogues and agitators were in their glory. They inflamed listening and liquor-maddened crowds with confident predictions that the Government intended, if this tax was submissively paid, to seek further revenue by levying 15 shillings on every newborn baby and to hold the baby for collateral in case of nonpayment. They subsided when the President actually began to send a force of loyal Virginians under Lee, who was known to be an awkward man in a row, and to have little consideration for the graces of popular oratory or the exigencies of neighborhood politics. The insurrection faded bloodlessly, but it looked so serious that Edmund Randolph, of Virginia, confided to a French agent and propagandist the fear that it was the beginning of the explosion that would wreck the Republic finally.

"When somebody by night stole a French flag from a wall of the Tontine Coffee House in New York City a roaring riot followed in the morning. It became so widespread and dangerous that all dealings in stocks and business generally were suspended and conditions seemed to promise a reproduction of the experiences of Paris. Here, too, when it became known that Jay had been sent to negotiate a treaty with England an effigy of him was put in a pillory, borne through the streets thronged with shouting people, and burned amid joyous tumult of execration and denunciation to the limits of available vocabularies.

"Having raged nearly two years the fury of incendiarism seemed to reach its climax in 1795. The English treaty was put before the Senate, in secret session, in March. It was ratified, after more than three months of secret debate, in June, 30 to 10, exactly the necessary two-thirds, and most of the Senators promptly departed for home. Mason, of Virginia, leaked its contents to the virulently antiadministration Aurora five days later. New York, Philadelphia, and Boston howled, then, sure enough. They surged like the sea in a typhoon; Faneuil Hall was packed by a meeting of screaming protest against any treaty with England, home of tyranny and foe of our partners in the brotherhood of man and the destruction of all governments, aristocrats, and capitalists. Orators and editors saturated their orations and editorials with blood. Bache and Freneau, through their papers in Philadelphia, told the world that none but cowards and traitors would pretend to believe that England could or would resent any insult we might offer, because in the sight of all men she was beaten, rotten, torn to pieces, and impotent, the failing prop of antiquated and crumbling systems and methods.

"OPPOSITION TO 'THE TREATY.'

"The treaty had been arranged by the enemies and oppressors of the people, the aristocrats and the stock jobbers—'Wall Street' as a political issue and convenience had not been invented then—as a barrier to defeat the new internationalism, the unity of all nations with no laws or governments to trouble them. From which we learn that a good deal of the cant of the present day lacks the merit of originality and that the parlor Bolshevist is not even new.

"At New York the meeting of protest was held in the open and was said to have covered acres. Brockholst Livingstone, who

had been aid on Washington's staff, led and voiced the most extreme and violent radical element. Hamilton, attempting to reply, was stoned, but stood dauntless, blood trickling down his face from a wound on his head. He had been writing and printing arguments for government and order and peace which the ablest of the contemporary 'reds' could not answer successfully and which were planting thoughts dangerous to the children of liberty. Perhaps there was a feeling that a well-directed stone might be as effective, for practical purposes, as the guillotine itself. Veterans of the Revolution marched to this meeting amid wild enthusiasm carrying the French and American flags intertwined and the British flag reversed. Shrieks that Jay and every other man concerned in the ratification of the treaty, including Washington, were loaded with British gold sounded from end to end of the country and were repeated, so far as type could be made to shriek, in the 'liberal' press. At Charleston and Savannah all flags were hung at half-mast and stentorian talkers of Virginia openly announced that the State would secede from a disgraced and degraded Union.

"Nobody was hurt and nothing was destroyed. Demagogues mouthed; mobs howled; violent and drunken reformers shrieked for gore; moody beggars, starving for a time of pell-mell havoc and confusion—just such as Shakespeare knew and pictured in his day—thronged in the wake of every fool who thought he had something to say, no matter how foolish. People with heads filled with vapor emitted fantastic theories and the parlor revolutionists adopted and promulgated them eagerly. 'Red' propaganda was scattered thick as snowflakes, sent broadcast through publications, posted on the walls. Genet in his exultation, like the conservative elements in their fright, mistook all this for the spirit of the American people.

"The Frenchman found Washington a massive mass of adamant, unshaken by flatteries, eloquence, cajoleries, or popular rage. The President dismissed French consuls and vice consuls who made themselves offensive and became obtrusively active in stirring tumult. Genet failed at every point. He did not go home. He had received clear intimations that the guillotine, invariable reward of the unsuccessful under his home administration, awaited simply his presence to begin operations on his person. In his view blood was fine fertilizer for the seeds of liberty, but he did not care to contribute any of his own. The guillotine as a patriotic institution was beautiful—at a discreet distance. As a practical instrumentality for the correction of diplomatic mischances it failed to appeal to him. He remained in this country, married the daughter of Gov. Clinton, of New York, and, like most of the Russian and other foreign reformers we have with us to-day, concluded that a government under which life and property are reasonably safe is, on the whole, preferable to conditions under which bullet and blade are likely to act rather at random.

"SOUND AT THE MIDDLE.

"Apparently the reaction took its first visibly definite shape among the business men of Boston, but it is evident that even in the cities the great quiet middle class had remained stanch, sound, uninfected, had retained its profound affection for and confidence in the President and its faith in the United States, its form of Government and Constitution. In the country districts, as tests seem to show, the disturbing elements were from the two extremes of society—those not required to earn their own livings, and therefore free to allow their brains to harbor and their acts to express political fantasies and phantoms, and those unable or too slothful or negligent to earn their livings, and therefore welcoming any upheaval, because they had nothing to lose and possibility of acquiring some of the other men's goods they coveted. Violent thoughts expended their force in words and sounds. No guillotine was built, no tumbrils rumbled; no patriot dagger found the heart of any ruler. No home of wealth was destroyed; no 'stock jobber' was executed or assassinated. The storm blew itself away. The Government was left undisturbed. The English treaty stood, and a few years later the American representatives, headed by John Marshall, reported, confidentially, that the first suggestion made to them by the transcendental Government of liberty, in Paris, was that they should offer to liberty a liberal bribe.

"President Washington was never a man to keep his ear to the ground. In fact, the Revolutionary caricatures, articles, and orations of the time represented him as keeping his head too far from the ground and holding in contempt the desires of the masses. He was a practical man who knew men, human nature, and his own country. He could not be made to mistake the clamors of mobs for the voice of the people and obey them as mandate from the Deity. He knew the great underlying power of conservatism and real patriotism which lay beneath the tumult and the shrill shouting. He knew well the difference between the thin whey of effeminized reasoning and the good cream of conclusion based on knowing things themselves. He knew that the dreams of impracticable doctrinaires, the more robust desires of the blackguards and criminals, the sickly cravings of the disappointed and the covetous vain, and the vagaries of fuddled or inflamed gentry were apart from the sober thought and the long and fixed purposes of the real, working, producing, American people—the people whose slow wrath crushes butterfly and scorpion alike and whose stolid determination is impregnable.

"The people President Washington trusted stood true against false philosophy, alluring propaganda, foreign pressure, cunning appeals to the resentments and cupidity which tempt all men. Review of those critical three years of more than a century and a quarter ago seems really to give assurance that there is no need for hearts to be troubled concerning a Nation a thousand times better organized, stronger, richer, and more firmly established."

CONTROL OF FOOD PRODUCTS.

Mr. GRONNA. Mr. President, in the food-control and rent bill it seems that there were two typographical errors. I simply seek to correct them, and also to have one other correction made. The phrase "Treasury of the District of Columbia" was used, and we should have used the phrase "Treasury of the United States to the credit of the District of Columbia."

I send to the desk a concurrent resolution, and I ask for its present consideration.

The concurrent resolution (S. Con. Res. 12) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," the Clerk of the House of Representatives be, and he is hereby, authorized and directed to strike out the word "an," in line 31 of section 106 of the bill as agreed upon in conference and to insert in lieu thereof the word "on"; a so

In section 112, where they twice appear, and in section 114, where they once appear, strike out the words "Treasury of the District of Columbia" and insert in lieu thereof the words "Treasury of the United States to the credit of the District of Columbia"; and

In section 118, line 5, of the bill as agreed upon in conference, strike out "for" where it first occurs and insert in lieu thereof the word "or."

DISPOSITION OF GOVERNMENT-OWNED VESSELS.

Mr. EDGE. I present a resolution and ask that it be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the resolution (S. Res. 212), as follows:

Whereas from time to time public announcement has been made of the placing of orders by private American companies for the construction of cargo ships by private yards; and

Whereas, as a specific instance, during the past week a statement appeared in the public press to the effect that the Atlantic, Gulf & West Indies Steamship Co. had ordered by private yards the construction of eight tank ships; and

Whereas the United States Shipping Board, or Emergency Fleet Corporation, has full authority to dispose of ships now under their jurisdiction and control and included in this fleet are many tank ships apparently of the general type being obtained by private concerns from other sources; and

Whereas in the one instance cited approximately $18,000,000 could have been obtained by the Shipping Board through the sale of such ships to private concerns; and

Whereas one of the practical, effective methods for reducing the exorbitant taxation now prevailing is by covering back into the Treasury the hundreds of millions of dollars now tied up in the operations of the Shipping Board and the Emergency Fleet Corporation; and

Whereas it now is high time that the Government be released from competition with private business, and that business be restored to private hands: Therefore be it

Resolved, That the United States Shipping Board be instructed herewith to advise the Senate as to whether any effort was made to dispose of Government-owned ships to fill the order herein cited; and if so, what prices were offered and asked for the same; and, further, to advise the Senate as to the number of ships that have been disposed of to private interests, with a description of the same and the prices received, and whether any offers have recently been received or are at present pending and the quotations involved, as well as to inform the Senate on the policy being followed in endeavoring to dispose of this type of Government property.

Mr. EDGE. Mr. President, I just want to supplement that resolution with a brief word and will ask unanimous consent that it be considered at this time.

As we well know, ships will obtain a very much higher price if they can be delivered at the time—what is termed "spot delivery"—and by these frequent articles appearing in the public press it is clearly established that ships are being ordered from private yards by various shipping concerns. It does seem to me that if the policy of the Government is finally to be that we should dispose of our merchant fleet, it is very important that we should take advantage of the opportunity to secure very much higher prices at this time by making spot delivery.

However, the resolution in no way establishes a policy. That, of course, is a matter for Congress finally to determine. It simply

is a resolution of inquiry to ascertain from the Shipping Board or the Emergency Fleet Corporation just what their present policy is, in view of the authority they have to dispose of these ships. We have heard from time to time that they have disposed of a few small ships. It seems to me the country would like to know, and I am sure the Senate would like to know, just how far that has gone.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. EDGE. I yield.

Mr. GRONNA. Has the resolution which was just read been considered by any standing committee of the Senate?

Mr. EDGE. I might say, Mr. President, that as a member of the Committee of Commerce I have discussed the matter with the chairman of the committee, the Senator from Washington [Mr. JONES], and he acquiesces with me, as I understand, that this would be the best means to bring the matter to a quick head.

Mr. GRONNA. As I understand, it has not been considered by the committee.

Mr. EDGE. Oh, yes; the committee have given a great deal of consideration to the question, but they have not adopted a policy. This does not establish a policy. It simply asks for information.

Mr. GRONNA. I ask that it go over.

Mr. EDGE. Then I will ask that the resolution be referred to the Committee on Commerce.

Mr. FLETCHER. Mr. President, I understand present consideration of the resolution offered by the Senator from New Jersey was objected to and he has asked to have it go to the Committee on Commerce. Is that correct? Has it been referred to the committee? I think it should go to the committee.

The PRESIDENT pro tempore. It may be referred to the Committee on Commerce.

Mr. NELSON. Mr. President, may I have the attention of the Senator from North Dakota a moment? This is simply a resolution to ascertain what policy the Government is going to adopt with all these merchant vessels we have constructed. The Committee on Commerce has practically considered it, and I think the resolution ought to be adopted.

Mr. GRONNA. Does the Senator refer to the resolution of the Senator from New Jersey?

Mr. NELSON. Yes; the resolution offered by the Senator from New Jersey. The committee has practically considered it. I think it will approve of it, and we are very anxious to know where we are in this matter.

Mr. GRONNA. Of course, if it is only a matter of inquiry——

Mr. FLETCHER. I shall object, Mr. President, to the present consideration of the resolution.

Mr. GRONNA. And if the committee has considered it——

Mr. FLETCHER. I do not think the committee has considered it.

Mr. GRONNA. Mr. President, have I the floor?

Mr. FLETCHER. I am simply saying that I shall object.

Mr. GRONNA. But I had not finished the sentence. I simply wanted to say that so far as I am personally concerned, if it is only a resolution of inquiry, and if the committee is anxious to have it passed, I shall not object.

Mr. FLETCHER. I understood the Senator to say that, or to be about to say it, and I wanted to say that I do object, so there is no use of losing time over it.

The PRESIDENT pro tempore. The Senator from Florida objects to the present consideration of the resolution, and under the rule it goes over until to-morrow.

Mr. FLETCHER. I understood the Chair held that it was to go to the Committee on Commerce.

The PRESIDENT pro tempore. The Chair did not so hold.

Mr. EDGE. If the Senator will yield, I was going to suggest that instead of having it referred to the Committee on Commerce, as it can not be of any particular use to have it considered by that committee, it lie over under the rule.

The PRESIDENT pro tempore. The Chair understands that under the rule of the Senate, upon an objection by any Senator to the present consideration of a resolution, it goes over until the following day, and that is the disposition of this resolution.

SEDITIOUS ACTS AND UTTERANCES.

Mr. POINDEXTER. I offer a Senate resolution and ask that it be read, and I also ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 213), as follows:

Resolved, That the Attorney General of the United States is requested to advise and inform the Senate the reason for the failure of the Department of Justice to take legal proceedings for the arrest and punishment of the various persons within the United States who, during recent days and weeks, and for a considerable time continuously previous thereto it is alleged have attempted to bring about the forcible overthrow of the Government of the United States, who it is alleged have preached anarchy and sedition, who it is alleged have advised the defiance of law and authority, both by the printing and circulation of printed newspapers, books, pamphlets, circulars, stickers, and dodgers, and also by spoken word; and who in like manner, it is alleged, have advised and openly advocated the unlawful obstruction of industry and the unlawful and violent destruction of property, in pursuance of a deliberate plan and purpose to destroy existing property rights and to impede and obstruct the conduct of business essential to the prosperity and life of the community.

Also the Attorney General is requested to advise and inform the Senate why the Department of Justice has failed to take legal proceedings for the arrest and deportation of aliens who, it is alleged, have, within the United States, committed the acts aforesaid.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LENROOT. Mr. President, I have no objection to the resolution, but I do not think the Senator ought to offer it in a form by which the Senate finds as facts some of the things recited in it.

Mr. POINDEXTER. Mr. President, there is no doubt, in my opinion, that these are the facts. There is overwhelming evidence to that effect. Everybody is familiar with the existence of the facts. There might be some difference of opinion as to the extent to which these facts exist; but there can not be any difference of opinion that there are being committed by numbers of people the things that are recited in the resolution.

I read into the RECORD here a few days ago from a pamphlet which is in common circulation in the country, with the names of the authors attached, the very things that are recited in the resolution. One of the authors of that pamphlet was afterwards examined as a witness before a committee of the Senate, and admitted in substance the advocacy of the views there expressed. One of those views is the opposition to any government at all. Of course, that includes the Government of the United States. Furthermore, this is not a finding of fact. It is merely in the form of a question to the Attorney General, and asks him to give the reason why these things have not been stopped. If, as one reason, he claims that the evidence does not exist, that is a good reason.

Mr. LENROOT. But, if the Senator will yield, if the resolution passes in this form, the Senate has found as facts these things. It is only a question of the form. I should object now, but I should not object if it were put in the form merely of asking for information.

The PRESIDENT pro tempore. The Chair understands the Senator from Wisconsin to object.

Mr. LENROOT. If the Senator from Washington will modify the resolution and bring it up a little later, I shall have no objection.

Mr. THOMAS. Mr. President, personally I do not object to the consideration of the resolution, although I am disposed to question the need for it. Its recitals of fact disclose nothing that is new or recent, except that the propaganda—if I may use a much-abused word now so generally prevalent—is merely a continuation of the same conduct that has been tolerated in the United States for a great many years.

The organization known as the I. W. W. is founded upon defiance of the Government of the United States—in fact, of all governments—upon the assertion that all property belongs to one class of society, and that it is the mission of this class to possess itself of that which belongs to it, to take charge of the Government, and to do away with, by extinction if necessary, all other classes. The sort of literature at which this resolution is aimed, to my certain knowledge, made its appearance in certain parts of the United States in 1906, since which time it has been printed and circulated contemporaneously with verbal campaigning, and all directed to the same end.

The only difference between this condition prior to the war and the condition at the present time lies in the fact that it is now more general in character and accompanied by a greater number of and more widely extended suspensions of labor and interferences with individual initiative in the United States.

The resolution logically, therefore, should embrace an inquiry why this evil was not proceeded against in its inception and the law vigorously enforced at that time. It is true we had no espionage act prior to our entry into the war, but it is equally true, if the acts are legally punishable, it should be so without such an act, since it constitutes an appeal to lawlessness, crime, disorder, incendiarism, and to all the other offenses against which society must, upon the principle of self-preservation, protect itself.

If the Attorney General is expected to utilize the machinery of his department in the apprehension, indictment, and punishment of this class of people, it will be necessary for Congress to clothe him with power to do so by appropriations of proper

amounts and by the authority to employ for that purpose a great many more officials than are now allowed by law, because I conceive that it would be impossible for him to get anywhere without such supplementary authority.

I have felt, and I am more than ever convinced as time goes by, that the remedy for these evils, and they are very sinister ones, lies entirely in the hands of the American people, and unless and until they exercise their undoubted power no interferences of a semilegal nature will do more than temporarily suspend the operation of these conditions in one or two localities of the country.

There are 110,000,000 people in the United States, and there are, perhaps, less than 250,000 of these agitators and lawbreakers. One, however, is organized and the other not only disorganized but apparently indifferent. Whether that indifference results from a lack of appreciation of the magnitude of the crisis which confronts us or whether it is due to that cheerful optimism which characterizes Americans everywhere and under all circumstances, and which assumes, in obedience to the old, worn-out doctrine of lassez faire, that all these evils will right themselves in time if left alone, I do not know. But the fact is that, except in the city of Boston, there has been no public organized resistance to these things. The success of that organized public resistance in Boston I had hoped would prove contagious and result in similar manifestations all over the country where similar exigencies materialized. There are plenty of good people in Pittsburgh, Cleveland, Canton, Youngstown, Chicago, and Gary, and if they will assert themselves, unite and serve notice upon these anarchists and lawbreakers that the institutions of this country shall be preserved, that men shall be protected in the right to work if they wish, that the laws shall be enforced and order maintained, there will, in my judgment, be a very abrupt cessation of these conditions, and until that is done we can not hope for any substantial amelioration of them.

There is a great strike upon the water fronts of the city of New York, involving some 70,000 longshoremen, supplemented by a teamsters' strike of 10,000 more, both of them in direct and willful violation of their agreements, the collective bargains, if you please, which their leaders and officers entered into some time ago with their full approval. As a result shipping is paralyzed, thousands of tons of perishable food are rendered useless upon the wharves at Hoboken, Jersey City, and other points opposite the great metropolis of the country, while the distribution of that which remains is arrested through the teamsters' strike.

These are both, Mr. President, crimes against society and against civilization. They can only result in infinite damage and injury, enhance to a still greater degree the cost of living, and ultimately must react upon those upon whose shoulders must rest the blame. Yet the millions of American citizens in New York, Jersey City, and Hoboken sit supinely and wonder why Congress does not do something, a state of mind for which we are largely to blame, since, inasmuch as we have assumed jurisdiction of nearly every complaint that comes to us, it is the most natural thing in the world that the public of this generation, at least, should be educated to the theory that if anything goes wrong demand that Congress rectify it, and damn us if we fail.

I am satisfied that if the good citizens of the city of New York will assert themselves, as they must sooner or later if they would thwart this menace now immediately upon them, the remedy will be effective. The greatest strike known to history occurred in Great Britain two or three weeks ago, and it was broken by the organized, the aroused, and the determined effort of the good people of the Kingdom. That was the only force which could be made effectual. The law officers of the Government might have issued writs, summoned grand juries, taken testimony, returned indictments, held trials ad infinitum, and to no purpose; but the aroused conscience of a nation, coupled with organized and determined action, served effective notice upon lawbreakers; because I insist that every interference with an agency that is public in its character, and upon which the people must depend, is neither more nor less than lawbreaking, and that sort of thing will continue in this country until it is met and ended in that manner.

This morning's Post publishes the contents of a circular which was yesterday distributed throughout the town of Gary, of which those there in charge have taken due notice, and which, if any further evidence were needed amply supplies it, supports the fact that this is a strike for power, a strike, as Mr. Fitzpatrick says, to socialize industry, and not a strike to secure the observance of better conditions or the enforcement of a demand for higher wages. In other words, it is a conspiracy against the Government of the States and of the United States, a symptom identical with that which some time ago appeared at Butte, Winnipeg, and Spokane, a test, so to speak, of the strength of the Government and of the power of organized society to protect itself.

The dispatch in the Post from Gary, Ind., reads:

> The radical pamphlets were distributed as "a proclamation of the communist party of America." The heading of the proclamation was "The capitalists challenge you, workmen."
>
> The pamphlets declare that the municipal government of Gary, submitting to the control of the Steel Trust, had forbidden the workingmen to hold public meetings and parades, and that for two weeks these workingmen "had permitted the Steel Trust government to trample under foot the democratic rights which they had been so often assured were the heritage of the people of this country."

Now, Mr. President, this is not a Steel Trust government. I had occasion, when the Steel Trust was organized, to express my dissent from the exercise of a power that I thought then and still think was beyond the law; and I also took occasion, although neither a prophet nor the son of a prophet, to predict some of the consequences of disregard by organized capital of the rights of the individual, of the principles upon which this Government was founded, and of the difficulty of securing a perpetuation of our laws and of our institutions in the atmosphere of organized monopoly.

In this instance it so happens that the mobilization of forces for the preservation of law and order benefits this particular organization; but to call the action of the Government when it mobilizes its armed force for its own protection a Government of a particular class is merely to appeal to the prejudices of men through an assumption that is wholly without foundation.

The pamphlet then describes a parade headed by 500 men in United States uniform, which was followed by the entry of Federal troops into the city. I understand that one of these demonstrations was led by a number of men in the uniform of the United States Army. A demonstration against the law by men whose purpose it is to disrupt this Government, having at its head a large number of men clad in the uniform of the United States Army, is something that should be inquired into. There is an event of which the Secretary of War should, of his own volition, take notice, whether these men were discharged or not; and I have no doubt they were. I do not for a moment assume that a man wearing the uniform of the Army of the United States, and actually in that Army, would so far forget his duties or his obligations as a soldier as to take part in any such demonstration.

No man, soldier or private citizen, should be permitted to appear in any demonstration that is hostile to the Government of the United States when clad in the uniform of the Army, and if there is no law to prevent it, then we should enact one and see to its enforcement; for if that insignia means anything, it symbolizes the force which stands behind the law and all government, for, in the last analysis, that is the embodiment of the Government itself. Without it there can be no such thing as security of life or of property.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. THOMAS. I yield.

Mr. NEW. I simply wish to say that for several days I have been trying to get from the War Department an expression of opinion as to how this evil of which the Senator so righteously complains may be remedied. I refer to the presence in mobs of men clad in the uniform of the United States Army. I have both written to and talked with the Secretary of War about it, in the hope of getting some kind of recommendation, either directly from him or from the Judge Advocate General, but as yet without results.

Mr. THOMAS. I am very glad that the Senator has taken this action. He should be commended for it, not only by his fellow Senators but by the country. I certainly hope he will ascertain all about it, because the incident is a most sinister one, which I confess has disturbed me considerably.

Mr. NEW. I wish to add only that I most heartily concur in all the Senator from Colorado has said on the subject. In Gary, Ind., where the United States troops are now in charge, the mobs in that city have in some instances been led by men in the uniform of the soldiers of the United States. It has been difficult for the uninitiated to distinguish between troops in legitimate service and the members of the mob, who are similarly clad and are apparently moving with some regard at least to organization. It would certainly appear to be an evil against which some legislation should be immediately directed.

Mr. THOMAS. Mr. President, there is another view of this incident of the parade or the gathering, and that is the respect which all men have for the uniform, and any officer, civil or military, engaged in the enforcement of law and order would

hesitate to attack a man, however riotous he might be, when clothed in the insignia of the military arm of this Government. I confess that as a citizen, if I should see a body of five or six hundred men clad in the Army uniform, even at the head of a mob, my first instinct would be to take off my hat to them, to look upon them as the embodiment of the military power of the Government, and I can well understand how the average peace officer would hesitate to charge upon or to assault a man thus clad, however boisterous or improper his conduct might be. That is another feature of such a use of the uniform which demands our action if need be essential to prevent it.

But I continue with the proclamation:

"The National Government has stepped in," says the pamphlet. "The Steel Trust was in danger of being beaten. To save itself it brought into the field the instrument forged by the capitalists to uphold their system of exploitation and oppression, the State, which in spite of all its democratic pretensions, is but the physical expression of the dictatorship of the capitalistic classes."

The pamphlet tells of raids conducted by the military authorities in the search for radical literature, and concludes:

"Gather in great mass meetings. Bring to the attention of the unenlightened workers the meaning of the martial law at Gary. Show them that it is not enough to strike against low wages and bad working conditions, but that the strike must be directed against capitalism.

"The workers must capture the power of the State. They must wrest from the capitalists the means by which capitalist rule is maintained.

"The answer to the dictatorship of the capitalists is the dictatorship of the workers."

Now, Mr. President, if that be the purpose of these agitators in these so-called labor insurrections it can be easily accomplished by the machinery which this Government itself provides for its own purpose.

Mr. POMERENE. Mr. President——

Mr. THOMAS. I will yield in just a moment. Any majority in this country can impose its will upon the minority, through the exercise of the elective franchise, by the selection of its own officials and by effecting a consequent change in governmental administration. There is absolutely no excuse anywhere in the United States for a resort to force and lawlessness to overcome an existing actual or imaginary evil or abuse. It is to the glory of the American Constitution, as of the State constitutions and the laws, that they have made ample provision for an expression of the will of the majority, whatever that majority may be, and to enable it, through such lawful expression, to accomplish its purpose by peaceful means. The man who resorts to force or makes an appeal against law and order in this country for any purpose by that act condemns himself and condemns his cause.

I now yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I thought, with the permission of the Senator from Colorado, it might not be out of place for me to state that the latter part of last week I was advised by a prominent gentleman, who is known to many Senators here, that he had been in one of the great steel plants in Ohio the first of last week and talked with a Slovak who had been there for years and whom he had known for many years. This Slovak told him that they had good working conditions, but what they wanted was 12 hours' pay for an 8-hour day, and that they were going to get it; that if the employers would not give it to them Congress would see to it that the plants were turned over to them, and then they would be operated without the bosses and without the employers.

This morning I received a letter from a prominent gentleman, whom I have known for many years, a level-headed man, who knows what he is talking about, and in it he states that in one of the large plants in his city the organizers were circulating the report that all the officials would soon be displaced and that the operation of the plants in that city would be in the hands of these foreigners and others who are engaged in this movement.

From what I have heard from various cities in the State of Ohio, as well as in western Pennsylvania, I am satisfied that these organizers are now holding out these inducements to a lot of these ignorant foreigners for the purpose of getting them into the organization.

Mr. THOMAS. There is no doubt about it in the world. Those who organized, advised, and promoted the strike have at least the merit of candor. They have said so openly.

There is a large steel plant in my State employing 6,500 men. Its employees had no grievance whatever. They asked for a conference with the managers and got it. They complained of nothing. Their purpose is to nationalize, as they call it, the industry and run it themseves; hence they went out.

Mr. MYERS. Mr. President——

Mr. THOMAS. I will yield in just a moment.

They are out on strike to-day, and there have been, since this strike was called, no grievances whatever. They were getting the best of wages. They confessedly had no complaints to offer, but they were organized for that purpose, and they say, or their leaders say for them, that they will return to work when and only when that condition comes about. Mr. President, even that can be secured in this country at the polls if it is the wish of the majority that our industries shall be so owned and so operated. Even there a resort to force or to the negative power of the strike, unaccompanied by what is called direct action, is totally and absolutely unnecessary to accomplish what the majority of the people desire.

And if the majority do not so desire the minority can not be permitted to assert their authority by violent and unlawful means.

I now yield to the Senator from Montana.

Mr. MYERS. Mr. President, I simply wish to remark that I believe the facts which have been stated by the Senator from Ohio [Mr. POMERENE] show the result of the disposition of Congress to investigate every strike in every labor disturbance. It is almost invariably taken by the strikers as an evidence of sympathy by Congress with their cause, and is used by the agitators to represent to the more ignorant strikers that Congress is taking their side and is going to do something in their behalf.

Mr. THOMAS. There is no doubt about it. We are becoming much more of an investigating than a legislative body. Anything and everything which seems wrong comes to Congress for investigation. A telegram was read by the senior Senator from California [Mr. PHELAN] a few mornings ago from some organizations in the city of Oakland, Calif., asking Congress to investigate a decision made by one of the judges of the United States court out there, which was said to have assumed that a state of war still exists. I see no more objection to such an investigation than can be urged against the one to which the Senator indirectly referred. Our investigations never amount to anything except to increase the expense of legislation.

Mr. MYERS. And to encourage the strikers and violators of law, as a rule.

Mr. THOMAS. Yes; the Senator's suggestion is most appropriate. It does have that effect, very naturally and very properly, and the longer we continue these things the more liable we are to encourage that view and give support to such assurances as are made to these ignorant foreigners, who, by the way, were largely brought here by the men who are now complaining against their misconduct.

Mr. OVERMAN. Not only that, but it has cost the taxpayers considerable money.

Mr. THOMAS. Of course.

Mr. OVERMAN. I understand now there is a deficiency in the financial office of the Senate of $135,000 on account of funds required to make these investigations.

Mr. THOMAS. Oh, well, that is merely a flea bite. What is $150,000 nowadays? The great expense involved in these commissions is reflected in the taxes imposed upon the people. What, for example, will it cost the taxpayers of the State of Pennsylvania when the bill consequent upon the strike now pending comes to be paid? What will be the expense to the people of Illinois, to the people of Ohio, and to the people of Colorado?

Why, Mr. President, the expenses consequent upon the enforcement of law and order by the cities and the States of this Union are so enormous that I do not think I exaggerate at all when I say that in the last 20 years they have more than trebled; and so long as these things continue and society finds it necessary to protect itself, just so long will these expenses continue until the burden becomes absolutely unendurable. That is one of the purposes sought to be accomplished by these so-called leaders, and they do not hesitate to say so.

Mr. FLETCHER. May I ask the Senator a question?

Mr. THOMAS. Certainly.

Mr. FLETCHER. In view of the statement of Mr. O'Connor as the newspapers give it, is he able to trace directly to I. W. W. headquarters the organization and origin of the longshoremen's strike in New York?

Mr. THOMAS. There is no doubt about it.

Mr. FLETCHER. If that is true, does it raise a question as to whether Congress should do anything or Federal authority should exercise any jurisdiction?

Mr. THOMAS. It raises a serious question, Mr. President, because, fundamentally, I believe that all these matters are under State jurisdiction. The States have laws to meet these conditions, which they should enforce. If they have not, then they should enact them as soon as possible and should see that they are rigidly enforced. The difficulty, however, is that the States are quite as prone to shift the burden of their responsibility upon the Congress of the United States as are individuals, not only because of the difficulties involved but also on the score of expense, which they are eager to avoid.

Mr. President, this pamphlet seems ostensibly to have been prompted by an interference with the political rights of those who demand the right to meet en masse and take charge of the Government. Their "right of assembly" has been interfered with. Well, the right of assembly is a sacred American right; but the assembly of a mob, the assemblage of individuals for riotous and criminal purposes, not only never was, but never should be, protected anywhere under any circumstances. Rioting was an offense at common law, and, of course, it is an offense under the statutes of every State in the Union.

I am amazed—perhaps I should not be, but I am amazed—at the glibness with which in these later days so many talk about their rights and are so unmindful of their responsibilities. So completely obsessed are they with the assertion of rights that they either forget or ignore all of their obligations. There never was a right, great or small, that could be separated from its attendant obligation and survive. I have a right to life, liberty, and the pursuit of happiness; so have you, Mr. President; but that right is necessarily circumscribed by obligations, the supreme one of which is that we must recognize its possession and enjoyment by every other citizen of the United States. The obligations to observe the laws, to respect them, to obey legitimate authority, to bear our part of the burdens of society, are necessary concomitants of every right than can be asserted or enjoyed. The man who declines to bear the burden of the one does not deserve to enjoy the other.

When I hear men talk about their God-given rights, their rights under the Constitution, I am always inclined to suspect that they seek to assert something under the guise of legitimate rights which necessarily interferes with, if it does not destroy, some similar right of others. Until we ignore the fact that our rights are no more important than our obligations, and that unless we recognize and perform our obligations we shall soon be without any rights at all, conditions are apt to continue as they are at present, if, indeed, they do not rapidly become worse.

Every well-ordered community necessarily recognizes that observance of law and order lies at the foundation of the prosperity of peoples and the safety of governments. You can no more divorce law from order than you can divorce the laws of nature from the materials which compose it. Whenever any man assumes, either in conjunction with himself or with some of his fellows, to assert a right and to enforce it on his own account and that of others, he is an enemy, even though he may not know it, of that well-ordered condition of human society without which our lives are insecure, our families unprotected, and our property subject to devastation.

The right which is interfered with by the people who issued this proclamation is the right of the mob; the right of individuals to assemble, to indulge in incendiary discussion, to denounce the Government, recommend its overthrow, and, above all, to prevent American citizens, under the laws and Constitution of the country, from earning in their own way a livelihood for themselves and their families.

On Sunday last, Mr. President, among the pictures in the illustrated supplement of one of the New York papers was that of a man running for his life through a wheat field at Hammond, Ind., while immediately behind him were half a dozen men armed with brickbats and sticks and stones, throwing them at his retreating form and endeavoring to overtake him. Was this refugee a criminal? Was he a man who had offended against the laws of God or man? Was he fleeing from justice? No, Mr. President. He had had the temerity in this country—and he was an American citizen—to exercise his right to work without hindrance from anybody; he had sought employment in order that he might maintain himself and his family. He was born in a country whose Declaration of Independence enunciates the principle that every man has a right to life, liberty, and the pursuit of happiness, where privilege is not supposed to exist, and the fact of citizenship is the only needed guaranty for the enjoyment of these rights; yet here he was fleeing for his life—whether or not he escaped I do not know—with a mad mob, armed with deadly weapons, seeking his destruction because, forsooth, his desire to work did not conform with their wishes or interests. Yet we call this a free country.

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing.

Lip service to a liberty which is rapidly disappearing is of little avail; for when the Government, Mr. President, fails to give to its meanest citizen the equal protection of the law it writes it own sentence of dissolution. We can not ignore the rights of the humblest individual, black or white, without imperiling our own rights under the law.

For my part, Mr. President, I am glad that the governor of Indiana placed this great industrial community under martial law; I am glad that the American Army is there representing the majesty of the Government; I am glad, too, that the real purpose of the strike has been disclosed in this proclamation defying the Government of the United States and calling upon certain people to take possession of it. The crisis is coming, and let it come in this generation.

Capital as well as labor, Mr. President, is largely to blame for these conditions, for the one is an imitator of the other. Both should be held within proper limitations and each given every right which it deserves and no more. It is either that, or, as the Senator from Florida [Mr. FLETCHER] suggests to me, a dictatorship, because chaos, riot, and disorder, the rule of the mob, the worst and most damnable of tyrannies and oppressions, will become the inevitable alternative. History so teaches by many examples which bring to the average citizen a realizing sense of the conditions which now confront him. It is for the great middle classes of the country to save it, and when the awakening comes, as it must come, when the citizenship of this country is organized and stands shoulder to shoulder for the vindication of law and the preservation of our institutions, then woe to the disturbing elements which to-day would devote the institutions of this mighty Nation to destruction.

Mr. POINDEXTER. Mr. President, at the request of the junior Senator from Wisconsin [Mr. LENROOT], I will amend the resolution as I submitted it by inserting the words "it is alleged" before the statement of fact, and resubmit it in that form. The senior Senator from Wisconsin [Mr. LA FOLLETTE] informed me—and he was on the floor a moment ago—that he was going to object to the resolution if it contained the words "it is alleged". So, while complying with the request of one Senator from that State, I meet with the objection of the other. He also stated, however, that he might simply desire to express his views upon it, if the resolution would go over until to-morrow under the rule. In the meantime, I ask unanimous consent to say a word in explanation of it.

There could not be established a very much stronger foundation for this resolution than that which has been so clearly set out by the remarks of the Senator from Colorado [Mr. THOMAS]. He called to the attention of the Senate the purposes, motives, and objects of the strikers at Gary, Ind. It clearly appears from the evidence cited by the Senator from Colorado that the purposes of the steel workers in their strike at Gary, Ind., are not merely to obtain higher wages, or shorter hours of labor, or improved conditions of work. It clearly appears from the evidence he cited that their purpose goes far beyond that; that it reaches to the scheme of subverting the authority of the law, and that means subverting the authority of the Government, because there can be no law in our conception of it for practical purposes except that which is established and administered by the Government. In other words, it is a revolutionary movement.

We deceive ourselves in a way, and probably mislead a great many people in the country, if we raise a question here among ourselves such as is raised by the suggestion that is just made to change the statement made in this resolution by attaching the condition that "it is alleged," creating doubt as to whether or not such a movement as that which has been described is in existence in this country. There can be an army of witnesses and a cabinet full of documentary proof introduced to prove the existence of such a revolutionary movement; that it is not confined to Gary, Ind., nor to the State of Indiana, but that it extends throughout the Nation; that it is supported by ample funds, put forward by systematic organization, and that a large part at least of the many strikes that have occurred during recent months and that are now in progress are based upon that revolutionary proposition, and have for their object the defiance of the law, the overthrow of the Government, the establishment of forcible communism, and the taking over of the industries of the country by the workers, as they express it, because of the impossibility of the successful conduct of industry under the demands of the strikers. In other words, they will create an impossible condition for the present owners of these properties, and then, after the laws have been rendered impotent and property rendered valueless to the present owners, they will seize the property and whatever else there is that their hearts desire, and enjoy them as the goal and end of this movement.

I say that there is no doubt about the existence of that condition. There is a difference of opinion as to whether or not it has such power and is backed by such numbers as to be a serious and material menace to the welfare of the country of which the Government ought to take notice. I know that it is the disposi-

tion of many to ignore it, to treat it as a mere exhibition of mental aberration on the part of those who are engaged in it, to treat those who are engaged as insignificant in the community, and to take no steps by the Government toward its suppression. My purpose in introducing this resolution was to call the attention of the Senate, and of the country if I possibly could, to the fact that we have now reached a point in the development of this movement at which it behooves the Government, if it is going to be maintained in its full vigor, not only to take action but to take vigorous action to suppress anarchy and revolution and to defend itself.

I apprehend, Mr. President, that if the Government refuses to act in the face of an international revolutionary propaganda that has manifested itself already by the tying up of essential industries of the country and by interference with trade and commerce to the extent that hunger is already visiting thousands of our population—if the Government continues in that supine and indifferent attitude toward this thing, there is a real danger that the Government will fall. When a government ceases to perform its function, when it ceases to defend itself against an attack that has the strength and the extent of this attack, which has been demonstrated by competent evidence, I say there is great danger that the Government will be overthrown, and we will have a repetition in the United States of America—which we have seemed to think God would take care of, judging by our failure to take steps to protect ourselves—of the conditions that have brought misery to so many countries in other parts of the world.

Mr. KING. Mr. President, will the Senator yield a moment?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. KING. Does not the Senator think that an admonition should be given—although we ought not to be called upon to give admonitions to the States—to the various executive departments of the States that they enforce the laws that have been enacted by the various legislatures looking to the suppression of crime and violence and assaults upon the Government? My investigations have led me to the conclusion that many of the States have been very supine, and that there is an inclination to devolve upon the Federal Government the assumption of that authority which, under our form of government, rests upon the States themselves.

Mr. POINDEXTER. Mr. President, this is not any time for sensitiveness on the part of public officials, whether of the Federal Government or of the States, to criticism or to any action calling attention to their duty under the law. I understand that there is a disposition on the part of some friends of the administration and the Attorney General rather to resent a resolution which calls upon him to inform the Senate why he has not proceeded to enforce the laws; and if that were the only aspect of the question I never would have thought of introducing the resolution. The matter is too important for such a consideration as that to have any weight whatever.

Undoubtedly a great part of the jurisdiction of suppressing revolution and anarchy and forcible destruction of property and lawless violence of all kinds devolves upon the States; but I want to call attention for just a moment's time to the fact that it also devolves upon the United States, and that this movement has gone to such an extent that it not only invades the integrity of the State governments and the ownership of private property in the several communities where these disorders exist but that it menaces the functions of the Federal Government itself.

I want to call attention to the number of strikes that the country has been suffering from in recent months.

Mr. FLETCHER. Mr. President, may I interrupt the Senator by a question?

Mr. POINDEXTER. I yield to the Senator from Florida.

Mr. FLETCHER. The form of the resolution, it seems to me, might be misconstrued to some extent. The Senator, in framing the resolution, conveys the idea that there has been a neglect of duty or a failure to perform duty on the part of the Attorney General. I should like to ask if he would not be satisfied with this sort of language—that we inquire whether or not the Attorney General has taken steps in these matters, and if not, why not, and then proceed with the resolution.

In other words, it is possible that the assumption that there has been a total failure to act is not justified. There may be steps taken which we are not informed of. I suggest to the Senator that that wording will accomplish his purpose and at the same time perhaps really more fairly meet the situation—that we inquire whether or not, and if not, why not, the Attorney General has proceeded to do these things to which the Senator refers. That, of course, would avoid subjecting the Attorney General or the Department of Justice to criticism if in fact he has been actively performing his duty under the law.

Mr. POINDEXTER. If the Senator from Florida insists upon that form of the resolution I shall not object to it. I shall be very glad, when the resolution comes up, if the Senator will call attention to the matter. It will go over until to-morrow and we can consider amending it in that form. I personally prefer the form in which I originally introduced it, but it is not my purpose in introducing the resolution to reflect on the Attorney General. My purpose is to direct the attention of the Senate, and particularly of the Attorney General, and also of the country, to the condition which exists.

The trouble with the people who were following that man through a wheat field, armed with bricks, because he wanted to work, as the Senator from Colorado [Mr. THOMAS] described, was that they overlooked the fact that if they are going to establish a system by which a man can be prevented with brickbats from working, the same method can be applied to them as to the man that they were pursuing. If they have a right to pursue a man to prevent him from working some other man has a right to pursue them to prevent them from working, or to compel them to work. I regard it as just as much an invasion of personal liberty, in principle, to prevent a man by force from working as by force to compel a man to work. Either one is a state of subjection to lawless force, which constitutes a form of slavery.

In the month of January, 1919, Mr. President, there were 105 strikes in existence in this country. In the month of February there were 110. In the month of March there were 102. In the month of April there were 134. In the month of May there were 219. In the month of June there were 245. In the month of July there were 364. In the month of August there were 308. The number for July and August was twice as great as for the corresponding months of 1918.

Attention is called to the fact that the publication of all of the magazines published in New York City, one of the principal mediums of information and intelligence, has been suspended because of a strike. We are informed that on the 1st of November the bituminous coal miners will go on strike, not because they are not getting large wages at present but because they want a 60 per cent increase above the large wages they are already getting; they want a five-day week and a six-hour day. There is no doubt in my mind that if those conditions were granted they would be no more contented with the 60 per cent increase in wages, with the five-day week and with the six-hour day, than they are now, because they are impregnated with the doctrine that the wage system must be abolished. They want to take over the industries of the country.

A distinguished Member of Congress from the State of Ohio, who deserves a great deal of credit for the courageous stand which he has taken upon this question, a member of a labor union himself, told me the other day that recently when he was visiting home one of the aliens working in the steel industry in Youngstown, Ohio, who had gone out on strike, told him they were on strike because Congress was going to take over these industries and give them to the workers. The Member of Congress asked him what his complaint was. He said he had no complaint; that his pockets were full of money; that he had plenty of money, but that they wanted the industries themselves, and that Congress was going to give them to them. That is the idea that is back of the longshoremen's strike in New York. Confessedly or secretly they hold up food supplies which are stored upon these ships, which they refuse to unload—except that they did unload Col. House's baggage, having made an exception of him—because they want to put the community into discomfort. I read the conditions of the demands of the longshoremen in San Francisco. Demand after demand has been granted them. One of them was that if they were ordered to the docks at a certain hour in the morning to unload a ship and the ship was not ready to be unloaded at that time, if they waited as much as two hours they were to be paid at regular wages one-half day's pay. That was one of the things that was granted, a preposterous concession, in my opinion, to a preposterous demand. They were to be paid more for two hours of idleness than they would have been paid for two hours of work. But they were not satisfied with that.

The demands which they made and the demands which the longshoremen in New York are making, if put into effect, would give the longshoremen and the Longshoremen's Union absolute control of the employment of men, their discharge, the fixing of their wages, and the fixing of their hours in that industry. Men who own the property, own the ships, and engage in this commerce would have nothing at all to say about it. If the demands that are now being made are granted to the full extent, the complete result which is aimed at by this resolution, namely, the taking over of the control and the practical ownership of the property of the country, would be accomplished. That is the situation which confronts the country.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield.

Mr. MYERS. Mr. President, I should like to ask the Senator from Washington a question, and as bearing upon the question of whether or not there is a violation of law upon the part of those engaging in the revolutions that are being carried on in this country I will read to him an extract from the existing statute:

> Whoever when the United States is at war * * * shall willfully utter, print, write, or publish * * * any language intended to bring the form of government of the United States * * * into contempt—

shall be punished. I invite the Senator's attention to the published reports that one Robert Minor, who, it was reported, was arrested in Europe for preaching sedition against the armed forces of the United States, and who was very quickly released by some mysterious power up to this time undiscoverable, and who, it is reported, is now transferring his activities to this country, is advocating a soviet government in this country, such as exists in Russia—a government founded on murder, assassination, robbery, rapine, rape, force, violence, and the overthrow of established Government. I ask the Senator if he thinks that advocating such a government as being better than and preferable to our Government in this country is language which tends to bring this country into disrepute and contempt?

Mr. POINDEXTER. I think the Senator's suggestion is very well founded. But, furthermore, there is a more direct violation of the laws that were not enacted only for war purposes. Minor, in the declarations which he makes and in his association with other people for the purpose of putting into effect the principles which he is stating in his speeches, is engaged in a conspiracy to establish the principles which he advocates, and that is the overthrow by violence of the existing Government, which conspiracy is contrary to the existing law, punishable by a fine of $10,000 and six years' imprisonment in the penitentiary, whether we are in a state of war or not in a state of war. The country is seething with such violations of the permanent law, and, so far as I can see, very little is being done to suppress the crime.

Mr. President, I want to say, before calling attention to one or two other items of the present state of the country, that the men who would suffer the most from the establishment of any such system would be the laboring men themselves. There are a few of their leaders who, for purposes of autocratic power, are conducting this movement, who perhaps would be benefited in a material way by the overthrow of law and order. But the establishment of government, the authority of the law, and its orderly processes are the only protection which the ordinary individual, and particularly the ordinary laborer of the country, has. He is unable to protect himself against lawless violence. A strong man is. That was the theory upon which the feudal system was based.

> That they should take who have the power,
> And they should keep who can.

There are many in this country who can take care of themselves under such a system as that. But if you take from the laboring man, who has nothing but his energy and his good will to work, and to whom every good man in this country desires to see afforded the opportunity to work, favorable conditions in which to work, and reasonable wages for the support of himself and his family, the shield of the law, he becomes immediately the victim of an autocratic despotism. And it is for the benefit of the great masses of labor that the Government of the United States, as well as of the States and the municipalities, ought not to hold back and equivocate and quibble about which of them has this or that authority, but should proceed to the utmost of the authority with which each is vested to uphold the law, protect the Government, and prevent the overthrow of the principles of personal liberty, which include the ownership of property.

The great incentive upon which this Nation has been developed has been the vision which every industrious man has had, that by the application of his labor and thrift there was a home, however humble it might be, that he saw ahead of him, where he would be the master of the accumulated wages of his labor. But if you overthrow the law you destroy that possibility, as you destroy the principle of property. You attack the incentive upon which this Nation has been developed, under which the workingman of America has attained a higher station in life than any other workingman in the world.

Some of the headlines of the papers of the last few days will indicate the condition into which the country is getting.

In the New York Sun of October 9 is the headline:

"12,000 out now on Pennsylvania Lines—Car inspectors join shopmen—Men ordered back to work."

The New York Sun of the same date has this headline:

"More reds seized in raids at Gary—Stockade being built to hold military prisoners."

And in the New York Sun of the same date is an account of a plan by the Literary Digest, one of the well-known magazines of the country, on account of the strike to do away with typesetting in issuing its publication and to substitute a photographic process in order to meet this emergency. It is one of the curious features of the situation that the cessation of the publication of practically all the magazines in New York City has scarcely been mentioned in the daily press. We have scarcely seen even a brief news item of it. I do not understand that circumstance. There seems to be something mysterious about it. It may be entirely a good intention, based upon some principle of ethics among publishers. But it seems to me that when we have arrived at a time when, contrary to the advice of the officers of their organization, workingmen engaged in the work of printing these magazines quit work, without any better cause than that which is assigned, so extensively that the publication of the magazines which, in our system of life, have become almost essential as a medium of intelligence and it attracts no attention at all, it is quite significant.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield.

Mr. BRANDEGEE. The case of the strike of the printers, or typesetters, or whatever they are, to which the Senator has alluded, is a case, is it not, where the public is made to suffer because the local unions can not agree with their national union?

Mr. POINDEXTER. I understand that that is the situation.

Mr. LODGE. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Massachusetts.

Mr. LODGE. I will say to the Senator that it is my purpose, the hour of 1 o'clock having arrived, to move to take up the treaty, but I do not want to cut off the Senator.

Mr. POINDEXTER. I have no objection to taking up the treaty, but I should like to proceed for just a few moments.

Mr. LODGE. I was going to speak on the treaty myself.

Mr. POINDEXTER. If the Senator will allow me about five minutes more, I will conclude.

Mr. LODGE. Certainly.

Mr. POINDEXTER. Another headline:

"Ferry strike cuts off food."

Another headline:

"Walkout of expressmen may bring food famine."

Another headline:

"Two hundred and twenty-five thousand miners to strike November 1."

Another headline:

"New York Harbor paralyzed. Sixty thousand striking longshoremen frenzied by mob rule. United States officials appealed to. Men refuse to heed leaders, and huge pyramids of perishable goods spoil on docks."

Another headline:

"Every magazine suspends. Pressmen's strike in New York prevents publication."

Another headline, from the Baltimore Sun:

"United States soldiers fired on. Squad in automobile attacked from ambush at Gary. Troops called to Pittsburgh."

Another headline, from the Washington Post, October 11:

"Coastwise lines cancel sailings. Extension of longshoremen's strike to all Atlantic ports is feared."

Mr. President, reverting to the resolution, a short time ago Emma Goldman, an anarchist, was released from the Missouri penitentiary. She had been ordered to appear before the United States immigration officials to answer the charge of being an undesirable alien, subject to deportation, and has had her case indefinitely postponed, as one of my correspondents suggests, along the line of the proceedings in the case of Hillstrom, the anarchist, of Mooney, and of Minor, who has been referred to here this morning.

A man by the name of Leon Green, a Russian alien and anarchist, subject to deportation under the law, one of the men who attempted to bring about a revolution in the city of Seattle, is now carrying on his activities in the city of Chicago, and no steps have been taken to deport him. In fact, I understand he has been told he would not be allowed to go to Russia. He wants to go to Russia. When Trotski wanted to go to Russia,

at a time when we had some interest in preventing anarchists from this country from going to Russia to overthrow the government and the army of what was at that time our ally, Government officials insisted upon his going. Now, when it is in the interest of the United States to get rid of these men and they want to go, they are told that they can not go.

Mr. LODGE. May I suggest to the Senator at this point that the Attorney General is probably too much occupied just now in reducing the cost of living to give any attention to the enforcement of the law against these persons?

Mr. POINDEXTER. I have not any doubt about that at all. He is chasing the cost of living and the strike is chasing him. He, instead of being after the strikes and the revolutionary demands on which many of them are based, has his back turned toward them, and every strike that occurs that increases the cost of producing coal and increases the cost of unloading freight from the ships, increases the cost of living a good deal faster than the Attorney General can reduce it by any proceedings that he may undertake. It seems to me that he is ignoring the cause of the situation which he is trying to remedy.

In McLean's Magazine, a very prominent magazine published at Toronto, Canada, in the June issue, attention is called to the manner in which the laws of this country regulating aliens have been carried out. Of course, that was during the war, but activities that Trotski was engaged in in this country are now being carried on through the same organizations with which he was connected.

Official reports—

Reading from this magazine—

such as Sir Douglas Haig's review of the war and many speeches and other utterances of men who know, show that but for the Russian breakdown the war would have been over a year earlier.

The man chiefly responsible for the defection of Russia was Trotski. Trotski—the real man now directing the Russian affairs, acting under German instructions—was arrested and held in the internment camp at Amherst, Nova Scotia, on the very definite instructions of the British secret service, who knew exactly who he was and what he was proceeding to do. They protested strongly against our releasing him. Yet our authorities released him at the request of some one at the British Embassy, Washington, acting, they say, on the request of some one in Washington.

* * * * * * *

A Russian acquaintance who recently passed through Toronto told me he knew him very well, suspected him, and once as a pretext asked him to translate, carefully, a document into German and Russian. Trotski failed on the Russian, but his German was perfect.

* * * * * * *

Just when the United States was severing relations with Germany and war was certain, he started the campaign against militarism and the doing away with the United States Government once and forever.

That was all well known to our Secret Service. That has been available to the Department of Justice. It is a violation of the law to carry on a campaign to do away with the United States Government "once and forever." That is a violation of the law of the United States, strange as it may seem.

What I am insisting upon now is that these things are being repeated by others and with money which Trotski, who was allowed to go to Russia by the deliberate action of our Government, has sent to the United States to be used by his agency here. The people of the United States are entitled to the enforcement of the law which was enacted to protect the Government and the people of this country against such attacks.

I read further:

A typewritten copy of the speech was given to Col. Biddle, of the United States Army, who that night read it over the phone to Col. Van Deman in Washington. Another copy went to the British secret service.

Quoting from Trotski, he says:

"You who stay here," he cried, "must work hand in hand with the revolution in Russia, for only in that way can you accomplish revolution in the United States."

He says, further:

It is an extraordinary fact, the police officials tell me—

This article is by Lieut. Col. J. B. McLean, publisher of this magazine—

that these agitators, who are so bold and courageous on the platform—

And this is quite characteristic—

when stirring up a mob to rebel against authority to seize anything they want are the most arrant cowards when they themselves have to face authority. Trotski was no exception. He crouched and whined and cried in abject terror. When he found he was not to be shot his bluff returned and he protested violently. Later he assume a religious air when he objected to the house in which, by chance, he was temporarily held.

* * * * * * *

The British secret service handed over full details to the authorities at Halifax, including a copy of Trotski's speech. They knew he was a German, not a Russian. With his four companions he was held for some time. His wife and other persons, plentifully supplied with money—which the records show came from German sources in New York—were in communication with Washington and New York. The British secret service people, knowing they had a very important German prisoner, fought bitterly against the release. The minor Canadian officials, knowing the facts, were amazed when they were ordered to discharge the crew with honors.

Our officials were instructed to inform the press that Trotski was an American citizen traveling on an American passport; that his release was specially demanded by the Washington State Department; that in view of the precarious international relations existing at that time it was necessary for Canada to release him.

* * * * * * *

At Ottawa Trotski had, and continues to have, strong underground influence. There his power was so great that orders were issued that he must be given every consideration—issued when it was known at Ottawa who Trotski was. Even after he went through the form of the Brest-Litovsk treaty, which took Russia out of the war, orders were given to Col. Chambers, the chief censor, to forbid any but complimentary references in the Canadian press to Trotski and Lenin.

Trotski agents here are appealing to the baser elements by showing the rich plums to be had by revolutionary methods. In scores of meetings across the continent audiences are being told that they, the proletariat, should rise and seize anything they want. As they have little, they will lose nothing in the attempt. Stories of the big, fat, voluptuous opportunities that have come to their associates in Russia have been brought back to America and have stirred the blood of the envious until to-day over 8,000 organizers are at work urging Trotski revolution.

* * * * * * *

One investigator, a trade-unionist, who is fighting them strongly, told me they are using as much paper in one week in New York for disseminating their literature as the leading daily in Canada uses in six months. At their depots a continuous stream, young persons chiefly, is passing in to purchase the literature, a set of which costs $7 to $10.

* * * * * * *

Things became so bad that the Dominion cabinet appointed C. H. Cahan, K. C., to take over the whole problem from our department of justice. In a short time he uncovered such a serious state of affairs that once more the Trotski influences got busy and Mr. Cahan was ordered to cease his inquiries and send in his resignation.

Attention is called to an aspect of this condition which seems to me to demand immediate attention of the Attorney General, to the fact that Rev. George D. Herron, who, it is alleged in the Washington State Weekly of September 5, 1919—

deserted his lawful wife and left her to consort with another woman, and this other woman had money and she gave some of that money to the once Rev. George D., and with it he founded the so-called Rand School of Social Science. When L. C. A. K. Martens, ambassador of the Lenin government to the bolshevists of the United States, set up his soviet bureau in New York that bureau got into immediate touch with the Rand School and worked in close cooperation with it for the furthering of Bolshevist propaganda in this country.

That school is now being conducted as a sort of university of anarchy. They are preaching revolution. The promotion of their revolutionary aims and acts of violence constitute acts of distinction with them and their associates. That is an attack upon the Government. It is an attack upon the authority of the law. It is a violation of the existing statute, and it is the duty of the Attorney General of the United States to take steps against it, to submit the facts in these cases to the judges and the juries of the United States courts; but he has failed to do it. That was my purpose in framing the resolution which I introduced this morning in the form in which it was framed and for calling the attention of the Attorney General to the situation and seeing what he has to say about it.

A great many cases have been cited here in the Senate—I have cited some of them myself—in which, instead of proceeding against revolutionists, the power and the influence of the Government is exercised in their behalf. In that connection the paper from which I just read contains this statement:

They—

That is, the law-abiding people—

have wondered how Leon Green escaped arrest long enough to abscond with thousands of labor's money; why Walker Smith is at large; why Bouck's indictment was quashed; and why Anna Louise Strong, Sydney Strong, E. B. Ault, and Jim Duncan have been permitted to advocate all that is seditious and treasonable and denounce all that is loyal and patriotic.

The answer is found in the evidence seized in the Rand school and soviet bureau raids: George D. Herron—it ought to be Harem—founder of the Rand school of sedition, was President Wilson's specially appointed envoy to the Russian Bolshevists; Prof. Shotwell, another Rand school lecturer, was a member of Col. House's peace commission; Raymond Robins was his specially appointed Red Cross representative in Russia; Fred C. Howe, prominent as an adviser to the soviet bureau and the Rand school, is immigration commissioner at New York by appointment by the President of the United States; Carleton Hayes, professor at Columbia, who helped raise a huge I. W. W. defense fund, was in the Military Intelligence Division; George W. Kirchway, who was in correspondence with Martens, was a director of the United States Employment Service; and others of more or less prominence in the administration's regard were also in full sympathy with the propaganda in favor of a soviet form of government and the nationalization after the Russian model of industry and women.

I desire to call attention to merely one other circumstance.

Mr. KING. Mr. President, the Senator from Washington will be glad to know that Mr. Howe has resigned. I think probably his resignation was induced by some of the attacks which were made in this body by Democrats and Republicans upon a man with his views holding that important position.

Mr. POINDEXTER. Mr. President, I have an inquiry this morning from a correspondent stating:

I would like to ask why the motion to deport Emma Goldman has been indefinitely postponed? I presume the motion to deport Berger was also indefinitely postponed. I would also like to know why Rose Pastor Stokes is still out on bail, though her appeal for a new trial is now nearly two years old. She is still making seditious speeches and openly defying the law to do anything to her. Is it because she is the wife of a rich American that nothing is done to her?

Why are men of radical tendencies and sympathizers of the Bolsheviki sent to Europe at this time as ministers?

Now, just a moment, Mr. President, and I shall have concluded. I have here the Criminal Code of the United States, an authoritative compilation of the criminal law. The Criminal Code has been in force for a great many years and is now in force. Section 4 of that code provides:

Whoever incites * * * rebellion or insurrection against the authority of the United States or the laws thereof * * * shall be imprisoned not more than 10 years, or fined not more than $10,000, or both; and shall, moreover, be incapable of holding any office under the United States.

That last clause is quite relevant to the present situation.

I know something, Mr. President, if I may be pardoned for making a personal reference, about the kind of proof that is required in enforcing the law; the method of acquiring that proof; and also the application of the statute to the circumstances; and I assert that the evidence which has been adduced here in overwhelming quantity clearly shows a violation of the statute which I have just read; clearly shows that these people have been engaged, to use the language of the statute, in inciting rebellion against the laws of the United States. They have openly defied the laws; they have urged people to disregard them; to disregard the authority of the United States; and have advocated the overthrow of the Government itself.

Section 6 of the Criminal Code provides that if two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to oppose by force the authority of the United States "they shall each be fined not more than $5,000, or imprisoned not more than six years, or both."

There is overwhelming evidence that that statute is being constantly violated, and with the recourses available to the Department of Justice the evidence can be collected, the witnesses can be had, the proof in legal form can be introduced in the court, if the Attorney General, as the head of his department, will fulfill the responsibilities which rest upon him.

Mr. President, a great many of these people are aliens. The statute which I have just read applies both to aliens and to citizens. There are a great many other statutes which apply only to aliens. Leon Green is an alien; Emma Goldman is an alien. They are both anarchists; they are both Bolshevists; they both advocate "direct action"; they both believe in the elimination of the Government in the settlement of industrial disputes; they believe in and preach the dictatorship of the proletariat; they have printed their doctrines, have circulated them, and, to some extent, have carried them into effect. Being what they are, they are subject to deportation from the United States; and it is the duty of the Attorney General of the United States, the chief law officer of the Government, to enforce these laws for the protection of the Government and for the safety of the elementary principle of the right of the individual to life, liberty, and the pursuit of happiness.

Section 3, Thirty-ninth Statutes at Large, page 875, of the law which was enacted on February 5, 1917, provides, in the first place, for the exclusion of aliens who advocate or teach the unlawful destruction of property, and on page 899, section 19, there is this provision:

At any time within five years after entry any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or of any other law of the United States; any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials * * * shall, upon warrant of the Secretary of Labor, be taken into custody and deported.

Mr. President, one of the cardinal doctrines of the organizations which at the present time are conducting the principal strike against the industries of the country is the advocacy of the forcible destruction of property whenever it is necessary for the accomplishment of their purposes. They openly preach that.

Under the law they are subject to deportation. That law was not a mere piece of mummery when it was passed by the Congress and put upon the statute books; it was deliberately considered by Congress; it was put upon the statute books for a special purpose, and it is the solemn and sworn duty of the Attorney General of the United States to enforce it. He has not done so.

Mr. President, the United States Shipping Board has stacked up on the docks in Seattle rifles which, under the orders of the Government, are to be exported for the assistance of those who are striving to establish a government of law and order in Russia, and when any man or combination of men say to the Shipping Board, which is the representative in that matter of the Government of the United States, "You can not put those rifles aboard this ship," I say it is the duty of the executive authority of the United States to call to the docks in Seattle however many of the military forces of the United States may be necessary to protect the processes of the Government and to say to every volunteer who is willing to assist in carrying out the purposes of the Government in this commerce, "You will be protected and absolutely guaranteed against violence in going to or coming from or while engaged in this work." In that way the commerce would move; but nothing is done.

The same condition exists in the throttling and strangulation of the United States Shipping Board commerce and ships in the unloading and loading of their cargoes at the port of New York and other Atlantic ports. No steps are being taken by the Government to protect its own processes.

It is for these reasons, Mr. President, for the purpose, at least, of fulfilling my own obligation in calling the attention of the Government to this situation that I have introduced this resolution.

CALLING OF THE ROLL.

Mr. BRANDEGEE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	New	Smoot
Ball	Harrison	Newberry	Spencer
Beckham	Henderson	Norris	Sterling
Brandegee	Hitchcock	Nugent	Sutherland
Calder	Jones, Wash.	Overman	Swanson
Capper	Kellogg	Owen	Thomas
Chamberlain	Kendrick	Page	Townsend
Colt	Kenyon	Penrose	Trammell
Cummins	Keyes	Phelan	Wadsworth
Curtis	King	Phipps	Walsh, Mass.
Dillingham	Knox	Pittman	Walsh, Mont.
Edge	La Follette	Poindexter	Warren
Elkins	Lenroot	Ransdell	Watson
Fletcher	Lodge	Reed	Williams
France	McCormick	Sheppard	Wolcott
Frelinghuysen	McCumber	Shields	
Gay	McKellar	Smith, Ariz.	
Gore	McNary	Smith, Ga.	
Hale	Moses	Smith, Md.	

The PRESIDING OFFICER (Mr. KNOX in the chair). Seventy-two Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany as in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. Mr. President, I desire to address myself briefly to the pending amendment, known as the Shantung amendment. Before beginning, I ask to have printed at the end of my speech—I shall not ask to have it read—a statement from Hon. Charles Sumner Bird, a very distinguished citizen of my State, in reference to Shantung. I shall ask to have the whole clipping printed. It is very short.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. LODGE. Also, at the same time, at the end of my speech, I ask to have printed a very able editorial from the Christian Science Monitor in regard to the Shantung question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LODGE. Mr. President, the principal argument made by those who sustain the delivery of the control of Shantung to Japan under this treaty of peace with Germany is that Japan has promised at different times to return it to China. Whatever promises she may have made, whether verbal or written, were all marked by one vital omission. In no instance do I find that Japan ever fixed a time when she would actually return the Province to its rightful owners. Even in the promises she made there are reservations which would give her military control of Kiaochow and economic control of the Province. To determine, therefore, what Japan is likely to do it is necessary to consider what she has done during the past 25 years. If we find in the history of that period that Japan has consistently advanced in her control of China, has constantly invaded Chinese rights and taken over Chinese territory, it seems to me absolute proof that

this well-defined policy will be continued in Shantung as it has been so successfully followed everywhere else. For this reason I desire to sketch very briefly the course of Japanese policy in China.

The determination of Japan to adopt a policy of expansion seemed to have been reached in 1894 at the time of the Chinese-Japanese War.

It is not necessary to consider the causes of the war further than to note that Korea had paid, nominally at least, tribute to China from the latter part of the sixteenth century, about 1597 to 1894, when in disputes over the relative influence which the Governments of China and Japan, respectively, were exercising and to exercise in Korea, the war began. At that time Japan declared the independence of Korea as a sovereign State.

The victory of Japan led her to demand in addition to an indemnity the cession by China of the island of Formosa and the Liaotung Peninsula, including the fortress of Port Arthur. Forced by the advice of Germany, Russia, and France, Japan eventually decided not to annex Liaotung Peninsula, but to accept an indemnity of 30,000,000 taels instead. The yielding of Japan to the advice of the three European nations not to annex the Liaotung Peninsula was most unwilling, and from the time when Russia, in 1896 secured a lease of Port Arthur, followed by a concession of railways and mining privileges in Manchuria for herself, the Japanese statesmen asserted to their friends that it seemed evident that a war between Russia and Japan was inevitable The advantageous time for the war was the question for Japan to settle. Evidently Russia's aggressive policy would force Japan to resist in order to protect her own sovereignty. The inevitable conflict of two such ambitious powers as Russia and Japan coveting the same territory—Korea and Manchuria—led to the Russo-Japanese War, beginning in February, 1904.

The result of the war was on the whole a victory for Japan, but it was a victory dearly bought. There was a sacrifice of lives and the assumption of a heavy burden of debt. Japan had doubtless expected to collect an indemnity sufficient to cover the financial costs of the war, and possibly considerably more, as she had done in the China-Japanese War. In fact, she made every effort to do so. She was, however, so weakened by the war and its continually increasing expense as the fighting zone receded farther from the base of supplies that Russia was able positively to refuse to pay any monetary indemnity. Japan could only free Korea, relieving herself from any danger in that quarter and retaining there a dominant position, and securing from Russia the latter's claims in South Manchuria.

Although Japan had declared at the beginning of the war that she was fighting to free Manchuria from the Russian shackles and to secure and maintain independence for Korea, on receiving from Russia the transfer of the concessions which that country had secured from China by bribes and threats, she compelled China to agree to the transfer. She even went further. Russia had nominally, at least, arranged for a joint use of Port Arthur with China, although it was clearly understood that that port was to be Russia's naval base, and that she was to have actual control. Japan, however, made no pretense. She insisted upon the sole use during the term of the so-called lease.

In Korea matters moved promptly; and Korea is a very excellent suggestion of what may be expected in China. At the beginning of the war Japan made an agreement with the Korean Government, February 23, 1904, "definitely to guarantee the independence and territorial integrity of the Korean Empire." It was understood that Japan might occupy "such places as may be necessary from strategic points of view." Later, in the same year, Korea was forced to agree to take a Japanese subject as advisor, whose counsel must be followed; also, to appoint a Japanese diplomatic advisor to negotiate contracts with foreigners and to direct diplomatic affairs. In communicating this agreement to the American Government, the Japanese minister of foreign affairs said that his country "did not intend to place any impediment in the way of legitimate enterprises in Korea," but merely to check "unwise and improvident engagements." On April 1, 1905, another agreement amalgamated the transportation systems of the two countries. On November 17, 1905, the Emperor of Korea agreed to receive a resident general at his court, whose duty it should be to direct diplomatic affairs and to control all foreign matters. Soon, by way of administrative measures, high official appointments were placed under compulsion in Japanese hands. In 1909 the Japanese took the police power, and on August 2, 1910, the Korean Emperor surrendered his imperial title and his country was formally annexed to Japan.

Americans should bear in mind the fact that in the treaty which the United States made with Korea at the time (1882) that she opened her commerce to us, our country undertook, in case Korea was subjected to oppression by other nations, to intervene in her behalf—that is, to use her good offices. I use the shorter term. As has lately been shown unquestionably by the testimony of Prof. Hurlburt, the American sent as agent by Korea to claim this protection, the Korean Government requested the United States to intervene in her behalf and prevent this annexation. Owing to numerous delays, however, brought about by the direct action of Japan, this request was not formally presented until the act of annexation had been accomplished, and no assistance was rendered. The devious policy of Japan, whether or not justifiable from the political viewpoint, is clearly apparent, and Japanese historians themselves make no attempt to deny it.

At the time of the Boxer uprising in 1900, Japan had been among the nations which had agreed to the policy of maintaining the territorial entirety of China and her independent sovereignty. Japan likewise joined with the other nations in the open-door policy of Secretary Hay. After the close of the Russo-Japanese War, when she had taken over the Russian claims to the South Manchuria Railway and was administering that line, she again more than once reaffirmed that policy. For no considerable length of time, however, during any of the period from that day to this, has that policy been fairly carried out in Manchuria and the zones under the control of Japan. Foreign shippers have frequently, one might almost say regularly, complained of discriminations direct or indirect. The testimony is clear that foreign shippers have seen their products held on side tracks on unprotected cars and being spoiled by the rain, while at the same time Japanese products of similar nature—soya beans and the like—were going directly on to the shipping port. Only lately, American dealers in Shanghai have testified that even now Japanese dealers in Shanghai are using as arguments to prospective purchasers of competitive goods that they can guarantee prompt shipment and specific dates of delivery in Manchuria where goods have to pass over the South Manchuria Railway, while American and British dealers can not give such guaranty of delivery. Moreover, specific instances are on record in the Government files of Japanese shipments reaching their destination promptly in a few days, while foreign goods required as many weeks for delivery with no certainty of any specified date.

Such complaints, I think, must have been received by many Senators. I have received some.

In 1911 an international loan by the United States, Great Britain, France, and Germany was under consideration to arrange a reformed monetary system for China and make certain important developments in Manchuria. The carrying out of the purposes of this loan were delayed by the revolution of that autumn in China which overthrew the Empire and established the Republic, so that the purposes have not yet been attained.

Shortly after the entrance of Yuan Shih-Kai to the presidency and the international consortium she took up the question of a large reorganization loan of $125,000,000. In order to secure their share of influence with the Chinese Government, Russia and Japan requested to join this consortium with the consent of the other countries.

Throughout the entire period, since the outbreak of the European war, affairs in China have seemed to European nations of much less import than the duties of the war. The Japanese have apparently strengthened their methods of closing the open door and have also been much more vigorous, as at the time of the Cheng-chia-tung affair, and have been more aggressive, if not to say insolent, in their treatment of the Chinese, especially of the Chinese policy.

The Great War brought to Japan her opportunity. China likewise saw her opportunity and attempted to play her part, but being weak and not promptly supported by foreign friendly nations, and being directly and bitterly opposed by Japan, she was compelled to yield. For example, at the beginning, before Japan acted, China, in order to secure her neutrality and protect her own interests, suggested the following steps:

First. That there should be neutralized under Chinese control all her territory leased to foreign belligerent nations or those that might become belligerent.

Second. If war were waged on her territory, the warlike acts of belligerents should be limited to specified areas. It will be recalled that such limitations had been made with the consent of the powers during the Russo-Japanese War, and

Third. That China would join the Allies.

Owing to her weakness, she could not put this policy into effect without consulting other nations. The United States encouraged her. The German legation was inclined to be favorable to her first proposal. But before any action could be

taken, Japan, seeking her own aims, on August 15, 1914, sent an ultimatum to Germany, advising the Imperial Government—

To withdraw immediately from Japanese and Chinese waters, German men-of-war and armed vessels of all kinds, and to disarm at once those which can not be so withdrawn.

To deliver on a date not later than September 15 to the Imperial Japanese authorities, without condition or compensation, the entire leased territory of Kiaochow, with a view to the eventual restoration of the same to China.

In taking this action ordering Germany to "*withdraw immediately from Chinese waters*," Japan insultingly assumed an authority over China to which she had no right and a weakness in China which was not justifiable. As a matter of fact, China did intern warships of both belligerents in waters under her control.

President Yuan Shih-Kai, although he had intimated his readiness to order Chinese forces to capture Tsingtau, was prevented from so doing by the coldness of the reception by other powers, especially Japan. China attempted to limit the scope of military operations. There was no need for military purposes of going outside of the neutral zone about Kiaochow that had been leased to Germany in order to send any troops in. Great Britain followed China's wishes in not going outside of their territorial reservations. The Japanese, on the other hand, landed their troops some 150 miles northwest of Tsingtau at Lungkow, far beyond the limits indicated. Moreover, on their march toward Tsingtau the Japanese assumed the military control of all the territory through which they passed, seizing telegraph stations, barracks, and all strategic positions besides assuming control of the entire railway between Tsingtau and Tsinan-fu, the capital of Shantung—a section of railway most of which had nothing to do with military needs. China made vigorous protests but without avail. Since that time, Japan has maintained military stations throughout the length of the line, has built the important barracks as if for permanent control in Tsingtau and other stations, and has kept some thousands of troops in the Province. Moreover, she has set up a civil administration including a system of courts, and has, in certain instances, been trying cases even between Chinese. Again, in the parts of the town of Tsingtau which are best suited for commercial purposes, she has not only taken control of the former German positions, occupied them with Japanese, and administered them as public property or as private Japanese property, but she has built up permanent Japanese buildings adapted for commercial purposes upon much of the former unoccupied land, has in more than one instance forced foreigners, including Americans, to remove their quarters from advantageous positions to those which were less suitable for their business, and has given the territory thus acquired to Japanese for their own purposes. Our Government has, in its files, evidence of high-handed action on the part of the Japanese authorities against Americans and American establishments far surpassing any pressure brought to bear upon them at any time. We should bear in mind that the Japanese have assumed in the same territory far greater power—civil, military, and economic—than the Germans ever exercised. Moreover, the Germans, especially of late years, had apparently adopted the policy of conciliation toward the Chinese and had yielded some of the privileges which they formerly held; for example, in connection with mines.

It is very apparent that the period came after the German occupation, and very soon after, when they stopped their policy of expansion and exploitation, for what reason I do not know; but there is no question of the fact. The Japanese until the signing of the peace treaty had shown no disposition to yield more to the Chinese; rather the contrary, for they had encroached in all directions.

On November 7, 1914, Tsingtau surrendered to this assault, apparently merely whetting the Japanese determination to strengthen her grip still further. The powers, including the United States, had apparently acquiesced without difficulty in her acts about Tsingtau. To secure her clutch on China as a whole, the Japanese minister in Peking on January 18, 1915, presented directly to the President, contrary to diplomatic usage, the noteworthy 21 demands classified in five different groups. China was warned that she must act promptly, must accept the demands without change, and must keep absolutely secret all proceedings. In spite of the warnings, through newspaper correspondents, the Chinese made it known that such demands had been presented. The Japanese officials emphatically and completely denied the truthfulness of the facts as published. The Japanese Government warned the Japanese newspapers not to publish or discuss the question. All her representatives abroad were ordered to deny the facts and all news regarding them. In Peking, the Japanese minister officially denied to the other legations that any demands had been made. When at length, despite these vigorous attempts at concealment, the copies of these demands became known to other foreign governments, the Japanese Government still denied there were 21 demands. She presented a list of but 11. All this appeared in evidence in the hearing held by the Committee on Foreign Relations.

In the meantime, her Peking representative was pressing for an immediate unqualified acceptance. The Chinese were playing for time and hoping for the influence of foreign public opinion. At length, on May 7, 1915, Japan delivered an ultimatum giving two days and a few hours for acceptance, otherwise "the Imperial Japanese Government will take such steps as may be necessary." Of course, failing to receive assistance from others, the Chinese Government had to yield, although parts of group five, against which the foreign outcry had been loudest and the acceptance of which would practically make China a mere subject province, China refused to accept. While now Japan is urging that America accept her unwritten promise regarding Shantung, we should keep carefully in mind the facts just mentioned. Japan's chief argument, and the argument that has apparently been most frequently accepted by America, is that China finally signed the treaty, although under pressure, and that she must abide by her decision. Japan is now endeavoring to bring pressure upon the present Chinese Government to enter into similar negotiations with her regarding the conditions under which Shantung is to be returned. She wants China to sign the award of the treaty putting all German claims and more into Japanese hands. Does the history of the 21 demands justify Americans now in trusting Japan, even though President Wilson says he trusts her?

It is worth while for Americans to note that at the time of the 21 demands, the American Government had on May 15, 1915, sent a note to both Japan and China and formally notified both Governments "that it can not recognize any agreement or undertaking which has been entered into or which may be entered into between the Governments of China and Japan impairing the treaty rights of the United States and its citizens in China." The political or territorial integrity of the Republic of China or the international policy commonly known as the open-door policy still stands. Apparently, from the public statements of the Japanese Government, that country attempts now to interpret the treaty as recognizing also the 21 demands, but President Wilson specifically states that he did nothing at Paris to weaken the force of this reservation of May, 1915, regarding the demands. China, having failed to check Japan's aggression, next attempted to make provision for a seat at the Paris conference, hoping that there at least she might receive justice.

We have seen that President Yuan Shih-Kai had hoped that the Chinese might capture Tsingtau rather than to attempt to maintain neutrality or to limit military operations wherever Japan was concerned. Next he proposed to send troops to participate in the capture of Tsingtau, urging that all moves in Chinese territory by Japan be discouraged. Again, in August, 1915, he proposed to join the Allies, but the British minister discouraged him. On October 30, acting on the suggestion of one of his foreign advisers, he took up the question again, discussing it with the American, Russian, and French Legations. At this time the matter was given some consideration. The United States being still neutral could take no formal action. The American minister personally sympathized with the movement, and doubtless the American Government would have welcomed it. The matter went so far that the representatives of Great Britain, France, and Russia, on November 23, 1915, met with the minister of foreign affairs in Tokyo, Viscount Ishii. They suggested that China become an ally. Viscount Ishii objected. The reports of the interview from various sources agree that Viscount Ishii summed up his objections to the effect that Japan's interests in China were paramount and that she must maintain a firm hand regarding them. Moreover, Japan could not see without apprehension the prospect of a large Chinese army such as would be required if China were to join actively in the war. Nor could Japan view without uneasiness "*a moral awakening of 400,000,000 Chinese*," such as would be brought about by the participation in the war. In Millard's account of the interview, he phrases part of the objection thus:

Nor could Japan fail to regard with uneasiness a liberation of the economic activities of a nation of 400,000,000 people.

Such as would be brought about by the war. Americans should ponder well this statement.

When America broke off official relations with Germany, February, 1917, she invited neutrals to sever diplomatic relations with Germany. In Peking, the American minister reached a prompt decision with China. Great Britain, France, Russia, and Italy, while apparently favorably impressed by the suggestion, did not urge it strongly. The Japanese minister in a private interview with the President said that China would run a great

risk by joining America inasmuch as the action of the United States probably would not be effective in the war, and that while that country had frequently expressed her sympathy with China, she had really done little for her. It was very doubtful whether the Allies could defeat Germany. It was much safer for China to rely upon Japan, since there would doubtless be harmonious action between Japan and China in the war, and Japan could then protect China. The minister also presented the same argument to China's prime minister. Under the circumstance, the Chinese Government hesitated until the American minister, in reply to questions of the Chinese, stated that while he had no official instructions, on account of the cables being out of order, he would assume the responsibility of saying that, in his judgment, assistance would be given to the Chinese to recover Shantung at the peace conference. On the basis of that assurance China, over the protest of Japan, accepted America's invitation and severed diplomatic relations. The United States Government never repudiated the action of our minister, and China later entered the war believing that she was promised America's support at the peace conference.

These activities of China aroused Japan to new action. The terrific German drive was anticipated with the greatest anxiety. While America would in all probability come into the war, it seemed unlikely that her troops could become seriously effective before the spring of 1919, and it might then be too late. Moreover, in all the countries there was a widespread belief that the Japanese were inclined to sympathize with the Germans and to believe in the likelihood of German success. Under those conditions the Japanese secured from Great Britain, France, Russia, and Italy, under various forms of phraseology and under slightly different conditions, a secret pledge to support the Japanese request that the German claims in Shantung be ceded to her and that the Pacific islands, north of the Equator, be given to Japan.

The Japanese still felt that without America's recognition of their plans, their case was not quite secure, and in consequence, selecting a most eloquent and skillful diplomat, a former minister of foreign affairs, Viscount Ishii, they sent him to the United States to secure such recognition. Shortly before his arrival, a confidential memorandum purporting to be Ishii's program was secured by the State Department and two or three other interested parties. Ishii was to say—

that Japan has no ulterior motive in respect to the integrity of China; that she adheres to her open-door pledges; that nothing subversive of China's sovereignty is contemplated; that Japan's sole object is, by means entirely pacific, to bring order out of chaos in China, with no special privilege in view; that Japan understands China better than any other nation, and, owing to her geographical proximity and special political position and interests in the Far East, she should, therefore, when essential, take the leading rôle in dealing with China as the United States does with the nations of the Western Hemisphere.

It is to be noted that in spite of Viscount Ishii's attempt to secure all these demands, in spite of the fact that in the Lansing-Ishii agreement, as it was published by Japan in China and throughout the Far East, he apparently had secured these aims, he had, as a matter of fact, failed in his chief purpose. Secretary Lansing, before the Senate committee, testified as follows:

Ishii said he thought that Japan's special interest in China should be recognized in any agreement we might make. I said that of course the United States recognized that because of geographical location Japan had a peculiar interest in China, but that the danger of putting it in any agreement was that it might be misconstrued and that therefore I objected to it.

I further told him that if he understood "special interest" meant "paramount interest" I could not discuss it further.

Ishii suggested a "Monroe doctrine" for the Far East. I told him that the Monroe doctrine did not give the United States a paramount interest over any nation on this hemisphere. And I thought the same principle should be given any other nation with regard to China. Ishii maintained silence.

This shows clearly that the American Government recognized no special interest of Japan in China greater than an interest such as the United States has in Mexico or Canada, and that Lansing positively refused even to discuss with Ishii any "paramount interest" in China. Moreover, since the Japanese have been talking about the "Monroe doctrine" as applied to the Far East, it is worth while to note that Secretary Lansing positively asserted that the "Monroe doctrine" did not give the United States a paramount interest over any nation on this hemisphere, and that "no paramount interest and no special privileges should be given any other nation with regard to China." It is fortunate that the State Department has, even at this late date, given its interpretation of this agreement.

The Japanese have further attempted to strengthen their hold in China, especially by extensive loan operations. For months an unofficial agent, the former prime minister of Japan, named Nishihari, was in Peking suggesting, almost forcing, the loans upon China. The process was secret. It is the deliberate opinion of both foreign and other observers that threats and bribery were deliberately used. The applications were of such a nature that in many instances they would not be proper securities for loans unless it was intended to use political pressure to collect them. And, again, although the purpose was nominally economic, it is well known that the money was applied, contrary to agreement, for the military purposes of provincial leaders. The purpose was clearly to tie up in Japanese hands the best of the resources of China at a time when the other nations were so occupied that they could not interfere. Unless some change is made in these records, China will be seen to be largely mortgaged to the Japanese in such a way and to such an extent that the already acquired rights of other nations will be seriously infringed.

There is no need to discuss here at length the acts of the peace conference at Paris, as disclosed in sections 156, 157, and 158 of the treaty. It is worth while, however, to note briefly the significance of Shantung, for the full significance of the Shantung settlement seems to be little appreciated by the public. It is ordinarily stated that there has been awarded to Japan merely the German rights in Shantung, and that therefore China is no worse off than she was before. Personally I believe that Germany had no rights to renounce. I think the treaty was abrogated by the act of war. But, however that may be, people shut their eyes to the moral issue and the methods employed by Japan to get this claim, and do not realize its economic and political significance. Attention is frequently called to the fact that the German concession does not include the entire Province of Shantung, some 35,000 square miles (about the size of Illinois), with a population of some 40,000,000, but only the territory surrounding the Bay of Kiaochow, some 200 square miles in extent, with a population of 195,000; and it is further added that Japan has promised to restore to China the political rights over even this territory of Kiaochow, retaining only the economic rights. The Japanese seem to have scrupulously avoided calling attention to the most significant single fact; that is, that in the agreement which they forced China to accede to in connection with this settlement, they reserved a Japanese settlement, selected by themselves, to remain under the absolute control and direction of Japan. After they have taken their pick, if the other nations desire, there might be provided an international settlement.

The outlines of this exclusive Japanese settlement seem to be rather clearly defined. It includes all the wharves and other port facilities, all of the railway terminals, the cable terminals, the central telegraph, telephone, and post offices, the customs, together with all of the best business and governmental sites in Tsingtau. Furthermore, the German rights which Japan is to inherit under the treaty give her the exclusive prior right in case China wishes to build two other trunk-line railroads in Shantung to finance them or build them for China on terms similar to the Tsingtau-Tsinanfu road, to furnish all railway materials for such roads, to finance or administer the opening of mines in the province, and in case China wishes to make any other developments of whatever nature—

The Chinese Government binds itself in all cases where foreign assistance, in persons, capital, or material, may be needed for any purpose whatever within the Province of Shantung to offer the said work or supplying of materials, in the first instance to German, now Japanese, manufacturers and merchants engaged in undertakings of the kind in question.

Still further it includes the right to extend the existing important trunk lines of the main railroad outside of the Province of Shantung into the very heart of China, tapping the two existing north and south main trunk lines, thus enabling her to divert much of the traffic, especially in the winter when the other northern ports are closed, to the port of Tsingtau, over which she has exclusive control.

That is where the Whitham report comes in. The control of these lines in Shantung connects with the northern and southern lines, and Mr. Whitham, in his report on transportation in China, of course shows exactly what he meant, that it was giving to Japan not only control of the railroads of Shantung, but a grip on the entire railroad system of China. It is not surprising that we have not received this report.

Certainly this is no very small hold over forty millions of people.

Mr. REED. Mr. President, would it interrupt the Senator if I asked him a question?

Mr. LODGE. No.

Mr. REED. What reason or excuse is offered for not giving the Senate this report?

Mr. LODGE. The Senator from Connecticut [Mr. BRANDEGEE] knows the phraseology of the response better than I do. I think it says simply that it would be incompatible with the public interest to furnish it.

Mr. BRANDEGEE. I believe the Senator from Missouri [Mr. REED] was not on the floor at the time that matter was discussed. I will state for his information that the letter from Secretary Lansing, in reply to my request for the report, stated that the report had never received the approval of the Department of State, although the report was made to the Department of Commerce and not to the Department of State at all. The report for some reason, I do not know what, found its way from the Department of Commerce to the Department of State, and was there refused to the Senate by the Department of State on the ground that it has never received the approval of the Department of State, and, therefore, the Secretary does not wish it to obtain publicity, as he expresses it, with any authority of the department. There is an intimation in the communication, which is printed in the RECORD, but which I have not time now to turn to or find, that there was some diplomatic negotiation going on with China with which this might interfere. In his letter of reply to the Senate resolution, which was unanimously adopted asking for the report, the President states that he thinks it is not in the public interest—

Mr. REED. Mr. President, I hardly supposed, if the Senator from Massachusetts will pardon me a word——

Mr. BRANDEGEE. He said it was not in the public interest to comply with the request contained in the Senate resolution to give us the report.

Mr. REED. I understand. I hardly supposed that the Senate was to be barred from seeing anything that had not received the approval of the Secretary of State. It seems to me that is a new doctrine, and I interject the remark now, but I want to elaborate it later——

Mr. LODGE. This, of course, is the view of the President. The Secretary of State can not approve or disapprove the paper.

Mr. REED. I think the Senate is entitled to every paper and every document bearing upon the treaty. The Senate can be just as much expected to respect any necessary secrecy as the State Department. So far as I am concerned, I think the consideration of the treaty ought to be laid aside absolutely until the executive department places the Senate in possession of the papers in the case. The withholding has been without precedent and without justification. To expect the Senate, as representing the people of the United States, in so far as the Constitution gives it that authority, to pass upon an important document without knowing the facts is to expect the Senate to be, to use a common expression, played the fool with. I am tired of dealing with the case without the papers, and I think the Senate ought to take that attitude.

Mr. LA FOLLETTE. Mr. President, will the Senator from Massachusetts please state whether this is the only paper connected with the treaty that is under consideration, or related to it, to which the Senate has been refused access or opportunity to study or examine?

Mr. LODGE. Oh, no. We were refused practically everything that we asked for, except two drafts of the American plan for the league of nations, one of which was a printed draft called the American draft, and the other known as the composite draft. Mr. Bullitt, in his testimony, added a number of other drafts to the collection, so that we are rather well supplied with drafts of the American plan which was discarded. They also sent in, after some little acuteness of pressure, the treaty with France, which ought, under the provisions of the treaty, to have been presented the day the German treaty was presented.

Mr. LA FOLLETTE. How long was that held up or denied to the Senate?

Mr. LODGE. The French treaty?

Mr. LA FOLLETTE. Yes.

Mr. LODGE. I should say for two or three weeks after the submission of the German treaty. I am not at all sure about the date, but it was after there was some little discussion in the Senate about it that it finally came in. Of course, however, we gained no information from it, for it had been all printed in the newspapers.

Mr. LA FOLLETTE. Can the Senator from Massachusetts enumerate, out of hand, the important papers or documents which are known to exist which are not now in the possession of the Senate?

Mr. LODGE. I can not give a full account of them from memory; I should have to look at the records, but I can mention one or two. The protest or letter, or whatever we choose to call it—the document in which three of our delegates to the peace conference expressed their objection to the Shantung clause—was refused.

Mr. REED. And is it still refused?

Mr. LODGE. Oh, yes; it has been absolutely refused.

Mr. BRANDEGEE. The Senator refers to the letter of Gen. Bliss?

Mr. LODGE. The letter of Gen. Bliss, in which Mr. White and Mr. Lansing joined. That was asked for by a resolution of the Senator from Idaho [Mr. BORAH] at the very beginning of our proceedings and was refused.

We were also refused the official records of the peace conference and of the commission and of the council of 10.

Mr. REED. So that the Senate has been denied the right to see the very documents which may at some time be appealed to as bearing upon the construction of the treaty itself.

Mr. LODGE. They have been refused; practically everything which has been asked for has been refused. By that I do not mean to say that we have not obtained any information. We have secured considerable information.

Mr. REED. But what you have secured you have obtained in spite of the State Department?

Mr. LODGE. I ought not to say that in fairness. We had the financial experts of the peace commission before us, and, under examination and cross-examination, they went very fully into the discussion of the financial clauses of the treaty with Germany.

Mr. REED. That was when the committee summoned them?

Mr. LODGE. Yes; we summoned them.

Mr. REED. Reports were not sent to you of the proceedings?

Mr. LODGE. No. We simply had these men before us. We had Mr. Baruch, Mr. Bradley Palmer, and Mr. Norman H. Davis. They gave us all the information they could, I think. We also had the Secretary of State before us, and we also had the benefit of a three and one-half hours conversation with the President at the White House.

Mr. REED. But the papers and records of the negotiations have never been laid before you?

Mr. LODGE. Oh, no; none of the records of the peace conference or of the discussions carried on have been transmitted to the Senate. They were distinctly refused by the President, not only in his letter to the Committee on Foreign Relations but in the conversation at the White House.

Mr. REED. If I am not breaking in on his discussion, I want to ask the Senator from Massachusetts one further question; and we have broken in so much that perhaps we might pursue this matter for a moment further, with the Senator's permission.

Mr. LODGE. It is not breaking in on my discussion at all.

Mr. REED. Has the Austrian treaty yet been laid before the Senate?

Mr. LODGE. No.

Mr. REED. I will ask the Senator whether he is unofficially aware of the fact that the Austrian treaty in radical and important respects undertakes to modify the league of nations covenant?

Mr. LODGE. I was not aware of that. I have put into the RECORD a copy of it, having received a copy from Paris through the Chicago Tribune correspondent, which I had printed together with two letters. Not all of the letters connected with it were included, by any means, but two that were sent us in response to the Austrian objections. The first draft of the treaty and the final letter of transmittal from our delegates I put in, and they have been printed. I confess, however, I have not had time to examine them with any care at all. The Senator from Missouri has undoubtedly seen them.

Mr. REED. The point I desire to make is—and I make it in the form of a question—whether it is not true that, while the clamor is being made for haste in the acceptance of the treaty with Germany, which contains the permanent league of nations, treaties are now being negotiated with other countries which in substance and in effect change the terms of the league of nations contract? That is going on at the very time when we are being lashed here, and it is insisted that we shall at once enter into this contract without change.

Mr. LODGE. Mr. President, I have not examined the version of the league of nations contained in the Austrian treaty. I had supposed it was the same in all the treaties. It is to be attached to the Bulgarian treaty, of course, and to the treaty with the Turks, and also to the Hungarian treaty. I had no idea that there was any variation in it or that it was modified in any way by those treaties.

Mr. REED. For the sake of not leaving the matter in the air—and with this I will take my seat, saying, however, that I intend to give a little more attention to it—this much, at least, is true, if we are to trust to the unofficial copy of the Austrian treaty, that the Austrian treaty practically undertakes to control by the Allies or through the league of nations the internal affairs of Austria.

The practical government of the country is taken over by the league. Then, it is provided that any question arising as to the carrying out of any of the internal affairs of Austria as prescribed in the treaty shall be an international question and shall be settled by the league; then, it is further provided that the settlement shall be by the council of the league; then, it is further provided that that settlement shall be by a majority of the council of the league, instead of by a unanimous vote; then, it is further provided that all of the nations signatory hereby bind themselves to abide by the majority decision of the council of the league; and then, it is further provided that the complaint as to a violation of the treaty obligations by Austria can not be made by any nation a member of the league, which is the plain provision of the league covenant itself, but that it can only be made by one of the nations that is a member of the council. So, I say, by the boldest sort of process they are even now by way of treaty grafting onto the covenant of the league of nations provisions which change its entire import; and that, while that process is going on, the Austrian treaty is withheld from us, the correspondence is kept from us, and we are told we must proceed at breakneck speed.

Mr. LODGE. Mr. President, I will say, first, to the Senator from Missouri that the Austrian treaty which we have is an official copy, but it was not officially transmitted. As to interference with internal affairs, the Senator need not travel so far as the Austrian treaty, for he will find similar interference in the treaty with Poland.

Mr. REED. I am aware of that.

Mr. LODGE. The treaty with Poland has never been transmitted to the Senate, but as it was transmitted by the British Government to the Parliament and printed with the other papers—and it was published in the White Book, a copy of which could be purchased for sixpence at the booksellers in London—I secured a copy and had it printed. It contains an interesting letter from M. Clemenceau to Paderewski.

There is also a treaty with Czechoslovakia somewhere that has relation to the German treaty. The Czechoslovakian treaty I have never seen, and I have never heard of its being published in England, or I should have tried to secure a copy.

Mr. GORE. How does the Senator procure the copies of the treaties which had not been transmitted to the Senate?

Mr. LODGE. I have been able to secure copies in England. If they were published in this country, of course they could be obtained here; but I have a friend in England who kindly sends me them when they are published, as they can be obtained at small expense. I repeat, the Czechoslovakian treaty we have never had; but, so far as waiting for documents is concerned, my own feeling is that we know about all we are likely to know about the pending treaty, and I should be very glad to go on with it and finish it at the earliest possible moment consistent with proper discussion and debate.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to interrupt him?

Mr. REED. Will the Senator pardon me for a moment?

Mr. LODGE. I yield first to the Senator from Connecticut.

Mr. REED. I beg pardon; I did not know the Senator from Connecticut was on the floor.

Mr. BRANDEGEE. When the Senator from Massachusetts speaks of having been refused the records I presume he refers to the records of the peace conference.

Mr. LODGE. Yes; the records of the peace conference, and also the records of the meeting of the council of ten, which gradually dwindled, as will be remembered, to a council of six, then to a council of four, and until it finally ended up with a council of three.

Mr. BRANDEGEE. Yes. By the term "records" does the Senator mean to include what were known as the minutes and the procés verbaux?

Mr. LODGE. Certainly. The Senator will recall that we secured a copy of the proceedings of one of the meetings of the commission in a pamphlet which was printed. It was sent in with some papers transmitted by the Secretary of State and contained the record, I think, of one session. I always thought that it got in by mistake, but that may not be the case.

Mr. BRANDEGEE. It may have been a sample. But what I wanted to call attention to, Mr. President, was that the Secretary of State, Mr. Lansing, testified, if I recall his statement correctly, before the Committee on Foreign Relations that at the request of the President a cable had been sent by his department to M. Clemenceau requesting M. Clemenceau not to divulge to the French Chamber of Deputies or to the French Senate the minutes and the procés verbaux.

I received yesterday a copy of a French newspaper, or I think it was a translation of the French, purporting to be a statement by Clemenceau to the French Chamber of Deputies, in which he stated that it was at the request of President Wilson that he declined to furnish the French Chamber with the procés verbaux or the minutes of the conference.

Now, Mr. President, my strong impression is that those minutes have been furnished to a committee of the French body, either the Senate or the Chamber, and that the committee was on the point of divulging them or submitting them to the body of which it was a servant, and that it was upon the receipt of the cable from our State Department, under instructions from the President of the United States, that Clemenceau forbade the publication of those, and France has ratified the treaty without knowing anything of them. The committee, at least, had the privilege of seeing them; but our Committee on Foreign Relations—we being a great democracy and having the advantage of open diplomacy—have never been allowed to see them.

Those procés verbaux, telling what went on at each sitting of our peace commissioners, of course show the arguments given for every disposition that was made in this peace treaty, and for all the provisions of the covenant of the league of nations, and show what was said by each peace commissioner of the different nations, and are the key and explanation to what this treaty means, and why these things were done. That, under the new demonstration of open diplomacy, is put in the dark, and we are allowed to see this thing, not face to face, but "through a glass darkly," and badly grimed at that.

Mr. LODGE. Mr. President, I have been led away from what I was trying to say, and I shall now conclude briefly.

I was speaking of this control of the entire Chinese transportation system which Japan was acquiring through the Shantung railways. The comparison, to show practically what it is, that springs most naturally to one's mind, is to imagine that Great Britain, with her control of Canada—a far less rigorous control than Japan exerts over Manchuria or Eastern Inner Mongolia—also held under her control the port of New York, all the wharves, all railway terminals, including our two principal railroads, the management of our central customshouse, post office, cable terminals, telegraph and telephone administrations, the absolute ownership and control of the Pennsylvania Railway through to Chicago, with the right to extend it at least as far west as Kansas City; the prior right to finance or build and furnish supplies to all railroads; all important mines, present and future, in that territory; and any other improvements which our people, through this Government, might contemplate making in any of that territory north of Washington and east of Chicago, provided Great Britain would perform this work for us as cheaply as any other responsible bidder. Before acceding to this section of the peace treaty the Senate should carefully note what such a grip of Great Britain would mean, not only to the United States but to all other nations of the world wishing to do business with the United States. That would fairly illustrate the enormous value of the control which Japan retains in the railroads and mines and her share of the port of Kiaochow.

The Senate, I think, should not only keep fully in mind the aggressive measures taken by Japan from 1894 to the present in order to note the strides that she has made and what may be anticipated in the future, not only should they note her methods of unscrupulous disposition, but they also should not lose sight of other acts of hers which will enable them to judge of their effect upon a people falling under her control. There need be cited only two matters. Americans know from the spirit with which we have administered Porto Rico and the Philippines, what our views are regarding the influence of a stronger nation for a weaker one, more backward in matters of modern economic and political development. Late revelations of the Japanese policies in Korea begun with the murder of a Korean queen and the force exercised upon the Emperor and his ministers at the time of the annexation and ending with the brutal torture and killing of the unarmed and unresisting revolutionists in the spring of 1919, showed the difference between Japanese and American ideals. Do we wish to have Japanese methods applied in Shantung? And we should not forget that there are many individual instances of similar methods having been applied in Manchuria to the Chinese where the Japanese have been in control.

One other and special instance of Japanese methods, a matter in which we have taken a profound interest and in which all nations desirous of the world's welfare have taken a profound interest, is the opium question. For the last 10 years China has made a most heroic effort to free her people from the curse of opium and its compounds. They have gone so far as to

expend, I think, something like $18,000,000 in destroying a large quantity of opium which had been brought in. The Government, to a most remarkable degree, has succeeded in carrying out its policy, such success being verified by British officials, as well as by the almost universal testimony of foreigners residing in China. Within the last two or three years the Japanese have been forcing the Chinese in Chihli and Shantung back to their former condition. Poppies are growing in Manchuria. Opium is manufactured there in large quantities under the direction of the Japanese, and the same drugs—formerly bought, it is asserted, largely in Edinburgh and other British territory—are now imported by the Japanese contrary to their formal word at the opium conference, contrary to the spirit of the Chinese customs laws, and are entering China in very large quantities. The outport and overseas supplement of the China Illustrated Weekly for February 15, 1919, gives some 300 specific cases of purchases of opium and morphine made by its own agents from Japanese shops. Testimony shows that such cases are almost limitless, and it is believed by the foreigners resident in China that this traffic has been deliberately encouraged by the Japanese Government; first, for the purpose of revenue, and, second, with the ready willingness, at any rate, to have the Chinese for the time being weak physically and morally in order that the Japanese may be strengthened in this locality politically.

It is amazing to me that the supporters of prohibition should sustain a power which is engaged in forcing opium upon China, a drug even more deadly in its effect than alcohol.

In this connection I wish to print the testimony taken by the committee in regard to the opium question, which I will ask to have inserted here without reading. It is the testimony of Mr. Macklin, who has been for more than 20 years in China, and the head of the College of Nanking. It well deserves reading and examination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

"SHANTUNG AND OPIUM.

"Under the dominating influence of Japan in China the opium business that had been stopped by England and China is being fully reestablished.

"In Asia magazine of March, 1919, Putnam Weale says that the Japanese imported 20 tons of morphine a year into China. The Shanghai North China Daily News, the most conservative and reliable British newspaper and the mouthpiece of the British Legation, quoted in the Literary Digest of April 12, 'In South China morphine is sold by Chinese peddlers, each of whom carries a passport certifying that he is a native of Formosa and would be entitled to Japan's protection. There are Japanese post offices everywhere in China, and they carry the drug throughout the country, and the Chinese authorities are neither able to investigate nor interfere. They are helpless under Japanese domination. Japanese drug stores throughout China carry large stocks of morphine, and Japanese medicine venders look to morphine for their large profits throughout Tairen. Morphine circulates though Manchuria and the Provinces adjoining. Through Tsingtau morphine is distributed over Shantung, Anhui, and Kiangsu Provinces. From Formosa morphine is carried with opium and other contraband by motor-driven fish boats to some point on the mainland, from where it is distributed throughout the Province of Fukien and north of Kwangtung. Everywhere it is sold by Japanese under extraterritorial protection. While the morphine traffic is large, there is every reason to believe that the opium traffic upon which Japan is embarking with enthusiasm is likely to prove more lucrative (18 tons of morphine sold in one year by Japan to China).

"'In the Calcutta opium sales Japan has become one of the considerable purchasers of Indian opium; she purchases for Formosa where the opium trade shows steady growth and where opium is required for the manufacture of morphine. Sold by the Government of India, this opium is exported under permits applied for by the Japanese Government for shipment to Kobe and is transshipped to Tsingtau. Large profits are made in this trade, in which are interested some of the leading firms of Japan. It must be emphasized that this opium is not imported into Japan, but is transshipped in Kobe Harbor, from which point it is assisted by the Japanese railroads to Tsinanfu and smuggled to Shantung into Shanghai and Yangtze Valley. Two thousand chests of opium are smuggled, valued at $20,000 per chest, or $40,000,000, and the Japanese authorities recently taxed $5,000 a chest or $10.000,000, which does not appear in the estimates.

"'The customs and post offices where smuggling is done are wholly under Japanese control. Moreover, Japanese military domination would forbid in both ports any interference with the traffic in which Japanese authorities are interested, either official or unofficial.'

"Under the 10-year arrangement with England in 1907 the Chinese cleared their Provinces of native opium in seven years, and then the Indian open trade was stopped, though British merchants were still allowed tacitly to smuggle. Lately the Chinese bought up the remaining $14,000,000 worth of opium and burned it, and now under Japan's domination China must submit again to this reestablishment of this vile trade.

"Shall America indorse these Hunnish acts toward a sister, friendly, allied Republic by signing the treaty in its present form?

"W. E. MACKLIN."

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"After many years of heroic efforts, the Chinese finally threw off the opium traffic, finally purchasing $14,000,000 worth of the drug and burning it. After all this sacrifice under the Japanese domination the opium trade is being fully reestablished. The North China Daily News, the most conservative and reliable British newspaper in China and the mouthpiece of the British Legation, as quoted in the Literary Digest of April 12, says: 'Eighteen tons of morphine were smuggled into China in one year. Japanese post offices are in every part of China and carry the drug everywhere. No customs inspections by Chinese authorities allowed by the Japanese. In south China morphine is sold by Chinese peddlers, each of whom carries a passport certifying that he is a native of Formosa, and therefore entitled to Japanese protection. Japanese drug stores throughout China carry large stores of morphine. Japanese medicine vendors look to morphine for their largest profit. Through Tairen morphine circulates throughout Manchuria and the Province adjoining. Through Tsingtau morphine is carried with opium and other contraband by motor-driven fishing boats to some point on the mainland from whence it is distributed throughout the Province of Fukien and the north Kwangtung. Everywhere it is sold by Japanese under extraterritorial protection. While the morphine traffic is large, there is every reason to believe that the opium traffic upon which Japan is embarking with enthusiasm is likely to prove more lucrative. In the Calcutta opium sale, Japan has become one of the considerable purchasers of Indian opium. She purchases for Formosa, where the opium trade shows a steady growth and where opium is required for the manufacture of morphine. Sold by the Government of India, this opium is exported under permits applied for by the Japanese Government, is shipped to Kobe, and from Kobe is transshipped to Tsingtau. Large profits are made in this trade, in which are interested some of the leading firms of Japan. It must be emphasized that this opium is not imported into Japan. It is transshipped in Kobe Harbor, from which point, assisted by the Japanese-controlled railroad through Tsinanfu, it is smuggled through Shantung into Shanghai into Yangtze Valley. Two thousand chests are smuggled, selling at $20,000—$40,000,000. The Japanese authorities levy a tax upon this, which does not appear in the estimates, equivalent to $5,000 a chest, a total for 2,000 chests of $10,000,000. The customs where smuggling is done are wholly under Japanese control. Moreover, Japanese military domination would forbid in both ports any interference with the traffic in which the Japanese are interested, either officially or unofficially.'

"From the Missionary Review of the World, May 19, E. W. Thwing, of the International Reform Bureau, says: 'Japan imports 20 tons of morphine a year into China.'

"Many quotations in Millards Review and the Far Eastern Magazine.

"Under 10-year arrangement with England in 1907 the Chinese cleared all their Provinces of native opium in seven years, and then the Indian opium trade was supposedly stopped, but tacitly smuggling still allowed, and now under Japanese domination China must submit to the full reestablishment of the vile traffic. Shall America indorse such Hunnish acts toward a sister, friendly, allied Republic by signing the treaty in its present form?

"W. E. MACKLIN."

Mr. LODGE. It is needless to dwell on these conditions, however. The case seems so complete that it is impossible to see how any conscientious American can consent to any act or any treaty that will extend the power of such a nation as Japan over a country like China, especially when the United States deliberately drew China into the war with at least an implied if not an expressed promise to give assistance and protection at the peace conference.

Such then has been the course of Japan—steady, relentless, aiming to get ultimate control of the vast population and great territory of China. As it has been in the past so will it be in the future in regard to Shantung. Japan is steeped in German ideas and

regards war as an industry because from war she has secured all the extensions of her Empire. She is a power armed and trained confronted by an unarmed and peaceful people. She means to exploit China and build herself up until she becomes a power formidable to all the world. It is not merely that she will close the markets of China and obtain enormous commercial and economic advantages. She will use ultimately the practically unlimited man power of China for military purposes just as Germany and Austria used in their armies the man power of the 26,000,000 Slavs, who were utterly opposed to German domination, to promote their schemes of conquest. Japan will be enabled to construct in that way a power which will threaten the safety of the world. She is already advancing in Siberia; she controls practically as far as Lake Baikal; she is beginning to stretch out farther; and with her control there and China developed as she means to develop it she will threaten Europe. But the country that she would menace most would be our own, and unless we carefully maintain a very superior Navy in the Pacific the day will come when the United States will take the place of France in another great war to preserve civilization. England allowed Germany for 40 years to build herself up in every direction, to rob Denmark, subdue Austria, and plunder France. At the end of 40 years she had to make gigantic sacrifices to prevent the German conquest of the world. It seems incredible that Senators understanding this subject and looking out upon the future should pursue a similar policy toward Japan; that we should be so shortsighted as actually to leave Japan to become a peril to America and even to encourage her in so doing.

I do not propose that we go to war with Japan, but there is a long distance between that and helping her, encouraging her, and aiding her to get control of China and of 400,000,000 people.

But there is one other reason even more decisive to my mind than this. It is a great wrong, this giving of Shantung over to the control of Japan. Morally it is indefensible, and it is no answer to say that we failed to object to the German seizure of Shantung. As a matter of fact, the open-door policy of Mr. Hay was the reply to the German movement and for the time arrested it. The President has gone out of his way to say that provided we could trade with these stolen territories we are willing to let them be stolen. This unfounded attack upon the dead is the most repulsive of all those attacks which the President has seen fit to make. If ever there was a disinterested policy, it was that of Mr. Hay, who did not take office until six months after Germany took Kiaochow. We got nothing from it whatever that all the world did not get. The intention of the policy was to save China and prevent further extensions of foreign acquisitions of Chinese territory. But even if it had been otherwise, it would be no answer to what it is now proposed to do by this treaty to say that we should have interfered in behalf of Korea in 1904. Two wrongs never made a right. If we passed by on the other side in 1904, neither then nor in the case of the German seizure of China did we become an active participant in the wrong. Here we become an active participant—we put our signature to the treaty and give our approval to the control of Shantung by Japan. We assent to having the territory of an associated power, innocent and peace loving, handed over to another associated power. It is not enemy territory that we thus betray. It is the territory of a friend who helped us and the other nations in the war against Germany. It seems to me an intolerable wrong. I desire at least that my vote should record for the benefit of those who come after me that I in no way was associated with this wrong to man and to the cause of freedom and justice.

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APPENDIX A.

[From the Boston Herald, Oct. 8, 1919.]

"C. S. BIRD STANDS WITH SENATOR LODGE—MAKES TART REPLY TO REQUEST FOR AID FROM LEAGUE TO ENFORCE PEACE—CALLS SHANTUNG A MONSTROUS CRIME

"Charles Sumner Bird has sent a sharp reply to the finance committee of the League to Enforce Peace, in reply to a telegram asking him to contribute to the campaign that is now being conducted by President Lowell, of Harvard University, in behalf of ratification of the peace treaty without substantial reservations.

"He asked that his name be erased from 'your list of apologists.'

"ADDRESSED TO W. H. TAFT.

"Mr. Bird's letter to the committee is addressed to former President Taft, president of the League to Enforce Peace. It follows:

"EAST WALPOLE, MASS., *October 7, 1919.*

"Hon. WILLIAM HOWARD TAFT,
"*President, Bush Terminal Sales Building, New York City:*

"I have just received a telegram from the finance committee of your association asking me to help the cause by a substantial contribution.

"As I understand it, your society favors the league covenant as it now stands, whitewashed, however, with soft phrases and useless interpretations which every other signatory will treat with ill-concealed amusement.

"I favor the unadulterated reservations for which Senator LODGE has been making a courageous and patriotic fight. The league covenant which you ask me to support pardons the looting of the Chinese Republic, our traditional friend and ally, by the Japanese Monarchy, a monstrous crime, which if ratified by the Senate will brand my country for all time as the faithless ally of a great but helpless people.

"I refuse to contribute one dollar for such a purpose, and furthermore I request you to erase my name from your list of apologists for your un-American propaganda.

"CHARLES SUMNER BIRD.

"The telegram to Mr. Bird was:

"NEW YORK, *October 3, 1919.*

"CHARLES S. BIRD:

"The League to Enforce Peace, William Howard Taft, president; A. Lawrence Lowell, chairman, is conducting an active and necessarily expensive campaign to secure an expression of public opinion that will compel ratification of the peace treaty without reservation that would require resubmission to the Paris conference of a separate treaty with Germany. Will you not help the cause by a substantial contribution?

"Herbert S. Houston, treasurer; George W. Wickersham, Vance McCormick, Cleveland H. Dodge, Oscar S. Straus, finance committee; Bush Terminal Sales Building, New York."

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APPENDIX B.

[From the Christian Science Monitor, Oct. 7, 1919.]

"SHANTUNG ONCE MORE.

"The statement publicly made by Senator LODGE of his inability to support the Shantung clause of the peace treaty on any terms must strike the ordinary man as the only possible step for any person to take who, to an understanding of the conditions, adds a statesmanlike perception of the consequences entailed.

"It is scarcely necessary to recite once again the nature of the extraordinary surrender of the allied Governments to Japan in the Paris conference. It will suffice to say that, in spite of repeated declarations in favor of self-determination, a Province inhabited by some forty millions of people has had its future determined for it by five aliens in a French council chamber. Now, not only was this an unspeakable breach of the idea of self-determination but it was something even worse, for it was a decision to take the destinies of these 40,000,000 people out of the hands of their own national Government and to hand them over to the mercy of a foreign government which, up to the time of the signing of the treaty, had had no claim upon them at all.

"Now, who were the gentlemen who made this decision? They were really the prime minister of France, the prime minister of the United Kingdom, and the President of the United States. And this is all the more remarkable when attention is given to the record of the Japanese Government in dealing with these three powers. To understand this it is necessary to know how the secret treaties between Japan, on the one side, and France and the United Kingdom, on the other side, were obtained. During the course of Germany's submarine warfare there came a moment when it seemed to the admiralties in London and Paris that the percentage of losses was so severe that unless some means could be found of lessening them the war would be lost, owing to the destruction of food supplies and war matériel. In these circumstances the British and French admiralties applied to the admiralty in Tokyo for naval assistance. At this moment Japan was an ally of the two appealing Governments. Moreover, she was the ally who had suffered least of all in the waging of the war. France and the United Kingdom had put their last coin and their last ship, so to speak, into the struggle, and they now appealed to Japan—not to do the same thing at all, but merely to send ships into the Mediterranean in order to help to prevent the loss of war in which they were all allies. Japan's reply was simplicity itself. It was to present the terms of the Shantung secret treaties as the price of her acquiescence. France and the United Kingdom believed that they were unable to resist the demand. Whether they were or not is, so far as the Shantung question is concerned, immaterial. They accepted the terms, and the bond was signed.

"This was before the United States came into the war. When the United States did join the Allies, the United States sent a similar request to Japan for the assistance of cruisers. Japan declined to send these, and send them she never did. In the meantime, however, the seamen of the allied nations had proved equal to the task set them. Admiral Sims's proposal of the convoy system had been agreed to, and the world hardly yet grasps what it owes to Admiral Sims for convincing not only the British Admiralty but the British mercantile marine that it was possible to effect something which stereotyped training had induced both parties to the agreement to regard as almost impractical. In addition to this the depth bomb had been invented, and so in spite of the recalcitrancy of Japan the war was won.

"The war won, the representatives of the various nations arrived at Paris with their treaties in their pockets. Japan

produced her secret treaties with France and the United Kingdom, and demanded her pound of flesh. It has been held that a treaty, no matter how gained, is a sacred undertaking, and that the allied nations could not break their treaties with Japan without subjecting themselves to the scorn of the world for treating these treaties as scraps of paper. But the interesting fact is that the allied nations not only did treat as an absolute scrap of paper the treaty between China and Germany, but at the instigation of Japan read into that treaty something which was never contained in it. The treaty between China and Germany expressly declared that the Chinese concessions in Shantung were nontransferable to any other nation. Therefore the treaty between Japan and Germany, by which Germany transferred to Japan her concessions in Shantung, was only another instance of converting a treaty into a scrap of paper. Japan acquired from Germany, by this treaty, something Germany had no power to convey. Yet on this iniquitous transaction is founded the theory of the sacred inviolability of the secret treaties between Japan, France, and the United Kingdom.

"It is evident from all of this that the secret treaties, as well as Japan's treaty with Germany, represented a bond similar to that which Shylock obtained from Antonio. And the comparison is much closer than appears at first sight. It will be remembered that again and again, during the present controversy, much has been made of the fact that Japan has promised to return to China her sovereign rights in Shantung. But those sovereign rights never were transferred from China to Germany, and therefore never could have been transferred by Germany to Japan. And it is exactly here that the comparison to Shylock becomes so peculiarly exact. It will be remembered in the court in Venice, when Shylock pressed his bond, Portia, in the garb of Balthazar, replied:

> "This bond doth give thee here no jot of blood;
> The words expressly are 'a pound of flesh.'

"Now, it is perfectly plain that the bond never gave Japan the sovereign rights of China in Shantung, and therefore that in proposing to return them Japan is in very much the position in which Shylock found himself upon that occasion.

"These, then, are the plain facts of the case. How the allied ministers ever permitted Japan to gain her ends is one of the mysteries of diplomacy, and the mysteries are many. The scales, however, have fallen from the eyes of the world since the gentlemen concerned set their hands and seals to those bonds in Paris. France and the United Kingdom may possibly still think that they are held by the treaties obtained from them during the war. But the Senate of the United States is under no such pressure."

Mr. McCUMBER. Mr. President, no matter how scholarly, no matter how interesting, a discourse may be upon this great problem, it avails little unless it reaches to some conclusion that will settle something besides a mere matter of sentiment.

I do not believe that there is anyone in the Senate who would be pleased to see the German concessions retained permanently by Japan. I do not believe that there is a Senator on the floor who does not agree with the Senator from Massachusetts [Mr. LODGE] that the purpose of Japan has been to control China. There is no question but that this little empire, with forty-five millions of people, must necessarily seek some outlet for her population and some territory in which she can expand her commerce. As other countries have pressed westward until the world has been divided up among the greater, more progressive, nations of the world, so Japan, starting in the line of progression very many years behind the western nations, seeks her outlet in China, and we will all agree, Mr. President, that whatever she may gain in China in the absolute control over the industries and commerce of that country may be detrimental to the commerce of the western nations.

But after we have agreed with these propositions, the question still stares us in the face, How are we going to settle it? What are you going to do to wrest this territory from Japan? Does the Senator from Massachusetts believe for a single moment that if we insert the name "China" in articles 156, 157, and 158, in lieu of the name "Japan," that has settled this question? What will be Japan's answer? Her answer will be, "Well, I am here, now what are you going to do about it"? What will be our reply? Will it be war? It must then be war or nothing, and I, Mr. President, am opposed to aiming a gun which is unloaded, and especially so when the party against whom it is aimed knows it is unloaded.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. If we are not going to do anything in the matter of enforcing what we put into that treaty ourselves, to my mind it is far better, from the standpoint of national honor, as well as from the standpoint of a practical politic, that we do not threaten to do that which we do not intend to carry out. I yield to the Senator from Oklahoma.

Mr. OWEN. The Senator asked what we were going to do about it. I suggest that we take it up in unlimited debate.

Mr. McCUMBER. Mr. President, I think that is just how it would end.

Japan says, "We will not agree to this. We not only have a treaty with China, by which China solemnly agreed that the German concessions should be turned over to us, but with an immense cost in blood and treasure have driven the Germans out of China. We hold possession not of the Chinese rights, but we hold possession of rights which China of her own volition, whether through cowardice or not, turned over to Germany. We took them from Germany. We hold them by the power of conquest. Now, who is going to put us out of there by force?"

Will it be Great Britain? No, Mr. President. Great Britain has an agreement with Japan that she will sustain her in her claim.

Will it be France? No. Japan has an agreement with France that France will sustain her.

Will it be Italy? No, Mr. President. Italy has an agreement with Japan that she will sustain her in the holding of these German possessions, these leasehold interests.

Then, we are brought right back to the practical question of what we are going to do, and the only answer that the American people is given is that we will not do anything. We will simply express a dissent, and, Mr. President, that dissent settles nothing.

Mr. President, I maintain there is a better way. Of course, I am a believer in a league of nations to protect the territorial integrity of other nations, and if I can not attain the object through a league of nations by virtue of a treaty I at least have a great deal of faith and confidence in the moral influence of a world freed from the danger of war in compelling a nation to desist from a wrongful purpose. We have something in the treaty between Japan and China by which we have a hold upon Japan. We have an agreement whereby a world league will have a grip upon the situation in such a way that they can say to Japan, "We demand of you that you fulfill your obligations."

This whole objection to the Shantung provisions, Mr. President, is based upon the assumption that Japan will not keep her treaty stipulations. Now, it may be that she will not unless there is some other force bearing upon her to compel her to do so. But I would rather have the force of all of the great nations of the world back of the obligation to return than to leave it in the present chaotic condition, when all in the world that Japan has to do is to stand back upon her dignity and hold what she has secured.

Mr. REED. Mr. President, will the Senator yield to me to ask him a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. Just for a question, Mr. President.

Mr. REED. Does the Senator think that Japan would yield this territory at the request of the league, or would the league——

Mr. McCUMBER. I think she would have to yield it if the league was of any value whatever.

Mr. REED. Or would the league have to use force?

Mr. McCUMBER. I think the league would not have to use force. The knowledge that the power to enforce was there would be sufficient to prevent the attempted wrong.

Mr. REED. If the league would not have to use force after it is organized, why is it that the league, which is now in existence, according to the statements of the proponents of the league, did not use its moral suasion to have Japan do justice at this time?

Mr. McCUMBER. Well, Mr. President——

Mr. REED. If Japan can bluff them now, why can she not bluff them after awhile?

Mr. McCUMBER. Japan can not bluff the world now. Japan is not doing anything further now than simply acting in compliance with her own agreements which she made with Great Britain, with France, with Italy, and also which she made with China herself.

Mr. REED. Mr. President——

Mr. McCUMBER. Nobody, so far, is attempting to bluff Japan. No one is in a position to bluff her. But Japan, back of this treaty, made her agreement with China, and if there is any one thing that is made certain in the provisions of this league of nations it is the duty of the great nations of the world to not only themselves inculcate the moral obligation to abide by agree-

ments, but also to compel other nations to faithfully comply with their agreements.

Mr. REED. Mr. President, does the Senator mean to tell the Senate and the country that Japan has a treaty with China entitling her to take over the alleged German rights?

Mr. McCUMBER. Why, certainly.

Mr. REED. That was the one that was secured by force very recently.

Mr. McCUMBER. Mr. President, we have gone over that question of securing a treaty by force from China until it seems to me that it is getting somewhat stale. China has not made a treaty in 80 years with these great nations that has not been brought about by coercion.

Mr. REED. And so, I suppose, if we have a league of nations——

Mr. McCUMBER. Mr. President, I did not yield for the Senator to make an address. I will let him follow me, if he wishes to do so. If he wishes to ask a question, I will answer it.

Mr. REED. Oh, very well.

Mr. McCUMBER. So far as the question of force is concerned, it applies to every treaty that China has made in the last 80 years. Great Britain obtained her territorial rights in China because of her superior power. France did the same thing. Belgium, Holland, and every other country that has secured any rights whatsoever in China secured them because China did not dare refuse. They secured them, Mr. President, exactly the same way as we secured the open door in Japan 50 or 60 years ago, when we sent Admiral Perry over to Japan, because Japan did not dare refuse. We were too important a power. The fact is, nevertheless, that the treaties remained.

What was the agreement made between Japan and China?

Before China would sign this treaty she demanded a note and an agreement with Japan, which was to be a part of the treaty itself and which did in fact become part of it, and this is what the Japanese minister wrote to the Chinese envoy:

EXCELLENCY: In the name of my Government I have the honor to make the following declaration to the Chinese Government:

When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said released territory to China under the following conditions—

Which are named. Then the Chinese minister replied:

I have the honor to acknowledge the receipt of your excellency's note of this day's date, in which you make the following declaration in the name of your Government:

"When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions."

After that declaration was made by the Japanese representative, reiterated by the Chinese representative so that there should be no error, thereupon the treaty was signed. Therefore these conditions become, morally and in every other respect, a part of the treaty itself between Japan and China.

The Senator from Massachusetts [Mr. LODGE] just made this declaration:

In all her promises Japan has never fixed a time when she would return the German rights to China.

Is that true? Why, Mr. President, her statement fixes a time as definitely as it is possible for time to be fixed under those conditions. Remember, the war was not over. While Japan had taken possession by conquest of Shantung and had seized all that Germany held in China, the settlement of those German rights must remain inchoate until the treaty of peace, when the nations engaged in that war would determine what disposition should be made of the German rights and German territory.

Mr. REED. Will the Senator yield for a question?

Mr. McCUMBER. Certainly.

Mr. REED. Has not the President of the United States tried to have Japan state a date, a time when it will fulfill these obligations?

Mr. McCUMBER. And Japan has stated that she will fulfill the obligation in accordance with her promise. What is her promise? Let us read it and see if it answers itself.

Mr. REED. I am trying to get at just one question.

Mr. McCUMBER. If the Senator means has she fixed a day of the month, a day of the week, an hour and a minute, no.

Mr. REED. No; nor the year.

Mr. McCUMBER. Nor the year.

Mr. REED. Nor the decade nor the century.

Mr. McCUMBER. Let us see what she does say. I want the Senator's attention to the language that is used:

When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. BALL in the chair). Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. In just a moment; one at a time.

When will this territory come under the complete right of Japan to dispose of? It will fall under her authority when the treaty is signed, because it is the treaty of peace that determines Japan's right, after all, to hold that territory. It is not under her free disposal until the treaty has been signed, and then there is but one meaning, and that is this, that she will proceed immediately—that does not necessarily mean within the next minute or the next hour or the next day, but as nations act it does mean that she will proceed forthwith to evacuate that territory and return it to China. If she fails to do that she will fail to keep, in good faith, her solemn obligation made with China.

I yield to the Senator from Illinois.

Mr. McCORMICK. The Senator from North Dakota, with his ripe experience, judges of the present and future conduct of individuals and peoples by their conduct in the past. Therefore I trust that he will seek to throw a little light on the future conduct of the Japanese in Shantung by some reference to the good faith in which they carried out their solemn and repeated disclaimers, first, to establish a protectorate in Korea and then their denial of an intent to annex Korea.

Mr. McCUMBER. The only difference is now that the Senator from Illinois would leave Japan in a position where she can do in China exactly what she did in Korea. I purpose to bind her to her obligation to return it. The Senator would release her from that obligation by throwing her outside of this treaty entirely. I stated, Mr. President, that with Japan signing this treaty we have got the civilized world with a grip upon her throat to compel her to comply with her agreement. We did not have that with reference to Korea.

Mr. REED and Mr. McCORMICK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield, and if so, to whom?

Mr. McCUMBER. I will yield first to the Senator from Missouri.

Mr. REED. Mr. President, it seems to me the point of difference is this, and I should like to hear the Senator upon it: Japan stole that country. She says now to the world, "Confirm us in our title and after we have been confirmed in our title we will give it back." Some of us say, "We refuse to confirm you in your title; give it back now." That is the difference.

Mr. McCUMBER. Mr. President, we get down immediately to the question of dealing with nations. No matter how she got into the war, Japan happened to be our ally in this war.

Mr. McCORMICK. Our associate.

Mr. McCUMBER. I will accept the phrase—our associate in this war, the same as Great Britain and France and Italy. I know, Mr. President, that since the war has practically closed a great many Senators prefer now to consider them as our enemies, and Germany seems to be more an object of solicitude than our friends who helped us to defeat Germany.

Mr. REED. Mr. President——

Mr. McCUMBER. I have not taken that view myself. Now, Japan did not take this territory from China. The Senator forgets that Germany had it. Japan did not steal it from China. She took it with her military power in battle. She purchased it with the blood of her soldiers.

Mr. REED. Mr. President——

Mr. McCUMBER. Just a minute. I am going to answer the Senator first.

Mr. REED. I want to call the Senator's attention to something he said——

Mr. McCUMBER. No, Mr. President, I will answer the Senator's first question now.

Now, having obtained it in that way, and having declared when she obtained it that she would return it to China, can the Senator see no impropriety whatever in saying to our associate in this war, "We do not trust you, you will not do it, and therefore we will force you to do it without first giving you the opportunity to make good"? There are some of the Japanese people who have a little pride, Mr. President, such as the people of other nations have. They have some feeling in the matter. They have some sense of national pride and honor, notwithstanding any charge that is made to the contrary, because no nation could long continue if it did not have some sense of honor. I would rather trust to that sense of national integrity at the present status and say to Japan, "We do trust you." And even if we do not trust her, we shall at least have the backing of the world nations under the league agreement to force her to comply with her treaty obligations.

Mr. REED. Mr. President, if the Senator will yield——

Mr. McCUMBER. I will yield for a question.

Mr. REED. I am going to ask a question. I am going to ask if the Senator, a few moments ago, when he said that some Senators were becoming more solicitous about Germany than they were about the rights of our associates, meant that? and if so, I want him to name the Senators.

Mr. McCUMBER. Mr. President, there have been a great many arguments on the floor of the Senate, arguments filled with hatred of our principal ally in this great struggle, and all the attempts that we have been making to prevent the adoption of a league of nations have been made upon the assumption that we must so guard ourselves in every particular that there could not be a decision against us even though we were in the wrong. In other words, we must control the situation completely at all times. That has been followed by arguments repeated upon the floor that we were, in effect, by this treaty securing such a grip upon the throat of Germany that we would strangle her to death for all future time.

Mr. REED. Now, Mr. President——

Mr. McCUMBER. That is what I meant and that is sufficient for me.

Mr. REED. If the Senator will permit me, because I think it is a somewhat delicate question, I should like the privilege of interjecting a remark——

Mr. McCUMBER. I do not care to argue now. I want to finish my remarks. If the Senator wants to ask a further question, I will try to answer it.

Mr. REED. I want to make a suggestion to go with the statement the Senator has made. The cry of "pro-Germanism" has become very frequent here, generally more by innuendo than by direct statement.

Mr. McCUMBER. Mr. President, I have not used the cry of pro-Germanism myself.

Mr. REED. The Senator came very near it, but if he wishes to retract it now, I have nothing to say; but if he does not——

Mr. McCUMBER. I have no desire to retract anything I stated.

Mr. REED. If the Senator does not propose to retract, then I propose to invoke the rules of the Senate and to have this matter settled right now.

Mr. McCUMBER. Mr. President, I have the floor and I decline to yield.

Mr. REED. Mr. President, I call the Senator to order.

Mr. McCUMBER. I decline to yield. We will see whether the rules of the Senate will be enforced or not.

Mr. REED. I call the Senator to order.

Mr. McCUMBER. Mr. President, I decline to yield.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. REED. I call the Senator to order under the rules of the Senate.

Mr. McCUMBER. I decline to yield.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. REED. Mr. President——

Mr. McCUMBER. I intend to occupy the floor until I close.

Mr. REED. I call the attention of the Chair to the rule of the Senate that when a Senator calls another Senator to order he must take his seat and the question must be settled.

Mr. McCUMBER. No, Mr. President; there is no such rule.

Mr. REED. I call the Senator to order, because——

Mr. McCUMBER. The Chair determines whether or not a Senator has disobeyed the rules of the Senate; the Chair does the calling to order, and not another Senator.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri for a question?

Mr. McCUMBER. I will yield to the Senator from Missouri for a question.

Mr. REED. I am making this point, and I am making it within the rule of the Senate: A Senator can call any other Senator to order, whereupon he must take his seat, and the question of whether he is in order or not must be settled. I did not desire to do that with the Senator. I gave him a chance to explain his language.

Mr. McCUMBER. I yielded for a question.

Mr. REED. I asked the privilege of making a statement; the Senator declined to allow me to do so; and I am unwilling that an insinuation that impugns the honor of the Senate and the loyalty of the Senate shall go unchallenged upon this floor. If the Senator from North Dakota says he did not intend that, that is the end of it; if he stands upon it, I stand upon my point of order.

The PRESIDING OFFICER. The rule reads:

No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. McCUMBER. I stand upon that rule at all times, Mr. President. I am also ready to defend myself under that rule at all times.

The PRESIDING OFFICER. The Chair decides that the Senator from North Dakota has the floor and will proceed.

Mr. McCUMBER. Then, Mr. President, I will proceed.

Mr. REED. I call the attention of the Chair to paragraph 4 of Rule XIX.

Mr. McCUMBER. I decline to yield.

Mr. REED I am not asking the Senator to yield. I am standing on the floor——

Mr. McCUMBER. I decline to yield. The Chair has ruled that I have the floor, and I intend to hold it. I want the Senator to fully understand that I purpose to stand upon my rights, and the Senator has got some work to do if he takes me off the floor.

Mr. REED. Oh——

Mr. McCUMBER. Mr. President, the Senator can not put it off in that way. I fully understand the Senator's purpose. I have not interfered with the Senator in any of the speeches he has ever made upon this floor, and I purpose to exercise my rights in debate.

Mr. REED. I call the attention of the Chair to paragraph 4 of Rule XIX.

Mr. McCUMBER. I decline to yield to the Senator. Let him understand that. I have listened to the Senator, Mr. President, for days and hours, and I have never interfered with him, although I disagreed with him very much. Mr. President, I want to know if I am at liberty to go on without interference?

Mr. ASHURST. Will the Senator yield to me? I rise as an amicus curia.

Mr. McCUMBER. I am always glad to yield for a question, but I will not yield the floor.

Mr. ASHURST. When a Senator calls another Senator to order it is the duty of the Presiding Officer to have the exceptionable language which is asserted to be offensive taken down and read, and after it is taken down and read from the desk, then it is for the Chair to determine whether or not the Senator was in order. Then an appeal lies from the decision of the Chair. That is the method in which such points are determined according to our precedents. The language complained of must be read before there can be any debate.

Mr. KING. Mr. President——

Mr. McCUMBER. I yield to the Senator from Utah.

Mr. KING. I submit that a statement——

The PRESIDING OFFICER. The Senate will be in order. Paragraph 4 of Rule XIX reads:

4. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate.

So the Senator from North Dakota will yield until the words used by him to which the Senator from Missouri objected shall have been read.

Mr. KING. Mr. President——

Mr. McCUMBER. I yield to the Senator from Utah.

Mr. KING. I submit that the rule does not require the reading of the words. The Chair, I submit, must first pass upon the question as whether the rule has been infracted, if he recollects the words. If the Chair remembers the words, then obviously there would be no necessity of having them read.

The PRESIDING OFFICER. The Chair is going to insist on having the words read, as the Chair does not remember them.

Mr. McCUMBER. The Secretary is a better reader than I am, and I shall be very glad to have him read them.

Mr. REED. I have no desire to interrupt the Senator, but——

Mr. ASHURST. The question is not debatable.

Mr. REED. I am going to make a statement.

The PRESIDING OFFICER. The Senate will be in order. The words will be read.

Mr. REED. I am perfectly willing to withdraw the point and to let the Senator from North Dakota proceed.

The PRESIDING OFFICER. The point is withdrawn and the Senator from North Dakota has the floor.

Mr. McCUMBER. Mr. President, I should like to have the Reporter read what I said.

The PRESIDING OFFICER. The Reporter will read as requested.

The Reporter read as follows:

No matter how she got into the war, Japan happened to be our ally in this war.

Mr. McCORMICK. Our associate.

Mr. McCUMBER. I will accept the phrase—our associate in this war, the same as Great Britain and France and Italy. I know, Mr. President, that since the war has practically closed, a great many

Senators prefer now to consider them as our enemies, and Germany seems to be more an object of solicitude than our friends who helped us to defeat Germany.

Mr. McCUMBER. That seems awful, Mr. President, does it not?

Mr. REED. Mr. President, since the Senator will not permit the withdrawal of the point, I ask the ruling of the Chair on the point as to whether or not that does not impugn the honor and the loyalty of the Senate.

The PRESIDING OFFICER. The Chair will sustain the point of order raised by the Senator from Missouri that the words which have been read do impugn the motives of some Senators in this body.

Mr. McCUMBER. Mr. President, may I go on?

Mr. REED. In order.

The PRESIDING OFFICER. If there is no objection, the Senator may proceed.

Mr. McCUMBER. Mr. President, I presume that everyone has his own views as to what constitutes an impugning of honor, and so forth. I have mine, and any remarks that have been made from any source have not changed my view.

Mr. President, there is a provision in the league of nations covenant itself to which I wish to call attention. One of the great requirements imposed by the covenant of the league of nations on the members of the league is a—

scrupulous respect for all treaty obligations in the dealings of organized peoples with one another.

Does that mean nothing? Has it no significance? I think it has. So we have this condition: In 1898 Germany seized this territory from China and compelled China to acquiesce in her demands. Thus she obtained these rights. In 1914, or early in 1915, the German concessions were seized by Japan, not from China, but from Germany herself. What then happened? Great Britain, France, and Italy entered into an agreement with Japan that they would support her in holding possession of whatever she took from Germany. Japan was not satisfied with that, and also secured a similar agreement from China. I admit it was through coercion, just as the German rights were obtained through coercion; there is no question as to coercion in either case, and one act was as binding as the other; but the agreement between Great Britain, Italy, and France and Japan was not secured through coercion or duress. They agreed to sustain Japan. Now, the whole question resolves itself into a practical one.

If Japan refuses to turn the territory over to China, will Great Britain sustain Japan in that position? Will Italy and France sustain her? No one for a single moment doubts that they will. Then, if we will assume that we are not going to sustain her, we are brought right back to the simple proposition of what we are going to do. Will we go to war to compel Japan to return this leasehold interest to China? We know that we will not. Every Senator who has spoken here against the league of nations has made his plea upon the ground that we will not send American soldiers to die in a foreign country to establish or maintain the countries of the Old World. We will not send our soldiers to Europe 3,000 miles away; and, Mr. President, if we will not do that, certainly we will not send them to China 8,000 miles away. What will we do? I will tell you what we can do and what we ought to do. Instead of helping China break her contract and thereby driving Japan out of the league—because Japan never could honorably accept the amendment which is proposed—we could say to Japan as a member of the league, as one of the signatory parties to the agreement, "You have declared that you will return this German leasehold to China; you did not declare that you would do so 5 years or 50 years from now, but you said that you would return it when it came into your power to do so; and the moment this treaty is signed the power to perform your obligation is in existence, and we expect you to perform it."

Now, suppose Japan says, "I will not do it." What will follow? China, under the terms of the league of nations, can immediately file her complaint with the council, declaring that Japan fails to perform her obligations, in that she fails and refuses to return the Shantung rights to China as she agreed to in her note to China of May 25, 1915.

The result of her refusal means war, and we call upon the machinery of the league of nations to prevent the war by compelling Japan to fulfill her duty.

The Senator from Missouri asked me if I thought Japan would comply with that, after knowing what her history has been in Korea. I replied yes, because she has the world against her to compel her to do it, whereas she only had helpless China and Korea against her on the other occasions. That, Mr. President, is why I believe that it is by far the better policy to ask China to come into this league with clean hands and an unbroken record, to ask Japan to come before the league of nations exactly in the same way, and then to keep her hands clean by complying with her obligations.

Nor do we stop there. Once this treaty is signed, once this obligation is entered into between all the nations of the world, then we have the right, under the treaty and under the league of nations covenant, to compel any nation to conform to its provisions, and the principal provision of the league is that no nation shall unlawfully and by force hold the territory of another nation. That is all that we can expect in this case, Mr. President.

Just one word, and I close.

The Senator from Massachusetts [Mr. LODGE] stated that Japan has made only her unwritten promise.

Mr. President, I can not agree that it is an unwritten promise. The promise is signed by both the Japanese and the Chinese ministers, and it is in writing, and it is specific, and the promise is clear and unequivocal. I would rather have Japan a member of this league with the world against her if she fails in her duty than to leave her alone, because the moment we drive Japan out of this treaty and out of this league by the suggested amendments Japan will say to the world. "I will hold this territory by right of conquest," and the world is not going to dispossess her.

Nor is that all. The moment this treaty is signed, it means for China, first, the return of Shantung, and, secondly, that the world will guard her territory in the future. Now, I want to give her that security. I believe this league assurance will be worth more to China than the mere expression of a sentiment on the part of the United States that "we think Japan stole this territory from China," or that "Japan is not entitled to this German leasehold interest."

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield to the Senator.

Mr. KING. If the Senator will pardon me, I should like to invite his attention to the fact that in addition to the written promise to which the Senator has just referred there is another promise, perhaps not in writing signed by the parties, and yet it is in writing, and I think it has the significance and implication of a written document. The minutes of those who participated in the peace conference reveal, as I am advised, that there was a promise made by Japan to restore to China the German concessions, and the minutes record that promise upon the part of Japan; and the minutes, I believe, are signed by the representatives of the powers.

Mr. McCUMBER. I do not understand, Mr. President, that the minutes were signed. I do not think there is any question whatever but that Japan made the declaration. The President of the United States, who was present on the occasion, so declares; and the officials of Japan have again and again asserted, since that time, that they intended to keep sacred that obligation.

Just one other word, Mr. President.

The Senator from Massachusetts [Mr. LODGE] states that he thinks the German treaty was abrogated by the act of war. That would be absolutely true provided the German rights had not been transferred to Japan long before China went into this war on paper. I do not think it is in the mouth of China to say, "I transferred the German rights to Japan, and after I had transferred the German rights to Japan, and after Japan had seized them from Germany, I declared war on Germany, and thereby became reinstated with what I had transferred before I declared this war."

I agree, Mr. President, with all that the Senator has said with reference to the coercion that was used in this treaty, and I have no doubt but that the treaty will be complied with in all its terms, provided we keep Japan in a position where we can compel her to keep the treaty; and we can do that the moment she becomes a final party to the league. She may sign it before we do; but if we send it back to her changed, it ceases to be a treaty so far as Japan is concerned, and she would either have to agree to it or else she would have to repudiate it; and if she repudiated it she would stay out of the league, and, released of the league contract, with hand on the throat of China, with no power in a position to loosen her grip.

Mr. REED. Mr. President, nothing is more unpleasant to me than to get into an altercation with a brother Senator. When I asked the Senator from North Dakota to permit me to call his attention to the words he had spoken, which in my judgment impugned the integrity of Senators, if he had allowed me to call his attention to those words and had said that he did not mean to cast any reflection upon the loyalty of Members of the Senate, that would have closed the incident, and

that was the way I had hoped it would be closed. But he declined to do that, and let his words stand. Simply in order that they might not go to the country unchallenged I resorted to the somewhat drastic method of calling the Senator to order.

I have the highest regard for the Senator from North Dakota, and maintain for him a personal regard. I did not want to interrupt him in his speech; I had no such thought, but I can not allow statements which impugn the honesty of purpose of men who are opposed to this league to go unchallenged.

I think the Senator from North Dakota, with the heat of debate upon him, said some things he did not mean; and I would have passed that, but other similar expressions have been made. There are a good many people who seem to think that those who differ from them on this league of nations are very bad men, very wicked men; that it is a species of heresy not to be willing to surrender the sovereignty of the United States into the hands of the representatives of a lot of foreign governments. I hope this debate can proceed without attacking the motives of men, because if it ever comes to an exchange of the kind of compliments the Senator indulged in, those who stand for the absolute national integrity of this Republic, who refuse to place it in any respect under the command or power of foreign potentates, can well place their loyalty, their love of country, their patriotism alongside of those who are willing to set up an international tribunal which, according to the language of the Senator himself, just uttered, has the right to compel nations to obey its will.

It is all well enough to talk about a league of nations compelling Japan to do what it ought to do; but it must be borne in mind that if the league of nations has the power to compel Japan to do what it ought to do, the same body has the power to compel the United States of America to do what it ought to do; and since that body is a law unto itself, and determines every one of these questions for itself, and settles for itself what it believes to be right and what it may believe to be wrong, it follows that a body having the power to compel America to do what it ought to do is a body which has the power to compel America to do what that body thinks America ought to do.

In other words, by the plain confession and statement of the Senator, the league of nations is a supergovernment, having the power to determine what America shall do and what America shall not do. So that instead of America determining that question for herself, as she has in the past, she must yield her right as a sovereign to determine for herself to a body composed of foreigners, and when a question comes up for determination in which America is a party, America does not sit—not a single living man who has sworn allegiance to the Republic sits. The case is determined by a body of foreigners. Questions that now are to be determined by the Congress of the United States and by the President, and ultimately by the people of the United States, are thus transferred to a body of men who owe us no allegiance, who may possess for us no disposition of fairness. So that when the Senator from North Dakota asserts, as he has asserted, that the league of nations can compel Japan to do what the league of nations says is right, under this treaty, that statement carries with it the unquestioned conclusion that they can compel the United States to do what they determine the United States should do.

Mr. President, there may be men who are willing to put the neck of Uncle Sam in that sort of noose, to throw the rope over a beam, and to place the other end of it in the hands of our ancient enemies, with permission to pull, pull, pull as long as they please. As for me, as long as I have breath and God gives me the power I shall say that the destiny of this Republic shall remain in the hands of the American people alone.

This brings me, Mr. President, to an analysis of statements that we frequently hear made. We hear it said that the league of nations will compel the right thing to be done, that the league of nations has the power to compel right to be done in this world; and the assumption is made in all these arguments that the league of nations will always discern the right and always with infallibility do justice and equity.

Gentlemen seem to forget that the power to decide a question and to apply coercion to carry out the decision, which is what the Senator from North Dakota has now plainly stated will always be exercised with infallible righteousness, carries with it the power to decide it wrong, and that there is no earthly tribunal that has ever been set up that is capable of always rendering a righteous decision. It is true, we must submit ordinary earthly controversies between individuals to earthly tribunals. But to what kind of tribunals? We submit them in our land to a jury summoned from the body of the county, from the vicinage; to a judge learned in the law and selected with reference to his impartiality, his wisdom, and his probity of character. They are submitted under a code of laws written by ourselves and for ourselves. Appeals lie from the nisi prius or trial courts to the appellate tribunals. It all must be done in the open.

Finally, as a shield over all, is the Constitution of the United States, under which the rights of a citizen may be protected even so far as the Supreme Court of the United States itself. And in all these controversies no juror can sit who has a prejudice or an interest, and no judge can sit who has a prejudice or an interest. The tribunal is selected with reference to its impartiality; and, too, it is a tribunal not only learned in and governed by our law but it is a tribunal trained to our methods of thought, to our ideals, to our religion; and all these elements enter into every case that is tried by a tribunal of our land. Yet, how often does justice miscarry, and how frequently is it found that errors, both of law and of fact, have crept in to bring a tragic end to what ought to have been a triumphant acquittal of justice.

Let me compare that, sir, if you please, with this league of nations. Let me very briefly point out why a league of nations not only is not likely to do justice, but why it can not do justice. I undertake to prove that the most impossible tribunal that ever was set up in the world is this tribunal called the league of nations. I care not, sir, whether you have resort to the council, dominated by five great powers, or whether you have resort to the assembly, where the representatives of 32 States sit.

In the first place, there is no law under which this tribunal convenes. There is no code, no statutory law laid down prescribing the rights of litigants. There is no constitution written that circumscribes or binds the powers of this assembly. There is no bill of rights for the individual nations. Since that day in 1215 when King John was forced to sign the Magna Charta, democracies and self-governing peoples have circumscribed their rulers with constitutions, bills of rights, and legal restrictions all tending toward governments of laws, such as the Government of the United States, and not governments of men, such as are the monarchies. Yet this covenant which is to make the world safe for democracy does away with all of these tenets of democracy and sets up a government of men and not a government of laws. There is a covenant, so called, by which the various nations enter into this tribunal, and, having entered, submit their various controversies and questions to the arbitrament or decision of various members of the tribunal, gathered either in the assembly or in the council.

Is either of those judicial in its character? That was the dream and thought that many men had who talked about settling world controversies without wars. But, sir, they are not judicial. They are political. Every man who sits upon either of these tribunals is the representative of a foreign Government. He owes no allegiance to anybody on earth except his own Government. It sets him up and it pulls him down at will. He does not need to be learned in any law; indeed, there is no code of laws for him to follow, for the laws of the various countries under which these men live differ as much as the color of skin and as the character of religions. They have no common code of law, no common code of morals, no common system of religion, and no common method of thought.

They come there, an aggregation from every part of the world—from India, from Siam, from the Hedjaz, from Liberia, from Haiti, from Ecuador, from Great Britain, and from all the other countries—each with his own ideas of right and wrong, each with his own conceptions of what is moral or immoral; and I remark, by way of parenthesis, that I have no doubt that every Jap believes that it is a duty to his country and a duty to his god, if he has one, to grab every inch of Chinese territory the moment the opportunity is so afforded.

This league of nations does not even acknowledge as its guide what has been heretofore called international law. You can not find in the entire covenant of the league of nations a codification of international law, or a recognition of what are its fundamental principles.

So that these men come in as the representatives of different kinds of governments, of different kinds of people, of ideals that are the antithesis of each other, and of codes of morals that are as different as day is from night. They come there, I repeat, not as judges of courts, not as men sworn to uphold the law or to bring forth equity, but they come as the representatives of their respective governments. I affirm now that it is my opinion that not one of these men who ever voted against the interests of his own government, no matter how just might be his vote, would ever dare go home again to his people.

Is it possible on any great international question that you can imagine to find this tribunal unbiased, as you expect a court

to be? I will defy any Member of this Senate to point to a single great international question where substantially every nation of the earth does not have a selfish interest. Point me now to one, if you can. And in many of these cases they have a common interest against the United States.

Suppose the question were to be raised again of the Panama Canal tolls, and suppose that America were to assert what I believe to be her undoubted right, the right to open that canal to her own vessels, sailing under her own flag, without the payment of any toll. Suppose Great Britain were to protest and summon us as a litigant to the bar of either the council or the assembly, and Great Britain, being a direct party complainant, and the United States, being a direct party defendant, could not take their seats at the council table and the trial would proceed, let us say, before the council. France has an interest in free tolls, for if tolls are not free for her as they are for America her interest is exactly the interest of Great Britain in character if not in degree——

Mr. HITCHCOCK. Mr. President——

Mr. REED. Let me finish my sentence.

Japan owns vessels. She has the same interest that Great Britain has. Italy possesses a maritime fleet, and she has an interest, as Great Britain has. Belgium, Greece, Spain—every one of those nations has an interest identical with the interest of Great Britain, yet they are not parties litigant and they can sit and vote, and would sit and vote, in the interest of their own nations. Does that bear any resemblance to a court? And yet it is to this tribunal, composed of interested parties, composed of foreigners, that we propose to submit great national questions.

I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, I think the Senator's illustration is unfortunate. We would not be summoned to such a tribunal in such case. We have arbitration treaties with Great Britain that cover exactly such a case, and those arbitration treaties remain in force under the terms of the league of nations.

Mr. REED. The Senator's defense now to this infamous proposition is that in this instance we have treaties. He does not dare bring his case to the tribunal. He pleads that it will be decided by another tribunal and that we escape the inequities of such a decision as would be rendered by this interested tribunal, because, fortunately, we have a treaty that enables us to have an arbitration which may bear some faint resemblance to a proceeding in a court of justice.

Mr. HITCHCOCK. Mr. President——

Mr. REED. Just a moment. The plea is like every plea I have heard from the lips of every man who undertakes to defend this document. It is a plea of confession and avoidance. They say, "What you say is true, but in this particular instance the league is not allowed to act." However, I call the Senator's attention to the fact that England, notwithstanding her arbitration treaty, can put us into the council at any time by a complaint. It is so written in the instrument.

Mr. HITCHCOCK. England can do nothing to us that we can not do to England.

Mr. REED. Oh, yes; she can. She has the votes.

Mr. HITCHCOCK. England promises nothing that we do not promise. England incurs no obligations that we do not incur. They are purely reciprocal.

The purpose for which I interrupted the Senator was to show that these assertions about cases being brought before the council in this way are based absolutely upon entire ignorance of the document. The document contemplates arbitration. The document provides for arbitration. The league of nations is an extension of the idea of arbitration. We have led other nations in arbitration. We have urged arbitration, and the league of nations simply carries the proposition further. When the Senator says——

Mr. REED. If this is a question, go ahead.

Mr. HITCHCOCK. When the Senator says England would bring such a case as that against us before the council, it simply shows that he does not understand the thing at all. Great Britain would not. We would not. We would arbitrate the matter, just as we are bound by many treaties, not only with Great Britain but with other nations, to do.

Mr. REED. Now, Mr. President, it is too bad, really, that somewhere along the dark shadowy course of my intellectual existence I did not fall under the sunlight of the Senator's intelligence so that I might gain knowledge from him. But I happen to have read the covenant of the league of nations, and while I may be mistaken about anything, I affirm that there is not a first-class lawyer anywhere on earth who will take that document and say that we could not be compelled to try the case in the league. The language is plain. The various nations agree to submit to arbitration or to the council, and then the provision follows that either party can remove the case from the council to the assembly. While the Senator is talking about ignorance, I simply suggest to him that he read the document himself.

Mr. HITCHCOCK. Does the Senator deny that if Great Britain had such a controversy with us she would call it up under the arbitration treaties now in existence?

Mr. REED. I say Great Britain can call it up under the arbitration treaty or she can call it up under the league covenant.

Mr. HITCHCOCK. No; she can only call it up under the arbitration treaty. That is the only way she can call it up.

Mr. REED. I say more than that. All the Senator would succeed in doing, if he made that plea good, would be to defend against the league, not by answering my argument, but by saying in this particular instance we are not obliged to submit ourselves to this fearful instrumentality which you have set up, dominated by European and Asiatic countries.

Mr. HITCHCOCK. Does the Senator desire to misquote me? I have not said that. I said the council was not designed for such a purpose, and when he states that it was designed to pass on such questions, he shows that he does not understand it.

Mr. REED. I shall not characterize our distinguished Democratic leader as ignorant, as he characterizes me so often, and I repeat that it is my misfortune not to have sat at his feet and learned wisdom, but I thought I had an understanding of the English language.

Article 12. The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council——

Mr. HITCHCOCK. Has the Senator read it all?

Mr. REED. I am reading it. If you will wait long enough, I will read it all.

And they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute.

Article 13. The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

And for this purpose the court of arbitration to which the case is referred shall be the court agreed upon by the parties to the dispute or stipulated in any convention existing between them.

Mr. HITCHCOCK. Will the Senator permit me to interrupt him there?

Mr. REED. I will let the Senator interrupt me in a moment.

Mr. HITCHCOCK. But I want to interrupt the Senator at that point.

Mr. REED. All right, since I am to learn.

Mr. HITCHCOCK. The quotation which the Senator has just read is that the nations agree that if a question should arise which they agree should be submitted to arbitration, it shall be arbitrated. The Senator knows that Great Britain and the United States have already agreed that this is one of the questions which should be settled by arbitration, and yet he lugs in the statement that it is to be settled by the council.

Mr. REED. The Senator from Nebraska will not wait until I get through. If he does, he will see where he comes out. He will come out of the hole he went into.

Article 13 says:

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

Mr. HITCHCOCK. That is already existing.

Mr. REED. Can the Senator wait a minute?

Mr. HITCHCOCK. No; I can not. That is just what I am calling attention to.

Mr. REED. I understood what the Senator called my attention to, and his remarks actually penetrated my mind. I really understand what the Senator means.

Mr. HITCHCOCK. I congratulate the Senator from Missouri.

Mr. REED. I ought to be congratulated, because it requires a great deal of brain power to always follow the Senator when he walks in such a high line. I continue reading:

The members of the league agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the league which complies therewith. In the event of any failure to carry out such an award, the council shall propose what steps should be taken to give effect thereto.

Now let us go back.

Article 12 provides, as I have said—

that if there should arise any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council.

Article 13 has to do with the question of arbitration. It is proposed there that there shall be arbitration. Let us see whether either party has to accept arbitration:

ART. 14. The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it.

It shall have the power to determine any matter which the parties recognize as suitable to submit to it for arbitration under the foregoing article.

We may have a tribunal of arbitration or court of arbitration up to this point, but you have agreed in advance to go either to the court of arbitration or to the council. Now I come to article 15:

If there should arise between members of the league any dispute likely to lead to a rupture which is not submitted to arbitration in accordance with article 13—

That is, if one of the parties refuses to arbitrate—

the members of the league agree that they will submit the matter to the council.

All any nation has to do is just to decline to arbitrate, and it goes to the council. Then—

Any party to the dispute—

Now, listen—

may effect such submission by giving notice of the existence of the dispute to the secretary general, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the secretary general, as promptly as possible, statements of their case with all the relevant facts and papers, and the council may forthwith direct the publication thereof.

The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the council may deem appropriate.

If the dispute is not thus settled the council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Now, we have had a dispute about the tolls. Great Britain declines to arbitrate. We go to the council, for it is the only place we could go, or they simply went to the council in the first instance by serving their notice. Nobody can deny that who is candid. I continue reading from article 15:

Any member of the league represented on the council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute—

I call attention to that because the Senate has been told and the country has been told that in no case can we be bound unless we vote against ourselves; but the decision binds if it is unanimous, except for the parties to the dispute who are excluded from sitting.

Mr. HITCHCOCK. Binds us to what?

Mr. REED. Binds us to their decision. I will read to the Senator what it binds us to.

Mr. HITCHCOCK. It binds us to what?

Mr. REED. To whatever they decide.

Mr. HITCHCOCK. No; it merely binds us not to go to war; that is all——

Mr. REED. Let us see if that is all.

Mr. HITCHCOCK. That is all we are bound to under the league of nations.

Mr. REED. Mr. President, of course, I am willing to indulge the Senator to any extent, but we ought not merely to get into a general conversation. However, I am not going to shut off his interruptions. The covenant reads:

If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

Certainly the obligation not to go to war is there. If the decision is unanimous against us, we agree not to go to war; if it is unanimous against England, then they agree not to go to war; but if it is not unanimous, either party can go to war if it wants to. The only thing that can prevent war is a unanimous decision; so that all that is necessary to deluge this world in blood under this beneficent theory is one negative vote.

If the council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

Suppose we took a question to the council; and suppose Great Britain felt cocky enough to try to whip Uncle Sam; and suppose that when we got into council one of Great Britain's pawns or dummy directors, sitting on that council, voted "no," and there was not a unanimous decision; what would at once result? Suppose that Greece, that has been Great Britain's chattel ever since Greece was set up, or Spain, that hates the United States with a hatred as deadly as was ever felt, because we reduced her to a fourth-rate power, or that Belgium, absolutely under the control and domination of Great Britain, or that France—and I would say nothing harsh of France; indeed, I desire to say nothing harsh of any of these nations—but suppose that France, dependent for her very life upon the British Navy and the British Army, should under British influence vote nay, thus making a nonunanimous decision—a hung jury, if you please—then the world would be free to go to war.

I have been led aside, but I think we shall hear very little more of the contention that all cases can not be forced into the council. If I cared to read further—and merely for the sake of continuity I think I will put it in—I could show that the case can go to the assembly:

The council may in any case under this article refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.

Either party can send a dispute over the Panama Canal tolls to the assembly by simply serving notice—a mere request. Yet you tell me that that is a matter for arbitration. I repeat it is a singular thing——

Mr. HITCHCOCK. Mr. President——

Mr. REED. Just a moment. It is a very singular thing that every time one presents the enormities and dangers of this league of nations some Senator gets up and makes the plea of impotence for his league. He either pleads, as the Senator from Nebraska now does, that in this particular case we have a treaty of arbitration and hence we may have the benefits of arbitration instead of a decision by the league, or he pleads, as has been the case, that we can not be bound except with our consent; that it requires unanimous action; whereas every man who has read the league covenant and read it intelligently knows that in all that vast mass of cases where we are directly concerned, where the life of our own Nation may be at stake, we do not sit; that we are voiceless, silent; like a prisoner at the bar or a litigant in the courts, we have no right to take part in the decision whatever the nature of the cases that are thus to be referred.

Mr. HITCHCOCK. Does the Senator from Missouri think we ought to take part in the decision of our own disputes?

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Chair will call the attention of the Senator from Nebraska to the fact that the rule requires a Senator desiring to interrupt a Senator who is on the floor to first address the Chair.

Mr. REED. I may be very old-fashioned, but I think, sir, as an American citizen, that when the fathers set up this Republic they set up a Government by the American people, in which the American people as sovereigns proposed to decide every question for themselves. Before the Revolution questions were decided by the mandate of an English King. Under the league of nations they will be decided by an English King and his satellites; or, if not by him, by monarchs of other countries who are not as good or as enlightened as he. That is exactly where the Senator from Nebraska and I differ. He thinks the United States ought to submit questions vital to its interests to a tribunal of foreigners; I think it should never submit such questions to any tribunal but a tribunal of American citizens. That is the difference between an internationalist and a nationalist.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I have not yielded the floor.

The PRESIDING OFFICER. The Chair asked the Senator from Missouri if he yielded to the Senator from Nebraska?

Mr. REED. Oh, yes; I yield to the Senator.

Mr. HITCHCOCK. The Senator started out with the proposition that if a dispute arose between the United States and Great Britain with regard to the Panama Canal tolls the matter would be taken jurisdiction of by the council of the league of nations.

Mr. REED. I said it could be taken jurisdiction of by the council.

Mr. HITCHCOCK. I called the Senator's attention to the fact that we have made several treaties with Great Britain with regard to the Panama Canal and the tolls on that canal, and that we also have an arbitration treaty with Great Britain which provides that we shall arbitrate matters arising out of treaty construction. I also directed his attention to the fact that the league of nations contemplates that all such questions shall be settled by arbitration when the nations have committed them-

selves to arbitration. Yet the Senator persists in saying that he correctly gave an illustration of what might be submitted to the council.

Now, I want to say to the Senator that I am not entering any plea of confession and avoidance. I say that as to the matters which can properly be submitted to the council it is exactly the body that should pass upon them; and I say the covenant of the league of nations provides that some questions shall be submitted to arbitration, that other questions shall be submitted to inquiry, and that when the council reaches a decision unanimously all it can compel the losing nation to do is not to go to war. It does not inflict any other penalty upon the losing nation. That is for the preservation of peace.

The Senator takes the position here that where a dispute arises between the United States and another country the United States should sit as a judge in the case. Our whole course of arbitration has been that where a dispute arises between the United States and another country some other authority—a disinterested authority—should be called in to decide the case; and I am amazed that the Senator has taken the position that in an international question involving a controversy between two countries each country should decide for itself and should go to war if an agreement can not be reached.

Mr. REED. Oh, the Senator has war on the brain. He had war on the brain when, after the *Lusitania* had been sunk, after Belgium had been invaded, after German atrocities had been committed, after the democracy of the world was in danger, if it ever was, he introduced a bill here to stop the shipment of arms to the Allies, well knowing that if this bill had passed Germany would soon have been thundering at the gates of Paris and that England and France would have been compelled to capitulate.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I yield.

Mr. HITCHCOCK. Does the Senator assert that I introduced any such bill as that after the *Lusitania* had been sunk?

Mr. REED. That is my understanding.

Mr. HITCHCOCK. Well, the Senator's understanding is just about as accurate as it generally is.

Mr. REED. And the Senator's temper is about as good as it has been since he has become our distinguished leader.

Mr. HITCHCOCK. I should like the Senator to correct that statement in his speech, because I did not introduce such a bill after the *Lusitania* had been sunk.

Mr. REED. If the Senator says he introduced it before the *Lusitania* was sunk, I will accept his statement. I am speaking only from memory.

Mr. HITCHCOCK. I will tell the Senator when I introduced that bill.

Mr. REED. Very well; when was it?

Mr. HITCHCOCK. I introduced it on the first day that it was possible to do so after the war began.

Mr. REED. Very well.

Mr. HITCHCOCK. Which was, as I recall, on the 2d of December, 1914.

Mr. REED. December—well, the war began in August.

Mr. HITCHCOCK. And the *Lusitania* certainly was not sunk for almost a year thereafter.

Mr. REED. Very well; let us disregard the *Lusitania*. The armies of Germany, however, with iron heel, were upon the breast of Belgium, and with their forces marching upon Paris had already written the story of Germany's intent, and all the world knew that if the bill passed England, without sufficient arms or equipment and without sufficient food, and France, similarly situated, could not maintain the conflict. I do not think it lies in the Senator's mouth to lecture anybody.

Mr. HITCHCOCK. I insist upon having accuracy maintained.

Mr. REED. I am allowing the Senator to put in his own dates, and have withdrawn my statement regarding the *Lusitania*. The *Lusitania* was sunk a little later than that.

Mr. HITCHCOCK. The mistake which the Senator makes is in accordance with the reckless statements he is making as to the meaning of the league of nations, reckless statements which he has made all over the country.

Mr. REED. I will print the Senator's bill referred to and the dates of its introduction and the sinking of the *Lusitania* later in my remarks, so that there can be no dispute about it. I will simply say to the Senator from Nebraska that I am as accurate as he is about anything; that I come pretty near being able to read a document and understand it as well as he does; and I say that when he says that I have made reckless and loose statements, he does not know what he is talking about. I say that every controversy of an international character can be thrown into the council, and finally into the assembly, for decision.

Let us see what they say are questions suitable for decision:

> The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration, and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.
>
> Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

I go back now, and I read again the statement that—

> The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council.

Again I read that—

> If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council.

So that all any nation has to do to escape arbitration and to get into the council is simply to decline to arbitrate, and the only place left is the council; and after the council, of course, the assembly. What is the use of denying plain language? What use is there in Senators trying to escape a fact of that kind?

There is not a lawyer in this body who does not know that if he were the adviser of a nation he would quickly tell them, if they wanted to escape arbitration and could get favorable action in the council, to decline arbitration, simply fail to agree on arbitrators, simply say you did not want to submit the matter to arbitration, simply say you did not think it was a question that ought to be submitted to anybody, whereupon the other body has the right to summon you before the council, just as you summon a man to court. There can not be any dispute about that. Dodging and twisting will do no good. The American people will finally know the truth about this document.

I have been led far afield. Suppose that the Senator is right. Suppose that in this case, because we have an arbitration treaty, we could escape being brought into this tribunal, and could insist upon arbitration—a thing that I utterly deny. The plea, in the first place, is a plea bottomed upon the fact that the Senator recognizes arbitration as vastly superior to this wonderful creation that is to settle all the ills of mankind. It is an admission that this great and wonderful and miraculous thing is not as good as old-fashioned arbitration. If so, in the name of God—and I say it reverently—why substitute it for arbitration, if it is as good as you claim? You simply can not meet the question, because I bring you sharply to the point where the entire tribunal is bound to be prejudiced.

But, suppose, sir, that this dispute does not arise over the Panama Canal between us and Great Britain. Suppose that Japan—the secret friend of Great Britain, the country with which Great Britain trades under the table, making treaties which she conceals from us at the very time her representatives stand upon that rostrum and invite us into the war—suppose Japan raises the question, instead of Great Britain. Now you have a beautiful question to settle. Great Britain sits on the council. She has already raised this question with us once, but she is not a party to the dispute; and so she sits, and every other nation that sits there in that Panama Canal question has a direct interest in the controversy, although it is not a party. Do you say that that bears any resemblance whatever to a court? Japan can raise that question, France can raise that question, because the treaty which England claims exists with reference to the Panama Canal and the tolls thereon is a treaty made in such language that every nation of the world can claim the benefit of it. Why, Liberia, if she has a boat, could claim a right to bring the question before this body. She could claim it without a boat, for she is interested in commerce.

Mr. President, let me follow this a moment. I have taken the question of Panama Canal tolls. Let me assume another question. Let us assume that a question arises with reference to the Suez Canal. What that question may be, we can not tell. You can not imagine a question involving the freedom of the Suez Canal, or the conditions upon which commerce shall pass through it, that does not directly interest every nation that owns a boat sailing the ocean; and every man who sits upon this tribunal, whether it be as a member of the council or a member of the assembly, will represent a nation having a direct and absolute interest in the case one way or the other. I repeat, it is so with relation to all international questions.

Let us take the question of the Dardanelles. It is an interesting fact that Great Britain for many years has assisted the Turk to hold control of the Dardanelles. It was always a mystery to me that at the crucial moment, when the Turk seemed about to go under, the powerful arm of Great Britain was reached out to rescue him. What will happen now, under

this new condition, I can not say; but when one goes back to ascertain the reason for Great Britain's defense of the Turk it is found in the fundamental fact that Great Britain preferred to have the Turk control the Dardanelles rather than to have Russia control the Dardanelles. Why? Because if Russia had ever acquired the complete control of the Dardanelles, that vast territory which Russia holds and which is contiguous to the waters that are open through the Bosporus and Dardanelles and Sea of Marmora would have been open to world commerce, and a population could have been propagated there so great that the British feared them.

Suppose, now, the question comes up in regard to the opening of the Dardanelles. England, with her vast commerce, and with Russia lying contiguous, has a direct interest. France has a direct interest. But Serbia, the Balkan States, Austria, the new Poland, and all of these countries have a much more direct and immediate interest; and even the United States, far off as we are, has an interest. When that question comes up for decision it therefore can not be decided by a disinterested tribunal, for every man who sits will sit there with the knowledge that his own people and his own country have a direct and immediate interest.

Let me take up another question—the Adriatic. The problem of the Adriatic is a thousand years old. What is the real question back of the Fiume dispute? It is not the rights of certain nationals living in that city. It is the importance of that port with reference to the entire trade of the Adriatic. There are certain promontories, certain positions along the Adriatic, that in the hands of a great power would give it the same control over that sea, enabling it to close or open that sea at will, that Great Britain has over the Mediterranean. And so if that question ever arises before a league of nations, and you summon in the council to try it, there would sit there an Englishman with a direct interest, a Frenchman with a direct interest, and, if Austria is admitted, an Austrian with a very direct interest, an Italian with a direct and immediate interest, a Polander with a direct and immediate interest, and so on down the line. If you get into the assembly, everybody is interested; and if you stay in the council, everybody is alike interested.

This does not bear any resemblance to a court of justice. It is as far removed from a court of justice as day is removed from night; and yet many of the people of this country have an idea that we are setting up a judicial tribunal to decide according to justice and equity, when we are really setting up a political tribunal that will part the raiment of the weak nations among them, and upon the vestments of those who are defenseless will they cast lots.

Take any other question that you please—the question of the freedom of the seas. Great Britain asserts to-day her dominance upon the oceans. She has refused to reduce her navy by a single ship. She has said she will not accept a league of nations in lieu of the British floating fortresses. Great Britain always did have a lot of sense. She has it now. But if that question arises, there is no nation that has a vessel upon the seas that does not have an interest in its solution, and to some nations it is a question of life and of death. When the question comes before this tribunal for settlement, it will not be settled by judges of courts sitting there disinterested to decide the matter in the light of the cold law and the cold facts, but it will be settled by a tribunal controlled by interests, and fighting for the lives of their people and their nations.

What are the great questions? You can imagine one. Suppose we had a controversy with Mexico. This tribunal undertakes to set itself up to decide questions arising anywhere between members of the league and between nonmembers of the league, and between two or more States not members of the league at all. The best information we have to-day is that the British Government is acquiring vast oil rights in Mexico and that France is acquiring vast oil rights in Mexico. In my opinion that will speedily be followed by the assertion of the right of control, or the demand at least of the right to control them; and every conceivable kind of international controversy may grow out of it, and when it does, and the question will be taken into the council of the league, Great Britain will sit there looking after her oil holdings, with France looking after her oil holdings, Spain looking after the rights of her nationals, and Germany, if she is a member of the league, looking after her holdings. All these nations having an interest, will sit there on the case, to decide the matter, although they are not parties litigant thereto.

So, Mr. President, I might proceed. Take the question of Greece. There is not a question involving the integrity or power of Greece that can be raised that will not immediately touch every nerve that runs to every European Government. Greece was created for a purpose. It is maintained for a purpose. Its integrity and the character of its government are all matters that are of vital interest to the other nations of the world. When any question comes for settlement with reference to Greece these direct and positive interests are bound to control, and this will be a tribunal not to decide the justice of the case but the interests of the judges.

So one who has been in favor of an international tribunal, or in favor of arbitration to settle disputes, need not apologize if he does not subscribe to this document. It is as far removed from such a tribunal as it is possible to be. Suppose that the litigants in a court, with their witnesses, were to decide a case, and decide it by a vote, the parties at interest sitting there and voting—what relation would that bear to a judicial examination such as we have now, when the jury or the judge, or both of them combined, are selected because they are not interested? This tribunal that you set up is exactly the equivalent of calling in the interested parties in the case and taking a vote between them to settle the equities and right of a matter.

It is strange that men refuse to look these plain facts in the face. We have made some treaties of arbitration. But what is the difference between arbitration and this league? We agree with Great Britain to arbitrate certain classes of disputes, but in the first place, we do not agree to arbitrate those things that involve the life and death of the Nation, but if we did, we reserve the right to select an arbitrator, and they select an arbitrator, or two. So that at the time, with the issue before us, it may be possible to go out in the world somewhere and find two or three men who are fairly just and fairly disinterested, men who will sit as judges.

It would be quite one thing to submit a matter of that kind to the Chief Justice of the Supreme Court of the United States, the Lord Chief Justice of England, and the highest judicial officer of France, if these nations had no particular and immediate interest, no direct interest. That might result in something approximating a judicial decision. You agree on your arbitration, and you pick your arbitrators in the light of the facts as they exist when the issue has arisen. So you refuse to take "AB," because he is too close in interest to another. You refuse to take "CD," because you know he is prejudiced. You agree on "H" and "I" because they are further removed, and of high character, and disinterested.

That may be done. It is frequently a doubtful expedient even then. But that has no relation to this proposition. Here we agree to submit the matter to the votes of the States themselves, the tribunal is fixed, and the parties are inevitably bound to be interested, either directly or indirectly. I for one now challenge any Senator to name me a great international question of any kind that nearly every nation in the world does not have an interest in. It can not be done.

I want now to ask the Senator from Nebraska [Mr. HITCHCOCK] if this is not the bill he introduced:

IN THE SENATE OF THE UNITED STATES,
December 7, 1915.

Mr. HITCHCOCK introduced the following bill; which was read twice and referred to the Committee on Foreign Relations.

A bill (S. 380) to prohibit individuals, partnerships, or corporations in the United States from selling arms, ammunition, artillery, and explosives of any kind for exportation during the existence of war except upon proof that said arms, ammunition, artillery, and explosives are not to be used in said war against a country with which the United States is at peace.

Be it enacted, etc., That it shall be unlawful and treated as a breach of the neutrality laws of the United States for any person, partnership, or corporation to sell or contract to sell, or deliver or contract to deliver, during the existence of war between nations with which the United States is at peace, any arms, ammunition, artillery, and explosives of any kind whatsoever to be used against a country or nation with which the United States is at peace; and during the existence of war it shall be unlawful to sell for exportation or to export arms, ammunition, artillery, and explosives except upon filing with the Secretary of Commerce satisfactory sworn proof that said arms, ammunition, artillery, and explosives are not intended to be used in violation of this act.

Any person violating this act shall be fined not more than $100,000 and imprisoned not more than three years, and any arms, ammunition, artillery, and explosives the exportation of which is attempted in violation of this act shall be forfeited, one-half to the use of the informer and one-half to the use of the United States.

Mr. HITCHCOCK. That was a reintroduction. The original was introduced in 1914.

Mr. REED. But this reintroduction meant that it had your approval when you reintroduced it, did it not?

Mr. HITCHCOCK. Yes.

Mr. REED. And that was reintroduced on December 7, 1915?

Mr. HITCHCOCK. Yes.

Mr. REED. The *Lusitania* was sunk on May 7, 1915—seven months before this bill was introduced. So I think I do not need to apologize for that.

Mr. HITCHCOCK. The Senator stated that I introduced it. What I did was to keep it here at the end of the Congress, as

every Senator does, and reintroduce it at the next. My bill was originally introduced in December, 1914. I want to say to the Senator that I never apologized for the introduction of that bill, and never expect to do so. The United States was a neutral country, under a proclamation of neutrality, and I believed that the constant sale of arms and munitions to the parties to the war would ultimately lead to embroiling us in the struggle. I did it in the interest of neutrality, and I did it just as later on I fathered a joint resolution here for armed neutrality in the effort to preserve neutrality; and when armed neutrality failed, because it was opposed by a small clique of Senators here who carried on a filibuster against it, I then supported and conducted through the Senate the joint resolution declaring a state of war with Germany, because that became the next step that was necessary. I endeavored as long as possible to stand for the idea that the United States was neutral. I endeavored as long as I could to do my part to keep the Nation out of war. When Germany made that impossible, I did what most of the other Senators did, I joined in the declaration of war against Germany.

Mr. REED. I have not been impugning the Senator's motives at all, but I made the statement that the Senator had introduced this bill after the *Lusitania* had been sunk. I made the statement from memory. I had not been looking up his record. The Senator challenged it, declared it to be unfair, the plain implication being that it was unfair to assert that after the *Lusitania* had been sunk he would have done such a thing as to introduce such a bill.

Mr. HITCHCOCK. Mr. President, I did not denounce it as unfair. I said it was inaccurate.

Mr. REED. Very well.

Mr. HITCHCOCK. I said I introduced the bill as soon as I could after the war had started.

Mr. REED. What were you quarreling about, if it did not do you any harm?

Mr. HITCHCOCK. Because the Senator made the implication that following the sinking of the *Lusitania* I introduced such a bill, giving the impression that it was a sequence of it.

Mr. REED. Following the sinking of the *Lusitania* by seven months you did introduce the bill, and here is the bill.

Mr. HITCHCOCK. The bill was in the Senate at the time the *Lusitania* was sunk, as the Senator knows.

Mr. REED. When a man reintroduces a bill he refathers it.

Mr. HITCHCOCK. It was merely continuing it, as other bills are continued.

Mr. REED. Let anybody have the benefit of that explanation who wants it. When I introduce a bill and then introduce it again I am not going to draw any lines between the original introduction and the reintroduction, as far as I am concerned. But I pass on. It makes no difference. The Senator was a loyal citizen of the United States. But he wanted to keep us out of the war, although the *Lusitania* had gone down, although German atrocity had written its bloody story on all of Belgium's soil and on all northern France. Then he wanted to keep us out. Now he advocates the doctrine that it is our duty to stay there forever and get in all the quarrels and all the rows that may happen in the next thousand years. It is a change of front, sir. If it was our duty to keep out then, our duty only to go in when Germany sank our ships and broke her faith with us, it was our duty to get out when we had helped to give Germany a sound whipping and made her recognize our rights.

You wanted us to keep out then, and I can read your language, because you did not want to embroil us in the quarrels of Europe. You stood by the ancient doctrine. Now you say, having gone in for a specific purpose, we must stay there forever. You admit your change of heart and say, like Saul of Tarsus, you have seen a great light that burned its way into the dark recesses of the soul and transformed you and made you into an evangel of the new magic, and I have no quarrel with you. But do not berate me because I failed to see the light at the same time. I was not on that road that morning.

Mr. President, the Senator from North Dakota [Mr. McCUMBER] has been talking about loose statements. I would not accuse him of making a loose statement intentionally, but in the heat of argument we sometimes unintentionally make statements a little broad. He says if we get into the league of nations then the league of nations will make Japan do justice and that if she does not do justice she will have all the world against her.

Now, flights of fancy carry us into many beautiful countries and as we float along up in the ether we catch sight of many a glorious landscape. But let us get our feet on the earth. First, all the nations of the world are not in the league. Some 57,000,000 more white men are out of the league than are in it, and among the most erudite people of the earth—Sweden, with a little over three-tenths of 1 per cent of illiteracy, whereas we have about 11 per cent; Norway, Denmark, and Holland. Russia gave 6,000,000 of her men in our cause, and, though she broke faith afterwards, I still believe, I can not do else than believe, that that 180,000,000 will some day rise from the dust and stand in the sunlight of a better hour and will become a great and prosperous people.

Germany is out of the league. Austria is out of the league. The aggregate, as I remember—I reserve the right to correct my figures—is that some fifty-seven million more white men are out of the league than are in it. So that when the Senator talks about all the world being in the league the statement is a little broad.

Then China is not in the league, and there are 400,000,000 of those yellow men, and they are the best of all the yellow men. A good deal more than half the population of the world—white, black, yellow, red, and any other color—are out of the league; nor will they come in. There is no human being can answer that——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I yield for a question; I yield for anything but a speech; I will yield for any short statement. I just want to get through.

Mr. HITCHCOCK. Does not the Senator know that a number of the countries named by him have the matter under consideration, that the Parliament of Sweden is in session, for instance, in consideration of the matter and waiting for us to act? Switzerland has the matter under consideration, and most of the countries he has named are anxious to enter the league and have been invited to enter it, and undoubtedly will enter it.

Mr. REED. No; most of them have not been invited to enter, speaking by population. I have not any doubt they are discussing the question of entering the league. I know the fact, as the Senator stated, that there is discussion going on. I am discussing the question that the Senator says they are in or will be in, and I say nobody knows. But there are absolutely excluded from the league, without any right to join, Germany, Austria—perhaps properly—Russia, and Bulgaria. Of course, Turkey is out. We are going over there, I believe, with an army to control Turkey. That is one of the beneficent things of this league. Two hundred and fifty thousand of our troops are proposed by one of the advocates of the league in a bill here in the Senate for that purpose.

But if you have them all in—this is the second proposition—would they all have a vote? You say no. If they would not have a vote they would not have much to do with the decision, would they? If this is a case to be decided by the council, they are not members of the council. They might not want to fight for a decision of the council. That is the next step in the proposition.

But suppose that you brought it before the council for decision, how do you know, sir, that the council would decide the case equitably between Japan and China? Let us see the situation the council would be in. In the midnight darkness, long after the war began, in the most secret kind of secret diplomacy, France, England, Japan, and Italy agreed that Japan could rob China. Now, we are going to have a decision by the council, and I am going to show you that China never can get justice in that council in all human probability.

Comes the council now to decide the case, China having appealed to the council to right her wrongs against Japan and asking for the return of Shantung. They come in the council chamber and take their seats, wearing their robes of office, the representative of Great Britain, whose country signed the treaty turning this property over to Japan; the representative of France, whose country signed the treaty turning this property over in secret to Japan; Italy, whose country signed the treaty turning this property over in secret to Japan.

There is the dominating force in the council, committed to Japan by a prior decision, and one at least of those countries, Great Britain, bound to Japan by those close and intimate relations that exist between those two countries in their march of conquest in the Orient, one of them reaching to India and the other to China, and both with greedy eyes gazing upon new lands for conquest.

Now come in the other members—little Greece, that must do Great Britain's will, Spain, Belgium—Belgium, that could not take one breath of air did not the English fleet and the French Army protect her. And to this tribunal China comes against her powerful enemy, Japan. I would not try a sheep-killing dog before such a packed tribunal. There is not a man here whose conscience does not revolt at it, whose soul is not horrified at the spectacle.

But, sir, how shall China succeed? She must get a unanimous vote. If, of the seven men who sit there, there be but one who votes "No" to her claim, then where does she stand?

Here is one of the beauties of your unanimous-vote proposition. She stands then as a litigant in court stands where the jury has hung and there is no further trial. What then? Then the parties are left to their own devices. Then, in the absence of that unanimous decision, Japan is at liberty to take whatsoever steps she deems just and right. She can then, with the full sanction of the world, having proceeded in strict accordance with the league of nations, proceed to build her fortresses within the sacred soil of China. She can march her armed bodies across that land, and if China says but a word of protest she can make that the pretext to the world to go on with her march upon China, and there is no escape from that conclusion. She does it with the full sanction and authority of the league of nations, for she has conformed with their rules and regulations and under them has gained her acquittance and her license to make war.

A fine chance China is going to have of getting a unanimous decision against Japan, of getting any decision against Japan, when in the very process of the formation of this league Japan was still powerful enough by the mere rattling of her saber to have her loot guaranteed to her.

Get it back from Japan after you have given Japan the title and agreed that this is Japan's, and then decide it differently because Japan has informally said something? Let us have done with misrepresentation of facts on the floor of the Senate, with statements sent out here to the country that Japan has bound herself to return these Provinces to China. And yet the President, according to all the press reports—and we must look in the press reports for almost everything from the White House—has been trying to get Japan to give the very promise which Senators have told us here has been given.

Is Woodrow Wilson a man likely to ask for specific terms from a country that has already by inviolable contracts and agreements bound herself? I do not hold him in such esteem as to think that, and when he says we must make an agreement, undoubtedly an agreement in his opinion is necessary.

The Senator from North Dakota [Mr. MCCUMBER] indulges in a species of argument that I do not think exactly does credit to him. This is the argument: Germany robs China; Japan took the loot away from Germany; it is all right to confirm the loot in the hands of Japan because China did not have anything to give away; it was already taken. That is to say, you can get good title by theft. Of course you can, perhaps, in a league of nations where you live in an exalted atmosphere where ordinary mortals can not penetrate; but, just as an ordinary mortal, I aver that you never can make good title to stolen goods and that one thief can not secure a fee simple title from another thief to the goods that have been stolen.

How would the Senator from North Dakota [Mr. MCCUMBER] like it if I went into his State and robbed one of his banks and he was chasing me and was not quite strong enough to overcome me, and the sheriff came along with a posse comitatus and captured me and took the money and then went down to the court—a league of nations court, where everything is done on high lines—and the court should decide that when I robbed the Senator's bank he lost title to his money, and that when the sheriff took it from me the sheriff took my title, which was a good title, and the court would award the money not to the bank but to the sheriff who robbed the thief? That is the philosophy that we are being taught. If we pursue these lofty courses much longer, we shall get so far away from the fundamental principles of justice as to have no longer any chart or map or compass or landmark to guide us.

If we were settling these things according to the old cold-blooded philosophy and China had stayed out of the war and done nothing, we might have said, "Well, Japan, you got that loot; that is a part of your swag; take it." But, sir, according to the old-fashioned brutal philosophy, even if it were rogues robbing and plundering, the honor among thieves would have repudiated the proposition to give to one of the parties the right to rob another who was engaged in the enterprise.

We were not supposed to be thieves. The world was struggling with this great giant, the Teutonic force. We called China in and China came. Part of her lands had been taken. It is not true that Japan took that peninsula; it is true that Japan and England took it. England was too honorable to claim that she owned the thing that was Chinese, but after her treaty with Japan she was not in a position to say that Japan should not take it. I say in all the history of the world I know of no similar picture of perfidy; nothing blacker in the annals of treachery and double-dealing between nations.

Behold the scene: French and English Armies are struggling to preserve their countries; they have been driven back and back until their hearts are almost in despair, brave and noble as are their hearts. The United States is entering the contest, having only one real interest, the vindication of our national rights, but being willing to help preserve and save others. The United States comes to China and asks China if she will not also cast her lot with the nations struggling against Germany. China sends 300,000 of her men with pick and shovel to dig in the trenches under that rain of hell that poured from the mouths of German guns. Chinese laborers lie there sweltering in their blood, along with British, along with French, along with Americans, but not along with Japanese—at least with very few of them, for I am informed that that country lost in the war only a few hundred men. So they fight to win a glorious victory. Then the day comes when China—her eyes swimming with delight, her heart buoyed up with the thought that now she is coming to a tribunal that will restore her to all her ancient rights and will take the oppressor's heel from her breast—finds that her fairest Province has been divided up, and that while she fought they were betraying her; while her sons died, they were dividing the profits.

There may be Senators on the floor who will vote for that sort of thing, but when they do let them not do it with the solace that they are doing it for the good of China. China knows her ancient and treacherous enemy, China knows her rights, and China knows that if this Province is honestly going to be returned the time to return it is now; that when a man asks a decree of court to confirm him in a title to property that is not his, upon the pretext that he is going to give it back after he has secured the title, that is the pretext of a rogue. That is the artifice of a man who does not possess common honesty. There is not a lawyer here but would say to a litigant under such circumstances that the time to turn it over is when the decree is written. Let us write it in the decree now and here that this great act of justice shall be done. But, no; the cunning Prussian of the Orient proposes to get a title sanctioned, warranted, and guaranteed by the league of nations with its holy seal affixed, and then it will settle the question hereafter whether it thinks that it is ready to give back this property that it has taken. It is a good thing to mix a little common sense even in our dreams. He who thinks on this matter from the practical standpoint of life must know that Japan, having laid her hand of steel upon the throat of China, does not intend to relax her grip.

Mr. CURTIS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. OWEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas withhold the motion?

Mr. CURTIS. I am willing to withhold the motion for a few moments and yield to the Senator from Oklahoma.

Mr. OWEN. I give notice that, with the consent of the Senate, I should like to address the Senate at 11 o'clock to-morrow morning.

RECESS.

Mr. CURTIS. I renew my motion that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, October 15, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *October 14, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, ever present, working in and through the hearts of men, grant that we may be tractable; that Thy kingdom may be ours to enjoy and advance, which means perfection for the individual and therefore for the race; that evil may depart and good be triumphant; that Thy will may be done in earth as in heaven; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MCKENZIE. Mr. Speaker, I desire to be recognized on a matter of personal privilege for a few minutes, and my reason for asking for this privilege at this time is on account of certain statements contained in an editorial published in the Chicago Tribune of the date of Thursday, October 9, 1919, a copy of which I send to the Clerk's desk and ask that it may be read in order that the Speaker may determine whether or not I am entitled to the floor as a matter of personal privilege to make a statement in connection with the same.

The SPEAKER. The gentleman from Illinois raises a question of personal privilege. The Clerk will report the article referred to.

The Clerk read as follows:

[From the Chicago Tribune, Oct. 9, 1919.]

AN ILLINOIS CONGRESSIONAL MISTAKE.

Mr. McKENZIE, of Illinois, Republican member of the House Committee on Military Affairs, objected at a hearing before the committee to provision for the use of gas by American armies on the ground that it was inhuman and un-American.

Mr. McKENZIE'S thought is obviously twisted, but it comes to this, that American soldiers should be subjected to gas but should not subject their opponents to it. They should suffer the consequences and not be able to impose them.

This is a grand mode of rationalization, if the enemy is to be considered, but one which will be a little disconcerting to men who may have to offer their bodies as targets for congressional ideas.

Mr. McKENZIE, in whom we have to confess State ownership, is an example of congressional muddleness which operates to hamper American activity.

In the first place, as Gen. Sibert told the House Committee on Military Affairs, gas is not so deadly, by a difference of 26 per cent in casualties, as shot or shrapnel. That would be inconsequential if the alternative to the use of gas by American troops were the necessity of their being subjected to its use without the defense which gas could give them.

It happens that in the opinion of military authorities the use of gas is not inhuman. It would not matter whether it were inhuman or not. If American troops have to meet gas they should use it.

Mr. McKENZIE is a curious mollusk which we are sorry to say that Illinois raised on the hills of Jo Daviess County. He raised his voice in Congress time and again against rational military preparedness. He has done his best to see that American soldiers suffered the most when emergency confronted them.

DENT, the Democrat who was chairman of the Committee on Military Affairs of the House of Representatives when that committee needed a sane and rational man as chairman, was in part responsible for the defeat of the Democratic Party in the last congressional election.

The Nation will not stand for such Gibraltar-like obstinacy and idiocy. It will not stand for it, we hope, whether the idiocy is called Democratic or Republican. Such a Republican as McKENZIE in Congress does a great deal to bring the Republican Party in Illinois into disrepute. Many Republicans of McKENZIE'S type in Congress would defeat the party.

If Mr. McKENZIE can not change his ideas he can at least change his position. He ought to ask to be removed from a committee whose duties he so completely misunderstands. He could resign from Congress to the benefit of the Nation.

Mr. McKENZIE rose amid applause.

Mr. GARNER. Mr. Speaker, let me suggest to the gentleman from Illinois that he get unanimous consent to proceed for whatever time he desires. I do not think the article gives the gentleman ground for rising to a question of personal privilege. I would not like to have the precedent made by a ruling of the Chair, if he does so rule, that that article presents a question of personal privilege. It is a mere criticism of a man's party affiliation and position in the party, and I suggest to the gentleman that he ask unanimous consent to proceed for such time as he desires.

The SPEAKER. As the Chair recollects the article, it uses the expression "Gibraltar-like idiocy." The Chair thinks that presents a question of personal privilege.

Mr. McKENZIE. It charges me with being a mollusk.

Mr. GARNER. I leave it to the Chair.

The SPEAKER. The Chair thinks the article presents a question of personal privilege.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, this is the first time in my public service in this body I have asked the privilege of making a personal statement, and I would not do it now for my own particular benefit, but as a matter of justice to the people whom I have the honor to represent.

I am not unmindful of the folly of an individual entering into a controversy with a powerful newspaper. I appreciate that such a contest is futile. I have never done it, and I shall not now. I know that the Chicago Tribune reaches, perhaps, a majority of the homes in my district daily. It is our great newspaper in northwestern Illinois. I have been a subscriber to it and a reader of it for many years, and, regardless of its editorial policy, I have long considered it one of the great newspapers of the world.

The editorial in question is not the first scurrilous attack made by the editor of the Chicago Tribune on my character as a Representative of the people, but in his former attacks he has based them on my actions and statements made on the floor of the House, which are a matter of public record, and which are made known to the people of Illinois through the CONGRESSIONAL RECORD; and with this sort of criticism I find no fault, although the method pursued by the editor of the Tribune is preeminently unfair, even in those criticisms.

The cause, or I think I might say the excuse, for the present unjust and bitter attack on me grew out of matter not transpiring on the floor of the House, but in a discussion of a matter pertaining to the bill for the reorganization of the Military Establishment before the Committee on Military Affairs of the House when Gen. Sibert, the head of the Chemical Warfare Division, was testifying before the committee.

For the information of the Members of the House and the country I might say that the Chemical Warfare Division was created as a separate activity during the war under the broad powers given to the President under the Overman Act, and for some time Gen. Sibert, a very capable and distinguished officer, has been at the head of this branch of the service, and is very much interested in having the Chemical Warfare Corps made a permanent corps in our peace-time establishment.

In the bill submitted for our consideration by the General Staff of the Army no provision is made for a separate Chemical Warfare Corps, but it was the plan of the staff to have all matters pertaining to chemical warfare placed under the jurisdiction of the Corps of Engineers, and when Gen. March appeared before the committee and when questioned relative to this matter he made the following statement, which I include in my remarks, and the same will be found on pages 53 and 54 of the hearings on the Army reorganization bill before the Committee on Military Affairs of the House:

Mr. MILLER. I would like to ask the general under what branch of the Army the Chemical Warfare Service comes?

Gen. MARCH. We have not got that in here, and if it is agreeable to the commitee I will discuss the Chemical Warfare Service a little later. In the enumeration of the five additional corps—the Transportation Corps, the Motor Transport Corps, the Air Service, the Tank Corps, and the Finance Department—the members of the committee will note that the War Department has not recommended that the Chemical Warfare Service be made a separate arm of the service, and that requires some comment, because the Chemical Warfare Service has been one of the services developed by this war, and it has done very good work.

In the consideration of the question as to what should be recommended to Congress on this subject, the War Department was led to adopt, after somewhat lengthy consideration, this view in regard to the matter. Chemical warfare, the poisoning of the air in war, is a thing that all nations want to avoid, just as they want to avoid the poisoning of wells, not because it is a question of killing combatants, but because noncombatants, old persons and women and children, must use the wells, they must drink water, and the trend of all humanitarian thought now is to make it so that all unnecessary horrors of war shall be eliminated as far as possible.

On the other hand, it is perfectly obvious that if any nation like Germany, without morals and without standing, should violate the laws of civilized warfare, the United States must not be caught without preparation to meet that sort of an attack. We must have a defense for that sort of thing, if we find a nation that is so beastly and so out of touch with modern civilization as to use that sort of warfare. When these methods were introduced, and as a means of combating such methods, the War Department proposed this idea, that we develop a section of the Engineer Corps for that purpose. That body has already furnished the officers who controlled the Chemical Warfare Service in this war. The section of the Engineer Corps is to be composed of technical experts. It was our idea that the men in this corps should make a study of chemical warfare defense; that the men in this section should make a study of poisonous gases and methods of defense against them; and that those men should be like a corps of college professors, or men who had been college professors of chemistry who would devote their lives to the study of gas defense, so that if the United States was ever put in the position of being attacked by anybody who would use such an inhuman method toward noncombatants, then we would have a response for that. We have on hand now a large supply of the necessary elements which go into and are a part of gas defense; we have a large supply of charcoal which is necessary in the manufacture of gas masks, and it is proposed to have that stuff turned over to a technical corps—the engineers—for a technical study of the subject, which would be going on all the time.

On the other hand, the practical application in time of peace of any method of gas attack can not be done. In time of war we load shells with poisonous gases and discharge them against an enemy, and as those poisonous gases blow out into the air they injure whatever persons or animals they come in contact with. But in time of peace we can not go out and discharge poisonous gases in that way in a field, and have them spread all around through the adjacent country, because they would kill the farmers and the stock living in the surrounding country. We can not discharge these big cylinders containing great masses of poisonous gases in time of peace because that gas would go wherever the wind would blow it, and it would do a great deal of damage. So the study in connection with this subject in time of peace would be a defensive study and not an offensive study. On that proposition it was apparent that if we were to organize a large corps composed of a major general, brigadier generals, and many other commissioned officers and a large number of men, the only thing they could do anyway would be to make these studies in laboratories, which would be absolutely necessary to keep up to date in the preparation of gases, etc., purely as a defensive method and not as an offensive method.

I am well aware of the fact that the Chemical Warfare Service people themselves are very much on the other side of the question. The so-called treaty of peace with Germany, in one of its section, stated that chemical warfare having been abolished, Germany is prohibited from importing the elements which make up poisonous gases. The idea of chemical warfare having been abolished, those who abolished it represented the sincere feeling of the representatives of the nations of all the world who were there that in future wars there will be eliminated the poisoning of noncombatants by the use of poisonous gases.

The CHAIRMAN. Of course, after all, there are predatory nations who will not live up to agreements; otherwise we would never have had any wars. It is the breaking of agreements that has brought on wars. Suppose in the future some predatory nation may start again the use of chemical warfare; do you not think it advisable that this Government should have a sufficient force to continue experiments along that line so that we will know the antidote to any possible gas that an enemy might use, and have gas masks prepared speedily to meet the gas that an enemy might use?

Gen. MARCH. That is the solution we propose here. That is the very thing that is proposed to be done under the provisions of this bill.

Gen. Peyton C. March is Chief of Staff of the Army, and I am sure you will all agree with me that he has in him all the elements of a brave, stern, and thorough American soldier. He has long years of experience in our Army, both in the field and in the Staff Corps, and his views on the matter of chemical warfare and the use of poison gas as an offensive weapon of war are worthy of some consideration.

Gen. Sibert appeared before our committee at a later date and plead for the continuation of a separate corps for chemical-warfare preparation, which corps would require something like 125 officers and a considerable force of enlisted men. Being at the head of this service he naturally is an enthusiast, and thus we have a controversy between leading men of the Army as to the best method of handling this very important matter. However, that is a question we must determine, and really has nothing to do with the matter of which I complain in the editorial under consideration. That grew out of a colloquy over the use of gas as an offensive weapon, and I herewith submit a copy of the stenographer's notes taken at that time and will leave it to all fair-minded men to determine after reading the same whether or not I favor allowing our boys to submit to gas attacks from an enemy sufficiently barbaric to engage in that character of warfare without meeting such enemy with a like weapon. The following is the colloquy (see pp. 19, 20, 21, 22, 27, and 28 of the stenographic report of Gen. Sibert's testimony):

Mr. MCKENZIE. General, I think we all remember very distinctly how horrified we were when we read the reports of the first gas attack by the Germans on the defenseless French and English and the Canadians, and the fearful effect it had upon them, and how we charged them with being barbarians, and that they were not good soldiers, and that they were taking an undue advantage. I think we all agree that that was true. We charged them with taking an undue advantage because their enemies had no way of counteracting or neutralizing the effect of the gas.

What I want to find out from you is whether or not you would propose that this Government of ours, which has always stood for a fair fight and a sportsmanlike deal, even in war—whether you would advocate the building up of a Chemical Warfare Service to be used as an aggressive weapon, or is it simply to be used as a matter of defense in case we should be attacked by an enemy who would use that sort of thing?

Gen. SIBERT. I would have it as an aggressive weapon. But if I agreed not to use it, I would not use it. That was where the trouble came in. Germany agreed not to use it and did use it, and consequently the other people were not prepared, relying upon Germany keeping her agreement.

I want to mention one fact, and that is that this country is the only Nation that did not agree not to use gas before this war. At The Hague conference in 1899 and 1900 Germany, England, France, Russia, and all the other nations agreed not to use it, but we would not sign that agreement.

Mr MCKENZIE. You do not assume from that that we would undertake any such means of trying to whip our enemy?

Gen. SIBERT. Well, what is war?

Mr. MCKENZIE. I understand what war is, and I understand what a prize fight is. But a prize fight is fought according to certain rules.

The CHAIRMAN But every once in a while a foul blow is struck.

Mr. MCKENZIE. Prize fighters fight according to certain rules, and I believe war ought to be fought in the same way.

Gen. SIBERT. It is pretty hard to humanize the act of killing, and we have got to kill and maim enough men of the enemy fighting against us to enable us to impose our will upon the enemy before we can make peace, and the weapon used in doing it is not of much consequence. But if you want to put it on that basis the gas is the most humane method yet found, because of the total number of gas casualties we only had 1 per cent of deaths. Whereas from the shells and other things you had 28.4 per cent of deaths.

Mr. MCKENZIE. The fact is you can manufacture gas and at the same time you can carry on experiments and get gas masks and neutralize it, and if your army is well supplied with gas masks they need have little fear of the gas. My point is whether this Government would be justified in peace times in maintaining a separate arm of the service known as the Chemical Warfare Service to carry on the experiments so that we might be ready in case of war to utilize gas if we had to or decided to do so? My point is, Is it necessary to have a separate corps to look after that? Could it not be done either by the Ordnance Department or some other department, utilizing such men as yourself and some of the best chemists of the country and put them in there without having a separate corps, for I think we will all agree that on the battle field you could not have a chemical warfare corps fighting a battle and the artillery fighting a battle?

Gen. SIBERT. We do have them.

Mr. MCKENZIE. But they are under the command of one officer.

Gen. SIBERT. Certainly; and their training and equipment, in fact the training of the whole army in the defensive use of gases, the training of the artillery in the offensive use of gases, and the training of the special gas troops themselves, are done by the Chemical Warfare Service, and those troops go forward, and they will take greater part as time goes on. If you are willing to assume that the enemy will notify us if he discovers a new gas, so that we can be prepared, then I think your argument would stand.

Mr. MCKENZIE. Do not misunderstand me. I am in favor of all this investigation and experiment and keeping up to date on this matter, but I hope our country will never take the position that we are building up a branch of our Army so that when we get into war we are going to use gas to whip our enemies rather than utilize the old-fashioned implements of warfare.

Gen. SIBERT. What is the difference between that and the usual development of any arm of the service? Take the beginning of this war. The Germans had several times as many machine guns in proportion as anybody else. They had developed an unusual and murderous use of it, and as a result of that it caused the increase of our artillery four or five times. The French were simply decimated by this unusual thing that was developed. Would there be any difference between that and developing a chemical substance that would accomplish the same purpose, since we must admit that there must be a certain number of casualties before war can stop?

Mr. MCKENZIE. The only distinction I can see in that is it might be illustrated in this way, and that is the difference between assassinating a man and fighting him a duel. Of course, you would probably kill him in either event.

Gen. SIBERT. We fire a shell and it explodes in a group of men. The only question is whether you are going to blow a man to pieces or asphyxiate him.

* * * * * * *

Mr. MCKENZIE. I hope I have not been misunderstood in my position. If a man is mean enough to fight me with gas, I want to fight him back with gas.

Gen. SIBERT. And you would have gas ready to fight him back with in case he violated his agreement.

Mr. MCKENZIE. But it does not enter into my code of sportsmanship to fight that way. I would absolutely prohibit, if I had the power, the use of gas and the use of submarines in warfare. I would make them fight on the level.

Gen. SIBERT. When you come to define what you mean by level it gets to be a pretty hard thing.

Mr. KEARNS. How about dropping bombs from airplanes?

Mr. MCKENZIE. That should be prohibited, except where an army is located. Dropping bombs on defenseless cities is nothing more or less than murder.

Mr. KEARNS. I am talking about dropping bombs on an army.

Mr. MCKENZIE. That is all right.

The CHAIRMAN. There was another agreement of the nations, as I recall. No city that was not fortified was to be attacked with artillery or bombs or anything of that kind; but I understand in this war there were many attacks by both parties to the war upon unfortified towns.

Now I want you to listen to this:

Gen. SIBERT. They were made first and foremost by Germany, and the others were reprisal attacks. I look on the use of gas from airplanes or anywhere except in the area where it can be expected as inhuman. I look upon the use of bombs by airplanes upon defenseless towns behind the lines and where troops are not stationed as inhuman. I look upon the firing of artillery 70 miles into Paris as inhuman. But I do not look upon it as inhuman to use any implement of war that only kills soldiers if both sides know it can be used.

Mr. Speaker, the extracts which I have read, taken from the stenographic notes of the testimony of Gen. Sibert before the Committee on Military Affairs, cover all of my statements on the use of poisonous gas in war; and I submit to any fair-minded man if there is anything contained in my statements that would cause any man to believe that I stood for a policy that would require American soldiers to be subjected to such gas but not be permitted to use it on their opponents in defense.

I took no such position, as is very evident from my statements at the time; and the editor of the Chicago Tribune well knows I did not, and knew it at the time he wrote the editorial.

The editorial in that particular is an absolute falsehood; but that concerns the editor of the Tribune but little, for he evidently has a purpose in view, and to confine himself to the truth when referring to me is not a part of his policy.

It is true I was born and reared in Jo Daviess County, Ill., and in a way I am a Representative of the State in the Halls of Congress; but I am strictly within the truth when I say that I have never taken any particular pride in counting the editor of the Chicago Tribune as one of my constituents. So it is quite likely that our admiration for each other is fairly well balanced.

His statement, "He has done his best to see that American soldiers suffered the most when emergency confronted them," is equally false as his reference to my position on the matter of poisonous gas.

Again, his statement, "Such a Republican as MCKENZIE in Congress does a great deal to bring the Republican Party in Illinois into disrepute. Many Republicans of MCKENZIE's type in Congress would defeat the party." To be a menace to the Republican Party, with which I have been affiliated all my life and the principles of which I have taken great pleasure in supporting, would be a matter of deep sorrow to me. But when I think of my unwavering loyalty to my party I resent such a criticism coming from the editor of the Chicago Tribune, and with whose record as a Republican I cheerfully place mine alongside and submit to the Republicans of Illinois to be the judge as to which of us is the greater menace to our party. [Applause.]

In reference to his statement, "He ought to ask to be removed from a committee whose duties he so completely misunderstands. He could resign from Congress to the benefit of the Nation." In both of these matters I shall be glad to submit to the wishes of my colleagues on the committee and in the House whenever in their judgment I am a hindrance rather than a help in the settlement of some of the grave questions confronting us.

Finally, as to the statement, "He raised his voice in Congress time and again against rational military preparedness." It is true, Mr. Speaker, that I have in the past opposed the creation of a large standing Army in time of peace, believing it to be contrary to the spirit of our institutions. [Applause.] I am opposed to it now.

I stood for the preservation, enlarging, and federalization of the National Guard, which was done, and the glorious record made by the National Guard in the present war demonstrated

the wisdom of such a policy. I am for the National Guard now and I want to see it preserved and strengthened still further. When we extended the limit of the draft law I contended that the boys of the age of 18 and 19 years should be placed in deferred classification and for which I was bitterly assailed by the editor of the Chicago Tribune. I felt then that it was not only humane but that it was sound military policy. [Applause.] I think so now.

Mr. Speaker, I might continue along this line indefinitely, but I shall not, but will simply say in conclusion that these attacks of the editor of the Chicago Tribune on one who has never harmed him is beyond my comprehension. But I want to say that this last editorial is as cruel and cowardly as the gas attack of the Germans on the defenseless English and Canadians, and a man who will indulge in this character of attack to achieve his purpose, whatever that may be, would make a splendid leader of a band of murderers, such as the Germans were who made that first deadly gas attack.

But, Mr. Speaker and colleagues, while such attacks are exasperating, for they are intended to belittle and besmirch a man's reputation among his friends, yet I shall go on performing my duty to the best of my ability in the future as I have in the past, continuing to have an abiding faith in the sense of fair play of the American people when they know the truth. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 209. An act for the relief of John T. Eaton;

S. 642. An act for the relief of Mary C. Mayers;

S. 430. An act to authorize the exchange of certain lands within the Fishlake National Forest, Utah;

S. 2758. An act providing for an exchange of lands between the Swan Land & Cattle Co. and the United States; and

S. 3159. An act granting the consent of Congress to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 1429. An act adding certain lands to the Idaho National Park and the Fayette National Forest in the State of Idaho.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 12.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," the Clerk of the House of Representatives be, and he is hereby, authorized and directed to strike out the word "an" in line 31 of section 106 of the bill as agreed upon in conference and to insert in lieu thereof the word "on"; also in section 112 where they twice appear and in section 114 where they once appear strike out the words "treasury of the District of Columbia" and insert in lieu thereof the words "Treasury of the United States to the credit of the District of Columbia"; and in section 118, line 5, of the bill as agreed upon in conference, strike out "for" where it first occurs and insert in lieu thereof the word "or."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 209. An act for the relief of John T. Eaton; to the Committee on Claims.

S. 430. An act to authorize the exchange of certain lands within the Fishlake National Forest, Utah; to the Committee on the Public Lands.

S. 642. An act for the relief of Mary C. Mayers; to the Committee on Claims.

S. 2758. An act providing for an exchange of lands between the Swan Land & Cattle Co. and the United States; to the Committee on the Public Lands.

S. 3159. An act to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of Louisville & Nashville Railroad bridge; to the Committee on Interstate and Foreign Commerce.

EXPENDITURES IN THE WAR DEPARTMENT.

The SPEAKER. Under the special order one hour is allotted to the Special Committee on Expenditures in the War Department, one-half the time to be controlled by the gentleman from Illinois [Mr. GRAHAM] and one-half by the gentleman from Tennessee [Mr. GARRETT]. The gentleman from Illinois [Mr. GRAHAM] is recognized for 30 minutes.

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen of the House, during the course of the Great War the United States Government obtained and collected in various ways large amounts of property, both real and personal, in this country and in Europe. Since the signing of the armistice steps have been taken, as you all know, to try to dispose of some of this property. At present our Government, through its War Department, is disposing of some of this material at various times. The Select Committee on Expenditures in the War Department, in making some of its investigations, has had its attention directed through the public press to a proposed sale of property belonging to the Government and located near Charleston, W. Va., at what is commonly called the Nitro powder plant. Finding that it was about to be sold, the subcommittee on ordnance went out there and took some testimony to disclose the facts relative to the conditions existing there, what property we had, and about what Congress ought to do about the situation, if anything.

The sale of that property is under the control of the director of sales. While primarily the ordnance branch of the War Department has control over it, it is being managed by the director of sales. At this time this sale has not been concluded, and is pending and undisposed of. The facts relative to the whole surrounding circumstances are such as to induce in the minds of our subcommittee, in which our entire committee concurred, the idea that we ought to present these facts in a brief way to the Members of this House, and indirectly to the people, so that they might be advised about them and so that, perhaps, if necessary, some steps in legislation might be taken that might help in the general disposition of this property. I will not have time in the short time allotted to me to go into the details of this, but can only touch the high spots as I go along. I would prefer not to be interrupted, gentlemen, unless it is something particularly important or something I forget, because I will not have time to get over it all if I am interrupted very much in the short time we have been able to borrow from other pressing business. The gentleman from Tennessee will have one-half of the time.

The powder program in 1917 was investigated by a commission that went to Europe to determine what we ought to do in making powder. Up to that time we had not made any, except in the Picatinny Arsenal and in private concerns. In 1917 we sent this Franco-American commission to Europe to find out something as to what we ought to do about manufacturing powder. When the commission reported back, immediate steps were taken to try to increase the powder production in this country. When the European war began the total production of powder in the United States was about one million and a half pounds a month. When we went into the war it had risen to a million and a half pounds a day.

The Du Ponts themselves a year prior to our entrance into the war produced most of the powder, and the production had risen to a million and a half pounds a day. The production, therefore, when we went into the war was about as I have stated, but we planned to increase the amount a million and a half pounds a day by manufacturing it in Government plants, and in carrying out that intention they proposed two Government-owned plants, one at Nitro, W. Va., and the other at Nashville, Tenn., called "Old Hickory." The Old Hickory plant was to produce 900,000 pounds and the Nitro plant 1,500,000 pounds a day, so you can tell something about the immensity of this program that the Government was about to embark upon.

The construction of these two plants cost, as nearly as your committee can ascertain, $90,000,000 at Old Hickory, Nashville, and $60,000,000 at Nitro, W. Va., or approximately $150,000,000 has been expended on the two plants for construction cost up to this time. This does not include operating costs, nothing except the building and construction of the two plants.

As to the wisdom or necessity for this extended program this committee will have more to say in the future. I will not now take the time to discuss it. I have my own ideas, and the other members of the subcommittee have their minds clarified, and we will develop it later. We do not have the time now to go into it, but at some future time we will make an extended report upon the necessity of that program. It is sufficient to say at this time that we have expended a large sum of money, and up to the time of the armistice we had obtained but little powder from the two plants, and not a pound of that powder was shipped to the other side.

The Old Hickory plant produced before and after the armistice and up to the time it was closed down finally 31,000,000 pounds of powder. There were produced at Nitro four and a half million pounds. All that powder is stored at these two plants and remains there to this day. The powder we used during the war was powder made by the Du Ponts and other people, and practically all the powder that was shipped to the other side was sold to France and England. In fact, the Chief of Ordnance testified that practically no American ammunition was used on the other side. The Du Ponts sold to the French and English and it was resold to us, but we used none of the ammunition that was made in this country unless we bought it in this way. We manufactured in the United States in 1918 536,000,000 pounds of smokeless powder, of which the Du Ponts manufactured 427,000,000 pounds. Of this only 270,000,000 pounds was floated to the other side. When the armistice was signed we had 200,000,000 pounds of smokeless powder in this country. Notwithstanding this, we were preparing to turn out 1,500,000 pounds a day from Government factories.

Nitro is located near Charleston, W. Va., on a bend of the Kanawha River, about 40 miles from the Ohio River. It lies in a farming country in the midst of the rich coal and gas and oil territory of West Virginia. It is about 16 miles from Charleston to Nitro. When Nitro was built there was nothing there. It is on the Kanawha & Michigan Railway line, and the tracks of this line run through it. There are no street car lines between Charleston and this plant, no villages, and the roads are indifferent.

So they started to build a plant out in the bend of the river, where all they had was a location. They bought about 1,800 acres of land, roughly speaking. In the summer of 1917 the Secretary of War asked the Du Pont Co. to build powder plants for the Government, and on the 25th of October, 1917, the Chief of Ordnance wrote a letter to the Du Ponts asking them to acquire the necessary lands for building these plants. Up to this time the Du Ponts, acting on previous oral agreements, had been trying to do this thing, had selected the location at Nitro as one of the sites, and had been sending one Daniel Cauffiel, as the agent of the company, to take options on certain lands needed for the powder plant at that place. Cauffiel had taken options on 22 tracts in this way.

Before we went into the building of this plant that land had been selling for from $23 an acre to the highest point, $160 an acre. Mr. Cauffiel obtained options on the 22 tracts and was holding them. On the 25th of October the Chief of Ordnance wrote to the Du Ponts telling them that they were authorized to build this plant and to acquire this land. At once the Du Pont Co. accepted the options, and on the same date, I believe, immediately after the acceptance of the options, the contract was canceled by the Secretary of War. It thus appears that the Du Ponts, who had the contract to build this plant, had it canceled on the day it was made. It does not appear in the record, but it is surmised that the Secretary of War thought the Du Ponts were getting too much of this business and therefore canceled the contract. In any event, it was canceled. Mr. Cauffiel had title to 22 of these tracts, and he has that title to-day in him. Seven of the tracts of land that were gathered up from the people who lived around there went directly to the Government. One of them had to be condemned, a small piece for which the Government had to pay $16,000. The other titles, as I have said, are still in Mr. Cauffiel, who is the agent of the Du Ponts and who did the business for them. I do not know whether the arrangements have been made for the transfer of title to the Government or not. Most of the papers were made out when we were investigating this, about the 1st of September, but were pending in the office of the Judge Advocate General awaiting some determination about what should be done. The contract with the Du Ponts provided a compensation aggregating 15 per cent for the construction of these plants. I do not know what claims they may have on account of the summary cancellation of it, although I am advised that Cauffiel is claiming a very considerable sum for commission on the business he transacted.

This plant was built on land to which we did not have title. We built a city there three and a half miles long and about a mile wide, which has everything in it that you can imagine. It is built in the bend of the Kanawha River, as I have said, where there is access to it by boat, and where there is a railroad line that runs out there. It was necessary to build everything that anybody needed to live in or live on. They put up 2,200 bungalows that were portable. They cost about $1,500 each. They are five-room bungalows. They have about 3,200 houses altogether, but the rest of them are made of tar paper, with batten construction. The buildings that housed all this great machinery were made of tar-paper construction on the outside, with batten, except some of the buildings for solvent recovery, which have fireproof walls, made necessary by the nature of the work that they do within the buildings. There is an immense amount of buildings there—all sorts of buildings—built for the purpose of housing this great plant which the Government was to build, and among other things they have a lot of buildings one would not ordinarily expect to see there. For instance, they have a hospital, with approximately 20 buildings composing it. At the height of activity out there, when we had 19,000 men employed, they had 100 physicians and medical officers working in the hospital, and they were about to build 54 modern houses for the surgeons. They had 112 nurses. When we were there on the 1st of September the hospital was still open, and they had 5 physicians and 37 other people working there and 16 patients. All this service in the hospital during the activities out there was free. It was possible for a man who worked there to get free service at the hospital. He also could get free drugs at the drug store. He got free gas, free water, free heat, free light—everything he got free, even the maid service, which was furnished by the contractors. They had maids who went around and attended to the housework for them. These things were done during the progress of the work and at the time when they had at least 19,000 people working there.

After the signing of the armistice, when the Ordnance Department took over control of this institution, the bungalow rent was given up, and from that time on there was no rent charged on the bungalows. So far as I could observe they had at least three Young Men's Christian Association buildings, and they had in the neighborhood of three men's club buildings, four women's club buildings, and four other Young Women's Christian Association and lodge buildings for women under construction. They had a community center that was a marvel, an immense thing, very expensive, of course, to maintain. They had 65 permanent houses for the officers of the institution. There was a moving-picture house and other amusement places. A schoolhouse to house 1,200 pupils was built. They were engaged in building an immense steel-arched auditorium, which would have cost at least $70,000.

After the signing of the armistice, when these men, one would suppose, should have been discharged and the force lowered a great deal, we found upon our examination that in some places the force had been increased. For instance, on December 14 the Thompson-Starrett Co., who were doing the construction work, had 2,901 men employed. On January 16, several months after the armistice, they had 1,673 men on the construction force. The Hercules Powder Co. on November 15 had 5,020 men working, and 15 days after the armistice was signed they had 5,395. They had hired approximately 400 more men. When we were there on the 1st of September, 1918, they had 1,485 people on the pay roll, but 215 of them were on leave at that time. It was costing the Government at that time $43,000 a week to keep the plant going. I am advised that that is practically the situation to-day, and that as long as this institution is held by the Government it will require approximately $40,000 a week to keep it going.

Soon after the armistice was signed we had a number of solvent recovery and dry houses there, and along about March 1 the Ordnance Department, for some reason we do not know, took a notion to ship in a lot of stuff there for storage. Immediately they started a force of 448 men at the height of activities to tear the insides out of 28 of those buildings, the bins and costly apparatus that had been put in there. They tore the insides out and went to shipping in empty shell cases and all sorts of things from all over the United States, shipped them in there and stored them in these houses that they had gutted in this fashion. It took about 500 men to do the work. This stuff came from all over the United States, some of it from Porto Rico, a good deal of it from Chicago. They filled up these houses with stuff, 50,000 tons of it. I asked Gen. Williams, Chief of Ordnance, the other day what they did it for, and he said they thought they were going to use those buildings for storage, and after a while they changed their minds and concluded they would not use them for storage. Of course, the object for which the buildings were erected was a powder plant, and this taking the insides out of them destroyed the buildings so far as their availability for that sort of use is concerned. They stand there to-day empty shells, full of cases and that sort of thing, which will all have to be removed, of course, when this property is sold. The Government in selling this property out there has been compelled to reserve tracts M and N, which contain a large number of these buildings, from the sale and to keep possession of them in order to have some place where they can store this property. Having moved this stuff into these buildings, they must now move it out and send it elsewhere at immense expense. Why

they did it nobody seems to know. It was a costly thing to do and is to-day a deterrent to the ready sale of this property.

As I have said, there are approximately 50,000 tons of it in there, all shipped in since the armistice. They built a great number of public utilities down there, the vastness of which one could hardly comprehend by hearing about it. They built a waterworks system that had a capacity of 60,000,000 gallons of water a day. In other words, the pumping capacity of this station or waterworks was equal to that of a city of 600,000 inhabitants. It would supply the city of Baltimore nicely. They say, in explanation of this, that it was necessary to do this, because with the full capacity of this powder mill they would need that much water. That may be so; I do not know about that. We have as yet obtained no expert opinion; the only evidence we have is that this is probably true if they ever got to the full capacity of 625,000 pounds a day. But it remains there; it is very large and cumbersome and expensive to maintain, and anybody who buys that plant for ordinary manufacturing purposes can not maintain this public utility, which necessarily requires such an immense expense for maintenance.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. LONGWORTH. Will the gentleman state how much money we have spent at Nitro?

Mr. GRAHAM of Illinois. I will tell the gentleman what we have spent on construction. We have expended $60,100,000 for construction. I do not know how much we have spent for operation. Now, there is a peculiar thing about that. In the first place, Mr. D. C. Jackling was appointed by the Secretary of War as Director of Explosives to build our powder plants. Mr. Jackling is a copper man. I think he was either president or vice president of several of the great copper companies, notably the Utah Copper Co. and the Nevada Consolidated Copper Co. And so far as experience in explosives goes I do not believe he had any. He was a copper man pure and simple; one of the leading men in that business. He made these contracts. He made a contract with Thompson-Starrett to build this plant on January 18, 1918. The War Department then made a contract with the Hercules Powder Co. to operate it. This latter contract was made May 9, 1918. These people kept their own books. Thompson-Starrett built it and spent $60,100,000 for this purpose. We have never found out what the cost of operation has been. We did not have access to the books of the Hercules Powder Co., unless by going to the Philadelphia claim office, where they have been checking up this matter as to how much the bill of the Hercules Powder Co. is for the 4,500,000 pounds of powder they made. We do not know. Their books were not there when we were. They had been taken to Philadelphia; but we do know this, that the Ordnance Department advanced the Hercules Powder Co. $14,349,214.20 to do this work, and they had that money. What they did with it we do not know. I understand there is a controversy between them and the Government as to whether they absorbed the whole of the $14,349,214.20 or not, but they got the money, and they have it so far as I know and so far as the inquiry by the committee shows. Following the ordinary rule, the Government has probably seen the last of it.

Mr. MADDEN. How much powder did they make?

Mr. GRAHAM of Illinois. Four and a half million pounds.

Mr. MADDEN. Then, it cost over $3.50 a pound?

Mr. GRAHAM of Illinois. If they spent all the money. They got the money; I do not know whether they spent it all or not.

Mr. LONGWORTH. Recently I understand that bids have been submitted for taking over the plant?

Mr. GRAHAM of Illinois. I am going to state about that. Mr. Speaker, how much time have I used?

The SPEAKER. Seventeen minutes.

Mr. GRAHAM of Illinois. I desire to save a little time after the remarks of the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The Chair is mistaken. The gentleman has only 7 minutes remaining. He has used 23 minutes.

Mr. GRAHAM of Illinois. That shows the difficulty about trying to handle a thing like this in 30 minutes. They advertised this thing for sale as a whole proposition. They got three bids. The highest bid was $5,800,000. Lying over on the table is the inventory of the property they had there. It is printed. It is full of articles. That inventory shows between $11,000,000 and $12,000,000 worth of property, about one-third of which is reserved to the Government. It is there; it is everything from overalls to thrashing machines. There is enough to stock any general store in the country—everything of which you can speak. There are hundreds of gallons of paint, and clothing, and everything you can think of. It is all there, and it goes with the sale, and the highest bid was $5,800,000. The cheapest bid was two and a half million dollars. I want to say something about this sale. Certain of the bidders got into Philadelphia and made a combination there, as far as we can observe. There was a bidder going to bid a reasonable bid, a chemical company that wanted to buy the plant and run a manufacturing establishment there. They had made arrangements with a prominent bank in New York to finance the operations. A day or two before these bids were opened the bank withdrew its support from the bidder, we are informed, as the result of a combination of these other bidders and with the obvious purpose of keeping down the bids.

Mr. STRONG of Kansas. Will the gentleman give us the name of that bank?

Mr. GRAHAM of Illinois. Well, I can, but——

Mr. STRONG of Kansas. I think we ought to know.

Mr. GRAHAM of Illinois. I doubt the wisdom of it just yet. I will state it at the right time if this thing does not go off right. I have the name of the bank and will make it public if this sort of thing occurs again. After our committee had had its hearings at Nitro, we notified the Secretary of War we did not want these bids passed upon until we knew what they were. After the bids were received, we were advised what they were. Mr. Crowell, Assistant Secretary of War, then came and asked what we would suggest. We told him to reject these bids as insufficient. He agreed to reject them, and they are now receiving private bids for this property. Unless strict attention is given to the matter this great property, which, with its loose property, represents an investment of $70,000,000 at least, not counting the other $14,000,000 we perhaps put in the hole with the Hercules Co., will be frittered away.

I reserve the balance of my time until the gentleman from Tennessee shall have finished. [Applause.]

Mr. GARRETT. Mr. Speaker, I acquiesced in the suggestion of the honorable chairman of this committee that, in this informal way, without making any written report, certain facts that had come to the knowledge of the subcommittee on ordnance of the Select Committee on Expenditures in the War Department, might be laid before the House. Whether it is wise or not was a question of some doubt in my mind, but upon the whole I could not see where any harm would occur. Some good might possibly result, and I felt if the chairman of the committee, who has given much labor and study to this matter, desired to do it and take the responsibility for it, I should acquiesce, and I did so, as the gentleman has stated.

Now, of course, there are no differences between the gentleman and myself as to the facts that have been stated by him, because with a single exception, to which I shall make reference, all of the matters to which he has referred have been taken in testimony, and that testimony has been published, and the hearings are available to any Member of Congress and to the public generally.

I think, however, that, due to the pressure for time, the gentleman from Illinois [Mr. GRAHAM] had to hasten so as that perhaps it would be best for me to amplify to some extent some of the statements of fact, to the end that impressions unfavorable to our country may not be improperly drawn. For instance, it was stated by the gentleman from Illinois, and correctly, that no powder from the plants built at Nitro and at Old Hickory, near Nashville, Tenn., was shipped abroad. That is true. But it should also be stated that in the very nature of things it was not physically possible to produce it in time to ship it abroad before the armistice was signed. The ground for the Nitro plant, as I remember it, was broken in February, 1918. Work on the Old Hickory plant began in March, 1918. And with remarkable expedition—and at a tremendous expense; there is no question about that—this work was pressed to the point where they were able to put the factories in production, I think at Old Hickory in October and at Nitro just before the time of the signing of the armistice. So no inference should go abroad, it seems to me, among the people, to the effect that because no powder was shipped abroad there had been carelessness or negligence at those plants, because I think there were no evidences of such.

Now, the gentleman has referred also to the character of buildings that houses the machinery and to their being temporary structures. That is true. It is in evidence before our committee that instructions issued by the War Department—I think the Secretary of War personally, perhaps, was referred to, though I am not certain—were to make the foundations of these buildings that were to house this machinery of the very best character of material obtainable, but in the interest of expedition and also because of the fact that it was not known how long the plant would be in production and how long the buildings would be needed, it was provided that the superstructure, the sheltering

part of it, might be of the temporary character as described by the gentleman from Illinois [Mr. GRAHAM]. As far as I am concerned, I think that was a wise policy.

The gentleman has referred to buildings that one would scarcely expect to see there. I do not know that I agree with the gentleman about that. The hospital unit did seem to be somewhat large to us there on that quiet day, Labor Day, that we spent there, and on the following day, when all the force had departed except about 1,200 of the employees there at the time. It was a very quiet period down there, and I fancy we did not get the impression that we would have gotten if we had been there some two or three days before the signing of the armistice, when anywhere from 20,000 to 25,000 men were engaged in this extremely dangerous business of manufacturing smokeless powder. And, so far as I am concerned, I am not, with the light that is before me, in any situation where I am disposed to criticize the size of that hospital unit that was constructed there.

Reference was also made by the gentleman from Illinois to the fact that after this matter was transferred to the Ordnance Department, after the Hercules Powder Co. contract had been canceled or suspended, rents were stopped on the bungalows that were occupied by the employees. That is correct, as I remember the testimony, but it is also in testimony that the wages to the employees were at that time, if I remember correctly, reduced, so that the reduction by the cutting off of the rents and the reduction in wages balanced substantially.

Reference was also made to the fact that after the signing of the armistice for a few days there were more men in employment by the Hercules Powder Co. than before. That is the testimony. My recollection is that the explanation of that as given was that laborers were on their way there in some instances, and further that substantially all this powder was really completed after the armistice was signed because of that which was in solution. It takes some 30 or 40 days, as I remember the testimony, to complete the finished article of smokeless powder. From the time that the original operation begins with the raw materials until it comes out in final form the manufacture of smokeless powder takes from 30 to 40 days, and that which was in solution and in the various houses at that time was completed, but no new raw materials were put into production after the time the armistice was signed.

Now, there were something over 1,200 men—I believe 1,280—in the employment at the time we were there, operating the power plant and the water plant, guarding the property that was there, and performing all the various duties incident to keeping the plant in a safe condition, and there were a large number upon leave. They were taking the annual leave which by act of Congress is allowed to Government employees. I presume that they are from time to time still continuing that down there. Whatever was done in that regard was, of course, in accordance with the laws of the Congress.

The gentleman from Illinois [Mr. MADDEN] asked a question of his colleague which brought a response that might possibly be misunderstood, about the advancement by the Government of some $14,000,000 and the amount of powder production. The gentleman from Illinois [Mr. GRAHAM] had stated that the Government had advanced something over $14,000,000 to the Hercules Powder Co., and the gentleman from Illinois [Mr. MADDEN] inquired how much powder had been made, to which his colleague replied that it was four million and some hundred thousand pounds. That without some explanation, of course, might be calculated to leave a very erroneous impression—that the 4,000,000 pounds of powder had cost the Government $14,000,000. As a matter of fact, the armistice came suddenly and quickly. It came unexpectedly to everybody, to be sure. The Government had a contract with the Hercules Powder Co. to operate this plant.

The price that the Hercules Powder Co. was to receive was based upon the price of the raw materials that should enter into the manufacture of powder—sodium nitrate, cotton linters, sulphur, and all the various things that go into the making of smokeless powder—and they were to receive so much per pound upon each pound of powder made, based upon the price of the raw materials which entered into its composition.

Mr. GRAHAM of Illinois. Two and three-fourths.

Mr. GARRETT. Yes; 2¾ cents per pound. That is correct. I thank the gentleman. That was a continuing contract. They were preparing to make powder extending over a long period of years perhaps; certainly it was thought over 1919 and 1920. It was expressly provided in the contract made with the Hercules Powder Co. that advances might be made by the Government. There is a claim, I suppose, on the part of the Hercules Powder Co., filed with the Government, but we have no information about that. As the gentleman from Illinois has said, we do not know about that; but I think it is fair to state that I do not know of any effort on the part of the committee to find out about that yet. That is a matter on which we may take some testimony in the future. As I understand it, no witnesses have been called before us, and the committee up to this time has made no movement toward investigating this claim which the Hercules Powder Co. has filed against the Government. But that is the situation. There was a going contract. The Government has made an advance, and it would not be fair to leave the impression that that powder cost the full sum which was so advanced.

Now, about the bids on the property. Of course there is nothing secret about that. The Government advertised for bids. The Government advertised widely throughout the country for bids to sell the plant and the town as a whole, it being the opinion that it could be sold to better advantage as a whole proposition to some institution that might desire to operate it as a manufacturing plant than to attempt to tear it down and salvage it or undertake to deal with it in units. The tremendousness of this plan can scarcely be appreciated by one who has not visited it and actually seen the physical surroundings with his own eyes. It is a stupendous thing there. It has been testified before the committee that it is suitable for different characters of manufacturing, and yet it has also been testified and the common sense of men teaches them that it is going to be extremely difficult to use all the units of it in any one process of manufacture because it is so immense. The water plant, to which the gentleman from Illinois made reference, with some 60,000,000 gallons capacity, is necessary, according to all the testimony given before us, in the manufacture of powder—this kind of powder where they have the water-drying process, as it is called.

I do not know what that means. I never knew of water drying anything, but that is what they call it. These tremendous quantities of water are necessary, and in the course of manufacture they must have a filtered water for treating the cotton linters and all that. Absolutely pure water is required.

The Government advertised for these bids. The day that the bids were opened they were published to the world. The bids received were disappointing. They were disappointing to the officials of the War Department, as they were disappointing to all who had known of the cost of this plant originally; and as the gentleman from Illinois has stated, Mr. Crowell, the Assistant Secretary of War, under whose general direction this matter apparently is being dealt with, visited the committee. Of course we knew what the bids were before he ever came down. He asked the opinion of the committee concerning them. My recollection is that he was in turn asked what he thought about it. He said he preferred not to give an opinion himself until he had the view of the committee. But he said, "I will say this, that every adviser who has talked with me concerning this matter has advised that these bids be rejected."

Mr. LINTHICUM. Mr. Speaker, will the gentleman permit one question?

Mr. GARRETT. Yes, indeed.

Mr. LINTHICUM. Was it the $5,000,000 bid that was withdrawn on account of the bank not continuing its support?

Mr. GARRETT. No. It was not that bid. I do not wish to say this in any criticism of the gentleman from Illinois, but I will say that I myself do not care to go into that question. We have certain information concerning that, that came to the committee privately, but we have nothing absolutely in testimony concerning that matter.

Mr. LINTHICUM. I was not particularly interested in that feature, but I simply wanted to know if the $5,000,000 bid still stood or was withdrawn?

Mr. GARRETT. All the bids have been rejected.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LONGWORTH. Has the gentleman any computation as to the fair value of that property?

Mr. GARRETT. I have not, I will say to the gentleman frankly, because I do not know. I will tell the gentleman what has happened there. Various manufacturing concerns have sent their experts there and have expended very considerable sums of money, some of them, in making a complete survey of the plant. Of course, I would have no idea about the value, because I know absolutely nothing of the value of that machinery. About the only thing that I might estimate anything on that is there, if I had time, would be to sit down and try to count up the amount of lumber that is in the buildings and try to find out what the salvage value would be. Personally I have no idea of its value. But I know what it cost us.

Mr. LONGWORTH. The gentleman will agree with the gentleman from Illinois that there is something in the neighborhood of $11,000,000 worth of actual movable property?

Mr. GARRETT. There are some differences of opinion about that testimony. I am not prepared to refute the statement. I do not care to dispute it. The gentleman has some figures that were presented to the committee that would indicate $11,000,000. The general sums mentioned before the committee would indicate $9,000,000 worth of loose material. But whether it is $9,000,000 or $11,000,000, I think it is immaterial for the present statement. There is a tremendous amount of loose material there, consisting of almost everything conceivable—commissary stores, piping, paint, beds and bedding—almost everything you can conceive of, and that includes also large quantities of raw materials—cotton linters, 27,000,000 or 28,000,000 pounds of cotton linters and hull fibers there, and something like a million gallons of alcohol, rectified and unrectified, and sulphur. I believe the sulphur has been sold. Various of the raw materials entering into the manufacture of powder are included.

Mr. LONGWORTH. Does the gentleman understand that it is the desire of the Government to sell this plant to some concern that will keep it going?

Mr. GARRETT. So far as the Government is concerned, I do not know. I presume their desire is to sell it in the way that will bring the greatest return to the Government. I should imagine that there could be no possible objection on the part of anyone, and that it would really be gratifying to everyone, if it could be sold and continued as a going concern for the benefit of that splendid community there and for the country at large; but I take it the primary interest of the responsible officials is to obtain the greatest return to the Government of the dollars and cents expended.

Mr. LONGWORTH. I understood from the statements of the gentleman from Illinois [Mr. GRAHAM] that a certain bid, if not actually submitted, had been prepared by a chemical company which was prepared to run the plant and produce powder there, but that at the last moment financial support was withdrawn and the bid was never submitted.

Mr. GARRETT. That information has come to the subcommittee—not to produce powder, I will say, but chemicals. It has not been placed in evidence, but that information has been given to all the members of the subcommittee privately.

Mr. LONGWORTH. Does the gentleman know the total amount of the bid?

Mr. GARRETT. I do not; and I do not think the committee does.

Mr. GRAHAM of Illinois. I think I can tell you.

Mr. GARRETT. Does the gentleman think it wise to do so?

Mr. GRAHAM of Illinois. I do not think it is wise to do so.

Mr. LONGWORTH. I will not press the question if the committee desire to reserve it for a later day.

Mr. GRAHAM of Illinois. It is very much in excess of any other bid.

Mr. GARRETT. That is my understanding—that it was very much above anything offered—but the exact amount I do not know.

Mr. SABATH. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Illinois.

Mr. SABATH. Is there any reason why the Government should not retain the plant and continue to manufacture powder for the use of the Army and Navy?

Mr. GARRETT. What possible use does the gentleman think the Government could have for a plant that would make 625,000 pounds of smokeless cannon powder per day in time of peace?

Mr. SABATH. How much money does the Government spend in time of peace for powder?

Mr. GARRETT. All that the Government needs in time of peace can be manufactured at the Picatinny Arsenal. And let me say to my friend that I understand it to be the present policy to retain, and put in a stand-by condition, as it is called, the Old Hickory plant down at Nashville, which has a capacity of 900,000 pounds per day.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Nebraska.

Mr. EVANS of Nebraska. Has the gentleman been able to fix an approximate amount below which it would not be wise for this plant to be disposed of.

Mr. GARRETT. No; I can not. There are various elements which enter into it. I have already expressed my lack of information of the elements upon which a price could be fixed. This property, of course, ought not to be fooled away, but it is easy enough to see that the Government can not expect to get any $61,000,000 back for it, the approximate amount which it spent upon it. It ought not to be fooled away, but at the same time we must keep in mind that there is a pay roll of some $43,000 per week there now—that is, it is costing the Government about $43,000 a week for its upkeep at the present time.

Mr. LAYTON. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Delaware.

Mr. LAYTON. I would like to ask what your information is, from your study of this question in the committee, as to the wisdom of the policy of the Government in going into the manufacture of powder at the outbreak of the war. Do you not believe that right at the beginning, if the Government had called in the powder companies and had agreed upon a fixed price for powder, the Government would have secured its powder more expeditiously and at an infinitely lower cost, in that way?

Mr. GARRETT. No, sir. Let me say to the gentleman that every ounce of powder that was being produced, and that could be produced, by American manufacturers at the time of our entrance into the war, in April, 1917, was being taken by the allied countries abroad.

Mr. LAYTON. The gentleman does not catch my point.

Mr. GARRETT. And if we had gone to the domestic manufacturers and had taken our supply from them, it would simply have deprived the countries associated with us of their supply.

Mr. LAYTON. The gentleman does not catch my point. If I am running a dry-goods store, it is very much easier for me to enlarge my plant and to have larger operations than it would be to go out to some strange place and start a new one. If the Government had gone to the E. I. du Pont de Nemours Co. and to the Atlas Powder Co. and to the Hercules Powder Co., and to the various other powder companies, and had said to them, "Enlarge your plants; you are masters of this business, and we will agree upon a fixed price per pound," could they not have carried out their European contracts and at the same time have given our Government what it needed much more cheaply than the Government got it by manufacturing it itself?

Mr. GARRETT. I get the gentleman's point. He means, had new units been built?

Mr. LAYTON. That is what I mean, exactly.

Mr. GARRETT. I can not say that it would have been better. That is not a question which the committee have considered.

Mr. BYRNS of Tennessee. Will my colleague yield?

Mr. GARRETT. I yield to my colleague.

Mr. BYRNS of Tennessee. Would it have been possible for the Government to have made any reasonable contracts, with the uncertainty as to how much powder the Government would need?

Mr. GARRETT. I am sure it would have been absolutely impossible for the Government to have procured anyone to enter into any contract whereby these concerns would at their own expense have added new units. I am sure it would have been impossible. If the Government had had new units added to the existing powder plants, the Government would have had to pay for them, just as it had to pay for the construction at Old Hickory and at Nitro. I have no doubt of that. Of course no manufacturer in his right mind would have added new units on such an uncertainty. During the year 1918, according to the testimony before this committee, the average daily consumption of artillery powder by the British forces was a million pounds a day. The average consumption by the French forces was at least that, if not more.

Mr. LAZARO. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. LAZARO. In view of the fact that many investigations are being conducted and that the Government is being criticized for money that was spent, with very little to show for it when the armistice was signed, is it not a good idea, in the interest of fair play to all concerned, to call attention to the fact that we did not know how long this war would last and that it was wise to do everything we could to prepare ourselves for a long war?

Mr. GARRETT. Why, certainly; and we ought at all times not only to keep that in mind ourselves, but when we speak upon this matter to remind others of that fact.

We were really just getting ready for war when the armistice was signed. [Applause.]

Mr. LAZARO. It is not so much a question of what we had at that time, but what we would have had had the war continued.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GARRETT. Under the leave granted to extend my remarks in the RECORD I wish to refer to the matter of the land titles spoken of by the gentleman from Illinois, because I think it would be unfortunate for the Government in its negotiations for the sale of this property if any cloud should be cast upon the title.

It is true that a Mr. Cauffiel, as agent for the Du Ponts, who at that time were acting as agents of the Government, negotiated options upon much of this land, a Mr. Crawford, a real estate agent of Charleston, W. Va., being his (Cauffiel's) agent. It was very desirable to not have it become known that this land was being bought for Government use for the very good reason that the price would be thereby affected. The Government sought to avoid this. Title to a number of the tracts was taken in Cauffiel's name, but it is well understood that he holds it merely as trustee for the Government, and from the testimony before the committee I am sure no prospective purchaser need have the slightest fear of title. Some of the tracts had to be condemned and suits are now pending in the courts, but these suits involve merely amounts of damages and compensation and title is not affected.

Another matter upon which I venture to comment is the Virginian Power Co. settlement, referred to by the gentleman from Illinois in his second speech.

I understood the gentleman to say that the Government had sold to the Virginian Power Co. certain material and had received but about $81,000 therefor. Without a fuller statement, this might easily be misunderstood. The facts briefly are these: The Ordnance Department, largely at the suggestion of the Fuel Administration, which was naturally anxious to conserve and develope the coal supply at that time, entered into a contract with the Virginian Power Co. to furnish a certain amount of power to the Nitro plant and also to build for the Government transmission lines to several mines in that section of the State. After the signing of the armistice, when there was no longer a necessity for the power at Nitro, negotiations were opened with the Navy Department, which has a permanent ordnance plant at South Charleston, and recently a contract was consummated whereby there was transferred to the Navy Department the rights of the War Ordnance Bureau in the greater portion of the plant constructed for the Government.

The lines to the mines, however, were sold to the Virginian Power Co., along with other properties. These properties so sold by the Government to the power company were:

1. The transmission line to the mines.
2. A substation.
3. A warehouse.
4. A hoist house.
5. A lean-to.
6. Certain stores at Cabin Creek, W. Va.
7. Certain stores that have been purchased, but not yet shipped.

The last item amounted, as I recall it, to about $19,000.

The total cost value of all these seven properties, as shown by the evidence before the subcommittee, was $422,504.60.

This was the actual cost of construction and purchase of these properties under war conditions.

In the negotiation of the settlement a total value measured by present prices and conditions of $390,385.05 was agreed upon.

The original contract with the Virginian Power Co. gave it the option to purchase the property, and it had 5 years in which to do it. An average depreciation of 7½ per cent per year for 5 years was allowed upon all except the goods mentioned in No. 7 above. These were taken at actual cost. The sale price to the Virginian Power Co. was, therefore, $269,505.54.

The Government was indebted to the Virginian Power Co. for power furnished from July, 1918, to December, 1918, and for other purposes in the sum of $187,700.50. This amount it was obligated to pay and would have had to pay in cash. It was taken as cash by the power company in the sale, and therefore the check given the Government was for $81,805.04, but the actual amount received by the Government for these properties was $269,505.54. This should be clearly understood and no erroneous impression should go abroad that only about $81,000 was received for these properties.

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen, a few words in closing. Some of the things I forgot to mention I will mention now. For instance, the gentleman from Tennessee [Mr. GARRETT] spoke of cotton that was required in this manufacturing plant. We found when we got out there that there were at the plant approximately 68,000 bales of cotton, linters, and hull-fiber cotton. Most of it was lying out of doors. It had been put on the ground early in the year, some of it in February, and, aside from one storehouse recently built, most of the 68,000 bales had stayed out all summer. It was decaying on the outside, to what extent I do not know, except that Mr. Sloan, assistant director of sales, told us privately that some in his judgment was entirely gone. It had laid out and is practically worthless now. That is reserved from this sale.

I want to call attention briefly to the settlement that was made with the Virginian Power Co. Early in this matter it was ascertained that it was necessary to have power for the plant. We had in the plant 34 boilers generating 34,000 horsepower, a magnificent steam plant, as good a one as I ever saw. There was installed a small electrical unit generating 3,000 kilowatts of electric energy. Instead of making its own power the War Department made a contract with the Virginian Power Co., an outfit that had a power station 35 miles away, at Corbin Creek, on the Kanawha River, by which the power might be brought from that place to this plant, and by which we would install in the works of the Virginian Power Co. a turbogenerator that would generate 20,000 electrical kilowatts. The Government also agreed to finance the operations of this company and furnish it the money to build power lines to various villages and coal mines in the valley. Approximately $2,900,000 has been paid to the Virginian Power Co. for this purpose. By the contract the Virginian Power Co. was to have five years in which it could buy all this apparatus and machinery at its option, and for its value less depreciation.

From that on to the end of the operation electrical energy came over that line. They hitched up a sort of a ramshackle line along the Kanawha & Michigan Railway, and run the current down this line and into the plant, and we bought power from that institution for the ordinary operations of the plant, using also what little current we made on our own 3,000-kilowatt unit.

As has been said, the contract with the Virginian Power Co. provided that the Government should advance the money to them to buy the right of way between other places and various coal mines and to build the various lines from these coal mines and scattered plants and the line up to Nitro. They bought those, and after the war was over it was found that they had good copper lines between their plant and all the surrounding mines and small settlements in that country, together with the necessary transformers and stations. So to-day the Virginian Power Co., that at the time we began operations was practically insolvent, as shown by the tax assessor's books in West Virginia, has, built by the Government, power lines all over the country and a practical monopoly of the Kanawha Valley. It has recently effected a settlement with the United States by which they pay the United States for all these lines, right of way, and loose material approximately $81,000. They also, at the same time, have taken a contract to furnish power to the naval ordnance plant at Charleston for a term of years. The merest contemplation of this settlement can not fail to impress the reader with the thought that the Government has aided and abetted the Virginian Power Co. to obtain a monopoly in the Kanawha Valley, that it has made a settlement with that company all to the advantage of the company, and that the manifest effort in the first instance was to prevent the Government from developing its own power at Nitro, so that the field might be left open for the Virginian Power Co. I am attaching hereto a copy of these contract settlements.

My conclusions are these: I have found in my experience what seems to me a disposition among Government agents and employees to disregard to some extent the interests of the Government of the United States in making settlements and to look first at the interest of the fellow who is making the settlement for the Government, forgetting that they represent the United States of America, forgetting our Government has rights that ought to be protected. Every man who makes a settlement for the United States, every agent of the United States Government, ought at all times to remember the interests of the people of the country whom he represents, because he represents the taxpayers of the country.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. LONGWORTH. I want to see if I understand the facts as presented by the committee. Something over $60,000,000 was spent in the erection of this plant. Somewhere between $9,000,000 and $10,000,000 is there to-day in movable property. A bid that was substantially larger than any of these actually submitted was in process of submission, but in order to finance that bid it was necessary to have the support of a large bank, and that bank at the last moment withdrew its support on intimation from somebody somewhere to the bank that it would be better to do so. The highest bid actually submitted was $5,800,000.

Mr. GRAHAM of Illinois. That is the exact situation.

Now, I want to add this: There is a disposition among some of those who are doing business with the Government to assume that the public purse is a public grab bag, where he who grabs most is most to be envied. I desire to say very emphatically

that, so far as the committee of which I am chairman is concerned, we expect to vigilantly survey these settlements, so far as we are able, and the contractor who has by fraud or circumvention driven an unjust bargain with the Government will receive our most earnest attention.

MEMORANDUM OF ADJUSTMENT BETWEEN THE UNITED STATES AND THE VIRGINIAN POWER CO., DATED SEPTEMBER 5, 1919.

This memorandum of adjustment, made this 5th day of September, 1919, between the Virginian Power Co., a corporation created and organized under the laws of the State of Massachusetts, and having its office and place of business at Charleston, in the State of West Virginia, hereinafter called the Power Co., party of the first part, and the United States of America, acting through and represented by R. H. Hawkins, lieutenant colonel, Ordnance Department (hereinafter called the Contracting Officer), acting under direction of the Chief of Ordnance and by authority of the Secretary of War, party of the second part, witnesseth:

Whereas the Congress of the United States has declared by joint resolution, approved April 6, 1917, that war exists between the United States of America and Germany; and

Whereas an administrative unit having been created in the office of the Secretary of War and designated United States Government Explosives Plants, and the said Secretary of War having appointed D. C. Jackling director thereof; and

Whereas the national emergency required the construction of an explosives plant at Nitro, W. Va., under a contract authorized by the United States; and

Whereas the Secretary of War and the Fuel Administrator of the United States requested that in the execution of the work and in the operation of said plant consideration be given to the conservation of fuel; and

Whereas the United States approved such a plan and proposed the substitution of central station electric power for electric current generated at said explosives plant; and

Whereas under date of March 1 and March 8, 1918, the United States of America and the Virginian Power Co. entered into agreements for the purchase of rights of way and the construction and installation of certain transmission lines thereon and for substations, generators, boilers, and auxiliaries therefor in connection with the power company plant and power system at Cabin Creek Junction, W. Va., known as the construction contracts and for the delivery of power to the Government explosive plant, at Nitro, W. Va., which latter contract is entitled "Contract for electric power operating"; and

Whereas the signing of the armistice by the United States of America, the Allies, and the central European powers have brought about a cessation of hostilities, thus eliminating the need of the aforesaid explosive plant at Nitro, W. Va.; and

Whereas the United States of America no longer desires the delivery of electric power at said Government explosive plant, at Nitro, W. Va., by the said power company; and

Whereas the Secretary of War, on the 6th day of December, 1918, issued an order to the said D. C. Jackling, the director of the United States explosive plant at Nitro, W. Va., to proceed at once to suspend, cancel, adjust, and settle all contracts made necessary by the discontinuance of the construction work upon said explosive plant at Nitro, W. Va., and authorize the sale of such materials as could be most advantageously salvaged in that manner; and

Whereas on February 4, 1919, the Secretary of War issued an order relieving the said Director Jackling of all functions and duties of every kind whatsoever in connection with the contracts hereinbefore mentioned and transferring such functions and duties to the Chief of Ordnance by him to be performed or by such officer as the said Chief of Ordnance might designate and appoint; and

Whereas on February 8, 1919, the said Chief of Ordnance appointed J. M. S. Waring, lieutenant colonel, Ordnance Department, United States Army, as his special representative to carry out the provisions of the order made by the Secretary of War on February 4, 1919, as aforesaid; and

Whereas on the 17th day of July, 1919, the said Chief of Ordnance issued an order instructing his special representative, the said Lieut. Col. J. M. S. Waring, to submit an agreement with the said power company adjusting the obligations between the parties hereto growing out of the contracts aforesaid:

Now, therefore, in consideration of the premises, mutual agreements, terms, and stipulations hereinafter set forth, the said power company covenants and agrees to pay within 15 days from the execution of this agreement to the Treasurer of the United States $81,865.04 by certified check, or in such other form as may be acceptable to the said Treasurer of the United States of America, and the power company further agrees to serve to the United States power for its use at the naval ordnance plant at South Charleston, W. Va., according to the terms of and under the provisions of a proposal heretofore submitted to the United States hereafter exhibited with this memorandum, and both parties hereto mutually agree to the cancellation of the contract dated March 8, 1918, and designated "Contract for electric power operating," and same is hereby canceled.

1. The power company admits the payment of all those costs incurred by it under said contract of March 8, 1918, designated as "Contract for electric power operating," that are shown in Exhibit 1, herewith made a part of this memorandum, and releases the United States from any further obligation on these costs.

2. The power company agrees to acquire rights of way and do the necessary construction work for the installation of transmission lines and substations for the delivery of power to the United States naval-ordnance plant at South Charleston, W. Va., according to the terms and conditions of said contracts of March 1 and 8, 1918, which provide for the purchase of the right of way and construction work, respectively, both of which are to remain in full force and effect.

3. The power company admits the adjustment and settlement of all costs of construction under the two contracts last mentioned as listed and shown in said Exhibit No. 1.

4. The United States of America agrees to and does herewith sell, transfer, assign, deliver, and grant unto the power company such title as may now be vested in the said United States of America, all rights of way for transmission lines shown in Exhibit No. 3 herewith made part of this memorandum, and all transmission lines and substations constructed at the request of the United States Fuel Administration, specifically set out in Exhibit No. 2, herewith made a part of this memorandum; also the storehouse, hoist house extension and lean-to on the premises of the power company at Cabin Creek Junction, as shown in Exhibit No. 2 aforesaid; also a miscellaneous quantity of merchandise, material, equipment, and supplies now in the possession of the power company, and shown in said Exhibit No. 2; but nothing included in this paragraph shall embrace the material, equipment, or supplies now in the possession of the power company which may be required for the construction of the transmission lines to the said naval-ordnance plant at South Charleston, and as shown by Exhibit No. 4, herewith made a part of this memorandum.

5. The United States of America acknowledges adjustment and settlement for all materials herein or heretofore transferred to the said power company, as shown in Exhibit 2, attached hereto.

6. The power company covenants and agrees that no Member of Congress, or Delegate to Congress, or Resident Commissioner is or shall be admitted to any share or part of this agreement or to any benefit which may arise therefrom; but under the provisions of section 116 of the act of Congress approved March 4, 1909 (35 Stat., 1109), this stipulation, so far as it relates to Members of or Delegates to Congress or Resident Commisioners, shall not extend or be construed to extend to any agreement made with an incorporated company for its general benefit.

7. The power company expressly warrants that it has employed no third person to solicit or obtain this contract in its behalf, or to cause or procure the same to be obtained upon compensation in any way contingent in whole or in part upon such procurement, and that it has not paid or permitted or agreed to pay to any third person, in consideration of such procurement or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount received by it hereunder, and that it has not in estimating the contract price demanded by it included any sum by reason of any such brokerage, commission, or percentage; and that all moneys payable to it hereunder are free from obligation to any other person for services rendered or supposed to have been rendered in the procurement of this contract. It further agrees that any breach of this warranty shall constitute cause for the annulment of this contract by the United States, and that the United States may retain to its own use from any sum due or to become due hereunder an amount equal to any brokerage, commission, or percentage so paid or agreed to be paid.

In witness whereof the said power company has caused its corporate name and seal to be hereto affixed by its vice president hereunto duly authorized, and the said United States of America has caused this agreement to be executed by its duly authorized representative.

THE VIRGINIAN POWER CO.,
(Signed) By H. G. SCOTT, *Vice President.*

THE UNITED STATES OF AMERICA,
(Signed) By R. H. HAWKINS,
Lieutenant Colonel, Ordnance Department, United States Army, Contracting Officer.

Witness:
HELEN HIETT.

This agreement made the ——— day of ———, A. D. 1919, by and between the Virginian Power Co., a corporation created under the laws of the State of Massachusetts, having an office and place of business at Charleston, W. Va., hereinafter called the Company, party of the first part, and the United States, hereinafter called the Consumer, represented by the Secretary of the Navy, party of the second part.

Whereas the Congress of the United States having declared by joint resolution approved April 6, 1917, that war exists between the United States of America and Germany; and

Whereas the national emergency required the construction of an explosive plant at Nitro, W. Va., which contract was authorized by the United States; and

Whereas the Secretary of War and the Fuel Administrator of the United States requested that in the execution of the work and the operation of the plant, consideration be given to the conservation of fuel; and

Whereas the United States approved such a plan, and proposed the substitution of central station electric power for electric current generated at the explosives plant; and

Whereas under date of March 8, 1918, the United States Government and the Virginian Power Co. entered into agreements for the construction and installation of certain transmission lines, substations, generators, boilers, and auxiliaries therefor, in connection with the company's plant and power system at Cabin Creek Junction, W. Va., known as the Construction Contract, and for the delivery of power to the Government explosives plant at Nitro, W. Va., which latter contract is entitled "Contract for electric-power operating"; and

Whereas the signing of an armistice by the United States of America, the Allies, and the central European powers having brought about a cessation of hostilities, thus eliminating the need for the aforesaid explosives plant at Nitro, W. Va.; and

Whereas the United States no longer desires the delivery of electric power at said Government explosives plant at Nitro, W. Va., but desires that new arrangements be made for the delivery of said electric power:

Now, therefore, this agreement witnesseth, That the said party of the first part and the said party of the second part do covenant and agree to and with each other as follows:

First. The Company will furnish and deliver and the Consumer will take and pay for electric power for its requirements at the naval ordnance plant, South Charleston, W. Va., in the form of 3-phase, 60-cycle alternating current, at the pressure of approximately 44,000 and 66,000 volts at the high-tension switch at said naval ordnance plant, South Charleston, W. Va., in an amount not exceeding 20,000 kilowatts, based on a 90 per cent power factor, for the remainder of the fiscal year ending June 30, 1920. In case of necessary shut down of the Government 20,000-kilowatt unit installed in the Cabin Creek power station of the Company, the Company will provide for service to the Consumer capacity not exceeding 14,000 kilowatts, based on a 90 per cent power factor.

Second. The Company agrees to furnish and the Consumer agrees to take a minimum of 12,000,000 kilowatt-hour each and every year during the life of this agreement, as renewed from time to time beginning from date of commencement of service: *Provided, however,* That the minimum demand agreed to be furnished by the Company and taken by the Consumer during the fiscal year ending June 30, 1920, shall be a minimum average of 500,000 kilowatt-hour per month. If the Consumer does not take the minimum amount of power contracted for the difference shall be billed and paid for at the rate prevailing in the month or months in which the deficiency occurred.

Third. The company will endeavor at all times to furnish a continuous supply of electric power to the consumer; but the company will not be liable for any damage that the United States may suffer by reason

of failure of the supply of electric power caused by accident or any other cause beyond the company's control. It is understood, however, that whenever possible the company will give the consumer notice of its intention to shut off the service, and that so far as possible the service will be shut off only at such times as will cause the consumer the minimum of inconvenience. As part consideration for this contract, the consumer agrees to reimburse the company for any costs or damages that may be awarded or adjudicated against the company by reason of injuries to persons or property accruing or resulting from any use of such electricity within the limits of the Naval Ordnance plant, except that the consumer shall not reimburse the company for injuries to the persons or property of the company's employees.

Fourth. The consumer agrees to pay the company for all electric power delivered and taken or contracted for by the consumer as recorded by the company's meter installed on the high-tension side at the Government substation located at the naval ordnance plant, South Charleston, W. Va., at the following rates:

A charge of 6 mills ($0.006) per kilowatt hour, when the cost of coal to the party of the first part is $1.75 per short ton delivered at the power plant of the company at Cabin Creek Junction, W. Va. Should the price of coal to the company at said plant per short ton be increased or decreased from the price given above, the rate per kilowatt hour shall be increased or decreased one-tenth of a mill for each 10 cents of such increase or decrease. Bills for said electric power shall be rendered monthly by the company to the Government on or before the 10th day of each month for electric power consumed during the preceding month. Maintenance of meters at high voltage being difficult, it is agreed that the company may measure power delivered to the consumer at 6,600 volts, and adjust such measurement to measurement at 66,000 or 44,000 volts by using a factor representing the loss in transformation, which factor shall be determined by the Government.

Fifth. The consumer shall at all times have access to the plant and property of the company for the purpose of ascertaining if proper precautions are being taken for providing reserves in case of emergency, and further to ascertain whether equipment furnished by the Government is being properly maintained as required by this agreement, or for such other reasons as may be deemed necessary or desirable, and it is further agreed that the consumer shall have the right to advise the company regarding the operation of the plant or the maintenance of the equipment owned by the Government.

Sixth. The consumer shall advise the company from time to time of its prospective needs for electric power, in order that the company may more efficiently and economically operate its station, and at the same time provide the capacity required by the consumer.

Seventh. It is agreed and understood that the company shall have the right to operate the apparatus and equipment furnished by the Government for the generation of electric power at the Cabin Creek plant of the company whenever in its judgment it shall be considered necessary or desirable.

Eighth. The company shall have the right to connect up on Government line No. 2 an industrial load, the character of which shall be subject to the approval of the United States not exceeding an aggregate maximum demand of 3,000 kilowatts; in return for this concession the Government shall have the right to use the company's present two-circuit line from Cabin Creek Junction to Charleston, W. Va., for the delivery of electric power to the Naval Ordnance plant at South Charleston, W. Va., whenever occasion demands. In case of failure on the part of the company to deliver electric power of the required capacity over Government line No. 2, the aforesaid two-circuit line shall be capable of delivering a capacity of 14,000 kilowatts to the naval ordnance plant.

Ninth. In the event of dispute as to the accuracy of the company's meters, the consumer shall have the right to make a written request to have them tested and, if necessary, recalibrated, and, if found to be incorrect, proper allowance shall be made, but not for a longer period than 30 days prior to the time when written complaint of such inaccuracy is made. If the company's meters are found to be correct within 2 per cent above or below standard, the expense of the test and recalibration shall be borne by the consumer; otherwise the cost of the test and recalibration shall be borne by the company. If the meters of the company are found to be incorrect by more than 2 per cent above or below standard, then the bill for electric power from and including said 30-day period to the time of test shall be corrected accordingly; otherwise no allowance shall be made by either party. If for any reason the electric power furnished by the company and taken by the consumer shall fail to be registered by the meters, the amount of such power shall be determined by the consumer from the best available data, judged by previous registrations and by knowledge of the Government load, and payment therefor shall be made accordingly.

Tenth. The company will, during the life of this agreement, or as renewed from time to time, repair and maintain at its expense all apparatus and equipment furnished by the Government at the Cabin Creek plant of the company; and, further, the company will furnish all labor necessary to maintain in operation power transmission line No. 2 and the line from Charleston to South Charleston, the consumer to furnish all materials required for such maintenance of transmission lines.

Eleventh. The United States will, without expense to the company, supply all necessary rights of way for transmission lines on its property and a suitable place thereon for the installation of such equipment of the company as may be necessary for the supply or measurement of electric power to the consumer.

Twelfth. The consumer will not permit anyone to interfere with the meters or other appliances of the company, and will further take precautions for the protection and safe-keeping of such meters and other appliances.

Thirteenth. The company shall have the right of access to said premises at all reasonable times during the period of this agreement and on its termination for the purpose of reading meters or inspecting or repairing appliances used in connection with the furnishing of electric power under this contract, or for removing its property, and for any other purpose proper under this agreement.

Fourteenth. Under and by virtue of that certain contract for construction work by and between the Government and the Virginian Power Co., dated March 8, 1918, the United States will furnish necessary line materials, generators, boilers, substations and auxiliaries, procure or cause to be procured necessary rights of way, and construct or cause to be constructed an electric transmission line extending from the company's plant at Cabin Creek Junction, W. Va., to the Naval Ordnance Plant, South Charleston, W. Va., to be known as Government line No. 2, and also a transmission line extending from the terminus of the company's present two-circuit line in the company's substation at Charleston, W. Va., to the Naval Ordnance Plant, South Charleston, W. Va., adequate for the furnishing of electric power as herein provided. During the continuation of this agreement, or until such time as the contract to purchase is enforced, the company will pay to the United States semiannually, on or about the 1st day of July and the 1st day of January next following, covering the preceding six months' period, the following rental:

(a) For the generators, boilers, substations, and auxiliaries furnished by the Government and installed at the company's plant at Cabin Creek Junction, W. Va., an annual rental equal to 9 per cent of the cost of the demand capacity used by the company, after deducting from the total maximum demand of the Government and the company a demand equal to the company's agreed existing capacity, 20,000 kilowatts, plus the actual demand capacity furnished the Government, determined as follows:

Let A = maximum demand in k. w., measured at the company's plant at Cabin Creek Junction, W. Va.

Let B = total demand in k. w., measured at the outdoor substation at the Naval Ordnance Plant, South Charleston, W. Va., in the same hour in which A is measured.

Let C = cost to the Government of the equipment furnished and installed by it at the company's plant at Cabin Creek Junction, W. Va.

Then $\frac{C}{20000}$ (A—(20000 plus B) = cost of demand capacity upon which an annual rental shall be paid.

"Demand" as used above shall mean the kilowatt hours of output in one integral hour; maximum demand shall mean the demand occurring at the time of maximum load on the Virginian Power Co.'s system.

Fifteenth. In case of interruption of service due to causes beyond the control of either of the parties hereto each party shall use the greatest possible speed in rectifying the cause of the trouble; in such case neither party shall have any claim against the other for damages caused by inability to give or take power as provided in this contract during the period of disability.

Sixteenth. The period of service under this agreement shall be from the date of the commencement of furnishing electric power to the consumer, and continuing thereafter until in the judgment of the Government the need for electric power under this agreement no longer exists; not extending, however, beyond June 30, 1920, except that after said date this agreement may be renewed from year to year, at the option of the Government, in order to insure continuous service.

Seventeenth. The Government, by its duly authorized representative, shall at all times be afforded proper facilities for the inspection of all plants and equipment engaged in furnishing services under this agreement, and at all times shall have access to the premises and to all books, records, correspondence, plans, drawings, receipts, and memoranda of every description of the company pertaining to said services.

Eighteenth. The Government reserves the right to terminate this agreement upon the termination of the period of service, as defined under clause 16 above, provided, however, that the Government shall give the company written notice 30 days prior to the date of termination of its intention so to do.

Nineteenth. The company agrees to purchase the equipment furnished by the Government to the company used in supplying electric power to the naval ordnance plant, except the transmission line along the K. & M. right of way, within three years from the date of receipt of written notice from the Government so to do; provided, however, that the company shall not be forced to purchase the apparatus prior to June 27, 1924, or permitted to purchase same until they have received notice so to do, and that the Government shall have the right to renew this contract throughout this three-year period, as provided under paragraph 16 above. The price to be paid the Government for equipment purchased under this contract by the company shall be determined by a board of three members, one member of which shall be appointed by the Secretary of the Navy, one by the company, and the two members so appointed shall appoint a third. If either party dissents from the decision of the board, then the question shall be referred to the Court of Claims, whose decision shall be final. Nothing herein contained shall prevent the Government from disposing of its property at the best price obtainable, except that upon receiving an offer for the disposal of any portion of its property used in the furnishing or the transmission of electric power under this agreement the Government shall notify the company of the receipt of such offer and a preferential right of purchase shall be accorded the company, which right, however, must be exercised by the company within 10 calendar days after the receipt of such notice in writing.

Twentieth. In the event of the failure of the company to comply with the stipulations of this agreement, as hereinbefore set forth, the consumer shall have the right to procure the necessary electric power in such manner as may be deemed best for the interests of the Government. In case of failure of the company to so operate and maintain its power stations and transmission lines and the transmission lines and the property of the Government used by the company as to provide a suitable and continuous supply of electric power to the naval ordnance plant, South Charleston, W. Va., during the continuation of this agreement the consumer may require the company to make such changes in its operating force and equipment as shall in the opinion of the consumer be necessary in order to provide said continuous and reliable supply of electric power for the naval ordnance plant, South Charleston, W. Va., and such maintenance of Government property.

Twenty-first. No transfer of this agreement or of any interest therein shall be made by the company to any other party, and in case of the violation of this provision the consumer, reserving all rights of action for any breach of this agreement by the company, may refuse to carry out this agreement with either the transferer or the transferee. However, subject to the option of the Government to annul this agreement under the circumstances as stated above, should the company sell, dispose of, or transfer the plant and equipment to be used in the performance of this agreement to any other party or parties such sale or transfer shall be made only on the conditions that the successor of the company in the ownership of the plant and equipment shall assume the obligations of this agreement and perform the stipulations therein set forth according to their true intent and meaning, said successor to be bound as fully and to the same extent by the provisions of this agreement as is the company.

Twenty-second. No Member of or Delegate to Congress, or Resident Commissioner, is or shall be admitted to any share or part of this agreement, or to any benefit which may arise therefrom, but, under the provisions of section 116 of the act of Congress approved March 4, 1909 (35 Stats., 1109), this stipulation, so far as it relates to Mem-

bers of or Delegates to Congress, or Resident Commissioners, shall not extend or be construed to extend to any agreement made with an incorporated company for its general benefit.

Twenty-third. In the performance of this agreement the said company shall not, directly or indirectly, employ any person undergoing sentence of imprisonment at hard labor which may have been imposed by a court of any State, Territory, or municipality having criminal jurisdiction, nor permit such employment by any person furnishing labor or materials to said company for use in fulfillment of this agreement.

Twenty-fourth. The company shall hold and have the United States Government and all officers and agents thereof harmless from and against all demands of any nature or kind for or on account of the use and continued use of any patented article, combination, or process which may apply to or affect the articles, materials, or services furnished under this agreement.

Twenty-fifth. The party of the first part expressly warrants that he has employed no third person to solicit or obtain this contract in his behalf, or to cause or procure the same to be obtained upon compensation in any way contingent, in whole or in part, upon such procurement; and that he has not paid, or promised or agreed to pay, to any third person, in consideration of such procurement, or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount receivable by him hereunder; and that he has not, in estimating the contract price demanded by him, included any sum by reason of any such brokerage, commission, or percentage; and that all moneys payable to him hereunder are free from obligation to any other person for services rendered, or supposed to have been rendered, in the procurement of this contract. He further agrees that any breach of this warranty shall constitute adequate cause for the annulment of this contract by the United States, and that the United States may retain to its own use from any sums due or to become due thereunder an amount equal to any brokerage, commission, or percentage so paid, or agreed to be paid.

Twenty-sixth. Subject to the consent hereto of the Secretary of War or his duly authorized representative, upon the signing of this agreement, the obligation of the Government to take and of the power company to furnish power under the "contract for electric-power operating," entered into under date of March 8, 1918, by and between the United States of America and the Virginian Power Co., shall cease and determine, but all other rights and obligations thereunder unless specifically modified herein shall remain intact.

In witness whereof, the parties aforesaid have hereto placed their hands the date first hereinbefore written.

THE VIRGINIAN POWER CO.,
By ——— ———.

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RECAPITULATION.

Operating expenses:		
Prorated on basis of increased demand		$4,315.12
Prorated according to demand		3,759.80
Prorated according to energy		21,512.17
Segregated actual items		2,046.50
		31,633.59
Fixed charges:		
Interest prorated according to demand	$12,371.00	
Depreciation—		
Prorated according to demand	$4,206.34	
Prorated according to use	3,014.00	
	7,220.34	
		$19,591.34
Total of operating expenses and fixed charges		51,224.93
Add 10 per cent		5,122.49
Total based on contract		56,347.42
Deduct amount paid to Dec. 31, 1918		42,309.93
Balance due based on contract		14,037.49
Supplementary items:		
Power commandeered by nitro	$2,779.92	
Cost of reblading No. 2 turbine	7,601.06	
Excess boiler repairs	3,099.88	
Increased cost of construction labor	5,050.70	
Excess cost of operating labor	17,619.74	
Increased cost of operating labor	28,283.11	
Excess cost of coal, 1918	13,373.83	
Excess cost of coal, 1919	60,500.00	
Excess cost of replacement of material	18,557.93	
Total	156,866.17	
Add 10 per cent	15,686.62	
Total supplementary items		172,552.79
United States construction-contract items:		
Items pending and / or disallowed	332.34	
Pay roll checks unclaimed, etc	777.88	
Total United States construction items		1,110.22
Grand total		187,700.50

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EXHIBIT No. 2.

Memorandum.

The equipment, material, supplies, transmission lines, etc., which are transferred to the Virginian Power Co. by the United States of America by virtue of contract of which this memorandum is a part, consists mainly of rights of way, poles, fixtures, hardware, conductors, insulators, transformers, switches, and appurtenances of same, also the hoist-house extension, leanto, and storehouse at Cabin Creek Junction, but equipment at Cabin Creek Junction which is contained in the list of material in the possession of the power company and to be used in constructing lines to the naval ordnance plant on rights of way owned by the Government or the transmission line on the Kanawha & Michigan Railway is not included.

The equipment, material, supplies, transmission lines, etc., transferred are more especially described in the following sheets:

U. S. 3.

Burnwell to Leewood, 4.53 miles, 44,000 volt, single circuit, wood pole transmission line, B-arrow arms, 2/0 stranded copper, 40-foot wood poles, Thomas disk insulators No. 1129, Thomas pine insulators No. 4000.

Wierwood to Milburn, 8.82 miles, 44,000 volt, single circuit, wood pole transmission line, wishbone cross arms, 2/0 copper conductors, 40-foot poles, Thomas disk insulators No. 1129, Thomas pine insulators No. 4000.

U. S. 3.

Changing copper on Sun-Pax line, 4.76 miles, from ¼-inch copper clad to 2/0 stranded.

Changing copper on Paint Creek Co. line, 5.34 miles, from No. 2 solid copper to 2/0 stranded copper. Total length 10.10.

U. S. 4.

Layland, W. Va., 44,000–23 volt, wood substation, 3–300 K. V. A. Westinghouse transformers.

Berry to Layland, W. Va., 6.06 miles, 44,000 volt, single circuit, wood pole transmission line, wishbone cross arms, No. 2 copper conductors, 40-foot poles, Thomas disk insulators No. 1129, Thomas pin insulators No. 4000.

Layland, W. Va., 2,300 volt wood pole distribution line, 35-foot poles, Thomas disk insulators No. 1074, Thomas pin insulators No. 1009, 3/0 copper conductor. Total length 15 miles.

U. S. 5.

Gamoca to Ansted, 5.75 miles, 44,000 volt single circuit, wood pole transmission line, wishbone arms, ¼-inch copper-clad conductors and ground wire, 40-foot poles, Thomas No. 1129 disk insulators, Thomas No. 4000 pin insulators.

Ansted, W. Va., 2,300 volt single circuit, wood pole distributing line, No. 2 solid copper, 30-foot poles, Thomas disk insulators No. 1074, Thomas pin insulators No. 1009.

Ansted, W. Va., 1.05 miles 2,300 volt, single circuit, wood pole distribution line, 2/0 stranded copper, 30-foot poles, Thomas disk insulators No. 1974, Thomas pin insulators No. 1009.

U. S. 5.

44,000–2,300 volt, wood substation, 3–200 K. V. A. Westinghouse transformers, 30-foot poles, located at Ansted, W. Va.

U. S. 6.

Appalachian tie line, 12.1 miles, survey only for tie line from Hot Coal to Mulles, W. Va.

U. S. 7.

Campbells Creek line, Dana to Big Bottom, 3.74 miles; 44,000-volt, single-circuit, wood-pole transmission line; bow-arrow arms; 40-ft. poles; ¼" copper-clad conductors; Thomas disk insulators, No. 1129; Thomas pin insulators, No. 4000.

U. S. 8.

McAlpin, W. Va., 44,000–2,300-volt, wood substation, 3–200 K. V. A. Westinghouse transformers, 30' poles.

44,000-volt single-circuit, wood-pole transmission line, bow-arrow crossarms; 40-ft. poles; Thomas disk insulators, No. 1129; 2/0 stranded copper conductor.

McAlpin, W. Va., 0.04 miles, 2,300-volt, single-circuit, wood-pole transmission line; 30-ft. poles; 2/0 copper conductors; Thomas disk insulators, No. 1074; Thomas pin insulators, No. 1009.

U. S. 9.

Mordue, W. Va., 44,000–2,300-volt wood substation; 3–250 K. V. A. Pittsburgh transformers; 30-ft. wood poles.

U. S. 10.

Emerson to Eunice, 3.36 miles H. T.; 0.46 miles L. T.; 44,000-volt, single-circuit, wood-pole transmission line; wishbone crossarms; 40-ft. wood poles; ¼" copper clad conductors; 2,300-volt, single-circuit, wood-pole distribution line; 30-ft. poles; 2/0 copper conductors.

U. S. 11.

Paint Creek Coal Mining Co., at Benner, W. Va., 1.13 miles; 44,000–2,300-volt substation and 2,300-volt distribution line to mine No. 2; solid copper conductors.

U. S. 12.

Kellys Creek Colliery Co., Ward, W. Va., 0.52 miles, 2,300-volt, single-circuit, wood-pole distribution line from war substation to mine No. 5.

U. S. 14.

Powellton, W. Va., 0.208 miles H. T. 44,000-volt, single-circuit transmission line; wishbone crossarms; ¼" copper clad conductor; and 2,300-volt, single-circuit distribution line to Vulcan mine, 1/0 solid copper conductors.

U. S. 15.

Vincova, W. Va., 44,000–2,300-volt wood substation and 2,300-volt distribution line; No. 2 copper conductor.

U. S. 16.

Berlin, W. Va., 44,000–2,000-volt wood substation; 3–100 K. V. A. Pittsburgh transformers; 30-ft. poles.

U. S. 17.

Beards Fork, W. Va., 44,000–2,300-volt wood substation; 2–200 K. V. A. Westinghouse transformers.

U. S. 18.

Minden, W. Va., 44,000–2,300-volt, double-circuit, steel substation.

Minden, W. Va., 0.23 miles, 44,000-volt, double-circuit, wood-pole transmission line; bow-arrow crossarms; 40-ft. poles; ¼" copper clad conductors; Thomas disk insulators, No. 1129; Thomas pin insulators, No. 4000.

Minden, W. Va., 2.29 miles, 2,300-volt, single-circuit, wood-pole distribution line; 30-ft. poles; Thomas disk insulators; Thomas pin insulators, No. 1009; 4/0 copper conductors.

One brick warehouse, including floor slab. Both warehouse and floor slab are supported by a concrete settling basin, the title of which remains vested in the Government.

One brick leanto, being an extension of the Virginian Power Co.'s control room.

The extension to the Virginian Power Co.'s hoist house, this structure being of brick.

List of material to be transferred to the Virginian Power Co.

Quantity	
377	post type insulators No. 7130.
4,581	#4000 pin insulators
2,280	#1129 strain insulators.
400	4400 pin insulators.
100	glass insulators—Brookfield.
250	disconnect insulators #1104.
35	No. 1074 insulators.
96	2 pin cross arms.
800	galvanized ⅜" steel cable.
3,310#	#8 solid copper wire.
170,106	4/0 copper stranded wire.
103	insulator plates.
525	¾" cast-iron washers.
400#	railroad spikes.
1,000	wood brackets.
1,512#	6"x12' channels.
24	galvanized cross-arm braces.
7	rolls 36" poultry wire.
24	1" turnbuckles.
24	⅝" turnbuckles.
18	½" turnbuckles.
18	1⅛" turnbuckles.
36	⅝x1¾" set screws.
100#	7" boat spikes.
74	¾x18" machine bolts.
18	terminal lugs.
50	¾" Crosby clamps.
25	⅜x4" lag screws.
400	½"x6" lag screws.
200	1¾"x7½" standard belts.
500	⅜"x2" machine bolts.
100	¾"x1½" machine bolts.
2	14" 2-sheave wood blocks.
2	14" 3-sheave wood blocks.
2	16" 3-sheave steel blocks.
1½	gross #14 brass wood screws.
1	1¼" pop valve.
4	quires emery cloth.
10	gross #7 2½" F. H. wood screws.
8	gross #7 1½" F. H. wood screws.
16	gross #7 1" F. H. wood screws.
1	set discs, 1⅛–2.
3	¾" hose connectors.
8	door locks.
10	⅝" bolt tops.
11	¾" straight shank drills.
3	½" straight shank drills.
2	7/16" straight shank drills.
4	⅜" straight shank drills.
6	⅝" straight shank drills.
1	¼" stop cock.
2	#2 ejectors.
1	pair ¾" hinges.
1	lubricator.
2	#6 pipe cutters.
627	¾x14" through bolts.
100	⅝"x14" through bolts.
50	½x18" through bolts.
3,225	⅝"x14" stud bolts.
16	8" H. P. ells.
200	3 bolt clamps.
200	½x14" space bolts.
200	⅝x4" lag screws.
53½	lbs. Garlock packing.
1	2½" fire hose.
1	#⅞" washers.
2	1 pt. brass lubricators.
1	gal. white enamel.
4	2" steel gaskets.
46	4" steel gaskets.
79	6" steel gaskets.
111	8" steel gaskets.
44	10" steel gaskets.
39	12" steel gaskets.
34	14" steel gaskets.
29	16" steel gaskets.
8	24" steel gaskets.
43	2½" steel gaskets.
11	3" steel gaskets.
500	½"x4" galvanized bolts.
75	⅝" washers.
250	¾"x7" galvanized bolts.
9	4" H. P. ells.
41	1¼" H. P. ells.
9	3" H. P. ells.
7	4" H. P. ells.
45	3" L. P. ells.
4	4" L. P. ells.
2	3" blank flanges.
1	4" blank flanges.
12	2" floor flanges.
40	3" flanges.
12	4" flanges.
12	3" flanges.
3	¾" gate valves 125#.
6	¾" globe valves.
7	2" globe valves.
2	3" gate valves 125#.
1,872#	33 pcs. ¾"x16" square rein. steel.
340#	25 pcs. ½"x16" rein. steel.
720#	30 pcs. ¾"x16" round rein. steel.
6,500	Lee pin cones.
1	G 11 circuit breakers.
1	phase 44000 V Delta star airbrake switch.
300	2/o copper sleeves.
1	Burke horn cap arrester.
550	single band arrow arms.
1	2½x4' valve stem.
128	double band arrow arms.
250	standard bayonets.
2	200 Pittsburgh transformers.

Recapitulation covering settlement.

	Present values.	Agreed values.	Total for depreciation, 5 years.	Agreed future value.
			Per cent.	
Transmission line	$240,970.72	$225,104.56	35	$146,317.96
Substation	42,282.30	38,054.07	50	19,027.04
Warehouse	56,102.09	50,491.80	11½	44,811.47
Hoist house	6,907.60	6,216.84	11½	5,517.45
Lean-to	11,145.00	10,030.50	11½	8,902.07
	357,407.62	329,897.77		224,575.99
Stores at Cabin Creek	46,096.98	41,487.28	37½	25,923.55
	403,504.60	371,385.05		250,595.54
Plus stores yet to be billed, Virginian Power Co.	19,000.00	19,000.00		19,000.00
	422,504.60	390,385.05		269,595.54
Less costs incurred				167,700.50
Cash payment				81,895.04

EXHIBIT No. 3.

This deed, made this 28th day of August, 1919, between the United States of America, party of the first part, and the Virginian Power Co., a corporation created under the laws of the State of Massachusetts, and having its place of business at Charleston, in the State of West Virginia, party of the second part, witnesseth:

That whereas an agreement was entered into between the parties hereto on the 28th day of August, 1919, whereby the said party of the first part contracted for the consideration named in said agreement to grant unto the party of the second part all the right, title, and interest with the privileges and appurtenances thereunto belonging and vested in the United States of America in and to the rights of way conveyed to the party of the first part by the following deeds, respectively, recorded in the office of the County Clerk of the following-named counties in the State of West Virginia—

	Book.	Page.
Fayette:		
Mrs. Fannie Humphrey	46	607
Wm. Canterbury	46	605
Jeff Tyree and wife, E. K. Lively and wife	46	596
J. S. Lively and wife	46	602
G. W. Lively	46	603
C. S. Lively and wife	46	608
Roy Lively	46	593
George Lively, sr.	46	589
R. Sutphin and wife	46	611
W. B. Honaker	46	601
J. W. Lively	46	599
Charley H. Davis and wife	46	587
Irvin Davis	46	590
Mrs. M. E. Wriston and Harold Wriston	46	609
James H. Winegrove and wife	46	596
Mrs. Elizabeth Winegrove (widow)	46	612
E. T. Winegrove and wife	46	595
L. O. Davis and wife	46	586
Solvay Collieries Co.	47	500
G. W. Lively		
J. B. Powers	46	592
Charles Tyree	47	502
George W. Williams		
Ephraim Creek Coal & Coke Co.	46	575
Mrs. J. E. Dearing (widow)	46	577
The Fire Creek Coal & Coke Co.	47	514
Beury Bros. Coal & Coke Co.		
Beachwood Coal & Coke Co.	47	516
G. W. Imboden and wife	47	505
T. D. Childress and wife	47	511
W. C. Nuckols and wife	47	512
Geo. C. Taylor and wife	47	507
P. P. Hendrick	47	509
Lynchburg Collieries Co.		
Midvale Colliery Co.	47	504
B. E. Turley and wife	46	581
Joseph Potter	46	580
P. H. Thompson and wife	46	584
Thomas E. Webster and wife	46	578
Thomas Elliott	47	136
E. L. Hornaby and husband	47	135
John Boken and wife	46	583
M. B. Trendway and husband	47	133
Kanawha:		
Paint Creek Coal & Land Co.	187	552
Howard Clay and wife	188	88
William Stone and wife	188	80
Mark Harless and wife	188	82
Charles Wolf and wife	188	71
Alex. Morton and wife	188	53
W. D. Lewis and wife	188	96
Norman F. Belcher and wife	188	50
William Walker and wife	188	55
John Trigg and wife	188	84
J. L. Wilson and wife	188	92
R. H. Wiley	190	33
George W. Stanley and wife	188	94
Mrs. Rhoda McConihay	188	86
Hewitt Flowers and wife	188	77
Alfred Moss and wife	188	90
Grant Underwood and wife	193	291
Raleigh:		
Ida Farley	67	278

Now, therefore, for the consideration aforesaid, the said party of the first part doth grant, bargain, sell, and convey unto the said party of the second part all the right, title, and interests with the privileges and appurtenances thereunto belonging now vested in said parties of the first

part under and by virtue of the deeds aforesaid, to which reference is made for a more particular description of the property hereby conveyed.

To have and to hold unto the said the Virginia Power Co., its successors and assigns, forever.

Witness the following signature and seal of the United States of America by its duly constituted contracting officer.

R. H. HAWKINS,
Lieutenant Colonel, Ordnance Department,
United States Army.

Witness:
HELEN HIETT.

NOTE.—The following deeds have not been recorded in the office of the county clerk of Fayette County, State of West Virginia; therefore the book and page numbers are shown in blank on this deed, but to be inserted when deeds are recorded:

George W. Williams.
Beury Bros. Coal & Coke Co.
Lynchburg Collieries Co.
G. W. Lively.

EXHIBIT No. 4.

List of material in possession of the Virginian Power Co. owned by the Government to be used in the construction of transmission lines to the naval ordnance plant, South Charleston, W. Va.

2	Sets 66,000-volt delta star air-brake switch.
156	Miles 2/0 stranded copper wire.
78½	Miles 5/16" galvanized stranded ground wire.
150	Anchor rods, 5/8 x 6' 0".
300	2/0 copper sleeves.
1,100	Hooks for suspension hangers.
1,050	Suspension hangers.
8,004	Locke suspension insulators.
12	Locke strain clamps.
12	Insulator yokes.
161	Type "M" transmission towers.
15	Side hill extensions, slope along line for "M" towers.
44	Side hill extensions, slope across line for "M" towers.
12	10' square extensions for "M" towers.
10	20' square extensions for "M" towers.
35	Type "P" transmission towers.
2	Side hill extensions, slope along line for "P" towers.
10	Side hill extension, slope across line for "P" towers.
2	10' square extensions for "P" towers.
3	20' square extension for "P" towers.
6	Type "S" transmission towers.
2	20' square extensions for "S" towers.
	Miscellaneous tools and camp equipment.

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more and that I may have 5 minutes more.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Illinois shall have 10 minutes additional, and that he shall have 5 minutes additional. Is there objection?

Mr. FESS. Mr. Speaker, I regret, but the Committee on Education can not give way further. I object.

The SPEAKER. Objection is heard.

Mr. GARRETT. Mr. Speaker, may I call the attention of the gentleman from Ohio to the fact that we are asking for only 15 minutes more? There is one phase which the gentleman has discussed to which reference was not made in his original statement, and to which I would like to refer a moment. I am asking that he have five minutes more than I.

Mr. FESS. Mr. Speaker, we have given way before, and this is the third time that we have given way. Others are asking us further to give way, after the gentleman from Illinois [Mr. GRAHAM] is through. We must have some place where we shall stop, and I object.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, I shall have to make the same request, although I never do that.

The SPEAKER. Is there objection?

There was no objection.

THE BUDGET.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the bill (H. R. 9783) to provide for a national budget be given a privileged status in order that it may be called up without bringing in a rule at the conclusion of the consideration of the bill H. R. 4438, the vocational education bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the budget bill be given a privileged status so that it may be taken up after the education bill. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object—and I shall not object—I want to ask the gentleman how much time we are going to have to discuss the bill?

Mr. GOOD. Mr. Speaker, I have talked with the gentleman from Tennessee [Mr. BYRNS], the ranking Democratic member on the committee, and we have rather come to the conclusion that it would be better not to ask any definite time to be fixed in order that free opportunity may be given for discussion of the bill.

Mr. CLARK of Missouri. I think that bill is one of the most important that has been suggested in this Congress. It is an entirely new departure and should be thoroughly discussed, and of course the speeches should be confined to the subject.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Unless we have assurance that we will have free discussion of it, I would object.

Mr. GOOD. Mr Speaker, I would say to the gentleman that when we reach the bill I shall ask that general debate be confined to the bill. So far as I am concerned, I want to say that absolutely full and free discussion of the merits of the bill shall be given every Member of the House who desires to speak.

The SPEAKER. Is there objection?

Mr. HAUGEN. Mr. Speaker, reserving the right to object, this is very important, and the House ought to know now how much time shall be given to a discussion of the bill, so that both sides may be given an opportunity to be heard. I shall object to any unanimous consent unless we have an understanding that both sides shall be given an opportunity to be heard on this all-important proposition, as was pointed out by the gentleman from Missouri [Mr. CLARK].

Mr. GOOD. Mr. Speaker, I have just said that, so far as I am concerned, I shall do all I can to see to it that the discussion shall be full and free, and that anyone who wants to speak on the bill shall be given full opportunity to discuss it.

Mr. HAUGEN. If that is the purpose, then the gentleman can have no objection to now fixing the time for general debate, when he asks unanimous consent. I think the gentleman should ask for a limit of time, so that we may know what is going to take place, so that we may be assured that the opposition is going to be heard as well as the proponents of the measure.

Mr. GOOD. I will say to the gentleman that the bill that I have referred to has no relation and does not refer to the resolution changing the rules of the House. That will not be brought up under this bill at all.

Mr. HAUGEN. I only wish it could be brought up in connection with this bill, so that we might discuss the two propositions at one time, so that it might be decided whether we are going to increase the Appropriations Committee or decrease the committees to one. If we are going to adopt this system, one which has been condemned, discredited, and discarded by other nations that have tried it, there ought to be full and free discussion of the subject, and if we are going to force it on the House now by unanimous consent, then we should understand that free opportunity shall be given to those who are opposed to the bill as well as to the proponents of the measure. If the time is to be disposed of, let it be divided and fixed now, so that the opposition may be heard as well as the proponents.

Mr. GOOD. I will say to my colleague that if unanimous consent is not given it will be necessary to ask for a rule. The rule which will be asked for will not limit the debate. We do not desire to limit debate now, because if we should fix on 12 hours, the amount that has been talked about for debate, there might be objection on the floor of the House to agreeing to that much time. I am willing that the House shall debate it for 12 hours or longer time, if Members want to discuss it. I have no disposition to shut off debate. I think debate should be free and open. I hope the gentleman will not object, because that will simply mean that we must take up an hour in discussing the rule.

Mr. HAUGEN. Mr. Speaker, generally it has been customary for the House to determine and not the Committee on Rules or any other committee. That matter can be discussed and arranged at that time.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. Of course, I take it that it would be impossible to undertake to fix the time now in advance of taking up the bill, but I want to supplement what the chairman of the committee has said. There is no disposition upon the part of any member of the Special Budget Committee or any Member of the House to prevent free discussion of this bill. We all recognize that it is one of the most important pieces of legislation that has been brought before the House. It is the disposition of every member of the committee, in connection with the chairman, to see to it, so far as we can, that everyone who wants to discuss it may have the fullest and freest opportunity to do so.

Mr. HAUGEN. There is no question that it is a most important question to depart from established practice and plunge headlong into a proposition that has proven a failure and been condemned in other countries, and which other nations are now turning heaven and earth to get away from. You are now going to foist it upon the country in 12 hours of debate——

Mr. BYRNS of Tennessee. There has been no suggestion as to how many hours of debate.

Mr. HAUGEN. You are not willing to leave it to the House to determine the debate that shall be granted. It has been customary when unanimous consent is made that we agree upon a time, that we may have an idea as to when the matter is to be disposed of.

Mr. GOOD. Will the gentleman yield?

Mr. HAUGEN. Why resort to this practice? What is the necessity of it? Are you so afraid of it? Why should not light be shed upon it?

Mr. BLANTON. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. KING. Mr. Speaker, I object.

INDUSTRIAL VOCATIONAL REHABILITATION.

Mr. FESS. Mr. Speaker, I call up the bill H. R. 4438.

The SPEAKER. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4438.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4438, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

Mr. TOWNER. Mr. Chairman, the committee amendment, I suppose, will take precedence over any other amendment?

Mr. WALSH. We do not have to vote on a committee amendment before another can be offered.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 4, line 1, beginning with the word "that," strike out all of the balance of the paragraph and insert in lieu thereof the following: "The vocational rehabilitation provided for herein shall be given under the supervision and control of the State board, and all courses shall be available, under such rules and regulations as the Federal board shall prescribe, to all persons in such destitute circumstances that they are financially unable to provide their own rehabilitation, disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, all mechanic arts, and to civil employees of the United States disabled while in the performance of their duty: *Provided*, That persons who have received compensation for injuries and other disabled persons who are able to pay for same may be given rehabilitation training upon paying reasonable tuition therefor."

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. There is a committee amendment pending. Is it not the practice that the committee amendment shall be disposed of before other amendments are offered?

The CHAIRMAN. The Chair thinks that is the practice; but it has not been called up by the committee. In this case the gentleman from Texas was recognized before any member of the committee undertook to call up the committee amendment.

Mr. TOWNER. Mr. Chairman, I called the attention of the Chair to the matter.

The CHAIRMAN. But the gentleman from Texas had been recognized before the gentleman did that.

Mr. BLANTON. And I am also a member of the committee, Mr. Chairman.

The CHAIRMAN. That would not make any difference as to the committee amendment.

Mr. BLANTON. Mr. Chairman, during the general debate on this bill the other day I called the attention of the committee to the fact that in stating the purpose of this bill in the beginning it stated that it was to provide rehabilitation to those disabled persons who were unable financially to provide it for themselves, and yet when this bill attempts to define the persons who would be entitled to this training it left out entirely those persons disabled who were in destitute circumstances and who were not able to pay for the training. The colloquy which occurred between the gentleman from Michigan [Mr. SMITH] and the gentleman from Ohio [Mr. FESS] on this very subject showed conclusively that the bill does not do that which it intends and purports to do. The preamble of the bill starts out by saying that it is to provide rehabilitation to those persons who are without sufficient means to provide for their own rehabilitation, yet the chairman admits that the bill will do nothing of the kind, as the only persons it will furnish any relief to are those able to pay tuition for such training, for when the gentleman from Michigan [Mr. SMITH] asked, "What about those persons disabled who are in destitute circumstances and who are not able to pay for it," the distinguished educator from Ohio [Mr. FESS] answered, "Oh, they are unfortunate; they are unfortunate." Now, disabled persons who have property and money do not need any consideration from Congress so far as rehabilitation is concerned. They can go to the best institutions and employ the best talent of this Nation and be rehabilitated and retrained educationally. It is the poor devil who has nothing, who has had his arms or legs or eyes taken from him, who has to meet the world in competition, and who has nothing in the way of property—he is the one, if any, who should be entitled to this training.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. In a moment. He is the one who should get this training if anyone should get it at all. Now, I called the attention of the chairman to that fact, and I call the attention of this committee to the fact, that the only provision in this bill that names the persons to whom these courses shall be given is found in subdivision 5 under section 2 of the bill. It says that civil employees of this Government shall be entitled to it, and that was an amendment which was suggested by the Senate committee, if you please. If you pass this bill as it is in its present state you would find that no persons are entitled to this training except civil employees of this Government who have been injured during the course of thier employment. I now yield to my colleague, the gentleman from Texas.

Mr. HUDSPETH. I did not catch the gentleman's amendment clearly. Does it provide that any person in any walk of life or pursuit shall obtain the benefits of this bill?

Mr. BLANTON. It provides that every person in any one of these industrial vocations, including farming, who shall become injured and who is in destitute circumstances and unable to pay for his rehabilitation shall receive this training free.

Mr. HUDSPETH. Why not provide for every destitute person, take all in?

Mr. BLANTON. It takes all persons in except soldiers, and soldiers are provided for by another law. It provides for every class of employee in this land in destitute circumstances, unable to pay for this training, and it should provide for them if such a bill as this is passed at all.

Mr. BEE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BEE. I am in sympathy with the gentleman's statement, but I think the gentleman's use of the word "destitute" is in a rather offensive sense. It rather carries the same meaning as the word "pauperize."

Mr. BLANTON. Oh, no; it does not. It does not carry it to my mind, because I have been in destitute circumstances myself in my earlier life, and I was not ashamed of it, and did not consider it was a disgrace either to me or to any other person similarly situated. It is no disgrace to be poor or in destitute circumstances.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLANTON. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. As I understand it, the gentleman's amendment provides for those unable to pay for rehabilitation.

Mr. BLANTON. Yes; and that is the very purpose of this bill, as stated in its preamble.

Mr. JOHNSON of Washington. The gentleman is a member of the committee. This bill provides rehabilitation for persons generally.

Mr. BLANTON. It says that in the preamble, but when it goes to make provision for it in the bill it just provides for one class, and that is the civil employees of this Government, as contained in subdivision (5).

Mr. JOHNSON of Washington. Do not the provisions of this bill run to Indians?

Mr. BLANTON. Please do not take up further of my time, because I have only two minutes.

Now, gentlemen, if we are going to carry out the purpose and intent of this bill there must be a provision in it that will take care of a poor person who, as I said the other day, looks through the glass of life darkly. He is the person who should receive the benefits of this bill. He is the one who is entitled to rehabilitation, and without this amendment he may not get it, according to the statement of the chairman in reply to the gentleman from Michigan the other day.

Mr. FESS. Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. BLANTON] injects into the bill the item of compensation.

Mr. BLANTON. Oh, no.

Mr. FESS. This bill is not written on that basis at all. This bill is simply contributing by the Federal Government a fixed sum, written in the law, for the use of the State, under the approval of the Federal board, and nobody is excluded. There is not anyone excluded from the training. There are 38 States of the Union that maintain compensation commissions administering compensation laws. We do not interfere with them. This is simply opening the training schools for the admission, as administered by the States, for the training of these employees who come to the schools. The Government is not contributing any money at all to individuals, as is the case in the Federal rehabilitation of disabled soldiers. This is not on that basis at all. And I hope that no member of the committee here will be prevailed upon to make out of this a training bill. It is purely a cooperation with the States, in which the Government gives no money to any individual, but gives it to the States to be used in the schools directed by the States, and will not mix the element of compensation in with the training feature.

Mr. ROSE. Will the gentleman yield?

Mr. FESS. I yield to my friend from Pennsylvania.

Mr. ROSE. I was present the other day during the colloquy between the gentleman from Ohio [Mr. FESS] and the gentleman from Michigan [Mr. SMITH], and now we have the amendment offered by the gentleman from Texas [Mr. BLANTON]. I would like to have the gentleman from Ohio explain the colloquy between himself and the gentleman from Michigan the other day.

Mr. FESS. The gentleman from Texas thinks the Federal Government ought to assist a poor cripple to get into the school by paying his allowance while he is in there.

Mr. BLANTON. I hope the gentleman will not misconstrue my statement. I provide for no allowance, but merely for the tuition. No allowance whatever.

Mr. FESS. The tuition is not charged to anyone unless the State itself will charge it, and that would have to be on the approval of the Federal board. The gentleman's amendment, if he does not mean to support the individual in the school, does not add anything to the bill.

Mr. BLANTON. Nothing but his tuition and board; no allowance whatever.

Mr. FESS. The board may be allowed providing the State that is directing the school would permit it, but that would have to be with the approval of the Federal board. I do not think this Congress wants to allow the Federal Government to step over into the States and dictate what shall be done in the States. This would be done by the State boards on the approval of the Federal Government.

Mr. BLANTON. That is what the bill seeks to do.

Mr. JOHNSON of Washington. It says that it shall be under a general plan of supervision determined by the Federal board, and it is either that or nothing, probably. If that is not the case, I would like to know.

Mr. FESS. No money will go from the Federal Treasury unless the use of it is to be approved by the Federal board, and this is by a general plan or provision.

Mr. JOHNSON of Washington. Then there will be no escape from what this Federal board proposes, and we have been through that before.

Mr. FESS. The Federal board will probably do something about the manner in which the administration of the appropriation in the State will take place, but it is wholly a matter of the States, with the approval of the Federal board.

Mr. JOHNSON of Washington. The Federal board telling the States what to do.

Mr. FESS. The gentleman from Washington would not vote money out of the Federal Treasury to go to a State without any suggestion as to how the money was to be used. But we do not step over into the State and control it. We simply say to the State, "If you want it, you accept it upon the approval of the general plan."

Mr. JOHNSON of Washington. I would not vote for a measure by which the Federal Government would draw the State into this thing.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, I am opposed to this amendment offered by the gentleman from Texas [Mr. BLANTON], because it simply shows the absolute illimitable operation of this bill if it is ever passed. On Saturday I made some remarks, and I am going to make a few more. The principal objection to this bill, in my mind, is—and I wish the gentleman from Ohio [Mr. FESS] would listen to what I have to say just now—that it starts up or initiates or begins a brand-new kind of expenditures by the Congress of the United States.

Now, there is no question in the world about that. For instance, on page 8 is set out a lot of salaries. Beginning on line 11 it is provided:

> No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of $5,000 per annum, to not more than one person; at the rate of $4,000 per annum each, to not more than four persons; at the rate of $3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of $2,500 per annum.

Now, the number that are under this bill that might receive $2,500 per annum may be very numerous, and what are these men going to do? The $5,000 fellow will tell the $4,500 fellow what to do, and he will tell the $3,500 fellow what to do, and he in turn will tell this brood of $2,500 fellows what to do, and the Government will be loaded down with a lot of salary drawers down there that could not be elected dog pelter in the communities in which they live. [Applause.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes; with pleasure.

Mr. FESS. This is not in the form of an amendment, but it is in the form of a supplement to the Smith-Hughes Act. The Smith-Hughes Act provides for the use of money in the 48 States. That is for the vocational education of pupils in school. This uses the same facilities to train we already had, adding the additional feature of salvaging the human wreckage which unfortunately is crippled in the industries and on the farms; and in order to use the existing institutions now used by the Smith-Hughes bill, there will be a different sort of training, and medical officers will be required. We provide here for four surgeons to be utilized for the purposes of 48 States in cooperation with the States. The Smith-Hughes Act has 14 districts. Each one is presided over by a director. There is a provision here that there may be an additional person to a district to take care of the industrial cripple. This limitation was put in to secure the thing which my friend the distinguished ex-Speaker is complaining about, and the limit of expenditure is fixed in the appropriation authorized to be made for the administration in the bill.

Mr. CLARK of Missouri. I know that economy is an exceeding dry theme—dry as a powder house. Anything in favor of cutting down the expenses usually devolves upon the chairman of the Committee on Appropriations and his associates and fellow members, because they seem to think that that duty is devolved upon them.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. I would like to have five minutes more. Dr. FESS used up my time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Economy is also a disagreeable subject. It is unpleasant to stand up here and undertake to defeat anybody's plan or scheme. But nevertheless and notwithstanding, I have made up my mind that the time has come when it has to be done. [Applause.] It does not make any difference how unpleasant it is; it is a most important performance to try to secure economy. When I was a boy there was an old rough country doctor in the neighborhood I lived in who was a great hand at making epigrams, and he said, "The most sensitive nerve in the human anatomy is the nerve leading to the pocketbook." I believe it, and we are liable to find it out before very long, when the people conclude they will express their opinion.

While not a pleasant or a cheerful subject, everybody almost is and must be interested in economy, and this bill starts up a brand-new way to spend money. Innumerable bigwigs, male and female, are going about over the country preaching thrift. The Hon. William Gibbs McAdoo, when he was Secretary of the Treasury, Director General of Railroads, and so forth, and so on, and so forth [laughter], in order to encourage thrift stated that he wore half-soled pantaloons. That was a very good example he set, but he did not have that kind on the day we met Pershing over in New York. [Laughter.]

Mr. Secretary of the Treasury Carter Glass made a speech in Richmond some time ago urging thrift, in which he stated that the suit of clothes he had on he had worn five years, and he proposed to continue to wear it until it fell to pieces. [Laughter.] That was a very valuable example. I am not making fun of it at all.

Everybody is enjoined to practice thrift. If you and I and the rest of us are disposed individually to practice thrift,

why should not the Congress of the United States practice thrift? [Applause.] And this is the very place to begin. We are the most extravagant people on the globe, and always have been, simply because we are the richest people on the globe. But here is a deficiency staring us in the face of $3,500,000,000 this fiscal year. Where are you going to get the money? How are you going to pay it? Why, there are only two ways in the world, maybe three, to do it. One of them is by economy—a little here and a little there. Another is to increase taxes. The other is to issue bonds, and issuing bonds simply postpones the evil day. They must be paid at last by taxes, together with the interest thereon. We are habituated to extravagance. Hence economy is very difficult for us to initiate or carry into practice. I do not see how 90 per cent of the people of the United States, with these high prices prevailing, manage to make buckle and tongue meet at the end of the year, and in a country where granaries are bursting with grain and cattle feeding on a hundred thousand hills, a large part of the people in this country are hungry. A lot of anemic children are growing up that never will develop into robust men and women.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. FESS. A point of economy: Has the gentleman considered the proposition of taking 22,500 total cripples per year, restoring them and making them self-producing—whether that is economy or not?

Mr. CLARK of Missouri. I think it is; but I say it belongs to the States. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. CLARK of Missouri. I would like to have five minutes more, since I have got started.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri may be allowed to finish his remarks, whatever time it takes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Missouri be allowed to complete his remarks. Is there objection?

There was no objection.

Mr. CLARK of Missouri. I think that the purpose underlying this bill is a good and laudable purpose. I do not object to that. This plan of a dollar from Uncle Sam and a dollar from the States is very seductive. These legislators will say, "Why, Lord, Lord; here we are getting some money out of Uncle Sam. Let us vote for this bill." [Laughter.]

Mr. FESS. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. FESS. Does the gentleman think the Smith-Hughes legislation was a mistake?

Mr. CLARK of Missouri. No; I do not.

Mr. FESS. Does the gentleman think the Smith-Lever legislation was a mistake?

Mr. CLARK of Missouri. No; I do not.

Mr. FESS. Does the gentleman think the land-grant-college system was a mistake?

Mr. CLARK of Missouri. I do not; but that was away back yonder about the time I was born. As I stated on Saturday, Uncle Sam was land poor when Senator Morrill introduced that bill to give public lands to schools, colleges, and universities. And I say that now, notwithstanding what some of these doctrinaires say, Uncle Sam has no good agricultural land left. There is a whole lot of it that can be made good if you will spend enough money on it for irrigation or drainage. Undoubtedly there are some Indian reservations that will be opened up for settlement after awhile, but they are not a drop in the bucket.

Those bills that the gentleman from Ohio [Mr. FESS] has named go pretty far themselves. This bill goes much further. The gentleman himself will not deny that this is a brand-new scheme for the expenditure of public money. He can not deny that.

Mr. FESS. If the gentleman will permit, I am not inclined to deny that, because the rehabilitation of the industrially crippled is entirely new for State, Federal, or municipal Government. It is a matter that we are entering upon.

Mr. CLARK of Missouri. I will ask the gentleman from Ohio [Mr. FESS], while he is on his feet, if it is right and proper for the United States Government to employ a lot of doctors to go around and patch up people who are crippled, why is it not a proper function to patch them up for every disease that they may have?

Mr. BUTLER. Tuberculosis.

Mr. FESS. Probably we will do that yet.

Mr. CLARK of Missouri. For smallpox, measles, or tuberculosis.

Mr. FESS. I think it would be better to do that than to keep them in sanitariums and poorhouses.

Mr. CLARK of Missouri. But is that a national function or a State function?

Mr. FESS. Both.

Mr. CLARK of Missouri. Are we abolishing the States or not?

Mr. FESS. No; we are encouraging the States; stimulating them. If my friend will yield, past experience has shown that the increase of Federal appropriations for the purposes we have been discussing has not been material, while the increase of State appropriations has reached ten times the original amount; and this amount, if it increases, as I think it will, will not be an enlarged toll on the Federal Government, as the Smith-Hughes Act has not been and as the Smith-Lever Act has not been, but it will be an enlarged toll on the State governments, if they see fit to do it.

Mr. CLARK of Missouri. The very statement of the gentleman himself ought to beat this bill—that it will go on enlarging. Now, where does the State get its money? From taxation. Where does the National Government get its money? From taxation; and we tax the very same people.

Mr. FESS. Has my friend realized the amount of tax that this bill entails on the individual?

Mr. CLARK of Missouri. Yes; I realize it.

Mr. FESS. Five cents apiece.

Mr. CLARK of Missouri. Suppose it is. You start in with a million dollars, and I am willing to bet my ears that if you pass this bill it will be $2,000,000 or $3,000,000 next year. And it will go on until it will be one of the most expensive concerns under the Government of the United States.

Mr. FESS. The first year it is $500,000, the second year $750,000, and the third year it reaches the limit of $1,000,000, and it will not be increased after that if we follow the past experience of the Federal Constitution.

Mr. CLARK of Missouri. That is the limit now in this bill?

Mr. FESS. Yes.

Mr. CLARK of Missouri. The way I made the mistake about the $1,000,000 was in listening to the gentleman from Wyoming [Mr. MONDELL], who said it was $1,000,000. But if you start this thing, that does not keep Congress from raising the limit.

Mr. FESS. We have not raised it on these other matters.

Mr. CLARK of Missouri. They have not been running long enough.

Mr. FESS. The land-grant colleges have been running since the days of the youth of my distinguished friend.

Mr. CLARK of Missouri. Yes, they have; but this is not a parallel case at all to that.

Mr. GOOD. The gentleman says the amount of those appropriations has not been raised. My recollection is that the Agricultural appropriation bill this year carried $1,500,000 to supplement the permanent appropriation of the Smith-Hughes bill.

Mr. FESS. The gentleman is chairman of the Apropriations Committee. He ought not to allow anything of that kind.

Mr. GOOD. That is under the jurisdiction of the Committee on Agriculture. The gentleman said that the amount of the appropriation under the Smith-Hughes Act had not been enlarged, and I call his attention to the fact that the last Congress did appropriate $1,500,000 in excess of the permanent appropriation carried in the Smith-Hughes Act.

Mr. HAUGEN. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. HAUGEN. Mr. Chairman, I can not let that statement go unchallenged. The facts are that the Committee on Agriculture reduced the appropriation for the work $3,000,000 below what it was a year ago instead of increasing it, as the gentleman from Iowa [Mr. GOOD] has stated.

Mr. JOHNSON of Washington. How much was the appropriation?

Mr. GOOD. You did not reduce the permanent appropriation.

Mr. HAUGEN. We reduced the annual appropriation $3,000,000 below what it was a year ago.

Mr. GOOD. The gentleman's committee has no control over the permanent appropriation carried by the Smith-Hughes Act.

Mr. HAUGEN. The permanent appropriation had nothing to do with the appropriation bill.

Mr. GOOD. Certainly.

Mr. HAUGEN. But my statement is that we reduced the amount in the annual appropriation bill for this purpose $3,000,000 below what it was the year before.

Mr. GOOD. Yes; but it did carry $1,500,000.

Mr. HAUGEN. It carried $1,500,000 instead of $5,000,000, which it carried the year before.

Mr. GOOD. That is what I say.

Mr. CLARK of Missouri. When I see these Republicans quarreling I think of the one hundred and thirty-third psalm—

Behold, how good and how pleasant it is for brethren to dwell together in unity.

Or as the late Mr. Brosius, of Pennsylvania, rendered it on one occasion—

Behold, how good and how pleasant it is for brethren to dwell together in mutiny.

[Laughter.]

We are extravagant in Congress; we are extravagant in the State legislatures; we are extravagant in the city councils; we act just exactly like money grew on trees.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. McLAUGHLIN of Michigan. This bill provides for dictation by the Federal Government of courses of study. The gentleman from Missouri has plenty of time, and we are all pleased at that; we should like to hear the gentleman say something about the advisability and safety in the Federal Government dictating the study to be pursued in States.

Mr. CLARK of Missouri. I do not think the Federal Government has any right or license to do anything of that sort. That was the reason I was talking about the Bureau of Education the other day.

Mr. FESS. Will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. FESS. We have the same thing in the Smith-Hughes bill. The Federal board dictates the course of study.

Mr. CLARK of Missouri. If there is anything wrong in the Smith-Hughes bill, the gentleman from Ohio ought not to cite it as a precedent.

Mr. FESS. I do not think there is anything wrong in the Smith-Huges bill.

Mr. CLARK of Missouri. I do not know whether there is or not; I have not read it for some time. Mr. Secretary Glass made a speech the other night in Washington, in which he warned Congress that it must let up on all of these unnecessary expenditures; that we are drifting on the rocks. You all know Secretary Glass as well as I do. He is a very able man to begin with, and the duties of his office compel him to study these matters more than any of us study them. Nobody wants to see the United States bonds hawked around over the country at a discount, and nobody wants to see a new issue of bonds if it can be avoided. There is no man in the House that wants to vote for an increase of taxation, and the people do not want it.

Mr. STEPHENS of Ohio. Will the gentleman yield?

Mr. CLARK of Missouri. I will.

Mr. STEPHENS of Ohio. In the matter of thrift, would it not be a good idea to have the prohibition ban raised, so that they could sell the large amount of whisky in bond, so that we might raise $500,000,000 in taxes?

Mr. CLARK of Missouri. The gentleman knows how the House voted and how the Senate voted. In the whisky business the jig is up. [Laughter and applause.] I understand that they are selling moonshine down in Georgia and that country for $15 a quart. I will tell you gentlemen what will happen about these agencies. Every fellow wants to magnify his office. It happens right here. The gentleman from Ohio [Mr. FESS] is magnifying his office by bringing in this bill, and all the people in the departments and bureaus will magnify their offices. You set this thing agoing and the United States Government agents will be scouring the country finding people who are crippled in order to spend money on them. I am opposed to it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. JOHNSON of Washington. In addition to scouring the country to find men to spend money on, the probability is that the bureau will issue newspapers and monographs and mimeographs at the cost of the Government on the subject.

Mr. CLARK of Missouri. I have no doubt that that is true. The printing bills of this Government are simply outrageous and scandalous. It does not make any difference who runs it.

One thing more: Nobody appointed me to lecture the Republicans. You men came in with a great blare of trumpets and pronunciamento about what you were going to do. One of those things was that you were going to economize. Here you are, the most extravagant set the sun ever looked down on [laughter and applause on the Democratic side], if you let Dr. FESS get these bills through. I suggest to you gentlemen on the Republican side, that even if the Democrats sit mute on this bill, you should defeat it for your own sakes. [Applause.]

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. I want to welcome the honored and beloved gentleman from Missouri [Mr. CLARK] to the ranks of the economists. I did not discover any great amount of enthusiasm on his side when in the early days of this session we trimmed the appropriation bills nine hundred and thirty-six million and some odd dollars below the amount they carried when his side had them before the House in the last session of Congress.

Mr. CLARK of Missouri. All that grew out of the coming of peace, did it not?

Mr. MONDELL. Peace and war one time and another as occasion arose have been made the excuse for a great many things. Gentlemen on that side are now very anxious that we shall not increase the number of Federal agents running hither and thither throughout the country, but in the time of war the gentlemen were very willing, perfectly willing, not only willing but anxious, to increase the Federal agents and agencies to an unlimited extent, by the thousands and tens of thousands, costing millions and hundreds of millions, and they charged it all up to the war.

If a bill came in giving a few deserving Democrats some soft jobs at the expense of the Federal Government, if anybody complained, why, we were not patriotic, we were not supporting the administration in the vigorous prosecution of the war. [Laughter on the Republican side.]

When at the end of hostilities we trimmed a few appropriation bills $1,680,000,000 below the estimates of the administration and $936,000,000 below the guess of the Democratic majority of the last session, gentlemen say it is due to the coming of peace.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. CLARK of Missouri. Suppose all of that is true, and I do not think it is, is that any justification for an appropriation in a brand-new line that there is no call for?

Mr. MONDELL. No; I think it is not, but I propose to proceed to analyze the proposition before us, if I may be allowed to do so, to prove that this is not an appropriation for which there is no call. I said yesterday that probably no man on this floor has been more emphatic and outspoken in his opposition to unnecessary extension of Federal authority than I. I have sometimes claimed to be about the best Democrat in Congress in that line. Our dear friend and former colleague on the Democratic side, Charley Bartlett, insisted that he was the best Democrat who ever came down the pike in that regard. Charley, however, was willing to admit that next to him was Uncle Joe, and he was good enough to tag me as entitled to honorable mention in that connection. I have never been, and I am not now, in favor of undue or improper extension of Federal authority, jurisdiction, and control, and for two reasons: First, because my experience is that frequently it is not wisely exercised, and, further, because I know of no way under heaven among men whereby self-government may be maintained and continued except by putting on the people of the communities the responsibility of taking care of their own affairs. [Applause.] I think you can easily break down the institutions of free government by unduly centralizing government.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, if we are to continue to have a government of the people, for the people, and by the people the people must learn to govern themselves by exercising the duties and responsibilities of self-government in the communities, in the States, in the municipalities. That is one of the reasons why undue and improper extension of Federal authority, jurisdiction, and control is unwise.

But there is a vast difference between improperly, unwisely, and unduly extending Federal jurisdiction and providing for Federal leadership and Federal encouragement. This is a day of combination, a day when every association of any sort or kind engaged in a useful work or purpose has a central head or body generally covering and embracing the Nation. It has come to be universal in our plan of organization to have a central head controlling or at least encouraging and promoting useful enterprises and activities, and that is what is proposed under this bill.

May I digress for just a moment for a further discussion of the matter of economy? Of course, when the gentleman from Missouri [Mr. CLARK] assailed us as being extravagant, and grossly so, he forgot that up to this time this Congress has not appropriated any moneys at all during this session except those

necessary to maintain the Government under a Democratic administration, and maintain the Government for a period that should have been provided for by the appropriations of the last Congress. [Applause on the Republican side.] If you had done your duty in passing the appropriations for the present fiscal year and for the balance of the fiscal year which ended the 1st of last July, it would not have been necessary for us to have made an appropriation up to this time except for the expenses of the session of Congress.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment; and up to this time we have not appropriated a dollar—oh, we have appropriated a few dollars to run the Congress, but we have appropriated practically no money at all, except the appropriations necessary to carry on the Government during the period for which the last Congress ought to have made appropriations; and in doing that we have saved, as I said, $1,680,000,000 below the estimates and $936,000,000 below the bills of last year, not counting the very great saving we made below the estimates on which the recent or present pending deficiency bill is based. I think they amounted to about $50,000,000 or somewhere thereabouts, and our appropriations were, as a matter of fact, about $15,000,000.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BYRNS of Tennessee. Does not the gentleman know that, as a matter of fact, this Congress has increased the appropriations for every department in this Government except in the case of the Army and the Navy and the Shipping Board? [Applause on the Democratic side.]

Mr. MONDELL. On the contrary, this Congress has reduced the bills of the last Congress $936,000,000 below the same items in the bills of the late Democratic Congress—I am sorry I have to say it so often—and $1,680,000,000 below the estimates; and the recent deficiency bill—the one now pending—was reduced, as it passed the House, from $50,000,000, approximately, of estimates to $15,000,000 as it passed the House.

Mr. BYRNS of Tennessee. Will the gentleman yield further?

Mr. MONDELL. Oh, I can not yield to enable the gentleman to make a speech and excuse his party.

Mr. BYRNS of Tennessee. Was not that saving, to which the gentleman referred, in the Army and Navy appropriations made at the instance and suggestion of the Secretaries of War and the Navy?

Mr. MONDELL. On the contrary, in the first place, the savings were not altogether in those lines. In the second place, as I said on this floor at the time, the Secretary of War and the Secretary of the Navy and the officers of the War and the Navy Departments haunted, as the gentleman from Tennessee knows, the corridors of the other end of the Capitol, after we passed the Army and the Navy bills, trying to get the Senate to increase those appropriations above those the House made. The gentleman knows that. He knows that we had to decline to agree to a conference report in order to reduce the Army bill by $85,000,000; and we reduced it, as I recall, some $250,000,000 below what the Secretary of War was demanding at that very moment. Let no man say that it was due to the cessation of hostilities when at the very time these bills were being considered both the Secretary of War and the Secretary of the Navy were demanding more money than we gave them.

I want to call just one or two things to the attention of gentlemen who have been suddenly stricken with a spasm of economy, who have suddenly come to a very conservative view of what the Federal Government should do. There is no more useful bill, no more important bill, no more altogether indispensable bill passed by the Congress than that providing for the Department of Agriculture. There are some very interesting items in it, and I desire to call some of them to the attention of gentlemen who have suddenly become panic-stricken lest the Federal Government shall become extravagant in its expenditures and lest we spend money for purposes for which we are not justified in spending it. The current appropriation act for the Department of Agriculture provides an appropriation of $525,000 for the purpose of the inspection and cure of scabies in sheep and in cattle, and diseases of that character. It is a very useful work, but gentlemen who voted for it, gentlemen who voted for a half million dollars for the eradication of those diseases in domestic animals, should not be so tremendously disturbed when we propose to appropriate $200,000 a year to superintend the work of returning to lives of usefulness the industrial cripples among 110,000,000 people.

I notice that in that same bill there is an appropriation of $1,500,000 for the control and eradication of tuberculosis in domestic animals.

I think it is a wise work, a helpful work, a hopeful work. I am quite inclined to the opinion that while primarily the responsibility is upon the localities to take care of their own cattle that are tubercular, still there is a very good argument in favor of the Federal Government expending $500,000 to eradicate and a million to repay the owner whose cattle are killed in order to eradicate tuberculosis, but when gentlemen enthusiastically support appropriations of a million and a half for the purpose of reducing tuberculosis among domestic animals I do not think they are highly justified in objecting to an appropriation which at the most can not be over two-thirds that amount for the purpose of encouraging and aiding the States of the Union in restoring crippled humanity. [Applause.]

In this same bill we appropriate about half a million to eradicate, or rather help control, hog cholera. The bill also provides three-quarters of a million to help destroy the cattle tick in Texas. It strikes me as curious that gentlemen think that hog cholera and Texas cattle tick are proper subjects for Federal attention and appropriations, but that the rescue of humanity from lives of crippled helplessness is not. Verily, I do not understand the philosophy of gentlemen who insist we may properly do for swine what we may not do for humanity.

Mr. BANKHEAD. Mr. Chairman, as a sincere friend of the proposed legislation I deeply regret that any phase of a political issue should have been injected into this controversy. Let us try this case, gentlemen, upon the merits of it and not upon false issues. I have never seen before legislation presented to this House against which there were offered more specious and ad hominum arguments. For instance, as I pointed out a day or two ago, the gentleman from Massachusetts [Mr. TREADWAY] says there is no general demand for this legislation, and that sentiment was reiterated a few moments ago by the distinguished gentleman from Missouri [Mr. CLARK]. What is the proposition? Out yonder scattered all over this country to-day are 300,000 men and women disabled more than 50 per cent, and that much of an incubus, that much of a handicap upon the community, that much of a loss to the economic employment of this Nation. It is true they have no lobby here looking after their interests. Why, if the economic loss of some business interest of this country of $1,000,000 a year were involved the corridors of this Capitol would be swarming with special advocates to represent that interest; and yet that vast silent, unfortunate multitude of American citizens, invested with wonderful potentiality to be developed, are silent and not represented by any lobby, and I want to say to you, gentlemen of this House, speaking only for myself, that their very silence, knowing their condition, makes a wonderfully articulate appeal to my humanity and to my sense of justice to that particular part of society. [Applause.]

Mr. RICKETTS. Will the gentleman yield?

Mr. BANKHEAD. I have not the time. I desire to answer some of the arguments that have been made. The gentleman from Massachusetts says that Massachusetts, Pennsylvania, and New York and a few of the great, rich Commonwealths of this country are going to have their taxpayers to contribute something to aid industrial cripples in Alabama.

Why, gentlemen, I dare say there are five and possibly ten times as many of these unfortunate men in the great old Bay State as there are in my State of Alabama. Are you going to raise that character of an issue upon a great humanitarian proposition like this? I want to say to you that the people of Alabama, and I believe I voice their sentiments, feel just as kindly to any unfortunate man in the State of Massachusetts as they do to their own citizens down there in the Sunny South. [Applause.] Let us not, gentlemen, as I say, consider this question upon false premises and upon specious arguments. And the distinguished gentleman from Missouri [Mr. CLARK] draws a great many red herrings across the trail of the merits of this bill in order to befog the issue and get your minds drawn away from the merits of the legislation by saying that it is only the case of the camel getting its nose under the tent and there will be no end of appropriations of this character to follow. Gentlemen, there is only one appropriation pending of a half million dollars to help the States get going to rebuild and remake men and women, so that instead of their being a dead economic loss and charges upon the community, they may reenter the industrial and commercial life of the Nation, and by earning this money themselves possibly be able to pay taxes to carry on its great purposes for others.

Mr. MOON. Will the gentleman yield?

Mr. BANKHEAD. I regret my time is limited, unless I can get an extension of time——

Mr. MOON. For a matter of information purely. How much would it give to each cripple in the United States if we pass this measure?

Mr. BANKHEAD. I will state to the gentleman from Tennessee it is not proposed to make a direct appropriation to any cripple.

Mr. MOON. I mean if it were divided——

Mr. BANKHEAD. I will ask my friend if he has read this bill?

Mr. MOON. Oh, yes.

Mr. BANKHEAD. Then the gentleman must know, as an able man and as a critic of legislation, that the purpose of this bill is simply to afford Federal aid and stimulation of half a million dollars under a general plan of supervision vested in the Vocational Board, just like it is under the Smith-Hughes bill for which my friends on this side of the aisle, I expect, almost unanimously voted, to appropriate that sum of money to be divided among the States in proportion to their population to that of the United States, the burden being upon the State and the people of the States through their legislatures to put the machinery into operation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. I would like five minutes more as I was the author of the original bill here and a good many arguments have been made against it.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BANKHEAD. I regret to have to ask that of the House after so much time has been consumed. I want to see this bill stand upon its merits. I could not undertake to figure out how much money it would mean to each man——

Mr. MOON. Would it not be less than $3 apiece after the expenses are paid?

Mr. BANKHEAD. If it meant only 1 cent each, as a matter of argument, it is a proposition to enter this field and have it developed with the aid of these public entities of the Nation and the State. They say what we offer them, as I stated before, is a proposition making appeal to the sentimentality of the members of this committee. This is not essentially a sentimental bill. It is essentially an economic measure of the soundest common sense, and if you analyze it in that spirit you will see it will accomplish that result.

We are talking about a period of reconstruction. My friend from Texas [Mr. HARDY] said it was a trespass upon States' rights, and he hesitated to do it. When the boll weevil came across the Mexican border and into the State of Texas my friend did not raise that issue. It was only in the State of Texas, but it meant a national menace to the cotton production of the whole country, and they asked and accepted an appropriation from the Federal Government to repel that insidious invasion. When floods come upon the country, essentially, under that doctrine, the people of the States should take care of it, and yet we have precedent after precedent where the Government has gone to the aid of particular units of society.

Mr. HARDY of Texas. I would like to say to the gentleman on this flood question——

Mr. BANKHEAD. We will waive that. If that is offensive to my friend, as appearing illogical to his position, I will withdraw it.

Mr. HARDY of Texas. I just wanted to correct the gentleman's statement about getting appropriations to aid flood sufferers.

Mr. BANKHEAD. Here was a new kind of boll weevil that appeared in Texas last year, the pink boll worm, and they said that unless we stopped it it was going to destroy the cotton crop, and they went before the Agricultural Committee, and I expect my good friend voted for it, when, according to the logic of his argument, it was simply a matter for the State of Texas.

We have spent millions of dollars directly for educational purposes. Under the Smith-Hughes bill we spent $3,000,000,000 to educate normal children in the schools under the same machinery as proposed in this bill. Why? You gentlemen—and every one voted for the bill, I suppose—conceived the idea that the individual elements of our society would form the aggregate of national intelligence and efficiency. The same is the case here.

Mr. HUDDLESTON. If the gentleman will yield, I would like to say that we have been removing the tick from cattle by appropriations in the Agricultural bill, and I have not heard any of the gentlemen objecting to that.

Mr. BANKHEAD. That is right.

You talk about economy. I see where a bill is up in the Senate to give $15,000,000 more for aviation. If it comes over here, we could lop off about one-half a million from that and put it to this purpose. There are many cases where you can save appropriations for meeting this issue.

Mr. THOMAS. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. THOMAS. This bill is not confined to American citizens, is it? Is it not a fact that any alien or any unnaturalized person could take advantage of this bill?

Mr. BANKHEAD. Well, that question is not raised directly in the bill. It would be a question for the State boards to decide.

I want to say that there is another misapprehension. They seek to leave an impression here that the Federal Government is going to put its strong arm upon the educational institutions of the States, and these institutions we propose to aid. Not so at all. If you will read the bill, you will see that it provides this money shall be expended under the absolute control of the States. [Applause.]

Mr. WALSH. Mr. Chairman, the gentleman from Wyoming, in a few eloquent remarks upon economy in behalf of this bill, sought to convey the impression that another half million dollars spent on a new venture was a common thing to do. The gentleman from Wyoming comes from a State where but for the expenditure of Federal money it would be a howling wilderness to-day. [Laughter.] And there are a few other States in the same category. Because the people out there have come to rely upon the Federal Treasury for all improvement, they have lost the spirit of initiative and individual enterprise.

Now, Mr. Chairman, the other day the distinguished gentleman from Iowa, my good friend Judge TOWNER, sought to offer as a cure for Bolshevism in the country a Federal expenditure of money to cure unfortunate cripples. Well, we have had many cures suggested for Bolshevism. That is rather a novel one. But I submit that if we put our attention to problems seeking to conserve the Federal Treasury and to problems seeking to restore to the States their original prerogatives and to keep the Federal Government along its proper lines and within its lawful jurisdiction, we will be doing much to inspire confidence in both Federal and State Governments and discourage Bolshevism. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. WALSH. But it is when the Congress of the United States responds to these appeals such as has been made here that the Bolshevists and socialists and the wild-eyed theorists begin to think that the Government is made for their particular benefit, and that they owe no duty to the Government, but that the Government must spend money for their particular benefit.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. BLANTON. Does not the gentleman from Massachusetts know that about the only sure cure for Bolshevism is a good stout rope and a telegraph pole?

Mr. WALSH. I know they use that cure in Texas for other things besides Bolshevism; and in Alabama also. [Laughter.]

Mr. Chairman, I want to say and reiterate and reenforce, if I may, in my feeble way, the suggestion of the gentleman from Missouri that this is a new departure on the part of the Government, and the hearings do not show any great demand from any one of these 38 States that have workmen's compensation laws, from any considerable portion of our population, that we should embark upon this enterprise and start spending money. As for getting the camel's nose under the tent, to which I referred Saturday, and to which the distinguished gentleman from Alabama [Mr. BANKHEAD] made mention a few moments ago, I submit if we seek to alleviate the sufferings of the poor unfortunate who has lost one finger or two fingers, or an arm, it will be only a short time when these same benevolently inclined gentlemen, most of them distinguished educators, however, both those advocating the bill and those appearing before the committee, will come in with a scheme whereby we shall furnish to the unfortunate medical service at the expense of the Federal Treasury.

Now, when you appropriate money from the Federal Treasury you make it conditional that the States shall appropriate a like sum, and you are imposing by this appropriation upon the States the requirement that they shall appropriate the money, for if they do not they bear their burden of expenses by contribution to the Federal Treasury for the benefit of the States which do seek to take advantage of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I believe I have been as consistent a supporter of economy as any Member of this House. I have worked as much to keep down appropriations as any other Member. But there are some debts that this Nation ought, in good conscience and honor, to pay, and one of those is the debt that it owes to these men who have been crippled in building up great industries of this country. It has

often been a subject of remark that our industries have expanded more than those of any other nation, that great fortunes have been built upon them, and that our progress in all of these industries has been beyond the wildest imagination of a few years ago. But the path of this progress has been strewn with thousands of these derelicts for whom it seems so many gentlemen care nothing, and for whom it seems this great Government took no thought.

The gentleman from Iowa [Mr. TOWNER], my colleague, in a former discussion of this bill referred to the fact of the development of Bolshevism. We all know that this world is full of unrest, and in this respect this country is like the remainder of this globe. One of the charges that has been made most often against this Government is that it is built and maintained solely for the interests of the rich and the powerful, while the poor, the crippled, and the needy may go their way, and when somebody gets up here on this floor and wants to appropriate a little money for them it will be dashed aside in the interest of economy.

I have thought, Mr. Chairman, as this discussion has proceeded, that perhaps after all there was some reason for that belief when gentlemen can say that they will vote millions for the extermination of the cattle tick, millions to eradicate hog cholera, millions to get rid of the boll weevil, and oppose the granting of a few thousand dollars to raise the wretched ones who have been crippled in industry from a condition where they are neither able to be of use to the community or society or able to take care of themselves. Then it seemed to me that there might, after all, be some justice in that charge.

Gentlemen say we are embarking upon a new policy. Why, we have been engaged in that policy for lo these many years. We discovered a long time ago that in these great movements for the benefit of society, great movements to uplift mankind in this country, Congress had to take the lead. The State legislatures would not take it. So we passed the Lever bill for the encouragement of education in agriculture. So we passed the Smith-Hughes bill for vocational education in the States. So, now, we offer this small sum as an inducement to the States to do their share, and possibly more.

Gentlemen say there will be an increase in these appropriations. I do not believe it. It has not been so in a similar case with respect to the Smith-Hughes Act, which is framed on exactly the same lines as this bill. The appropriations to carry out this bill have not been increased.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. JOHNSON of Washington. I will try to get the gentleman more time. I would like to know about this: This is a long paragraph, with many provisions. We want to get some facts about it. The gentleman keeps referring to the Smith-Hughes bill. That is education for persons residing in the States, is it not?

Mr. GREEN of Iowa. Yes.

Mr. JOHNSON of Washington. And this is for all persons, no matter where they reside. Take, for example, a port where a large number of sailors come, not citizens of that State, or where there is a large number of aliens, not citizens of that State. Are they to be assisted under Federal prompting still further than the degree to which they are now taken care of by the States?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. JOHNSON of Washington. I ask unanimous consent that the gentleman from Iowa may have five minutes more.

Mr. BLACK. Mr. Chairman, a committee amendment is pending.

Mr. JOHNSON of Washington. I have an amendment that I wish to offer.

The CHAIRMAN. A committee amendment is pending.

Mr. BLANTON. Mr. Chairman, I ask that my amendment be again read.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Texas will again be read.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 4, line 1, beginning with the word "that," strike out all of the balance of the paragraph and insert in lieu thereof the following: "The vocational rehabilitation provided for herein shall be given under the supervision and control of the State board, and all courses shall be available, under such rules and regulations as the Federal board shall prescribe, to all persons, in such destitute circumstances that they are financially unable to provide their own rehabilitation, disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, all mechanic arts, and to civil employees of the United States disabled while in the performance of their duty: *Provided*, That persons who have received compensation for injuries and other disabled persons who are able to pay for same may be given rehabilitation training upon paying reasonable tuition therefor."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BLANTON. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—aye 1, noes 72.

So the amendment was rejected.

Mr. FESS. I ask for a vote on the committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 4, strike out "the industry and otherwise" and insert "industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts."

Mr. BLACK rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. TOWNER rose.

The CHAIRMAN. If the gentleman from Iowa [Mr. TOWNER], a member of the committee, wishes to be recognized in favor of the amendment, the Chair will recognize him. If not, the gentleman from Texas [Mr. BLACK] will be recognized.

Mr. FESS. Just one word, Mr. Chairman, and then I will give way to the gentleman from Texas. The phrase "industry or otherwise" has no limitation, and while it is true that this phrase was in the Senate bill it was thought by the House committee that it would be well to limit it by using the explanatory expression "industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all mechanic arts." That is the reason why the phrase was stricken out and this language inserted.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to my friend from Minnesota.

Mr. NEWTON of Minnesota. As I understand it, the bill, as originally drawn, would cover a man who was injured in an accident which is in nowise connected with the industry in which he was employed. For instance, if a mechanic were on his way to the factory to work and were run over by a street car or automobile, the bill, as originally drawn, would take care of him, but as it is now drawn he would not be injured in the industry in which he was employed, and he would not be taken care of. Am I correct?

Mr. FESS. I think the gentleman is not correct. I yield to the gentleman from Iowa [Mr. TOWNER], who is the author of this amendment.

Mr. TOWNER. In the case the gentleman mentions, as the bill is drawn, a man going to or coming from his work would be entitled to this, just the same as he now is under the general law. He is assumed to be in employment when he is going to or coming from his employment.

Mr. NEWTON of Minnesota. Let me assume this state of facts, that on a Saturday afternoon or upon a Sunday, when he was not going to or coming from his work, he was injured by an automobile, a street car, or in some other way, would he then come under the provisions of the act?

Mr. TOWNER. He would not come under the provisions of this amendment.

Mr. NEWTON of Minnesota. The State of Minnesota, anticipating favorable action by the Congress upon this act, has passed a law which reads as this was originally drawn, "in industry or otherwise." They intend to take care of men injured, whether in industry or in any form of accident. Now, what would be the effect of a change in the law regarding a State which has passed a law in the original form of this bill?

Mr. TOWNER. It would have no effect, because of the fact that they would approximate their bill to this law, and it would have no effect except as it pertained to those particular provisions which might be included in the one and not included in the other. I think no difficulty would arise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I wish to use five minutes in a discussion of this amendment, and of no other feature of the bill.

The bill, as originally written, and as I understand as it passed the Senate, would include persons who were injured or disabled in any sort of way, whether by accident while at work or by accident off duty; but the amendment now proposed by the committee would limit the benefits of the bill to those who were disabled under certain conditions, for instance, who were disabled while engaged in industrial pursuits, including agri-

culture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts.

Now, I contend that if we are justified in passing this bill at all—if it is a proper subject for congressional legislation—it must be based upon the general-welfare clause of the Constitution. Gentlemen have spoken—I remember, in particular, the gentleman from Iowa [Mr. GREEN]—of the debt that the Government of the United States owes to men employed in industry. I submit that so far as the general welfare is concerned, the Government would owe the same duty to any man who was disabled under any condition, unless by his own willful misconduct. Why do I say that? What do I base that assertion upon? We are going to provide the money to carry out the purposes of this bill by general taxation, which will fall upon all classes of the public. We are not going to tax industry especially to pay the expenses of this bill. We are not going to tax agriculture in any particular way to pay the expenses of this bill. We are not going to tax the mechanic arts in any special manner to pay the expenses of this bill. We are going to tax the general public; and therefore I say that if a man is disabled within the meaning of the purposes of this bill, whether in industry of otherwise, unless by his own willful misconduct, he ought to receive the benefit of this act. If the committee votes down the committee amendment I shall offer an amendment "except by his own willful misconduct." I will do that for the reason that it would probably be unwise from a standpoint of public policy to permit a man to take advantage of his own wrongful conduct.

Mr. LAYTON. Why make that reservation at all about willful misconduct?

Mr. BLACK. It is not in the bill.

Mr. LAYTON. I know; but if I apprehend the spirit of this bill, it is to make good that which is bad, to return to a state of capacity what is incapacitated, for the general welfare of the country. Why limit it at all? Why not leave the words "in industry or otherwise," so that any man or any boy who is injured will receive the benefit of it?

Mr. KITCHIN. It will do what you want if you strike them both out, leaving simply the words "who is disabled."

Mr. BLACK. The words "except by his own willful misconduct," which I have suggested, are not in the bill now, and the only reason I suggested them was that it might be against public policy for the Government to take up the rehabilitation of a man who had disabled himself by his own misconduct. But that is only a suggestion of mine. I do say that the bill ought to be general in its application and ought not to be limited by the provisions suggested by the committee amendment. For that reason I hope that the committee amendment will be voted down and that the bill will be allowed to remain as it was originally written in that respect.

Mr. LAYTON. I thoroughly agree with the gentleman to this extent: If we are going to pass this bill at all, I see no reason why we should limit it in its application.

Mr. TOWNER. Mr. Chairman, if I may have the attention of the committee, I will say that the reason for this amendment is simply this: The bill is a vocational education bill. It is drawn for the benefit of those who are in employment. That is the object of the bill all the way through. The bill has been drawn for that purpose. It is in a sense a complement to the Smith-Hughes Act, which was for vocational education.

Mr. BLACK. Will the gentleman permit one statement?

Mr. TOWNER. Certainly.

Mr. BLACK. It is true that the Smith-Hughes Act is a vocational bill, but at the same time it is open alike to all the citizens of the country, and I am thoroughly in sympathy with the idea, and that is the suggestion I make, that it be just as broad as the population of the country.

Mr. TOWNER. But the gentleman does not recognize that this is for the purpose of taking care of those people who are in employment and who have been injured in employment. Now, our experience and the experience of all the nations has shown that these men can in most cases be reeducated in a very short time so that they can return to employment. Ordinarily it takes only a few weeks to rehabilitate these people and put them back in employment.

Mr. BEE. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Texas.

Mr. BEE. I want to ask the gentleman from Iowa if the purpose of this bill is not to eliminate the economic loss by reason of the destruction of the earning power of the man?

Mr. TOWNER. Yes; that is one of the objects of the bill.

Mr. BEE. Then what difference does it make to the economic welfare of the country how a man is injured, as long as the loss is suffered by reason of his injury?

Mr. TOWNER. That is very true, I admit; but we can not include everything. Now, this is intended as a particular act for a particular purpose. It is intended for the purpose of supplementing the act for the education of these men. We assist the State in educating them for a particular employment. They come into the employment, an accident happens, they are disqualified for continuing it. The men are not able to take care of themselves. We do not want to extend it to people who can take care of themselves. This amendment is a limitation on the bill and not an extension. It is to put back again the men who have been stricken out of employment; it is to put them back into employment, so that they may be again self-supporting, instead of being a burden on the State and the Nation.

Mr. JONES of Texas. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman.

Mr. JONES of Texas. Suppose a man has been working every day and he takes a day off for recreation and is injured, under the bill would he be entitled to the benefits?

Mr. TOWNER. No; I think he would not. The gentleman from Minnesota has called attention to the law in his State. I think the States would take care of those exceptional cases.

Mr. JONES of Texas. Does not the gentleman think the man should be entitled to the privilege just the same as though he had the accident while he was at work? Does the gentleman see any practical difference?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. I will say to the gentleman from Texas that that may be true, but we can not draw the line between a case of that kind and a case which would include everybody that was incapacitated by sickness or injury. We want to keep it as close as we can, the bill being itself a vocational bill. We want to help those in occupations, to help workmen that ordinarily have not laid up enough to support themselves and their families and have not enough to pay for sickness or accidents. We want to put them back into the industries.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. NEWTON of Minnesota. Has the gentleman any figures showing the proportion of accidents in industries to the number of accidents outside?

Mr. TOWNER. No; the experts have never been able to determine that. They are pretty well able to determine the accidents in industry, because they can get reports and pretty accurate statistics, but general accidents to men outside—a man going along the street, clerk in a store, men engaged in no occupation—nobody can tell how many accidents there are.

Mr. NEWTON of Minnesota. There is a publication gotten out by the Carnegie Institute giving a survey of the State of Michigan, and that publication states that of all accidents only 11 per cent occur in industries.

Mr. TOWNER. I think that must be largely a matter of speculation, because, gentlemen, experts who testified before the committee said that it must be a matter of speculation as to the number of accidents outside of industries.

I recognize that it would be a generous thing to do, but gentlemen say that we should not unduly extend the operations of this act. This, being a vocational bill, ought to be limited to those engaged in the vocations, who are in employment, who are the workmen of the country.

Mr. JOHNSON of Washington. This bill would include a hired man working on a farm who lost a leg in his employment. He would be entitled to the benefits of the act. Does that apply to the hired girl making biscuit on Sundays?

Mr. TOWNER. I think it would.

Mr. JOHNSON of Washington. Would it apply to the wife of a laborer in the city making biscuits on Sundays?

Mr. TOWNER. I think not; she would not be in employment.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. EVANS of Nebraska. Is it not a fact that in some States where compensation is made it is charged to the industry?

Mr. TOWNER. There may be some States which have that provision, but most of the States do not.

Mr. EVANS of Nebraska. Do not the major portion of the States have it?

Mr. TOWNER. I think not; I am not certain about the number.

Mr. EVANS of Nebraska. If your bill goes to its logical conclusion, distributing your relief on broad morals, you will become a communist, will you not?

Mr. TOWNER. The gentleman is assuming a thing that has no justification, no reason, nor any good sense, nor any good judgment. I am not a communist; far from it.

Mr. GARLAND. Mr. Chairman, I am for the bill and for the amendment now before the House.

The rehabilitation of a human being who has met with an accident and who has lost a limb or limbs or an eye in the occupation in which he may be engaged and thereby is unable to enter into the occupation which means existence to him and those dependent upon his earning power for a living is virtually the lifting from the depth of utter despondency to happiness, in the fact of again acquiring the ability to earn a living and to feel he is a live being of consequence and able to forget the handicap endured from accident.

That men terribly maimed do lose heart in contemplation of the future I can testify from personal experience, and that men can be rehabilitated I know from observation. Several notable cases have occurred recently at Mooseheart, Ill. The Loyal Order of Moose of the World, a fraternal order consisting of nearly 600,000 members in the United States and Canada, six years ago bought 1,014 acres of splendid land on the Fox River, 35 miles west of Chicago, for the purpose of taking orphan children of members of any age up to 16 years for the purpose of giving to each a good common-school education and at the same time teaching them a vocation. Thirty-five different trades are taught there and there are in this institution 765 children—orphans. There were necessarily some crippled children among them. One boy with the right arm lost, taken off at the shoulder socket, and face and body horribly burned, became head of the life-saving corps, is the most expert swimmer and diver in that part of the country, owns and runs and repairs his own automobile, and can do about anything that anyone with a whole body can do; has become a finished photographer and is the official photographer at that institution.

Another with a deformed leg, of which he had no use, studied gas engines and is now the superintendent of a large garage in Indiana at a good salary. Another with a withered arm is an athlete and has taken most of the honors in running, jumping, and shot putting in the meets with neighborly high schools, and has finished as a mechanical engineer. These are some instances.

When the World War was at its height the Government wanted to fit soldiers to go to the front who understood concrete and cement construction; several hundred soldiers were stationed at Mooseheart to take three months' training in that work and were sent from there finished workmen, and since the endeavor to rehabilitate maimed soldiers and sailors 55 of them have been placed there and soon 100 will be located there to be taught trades, and the Federal board has offered large inducements to the chief engineer at Mooseheart to take charge of cantonments and camps where rehabilitation is being carried on for soldiers and sailors.

I simply make these statements as to what is being done at Mooseheart as proof of what can be done in the work of rehabilitation. The Mooseheart schools are not connected with the State, but are supported entirely by a small contribution by each member of the Order of the Loyal Order of Moose.

The State of Pennsylvania has gone into the work of rehabilitation of industrial employees on a large scale, a report on which for the State I will insert in the RECORD, if permitted. I understand other States are also doing this work.

The last several Congresses have appropriated large sums of money for the building of highways under practically this same plan. They have appropriated sums of money in every Congress that I have been a Member of for the experimental eradication of diseases among animals, tuberculosis of animals, killing of the boll weevil, and other like work, and to my mind it is high time and the necessity is much greater to take care of human beings and their happiness, than some of these other enterprises. [Applause.]

The following is the law of Pennsylvania that I referred to:

An act providing for the establishment of a bureau of rehabilitation in the department of labor and industry, and conferring upon the commissioner of labor and industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employees, and furnishing suitable accommodations; and making an appropriation.

SECTION 1. *Be it enacted, etc.*, That (a) the term "bureau," as used in this act, shall mean bureau of rehabilitation.

(b) The term "commissioner" shall mean the commissioner of labor and industry.

(c) The term "physically handicapped person" or "persons," wherever used in this act, shall mean any resident or residents of the Commonwealth of Pennsylvania whose capacity to earn a living is in any way destroyed or impaired through industrial accident occurring in the Commonwealth.

(d) "Rehabilitation" shall mean the rendering of a physically handicapped person fit to engage in a remunerative occupation.

SEC. 2. A bureau of rehabilitation is hereby established in the department of labor and industry. The central office of the bureau shall be located in the city of Harrisburg.

SEC. 3. The commissioner, with the approval of the governor, shall appoint a chief of the bureau of rehabilitation, who shall be subject to the direction and supervision of the commissioner, and shall fix his salary, which, when so fixed, shall be paid out of the sums hereinafter appropriated.

SEC. 4. It shall be the duty of the chief of the bureau of rehabilitation to direct, as hereinafter provided, the rehabilitation of any physically handicapped person: *Provided*, That said duty of the chief of the bureau shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind or deaf persons under the care of any State or semi-State institution, or to any epileptic or feeble-minded person, or to any person who may not be susceptible to such rehabilitation.

SEC. 5. The chief of the bureau of rehabilitation shall have power with the approval of the commissioner—

(a) To establish relations with all public and private hospitals to require prompt and complete reports of any physically handicapped persons under treatment in such hospitals. The persons thus reported may be promptly visited by representatives of the bureau of rehabilitation, who shall make record of their condition, and report to the chief of the bureau, who shall then determine whether the person is susceptible to rehabilitation. Such persons as may be found susceptible shall be acquainted by the chief of the bureau with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any physically handicapped person who chooses to take advantage of these rehabilitation facilities shall be registered with the chief of the bureau, and a record kept of every such person, and the measures taken for his or her rehabilitation. The chief of the bureau shall proffer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

(b) To receive applications of any physically handicapped persons for advice and assistance regarding their rehabilitation. The persons thus known to be physically handicapped may be visited, examined, and advised in the same manner and for the same purposes as specified in clause (a) of this section.

(c) To make a survey to ascertain the number and condition of physically handicapped persons within the Commonwealth. The persons thus known to be physically handicapped may be visited, examined, registered and advised in the same manner and for the same purpose as specified in clause (a) of this section.

(d) To arrange for such therapeutic treatment as may be necessary for the rehabilitation of any physically handicapped persons who have registered with the chief of the bureau.

(e) To procure and furnish at cost to physically handicapped persons who have registered with the chief of the bureau limbs and other orthopedic and prosthetic appliances, to be paid for in easy installments when such appliances can not be otherwise provided: *Provided, however*, That if it be shown that any physically handicapped person is unable to pay for such artificial limbs or other appliances, the chief of the bureau may direct, with the approval of the commissioner, that such limbs or appliances shall be supplied to such physically handicapped person and the cost thereof paid out of the funds appropriated for the rehabilitation activities of the bureau; such payments to be made by the State treasurer on the warrant of the auditor general or requisition of the commissioner of labor and industry.

(f) To arrange with the superintendent of public instruction for training courses in the public schools in the Commonwealth in selected occupations for physically handicapped persons registered with the chief of the bureau.

(g) To arrange with any educational institution for training courses in selected occupations for physically handicapped persons registered with the chief of the bureau.

(h) To arrange with any public or private organization or commercial, industrial, or agricultural establishment for training courses in selected occupations for physically handicapped persons registered with the chief of the bureau.

(i) To provide maintenance costs during the prescribed period of training for physically handicapped persons registered with the chief of the bureau: *Providing*, That when the payment of maintenance costs is authorized by the chief of the bureau, with the approval of the governor, it shall not exceed $15 per week, and the period during which it is paid shall not exceed 20 weeks unless an extension of time is granted by the commissioner; said payments to be made by the State treasurer on the warrant of the Auditor General on requisition of the Commissioner of Labor and Industry.

(j) To arrange for social service, for the visiting of physically handicapped persons registered with the chief of the bureau and of their families in their homes, during the period of treatment and training and after its completion, to give advice regarding any matter that may affect rehabilitation.

(k) To conduct investigations and surveys of the several industries located in the Commonwealth to ascertain the occupations within each industry in which physically handicapped persons can enter upon remunerative employment under favorable conditions, and work with normal effectiveness, and to determine what practicable changes and adjustments in industrial operations and practices may facilitate such employment.

(l) To make such studies and reports as may be helpful for the operation of this act.

(m) To cooperate with any department of the Federal Government or of the government of this Commonwealth or with any private agency in the operation of this act.

SEC. 6. The commissioner, with the approval of the governer, shall appoint such officers, physicians, clerks, stenographers, and other employees as shall be necessary to carry out the purposes of this act. He shall determine their duties and shall fix their salaries, which when so fixed shall be paid out of the sums hereinafter appropriated. The board of public grounds and buildings shall furnish suitable accommodations for the use of the bureau.

SEC. 7. The sum of $100,000, or so much thereof as may be necessary, is hereby appropriated to carry out the purposes of this act.

SEC. 8. A report on the activities of the bureau of rehabilitation authorized by this act shall be submitted biennially to the governor, together with a statement of the sum necessary to conduct said activities during the ensuing two years.

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 10. If any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of this act as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Approved the 18th day of July, A. D. 1919.

WM. C. SPROUL.

The foregoing is a true and correct copy of the act of the general assembly No. 418.

CYRUS E. WOODS,
Secretary of the Commonwealth.

Mr. GOOD. Mr. Chairman, if we were legislating during normal times much that has been said would pass with little notice, and perhaps the bill would pass without opposition. But these are not normal times; they are very abnormal times; and Congress will be legislating the next 20 years during abnormal times so far as the Treasury of the United States is concerned.

For 52 years, from 1866 to 1917, inclusive, the receipts of the Treasury of the United States exceeded the expenditures by $2,591,453,184. But very little of the receipts during those years came from direct taxes. Then the people did not feel the burden of taxation. When we were getting in money in that way there was but little attention given as to how the money was expended. Those days are past. Now our expenditures are so large that the revenue must come by direct taxation, and the people of the United States are scrutinizing the work of Congress as never before. They are, and should be, watching what we do. The issue in the United States in the political campaigns for the next decade or more will be waged not on what you voted against but rather on what you voted for when it took money out of the Treasury of the United States. The issue is going to be economy, and the man who is going to be singled out for slaughter is the Member who is willing at all times to vote for bills that might be very desirable if we could afford them, but that are not absolutely necessary, especially if they mean large appropriations.

Now, I have been amused at the learned gentlemen on the Committee on Education. I do not profess to know very much about this question, but I have supposed that the members of the committee that reported out this bill did know a great deal about it. The learned gentleman from Ohio, the chairman of the committee, Dr. FESS, said, on October 9:

A very careful investigation was made by the Federal Government, and a report was made to the effect that there are 22,500 total disabilities resulting from injury every year. If we take the total number who suffer both total and slight disability, it will approach very close to 300,000 per year.

My very dear colleague, Judge TOWNER, equally learned and well informed, on October 11, two days later, took the floor, and this is what he said, and mark his words:

Now, I want to call attention to one other great mistake: Gentlemen say we will have to take care of 300,000 cripples. There is no proposition of that kind before you. It is estimated that there are now in existence in the United States 300,000 men who have been injured in industry; but a very small proportion of them need assistance. Let me tell you how that works out: There are 74,000 men injured in industry in the United States every year, but 52,000 out of the 74,000 have lost only one finger, and 9,000 more have lost only two fingers. Now, these men do not have to be reeducated.

But it remains for the learned gentleman from New Hampshire [Mr. BURROUGHS] to give us the full picture of what we are about to do. I read from his remarks on page 6746 of the RECORD of the same day, October 11:

From testimony appearing in the printed joint hearings before the Senate and House committees it was shown that each year there are more than 2,000,000 industrial accidents in this country, resulting in loss of time, and more than 700,000 where inability to work extends to a period of at least four weeks.

Mr. BURROUGHS. Mr. Chairman, will the gentleman yield?

Mr. GOOD. For a question.

Mr. BURROUGHS. Will the gentleman permit me to read three or four lines from the testimony?

Mr. GOOD. Following that?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. I do not want to do the gentleman any injustice, and I will read a couple of more sentences if he desires—

The representatives of the National Association of Manufacturers of the country—

I do not see that what follows there has anything to do with or modifies what I have stated in the slightest degree. The proposition that I am trying to state is that the gentleman from Ohio [Mr. FESS] says there are 300,000 every year who are disabled or partially disabled; that the gentleman from Iowa [Mr. TOWNER] says there are only 300,000 of such injured persons in the United States in existence; and that there are 74,000 injured every year, while the gentleman from New Hampshire [Mr. BURROUGHS] says there are 2,000,000 industrial accidents resulting in 700,000 personal injuries.

Mr. BURROUGHS rose.

Mr. GOOD. Mr. Chairman, I regret I can not yield further. Gentlemen state that there will be no growth in this appropriation. I call attention to the fact that in 1914 on May 8 we passed what was known as the Smith-Lever Act for agricultural extension and appropriated, as I recall, as a permanent appropriation $500,000 a year. Perhaps it was $600,000. The act provides that that amount should be augmented each year by $500,000 additional until the total permanent appropriation would be $4,500,000 per annum. Notwithstanding that, for this year we have supplemented that permanent appropriation in the Agricultural appropriation bill by $1,500,000 of additional appropriation.

Gentlemen well know what this bill does. It transfers to the Vocational Board, already overworked, the problem of making a survey or of administering this act, and when soldiers complain to you, if you pass this act, that they were not able to get rehabilitation because the Federal board was not functioning, point your finger to this act, and say ours was the responsibility. The American Legion of New Jersey has, I am informed, passed a resolution protesting against the passage of this act. You place these added responsibilities upon a board already overburdened with work, a board that is unable to function, a board which is under fire and about to be investigated by a committee of this House, and then expect it to function in giving vocational training to our returning soldiers.

Notwithstanding that fact, you would now place upon this board the responsibility of an examination into the claims of 700,000 men, women, and children in America every year who are either totally or partially disabled in industry, to see which of them are entitled to the benefits of this act.

Let us consider the expenses of that board. The recent hearings developed that the expenses of the board have wonderfully increased. In February they had 107 employees in Washington and in July they had 307. In July, when this statement was made, their annual compensation was $941,000, but on July 15 the vice president of the board wrote me as follows:

In response to your telephonic request, I take pleasure in advising you that the pay roll for personal services for persons employed in the administration of the vocational rehabilitation act during the month of June, 1919, amounted to $291,000. This multiplied by 12 equals $3,488,537.60.

Mr. Chairman, this legislation may be thought by some to be desirable, but I say to the membership of this House that this is no time for the consideration of legislation that will admittedly take the first year $1,000,000 out of the Treasury of the United States and an amount eventually which in the final analysis no man can tell. It will be followed logically by social insurance, sick insurance, old-age pensions, and other socialistic demands upon the Treasury that it can not stand. The people are not demanding it; the taxpayers do not want it, and we should not support it.

Mr. FESS. Mr. Chairman, the gentleman from Iowa, the chairman of the Committee on Appropriations [Mr. GOOD], in quoting what was stated in reference to the number of disabilities, made an effort to show that there has been a discrepancy in statements of the various members of the committee. I stated that there were 22,500 total disabilities annually. That statement has been made by the other two gentlemen to whom he referred. The statement of John Mitchell, who as an authority would be equal to the gentleman who has just spoken, is that 2,000,000 men annually are crippled slightly and otherwise to the extent that there is some loss of time and that 700,000 are crippled to the extent where there is a loss of time up to four weeks. That was the statement of the gentleman from New Hampshire [Mr. BURROUGHS]. That statement was made also by other men who came before our committee. The gentleman also states that this Federal board has increased the pay roll, quoting 1914. The Federal board was not created until 1917, on the 23d of February.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FESS. I do not yield.

Mr. GOOD. But the gentleman is stating what is not true, what I did not state.

Mr. FESS. On the 23d of February, 1917, the Federal board was created and it then had——

Mr. GOOD. I said nothing about 1914.

Mr. FESS. I do not yield. Later on we gave to the Federal board the work of the rehabilitation of the soldiers crippled, and does the gentleman object to the increase in the pay roll for the

administration of that board? The gentleman came on this floor and used his power as the chairman of the Committee on Appropriations to cut the appropriation of $6,000,000 to $4,000,000 for the administration of that act, and when we invoked the vote on the floor of the House and defeated his motion and passed the $6,000,000, it went over to the Senate and the $6,000,000 bill became a law. When the sundry civil bill was under consideration the gentleman tried to reduce it to $4,000,000 and the gentleman himself led the fight on this side of the House to make that bill $14,000,000 that he attempted to cut down to $4,000,000 when we had it before the House.

And the gentleman is making just such a specious argument as he did at that time and will be called upon, I fear, to eat his words as he did at that time. [Applause.] Gentlemen, this measure is to salvage the human wreckage, which is a cheaper and more economical plan than it will be to keep them in the poorhouse or in sanitariums. It is to take the hopeless, train them, put them in a position to be self-supporting, and instead of being a charge upon the Treasury of the Government they are to become an economical advantage to the Government and avoid waste. And therefore, Mr. Chairman, the argument is specious and has absolutely no force so far as the chairman of the Committee on Appropriations is concerned.

Mr. WALSH. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the enacting clause of the bill.

The question was taken.

The CHAIRMAN. The ayes seem to have it, but the Chair s in doubt.

The committee again divided; and there were—ayes 78, noes 58.

Mr. FESS. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. WALSH and Mr. FESS) reported that there were—ayes 69, noes 65.

So the motion was agreed to.

Mr. WALSH. Mr. Speaker, I move that the committee do now rise and report the action of the committee to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 4438, had directed him to report the same back to the House with the recommendation that the enacting clause of the bill be stricken out.

Mr. WALSH. Mr. Speaker, I move that the recommendation of the committee be adopted, and on that I move the previous question.

Mr. FESS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Does the gentleman demand the yeas and nays——

Mr. FESS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. Did the gentleman include in his motion the previous question alone?

The SPEAKER. The first question is on the previous question.

Mr. FESS. I do not want the yeas and nays on that.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on concurring in the recommendation of the committee.

Mr. FESS. On that I ask for the yeas and nays.

Mr. BLAND of Indiana. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Indiana makes the point of order there is no quorum present.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. Does the Chair rule that if no quorum is found to be present at the time the demand was made the House was dividing?

The SPEAKER. The Chair thinks the House was dividing.

Mr. FESS. The House was not dividing; the Chair was attempting to ascertain if a sufficient number had arisen in response to the demand for the yeas and nays. We had not voted on the question.

Mr. BLANTON. The House had divided and we were voting.

The SPEAKER. The Chair is not certain, but that is the Chair's recollection, and the Clerk confirms the Chair's recollection that the House was dividing. The Chair will rule that the vote will come, if the Chair should find there is no quorum, on the question of concurring in the recommendation of the committee. The Chair will count. [After counting.] The Chair thinks no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 147, answered "present" 5, not voting 160, as follows:

YEAS—118.

Alexander	Denison	Johnson, S. Dak.	Sanford
Aswell	Dewalt	Jones, Tex.	Sherwood
Ayres	Dominick	Kincheloe	Slemp
Bacharach	Doughton	Kitchin	Small
Begg	Dunn	Kraus	Smithwick.
Blackmon	Echols	Layton	Snyder
Bland, Va.	Edmonds	Lehlbach	Steagall
Blanton	Evans, Nebr.	Lufkin	Stedman
Boles	Evans, Nev.	McFadden	Stevenson
Booher	Flood	McKinley	Stiness
Box	Fordney	McLaughlin, Mich.	Strong, Kans.
Brinson	Freeman	Major	Sumners, Tex.
Brooks, Ill.	Gard	Mansfield	Sweet
Brooks, Pa.	Garner	Martin	Thomas
Browning	Garrett	Merritt	Tillman
Buchanan	Good	Michener	Tilson
Burdick	Gould	Montague	Treadway
Butler	Graham, Ill.	Moon	Venable
Byrnes, S. C.	Greene, Mass.	Moore, Va.	Walsh
Byrns, Tenn.	Greene, Vt.	Mott	Watkins
Campbell, Pa.	Hardy, Tex.	Oldfield	Watson, Va.
Candler	Harrison	Padgett	Webb
Cannon	Haugen	Quin	Whaley
Clark, Fla.	Hersey	Radcliffe	White, Me.
Clark, Mo.	Holland	Ramsey	Williams
Connally	Hudspeth	Rayburn	Wilson, La.
Cramton	Hull, Tenn.	Robinson, N. C.	Woods, Va.
Crisp	Humphreys	Rogers	Young, Tex.
Dale	Jacoway	Sanders, La.	
Davis, Tenn.	Jefferis	Sanders, N. Y.	

NAYS—147.

Almon	Elston	Linthicum	Ricketts
Anderson	Emerson	Lonergan	Riddick
Andrews, Nebr.	Ferris	Longworth	Rodenberg
Ashbrook	Fess	Luhring	Romjue
Baer	French	McCulloch	Rose
Bankhead	Garland	McGlennon	Schall
Barbour	Goodwin, Ark.	McKeown	Scott
Bee	Green, Iowa.	McKinley	Sears
Benham	Griest	MacCrate	Shreve
Black	Hadley	Magee	Siegel
Bland, Ind.	Hardy, Colo.	Mapes	Sinclair
Bland, Mo.	Hastings	Mason	Sinnott
Bowers	Hawley	Mays	Smith, Ill.
Briggs	Hayden	Miller	Smith, Mich.
Browne	Hays	Minahan, N. J.	Stephens, Ohio
Burke	Hernandez	Monahan, Wis.	Summers, Wash.
Burroughs	Hersman	Mondell	Taylor, Colo.
Carss	Hickey	Moore, Ohio	Taylor, Tenn.
Chindblom	Hoch	Morgan	Temple
Christopherson	Howard	Mudd	Thompson
Classon	Huddleston	Nelson, Mo.	Timberlake
Cole	Hulings	Nelson, Wis.	Towner
Cooper	Hull, Iowa	Newton, Minn.	Vestal
Crago	Igoe	Nichols, Mich.	Vinson
Crowther	James	Nolan	Voigt
Currie, Mich.	Johnson, Ky.	O'Connor	Volstead
Curry, Calif.	Johnson, Wash.	Osborne	Walters
Dallinger	Juul	Parrish	Weaver
Darrow	Kearns	Pell	Webster
Dickinson, Mo.	Keller	Pou	Welling
Dickinson, Iowa	Kelly, Pa.	Rainey, J. W.	Welty
Dowell	King	Rainey, Ala.	Wheeler
Drane	Kinkaid	Raker	White, Kans.
Dunbar	Kleczka	Ramseyer	Wingo
Dupré	Lampert	Randall, Calif.	Young, N. Dak.
Dyer	Lanham	Reed, W. Va.	Zihlman
Elliott	Lankford	Rhodes	

ANSWERED "PRESENT"—5.

Coady	Madden	Wason	Wood, Ind.
Knutson			

NOT VOTING—160.

Ackerman	Eagan	Hicks	McDuffie
Andrews, Md.	Eagle	Hill	McKenzie
Anthony	Ellsworth	Houghton	McLane
Babka	Esch	Husted	McLaughlin, Nebr.
Barkley	Evans, Mont.	Hutchinson	McPherson
Bell	Fairfield	Ireland	MacGregor
Benson	Fields	Johnson, Miss.	Maher
Brand	Fisher	Johnston, N. Y.	Mann
Britten	Fitzgerald	Jones, Pa.	Mead
Brumbaugh	Focht	Kahn	Mooney
Caldwell	Foster	Kelley, Mich.	Moore, Pa.
Campbell, Kans.	Frear	Kendall	Moores, Ind.
Cantrill	Fuller, Ill.	Kennedy, Iowa	Morin
Caraway	Fuller, Mass.	Kennedy, R. I.	Murphy
Carew	Gallagher	Kettner	Neely
Carter	Gallivan	Kiess	Newton, Mo.
Casey	Gandy	Kreider	Nicholls, S. C.
Cleary	Ganly	LaGuardia	O'Connell
Collier	Glynn	Langley	Ogden
Copley	Godwin, N. C.	Larsen	Oliver
Costello	Goldfogle	Lazaro	Olney
Cullen	Goodall	Lea, Calif.	Overstreet
Davey	Goodykoontz	Lee, Ga.	Paige
Davis, Minn.	Graham, Pa.	Lesher	Park
Dempsey	Griffin	Little	Parker
Dent	Hamill	Luce	Peters
Donovan	Hamilton	McAndrews	Phelan
Dooling	Haskell	McArthur	Platt
Doremus	Heflin	McClintic	Porter

Purnell	Rubey	Snell	Vaile
Rainey, H. T.	Rucker	Steele	Vare
Randall, Wis.	Sabath	Steenerson	Ward
Reavis	Sanders, Ind.	Stephens, Miss.	Watson, Pa.
Reber	Saunders, Va.	Strong, Pa.	Wilson, Ill.
Reed, N. Y.	Scully	Sullivan	Wilson, Pa.
Riordan	Sells	Swope	Winslow
Robsion, Ky.	Sims	Taylor, Ark.	Wise
Rouse	Sisson	Tincher	Woodyard
Rowan	Smith, Idaho	Tinkham	Wright
Rowe	Smith, N. Y.	Upshaw	Yates

So the recommendation of the committee was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. KAHN with Mr. DENT.

Mr. FAIRFIELD with Mr. UPSHAW.

Mr. TINCHER with Mr. JOHNSON of Mississippi.

Mr. HICKS with Mr. OLIVER.

Mr. LANGLEY with Mr. FIELDS.

Mr. ROBSION of Kentucky with Mr. NICHOLLS of South Carolina.

Mr. MCARTHUR with Mr. SISSON.

Mr. KENNEDY of Rhode Island with Mr. EAGAN.

Mr. MCKENZIE with Mr. LARSEN.

Mr. JONES of Pennsylvania with Mr. MCLANE.

Mr. PORTER with Mr. EVANS of Montana.

Mr. MCLAUGHLIN of Nebraska with Mr. KETTNER.

Mr. VARE with Mr. BRUMBAUGH.

Mr. MCPHERSON with Mr. JOHNSTON of New York.

Mr. WATSON of Pennsylvania with Mr. BENSON.

Mr. MACGREGOR with Mr. HEFLIN.

Mr. PURNELL with Mr. EAGLE.

Mr. MANN with Mr. HAMILL.

Mr. HUTCHINSON with Mr. MEAD.

Mr. ACKERMAN with Mr. WRIGHT.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. KIESS with Mr. LESHER.

Mr. ANTHONY with Mr. WILSON of Pennsylvania.

Mr. KREIDER with Mr. LEE of Georgia.

Mr. MOORE of Pennsylvania with Mr. GRIFFIN.

Mr. MOORES of Indiana with Mr. GOLDFOGLE.

Mr. BRITTEN with Mr. TAYLOR of Arkansas.

Mr. MORIN with Mr. GODWIN of North Carolina.

Mr. IRELAND with Mr. MAHER.

Mr. MURPHY with Mr. GANLY.

Mr. NEWTON of Missouri with Mr. GANDY.

Mr. CAMPBELL of Kansas with Mr. SULLIVAN.

Mr. LAGUARDIA with Mr. LEA of California.

Mr. LITTLE with Mr. LAZARO.

Mr. WARD with Mr. BRAND.

Mr. COPLEY with Mr. STEPHENS of Mississippi.

Mr. OGDEN with Mr. GALLIVAN.

Mr. SANDERS of Indiana with Mr. COLLIER.

Mr. SMITH of Idaho with Mr. CLEARY.

Mr. FULLER of Illinois with Mr. ROUSE.

Mr. COSTELLO with Mr. STEELE.

Mr. DARROW with Mr. SMITH of New York.

Mr. WINSLOW with Mr. BARKLEY.

Mr. FULLER of Massachusetts with Mr. RIORDAN.

Mr. GLYNN with Mr. HENRY T. RAINEY.

Mr. GOODALL with Mr. PHELAN.

Mr. DAVIS of Minnesota with Mr. SIMS.

Mr. DEMPSEY with Mr. SCULLY.

Mr. SNELL with Mr. CASEY.

Mr. ELLSWORTH with Mr. SAUNDERS of Virginia.

Mr. YATES with Mr. BABKA.

Mr. GOODYKOONTZ with Mr. PARK.

Mr. STEVENSON with Mr. CARTER.

Mr. GRAHAM of Pennsylvania with Mr. OVERSTREET.

Mr. HAMILTON with Mr. OLNEY.

Mr. STRONG of Pennsylvania with Mr. CAREW.

Mr. PAIGE with Mr. GALLAGHER.

Mr. ESCH with Mr. SABATH.

Mr. HASKELL with Mr. OLIVER.

Mr. HILL with Mr. O'CONNELL.

Mr. SWEET with Mr. CARAWAY.

Mr. HOUGHTON with Mr. NEELY.

Mr. PARKER with Mr. FITZGERALD.

Mr. PETERS with Mr. FISHER.

Mr. TINKHAM with Mr. CANTRILL.

Mr. RANDALL of Wisconsin with Mr. DOREMUS.

Mr. VAILE with Mr. CALDWELL.

Mr. REAVIS with Mr. DOOLING.

Mr. FOCHT with Mr. RUCKER.

Mr. REBER with Mr. DONOVAN.

Mr. FOSTER with Mr. RUBEY.

Mr. HUSTED with Mr. MOONEY.

Mr. KELLEY of Michigan with Mr. MCDUFFIE.

Mr. REED with Mr. DAVEY.

Mr. ROWE with Mr. CULLEN.

Mr. FREAR with Mr. ROWAN.

Mr. KENDALL with Mr. MCCLINTIC.

Mr. KENNEDY of Iowa with Mr. MCANDREWS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The House refuses to agree to the recommendation of the committee and automatically resolves itself again into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 4438, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

The CHAIRMAN. The question is on the committee amendment on page 1 of the bill.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BANKHEAD. Division, Mr. Chairman.

The committee divided; and there were—ayes 70, noes 60.

Mr. BLACK. Mr. Chairman, I demand tellers.

Mr. PARRISH. Mr. Chairman, I ask unanimous consent that the amendment be reported. There are many gentlemen who do not seem to understand it.

Mr. WALSH. I object, Mr. Chairman. We have already voted twice on it.

Tellers were ordered, and Mr. FESS and Mr. BLACK took their places as tellers.

Mr. BLAND of Indiana. Mr. Chairman, I make the request that the amendment be reported. We do not understand what we are voting for. I see no reason why it should not be reported.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

First committee amendment: Page 1, line 4, strike out the words "industry or otherwise" and insert "industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts."

The committee again divided; and the tellers reported—ayes 74, noes 49.

So the amendment was agreed to.

Mr. FESS. Mr. Chairman, I ask for a vote on the next amendment.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 9, after the word "hereby," insert the words "authorized to be."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 4, strike out "1919" and insert "1920."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 6, strike out "1920" and insert "1921."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 7, strike out "1921" and insert "1922."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 2, line 15, at the beginning of the line, insert the words "authorized to be."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next.

The Clerk read as follows:

Page 2, line 19, strike out "1919" and insert "1920."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 20, strike out "1920" and insert "1921."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 21, strike out "1921" and insert "1922."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 24, strike out the word "provided" and insert the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 4, strike out the word "made" and insert the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 7, after the word "shall," insert the words "by a general plan of supervision."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, line 8, after the word "State," insert "and Territories"; and in line 10 strike out "Territories."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, I would like to ask the chairman of the committee in charge of this bill what objection there is to giving the benefits of this measure to the citizens and residents of the Territories of Hawaii and Alaska?

Mr. FESS. The committee did not take jurisdiction over those Territories because we had no jurisdiction.

Mr. JOHNSON of Washington. How can that be? The committee did not have jurisdiction?

Mr. FESS. No; but Hawaii and Alaska are under the Committee on Territories, and we can not enter into the education of people in those Territories, coming from the Committee on Labor.

Mr. JOHNSON of Washington. I would like to say to the gentleman that I am a member of the Committee on Territories, and I feel that if the benefits or blessings or charges, or whatever they are to be, coming from this measure are to be extended to the States they should also be extended to the Territories. Accordingly I offer this amendment, and if it prevails I shall ask permission to place the word "Territories" elsewhere in the bill wherever necessary.

The particular reason for this is that in addition to the desire to give the people resident in those parts of the United States the same rights, privileges, and benefits that we give to people elsewhere, is so that people living in Alaska who have lost an arm or a leg or a hand or an eye need not remove to the States in order to receive these benefits at the expense of the United States and the expense of the States to which they are sent.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. In all the preceding legislation on subjects of this order the Territories were omitted on the basis I have just mentioned. If the Committee on Territories want to include Territories, so far as I know there will be no objection on the part of the committee.

Mr. JOHNSON of Washington. Of course, I can not speak for the whole Committee on Territories. This bill was not presented to the Committee on Territories, and no member of the Committee on Territories has been called before the Committee on Education, so far as I know. I can see clearly that Territories should be added.

Mr. KEARNS. This does not include the District of Columbia.

Mr. JOHNSON of Washington. I have not included the District of Columbia in my amendment, because the District of Columbia does not have District funds in the same way that Territories have funds that could be used in putting up their end of it. The District government apparently is all Federal. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were 38 ayes and 50 noes.

So the amendment was rejected.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Page 1, line 8, after the word "employment" insert a comma and the following: "and in the opinion of the board are unable to carry on a gainful occupation, to resume their former occupation, or to enter upon some other occupation, or having resumed or entered upon such occupation are unable to continue the same successfully."

Mr. GARD. Mr. Chairman, the basis of the present legislation is contained in the act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States. In other words, the basis of this, putting it even on the educational feature, is the practice and policy of rehabilitating the soldier of the late Great War. I hold in my hand the law which gives the discharged soldier the privilege of vocational education, and it contains the same restrictions which I have embodied in the amendment read from the Clerk's desk. If members of the committee will note this significant fact, the bill we have under consideration, on line 4, provides for the rehabilitation of persons disabled in industrial pursuits. The language does not say the degree of disability—even a slight disability may allow one to come within the purview of the law. Whereas the law which we passed providing for education in a vocational way for the discharged soldier provides that he must be unable to carry on a gainful occupation or to resume his former occupation or to enter upon some other occupation.

I am of those who believe we can not go too far in affording relief for those who bore the brunt of battle, and, therefore, I and everybody in the House, I presume, was glad to vote for a law to rehabilitate the wounded soldier.

But there should be no policy which would give the outsider a higher privilege of vocational education than the discharged and wounded soldier. If we insert these words, "carrying on a gainful occupation, resuming his former occupation," and like words, then we have provided a limitation, and it seems to me a rightful limitation against the entrance of a lot of people who may be solicited and brought in by those who may be employed in a great and growing phase of new Government work. By that I mean that he may be very slightly injured and may come within what they call rehabilitation by education.

I take it that everyone must agree that the rehabilitation which gives to a person in any pursuit is not, first, an educational rehabilitation but a physical rehabilitation, since the man must be made well physically before he can respond intellectually to the educational advantages. And I present this amendment seriously for the consideration of the House, because, as I say, I think it affords a proper limitation; and I would not wish to go on record, and I think the House would not, of affording a broader opportunity for a man outside who may be injured slightly getting this vocational education when you have denied it to the soldier unless he is able to carry on a gainful occupation.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GARD. I will.

Mr. BANKHEAD. What board does the gentleman have in mind?

Mr. GARD. The same board that is mentioned in the bill, the Federal Vocational Board.

Mr. BANKHEAD. The gentleman seems to have lost sight of the fact that the actual administration of the retraining of these men will be by the State boards and not the vocational board in Washingon.

Mr. GARD. The national board is a supervisory board; they present the plan and it is under control of the national board, which provides the plan of vocational education.

Mr. FESS. Mr. Chairman, the reason the committee hesitate to accept the amendment of the gentleman from Ohio is that it takes from the Federal rehabilitation law a matter that is purely Federal. The gentleman's amendment would put the eligibility of the subject to be assisted under the control of the Federal Government instead of under the control of the State government. We have no intention of designating to the States who can be trained, leaving that to the States.

Mr. GARD. If the gentleman will agree to an amendment providing that it shall be done by some State board I will offer that—I do not care who does it, if there is some limitation on those who come in.

Mr. FESS. I would not object; but I do not see how we as a body can say to a State board whom it shall admit. We could not prescribe the rules for the State boards.

Mr. GARD. But you do make a qualification. You say "who are without sufficient means to provide for their own rehabilitation." That is the only limitation.

Mr. FESS. Leaving that to the judgment of the State board.

Mr. GARD. Then leave the rest to the judgment of the State board. I ask unanimous consent to modify my amendment so that the word "State" may be inserted before the word "board."

The CHAIRMAN. The Clerk will report the amendment as modified, if there is no objection.

There was no objection.

The Clerk read as follows:

Modified amendment by Mr. GARD: Page 1, line 8, after the word "employment," insert a comma and the following language: "And in the opinion of the State board are unable to carry on a gainful occupation, to resume their former occupation, or to enter upon some other occupation, or, having resumed or entered upon such occupation, are unable to continue the same successfully."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. FESS) there were—ayes 55, noes 60.

Mr. GARD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. GARD and Mr. FESS.

The committee again divided; and the tellers reported—ayes 63, noes 49.

Accordingly the amendment was agreed to.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Mr. Chairman and gentlemen of the committee, in this brief moment that I have under the rules I will not attempt to discuss the bill under consideration, but I want to call your attention to a condition that prevails with reference to the removal and reburial of our dead heroes in France. Recently the subcommittee on foreign affairs of the Select Committee on Expenditures in the War Department made investigation and collected data concerning the whole situation in France. We found that the American dead there were buried in 829 cemeteries, and that there were 75,318 graves. These are all identified but probably about 1,500, and some of these are being identified slowly as new facts and evidence come in. In the month of August they identified 150 graves. The Graves Registration Service in France, which is an Army organization in France, believes that it is the best thing to do to concentrate all these graves into one or more magnificent cemeteries in France, and I think they are of the impression that such action will soon be taken in Congress so as to start them on their work of concentrating these graves. They stated to our committee that they were waiting now for a definite policy to be declared before beginning concentration. I think this is the proper thing for them to do in view of the fact that it would be a tremendous amount of trouble and expense to reinter these bodies in France and later take them up and move them to America. A bill has passed the other branch of this Congress and is now pending before this body authorizing the expenditure of $500,000 for concentrating the graves in France, and I am of the impression that this is the bill upon which the Graves Registration Bureau is waiting upon for a declaration of policy, and if this bill passes the bodies of our soldiers will be gathered from the 829 cemeteries and taken to one concentrated cemetery.

That means that they will be there forever. Now, my colleagues, I have no doubt but what these bodies will be carefully moved to a beautiful spot, which would be made much more beautiful as the years go on, as a last resting place for the heroes of this Great War; but it is my unalterable opinion, after considerable thought and investigation and after hearing from many of my constituents, that the question of whether the bodies should be brought back to America should not be determined by the War Department, nor by any hasty, ill-considered action on the part of Congress, but it should be determined upon the wishes of the parents and relatives of those who gave their lives to the cause. We promised the parents that we would bring the bodies of their loved ones home. We certainly can not fail in this solemn duty, and I warn you now that unless we do something soon a permanent policy will be fastened upon us with reference to the last resting places of these heroes, which will be difficult and expensive to change.

Mr. GARD. Will the gentleman yield?

Mr. BLAND of Indiana. I will yield to the gentleman in a moment. These more than 75,000 graves are scattered all over France. France has taken the position that we should not bring them home within three years, and I know it is their belief that we ought not to bring them home at all. The American Expeditionary Forces for the most part—although there is a divergence of opinion—have taken the position that they ought to remain where they fell. The representative of Graves Registration, who testified before us, expressed this opinion and contended that it is almost impossible to bring them home, and that almost insurmountable difficulties, if not insurmountable difficulties, presented themselves against moving these bodies to America. The chief objection raised was the question of transportation in France; also the attitude of the French Government. Now, I introduced a bill to-day, and I want to insert a copy of the same in the RECORD, which provides that a commission be appointed to ascertain the wishes of the relatives and to proceed at once to get the data and information and adopt rules and regulations and determine upon a plan for bringing these bodies home, and to proceed to do so within the next two and a half years.

I do not mean that these bodies should be brought home now. I have studied this question considerably and I have arrived at the conclusion that it is not possible, nor advisable, for many reasons, to undertake to bring these bodies home immediately; but we ought to be making arrangements now to bring them home at the earliest possible date. I yield to the gentleman from Ohio.

Mr. GARD. Mr. Chairman, I desire to state to the gentleman that I hold in my hand the copy of the statement of the Secretary of War, in which he says this, if the gentleman will permit me to read it:

In view of the very large number of dead interred in France, and the fact that they are in well-kept and well-cared-for cemeteries, and that those cemeteries will constitute a great field of honor in France, the War Department hopes that a large number of parents will sympathize with the feeling of the department that it is the wiser and better course to leave those bodies in France; but the War Department has promised to return the bodies of those whose families insist upon it as soon as arrangements can be effected.

Mr. BLAND of Indiana. Mr. Chairman, there has been but one body returned from France—that is, the body of a man who died in the line of duty—and that was the son of Gen. Harries, who died in an automobile accident at Brest, France. As far as I know, the War Department has made no arrangements for bringing these bodies home nor are they contemplating being required to perform this task. I am not sure that they have the authority to do so, and I certainly am not blaming them for not doing so until some definite policy is determined upon by Congress, and I think that Congress should be guided, not by what the War Department or the individual Members of Congress might in their cold calculation think best but that we should be guided by the prayers and wishes of the parents and relatives—the mothers and fathers are the ones to determine the policy. Adjt. Gen. Harris informs me that they have tried to ascertain the wishes of the parents and relatives with reference to the return of the bodies of their relatives; that many of them have not answered his query, but that of those who did answer there are at least 75 per cent or more in favor of having the bodies of their relatives brought home. Of course, it is the intention to remove all bodies forthwith out of Germany.

Mr. GARD. That is what the War Department says. If the parents want the bodies brought back, they will be brought back.

Mr. BLAND of Indiana. The testimony before this committee is to the effect that the organization of the War Department is waiting for authority and an appropriation to enable them to concentrate the graves in France. I think they have plenty of information from the parents to the effect that a great majority of the parents want their sons' remains returned.

Mr. GARD. This is the authorized statement of the Secretary of War.

Mr. BLAND of Indiana. The bill I refer to was introduced in the other body by the Senator from Missouri, and I have no doubt but what it expresses the wishes and intentions of the

War Department. There are some parents who want the remains of their sons to continue to rest in French soil. If that is their wish, it should be supreme as to their sons, but this should not interfere with bringing home the loved one of the other parent who would be inconsolable if their loved one was not brought back to American soil. Most of those who want the remains of the one they gave to this service to remain in France are people who are financially able to make the pilgrimage to France to visit the grave, as has been the case with Mrs. Theodore Roosevelt. There are many parents of soldiers who are not physically or financially able to make this trip, and I am especially concerned and interested in obtaining their viewpoint. I have heard from many of them, and I know that many of you gentlemen have also been informed of their wishes.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. BLAND of Missouri. I understand the War Department has issued an order to return all of the bodies of American soldiers from England, Belgium, Luxemburg, Russia, and Italy, and that the French Government has for the time being made application, or rather requested this Government, on account of the morale of the French nation, not to return the bodies from France because of the large number that might be returned. I further understand that it is the intention of the War Department to return these bodies as soon after the first of the year as it possibly can.

Mr. BLAND of Indiana. It can not be done at this time.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to proceed five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. In a moment. I will say to the gentleman that I do not know of any provision of law whereby the War Department is enabled to bring back, or is bringing back, any of these bodies at an early date, and, to be frank with you, I doubt the feasibility of bringing the bodies home from those countries immediately. I do know that in France to-day there is a bill pending before the Chamber of Deputies preventing the removal of bodies in France, which includes American bodies, for a period of three years, and that the President of France has issued a decree putting that law into force. This action is actuated by two motives. There are the graves of 4,500,000 people who fell in this war now sleeping in French soil. More than half of these are French. They fear an attempt on the part of America to remove these bodies at this time would bring forth agitation to remove French bodies, which would result in enormous economic loss to France. Besides, the future pilgrimages of American parents and relatives to the graves of their fallen heroes in France is not entirely objectionable to the Frenchman. France is naturally a haven for tourists, and the French reap a great harvest from the tourists. There is not the same necessity for the removal of French bodies as there is for the removal of American bodies. The French soldier is sleeping on his own soil. The Republic is small and the parent can quickly go to the grave of the son. It is otherwise with American parents. We must not overlook the fact also, gentlemen, that we may not always be at peace with France, and I am sure that those interested in having their loved ones brought home will always feel more secure if they rest in American soil. One of the reasons given by the graves registration service why we should not remove these bodies was that the Americans and Chinese are the only people in the world who remove their dead. As far as I am concerned, I am willing to take my position along by the side of the Chinaman if the American fathers and mothers of these soldiers who fell in this great conflict want the bodies of their heroes removed. We moved them from the Philippines and brought them across the great expanse of water that they might rest in the soil that they were fighting for, and I am not going to permit the insinuation that the boys who fell in France were not fighting for the interest and the preservation of the land of their birth and devotion, although there has been much said about crusading and unselfish sacrifice, and so forth. It is true that all of the bodies shipped back from the Philippines were not claimed by relatives, and in my bill I intend to provide against this by arranging it so that only those whose relatives want them shall be brought back.

Mr. HUDDLESTON. If the gentleman will permit, I desire to call his attention to the fact that his colleague [Mr. WOOD of Indiana] introduced a similar measure some weeks ago, and it is before the House Committee on Foreign Affairs, and in our hearings there it developed that an agreement had been made whereby we undertook not to remove the bodies until the last of our soldiers had been brought back from France. There the matter is being taken up. Now, in reference to the measure pending in the French Assembly, at the request——

Mr. BLAND of Indiana. I only yielded for a question.

Mr. HUDDLESTON. I wanted to give the gentleman that information.

Mr. BLAND of Indiana. I have that information.

Mr. HUDDLESTON. The action was withheld at the request of our Government and that measure is not in force——

Mr. BLAND of Indiana. There is no one there to remove any bodies before the first of the year. I have the resolution referred to here before me, and it merely provides that we request the Government of the Republic of France to modify its law with reference to the bringing home of our dead. Whatever action we take toward determining our future policy should be taken before the first of the year. Anyone who has studied this question and is looking into the future, I believe, will arrive at the conclusion that this Government should not now determine upon a policy, and especially an expensive one, which would in the future prevent or tend to prevent the movement of these bodies back to America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Why should we not bring them back now? I ask that the time of the gentleman be extended for two minutes.

Mr. CANDLER. Make it five minutes.

Mr. BLAND of Indiana. I would be very glad indeed to answer in three minutes.

The CHAIRMAN: Is there objection to the time of the gentleman being extended for three minutes? [After a pause.] The Chair hears none.

Mr. BLAND of Indiana. The gentleman asked why it is not possible to bring them back now.

Mr. HASTINGS. I am in favor of bringing them back now.

Mr. BLAND of Indiana. I am not, and I will tell the gentleman why.

Mr. HASTINGS. The sooner the better; and I think that every American boy ought to be brought over here and buried in American soil.

Mr. BLAND of Indiana. That is right, as soon as it is practicable to do so.

Mr. HASTINGS. And I have always entertained that view.

Mr. BLAND of Indiana. I only differ with you as to when they should be brought home.

Mr. HASTINGS. Why?

Mr. BLAND of Indiana. I visited the great cemetery at St. Romagne, where 23,000 boys were interred. Most of these fell in the Argonne-Meuse offensive. I visited a number of cemeteries. I saw them bring in the bodies from the battle areas and bring in new bodies that had been discovered. You could hardly go near the men or conveyances. It is too grewsome a thing to talk about, and probably we ought not to discuss it. The parents will never be able to recognize the form of their loved one. They are sensible and know this. It is a terrible task to perform, and for sanitary reasons alone it should be postponed for a little while; in fact, the opposition of the French Government against the wholesale removal of American bodies at this hour is, in a sense, justified on account of sanitary reasons alone. This reason will not prevail in a little bit. It is thought that by the time the extensive arrangements required are made we can move them without the objection that now prevails. In my opinion, Mr. Chairman, the contention of the graves registration service that the problem of transportation is insurmountable is not well founded. To my mind it is absurd to contend that the American Government, which does big things in a big way, can not remove a portion of 75,000 bodies back to this country. It is contended that labor in France is scarce. I happen to know that the French airplane factories, making planes for America, continued to run after the war to give Frenchmen employment. We can find the labor, we can find the transportation—both railroad and water transportation. Water transportation will be the least of our troubles. The expense will probably be considerable, but, as was said by Maj. Shipman, who testified for the registration service, "If it were practicable and possible, the expense is a matter of the least importance."

Mr. CANDLER. Will the gentleman yield?

Mr. BLAND of Indiana. I will.

Mr. CANDLER. The Secretary of War has issued the order referred to by the gentleman from Missouri with reference to bringing these bodies home. I think, like the gentleman from Oklahoma, that the sooner we bring them home the better, and

I would like to ask the gentleman if there is not some law upon the statute books now authorizing the return of these bodies.

Mr. BLAND of Indiana. I know of none; yet I may be in error. But if you inquire at the War Department you will find that its hope is for concentrated cemeteries in France, and, in my judgment, the War Department is now waiting the outcome of the bill, which recently passed the Senate and which I am to-day warning you against.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. Is there not a provision in the Army appropriation bill now providing for bringing them back?

Mr. BLAND of Indiana. I do not know.

The bill, H. R. 9927, is as follows:

A bill authorizing the appointment of a commission to remove the bodies of deceased soldiers, sailors, and marines from foreign countries to the United States, and defining its duties and powers.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission to be known as the reinterment commission, consisting of five persons, one of whom shall represent the Army, one of whom shall represent the Navy, one of whom shall represent the Marine Corps, and two to be appointed from and represent the civilian population of the United States; that said commission shall forthwith examine into the subject of the reinterment of all soldiers, sailors, marines, and other persons connected with the American Expeditionary Forces whose remains are now beyond the territorial limits of the United States, and, at the earliest practicable date and before the 1st day of January, 1920, file with the President, to be by him transmitted to Congress, a detailed statement of its conclusions and recommendations and as to what further legislation or action, if any, is deemed necessary for the proper carrying out of the purposes of this act.

SEC. 2. That said commission is further authorized and directed to ascertain the wishes of the relative or relatives of said deceased soldiers, sailors, marines, and other persons as to whether it is the desire of such relative or relatives to have such bodies reinterred in the United States. When such information is obtained said commission shall, on or before the 1st day of January, 1922, cause all of such bodies and remains of such soldiers, sailors, marines, and other persons whose reinterment shall be desired by said relative or relatives, to be reinterred in the United States in the cemetery or burial place designated by such relative or relatives; and said commission is hereby empowered to make rules and regulations governing its conduct in the ascertainment of facts and to subpœna and administer oaths to witnesses, if necessary.

SEC. 3. That said commission is hereby authorized to employ a secretary and such clerks and laborers as may be necessary, to purchase all necessary office and other equipment, and to enter into contracts and agreements for the proper carrying out of the purposes of this act: *Provided*, That no employee shall receive compensation hereunder exceeding a rate of $5,000 per annum.

SEC. 4. That the compensation of each member of the commission created by this act shall be at the rate of $5,000 per annum.

SEC. 5. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act the sum of $50,000,000, or so much thereof as may be necessary, which amount shall be disbursed by said commission through an officer appointed by it, who shall be required to give bond in such sum as the commission may fix for the faithful performance of duty.

Mr. LEHLBACH. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent to proceed for 10 minutes.

Mr. BLACK. Reserving the right to object, on what subject?

Mr. LEHLBACH. On the subject on which for the last two days I have been trying to get a few minutes in which to reply to the gentleman from Tennessee [Mr. MOON]. Will the gentleman reserve his objection for a moment?

Mr. BLACK. I will.

Mr. MOON. Mr. Chairman, I hope there will be no objection made to the gentleman's request.

Mr. FESS. Reserving the right to object——

Mr. MOON. The gentleman certainly ought to be heard on the question if he wants to be heard. I only ask it to save time. If I see anything that I want to reply to, I should at least have half the time.

Mr. FESS. Reserving the right to object, I do not want to object if I know we are going to stop this pretty soon. If this is the last request, I shall not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. It is understood, Mr. Chairman, that I ask for one-half of the amount of time that the gentleman occupies.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may proceed for five minutes in reply. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. Mr. Chairman, on Saturday last the gentleman from Tennessee, of the Committee on the Post Office and Post Roads, insinuated on the floor of this House that I had preferred false charges against the Postmaster General's Department, and in support of that charge he inserted correspondence between him and the Postmaster General in the RECORD. The gentleman spoke as follows:

Mr. Speaker, on the 11th of September a debate occurred in the House in reference to the Newark, N. J., post office and the action of the Postmaster General in attempting to control, as was alleged, the Civil Service Commission in the appointment of an official—a postmaster. This debate is fully set out in the RECORD; and in it the gentleman from New Jersey [Mr. LEHLBACH] charged not only that the post-office inspectors were falsifying records but he charged the Postmaster General with stating that which was not true in reference to the matter.

Then he stands sponsor for a denial of the charge I am alleged to have made on September 11 and inserts, in support of the fact that my charge was false, this correspondence to which I have alluded. Now, it seems to me that when a Member of this House stands sponsor for a charge of falsehood against a colleague, and states that it occurred in the course of a certain debate, he ought at least to take the trouble to read that debate; and if he had he would have found that subject was not mentioned at all on September 11. As a matter of fact, I said nothing concerning the falsifying of any statement by post-office inspectors on September 11, and did not in the remotest allude to the incident in which that falsification did occur. What I stated on September 11 was this, that there existed throughout the United States a large number of vacancies in post offices of the presidential class, and that these vacancies remained unfilled because of the unwillingness of the Postmaster General to follow the plain dictates of the President's order of March 31, 1917.

And in order to ascertain how long these vacancies did exist and where they existed, when a request for examination had been made to the Civil Service Commission, when they had certified a list of eligibles to the Postmaster General to submit under the general order, a resolution was passed. And as an example of what existed in the country, I pointed to the situation in the post office in the city of Newark, N. J., where, since the 1st day of May, 1918, we have been without a permanent postmaster, and where the highest on the eligible list, a former incumbent of that office, was refused the appointment because he did not suit the Postmaster General; that the Postmaster General had asked the Civil Service Commission for a rerating; that after examining into the question they had refused the rerating, but stood by their original act; that notwithstanding that fact, the Postmaster General refuses to carry out the order of the President and submit the name of that first eligible for appointment. I merely spoke of the Newark office as an example of what is going on all over the country. The vacancies of this character, the Postmaster General has since informed us, are to the number of 766 throughout the country.

Now, this is what the Postmaster General—and when I use the term "Postmaster General" it may be the First Assistant Postmaster General or anybody for whom he is responsible—says, in speaking of this Newark post-office situation, the highest eligible being Mr. Bock:

It is also contended by the First Assistant Postmaster General that the ratings given Mr. Bock and Mr. Entemann do not accord with the papers on file in this case. Mr. Bock has a business rating of 75, which seems to have been given him on the ground that he was formerly postmaster, and without any attempt to establish whether he personally discharged the duties of his position at that time or whether the condition of the Newark post office was due to any work on his part.

They say the rating is wrong because they have nothing to show here in the civil-service records or in the post-office records whether Mr. Bock while postmaster of Newark is entitled to credit for conditions in his office. And yet there is on file in the Post Office Department, by its own inspectors, this concerning Mr. Bock:

Interviews with employees and patrons of the office disclosed that the postmaster has devoted, since he assumed charge of the office, about six hours daily to his official duties. While he has no fixed office hours, as a rule he reports at the office about 9 a. m. and remains thereat until noon, returns to the office about 2 p. m. and remains until 5 p. m., and frequently visits the office in the evenings after business hours.

The official duties performed by him consist of general supervision of all divisions of the office; personal attention to complaints by the public and to all correspondence of importance; reviewing reports and financial statements of the office; selecting employees and assigning their duties; the discipline of employees and presiding at semimonthly conferences of the various supervisory officers for considering ways and means of improving the local service; and making daily tours of the workroom and the various divisions of the office. It might also be stated that he has, since January 1, 1913, given much personal attention to the inauguration and handling of the parcel-post system.

From careful inquiry and observation we are satisfied that, as a result of the intelligent personal attention the postmaster has devoted to the office, there has been much improvement in the service, and this is a subject of frequent favorable comment on the part of the employees and the public.

And yet they say there is nothing to show that he is entitled to any credit under the rating of "business experience" on account of his previous conduct of that office. This is taken from the files of the Post Office Department in 1913, when Frank J. Bock was postmaster.

The Postmaster General brought up the subject at a subsequent date and claimed that Frank J. Bock had at one time been charged with political activity as treasurer of the Republican county committee. That charge had been investigated by the Civil Service Commission after the post-office inspectors, and he had been cleared of it, and the Postmaster General acquiesced in the vindication of Mr. Bock and permitted him to serve three years longer after the charges had been dismissed by the Civil Service Commission. When the Postmaster General brought in this question that had been settled and decided by the judgment of the Civil Service Com-

mission over six years ago I then replied that the report of the post-office inspectors in that case was based in part upon statements of witnesses in Newark, which were subsequently falsified, and that the department had based its action on falsified statements. I am not going to take up much of the time of the House, but I am going to read the affidavit of a man who has been well and favorably known all his life in Newark and who was assistant postmaster of Newark under four different postmasters, some being Republicans and some being Democrats, and as good a citizen as resides in Newark. I read:

STATE OF NEW JERSEY,
County of Essex, ss:

William F. Cyphers, of full age, being duly sworn according to law, upon his oath says that he entered the Postal Service in the city of Newark in the year 1898; that he continued therein until April 1, 1918, serving under the following-named postmasters: David D. Bragaw, James L. Hays, Frank J. Bock, and John F. Sinnott. Throughout this period of 20 years he acted as assistant postmaster. In the spring of 1913, during the postmastership of Frank J. Bock, he was examined by two men who represented themselves to be post-office inspectors, whose names he does not know; that these men questioned him at length and purported to take down in writing what he said; that these statements he so made were never submitted to him by these post-office inspectors nor was he asked to sign them; that to the best of his knowledge the questions he was asked on this occasion dealt principally with the question whether Postmaster Frank J. Bock held political conferences in his office in the post office and whether he habitually received visitors there for the discussion of political business; that he stated in answer to such questions that his room as assistant postmaster adjoined the room occupied by Postmaster Frank J. Bock; that there was a connecting door and that at no time was this door closed, and that consequently he had a general knowledge of the business being conducted by Mr. Bock in his office during office hours; that to the best of his knowledge no political conferences took place and that Mr. Bock did not devote his time in the post office in attending to or discussing political matters nor was he in the habit of receiving during such business hours visitors on such political business.

Deponent further stated to post-office inspectors, in answer to their inquiries, that he handled all official mail addressed to the postmaster, and that it was his habit to lay aside such mail as was addressed to Mr. Frank J. Bock by name; that practically all of such mail so laid aside was by Mr. Bock referred to him for his attention, and that Mr. Bock received practically no mail in his office as postmaster which was not on postal business and which as such passed through deponent's hands.

Deponent further says that some time subsequent to the taking of his statement by postal inspectors as aforesaid, a Mr. Doyle, who introduced himself as secretary of United States Civil Service Commission, came to the Newark post office and spent a number of days there in making an investigation; that deponent placed at his disposal desk room in his own office; that Mr. Doyle showed to him a writing which he informed deponent purported to be a copy of the statement which deponent had made to the postal inspectors in the manner above related; that deponent read such statement and immediately called to the attention of Mr. Doyle certain and sundry alleged statements ascribed to him in said writing which he in fact had not made to the postal inspectors and which in fact were not true. Mr. Doyle thereupon reduced to writing the information thus given him by deponent in the form of an affidavit in which affidavit was incorporated the truth regarding Mr. Bock's alleged activities, and also the fact that the paper shown him by Mr. Doyle purporting to contain deponent's statement to the postal inspectors included falsifications of his statement to the postal inspectors.

WILLIAM F. CYPHERS.

Subscribed and sworn to this 6th day of October, 1919.

DAVID LESNICK,
Master in Chancery of New Jersey.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The gentleman from Tennessee [Mr. MOON] is recognized for four minutes.

Mr. MOON. Mr. Chairman and gentlemen, I really do not know that there is anything that the gentleman from New Jersey [Mr. LEHLBACH] has said that calls for any special reply from me except the reference to the debate of September 11. A reference to that debate will show that the gentleman not only charged the post-office inspectors with changing and falsifying records, but charged the Postmaster General with lying about his relations with the Civil Service Commission in these matters.

Now, as a matter of fact in these first, second, and third class post offices there is no law that gives the Civil Service Commission any control over the matter. It is only under the President's order that they act as a matter of courtesy to give the information as to the fitness of the applicants for postmaster.

Now, I said the other day, and I repeat it, if a gentleman has made a statement upon this floor which under the facts which develop afterwards he finds to be incorrect, as a gentleman he must retract them. It is a very serious thing to say that a Cabinet officer has lied about the discharge of his duties. The gentleman from New Jersey does not retract what he has said, but he practically repeats what he has said. I assume therefore that the gentleman believes that he is correct in what he said or else, as a gentleman, he would apologize for having made a misstatement. I assume that the gentleman thinks he is correct. Then is it not true that in the estimation of every honorable man, when he has made a charge of that sort, he must make it good by the proof? What proof has he offered here to sustain his charge in face of the denials in the traverse and the record of the evidence offered by the Postmaster General that I put in this record, that shows that the gentleman was mistaken about the whole matter? I said further that if a man would not apologize for an error, but believed it to be true, he must offer proof to sustain it, and if he did not do it—would do neither—he must be relegated to a position of degradation as having breached the rules of the House of Representatives without having the manhood to stand by the position that he has taken, by the proof, or offering an apology.

Now, what has the gentleman done along that line? I am not here to say that the gentleman has degraded himself. I am not here to say that he has spoken falsely. I said in my discussion of the matter before that I did not know whether he was correct or not, that I had no reflection to make upon him. I laid down a general rule, that is recognized as binding, to control the conduct of gentlemen. He can bring himself under those rules if he wants to. If he does not, if he does not see fit to do that, and if he does not apologize or make good his charges, in view of the traverse and the evidence showing that the gentleman was incorrect, then let him take that position in the judgment of the honest men of this House—and I include him among the number—to say what the opinion of the House ought to be concerning that sort of conduct.

I will ask the gentleman, Does he feel in connection with this matter that in view of the very unkind things he has said about the Postmaster General, in view of the fact that there is nothing to sustain those charges, that he stands to-day as a Representative on the pedestal of honor, or is he in darkness at the foot of the throne of degradation?

Mr. LEHLBACH. Will the gentleman yield?

Mr. MOON. I was about through, but I will yield.

Mr. LEHLBACH. I merely want to say the gentleman reiterates that in the debate on September 11 I made the charge of falsification against post-office inspectors.

Mr. MOON. I say that in the debate on that day you charged the Postmaster General with having not told the truth in reference to the matter.

Mr. LEHLBACH. The question was not brought up until the 24th of September.

Mr. MOON. It may be the gentleman is correct as to the date. You do not deny that you said that, do you?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I neglected to ask unanimous consent to revise and extend my remarks.

Mr. MOON. I object to the extension of remarks of that kind.

The CHAIRMAN. The gentleman from Tennessee objects.

Mr. CARSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. CARSS: Page 1, lines 7 and 8, strike out the words "and who are without sufficient means to provide for their own rehabilitation."

Mr. CARSS. Mr. Chairman, I have offered this amendment to bring the attention of the committee to the fact that if a workingman engaged in industry is injured and he happens to be possessed of a little money, or if he belongs to an organization that pays him a benefit, he is barred under the law from receiving rehabilitation. It seems to me that that places a handicap on him that should not be placed on him.

Mr. FESS. Will the gentleman yield?

Mr. CARSS. Yes.

Mr. FESS. I will state to the gentleman from Minnesota that that was not in the bill as originally introduced, but was placed in it by an amendment voted in by the Senate after considerable discussion; and as far as I am personally concerned, and the members of the committee, we do not seriously resist the amendment.

Mr. CARSS. I am very glad to hear the gentleman say so, and the fact that he admits that they do not resist this amendment is pretty good evidence to me, and should be to the rest of us, I think, that the amendment should be agreed to.

Mr. EMERSON. Mr. Chairman, I rise in opposition to the amendment.

I shall vote for this bill and I am not entirely in sympathy with opposition to it. The first opposition seems to be old State rights. I had supposed that the question of State rights was settled a great many years ago. But when the question came up here to prevent children from working in facorties old State rights came up. When other questions come up here old State rights is often pushed in here as a reason why this or that particular bill or amendment should not pass. I am not in sympathy with it.

Another objection that is presented to this bill is the question of economy. It seems that the question of economy is very

seldom raised here, as the ex-Speaker [Mr. CLARK of Missouri] has said, but it seems to some gentlemen to be a very opportune time to bring in economy when the matter of education is under consideration.

I believe in education. I do not think we spend money enough on education. I think it is the duty of this Congress and the duty of this country, if this Republic is to live, to spend every dollar that it can on education. Gentlemen talk about the cure of Bolshevism, and I. W. W.ism, and socialism, and anarchy, and things of that kind. The best remedy I know of to cure them is education. It should not be left entirely to the States. A Republic can exist only when a great majority of the people in it are intelligent enough to cast their ballots properly, and to understand the questions that come before them on each election day. We should encourage education of all kinds. The Government should encourage it. I sometimes think it would be a good idea if the Government itself took control of the question of education. If we had had a good, strong, healthy American sentiment in this country before April, 1917, we would never have had to go to war with Germany. The German Government believed that we would not go to war with them under any circumstances. The reason they believed that was because they felt that there was a sort of un-American sentiment in this country against war and against going to war with them. They thought an organized minority in this country could perhaps prevent the Congress of the United States from declaring war against the Imperial German Government. What we need in this country is a strong, vigorous, healthy American sentiment, and the only way that can be produced is through the schools and colleges of this country. [Applause.]

Mr. Chairman, the judges of the common pleas court of Cuyahoga County, Ohio, in which county the city of Cleveland is located, have appointed a conservancy commission, the objects and purposes of which are to make the Cuyahoga River more navigable and to control the waters of that river so that the supply may be more evenly divided during the season of navigation.

This is a legally constituted body and has the right to levy a tax for that purpose. At the request of parties interested I have made an investigation during the past two weeks as a member of the Rivers and Harbors Committee of this House. While this conservancy commission is authorized by law to control the water supply, over half of the benefits of their work will help navigation.

Congress has pledged its support to this project some years ago, and I will ask this Congress at its next sesion to assist financially in bringing about the successful conclusion of this work.

There are many industries located along the banks of this river, and if the Government will cooperate with this new conservancy board the Cuyahoga River may be made navigable for many miles.

Millions of dollars worth of commerce pass up this river every year and millions of dollars are invested in industries along its banks.

The city of Cleveland has done more than its share to assist in widening and straightening this river, and I feel that the Government should work in conjunction with this conservancy board and help these men who have invested millions in the industrial life of the city of Cleveland.

Thousands of tons of iron ore are landed in Cleveland from up the Lakes every year. Thousands of tons of coal are shipped to Cleveland every year and thousands of tons of steel are manufactured there every year.

I wish to urge the Members of this House to study this situation and I assure you that I am ready and willing to give them any information that they may desire.

Cleveland has waited long for this assistance and the citizens of that city have done more than their part.

There is no harbor in the United States where the expenditure of a few thousand dollars would help build up the commerce of this country more than in the city of Cleveland.

Mr. GARD. Mr. Chairman, I rise in opposition to the amendment. It is certainly wise for us to legislate with our eyes open. I fear sometimes members of the committee accept all too lightly things that come from the governing committee having the matter in charge. Just what are we doing? This is intended to be a bill to provide vocational rehabilitation for those who are unable to help themselves. A few moments ago we adopted an amendment putting further restrictions on the bill.

Now, an amendment is offered to strike out "without sufficient means to provide for rehabilitation and their return to civil employment." This means that the field is wide open. No matter if a man is worth $100,000, if he falls off a mule in his own barnyard and sprains his ankle you can go so far as to put him in one of these institutions where he can be rehabilitated at the public expense. That is precisely the situation made by the amendment offered by the gentleman from Minnesota, when he wants to strike out those words. The real object of the bill in the minds of the proponents must have been to afford relief to the man who could not help himself. We are traveling far, far afield on the original proposition, gentlemen of the committee, but when we go so far as to say no matter what a man's financial responsibility may be, if he be worth $50,000, $100,000, $500,000, if he be injured in trade or commerce, if he be a wholesale grocer and a barrel rolls on his toe, you can send him, at the public expense, to one of these institutions where the United States of America provides dollar for dollar, surely that is not intended in this bill.

I will go as far as anyone in my desire to aid the afflicted in this country, but I do not believe that you should draft a bill to afford relief to those who are abundantly able to help themselves.

Mr. CARSS. Will the gentleman yield?

Mr. GARD. Yes.

Mr. CARSS. This is to be a public institution.

Mr. GARD. What is?

Mr. CARSS. The rehabilitation schools.

Mr. GARD. Not necessarily, you may take it up in a private institution.

Mr. CARSS. No; they are administered under the State government. Would the gentleman bar a man from sending his children to a public school because he happens to be worth $100,000?

Mr. GARD. Certainly not.

Mr. CARSS. Then how can you bar a man because he is worth $100,000 from taking advantage of an institution the support of which he helps to pay for?

Mr. GARD. Because these men can take care of themselves; take the case that I cited of the wholesale grocer, if a barrel rolls on his foot.

Mr. BANKHEAD. He would not be covered by this bill.

Mr. GARD. Certainly he would, and he could go to a rest cure at public expense and he has plenty of money to pay for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NOLAN. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Minnesota [Mr. CARSS]. I do not think you will accomplish the purpose of this bill unless you adopt this amendment. The restrictions put on the bill a short time ago provide that a man shall be rehabilitated in certain pursuits and industries. I think it is far-fetched for the gentleman from Ohio [Mr. GARD] to bring in the case of a man worth $100,000 who might be engaged in work in his own place and a barrel of sugar rolling over his foot and think for one moment that that man is going to secure the benefits of rehabilitation, putting in his time and becoming rehabilitated and reeducated when he does not need it.

This is along the line of the workmen's compensation act in the State of Ohio, and there is not a State in the Union that has a better workmen's compensation act than has the gentleman's own State.

Let me call attention to the fact that there is no restriction in the State of Ohio as to how the workmen's compensation law shall be applied. It makes no difference whether a man has got a little home and enough money coming in from the outside sources to sustain him during the period of his illness when he is incapacitated, but he gets a certain stipulated sum.

He gets certain hospital treatment, he gets certain surgical appliances, he is entitled to certain considerations under that law. They do not raise the distinction that would be raised in this bill, unless the amendment of the gentleman from Minnesota [Mr. CARSS] is adopted. If this thing is to be practical, it ought to be applied generally; it seems to be that that restriction in there should be stricken out, and the amendment offered by the gentleman from Ohio will accomplish the result.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. GARD. I am very glad that the gentleman said what he did about the Ohio law, but he realizes that the compensation law in the State of Ohio is worked out in that State alone and is worked out by assessment on the manufacturing concerns which are protected and that every man in industry there is protected. It does not extend to commerce and trade as this bill does.

Mr. NOLAN. That is the theory of the proponents of this bill, that society will bear the expense of the rehabilitation of these cripples.

Mr. GARD. But the industry in which a man works pays for the disability, not the Government; that is the distinction.

Mr. NOLAN. Industry and society ought to take care of the industrial cripples and ought to take care of the man who happens to be sick and disabled in industry. That is what the workmen's compensation law does, but this goes further. It seeks to make a man a useful member of society instead of an object of charity, putting him on the street corner selling lead pencils or putting him in the mendicant class. He is to be rehabilitated so that he may be a producer. That is the fundamental principle underlying this sort of legislation. I hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. NOLAN) there were—ayes 33, noes 19.

So the amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. CONNALLY) there were—ayes 22, noes 50.

So the committee refused to rise.

Mr. WOOD of Indiana. Mr. Chairman, I have an amendment which I desire to offer.

Mr. FESS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4438 and had come to no resolution thereon.

Mr. FESS. Mr. Speaker, will this bill have the right of way on Thursday?

The SPEAKER. The Chair would think so.

ADJOURNMENT.

Mr. FESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Wednesday, October 15, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting proposed draft of a bill to authorize the reenlistment or reinstatement of enlisted men, deserters from the naval service, if pardoned by the President, and for other purposes (H. Doc. No. 266); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the chairman of the Interstate Commerce Commission, transmitting a copy of the report of the commission in valuation docket No. 4, the Kansas City Southern Railway Co. et al. (S. Doc. No. 130); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 3621) to establish load lines for certain vessels, reported the same without amendment, accompanied by a report (No. 377), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS of Nebraska, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9183) authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn., reported the same without amendment, accompanied by a report (No. 378), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SANDERS of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9697) to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La., reported the same without amendment, accompanied by a report (No. 380), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3096) authorizing the construction of a bridge across the Red River at or near Moncla, La., reported the same without amendment, accompanied by a report (No. 361), which said bill and report were referred to the House Calendar.

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 9412) to authorize and direct the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, and the Treasury Department for the use of Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, reported the same with amendment, accompanied by a report (No. 383), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 9782) to regulate further the entry of aliens into the United States, reported the same with amendment, accompanied by a report (No. 382), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ZIHLMAN, from the Committee on War Claims, to which was referred the bill (H. R. 3791) to pay the heirs of Lewis J. Blair, late lieutenant colonel of the Eighty-eighth Regiment Indiana Volunteer Infantry, amount due him in the Court of Claims, reported the same without amendment, accompanied by a report (No. 379), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9867) granting an increase of pension to Emma R. Walters, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 9924) to aid in winding up the affairs of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. HAMILL: A bill (H. R. 9925) to provide an extension to the post office at Jersey City, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 9926) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

By Mr. BLAND of Indiana: A bill (H. R. 9927) authorizing the appointment of a commission to remove the bodies of deceased soldiers, sailors, and marines from foreign countries to the United States, and defining its duties and powers; to the Committee on Foreign Affairs.

By Mr. HASTINGS: A bill (H. R. 9928) to define the status of and to remove the restrictions from certain members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. JONES of Texas: A bill (H. R. 9929) for the erection of a public building in the city of Quanah, county seat of Hardeman County, State of Texas, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 9930) to facilitate the naturalization of aliens who waived exemption under the selective-service act or who were actually inducted into the military or naval service of the United States; to the Committee on Immigration and Naturalization.

By Mr. CRISP: A bill (H. R. 9931) to increase the appropriation for the purchase of a site and erection of a building for a post office at Dawson, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. NOLAN: A bill (H. R. 9932) authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry, inventions, patents, and patent rights, and for other purposes; to the Committee on Patents.

By Mr. ZIHLMAN: Resolution (H. Res. 334) providing for the appointment of a committee to investigate the hacking laws of the District of Columbia; to the Committee on Rules.

By Mr. MADDEN: Resolution (H. Res. 335) requesting the Interstate Commerce Commission to investigate the operations of the Adams Express Co. and report its findings to the House of Representatives; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 9933) for the relief of Wilhelm Alexanderson and the members of his crew, the said Wilhelm Alexanderson being the owner of the motor boat *Spray;* to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 9934) granting a pension to Phoebe Morgan; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9935) granting an increase of pension to Frank E. Drew; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 9936) for the relief of J. M. Farrell; to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 9937) granting a pension to Emma L. Pugh; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 9938) granting a pension to Robert Criswell Pollock; to the Committee on Invalid Pensions.

By Mr. JEFFERIS: A bill (H. R. 9939) authorizing the Treasurer of the United States to pay to Henry J. Meyers the sum of $785.10 as full compensation for services rendered as a member of local draft board No. 1, city of Omaha, State of Nebraska; to the Committee on Military Affairs.

Also, a bill (H. R. 9940) granting an increase of pension to Alzina S. Swobe; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9941) granting an increase of pension to William N. King; to the Committee on Pensions.

By Mr. NOLAN: A bill (H. R. 9942) granting a pension to Rosa McPhetridge; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9943) granting an increase of pension to Frank H. Read; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of New York, favoring the impeachment of President Woodrow Wilson on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

Also (by request), petition of B. J. Sutherland and others of Missouri, favoring the impeachment of Woodrow Wilson, President of the United States, on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

By Mr. BACHARACH: Resolutions adopted by the Lithuanians of the State of New Jersey in re recognition of Lithuania as a free and independent State; to the Committee on Foreign Affairs.

By Mr. OSBORNE: Memorial of Association of Business Organizations of Los Angeles, Calif., representing 22 principal commercial organizations of that vicinity, requesting that because of the entirely different operating and other conditions electric railways be eliminated from legislation affecting steam railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *October 15, 1919.*

(Legislative day of Tuesday, October 14, 1919.)

The Senate met at 11 o'clock a. m.

The VICE PRESIDENT resumed the chair.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Calder	Dial	Frelinghuysen
Ball	Capper	Dillingham	Gay
Bankhead	Chamberlain	Fall	Gerry
Beckham	Colt	Fletcher	Gronna
Brandegee	Culberson	France	Harding
Harris	La Follette	Page	Sterling
Harrison	Lenroot	Penrose	Sutherland
Henderson	Lodge	Poindexter	Swanson
Hitchcock	McCumber	Pomerene	Thomas
Johnson, Calif.	McKellar	Ransdell	Trammell
Jones, Wash.	McNary	Reed	Underwood
Kellogg	Nelson	Robinson	Wadsworth
Kendrick	New	Sheppard	Walsh, Mass.
Kenyon	Newberry	Simmons	Walsh, Mont.
Keyes	Norris	Smith, Ariz.	Watson
King	Nugent	Smoot	Williams
Kirby	Overman	Spencer	Wolcott
Knox	Owen	Stanley	

Mr. DIAL. I wish to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. NEWBERRY. I wish to state that the Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and the Senator from Colorado [Mr. PHIPPS] are absent on business of the Senate.

Mr. FRELINGHUYSEN. I desire to announce that the Senator from Iowa [Mr. CUMMINS], the Senator from Michigan [Mr. TOWNSEND], and the Senator from Maine [Mr. FERNALD] are absent in committee.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] is detained from the Senate by illness in his family. The Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Georgia [Mr. SMITH], the Senator from Maryland [Mr. SMITH], the Senator from Oklahoma [Mr. GORE], the Senator from New Mexico [Mr. JONES], and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

The VICE PRESIDENT. Seventy-one Senators have answered to the roll call. There is a quorum present.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a communication from the War Finance Corporation in response to a resolution of the 1st instant, which will be inserted in the RECORD.

The communication is as follows:

WAR FINANCE CORPORATION,
Washington, October 11, 1919.

The SECRETARY OF THE UNITED STATES SENATE,
The Capitol.

SIR: In response to Senate resolution No. 203, the War Finance Corporation respectfully submits the following:

1. The activities of the War Finance Corporation in respect to the promotion and development of the foreign commerce of the United States are confined exclusively to making advances in order to promote commerce with foreign nations through the extension of credits:

(a) To any person, firm, corporation, or association engaged in the business in the United States of exporting therefrom domestic products to foreign countries, if such person, firm, corporation, or association is, in the opinion of the board of directors of the corporation, unable to obtain funds upon reasonable terms through banking channels.

(b) To any bank, banker, or trust company of the United States which after the passage of the amendment to the act shall make an advance to any such person, firm, corporation, or association for the purpose of assisting in the exportation of such products.

2. The act of March 3, 1919 (Public, No. 328, 65th Cong.), conferring these powers on the corporation expressly provides that advances may be made until the expiration of one year after the termination of the war, as fixed by the proclamation of the President. It will be seen, therefore, that the powers conferred upon the War Finance Corporation in respect to promoting foreign commerce are of an emergency character only.

3. It is manifestly impracticable to estimate the cost of such work, as the work in connection with the foreign trade authorized to be carried on by the War Finance Corporation is done by the regular employees of the corporation in connection with their general duties.

The amount of time devoted by such employees to the promotion of foreign trade is negligible as compared with the general duties performed by them.

The total number of employees engaged in the general business of the corporation, including secretary-treasurer, counsel, expert examiners, bookkeepers, statisticians, clerks, stenographers, messengers, and charwomen, is at the present time 28, but this number is being gradually reduced.

The total amount of compensation paid such employees amounts, in the aggregate, to the sum of $6,229.83 per month.

It is suggested that the expense of carrying on the work of the War Finance Corporation relating to foreign commerce can not be said to be a "cost to the Government," for the reason that all of the expenses of the corporation are paid out of its earnings, and the earnings are greatly in excess of expenses, so that in the liquidation of the assets of the corporation it is believed that a substantial amount will be returned to the Treasury over and above operating expenses.

4. It is respectfully suggested that the activities of the War Finance Corporation in respect to foreign trade are special in their character and in no sense a duplication of the work performed by other agencies or bureaus of the Government.

5. Inasmuch as the work of the War Finance Corporation in respect to foreign commerce is essentially of an emergency character and of an entirely different nature from that carried on by the other departments set out in the Senate resolution, the corporation is unable to submit any suggestions and recommendations looking to the closer cooperation and coordination of the various agencies of the Government for the effective promotion of the foreign commerce of the United States.

Respectfully submitted, by order of the board of directors of the War Finance Corporation, this the 11th day of October, 1919.

ANGUS W. MCLEAN,
Acting Managing Director.

HYGIENIC LABORATORY, WASHINGTON, D. C. (S. DOC. NO. 134).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon General of the United States Public Health Service submitting a deficiency estimate of appropriations in the sum of $30,000 for the purchase and installation of additional furniture and equipment for the new additions to the Hygienic Laboratory, Washington, D. C., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6810. An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries;

H. R. 7972. An act to improve the administration of the Postal Service in the Territory of Hawaii, in Porto Rico, and the Virgin Islands; and

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River near Arthur City, Lamar County, Tex.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a memorial of the Friends of Irish Freedom, of New Haven, Conn., remonstrating against the ratification of the proposed league of nations covenant and praying for its separation from the treaty of peace with Germany, which was ordered to lie on the table.

He also presented petitions of the Local Grange of West Hartford, of the Young People's Society of the Christian Endeavor of the First Congregational Church of Somers, and of the Archdeaconry of the Episcopal Church of Bristol, all in the State of Connecticut, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition signed by the governor of Connecticut and sundry citizens of Hartford, Conn., praying for an investigation in the recent race riots and lynching, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Church of Christ of Orange, Conn., and of the First Congregational Church of Bloomfield, Conn., praying that immediate steps be taken by the United States Government to prevent the extermination of the Armenian people by the Turks, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry Lithuanian citizens of New Haven, Conn., praying that the United States Government take steps to aid the Lithuanian Government in defending itself from Polish, Russian, and German imperialism, which was referred to the Committee on Foreign Relations.

Mr. MOSES presented a petition from the United Baptist Convention of New Hampshire assembled at Manchester, N. H., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 3231) to make unlawful the unauthorized manufacture and wearing of insignia of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 3232) granting an increase of pension to Anna Higgins; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3233) regulating the education and naturalization of aliens and the children of aliens, and for other purposes; to the Committee on Education and Labor.

By Mr. SUTHERLAND:

A bill (S. 3234) granting an increase of pension to Enoch F. Blackwell; to the Committee on Pensions.

THE SHANTUNG QUESTION.

Mr. FLETCHER. Mr. President, on August 30, 1919, there appeared in the Living Church an editorial which deals very forcefully with the Shantung question. I ask to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Living Church, Aug. 30, 1919.]

"THE HONOR OF THE AMERICAN PEOPLE IS AT STAKE.

"The American people ought seriously to realize that if the United States Senate should carry the recommendation of its Foreign Affairs Committee into effect, amending the pending treaty of peace by providing for the transfer of Shantung to China instead of to Japan, it would involve three things—a national dishonor to ourselves, an act of perfidy toward three of our allies—Great Britain, France, and Japan—and an irritant to at least the latter that might be deemed a casus belli and would certainly be viewed (quite rightly) as a very unfriendly act. On the other hand, since we would be powerless, on our own motion, to effect the transfer to China unless we chose to make the attempt by declaring war against the three nations mentioned and should win the war, the proposed change in the language of the treaty would be of not the slightest value to China; while, by repudiating the treaty, as we should thus do, we should relieve Germany of all the obligations relating to ourselves which she has been forced to assume, and should dissociate ourselves from the forces of civilization that are now compelling Germany to make some form of restitution for her misdeeds in the past.

"For it must be remembered that the chief issue involved in this Shantung matter, so far as the powers are concerned, is the sanctity of treaties. And the Senate committee is deliberately demanding that Great Britain and France make of their treaty with Japan a 'scrap of paper,' with the penalty that the United States will withdraw from the association with these powers in making peace with Germany if they refuse to do so.

"As representing the conscience of some considerable part of the American people, we unhesitatingly declare that position to involve national dishonor for the American Nation.

"Whatever wrong was done to China—and it was a genuine wrong—was done by Germany when, in 1898, she forced the treaty which gave her the 'lease' of the Kiaochow Bay section of the Province of Shantung; and it was a wrong in which Russia, England, and France immediately afterwards participated by seizing other desirable portions of the China coast and forcing similar 'leases' in their respective interests. If the United States had protested against this wrong at the time it was committed she would have some color—though not much—for the present demand of the Senate committee that Japan, as successor to the 'rights' of Germany, should be deprived of those 'rights,' while no such demand is made upon England or France. The United States made no such protest. The world has acquiesced in the wrong then committed. No nation, unless it be China herself, can intervene now, 20 years too late, and say that the lease to Germany can not be taken over by Japan, who ousted the Germans from their possessions in China precisely as Great Britain and her dominions ousted them from other German colonies, as incidents in the World War.

"That long before we entered the war Great Britain and France made a secret treaty with Japan guaranteeing to the latter her succession to the German lease on condition that she oust the Germans from it is regrettable to us, who do not believe in secret treaties, though entirely in accordance with the general practice of other nations than our own. But as we were holding ourselves carefully aloof from the nations that were straining their resources to repel the German invasion, we have very little right to criticize these for making the engagement. The fact that the treaty was a secret one does not relieve the signatory powers from their obligations under it. Moreover, even if these powers were bound by Mr. Wilson's denunciation of secret treaties made three years later, which, of course, is a preposterous position, it still remains that Mr. Wilson, in his 14 'points,' never demanded that secret treaties already made should be repudiated but only that in future there should be no more of them.

"Mr. Wilson's attitude at Versailles with respect to Shantung, if we understand it aright, was an earnest plea to Japan voluntarily to recede from the rights she had won in China, in order to cooperate in the beginning of a new world era in which weak nations should no longer be despoiled by stronger nations. It would have been a magnificent thing for Japan if she had voluntarily accepted that principle. It would have given her the confidence of the world. It would have guaranteed to her such a moral influence in Chinese affairs as would have been of lasting value to her. It would have cemented her friendship with America. It would have made her the world's leader in dealing with the problems of territorial reconstruction.

"But Japan did not. She insisted upon her rights under the treaty. She had every legal right thus to insist upon them. Great Britain and France fulfilled their obligation to guarantee those rights to her. These nations would have shared in the

perfidy of Germany if they had violated their obligation. And if Mr. Wilson had insisted that they do so on pain of refusing American assent to the treaty of peace, he would have committed the American Nation to a demand that Great Britain and France, having profited by their treaty with Japan, now repudiate their obligations under that treaty.

"That is precisely what the United States Senate will have done if it amends the treaty in accordance with the recommendation of Mr. LODGE's committee. But the Senate, in that event, will also adopt a peculiarly discourteous method in doing that which is in itself dishonorable. Instead of negotiating with Japan, England, and France in diplomatic manner in an attempt to undo their own treaty on the ground that we (whom it does not concern) disapprove of it, the Senate is asked by its committee to use its own constitutional power of force—for we will not call it a right—to refuse assent to the treaty of peace except on the condition that these nations comply with our demand.

"The United States, as the disinterested friend of Japan and China, was entirely within her rights in urging the former of these to recede from her rights under that treaty; but she has not the faintest color of right to demand that Japan do so. To formulate such a demand, even in a diplomatic manner, would be a national impertinence which would be, and ought to be, indignantly resented by Japan. And now, from being, two years ago, an appreciated friend of the nations that were in distress, we shall become, if this committee recommendation shall be made the action of the Senate, an international bully, selecting the most offensive way in which to accomplish that which is in itself dishonorable. And the absolute futility of the action is as conspicuous as its impropriety.

"Do the American people realize that this position has been deliberately avowed by a Senate committee, and that there is grave danger that it will be accepted by the Senate itself?

"This is not a political issue; it is an issue in which the honor of the American people is involved, and it is the paramount duty of religious leaders of the Nation to demand that the Senate act both honorably and courteously toward those nations that have solemnly entered into treaty obligations with each other, which obligations now they must fulfill.

"And it should be made perfectly clear to those who are promoting this act of national perfidy in the Senate that the religious sense of the Nation will hold them personally responsible and any political party which may uphold them politically responsible, for what will have become the blackest chapter in American history.

"All that our boys have won in France for American prestige and American honor is now being seriously imperiled by the men who bear the responsibility of the American people in the Senate.

"We shall hope that this may be thoroughly understood throughout the country, and that the conscience of the American people will assert itself in demands upon their Senators that they emphatically reject the amendment which has been proposed by their Committee on Foreign Affairs."

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. COLT. Mr. President, before voting upon the Shantung amendment and the Johnson amendment I wish to call the attention of the Senate to the vital distinction between a textual amendment to a treaty and a reservation.

A textual amendment changes the treaty as to all the parties.

A reservation changes the treaty only as to the reserving party.

A textual amendment in fact makes a new treaty, which must be submitted to all the signatories for their approval.

A reservation does not make a new treaty, because it leaves the treaty intact as to all the other signatories and merely changes it as to the reserving party.

Hence it has become a settled rule of international law that in a treaty between more than two parties a party may make certain changes in the treaty which are expressed in the form of reservations, and may ratify the treaty with these reservations as a part of the instrument of ratification. In such a case there is no resubmission to the other parties, as in the case of a textual amendment. Upon the ratification of the treaty with these reservations, if the other parties to the treaty remain silent they are presumed to have acquiesced in these reservations.

Oppenheim states the rule as follows:

If, however, a party to a treaty concluded between more than two parties signs it with a reservation as regards certain articles, such party is not bound by these articles, although it ratifies the treaty.

Oppenheim also cites the case of the antislavery conference, of July 2, 1890, in which France excepted certain articles from her ratification, and, the other powers having "acquiesced," France was not bound by these articles.

We are all familiar with the fact that it is common for the United States to make reservations in ratifying treaties, as, for example, the treaty of Algeciras and The Hague peace conferences; and in these instances the reservations were acquiesced in by the other parties. It is well to remember in this connection that it is usage or custom which makes international law.

Let us now apply this distinction between a textual amendment and a reservation to the pending Shantung and Johnson amendments. The Shantung amendment changes the text of the treaty by substituting China for Japan in certain articles. With this textual change we have made a new treaty which must be submitted to all the signatories for their approval. This requires new negotiations with every signatory and opens a wide door for controversy. Would England or France, not to mention Japan, accept this new treaty? Looking at the existing international conditions, is it not apparent that this treaty would fail if this amendment were adopted?

But suppose now we express our dissent to the Shantung articles in the form of a reservation; suppose we adopt a reservation in effect that the United States withholds its assent as to these articles and reserves full liberty of action with respect to any controversy which may arise under these articles between China and Japan. The effect of this reservation is simply to change the treaty so far as the United States is concerned and to leave it in full force as to the other powers. In this way we will have accomplished the same end as by an amendment, and in a manner which will not defeat the treaty.

Now, all we have said in regard to the Shantung amendment applies with equal force to the Johnson amendment. The Johnson amendment provides that the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of a member of the league and its self-governing colonies and dominions. In its practical application this means that the United States shall have a vote equal to the aggregate vote of Great Britain, Canada, Australia, New Zealand, South Africa, and India. Under this arrangement Great Britain and her self-governing colonies and dominions would have six votes; the United States, without any self-governing colonies and dominions, six votes; and the other members of the league only one vote each. If there is an inequality in giving the British Empire six votes, do we remedy this evil by giving the United States six votes and leaving France and Italy and some twenty-odd other members of the league with only a single vote?

While there are equitable grounds for giving votes to the British self-governing colonies and dominions by reason of the part they took in the war, we must not overlook the fact that this is an association of sovereign nations and that these colonies and dominions are far from being sovereign States. The Imperial Parliament of Great Britain is the real sovereign over the whole British Empire. As Dicey says, in The Law of the Constitution:

No lawyer questions that Parliament could legally abolish any colonial constitution, or that Parliament can at any moment legislate for the colonies and repeal or override any colonial law whatever.

I can not conceive that the other members of the league would be willing to adopt a new treaty containing the Johnson amendment, and to my mind this amendment would certainly defeat the treaty.

Conceding that there is an inequality in giving the British Empire six votes, the way to cure that inequality is not by extending it to the United States, but by reducing the British Empire's voting strength to one vote, which can be done by reservations. In doing this we are only carrying out the great principle which underlies all international organizations, that each sovereign State, great or small, has an equal standing and is entitled to a single vote. It is not difficult to frame a reservation that the United States assumes no obligations to be bound by any election, decision, or finding of the council or assembly in which any member and its self-governing colonies or dominions have had in the aggregate more than one vote; and also a reservation that in the case of a dispute from which the parties are excluded from voting the word "party" includes the dominant member and all its self-governing colonies and dominions. I am not undertaking to give the exact form of these reservations. I am saying, however, that it is a comparatively easy matter to frame reservations which will give Great Britain and her self-governing colonies and dominions only one vote in all matters in which the United States is interested, and that this is the only just solution of the inequality problem.

The three most popular objections which are urged against the ratification of this treaty are the transfer of Shantung to

Japan, the six votes of the British Empire, and the charge that the United States under the covenant is called upon to intervene in every European war. I have outlined how in my opinion the first two objections can be overcome by reservations, and I would like to state how, in my opinion, the last objection should be met.

Article 10 of the league is the only article in which the United States obligates itself to declare war or to intervene by force of arms in European quarrels. Under article 10 this country agrees to preserve the territorial integrity and existing political independence of the members of the league against external aggression. We have here a solemn contract which the United States must fulfill. We obligate ourselves to preserve against external aggression the territorial boundaries of the members of the league, and this means war or armed intervention. There is no element of judgment or discretion in the matter—we must do the thing we covenant to do. The fact that Congress alone under our Constitution has power to declare war in no way relieves us of this obligation. This contract being within the treaty-making power, Congress is under an obligation to carry it out whether it approves of the war or not. Some confusion of thought has arisen from the assertion that the obligation under article 10 is a moral obligation, and hence that the United States or Congress could exercise its judgment in any given case. This position will not bear examination. There is no difference in the binding force between a moral and a legal obligation. The only difference lies in the sanction or the means by which the obligation is enforced. A legal obligation is enforced by the sanction of compulsion or by the courts; a moral obligation is enforced by the sanction of the conscience or public opinion; but the binding force of the obligation to do the thing you agreed to do is the same in either case. All international laws rest upon moral obligations, because there is no compulsory sanction to enforce them. If you admit the principle that the obligations arising under international law are matters of judgment or discretion, you undermine the whole structure and admit the justification of Germany in invading Belgium.

Taking this view of the sacredness and binding force of our obligation under article 10, I believe that the United States should be relieved of this obligation and the whole question of armed intervention under the covenant should be left for Congress to decide in each case as it arises; and this can all be accomplished by a reservation.

Mr. President, I have always been in favor of the ratification of this treaty with reservations safeguarding American interests. I am in favor of a reservation exempting the United States from the Shantung articles. I am in favor of a reservation equalizing the voting strength of the United States and the British Empire by giving the British Empire only one vote in all matters in which the United States is directly or indirectly interested. I am in favor of a reservation relieving the United States from its obligations under article 10 and leaving it to the judgment of Congress whether in any given case the United States will intervene to preserve the territorial boundaries or the political independence of members of the league. I am in favor of a reservation which makes it clear that the United States can withdraw from the league upon giving two years' notice under article 1. Under that article I think each sovereign State is the judge as to whether it has fulfilled its international obligations and its obligations under the covenant, because no power to pass upon this question by either the council or the assembly is found in the covenant. At the same time, as this article is open to another construction, I would correct this ambiguity by an interpretative reservation.

I am in favor of a reservation clarifying the article dealing with the Monroe doctrine and making it certain in case of any dispute that the United States is to be the judge as to whether it is within that doctrine. It must be made clear and certain that the Monroe doctrine is outside the jurisdiction of the league.

I am in favor of taking away from the council the power to decide whether a dispute relates to domestic questions and expressly reserving that right to the United States; and also of amplifying the fact that all internal and domestic questions are outside the jurisdiction of the league.

Mr. President, I deem all these reservations essential for the protection of America and that they should be incorporated in the instrument of ratification as the conditions upon which we ratify the treaty. The United States occupies a peculiar and unique position in the family of nations, and we should protect in all essential respects our domestic and foreign policies.

Mr. President, these reservations leave unimpaired the great principles underlying the league of nations. We still have an association of free nations cooperating to secure the present and future peace of the world. We still have obligatory conferences, the provisions relating to compulsory arbitration and inquiry, the reduction of armament, and other kindred provisions—all aimed at the great object of lessening war and preventing a repetition of the frightful scenes through which the world has just passed.

Mr. OWEN. Mr. President, it is my purpose to offer an interpretative resolution to the treaty with Germany, to which I wish to call the attention of the Senate, as follows:

Interpretative resolution.

Resolved: 1. The United States, in ratifying the covenant of the league of nations and the treaty with Germany, does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement set forth by the Secretary of State on November 5, 1918, in his communication to the minister of Switzerland in charge of German interests in the United States, upon which as a basis the German Empire agreed to the armistice of November 11, 1918, and laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1918, and in subsequent addresses, as a world agreement binding on the great nations which entered into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that the covenant provisions, including article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

2. Article 147, under which Germany recognizes the protectorate proclaimed over Egypt by Great Britain, is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

Mr. President, on page 183 of the treaty of peace with Germany, article 147, it is provided:

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

And when this treaty is agreed to by all the nations parties thereto it might appear to be a commitment in favor of the protectorate proclaimed as a war measure in 1914 by Great Britain over the Egyptian people.

In considering the rights of subject peoples throughout the world—the people in Shantung, where the sovereignty properly belongs to the Chinese people; in Egypt, where the sovereignty properly belongs to the Egyptian people; in Ireland, where the sovereignty and the right of self-government belong to the Irish people; in Poland, where the sovereignty belongs to the Polish people; in the Philippines, where the sovereignty belongs to the Philippine people of right—I want to call the attention of the Senate to what the agreement was on the part of the Entente Allies, entered into by the Lansing statement of November 5, 1918. I regard it as the most important agreement ever entered into by modern nations. It is binding on all the belligerents as a solemn covenant of august dignity with which they bought the peace of the world on the battle field.

It is a solemn pledge to recognize the rights of all nations and peoples, subject or not subject, to self-government, and that no government may be exercised over one people by another without the consent of the governed. It is a pledge to give the people of Ireland and of Porto Rico, of Egypt and of the Philippines, and of the world self-government whenever they are competent to exercise it, and in any contingency to govern the weak peoples as a sacred trust for the benefit of the governed in fullest good faith.

On November 6, 1918, the Secretary of State, Mr. Lansing, published the following to the world:

From the Secretary of State to the Minister of Switzerland, in charge of German interests in the United States.

DEPARTMENT OF STATE,
November 5, 1918.

SIR: I have the honor to request you to transmit the following communication to the German Government:

In my note of October 23, 1918, I advised you that the President had transmitted his correspondence with the German authorities to the Governments with which the Government of the United States is associated as a belligerent, with the suggestion that if those Governments were disposed to effect peace upon the terms and principles indicated their military advisers and the military advisers of the United States be asked to submit to the Governments associated against Germany the necessary terms of such armistice as would fully protect the interests of the peoples involved and insure to the associated Governments the unrestricted power to safeguard and enforce the details of the peace to which the German Government had agreed, provided they deemed such an armistice possible from the military point of view.

The President is now in receipt of a memorandum of observations by the allied Governments on this correspondence, which is as follows:

"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

"Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed, and the allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies. By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air."

I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of the armistice.

Accept, sir, with renewed assurances of my highest consideration.

(Signed) ROBERT LANSING.

Mr. HANS SULZER,
Minister of Switzerland.
In charge of German interests in the United States.

This agreement refers to the statement of the President and the so-called 14 points, which all relate to the establishment in some respect of liberty and the maintenance of freedom and self-government of the various peoples of the world.

Mr. President, upon the basis of that instrument, committing the allied Governments to the principles laid down by the President of the United States in his address of January 8, 1918, and subsequent addresses, including those of February 11, 1918, July 4, 1918, and September 27, 1918, the German Government and armies agreed to the armistice. They laid down their arms. They practically put themselves where they were compelled to submit to a dictated peace. It was a contract; it was a world contract; and therefore these addresses of the President of the United States of January 8, of February 11, of July 4, and of September 24, 1918, became supremely important as a part of the contract. The principles which are laid down in those addresses of the President of the United States, accepted by the entente belligerents, became the basis of the treaty with Germany, and the treaty with Germany must be construed in the light of the contract set forth November 5, 1918, on the battle field by which this war was ended. There is no contract which can surpass it in dignity or in force. Therefore, in considering Shantung and the sovereignty to be exercised by the Chinese people over themselves and their own right of self-government, in considering the question of Egypt to the right of self-government and the question of Ireland and the right of the Irish people to self-government, in considering the question of any of these subject peoples and their right of self-government, I feel justified in calling the attention of the Senate and calling the attention of the world to what that agreement was, that it may not be overlooked when we deal with the democratization of the world, for that is what this war was intended to accomplish, and that is what this war has accomplished.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. OWEN. I will.

Mr. KING. I am not quite sure that I understand the position the Senator takes, and for that reason I am making this inquiry. Does the Senator contend that under the addresses to which he refers, delivered by the President upon those various dates, and under the communication which was made by the Secretary of State to Mr. Sulzer, representing the German interests in the United States, we agreed that when we entered the peace conference every belligerent would submit to the peace conference the question of the political rights and boundaries of all of the dominions and provinces and territorial possessions of the belligerents? Does the Senator think that the contract, as he has denominated it, meant that at the peace conference the right of self-determination of the Hawaiian people, of the Porto Ricans, of the Cubans, of the Filipinos, of the Egyptians, of the Indians—I am referring to those who reside in British India—would be the subject of consideration and determination by the peace representatives? Or does not the Senator think that the clear implication of what he denominates the contract was that the peace conference should determine the disposition which should be made of the colonial and other possessions of the Central Powers, whether or not Poland should be set up as an independent nation, whether or not Alsace-Lorraine should be ceded back to France, whether a Czecho-Slovak republic and a Jugo-Slav government should be set up, carved out of the Governments of the Central Powers?

It seems to me that if the Senator places the former construction upon what he calls the contract he might challenge objection to that construction.

Mr. OWEN. Mr. President, I think the Senator in the terms he uses goes further than the language which I used would imply. At the peace conference only the principals could speak while they drew the terms of the German treaty and drafted the covenant, but the covenant provides a mechanism which will afford the means of carrying out the principles referred to, and I am interpreting the meaning of the covenant in the light of the agreements referred to of November 5, 1918. The language of the allied Governments' agreement was that they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of government enunciated in his subsequent addresses. These principles most emphatically were not to be applied to the Teutonic powers and their colonies, but to all the nations of the world, as, I think, is clearly demonstrable. Now, I am going to point out what the principles of these addresses were, so that the language shall speak for itself.

In his address of January 8, 1918, he said:

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace, therefore, is our program; and that program, the only possible program, as we see it, is this:

I. *Open covenants of peace, openly arrived at, after which there* shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.

II. *Absolute freedom of navigation* upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

III. *The removal, so far as possible, of all economic barriers* and *the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.*

IV. Adequate guaranties given and taken that *national armaments* will be *reduced to the lowest point consistent with domestic safety.*

V. A free, open-minded, and absolutely impartial adjustment of *all* colonial claims, based upon a strict observance of the principle that in determining *all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims* of the government whose title is to be determined.

VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an *unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy* and assure her of a sincere welcome into the society of *free nations under institutions of her own choosing;* and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

VII. Belgium, the whole world will agree, must be evacuated and restored, *without any attempt to limit the sovereignty which she enjoys in common with all other free nations.* No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

VIII. *All French territory should be freed* and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly 50 years, should be righted, in order that peace may once more be made secure in the interest of all.

IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

X. *The peoples of Austria-Hungary,* whose place among the nations we wish to see safeguarded and assured, should be accorded *the freest opportunity of autonomous development.*

XI. Roumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and *international guaranties of the political and economic independence and territorial integrity of the several Balkan States should be entered into.*

XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but *the other nationalities* which are now under Turkish rule should be assured an undoubted security of life and an absolutely *unmolested opportunity of autonomous development,* and *the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guaranties.*

XIII. An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured *a free and secure access to the sea,* and whose *political and economic independence* and *territorial integrity should be guaranteed by international covenant.*

XIV. A general association of nations must be formed under specific covenants for the purpose *of affording mutual guaranties of political independence and territorial integrity to great and small states alike.*

We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole program I have outlined. It is the principle of justice to *all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.* Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this, the culminating and final war for human liberty, has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

On February 11, 1918, the President of the United States, in addressing a joint session of Congress, in answer to Germany and Austria, said:

It is gratifying to have our desire so promptly realized that all exchanges of views on this great matter should be made in the hearing of *all the world*.

And he said:

We are indomitable in our power of independent action and can in no circumstances consent to live in a world governed by intrigue and force. We believe that our own desire for a new international order under which reason and justice and the common interests of mankind shall prevail is the desire of enlightened men everywhere. Without that new order the world will be without peace, and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.

* * * I have spoken thus only that the whole world may know the true spirit of America—that men everywhere may know that our passion for justice and *for self-government* is no mere passion of words, but a passion which once set in action, *must be satisfied*. The power of the United States is a menace to no nation or people. It will never be used in aggression or for the aggrandizement of any selfish interest of our own. It springs out of freedom and is for the service of freedom.

At Mount Vernon, on July 4, 1918, the President said:

This, then, is our conception of the great struggle in which we are engaged. The plot is written plain upon every scene and every act of the supreme tragedy:

On the one hand stand the peoples of the world—not only the peoples actually engaged, but many others also who suffer under mastery, but can not act; peoples of many races and in every part of the world—the people of stricken Russia still, among the rest, though they are for the moment unorganized and helpless.

Opposed to them, masters of many armies, stand an isolated, friendless group of Governments, who speak no common purpose, but only selfish ambitions of their own, by which none can profit but themselves, and whose peoples are fuel in their hands; Governments which fear their people and yet are for the time their sovereign lords, making their choice for them and disposing of their lives and fortunes as they will, as well as of the lives and of every people who fall under their power—Governments clothed with the strange trappings and the primitive authority of an age altogether alien and hostile to our own. The past and the present are in deadly grapple, and the peoples of the world are being done to death between them.

There can be but one issue. The settlement must be final. There can be no compromise. No halfway decision would be tolerable. No halfway decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace.

I invite the attention of Senators to this language, because these are the addresses which were before the associated and allied Governments when they entered into this agreement which closed the war with Germany, upon which the terms of surrender by Germany were provided.

The President said:

1. The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world; or if it can not be presently destroyed, at least its reduction to virtual impotence.

2 The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned and not upon the basis of the material interest or advantage of any other nation or people, which may desire a different settlement for the sake of its own ulterior influence or mastery.

Mr. REED. What is the Senator reading from?

Mr. OWEN. I am reading from the address of the President of the United States on the Fourth of July, 1918, at Mount Vernon, which was made a basis upon which Germany surrendered, and upon which the German people have a right to stand; upon which the allied peoples have a right to stand; upon which the people of the whole world have a right to stand; upon which the people of Egypt, who went into this war and shed their blood on the side of liberty, have a right to stand; upon which the people of India, who sent 2,000,000 troops to this war, have a right to stand. They shed their blood and treasure on the battle fields on the side of the Entente Allies, and this contract of November 5, 1918, must not be overlooked or forgotten or neglected in the future arrangements of governments on earth. The President said further:

III. The consent of all nations to be governed in their conduct toward each other by the same principles of honor and of respect for the common law of civilized society that govern individual citizens of all modern States in their relations to one another; to the end that all promises and covenants may be sacredly observed, no private plots or conspiracies hatched, no selfish injuries wrought with impunity, and a mutual trust be established upon the handsome foundation of a mutual respect for right.

IV. The establishment of an organization of peace which shall make certain that the combined power of free nations will check every invasion of right and serve to make peace and justice the more secure by affording a definite tribunal of opinion to which all must submit and by which every international readjustment that can not be amicably agreed upon by the peoples directly concerned shall be sanctioned.

"These great objects," continued President Wilson, "can be put into a single sentence: What we seek is the reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind."

Mr. President, on September 27, 1918, further setting forth the principles which were accepted by the Entente Allies on November 5, 1918, as set forth by the Secretary of State, the President used these words, of profound significance, not to be underestimated, not to be passed by:

We accept the issues of the war as facts, not as any group of men here or elsewhere has defined them, and we can accept no outcome which does not squarely meet and settle them. Those issues are these:

Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule except the right of force?

Shall strong nations be free to wrong weak nations and make them subject to their purpose and interest?

Shall peoples be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force or by their own will and choice?

Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress?

Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?

No man, no group of men, chose these to be the issues of the struggle. They are the issues of it; and they must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all and with a full and unequivocal acceptance of the principle that the interest of the weak is as sacred as the interest of the strongest.

Mr. President, the Entente Allies, desiring to find their peace on the battle field, agreed to these principles.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I want to ask the Senator a question so that I may get definitely his view, and it would help me to understand his argument. I will simply preface it by saying that I am very much in agreement with the Senator upon the rights of the nations that are capable, at least, of self-government to govern themselves.

Mr. OWEN. I will say to the Senator that I draw a line between those who are incompetent and those who are competent; but even the rights of the incompetent are a sacred trust to be exercised in the interest of the people themselves as the covenant declares in arranging for mandatories.

Mr. McCUMBER. What I want to put to the Senator is this: Does the Senator contend that the American people, for instance, understood, from the acceptance of the 14 points which the Senator has enumerated, that when we came to the peace table the question of the right of the Philippines to self-government might come before that conference, or that in the case of Great Britain the right of India or of Egypt to put in their claim for self-government was understood by Great Britain to be one of the things that might be discussed?

Mr. OWEN. No; the principals alone met at the peace table, but they were under the binding force of the agreement to respect the rights of all subject peoples.

Mr. McCUMBER. Or that France understood, when they accepted these 14 points as the basis of a peace settlement, that Morocco or any of her South African possessions might put in their claim for self-government and have those things decided by the peace conference?

Mr. OWEN. No. When we came to the peace conference it was necessary, first, to set up a mechanism by which to carry out the principles that were agreed upon. It was impossible at that time to deal with questions such as I am now discussing. When the peace conference was brought together, it was for the purpose of settling the terms of peace definitely with Germany, with Austria, with Bulgaria, and with Turkey. These adjustments were so complicated that it was entirely inexpedient to go into these other questions. I am merely pointing out that the nations agreed to certain principles as the basis of the treaty with Germany, and have now provided a mechanism in the covenant of the league by which those principles can be carried out, and that the covenant itself ought to be interpreted in the light of the agreement of November 5, 1918—that is all.

Mr. McCUMBER. I think I understand the Senator's position. His position clearly is that those matters should not be settled at the peace conference——

Mr. OWEN. No; they could not be settled at the peace conference. It was not anticipated that they should be settled by the peace conference. It was impossible to settle them at the peace conference. The peace conference at that time was face to face with difficulties that were almost beyond the power of flesh and blood to settle, and it took them a long time, and a great many expert men, to try to work out the complicated settlement now before us in the German treaty. The amazing thing is that they worked it out as well as they did. I do not altogether approve of the treaty with Germany, but, taking it as a whole, it is the best that could be done, and I am content to take the work which was done by the representatives of the Entente Allies and of the belligerent powers at Paris, and make

the most of it. If it be found defective hereafter, I should expect the powers of the world to make the necessary corrections.

Now, Mr. President, of course I am in entire accord with what the Senator from North Dakota said with regard to the different classes of people. Take the people of the Congo, who are absolutely unenlightened, who are uneducated. They are not qualified to safeguard their own lives and their own self-government, but nevertheless the time will come that, even in the Congo, those people can be educated and brought to a point where they may exercise the right of self-government, and the right of self-government inheres in all people whenever they are in a position by education to exercise it. The reason why there are mandatories is because of the backward character of so many people, their lack of education, their lack of understanding of the art of government—and government is an art. It is more than an art. There is such a thing as the science of government, and it was the defects of the structure of government, of the science of government in Europe, that brought on this war, through the rule of the few and the denial of the right of the many to self-government.

The abuses of the poor people of the Congo under Leopold, where great cruelty was practiced on them for commercial advantages, caused an international investigation and correction of the abuses. The Congo is a precedent justifying the right of the people of the world to demand justice for weak and oppressed people anywhere.

Abolition of slavery in the United States is another wonderful precedent.

The President further said, in speaking of this matter:

And with a full and unequivocal acceptance of the principle that the interest of the weak is as sacred as the interest of the strongest.

This is what we mean when we speak of a permanent peace, if we speak sincerely, intelligently, and with a real knowledge and comprehension of the matter we deal with.

* * * * * * *

If it be in deed and in truth the common objects of the Governments associated against Germany and of the nations whom they govern, as I believe it to be, to achieve by the coming settlements a secure and lasting peace, it will be necessary that all who sit down at the peace table shall come ready and willing to pay the price, the only price, that will procure it; and ready and willing also to create in some virile fashion the only instrumentality by which it can be made certain that the agreements of the peace will be honored and fulfilled.

Mr. President, in my opinion the covenant of the league provides the mechanism by which this can be accomplished.

The President said—

That price is impartial justice in every item of the settlement—

And that applies to the people of Germany, Austria, Bulgaria, and Turkey as well as to others. They have a right, too, to ask that the price that they pay—and they were required to pay a price and they ought to be required to pay a price; they ought to be punished for what they did—should be limited by justice. There is a limit to which the people may be punished in justice for the faults of their leadership or even for their own faults.

The President said:

That price is impartial justice in every item of the settlement, no matter whose interest is crossed; and not only impartial justice but also the satisfaction of the several peoples whose fortunes are dealt with. That indispensable instrumentality is a league of nations formed under covenants that will be efficacious. * * *

But these general terms do not disclose the whole matter. Some details are needed to make them sound less like a thesis and more like a practical program. These, then, are some of the particulars, and I state them with the greater confidence because I can state them authoritatively as representing this Government's interpretation of its own duty with regard to peace:

First. The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice which plays no favorites and knows no standard but the equal rights of the several peoples concerned.

Second. No special or separate interest of any single nation or group of nations can be made the basis of any part of the settlement which is not consistent with the common interest of all.

Third. There can be no league or alliances or special covenants and understandings within the general and common family of the league of nations.

Fourth, and more specifically, there can be no special, selfish economic combinations within the league and no employment of any form of economic boycott or exclusion except as the power of economic penalty by exclusion from the markets of the world may be vested in the league of nations itself as a means of discipline and control.

Fifth. All international agreements and treaties of every kind must be made known in their entirety to the rest of the world.

* * * * * * *

* * * It is now plain that they are issues which no man can prevent unless it be willfully. I am bound to fight for them and happy to fight for them, as time and circumstances have revealed them to me and to all the world. Our enthusiasm for them grows more and more irresistible as they stand out in more and more vivid and unmistakable outline.

And the forces that fight for them draw into closer and closer array, organizing their millions into more and more unconquerable might as they become more and more distinct to the thought and purpose of the peoples engaged. It is the peculiarity of this Great War that while statesmen have seemed to cast about for definitions of their purpose and have sometimes seemed to shift their ground and their point of view, the thought of the mass of men, whom statesmen are supposed to instruct and lead, has grown more and more unclouded, more and more certain of what it is that they are fighting for. National purposes have fallen more and more into the background and the common purpose of enlightened mankind has taken their place. The counsels of plain men have become on all hands more simple and straightforward and more unified than the counsels of sophisticated men of affairs, who still retain the impression that they are playing a game of power and high stakes. That is why I have said that this is a people's war, not a statesmen's. Statesmen must follow the clarified common thought or be broken.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield.

Mr. GRONNA. I am very much interested in the Senator's analysis of the treaty and the covenant. He has read from several speeches of the President, among them the one made on January 8, 1918, including the 14 points. As I understand the Senator, it is his opinion that the so-called 14 points are not included in the covenant or in the treaty?

Mr. OWEN. The Senator is mistaken.

Mr. GRONNA. Then I misunderstood the Senator. My colleague [Mr. McCUMBER] asked a question, to which the Senator from Oklahoma made a reply, of which I can not give the exact language, but in substance it was that it was not practical for the peace conference——

Mr. OWEN. That was one feature of it only. That was the question of adjusting the rights of all subject peoples by the conference at Paris.

It was impossible to do that. They did deal with the subject peoples of the Teutonic Governments, but not with their own subject people. It was impossible to do that at Paris because the principals were then engaged in settling the war itself with Germany and, as principals, laying down the terms with the German Government. They recognized the principles I am describing in dealing with the subject peoples of Germany of necessity. The question of adjusting their relations as principals with their own subject peoples afterwards, in the light of what they agreed to during the war, is another question. The covenant of the league provides the mechanism.

Mr. GRONNA. The Senator, then, as I understand him, believes that these 14 points——

Mr. OWEN. I am only emphasizing one point, and that point is the right of liberty to men everywhere on earth.

Mr. GRONNA. That includes a great many.

Mr. OWEN. Yes; it does.

Mr. GRONNA. That would include all the 14 principles enunciated by the President.

Mr. OWEN. They have some bearing on it.

Mr. GRONNA. Is it the Senator's opinion that these addresses of the President and the 14 points ipso facto become a part of the treaty, and that the league of nations and the council must deal with it in accordance with the principles as they were laid down by the President?

Mr. OWEN. My opinion is that it constitutes an agreement on the part of the Governments of the Entente Allies to carry out the doctrine of liberty and self-government throughout the world. That is the point I am making, and that is the only point I am making, and I want to confine myself to that point.

Mr. GRONNA. The Senator has read considerably from the addresses made by the President.

Mr. OWEN. It all goes to the one point.

Mr. GRONNA. I was very anxious to know if we are to understand that these principles are to be recognized by the assembly or by the council in dealing with the peoples of the different nations of the earth, if the treaty becomes effective.

Mr. OWEN. I think the principle of freedom has been clearly set up as the issue of this war—freedom for all people to govern themselves where they have sufficient education and knowledge of government to be able to accomplish it and that the Entente Allies are fully committed to the principle.

Mr. GRONNA. I believe, as one Member of this body, I can name at least one principle which has not been made clear in the treaty, according to the 14 points, and that is the principle of the freedom of the seas. We must deal with these questions in a practical way.

Mr. OWEN. I am dealing with one question at a time, if the Senator will permit me, and I should like to confine myself to that question.

Mr. GRONNA. Of course, I shall not press the inquiry.

Mr. WADSWORTH. Mr. President——

Mr. OWEN. I yield to the Senator from New York.

Mr. WADSWORTH. Will the Senator be willing to read again the words of the President which he read but a moment ago and which, as I recollect it, declared that national purposes

were being submerged or were on the decline, or something to that effect? He had just finished reading it when he was interrupted by the Senator from North Dakota [Mr. GRONNA].

Mr. OWEN. The President was criticizing the attitude of individuals in charge of governments who, under the idea that they were serving national interests, were ignoring the principles of liberty. This is what he said:

It is the peculiarity of this Great War that while statesmen have seemed to cast about for definitions of their purpose and have sometimes seemed to shift their ground and their point of view, the thought of the mass of men, whom statesmen are supposed to instruct and lead, has grown more and more unclouded, more and more certain of what it is that they are fighting for. National purposes have fallen more and more into the background, and the common purpose of enlightened mankind has taken their place.

Mr. WADSWORTH rose.

Mr. OWEN. If the Senator will just wait a moment, I desire to state that what the President is pointing out is that the mass of men in this war were fighting for liberty and for the overthrow of arbitrary force. The Senator from New York does not intend to take issue with that, I am sure.

Mr. WADSWORTH. No; the Senator from New York does not intend to take issue with that in particular, but he does ask the permission of the Senator from Oklahoma to suggest that the events since November 11, 1918, do not bear out the assertion of the President that national purposes are going further and further into the background. I venture to state that there has never been a period in the history of the whole world when nationalism was more vigorous than it is at this time.

Mr. OWEN. I think that is true with regard to every nation in the world; that is the very thing that the President was pointing out—the right of individual nations and individual communities to govern themselves, government by "the consent of the governed"—and when you have government by the consent of the governed, of course you have what would be called in that sense nationalism, for it is the right of self-control, of self-direction, and self-government of each nation.

Mr. POINDEXTER and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield; and if so, to whom?

Mr. OWEN. I yield to the Senator from Washington.

Mr. POINDEXTER. I desire to make an inquiry as to whether or not the principle to which the Senator from Oklahoma is confining his remarks has been applied in a practical way in the peace treaty, not only in the German peace treaty but as reflected by the attitude of the American delegation in regard to the Austrian treaty? I should like to ask the Senator whether he thinks it is carrying out this principle to give practical control—economic and industrial control, at least—of Shantung to Japan, or to place the Italian population of the Adriatic and Dalmatian coast under the control——

Mr. OWEN. I will say to the Senator that I do not want him to make a speech in the form of a question. I will answer the purport of the question he is asking.

Mr. POINDEXTER. Will the Senator allow me to complete the question?

Mr. OWEN. Certainly.

Mr. POINDEXTER. Is it in conformity with the principle referred to to give the Slavic nation control of the Italian population of Fiume, or to give Bulgaria, the traditional enemy of the Greek people, control of the Greeks of Thrace? There are other similar instances that might be mentioned.

Mr. OWEN. The Senator from Washington is making statements of fact in which I do not concur, and he is making a statement of principle in which I do concur; that is to say, I am not in favor of giving control of any people to any other people or handing them around as chattels any more than is the Senator. We are in perfect accord about that. It is a question of whether or not the facts are as they are supposed to be.

Mr. POINDEXTER. Will the Senator allow me to ask him another question?

Mr. OWEN. Yes; I yield.

Mr. POINDEXTER. The Senator does not deny, as a fact, that the peace treaty gives control of Shantung to Japan, does he?

Mr. OWEN. I do, most emphatically.

Mr. POINDEXTER. Does the Senator deny the fact——

Mr. OWEN. Just a moment, if the Senator please, because I am not going to be diverted from my argument by these side issues any further than to answer a question, and I will dispose of that, if the Senator will permit me.

Mr. POINDEXTER. I should like to complete the question, and then I will cease, and the Senator can answer it altogether.

Mr. OWEN. I will yield further to the Senator.

Mr. POINDEXTER. I will ask the Senator if he denies the fact that the President or the peace delegation, if we choose to so designate it, representing the United States, used the influence of that delegation to take away from the control of the Italians the city of Fiume and turn it over to some other control? Furthermore, if the peace delegation——

Mr. OWEN. Just one question at a time, if the Senator please. He comes to his "furthermores," but I want him to stop and ask one question at a time, so that I may answer it.

Mr. POINDEXTER. But this is part of the same point.

Mr. OWEN. I will yield further to the Senator.

Mr. POINDEXTER. Whether it is not a fact that the American peace delegation, which was responsible for the principle of which the Senator is speaking, did not advocate turning over Thrace and its Greek population to Bulgaria?

Mr. OWEN. The Senator from Washington has asked me five questions in rapid succession—one with regard to the Austrian treaty, another regarding Shantung, the Dalmatian coast, Bulgaria, and Thrace; and one with regard to Fiume, which he asserts was under the control of the Italian people. My answer to that is that Fiume was not under the control of the Italian Government, although there was a large Italian population there; and that Fiume, being a seaport from which the hinterland occupied by the Jugo-Slavs must find access to the sea, it was thought desirable to preserve that port for that purpose, since it would make but little difference one way or the other what the local management of the city was, for, after all, the city's own inhabitants would control the city.

The Dalmation coast does not belong to Italy. Shantung will be soon under the sovereignty of the Chinese.

Mr. President, I am not now going to discuss the question of Thrace, except that I favor the right of the Greek people to govern themselves. With the permission of my colleague, I will resume my argument. I have called attention to these addresses by the President because they relate directly to the agreement entered into by the Entente Allies referred to in the Lansing communication to the German Government. Now, I again call the attention of the Senate to what the Entente Allied Governments agreed to do. The Entente Allied Governments agreed to this—these are the words used by the Secretary of State in addressing Hans Sulzer, the minister of Switzerland, in charge of German interests, for the information of the German Government:

"The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow, they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses."

Mr. President, this is no new doctrine on the part of the Entente Allies; it is not something new. Both Lloyd-George and Clemenceau had expressed the same principles long before. I wish to call the attention of the Senate to what Lloyd-George said on June 29, 1917, and on July 20, 1917. On June 29, 1917, Premier Lloyd-George, after extensive consultation, journeyed to Glasgow to make a speech setting forth the Government's position, and he said:

In my judgment, this war will come to an end when the Allied Powers have reached the aims which they set out to attain when they accepted the challenge thrown down by Germany to civilization.

These terms were set out recently by President Wilson with his unrivaled gift of succinct and trenchant speech. As soon as these objectives are reached, and guaranteed, this war will come to an end. But if it comes to an end a single hour before, it will be the greatest disaster that has ever befallen mankind. * * *

Europe is again drenched with the blood of its bravest and best, but do not forget these are the great succession of hallowed causes. They are the stations of the cross on the road to the emancipation of mankind. Let us endure as our fathers did. Every birth is an agony, and the new world is born out of the agony of the old world. My appeal to the people of this country, and, if my appeal can reach beyond it, is this—that we should continue to fight for the great goal of international right and international justice, so that never again shall brute force sit on the throne of justice, nor barbaric strength wield the scepter of right.

On July 20, 1917, the premier, Lloyd-George, in the course of a lengthy speech in Parliament, said:

Germany is not going to drive Great Britain out of the fight until liberty has been established throughout the world.

Mr. President, the French Government was equally idealistic. On June 4, 1917, the Chamber of Deputies, by a vote of 453 to 55, declared:

Repudiating all idea of conquest of foreign populations, it (the Government) expects that the efforts of the armies of the Republic and of the Allies shall make it possible to obtain lasting guaranties of peace and independence for all peoples, great and small, in an organization of the Society of Nations (Confederation of the World) to be formed at once.

So that the principles laid down by the President of the United States were not new, and they were not at variance with the opinions which had been previously set forth by the authorities of France and of Great Britain. They are the matured opinions of the great American people.

I wish to call attention to what Lord Asquith, the British Liberal leader, said on December 20, 1917, in the House of Commons:

We ought to make it increasingly clear by every possible means that the only ends we are fighting for are liberty and justice, for the whole world, through a confederation of great and small States, all to possess equal rights. A league of nations is the ideal for which we are fighting, and we shall continue fighting for it with a clear conscience, clean hands, and an unwavering heart.

The British Labor Party on January 16, 1918, expressly voiced a demand for free peoples everywhere and the formation of a league of nations, specifying, too, the needed territorial readjustments in Europe.

In France the federation of labor at its national conference adopted by an almost unanimous vote the war aims set forth by President Wilson, and stated that the purpose of the Russian revolutionaries at that time was virtually the same. The executive officers of the French Federation of Labor were instructed to do their utmost to induce the French Government to clearly enunciate these aims.

Mr. President, long before these events the Democratic Party had held a convention in 1916, and they declared practically for a league of nations, and laid down the very principles which free men everywhere on earth now believe in and insist on, as follows:

INTERNATIONAL RELATIONS.

The Democratic administration has throughout the present war scrupulously and successfully held to the old paths of neutrality and to the peaceful pursuits of the legitimate objects of our national life which statesmen of all parties and creeds have prescribed for themselves in America since the beginning of our history. But the circumstances of the last two years have revealed necessities of international action which no former generation can have foreseen. We hold that it is the duty of the United States to use its power, not only to make itself safe at home but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that every people has the right to choose the sovereignty under which it shall live; that the small States of the world have a right to enjoy from other nations the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon; and that the world has a right to be free from every disturbance of its peace that has its origin in aggression or disregard of the rights of peoples and nations; and we believe that the time has come when it is the duty of the United States to join with the other nations of the world in any feasible association that will effectively serve those principles, to maintain inviolate the complete security of the highway of the seas for the common and unhindered use of all nations.

The present administration has consistently sought to act upon and realize in its conduct of the foreign affairs of the Nation the principle that should be the object of any association of the nations formed to secure the peace of the world and the maintenance of national and individual rights. It has followed the highest American traditions. It has preferred respect for the fundamental rights of smaller States even to property interests, and has secured the friendship of the people of such States for the United States by refusing to make a mere material interest an excuse for the assertion of our superior power against the dignity of their sovereign independence. * * *

PAN AMERICAN CONCORD.

We recognize now, as we have always recognized, a definite and common interest between the United States and the other peoples and Republics of the Western Hemisphere in all matters of national independence and free political development. We favor the establishment and maintenance of the closest relations of amity and mutual helpfulness between the United States and the other Republics of the American continents for the support of peace and the promotion of a common prosperity. To that end we favor all measures which may be necessary to facilitate intimate intercourse and promote commerce between the United States and our neighbors to the south, and such international understandings as may be practicable and suitable to accomplish these ends.

The naval appropriation act of August 29, 1916, before President Wilson made his statement, expressly declared that the naval program would be set aside in the event of universal disarmament. Without taking the time to read it, I will, with the permission of the Senate, insert the extract from that act in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The extract referred to is as follows:

If at any time before the construction authorized by this act shall have been contracted for there shall have been established, with the cooperation of the United States of America, an international tribunal or tribunals competent to secure peaceful determinations of all international disputes, and which shall render unnecessary the maintenance of competitive armaments, then and in that case such naval expenditures as may be inconsistent with the engagements made in the establishment of such tribunal or tribunals may be suspended, when so ordered by the President of the United States.

Mr. OWEN. There the United States Congress provided that if arrangements were made for disarmament, in that contingency, the program of naval expansion might be set aside, showing the humane and enlightened view of the people of the United States. In an address to Congress on January 22, 1917, 12 days after the sending to us of the joint note by the allied coalition Governments, President Wilson said:

No peace can last, or ought to last, which does not recognize and accept the principle that Governments derive all their just powers from the consent of the governed. * * * These are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind and must prevail.

Then when the United States announced that we recognized the existence of the state of war which the Imperial German Government was waging against us, the President announced:

The world must be made safe for democracy. Its peace must be planted upon the tested foundation of liberty.

And he added:

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

When the armistice was declared, President Wilson, on the morning of November 11, 1918, in a message to the American people, said:

My fellow countrymen: The armistice was signed this morning. Everything for which America fought has been accomplished. It will now be our fortunate duty to assist by example, by sober, friendly counsel, and by material aid in the establishment of democracy throughout the world.

And the premier of the British Empire, Lloyd-George, cabled his congratulations to President Wilson, as follows:

My heartiest thanks for your kindly message. I am certain that the ideals of our two countries regarding international reconstruction are fundamentally the same. I feel sure that at the peace conference we shall be able to cooperate fruitfully to promote the reign of peace with liberty and true democracy throughout the world.

President Wilson, at the session of the plenary council of the peace conference of January 25, 1919, at which it was voted that a league of nations should be established and that it should be provided for in the treaty with Germany, said:

We have assembled for two purposes, to make the present settlements which have been rendered necessary by this war, and also to secure the peace of the world. * * * The league of nations seems to be necessary for both of these purposes. * * * We would not dare abate a single item of the program which constitutes instructions; we would not dare to compromise upon any matter as the champions of this thing—this peace of the world, this attitude of justice, this principle that we are masters of no peoples but are here to see that every people in the world shall choose its own masters and govern its own destinies not as we wish, but as they wish.

We are to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of a small coterie of civil rulers and military staffs. Those foundations were the aggressions of great powers upon small. Those foundations were the holding together of empires of unwilling subjects by the duress of arms. Those foundations were the powers of small bodies of men to wield their will and use mankind as pawns in a game.

And nothing less than the emancipation of the world from these things will accomplish peace.

You can see that the representatives of the United States are, therefore, never put to the embarrassment of choosing a way of expediency, because they have had laid down for them the unalterable lines of principles.

And, thank God, these lines have been accepted as the lines of settlement by all of the high-minded men who have had to do with the beginnings of this business. * * *

We stand in a peculiar case. As I go about the streets here I see everywhere the American uniform. Those men came into the war after we had uttered our purpose; they came as crusaders not merely to win a war, but to win a cause; and I am responsible to them, for it fell to me to formulate the purpose for which I asked them to fight; and I, like them, must be a crusader for these things, whatever it costs and whatever it may be necessary to do in honor to accomplish the objects for which they have fought.

The next speaker in the plenary council was Premier Lloyd-George, who said:

I should not have intervened at all, but it was necessary for me to state how emphatically the people of the British Empire are behind this proposal; and if the leaders of the British Empire have not been able to devote so much time during the past five years as they would have liked to this question the reason is that they were occupied with other questions that were more urgent for the moment.

Now, Mr. President, I want particularly to call the attention of the Senate to article 147 of the German peace treaty, with regard to Egypt, as follows:

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

And other nations joining in this treaty might appear to be doing the same thing without explanation. I do not feel willing to have Egypt handed over to the British Empire as a chattel or to be in any way responsible for such a wrong. We were not fighting the war for any such purpose; but Great Britain, in all fairness, I think, was justified in taking drastic steps with regard to the government of Egypt at the beginning of this war, because the then Khedive of Egypt was showing an evidence of his attachment to the cause of Turkey and of Germany as

against the Entente Allies, so that it became expedient, from the standpoint of the Government of Great Britain, to set aside the Khedive and appoint his successor by force.

It might be proper to say that in 1882 revolutionary proceedings broke out in Egypt for the purpose of expelling European influences from Egypt. The British fleet, in the protection of its interests and under the claim of protecting law and order, bombarded Alexandria and practically sent armed troops into the Egyptian country, and from that time forward exercised a certain degree of control there, but with the understanding always that the powers which were being exercised were with a view to maintaining the "independence of the Egyptians." Many of the British statesmen have expressed themselves with regard to the purpose of that occupation, none of them more forcibly than Mr. Gladstone in the House of Commons on August 9, 1883, when he said:

> The uncertainty there may be in some portion of the public mind has reference to those desires which tend toward the permanent occupation of Egypt and its incorporation in this Empire. This is a consummation to which we are resolutely opposed, and which we will have nothing to do with bringing about. We are against this doctrine of annexation; we are against everything that resembles or approaches it; and we are against all language that tends to bring about its expectation. We are against it on the ground of the interests of England; we are against it on the ground of our duty to Egypt; we are against it on the ground of the specific and solemn manner and under the most critical circumstances, pledges which have earned for us the confidence of Europe at large during the course of difficult and delicate operations, and which, if one pledge can be more solemn and sacred than another, special sacredness in this case binds us to observe. We are also sensible that occupation prolonged beyond a certain point may tend to annexation, and consequently it is our object to take the greatest care that the occupation does not gradually take a permanent character. * * * We can not name a day, and do not undertake to name a day, for our final withdrawal, but no effort shall be wanting on our part to bring about that withdrawal as early as possible. The conditions which will enable us to withdraw are those described by Lord Granville—restored order in the state of the country and the organization of the proper means for the maintenance of the Khedive's authority. * * * The right honorable gentleman, Sir S. Northcote, has treated us as if we intended to stay in Egypt until we had brought about institutions which would do credit to Utopia. We have no such views. * * * In popular language we mean to give Egypt a fair start, and if we secure it order, supply a civil and military force adequate to the maintenance of order, and with a man on the throne in whose benevolence and justice we have confidence, with institutions for the administration of justice under enlightened supervision and in fairly competent hands—if we have made a reasonable beginning toward legislative institutions into which is incorporated some seed of freedom our duty may be supposed to be complete.

The Anglo-French agreement of April 8, 1904, provides:

> The Government of His Majesty declares that it has no intention of altering the political status of Egypt.

Lord Cromer's report, March 3, 1907, stated:

> There are insuperable objections to the assumption of a British protectorate over Egypt. It would involve a change in the political status of the country. Now, in article 1 of the Anglo-French agreement of the 8th of April, 1904, the British Government have explicitly declared that they have no intention of altering the political status of Egypt.

In the protocol signed by Lord Dufferin, together with the authorized representatives of the five other great powers, on the 25th of June, 1882, it was agreed:

> The Government represented by the undersigned engage themselves in any arrangement which may be made in consequence of their concerted action for the regulation of the affairs of Egypt, not to seek any territorial advantage nor any concession of any exclusive privilege, nor any commercial advantage for their subjects other than those which any other nation can equally obtain.

The authorities up to the war 1914 were unbroken in maintaining this position. Great Britain is in no position with honor to annex Egyptian territory or powers of government.

Mr. President, it is now 37 years that the British Empire has remained in possession of the Government of Egypt. I am told that the amount paid to the Khedive for his valuable services as overlord there is $900,000 a year, which would seem to be a tax on the Egyptian people for the purpose of maintaining a royal state, and of which I do not approve if the Egyptian people are discontented with it. They have long suffered a blackmail tax to Turkey of an annual payment of $3,500,000. I think the power rests in the Egyptian people to run their own affairs and to manage their own business without being taxed by the Turks or the Khedive appointed by Great Britain.

I want to call the attention of the Senate to article 148, which says that—

> In no case can Germany avail herself of these instruments—

Referring to the contracts with Germany—

> and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other powers.

It is obvious that Great Britain anticipates and the treaty contemplates negotiations between the Government of Great Britain and the other powers with regard to Egypt. The liberty of the Egyptians under the agreement which I have referred to and under the principles which have been laid down is a matter of immediate and urgent importance to the Egyptians and the peace of the world and should be taken up for negotiations without the embarrassment of any self-serving protectorate set up by the British Government.

Many British statesmen have from time to time since 1882 set forth their views with regard to the purposes of the British Government with relation to Egypt, which have been presented to the Committee on Foreign Relations.

Now, Mr. President, I want to print in the RECORD the action of the English Government in making a proclamation appointing a Khedive for Egypt. I do not wish to take the time of the Senate to read it. It is a proclamation putting into force the appointment of a new Khedive for Egypt on December 18, 1914.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The proclamation referred to is as follows:

> In view of the action of His Highness Abbas Hihni Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, His Majesty's Government have seen fit to depose him from the khediviate, and that high dignity has been offered, with the title of Sultan of Egypt, to His Highness Prince Hussein Kamel Pasha, eldest living prince of the family of Mehemet Ali, and has been accepted by him.
>
> The King has been pleased to approve the appointment of Prince Hussein to be an honorary knight grand cross of the Order of the Bath on the occasion of his accession to the sultanate.
>
> The King has been pleased to give directions for the following appointment to the Order of St. Michael and St. George.
>
> His Excellency Hussein Rushdi Pasha, president of the council of ministers of His Highness the Sultan of Egypt, to be an honorary knight grand cross of the order.
>
> The following notice is issued by the foreign office:
>
> "His Majesty's Government having been informed that the Government of the French Republic have recognized the British protectorate over Egypt, His Britannic Majesty's principal secretary of state for foreign affairs hereby gives notice that His Majesty's Government adhere to the Franco-Moorish treaty of March 30, 1912.
>
> "The foreign office communicates the following letter addressed to Prince Hussein by the acting high commissioner in Egypt:
>
> "CAIRO, *December 19, 1914.*
>
> "YOUR HIGHNESS: I am instructed by His Britannic Majesty's principal secretary of state for foreign affairs to bring to the notice of Your Highness the circumstances preceding the outbreak of war between His Britannic Majesty and the Sultan of Turkey and the changes which that war entails in the status of Egypt.
>
> "In the Ottoman cabinet there were two parties: On one side was a moderate party, mindful of the sympathy extended by Great Britain to every effort toward reform in Turkey, who recognized that in the war in which His Majesty was already engaged no Turkish interests were concerned, and welcomed the assurances of His Majesty and his allies that neither in Egypt nor elsewhere would the war be used as a pretext for any action injurious to Ottoman interests. On the other side, a band of unscrupulous military adventurers looked to find in a war of aggression waged in concert with His Majesty's enemies means of retrieving the disasters—military, financial, and economic—into which they had already plunged their country. Hoping to the last that wiser counsels must prevail, His Majesty and his allies, in spite of repeated violations of their rights, abstained from retaliatory action until compelled thereto by the crossing of the Egyptian frontier by armed bands and by the unprovoked attacks on Russian open ports by Turkish naval forces under German officers.
>
> "His Majesty's Government are in possession of ample evidence that ever since the outbreak of war with Germany His Highness Abbas Hihni Pasha, late Khedive of Egypt, has definitely thrown his lot with His Majesty's enemies.
>
> "From the facts above set out it results that the rights over the Egyptian executive of the Sultan or of the late Khedive are forfeited to His Majesty.
>
> "His Majesty's Government have already, through the general officer commanding His Majesty's forces in Egypt, accepted exclusive responsibility for the defense of Egypt during the present war. It remains to lay down the form of the future government of the country freed, as I have stated, from all rights of suzerainty or other rights heretofore claimed by the Ottoman Government.
>
> "Of the rights thus accruing to His Majesty, no less than of those exercised in Egypt during the last 30 years of reform, His Majesty's Government regard themselves as trustees for the inhabitants of Egypt. And His Majesty's Government have decided that Great Britain can best fulfill the responsibilities she has incurred toward Egypt by the formal declaration of a British protectorate and by the government of the country under such protectorate by a prince of the khedival family.
>
> "In these circumstances I am instructed by His Majesty's Government to inform Your Highness that, by reason of your age and experience, you have been chosen as the prince of the family of Mehemet Ali most worthy to occupy the khedival position, with the title and style of the Sultan of Egypt; and in inviting Your Highness to accept the responsibilities of your high office I am to give you the formal assurance that Great Britain accepts the fullest responsibility for the defense of the territories under Your Highness against all aggression whencesoever coming. And His Majesty's Government authorizes me to declare that, after the establishment of the British protectorate now announced, all Egyptian subjects, wherever they may be, will be entitled to receive the protection of His Majesty's Government.
>
> "With Ottoman suzerainty there will disappear the restrictions heretofore placed by Ottoman firmans upon the numbers and organization of Your Highness's army and upon the grant of Your Highness of honorific distinctions.
>
> "As regards foreign relations, His Majesty's Government deem it most consistent with the new responsibilities assumed by Great Britain that the relations between Your Highness' Government and the representatives of foreign powers should be henceforth conducted through His Majesty's representative in Cairo.
>
> "His Majesty's Government have repeatedly placed on record that the system of treaties known as the capitulations, by which Your Highness' Government is bound, are no longer in harmony with the development of the country; but I am expressly authorized to state that in the opinion of His Majesty's Government the revision of these

treaties may most conveniently be postponed until the end of the present war.

"In the field of internal administration I am to remind Your Highness that, in consonance with the traditions of British policy, it has been the aim of His Majesty's Government, while working through and in the closest association with the constituted Egyptian authorities, to secure individual liberty, to promote the spread of education, to further the development of the natural resources of the country, and in such measure as the degree of enlightenment of public opinion may permit to associate the governed in the task of government. Not only is it the intention of His Majesty's Government to remain faithful to such policy, but they are convinced that the clearer definition of Great Britain's position in the country will accelerate progress toward self-government.

"The religious convictions of Egyptian subjects will be scrupulously respected, as are those of His Majesty's own subjects, whatever their creed; nor need I affirm to Your Highness that in declaring Egypt free from any duty of obedience to those who have usurped political power at Constantinople His Majesty's Government are animated by no hostility toward the khalifate. The past history of Egypt shows, indeed, that the loyalty of Egyptian Mahomedans toward the khalifate is independent of any political bonds between Egypt and Constantinople.

"The strengthening and progress of Mahomedan institutions in Egypt is naturally a matter in which His Majesty's Government takes the deepest interest and in which Your Highness will be specially concerned, and, in carrying out such reforms as may be considered necessary Your Highness may count upon the sympathetic support of His Majesty's Government.

"I am to add that His Majesty's Government rely with confidence upon the loyalty, good sense, and self-restraint of Egyptian subjects to facilitate the task of the general officer commanding His Majesty's forces, who is intrusted with the maintenance of internal order and with the prevention of the rendering of aid to the enemy.

"I have, etc.,

"(Sd.) MILNE CHEETHAM."

Mr. OWEN. It is for the reason that I do not wish, without some interpretative resolution, to agree to this establishment of a protectorate by Great Britain over Egypt that I propose, at the proper time, to offer an interpretative resolution that will cover it. Because I wish to see the right of self-government provided for the Egyptians, the Irish, the Philippine people, and all people capable of self-government, I have called up these records.

Mr. President, the principles which should govern the world in regard to the exercise of sovereignty must, of course, keep in mind the weakness of certain backward people. In the Kongo, perhaps, will be found an extreme example of uncultured, uncivilized people, with no knowledge of government, no knowledge of how to establish an orderly and peaceful government. The same thing might be said in some parts of the Philippines. Yet there are gradually increasing throughout the world educated men belonging to all nations, and the number of educated people is being expanded everywhere. It will be remembered that the policy which I have been advocating to-day of the right of self-government was recognized by the United States after the Spanish War, when we gladly recognized in Cuba the right of self-government, and Cuba has been governing its own affairs for many years now, peacefully, satisfactorily, and without complaint on the part of the United States or any other nation. With regard to the Philippines, we had the avowed purpose of giving them self-government as rapidly as it could be brought about with safety. One of the things which has interfered with complete self-government for the Philippines has been the question as to whether or not the Philippines would be able to maintain their independence if they were turned free without any protecting power to safeguard them; but with the establishment of a league of nations that fear will disappear and the complete independence of the Philippines can be brought about without any great delay.

The same thing is true with regard to Porto Rico. The United States has shown its good disposition there by giving to the people of Porto Rico citizenship in the United States; but Porto Rico ought to have the right of self-government, and Porto Rico ought not to be subjected to the exploitation of those who desire to use the powers of the United States Government in Porto Rico to their own private advantage in any way.

The same principle applies to Shantung. The Chinese occupy Shantung. They are entitled to self-government. It may not be as good a government as they might have established for them by some other power but it would be self-government. Japan has no purpose of maintaining any sovereignty over Shantung and has no right to do so. The very treaty which is before us itself provides that—

> Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title deeds, and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial, or other, of the territory of Kiaochow.

And Japan has agreed definitely to turn these over to the Government of China, and not to interfere any longer with the sovereignty of China in the government of Shantung.

Mr. REED. Mr. President——

Mr. OWEN. I do not intend to discuss the commercial rights which Japan desires to retain in the Province of Shantung further than to say that if China, in the exercise of sovereignty, becomes discontented with the management of the railroads in Shantung by Japan, China, being the sovereign power, can take up the question of taking over the commercial property upon making a satisfactory liquidation with Japan.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I yield to the Senator.

Mr. REED. The Senator made the statement that Japan had definitely agreed to turn back Shantung to China.

Mr. OWEN. I have made that statement.

Mr. REED. Where is that to be found?

Mr. OWEN. It will be found in the CONGRESSIONAL RECORD in a speech which I made some time ago; and the Senator will excuse me if I do not go into an elaborate discussion of it, because I do not want to be diverted.

Mr. REED. I do not want to divert the Senator. I simply wanted to know whether it was in any official document that is on file.

Mr. OWEN. I answered the Senator.

Mr. REED. If the Senator wants to refer me to his other speech, I will, of course, turn to that.

Mr. OWEN. I do refer the Senator there.

Now, Mr. President, the covenant of the league provides a world forum in article 11, which says:

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.
>
> It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Under this article a forum is provided where any nation deprived of its right of self-government would have a right to be heard. I take it that the Irish people would have a right to come before the council and before the assembly and to urge their case and to show the reasons justifying their right of self-government.

If they are subjected to commercial exploitation, as I understand has been charged, they have a right to bring that question up, so that the peace of the nations should not be disturbed by any excitement over Ireland or by the constant appeals of the Irish to public opinion throughout the world to sustain Ireland against the British Government.

More than that, I think the matter could be brought up as a dispute in the assembly, as a matter affecting the peace of the world, under the agreement entered into by the Entente Allies, as set forth in the declaration of Secretary Lansing on November 5, 1918. If men are denied their liberty and their right of self-government contrary to the purposes for which this war was fought, contrary to the declaration of principles made on the 5th of November, they have a right to bring that question to the assembly, representing the powers of the world, where it may be heard. That is one of the great purposes of establishing the covenant. It is not to give the covenant the power of overlordship. Overlordship or tyranny is impossible under the league.

I remind Senators that any representative sent to the assembly is subject to immediate recall. He has no tenure of office. He is not appointed for 5 years, or 10 years, or 20 years, or 1 year. He goes as the representative of some power, and that power has the right to fix his tenure. He has no salary fixed. He has no continuity of office. He has no basis upon which to carry on personal intrigue, and neither the council nor the assembly has legislative power. Neither has an army or a navy or a treasury, except such as may be afforded it by contributions of the several nations, as long as they approve, and the nations can withdraw when they wish on reasonable notice.

Many have thought that this covenant established a world association too weak in its power to make effective its purposes. But I hold that the purposes will be made effective by world opinion, by the moral force of mankind, when you take the world forum established in conjunction with the various methods by which those things which would tend to war are prevented from reaching war. One door after another is closed against war, by conciliation, by arbitration, by the negotiations of the council, by the advice and opinion and report of the assembly, and by delays. It is true that the report of the assembly can not be enforced. It is true that the report of the assembly is only persuasive at last. If it is carried out by a nation, however, that nation can not be subjected to war; and if a nation refuses to carry it out, the nation refusing to carry it out can not be invaded under article 10. Such a nation may be

subjected to war after three months' notice (art. 12) but not to invasion (art. 10). But at present nations can go to war with each other without having any adequate method of international arbitration, international conciliation, or international settlement of disputes by world opinion. They can go to war now without notice.

The disarmament provided by the covenant of the league, the universal boycott against an outlaw nation (art. 16), and, above all, the pledges of article 10, where every one of the 50 nations of the world agree to respect the territorial integrity of every other nation, where every one agrees to take part in preserving the territorial integrity and existing political independence of other nations, is sufficient to make war practically impossible, because it is incredible that any nation would have the temerity to face the world in arms. Any nation that would do a thing of that sort would become immediately an outlaw nation, subject to world boycott and subject to the armed forces of mankind. The quick fall from power of such a government would be absolutely certain.

Senators say they do not want to bind the United States or join in preserving the territorial integrity of other nations. I say, on the other hand, that I think the wisest and best policy for the United States is to cooperate with other nations in pledging its power to preserve the territorial integrity of other nations, and when it does give that pledge it will suffice to prevent war, not make war. There is no nation in the world that would have the impudence or folly to face the whole world in arms.

The most powerful of all the nations—Germany, Austria, Bulgaria, and Turkey, with their combined power—would not have dared invade Serbia if this rule had been in force. Every prudent, thoughtful man knows that that is the truth. Germany anxiously sought to ascertain from Lord Grey whether or not England would go into the war if Germany should become embroiled in the war with Austria and Serbia. I have always thought it was a fatal error not to have conveyed to the German authorities, in some way that was convincing, the idea that Great Britain would not stand for the invasion of Belgium and France.

We stood for such invasion as neutrals; we talked peace after it happened. We justified ourselves and thought we were doing a fine thing for quite a while, until at last we discovered that our fortunes and our welfare were inexplicably bound with the peace of the world and that we could not at last escape the cataclysm brought about by arbitrary force in invading the peaceful nations of the world.

We have learned the lesson. The world has learned it. The covenant is before us to prevent another World War.

I am in favor of declaring a war of external aggression an international crime of the first magnitude. I am in favor of pledging the power of the United States to forbid it, and to be ready, if necessary, to reduce to subjection any outlaw nation that dares in the future to invade the world.

We have declared that principle in effect by the Monroe doctrine on the Western Hemisphere, and our statement that the United States would regard it as an unfriendly act for any power anywhere in the world to interfere with the rights of the Republics on the Western Hemisphere has been sufficient for a hundred years to protect the Western Hemisphere, except on one occasion—Mexico—when the United States was having a bloody fratricidal strife of 1861 to 1865, the European military powers attempted to set up an empire in Mexico under an Austrian prince. But immediately the war was over the United States served notice on these foreign powers and they withdrew. Maximilian was put before a firing squad, and that ended that controversy.

The United States has never fought a war except for liberty.

In 1776 for the liberty of the Colonies.

In 1812 for liberty on the high seas.

In 1846 for the liberty of Texas.

In 1866 for the liberty of the African slaves in America.

In 1898 for the liberty of Cuba.

In 1917 for the liberty of the world. America demands the fruits of this last Great War.

Mr. President, in every government there are those who divide according to the point of view—the Tories, reactionaries, and conservatives, who favor concentrating power in the hands of the few, and the liberals and progressives, who believe in placing the governing power in the hands of the people. These divisions often defy party lines.

One class of men, the reactionaries or stand-pat element, think favorably of special privilege and in terms of acquisition, while the liberals or progressives think first in terms of human life and think second in terms of property as merely contributory to life.

In all of the Governments of Europe the contest everlastingly goes on, as well as with us.

As a rule, the progressives have faith in the common sense and common honesty of mankind, while the conservatives have little or no faith in either.

But all of the world is now under a profound movement as powerful as the tides toward liberty and justice, and the progress of mankind can not be stopped by any man, any party, or any nation. So far the United States has led the way.

I have faith to believe that the people of the United States will not relinquish the moral leadership which they have gloriously assumed, but that her ideals of justice, liberty, peace, and human happiness may soon, very soon, be established among the sons of men.

THE COVENANT POINTS THE WAY.

I favor the covenant without amendments or destructive reservations, but with interpretations that shall safeguard our rights and prevent the possibility of our views being misinterpreted.

Mr. SHIELDS. Mr. President, the amendment to the proposed treaty with Germany, commonly called the Shantung amendment, now under consideration by the Senate, has not challenged my attention or interested me as have other amendments and the several reservations reported by the Committee on Foreign Relations. This, perhaps, grows out of my opinion that its importance to the American people, compared to those, is inconsiderable.

I am not oblivious to the argument that it involves national honor, which the American people should always cherish and never suffer to be tarnished, nor do I overlook the fact that the practical annexation of the Shantung territory and its 40,000,000 of people will add greatly to the strength of the Empire of Japan, the most autocratic and aggressive Asiatic nation, with the ambitions of which many well-informed Americans believe at some time this country will have to reckon. The disposition of the Shantung territory is a controversy in which America is not directly interested, and a contention solely between two Asiatic governments, with both of whom we are at peace, and who were our allies in the recent war with Germany.

In my opinion, relatively speaking, the Senate has devoted too much time to this controversy, and I sincerely hope that the debate is now drawing to a conclusion, and that the proposed amendment may speedily come to a vote.

The Senate should, I think, give its attention to those provisions of the treaty believed by the majority of the Senators, and as I believe, to vitally affect the sovereignty and independence of the United States, the honor of our Nation, the liberties of the American people and their right to govern themselves in their domestic and internal affairs free from the interference and control of any other nation or all the nations of the world.

What I have to say about this amendment will be brief and confined to what I think affects the interests of the American people and the established policies of our Government.

The provision of the treaty proposed to be amended is found in part 4, article 156, and is as follows:

> Germany renounces, in favor of Japan, all her rights, title, and privileges—particularly those concerning the territory of Kiaochow, railways, mines, and submarine cables—which she acquired in virtue of the treaty concluded by her with China on March 5, 1898, and of all other arrangements relative to the Province of Shantung.
>
> All German rights in the Tsingtau-Tsinanfu Railway, including its branch line, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant, and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.
>
> The German State submarine cables from Tsingtau to Shanghai and from Tsingtau to Chefoo, with all the rights, privileges, and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

The amendment proposed is to strike out the word "Japan" and insert "China."

The United States is not mentioned, directly or indirectly, in this article, and it purports to be entirely a contract or stipulation between Germany and Japan, and the amendment proposes to make it one between Germany and China.

The position of those who favor the amendment is that the United States is a party because of the fact that it is a signatory to the treaty as a whole.

The proposed treaty is between the allied and associated powers, aggregating 32 different nations, and Germany, and contains many matters in which only one or more of those several powers and Germany are solely interested.

Such is the character of the provision now under discussion. The United States is not interested in it and is only a party by construction, if at all.

These being the facts, Mr. President, I shall vote against the amendment regardless of the merits of the controversy between Japan and China.

The Shantung Peninsula was ceded by China to the Imperial Empire of Germany by treaty in 1898, and Germany remained in possession until by force and conquest it was wrenched from it and occupied by Japan.

Japan was in possession of the sovereignty and the property rights which Germany had there acquired when the armistice was declared and the treaty formulated.

Germany by the treaty renounces all the rights which it acquired under the treaty with China to Japan.

The United States is at peace with both Japan and China, and is under no treaty obligations to either of them concerning the territory now in question.

It has no obligations, legal or moral, concerning the respective rights of either of these powers in this territory.

The fact that the conquest and retention of this country and these people by the Empire of Japan may be conceded to violate the rules of self-determination and government by consent of peoples which our Chief Executive promulgated before we went into the war, when we had nothing to do with it, that should control the terms of peace among nations, does not, in my opinion, call upon the United States to take part in this controversy, or to uphold the sovereignty and property rights of Japan or those of China.

Wherever may be our sympathies in this controversy, we, as a nation, have no right to intermeddle in it.

The proposed amendment, in my opinion, conflicts directly with the long-established policy of the United States forbidding intervention in the intrigues, political affairs, and resultant wars of foreign countries, which is undertaken to be abandoned and destroyed by section 10 of the proposed league of nations contained in part 1 of the treaty, and which the majority of the Senate I hope and believe will obviate by the reservations reported by the Committee on Foreign Relations for that purpose, or one similar in effect, to which and other reservations in line with it I will give my hearty support.

I am unable to reconcile the support of the Shantung amendment, a matter solely between the Empire of Japan and the Republic of China, with the proposed reservation to section 10; and, in my belief, those who support the amendment and this reservation are occupying absolutely inconsistent positions.

I shall oppose all provisions of the proposed league of nations and the treaty which violate or tend to abandon the policy of the United States proclaimed by Washington and reiterated in messages and other public documents by Jefferson, Madison, Monroe, Jackson, Cleveland, and by President Wilson in public addresses as late as 1914, 1915, and 1916 that this country should not form any entangling alliances or involve itself in the jealousies, strifes, political intrigues, and resultant wars of foreign countries, and support such amendments and reservations as may be necessary to preserve unimpaired that policy.

This policy has redounded to the glory of the American Government and contributed to the happiness of the American people. Under it we have grown great, rich, and powerful. That it is founded upon the soundest principles of statesmanship and public safety is conclusively demonstrated by the history of our Nation and by the experience of a century.

It, like its corollary, the Monroe doctrine, was adopted for the safety and preservation of the American Government and American liberties, and they are so interwoven and interdependent that they must stand or fall together.

They are both so definite and clear in their terms and have been so long and so uniformly adhered to that they have become fixed rules for the government of our country in its foreign relations and practically a part of our fundamental law—yes, a very limitation upon the treaty-making power of the President and the Senate which they have no power to wantonly violate.

This rule and policy was followed in the only general peace treaties for the prevention of war this country has been a party to.

The procès-verbal of The Hague peace conference, 1897, had a reservation in these words:

> The delegation of the United States of America on signing the convention for the pacific settlement of international disputes, as proposed by the international peace conference, makes the following declaration:
> "Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

Again, at the conference in 1907 the American delegates made this reservation:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Again, in the only other conference for the prevention of war which I can now recall, by settling the controversy between Germany and France in regard to Morocco, the Senate, in giving its consent to that treaty and its reasons for being a party, inserted the following reservation:

> *Resolved further*, That the Senate, as a part of this act of ratification, understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty, and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts, in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this Government; and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope.

It will be noted that the reservations in The Hague conferences apply to the whole world, not to Europe alone.

Mr. President, there is one other declaration upon this subject that I desire to read at this juncture. While primarily the question of the Monroe doctrine was involved—that is, so interwoven and related to that of forbidding this country to involve itself in the troubles and controversies of foreign nations that it applies to the proposition I am now trying to enforce—I am going to read from the message of President Cleveland, a Democrat and an American, to the United States Senate in regard to the Venezuelan controversy with Great Britain. Mr. Cleveland said:

> Such reply is embodied in two communications addressed by the British Prime Minister to Sir Julian Pauncefote, the British Ambassador at this Capital. It will be seen that one of these communications is devoted exclusively to observations upon the Monroe doctrine, and claims that in the present instance a new and strange extension and development of this doctrine is insisted on by the United States, that the reasons justify an appeal to the doctrine enunciated by President Monroe are generally inapplicable "to the state of things in which we live at the present day," and especially inapplicable to a controversy involving the boundary line between Great Britain and Venezuela.
> Without attempting extended argument in reply to these positions, it may not be amiss to suggest that the doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and can not become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the governments of the Old World, and a subject for our absolute noninterference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government.
> Assuming, therefore, that we may properly insist upon this doctrine without regard to the "state of things in which we live," or any changed conditions here or elsewhere, it is not apparent why its application may not be invoked in the present controversy.

President Cleveland concludes that message in these patriotic words, which most forcibly showed the position of the American people in relation to the proposed treaty:

> In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.
> I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national respect and honor beneath which are shielded and defended a people's safety and greatness.

The true course, in my opinion, to be pursued, if the United States can be construed to be a party to the provision of the treaty in question, is to adopt a reservation withholding our consent to this article and declining all participation in the controversy between these two foreign nations, with both of whom we are on terms of amity and peace, reserving the right to do what we think just in the future.

There can be no justification for us becoming involved in this controversy, and possibly in honor bound, to go to war to maintain the rights of one or the other of these countries.

We are not directly parties to this article of the treaty now; but if we adopt this amendment we will be parties to it and in honor bound to sustain all guaranties which we enter into in relation to it.

Mr. President, I again express the wish that this amendment can be disposed of without much further debate and that we can reach and dispose of the amendments and reservations which are vital to the American Government and the American people.

There are several of these amendments or reservations, as they are variously styled, which I propose to vote for and which I hope will be adopted without much delay. I will not now discuss them, but merely announce my position upon them.

I am unwilling to create a supergovernment to dictate or even advise the United States in its foreign or domestic affairs and policies.

I am unwilling to obligate the United States to guarantee the territorial integrity and existing political independence of some 45 nations, found in every part of the globe, populated by all the different races of peoples and nationalities, including the far-flung possessions of the powerful British Empire, as well as the smallest and weakest nations of the world, some unable yet to stand alone and others verging on collapse and dissolution, whereby our country would be constantly embroiled in expensive and sanguinary wars.

I am unwilling, Mr. President, to vote for a conscript law, to send young men of this country, like Hessian mercenaries, into foreign countries to take part in a war in which our country is not interested, and I shall never do so. An army can not be raised for that purpose in any other way than by such legislation; and I now predict if this treaty is ratified that Congress will fail to observe it, although it is in honor bound to carry out any treaty that the constitutional treaty-making power may enter into within the authority conferred upon it by the Constitution.

Mr. REED. Will the Senator yield for an interruption?

Mr. SHIELDS. I will.

Mr. REED. I merely wish to call the Senator's attention to the fact that the pending military bill makes conscription automatic the moment a war is declared, the President having the right to call out the troops by the draft process, just as he had during the last war, and that bill is now submitted to us as a part of the scheme of world peace.

Mr. SHIELDS. I have so understood the provisions of that bill, although I have not carefully read it. I announce now that if such provisions are in the bill when it comes before the Senate, it shall not have my support.

Mr. REED. They are in the bill.

Mr. SHIELDS. Mr. President, I am unwilling to support a treaty which, by the remotest implication or possible construction, authorizes a supergovernment or a council of foreign nations to interfere with and control our internal affairs and domestic relations of any character, sacred rights cherished by all nations, and now secured to them by both national and international laws. I will favor reservations which will absolutely and unequivocally exclude such interference and control.

I am unwilling to commit this country by treaty obligations which do not clearly and beyond controversy preserve and perpetuate the Monroe doctrine.

The United States is a sovereign and independent Nation, the political equal of all other nations, and the sovereignty and equality which Washington compelled Great Britain to concede and recognize and which Jackson sustained at New Orleans can not be constitutionally surrendered or impaired in the slightest degree, regardless of whether it affects our material interest. There must be reservations which will protect our honor and sovereign equality.

I will not consent to the British Empire having 6 votes in the league of nations to 1 vote for the United States. I have too much pride in my country to approve any treaty that concedes precedence to the British Empire or reduces the United States to political equality at home or abroad with a colony or subordinate division of that Empire.

Our flag, with my consent, shall never float lower than that of Great Britain or any combination of nations.

Mr. President, we must not be guilty of such delay in the consideration of this treaty as the peace conference at Paris was in formulating it.

It is to the interest of the world, and particularly America, in which I am primarily interested, that final action be had in the matter as soon as possible.

The American people do not, in my opinion, care so much about the proposed league of nations as they do about the conclusion of the war and the restoration of normal conditions. I know that such is their interest.

I do not mean to charge that there has been any unwarranted delay by the Senate in its deliberations.

There are questions involved which concern the American people more deeply than any other treaty that was ever presented to this body, and they merit and require the fullest deliberation and maturest consideration.

The responsibility and duty of the Senate in advising and consenting to the treaty is imposed by the same high authority that authorizes the Chief Executive to negotiate treaties, is of equal dignity and force, and must be met by the Senate and discharged patriotically and wisely, free of all possible extraneous influences.

The Senate, as I remember, was the last legislative body of the great powers to which the treaty was submitted for approval, and it has not consumed more time than other parliamentary bodies in its consideration.

Great Britain, as I understand, is the only signatory power which has fully ratified it, and this was to be expected, for in it, as in every treaty made following great commotions and wars in Europe, the British Empire has secured the lion's share of territory and commercial advantages.

France and Italy have practically, but not entirely, completed the ratification of the treaty, and they are the nations benefited next to Great Britain.

The United States Senate is not to be censured for its deliberate consideration, when it is remembered that under the treaty we get nothing not common to the smallest nations, but the United States assumes great and practically permanent obligations to harass its people with further burdensome taxation and to send its young men to foreign countries to fight and perchance to die in foreign wars, the right or wrong of which they know not and in which their country has no material interest.

Mr. President, when the other amendments and reservations, to which I have alluded, come before the Senate, I hope to be able to express my views and my reasons for supporting them, or others substituted for them, more logically and with some elaboration. There are reasons which have prevented me from doing so before this time.

Mr. LODGE. Mr. President, before the Senator from Tennessee yields the floor, if he will allow me, I desire to call attention to one slight omission which I think he made. He referred to the reservations made by our delegation at The Hague in 1907; but I think the Senator did not mention that those reservations were made a part of the resolution of ratification by the Senate. The resolution was submitted by Mr. Carter, and was considered by unanimous consent and agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the Second International Peace Conference, held at The Hague from June 16 to October 18, 1907, for the pacific settlement of international disputes subject to the declaration made by the delegates of the United States before signing said convention, namely:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

Resolved further, as a part of this act of ratification, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention, to exclude the formulation of the "compromis" by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the "compromis" required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the "compromis" required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

Then they reserved to the Senate of the United States the right of ratifying and passing upon the provisions made in each treaty of arbitration.

At that same conference at The Hague a convention concerning the rights and duties of neutral powers in naval war was negotiated, and on April 17, 1908, this occurred in the Senate:

April 17, 1908: On motion of Mr. Bacon, the Senate proceeded to consider the same as in Committee of the Whole; and no amendment being proposed, it was reported to the Senate; and no amendment being proposed, Mr. Bacon submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the adherence of the United States to a convention adopted by the second international peace conference held at The Hague from June 15 to October 18, 1907, concerning the rights and duties of neutral powers in naval war, reserving and excluding, however, article 23 thereof, which is in the following words:

"A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

"If the prize is convoyed by a warship, the prize crew may go on board the convoying ship.

"If the prize is not under convoy, the prize crew are left at liberty."

Resolved further, That the United States adheres to this convention with the understanding that the last clause of article 3 implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

It will be observed that that reservation excluded entirely one article of the convention.

I ask pardon of the Senator from Tennessee for interrupting him, but the matter was so pertinent that I thought he would not object.

Mr. SHIELDS. I inadvertently failed to mention that the Senate embraced that reservation in the resolution ratifying the convention, and I am very glad the Senator has supplied the information and read the resolution of ratification in full.

Mr. LODGE. I intend to have all reservations adopted by the Senate to any treaty printed. I have nearly completed the compilation, and I am going to have it printed in pamphlet form, and also in the RECORD.

Mr. BRANDEGEE. Mr. President, I read a document by Maj. Louis Livingston Seaman, M. D., LL. D., F. R. G. S., president emeritus of the China Society of America, entitled "An Appeal to Members of the Senate of the United States—Shall the Treaty of Peace be one of Justice or one of Infamy?"

"SHALL THE TREATY OF PEACE BE ONE OF JUSTICE OR ONE OF INFAMY?

"That is the question the United States is now called upon to consider, and the destiny of nations hangs on the decision. America entered the Great War as the champion of smaller nations—to preserve the independence of imperiled countries, and to rescue civilization from barbarism. From its birth our Republic has stood for the rights of the oppressed. Our ideals have been for liberty and justice. Our great civil conflict removed the blot of slavery from our land—our Spanish campaign gave freedom and prosperity and happiness to an enslaved people in Cuba and in the Philippines, and our compensation for the sacrifice was the gratification of our ideals. We acknowledged no masters, and we do not propose to.

"The problem to-day is the ratification of the peace treaty with the Huns and the creation of a league of nations. Shall the Fourth of July, 1919, pass into history as the last anniversary of American independence? Shall we, by agreeing to article 10 of the covenant of the league of nations, surrender our sovereignty gained in 1776 to Great Britain, who by a vote of six to one can impose upon us the incalculable obligation of preserving the territorial integrity and political independence of herself or any member of the league of nations in any part of the globe? Are we prepared to submit our traditional attitude regarding purely American questions to a tribunal in which we are in such a hopeless minority or in which the vote of New Zealand could count as equal to our own? Shades of Washington and Jefferson! What would be their verdict if they could witness the depths to which our land has been dragged in order to gratify the personal ambition and egotism of the 'too proud to fight' pacifist who in the peace conference at Paris has been so hopelessly outwitted by trained European and oriental diplomacy that to-day he is the laughingstock of European statesmen, and whose refusal to prepare for the inevitable resulted in a prolongation of the war for more than a year, the loss of more than a million lives, the destruction of property inestimable, and suffering and misery that can not be described or measured. And poor China—whose Government, in the opinion of many competent authorities, has given more happiness and individual liberty to a greater mass of humanity than any other Government in the world; whose representatives were promised by our President that if their country entered the war in 1917 their territorial integrity would be preserved—where will China stand if this unholy alliance is consummated, and Shantung, the birthplace of Confucius, sacred to the Chinese, with its 40,000,000 inhabitants turned over to the tender mercy of the Japanese, whose policy of territorial aggrandizement rivals that of the European nations, as witnessed in Korea, Manchuria, and the Pacific Isles, and whose threats of aggression, made at the point of the bayonet, prevented China's entrance in the war in its earliest days?

"On August 20, 1914, I cabled Wu Ting Fang, secretary of state of China, from Ostend, Belgium, imploring China to sever diplomatic relations and declare war on Germany at once—to immediately seize all territory in China then occupied by Germany, to refuse further payment of indemnity for the Boxer uprising, and to demand repayment of all indemnities already paid, together with substantial damages for German occupation of Chinese territory. All this I then regarded, and still regard, as the moral right of China, for there would have been no Boxer uprising had it not been for Germany's policy of barbarism and aggression, when in carrying out the Kaiser's order 'to behave like Huns' they committed acts of 'kultur' and cruelty that challenged those since perpetrated in Belgium and Poland. Now is China's opportunity to regain her lost Provinces and obtain justice, and the people of the United States who are familiar with the conditions and know the truth demand that the United States Senate shall secure this result.

"It was hoped that the carnival of territorial lust, which for centuries caused untold bloodshed the world over, had culminated in the partitioning of Africa—the last of the continents to be parceled off by the world's looters, who, in the division of the spoils, followed, as the robber barons of feudal days—

> "The good old rule, the simple plan,
> That they should take who have the power,
> And they should keep who can.

"But look at China to-day—that grand old country, with its great wall which for over 20 centuries protected it from the hordes of Tartars and Mongols on the north, while its Tibetan ranges on the west and impenetrable forests on the south permitted it to live in peace and tranquillity thousands of years, with no fear of molestation by 'foreign devils' from land or sea. And in this time the beautiful but fallacious philosophy of Confucius, which taught the rule of moral suasion rather than that by might, grew until its essence was expressed in the proverb, 'Better have no child than one who is a soldier'—this, too, in a land where it is considered a disgrace to die childless.

"And what was the natural result of pacifism? A condition of insecurity, of defenselessness, of inability to enforce that first law of nature—self-protection—followed, which, when realized by the occidental nations, resulted in their seizing great sections of her domains upon trivial excuses, and wringing most valuable concessions from her rulers.

"As a direct result of this spoliation, the worm at last turned, and the Boxer uprising of 1900 followed, having for its declared purpose the forcible expulsion of all foreigners from the country, and the recovery by China of her despoiled possessions. I say, without fear of contradiction by those who are familiar with that issue (and I was there), that that uprising was one of the most splendid exhibitions of patriotism witnessed in modern times. The methods pursued by the Chinese, due to the ignorance of their misguided leaders, and the horrors that followed, have afforded the theme for many a tragic tale and numberless explanatory theories. But the plain fact can not be gainsaid, nor too strongly emphasized, that the essential motive of that propaganda was the freeing of the land from the hated foreigners, who, in current phrase, had 'robbed the people of their country.'

"It was then, that in reprisal and revenge, the so-called civilized world turned against them. The eight allied armies of the 'great powers' marched to their capital, slaughtered their people, raped their women, looted their temples, their treasure, and their habitations, committed brutalities that rivaled those of the Huns in the recent great tragedy, and created a sentiment in China which fairly crucified Christianity, and which should redound to the shame and humiliation of the Christian nations whose forces participated in the outrages; but which, instead, secured monstrous indemnities and subjected China to the most humiliating terms of peace that were ever inflicted upon a nation, and that have kept her poverty-stricken ever since. America, however, has some reason for pride in that she waived claims to over half the indemnity, whilst her great statesman, John Hay, succeeded temporarily in preserving the integrity of the country by his splendid policy of the 'open door.'

"Never shall I forget that winter at Ching Wan Tao, following the war, where detachments of the allied army were gathered awaiting the fate of China. They reminded me of a pack of hungry wolves around the carcass of a dead animal—each fearing to set his fangs in the carcass, lest while so engaged his neighbor might do the same with him. And so during the long negotiations that finally led to the declaration of peace the situation continued.

"Four years later I again visited that scene, and there, in smaller numbers, were found the troops of many nations, still waiting, ready to seize the first opportunity to partition the country and to secure their share of the spoil. But more pressing engagements were then imminent, involving the attention of some of the powers. The Russo-Japanese struggle was on and China was given a temporary respite. From that time until the outbreak of the revolution which led to the establishment of the Republic, China paid the indemnity claims with such regularity that no opportunity was found for interference.

"For more than three-quarters of a century, beginning with the unrighteous opium war, and even later, China has been subjected to a series of squeezes and despoilment of her territory to an extent unequaled in history. The iniquitous indemnities wrung from her as the result of the Boxer campaign would have been reversed, and the countries now receiving them would be paying for the outrages committed had right instead of might prevailed. The powerful governments and financial institutions doing business in the Orient have become obsessed with the idea that it is legitimate business to 'squeeze' the country, regardless of right or justice, and in transferring the so-called German rights in Shantung to Japan the Big

Three are to-day continuing that policy, and making our country, the United States, underwriters to the unholy deal.

"The effect upon China of the spoliation of her territory and finances created among the leading minds of her people an appreciation of her weakness and of the necessity for the adoption of occidental methods for self-protection. They saw the absolute imbecility of continuing the policy of the Manchu dynasty and the necessity for a change of government, and the Chinese Republic became a reality. The character of the revolution which made it possible was remarkable. It obtained the maximum of liberty with the minimum of bloodshed. It was an evolution rather than a revolution, the most potent factors of which were those of peace and not of war. They were the results of trade with foreign nations, the importation of modern inventions, railroads, telegraphs, newspapers; the work of Christian missionaries, schools and colleges established by them; but, most of all, the influence of Chinese students who had been educated in foreign universities, and who carried back to their native land the high ideals of occidental government. In comparison with the epoch-making wars for freedom in occidental lands—the French Revolution, England's fight for the Magna Charta, or our own great seven years' struggle for independence—the Chinese revolution was almost bloodless. It is stated that the total mortality of the war which secured the emancipation of 400,000,000 of people was less than the number lost in the Battle of the Wilderness or in single conflicts in the war just concluded.

"The moderation shown by the successful leaders to their late rulers was another striking characteristic. Instead of the guillotine or exile, they were retired with liberal pensions and allowed to retain their empty titles. The leaders enjoined upon their followers the protection of life and property, both commercial and missionary, and these orders were strictly obeyed.

"A people who carried to a successful termination such a revolution deserve the respect and recognition of the world in their present great crisis. The enemies and looters of China to-day forget the traditions of the race—that China was old when Chaldea and Babylon were young; that she saw the rise and fall of Grecian and Roman civilization; and that she has maintained the integrity and honor of her Government ever since; that her scholars discovered the compass and invented the intellectual game of chess when the Huns of Europe and the Japanese were groveling in the darkness of medievalism; that she produced her own science, literature, art, philosophy, and religion, whose founder, Confucius, 500 years before the birth of Christ, expounded the doctrine of Christianity in the saying, 'Do not do unto others what you would not have others do unto you." They forget that for nearly a thousand years China has been nearer a democracy in many features of its government than any other government then in existence. The fundamental unit of democracy, the foundation upon which our own Government rests, is embodied in the principle of the New England town meeting. All authorities on democracy—De Tocqueville, Bryce, and the Compte de Paris—agree in this, and in China all local government for centuries has been controlled by local authorities.

"The Chinese have never sought territorial aggrandizement but have loved the paths of peace, where the law of moral suasion, and not of might, ruled. They possess qualities of industry, economy, temperance, and tranquillity unsurpassed by any nation on earth. With these qualities they are in the great race of the survival of the fittest to stay. They are to be feared by foreign nations more for their virtues than for their vices, and in their present struggle for the maintenance of their territory they deserve our earnest sympathy and support. Will America, the champion of justice, now desert that grand old country and witness its vivisection when we have the power to prevent it?

"The Japanese claim their country is overcrowded and they require more room for their increasing population. Is this a legitimate reason that the 450,000,000 Chinese should be crowded out of the land in which they have lived for 6,000 years? Is China to become a second Honolulu, where 60 per cent of the population are Japanese?

"Japan has already been rewarded many times for her contribution to the victory of the Allies in being relieved of the threatening danger from Germany, which when in possession of Kiaochow strategetically commanded the Japanese Sea, and where a strong navy would be a perpetual menace, and also by the award of the rich islands north of the Equator, which seem to be forgotten when this subject is discussed.

"Dr. David Jayne Hill, our former ambassador to Germany, stated in the North American Review that the Senate 'can ratify the treaty of peace and at the same time can reject a compact for the league of nations.' We hope the Senate will exercise its constitutional right and defeat the creation of any league which is founded upon such monstrous injustice to a land which so richly deserves our protection, but which Mr. Wilson, who recognized it as a republic, has deserted.

"Defeated and made a laughingstock by the diplomacy of Lloyd-George and the Japanese, who, to use the language of the street, 'put it all over him' while I was in Paris in the last days of the peace congress through the bluff of recognizing no color distinctions in the league of nations—Wilson, after urging the participation of China in the war, deliberately reversed his position—granted rights that never existed to Japan and, to save his face, now seeks to have his action indorsed by the American people. Was such a travesty of injustice ever attempted before, and does he think he can 'fool all the American people all of the time,' including the United States Senate?

"The covenant of the league of nations is presumed to be based upon equity. When I studied law, the first axiom in that court was, 'He who comes into equity must come with clean hands.' Does Japan, after her treatment of Korea and her secret treaties won by bribes and threats, come into this court with clean hands? Germany had no more rights in Shantung than a robber who forcibly enters a house at night and whose expulsion could not be enforced by its owner. I was in Shantung at the time these so-called rights were claimed, and the whole world knows how baseless they are. It also knows how much value the hypocritical Hun places on a so-called 'missionary.' And now Japan, for the insignificant part she played in the war, where her entire mortality amounted to about 800, demands these so-called rights of Germany and many others as her share of the swag. And she further demands the stamp of approval of the peace commission and league of nations. And America's self-appointed representative, Mr. Wilson, and his rubber-stamp associates approve these demands. What would Lincoln and Burlingame and Hay, who won the respect and confidence of China through honest treatment and the establishment of the policy of the 'open door,' say if they were here? Would they not with one voice damn a document whose initial act was of such monstrous injustice, and will the United States Senate do less?

"China's contribution to the victory of the Allies was far greater than that of Japan. With 100,000 men in the trenches in Belgium and France—and I was there and saw many who will never return—and another 100,000 in the munition plants of England, China did her part in defeating the Hun. She did this at the instigation of the United States; and unless something is done to dissociate our name from the proposed Shantung settlement of the peace treaty the Chinese people for generations to come will regard America and Americans with suspicion and contempt.

"If the whole structure, erected for safeguarding the peace of the world and preventing a 'breaking of its heart,' depends on the rape of a nation of 400,000,000 innocent souls who trust to the honor of America for justice, then let the structure undergo reconstruction or let America refuse to be a party to such a crime. A structure founded upon treachery or injustice is not one to receive the indorsement of a nation whose inheritance of freedom was bequeathed as a rich legacy by a once hardy, brave, and patriotic, but now lamented and departed, race of ancestors, and whose duty it is to transmit it to coming generations 'unprofaned and undecayed by the lapse of time.'

"And just here it might be pertinent to ask who requested Japan's assistance or intervention in driving the Huns out of Kiaochow? Did China? Oh, no! Japan began hostilities when China was not at war with Germany. She landed her troops more than a hundred miles north of Tsingtau, and marched them through Chinese territory, subsisting them largely on the country through which they passed, thus committing what is usually called a trespass, and with the assistance of the British and Chinese the 4,000 Germans were defeated. But let it be distinctly understood that with the British fleet blockading the harbor of Kiaochow the Chinese could have accomplished the same result without assistance from Japan or any other power.

"In discussing the Shantung question Prof. Jeremiah W. Jenks, research professor of government and public administration and director of the Far Eastern Bureau, says:

"'In laying plans for the control of Shantung Japan has been playing for a big prize—for the control of Kiaochow and the railroads of Shantung practically means the control of the capital Province of China and of the chief normal shipping port for all of North China. The war gave her an excuse to seize Kiaochow, which she did on November 6, 1914. Her next step in China was to present, in January, 1915, a secret series of demands, which if granted would in the near future enable Japan to dominate the policy of China from the military, financial, and political viewpoints. The Japanese Government at

first falsely denied that such demands had been made, and when it saw it could not conceal the fact it gave out a list of "requests," suppressing altogether those that most endangered China's sovereignty. Under threat of war, China acceded to all the demands but group 5, which would have made her a subject nation. Japan stated that group 5 would be reserved for further consideration. From the time that Japan seized Kiaochow she has treated Shantung as a conquered Province, occupying the German buildings for military and administrative purposes, placed guards along the railway line to the capital, has assumed military control of property, and has instituted civil government over the sections she occupies. Confirmation by the big three of Japan's claims in this territory, with the unwritten understanding that Japan shall eventually return it to China, has roused a storm of indignation among Chinese everywhere, and there are reports that the Chinese will resort to their most effective weapon—a boycott against all things Japanese'—which, if not successful, may be followed by war.

"Senator BORAH stated the case admirably when he said, 'The Shantung provision should come out of this treaty definitely and conclusively. It is no different in principle from the arrangement with reference to Alsace-Lorraine 50 years ago. It is, in fact, no different in principle from the dismemberment of Poland nearly 200 years ago. Both of these transactions planted the seeds of future wars and both went far to impeach and destroy the moral prestige of all nations responsible for these crimes. The mark of Cain has been upon them ever since.'

"As already stated, the question the Senate has to determine is whether it will indorse the decision of the peace conference in the Shantung controversy and thereby make America an underwriter of that outrage? If it decides that the fictitious claims of Japan to the so-called German rights in Shantung shall be transferred from China to Japan, it will compound a felony, it will commit an act of perfidy unsurpassed in American history, and it will be an act of injustice to China that is destined to bring about another war in the near future in which the brutality and mortality are likely to far exceed the record of the great tragedy just ended. Instead of proving an instrument for the preservation of peace its first result is likely to provoke a just and righteous war. In case China should decide to fight for the retention of her rights, on which side will America—ordered by Lloyd-George—array her armies? The Chinese have long memories. I well remember a conversation with His Excellency Li Hung Chang in his Yamen in Peking during the Boxer War, when we were discussing the danger from the prolonged presence of the allied armies in China. 'Oh,' he said, 'they will not stay long.' 'Well,' I replied, 'the Manchus remained some time—nearly 300 years.' 'What is 300 years in the life of China?' was his answer. And in that time the Manchus had been absorbed.

"In the comparatively recent Ty Ping rebellion the mortality amounted to over 15,000,000. If the military awakening of China occurs as a result of the wrongs to which it has been subjected by the peace commission the war that will follow and the mortality that will result will be without precedent.

"Query: As a starter for perpetual peace, is the United States prepared to assume this responsibility? And is a league of nations based on such a damnable, fraudulent, and iniquitous foundation likely to serve as an inspiration for humanity and to bring about 'Peace on earth and good will toward men'?

"The following resolution was passed at a recent meeting of the American Defense Society:

"*Resolved*, That the American Defense Society requests the Senate not to ratify those provisions in the peace treaty which convey to Japan the rights, interests, and privileges heretofore held in the Province of Shantung by the Empire of Germany, and that a copy of this resolution be transmitted to the chairman of the Committee on Foreign Relations of the Senate of the United States."

Mr. President, the Committee on Foreign Relations took some testimony about this question, not as much as I wish they could have procured, but there were three witnesses, I think, whose competency will not be questioned by anyone. They are Mr. Thomas F. Millard, Dr. John C. Ferguson, and Prof. Edward Thomas Williams. I shall read a few extracts from the testimony of these witnesses. Mr. Millard, on page 431 of the hearings before the committee, under date of August 18, 1919, stated that he was a writer, a journalist, a publisher of newspapers, and an editor of newspapers. Then the following appears on page 432:

"Senator BRANDEGEE. Do you know what was the ground of that advice that they should not employ American counsel?

"Mr. MILLARD. The explanation given to me by the Chinese was that our Government felt that China's position over there was somewhat that of the ward of the United States. I am not saying that they used that term; I am using that term as descriptive of the situation. There had been preliminary consultations with the Chinese delegation at Peking before they left for Paris, in which they had submitted to our legation at Peking a list of the matters which they wished to bring up at Paris. On the suggestion of our Government, communicated through the minister at Peking, certain matters were eliminated. That is, China was advised that our Government considered that it would be inexpedient and would embarrass matters or complicate matters to raise those questions at Paris, and that led to the elimination of those questions. China did not raise those questions.

"Then the matter of employing some expert American advisers was brought up at that time, but, I think, was deferred for later consideration.

"After the peace conference had met at Paris, as I understand it, the matter was brought up again. I meanwhile, and others, had advised them in a perfectly informal way, myself acting merely as a sort of general friend of China and a man who was known to be a friend of China and familiar with the political questions out there, that they employ a couple of American advisers. I had suggested Mr. John Bassett Moore and Dr. W. W. Willoughbee, who at one time had been employed out there, but neither of those gentlemen went, and I did not know until after I arrived at Paris why they had not gone. Then I was told by the Chinese over there that it had been intimated to them that our Government would prefer that no Americans be officially connected with the Chinese delegation.

"Senator BRANDEGEE. Was it stated at any time that the embarrassments to which you refer if they did employ American advisors would be because the plans of our Government or the intention of our Government or of our peace commissioners to protect China would be interfered with if they had American counsel connected with them?

"Mr. MILLARD. I could not say that. I could only conjecture about it. That was the explanation given me when I got over there. I asked Mr. Wong and I asked Dr. Ku, because I had had some correspondence here in America with Dr. Willoughbee, in America, as to whether he was going over there or not. I said, 'Why didn't you get any of these gentlemen? Their counsel would have been valuable in these circumstances.' And then they told me they had not done so because it had been intimated to them that our Government would prefer that they did not. I do not know what the motives of our Government were.

"Senator BRANDEGEE. These Chinese gentlemen to whom you refer as having told you these things, were they officially connected with the Chinese delegation?

"Mr. MILLARD. They were official envoys of the Chinese Government at Paris.

"Senator BRANDEGEE. And your services, as I understand you, were without compensation. Simply your expenses were paid?

"Mr. MILLARD. My expenses were paid."

The testimony of Mr. Millard begins on page 430 and continues quite voluminously; the testimony of Dr. Ferguson begins on page 567, and is under date of Wednesday, August 20, and continues at length; and that of Prof. Williams, under date of August 22, begins on page 617; and it all shows what the effect upon China will be of the transfer of the rights in the Province of Shantung to a foreign empire. Nobody can read that testimony without seeing that it is a perfectly fatal thing to do, so far as the territorial integrity or the political independence of China is concerned, because the covenant of the league and this much-disputed article 10 of the covenant of the league are based upon the theory that the league is to preserve the territorial integrity and the political independence of all members of the league, and the first thing which the treaty does, which guarantees territorial integrity and political independence, is to dismember the weakest and most populous and most inoffensive nation of the whole world and turn its most important part over to a foreign empire, because he who controls the Province of Shantung, its seaports, its converging lines of railroad, upon which all exports and imports and, of course, also the domestic distribution depend, controls the life blood of the Chinese Republic and its 400,000,000 of inoffensive and innocent souls, who are to be exploited because we weakly ratify two secret treaties made by two foreign powers with Japan against one of their own allies, after Japan had tried to keep China from becoming an ally and China had become an ally in spite of the efforts of Japan to hold her off.

Dr. Ferguson, on page 567, among other things, in reply to an inquiry from me, stated as follows:

"Senator BRANDEGEE. Do you know anything, either from reading oriental literature or from advices or from personal information, as to what the feeling of the Chinese people generally is about the concession of Shantung to Japan?

"Mr. FERGUSON. I know from actual experience. I left China, I might state, at the end of April, and I know from personal experience up to that time what the feeling in China was, and since that time I have had official communications and also read constantly the daily press of China, and I know what the opinion there is. I think it is not too strong to say that the feeling is a feeling of outrage that China has not only in this instance been forced to a specific act by one foreign nation, but that by the treaty for the first time a union of nations comes in to give sanction to a thing which she feels is wrong and is an outrage on her sovereign rights. In every former instance where such concessions have been wrung from her the balance of power among nations has always made it possible that some powers would come to her and say, 'We are sorry for you and we will help you out as much as we can.' In this instance China feels that she has been robbed of her rights in Shantung by one nation, originally by Germany, and those rights transferred to Japan, and that all the other nations have come along and have joined in approval of what seems to her an infamous act; and among those powers that are approving it is the Nation which she has always counted as her most disinterested friend, the United States. Does that answer your question?

"Senator BRANDEGEE. Yes. I want now to follow that up by asking you, are you still acting in an advisory capacity to the President of China?

"Mr. FERGUSON. Yes; I am still acting as adviser to the President of China. I came here on official work for the Government of China, and I expect to return at the end of October."

They are giving him a banquet in Boston to-morrow night, at which the principal citizens of Boston will meet to do him honor.

"Senator BRANDEGEE. Are you able to state whether the opinion that you have described as being prevalent among Chinamen is the opinion of the President of China?

"Mr. FERGUSON. Unquestionably; and of the premier, and of practically every member of the cabinet, of all the governors of the Provinces whom I have met, of the chairmen of the Chinese Chamber of Commerce at Peking, at Tientsin, and Shanghai and Hongkong, all of whom I have met in the last six months.

"Senator BRANDEGEE. You speak of reading the native press. Do you speak Chinese as well as read it?

"Mr. FERGUSON. Yes, naturally. All my official dealings are in the native language. I never use interpreters.

"Senator BRANDEGEE. So that you are able to ascertain at first hand the opinions of prominent men in China?

"Mr. FERGUSON. Yes; when I meet the President of China no one else is present, and I talk directly with him as I would with the President of our own country, and without intermediaries."

Mr. President, there are 400,000,000 people waiting to see whether the United States Senate will set the seal of its approval upon this infamous dismemberment of that ancient Empire. For myself I shall not so vote as to have that blot rest upon my record. If, in this present war, Great Britain and France thought it necessary to betray and sell out their ally and transfer 40,000,000 of its citizens to the Empire of Japan, if they want to take the credit for that transaction, I prefer to leave it to them alone. I shall vote to support the amendment proposed by the committee, and instead of voting to transfer the Province of Shantung to an alien Empire, Japan, I shall vote to restore it to the Republic of China, which rightfully owns it and has, in my opinion, legally and morally come into possession of it.

The original agreement of China with Germany was obtained by force. The declaration of war by China against Germany, of course, destroyed any validity of the original German-Chinese agreement, even if it had not been obtained by force. And now, for the first time in history, as Prof. Ferguson so well says, the dominant powers of the world, coming together under a league of nations—32 nations of the world—are to guarantee that Japan shall have possession of these rights in Shantung upon the mere verbal promise of the Japanese that at some day they will surrender to China the sovereignty and will keep all the privileges which they now have. I, for one, will not be made a party to such an outrage.

Mr. OWEN. Mr. President, I observe in the afternoon edition of the Washington Times of to-day a large headline:

OWEN quits President on free nations.

I want merely to make the correction by stating that not only do I not quit the President with regard to the covenant of the league but I support him very cordially and completely, and that I have not proposed to submit an amendment or a reservation, but an interpretative resolution carrying out the principles for which the President stands.

Mr. THOMAS. Mr. President, the so-called Shantung provision of the treaty has been to me a source of great perplexity not so much as to the facts involved but as to the attitude which should be assumed toward it when all of the details are considered. I have read most of the essays and communications that from time to time have been submitted through the CONGRESSIONAL RECORD, the comments of the press, magazine articles, and the speeches of Senators since the treaty has come before us for final consideration. I have read and pondered over the treaty provisions and have reached a conclusion which is not wholly satisfactory, for it is based quite as much upon expediency as upon logic.

It is one of the gravest features involved in the treaty, and consequently one demanding familiarity with its various details, together with some consideration of consequences, possibly resulting from our action, whatever it may be. I am not at all satisfied of the expediency of voting for the amendment or for an equivalent reservation, one or the other of which is unquestionably essential. If we might reject the three articles which relate to this subject, whereby the United States would neither affirm nor deny the right of China or of Japan to Shantung, and by so doing discharge our obligations to the country and to our associates, that course would appeal to me very strongly. But inasmuch as China and Japan are among the nations engaged in the making of the treaty, and inasmuch as their interests concern and should be disposed of in some fashion by the treaty, that can not be done.

I shall not detain the Senate by extended reference to the details of the Shantung controversy. That has perhaps been done too frequently. I think, however, it may be expedient to refer to some of them.

In 1914 when Germany precipitated the war, which this treaty seeks to terminate, she was in full possession of Kiaochow, of the town which she had built there, and of the concessions which the treaty of 1898 with China had given her. She had been in possession for something like 16 years, during which time no power, great or small, had questioned her right to it, whatever their opinions regarding the morality or the justice of her demand upon China. Our own Government had recognized her possession of this territory through the exchange of notes between the Secretary of State and the German chancellor, as I now recall, in the latter part of 1898 or early in the succeeding year. Certain it is that no protest, either verbal or otherwise, was made by the United States when Germany compelled China to yield this very valuable and important concession; and I think that what is true of the United States is equally true of the other great powers. Germany had then, from an international standpoint, a grant of territory and of rights in China of which she had been in peaceful possession for about 16 years when the war began.

Whatever the view of Japan concerning the proximity of Germany to herself may have been, she gave no sign of dissatisfaction until the war had actually begun. Then, Japan, adopting the language of Germany, France, and Russia toward herself in 1895, regarding her demand for Port Arthur, declared that the presence of Germany was inimical to the peace of the Orient and required her vacation of Kiaochow within an extremely brief period of time fixed in the notice. She also declared to the world her ultimate purpose of restoring this territory to China after the Germans had been ejected therefrom. This declaration committed the Japanese Government to a definite pledge to make this restoration, although the time for performance was not specified.

After its capture and in the succeeding year, Japan, taking advantage of world conditions and feeling secure from interference, presented her celebrated 21 demands to China, and insisted upon their immediate acceptance without modification. Those demands have been referred to very frequently here, and I shall do no more now than make passing reference to them. Suffice it to say that prior to their ultimate acceptance by China, the Government of the United States served notice upon both countries that she would be bound by no agreement which transgressed her own treaty rights in China; thus assuming an attitude of antagonism to the Japanese demands, which, doubtless, caused those modifications which Japan reluctantly made before imposing them upon China.

Beyond this notification no nation voiced protest against or objection to the Japanese policy; doubtless because their hands were then full and they could not, if they would, have done more than protest, something to which Japan, under the circumstances, would have given little heed. Moreover, Japan was then in alliance with those of the great powers which were arrayed against Germany and they could not afford to take any position that might result in Japan's estrangement.

I regard the conduct of Japan in 1915, to which I have just referred, as having contributed more to that feeling of resent-

ment and distrust, in this country at least, than any other or perhaps all her policies before or since that time.

The injustice of these demands is apparent upon their face to any man who has read them. The fact that they would not have been pressed under other conditions, and the helplessness of China in resisting them, appealed to that spirit of fair play which is characteristic of the American people. From that time there is no doubt, in my judgment, that the public sentiment of the United States has very properly been aroused against the Japanese foreign policy, and particularly as regards the application of that policy to China. I have shared, Mr. President, in that feeling, and I have no doubt that, as the events of the world shall unroll themselves, Japan will realize that her treatment of China in 1915 will have done more than any other event in her history to promote the interests of other countries and to justify our distrust and suspicion—one of those "imponderables" of which Bismarck warned the German people—that she will ultimately regret it, I make no question. If immediately after the war or during the discussion of the treaty at Paris Japan had abandoned or even modified her attitude toward China, as outlined in the 21 articles, there would have been much greater disposition, certainly upon the part of our people, to accept her assurances of good faith, and to take for granted the soundness of her verbal obligations to China than can now be possible.

I have tried, Mr. President, in studying the problem presented by the Shantung provision of the treaty to dissociate my mind so far as possible from all considerations of Korea, because, whatever the treatment of Korea by Japan may have been, it should not, except in a most indirect way, affect our consideration of the character or the integrity of the articles of the peace treaty referring to Shantung. If the merit or demerit of these articles is to be decided or influenced by what Japan may have done toward other peoples, by the general course of her history or by other considerations, which, however interesting and important in themselves, have only remote bearing upon the proposition at issue, then, we must expect the interests of other countries to be equally influenced if not determined by such features of their general history, either past or contemporaneous, which may involve practices or conduct that do not square with the abstract principles of justice. But, nevertheless, Korea, her people, and her protests, from the inception of this discussion, have been identified with the Shantung question; and I have no doubt that the woes of Korea, the attitude of Japan toward that unhappy people, her disregard of treaty obligations concerning them, and the protests which they have made from time to time, coupled with their attempt to reassert their independence during the current year, have powerfully stimulated public sentiment in America, and have to some extent influenced the judgment of some Senators regarding the treaty.

Here again, Mr. President, Japan's occupation of Korea and her final absorption of that ancient Kingdom preceded Germany's declaration of war. It was complete at the time of Japan's notification to Germany to evacuate Kiaochow and Shantung. When in 1907 Japan declared a protectorate over Korea, against which her people vigorously protested, and when subsequently, in 1910, Japan absorbed the Kingdom of Chosen, although we were a party to a solemn treaty with her, we made no protest, nor did any of the other great nations concerned in the execution of this treaty. By our silence we both acquiesced in and approved of the conduct of Japan in her disregard of treaty obligations and her consequent absorption of Korea.

Under the treaty to which I have referred, and which was finally proclaimed on the 4th day of June, 1883, it was provided that "if other powers deal unjustly or oppressively with either Nation, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement," thus showing their kindly feelings. If any power dealt unjustly with Korea, it was a moral if not a legal obligation with us to exert our good offices in her behalf; and if any power dealt unjustly or oppressively with us, it was in turn the duty of the Korean Government to exert similar good offices in our behalf. Korea availed herself of that covenant and appealed to the United States to perform its duty under this provision, but in vain. If my memory serves me, the United States not only lifted no finger toward exerting its good offices with Japan, never protested her domination of Korea, but declined to officially receive the representatives of that unhappy country when seeking to secure some relief or recognition of our treaty covenant in that terrible crises of their nation's history.

Having failed to comply with our treaty obligations, and acquiesced in the treatment of Korea by Japan, we became accessories after the fact to her absorption of Korea; and however flagrant Japan's violation of her treaty obligations concerning Korea may have been—and I think there is no doubt of the fact—however unmindful of the rights of this subject people she may have been, we have confirmed her title to Korea as far as that can be done by noninterference and by acquiescence.

That being so, Mr. President, I am not at all impressed by these heartrending stories, however true they may be, of Japan's oppression and persecution of the Korean people; nor am I able to perceive how these facts—and they no doubt exist—can or should influence our dispassionate judgment in determining our duty under the Shantung provisions of this treaty. I sympathize with the people of Korea as deeply as any fair-minded man can. I would gladly see that unhappy people restored to their ancient prerogatives and independence.

I would be among the first to welcome her back into the family of nations, and I would gladly join in any proper movement designed to influence the Empire of Japan in that direction. But we are complaining now upon the principle that justified the farmer in locking his barn after his horse was stolen. I have no question but that if the United States in 1907 or 1910 had acted under the moral obligation imposed upon it by its covenant with Korea, Japan would have heeded us and her conduct toward that country would in all probability have been largely dominated by our friendly interference.

Men then now in public life, now prominent in the affairs of the Nation, are more familiar with these conditions than am I, yet now inclined to consider the Korean situation as in some way identified with or involved in this very serious problem. I think, Mr. President, we did wrong then. I believe that both morally and legally the United States should have given official expression, by way of friendly interference, of its disapproval of the destruction of Korea's political existence, basing its action upon the requirements of its treaty with Korea. But that was not done; so that when Japan entered this war, and afterwards when her delegates entered the treaty convention, the status of Asiatic affairs, as regards China and Korea, with the single exception of the change of German possession to that of the Japanese in Shantung, was substantially what it had been for some years previous; and having up to that time by our conduct acknowledged this situation we should now deal with the question entirely from the standpoint of subsequent events.

Mr. President, this brings me to the time when we became a belligerent, and when China, following our example, declared war against Germany.

I think there is no doubt but that the action of China was entirely due to that of the United States. If the United States had failed to enter the war, I do not believe China would have done so, first, because she would not have had the incentive furnished by our action, and, second, because the influence of Japan would have been sufficiently powerful to have deterred her from so doing. We are responsible, then, Mr. President, for the entrance of China into the Great War; and not having repudiated the assurance of our minister then given to her, I think we are responsible for his celebrated announcement to the Chinese President, made perhaps without authority, but confirmed by our approval. China, therefore, expected, relied upon, and was entitled to the support of the United States, wherever that support could be given consistently with our obligations to other nations, in her insistence upon the restoration of Shantung.

No man contends for a moment that China approved of the Japanese policy regarding Shantung, that she was pleased over Japan's assumption of the right to capture and restore it, or that she felt it essential to her welfare that Japan should assume that attitude. She had reasons, through former experiences with Japan in Mongolia and in Manchuria, that were sufficiently grave and important to warn her of what this intervention might ultimately mean. Therefore China's entry into the war was in all probability largely influenced by the attitude which she was assured the United States would occupy regarding her interests and her welfare during and at the conclusion of the war.

Among the 21 articles was the now celebrated agreement, also forced upon China by Japan, and dated in the spring of 1915, whereby Japan covenanted to make a qualified return of Kiaochow and of the German concessions to China.

It was the one small and unsatisfactory concession which China was able to secure from Japan as a consideration for her enforced acceptance of the 21 demands. I shall not take time, Mr. President, to go into the details of that covenant because that has been done many times upon this floor. Every man who is familiar with it knows that instead of constituting a complete return it is virtually a promise the performance of

which will invest China with little more than the shell of that which Germany wrested from her.

The Senator from Massachusetts [Mr. LODGE] yesterday, in speaking upon this subject, drew one or two comparisons in other sections of the globe which aptly illustrated the conditions following the performance of her agreement by Japan. If Japan were in possession of California, and agreed to return it to the United States subject to her reservation of the city of San Francisco and the Golden Gate, retaining her joint control over the lines of railway radiating eastward and northward and southward from that great city, and the additional right to develop the mining industries of a large section of California, we readily conclude that the restoration of California to the United States would be giving the shadow only, Japan retaining the substance, such is her covenant with China, which very naturally protested against it, and hoped with our assistance to at least secure such action at Paris as would give her an opportunity to present her claims and seek there vindication before the tribunal of the league of nations.

So, Mr. President, I have reached the conclusion that we as a Nation are morally bound to aid China in this controversy, to the extent that we can do so consistently, with our own interests, our other obligations, and having in mind at all times what may be the result of our action upon this treaty.

No man can defend the attitude of Japan toward Kiaochow. No man has attempted to do so upon this floor. The President has not done so. It is one of those events which expediency alone can justify, if it can be justified at all. In his Indianapolis speech, on the 4th day of September, Mr. Wilson said:

> There is another thing in this covenant which cures one of the principal difficulties we encountered at Paris. I need not tell you that at every turn in those discussions we came across some secret treaty, some understanding that had never been made public before, some understanding which embarrassed the whole settlement.

Of course, he was referring to those secret agreements made in the spring of 1917 between Japan, on the one side, and England, France, Italy, and Russia, upon the other, under the terms of which Japan was to succeed to all German interests in China. He continued:

> I think it will not be improper for me to refer to one of them. When we came to the settlement of the Shantung matter with regard to China, we found that Great Britain and France were under explicit treaty obligation to Japan that she should get exactly what she got in the treaty with Germany, and the most that the United States could do was to urge upon Japan the promise, which she gave, that she would not take advantage of those portions of the treaty but would return to the Republic of China, without qualification, the sovereignty which Germany had enjoyed in Shantung Province.

I construe that, Mr. President, to refer to an assurance given by the representatives of Japan different from and supplementary to that of her covenants with China in 1915; for that does not restore to China "without qualification" the sovereignty which Germany had enjoyed under the provisions of her treaty, unless we concede the assertion sometimes made that China ceded no sovereignty under her treaty with Germany, a position which I think can not be reconciled with those recitals of the treaty which refer to Kiaochow, Kiaochow Bay, and the islands immediately adjacent. The President said, further:

> We have had repeated assurances since then that Japan means to fulfill those promises in absolute good faith. But my present point is that there stood at the very gate of that settlement a secret treaty between Japan and two of the great powers engaged in this war on our side. We could not ask them to disregard those promises.

I construe the repeated assurances to which the President refers to be identical with that given him at Versailles, and I earnestly hope that Japan may speedily perform them.

I regret that when the condition mentioned by the President presented itself, our delegation did not, when the treaties were insisted upon, withdraw from the conference. I believe that if it had done so they would have been withdrawn, and the United States would not only have been stronger in the subsequent conferences of that congress, but that a much more desirable treaty would have been secured from the other powers.

If we have learned anything by this war, it is the danger of secret engagements, and no one has denounced them more eloquently or more earnestly than President Wilson. I am not here to speak in judgment of the President or of the peace conference. I could not do so intelligently if I would, because I am not sufficiently familiar with all of the matters which were within their knowledge, and of which they necessarily had to take note in connection with every course pursued and every conclusion reached.

But I believe, Mr. President, that at that crucial moment the opportunity presented to our delegation justify my suggestion. The effect of these secret treaties not only ignored but seriously injured a co-ally. Such a course would have vindicated those principles of right and justice, which we flatter ourselves to lie at the very basis of American institutions. But that was not done. The treaty provides, in complete accordance with the sentiments of the secret agreements to which I have referred, that Japan shall have everything, and China only that which Japan, in an outside agreement, supplemented by an oral assurance, proposes to bestow upon her at some time in the indefinite future. This is eternally wrong.

Mr. President, what is our duty under the circumstances? Shall we strike the word "Japan" from the treaty in these four articles and insert the word "China," thus not only amending, but reversing the action of the congress of Versailles, and throw the whole subject back to the consideration of that congress? Or can we meet this condition by appropriate reservations, which not having that effect will do justice—not complete justice, perhaps, substantial justice to China? I can not with confidence determine this alternative, although I must act upon it.

No one believes for a moment that if this amendment is adopted Japan will accept its conclusions. If she returns to the congress at all, it will be a matter of surprise to me. Why should she? We are the only dissenting nation. Independently of this treaty, she has the solemn engagements of all the other great powers of the world, every one of which will observe them and observe them faithfully. She has, in addition, the full and complete possession of Kiaochow and of all the appurtenances belonging to that concession under the German treaty. She is fortunate, therefore, not only by the fact of possession, but by the covenants of the great powers, the United States alone excepted; and if her ambitions are as declared by many Senators, and as may be the case, then would she not be plausibly justified in declaring that inasmuch as the United States had officially expressed lack of confidence in the integrity of her agreement and inasmuch as there would be no interference with her projects except by the United States, ignore her engagements with China and remain where she is—in full and complete possession of everything as a permanent part of her Empire?

What would we do under similar circumstances? Would we pursue any other course or would England or France or Italy? Not unless some higher authority, the compelling force of an international public opinion, dictated to the contrary. But, however that may be, I do not believe that Japan would further concern herself with the affairs of the congress at Versailles. This might or might not be desirable. If the league is to be established, her exclusion from it might render it innocuous.

It was stated on numerous occasions, Mr. President, during the latter days of the war, with what basis I know not, that Japan was not entirely averse to a rapprochement with Germany; that Japan's policy and her institutions in the East were a duplicate of Germany's policy and her institutions in central Europe; that her army was founded and based upon the German model and her methods of government largely copied from the efficient policies of the German Empire.

I saw yesterday in a pamphlet which I received in the mails what purports to be an outline of a provisional agreement between Germany and Japan, said to have been captured at Perm, but its identity is not entirely free from suspicion. We have reason to know, however, that the attitude of Japan toward Germany was in some respects different from that of the United States, France, Italy, and Great Britain. Her institutions are not republican, her people are not democratic; they are progressing perhaps in that direction, but she is and has been since the war the sole surviving autocratic Government of any considerable dimensions. She has penetrated Siberia, thanks to our unsatisfactory course and policy toward Russia—when I say "our" I include all the Allies—she has entrenched and is entrenching herself in eastern Siberia; and, in my opinion, she will remain there, a fact which we will soon realize, and whatever regrets we may then have that our attitude toward Russia was not more effectual, they will be but vain regrets, indeed.

She is thoroughly intrenched in Mongolia and Manchuria. Between the new German Republic, which still calls itself the German Empire, and the ancient Japanese Empire, which dominates the Orient, is a vast territory occupied by 180,000,000 people—distressed, disorganized, unhappy, and bound, sooner or later, to throw themselves in the arms of the "man on horseback." Why should we expect Japan to reenter the conference at Versailles when the prospect of a combination of these three great countries is more than probable under the control of Japan herself? What more alluring to her dreams and ambitions of the future than to dominate the resources and the people in conjunction with Germany of what but a few years ago was one of the most powerful empires in the world? What better justification could she discover for such a movement than America's repudiation of the treaty by the adoption of the amendment which we are now considering?

Let us also assume, Mr. President, that China, dissatisfied with the covenants of the treaty and encouraged by our adoption of this amendment, should herself attempt to overthrow the domination of Japan in Shantung. Alone, she would be helpless. Great Britain might give her some moral support; France, perhaps, and Italy—nothing more. Indeed, under the Anglo-Japanese treaty, Great Britain might be required to furnish a contingent of troops or of ships not in behalf of, but against, China should Japan demand it. If China resorts to arms, ours is the one Nation in the world to whom she can appeal. That she will do so is inevitable, and what shall we do in that emergency? We have heard many expressions of sympathy for China, many protests against the injustice of which she will be a victim under this treaty. But does any man within the sound of my voice suppose for a moment that in the contingency which I have imagined the United States would actively interfere in behalf of China against Japan? I do not think the sentiment of the United States would justify it for a moment. We have just emerged from a great war. Its cost in men has been comparatively small, but large enough, God knows. Its cost in money and material has been appalling, and largely because we had to wage the war 3,000 miles from home and across an intervening ocean. But in this case the distance would be doubled, for it is 6,000 miles from San Francisco to China, as against 3,000 miles from New York to Brest. We there had hospitable shores upon which to embark our troops. However eager the people of China to welcome us, the navy of Japan would challenge our progress and prevent, if possible, the landing of our armies. If we succeeded, the cost of its maintenance, in addition to that which we have already encountered, would bankrupt even so great a Nation as the United States. So that I take it that interference under those circumstances is out of the question. But what is the alternative?

The Senator from Massachusetts [Mr. LODGE] yesterday expressed grave misgivings regarding the future of our relations with Japan. He outlined some of her purposes and ambitions, and no doubt many of them are well stated. We feel instinctively toward Japan as we felt toward Germany after her declaration of war in 1914; not that there is cause for any immediate difference between the two great peoples, but that the ambitions of Japan and the interests of the United States in the Orient and in the Pacific may not always parallel each other. Here are the most probable causes of future difficulty, a contingency confronting us against which we must make some preparation.

But if as a result of our action upon this treaty China should take up arms for the overthrow of Japan in Shantung, and appeal to us in vain, the attitude of Japan toward the United States from that moment on would be intolerable. Her people would in all probability regard us as not measuring up to the test of national dignity and honor, if, indeed, they should not conclude that we were afraid of testing the power of the Empire of the Rising Sun lest the result might be disastrous to the great Republic. Her aggressions in the East would then, in all probability, assume an attitude which sooner or later would reach a crisis, and that would, of course, mean war. We must not forget, Mr. President, that we have a possession in that far-flung region always vulnerable to attack from a powerful enemy. I, of course, refer to the Philippines. When we acquired them, by the way, we ourselves made the first assault upon the integrity of the Monroe doctrine. It was then that we first interfered in the affairs of the Old World, by identifying ourselves with its dominions. For it is an essential condition of the integrity of the Monroe doctrine that we should not meddle in what Mr. Jefferson called cis-Atlantic affairs, lest we encourage the nations of the Eastern Hemisphere to meddle with our own.

Mr. President, these conditions I do not think are wholly imaginary; we should therefore have them in mind in determining how to dispose of this important amendment, in some respects the most important one we are called upon to consider, and one which every Senator desires to dispose of in accordance with the best interests of the great country which he in part represents.

There has been a good deal of latter-day sentiment here regarding China and a great many crocodile tears have been shed in her behalf. We are not particularly fond of the Chinese people. We do not permit them to come here. The few who are here permanently occupy a very low social position. In some of our political campaigns in the West we allude to them as "moon-eyed lepers," and sometimes use adjectives equally opprobrious, if not more expressive. We are just now greatly concerned about the home of Confucius. That, too, is purely sentimental. We did not care anything about the home of Confucius when Germany grabbed it, nor of Mencius, possibly because Germany was a nation of white men.

But this sudden sentiment over old Confucius and the sanctity of his birthplace, however commendable, should have no place in the consideration of this most important proposition. It is quite as important, perhaps, as the consideration of the missionaries in Korea. I dislike to hear of outrages upon the Christian missionary, but I can not forget, Mr. President, that frequently he has been an advance agent for freebooting nations. We would have had no Shantung question but for the murder of two German missionaries in 1897, thus giving to the Kaiser the excuse for which he had been looking for some time, and which he at once made the basis of a demand for Kiaochow and the Shantung concessions. Great Britain herself is not entirely free from censure in this regard, for English missionaries suffering in China and elsewhere have occasionally enabled Great Britain to push her claims for compensating territory far beyond the limits of justice.

So it has been, and, I am afraid, so it will be. They are inspired by the loftiest sentiment and by the noblest aspirations of duty; nevertheless the commercial side of the foreign mission is there, and predatory nations have seldom failed to take advantage of it when opportunity came.

Mr. President, were it not for possible consequences of far-reaching character which may result from transformation of the Shantung domination from Japan to China, I should vote for the amendments. Only through them can we effectively register our protest against the wrong to China; but our adoption of them does not help China a particle. On the contrary, such action may serve to perpetuate the presence of Japan in Shantung, besides bringing us face to face with conditions which, to say the least, are portentous with trouble.

I have read very carefully the proposed reservation of the Senator from North Dakota [Mr. MCCUMBER]. We are all familiar with it. It recites the understanding of the Senate of the United States regarding this subject in our vote of ratification. In view of the President's statement at Indianapolis, I should like to see it go further and, using his language, provide for the restoration to China of her unqualified sovereignty over the entire Province, which can only be done by the cancellation of those economic advantages, and particularly control of transportation, embodied in the German concession. We can insert such a reservation, Mr. President, and at the end of two years, if Japan has made no move toward restoration, we can serve notice of withdrawal from the league, basing the reason upon her failure to comply with her agreement. I am inclined to think that if the United States ever gets into this league, and then serves such a notice, the complaint which forms its basis will be at once rectified. If not, our retirement from the league at the end of the prescribed notice will abundantly satisfy the people.

I shall, therefore, Mr. President, although it is by no means a satisfactory course, vote for a reservation, either that of the Senator from North Dakota or a stronger one, upon this subject. I should like to see inserted in such reservation, if it be politic to do so, some reference to our contemplated action in the event, within a reasonable time, this great wrong to China is not rectified.

I am not one of those who desire to reject this treaty out of hand; I shall not do this unless forced to do so by the defeat of reservations that I think absolutely essential. I wish it were possible to add that all of my objections to the treaty could be crystallized in the form of reservations. But there is at least one amendment, which will be presented later, which I feel compelled under my oath of office and my convictions of duty to support.

Mr. President, I did not intend, when I took the floor, to speak upon this subject at such length, but it is one capable of such infinite detail and presenting so many angles, every one of which sustains and supports the views of Senators regarding the wrong to China in transferring her great Province to her dominating and powerful neighbor.

Mr. BORAH. Mr. President, I have listened, as I always do, with interest to the discussion by the Senator from Colorado [Mr. THOMAS]. I agree with him practically with reference to everything he has said, except possibly some of his conclusions as to his duty under the facts. I do not disagree with him as to the main facts which he has stated; neither do I disagree with him as to what those facts properly import as to the future.

I am particularly in accord with his criticism, if it may be called such, of our failure to manifest our opposition to the annexation of Korea by Japan. Having made the treaty which we had made, I think we were under obligations to exercise our friendly offices in preventing the amalgamation or incorporation of Korea with Japan. I am very much of the opinion, Mr.

President, that that same criticism may be lodged against the Senate in the future if we do not meet this issue upon the ground of what is right and just rather than upon the ground of sheer expediency.

I am quite sure that the consideration which prevented the Government of the United States from taking action in 1910 with reference to the treaty between this country and Korea was the view that it might involve us in a condition of affairs which we were not ready to assume. We temporized with conditions and postponed our plain duty. There is scarcely any end to the road if you undertake to travel it upon the pure question of expediency rather than upon that which is deemed to be right and just in the premises.

We find ourselves in regard to this particular matter at this time in a very unhappy situation. Upon the one side is the question of expediency, of what we may properly do with the least possible sacrifice; and, upon the other hand, there is the question of right. No one is in doubt as to what is right and as to what we really should do if we were acting upon moral grounds, leaving out the question of expediency entirely.

As the Senator from Colorado [Mr. THOMAS] has stated, no one has undertaken to defend this proposition upon the question of right and the principles of justice. Every member of the Versailles conference whom I have read of as having spoken upon the subject condemns it. The President of the United States, a member of the conference, has repeatedly rather frankly and fully condemned it. Practically every Senator who has spoken upon the subject here has either condemned it or apologized for it. Everyone feels, Mr. President, that the United States is involved in a condition of affairs from which it is difficult to escape without sacrificing something of its historical reputation for honor and for fair and just dealing with the other nations of the world.

We find ourselves in that situation by reason of certain secret treaties which were made during the pendency of the war. It is believed upon the part of many—and undoubtedly it was believed upon the part of those attending the conference at Versailles—that the United States in some way, by reason of having been associated with those who had made the secret treaties, is bound to give some consideration to their existence and to their terms. It was undoubtedly by reason of a secret treaty that the President finally yielded upon the Shantung matter. He has stated many times in his addresses that it was a secret treaty which so entangled the situation as to make it impossible to do that which he and the delegates from the United States desired to do. It is that particular phase of this situation and this controversy to which I shall address myself for a very brief time.

There were certain secret treaties made between Great Britain, Italy, France, Russia, and Japan, beginning in the year 1915, or the early months thereof, and extending up until about June, 1918. I do not care to-day to discuss the proposition of whether those treaties should have been made under the exigencies under which they were made. We do know that those treaties dealt with most vital and important affairs not only with reference to the enemy but with reference to the rights of allies and associates. We know that the treaties ran counter to the policies and principles which were announced again and again as the guiding policies and principles of the war. They were treaties, whatever may have been the reason for making them in the first instance, which the makers were under every obligation to make known to the United States after it entered the war.

To fail to advise the United States of the terms and conditions of those treaties, in view of the attitude of the United States with reference to certain policies, in view of the announced principles of the United States in the conduct of the war, amounted to bad faith upon the part of the countries which withheld the information, bad faith to such an extent as to relieve the United States from any moral obligation whatever of giving any consideration to the terms of those treaties either at the peace conference or at any other time during their existence. If this information, which we were entitled to have and which good faith required us to have, was withheld, certainly when it was given under a changed condition of affairs entirely and at a time when the United States was not in a position to retrieve itself in any way whatever concerning their terms, we were under no obligation to give any consideration to them at Versailles nor are we under any obligation now to consider them.

It has been stated many times since the debate opened upon this league that the hope of the league rests in the fact that we are to have a changed Europe, a changed system of diplomacy and of international affairs. Lord Cecil said some days ago that the covenant itself would amount to practically nothing, except that it was based upon a new condition, a different world, and new principles were to obtain, and that these principles lying back of the league were the only assurance of its success.

Mr. President, these secret treaties, and the manner in which the nations have dealt with them, disclose that we have no new Europe, no new system, no change in the diplomatic policies or principles of Europe, and that we are dealing with the same condition, so far as the European system is concerned, as that which obtained prior to the war. The fact that these treaties were withheld from this Government until the last hour is, I take it, no longer a matter subject to dispute in this country.

I send to the desk and ask to have the Secretary read a statement made by the President at the time the Foreign Relations Committee visited the White House.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

"Senator BORAH. I wish to ask some questions in regard to the secret treaties. I do not feel as free about those matters as I do about the league, because there are certain things that I recognize may not be entirely open for public consideration; but, nevertheless, in so far as we can, I should like to know when the first knowledge came to this Government with reference to the secret treaties between Japan, Great Britain, Italy, and France concerning the German possessions in Shantung?

"The PRESIDENT. I thought that Secretary Lansing had looked that up and told you. I can only reply from my own knowledge, and my own knowledge came after I reached Paris.

"Senator BORAH. We did get a reply from Mr. Lansing to the same effect so far as he was concerned. When did the secret treaty between Great Britain, France, and the other nations of Europe with reference to certain adjustments in Europe first come to your knowledge? Was that after you had reached Paris also?

"The PRESIDENT. Yes; the whole series of understandings were disclosed to me for the first time then.

"Senator BORAH. Then we had no knowledge of these secret treaties so far as our Government was concerned until you reached Paris?

"The PRESIDENT. Not unless there was information at the State Department of which I knew nothing.

"Senator BORAH. Do you know when the secret treaties between Japan, Great Britain, and other countries were first made known to China?

"The PRESIDENT. No, sir; I do not. I remember a meeting of what was popularly called the council of ten, after our reaching Paris, in which it was first suggested that all these understandings should be laid upon the table of the conference. That was some time after we reached there, and I do not know whether that was China's first knowledge of these matters or not.

"Senator BORAH. Would it be proper for me to ask if Great Britain and France insisted upon maintaining these secret treaties at the peace conference as they were made?

"The PRESIDENT. I think it is proper for me to answer that question, sir. I will put it in this way: They felt that they could not recede from them; that is to say, that they were bound by them, but when they involved general interests such as they realized were involved, they were quite willing, and indeed I think desirous, that they should be reconsidered with the consent of the other parties. I mean with the consent, so far as they were concerned, of the other parties.

"Senator MOSES. Were all those treaties then produced, Mr. President?

"The PRESIDENT. Oh, yes.

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"Senator JOHNSON of California. I think you answered to Senator BORAH the question I am about to ask, so pardon me if it is repetitive. It is this: Was the United States Government officially informed, at any time between the rupture of diplomatic relations with Germany and the signing of the armistice, of agreements made by the allied Governments in regard to the settlement of the war?

"The PRESIDENT. No; not so far as I know.

"Senator JOHNSON of California. So far as you are aware, was it unofficially informed during that period?

"The PRESIDENT. I would be more clear in my answer, Senator, if I knew just what you were referring to.

"Senator JOHNSON of California. I am referring to the so-called secret treaties which disposed of territory among the belligerents.

"The PRESIDENT. You mean like the treaty of London?

"Senator JOHNSON of California. Yes; like the London pact.

"The PRESIDENT. No; no, sir.

"Senator JOHNSON of California. Could you state whether or not any official investigation was made by our Government to ascertain whether or not there were any such treaties of territorial disposition?

"The PRESIDENT. There was no such investigation.

"Senator JOHNSON of California. These specific treaties, then—the treaty of London, on the basis of which Italy entered the war; the agreement with Roumania, in August, 1916; the various agreements in respect to Asia Minor, and the agreements consummated in the winter of 1917 between France and Russia relative to the frontiers of Germany, and particularly in relation to the Saar Valley and the left bank of the Rhine—none of these did we (and when I say 'we' I mean you, Mr. President) have any knowledge of prior to the conference at Paris?

"The PRESIDENT. No, sir. I can confidently answer that 'No,' in regard to myself."

Mr. BORAH. We see, therefore, that these treaties which dispose of territory, which dispose of people, which divided up people, which ran counter to every principle which the Allies had announced as the guiding principles of the war, which would necessarily have a controlling influence upon the peace conference, which would necessarily embarrass any nation not familiar with their terms, were kept a secret by our allies, including Japan and Great Britain, from 1915 and 1917 until the peace delegates met in conference at Versailles.

Under what possible theory, legal or moral, can the people of the United States be asked to do a questionable, a dishonorable thing by reason of the existence of those treaties? We are relieved not only, of course, as a question of binding obligation, but we would be relieved in the court of any man's conscience from paying any consideration whatever to them. If Japan and Great Britain saw fit to enter into a treaty in 1917 by reason of conditions which existed at that time and because of exigencies in the war, I pass it by. Although it was imperialistic and contrary to all the principles which they were announcing, that is not a matter of concern to me. I did not believe them sincere in their declarations of principle at the time, and I was not misled. I do not, therefore, care to discuss that feature of the affair. But when they concealed those treaties, their terms and obligations, from the people who were entering into the war upon a specified program and upon specified principles, they had no right thereafter at any time ever to ask the United States to give any consideration to their terms or conditions. I thoroughly agree with the able Senator from Colorado [Mr. THOMAS] that when these treaties were laid upon the table at Versailles and the insistence was made by those who had signed them that they should be carried out the United States should have rejected them out of hand and, if necessary, have quit the conference, because moral prestige is still a national asset.

But, Mr. President, they not only concealed them, but, if I may be permitted to say so, they affirmatively misled the world in regard to the fact of their concealment, and particularly the United States. I read from the debates in Parliament upon the 4th day of March, 1918:

> Mr. King asked the Secretary for Foreign Affairs whether there have been communicated to President Wilson copies of all treaties, whether secret or public, and memoranda of all other agreements or undertakings to which this country has become a party since the 4th day of August, 1914; and, if not, whether copies of all such documents will be handed to the American Ambassador in London.
>
> Mr. BALFOUR. The honorable member may rest assured that the President is kept fully informed of these facts by the Allies.

Mr. McCUMBER. Mr. President, will the Senator give the date?

Mr. BORAH. I did give the date—the 4th of March, 1918.

I am not going into a discussion of the different secret treaties, because they are not relevant here to-day; but let us apply the facts to the Shantung situation, and see if the United States is not perfectly free to deal with it just as in good conscience and honor it thinks it ought to deal with it, and see if we may not deal with it without being subject to the charge of offending Japan or any other nation if we shall do what we think is right with regard to it.

China entered the war upon the urgency of both Great Britain and the United States. I think it is a pretty well established fact—I have stated it before and have never seen it denied—that the United States sent a representative to China who spoke before public meetings, commercial clubs, and so forth, and stated to the Chinese people in terms that they could rely upon the President of the United States to see that China had a place at the peace conference, and that her rights would be protected. Thi was not the statement of the ambassador, although such statements were, in effect, made by him and published in the Chinese press from time to time; but it was the statement of a special envoy, as it were, sent to those people, encouraging them to do what they could for the allied cause, and assuring them that as we had ever been their friend in the past we would continue to be their friend in the future, and that their rights should be protected at Versailles.

Mr. President, of course I have no doubt that those statements were made to the Chinese people by the United States representative in perfect good faith.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. In just a moment. I do not assume for a moment that there was any intent at that time of in any wise misleading the Chinese people, or in any way—if I may use the term—of betraying their interests at Versailles. Now I yield to the Senator.

Mr. HITCHCOCK. Will the Senator kindly indicate the basis of his information that the United States made such representations or promises to China?

Mr. BORAH. I will not only indicate it but I will state it. There is a distinguished Chinese gentleman in this country, whose name I can not recall but whose name can be had, who traveled with Mr. Crane throughout China as his interpreter, and interpreted his addresses to the Chinese people, in which he stated to them that, as the representative of the United States, he was authorized to say to the Chinese people that they would have a friend in the United States and in the President at Versailles.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. In just a moment. I have also been informed that Mr. Crane feels somewhat offended that he was placed in that situation. That, however, was not stated to me by this gentleman. The other facts were stated to me by him. He is one of the leaders of the Y. M. C. A. in China. That is my authority. If it is not true, I should like to have it denied. I feel that I am stating a fact. This gentleman came with a gentleman who knew him—had known him well in China. He impressed me as thoroughly reliable.

Mr. HITCHCOCK. It seems to me that that is very vague and very unreliable. I supposed the Senator was basing his statement on the testimony given before the Committee on Foreign Relations.

Mr. BORAH. No; I was not basing it on that.

Mr. HITCHCOCK. I recall to the Senator the fact that Mr. Ferguson, who was the confidential adviser of the Chinese Government, testified before the Committee on Foreign Relations, and that his statement was far short of what the Senator has stated. If the Senator will permit me, I can read a paragraph in which Ferguson's testimony appears——

Mr. BORAH. As I have not referred to Mr. Ferguson and am not relying on his statement, I do not care to have the time taken up by reading it.

Mr. HITCHCOCK. I will not intrude on the Senator, but will he permit me to say that Ferguson being the confidential adviser of China, and Ferguson not claiming as much as the Senator claims for China, it is very evident to me that the claim could not be made with authority on behalf of China.

Mr. BORAH. Well, Mr. President, whether the charge which I have made in all its import is true or not, there is no doubt that it was well understood in China, and understood by reason of the statements of our ambassador, as well as from other sources, that the United States would undertake to be a friend of China at Versailles.

It is further true that after China went to Versailles she relied upon the United States; that by reason of the fact that the United States advised her not to employ special counsel she failed or neglected to do so; and any number of circumstances are available to show that from the very beginning the United States placed herself in such a position that China understood she was to have a particular friend who would protect her interests. Furthermore, one of the very objects of the secret treaties of 1917, so it has been stated, and, indeed, the French treaty incorporates it, if I remember correctly, was that Japan was to no longer throw any obstacles in the way of China going into the war.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield.

Mr. HITCHCOCK. Does the Senator recall what it was that the representative of China testified to before the Committee on Foreign Relations?

Mr. BORAH. No; I do not.

Mr. HITCHCOCK. All he stated was that the United States agreed to assist China in securing representation at the Paris conference, which Japan had resisted. That is the beginning and the end of his testimony.

Mr. BORAH. Very well. The Senator can have his construction of it. But I have never heard it denied, Mr. President, that

the United States attitude toward China was that of encouraging her to enter the war. I have never heard it denied that it was the attitude of the United States that she was friendly to China and intended to protect her interests at Versailles. It is a notorious fact that at Versailles she did intend and did endeavor for a time, until confronted by the secret treaties, to protect China's interests at Versailles. It is further true that the President has expressed regret time and time again that by reason of the secret treaties he was prevented from doing what he desired to do, and what I have no doubt he would have undertaken to do had it not been for the secret treaties.

Mr. President, the same attitude toward China was assumed by Great Britain. Certainly Great Britain encouraged China to enter the war, and certainly they accepted her services, and those services were of an important and vital nature to the cause. Now, at the very time she was entering the war, at the very time that China was preparing to assist the Allies, Great Britain was entering into a secret agreement with Japan, another ally and associate, by which she was to take a portion of the other ally's territory and give it to Japan. This treaty was kept secret from China by Great Britain until they arrived at Versailles. It was kept secret from the United States until our delegates arrived in Paris—a secret combination or a secret treaty by which one associate in the war enters into a combination with another to deprive a third of property and territory.

It was bad enough, Mr. President, inherently bad enough, and it became indefensible and intolerable, from the standpoint of the United States, when it was kept away from us during all the months in which we were announcing our position in reference to those policies and principles by which we were supposed to be guided.

Mr. President, what did Germany have by virtue of this leasehold or treaty? What could she transfer to Japan or what could Japan acquire as German property by reason of a treaty? The German treaty itself provided that her rights were not subject to transfer to any other power. Germany had nothing which she could transfer had she affirmatively, of her own motion, undertaken to do so. Therefore there was nothing which Japan could acquire except what she acquired or could acquire by virtue of an act of war. When she undertook to take possession of the German rights, she found nothing but a lease which was forfeitable when it ran against the claim of any other nation.

Secondly, it was but a leasehold; it was not a concession. It did not undertake to transfer any sovereignty. It expressly provided against such transfer. Therefore under every rule with which I am familiar, of either municipal law or international law, the moment China entered the war those rights were forfeited and reverted to China. Being nothing but a lease, the moment it was forfeited by reason of the act of China entering the war, all rights reverted to the original lessor. Both by reason of the fact that it was nontransferable under the treaty, and by reason of the fact that it was a lease, China's entrance into the war took away any possible property rights which Japan could acquire by treaty from Germany.

What did Great Britain and France agree to? They agreed to support Japan in her claim for the German rights under the German lease, and nothing more. They did not undertake to cover any rights which Japan might have acquired by virtue of her entering upon the possessions of China as a separate and distinct nation, as an act of war, but undertook to support Japan in her claim at Versailles for whatever rights Germany had under this treaty, and that was all.

Now, what did Germany have when they met at the Versailles conference? What property interests did she have? I do not believe that there was anything there which could be transferred; secondly, that if there was any transfer which was effectual, the United States could disregard it in view of the fact that the terms of the treaty had been concealed and kept from her attention during the entire war.

In view of this record, therefore, Mr. President, we stand in the position to-day to do what in good conscience and in justice we ought to do. We can not be charged with bad faith by Japan or by Great Britain. We are in a position to assert our honor and to protect our honor by our act here in the ratification of this treaty. We stand free of all obligations save the obligation to do justice, to deal honorably with the entire situation. What right has Japan to complain that we disregard a treaty which she laboriously concealed? Indeed, she is under the highest obligation in good conscience to affirmatively release the United States from any obligation to consider these treaties. That is even more true with reference to Great Britain. If ever one nation was under obligation to deal in open candor, in unconcealed fashion, with another, Great Britain was under that obligation to this Government after we entered the war. I let her record answer how she met that obligation.

Could Japan complain of the United States if the United States refused to recognize a secret treaty? Would she stand with any success in the public opinion of the world if she should quarrel with the United States because the United States refused to be bound by that which she concealed from the United States? Could Japan complain of the United States if the United States should write into this treaty that which international law and municipal law has already written into the treaty, to wit, the complete reversion of these rights and properties to China?

So I say, Mr. President, that neither in honor nor in law are we bound to give any recognition to the past or to past transactions between Japan and Great Britain.

Much has been said here from time to time to the effect that if we should do what is contemplated, it might lead even to a conflict with Japan. I do not think so. But if we are to have difficulty, if that can not be avoided, if the situation in the Far East is such, and made such by reason of these secret treaties, that disturbances must come, let us at least have a clean record behind our position; let us at least be in a position where the world can never assail us for doing an improper or an unjust or an unconscionable thing. If the situation in the Far East is as has been contemplated by the Senator from Colorado [Mr. THOMAS] and by others, and we must face it, we can face it with double strength, both in our own conscience and before the world, if we do right by our associate and our ally in the war. "Thrice is he armed who has his quarrel just." But in my opinion, Mr. President, that condition need not be considered.

I should think that it would be embarrassing indeed for the Japanese Government to insist against Great Britain, the United States, and France that she should have the possessions which Germany had in China, as against the undoubted legal principle that they reverted to China the moment China entered the war. Upon what foundation will she base her claim? Upon what contention will she rest it? She will rest it upon the contention which she is making now and which we are about to indorse—nothing in the world but desire and force. When you get down to the bottom of this and analyze it, the taking of Shantung by Japan is not based, except for arguments and camouflage, upon the treaty of 1915 at all. It is based upon opportunity, expediency, and force. Before she made the treaty of 1915 she had presented her 21 demands to China, presented them out of a clear sky. She was not at war with China. There was no occasion for the demands. She had had no trouble with China. She was, in effect, an ally, but these 21 demands incorporated the German rights and, in addition to the German rights, incorporated other demands which would have made China a subject nation to Japan. It was intended at the time to initiate the policy which the treaty of 1915 afterwards attempted to carry out. We will be called upon, Mr. President, to add our moral prestige and the strength of this Republic to the program which had been initiated, not by the treaty of 1915, but the wrong which had been initiated by the 21 demands which preceded that treaty.

We are becoming a party to the dismemberment of China, an ally. The initial step of this dismemberment is not the treaty of 1915, but the demands which preceded it.

I say that the United States should draw back from that proposition. There can not be anything possible in the world's situation which requires this Republic to do a dishonorable thing toward any nation, great or small. As certainly as conscience is left in the world, as certainly as there is a morality to which men will adhere, there must be in the minds of civilized and Christian people of the world a sufficient power to force justice to the front when it is so clear and unmistakable as it is in this instance.

As I said a moment ago, there is not a Senator upon the floor who defends it upon the ground of right. There is not a Senator who defends it upon the ground of justice. There is not a Senator who undertakes to put under it a basis of morality. There is not a Senator but regrets that it is here. The President regrets it. The people of the United States regret it. If to-morrow morning it could be known that the conscience of the United States was clean and clear of this "damned spot" which will stain her honor for all time, there would be an exhilaration of the public mind which has not been felt since the war closed, for we are essentially a just and honorable people. Will the United States rise to meet the situation? Will we send word to all the nations of Europe and of Asia that "you may dismember and partition and plunder and separate peoples until you get to that body which represents the people of the United States—there you must stop"? It would have a most wholesome

effect throughout the world. To do right, to do justice, that is the highest service we can now render to a doubting, distrustful, and suspicious world.

Mr. SPENCER. Mr. President, the Shantung provisions of the treaty of peace, sections 156, 157, and 158, are shameful. They are the culmination of a long series of unjust and regrettable international arrangements, every one of which is repugnant to that sense of justice which fortunately pervades the United States and which, please God, may never be diminished or destroyed.

In 1896 and 1897 Germany indicated clearly her determined policy to acquire for herself territory in China.

In 1898 when two Christian ministers of German citizenship had been killed by a mob, Germany promptly seized the opportunity of making this unfortunate incident a basis for the peremptory demand of the desired rights in Shantung. It had no more foundation in justice than, as has been well said, would exist if as a result of mob violence in the city of Baltimore a citizen of Great Britain should be killed and the unfortunate incident should be made the demand for the cession to England of the Chesapeake Bay and its adjacent territory.

Soon after the war broke out in 1914 the Chinese Government was anxious to expel the German forces from Chinese territory, and under the circumstances was able to do so. This would have brought China directly into the war, but Japan with great vigor insisted that China should not act in the matter and prevented her entrance into the war upon the side of the Allies, while Japan herself, at an almost negligible cost of men or material resources, dispossessed Germany from her Chinese possessions. It is significant that Japan in thus dispossessing Germany did not content herself alone with the acquisition of the territory which Germany had acquired but landed her troops a hundred and fifty miles in the interior and took military control of a far greater extent of territory than Germany had ever possessed.

In 1915 Japan, by the threat of force and by dominating diplomatic insistence, compelled an unwilling China to agree that the rights of Germany should on the termination of the war be transferred to Japan. Japan with great cunning secured, owing to the stress of world conditions, an agreement from England and France and Italy that they would consent in the final treaty with Germany to the acquisition by Japan of all Germany's rights.

It is, as I have said before, inconceivable that the representatives of the United States at the peace table who have asserted that the first knowledge they ever had of any such agreement between England, France, Italy, and Japan regarding Shantung came to them at Paris should ever have consented to proceed with the negotiations until these secret arrangements of such vital importance to the future welfare of the world were by the consent of all parties thereto entirely abrogated, so that the conference at Paris might begin their negotiations unencumbered by secret arrangements of which the United States had no prior information. One would have thought that the President would promptly have said to his associates:

"Gentlemen, I learn for the first time of the secret treaty which you have made between yourselves. I do not impugn the motive or the necessity which may have been the cause of its original creation, but as we now come together to consider the welfare of the world, and to consider it alone upon the principles of honor and of justice, I say to you in the name of the United States that before we enter upon this conference that secret treaty, by the consent of every one of you who formed it, must now be laid upon the table and canceled, in order that we may proceed, unfettered by secrecy, to do now what is right in the matter. I will not enter into a conference with my hands tied by a secret arrangement concerning which I had no information whatever."

But such action was not taken at Paris. The treaty of peace was negotiated with provisions which did give to Japan the very territory in China which England and France and Italy had secretly agreed with Japan should be given to her, and that treaty is now an accomplished fact and in practical operation. Germany has already ceded her rights in Shantung to Japan. Japan is in actual possession of the Shantung Peninsula, and nothing that we can do will dispossess her unless, indeed, by very force we eject her from the peninsula.

If we adopt these amendments as they are written, which expressly cede Shantung to China and take Shantung away from Japan, we ought to make it effective.

If the United States in its wisdom actually transfers territory, as these amendments do, from Japan to China, we ought to see to it that such transfer on our part is accomplished; otherwise it is nothing but a verbal bubble that by its very lack of substance suggests its insincerity.

Is it not also apparent that by these amendments, whether we proceed to enforce them by war or not, we are intermeddling in the most aggravating manner in the quarrels and disputes of the Far East? We seek to change an existing condition of territory of which we disapprove, and not only express our disapproval but actually take the disputed territory and give it to another. There could be no greater intermeddling in the affairs of the Far East than this.

If we adopt these amendments we are not helping China in the least. We do not change by a hair's breadth the existing condition of Japan's possession of the Shantung Peninsula. We do nothing more than create a diplomatic situation which renders real help to China more difficult in the future.

For my own part, I want to record my abhorrence of the Shantung provisions as they are written in the treaty; and yet I am not blind to a condition which actually exists and which for the moment the United States is helpless to remedy. If the pending amendments could accomplish the transfer to China of Shantung I would vote for them.

Before the Senate is through with the treaty I shall avail myself of the opportunity or I shall create the opportunity by my vote of expressing my views; but at the present time the amendments as they are proposed are impotent to help China unless we inject ourselves into the very center of the eastern question. Their adoption would cause the United States to intermeddle in the disputes of the Far East, from which we ought to earnestly seek to be free. Are we not wiser before the world, Mr. President—wiser from the viewpoint that has been so eloquently stated by the Senator from Idaho [Mr. BORAH]—more consistent with our established polity, and more helpful to our sister Republic of China, if, under the situation as we now find it actually to exist, we express our disapproval of the provisions of the treaty with regard to Shantung, refuse ourselves to be bound by them, and indicate in clear terms our intention of remedying the wrong at the first opportunity?

I think so, and because I think so I shall vote against the pending amendments.

Mr. REED. Mr. President, I have listened with great interest to the very forceful statement of my colleague [Mr. SPENCER], and I dislike very much to take issue with him, because he is my colleague; but I desire very respectfully to call his attention to the fact that his entire argument proceeds upon a fallacy, and I believe that I can make that so clear that my colleague will be almost, though perhaps not quite, convinced.

The Senator states that the rape of Shantung is abhorrent to him and abhorrent to the world. These are not his words, but that is their import. The Senator having laid down that proposition then proceeds to say that this is an accomplished fact because the treaty has already been signed by Germany, has already been signed or agreed to by Great Britain, by France, by Japan, and by Italy; therefore, the treaty is an existing fact; that the transfer is consequently a completed thing; that what the United States now proposes to do is to disregard and defy this existing condition; and that if she does so she takes the responsibility of summoning her armies and her navies and going to war with Japan in order to assist China in wresting from Japan this Province thus finally turned over to Japan. That is a fair statement of the Senator's position.

The only trouble with that is that it is all aside from the facts. What are the facts? We are now asked to ratify this treaty, to become a party to it, and until we do become a party to it it will not be binding upon us. If we now proceed to amend it, it will have to go back to all of the nations that have signed it, and they will then have the question put to them of agreeing to the treaty as we have amended it. So the question presented is not whether we shall undertake to upset a treaty that is concluded, but it is whether, while the treaty is under consideration, we shall insist upon a just amendment being written into it.

This treaty is not an accomplished fact, so far as we are concerned, until the United States shall act. If the United States amends this treaty by providing that Shantung shall go to China, and the other nations refuse their assent to the treaty as thus amended, then the treaty does not bind us and the treaty does not bind any other nation unless those other nations see fit to make a treaty disregarding and leaving out the United States altogether; and if the other nations see fit to make a treaty with Germany disregarding and leaving out the United States altogether, then well and good, we will make our own treaty, and when we make it we will not agree to furnish the men and furnish the money to fight the wars of these other nations.

If this treaty is already settled, as the Senator argues; if it is an accomplished fact, as the Senator argues, why do we sit

here deliberating upon a thing already done? What is there left for us to do, if it is already an accomplished thing? What reason is there for us to adopt it, if it is an already accomplished thing? Is it the position of the Senator and of those who share his views that the United States has nothing to say; that we have been put out on a limb, to use a common expression, and the limb sawed off between us and the tree; or is it a fact that this treaty is still before the world and that we are performing an important function with reference to it when we sit here deliberating and when we propose to vote upon it? What utter and sheer nonsense it is for us to spend our time deliberating about this treaty if it is already accepted! What use is there to talk about amendments or reservations if the thing is already a fixed fact? What good will a reservation be, what virtue, to a thing we can not change, an immutable, unchangeable thing already accomplished and fixed? The Senator overlooks that.

My view is that this treaty is still before the Senate of the United States; my view is that if the Senate of the United States amends this treaty it will go back; and when it goes back the other nations of the world will then either have to accept our views or they will have to make a treaty to suit themselves, and we will be at liberty to make one that suits us. So when the Senator argues in one breath that we can alter the situation by a reservation, and in the next breath that we can not alter it by an amendment because it is already fixed and settled and beyond our control, it seems to me he is not in a very logical position.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the senior Senator from Missouri yield to his colleague?

Mr. REED. I yield to my colleague.

Mr. SPENCER. Am I not right and does not my distinguished colleague agree with me in the statement that when three of the principal allied or associated powers agree to this treaty it becomes an accomplished treaty? And, even though we never acted upon it, is it not a treaty every provision of which with regard to Germany and with regard to Shantung, which the Senator is now discussing, would be actually accomplished? Am I wrong in that?

Mr. REED. The Senator is right in the position that the treaty recites that when it has been approved by three of the principal powers it shall become effective and peace shall ensue; but the Senator does not mean to say that three of the powers can bind the rest of the world to that treaty? They can bind themselves, and three of the powers have bound themselves; but the United States is not bound. She is at liberty now to take such action as she sees fit; and if the United States should disagree to this treaty altogether and reject it, there would be world peace, except that nominally there would not be peace between us and Germany, although there would be in fact. But while that is true, does the Senator differ from my statement when I say that if the United States amends this treaty now it will go back to the other nations, and that if it does go back to the other nations they will then have their option to accept our amendments or to reject our amendments, and if they do reject our amendments we still are free then to act?

Mr. SPENCER. Mr. President, I quite agree with the senior Senator from Missouri; and it is for the very purpose of preventing, unless it is absolutely necessary, such amendments as will carry the treaty back that I prefer the reservations. I think perhaps the Senator would like amendments that do carry it back, but in that I am not in agreement with him.

Mr. REED. In other words, the Senator, recognizing that this treaty is now effective as between these nations who signed it, and that it contains this enormity, does not want to send it back so that the cancer may be cut out, but he wants simply to put in a reservation saying that we are not a party to the cancer. Well, Mr. President, I want to give them a chance to cut it out, and I want to make them cut it out. What we need is a little more American nerve and not quite so much acquiescence in the demands of other countries.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further?

Mr. REED. I do.

Mr. SPENCER. I want to express, in a word, my concurrence in the cancerous nature of the situation. The difference between my distinguished colleague and myself is this: He thinks that that cancer can be best removed by an amendment, and he proposes to give the other nations the chance to cut out the cancer.

Mr. REED. To make them do it.

Mr. SPENCER. To make them do it. I think the cancer can be best removed not by sending the treaty back but by leaving the situation in such a condition that the United States itself is free to act in regard to the removal of that cancer later on.

Mr. REED. Mr. President, we will be free to act in what way? We will have ratified a treaty that expressly approves the theft. We will have breathed, or will have helped to breathe, the breath of life into the treaty that guarantees to Japan the loot. Then we propose to say, after having done that, "We reserve, for the sake of conscience, an approval of it."

Mr. President, either a reservation means something or it means nothing. If a reservation has any potentiality whatsoever, then the United States is protesting against this great wrong; and if she protests against this great wrong the time to right it is when the contract is being made, and not later.

The Senator is a distinguished lawyer. The Senator never yet was confronted with a situation where a party said to his client, "I am going to restore this property to you, but I am going first to insist that you shall sign a deed of it to me," and under those circumstances advised his client to make the deed. He has invariably said, if he was ever confronted by that situation, "If you are going to restore this property, then, instead of your requiring a deed from my client to you, you ought to make a deed to my client," and now is the time to settle these matters.

The Senator says, however—and this is the part of his argument I want to dwell on for a moment—that if the United States adopts his amendment, the United States then becomes bound, practically, to go to war to make it good. Mr. President, when the United States adopts this amendment she passes the amendment back to the other nations of the world and asks them to accept it. If they do accept it the wrong is righted. If they do not accept it the United States is bound to nothing. She has simply expressed her abhorence by an amendment. If we adopt this amendment to-day, and the other nations of the world refuse to ratify and confirm it, we are bound to nothing. The Senator surely knows that. The league of nations, the assembly of nations, this association of powers, will be bound, if they ratify it and it becomes a living thing, to see that Japan does the thing that they say shall be done; but if they do not do that, then all we have done is to adopt an amendment which is dead or dies because the other nations of the world refuse to concur in it.

Mr. COLT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. REED. I do; yes.

Mr. COLT. As I understand the situation, I might say to the Senator, if the treaty consisted of 12 articles, one of which the United States did not agree to, and we ratified the treaty as to 11 articles, it would be only a partial ratification of the treaty on our part. When we do it by a reservation it leaves the 12 articles in full force between the other parties. When, however, we make a textual amendment, we make in fact a new treaty, and it must be submitted to all the other signatories.

I thought the Senator was perhaps a little strong in the statement that if we ratify the treaty with reservations we ratify the treaty and the whole of it. That is not true. It is only a partial ratification upon our part. I so understand it.

Mr. REED. The Senator and I do not disagree. We may disagree about phraseology, but not about the thought. Of course, if we ratify the treaty outright, we have consented to all of it. If we reject it outright, we have rejected all of it. If we amend it, we have then ratified the treaty with amendments, and it must go back to the other powers for their agreement to the amendments. If we merely put in a reservation, we leave the situation in this wise—that all the wrongs and all the villany and all the crimes remain. We are no longer in a position even to protest against them. We have consented that the instrument shall be a living instrument; but we say that, as far as we are concerned, we will not be a party to the wrong, which, however, becomes consummated.

Mr. COLT. I understand that.

Mr. REED. Now, I am not willing that this treaty should contain these wrongs. I want to employ the only opportunity we will ever have to take them out. I do not want them to exist. I want the treaty to go back, and I want these nations to have the pressure of the United States put against them, so that we may prevent these international crimes.

And why should we not send it back? What is the reason why it should not go back? What is the delicacy of the situation that makes it so that the United States can not ask for the reassembling of a body that is already assembled? There has been talk about reassembling the peace conference. The peace conference is in session now. The representatives of all these nations are there, and this question or any question can be placed before them. If not, what utter nonsense it is for us to

pretend that we have any right to say anything or do anything! If it is impossible to assemble these gentlemen, then we ought to take this work as it was handed to us and swallow it, or else we ought utterly to reject it.

Why is it that Senators fear to reassemble these nations? They are assembled; I use the term "reassemble" because it has been used so often. Will it make any difference with Germany? Germany has already yielded these rights, and it is a conceded fact that Germany has nothing to say about them. It will make some difference to Japan. That is the only nation it will affect.

That brings me to a consideration of this Japanese proposition.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH of Montana. Before the Senator goes to that, I think the Senator has very accurately stated the situation that would result if this amendment were adopted. If it were accepted by the other signatories to the treaty, of course the situation would be solved. If it should not be accepted, I think the Senator has correctly stated that the treaty would stand as between the three powers and Germany, and we would be perforce obliged to negotiate a separate treaty with Germany.

Mr. REED. Yes.

Mr. WALSH of Montana. I desire to inquire of the Senator whether that situation gives him any anxiety whatever?

Mr. REED. Not the slightest; not the slightest.

Mr. WALSH of Montana. I imagined as much, because I could not understand his desire otherwise to attach amendments to the treaty which would amount to a rejection.

Mr. REED. I can see no reason why it should give anybody anxiety. Let us see what we need, as far as we are concerned, in our dealings with Germany. Suppose we were to say to Germany: "We want from you, so far as the United States is concerned, in a separate treaty, everything you have agreed to give the United States in the treaty you negotiated." Now, what would it be? Not a dollar of indemnity; not a ship, except these merchant ships that we took here during the war; not a foot of territory.

Mr. WALSH of Montana. Can the Senator give us any idea of the value of those?

Mr. REED. Well, about the amount that it took us to furnish shells for five minutes in one good battle.

Mr. WALSH of Montana. That amounts to how much?

Mr. REED. Oh, I do not know.

Mr. WALSH of Montana. It amounts to something like a hundred millions, does it not?

Mr. REED. Possibly. We give that away every day here. [Laughter.] Is the Senator alarmed about that? Does my distinguished friend mean to say to me that Germany would hesitate in making peace with us, to tell us to keep these old tubs? I will not say "old tubs." They were fairly good vessels of an obsolete type.

Mr. WALSH of Montana. Yes; I think the Senator ought to revise that statement; but I will say to the Senator that, however he may feel about it, I have no disposition whatever to make a present of a hundred million dollars or $1,000,000 to Germany.

Mr. REED. I have not any disposition to do it, and I have not said so, and the Senator did not so understand me, either.

I said that Germany would not hesitate one second, in order to have peace and good will reestablished with this country, to let the ships go as they go now. There is nobody going to be deceived by that argument. Is the United States selling her birthright of honor for this mess of pottage? Are we afraid to do an act of justice to the world because, if we made a separate peace with Germany, she might say, "We will not give you this hundred million dollars," if that is the amount, when, as a matter of fact, she has no option except to do it? The good will of the United States, the fact of having peace with the United States, is worth more than a hundred million dollars to Germany in one month's time, aye, in one hour's time. There is nothing in that. Nobody will be deceived by it.

What is there, then, that makes gentlemen fear making a separate peace with Germany if the other nations of the world should refuse to accept our amendment?

Mr. WALSH of Montana. Mr. President, I will ask the Senator just one more question. All our troops, with insignificant exceptions, are now withdrawn from the seat of war. We would be in exactly the same situation if we were to negotiate a treaty of peace with Germany as if all the military forces had been withdrawn from the area of conflict immediately upon the cessation of hostilities. I inquire of the Senator whether he would be willing to proceed to negotiate a treaty of peace with Germany on that basis?

Mr. REED. Mr. President, there is no use answering a part of that question. But let us look at the situation just as it is now. All of our troops are withdrawn from Germany, and Germany has not any troops over here that I have heard of. So the two nations would stand at arm's length. We have Germany's ships, and that is all we are ever going to get, and it is all we have ever asked.

Now, the question that is presented to this bankrupt nation, this half-starving nation, to which we have had to send food, is this, "Do you want to make peace with the greatest power in the world or do you not?" Do you think that Germany would hesitate a minute because our troops are withdrawn?

Mr. WALSH of Montana. Mr. President——

Mr. REED. One moment.

Mr. WALSH of Montana. I want to correct a statement made by the Senator.

Mr. REED. I want to finish the statement; then I will submit to the correction. The Senator from Montana says our troops are withdrawn from Germany. Our troops, unfortunately, are not withdrawn, and under the treaty we are making we are to keep American troops on German soil for 15 years. They are recruiting boys now for service in foreign parts, and the contract expressly specifies it.

Mr. WALSH of Montana. I do not care to answer that statement, Mr. President; but I desire to correct the statement of the Senator that the ships we took from Germany are all we have asked for or all we get.

Mr. REED. What else do we get?

Mr. WALSH of Montana. We get $750,000,000 worth of property which the Alien Property Custodian has taken from German citizens.

Mr. REED. We have that.

Mr. WALSH of Montana. Yes; we have that.

Mr. REED. And Germany has not any army to come and get it back.

Mr. WALSH of Montana. No; she has not; but we have it.

Mr. REED. Yes. Does the Senator from Montana mean to tell the Senate and the country that for those considerations the United States ought to hesitate, for fear that Germany will not make peace with us? Germany stands with her arms extended begging peace. We are not the people who need fear Germany. If there is any hitch in the making of peace with Germany, it is not the United States that need be fearful; it is France and England and Italy, the countries that are near by. That is one of the reasons why I think those countries might accept our amendment. We alone of all the nations stand in a position where we can not be hurt, unless we enter into a compact that hurts us.

Mr. WALSH of Montana. Just one more interruption and I will not trouble the Senate further.

Mr. REED. Certainly; I yield.

Mr. WALSH of Montana. I agree fully with the Senator that we are in a most advantageous position from financial and other similar considerations in negotiating a treaty of peace. But why does the Senator want to throw away every advantage that we acquired by reason of the military victory over Germany?

Mr. REED. We are not throwing away a single advantage. What advantage are we throwing away? I am speaking from the standpoint of the United States. You tell me that the treaty is already in effect. You say that Germany has already made her peace with all the other nations of the world, and you say that the treaty is acceptable to her. If the United States were not to sign that treaty, it would still stand. But if we send it back with an amendment, and the other nations see fit to accept that amendment, then there will be that much good done to the world. Let us see. Germany has not a thing to say about that. That was admitted by the President. Germany is not a member of the league of nations. Germany has signed away Shantung. What we are asked to do is to dispose of Shantung and to ratify and confirm the transfer to Japan. There is nothing in those arguments.

It was argued here by a Senator, for whom I have the most profound respect, that if we refuse to consent to this transfer and to ratify and confirm it Japan may refuse to come into the league of nations; she may refuse to become a partner in the regeneration of the world. That is to say, in order to get Japan to join in this effort to uplift the world, in order to get her to be a partner in this association that proposes to wipe out all international inequalities and injustices and to produce a reign of equity, we must bribe her by turning over to her her ill-gotten gains and guaranteeing them to her. What kind of a partner is that going to be? If I am going to organize a

church I do not want any gentleman to join only upon the consideration that he shall be bribed into his membership. That is not the kind of men to make churches with.

If you are going to organize a partnership of the nations of the world for the purpose of producing universal justice, then you can not bring into this partnership any nation that is so debased that it will not join unless it is guaranteed its ill-gotten wealth. I would rather have a pirate nation outside than a pirate nation inside. I do not want to sit at the same table and consult with and submit to the votes and the decisions of a nation that will only join provided it is allowed to have its crimes recognized and justified and guaranteed.

It is a strange sort of argument that we are hearing here. If that nation is so selfish, so brutalized, so criminal as it has been pictured, then instead of admitting it into the household we ought to bar our gates against it. We ought to preserve our own councils against it. You can not take a lot of savages and transform them into saints by bringing them into this compact, and certainly you can not when they tell you that they will not come in unless they are permitted to keep their international stealings.

Now, we are asked to sanctify this proposition; we are asked to justify it, and we are told that if we do not do it Japan may stay out; that she may join Germany; that she may join Russia. If Japan is that sort of treacherous thing, then in the name of Heaven why should we take her into partnership? Do you gain anything by admitting the enemy and the traitor and the conspirator into your own councils and your own home? That argument ought to exclude Japan as an undesirable and a dangerous factor in the life of the world.

Then we are told that we are powerless to help China. Mr. President, if we sign this treaty without amendment, we will be powerless to help China. Now is our one chance to help China, and to help her without a great and bloody war. Now is our chance to say that the United States refuses to concur in this treaty unless at this time, at the moment of signing and as a part of the exchange of documents, Shantung shall be delivered back to China. If we do that, it does not involve us in war. If the other nations accept, then this great wrong is done away with and all cause for war in the future between China and Japan will have been removed and all cause for war between us and Japan or any other nation concerning that great wrong will have been removed.

But if you sign the treaty as it is now and turn this great Province over to Japan, then you have that question before you, you have that great world irritant fastened in the international body. You have the certainty that if China is ever able to rise from the dust she will strike, and when she does that many nations may be drawn into the conflict. For the safety of the world, for the preservation of peace, for the settlement of this controversy when it can be settled—for all those considerations, the amendment ought to be adopted.

Now, what is the amendment? The amendment proposes that Japan shall do now what she professes she is going to do to-morrow or some other day in the near future. She has never made a statement yet that binds her Government, but she has made statements to control the opinion of the world. She says in those statements, "Give us a good title, then we will graciously give it back some day." If she is in good faith about that, now is the time to do it, when the contract is being made. If we do not do it now, then the question is an open one. Then comes the question, What can the various nations of the world do about it? If we accept the league of nations that is adopted, we will assume that China files her complaint before the league of nations, and the league undertakes to deliberate upon it. Japan will lay down as her muniment of title a solemn treaty confirming her in the possession of this property, and when China undertakes to reply she will be able to put in evidence only the oral statement made by some Japanese statesman. Japan has not by an official act declared what she will do, so China will lose her case for that reason, and, as I said yesterday, she will lose it for another reason, that the most potential nations represented on the council will be the nations who have signed the secret pact, who themselves are responsible for this situation.

But suppose, sir, that the league of nations, just as it stands now, would undertake to decree that Japan should turn this property back to China, then what? I am speaking now of the possibilities of war. If Japan is now in such temper and is made of such material, if she is ready to conspire with Germany against her associates, if she is ready to conspire with Russia against her associates, she will, in the case I have supposed, carry out that conspiracy, join those great nations who are outside of the league. There are over 50,000,000 more white men outside of the league than are inside of it, and she will join in an alliance and in an agreement with them. Then look for a world war indeed!

If Japan will not do justice now, we can not trust her in the future. If, with their armies and their navies intact, and if, with Japan now having great gains to be made through this war outside of Shantung, with Japan professing unofficially to do justice to-morrow or the next day or next year, we can not now secure from Japan a fair deal and a fair understanding, then beware of what we will be able to do under the league of nations; beware of the conduct of Japan in the future.

Mr. President, Japan can be handled to-day. I say to you that if you consummate this robbery Japan can not be handled to-morrow. Why do I say that? She has approximately 50,000,000 people. She has taken over Korea with 20,000,000 people. If she acquires Shantung she gets 40,000,000 more of people, making 110,000,000 of people drawn under the authority of this—and I use the oft-repeated expression—Prussian of the Orient, with her fatalism, with her cruelty, with her indomitable will, with her towering ambition. Not only does she gain control of these 40,000,000 Chinamen, but she gains practically the key to all China, and you have opened there for her an empire of conquest and a sphere of influence such as the world has hardly dreamed of before.

Fifty years is a short time in the life of nations. Give to Japan 50 years to work upon that material, with the power to Japanize—if I may use that adjective—these Chinese populations, and you will have created a yellow peril indeed. You will have brought together this mighty host of yellow men—I am assuming that Japan is successful in holding these possessions—and you will have created a menace that will cause not only Europe but the United States to have great reason for fear.

The proposition is that Japan to-day is so powerful that we can not make her do justice at this time, hence we will make her much more powerful in the hope that at some future time, by a tribunal that we are setting up, we can get her to do justice. The long line of international treachery which the world has witnessed ought to give us a lesson. When England entered this war Lloyd-George said England did not propose to demand a single foot of territory; but Great Britain has absorbed more territory through this war than Rome ever gained in a similar period of time. When England entered Egypt she protested to high heaven that she did not intend to acquire that territory. The language was read here to-day. But in a few years' time England's clutch grew tighter and she had taken over the control of Egypt. She has now entered upon a similar course of conduct with reference to Persia. England, through this war, with her other possessions, now drives her railroad from the cape to Cairo on English soil. Possibly that may not be a bad thing for the world; but it illustrates how little confidence can be placed in the statements that nations do not propose to take territory or that they propose to yield the territory already in their possession.

Japan has repeatedly promised to restore the possessions she has taken, and she has broken every promise that she has made to China or made to the world. The history of mankind is that when nations gain possession of lands they keep them, if they have the power to keep them.

When we gave Cuba the right of self-government—we came very near giving her complete self-government—we furnished about the only example in modern history at least of a nation ever relinquishing territory. In that case we had not gone in as conquerors, but simply as friends. We have not been able to let go of the Philippines yet. The spirit of keeping ground is strong in the human heart.

If Japan intended to give back this property to China, she would give it back now. Only children are really fooled by the professions of a man or of a nation that says, "We propose to give back the thing we are taking, but before we give it back you have got to certify a title to us." If she is going to give it back, why does she need the title certified? Why does she need to have it sanctified and sanctioned and made pure?

If we make this amendment, it may be that when the treaty goes back Japan will snap her fingers and say to all the world that she disregards their will, that she proposes to keep this land and these people. If so, one of two courses will be open. One will be for the nations to undertake to enforce by war the liberation of China. I do not think any such obligation rests upon us. We did not make the conditions and we are under no obligation to send troops there to carry them out. The other course would be, or at least the result would follow, that we would know the heart of Japan; we would know what is her purpose now, and the world would stand on guard against them.

It is a singular thing to find the Senate of the United States solemnly debating the question whether it ought to do what is right for fear that it might offend a nation by not according to that nation the privilege of keeping its stolen property. So far as I am concerned, I do not fear Japan to-day, but if you make her the monarch of the Orient, her Emperor the master emperor of all the yellow men she can gather by force of arms, you can create a force there before which the world may well tremble.

Mr. President, I only intended to reply to my colleague. I have talked too long on this matter, but I protest that it is a shameless thing to stand here and say that this is a great wrong and yet vote for that wrong.

Mr. LENROOT. Mr. President, the appealing arguments of the senior Senator from Missouri [Mr. REED] and of the Senator from Idaho [Mr. BORAH] for the adoption of these amendments are not very persuasive to me when I consider the fact that, even though these amendments and all of the other amendments and reservations proposed by the committee shall be adopted, if I understand the position of those Senators correctly, they will then vote to reject the treaty. It seems to me their position is that during the consideration of this treaty as in Committee of the Whole they are very solicitous for the protection of China, but when it comes to the final act of voting upon the resolution of ratification they will abandon China to her fate.

I thoroughly indorse everything that has been said in denunciation of the articles of the treaty with respect to Shantung; I indorse what the Senator from Idaho said, that we were not in honor bound to give any recognition to the secret pacts out of which these articles in the treaty grew. I will go further, Mr. President, and say that, in my judgment, we are in honor bound to refuse to give any recognition to these articles in the treaty; but I do not believe that it should be done in the manner it is now proposed to do it. I believe it ought to be done by the Senate declaring in the resolution of ratification that it withholds its assent from all of the provisions in the treaty relating to Shantung and reserves to itself full liberty of action with respect to all matters that may arise thereunder. I want to assure the Senate that they will later on have an opportunity to vote for such a reservation. If no other reservation is proposed, I shall offer a reservation substantially in this form: The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy that may arise under said articles.

It is immaterial to me what form the reservation takes, provided that when we come to vote upon the resolution of ratification we do not vote to agree to these articles with respect to the cession of Shantung and reserve to ourselves full liberty of action with respect to any matter that may arise under these articles.

Mr. THOMAS. Mr. President——

Mr. LENROOT. I yield to the Senator from Colorado.

Mr. THOMAS. Will the Senator again read his proposed reservation?

Mr. LENROOT. As I stated, I am only suggesting the substance of what I believe would be a proper reservation—that the United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy that may arise under said articles.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. LENROOT. Yes.

Mr. BORAH. I have very great respect for the Senator's judgment in regard to this matter. As I understand the Senator, he takes the position that the United States by some process should relieve itself wholly and absolutely from any obligation to enforce this portion of the treaty?

Mr. LENROOT. We certainly should do that; but, in addition, we should be perfectly at liberty to assist China at some time in the future if we saw fit to do so.

Mr. BORAH. The question which I desire to ask the Senator is this: What is the difference, then, so far as the substance is concerned, between the position which the Senator takes and that taken by me? His reservation is, in effect, an amendment, is it not?

Mr. LENROOT. It is not.

Mr. BORAH. Of course, technically it is not; but the moral effect of it must be the same.

Mr. LENROOT. Well, let us see—and that is what I was about to discuss——

Mr. BORAH. Very well.

Mr. LENROOT. Let us see the difference between that kind of a reservation and the amendment proposed by the committee. The amendment proposes to strike out in the articles the word "Japan" and to insert the word "China," so as to make the cession from Germany to China instead of to Japan. As the junior Senator from Missouri [Mr. SPENCER] has said, the treaty during the present week has come into full life, so far as the parties are concerned who have ratified it. The treaty at this moment is in full effect between the British Empire, France, Italy, and Germany, and it is safe to say that before the treaty passes out from the Senate, whether it be ratified or rejected, Japan also will have ratified it. Whatever may be said with reference to the cession from Germany to Japan being effective at this date—which is a question I do not care to argue to-night—it certainly will be effective just as soon as Japan ratifies the treaty, so that every concession that Germany has in Shantung will have passed to Japan before the Senate votes upon the resolution of ratification.

What is proposed, then, by the amendments? Although the title of Germany will have passed from Germany to Japan, the amendments would provide that Germany shall agree to cede to China something that she has already ceded by quitclaim to Japan. I insist that this amendment can not be accepted by the British Empire, by France, or by Italy without the consent of Japan.

Mr. BORAH. What, then, is the legal effect of the Senator's reservation? What does it accomplish? What does it do with reference to this territory? Where does it leave us?

Mr. LENROOT. The reservation leaves the United States not a party in any way to that which I believe is correctly denominated a crime. If we do not become a party to it, we will be at liberty in any way that the American people and the United States Congress may determine at any time in the future to assist China in her claims to Shantung.

Mr. BORAH. In any event the result is that Japan is left in absolute possession of Shantung. The reservation does not change the status at all.

Mr. LENROOT. It does not; and neither does the amendment, if adopted by the Senate.

Mr. BORAH. In other words, we simply refuse to hold the lantern while the burglary is taking place.

Mr. LENROOT. But the burglary has taken place, and the amendment does not change that fact, unless Japan consents to it.

Mr. BORAH. Precisely so; but the Senator's reservation does not require the treaty to be sent back for the action by anybody.

Mr. LENROOT. It does not.

Mr. BORAH. So it is a moral certainty that the situation will remain permanent, and the only thing we will accomplish by the reservation is to say that we do not like the transaction.

Mr. LENROOT. That is true; that we do not approve it and are not a party to it. The Senator, I am very sure, is convinced, as I am convinced, that if this treaty is sent back, with the British Empire having agreed to this cession—I am not speaking of secret treaties, for I indorse wholly what the Senator from Idaho has said with reference to them; I believe that every one of them was abrogated by the acceptance of the 14 points—the British Empire, France, and Germany, by signing and ratifying the treaty, having agreed to this cession to Japan, they can not undertake honorably, after having made that agreement in this treaty, to accept any amendment changing the status unless Japan is willing to accept it. Does the Senator from Idaho think that Japan, being in possession, having the assent of the great powers named, having the title that Germany had to Shantung, is going to assent to such an amendment?

Mr. BORAH. Perhaps not; but, Mr. President, the only possible way by which we can force Japan, Great Britain, and the other countries to reconsider this matter is by an amendment.

Mr. LENROOT. But those countries can not honorably reconsider the matter without the consent of Japan.

Mr. BORAH. But being as they were not honorable in doing the thing, they may be willing to do an honorable act by reconsidering a dishonorable act.

Mr. LENROOT. Then the Senator's position is that, having done a dishonorable thing in insisting upon the Shantung provision, they might be expected to do another dishonorable thing in disregarding the word they have given in the treaty.

Mr. REED. Mr. President, will the Senator permit a suggestion?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. Yes.

Mr. REED. If it is true that the nations are now so far committed that they will not at this time, when the question is

still open, do justice to China, what chance does he think China will have in trying the case before the league of nations on her appeal to have Shantung restored to her?

Mr. LENROOT. I would prefer that the Senator ask some Senator who has more confidence than I have in the efficacy of the league of nations with respect to such a controversy.

It is true, Mr. President, that the United States and all of the other nations may later insist upon Japan carrying out her agreement to restore Shantung to China; but, with the reservation that I suggest, we do not participate in this crime; we are exactly, sirs, in the position which some Senators have asked us to occupy when you asked us to reject the treaty and make a separate peace with Germany, or pass a joint resolution declaring the war at an end. Where would Shantung be then?

The fact is, and we might as well face it very frankly, that we are confronted with the proposition that if we adopt these amendments the United States is out of the treaty entirely; that is the issue. I can not give my consent to the position that I am unwilling to make peace with Germany unless Shantung is restored to China. Other Senators may take that position if they choose; but I will not do so.

I must confess, Mr. President, that it seems to me some Senators are very inconsistent in the position they are taking with reference to these articles of the treaty. The Senator from Missouri made a most eloquent appeal concerning the duty of the United States to rignt this great international wrong, and, if I remember his language, he said the United States ought to use some "nerve" about it; and yet, if I recollect aright, the Senator is one of those who has steadily advocated—and I have been very much in agreement with him—that we ought not to interfere or meddle in quarrels in Europe.

Mr. REED rose.

Mr. LENROOT. Just a moment. If I remember aright, the Senator from Missouri voted for every one of the so-called Fall amendments, which were designed to prevent representation on the part of the United States on all the commissions provided for in the treaty with relation to boundaries in Europe and in connection with many other questions there, leaving to the countries in Europe perfect freedom to commit any international wrong that they might see fit to enter into without any protest or concern of the United States. Now I yield.

Mr. REED. Mr. President, just to get the matter right, if the Senator will permit me, I desire to say that I was not here when the Fall amendments were before the Senate.

Mr. LENROOT. Then I ask the Senator's pardon.

Mr. REED. But if I had been present, I was in favor of those amendments and would have voted for them. I simply make the statement for the sake of having the record complete; there is no difference in principle. But the Senator's statement of my position on this particular matter is a little inaccurate. I did not say that it was our duty to right the wrong of China in the sense the Senator puts it. I did say that it was our duty when we were making peace to try to right that wrong in the treaty, but not that we should interfere in such affairs hereafter. Now, mark you, the difference: We have here a peace treaty which requires affirmative action upon this question. Instead of taking that action so as to turn the citizens and property of China over to Japan, I am in favor of taking that action so that the citizens and property of China shall remain the property of China. That does not mean that I am trying to interfere in the affairs of Europe. I am trying to prevent this treaty being adopted as it is, and, as it is, it does interfere. So the Senator can not fairly state that I am in any contrary position. I want to keep out of the quarrels of other nations; I want to let them settle their own difficulties; but here we are making a treaty, and in the treaty we propose to deal with a certain subject. The question is, How shall we deal with it; shall we give this property to Japan or shall we try to have it retained by China?

Mr. LENROOT. I can not yield further, Mr. President.

Let us see just a moment as to whether the Senator is exactly accurate in the attempted distinction between the two positions.

He says that he wants to keep out of Europe. He says that if present he would have voted for all of the Fall amendments relating to boundaries growing out of this very war. By voting for the Fall amendments he would have said, "I want to have the United States have nothing to do with European affairs." Now, that is the position that I am taking with reference to Asia by this reservation. But the Senator, when it comes to Asia, takes an entirely contrary position. When it comes to Asia he says, "While I want the United States to keep out of Europe, I want the United States to dictate what shall be done in Asia"; and I say that is an inconsistent position. I think we ought to take the same position with reference to both, that we ought not to dictate to either; and if the United States is going to attempt to dictate boundaries, either in Asia or in Europe, it ought to be prepared to use the force that is necessary to defend the boundaries which it has dictated. That I am not willing to do, and neither do I think the Senator from Missouri is, and that is why I am not going to vote to dictate what shall be done with Shantung. I propose, however, that the United States keep out of that, not assenting to it, refusing to assent to it, leaving the United States free to take such action in the future with reference to that question as to it may seem just.

Mr. LODGE. Mr. President, before the Senator takes his seat, I think he did not quite state the difference between the effect of an amendment and the effect of a reservation. I am not going into an argument as to whether or not we ought to interfere in Shantung, although I draw a distinction between Asia, where we are an Asiatic power, holding the Philippines, and Europe, where we have no interests whatever; but my point is this:

Suppose we adopt this amendment. Either they would have to agree to that amendment, or we should not be parties to the treaty.

Mr. LENROOT. That is true.

Mr. LODGE. They would have to choose between us and Shantung.

Mr. LENROOT. Yes; they would; and that leads me to say, Mr. President, that it seems to me it ought to be clear to every Senator in the present situation that the adoption of this amendment means the killing of the treaty, because it ought to be plain that Japan is not going to consent to the amendment, and the British Empire and France and Italy can not consent to the amendment without the consent of Japan. I want to say, Mr. President, as I have said before on this floor, that unless the United States is protected from many of the onerous obligations that this treaty imposes, I propose to vote for the rejection of the treaty; but I prefer to do it outright, with a vote against the treaty, than to vote for an amendment that in my judgment is sure to kill it.

Mr. LODGE. Mr. President, I only want to say a word and then I am going to move a recess, because there are several Senators who want to speak on this matter before a vote is taken.

Mr. REED. Will the Senator, before he calls for a recess, permit me just a word? I want to say it before we take a recess, in about two minutes.

Mr. LODGE. I should like to finish.

Mr. REED. I simply want to say this——

Mr. LODGE. Mr. President, I rather object to being taken off the floor.

Mr. REED. Oh! I thought the Senator had yielded.

Mr. LODGE. No, Mr. President; but I will yield to the Senator in a moment. I wanted to say something in conclusion to the Senator from Wisconsin.

Mr. REED. Very well.

Mr. LODGE. That is, that he never will see the day, and we never shall see the day, when Europe refuses to let the United States come into this treaty on any terms the United States says. Without the United States it is a house of cards, and we can dictate what we think right and honorable to-day if we choose; but when we are once snarled in the league we can not do it, so that it behooves us to move carefully.

I yield to the Senator.

Mr. REED. I beg the Senator's pardon. A moment ago I thought he had made a motion with his hand for me to proceed.

All I want to say is this: The Senator from Wisconsin and I get along so well together, and he is so fair a man, that I do not want him to leave me, or try to leave me, in the position of taking contradictory positions.

Here is the great difference between the Fall amendments and this Shantung situation: In the Fall amendments we were dealing with European nations and with European peoples. We were dealing with our enemies and with our enemies' countries. The Shantung amendment is proposing to sanctify the looting of our ally, and to that ally we owe a very high duty. There is a distinction that warrants a difference of attitude.

Mr. BORAH. Mr. President, before the Senator from Massachusetts moves to take a recess, in reply to the able Senator from Wisconsin as to the apparent inconsistency of our voting for this amendment and then voting to defeat the entire treaty, I desire to say to him that in my humble way every possible vote that I can cast anywhere along the line in the hope of defeating it I am going to cast.

Mr. LENROOT. Oh, I do not question that.

Mr. LODGE. Mr. President, I ask permission to have printed in the RECORD and as a public document for the use of the Senate a compilation of all reservations placed on all treaties

hitherto by the Senate of the United States. I think Senators will find it useful for reference.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Senate Document No. 135, Sixty-sixth Congress, first session.]

COMPILATION OF TREATY RESERVATIONS.

A compilation of all reservations placed in all treaties hitherto by the Senate.

Treaty of peace, amity, commerce, and navigation with Korea concluded May 22, 1882.

January 9, 1883: Reported by Mr. Windom.

On motion of Mr. Windom, and by unanimous consent,

The said treaty was read the second time and considered as in Committee of the Whole, and, no amendment being made, it was reported to the Senate.

Mr. Windom submitted the following resolution for consideration:

"*Resolved* (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States and the Kingdom of Korea, or Chosen, concluded on the 22d of May, 1882.

"*Resolved*, That it is the understanding of the Senate, in agreeing to the foregoing resolution, that the clause 'Nor are they permitted to transport native produce from one open port to another open port,' in Article VI of said treaty, it is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Korea, or Chosen, to receive Korean cargo for exportation or to discharge foreign cargo; and

"*Resolved*, That the President be requested to communicate the foregoing interpretation of said clause to the Korean, or Chosen, Government on the exchange of ratifications of said treaty, as the sense in which the United States understand the same.

"*Resolved further*, That the Senate, in advising and consenting to the treaty mentioned in the foregoing resolutions, does not admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power unless such person shall have been appointed for such purpose or clothed with such power by and with the advice and consent of the Senate, except in the case of the Secretary of State or diplomatic officer appointed by the President to fill a vacancy occurring during the recess of the Senate; and it makes the declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

"*Resolved*, That the Secretary communicate all the foregoing resolutions to the President."

The Senate proceeded, by unanimous consent, to consider the said resolutions, and,

On the question to agree thereto,

It was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative.

General act for the repression of African slave trade, signed July 2, 1890.

January 11, 1892: Mr. Sherman * * * reported it without amendment, accompanied by the following resolution:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the general act signed at Brussels July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African slave trade, and for other purposes.

"*Resolved further*, That the Senate advise and consent to the acceptance of the partial ratification of the said general act on the part of the French Republic and to the stipulations relative thereto, as set forth in the protocol signed at Brussels January 2, 1892.

"*Resolved further*, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that Continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions in the said general act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of ratifications of this treaty on the part of the United States."

On motion by Mr. SHERMAN, and by unanimous consent,

The said general act (having heretofore been read the second time) was considered as in Committee of the Whole and no amendment being made it was reported to the Senate; and

On the question to agree to the resolution reported from the Committee on Foreign Relations,

It was determined unanimously in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Supplementary industrial convention concluded April 15, 1891.

March 8, 1892: Mr. Hiscock * * * reported the same without amendment, accompanied with the following resolution, viz:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of protocols 3 and 4, signed at Madrid April 15, 1891, by the United States and other powers, amendatory to the convention of March 20, 1883, for the protection of industrial property, subject to the reservation of the plenipotentiary of the United States in the international conference for the protection of industrial property at Madrid, as follows:

"The share allotted to the United States to contribute to the dotation of the international bureau is not to be augmented until the Congress of the United States shall have approved the augmentation.

"That articles 3 and 4 of the fourth protocol shall not go beyond what shall be established by the legislation of the United States."

On motion by Mr. Hiscock and by unanimous consent,

The protocols were read the second time and considered as in Committee of the Whole, and no amendment being made thereto, they were reported to the Senate.

On the question to agree to the resolution reported from the Committee on Foreign Relations,

It was determined unanimously in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Algeciras convention of 1906.

December 12, 1906: On motion by Mr. Cullom, the Senate proceeded to consider the same as in Committee of the Whole, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Cullom submitted the following resolution for consideration:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the general act and an additional protocol, signed on April 7, 1906, by the delegates of the powers represented at the conference which met at Algeciras, Spain, to consider Moroccan affairs."

Which, by unanimous consent, the Senate proceeded to consider.

Mr. Bacon reported from the Committee on Foreign Relations the following resolution:

"*Resolved further*, That the Senate, as a part of this act of ratification, understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty, and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this Government, and without purpose to depart from the traditional American foreign policy, which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."

After discussion,

On motion by Mr. Hale that the resolution reported by Mr. Bacon be added as an amendment to the resolution of ratification,

It was determined in the affirmative.

On the question to agree to the resolution of ratification as amended, it was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative. So the resolution as amended was agreed to.

Ordered, That the said resolution be laid before the President of the United States.

Convention for the settlement of international disputes signed at The Hague, 1907.

April 2, 1908: The Senate proceeded, as in Committee of the Whole, to consider the same, and no amendment being proposed,

After discussion,

It was reported to the Senate, and no amendment being proposed,

Mr. Carter submitted the following resolution, which was considered by unanimous consent:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the second international peace conference, held at The Hague from June 16 to October 18, 1907, for the pacific settlement of international disputes, subject to the declaration made by the delegates of the United States before signing said convention, namely:

"'Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.'

"*Resolved, further, as a part of this act of ratification*, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention, to exclude the formulation of the 'compromis' by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the 'compromis' required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the 'compromis' required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise."

On the question to agree to the said resolution,

It was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Convention concluded at the second Hague peace conference held at The Hague, 1907, concerning the rights and duties of neutral powers in naval war.

April 17, 1908: On motion by Mr. Bacon, the Senate proceeded to consider the same as in Committee of the Whole, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Bacon submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the adherence of the United States to a convention adopted by the second international peace conference held at The Hague from June 15 to October 18, 1907, concerning the rights and duties of neutral powers in naval war, reserving and excluding, however, article 23 thereof, which is in the following words:

"'A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

"'If the prize is convoyed by a warship the prize crew may go on board the convoying ship.

"'If the prize is not under convoy the prize crew are left at liberty.'

"*Resolved further*, That the United States adheres to this convention with the understanding that the last clause of article 3 implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction."

Ordered, That the Secretary lay the said resolution before the President of the United States.

Convention respecting the limitation of the employment of force for the recovery of contract debts signed at The Hague, 1907.

April 17, 1908: On motion by Mr. Carter, the Senate proceeded to consider the same as in Committee of the Whole.

And no amendment being proposed, it was reported to the Senate; and no amendment being proposed in the Senate,

Mr. Carter submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, respecting the limitation of the employment of force for the recovery of contract debts.

"*Resolved further*, As a part of this act of ratification, that the United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute."

Extradition convention with Portugal, signed May 7, 1908.

May 22, 1908: The Senate resumed consideration of the same as in Committee of the Whole, and, no amendment being proposed, it was reported to the Senate.

Mr. Carter submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of an extradition treaty between the United States and Portugal, signed at Washington on May 7, 1908.

"In giving this advice and consent to the ratification of the said treaty, and as a part of the act of ratification, the Senate understands that it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending, and that this agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty."

Ordered, That the Secretary lay the said resolution before the President of the United States.

Ship canal treaty with Panama signed January 9, 1909.

March 3, 1909: On motion by Mr. Cullom, the Senate proceeded, as in Committee of the Whole, to resume consideration of the same, and no amendment being proposed it was reported to the Senate; and no amendment being proposed in the Senate,

Mr. Cullom submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a treaty between the United States and the Republic of Panama relating to the Panama Canal, signed January 9, 1909.

"*Resolved as a part of this ratification*, That the United States approves the treaty between the United States and Panama, with the understanding that so far as the United States is concerned no question shall be submitted to arbitration herein provided for which in any way affects the vital interests of the United States in the protection, operation, maintenance, sanitation, and protection of the Panama Canal."

Ordered, That the Secretary lay the said resolution before the President of the United States.

Agreement with Russia regulating the position of corporations and other commercial associations, signed June 25, 1904.

May 6, 1909: Reported favorably by Mr. Root:

On motion by Mr. Root, and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the said agreement, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Root submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of an agreement (Ex. D, 58th, 3d) between the United States and Russia to regulate the position of corporations or stock companies and other commercial associations, signed at St. Petersburg on June 25, 1904.

"*Resolved*, That the Senate advises and consents to the ratification of the said agreement with the understanding that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under the authority of the several States of the Union."

Arbitration treaty with Great Britain, signed August 3, 1911.

March 7, 1912 (in open executive session): The treaty was reported to the Senate, and the amendments recommended in the Committee of the Whole were concurred in.

Mr. LODGE offered the following substitute resolution of ratification:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, with the following amendments:

"On page 3, line 4, after the word 'tribunal,' insert a comma.

"In the same line strike out 'may' and insert in lieu thereof 'shall.'

"On page 4, strike out the paragraph commencing on line 28 and ending on line 35."

Mr. BACON. I offer as a substitute for the proviso the one I now send to the desk.

The VICE PRESIDENT. The Senator from Georgia offers an amendment in the form of a substitute for the proviso, which will be read.

The SECRETARY. In lieu of the proviso insert:

"*Provided*, That the Senate advise and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia to the resolution of ratification.

The yeas and nays were ordered, and Mr. Bacon's amendment to Mr. LODGE's resolution was agreed to—yeas 46, nays 36, not voting 9.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

The yeas and nays were ordered, and the Secretary called the roll. The result was announced—yeas 76, nays 3, not voting 12.

The VICE PRESIDENT. Two-thirds having voted in favor thereof, the resolution as amended is adopted.

International wireless telegraph convention concluded July 5, 1912.

January 22, 1913: On motion by Mr. Root, the Senate proceeded to consider the same.

The convention was read the second time and considered in Committee of the Whole; and no amendment being proposed,

Was reported to the Senate.

The convention was considered in the Senate; and no amendment being proposed,

Mr. Root submitted the following resolution for consideration:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the radiotelegraphic convention signed at London on July 5, 1912, with the final protocol and service regulations connected therewith: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding to be expressed as a part of the instrument of ratification that nothing in the ninth article of the regulations affixed to the convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering or clearing from her ports."

The resolution was considered by unanimous consent and unanimously agreed to.

Ordered, That the said resolution be transmitted forthwith to the President of the United States.

Convention signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903.

February 19, 1913: On motion by Mr. LODGE, and by unanimous consent, the Senate as in Committee of the Whole proceeded to the consideration of the said convention, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of a convention between the United States and other powers, signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding, to be expressed as a part of the instrument of ratification, that nothing contained in article 9 thereof shall be deemed to prevent the United States from carrying out any special quarantine measures against the infection of its ports which might be demanded by unusual sanitary conditions."

Ordered, That the Secretary lay the said resolutions before the President of the United States.

Mr. PHELAN. Mr. President, I wish to give notice that to-morrow, at the convenience of the Senate, I shall submit some remarks on the pending Shantung amendment.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Thursday, October 16, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 15, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, our Heavenly Father, we thank Thee for the gift of choice which Thou hast bestowed upon us and which lifts us infinitely above the brute creation and makes us indeed Thy children; yet we realize the awful responsibility it brings with it and we most earnestly pray for strength, that we may resist the temptations which are round about us and submit our will to Thy will. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed joint resolution (S. J. Res. 112) continuing temporarily certain allowances to officers of the Navy and Marine Corps, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the bill (S. 3190) to authorize the construction of a bridge across the Pocomoke River at Pocomoke, Md., in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the joint resolution (S. J. Res. 46) extending until July 1, 1920, the

effective date of section 10 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, in which the concurrence of the House of Representatives was requested.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River at Pocomoke City, Md.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 46. Joint resolution extending until July 1, 1920, the effective date of section 10 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6810. An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries;

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.; and

H. R. 7972. An act to improve the administration of the postal service in the Territory of Hawaii, in Porto Rico, and the Virgin Islands.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DUNBAR was granted leave of absence for one day, on account of important business.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the roll of committees.

The Committee on the Merchant Marine and Fisheries was called.

ESTABLISHMENT OF LOAD LINES FOR CERTAIN VESSELS.

Mr. SCOTT. Mr. Speaker, I call up the bill H. R. 3621.

The SPEAKER. The gentleman from Michigan, on behalf of the Committee on the Merchant Marine and Fisheries, calls up the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3621) to establish load lines for certain vessels.

Mr. SCOTT. Mr. Speaker, I think under the rule the House automatically goes into the Committee of the Whole House on the state of the Union.

The SPEAKER. The bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3621, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3621, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3621) to establish load lines for certain vessels.

Mr. BLANTON. Mr. Chairman, in view of the fact that the bill has not been read, may we have it reported in full?

The CHAIRMAN. The Clerk will read the bill in full.

The Clerk read as follows:

Be it enacted, etc., That this act shall apply to the following vessels:

(a) Cargo-carrying vessels of 500 gross tons or over loading at any port or place within the United States or its possessions for a foreign voyage by sea.

(b) Cargo-carrying vessels of the United States of 500 gross tons or over loading at any foreign port or place for a voyage by sea.

(c) Other vessels loading at any port or place in the United States or its possessions, whenever, in the judgment of the Secretary of Commerce, the safety of such vessels and their crews requires the establishment of a legal load line.

SEC. 2. That the Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 1 (a) and (b) of this act and is hereby authorized in respect of the vessels defined in section 13 (c) of this act to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded. Such regulations shall have the force of law.

SEC. 3. That it shall be the duty of the owner and of the master of every vessel subject to this act and to the regulations established thereunder, to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder: *Provided, however*, That, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking such load line or lines, issue a certificate in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this act and to said regulations to depart from her loading port or place without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

SEC. 4. That it shall be unlawful for any vessel subject to this act and to the regulations established thereunder to be so loaded as to submerge, in salt water, the load line or lines marked pursuant to this act and to the regulations established thereunder, applicable to her voyage; or so as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of this act and of the regulations established thereunder; or so as in any manner to violate the said regulations.

SEC. 5. That whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this act, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this act, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

SEC. 6. That it shall be the duty of the master of every vessel subject to this act and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 5 of this act, before departing from her loading port or place for a voyage by sea, to enter in the official log book of such vessel (if any) a statement of the position of the load-line mark applicable to the voyage in question with reference to the actual water line at the time of departing from port, as nearly as the same can be ascertained.

SEC. 7. That if any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this act and to the regulations established thereunder is about to proceed to sea from a port in the United States or its possessions within his district, when loaded in violation of section 4 of this act; or that any vessel exempted pursuant to section 5 of this act is about to proceed to sea from such port, when loaded in violation of the laws and regulations of her country with respect to load line, he may by written order served on the master or officer in charge of such vessel detain her provisionally for the purpose of being surveyed. The collector shall then serve on the master a written statement of the grounds of her detention and shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him; whereupon the said collector may release or may, by written order served on the master or officer in charge of such vessel, detain the vessel until she has been reloaded in whole or in part so as to conform to section 4 of this act, or, in case of a vessel exempted pursuant to section 5 of this act, so as to conform to the laws and regulations of her own country with respect to load line. If the vessel be ordered detained, the master may, within five days, appeal to the Secretary of Commerce, who may, if he desires, order a further survey and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained.

SEC. 8. (a) That if the owner or master of any vessel subject to this act and to the regulations established thereunder shall permit her to depart from her loading port or place without having complied with the provisions of section 3 of this act, he shall for each offense be liable to the United States in a penalty of $500. If the owner or master of any vessel exempted pursuant to section 5 of this act shall permit her to depart from her loading port or place without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said laws and regulations, he shall for each offense be liable to the United States in a penalty of $500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(b) If the master of any vessel subject to this act and to the regulations established thereunder or of any foreign vessel exempted pursuant to section 5 of this act, shall fail, before departing from her loading port or place, to enter in the official log book of such vessel (if any) the statement required by section 6 of this act, he shall for each offense be liable to the United States in a penalty of $100. The Secretary of Commerce may in his discretion remit or mitigate any penalty imposed under this paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this act and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded in violation of section 4 of this act; or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 5 of this act to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall in respect of each offense be guilty of a misdemeanor, unless her going to sea in such a condition was, under the circumstances, reasonable and justifiable; and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed one year, or both, at the discretion of the court.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order

of detention made pursuant to section 7 of this act, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed $500 or by imprisonment not to exceed three months, or both, at the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate, or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this act or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000, or by imprisonment not to exceed one year, or both, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this act, the vessel shall also be liable therefor, and may be seized and proceeded against in the district court of the United States in any district in which such vessel shall be found.

SEC. 9. That this act shall take effect six months after the date of its approval or at such earlier time as the Secretary of Commerce may fix.

Mr. BLAND of Indiana. Mr. Chairman, I would like to submit a request for unanimous consent to extend and revise my remarks on the subject on which I spoke yesterday.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks on the subject on which he spoke yesterday. Is there objection? [After a pause.] The Chair hears none.

Under the rules there are two hours for general debate. Who is to control the time?

Mr. SCOTT. Mr. Chairman, I would ask that the gentleman from Missouri [Mr. ALEXANDER] ask for recognition at this time.

The CHAIRMAN. Is there anybody on the committee opposed to the bill?

Mr. SCOTT. No.

The CHAIRMAN. Then the time will be controlled one-half by the gentleman from Michigan [Mr. SCOTT] and one-half by the gentleman from Missouri [Mr. ALEXANDER].

Mr. SCOTT. I ask that the gentleman from Missouri be recognized.

The CHAIRMAN. The gentleman from Missouri is recognized for one hour.

Mr. ALEXANDER. Mr. Chairman and gentlemen of the committee, this is a bill to establish a load line on certain vessels. The hearings on the bill were very full and complete, and the bill comes before the House with a unanimous report by the committee. Section 1 of the bill applies to the following vessels: (a) Cargo-carrying vessels of the United States and vessels under foreign flags of 500 gross tons or over loading at any port or place within the United States or its possessions for a foreign voyage; (b) cargo-carrying vessels of the United States of 500 gross tons or over loading at any foreign port or place for a voyage by sea. We have always claimed the right to inspect and determine whether or not a vessel departing from a port in the United States was seaworthy. Hence the first subdivision (a) applies not only to vessels of the United States but to foreign vessels departing from ports of the United States—that is, cargo vessels; (b) applies to cargo vessels of the United States departing from any port, domestic or foreign, and enforces against that vessel the provisions of this act.

We would not have jurisdiction to enforce the provisions (b) and regulations thereunder against foreign vessels departing from any other ports than ports of the United States, but the bill applies to all vessels of the United States, whether they are departing from ports of the United States or from some foreign port, provided they are of 500 tons or over.

Section 1, subdivision (c), applies to other vessels of less than 500 gross tons loading at any port or place in the United States or its possessions whenever in the judgment of the Secretary of Commerce the safety of such vessels and their crews requires the establishment of a legal load line. This subdivision (c) would apply, of course, to vessels not only in our coastwise trade, but in our foreign trade, if less than 500 gross tons. It is not intended at this time, nor is it made mandatory on the Secretary of Commerce at once, to enforce the provisions of this bill against vessels of less than 500 gross tons, whether those vessels are engaged in the coastwise or foreign trade.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. ALEXANDER. I will.

Mr. WHITE of Maine. Subsection (c), as I understand it—and I ask to be corrected if I am in error—applies to vessels of less than 500 tons and also applies to both vessels of American register and vessels of foreign register?

Mr. ALEXANDER. Yes.

Mr. WHITE of Maine. I wanted to ask that to be sure.

Mr. ALEXANDER. Now, section 2 provides as to vessels defined in paragraphs (a) and (b) that the Secretary of Commerce is authorized and directed, and in respect to vessels defined in paragraph (c) the Secretary of Commerce is authorized to establish by regulation from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded. Such regulations shall have the force of law. Now, it will be noticed that paragraphs (a) and (b), section 1, apply alike to vessels of the United States and foreign vessels of 500 tons gross or over loading at American ports for foreign ports and are mandatory, while paragraph (c) applies to vessels of the United States of less than 500 tons gross engaged in the coastwise trade and to vessels of the United States and foreign vessels of less than 500 tons gross engaged in the foreign trade and is directory. In other words, it is left to the discretion of the Secretary of Commerce to determine when the provisions of paragraph (c) shall go into effect.

It will take some time to get this system into actual operation. The Secretary of Commerce is authorized and directed, in the first instance, to apply the law and the regulations established thereunder to vessels of 500 gross tons or over in the foreign trade and later to vessels of less than 500 gross tons in the coastwise or foreign trade. Now, this bill applies alone to vessels of the United States and foreign vessels loading at any port or place within the United States or its possessions for a foreign voyage by sea and to our own vessels without reference to what ports, whether a home port or a foreign port, those vessels may depart from.

For years past an effort has been made to secure an international conference composed of the maritime nations of the world to agree upon or to formulate a convention to determine and make uniform load lines for vessels. And that will be done sometime. Arrangements were well under way for such a conference when the war broke out, and it is desirable that it should be so. In my judgment that is the only way to treat the subject in a comprehensive manner. But in the meantime and with a view of making this law effective and that its terms may be equitable as between our vessels and foreign vessels, section 5 of the bill provides:

That whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this act the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this act, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

In other words, section 5 provides that we shall recognize the load lines established by foreign nations substantially the same as our own load lines if they in turn recognize the load lines established by us and applicable to our ships.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ALEXANDER. In just a moment.

Now, Great Britain, France, Norway, Sweden, Denmark, and Germany—in fact, most of the maritime nations—have load-line laws, although some do not; and for that reason section 5 of the bill provides that where the nations have load-line laws, and those laws are similar to our own, we will respect their laws fixing load lines on their vessels coming into and departing from our ports if they recognize the load water lines marked on our vessels that may enter or clear from their ports.

Now I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Under this section, does the Secretary of Commerce recognize the lines that are placed on our own ships, or would those foreign laws apply to markings on foreign ships? It says, "any vessel." I presume, if we have authority in this country to regulate the loading of foreign vessels in our ports, they might perhaps have authority in other countries to regulate the loading of our vessels in their ports. Would this section permit that?

Mr. ALEXANDER. If they recognize the load water lines we place on our ships when our ships go into their ports, we will recognize the load lines fixed by them on their ships if and when they enter and clear from our ports.

Mr. McLAUGHLIN of Michigan. I was thinking, however, that this section might permit the foreign authorities to fix load lines on our ships when in their ports.

Mr. ALEXANDER. No; I think not. In the absence of an international agreement they might undertake to do so, and, in turn, we might undertake to enforce our load-line law upon them, but section 5 provides for the reciprocal recognition of load lines. If the gentleman will take pains to read the report of the committee, he will find that we have set out the provisions of the British load-line law and regulations, and he will observe that this bill follows very closely the British load-line laws. The load-line laws of the maritime nations will be in a large measure uniform, but they do not have the force of an international agreement, and for that reason, and in view of the expansion of our American merchant marine, it will be

important to have the load lines on vessels leaving our ports fixed by our law until they can be fixed by international agreement.

Mr. HUMPHREYS. Will the gentleman permit me to ask him a question?

Mr. ALEXANDER. I will.

Mr. HUMPHREYS. On page 2, line 7, it says "such regulations shall have the force of law." Why is that?

Mr. ALEXANDER. Because this bill does not set out the regulations. It does not state to what depth a vessel may be loaded. It is not practicable to do so. The regulations must work out scientifically and apply to vessels of different types and different tonnage and in different trades and for different seasons of the year, but when they are once formulated and promulgated by the Secretary of Commerce they shall have the force of law.

Mr. HUMPHREYS. The reason I ask is this: They ascertain after due inquiry and examination that the mark shall be placed at a certain point on the vessel. Now, can we provide when that mark is so established that the owner of the vessel shall not load beyond that mark? I was wondering if there was not some danger, by putting in such a regulation as having the force of law, of that being a delegation of legislative authority. Of course, we can authorize any agency to establish a marking and then say the owner must not load beyond that mark, and Congress would still be legislating, but if you put this in that "such regulations shall have the force of law," I fancy it does not add anything. I would like to have the gentleman's opinion on the subject. I have no convictions on it, but I was wondering if that was not a hazardous or unnecessary thing to do.

Mr. ALEXANDER. The most important thing is to frame the rules under which the load lines shall be placed on the vessel. Hence when that is once done it should have the force of law, because after having been once formulated it is made mandatory on the captain or vessel owner to place that load line on the vessel, indicating how deep she may be loaded. And if he fails to do that, if he fails to put the mark on the vessel, or if he obliterates the mark, or if he overloads, in either one of those events he is subject to the penalty prescribed in the bill. But the most important matter, and the one that involves the scientific or technical investigation, is to formulate the rules and to determine where that load line should be placed, and that must be provided in the rules or regulations.

Mr. HUMPHREYS. Well, nothing in this act, as I see it, would be changed at all if these words were stricken out. The owner is still required to do the things that he is directed to do by the Secretary of Commerce touching this mark. He has to establish that mark, and he can not exceed it.

Mr. ALEXANDER. Before the mark is established it must be made in pursuance to some rule, and that rule must have the force of law, or else he may question the authority of the Secretary of Commerce to determine where that load-line mark shall be.

Mr. HUMPHREYS. How can he question that if we provide here that he shall be punished if he does not do it?

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. WHITE of Maine. I think that Congress has full authority to authorize the department to make the regulations for carrying out the purposes of this act, and that being so, the regulations which the department promulgates have the force of law. In that state of facts I can not see any harm in stating in the bill what is in fact in it, that the regulations do have the force of law. That is the way it lies in my mind.

Mr. ALEXANDER. We rarely pass a bill through this House that does not contain such a provision as this, so far as that is concerned, that the rules and regulations made to carry the law into effect shall have the force of law. That is true not only with reference to our revenue laws and vessel-inspection laws but many other laws I might cite.

Mr. CLEARY. Mr. Chairman, may I ask the gentleman a question?

Mr. ALEXANDER. Yes. I yield to the gentleman.

Mr. CLEARY. The object and purpose of this legislation is to promote the safety of life and property?

Mr. ALEXANDER. Yes; that is true.

Mr. CLEARY. Then, does not the gentleman think that lumber ought to be exempted, because a boat load of lumber can not sink? Some of the men carrying lumber up from the south or around to the Pacific perhaps would like to load more deeply than the general regulations would provide. I know that a boat load of lumber is in no danger, because the lumber itself sustains it. I was thinking that perhaps it might be well to have a provision to the effect that it should not apply to lumber. I do not see any sense in making it apply to lumber. A raft will not sink.

Mr. ALEXANDER. We leave that to the regulations in the department. Of course, the load line on different ships or vessels will be different and will depend upon the cargo and upon the trade in which the vessel is engaged, and whether it is in the summer or in the winter, or in the North Atlantic or in the South Atlantic. Hence these regulations must be very elastic.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. SCOTT. I suggest to the gentleman, in reply to the inquiry of the gentleman from New York [Mr. CLEARY], that it would be humanly impossible to legislate and prescribe as to the character of the ship that could be marked in consequence of its load. To explain: There might be a certain cargo of lumber on a ship which would not float. I see the gentleman from New York smiling. There are many instances of lumber and logs that will not float.

Mr. JOHNSON of Washington. They will pretty nearly float.

Mr. SCOTT. Yes; they will pretty nearly float. But it is necessary to dog them; it is necessary to dog every one of the logs in order to keep them on the surface; so that it would be impossible to legislate on the cargo that is to be carried in many particular instances.

Mr. ALEXANDER. I think that is true. But we must not lose sight of the purpose of this legislation, which is to promote the safety of the crews on cargo vessels. I think the records of the Coast Guard Service will show that most of the derelicts in the North Atlantic which menace navigation are water-logged lumber vessels that have been overloaded; that is, they are still floating and were not entirely submerged, but they were overloaded and have partially sunk and are floating around. They were not seaworthy, and in a storm were wrecked and the crew lost, if not rescued by some passing ship. They are a menace to navigation. Not infrequently have they caused the wreck of other vessels. And there is no reason why the crew on a lumber vessel should not be protected as well as the crew on any other vessel.

Now, as the gentleman from New York says, this law is intended to protect the crews of ships. He is right. That is the purpose, and we should not lose sight of that purpose. Some captains and vessel owners are so greedy of gain that they overload their ships. Every additional ton carried means additional freight money, and they do not have the proper regard for human life. The purpose of this law is to provide by law how deeply a vessel may be loaded, having regard to the safety of the crew.

Again, if this law were to apply to one class of vessels and not to another, the conscientious captain or owner who stands ready and willing to comply with the law, out of regard for his crew, would be prejudiced by the unscrupulous vessel owner who would load his vessel down beyond the limit of safety in order to increase his profits. Hence this legislation has a two-fold purpose: First, the safety of the crew, and, second, to prevent unfair competition—to protect the upright vessel owner against the unscrupulous vessel owner.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes, with pleasure.

Mr. CHINDBLOM. In further answer to the inquiry of the gentleman from New York [Mr. CLEARY], the very first section of the bill limits the application of the bill to three kinds of vessels: First, cargo-carrying vessels loading at a port within the United States or its possessions for a foreign voyage by sea; secondly, cargo-carrying vessels of the United States loading at a foreign port; and, thirdly, it provides that other vessels loading at any port of the United States may be subject to the provisions of this law whenever in the judgment of the Secretary of Commerce the safety of such vessels requires it. So that it is left entirely with the discretion of the Secretary of Commerce whether a vessel not loaded for the foreign trade or at a foreign port shall require the establishing of a load line. It seems to me that covers the inquiry completely and entirely.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman.

Mr. CLEARY. Of course, a vessel loaded with yellow pine or white pine, or any kind of pine or spruce, could not sink and could not endanger the life of the crew. You could not get any better life protector than a load of such logs. I was thinking that wherever it was seemingly unnecessary to establish regulations you only hinder trade instead of helping it by establishing them. Now, a boat loaded with pig iron or any other substance of that kind goes down very quickly and is dangerous,

and I admit that there are certain kinds of lumber, such as mahogany logs and logs of that character, which would readily sink; but as to spruce and pine lumber there would be no danger. I know that any kind of a boat loaded with such lumber is in no danger, either to the cargo or the crew. According to the chairman's remarks it might endanger others. Of course, that might be true in the instance of derelicts, but there is no danger to the cargo or to the crew in a load of pine or spruce lumber, and in the case of anything to which you do not have to apply regulations you ought not to apply them, because it is bothersome and it brings about unnecessary trouble to the men who engage in that hazardous kind of business.

Mr. ALEXANDER. We assume that this law will be administered in the light of what the gentleman says, but with due regard to the safety of the crew of the vessel.

Now, just a moment more. Mr. E. T. Chamberlain, Commissioner of Navigation of the Department of Commerce; Mr. John A. Donald, commissioner, United States Shipping Board, who has had large and varied experience in the shipping business; Stephenson Taylor, commander in the United States Naval Reserve Corps and president of the American Bureau of Shipping; Capt. Charles McAllister, vice president of the American Bureau of Shipping; and Mr. Hendon Chubb, of New York, representing the American Institute of Marine Underwriters—during the war Mr. Chubb was director of insurance of the United States Shipping Board—all these gentlemen appeared before the committee and urged the passage of this bill. No one appeared in opposition to it. As I have stated, it comes from the committee with a unanimous report in its favor. It applies primarily to vessels engaged in the foreign trade. On September 1 we had 2,884 seagoing ships of 1,000 gross tons or over, making a total of 8,554,714 gross tons. Of those in the foreign trade on June 1 there were about 2,300 ships, making a total of 6,300,000 gross tons. Of these about 2,200 were cargo ships, and of the 2,200 ships about 1,377, of 4,938,000 gross tons, or about 60 per cent, belonged to the Shipping Board.

Before the war we had very few ships engaged in the foreign trade, and hence this legislation was not important; but now we have a large and increasing American merchant marine in the overseas trade, and it is important that we enact this legislation.

This bill, H. R. 3621, is identical in its provisions with the bill S. 575, reported to the Senate October 6, 1919, and therefore has the approval of Hon. William C. Redfield, Secretary of Commerce, as will be noted by the following letter addressed to Senator DUNCAN U. FLETCHER and referring to S. 575:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 28, 1919.

DEAR SENATOR FLETCHER: I have received your letter of the 26th instant, inclosing copy of S. 575, a bill to establish load lines for certain vessels, with request that I furnish your committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

I have to recommend the passage of this bill for the following reasons:

The purpose of the bill is to establish load-line regulations in the simplest and most practical form, which may be applied promptly without interfering with the prompt dispatch of ships.

Before the war preliminary arrangements had been made for an international maritime conference to consider uniform national regulation of load lines and other matters relating to cargo ships in the same manner as questions relating to passenger ships had been considered by the London international conference of 1913–14 on safety of life at sea.

The conference was necessarily delayed. At that time the United States had very few seagoing cargo ships, but for the past two years our shipyards have built cargo ships almost exclusively, and for the past 80 days we have been completing such ships faster than they were being built by the whole world before the war.

The bill, except in special cases, is limited in application to seagoing vessels of 500 gross tons or over, because the need of regulation is greater in the case of larger ships and because the administrative machinery will operate more successfully and promptly if not embarrassed by special problems raised by small ships of varying types and trades. On May 1 there were 1,513 American documented seagoing steam and gasoline vessels of 1,000 gross tons or over, aggregating 5,880,750 gross tons, and 320 sail vessels of that size aggregating 520,501 gross tons; in all, 1,833 seagoing vessels of 6,401,251 gross tons, and the output is now increasing at the rate of nearly 300,000 gross tons a month. Nearly all of these ships, including many formerly engaged in domestic trade, are now engaged in the foreign trade, and the application of the bill is limited to the foreign trade on salt water. Fresh-water load-line regulations for obvious reasons must differ from salt-water regulations, and the department deems it wise at this time to undertake the preparation of salt-water rules only.

The administrative machinery proposed by the third section is similar to that which has been in successful operation in the United Kingdom for some years. The American Bureau of Shipping occupies, in respect of American ships, a position analogous to that of Lloyd's Register to British ships, the Bureau Veritas to French ships, and other classification societies toward the ships of other civilized maritime powers, respectively. The bill will enable the Department of Commerce to make use of the American Bureau of Shipping and will incidentally aid in establishing the American classification society. At the same time it enables the department to avail itself of the survey officers of Lloyd's registry, who have cordially cooperated with the department during the war in the solution of load-line difficulties, and of the survey officers of the Bureau Veritas, the French organization, who have at all times been willing to cooperate.

The aim of the fifth section is to bring about temporary substantial accord in load-line regulations among civilized maritime powers until by international conference and agreement later they must establish such similarity, which is necessary, of course, to competition on terms of equality in this important matter.

Respectfully,

WILLIAM C. REDFIELD, *Secretary.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

The following letter, approving the enactment of load-line legislation and referring specifically to H. R. 3621 and approving same, was inserted in the hearings on the bill by Hon. WILLIAM S. GREENE, chairman:

AMERICAN BUREAU OF SHIPPING,
New York, July 29, 1919.

Hon. WILLIAM S. GREENE,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: During my hearing before the subcommittee on marine insurance, on the 16th instant, Mr. EDMONDS suggested, in the course of the investigation, that he would be pleased to have the views of this bureau concerning the advisability and importance of the enactment of load-line legislation. I therefore take pleasure in submitting the following comments thereon for the consideration of your committee:

It is quite surprising that this country has not long ago had laws governing this important factor in the operation of its merchant ships. This, however, is largely attributable to the general apathy concerning merchant marine affairs and to the logical sequence of our having but few merchant vessels in the foreign trade. Now conditions have so decidedly changed for the better the matter of load-line fixing becomes one of the most important items of pending legislation.

It is needless to go into the history of load-line fixing or to its vital necessity in the interests of the safety of the lives of passengers and crews, as well as of the cargoes and vessels themselves, as it will suffice to state for present purposes that all great maritime nations have recognized this obligation to their peoples, with the sole exception of our own country.

Prior to our entrance into the war the Secretary of Commerce, having cognizance of such matters, made earnest efforts through a conference of shipbuilders and others affected to crystallize the recognized sentiment as to the necessity of immediate action. The writer was the chairman of a committee appointed at that conference, and will here state that the consensus of opinion was then, as now, that legislation should be enacted at the earliest possible time to provide a legalized American load water line before an international committee was convened on the subject, as recommended at the international conference on safety of life at sea, held at London in 1913–14. This would put the participation of the United States in such an international committee on a much stronger basis than if, as at present, when no governmental rules for the fixing of load lines are provided by law.

The bill, H. R. 3621, introduced by Representative ALEXANDER, and now pending before your committee, will, so far as legislation is concerned, admirably answer the demands at the present time. This bill is essentially the same as was introduced in the last Congress by Senator FLETCHER in the Senate and by Representative ALEXANDER in the House. In approving that bill the Secretary of Commerce said in his letter of October 19, 1918:

"The American Bureau of Shipping occupies in respect to American ships a position analogous to Lloyd's Register of Shipping to British ships, the Bureau Veritas to French ships, and other classification societies toward the ships of other civilized maritime powers, respectively. The bill will enable the Department of Commerce to make use of the American Bureau of Shipping and will incidentally aid in establishing the American Classification Society."

The above quotation quite clearly points out the direct interest this society has in the pending measure. The designation of this bureau to act on behalf of the Department of Commerce is in keeping with that portion of the British merchant shipping act which directs the board of trade to appoint Lloyd's Register of British and Foreign Shipping to act in a similar capacity for British vessels.

Your attention is particularly invited to section 5 of the Alexander bill, which provides reciprocal relation with foreign countries concerning mutual acceptance of load-line fixing. The vital necessity for this section and for expediency in the passage of the entire bill may best be illustrated by a concrete example furnished by Admiral Bowles, formerly of the Emergency Fleet Corporation, in correspondence which he had with a foreign classification society concerning the marking of load lines of the ships built by the American International Corporation. Copies of this correspondence were furnished officially to Senator RANSDELL, of the Senate Committee on Commerce, and are appended hereto for the information of your committee in considering this proposed load-line legislation.

Briefly you will note that the direct statement is made that it would be of no use for an American classification society to fix load lines on the Hog Island ships, as they would not be recognized abroad; the only alternative suggested was to have the classification society of one of our leading maritime competitors attend to this very important function for us. I am sure that you, as well as the other members of your committee, will agree with the sentiment so tersely expressed by Admiral Bowles that "this is an intolerable situation."

I feel quite sure that your committee will recognize the importance of passing this bill at the earliest opportunity, and on behalf of this bureau I will state that the proposed legislation meets with its hearty approval, and further that so far as our participation as outlined in the bill is concerned, we have the technical talent and resources necessary for a prompt compliance with the law as soon as it may be enacted.

Very truly, yours,

STEVENSON TAYLOR, *President.*

At the hearings on the bill H. R. 3621 Mr. Hendon Chubb stated that the American Institute of Marine Underwriters of the United States, which is made up entirely of people representing American companies, passed the following resolution at their meeting on September 15, 1910:

The association desires to express its approval of the provisions for fixing load lines and freeboard, as provided for in H. R. 3621 (Alexander bill), and hope that they may be enacted into law.

The CHAIRMAN. The gentleman from Michigan [Mr. SCOTT] is recognized for one hour.

Mr. SCOTT. I yield five minutes to the gentleman from Hawaii [Mr. KALANIANAOLE].

Mr. KALANIANAOLE. Mr. Speaker, I wish in my own time to read into the RECORD a statement in correction of a statement made by one of the Members of the Senate in Washington, October 12:

DENIES JAP SUGAR PURCHASE—ATTORNEY FOR HAWAIIAN PLANTERS ISSUES STATEMENT.

WASHINGTON, *October 12.*

Judge Sidney Ballou, attorney for the Hawaiian Sugar Planters' Association, in a statement here to-day, denied that next year's Hawaiian sugar crop had been sold to Japanese interests, as stated by Senator SMOOT, of Utah, yesterday during the course of debate in the Senate on the sugar shortage.

"The entire Hawaiian crop," said Judge Ballou's statement, "has been sold to two sugar refineries in California—the California & Hawaiian and the Western. It will be refined on the Pacific coast and distributed to American consumers. No sale to the Japanese has ever been contemplated. The Hawaiian planters would consider it an act of disloyalty to divert their supplies from their own country in time of need, and there is nothing in their record of unswerving support of the Food Administration during the war which would justify the circulation of such a report."

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. KALANIANAOLE. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. The article which the gentleman has read refers to the crop of next year as not having been sold. What about the crop of this year, 1919?

Mr. KALANIANAOLE. It has been sold.

Mr. McLAUGHLIN of Michigan. The article that the gentleman read referred to next year's crop?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. At what time in the year is the crop harvested in the islands?

Mr. KALANIANAOLE. Usually between January and August.

Mr. McLAUGHLIN of Michigan. Is it true that the cane grows there all the time, in all seasons of the year about alike, and that the making of the sugar goes on at all times?

Mr. KALANIANAOLE. Yes; the cane grows the year around, but the manufacture of sugar only takes place during the cutting and grinding season, which is about eight months of the year. The plant crop of cane takes from 16 to 18 months to mature.

Mr. McLAUGHLIN of Michigan. There is some sugar produced every year, is there not?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. Is that true as to all the cane fields?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. They all run the same?

Mr. KALANIANAOLE. They all run more or less the same.

Mr. McLAUGHLIN of Michigan. Does that mean also that there will be no production of sugar from the islands this year?

Mr. KALANIANAOLE. No. It takes 18 months for a plant crop to mature, but the rattoon crop is harvested yearly.

Mr. McLAUGHLIN of Michigan. So that there will be a crop this year as well as next year?

Mr. KALANIANAOLE. Yes.

Mr. McLAUGHLIN of Michigan. What has become of the crop of this year—the crop of cane cut and made into sugar in the year 1919?

Mr. KALANIANAOLE. That crop was sold in the United States, as usual; a portion, I believe, going to the refineries on the Atlantic coast and the balance was sold to the refineries on the Pacific coast, and none, to my knowledge, was ever sold to the Japanese Government.

Mr. McLAUGHLIN of Michigan. The gentleman will understand that I am asking this question because the article that he has read speaks of the crop of next year, and I was perhaps laboring under a misapprehension that that would be the crop of sugar made in 1920.

Mr. KALANIANAOLE. You are correct; the sugar manufactured next year would be termed the 1920 crop. I assume the reason Mr. Ballou did not specifically refer to the 1919 crop was because that crop was handled by the Sugar Equalization Board. The point I desire to make is that no sugar of either crop has been sold to the Japanese Government.

Mr. McLAUGHLIN of Michigan. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

Mr. SCOTT. I yield five minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman and gentlemen, I have always been very much interested in an American merchant marine, and I have hoped to see the day when the American flag would fly in all foreign ports and we would have a merchant marine worthy of our country. I have taken some pains to follow the course of procedure of other nations, and I have never been able to satisfy myself that we could pay our seamen $75 or $80 or $100 a month, and pay twice as much for the manufacture and construction of our ships, and still operate them in competition with those of foreign nations. I am satisfied that the ship which will do it the cheapest will carry the cargo. Now, we can not deny that a good many of the foreign laborers who work on foreign ships work for about $25 a month, or for a third or a half what our men get. We have constructed a large number of ships for war emergency, which we now have on hand. Even if our men, with their skill, are able to operate our boats more successfully than those of foreign nations, still every other nation engaged in the transoceanic mail service or in the foreign shipping trade has subsidized its vessels. As far as I have observed, there is only one way to meet competition; and unpopular as the subsidy is, if we are going to get this foreign trade and build up an American merchant marine, there is only one way to do it, and that is to meet other nations upon an even footing and operate our ships the same as other nations operate them. Then we will get our share of this trade. Every one of us is in favor of forming closer relations with the nations of the Western Hemisphere, and I am in favor of a league of nations of the Western Hemisphere; but outside of that I do not want to commit myself without clear and strong American reservations.

In this Western Hemisphere I am for building up a merchant marine that will obtain its share of the trade with the western nations in competition with any other nation on earth. I am looking forward to the day when we will establish closer relations with Mexico. It occurs to me that anything that can be done to facilitate our carrying trade should be done. So I am strongly in favor of the American merchant marine.

Mr. SNYDER. Will the gentleman yield?

Mr. SMITH of Michigan. I will.

Mr. SNYDER. The gentleman a little while ago got up to the point, but did not say that he was in favor of a subsidy. I would like to ask the gentleman if he favors a subsidy?

Mr. SMITH of Michigan. I favor a subsidy if it is necessary to establish a merchant marine. There is not a man who has explained how against other nations granting subsidies our ships, without a subsidy, can enter into successful competition with them. I would like to ask the gentleman from New York if, in his opinion, we can operate our ships without a subsidy?

Mr. SNYDER. I do not think we can. I favor a subsidy, and I only wanted to find out whether the gentleman from Michigan did.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. ALEXANDER. How did Germany develop her great merchant marine? She did not pay a subsidy except to the southeastern African trade.

Mr. SMITH of Michigan. My information is—I may be wrong—that they did grant a subsidy.

Mr. SNYDER. I can tell the gentleman from Missouri what they did; they made a freight rate so advantageous to the merchant marine that they did not need a subsidy.

Mr. SMITH of Michigan. Yes; they shipped all their domestic merchandise to the coast without any expense to the shipowners.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCOTT. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, I am heartily in favor of this bill, and I also agree with the gentleman from Missouri [Mr. ALEXANDER] in his remarks about the bill. I wish to go a little further and call to your attention that on September 25, 26, and 27 the subcommittee of the Merchant Marine Committee on marine insurance had hearings, and the presidents of a great many large marine insurance companies testified before it. At the opening of the session they presented a brief in connection with the marine insurance in this country, and in the last paragraph they say:

This association also desires to express its approval of the provisions for fixing load lines and free board, as provided in H. R. 3621 (Alexander bill), and hope that they may be enacted into law.

Of course, I suppose you will ask what insurance has to do with the load line, but you can very well realize that with a load line on a vessel that you do not see when you insure has considerable effect on the rate, providing you know the man that owns the ship. An unscrupulous man would overload the ship, where a careful man will see that it is loaded carefully. If the bill is passed, it will equalize the load line of all ships, and therefore the insurance man who can not see the property

he is insuring will be safeguarded in making rates that would probably be to the advantage of the American merchant marine insurers.

Following that out the committee asked a number of questions of the insurance men appearing before them. Mr. McGee, of W. H. McGee & Co., representing 10 or 12 large marine insurance companies in this country, said:

We intended to recommend, I think, that a load line would be advisable not only for coastwise, not only for deep sea but for coastwise, but that entirely different rules or lines would be used for each. The present British Board of Trade's load line is a flexible thing. The disk which they paint on the side of a ship when they fix the load line has several different marks in it. The ship may load to one line for one class of trade and at one season of the year; at another season of the year, or in another trade, she must do something else.

Further on he said:

I have had, within the past two or three days, my attention drawn to a case of a schooner, an old American schooner that has been sold to French owners, loading hard pine in Providence, I am told, and as I hear it she is loaded down to within 1 inch of her scuppers, and she has a deck load they think is within a foot of the water line; the top of the deck load is down to 1 foot of the water. Perhaps you have heard of that case.

Questioning him further, he said that that would have considerable effect on the insurance rates, because if she met bad weather she would have to throw a deck load overboard.

Further along, Mr. Parsons, of the Atlantic Mutual Insurance Co., made this statement:

I think it is a very important measure and that a determination of the load-water line on vessels of American registry is very necessary and should be adopted at once.

I asked him the question who would be the proper party to establish a load line and take care of it. He answered:

Some recognized classification society, such as the American Bureau of Shipping. There is an organization now that tends to regulate the loading of vessels in the port of New York—the Board of Underwriters of New York; but there is no plimsoll line mark, of course, upon steamers, and they go by their own rules for loading. That, of course, is a great safeguard for many of the vessels loading from this port, but there is no law which makes it necessary for the vessels to be loaded under the supervision of the Board of Underwriters of New York.

Mr. Chubb, one of the largest marine insurance men in the country, who, with his brother, is the head of the Federal Insurance Co., said:

Well, I think there should be load water-line legislation, and I think that load water-line legislation should be so drawn as not only to have regard to the enforcement of our law but also reciprocal arrangements with other countries. There is a bill now before you, which I had some part in drawing, because the Shipping Board asked me to go into it after the bill was first introduced by the Department of Commerce, and in the bill now before you, I had a great deal to do with it. I consulted with the Department of Commerce on behalf of the Shipping Board, and I believe that contains all the features necessary for reciprocal action.

Mr. Chubb, who gave up his business through the war and attended to the shipping insurance of the Shipping Board, also had a hand in the insurance of the War Risk Insurance Bureau. Mr. Chubb rendered a very patriotic service and a very successful service, as the investigation we made shows that the Government saved a great deal of money by the operation of these bureaus.

You will notice that he speaks of the reciprocal relation. It is absolutely necessary in order to make this load line a success that our Department of State arrange to have a recognition of the load line by other countries. All of the other countries have a load line, I think, with the exception of Japan, and I understand that Japan is now considering a bill in its Parliament for its establishment. All these other nations have recognized each others' load lines. This bill will force a recognition of our load line by other nations, and therefore we will be in the same position that every other nation is in this connection.

Mr. CLEARY. Mr. Chairman, may I ask the gentleman a question?

Mr. EDMONDS. I yield.

Mr. CLEARY. I notice in the hearings that insurance people were heard. Have the vessel owners, the captains, been heard?

Mr. EDMONDS. I would ask Mr. SCOTT to answer that question, because I was not on the subcommittee.

Mr. CLEARY. The reason I mention that is because I know that the insurance men are all for anything that makes it almost impossible to have any loss. That is their business. If they can make it less dangerous, of course, that is to their interest; but in the meantime you have to consider that the vessel should be permitted to load almost as much as possible in order to overcome the situation which the other gentleman just spoke about—that is, the difficulty of competition—and if you put the load line too low down, give too much freeboard, you hinder the vessel from carrying a proper cargo, because the last foot of the vessel will carry very much more than any other foot, because the vessel widens out.

Mr. EDMONDS. In connection with the insurance end of the line, I will answer that by saying that if we expect to become a large marine underwriting country, as we should with our commanding position to-day in the finances of the world, we have to be prepared to take ships to any portion of the world at any time. If a man is loading an American ship with coffee in Brazil, to go to Italy, if we have a load line, the insurance men know exactly how that ship will be loaded and whether it will be loaded safely, and they can make a rate. I would like to say that the insurance companies are preparing to do a world-wide business in insurance. They are going to try to retain more than one-third of the marine insurance business of this country in this country, and I think we ought to do everything we can to help them along. I think any gentleman will realize that we are going to get away from doing a local business between port and port and get into a world-wide business, and in doing that we must use every facility in this country to do so, and if we do not give the proper tools to aid these facilities certainly they will dry up, the same as they have in the past.

I have a copy of a letter here which was written last year by Lloyd's Register of Shipping in New York to Admiral Bowles, who then represented the Shipping Board. To show you why it is absolutely necessary to have our facilities here instead of in England, I ask unanimous consent that the Clerk may read this letter in my time.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

LLOYD'S REGISTER OF SHIPPING,
New York, September 11, 1918.

Admiral BOWLES,
United States Shipping Board
Emergency Fleet Corporation,
Philadelphia, Pa.

DEAR SIR: I am in receipt of your letter of the 10th instant, and note that you have referred the whole subject of load lines for the vessels specified in your letter of the 29th instant to the home office for instructions, but that you have arranged with your representatives at Hog Island and the Merchant Shipbuilding Corporation to make application to the American Bureau of Shipping for the assignment of load lines in the case of the *Quistconck* and *Watonwan* and *Saccarappa.*

The case of the *Quistconck* has already been dealt with by this society, and a preliminary freeboard has already been assigned, while in the case of the *Watonwan* this vessel has been measured, the final freeboard established, and the necessary instructions as to the marking of the ship issued from this office on the 24th of August last.

Your action in now making application for freeboard assignment to these vessels to the American bureau is accordingly not clearly understood.

As you are aware, freeboards are a matter in which the maritime countries of the world have established international agreements whereby the load lines assigned by the recognized assigning authorities in the several countries are reciprocally accepted for vessels trading to or from the ports of the countries in question.

The American Bureau of Shipping has not been recognized as an assigning authority by any of the maritime Governments, and as far as I am aware the freeboard which might be assigned and marked on the vessels' sides by that body would not be accepted as legally defining the line to which these vessels would be permitted to load.

Presuming that the load lines determined by the American Bureau of Shipping are to be based on the British Board of Trade tables, it must be apparent that in the absence of this country having established legislation controlling the loading of ships, and in the absence of the agreement referred to above, that vessels, bearing load-line marks other than those of a recognized assigning authority, would most certainly be liable to serious detention in foreign ports.

It is therefore considered that the interest of the Shipping Board would be best served if the assignment of load lines to the vessels for which application has been recently made by you were left entirely to this society; and it is further suggested that in view of the far-reaching experience which this society has in this particular work that where load lines are required for vessels now being constructed for the Emergency Fleet Corporation that application should be made to this society, irrespective of the classification to which these vessels have been allocated.

The advantage to the Emergency Fleet Corporation of having the minimum freeboards permissible under the tables now in force granted the various vessels of the fleet must, I feel sure, be appreciated by you, and I can assure you the services of the society's technical staff are available to you for this purpose.

I may add that according to the rulings which have been laid down in connection with the assignment of load lines, and which are recognized and accepted, applications for assignment must be confined to one, and one only, of the recognized authorities, and the suggestion made in your letter of the 29th ultimo as to the American Bureau of Shipping and this society agreeing on load lines to be assigned in each case is one which the established regulations preclude this society taking any action upon, apart from the consideration that the American bureau, to the best of my knowledge, has no status in the matter of freeboard assignment.

I am inclosing copy of the official form of application, and would direct your attention to the paragraph which I have marked and to which reference has been made in the preceding paragraph.

Yours, very truly,

R. P. HUTCHINSON, *Secretary.*

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. EDMONDS. Mr. Chairman, I ask the gentleman from Michigan to yield me some more time.

Mr. SCOTT. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. EDMONDS. Mr. Chairman, I merely call attention to that letter and say it was written by an officer of a British corporation in New York City to an officer of the United States Government, telling him that the load lines marked by the American Bureau of Shipping would not be accepted by the British authorities. If we purpose making ourselves the second largest maritime nation in the world, we must set up the tools to carry on that business. So far as I am concerned I do not propose to allow any nation to say to this Nation that we can not set up our load line and that they will not recognize it if we do, when they recognize the load lines of Norway, Sweden, Germany, Austria, and other nations. I say that they must recognize this Nation just the same as any other nation or we must know the reason why. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I hardly think it necessary to argue justification of a measure authorizing the fixing by law of a load line for our freight vessels. It not only affects the insurance of those vessels disadvantageously to have no legally fixed load line but it also endangers the lives of those who go down to the sea in ships. I think it is unjustifiable to permit private owners to compete with each other by reckless and unprincipled loading of their vessels to a dangerous point. I think we owe it to humanity to provide something reasonably safe in the loading of our vessels. It is not that a great many of these shipowners wish to unfairly and unreasonably load their vessels, but they are forced to it by the freedom of other vessel owners to unfairly load theirs. Where a shipowner might want to do right and make his vessel reasonably safe but is in competition with other shipowners who are reckless about the matter, he is forced by competition to assume further and still further risks, and, therefore, to neglect the measure of safety. So far as I know there is no person interested in either the ownership or in the insurance of ships but what agrees that there ought to be legislation authorizing the fixing of safe load lines.

Having said that much I wish to diverge a little in order to refer to some remarks that were being made when I came into the room by the gentleman from Michigan [Mr. SMITH] along the line of the difficulty of the competition by the American shipowner with others. I note that that subject comes up perennially, and we are almost always engaged in the fight for or against a ship subsidy. The gentleman referred to the practice of Germany and other nations subsidizing their ships. I would say this to the gentleman from Michigan, that I have not the remotest idea but that upon fair and equal terms the American shipowner can compete with any other shipowner in the world. I know that Germany in the way of specially favorable freight rates on cargoes brought in in her own vessels did favor her shipping. Her railroads were government-controlled, and we understand that specially low rates were made by them to merchandise that came into Germany in German ships, when these goods had to be shipped to the interior. In this way goods coming into Germany in German ships had a great advantage over goods coming in in other ships. On the other hand, we have favored our shipowners, when it comes to coastwise trade. A vessel that comes from Liverpool to New York, laden with an import cargo and can make its return trip by way of Charleston or Savannah or Mobile or New Orleans, carrying between New York and those ports another cargo and earning money, as our American ships can, where a foreign vessel under a foreign flag can not do it, has a great advantage over the ship under the foreign flag. That has been practically the only way in which we have sought to build up our shipping—that is, by excluding all ships under foreign flags from participating in our coastwise transportation.

Now, gentlemen, I desire——

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HARDY of Texas. I yield to the gentleman.

Mr. SMITH of Michigan. Is it not true that the same conditions exist in foreign countries—that they have their coastwise trade and really prohibit every other country from it?

Mr. HARDY of Texas. To some extent that is true, except as to England. They have no exclusion of foreign ships from their coastwise shipping, and England has negotiated treaties with various other nations under which she is permitted to engage in their coastwise trade. And this further thing is true, that the commerce conducted in our coastwise trade is the greatest on earth, and the privilege of engaging in our coastwise trade is a greater privilege than engaging in coastwise trade of a half dozen other nations. I want to call the attention of the gentleman from Michigan and the attention of the House to another essential in the question of competition. We are constantly being told that we can not compete in shipping because of our high wages. Do you know that wages is really a very minor consideration in the question of competition? The overhead charges are the great thing that enable or prevent our competition. I wish I had it here, but I will try to insert it in my extended remarks—a statement which I recently read, which shows the amount of time that our ships have operated on the seas in actual transportation and the amount of time that they were laid up in harbors; the lost motion, the lost time. My recollection is that this statement or report shows that our Shipping Board ships since they have been in operation have only been on the seas 42 per cent of their time. They have had 58 per cent wastage, either in ports by reason of strikes, as in Liverpool for quite a while, or awaiting cargoes or sailing dates. In other words, through failure to utilize every moment of their time. The wastage and costliness of a ship standing still is enormous. Our shipping authorities say, "An analysis shows the average daily cost of keeping a 10,000-ton vessel in port exceeds $3,000."

Mr. Chairman, there are so many things that enter into the question of shipping cost, and therefore into the question of ability to compete, that in a brief 10 or 15 minutes a man could not go over them all. I can only tell you what some of them are. In the first place, when two vessels compete it is well understood the bigger the vessel the cheaper the unit of transportation on a given voyage. With that principle well understood it would be hastily believed that big ships would run all the little ships off the ocean, but somehow they do not do it. The truth is that if you give the ship able management, under which it is arranged beforehand for the unloading of the vessel when it reaches port; if the master can reload promptly; if he can use 75 per cent of his time on sea in actual transportation, as against another vessel that used 40 per cent or 50 per cent of its time in port, the vessel that utilizes all of its time at sea has an immense advantage. In such a case no kind of lower wages could make up for the idle vessel its losses from its idleness. Now, here is the great American people, with the greatest commerce on earth. If we can get a great many of our people interested in our shipping and let them arrange it so that, having a part ownership in the ships that travel on the seas, they will aid in furnishing them with the cargoes and in avoiding delays and empty voyages, you have got the basis of a prosperous merchant marine. Let me tell you, and the gentleman from Michigan particularly, this same statement I read stated that over 50 per cent of our vessels—I may not have the exact percentage figures, but a very large percentage of our ships—went out well laden with cargo but returned home in ballast. There is again lost motion and enormous cost. The necessity for a successful shipping enterprise is that it be organized so as to cut down overhead charges and permit our ships to go and return well laden with cargoes to save expenses of empty or ballast-laden ships coming thousands of miles in order to get a cargo—and I believe that even paying wages which cost twice as much—which I am undertaking to show is no longer the case since the seamen's bill has put the laborers on the sea upon an equality by making them free—but if wages did cost our shippers twice as much as the wages paid in foreign ships, we could still compete successfully.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Will the gentleman yield me five minutes additional?

Mr. ALEXANDER. I yield the gentleman five additional minutes.

Mr. HARDY of Texas. I get so interested in this subject I can not realize how time is progressing.

Mr. WELLING. Will the gentleman yield for a question?

Mr. HARDY of Texas. I will.

Mr. WELLING. If it would not interrupt the gentleman now, I want to ask what is the gentleman's solution of the problem of having laden vessels come back from foreign ports as well as going out? I can see how we can fill our ships to go to foreign ports, but how can they always obtain cargoes on their return home?

Mr. HARDY of Texas. It is a hope I have of the policy of this Nation. English shipping is upon equal terms with that of all the world. They do not subsidize their freighters. They are expert in the operation of their ships. An English vessel generally makes a triangle. It carries its goods to South America and brings South American goods to New York and takes the goods of New York to some other port or back to Liverpool, and we must follow that example and use American ingenuity and skill in our shipping transactions, and provide that somehow our vessels will always go laden outward and inward bound.

Mr. WELLING. Has the committee found out why it is not done to-day?

Mr. HARDY of Texas. I am stating that I have just received the statement I referred to. We are practically beginners in the overseas trade. We must learn the business over again, because for half a century we had abandoned the overseas carrying. Perhaps, unless we are willing to consent to receive imports as well as to send out exports, we will never get any return cargo, and therefore can not ever have an overseas merchant marine.

Mr. BLACK. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. BLACK. I just wanted to inject that remark. As I understand it, Great Britain is practically a free-trade country, and if we follow the policy of a high-protective tariff wall, would it be possible for us ever to build up any foreign trade so that we can have return cargoes?

Mr. HARDY of Texas. I am hoping that somehow we will manage to buy and import something as well as sell and export things. That we will learn that we can not trade at all with the world unless we both buy and sell, that even our protectionist friends will learn this, and leave some kinds of merchandise not wholly excluded from our shores by their high tariffs.

That will be a handicap, unquestionably, as long as we refuse to receive imports from other countries; but ingenuity will probably find a great many imports from other countries that will come in here. Heretofore, in some way some kinds of imports have been brought here, and what we do bring in can be carried as well in our ships as in foreign ships; and furthermore, I want to say this, that in becoming a creditor Nation instead of a debtor Nation, the other nations of the world will be compelled to export to our country some of their products, or else they can not pay what they owe us. All these matters are matters that come outside of, but related to, shipping. I have heard so much about our high wages preventing our competition in shipping that I wanted to call the attention of the gentlemen here to the fact that difference in wages, if there is a difference, is one of the smallest problems in our shipping. I have been mentioning the economies and the overhead charges, and the utilizing of our shipping space, the management of our shipping overseas, and those things, with the advantage of the exclusive right of our ships in our coastwise trade, and I believe that due attention to these things will make our merchant marine a success.

Mr. SMITH of Michigan. Will the gentleman pardon another question?

Mr. HARDY of Texas. Yes.

Mr. SMITH of Michigan. Notwithstanding the fact that we have always had that coastwise trade that the gentleman thinks is such an element in building up the merchant marine, still we have lost the shipping. But the particular question I wish to ask is this: I understood the gentleman to make some remark as to the people having an interest in the shipping. Does the gentleman mean by that that it should be Federal ownership?

Mr. HARDY of Texas. Oh, no. I mean that our people at large ought to, so far as they are able, take shares of stock in the shipping interests and industry of the United States.

Mr. SMITH of Michigan. Outside of the Government?

Mr. HARDY of Texas. Outside of the Government; yes. Of course, the gentleman has not heard all of my efforts and discussions of this question.

Mr. SMITH of Michigan. The gentleman is very interesting and is well informed.

Mr. HARDY of Texas. There have been many things which have destroyed our shipping. In the first place, we by our laws provided a condition under which an American-built ship cost 50 per cent more than a foreign ship, and therefore if a man wanted to trade between Liverpool and New York on a direct line, he bought a British ship and put it under a foreign flag, and, as a consequence, we had hundreds of millions of dollars invested in foreign ships, under foreign flags.

Mr. SMITH of Michigan. It will not be true under this arrangement?

Mr. HARDY of Texas. Not if our shipbuilders enter into competition with the shipbuilders of the world. In that case we will take the trade of the world. We will have next year 14,000,000 tons of shipping, and probably can not utilize for our own people more than 8,000,000. What are we going to do with the extra 6,000,000 tons? If we tell our shipbuilders now to take contracts wherever they can and bid against the Clyde shipbuilders and all of Europe, they will do it. My opinion is that all we need is to try, and then compete. As long as we say we can not do it, we never will. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Chairman, we have had this question of load line, as applied to vessels, brought up in the committee several times for consideration during the last few years, but never have we reached that stage of action where we could bring it before the House of Representatives. Fortunately, we now have a committee that is able to bring out some legislation for consideration in the House, and we have been fortunate thus far in agreeing upon bills to be presented to the House.

I am very happy to state that on this proposition there does not seem to be a difference between the two sides of the center aisle. We all agreed that this bill was a necessity in connection with the merchant marine. A number of years ago a constituent of mine who had traveled a great deal around the world came to me and asked why the committee, of which I was a member, did not take up the question of a load line on our vessels in this country. I took up the question with the Department of Commerce, which was a place where I could get considerable information, and they replied to me then that we had a very limited number of vessels; that we could not establish the system of load lines because we had so few vessels under the American flag; our shipping had fallen off because of fierce competition and because of our inability to construct vessels for the overseas trade, because of excessive costs of construction; therefore the great American Government was not in the position whereby we could be considered in the question of establishing a load-line system.

Now we have quite a number of vessels that have been constructed since the beginning of the war, and under its stimulus our shipbuilding industry has been growing from time to time, and we have been building better vessels all the time, commencing, of course, with but a few practical shipbuilders. Consequently we could not rank as builders of remarkable ships. Some of them that were built did not prove to be as good as was anticipated; but we have now arrived at the position where we can construct vessels that can make their way on the high seas and get back home safely and be ready without a great deal of repair to continue their voyages. We hope to continue the improvements for American shipping, and with this purpose in view we have provided for a bureau of American shipping which will take the place heretofore occupied in this country by foreign interests, the same relative place that the British Lloyd's occupy in classifying vessels abroad.

We have, therefore, reached a position where we can demand an American standard. It was suggested in the debate by questions presented to the speaker who preceded me that possibly the Governments on the other side of the water would not recognize our load lines and our rules of shipping. I agree that there might be a little discussion in that line, because we have some gentlemen who have been engaged in foreign shipping for many years who have become tinctured with English notions, and by reason of their connections with the British Lloyd's quite naturally believe that our American Bureau of Shipping can never reach the high standard of Lloyd's Bureau. I am an American who does not believe anything of that kind. I believe the United States of America is equal to any other nation when they enter upon a project which past experience has proven that they are able to handle successfully. Having men qualified by long sea experience in every line of endeavor, I am willing to fearlessly state that we will take no rebuff from any nation on earth. We shall be able within a very short time to establish a load line for American shipping and thereby to send a vessel under a classification made by the American Bureau of Shipping, and no nation on earth will dare to refuse that classification. And if they should refuse, we can retaliate.

Now, I am a very peaceful man myself, but still I would show that there was still a little fighting blood left in me if anyone should attempt to override anything that was strictly American. I happen to have been born in America, and I have not left her shores, and I shall not leave unless I am deported, and I have no fear of ever being placed in such a position. I shall stand pat on the question of the American merchant marine.

I have given a good deal of attention to this question of establishing load lines. I have thought a good deal about it. And the gentleman from Missouri [Mr. ALEXANDER] was very active in his advocacy of this load line for vessels while he was chairman of the committee, and, as he reintroduced the load-line bill in the present session of the Sixty-sixth Congress, the committee unitedly joined that he should report the bill.

I have examined the report very thoroughly, and I have found it is full of good material, and it explains the bill completely, so that no man need to vote on the bill without having ample knowledge conveyed to him by reading the report. Then we

also have a communication here that was addressed to me from the American Bureau of Shipping, of which Mr. Stevenson Taylor, long in the naval service, is the president, and that bureau has laid out a proposition which by this bill, if it is passed, will enable the Department of Commerce to establish and make use of the American Bureau of Shipping, which will be an efficient aid in the creation of a proper classification society for the interest of American vessels. Everybody who knows anything about it knows that it is continually being thrown up to us that the British Lloyd's provide this or provide that, and even some Americans come before our committee, claiming to have the American spirit in them, who say, "Why, the British Lloyds will not agree to that proposition." Whether they agree or not, they will eventually have to take second place, because we shall be a larger merchant-marine nation than the British nation itself if we continue to build ships, as I hope we may.

We have a number of men who know how to build ships to-day, and the question between the gentleman from Michigan [Mr. SMITH] and the gentleman from Texas [Mr. HARDY] as to whether or not there would be a subsidy granted to American ships built in American shipyards need not disturb us. I can say for myself that if it should become necessary to have a subsidy in order to keep the American vessels upon the high seas, I should not fear any criticism that might arise because of that necessity. If we can not operate great ships on the great ocean without some form of subsidy in the transportation of foreign products in American vessels or American products in American vessels, that would be a subject for future consideration. But that subject is not before us now. We have a demand for all the vessels we now have. The men who run the vessels we now have know how to run them, and it would be folly to have anybody else to undertake to run them unless they do know how and are not novices in the trade. Our master mariners have been operating with foreign-built vessels when they could not get anything else. Now that they can get American vessels they will prefer to take them, so that we do not need to discuss the subject of making some provision to keep the fleet of vessels on the seas until that problem confronts us. But I believe if it becomes necessary the House and the Senate will adopt a system which will keep the American flag on the ocean That is what we really want. We want to have the American flag on the ocean, and we want to take part in the trade with foreign nations. Why? Because we produce so much in this country by means of our productive machinery and the great ability of our workmen; we produce so many products that we do not consume and which we must send out of the United States. We prefer to send out our products by American-built vessels manned by American sailors. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I wanted to take the floor just to make one observation. I agree with the distinguished chairman of the committee [Mr. GREENE of Massachusetts] that this country will become a great merchant-marine country. I think there is no doubt that we are on the sea to stay there. That was our policy declared, and I have no doubt but that it will materialize.

I am glad to hear the statement also of the distinguished chairman that if a subsidy is necessary there will be no hesitancy to adopt the method, because a subsidy would not be anything more than the difference paid for the operation of the merchant marine, and that would be a subsidy to labor. Without the necessity of covering the difference in wages paid by us and our competitors, no subsidy would be required. Consequently there will be nothing of that sort unless the difference in cost in building and operation will command it.

I want to make this further observation: Here is a committee having—I will not say the most important problem that is to come before the country, because I think the Committee on Interstate and Foreign Commerce has a problem that is equally as important, if not greater—but here is a committee that has one of the most important functions to perform in behalf of the American people, to resuscitate and to build up our power on the sea. It involves more or less differences of policy, and yet the committee has at this session been on the floor of the House three times, according to my memory, and it has been not only unanimous as a committee, but it has been very enthusiastically supported both in Committee of the Whole and in the House. And yet this committee deals with problems that do supply many angles of differentiation. The other day we amended one of the most sensitive laws that have been passed since I have been in Congress, namely, the LA FOLLETTE seamen's bill.

The committee was not only unanimous in the proposal, but there was very little, if any, opposition, either in the Committee of the Whole or on the floor of the House. Here comes the same result in this proposal, and this proposal is not confined to an economic side. It goes to an extent also to the humanitarian side. It aims to secure safety. It is not only to prevent taking advantage of insurance by negligently allowing a ship to be overloaded and sunk, but it also prevents useless wastage of human life by overloading vessels. It has that humanitarian side, and I want to commend the House for not overlooking that element in legislation.

Here is another suggestion that I want the committee to note. I came into this Congress in 1913. I have been present during much of the debates on legislation, and I can not now recall any bill reported in the House by a minority Member until now. I know bills were framed in committees by minority Members, and I know that reports of committees were written by minority Members and the bills carried through in discussion by minority Members, but I have never until now seen a bill presented here on the floor, during the time I have been here, by a Member of the minority party and given control of the legislation. Here is a bill that was fathered by the distinguished former chairman of this great committee, Judge ALEXANDER. All of us greatly enjoy him, and highly appreciate his ability, having had him in charge of the bill in prior Congresses, but the bill not having reached the stage of passage, he was permitted by this great committee to still retain the fatherhood of the bill and was allowed to present it at this time. [Applause.] I want to commend the committee for that mark of respect to a distinguished member of the committee in which no politics of any sort is shown. [Applause.]

Mr. ALEXANDER. Mr. Chairman, in connection with the statement of the gentleman from Ohio [Mr. FESS], I want to say that in the last Congress the gentleman from New York [Mr. ROWE] introduced a bill to increase the pay of inspectors in the Steamboat-Inspection Service. He, by my designation, reported the bill in the House and had charge of it on the floor. Not one committee of this House has less politics in it than this Committee on the Merchant Marine and Fisheries. [Applause.]

Mr. FESS. I think the last statement of my friend is absolutely correct, and I compliment him for the generous treatment of my friend Mr. ROWE, although that had escaped my attention. [Applause.]

Mr. SCOTT. Mr. Chairman, I will ask the gentleman from Missouri [Mr. ALEXANDER] if he desires to use his time now?

Mr. ALEXANDER. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 13 minutes remaining.

Mr. ALEXANDER. I agreed to yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

The CHAIRMAN. If no one claims the time, the Clerk will read. The gentleman from Michigan [Mr. SCOTT] has 12 minutes. Does he desire to be recognized?

Mr. SCOTT. For years there has been a growing demand for legislation of this character. Great Britain, Norway, Sweden, France, Italy, Germany, and the other large maritime nations, excepting Japan, have had laws similar to the one which is now proposed.

This law is almost identical with the load-line laws of other maritime nations. I presume the question has presented itself to the members of the committee how we are to compete with foreign vessels which are not required to carry a load line. We do it in this way: The bill provides that all vessels, no matter under what flag, if they come to American ports, shall carry either the American load line or a load line of similar nature. You can readily see that so far as ships competing with American ships in American ports are concerned that amply protects the American ships.

It developed in the hearings that in consequence of the enormous amount of work incident to this bill it would be humanly impossible for the Department of Commerce to place the load line on transoceanic vessels, on coastwise vessels, and on the vessels engaged in the Great Lakes trade simultaneously. Mr. Chamberlain, who for a great many years has been the head of the Department of Navigation, indicated to the committee that it would probably take at least two years before the department could carry out the provisions of the act in the coastwise trade and on the Great Lakes.

Mr. DOWELL. Will the gentleman yield?

Mr. SCOTT. Gladly.

Mr. DOWELL. Does the gentleman mean that all American vessels are within the law, but the coastwise and Great Lakes will not be brought within its provisions within two years?

Mr. SCOTT. Yes; as a practical proposition. I am sure the gentleman appreciates the fact that with the number of ships that the United States Government is operating at the present time in the transoceanic business, and the number of ships that are being operated by independent concerns, the Department of Commerce, even with an enormous force, could not make the necessary investigation as to all these ships in less time.

Mr. DOWELL. But does not every ship come within the provisions of this bill?

Mr. SCOTT. Every ship does come within the provisions of this bill, but as a practical proposition it is humanly impossible to place this load line on all of the transoceanic vessels, all the coastwise vessels, and all the vessels engaged in the Great Lakes trade in less than two years.

Mr. DOWELL. Will ships that belong to private corporations be required to place this line on the side, or is the Government alone required to do it?

Mr. SCOTT. The law requires every ship operating under the American flag to carry this load line.

Mr. DOWELL. Then the owners of the ships must put it on?

Mr. SCOTT. Yes.

Mr. DOWELL. Will not this be required immediately upon the passage of this act?

Mr. SCOTT. It will; but the gentleman will understand that where the Department of Commerce can not make the necessary determination or furnish the necessary service then it can exercise the power exercised many times in the past to exonerate the persons it precludes from complying with the provisions of the act. In consequence of that fact, the Great Lakes and coastwise people who can not be served will not be penalized under the provisions of the bill.

Mr. EDMONDS. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. EDMONDS. I call attention to section 9, which provides that the act shall take effect six months after the date of its approval, or at such earlier time as the Secretary of Commerce may fix.

Mr. SCOTT. The testimony in committee was that during that six months' period after the passage of the bill the great majority of the ships operating in the transoceanic business could undoubtedly be taken care of, and that was one reason why the bill was not made effective until six months after its passage.

Mr. ALEXANDER. Mr. Chairman, I suggest the reading of the bill.

Mr. SCOTT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on this bill in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 13 minutes.

Mr. ALEXANDER. I yield 10 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. SCOTT. And I yield the gentleman from Pennsylvania the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 11 minutes.

Mr. HULINGS. Mr. Chairman, when I reflect that I stand in the greatest legislative body in Christendom, that here assembled as lawmakers are the representatives of the most powerful, the freest, and the proudest people in all the world, that here in the midst of big broad-minded men, of great wisdom and experience, I am privileged to enter, I am abashed by the sense of my own limitations.

Yet when I reflect that I too have been chosen to represent a great constituency in this historic Hall I am inspired by a high sense of duty and responsibility and I am assured that my colleagues on both sides of this aisle have the same sense of obligation, for though in the battledore and shuttlecock play of partisan quip and retort differences are apparent and party zeal is always on tap, yet I am sure that underneath all that this House stands for Americanism. This is no time for pussyfooting and namby-pamby talk. We have let the radicals and the reds go too far. We have laughed at it; we have sneered at it; but the damned stuff has been preached into ignorant brains by evil men, so that it is a menace, it threatens to control the vast labor organizations with the doctrines of the syndicalist, and Americans must stand up to be counted. [Applause.] Americans must rise up and drive the men who preach such doctrines out of the country. [Applause.]

Every good Democrat is a real American, and the Republican who does not put America above party is not a good Republican.

Of course we have differences. Of course there is sparring for position, appeals to partisan prejudices, and the manufacture of campaign stuff for 1920, but we differ without rancor.

There are those two distinguished Democratic leaders, the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Texas [Mr. BLANTON]. They are the twin leaders of the Democrats. [Applause.] Both are stars of the first magnitude in the Democratic firmament. Both are gifted with remarkable powers of vociferation. [Applause.]

When the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Michigan [Mr. FORDNEY] debate a protective-tariff measure, then does Greek meet Greek, and the gentleman from North Carolina rises to such eloquent loudness that one can not hear what he says, but he has reiterated that tariff speech so often that the House always knows what is coming. [Applause.]

But he himself seems blind and deaf to what is coming.

The solid South has dammed up public sentiment with a free-trade dam, against which common sense and public intelligence has been rising until the accumulating flood threatens the whole dam construction.

Mr. KITCHIN. Will the gentleman from Pennsylvania yield before he leaves the labor question?

Mr. HULINGS. I will yield to the gentleman.

Mr. KITCHIN. I think my leader colleague, Mr. BLANTON, and the gentleman from Pennsylvania and myself have the same sympathies and understanding and agreement, perhaps, in regard to this great problem which the gentleman mentions—the labor problem. Of course, the gentleman from Texas [Mr. BLANTON] and myself are not in the inner councils of the Republicans who are in control of the House. Will the gentleman from Pennsylvania kindly indicate to the gentleman from Texas [Mr. BLANTON] and myself what steps the Republican Party in the House has taken to meet the great labor problem that the gentleman thinks threatens the country? I agree with him, and perhaps the gentleman from Texas [Mr. BLANTON] and myself and the gentleman from Pennsylvania can work in harmony together. Have there been any bills introduced to take care of the threatening labor problem? I was just reading about that very problem——

Mr. HULINGS. Let me say to the gentleman I only have 11 minutes, and, although I would be glad to hear the gentleman further, I want to say to him that I introduced a resolution in this House for the appointment of a committee whose duty it should be to map out a plan of education for these ignorant foreigners and give them a good substantial idea of what Americanism is.

Mr. KITCHIN. When did the gentleman introduce it?

Mr. HULINGS. About seven days ago. I am not sure.

Mr. KITCHIN. To what committee did it go?

Mr. HULINGS. I do not recollect.

Mr. KITCHIN. Some Republican committee has it. Has the committee reported it out or had any hearings?

Mr. HULINGS. On reflection, I believe the resolution still lies on my desk, but I shall introduce it at once.

The first trickles developed when the Democratic Party enacted in the Underwood tariff bill a bonus of 5 per cent in favor of goods imported in American bottoms and a tariff on Angora goat hair, and only recently the talented and ornate gentleman from Alabama [Mr. HEFLIN] presented a bill to impose 40 per cent duty on graphite. Yes; southern business men are beginning to see the light, and as the South devotes herself more and more to diversified industries the tide in favor of a protective tariff rises higher and higher and progressive Democrats throughout the country more and more deplore the efforts of heedless Bourbon leaders to commit the party to free trade

when they ought to be able to see that "free trade" is a dead cock in the pit and can not fight. [Applause.]

The people of the South are beginning to see the light, and thoughtful, progressive Democrats throughout the country deplore the idea that these blind Bourbon leaders of the Democratic Party insist on committing their party to free trade, when they ought to see that free trade is a dead cock in the pit and can not fight any longer against the rising flood of intelligence in this country.

Another difference is seen. During the war "party" was dropped—all parties stood together; since the war the Democrats claim everything; they wear all the plumes.

They claim the Republican Party, with its graft and stupidity and inefficiency, were incapable of carrying on war, and a merciful Almighty put the Democrats in control to save the country. Well, "God works in mysterious ways His wonders to perform" [applause], and maybe it is so, but Democrats forget that the Republican Party carried on a great war to a glorious conclusion in spite of all the Copperheads and obstruction that the Democratic Party could muster. They forget that this war was not a Democratic war. It was a people's war, and some of the Democrats in this House at heart were mighty lukewarm until overwhelmed by public opinion. They forget that at crucial moments the measures of a Democratic administration were enacted by Republican votes. They forget that the energies of the Government did not begin to function until big Republican business men were called in by the Government to furnish the ability and experience that the stupendous task required.

The Democrats have defiantly proclaimed that none of the numerous investigations will show a dollar of graft or that there was any stealing. The gentleman from North Carolina [Mr. Pou] was very positive about that. But, bless his genial heart, there was no need for anybody to steal. All anybody needed to do was to get a contract from the War Department. [Applause.]

The American people won this war. Let us just assume that all loyal men, without distinction of party, did the best they knew how, and now that the war is over the American people demand of their Representatives in Congress, without distinction of party, that they do all in their power to bring the country back to normal conditions.

The initiative and responsibility is upon the Republican Party.

The railroad question, merchant marine, the labor question, rehabilitation of our soldiers, immigration, Army organization, the naval bill—all of these, for which the country is waiting for solution and looking to the Republican Party, are as yet without action.

It will not do for us to adjourn now. From a purely partisan standpoint, nothing would suit the Democratic Party better or load their mud batteries heavier than to be able to say that the Republicans adjourned Congress without even a discussion of these imperative questions. You can imagine what the Democratic orators would say next year. Could imagination soar to the flights the great Democratic leader from the "Tar-heel State" would make when with characteristic exuberance and liberality, not to say carelessness in his treatment of facts, his indignant soul would pillory the Republican Party for inefficiency and abandonment of duty. What answer could we make?

It will not do to say that the committees are holding hearings and considering what shall be presented to the House. The convention formulated the Constitution of the United States, a document pronounced by the greatest Anglo-Saxon minds as the most perfect document ever devised by the minds of men, within four months, or in less time than the committees have had to consider these bills.

Besides, all these bills will be fought out on the floor. No committee, wise as it may be, will be able to present a bill on any of these great matters that will get the approval of this House without full discussion.

Mr. Chairman, none of these bills are or ought to be partisan measures, but if they turn out well the Republican Party, which is responsible for them, will receive great credit. Of course, the Democrats will very properly scrutinize them with great jealousy. We should bring these bills out without delay.

I have offered a measure which historically is a nonpartisan measure. Whether it will ever see the light or whether it will be embalmed in the silent mold of a committee pigeonhole I do not know, but I take this opportunity to bring it to the attention of the House.

The purport of the bill is to relieve American shipping from the payment of tolls in the Panama Canal, in such a manner that even the greatest stickler for treaty engagements can not object.

The House will remember that when the Panama Canal was about finished, at a cost of $422,000,000 to the taxpayers, the Democrats, the Republicans, and the Progressives in their national platforms, and Mr. Wilson in his campaign for election in 1912, declared that the American coastwise shipping should pass through the canal free of tolls and the law was enacted.

But shortly after election the President demanded that Congress should repeal the act, because certain delicate questions had arisen that made the act embarrassing. What these reasons were have never been disclosed.

It has been suggested that the act was repealed in the interest of the great transcontinental American and Canadian railroad lines that desired to keep ocean freight rates with which they had to compete as high as possible, and it was said also that England insisted that the free-tolls act should be repealed as the price of her keeping Japan off our necks at that time. It was wildly argued that a delicate sense of honor required us to repeal the act because of the provisions in the Hay-Pauncefote treaty. The absurdity of that argument is revealed by a common-sense interpretation of the treaty, wherein it is prescribed in article 2 that the United States "shall have the exclusive right to provide for the regulation and management of the canal." Article 3 provides that the United States adopts the following rules: (1) "That the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality."

Now, of course, when the United States was making these rules how absurd it would be after building the canal that she had to include herself as one of the "all nations" in order to give herself use of the canal. If the United States is one of the "all nations" then she must charge her warships the same as warships of other nations, another absurdity of taking out of one pocket what she pays into the other.

Rule 2: "The canal is never to be blockaded nor act of hostility committed within it." Now, if the United States is one of the "all nations," how ridiculous that she should stipulate that she would not blockade nor commit hostility upon her own property. As well might she stipulate that she would not commit hostility within the city of New York.

Rule 3 prescribes that "vessels of war of belligerents shall not take any stores in the canal," so that if the United States is one of the "all nations," after having built the canal for the avowed purpose for securing a great strategical position, she has deliberately stipulated that if she should ever be engaged in war her enemy should have equal use of the canal. If Peru and England were at war each could pass through the canal on "terms of entire equality." But if Peru and the United States were at war Peru could not use the canal. Why? Because the United States owns the canal and is not one of the "all nations." When she gives the ships of all nations the use of New York Harbor on "terms of entire equality," she may give her own ships such terms as she chooses.

Rule 4 prescribes "no belligerents shall embark or disembark troops or munitions of war in the canal," and if the United States, who makes these rules, is one of the "all nations" and should become engaged in war she could not embark or disembark troops in the canal, and would not even have the right to embark her garrison there to fetch it away.

Rule 6 prescribes "that the plant shall be part of the canal and shall enjoy immunity from attack of the belligerents." Again, if the United States is one of the "all nations," we have the absurd situation that she solemnly declares she will not destroy her own property.

The only possible construction of the language of the treaty is that the United States has adopted rules for all "other" nations with respect to the use of the canal and covenanting to admit them to use her property on terms of entire equality as between them.

The Senate knew about the Hay-Pauncefote treaty; so did the House; so did Mr. Taft, who signed the tolls act; so did Mr. Wilson, who stumped the country for it.

It never entered the mind of any man, up to the time that Mr. Wilson discovered it, that England had any right to interfere in the method by which the United States shall treat her own citizens and handle her own property, except that the United States stipulated that she would treat all other nations alike.

Besides, neither Great Britain nor any other nation could be affected by American coastwise traffic going through the canal free of tolls, because no other nation is permitted to engage in American coastwise traffic, which was specifically conceded by the English Government. This seems to indicate clearly that the transcontinental railroad interests were the real parties insisting that the American coastwise traffic pay tolls. An English ship comes to the canal. The toll is so much. It is paid. An American ship goes through the canal. Must that vessel pay toll? Oh, yes; the stickler for treaty obligations says, "Yes; all nations must pay alike." Very well. He hands the canal

master a check on the United States Treasury for the amount of the toll and the check is presented to the United States Treasury, and the United States Treasurer very solemnly pays it out of one pocket into the other pocket, and the stickler for treaty obligations, I suppose, is satisfied.

But, whatever gentlemen may think of my argument, the bill which I have presented avoids all objections on the score of treaty obligations. All the people in the country were in favor of freedom of tolls for American commerce. That is what the canal was built for.

All the political parties approved it in their national platforms. The President of the United States stumped the country in favor of it. Congress passed the bill, and then, for some mysterious reasons, we got very thin-skinned about treaty obligations and said, "Yes; we built the canal, but we really have no more right in that canal than any other nation, except that we have reserved the exclusive right to pay all the bills"; and so, to satisfy these finicky people, I have introduced this bill, which simply provides that if the ships of all nations must pay the same tolls, then after our American ship has paid its tolls a receipt is given by the canal master, and on the presentation of that receipt to the United States Treasury the money is refunded.

Oh, you say, that is a subsidy! Of course it is a subsidy! England now and always has subsidized her shipping. Germany did the same thing until she fell afoul of the Yankee boys.

There must be some substantial aid given to our merchant marine or we might just as well hang our harps upon the willow, so far as that industry is concerned. We are told that the American laws concerning the employment of sailors and the management of our ships are such that every other nation will be obliged to pay the same rates of wages and furnish the same kind of accommodations, but it is not so. They do not do it.

There is no country in the world where wages and the standards of living are as high as in America.

The glory of the country and the splendor of the country is that it is so, and we need never expect that the Jap or the Norwegian, the Italian, or even the English will ever pay the same scale of wages for her seaman that we do, and ought to, pay our seaman. The Norwegian is discarding the old style of boilers and engines and using internal-combustion engines for motive power, making an enormous gain in cargo space, in cost of fuel, in reduction of the number of men employed. We are puttering along building hundreds and thousands of ships on the old plan of burning coal under a boiler and running the engine by steam.

If we expect to cut any figure in ocean transportation, we have got to get a move on. We must protect American labor aboard ship just as we do in the factory, and you can call it protective tariff or you can call it a subsidy, or what you will, it must be done in practical man fashion. Free tolls in the canal will be a step in that direction, and a very helpful step for our trade with the west coast of South America and the Orient, and nobody in the world has a right to complain except ourselves, for if the United States Government after building the canal, treating every ship that goes through that canal without discrimination, shall give to the American shipmaster a receipt that he can cash at the United States Treasury, whose concern is it? What business is it of any other nation what the United States does with her own money amongst her own people?

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act shall apply to the following vessels:

(a) Cargo-carrying vessels of 500 gross tons or over loading at any port or place within the United States or its possessions for a foreign voyage by sea.

(b) Cargo-carrying vessels of the United States of 500 gross tons or over loading at any foreign port or place for a voyage by sea.

(c) Other vessels loading at any port or place in the United States or its possessions, whenever, in the judgment of the Secretary of Commerce, the safety of such vessels and their crews requires the establishment of a legal load line.

Mr. SCOTT. Mr. Chairman, I desire to submit a unanimous-consent request. It will be observed in line 12 of the print from which the Clerk is reading, on page 1, is the word "vessel." It should be "vessels," and the last word in line 13, on page 1, is spelled "lin," whereas it should be spelled "line." I ask unanimous consent that those changes be made.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to change the word "vessel" to "vessels" in line 12, on page 1, and to correct the spelling of the word "line" in line 13.

Mr. ALEXANDER. Mr. Chairman, the print that I have is correct in both particulars.

Mr. SCOTT. I may say to the gentleman from Missouri that I have a copy of the bill which is being read by the Clerk.

The CHAIRMAN. These are evidently misprints, and without objection the Clerk will be authorized to correct them.

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the measure what the reason of the committee was for making it mandatory that the Secretary of Commerce should appoint the American Bureau of Shipping as the agency to make this survey and at the same time give the shipowners the right to ask that some other agency do the work, while it reposed in the Secretary of Commerce the discretion to appoint Lloyd's Bureau or the Bureau of Navigation or something else to do the work?

Mr. SCOTT. I think the gentleman's question is very pertinent, and I will endeavor to answer it if he will bear with me. In the first place, the designation, as the gentleman has noted, is not confined exclusively to the American Bureau of Shipping, but at the present time the American Bureau of Shipping is the only concern in the country which is qualified to do this character of work. I may say to the gentleman that the American Bureau of Shipping is a concern which makes no profit.

Mr. WALSH. I understand all about the American Bureau of Shipping and have looked into some of its activities, I would say, but not along this line—along other lines where it was required to do certain things under contracts entered into by the Shipping Board. What I am trying to ascertain is why, if you are going to give the shipowner the right to call for some other bureau to make the classification, you leave it discretionary with the Secretary of Commerce to appoint Lloyd's, or if he does not want to appoint Lloyd's, then the Bureau of Navigation?

Mr. SCOTT. If I understand the gentleman, the Department of Commerce has general supervision of the subject, and in the future if some other concern of repute should be created in the country which would do this work as well as Lloyd's or the American Bureau of Shipping or some other similar concern the Department of Commerce would have no reason to object to their being selected, and unquestionably would not object; but if provision is not made allowing the owner of the ships to suggest some other concern, then the American Bureau of Shipping naturally would be the only concern which could do this work.

Mr. WALSH. The gentleman does not anticipate, after this law is passed and the American Bureau is designated as the one to make the classification, that any other bureau is ever going to be built up in this country to carry on this work, when this American Bureau has had the recognition of the Federal Government in this law?

Mr. SCOTT. Well, the gentleman's premise is not correct.

Mr. WALSH. Oh, well——

Mr. SCOTT. I know the gentleman thinks it is, but it is not. The American Bureau of Shipping is mentioned because it is the only one in the country now competent to do the work.

Mr. WALSH. Why mention them?

Mr. SCOTT. Well, for the same reason you might mention Webster's Dictionary—because it is a recognized authority.

Mr. WALSH. Why mention others?

Mr. SCOTT. Because there may be others created in the future equally qualified.

Mr. WALSH. But you make it mandatory to appoint the only bureau that exists and make it mandatory upon the Secretary of Commerce to designate a private corporation——

Mr. SCOTT. No; the gentleman is not correct.

Mr. WALSH. If the words "shall appoint" are not mandatory I would like to know how the use of language in the bill could be more so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask for five minutes in opposition to the pro forma amendment. I yield to the gentleman from Maine.

Mr. WHITE of Maine. I want to suggest in connection with the question asked by the gentleman from Massachusetts, as I understand it the Secretary is given authority to designate this American Bureau of Shipping or other corporations or associations, and my idea was that alternative was given to him because there are a great number of ships of which surveys must be made, and you might have a condition where if the authority were lodged exclusively in the American Bureau of Shipping a congestion might result if the American Bureau of Shipping were the only body authorized to do the work, and so the Secretary was given authority to designate other associations and other corporations in order that work might be done as expeditiously as possible. I understand that to be one of the considerations which moved the committee to give these alternative powers. Is that right?

Mr. SCOTT. That is right.

Mr. WALSH. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. WALSH. Now, the gentleman from Michigan, in response to the gentleman from Maine, has made it clear that it was not intended to make this mandatory. Now, I would like to ask the gentleman from Michigan if a shipowner comes in and says he would like to have this ship of his classified by Lloyd's, why you repose the discretion in the Secretary of Commerce to say, "Well, I will not designate Lloyd's to make this classification, but I will say the collector of customs or the collector of the port at New York shall make the classification"?

What benefit is that to the shipowner to give him the right to select some other agency and vest in the Secretary the discretion to say, "No; I will not appoint that agency, but I will appoint some Federal official or the Bureau of Navigation to do it"?

Mr. SCOTT. Nearly every law on the statute books could be improperly enforced.

Mr. WALSH. Well——

Mr. SCOTT. But now take the other illustration; the gentleman suggests they might want Lloyd's to do it. Suppose the man comes in and instead of suggesting that Lloyd's mark his ship he suggests some incompetent in his home town.

Mr. WALSH. Of course, if the committee is writing a law to take care of such a contingency as that, I would compliment the committee upon getting it within the scope of eight pages. But of course the gentleman can not be serious in such a contention as that. You are trying to give the shipowner the right to go to the Secretary of Commerce and say, "I prefer to have my ship classified by some corporation or association to the survey or registry of shipping."

Mr. SCOTT. I am serious. If he asks that any legitimate and qualified concern be permitted to mark his ship, unquestionably the Secretary of Commerce will grant it.

Mr. WALSH. Then, if I understand the gentleman, if he will yield——

Mr. SCOTT. Certainly.

Mr. WALSH. The purpose of this language was to vest in the Secretary of Commerce the discretion of refusing to a shipowner the right to designate some association to survey his ship?

Mr. SCOTT. That is right.

Mr. WALSH. That is the purpose of this language. And the gentleman's contention is that the language is wise to carry out that purpose?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I regret using so much of the gentleman's time.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last two words for the purpose of adding a suggestion in line with the last discussion. In the committee, one consideration which led to the approval of the provision in the bill which the gentleman from Massachusetts has been discussing with the gentleman from Michigan and with the gentleman from Maine was that if the shipowner should find himself with a vessel in a foreign port—for instance, in England or in any other foreign country—and should desire to have his ship surveyed in a foreign land and the load line established there instead of being required to return to America, then he might make application to the Secretary of Commerce for that permission.

And in order that the Secretary of Commerce should not be placed in a position to use arbitrary power, the provision was made that it should be such corporation or association for the survey or registry of shipping as the Secretary of Commerce might approve, it being assumed that the Secretary of Commerce would not fail to approve an organization or corporation which had a recognized standing in its own country. That was one of the principal considerations in the subcommittee for the adoption of this provision in section 3.

Mr. WALSH. Will the gentleman yield?

Mr. CHINDBLOM. Yes, sir.

Mr. WALSH. Certainly this language does not confine it to instances such as that.

Mr. CHINDBLOM. It does not confine it; but it would not be necessary that it should confine it to that kind of a case. It leaves the power rather broad, it is true, but still leaves it within the discretion of the Secretary of Commerce, while subject to his approval of the association or corporation which makes the survey.

Mr. WALSH. Now, that is equivalent to letting the Secretary of Commerce say, "While you selected Lloyd's to do this classification, I do not approve it, and you have got to take it to the American Bureau," does it not? And if that is true, why is it necessary to give the Secretary of Commerce authority to appoint some other officer of the Government to do it?

Mr. ALEXANDER. Will the gentleman from Illinois yield?

Mr. CHINDBLOM. I yield.

Mr. ALEXANDER. Section 2 provides that the Secretary of Commerce is authorized to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded.

Now, under section 3 it says:

The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder.

In other words, in accordance with the regulations of the Secretary of Commerce. Now, not only has the Secretary of Commerce the right to say that the American Bureau of Shipping or some other bureau, like Lloyd's, shall do this, but in the event that either one is not available he may select for that purpose any officer of the Government, who may perform such service directly for the Secretary of Commerce. In other words, they fix the mark on the vessel, but the regulations are made by the Secretary of Commerce.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CHINDBLOM] has expired. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 1 (a) and (b) of this act and is hereby authorized in respect of the vessels defined in section 13 (c) of this act to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded. Such regulations shall have the force of law.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent, in line 4, to strike out the numeral "3," so that it will read: "In respect of the vessels defined in section 1 (c) of this act."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 4, strike out the figures "13" and insert in lieu thereof the figure "1."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word just for the purpose of getting a little additional information in reference to the matter which I attempted to discuss with the gentleman from Michigan [Mr. SCOTT] heretofore. Does not the gentleman think that the first proviso, "*Provided*, that, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association," makes it unnecessary for the Secretary to have additional discretion of appointing some bureau of the Government to perform these services? If he can withhold his approval of the agency which the shipping owner selects, why is it necessary to give him the additional authority to indicate some officer of the Government to do it when he has already appointed the American Bureau to do it?

Mr. SCOTT. In the instance of a ship in a foreign port he might authorize the United States consul to perform this particular duty.

Mr. WALSH. Well, then, if he is going to have that authority with reference to ships in foreign ports where the American Bureau might not have a representative, it would seem to me that in cases such as that the shipowner should be entitled to select the agency to make that classification according to the regulations prescribed by the Secretary of Commerce, and should not be compelled to accede to the determination which the representative of the Secretary makes.

Mr. SCOTT. I will say to the gentleman that the enforcement of this legislation is left in the hands of the Secretary of Commerce. Now, I do not believe that the gentleman will argue, even to himself, that the Secretary of Commerce would not exercise common sense and decent judgment in connection with the carrying out of its provisions. It is with that view the authority was reposed in him, and, of course, if the gentleman thinks that power should have been placed somewhere else, then his ideas as to the methods of carrying out the bill are different from those of the committee. That is all there is to that. We have simply given the power to the Secretary of Commerce, and I can very readily see that if he wants to be unjust or unfairly arbitrary in carrying out its provisions he can.

Mr. WALSH. I think perhaps that may be true, but I do not think we ought to write legislation that will seek to encourage or permit that, and I think that while it is a splendid idea to have these ships marked and to encourage having it done under our law, the American shipowners have a little right; and legislation ought to be so framed as to protect them in cases of attempted unjust and arbitrary action on the part of the Government officials.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the pro forma amendment. Let me say this to the gentleman—and I am sure his objection is an honest one; I have always found his criticism to be well directed—that in many States the requirement as to automobile licenses is left largely in the discretion of the secretary of state. In many States—in fact, in most of the States—the application of certain provisions of the game laws is left within the discretion of the State game warden, such as the time of the year when the provisions of the law shall be in force. That applies not only to State laws but to Federal laws.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. WALSH. What has that to do with the question I raised?

Mr. SCOTT. It has this to do with it: In this bill the application of its provisions is left largely in the discretion of the Secretary of Commerce, and the gentleman's objection is directed to the fact that the Secretary of Commerce may unfairly and unjustly exercise that discretion.

Mr. WALSH. Yes.

Mr. SCOTT. And I am endeavoring to direct the gentleman's attention, by contrast, to a number of instances in Federal and State laws where Federal and State officers are permitted under provisions of law to apply the same character of discretion.

Mr. HULINGS. Mr. Chairman, supplementing the remarks that I made a little while ago, I wish to say that from the newspapers we have been led to believe that with the tremendous energies the Government has devoted to shipbuilding we need now only to rest easy on our oars, confident that America with her great fleet is going to do the carrying trade of the world, but from figures recently published the cold facts warrant no such assurance.

Vessels in foreign trade entering our ports in the year ending June 30, 1919, aggregated 93,000,000 net tons carrying $10,000,000,000 worth of goods.

Now, of the 93,000,000 net tons, about 41,000,000 were American ships. But of this 41,000,000 tons of American ships 33,500,000 tons were devoted to the North American trade, leaving only 7,500,000 of American tonnage devoted to the overseas traffic, which carried about $1,000,000,000 worth of traffic.

So that while we had seven and one-half million tonnage, carrying $1,000,000,000 worth of our foreign overseas trade, 52,000,000 tonnage of foreign vessels carried $7,000,000,000 worth of our overseas trade.

In other words, we are carrying only one-seventh of our overseas trade in our own ships and the stress of competition has not yet come, and if we are to deliver ourselves from paying enormous tribute to foreign ships our merchant marine must be supported and protected most jealously.

The loudly vaunted "freedom of the high seas" is as "idle as a painted ship upon a painted ocean," so far as America is concerned, if we shall supinely permit the foreigner to drive the American flag from the ocean.

And with these observations I submit to your candid judgment a measure I have proposed. It is a bold announcement that we are in the game to stay and that America is going after the proud place her merchant marine once had in the world's carrying trade. [Applause.]

I reserve the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That it shall be the duty of the owner and of the master of every vessel subject to this act and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this act and of the regulations established thereunder: *Provided, however*, That, at the request of the shipowner, the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select and the Secretary of Commerce approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking such load line or lines, issue a certificate in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this act and to said regulations to depart from her loading port or place without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

Mr. WHITE of Maine. Mr. Chairman, I offer an amendment on page 2, line 23, to strike out the word "shall" and insert the word "may."

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Maine: Page 2, line 23, strike out the word "shall" and insert in lieu thereof the word "may."

Mr. WHITE of Maine. Mr. Chairman, with the general purposes of this bill I am in entire accord, but this section 3 has bothered me somewhat. If gentlemen will refer to the language, they will note that in the first instance the section places the duty on the owner of the vessel to cause the load line to be marked on the vessel. Then the next sentence provides that the Secretary of Commerce shall—it is mandatory—"shall appoint the American Bureau of Shipping or such other corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessel the load line or lines so established are in accordance with the provisions of this act." Then comes the proviso, "*Provided, however*, That at the request of the shipowner the Secretary of Commerce shall appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the shipowner may select," and so forth.

Now, it seems to me that that proviso, as it is reported from the committee, is mandatory. It provides that the Secretary of Commerce, at the request of the shipowner, "shall" appoint for the purposes of registry such persons or corporations as the shipowner may select. To my mind this nullifies altogether, if it is heeded at all, the main part of the section, which directs that the Secretary of Commerce shall appoint the Board of American Shipping or other corporations to do this work. The purpose of this proviso, in my view, is to grant to the Secretary an option to make certain concessions to the shipowner, and if that construction is correct, the language ought to be permissive and not mandatory. It ought to be "may" rather than "shall."

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. TILSON). Does the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. SCOTT. I think there was more question in connection with that paragraph, as was aptly said by the gentleman, than there was in regard to any other. But in connection with that statement I think it would be well to refer to the provision on the top of page 3, which reads, "Or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce." It seems to me that that particular phraseology saves the situation in so far as directing any particular concern to do the work or giving any concern a monopoly of it.

Mr. WHITE of Maine. Mr. Chairman, if you provide in the body of the section that the Secretary of Commerce shall designate the agencies named in the section to perform this work, and then by a proviso you authorize the owner to select somebody to do the work, and direct that the Secretary shall designate the person selected by the owner, you have got confusing and conflicting provisions in the same section. It seems to me that you are granting here in this proviso an option to the Secretary of Commerce to grant this concession to the shipowner.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. SCOTT. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. SCOTT. Permit me to say to the gentleman that, in so far as the phraseology is concerned, his suggestion is very good, and I intend, so far as the committee is concerned, to accept the suggestion. But may I say to the gentleman that as to the word "shall," in line 22, although under the usual interpretation the word is mandatory, it is an old axiom that the language shall be taken as a whole to determine its meaning, and the subsequent language would unquestionably indicate the interpretation of the word "shall" to be not mandatory, but permissive. I desire to say that, so far as the committee are concerned, we will accept the amendment suggested by the gentleman from Maine.

Mr. HARDY of Texas. What the gentleman has said renders my question unnecessary. In my judgment, it is a proper amendment.

Mr. SCOTT. Yes; and I had supposed that the amendment had been made. The gentleman made the identical suggestion

in the committee, and I had assumed that the amendment had been made.

The CHAIRMAN. The question is on the amendment of the gentleman from Maine.

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, in line 9, on page 3, I move to strike out the word "are" and insert the word "is." You will see that there is a singular subject and a plural verb.

Mr. ALEXANDER. The word refers to the regulations, does it not?

Mr. SCOTT. No; it refers to the certificate which shall issue.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. (a) That if the owner or master of any vessel subject to this act and to the regulations established thereunder shall permit her to depart from her loading port or place without having complied with the provisions of section 3 of this act, he shall for each offense be liable to the United States in a penalty of $500. If the owner or master of any vessel exempted pursuant to section 5 of this act shall permit her to depart from her loading port or place without having the load line or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said laws and regulations, he shall for each offense be liable to the United States in a penalty of $500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(b) If the master of any vessel subject to this act and to the regulations established thereunder, or of any foreign vessel exempted pursuant to section 5 of this act, shall fail, before departing from her loading port or place, to enter in the official log book of such vessel (if any) the statement required by section 6 of this act, he shall for each offense be liable to the United States in a penalty of $100. The Secretary of Commerce may in his discretion remit or mitigate any penalty imposed under this paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this act and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded in violation of section 4 of this act; or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 5 of this act to depart, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall in respect of each offense be guilty of a misdemeanor, unless her going to sea in such a condition was, under the circumstances, reasonable and justifiable; and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed one year, or both, at the discretion of the court.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 7 of this act, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed $500 or by imprisonment not to exceed three months, or both, at the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate, or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this act or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000, or by imprisonment not to exceed one year, or both, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this act, the vessel shall also be liable therefor, and may be seized and proceeded against in the district court of the United States in any district in which such vessel shall be found.

Mr. WALSH. Mr. Chairman, I move to amend by striking out the words, on page 7, line 17, "at the discretion of the court"; and in line 1, on page 8, the words "at the discretion of the court"; and in line 11, on page 8, the words "in the discretion of the court."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 7, line 17, after the word "both," strike out the words "at the discretion of the court"; and on page 8, line 1, after the word "both," strike out the words "at the discretion of the court"; and on page 8, line 11, after the word "both," strike out the words "in the discretion of the court."

Mr. WALSH. Mr. Chairman, just a word. Of course this language is not at all necessary in writing a statute, and it is not customary to include these words, which do not at all affect the power of the court to impose either sentence or both. I think inasmuch as this committee has written laws carrying penalties before, without this language, it ought not to be carried here.

Mr. ALEXANDER. I do not see any objection to the amendment.

Mr. SCOTT. I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That this act shall take effect six months after the date of its approval or at such earlier time as the Secretary of Commerce may fix.

Mr. WALSH. I move to strike out the last word, for the purpose of an inquiry. What was the idea of giving the Secretary of Commerce authority to say that this act shall go into effect earlier than six months after the date of its approval? That is a rather unusual authority to vest in an administrative officer—to say when a law shall go into effect.

Mr. SCOTT. I will say to the gentleman that its only purpose is this: We could not make it immediately effective, because if we did there would be so many cases of remittance of fines in consequence of noncompliance with the law that it would create a very chaotic condition. But if it should develop that all the ships coming under the provisions of this act could comply with the law within six months, then the committee felt that the law should become operative and that the Secretary of Commerce should have power to so determine.

Mr. WALSH. That is equivalent to saying to the Secretary of Commerce, "You can say when this act shall go into effect."

Mr. Chairman, I move to strike out the words on page 8, line 20, "or at such earlier time as the Secretary of Commerce may fix."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 8, line 20, after the word "approval," insert a period and strike out the following words: "or at such earlier time as the Secretary of Commerce may fix."

Mr. WALSH. Mr. Chairman, I offer this amendment because I doubt if it is wise in writing a law of this importance to vest in the Secretary of Commerce the authority to say just when this law shall go into effect. I do not know that we have any Secretary of Commerce just now. I understand his resignation has been handed in; but, whether that is so or not, ordinarily if we do not state in a law when it goes into effect, it goes into effect when it is approved, or when it is passed over the veto of the President. We do say in this law that it shall take effect six months after the date of its approval. Having said that, I doubt whether we should vest in the Secretary of Commerce the authority to say, three months after the date of its approval, that this law is in effect.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Texas.

Mr. HARDY of Texas. I apprehend there is nothing in this provision except that the Secretary of Commerce may need some little preliminary preparation for putting this law into effect, which he would not be able to do right away. It was supposed that it might take him six months; but if he found sooner that he was able to put it into force, the committee wished the law to go into effect as soon as possible. If the Secretary of Commerce is able to enforce the law sooner than six months, he himself will know it.

Mr. WALSH. Then why did not the committee write the language so as to provide that the law shall take effect when the Secretary of Commerce says it shall? I do not believe this is a good way to write a statute under which criminal penalties may be imposed. The Secretary of Commerce has no particular way of notifying the people of the United States when this law takes effect. He is not authorized to issue a proclamation, the same as the Secretary of State would be.

Mr. HARDY of Texas. It seems to me we have incorporated the substance of what the gentleman last suggested. It will go into effect just as soon as the Secretary is able to put it into effect.

Mr. WALSH. He has no way of letting the people of the country know when the law shall take effect. If he decides to put the law into effect sooner than six months, how will he notify the people who are concerned?

Mr. HARDY of Texas. How does he let people know of the promulgation of any of the regulations provided for by the department?

Mr. WALSH. The Secretary of Commerce issues regulations, and they are sent out through the various bureaus.

Mr. HARDY of Texas. Why can not he issue notice as to the law going into effect the same as the regulations?

Mr. WALSH. I think my friend from Texas will agree that that is not a good way to notify people or the vessel owners of the country that the Secretary of Commerce hereby notifies you that a certain statute shall now take effect.

Mr. SCOTT. Mr. Chairman, I am sure the committee has no particular pride in the phraseology of this law. However, I hesitate to accept the last amendment offered by the gentleman from Massachusetts. I am sure the House only desires to formulate a sensible law. Let me suggest this, that if you strike out the words "or such earlier time as the Secretary of Commerce may fix," the provision will leave the act so that it will

take effect six months after the day of approval. What is the situation? Every shipowner will take his good time to comply with the provisions of the law, up to the very last minute. He will say, "I have six months, and there is no occasion to hurry; I can do it next month or the month after." The result will be that at the last minute, the last hour, you will find 1,500 or 2,000 ships, that have not complied with the law, appealing for remittal of penalty.

Mr. GARRETT. That will be the fault of the shipowner and not ours.

Mr. SCOTT. Yes; it will be his fault, but I may say to the gentleman that if you say to the shipowner the law shall become effective in six months——

Mr. GARRETT. Thereby putting him on notice.

Mr. SCOTT. He will figure that there may not be such a crowd of work and that he can get his ship in.

Mr. GARRETT. We can not help that.

Mr. SCOTT. My thought is that the Department of Commerce will simply be flooded at the end of the six months with plausible excuses from shipowners asking for a remitment of the fine.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. ALEXANDER. The committee would have made the bill operative at once after its approval if it did not involve the formulation of rules and regulations by which load lines on vessels shall be fixed. For that reason we say that the act shall not go into effect until six months after its passage unless an earlier time is fixed by the Secretary of Commerce. In other words, before it can become operative these rules and regulations must be made. When they are formulated they will be promulgated in the usual way and shipowners will have notice and a reasonable time to comply with them. The shipowners have knowledge of this legislation, and everybody in interest, so far as I am advised, agrees that this is all right except the gentleman from Massachusetts——

Mr. GARRETT. I do not.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DOWELL. Mr. Chairman, I wish to suggest to the gentleman from Missouri that there are others who agree with the gentleman from Massachusetts that it is not proper legislation, and I am one. It seems to me that it is certainly very bad form to pass a law and then designate some one to put it into effect.

Mr. SCOTT. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. SCOTT. In the gentleman's State of Iowa at the present moment you have a game law which provides that the State game warden shall designate the particular periods each year when the law shall become operative.

Mr. DOWELL. That is an entirely different proposition from this. This applies to all vessels, and it says if six months is not a proper time, the Secretary shall fix the time when it shall go into effect. I am not in favor of allowing any administrative officer to say when a law shall go into effect.

Mr. WELLING. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. WELLING. The Secretary of Commerce is to establish and provide when the regulations shall go into effect. That is written all through the law, that certain regulations are to be made for the execution of this act.

Mr. DOWELL. Those are the regulations provided for in the law.

Mr. WELLING. Why, if he can designate the time that the regulations go into effect, can he not designate the time the law should go into effect?

Mr. DOWELL. We ought to say when it shall go into effect ourselves and not designate some officer to tell shipowners when it goes into effect.

Mr. ALEXANDER. I suppose if we pass this law we will say when it goes into effect, and that is six months after its approval, unless sooner designated by the Secretary of Commerce. Ordinarily it would go into effect at once. But it is not practical for it to go into effect at once, although it is very desirable that it should, because the rules must be formulated and published.

Mr. DOWELL. If the gentleman wants it to go into effect at once, it should so provide, and then provide for the regulations going into effect. I am not in favor of submitting to any officer of the Government the right to put a law into effect without any provision as to what notice shall be served, or whether anybody will ever have a notice or not. That would be very dangerous indeed. I am heartily in favor of the amendment offered by the gentleman from Massachusetts and hope it will be adopted.

Mr. HARDY of Texas. Mr. Chairman, this whole question of the load line as administered by Great Britain was for a long time a matter for the board of trade regulations. Now, this law can not be administered in a day. The committee did not know how long it would be before the regulations could be made. Regulations have to be formulated and notice given to the shipowners. As stated by the gentleman from Michigan, there is no more reason against permitting him to provide when the law shall go into effect and become operative than there is against his saying when the regulations prescribed under it shall become operative.

That can only be done when he makes the regulations and notifies the party. The Board of Trade of Great Britain for a long time administered their load-line law by virtue of rules and regulations which they made and notified the shipowners of. It is simply impossible for the committee to tell just when this act should be complied with, and we want it complied with as soon as possible. Is not that the substance of the whole thing?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I would like to join my voice in protesting against this form of legislation. It is a pernicious form to say that a penal statute shall go into effect and become operative when some administrative officer says it may do so. The act provides a penalty. It is the duty of the committee to ascertain when the act ought to be made operative. If a reasonable time must be allowed, then make that the time in which it shall become operative, and let the legislative function be exercised by this body, and not delegated to an administrative officer. Every man in this House will understand that there is a marked distinction between making rules and regulations and saying when a criminal statute shall become operative. Rules and regulations apply only to the administration of the law, but the statute itself, which imposes the penalty, ought to be fixed as to time and made definite and certain.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3621, and had directed him to report the same back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SCOTT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SCOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will continue the calling of the committees.

EXTENSION OF PASSPORT CONTROL.

The Clerk called the Committee on Foreign Affairs.

Mr. ROGERS. Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up the bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The SPEAKER. The gentleman from Massachusetts, by direction of the Committee on Foreign Affairs, calls up the bill H. R. 9782, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for its consideration, and the gentleman from Ohio [Mr. FESS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9782, with Mr. FESS in the chair.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, shortly after the United States declared the existence of a state of war with Germany the officers of the Government who were charged with controlling seditious and unlawful practices in this country, especially by the declared enemies of the country, found themselves very much embarrassed by the absence of any law which enabled them to exercise the necessary control. By means of the existing regulations with reference to passports, they did what they could to exclude undesirable persons from overseas who sought entry into this country, and similarly to some extent to exert control over persons in this country who desired to go abroad for unlawful purposes. That control really began under Executive order in July, 1917. It was found exceedingly unsatisfactory and inadequate, and as the war progressed and as problems of this nature increased in number and in importance the officers of the Government found themselves continually handicapped and embarrassed in seeking to achieve the results necessary for the adequate protection of the United States.

Therefore, in the spring of 1918, the gentleman from Virginia [Mr. FLOOD], who was then the chairman of the Committee on Foreign Affairs, introduced a bill, H. R. 10264, for the establishment by law of a passport-control system. The Committee on Foreign Affairs held hearings upon that bill in February and in March, 1918. It was a noteworthy and an interesting fact, in the judgment of the committee, that at those hearings appeared the representatives of six of the executive branches of the Government, all calling the attention of the Congress to the emergency, and all asking that for the common welfare legislation of this kind should be enacted. Those departments which were directly concerned in securing legislation included the Department of State, the War Department, the Navy Department, the Department of Justice, the Treasury Department, and the Department of Labor. All joined in urgent representations as to the necessity for the legislation.

A bill was presented to the House as a result and was passed by the House and later enacted into law on the 22d of May, 1918. I think that in the main the workings of that law have been beneficent. Doubtless in times of stress like those of the last year and a half there have been individual cases of hardship, perhaps individual cases of injustice, which have resulted from the administration of the law. But on the whole, speaking very generally, I doubt if any Member of this House will question the extreme usefulness of that law during the days of war.

The law, however, by its terms, becomes inoperative with the promulgation of the treaty of peace. We hope that that day is not far distant. The question is whether Congress shall continue the law to a period beyond the promulgation of the treaty of peace or whether it shall allow the law to lapse and thus permit a return to previous conditions, during which there was no law whatever to control the movement of persons entering and leaving the United States. The Secretary of State and the President of the United States have both urged upon Congress that there should be a continuance of that law for a period of at least a year, in so far as persons coming to the United States are concerned. The old law—the existing law—provides a passport-control system, roughtly speaking, in the case of four different classes: First, outgoing Americans—that is, Americans leaving the United States; second, outgoing aliens; third, incoming Americans; and fourth, incoming aliens. The old law, as I say, covered the four classes. The recommendation of the State Department is that, in so far as the first two classes were concerned, namely, the outgoing travelers, whether alien or American, the law could safely be allowed to lapse; but the State Department recommends that the law be continued for one year in so far as persons coming into the United States are concerned, whether they be aliens or Americans. On that question the Committee on Foreign Affairs felt a good deal of doubt. There were undoubtedly administrative difficulties in the way of requiring passports of aliens entering the United States and of allowing to enter free of passports American citizens returning to the United States. But on the whole, and recognizing these difficulties, the committee felt that it was wiser to abrogate altogether when peace came any restriction over the movement of Americans who sought to leave the United States or who sought to enter the United States. The committee felt, in other words, that when the war came to an end it was important that we should get rid of all the vexatious, embarrassing, and technical requirements which it was possible to avoid. And we felt that if we adopted a restriction as to incoming aliens we were doing all that was necessary for the common safety.

It is probably true that for a long time to come American citizens who seek to travel in foreign countries will find it almost essential to supply themselves with passports before they leave, because, as the Secretary of State and others testified, the other nations of the world, and especially the great belligerent powers of Europe, will deem it necessary to continue a very strict supervision of tourists within their shores and will therefore require any American citizen who comes to visit them to equip himself with a passport. In other words, just as before the European war an American traveler going to Russia or Turkey found it necessary to have a passport or be refused admission to those countries altogether, so for the next year or two an American citizen who desires to go to Great Britain, or to France, or to Switzerland, or to Spain will probably find himself confronted with the requirements local to those countries which will make it essential that he should have an American passport in his possession in order to secure ingress and egress.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ROGERS. In just one moment.

But admitting that situation, it seemed to the committee that as far as our law was concerned, it was better to free American travelers from that necessity. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I entirely agree with the gentleman though perhaps I would go further. I wanted to ask upon what the State Department based its conclusion that this passport regulation would still be in force after the conclusion of peace?

Mr. ROGERS. The Secretary of State asserted that conclusion as a result of his conference with the representatives of the other powers in Paris. He expressed his opinion as to which he said he could not make any positive prediction, that regulation of travel by foreign countries would continue in effect at least for two years after the treaty of peace.

Mr. GREEN of Iowa. The gentleman is aware, of course, of how much time, restraint, and hindrance this puts upon the rapid transaction of business. The gentleman, I have no doubt, has had occasion to have passports attended to. Did the committee take that into consideration?

Mr. ROGERS. The committee took into consideration the inconvenience which has undoubtedly confronted American travelers in the past in seeking to get their passports and the delay that has been attendant upon the procuring of those passports. The gentleman should, I think, in that connection bear in mind this fact, that in the past, and especially during the period when we were actually at war, it has been necessary to scrutinize with very great care every application for a passport that was presented to the State Department. The necessary investigation frequently took a considerable period. But within the last few weeks, say within the last 60 or 90 days, the preliminary investigation required has been practically abrogated by the State Department. The Director of the Division of Passport Control of the Department, who testified before the committee in connection with this bill, said that at this time the department is issuing passports within a period of three days after the application is received. And I think the gentleman's experience, certainly my own experience, has been that when there was a real emergency and when a Member of Congress was consulted by a constituent, we could get action within three days. That was true even at a time when a longer period was normally necessary than we are informed is now requisite.

There is a typical class of travel which has been very seriously embarrassed by passport restrictions during the last year and a half or two years, and that is the travel to Cuba. Cuba in many respects is almost a part of the United States itself, and certainly the geographical nearness of Cuba is such as to make it desirable to have the utmost facility of travel.

If this law should be continued so to apply to American citizens, it would be necessary in the future—as far as the law went, at least—to exact a passport from every American leaving the United States for Cuba. Cuba, on the other hand, will not exact these strict passport requirements in the future, which, as I have said, will be characteristic of the European countries. And so by abrogating the provisions of the law, in so far as American citizens are concerned, we shall be able to restore the freest possible communication on the part of Americans desiring to go to Cuba and on the part of Cubans desiring to come to the United States. That reason, it seems to me, is an additional one for departing from the recommendation of the Department of State and for freeing all American citizens leaving or entering this country from the necessity of providing themselves with a passport.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. YOUNG of Texas. I see from a press report—how true it is I do not know—that at as early a date as possible there are 10,000,000 German citizens who will make an effort to come to this country as quickly as they are permitted to come. Is

there anything in this legislation by which our Government will have control over that situation and to deny to those people, if we decide we do not want them here at this time, the privilege of coming to this country and becoming citizens, or will we have to go through the Immigration Committee and pass additional immigration legislation?

Mr. ROGERS. This law will give the State Department power to exclude every one of those men.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. JOHNSON of Washington. I think that after the treaty of peace is signed this law will give the State Department the power to check and hold back, for the purpose of investigation, all those men. The real holding of them out of the country is under the immigration laws of the United States.

Mr. ROGERS. I said, in answer to the inquiry of the gentleman from Texas [Mr. YOUNG], "this law." I should have said "this bill," because the existing law completely lapses when the treaty of peace is proclaimed. But this bill requires that every alien who seeks to come to the United States shall do two things, at least. First, he shall supply himself with a passport from his own Government. That Government may grant it or withhold it, as it sees fit. Second, he must present that passport, after issuance, to the American consular officer at the port whence he seeks to depart for the United States. That American consular officer can grant a visé on that passport, and thereby give him permission to embark, or he may, at his pleasure, withhold that visé, and prevent him from departing. But if he gets the opportunity to start for the United States and crosses the ocean, then when he presents himself at our port of entry, New York, or Galveston, or Boston, or wherever it may be, he must then pass the usual exactions of the immigration law, just exactly as if this law had not been in effect. And in point of fact, in a great many cases during the existence of this law, the immigration authorities at our ports have turned back men who had been granted the visé by the American consular officers abroad. What this proposal does, in other words, is to apply two sieves to the alien who wants to come to the United States instead of one.

Mr. JOHNSON of Washington. Will the gentleman yield for a further statement?

Mr. ROGERS. Yes.

Mr. JOHNSON of Washington. The question asked by the gentleman from Texas would indicate that 10,000,000 Germans were seeking to come to the United States. Perhaps certain printed reports have indicated that. I think it ought to be made clear in that regard that reports indicate that a great number of Germans desire to emigrate as soon as permitted to do so, the number being estimated at 10,000,000. They are seeking to come to the American Continent, including three South American countries and the United States.

Mr. ROGERS. The South American countries to which the Germans are said to want to come as soon as the opportunity presents itself are Peru, Chile, and Argentina.

Mr. JOHNSON of Washington. Yes; and both Peru and the Argentine Republic have established severe passport systems for incoming aliens.

Mr. EMERSON. I notice that this bill does not really legislate, but it gives the President authority to create rules. Why is it the committee could not have written some regulations in the bill?

Mr. ROGERS. The position of the committee was this: That this passport-control law had been in effect something over a year; it had depended, as the gentleman from Ohio suggests, upon administrative regulations to make it effective; that those administrative regulations had been applied and had proven effective; that the situation in the future, while it will be extremely important to control the class of people that shall be allowed to enter our country, necessarily will be less critical and crucial than in the war months that have already gone by; that the proper function of the Committee on Foreign Affairs was not to attempt to establish an immigration policy through the recommendations in this bill, but simply to tide over the existing law until such time as the Committee on Immigration and Naturalization of the House, which is already engaged upon this problem, should have an opportunity to report and present its recommendations to Congress.

Mr. KING. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KING. Under the law suggested by the gentleman from Ohio, does not the gentleman think we are going somewhat afield in giving up our powers to legislate and passing them over to the Executive in this country, and was there not any way in which the committee could keep this matter within the control of Congress? I have just been reading a book by George Kennan on Siberia, and I find this bill is like a Russian bill. It used to be that if the Secretary of the Interior should find the public safety required, he should do so-and-so. It seems another brush being piled on the power of autocracy.

Mr. ROGERS. In answer to the gentleman from Illinois, I desire to point out that this is simply a makeshift, after all. It does not purport to be anything more. It extends a law that has worked well for a period of one year, unless Congress shall see fit to take action in the meantime.

I do not think that the gentleman need entertain any fear that this law will be applied too strictly by the Department of State. My own fear is that the law will not be applied strictly enough. [Applause.] I am very much more concerned with the apprehension that the department will let in people that they should not admit than that it will exclude people who ought to come in.

Mr. KING. I agree with the gentleman on that.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. JOHNSON of Washington. Let me make a statement right there. I would like to make it very clear here that the emergency passport control extended for one year is not intended to actually supersede the immigration laws. The State Department desires to act in accord with these laws. I will make this still more clear by reading from the instructions of the State Department to its consuls. I read from paragraph 14:

(14) Aliens to be informed of regulations: In order to prevent or avoid, so far as possible, the hardships and dangers involved in deportation under present conditions, the diplomatic and consular officer to whom a passport is presented for visé shall ascertain to the fullest extent practicable whether the holder is a member of any one of the classes excluded from the United States by provisions of section 3 of the immigration act of February 5, 1917. If in the judgment of such official the alien is a member of such a class, he shall so advise the alien, informing him of the serious risk he is assuming in attempting to enter the United States; but if the alien, nevertheless, insists on proceeding, the officer shall visé the passport, if it is valid, and if there is no evidence that the alien is inimical to the United States, but shall place upon the alien's declaration the notation, "Advised that he will probably be rejected and deported." In such a case the consul making the notation shall write upon the declaration, to be sent to the proper immigration official in the United States, a statement of his reasons for making it.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HUDSPETH. I would like to ask the gentleman this question: During the period of the war the Secretary of Labor permitted certain aliens to come into the United States for purposes of agriculture.

Mr. ROGERS. Yes; "seasonal" immigrants.

Mr. HUDSPETH. Recently he permitted them to come in until the 1st of January, or until peace was declared. He permitted them to come into Texas and Arizona and New Mexico. What effect will this bill have on the order of the Secretary of Labor, or will he under his discretion permit aliens to come in from Mexico? I will ask the gentleman, Will that be left with the Secretary of Labor or with the Secretary of State?

Mr. ROGERS. The discretion under this bill will be exactly as it has been since May, 1918. In other words, this bill does very little more than reenact almost verbatim, and with certain exceptions which I will explain in a moment, the existing law.

Mr. HUDSPETH. Will that permit the Secretary of State to allow aliens to come from Mexico into Texas and Arizona and New Mexico, not permanently, but for a short time?

Mr. ROGERS. I can only repeat that it will leave the situation exactly as it is now.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. WILSON of Louisiana. What facilities have our diplomatic and consular representatives for ascertaining and finding out the qualifications and character of these people who apply for passports?

Mr. ROGERS. During the European war the so-called intelligence side of the Department of State was developed just as the intelligence side of the War Department was developed and that of the Navy Department. In other words, it has been the business of the Secretary of War and his subordinates and the business of the Secretary of the Navy and his subordinates, to acquaint themselves with intelligence matters, to procure information concerning the character of the people in this country and in other countries. Similarly, it has become a function of the State Department to supply itself with information concerning the character of persons living in or coming from other countries of the world and their danger to our institutions. The State Department has built up an elaborate intelligence organization. I may say to the gentleman that, in my judgment,

that has been one of the great safeguards during the war which has enabled the department to withstand the applications of men who have sought to come to the United States but who were not worthy to come to the United States.

Mr. WILSON of Louisiana. According to the information we have, there is going to be a flood of applications for passage to America from probably every country in Europe, and especially from central Europe. Is it the opinion of the gentleman that they have sufficient force to get at the character of each immigrant as he applies for a passport?

Mr. ROGERS. They certainly have not a sufficient force at this time. That leads me to a point that I intended to discuss later, but which I will discuss now, and that is the importance of providing an adequate appropriation for carrying on this work. If we pass this law and do not give a sufficient fund for its administration, it would be better if we had not passed the law at all, because the law will simply be winked at and there will be no effective way to enforce it.

Mr. WILSON of Louisiana. It would be absolutely essential to make the law effective?

Mr. ROGERS. It certainly would be. The testimony before the committee is that it will cost something like $75,000 a month for the proper enforcement of this law all over the world, because, gentlemen, bear in mind that at every port from which men and women emigrate to the United States we must have this system of passport control. It has cost a great deal of money in the past, but it will cost more in the future, because immigration has very materially increased already and will increase still more. In the month of July, 1918, only 12,800 aliens entered our shores. In the month of August, 1919, which is the last month for which I have figures, 32,000 aliens arrived in the United States. That means something like 375,000 aliens in a year. We all know that before the European War began there were a million and a quarter immigrants coming annually to the United States. That condition, if it is not kept in check, will be repeated in the future.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I will yield to the gentleman from Iowa.

Mr. RAMSEYER. I want to ask the gentleman if this bill, when it becomes a law, will empower the Secretary of State to restrict in any way Americans who desire to leave the jurisdiction of the United States or prevent American citizens who happen to be in some other country from coming back to the United States?

Mr. ROGERS. This bill has nothing whatever to do with American citizens.

Mr. RAMSEYER. Another question: Will it empower the Secretary of State to restrict the emigration of aliens now in this country back to their home country?

Mr. ROGERS. This bill has nothing to do with the departure of anybody from the United States. It refers simply to incoming aliens.

Mr. RAMSEYER. Now, are there any other classes of people that the committee is after except dangerous propagandists and that class of people?

Mr. ROGERS. That is primarily the class at which this bill is aimed.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KELLY of Pennsylvania. I am very much in favor of the purpose of this bill, but I want to get some information as to just how far the Secretary of State can go in giving our consular agents instructions to go into the record of passport applicants and passport holders.

Mr. ROGERS. The Secretary of State can give any kind of instructions he wants to give to our consular agents. He can refuse visés for any reason or for no reason. But in that connection I think it is important to notice what the policy of the Secretary of State will be, and I call attention to the testimony of the Secretary of State himself, which is reprinted on page 5 of the report:

The CHAIRMAN. * * * Assuming that this act is limited to incoming aliens, what would be the policy of the department, if you are prepared to indicate, as to dealing with immigrants who apply for visés from the various parts of Europe? Would you expect to grant a visé to everyone who could prove himself not dangerous to public morals or society, or what would be the scheme by which visés would be granted or withheld?

Secretary LANSING. Of course, so far as the Department of State is concerned, it would be, as far as could be determined, the character of the individual and whether he was a proper one to admit to entry into this country.

The CHAIRMAN. His political character or his personal character?

Secretary LANSING. Well, it might be both. For example, if I were considering an anarchist it would be his political character, or if I were considering the case of a criminal, that would be his personal character. So both enter into the problem.

The CHAIRMAN. And the State Department would deal with both?

Secretary LANSING. As far as possible. But, of course, the immigration authorities would have the ultimate say when he reached this country.

The CHAIRMAN. Would you attempt to exercise that control as part of a general policy indicating how much immigration should come to the United States?

Secretary LANSING. Not at all, unless we had a request from the immigration authorities. I assume, so far as that is concerned, we would adopt in general their rules.

The CHAIRMAN. Of course, this law would give you the power to choke immigration off completely if you chose to exercise it?

Secretary LANSING. Of course; and that is the very thing I wanted to point out, that that is a matter for Congress and not a matter for the Department of State, and we would adopt very closely the immigration rules, I think.

The CHAIRMAN. In other words, you would simply aim to exclude the unfit?

Secretary LANSING. Yes, sir; the unfit.

The CHAIRMAN. You will not try to regulate the rise and fall of the immigration tide through the medium of this act?

Secretary LANSING. Not at all.

Mr. KELLER. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. KELLER. I should like to ask if the gentleman has any information about the 32,000 who came in last month—from what country most of them came?

Mr. ROGERS. A very large part of them came from Canada. The gentleman from Washington [Mr. JOHNSON], who is going to address the committee later, has these figures more in detail than I have, and very likely he will give the gentleman the information he desires.

Mr. PARRISH. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. PARRISH. Does the gentleman think it will be the policy of the State Department to prohibit immigration from the countries with which we have been at war during the period that this bill is effective?

Mr. ROGERS. I am voicing only my own opinion when I say that I think the Department of State will look askance at immigration coming from Germany for some time to come.

Mr. PARRISH. Does not the gentleman as a member of the committee think that immigration from Germany ought to be prohibited absolutely for a certain period of time?

Mr. ROGERS. Irrespective of what I think, the committee apprehended that this bill is not the place to do it. As I said a few minutes ago, the Committee on Immigration and Naturalization is preparing a general scheme of amendments to our immigration laws, and the Committee on Foreign Affairs thought that in that bill should be carried the legislation which the gentleman recommends.

Mr. PARRISH. Another question: Has the gentleman any information as to when that committee will give the House a chance to vote on a general bill that will control immigration?

Mr. ROGERS. The gentleman from Washington [Mr. JOHNSON], chairman of the committee, the author of the bill which originally brought this question to the attention of the Committee on Foreign Affairs, is to address the committee in a few moments, and I have no doubt he will be able to deal very satisfactorily with that point.

Mr. PARRISH. I thank the gentleman. As a Member of Congress I feel that we ought to take hold of this immigration question at once, especially of immigration from the enemy countries, and protect America while we have the opportunity to do so. [Applause.]

Mr. BOX. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. BOX. In answer to a question by my colleague [Mr. HUDSPETH], the gentleman said this act would leave the present law unchanged as to the right of the Secretary of Labor to admit Mexicans across the Texas border, or across other borders, for present industrial uses.

Mr. ROGERS. That is true.

Mr. BOX. The right to do that is exercised now under the claim of a war power. Are we to understand that this act will continue or extend that so-called war power, so that it can be done next year, for instance?

Mr. ROGERS. This bill extends the law so as to exclude incoming aliens, if in the discretion of the Secretary of State they ought to be kept out. The Secretary of State testified before the committee that the relations between the State Department and the Labor Department in enforcing this law had been of the friendliest possible character, and that they would doubtless work completely in harmony in the future. If the Secretary of Labor has in the past been willing to acquiesce in the gentleman's contention, I should suppose he would continue to do so in the future.

Mr. BOX. I am opposed to that action, and wanted to know that it was soon to be discontinued. The other gentleman from

Texas takes the other view of it. But the question I wanted to have settled, if it could be settled, is whether or not this will continue in the Secretary of Labor the power to admit these aliens across the border as an exercise of the war power?

Mr. ROGERS. The right to keep out anyone is with the Secretary of State. The permission to admit anyone is also with the Secretary of State, both in the present act and in the proposed extension.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Maryland.

Mr. LINTHICUM. A minute ago the gentleman said it had cost about $75,000 a month to enforce this law.

Mr. ROGERS. I said it was estimated that it would cost about $75,000 a month.

Mr. LINTHICUM. Does not the gentleman think he ought to state also that that amount will be fully covered by the fees collected under the law, so that it is actually no expense to the Government?

Mr. ROGERS. I am glad to have the gentleman make that statement. The fact is that this service is completely self-supporting. Every passport issued by the department costs the person obtaining it $2, including in the $2 the fee for the application and the fee for issuing the passport. Every visé that is granted on a passport of an alien brings in $2. The testimony is that for the last two years, even when the tide of immigration was very low, the total receipts from the passport service amounted to between $700,000 and $800,000. With a larger tide of immigration, of course, that amount will be very materially increased. In other words, the more money we expend wisely and reasonably under this legislation the more money we shall have returned in the form of fees for passports and visés.

I reserve the remainder of my time.

Mr. FLOOD. Mr. Chairman——

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. FLOOD. I am not.

The CHAIRMAN. If no one opposed to the bill wishes to speak the Chair will recognize the gentleman from Virginia.

Mr. LINTHICUM. Mr. Chairman, it seems to me the law which we propose under bill H. R. 9782, a continuation of the existing law regarding the further entrance of aliens into the United States, is essential at this time, especially when we recognize the amount of anarchy and socialism and unrest throughout the countries of Europe, to say nothing of our own country. One can readily see how essential some law by which discretion can be exercised is to the peace and comfort of our people. The law which we have been acting under and which was passed in May of 1918 has worked exceedingly well. A splendid organization has grown up under that law, and many undesirable people have been kept from our shores. It is true that the immigration officials might have turned some of them back, but when you realize the cost of transportation, when you realize when a person once gets into the country the damage he can cause, even though he has not landed except at the immigration station, we can readily see that it is highly essential that he be not allowed to board the ship for America.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WILSON of Louisiana. What is the gentleman's opinion of making a provision like this permanent?

Mr. LINTHICUM. I do not see the necessity for a law of this kind being permanent. When we approach the termination of this law I think we can better decide whether we want to prolong it. The Secretary of State has certain discretionary power aside from this law now on the statute books which we propose to prolong for another year by this bill. I do not think Congress would be willing to put on the statute books a law of this nature for a longer period of time than one year. Congress can find out at the expiration of that time whether it is necessary to continue it longer. It is true that the Secretary of State is given wide discretion under this law, but we must also remember that the Secretary has had this wide discretion for the past year, during the war, and that he has exercised it wisely and well. I do not believe there has been complaint from anyone that the Secretary has excluded any person who should have been allowed to come to our country, and I am quite sure that there will not be during the coming year.

There has been some little change made in the law to which I do not think attention has been called. In section 2 we have reduced the fine from $10,000 to $5,000 and the imprisonment from 20 years to 5 years. The committee thought that was sufficient, now that we are not at war, and we thought the other rather heavy.

I want to say to the committee, in reference to allowing our people to come in without showing their passports, that I do not agree with some of the members of the committee upon that for several reasons. I believe it is not harmful to an American citizen to show his passport when he comes back to this country. When he goes to France he can not enter without a passport, and he can not go to England or Belgium or any other country without a passport. Therefore he must necessarily take a passport with him.

Then what is the trouble with showing his passport when he comes home? It is a heap easier and better, it seems to me, for him to show his passport than to be questioned as to whether he is an American citizen or how long he has been away or have any doubt cast upon his coming in. I think it would be better and easier and more comfortable and pleasant for him just simply to show his passport and pass on than perhaps for him to be under suspicion as to whether he is an American citizen or not.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. RAMSEYER. Are not there citizens of the United States who have been in foreign countries, in South America, Canada, China, and European countries for years in business, without passports?

Mr. LINTHICUM. Absolutely so; those people are there without passports. I hope they have all conducted themselves well. I hope none of them have become socialists or anarchists or disturbers; and any man, if he wants it, can get a passport from the consul in those countries, and it will be no trouble to show it.

Mr. RAMSEYER. But if a citizen of the United States has gone wrong in a foreign country while living there, is it not our duty to take care of the American citizen who has gone wrong rather than to force him upon some friendly people to take care of him?

Mr. LINTHICUM. If he has gone wrong in another country, I think I would like for him to stay there in the country where he went wrong.

Mr. RAMSEYER. That country may not be responsible for his going wrong and——

Mr. LINTHICUM. Well, I think if the Secretary of State had to rule on a case of that kind, he would be treated right. However, the majority of the committee thought it would be a hardship upon many Americans who are abroad to compel them to show their passports and the committee adopted this bill, I believe, unanimously. There is one thing I want to speak of before I close, and that is the appropriation of $600,000.

The Secretary of State asked for $850,000, and the committee cut it down to $600,000. I do not know for what reason, except perhaps that they think these departments always ask for more than they expect, so that they will get what they need; perhaps that is the reason. However, I do want to say that the work which is required of this passport division in Paris and of the consuls in the other countries has become enormous. One can not realize what they are up against, as a fellow would say, unless he sees them. It was my pleasure to be in Paris this summer at the passport division in Paris. I went there one day to visit the director, Mr. Reed, and the stairway and the second floor were so crowded and the hallway leading to the stairway so crowded that it was a matter of absolute impossibility for me to reach him. I would not have reached him during the whole day had it not been for the janitor, who kindly took me to a back stairway and carried me through the janitor's kitchen to the corridor and finally landed me in Mr. Reed's office. That only goes to show what these men are doing in granting passports and viséing passports for people going to other parts of Europe and to return. It seems to me that an appropriation of $600,000 is certainly not too much, and I hope the committee has not made a mistake in making it too low, because we need more people; we need a larger force, longer office hours, and Congress should grant them some leeway in these matters. I have seen people come there for several days before they could finally reach the clerk to get a passport or have one viséed, and when you realize you can not go from one country to another without having a passport and having it viséed, and you can not come back to the country you left without having it viséed, you can readily see what these men have to do and how they have to work. They certainly need more clerks and need a larger force and need shifts. This is not a bad investment for the United States Government, because the fees which are derived from the viséing of passports more than cover the entire expense. I am told they more than covered it last year by something over $2,000,000, so that the sums collected from people who want to come to the United States and want to go abroad, and received from other bureaus of the department and other fees which are collected, more than pay the expenses. I think it is a very good bill, and I think it should be passed as quickly

as possible to grant the relief which those people are crying for and which the State Department needs so badly. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, early in September I introduced House joint resolution 205, to provide that the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," are, so far as they relate to entry into the United States, continued for one year after peace has been concluded with the Central Powers of Europe.

The present bill from the Committee on Foreign Affairs is the development of that resolution, and I beg to say that the resolution itself was not introduced until after much inquiry.

When this session of Congress organized on the 19th day of May and I found myself honored with the chairmanship of the Committee on Immigration and Naturalization, I asked the State Department as to the necessity for the enactment of a law which would continue the present passport system in relation to incoming aliens. That resulted, commencing on June 6, in bringing reports from United States diplomatic and consular agents throughout the world to the Committee on Immigration.

These reports have been extremely interesting. You will find some of them in the report made accompanying this bill. But there is one report on the condition in Vienna, Austria, which clearly shows the situation in that country. Austria has been reduced in size and left with about 6,000,000 population, of which 2,400,000 are in Vienna. Chances for work there are greatly lessened. Military officers are without any kind of work, clerks without employment. Skilled workers in many lines of industry find no demand for their labor. Unrest is general. It is apparent that those will seek other homes. Some regard South America as promising, others look to the Near East, some will probably go to Czechoslovakia or to Jugoslavia, but the great bulk of this dissatisfied population looks toward the United States with hopefulness. The report says:

It is saddening to feel compelled in duty bound to call attention to this possible exodus, and to suggest that Congress should consider whether America is to be a place of refuge for thousands of war sufferers, technically still our enemies, or whether our own interests require us to prohibit such immigration. Much of the human material available for immigration is of the most promising kind, but some of it is permeated with Bolshevism, with radical revolutionary ideas that will not graft on American civilization, and some are otherwise unsuited to become settlers.

Reports from Germany coming out by way of Stockholm indicate that a great number of German citizens intend to emigrate as soon as permitted to do so. The best estimates place the number at 10,000,000. Reliable information indicates that the Swedish Legation in Berlin and the Swedish consulates in Hamburg and Lubeck together recently refused to file 60,000 applications to visé passports in one month. These 60,000 applications were made by heads of families and included whole families. The Swedish Government has perfected a plan of restriction, which, while applying generally to all foreign nationalities, has been devised with the purpose of controlling the forthcoming exodus from Germany.

It is stated that the requests in Berlin for permission to leave indicate a desire to go to Argentine, Chile, and Peru, and to the United States. I have reports which show that Peru and the Argentine have recently passed laws requiring passports to be held by all who come in, and designed to check immigration.

Of course, it is not possible for any considerable proportion of the estimated 10,000,000 emigrants from Germany to get out in one year or even two years. Steamship accommodations are not available. Nor is it likely that the bulk of that number could reach the United States.

However, it is interesting to note that so many applications by Italians are on hand for passports from Italian ports and other parts of the world, including the United States, that all ships available will be used by Italy and that German emigration will most of it go out via Holland.

Reports from London indicate that Bolshevik authorities in Russia are acquiring genuine American passports, intending to use them to send their agents to the United States and elsewhere. British authorities will retain certain control over persons leaving England.

The minister to The Hague believes that agitators—Bolsheviks and propagandists—will continue actively at work. It is likely that other countries will try to get rid of these persons and that the worst of them will go to the country to which the entry is easiest and where there is the least to explain. Still another report says that hundreds of soldiers from enemy countries, especially those of the reserve who were called into the war from civil life and whose previous occupations are lost by the war, will if permitted to do so emigrate to America and avail themselves of the opportunity denied to them in their own country.

The United States may be said to have suffered less economically and her labor less disturbed by the war than any other country. She has in part retained her status quo ante.

Consequently, unless the countries of Europe prohibit the emigration or unless the United States prohibit the immigration, we may expect a large influx of aliens who should be provided with passports with their photographs attached thereto as now and the continuation of the viséing by a United States diplomatic officer at the country where issued, also at the port of embarkation, in order to enable the Government to be sure that the alien seeking admission is the person he represents himself to be.

The return to the United States of enemy aliens or those who have been forced to leave the United States since the beginning of the war is undersirable. Hundreds of these men are known to our secret service and to the military and naval intelligence bureaus. Many of them are under assumed names.

A report from Tokyo, in part, is as follows:

Labor conditions in America, together with financial prosperity, are attracting large number of alien workers, political theorists, and undesirables which in various warring countries will undoubtedly increase upon demobilization.

I have received some reports from Yokohama which indicate that several thousand aliens from all parts of the world are there awaiting the signing of the peace treaty so that they can make their way to the United States.

Many of these aliens in Yokohama and elsewhere are Russians and a considerable number are evaders of military service, both in their own country and in the United States, who have lived in the United States for varying terms of years without attempting to become citizens. Those people most certainly should not be allowed to return to the United States after deserting it in time of war. [Applause.]

A further report says Japan is being used as the center for spreading Bolshevism and Bolshevik propaganda. Russian musical artists are among those used as agents. The number of refugees reaching Japan is increasing rapidly, and a great influx of aliens from Siberia is expected as conditions there become worse.

Most of the above who have sufficient money are trying in every way possible to reach the United States, and as many of them are politically active and are dissatisfied with any form of organized government it would be disastrous to allow them to gain admission to the United States. It is further reported that the Japanese Government is much concerned over the situation.

And here is one report which I think should be printed in every newspaper of the land for the benefit of certain people who have been giving ear to the vicious doctrine that individual opportunity is lost in the United States. The American ambassador at Madrid reports under date of June 7:

There are many Bolsheviks, other agitators, Germans, and other undesirables in Spain who can best be prevented by control at point of departure from going to what is generally considered the land of opportunity.

Oh, my friends, they know, just as we know, that the United States is the land of opportunity. Why these agitators want to come here from all the disturbed countries of Europe and help destroy us is more than I can say. But I do know why it is that when they once get here and we try to deport them they resist to the last going out, because they know that this is the land of the greatest opportunity in all the world. [Applause.]

Mr. COOPER. Will the gentleman yield?

Mr. JOHNSON of Washington. In one minute; after I get through with one more report. Dispatches from the American Legation in Switzerland make the following recommendation and say that the supervision of passports for aliens is vitally necessary. This legation adds:

The ease with which aliens from the Central Powers and elsewhere may become naturalized in Switzerland and the danger that they are seeking to go to the United States render restrictions in the United States necessary for a long time to come.

Mr. COOPER. Will the gentleman yield now for a question?

Mr. JOHNSON of Washington. For just a brief one.

Mr. COOPER. Can the gentleman tell the House why it is that some of these alien agitators who are here now, like Emma Goldman and her stripe, are not deported by this country?

Mr. JOHNSON of Washington. The authorities have been trying for many years to deport Emma Goldman. Actual proceedings are now pending.

House joint resolution No. 205, to extend war passport provisions for one year, did not go to the Committee on Immigration and Naturalization, but because the previous war act had been

passed by the Committee on Foreign Affairs it went there. The present bill went to that committee also, although its title would indicate that it was a bill for the Committee on Immigration. But no matter. The Department of Labor is in full accord with this proposed act, and the regulations which are issued for the incoming of aliens under passports are issued jointly by the State Department and the Department of Labor.

With regard to forthcoming immigration legislation, I am asked every day by Members when we can expect some kind of restrictive legislation. I would like to say that the committee is working hard on matters of both immigration and naturalization, and that the bills which have been introduced carry many varying ideas and refer to many difficult problems. Amendments are necessary to the present naturalization laws. In the last Congress, Members will remember, Representative Burnett, then chairman of the Committee on Immigration and Naturalization, reported out a bill providing for the suspension of immigration for four years, and it was thought then if it could be reached on the Calendar it would be passed without great opposition. That was the feeling then. But an analysis of that bill disclosed that the exempted classes were so many that we might go through the form of making a suspension of immigration for four years, and that after we had admitted all of the exempted classes, including relatives of those now here, we would have suspended only a limited number. I introduced at the beginning of this session a bill suspending immigration for two years, and found it subject to the same objections.

Now, then, since Judge Burnett reported to the Sixty-fifth Congress the four-year suspension act nearly one year of the four-year period has passed into history. Since I introduced the two-year suspension bill six months have rolled by. The present war passport extension act which we are passing will be in effect for one year following the treaty of peace, or, in other words, for probably about two years from the signing of the armistice, thus we hope bridging the critical period. At any rate, we will have a reasonable period of time for the consideration of sane and practical additions to our present immigration legislation.

I believe that this war passport extension to be but the forerunner of a permanent passport plan for the admission of aliens into the United States. I think that the House Immigration and Naturalization Committee can perfect and present to the House a bill which the Members will be glad to support—a bill to admit the present exempted classes only with passports from their countries, with visés from our consular agents as to business and length of stay in the United States, and that we can develop a plan by which all others who come shall come only on probation and remain only on a system of registration. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of no quorum. The Chair will count.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ROGERS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and Mr. ROGERS and Mr. LINTHICUM took their places as tellers.

The committee divided; and the tellers reported—ayes 5, noes 75.

The CHAIRMAN. A quorum is not present. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Davis, Minn.	Greene, Vt.	Langley
Andrews, Md.	Dempsey	Hamill	Larsen
Anthony	Dent	Hamilton	Lea, Calif.
Barkley	Donovan	Harrison	Lee, Ga.
Bell	Dooling	Haskell	Little
Benham	Doremus	Haugen	Longworth
Black	Dunbar	Heflin	Luce
Blackmon	Eagan	Hill	McAndrews
Bland, Mo.	Eagle	Houghton	McClintic
Booher	Ellsworth	Hulings	McKenzie
Brand	Esch	Hull, Iowa	McLaughlin, Nebr.
Britten	Evans, Mont.	Ireland	MacGregor
Brumbaugh	Evans, Nev.	Jacoway	Maher
Butler	Ferris	Johnson, Miss.	Mann
Caldwell	Fields	Johnston, N. Y.	Mansfield
Campbell, Kans.	Fitzgerald	Kahn	Mason
Cantrill	Foster	Kelley, Mich.	Mead
Caraway	Frear	Kendall	Merritt
Carew	Fuller, Ill.	Kennedy, Iowa	Montague
Casey	Fuller, Mass.	Kennedy, R. I.	Mooney
Clark, Fla.	Gallivan	Kettner	Moore, Pa.
Collier	Gandy	Kiess	Moore, Va.
Copley	Ganly	Kincheloe	Moores, Ind.
Costello	Godwin, N. C.	Kinkaid	Morin
Crago	Goldfogle	Kitchin	Mudd
Crowther	Goodwin, Ark.	Kraus	Murphy
Cullen	Goodykoontz	LaGuardia	Neely
Nicholls, S. C.	Reber	Sinnott	Treadway
Nichols, Mich.	Reed, N. Y.	Sisson	Upshaw
O'Connell	Riordan	Slemp	Vaile
O'Connor	Robsion, Ky.	Smith, Ill.	Vare
Ogden	Rowan	Smith, N. Y.	Venable
Olney	Rubey	Steele	Voigt
Overstreet	Rucker	Stephens, Miss.	Ward
Paige	Sabath	Stephens, Ohio	Williams
Parker	Sanders, Ind.	Stevenson	Wilson, Ill.
Peters	Sanders, N. Y.	Strong, Pa.	Wilson, Pa.
Porter	Sanford	Sullivan	Winslow
Pou	Saunders, Va.	Summers, Wash.	Wise
Purnell	Scott	Swope	Wood, Ind.
Radcliffe	Scully	Taylor, Ark.	Wright
Rainey, H. T.	Sells	Taylor, Tenn.	Young, N. Dak.
Rainey, Ala.	Sherwood	Tincher	Zihlman
Reavis	Sims	Tinkham	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9782) to regulate further the entry of aliens into the United States, had found itself without a quorum, whereupon he had caused the roll to be called, when 246 Members, a quorum, had answered to their names, and under the rule he reported the names of the absentees to be recorded in the Journal.

The SPEAKER. A quorum is present, and the names of the absentees will be recorded. The gentleman from Ohio [Mr. FESS] will resume the chair.

The committee resumed its sitting.

Mr. ROGERS. Mr. Chairman, does the gentleman from Virginia [Mr. FLOOD] desire to use some time?

Mr. FLOOD. Yes. I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, this bill, as those who were here prior to the roll call know, is a bill to extend the present law on the question of passport control for another year, with the exception that that portion placing restrictions upon the issuance of passports to American citizens is eliminated.

There seems to have arisen some confusion over this measure, in the thought that it is a limitation or modification of the immigration law. Such is not the case. This measure will in no wise interfere with the present immigration laws, nor will it in anywise preclude the Committee on Immigration and Naturalization from bringing in and reporting to this House any measure that it may see fit to introduce still further limiting and restricting immigration to this country. This bill gives to the State Department the right to keep a double check on people desiring to enter the United States. As has already been pointed out by some gentlemen on the floor, immigrants who are aliens desiring to come to the United States under the present immigration laws, unless this measure is adopted, can only be held and examined at ports of entry. Those to whom admission is refused must then be retransported to Europe or to the point of origin by the steamship companies. But this bill will empower the Secretary of State, through his agencies in the various countries of Europe, to conduct examinations and investigations regarding aliens who are seeking passage to the United States before they embark, thus keeping out in a great measure the many thousands, and perhaps millions, of aliens who may be found to be undesirable and who are waiting in various ports of Europe now, hoping for passport regulation and the embargo on immigration to be lifted in order that they may emigrate to the United States.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. GALLAGHER. What redress has a man here who wants to get friends in here who have been prevented from coming by the State Department?

Mr. CONNALLY. If he is an alien he has no way of getting into the United States under this bill, providing the Secretary of State, after making an examination in the country of his residence, declines to visé a passport issued by a foreign Government.

Mr. GALLAGHER. Then it is wholly optional with the representative of the State Department abroad?

Mr. CONNALLY. Yes. In reply to the gentleman from Illinois I will say that his conclusion is exactly right, provided the person is an alien. The bill as originally introduced contained a provision continuing the control by the Secretary of State of passports to American citizens. But the committee took the view that, so far as American citizens are concerned, whether they are now abroad and desire to return to the United States or are in this country and desire to travel in foreign countries, they should have the unrestricted right to do so without the requirement of passports. While it would be much more

convenient to American citizens who may travel in Europe to possess passports, there is no requirement under this bill which will force American citizens to procure passports.

Mr. Chairman and gentlemen of the committee, there was evidence before the Committee on Foreign Affairs that succeeding the war many millions of aliens throughout Europe are awaiting the moment when they may emigrate to the United States. Necessarily a great horde of those immigrants will prove to be undesirable immigrants under our laws and according to the views of this Congress on the subject of immigration. In this period of world-wide unrest, in this period of confusion, in this period when it seems that the world is being made over again and shaken from center to circumference, I take it that the American Congress should place additional restrictions to those now provided by law upon the immigration to the United States of those aliens who seek to enter the United States, and I for one, Mr. Chairman and gentlemen of the committee, trust that the Committee on Immigration and Naturalization will at a very early date report into this House some measure placing still further restrictions upon immigration to the United States. [Applause.]

The Committee on Immigration informs me that testimony adduced before that committee discloses that there are thousands and perhaps millions of aliens residing in the United States who have made no effort to become citizens and who are ignorant of our form of government, our institutions, and our language.

So I take it, with the great mass of aliens already residing in the United States, many of whom know nothing of our institutions, many of whom are ignorant of our laws and do not desire citizenship, and many of whom come here purely for the purpose of obtaining a competence and then returning to the land of their birth, it behooves the American Congress to give serious consideration to the question raised by foreign immigration. It is the duty of the Congress of the United States to see that those who come to the United States are of that timber and of that quality out of which American citizens can be made; and it is its duty to see that they do not bring with them the seeds of anarchy and Bolshevism, and to see to it that while they have their feet on American soil their hearts are not in a foreign land. [Applause.]

I believe that no Member of this House who will study this measure can with reason oppose its provisions. It simply empowers the Secretary of State, through our consuls and our embassies in foreign countries, before viséing passports to aliens allowing them to travel to the United States, to compel them to bring themselves within the immigration laws of the United States, and to convince the authorities that they are of that character and that type that when they reach America they can be assimilated into our civilization and can adjust themselves to our laws and our regulations, and that they can breed within themselves an admiration for and an adherence to the institutions and laws of the United States of America. [Applause.] We should neither desire nor permit other kinds of immigration.

Mr. EMERSON. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Ohio.

Mr. EMERSON. Does not the gentleman think that after the alien has arrived in this country it is the duty of the people of this country to see that he is assimilated? Have we not been a little negligent ourselves about that?

Mr. CONNALLY. The gentleman from Ohio propounds the question as to whether the people of this country have been negligent in not assimilating aliens and if it has not been the fault of the people of the United States. That question is rather a broad one and brings into it many considerations; but I would suggest to the gentleman from Ohio that the United States has given to aliens the advantages of our public-school system. It has given them practically every benefit and every right vouchsafed to the people of the United States under the Constitution and laws; and if by giving to aliens these rights and privileges they do not learn to respect and admire our institutions, I can hardly conceive of a course that would lead them to do so.

Mr. CANNON. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Illinois for a question.

Mr. CANNON. In most of the States, so far as I know, children get a common-school education, which is compulsory, whether they are the sons and daughters of aliens or citizens.

Mr. CONNALLY. Yes.

Mr. EMERSON. But nothing is done about the education of the grown-up alien.

Mr. CONNALLY. I will say to the gentleman from Illinois [Mr. CANNON] that I am sure a great many of the States have systems of compulsory education open to aliens and citizens alike. I know that the State of Texas has such a compulsory system of education, which includes everyone, regardless of race, color, or previous condition of servitude.

Mr. COOPER. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Ohio.

Mr. COOPER. Does not the gentleman believe that if our Government had taken the precautions against aliens years ago that we have provided for in this bill our country to-day would not be overrun with a lot of anarchists and Bolsheviks, preaching the doctrines of hate and the overthrow of our Government by force?

Mr. CONNALLY. I will say, in reply to the gentleman from Ohio, that it is doubtless true that a very large percentage of those who are advocating anarchy and Bolshevism in the United States are aliens. As to what might have been had the Government of the United States imposed regulations of that kind heretofore I hardly feel called upon to make answer. [Applause.] I may say to the gentleman that this bill is temporary and to permanently reach the situation the Immigration Committee must report amendments to the present law on immigration.

Aliens who are intelligent and are of good character, who come to America with a sincere desire to become citizens, who come here because they admire this Government and seek its protection, and who forsake their allegiance to foreign Governments and kings and emperors and potentates, who come with respect for and obedience to our laws in their hearts, and who qualify under the present immigration laws, will not be injured by this legislation; but the aliens who seek to come here breathing defiance to ordered government and law, or who come saturated with thought and purpose hostile to the forms of constitutional institutions which we hold dear, or who come merely to compete with our own citizens in the opportunities to make money which America offers, and then intend to return to foreign lands to enjoy their savings, or who are content to remain foreign to all that America symbolizes and typifies, or who come to destroy and tear down—as to such as these, by the enactment of this legislation the Congress of the United States gives to our consuls and ambassadors in foreign lands the solemn injunction, "They shall not pass."

Mr. FLOOD. Mr. Chairman, I yield eight minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman and gentlemen of the committee, it has occurred to me during this discussion that if this act which we are about to pass continuing the war-time passport control for one year after the conclusion of peace works well it should be made permanent, and that we should continue the double check for which it provides as to the political and personal character of immigrants seeking our shores, and that our diplomatic and consular offices in foreign countries should have the means and facilities to cooperate with the Department of Labor in this country for that purpose.

The gentleman from Alabama [Mr. HUDDLESTON] has just said that our present immigration laws are altogether ample and sufficient to take care of this problem and to keep out of this country undesirable and dangerous aliens. It may be that the provisions of our immigration laws are ample, but I respectfully submit that they have not been effective. I believe there are more Bolsheviki, more anarchists, more I. W. W.'s, more wavers of the red flag among the immigrants, among the foreigners who come into this country, now than ever before. At least they are more evident, more active, and bolder in their plans and propaganda for the undermining and destruction of our institutions.

It is estimated that there are now in this country 250,000 agitators who term themselves either Bolsheviki, I. W. W., or radical socialists, and who seek to tear down our present form of constitutional government, with its guaranty of personal and property rights and privileges, and set up in its stead a soviet government such as now exists in Russia, where anarchy, lawlessness, and red terror prevail, and loot and murder is the order of the day. These forces, which formerly worked in secret, are now in many places working openly. There are also 500 papers and magazines published in foreign languages, all devoted to this revolutionary propaganda. It is getting high time that we were bringing everything down to the basis of the Stars and Stripes and the English language or in the words of Col. Roosevelt:

"One flag, the American flag; one language, the language of the Declaration of Independence; one loyalty, loyalty to the American people."

It is now well known that a majority of those who are carrying on the soviet government in Russia were foreigners in this country and went from the United States to Russia after the outbreak of the war. It is also well known that these parties

and those who cooperate with them, both here and abroad, have a well-formed plan for dumping into this country on the conclusion of peace, or at the first opportunity, a vaste horde of the most undesirable element of foreign countries. It has been stated on the best of authority and reported to us that there is a flood of immigration from Germany and Austria, as well as South Europe, seeking entrance to this country as soon as the doors are opened.

During this discussion the chief thought that seems to have developed in the minds of Members here in reference to this matter is what the Committee on Immigration is going to do in relation to this question and when it is going to act. Just before the close of the last Congress a bill was brought in from that committee which, as its chairman has just told you, prohibited all immigration to the United States for four years. This bill was never considered by the House. Since the special session has been called the Immigration Committee has prepared and the House has passed a bill providing for the deportation of all undesirable interned aliens now in this country. That bill has not been considered by the Senate, and, of course, I can not give any information as to when it will be considered. We now have pending before the Committee on Immigration a great many measures, one of which absolutely prohibits immigration into this country for a number of years. In my judgment, until we can get our industries properly adjusted and get back to a normal business basis, and our returned service men placed in good employment, such a measure ought to be passed and made effective. It is stated on good authority that at least 10,000,000 are seeking our shores from the Central Powers, our former and present enemies. We know from past experience that these will be of the most undesirable and dangerous element from those countries, and absolute prohibition is the only way that the matter can be effectively controlled. We have bills pending before the Committee on Immigration to deport aliens who withdrew their first papers in order to avoid military service. I am heartily in favor of that measure. We also have a bill before the committee to delay for five years all proceedings looking toward the naturalization of those aliens who claimed exemption from military duty on account of their alienage. The American Legion, an organization of our discharged soldiers, which at every turn has displayed a very fine quality of Americanism, has advocated the passage of these measures, and in my judgment they should be passed. The United States district court for the eastern district of Louisiana has held that an alien who withdrew his first papers in order to avoid military service under the draft is forever barred from becoming an American citizen, and this construction of the law, which meets the approval of every American citizen, certainly strengthens the position of the American Legion asking for their deportation.

Mr. ALMON. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. ALMON. Can the gentleman give us any intimation as to when the Committee on Immigration will report a bill?

Mr. WILSON of Louisiana. Of course I can not. The committee is conducting hearings every day. If I had control of the matter I might give gentlemen a positive answer. I believe it is the disposition of the committee to act as early as possible.

Mr. ALMON. Can the gentleman give his individual opinion as to the time, whether two years or four years?

Mr. JOHNSON of Washington. Will the gentleman from Louisiana permit the statement that it is hoped to consolidate a number of the bills pertaining to immigration and naturalization and bring out an omnibus bill?

Mr. ALMON. Can the gentleman tell us when we can expect a report on that bill?

Mr. JOHNSON of Washington. If the extraordinary session of Congress adjourns in season I think the committee will ask to sit during the recess and have the bill ready at the beginning of the next session.

Mr. WILSON of Louisiana. I think the House is fortunate in having an opportunity to pass this bill in order to bridge over the time until the Immigration Committee can act. Because in my judgment it is going to be necessary to strengthen our immigration laws in every respect, and it is absolutely necessary that we have a system by which we can keep the undersirable element in Europe from coming into the United States. We have not been able to assimilate those that are already here, many of whom should be sent back.

There are now 10,000,000 aliens in this country who have never made any attempt whatever to become American citizens. They have never even expressed any desire to become American citizens. They are here with our population, and if you have read the reports of the various strikes going on in the country you can see that this element has been the chief cause in many cases of the disturbances that have come about in our industrial life.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. BANKHEAD. I would suggest to the gentleman that there are about 4,000,000 of that 10,000,000 who can not speak the English language.

Mr. WILSON of Louisiana. I thank the gentleman for that information. The majority of the 10.000,000 have been over here for a number of years. The present bill under consideration from the Committee on Foreign Affairs will enable the State Department to effectively control the admission of aliens to the United States for a period of one year after final conclusion of peace. During this period a most solemn duty rests upon Congress to enact legislation for the protection of the American people and for the security of American ideals and American institutions. Our immigration laws should be framed so as to exclude the dangerous element of all classes. The literacy test in the Burnett bill has to a great extent proved effective against the illiterate, but our experience during the war has made it very clear to us that the educated alien may be more dangerous. Leon Trotski, the soviet and anarchist leader in Russia, was a teacher and an editor in this country before the outbreak of the war. Ninety per cent of the I. W. W., an organization that teaches and advocates the destruction of our Government, are aliens, and many of its leaders have sufficient education to influence the unthinking mass in such a way as to make it a very dangerous force. In this period of unrest and discontent throughout the world, when those forces that are opposed to all forms of lawfully established government are at work in every land, it is our duty to see that the American people are protected, and that our institutions are made safe against the attacks of enemies both from without and from within. One of the greatest problems in this country to-day is that of law and order, respect for and obedience to legally constituted authority. Upon this our Government must depend for its life and continued existence, and we should here and now avoid the danger of adding to the already too great number of those who are opposed to our form and plan of government.

Mr. FLOOD. Mr. Chairman, how much did the gentleman from Illinois [Mr. CANNON] desire?

The CHAIRMAN. Two or three minutes.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I shall vote for this bill. I heartily approve it. Yet when I say that, I want to say one other thing. The trouble is not alone among the ignorant who come from abroad or among the ignorant who are good American citizens in the United States to-day. The trouble lies with many of the most highly cultured people, who have influence from their positions and who hold positions in our colleges, in our universities as instructors, and in some of our high schools also. [Applause.] I read an account, and I believe it to be true, of an individual whose name now escapes me, but whose name no doubt the presiding chairman of this committee would know, who, on a Chautauqua circuit while lecturing—a professor in a university founded by Rockefeller, and from there graduated to Harvard, a German by birth, though I presume naturalized—advocated, in closing his address, trial marriage. I have great respect for the German people who are honest and patriotic, who are willing to live in the sweat of their faces, who are law-abiding and patient and desire to become good American citizens. We have had much of good from that kind of immigration, as we have had from Ireland, and Sweden, and Norway, and England, and France, Germany, Denmark, and many other countries. I shall vote for this bill, because, under existing conditions, it gives the Secretary of State power to make full investigation before any alien can enter the United States, and gives him that power for a year. That is time for the other legislation to mature and be provided for.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. DAVEY. I would like to ask the gentleman from Illinois what he proposes to do with the Bolshevists who are in our colleges and universities.

Mr. CANNON Oh, God knows; I do not. Many of these are citizens and instructors of the youth of the country, and they constitute a very dangerous element. Carl Marx was a very great man, as I am informed and believe, but he and his kind have spread the doctrines that they taught and they have made much of the trouble in Germany and much of the trouble all over this world in civilized countries to-day. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Chairman, the conditions abroad to-day are extremely bad. Every country in Europe is now loaded down with taxes. The business conditions there are almost hopeless, and it will be the desire of practically every man in Europe

who possibly can get out of the country to do so. The most obvious goal for them to make for is the United States. There will be millions of all sorts who will want to come to this country, especially from the more undesirable parts of Europe, from the parts that have suffered the greatest losses, where at the present moment starvation is almost universal. These men will want to come here in great numbers. It has been the theory in the past that this country should be the haven of the oppressed of all nations. We need not continue that policy if it should appear unwise to do so.

It seems to me that the provisions of this bill which would make it necessary for the would-be immigrant to prove affirmatively that he is a fit person to remain in this country is a very excellent principle for the United States to inaugurate. In the past it has been up to us to prove that the man should not be admitted. According to this law, it will be necessary for the man himself to prove that he is fit to be admitted into this country.

Now, in the very near future American conditions are going to be bad. We are going to see hard times in this country. It is ridiculous to think that poverty throughout the world can be accompanied by prosperity here. It seems to me that we have got enough Bolshevists in this country at the present moment. We are going to face a serious situation that is being caused to a great extent by the almost numberless ignorant foreigners who are here to-day, who do not know anything of the structure of the American Government, who do not care anything for our institutions, who are here for their immediate profit without any permanent interest in the country, for whom those great principles for which our ancestors fought and for which we have worked mean nothing. Now, it seems to me that our first duty is not to any would-be laborer in this country, but to ourselves, to those institutions which we have inherited. This country has been preserved by great effort and by great danger, and it seems to me we should protect ourselves here. This law will be no bar to decent men who will make good citizens, but it will be and it should be a bar to him who will be a drag on our civilization. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and seven gentlemen are present, a quorum.

Mr. FLOOD. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, this bill "to regulate further the entry of aliens into the United States" is the most drastic measure for restricting immigration that was ever suggested. I have listened to a number of speeches here to-day in favor of this bill; they have the same old ring and sound like the old, old cry of "America for Americans." [Applause.] It is not a new cry; we have had it with us one time or another ever since the foundation of the Republic. The Know-Nothing Party, in its most prosperous days, never dreamed of suggesting such a restrictive measure.

What is proposed by this bill is to eventually make permanent law the war-emergency act, passed to prevent in time of war departure from and entry into the United States, contrary to the public's safety. It can be called an act to assist other Governments to keep their people at home. It is not necessary to compel all who seek entry into this country to obtain the consent of their home Government, because a few undesirables have come here, thereby imposing hardship on all because of the faults of the few. In this law you propose to compel a man to secure a passport from his home Government, a requirement that was never thought of before the war, and such passport be viséed by our consular representative in such country before he can come here. From statements that have been made in this debate it appears that it would be optional with our consular representative whether he would visé the passport or not, and there is no provision in this bill granting an appeal from such arbitrary power, and right of appeal to the United States Commissioner of Immigration here should be provided.

It will deny political refugees the right of asylum, and in a country where men are thrown into prison for political offenses on all manner of trumped-up charges they would be denied the opportunity to escape bondage and oppression on the flimsiest kind of a charge. If this law is passed, good-by immigration, good-by land of the Pilgrims' pride. I am not in favor of any such legislation under present conditions, and I am opposed to the arguments made here in favor of it.

Undesirable and dangerous radicals and agitators can now be kept out and put out of the country, under the general laws now in force, and it is unfair for honest and deserving aliens, anxious for opportunity and liberty, to suffer for the faults of a few wild dreamers. This may be another plan—growing out of the late war—of the restrictionists to control and shut off immigration, but the point to which I wish to call your attention is this: I asked the gentleman from Texas, when he was speaking, a question, and he said that it was optional with our consular representative to say whether or not an immigrant should be admitted into this country. Now, there ought to be——

Mr. CONNALLY. I beg the gentleman's pardon, I said it was optional with the Secretary of State whether he would have a passport issued to him.

Mr. GALLAGHER. I understood the gentleman to say that a man over there could be deprived of an opportunity of coming here; that it was optional with our consular representative whether he would visé a passport or not.

Mr. CONNALLY. That he could deprive him of a passport.

Mr. GALLAGHER. That would shut him out.

Mr. KNUTSON. If the gentleman will pardon me, the State Department does not issue passports to immigrants; they merely visé passports.

Mr. GALLAGHER. And if they refuse to visé passports, or the country they desire to leave refuses a passport, they can not come in; that is what I object to. This is absolute prohibition. There should be a right of appeal from the decision of our consular representatives. Expert and experienced immigration inspectors stationed at ports of embarkation could better keep out the undesirables and easily look up suspected radicals and stop them from coming here. There are thousands of people in this country who have friends and relatives in the old country whom they would like to bring over here, and they will be deprived of the opportunity to do so if this bill is made a law.

Now, then, to listen to the speeches that have been made here to-day one would think that conditions were terrible in this country and that the immigrants or foreigners were responsible for it. The fact is that many of the men who have spoken in favor of this bill to-day have very few foreigners in their districts. I represent a district that is made up of foreigners and the children of foreigners, and there are very few in the district who could be called Americans. Our public schools are crowded with pupils, and there are many private and parochial schools giving education to the youth of the district without any cost to the Government. Our night schools are continually filled with men and women far beyond the school age, anxious to learn our language, and when you talk about immigrants being ignorant and claim that all the unrest and dissatisfaction in certain sections is caused by anarchists, Bolsheviki, and undesirable immigration you are doing an injustice to the great majority of honest and worthy immigrants who are industrious, hard-working, law-abiding people. If it were not for the immigrant, the West would still be a wilderness. Through their efforts the deserts have blossomed out, our granaries have been filled, and largely by their labor food was provided for the Army and Europe kept from starving. They have bought our bonds and contributed their share to the success of the war, and if there are anarchists and Bolshevists here or other aliens who are disturbing conditions, they can now be deported under present laws, and the sooner they are the better.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUUL. I ask that the gentleman have three additional minutes.

The CHAIRMAN. The Chair is not in control; it depends on the gentleman from Virginia.

Mr. GALLAGHER. In the present crisis, with changing conditions, let us go slow and be sure that we are not interfering with existing treaties while passing new immigration laws. We are striving now for peace with all nations and to make the world a better place to live in, and it seems unfair to abuse and injure those who are anxious to help us in this great work. Let us remember that over 4,000,000 men were taken from their usual occupations during the war, and as they are now returning, let us not forget there is a noticeable shortage of labor at present in this country. It is stated by reliable authority that emigration from New York already exceeds 1,000 daily and that nearly 1,500,000 immigrant aliens are now planning to leave the United States, and no one can tell how many more are to go. [Applause.]

Mr. FLOOD. I yield the gentleman from Texas [Mr. BOX] five minutes.

Mr. BOX. Mr. Chairman and gentlemen, I think we have had a very emphatic expression of the attitude of the House as to the admission of aliens who are not and can not become Americans. I think that rule should apply as against every

interest. I think that when the farmers of Texas want illiterate Mexicans admitted across the border they ought to be denied that right. [Applause.] I think that when the Japanese come across the Pacific and try to root out Americans in California they ought to be denied that privilege. [Applause.] I think that when foreigners come to take the place of men in the factories of the North and East who have borne the brunt of battle in Europe, and when they return find their places occupied by others, they ought to be denied that privilege. [Applause.]

I have the honor of being a member of the Committee on Immigration, but when we prepare and have for consideration a bill restricting immigration I want to support that kind of a measure which applies to me and my section as well as it does to the other fellow and his section. [Applause.]

Mr. GALLAGHER, Mr. BOX, and Mr. PELL were granted unanimous consent to revise and extend their remarks in the RECORD.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER. Mr. Chairman and gentlemen of the committee, the subject matter of this bill which we are now considering constitutes, to my mind, probably the most important question that has come before this Congress. At this time we know a feeling of unrest is sweeping through our country. We can not pick up a paper but what we see that the Bolshevists and reds are trying to overthrow this Government by force. I live in one of those great industrial districts that are now suffering from the steel strike, and I have on my desk sworn affidavits to some of the statements that have been made to the workmen by these Bolshevists and agitators that have been permitted to come into our country, in which they threaten American citizens if they go to work. These agitators are not citizens of the United States, but they come here with the spirit of Bolshevism imbued in their hearts and minds, and to-day they are appearing and preaching their doctrine to the American workmen.

The time has come when every American has got to speak out for American institutions. The time has come when we have got to call a halt on the Bolshevist and agitator. We must call a halt upon this hellish doctrine that is being preached in our country by the followers of Lenin and Trotski, and I know of no better way to stop it than to prohibit these men from coming into our land. And I am glad that the Committee on Foreign Affairs has brought in this bill, for I believe it will be a step in that direction and that it will stop these agitators and Bolshevists from coming to our country and preaching their doctrine to the American workingman.

I trust the Committee on Immigration and Naturalization will bring in a bill in the near future which will prohibit for a certain length of time immigration into our land. The American workingman to-day is suffering from the influence of agitators. Have we come to that stage in our national life when an American citizen who loves his country, a man who has been a valuable asset to the community in which he lives, has built himself a little house, and is trying to educate his children along the line of true American principles, and he wants to go to work, but when he attempts to go to his employment to provide for his family one of these aliens can come up and stick a knife or a gun under his nose and say, "I will kill you if you go to work"? Where does the protection come under the Constitution of the United States? It is time we were taking some action along this line. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I shall vote for this bill. If it comes to a question, gentlemen, of expediency—if in procuring Mexican laborers, although they were only asked to be brought across for a few months and returned, they are a menace to America, I am for America first. But I want to say this to my colleague from Texas: If you were so much opposed to bringing Mexican labor across to harvest the crops you should not have loaned yourself to the committee and the Texas delegation that went down and interceded with the Secretary of Labor——

Mr. BOX. Will the gentleman yield?

Mr. HUDSPETH. No; I will not. To bring them across——

Mr. BOX. Will the gentleman yield?

Mr. HUDSPETH. The gentleman ought not to have been present if he was so much opposed to bringing Mexican labor for a few short months to harvest the crops in Texas.

Mr. CONNALLY. The gentleman does not refer to me?

Mr. HUDSPETH. No; I am referring to the gentleman who is opposed to having Mexicans sent across, but who went with the Texas delegation to ask the Secretary of Labor to lift the ban until the 1st of January.

Mr. CONNALLY. Will the gentleman make it clear that I did not go?

Mr. HUDSPETH. I am not referring to you.

Mr. CONNALLY. You said the Texas delegation.

Mr. HUDSPETH. I said a part of it. You do not compose the whole delegation, do you? Several gentlemen from Texas—and the gentleman who is so much opposed now to bringing a few Mexicans across, that were to be returned in a few months [Mr. Box], was a part of that delegation—went with the delegation from south Texas and interceded with the Secretary of Labor to bring laborers across for a few months to harvest the crops in Texas. That is the gentleman who is so much opposed now to allowing a few Mexicans to come across to save the cotton crop of Texas. [Applause.] The Texas farmer and cotton raiser is patriotic. If he believes that the Mexican laborer would be a menace to the safety of our Government he would let his crop rot before he would advise bringing him across.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEE. Is there any possibility of this "gentleman from Texas" being allowed any time to pour oil on the troubled waters? [Laughter.]

The CHAIRMAN. The gentleman may be able to get some time from the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. DAVEY].

The CHAIRMAN. The gentleman from Ohio is recognized for three minutes.

Mr. DAVEY. Mr. Chairman and gentlemen of the committee, my chief purpose in appearing before this committee now is in answer to the gentleman from Illinois [Mr. GALLAGHER], who referred to those speakers favoring this bill as coming from districts where there are no foreigners.

I represent a district that has a very large percentage of foreigners. The largest city of my district registered in the two draft registrations over 20,000 foreigners between the ages of 18 and 45; I mean foreigners who are aliens, outside of the naturalized foreigners, and not including women and children and alien men over 45 years of age. There are undoubtedly 50,000 aliens in this one community, including women and children but not including naturalized foreigners.

I think the time has come when we must cease pandering to these foreigners [applause] who have not assimilated the ideas of America; and I want it distinctly understood, both here and in my district, that I stand for America first. [Applause.]

If there is a man or woman of foreign extraction in my district who has a relative or a friend abroad, and that relative or friend can not pass the test that this committee shall lay down for his admittance, then I choose between my country and that foreigner in my district. Neither I nor any other American who loves his country has the slightest feeling against a foreigner as such. We welcome with outstretched arms every right-thinking, liberty-loving man who comes from other shores to this land of freedom and opportunity. No foreigner who is worthy of America will be kept out by this law. Those who can not pass the requirements ought to be kept out, whether they have friends here or not, and there are many here who ought to be sent out right quick.

The time has come, gentlemen, when we must move along a course designed to make America safe for Americans. We must choose a definite, concerted line of action, and I hope that both the great parties will look with scorn on the idea of temporizing with these dangerous elements in our midst, and that we shall seek to serve America first, last, and all the time. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. KELLY of Pennsylvania. Mr. Chairman, this measure before us provides that those who desire to come to this country must secure a passport, properly viséed by an American representative, before embarking from their native land.

This is desirable from every standpoint. It means that the applicant for admission will have to prove that he is a desirable newcomer to this country. His record can be secured in his own land and necessary action can be taken without difficulty. Under the old system the burden of proof rested with the immigration authorities, and many undesirables have been admitted simply because it was impossible to secure the facts of their careers abroad.

I am heartily in favor of this measure and hope that it will be enacted speedily. However, it deals with only one phase of making America the heritage of real Americans.

There are elements already in America which are viciously un-American and their presence constitutes a menace to free institutions. They are not affected by these passport regulations; the stern remedy of deportation will alone meet their case.

Mr. Chairman, there are thousands of aliens in this country who withdrew their declaration of intention to become American citizens in order to evade military service.

There are other thousands who had made their home here for years without seeking American citizenship and who demanded exemption on that account when America called for soldiers to fight in her defense.

These aliens declared that they were outsiders. I am in favor of taking them at their word and putting them outside the confines of the country they refused to serve.

Mr. Chairman, the alien slacker was a shadow Hun. He drove a dagger into America from behind. He struck a vicious blow at American morale. He promoted opposition to the war and resistance to the selective draft. He did his best to make good the Kaiser's boast that our population was a medley of conflicting groups which would not fight in a common cause. He belonged to the most-favored class, free from military service and all obligations connected with the World War. He must pay the price now for his safety then. The alien slacker must go!

The alien slacker was a sneering ingrate. He was a gloating spectator while American lads marched forth to war. He seized the jobs left vacant by the red-blooded young manhood of America. He fattened on war conditions and thrived on war necessities. He grabbed with greedy hands at rich rewards, while the land he left was ravaged and the land he adopted was pouring out its blood and treasure. He found a safe haven under the wings of Columbia and cravenly refused to come to her defense. He lusted for American money while he despised American institutions and scorned the American flag. He was a bird of ill omen then. He must become a bird of passage now. The alien slacker must go!

The alien slacker was a parasite. He fastened upon the body and sucked the blood of America and gave nothing in return. He was a cootie on our citizenship, and requires the delousing process of deportation. He was arsenic in the body politic. He was a cancer which must be removed. He was an infected spot in a virile, sane, and sound people. He was rust on our sword, a blemish in our unity, a palsy on our purpose, a brake on our progress, a stint in our strength. He remained behind, making no sacrifice for the common welfare. His room is more valuable than his presence. The alien slacker must go!

The alien slacker was ally of the Hun, the Goth, the Vandal, and the Turk, where ruthless heels were crushing Europe and threatening the New World. He demanded that Americans fight for him in the battle line of freedom. He placed his own rightful burden on the shoulders of American patriots, who were compelled to carry a double load. He undermined the value of every citizenship paper issued by America. He flaunted his shameful escape from obligation in the face of fellow countrymen who had assumed the duties of citizenship. He was a stigma on the glory of every alien who gladly served under the Stars and Stripes. He was slag in the melting pot, and refused to fuse into the steel ingot of American purpose. He branded himself unfit for any place save the scrap heap outside the gates of America. The alien slacker must go!

The alien slacker was a sinister sign to every mother who bade her boy "good-by" with tears. He set on fire the indignation of every father who bravely told his own lad to fight for the old flag. He was drawing inflated pay while American boys fell dying in Belleau Wood. He was basking in comfort while American boys faced the hell of Chateau-Thierry. He was safely sheltered while American boys endured the agonies of the Argonne. He knew nothing of the glad meaning of the joy bells of November 11. He has no place in the new United States, reborn in the greatest war in history. The alien slacker must go!

The alien slacker deliberately chose to remain outside the American family and household in time of storm. He has no right now, in time of sunshine, to claim equality with the sons and daughters of the Republic. He seized the benefits of a free land and paid for them with brazen violation of the first principles of the return due to hospitality. His very presence now is evidence that America is not one nation with one people and one flag. He is the menace of the Black Hander, the anarchist, and the dynamiter in one, for he assails the foundations of Americanism. He can not be assimilated. He must be eliminated. He evaded service "over here." He dodged duty "over there." His journey overseas now will be hailed with delight by every red-blooded American between the Atlantic and the Pacific. The alien slacker must go!

Still, Mr. Chairman, more is necessary than the deportation of those who treacherously failed America in her hour of need. We must make sure that there will never again be built up a permanent alien class in America to sow distrust, danger, and disunion. It is high time to stop making America a collection of nationalities, each with its own ideals, standards, habits of thought, customs, and speech. America must be made a united nation, with the realization on the part of everyone that U. S. spells "us."

The World War threw a searchlight on this Nation, and we found groups which had deliberately excluded everything American and cherished everything foreign.

There is a deadly danger in such a situation. America must insist that every alien admitted to the United States for permanent residence shall not only become an American citizen but shall also become Americanized. That means knowledge of our institutions and our language. We want no man here whose love for his native land is greater than his love for the country of his own adoption. No one should be allowed to come here for any other reason than this country's good.

Mr. Chairman, no man can develop an American soul nor real regard for American institutions unless he understands the language of America. Yet there are millions of foreign-born persons in this country to-day who have not the slightest knowledge of our national language. By their very dependence upon an interpreter they become the victims of unscrupulous apostles of violence and frightfulness.

To beat back the red tide of anarchy will require constructive measures. Every alien already here should be Americanized if he desires it; and if he does not desire it he should be deported. The Nation is not entirely blameless, for the attempts to solve this great problem have been by piecemeal and in fractions. It is not a problem for groups, but for the Nation. The worthy aliens should be given the sense of membership and made to feel that Americanism is not measured by length of residence but by devotion to American ideals.

I have introduced in this House a measure dealing with certain phases of this great problem. It provides that every alien who renounced his declaration of intention to become a citizen of the United States in order to escape military service shall be immediately deported. It provides further that in the future every alien who enters this country for permanent residence must come with the purpose of becoming an American citizen. He must make sworn affidavit to that effect when he arrives. He must learn our language and study our institutions. He must register once each year with the clerk of the county in which he resides. If he fails in any of these solemn promises through which he gained admission, he shall be deported to the land from which he came.

Mr. Chairman, that measure has been widely discussed. In my district, one of the greatest industrial districts in the world, where a large percentage of the immigrants to this country have settled, there has been universal approval. The Pittsburgh newspapers have enthusiastically supported the provisions of the bill and called for its passage.

Here are sentences quoted from the large number of letters and telegrams I have received from individuals and organizations. Every one I am quoting came from the Pittsburgh district, with its great number of persons of foreign birth:

"Every alien who dodged service forfeited his right to live on American soil." "Every red-blooded American in this district wishes your bill God speed." "This country has stood for such treachery long enough. Now is the time to act." "As a soldier with a year's service overseas, I stand for America first. The alien slacker must go." "The plan to admit only aliens who desire to become citizens is heartily approved." "Your deportation bill for aliens suits every American here." "As an ex-soldier, I stand for withdrawing protection from those who deserted us in time of need." "We stand shoulder to shoulder with you for Americanism as defined in your bill." "We need Americans far more than laborers." "As a naturalized citizen proud of my country, I indorse your bill." "We unanimously indorse your bill and stand ready to help secure its passage." "Every ex-soldier in Allegheny County indorses the deportation of these alien slackers and the establishment of new rules to prevent their stripe from ever coming in in the future." "This land of the free needs men who accept obligations as well as claim privileges." "We believe this measure to be the most important before Congress."

Mr. Chairman, I could go on indefinitely giving such messages, but I do not need to add proof that the districts which know this problem best are alive to the vital necessity of making America a Nation in fact as well as in name. I am convinced that there should be no further delay. The American people are determined that in future-testing times there shall be no alien slacker class to stab America in the back.

By unanimous consent Mr. DAVEY, Mr. COOPER, and Mr. FLOOD were given leave to revise and extend their remarks in the RECORD.

Mr. ROGERS. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport into the United States another person with knowledge or reasonable cause to believe that the entry of such other person is forbidden by this act;

(c) For any person knowingly to make any false statement in an application for a passport or other permission to enter the United States with intent to induce or secure the granting of such permission, either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a viséed passport or other permit or evidence of permission to enter, not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any viséed passport or other permit or evidence of permission to enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any passport, visé, or other permit or evidence of permission to enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered passport, permit, or evidence of permission, or any passport, permit, or evidence of permission which, though originally valid, has become or been made void or invalid.

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Page 1, line 7, after the word "thereof" insert "which restrictions shall provide that no Bolshevist, anarchist, or I. W. W. sympathizer shall be allowed to enter the United States."

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. EMERSON. Mr. Chairman, I do not think this amendment is subject to a point of order. This bill practically provides that the President shall do all the legislating, and we place a penalty on it. We provide that if he finds it necessary to make these restrictions he may do so. If that is true, I can not see why this Congress, which has the power to originate this legislation, can not also state what the restrictions shall contain.

Mr. HUDDLESTON. Would the gentleman be willing to include monarchists, and those who preach absolute government and autocracy also?

Mr. EMERSON. Absolutely.

Mr. HUDDLESTON. We seem to be applying our "un-American" epithets against Bolshevists. I am just as much against Czarites and those who believe in absolute government.

Mr. EMERSON. So am I.

Mr. RAKER. Would not the gentleman's amendment restrict the President to excluding only those named, when as a matter of fact under this legislation the President can not only exclude those named by the gentleman from Ohio but also those named by the gentleman from Alabama and all other undesirables? Instead of complicating the bill by any specifications, the way it stands now it is open for the President to exclude all of them.

Mr. EMERSON. That may be true, but we leave it discretionary with the President. I think Congress should speak loudly on this subject, and should express to the President the idea that we think these persons should be prevented from landing here. [Applause.]

Mr. GALLAGHER. Is it not a fact that under the immigration law an undesirable immigrant can now be deported?

Mr. EMERSON. Then what is the use of passing this bill?

Mr. GALLAGHER. There is no use in passing it.

Mr. EMERSON. This bill provides a double safety.

Mr. NEWTON of Minnesota. If the gentleman will refer to lines 4 and 5, on page 1, he will find that it reads:

In addition to those provided otherwise than by this act.

Now, it is my understanding of the immigration act that the persons mentioned in the gentleman's amendment are included in the prohibitions under existing law.

Mr. EMERSON. I know; but this is not an immigration act. This is an act to provide that our representatives in other countries shall visé passports given to some alien to come to this country. It is a double protection, if I understand it correctly.

Mr. NEWTON of Minnesota. Yes; but in viséing the passports they visé no passports where the applicants would come under the prohibitions of the present immigration act.

Mr. EMERSON. They might do it.

Mr. KNUTSON. If the gentleman will yield, I do not think they would.

Mr. EMERSON. It might be done. I can see no harm in this amendment.

Mr. KNUTSON. Any mistake may be made; but the intention of the State Department is not to allow any of its representatives abroad to visé the passports of undesirables.

Mr. EMERSON. That may be true; but we are going to provide that those holding these views shall not have their passports viséed. That is all we provide for.

Mr. KNUTSON. I ask that the amendment be read again.

Mr. ROGERS. Mr. Chairman, I make the point of order against the amendment that it goes outside of the provisions of the bill in dealing with particular classes, whereas the language of the bill is general.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. EMERSON. My contention is that the bill provides that the President, if he deems it necessary, may make rules, and may make the very rule for which my amendment provides. The Congress of the United States, that creates the law, creates the authority in him to make the restrictions—by my amendment notifies him that among the restrictions he shall make are those provided for in the amendment. If we have the right to give the President authority to make restrictions, we have a right to make the restrictions themselves.

The CHAIRMAN. The Chair is ready to rule. The bill is designed to prevent the admission of aliens. The amendment offered by the gentleman from Ohio adds to it other classes which may not be admitted, anarchists, I. W. W.'s, Bolshevists, and so on. The rule is clear that where a bill is limited to one class you can not by amendment add several other classes, and the Chair sustains the point of order.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I shall with much earnestness support this measure. It is pleasing to note the attitude of the Members of this House upon this bill. It authorizes the President to do that which could not be done under the present law. There is no provision in the law to-day whereby you can exclude professors, doctors, artists, travelers, and others who desire to come to this country. They are permitted to enter. It is demonstrated by the report made to the War Department on the selective draft that some of these are the ones that ought to be excluded. There ought to be restrictions in the immigration laws not only prohibiting those who are in the other class of laborers who do not come within the purview, and there should be no wide-open provision as it now stands admitting those simply designated as doctors, lawyers, artists, and travelers to enter this country. There should be proper restrictions.

The provisions of this bill authorize the President for a year, until legislation is enacted, to exclude Bolshevists, anarchists, and all other undesirables, and that is what ought to be done. They are coming to this country. They are here now, some highly educated, who come here as lecturers to preach and promulgate their propaganda. Something has been said about the Immigration Committee making a report on this subject. A bill was reported out last year, and we hope within a short time that another bill will be reported out to this Congress that will not only make provision whereby the laboring men who do not come within the general law and proper rules and regulations—that there will be restrictions placed upon those now in the exempted class.

There is no need of our overlooking the fact, as has been said by the gentleman from Illinois, that in our universities—and the names have been given of men who preach against the principles of this Government. It is time that they should be stopped. It is time that we should enact legislation that will prohibit it. As has been said, irrespective of where the men come from, these undesirables should be excluded.

Those admitted from Mexico should not have been admitted. There were those from California and Texas and New Mexico who wanted them to be admitted because they did not want to pay the going price for laboring men, and they wanted cheap labor. That is the crux of the whole thing. The Secretary of Labor ought not to have been given the power to admit them, and it is the same with reference to the Japanese and the Chinese. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER had leave to extend his remarks.

Mr. BOX. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, my friend Mr. HUDSPETH referred to my attitude with reference to the legislation excluding aliens. The House heard my statement as to my position that I am opposed to the admission of aliens, Mexicans and others, who can not become American citizens. That was the position I took before the House.

With reference to the admission of Mexicans as a war measure to meet certain industrial needs, I took no action. I was present as a friendly spectator when a delegation from my State, none of them my constituents, asked for the admission of these people in that emergency. I say with reference to that class of people that they ought not to be admitted, and I am opposed to their admission. [Applause.]

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count.

Mr. ROGERS (interrupting the count). Mr. Chairman, I move that the committee do now rise, and I hope that gentlemen in favor of this bill will vote against the motion.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise.

The question was taken.

Mr. ROGERS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed Mr. SEARS and Mr. ROGERS to act as tellers.

The committee again divided; and the tellers reported—ayes 2, noes 68.

So the committee refused to rise.

Mr. CLARK of Missouri. Mr. Chairman, I move that the committee do now rise.

Mr. ROGERS. Mr. Chairman, I make the point of order that that motion has just been made and decided in the negative, and that the motion of the gentleman from Missouri is therefore dilatory.

The CHAIRMAN. The motion of the gentleman from Missouri following immediately the report of the tellers on the motion of the gentleman from Massachusetts that the committee rise the Chair would think must be regarded as dilatory, and therefore sustains the point of order.

Mr. CLARK of Missouri. Mr. Chairman, for the sake of information, I would like to inquire what we are going to do—stay here and go around in a circle?

Mr. ROGERS. Mr. Chairman, if the leader of the minority will restrain gentlemen on his side who are filibustering, there will be no difficulty about passing this bill and getting away.

Mr. CLARK of Missouri. I have nothing to do with the conduct of gentlemen on this side.

Mr. MONDELL. Mr. Chairman, everybody is in favor of this bill.

The CHAIRMAN. Evidently there is not a quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Donovan	Hamilton	McKenzie
Andrews, Md.	Dooling	Hardy, Tex.	McKeown
Anthony	Doremus	Haskell	McKinley, Ill.
Aswell	Dunbar	Hawley	McLane
Baer	Eagan	Heflin	McLaughlin, Nebr.
Barkley	Eagle	Hersey	McPherson
Bell	Echols	Hill	MacGregor
Benham	Edmonds	Houghton	Maher
Benson	Elliott	Hulings	Mann
Black	Ellsworth	Igoe	Mansfield
Blackmon	Elston	Ireland	Mason
Booher	Evans, Mont.	Jefferis	Mays
Brand	Evans, Nev.	Johnson, Miss.	Mead
Britten	Fairfield	Johnston, N. Y.	Merritt
Brooks, Ill.	Ferris	Kahn	Montague
Buchanan	Fields	Kelley, Mich.	Mooney
Burroughs	Fitzgerald	Kendall	Moore, Pa.
Butler	Foster	Kennedy, Iowa	Moore, Va.
Byrns, Tenn.	Frear	Kennedy, R. I.	Moores, Ind.
Caldwell	Freeman	Kettner	Morin
Campbell, Kans.	Fuller, Ill.	Kincheloe	Mudd
Cantrill	Fuller, Mass.	Kitchin	Murphy
Caraway	Gallivan	LaGuardia	Neely
Carew	Gandy	Langley	Nicholls, S. C.
Carter	Ganly	Larsen	Nichols, Mich.
Casey	Gard	Layton	Nolan
Clark, Fla.	Garrett	Lee, Ga.	O'Connell
Collier	Godwin, N. C.	Lehlbach	O'Connor
Costello	Goldfogle	Linthicum	Ogden
Crago	Goodall	Little	Olney
Cullen	Goodwin, Ark.	Longworth	Osborne
Davis, Minn.	Goodykoontz	Luce	Overstreet
Dempsey	Graham, Ill.	McAndrews	Paige
Denison	Greene, Vt.	McClintic	Parker
Dent	Hamill	McFadden	Peters
Porter	Rubey	Steele	Vestal
Pou	Sabath	Stephens, Miss.	Vinson
Purnell	Sanders, Ind.	Stevenson	Walsh
Radcliffe	Sanders, N. Y.	Stiness	Ward
Rainey, H. T.	Saunders, Va.	Strong, Pa.	Wason
Rainey, Ala.	Schall	Sullivan	Watson, Va.
Ramsey	Scully	Sumners, Tex.	Webb
Rayburn	Sells	Swope	Webster
Reavis	Shreve	Taylor, Ark.	White, Me.
Reed, N. Y.	Sims	Thompson	Williams
Reed, W. Va.	Sinnott	Tillman	Wilson, Ill.
Rhodes	Sisson	Tincher	Wilson, Pa.
Riddick	Slemp	Tinkham	Wise
Riordan	Small	Towner	Wood, Ind.
Robsion, Ky.	Smith, N. Y.	Treadway	Woodyard
Rose	Snell	Upshaw	Yates
Rowan	Snyder	Vaile	Zihlman

While the Members in front of the Clerk's desk were being permitted to be recorded as present,

Mr. FLOOD. Mr. Chairman, has the roll been called a second time?

The CHAIRMAN. It does not have to be called a second time. That is not the rule of the House.

Mr. WINGO. Mr. Chairman, I make the point of order that the rules of the House specifically provide——

The CHAIRMAN. The Clerk will proceed.

Mr. WINGO. Mr. Chairman, I make the point of order——

The CHAIRMAN. The gentleman is out of order.

Mr. WINGO. I make the point of order, Mr. Chairman——

The CHAIRMAN. The Clerk will proceed.

The Clerk proceeded and finished calling the names.

Mr. WINGO. Mr. Chairman, I make the point of order growing out of the roll call——

The CHAIRMAN. The gentleman might state his point of order.

Mr. WINGO. The Chair, as I understand it, permitted the Clerk to call the names of the Members only once. I would like to be heard upon that proposition. The rules of the House require that they be called twice.

The CHAIRMAN. The Chair does not care to hear the gentleman on the point of order.

Mr. WINGO. I make the point of order that the rules of the House were specifically amended to meet just such a decision made by a former Chairman in 1894. Of course, if the Chair does not care to hear the rules of the House discussed and wishes arbitrarily to set aside the rules of the House, he has that power.

The CHAIRMAN. The Chair does not care to hear the gentleman on the point of order.

Mr. WINGO. That is the decision of a man who is arbitrary and has no respect for the rules, and I appeal from the decision of the Chair.

SEVERAL MEMBERS. The Chair has not made a decision.

Mr. WINGO. Yes; the Chair has made a decision.

The CHAIRMAN. The Chair will overrule the point of order.

Mr. WINGO. The point of order is that the rules of the House require specifically the roll to be called a second time. The rules further provide that the rules of the House shall govern proceedings in the committee except where otherwise specifically provided. In 1894 the Speaker held—and the gentleman will find it in the Precedents, and I am familiar with the Precedents——

The CHAIRMAN. The gentleman is out of order; he can not discuss a point of order during a roll call.

Mr. WINGO. The point of order grows out of the roll call, and that is the only time a Member can make it.

The CHAIRMAN. The gentleman will make his point in the House and not in the Committee of the Whole House on the state of the Union.

Mr. WINGO. I appeal from the decision of the Chair just made. The committee is the only place to make it.

The committee rose; the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 9782, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 214 Members answered to their names, a quorum, and he presented the list of the absentees to be entered on the Journal.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is it proper——

Mr. MAPES. Mr. Speaker, a point of order.

Mr. WINGO. It is growing out of the present situation.

Mr. MAPES. A point of order.

The SPEAKER. The gentleman is out of order; only one point of order can be entertained at a time.

Mr. MAPES. But the gentleman is not making a point of order.

The SPEAKER. He is making a parliamentary inquiry.

Mr. MAPES. I am making a point of order.

The SPEAKER. The gentleman from Michigan is out of order.

Mr. WINGO. I do not know whether the point of order is well taken or not, so I desired to make the parliamentary inquiry. Is it in order to raise in the House the question that the rules of the House requiring the second call of the roll were not carried out in the Committee of the Whole?

The SPEAKER. It formerly was the practice, but Speaker CLARK ruled last session when the committee rose simply to establish a quorum, in order to prevent filibuster, for which the rule was provided—and it seems to apply to the present case—that it was not in order to make any motion to adjourn or raise a point of order, but that the House automatically resolved itself into the Committee of the Whole House on the state of the Union.

Mr. WINGO. In other words, the point of order can only be made in committee. I think the Speaker is right in that. The Chairman of the Committee of the Whole [Mr. FESS] ruled otherwise.

Mr. MAPES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAPES. It is too late to do any good on this particular occasion, but I do not think it ought to be allowed to pass without calling the Speaker's attention to the fact that the ruling of Speaker CLARK in the last Congress on a similar occasion was that the Speaker would not recognize anyone for any purpose, but that the House immediately went back into committee.

Mr. WINGO. I think that is a correct ruling. I think the Chairman of the Committee of the Whole should have recognized the point of order at the time. I think the Speaker is right.

The SPEAKER. The gentleman from Ohio will resume the chair.

The committee resumed its session, with Mr. FESS in the chair.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on section 1 and amendments thereto be now closed.

The CHAIRMAN. Is there objection?

Mr. McKEOWN. I object.

Mr. ROGERS. Mr. Chairman, I move that the debate on the section and amendments be now closed.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WINGO. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 50.

So the motion was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks.

Mr. HUDDLESTON. I demand tellers on the vote.

The CHAIRMAN. If there is no objection, the request will be granted.

Mr. HUDDLESTON. I was on my feet before the Chair made the announcement.

The CHAIRMAN. It is too late. The Clerk will read.

The Clerk read as follows:

SEC. 2. That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than 20 years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

Also the following committee amendment was read:

Page 3, line 7, strike out "$10,000" and insert "$5,000."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment was read:

Page 3, line 8, strike out the word "twenty" and insert the word "five."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the term "United States" as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is entitled to five minutes.

Mr. SEARS. Mr. Chairman, the gentleman from Massachusetts was kind enough to state in the RECORD that I was opposed to the bill. I do not think it is necessary for me to deny the accusation, in view of the fact that I am not opposed to the bill. The gentleman also accuses me of filibustering. It may be news to the chairman of this committee that there are 238 Republican Members of this House, and that at least 100 of them could answer "present." It might be news to him also to know that this afternoon, when the point of no quorum was raised, there were more Democrats on the floor than Republicans in order to make a count of 107 Members. I do not think it is fair for the chairman of the committee to accuse another of being opposed to a bill simply because he exercises his right under the rules, and makes the point of no quorum. It is a right a man has. There is no need of haste. We all recognize the fact that months ago we repealed——

Mr. DYER. Mr. Chairman, I make the point of order the gentleman is not discussing the amendment.

Mr. SEARS. What is the "last word"?

The CHAIRMAN. The gentleman will please proceed in order. The word is "politic."

Mr. SEARS. I had forgotten the last word, and therefore will call his attention to it. This is a beautiful word.

Mr. DYER. I have been here all day——

Mr. SEARS. The gentleman has been here all day, and we did not meet until noon, and again I apologize to the gentleman, because he got here before I did.

This word was used by a gentleman well versed in the English language and is at the end of the paragraph. I did not intend by my motion seriously to strike the word out, because if you did it would not be a well-rounded sentence. I want to congratulate this committee on adding the word to the sentence. I know of no other word that could be used where it appears at the end of the sentence. I only trust that when this bill is passed by the House that it will not receive the same fate as did the bill repealing the tax on cold drinks. Now, if we had had this last word at the end of the bill repealing the luxury tax on Coco-Cola no doubt it would have been passed by the Republican majority in the Senate long ago, and I would not be receiving letters criticizing me for not working in Congress and stating that the House was doing nothing.

Mr. PLATT. Will the gentleman yield?

Mr. SEARS. I yield to my good friend from New York if he has something to say about the last word, but I would not have the distinguished educator and my friend violate the rules of the House by departing from that last word.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the debate on this section and all amendments thereto be now closed. Is there objection?

Mr. SEARS. Mr. Chairman, I object.

Mr. ROGERS. Then, Mr. Chairman, I move that the debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Massachusetts moves that the debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The debate on the section is closed, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That in order to carry out the purposes and provisions of this act the sum of $600,000 is hereby appropriated.

Mr. MADDEN. Mr. Chairman, I was wondering whether $600,000 is a sufficient amount of money to carry this law into execution. Yet I doubt whether I ought to raise the question of its sufficiency. I move that all debate on this section be now closed.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this section be now closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. SEARS. Mr. Chairman, a division.

The CHAIRMAN. A division is called for. Those who desire a division on this vote will rise and stand until they are counted. [After counting.] On this vote the ayes are 87 and the noes 16.

Mr. SEARS. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are requested. Those who are in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Not a sufficient number.

So the motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That this act shall take effect upon the date when the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and shall continue in force and effect for a period of one year thereafter.

Mr. ROGERS. Mr. Chairman, section 5 of this bill simply provides that when the present act ceases to be operative the bill now under consideration shall take effect and continue for one year from that time. It is the opinion of the State Department and of those who have studied the subject that at the end of the year conditions will have sufficiently clarified in Europe so that it is quite likely that we can return to the normal mode of administering our inward tide of immigration.

Mr. Chairman, I ask unanimous consent that all debate on this section be now closed.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section be now closed. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Chairman, would the gentleman object to my proceeding for five minutes out of order? I am in favor of the bill, but I want to discuss another matter.

Mr. CANNON. Many of us have other engagements.

Mr. WINGO. Yes; I appreciate that, but we could have gotten through.

Mr. MADDEN. I am sorry, Mr. Chairman, but I will have to object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS. Mr. Chairman, I ask that my request be put.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the debate be closed on this section and all amendments thereto. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House with two amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise and report the bill favorably to the House with two amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9782) to regulate further the entry of aliens into the United States, had instructed him to report the same back to the House with two amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ROGERS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the bill and amendments to final passage.

Mr. WINGO. Mr. Speaker, I rise to a question of privilege of the whole House.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Awhile ago, in Committee of the Whole, when the committee found itself without a quorum, the Chairman ordered the roll to be called under the rules of the House. When the roll had been called once, he ruled that it could not be called the second time. When a point of order was attempted to be made, he declined to entertain a point of order. I then made a point of order against the Chair's action, whereupon the Chair ruled that the point of order could not be made in the committee, but must be made in the House. From this decision I appealed, but the Chair ignored my appeal. The Speaker took the chair, and the Chairman reported, whereupon I raised the point of order on the action of the Chairman, and the Speaker properly ruled the committee automatically resumed its sitting. Now, the House is interested in maintaining its rules governing its procedure when it is sitting in the Committee of the Whole, and I would like to read to the Speaker the rules on that point.

The first rule to which I wish to direct the attention of the Speaker is the last paragraph of Rule XXIII:

The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

Now, the rule of the House on the question of roll calls—Rule XV—is as follows:

Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State the whole name shall be called, *and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting;* and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

Now, clause 2 of Rule XXIII reads as follows:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such a call a quorum shall appear the committee shall thereupon resume its sitting without further order of the House.

Now, it does not say there in what particular manner the roll shall be called, but paragraph 8 of Rule XXIII specifically provides that—

The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

The rule of the House specifically requires the roll to be called a second time, for the purpose of recording the names of those not voting on the first call, and the rule governing the question of no quorum in Committee of the Whole provides specifically that the roll shall be called. Then how shall it be called? It shall be called in the only manner that the rules have provided for anywhere in the Manual, and that is to call it twice.

Now, I understand that the gentleman from Ohio [Mr. FESS], who was acting as Chairman of the Committee of the Whole today, made this same decision once before and based his ruling on a decision of a Speaker made on March 19, 1894, which held that in the Committee of the Whole when the roll is called on a point of no quorum the rule requires the roll to be called but once. That decision is in Fourth Hinds' Precedents. There was a subsequent decision, and in Fifth Hinds' Precedents you will find that Mr. Hinds sets out the rule:

SEC. 6046. On a roll call for a vote or a call of the House the names of the Members are called alphabetically, by surname.

After the roll has been called through once, the names of those not responding are called again.

After the roll call is completed the Speaker is forbidden to entertain a request to record a vote unless in a case where a Member's presence has been noted in ascertaining a quorum.

The Speaker is forbidden to entertain a request for the announcement of a pair at a time other than that in which such announcements are in order.

By practice founded on a former rule the names of those not voting on a roll call are recorded in the RECORD.

Then it goes on and undertakes to give the history of the rule.

Now, here is the proposition I want to submit to the Chair: There is nowhere a single decision, except the one referred to in 1894, in Fourth Hinds' Precedents, which is prior to Fifth Hinds' Precedents, which I have read, governing the number of times that the roll shall be called in the committee, but the rules of the House specifically provide that those rules shall control the procedure in the Committee of the Whole wherever applicable. It is certainly applicable, for there is the same reason why the roll should be called twice in the committee as in the House. What is the reason? It grows out of the experience of the House. If the Speaker has examined the history of this rule—and I am sure he has—he knows that it arose because of the fact that, as we saw it a few moments ago, the roll having been called only once, the pit of the House was filled with Members who had not answered upon the first roll call, and the Clerk, amidst the confusion, undertook to notice and call the names of the different Members who were standing in the pit of the House. The history of the rule and the discussion of it—what little discussion can be found in the RECORD—shows that that very condition arising was the occasion for the rule requiring the second calling of the roll, because it expedited the business of the House and was more satisfactory and was more accurate.

I submit to the Chair that the House is interested in maintaining orderly procedure and its own rules governing the Committee of the Whole.

Mr. FESS. Mr. Speaker——

Mr. WINGO. How much time does the gentleman want?

The SPEAKER. The gentleman from Ohio can be recognized in his own right.

Mr. WINGO. I rose to a question of privilege of the whole House, and I am entitled to an hour. I am perfectly willing to yield any time that the gentleman from Ohio wants.

The SPEAKER. The Chair has some question whether this is a question of privilege of the whole House, but he knows that

the gentleman from Arkansas would not abuse the privilege. The Chair thinks that the gentleman from Ohio would have the same right.

Mr. CANNON. Mr. Speaker, has the Chair any knowledge of what happened in the Committee of the Whole House?

The SPEAKER. The Chair understands that the gentleman from Arkansas did not bring it up as a question for the Chair to rule upon.

Mr. WINGO. Yes, Mr. Speaker; and I will explain why. The procedure does not affect me so much, as I am always here at all roll calls, but it is a dangerous precedent to establish, because it is contrary to the experience of the House. The Chairman having refused to entertain the point of order, the Speaker having properly ruled that he could not pass upon it when the Chairman reported to the House, the only way the House can enforce its rules on the Committee of the Whole, where its Chairman acted as in this instance, is for the House to act, as a violation of its rule is a breach of the privileges of the House. I ask for a ruling on it, and I reserve the balance of my time.

The SPEAKER. The Chair thinks it is a doubtful question of privilege, but the Chair is inclined to think that it is a question of privilege of the House, and the Chair will recognize the gentleman from Ohio.

Mr. FESS. Mr. Speaker, I will say to the House that this matter had been looked up some months ago when I was in the chair and when frequent points of no quorum were made consuming much time in calling the roll. I did not decide it offhand. The Speaker will recollect that I called him to the desk at one time and told him that I would so rule in the interest of conserving time, and I notified the committee and the House that I would rule that one roll call in Committee of the Whole is the rule, and that the second roll call is simply a permission allowed in the practice in recent years, but not recognized by the rules at all.

The precedent to which the gentleman from Arkansas refers covers proceedings in the House. Of course, two calls of the roll are required by the rule in the House, but not in the committee. However, the gathering at the well of the House, either in the House or the Committee of the Whole, is not in the rule. That is a bad practice which has grown out of the fact that since the House Office Building has been erected Members remain in their offices except when the House or committee is dividing, and are not so apt to be on the floor of the House as they used to be before that building was erected. Therefore this practice of gathering in the well to be counted was entered into without any recognition in the rules merely for the convenience of Members. So far as the gentleman's statement is concerned, that can easily be cured if the House thinks it wise to do so, because it is a practice which is not recognized except by mere permission of the House itself.

Section 841 of the Manual states specifically that in Committee of the Whole the roll is called but once, and it refers to the ruling of Speaker Crisp, in 1894, on this specific question, where a Member demanded his name be recorded because the roll had not been called twice. Hinds' Precedents, to which the gentleman refers, is the only precedent, so far as I know, on the calling of the roll in Committee of the Whole. It specifically limits it to one call, while the other precedent to which the gentleman referred, quoted as a later decision, has to do with proceedings in the House. It says that on "the call of the House," and the gentleman knows that the call of the House is never made in committee. That is made in the House. Therefore the citation which he claims is the more recent one, and which he erroneously asserts nullifies the Crisp decision, refers to a roll call in the House, while the one upon which I made the decision refers to the roll call in committee. While we have been calling the roll the second time in committee, it is a practice of comparatively recent years that all Members know is a mere permission for the convenience of Members, as has been admitted and frequently stated by different Members on the floor. The House can decide whether it will continue the practice or follow the rule. I have decided on the basis of the rule.

Mr. CRAMTON. Will the gentleman yield?

Mr. FESS. I will.

Mr. CRAMTON. The gentleman, I am sure, understands that this is a matter of some practical interest to all Members, and he also understands the practice which is not in the rule, but is universally observed, that the bell shall ring and notify Members on a roll call.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

Mr. CRAMTON. It is the universal practice that there shall be a ring of three bells for any roll call.

Mr. BLANTON. This is a matter which can be settled to-morrow, and I move that the House adjourn.

The SPEAKER. The gentleman can not interrupt the debate.

Mr. BLANTON. Mr. Speaker, is not a motion to adjourn in order at any time?

The SPEAKER. The Chair thinks not.

Mr. CRAMTON. If the gentleman will permit, the gentleman from Ohio understands that it is customary to ring three bells to notify Members of a roll call——

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present. I think we can settle this question in the morning.

The SPEAKER. The gentleman has the right to make the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. This discussion could be prolonged for two or three hours.

Mr. CRAMTON. Will the gentleman wait for a moment until I complete my question?

Mr. BLANTON. This is a discussion that could be carried on for two or three hours.

Mr. CRAMTON. I just want half a minute in which to complete my question.

Mr. ROGERS (interrupting the count). Mr. Speaker, I want to prefer a request for unanimous consent, if the gentleman will withhold his point of no quorum for a moment.

Mr. BLANTON. Why, the previous question has been ordered, and this bill will come up for a vote the first thing in the morning.

Mr. ROGERS. But the previous question has not been ordered.

Mr. WINGO. Mr. Speaker, let me suggest that we lay aside this matter until the House can vote on the previous question.

Mr. BLANTON. Very well, I withdraw my point of no quorum for the present.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that further discussion of this parliamentary point be postponed until the morning, and that the gentlemen be recognized at that time for the purpose of continuing it.

Mr. WINGO. Why, let the Chair put the question on the previous question, and then the gentleman can move to adjourn.

Mr. ROGERS. I am perfectly satisfied with that.

The SPEAKER. The question is on ordering the previous question on the bill and amendments to final passage.

The previous question was ordered.

ADJOURNMENT.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Thursday, October 16, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop, reported the same without amendment, accompanied by a report (No. 384), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill (H. R. 8314) to provide for the training of officers of the Army in aeronautic engineering and the issue of equipment and materials therefor, reported the same with amendment, accompanied by a report (No. 385), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9520) granting a pension to Euphrates Huff; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2468) granting a pension to S. P. Battle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TOWNER: A bill (H. R. 9944) authorizing the Secretary of the Treasury to accept on behalf of the United States the donation by Sedgwick Post, No. 10, Grand Army of the Republic, of its memorial hall property in Bedford, Taylor County, Iowa, for Federal building purposes; to the Committee on Public Buildings and Grounds.

By Mr. JUUL: A bill (H. R. 9945) to provide for reduced railway fares for discharged soldiers, sailors, marines, and nurses who served in the war with Germany while traveling to seek or accept employment; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: A bill (H. R. 9946) to provide revenue for the Government and to maintain in the United States the production of wheat and its products; to the Committee on Ways and Means.

By Mr. STEVENSON: A bill (H. R. 9947) to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Pee Dee River near the town of Cheraw, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Virginia: A bill (H. R. 9948) to amend sections 878b and 878c of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 9949) to amend sections 4 and 10 of the act of June 29, 1906, as amended, relating to naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. BLAND of Virginia: A bill (H. R. 9950) to provide for an examination and survey of the channels in Hampton Roads, Va., and James River, Va., leading to Camp Eustis, Va., with a view to increasing the width and depth of the channels of Hampton Roads and James River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9951) to provide for an examination and survey of the channel of Little Wicomico River, Northumberland County, Va., and of the channel connecting the said river with Chesapeake Bay; to the Committee on Rivers and Harbors.

By Mr. BROWNE: A bill (H. R. 9952) authorizing the Secretary of the Treasury to build an addition to the present postoffice building at Wausau, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 9971) to repeal that part of the Indian appropriation act approved April 24, 1904, which authorizes the exchange of public lands for private lands included within Indian reservations; to the Committee on Indian Affairs.

By Mr. DALLINGER: Joint resolution (H. J. Res. 232) to authorize leave of absence for employees of the Postal Service in the Commonwealth of Massachusetts who are members of the Massachusetts State Guard; to the Committee on Expenditures in the Post Office Department

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE: A bill (H. R. 9953) granting a pension to Almera Norton; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 9954) granting a pension to Zora Schenkelberger; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 9955) granting an increase of pension to Daniel Brummett; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 9956) granting a pension to Venus B. King; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 9957) granting a pension to John M. Riddick; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 9958) for the relief of Joe F. Jenkins; to the Committee on Military Affairs.

By Mr. JONES of Pennsylvania: A bill (H. R. 9959) granting an increase of pension to James Hunt; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9960) granting an increase of pension to Erastus F. Sparks; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9961) granting a pension to Martha Ann Welch; to the Committee on Pensions.

By Mr. MAJOR: A bill (H. R. 9962) granting a pension to Augustus Thompson; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 9963) granting an increase of pension to Leman Bartholomew; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 9964) granting an increase of pension to Elizabeth I. E. Duffield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9965) granting a pension to Hannah C. Ritter; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 9966) to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.; to the Committee on Claims.

Also, a bill (H. R. 9967) for the relief of Samuel Wilbur Dean; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 9968) for the relief of Thomas Debuke; to the Committee on Military Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 9969) granting a pension to Charles W. Anderson; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 9970) granting a pension to Frank F. Pittman; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of General Synod of the Reformed Church in America, protesting against the repeal of the war-time prohibition act; to the Committee on the Judiciary.

By Mr. BRIGGS: Petition of Southern Pine Association, opposing Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL of Pennsylvania: Petition of certain citizens of Mount Oliver and St. Clair boroughs, Pittsburgh, Pa., opposing adoption of the Smith-Towner educational bill, House bill 7; to the Committee on Education.

By Mr. DYER: Petition of John M. Malang, State highway superintendent of the State of Missouri, favoring the passage of the bill now pending in Congress, giving to the State further Federal aid; to the Committee on the Post Office and Post Roads.

Also, petition of Ralston Purina Co., of St. Louis, Mo., protesting against the passage of the Vestal bill, House bill 9755; to the Committee on Coinage, Weights, and Measures.

By Mr. JOHNSON of Washington: Petition of the Industrial Welfare Commission of the State of Washington, urging Federal regulation of the hours of labor and minimum wages for women in industry; to the Committee on Labor.

By Mr. RAKER: Telegram from the wholesale grocers of northern California, favoring the passage of House bill 7482; to the Committee on Coinage, Weights, and Measures.

Also, petition of Charles D. Stark, mining engineer, of Johnsville, Plumas County, Calif., protesting against Senate bill 2896, providing for the sale and use of explosives; to the Committee on the Judiciary.

By Mr. REED of West Virginia: Resolutions of the Nathan Goff Camp, Sons of Veterans, Clarksburg, W. Va., condemning lawlessness and urging measures to promote patriotism and encourage loyalty to American institutions; to the Committee on the Judiciary.

By Mr. YATES: Petition of the Griswald Manufacturing Co., Erie, Pa., protesting against the giving of additional power to the Federal Trade Commission; to the Committee on the Judiciary.

Also, petition of Industrial Management, New York, suggesting to the President's industrial conference: (1) Eliminate all unfair privilege of employer or employee, and make business and industry fulfill their responsibilities to the community; (2) free all industries producing socially necessary commodities or supplying public service from selfish or incompetent autocratic control; to the Committee on the Judiciary.

Also, petition of Princeton Post, No. 125, Illinois Branch of the American Legion, protesting against any effort being made to mitigate the punishment meted out to conscientious objectors by courts-martial, which they are now serving in penal institutions; to the Committee on Military Affairs.

Also, petition of Princeton Post, No. 125, Illinois Branch of the American Legion, urging the passage of bill now pending providing for six months' pay to all honorably discharged soldiers, sailors, and marines; to the Committee on Military Affairs.

Also, petition of the American Legion of Illinois, Washington Post, No. 100, Washington, Ill., protesting against the lessening of terms now being served by conscientious objectors; to the Committee on Military Affairs.

Also, petition of Elgin Motor Car Corporation, Argo, Ill., favoring the open shop and insisting that stoppage of industrial

processes by labor will prove harmful in the long run to the interests of organized labor; to the Committee on Labor.

Also, petition of Mathias Klein & Co., Sterne & Klein Co., the Seng Co., Pheoll Manufacturing Co., and L. W. Meckstroth, president Woodstock Typewriter Co., all of Chicago, Ill.; Rowe Manufacturing Co. and Shaw, Welsh & Co., of Galesburg, Ill.; the Williams Sealing Corporation, Decatur, Ill.; J. D. Tower & Sons Co., Mendota, Ill.; and U. O. Colson Co., Paris, Ill., protesting against the closed shop; to the Committee on Labor.

SENATE.

THURSDAY, *October 16, 1919.*

(Legislative day of Tuesday, Oct. 14, 1919.)

The Senate met at 11 o'clock a. m.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	McKellar	Shields
Bankhead	Harding	McNary	Smith, Ariz.
Beckham	Harris	Myers	Smith, Ga.
Brandegee	Harrison	Nelson	Smith, Md.
Calder	Henderson	New	Smoot
Capper	Hitchcock	Newberry	Spencer
Chamberlain	Johnson, Calif.	Norris	Stanley
Colt	Jones, N. Mex.	Nugent	Sterling
Culberson	Jones, Wash.	Overman	Sutherland
Cummins	Kellogg	Page	Thomas
Curtis	Kendrick	Penrose	Townsend
Dial	Kenyon	Phelan	Trammell
Dillingham	Keyes	Phipps	Underwood
Fernald	King	Pittman	Wadsworth
Fletcher	Kirby	Poindexter	Walsh, Mont.
France	Knox	Pomerene	Warren
Frelinghuysen	Lenroot	Ransdell	Watson
Gay	Lodge	Robinson	Williams
Gerry	McCormick	Sheppard	Wolcott
Gronna	McCumber	Sherman	

Mr. NORRIS. I wish to announce the absence of the Senator from Oklahoma [Mr. GORE], who is engaged in a committee hearing.

Mr. SHEPPARD. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families.

Mr. PHELAN. The Senator from North Carolina [Mr. SIMMONS], the Senator from Oklahoma [Mr. GORE], the Senator from Virginia [Mr. SWANSON], the Senator from Arizona [Mr. ASHURST] are absent on official business.

Mr. KING. The Senator from Tennessee [Mr. MCKELLAR], the Senator from Massachusetts [Mr. WALSH], and the Senator from Missouri [Mr. REED] are necessarily detained in the Committee on Education and Labor.

The VICE PRESIDENT. Seventy-nine Senators have answered to the roll call. There is a quorum present.

AUTOMATIC TRAIN PIPE CONNECTOR.

The VICE PRESIDENT. As in legislative session, the Chair submits a communication from the Interstate Commerce Commission, transmitting a report of the Chief of the Bureau of Safety relative to tests of the railway safety device submitted by the American Automatic Connector Co., Cleveland, Ohio, which will be referred to the Committee on Interstate Commerce, without printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the concurrent resolution of the Senate authorizing the Clerk of the House in the enrollment of the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia, to make certain corrections, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 3621) to establish load lines for certain vessels; and

A joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho; and

H. R. 9203. An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 3621. An act to establish load lines for certain vessels, was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 230. Joint resolution authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop, was read twice by its title and referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of John McBride Branch, Friends of Irish Freedom, of Lawrence, Mass., and a memorial of sundry citizens of Latimer County, Okla., remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of the Baptist Association of Worcester, Mass., praying that aid be extended to Armenia, and for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. NEWBERRY presented a memorial of sundry citizens of Coldwater, Mich., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of Hiram Lodge, No. 1, Free and Accepted Masons, of Detroit, Mich., and a petition of Bersheba Chapter, No. 9, Order of the Eastern Star, of Detroit, Mich., praying for an investigation into the recent race riots and mob violence, which were referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 3235) fixing the compensation of United States inspectors of customs; to the Committee on Finance.

A bill (S. 3236) granting an increase of pension to Emma Taylor; and

A bill (S. 3237) granting a pension to James Donnelly; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3238) relating to detached service of officers of the Regular Army; and

A bill (S. 3239) to amend the Army appropriation act for 1920 so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 3240) for the relief of the heirs of Edward H. Ozmun, deceased; to the Committee on Claims.

A bill (S. 3241) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; to the Committee on Territories.

By Mr. NEWBERRY:

A bill (S. 3242) granting an increase of pension to John W. La Rue; to the Committee on Pensions.

By Mr. KING:

A bill (S. 3243) to reduce the tariff duties on the importation of manufactures of wool; to the Committee on Finance.

A joint resolution (S. J. Res. 115) to lay an embargo on the importation of raw wool into the United States until the Government stores of raw wool are disposed of; to the Committee on Finance.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. SMOOT submitted an amendment authorizing the Bureau of Efficiency to investigate the methods of business of the Bureau of War Risk Insurance and to report to Congress, etc., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RECEPTION TO THE KING OF THE BELGIANS.

Mr. LODGE. Mr. President, I send to the desk the following order, and ask unanimous consent for its present consideration.

The order was read, considered by unanimous consent, and unanimously agreed to, as follows:

Ordered, That on Tuesday, October 28, 1919, at 1 o'clock p. m., the Senate will take a recess until 1.30 o'clock p. m., that it may receive His Majesty the King of the Belgians.

PROMOTION OF THE PUBLIC HEALTH.

Mr. FRANCE submitted the following concurrent resolution (S. Con. Res. 13), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That a joint committee be, and is hereby, created, consisting of three Members of the United States Senate and three Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House, respectively, to make a survey of and report on those activities of the several departments, divisions, bureaus, offices, and agencies of the Government of the United States which relate to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto: *Provided*, That the Medical Department of the United States Army and the Bureau of Medicine and Surgery of the United States Navy shall not be included within the scope of this survey.

SEC. 2. That such committee is directed and empowered to report to the Congress not later than March 1, 1920:

(a) The statutory powers and duties conferred by the Congress on any department, division, bureau, office, or agency of the United States Government to carry on any work pertaining to the conservation and improvement of the public health, together with any rules and regulations authorized or promulgated thereunder.

(b) The organizations now existing in the Federal Government for the purpose of carrying out these powers and duties, together with the personnel of, appropriations for and expenditures by each department, division, bureau, office, and agency during the fiscal year ending June 30, 1919.

(c) The coordination now existing between said departments, divisions, bureaus, offices, and agencies, together with any conflicts, overlapping or duplication of powers, duties, functions, organization, and activities.

(d) The cooperation and coordination now existing between the Government of the United States and the government of the several States or extragovernmental agencies for the conservation or improvement of the public health.

(e) Such further information as such committee may deem proper.

(f) Such recommendations as such committee may deem advisable to offer for the improvement of the public health work of the United States Government.

SEC. 3. That such committee be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page; the expenses involved in carrying out the provisions of this resolution one half to be paid out of the contingent fund of the Senate and the other half out of the contingent fund of the House; and that such committee may sit during the sessions or recesses of the Congress.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. KELLOGG. Mr. President, I ask the indulgence of the Senate for a very few moments while I state my position upon the Shantung amendment.

I shall not attempt to relate the history of the Shantung matter. It has already been described with a particularity of detail and wealth of invective and eloquence. Certain facts, however, do not seem to be disputed, namely, that 20 years ago Germany, using as an excuse the murder of two German missionaries, demanded of China certain concessions in Shantung, including a lease for 99 years of the Bay of Kiaochow, involving certain administrative rights and privileges; that she took undue advantage of the weakness of China to exploit her appears to be obvious; that a wrong was thus committed which history can not countenance seems conclusive; and that for 20 years the United States and the principal civilized nations of the world have acquiesced, entering no protest. No Senator, to my knowledge, has ever denounced the transaction in this Chamber, and, so far as I know, our Government has never objected.

I do not claim, Mr. President, that this vindicated Germany's aggression any more than our failure to act when Germany, in her brutal course, overran Belgium with destruction, death, and waste condoned that crime. Even then we did not act, and, moreover, we were parties to a treaty providing at least for the neutrality of Belgium. Thank God, we finally entered the war when it seemed uncertain whether democratic government should survive in Europe.

But, returning to Shantung, I repeat that for 20 years we did not intervene or protest. What was the situation when the war broke out? Germany was in possession of a naval base on the Pacific Ocean, where she could have threatened the transportation of troops and supplies from Australia and New Zealand, and when we entered the war she could have imperiled our commerce upon the Pacific. The Allies were struggling against the might of Germany; the issue was unsettled. It was absolutely necessary that Germany be driven out of China and her naval base destroyed. I do not say that it could not have been accomplished by China, with the cooperation of the Allies, nor do I know that it could have been.

The Allies, however, called upon Japan, which nation was very instrumental in relieving the Pacific of this menace to the commerce of the Allies and in ending Germany's dominion in China. I do not contend that Japan was justified in her demand that she succeed to the German rights acquired in China. It is undoubtedly true that, in 1915, China agreed to Japan's succession to the rights acquired by Germany in the Province of Shantung. It is quite likely that Japan, adopting German tactics, employed duress, China's position being such that she could not resist. The United States is not associated in any way with those proceedings, nor did it participate in the secret treaties by which certain allied powers conceded the claims of Japan to whatever rights Germany may have acquired in China. I think those treaties should have been made public. I have upon this floor denounced, as have other Senators, the negotiation of secret treaties, and, in my opinion, the United States should have been informed of such treaties when she entered the war. The United States certainly would have discountenanced them and avoided embarrassment in negotiating the peace treaty. I wish to dissent from the principles of those treaties, and I wish the United States, through its Senate, to dissent, and to refuse to be bound by that secret agreement between Japan, England, and France.

Mr. President, I concur in the remarks of the Senator from Idaho [Mr. BORAH], stated on the 27th day of August, 1919. He was asked this question:

> Suppose we put it in the treaty that China is given the rights that Germany formerly owned in China, and it is agreed to by the other nations except Japan, what method does the Senator suggest by which we can enforce an agreement like that?
>
> Mr. BORAH. "The Senator from Idaho" is not seeking for any method by which to enforce the treaty. "The Senator from Idaho" is desirous of relieving the United States as a Government from the burden or obligation of undertaking to maintain that which he conceives to be founded in immorality.

I indorse every word of that statement. We should seek to relieve the United States Government from the burden or obligation of undertaking to maintain that which we conceive to be founded in immorality, and I am willing to adopt the course suggested by the Senator from Wisconsin [Mr. LENROOT] yesterday when he read to the Senate a proposed reservation refusing to ratify the Shantung provisions of the treaty. That places the United States squarely upon the proper ground. I would go further and readily vote for a resolution which, I understand, was suggested by ex-Secretary Root, of New York, which reads as follows:

> In ratifying the said treaty the United States reserves and declines to become a party to the agreements contained in articles 156, 157, and 158 thereof relating to Shantung, or to recognize the validity of any rights, titles, or interests which Germany purports by the said articles to renounce in favor of Japan.

Such a reservation would certainly place this country in the position of refusing to ratify the bargain which has been denounced here as immoral and in violation of the principles for which we stand. That seems to me to be exactly the position this country ought to take. It would accomplish what would have been accomplished had our commissioners in Paris declined absolutely to enter into this arrangement. I shall not take the time of the Senate to discuss that question at length, but let me make one further suggestion: Can we accomplish more simply by changing the terms of the treaty? Let us see how article 156 reads. As amended it would read:

> Germany renounces, in favor of China, all her rights, title, and privileges—particularly those concerning the territory of Kiaochow, railways—

And so forth.

Germany has not done anything of the kind. She has said she renounced in favor of Japan. We say we will not be bound by that bargain; we utterly repudiate it. Of course, if we write a new treaty we can not take that position; but we are morally bound to see that it is carried out; and how shall we accomplish it? Shall we negotiate again with Germany and insist on the treaty in this respect being rewritten, assuming the obligation ourselves to decide whatever the rights of Japan in China may be?

I think that Japan should not control any part of China, but Japan undoubtedly has a just claim for compensation on account of the war, which, I believe, everyone recognizes and which, I am told, China recognizes. We propose to decide it regardless of

this consideration and compel Germany to make a new treaty, and insist that England and France and Italy, upon whose shoulders rests the responsibility of those secret treaties, shall write a new treaty. I do not believe we could accomplish it; I do not believe it is a position that we could honorably take.

I have heard a great deal said in this Chamber about entangling alliances in European affairs, and I sympathize with the desire to avoid them. For one, I desire the United States so far as possible to be free from the jealousies and entanglements that are prevalent in Europe, but the pending proposal certainly is not consistent with that desire. We are here directly taking upon ourselves for the first time in 20 years the responsibility of correcting this wrong.

The Senator from Idaho [Mr. BORAH] last evening was perfectly frank about this matter. He certainly has been perfectly frank and open in his discussion and opposition to this treaty, and I respect him for it. Everybody knows just where he stands. He certainly is not assuming to be in favor of the German treaty and at the same time trying to kill it with an amendment. His statement is as follows:

Mr. BORAH. Mr. President, before the Senator from Massachusetts moves to take a recess, in reply to the able Senator from Wisconsin as to the apparent inconsistency of our voting for this amendment and then voting to defeat the entire treaty, I desire to say to him that in my humble way every possible vote that I can cast anywhere along the line in the hope of defeating it I am going to cast.

Undoubtedly the distinguished Senator when charged with being inconsistent can say he has never been, and he may console himself with the reflection which Gladstone made in the later years of his life, "Thank God, I have never been consistent."

It does seem to me that the only honorable course the United States can pursue is to declare its disapproval of these articles, refuse to be bound thereby, and reserve complete freedom of action respecting this matter. We will then occupy an honorable and an advantageous position.

I have no quarrel with the Senators who disagree with me. I may be wrong. I have been a good many times. I respect their judgment. They should respect mine. The motives of Senators who believe that this country should dissent from those provisions, refuse to ratify the treaty, reserve full liberty of action, and leave to England and France the entire burden, if they wish to assume it, of carrying out their secret treaties, should not be impugned.

Mr. President, I simply approach this subject from another point of view than the Senator from Idaho. I want to accomplish what I believe to be the same object in a way that I think would be consistent with the honor and the dignity of this Nation. I desire that the treaty with Germany be ratified, with such reservations as will absolutely protect the United States. I shall not vote to give any nation or any power or any council or any assembly the authority to regulate the political, domestic, and internal questions of this country, and I can not understand the position of men who would allow any foreign country to dictate or have a voice in those questions which must shape the destiny of this Nation. I do not believe in internationalism. I believe in nationalism; and I am going to vote for every reservation which preserves the absolute freedom and independence of this Nation in effecting the greatest nationalism, because I believe that the hope of the world depends upon the honor and the enlightenment and the progress of this Nation.

I can not understand the sentiment of any man who would bind this country to engage in war without the action of the constitutionally constituted authorities of the Nation; and I am not going to vote to imperil the Monroe doctrine, which for nearly 100 years has been a weapon of safety in the hands of the American people. Nor am I going to vote to place the seal of approval of this Nation upon any dishonorable bargain made at Versailles, but I am going to take that course which appeals to my judgment as being the most honorable and the most effective in ratifying this treaty.

I have no sympathy whatever with those who think the provisions of the treaty are too harsh upon Germany. If a swashbuckling criminal goes up and down your streets murdering the inhabitants, you punish him with death.

As Lloyd-George said, is the swashbuckler of Europe to be free to go up and down the streets of Europe spreading devastation and ruin and committing crimes unspeakable and not be punished? The German people must be made to feel down in their hearts that they have committed the greatest crime ever known against the civilization of the world. I wish to join in enforcing against Germany to the bitter end a punishment that will deter any civilized nation in the future from making such a war, and I wish to do it at the earliest date possible.

I can not understand many provisions that were agreed to in this treaty. It is weak where it ought to be strong, and it is strong in some places where it ought to be weak; but I shall not stop to discuss it in detail. I can not understand why the labor provisions should have been included—why one class of people should have been allowed such recognition when the great farming class of the world, producing wealth and food, are utterly ignored. We should encourage the farmers of the world more than any other class. Show me a nation whose people are independent proprietors of the soil, rich in agriculture, and I will show you a great civilization. Show me one where agriculture is decaying and I will show you a moribund nation. It was the destruction of the yeomanry, the hardy farmers of Italy, that caused the destruction of the Roman Empire; and so here why should not this treaty have included agriculture and the farmer?

The treaty is before us. I have no sympathy with those who say, "Oh, we should accept it just as it is," and abrogate our functions. That is an absurd position. But we should accept the major part of the treaty, preserve the sound and proper provisions as far as possible, ratify the treaty, and end the war. I believe that is for the best interests of the people of this country. I believe it is for the best interests of the disorganized and unhappy peoples of Europe. It is not perfect. No treaty or outcome after the destruction of practically all the governments of middle Europe could be perfect; but out of it, I hope, will come the nucleus of a peace which may redound to the benefit of mankind.

Mr. HALE. Mr. President, I voted against the Fall amendments last week. I shall vote against the Shantung amendment to-day; and while I am on the subject I may as well say that I expect to vote against the Johnson amendment to the provision giving Great Britain and her colonies six representatives in the assembly of the league of nations to our one when that amendment comes before the Senate for action. I also expect to vote against any other amendments that have been or may be proposed to the treaty. I fully believe that the treaty, as far as we are concerned, must be changed, but I believe that the changes may be brought about through reservations instead of through amendments. Long since I made up my mind to follow this plan, and I see no reason to change it.

In the case of Shantung I do not in any way approve of the provisions of the treaty, but I do not want to have this country left out of the treaty on its account, and I shall be satisfied at the present time with a reservation which will make it clear to the world that we are no party to the wrongful transfer of Shantung to Japan.

The idea that Great Britain or any other country will have a greater representation than ourselves in the assembly or council of the league of nations is repugnant and abhorrent to me. It is an outrage on the American people and is intolerable, but I am very certain that a reservation can be substituted for the amendment which will be equally strong if not stronger in protecting our American rights. Unless such reservation shall be adopted I have no hesitation in saying that I shall vote against the ratification of the treaty. Long since I made up my mind to stand for strong reservations instead of for amendments, with the full belief that with such reservations this treaty can, with our interests safeguarded and without sacrificing our American traditions can be ratified.

If we can not get such reservations I do not want to see the treaty ratified, but I am morally certain that we can get them. I can see nothing in the adoption of any of these amendments which can in any way aid in the adoption of the reservations that I want to see adopted. On the contrary, it seems to me that the adoption of any one amendment nullifies the benefit that we shall get from the reservation plan and may jeopardize the ratification of the treaty, and I do not want to see it so jeopardized.

On July 10 the President laid the treaty before the Senate. On September 10 the Senator from Massachusetts [Mr. LODGE] reported the treaty from the Committee on Foreign Relations. Since that time the treaty has been under discussion in the Senate. I think that everybody in the Senate and in the country is sick and tired of the whole debate. All of us know exactly how we are going to vote. We have reached the stage of recrimination. Each faction accuses every other faction of ulterior motives, of playing politics, of being pro-German or pro-English, of wanting to defeat the ratification of the treaty altogether, of being weak-kneed. This is a body of honorable, patriotic Americans, all working, I firmly believe, for what they consider the best interests of their country as they see those interests. The last two accusations I have mentioned are the only ones worthy of notice.

That certain Members of this body do want to defeat the ratification of this treaty is perfectly true. They admit it openly, and they have a perfect right to take that stand; but by taking

that stand I claim that they forfeit all right to lead us Senators who do not want to defeat the ratification of the treaty and to say what measures we shall or shall not adopt in bringing about such ratification.

And as to the accusation that some Senators are weak-kneed, let me say that no Senator is weak-kneed who has honestly worked out in his mind a plan, of whatever sort it may be, which in his heart of hearts he believes to be for the best interests of his country and who follows that plan through to the end. The weak-kneed ones are those—and I hope there are none in this Chamber—who, because of popular clamor or the fear of a misunderstanding as to their reasons for voting for or against certain measures, do not vote as their conscience directs them.

Mr. President, let me say in closing, I have the highest regard for the Senator from Massachusetts [Mr. LODGE]. I have nothing but admiration for the patience and consideration and skill which he has shown in handling this treaty in the Senate. I do not in any way question his leadership, but let me venture my humble opinion that if we really want to dispose of this treaty, the way to do it is to hold this body to night sessions and force the matter to a conclusion. The country wants action; the Senate, or the great majority of it, wants action; and, however necessary the delays in the past may have been, I believe the time has come when we can and should take action.

Mr. PHELAN. Mr. President, on account of the fact that the Pacific coast is deeply interested in the settlement of this question, I desire to suggest a new line of thought, in part, which may be of interest to the Senate. Our familiarity with the Japanese in California entitles us, I venture to say, to express an informed opinion, and in approaching this question I am sure the people of California will divest themselves of any prejudice, if they see a larger advantage to their country in taking their stand in this crisis side by side with the treaty of peace with Germany and the Covenant of the league to enforce it.

When Commodore Perry opened Japan he did not know what was in it. Ever since it has been a Pandora's box of trouble; but we, having brought this oriental problem on ourselves, are now obliged to find a remedy or a way out.

It is not the concern of China alone, but of the United States as well. The world itself is a party at the bar. We are talking of the political and economic policy of Japan. We are discussing her paramount position in Asia. If not restrained, sir, she will reduce all Asia. She has come into the Pacific. She has crossed the Pacific. Several administrations have had so much respect for her prowess at arms that they have offered no effective resistance to her peaceful penetration of America! At this very hour the Pacific coast is invaded, and the Territory of Hawaii, "the key of the Pacific," is in her hands. She has there an army of occupation. Her reservists are in possession. Twelve thousand Americans face 112,000 Japanese in the naval base of our Pacific Fleet! She is there about ready to take peaceful and legal control of the civil government. Yesterday I read this Associated Press report in a Washington newspaper:

HONOLULU, HAWAII, *October 3.*

Within 14 years Hawaiian-born Japanese will hold the political control of this Territory, according to the Rev. Dmetaro Okumura, a prominent Japanese clergyman, speaking at a church convention here. To prepare for the inevitable, declared the Rev. Mr. Okumura, it is essential that greater efforts be made to Americanize the younger Japanese who are growing into the franchise.

Born on the soil, they are still ineradicably Japanese. These people do not amalgamate with our own. They are permanently foreign, nonassimilable, and ineligible to citizenship, and owe allegiance to Japan. In California alone 100,000 Japanese, constantly increasing by law evasion, surreptitious entry, and by a phenomenal birth rate, are repeating the story of Hawaii, with the added peril of extensive land ownership and control. The best agricultural lands of the State are falling into their hands. The movement, I believe, is directed from Tokyo. Although not accompanied yet by the tramp of marching troops and the salvos of naval guns, it is none the less a real conquest. The Caucasian flees before the advancing Coolie. It is time to sound our trumpets and hold our ground!

You will understand, then, in approaching a discussion of this question raised by the Shantung amendment, I am not ignorant of the dangers that lurk in Japanese dominancy in the Pacific. I would, by any legitimate means, check her advance or turn her armies. Turn them where? Why, back upon Asia, where they belong. "The Lord made all men of one blood, but determined the bounds of their habitation." My answer therefore is that the remedy must be found either in the covenant of the league of nations or in the increase of our naval armament; and I am in favor of trying the league first. I see in the Shantung amendment the seeds of treaty disaster, and therefore I shall oppose it. Let us analyze the situation.

The award by the peace conference of Shantung to Japan, as embodied in the treaty of peace with Germany, articles 156, 157, and 158, reads as follows:

Germany renounces in favor of Japan all her rights, title, and privileges, particularly those concerning the territory of Kiaochow, railways, mines, and submarine cables which she acquired by virtue of the treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

Other paragraphs specify details. Twenty-one years ago Germany acquired, by treaty, from China, without protest from the United States, the rights herein enumerated for a period of 99 years. The methods by which this was obtained may be open to question just as the methods by which the other countries, including our own, have acquired territory. Soon after the war was declared in 1914 Japan entered the conflict by declaring war against Germany; and later entered into secret agreements with England and France, Italy and Russia, by which she was to acquire the German concession—doubtless as a reward for her participation in the war. Subsequently the United States entered the war, and at the Versailles conference learned for the first time of the bargain which Japan had made. By treaty China herself has since confirmed the German rights to Japan. That is the law of the case. What service did Japan render? What was the consideration? Before the secret treaty was negotiated she sent her armies against Germany and drove that power out of Asia by taking, by force of arms, Germany's holdings in the Shantung Peninsula; and the treaty of peace with Germany seeks to confirm Japan's succession to German rights. *Japan also expects to be awarded* the mandatory of the German islands north of the Equator.

As an ally, Japan protected the Pacific against the enemy, and by reason of her alliance with the Entente Powers the United States was free to send her Army and Navy abroad, which resulted in the winning of the war. If Japan had allied herself with Germany—and there was always a fear of this—the United States could not have afforded to have left unguarded her Pacific possessions, which would have kept her troops and ships at home. So, as it turned out, the services of Japan were of real value, although she did not send her armies to the front and was very chary with respect to the disposition of her ships.

Because the United States asked nothing for her services, we are disposed to look upon the other nations as international profiteers, and this has biased our minds against the countries which have sought and secured their own aggrandizement. One of the German islands, the island of Yap, is desired by the United States for radio and cable purposes, and it is yet a question whether the award shall be made. That it should be made there is no reasonable question, because the only object is to improve our international communications, which should be of benefit to the eastern world. Unless we are prepared to deny Great Britain, France, and Italy the spoils of war, we can not with entire consistency in the circumstances exclude Japan. It offends, I will, however, admit, one's sense of justice to see a country peopled by the Chinese taken over by either the Germans or the Japanese, the English or the French, who do not claim to have any considerable number of their nationals in the territory, but who take it for purposes of expansion or trade exploitation.

The Japanese are a very prolific people, and have been constantly seeking more territory for their excess population, and have in turn taken Formosa and Korea, neighboring States. They had beaten China in war in 1894, and had taken a part of Manchuria. They had, in 1904, beaten Russia, taken Port Arthur, and established their position as a world power. The Chinese Republic, so called, with a population of 400,000,000, is so badly organized that it can not defend itself against vastly inferior numbers, and has been and is exposed to the predatory territorial and trade designs of other countries as well as Japan. All America has a genuine sympathy for unfortunate China; but how far should America go in this case, and how far to save China from further absorption by Japan? In this case Japan had not wantonly attacked China, but had attacked Germany and taken away German rights which were conceded by treaty to Germany by the Chinese, who later by treaty confirmed them to Japan.

Hereafter, under the constitution of the league of nations, Japan can not commit an act of aggression against China without incurring the prescribed penalties. In other words, the league is China's future protection; and if an attempt is now made to disturb Japan's title to rights in Shantung without her consent it is probable that Japan would withdraw from the league; and she is quite equal to making alliances with other countries, such as Russia and Germany, as soon as they are rehabilitated. The question, therefore, is one not for the expression of our sympthy or resentment or for the reconquest of Shantung against Japan, but to see how far the success of the league and the peace of the world are served by our noninter-

ference at this time. Japan has promised to restore Shantung to China, but asks to be allowed to do it in her own way; but the league can, if so disposed, hold her to it.

Let me repeat, the nationals of Japan are swarming the Pacific, and have made very serious inroads upon the Pacific coast of the United States and the Hawaiian Islands. Two hundred and fifty thousand Japanese, it is estimated, are in the United States and our Territory of Hawaii, and constantly increasing. In California they are absorbing the best agricultural lands and driving the white men from the country in a fierce competitive struggle. It is only a matter of a short time, unless interrupted, when Japan will be master of agricultural California. The "gentlemen's agreement" has broken down; and I have recently introduced a bill in the Senate which, if enacted into law, will exclude Japanese just as the Chinese are excluded now.

It is our stern duty to consider the interests of our own country before the interests of any other land; and not only are our own interests embraced in the preservation of peace but in ridding America of the Japanese incubus. If Japan must expand, then her expansion in Shantung, by agreement with China, and in Siberia is more acceptable to us than her expansion in America, both North and South. She has inaugurated a steamship service which dominates the Pacific, and is landing her nationals upon North and South American shores. If we exclude Japan from America as a wise national policy, then we should not be unduly alarmed about Asia. But we need go no further than Shantung in the acceptance of this idea. What she now holds in Asia is an ample field. The league of nations will prevent her forcible expansion in the future, and Japan is a member of the league of nations. For this purpose we must keep her there.

The President, at the peace conference, reluctantly consented to this arrangement, doubtless for these reasons: Because he could not mend the past; because he could not repudiate—not having the power—the treaties entered into by England and France, Italy and Russia, with Japan. He made the best of the situation by consenting to the granting of the German lease to Japan, having exacted a promise that she would return the territory to China, and he has since requested an expression from Japan as to her present intentions as to the date of the transfer. That was as far as he saw fit, thinking principally of his own country, to go. As to China, a decrepit nation, taught nonresistance by Confucius, without apparently the means of defending her own territory, the league of nations, with Japan included, certainly seems to be for her a great and permanent boon. Does China want us to abandon the league or leave Japan out of it? No one will blame China for making her protest; and she ultimately may attain a position of power by which, like France and Italy, she may be able to win back her lost Provinces and measure her strength with the "Huns of the East." "Hereditary bondsmen know ye not who would be free, themselves must strike the blow."

Japan, German trained, is, in all respects, like the defunct German Empire, seeking power and territory, and, if not arrested by the league of nations, will ultimately be the cause of another and more serious war. And the United States is deeply concerned in checking the unholy ambition of Japan just as she did check the ambition of Germany, and it is by force of the league of nations that this may be done, possibly without involving a clash of arms, but simply by the moral weight of the associated nations and their power to exert economic pressure. Germany was allowed to progress too far. Japan is yet in the infancy of her budding dream of empire. So the task is not difficult to check her without humiliating her nor offending what has become peculiarly Japanesque—national sensibilities. Let us see whether she will keep her promise to China before we post her as a "welcher" and bar her from the society of nations.

When the Philippine commission was in Washington last summer, its members testified before the Joint Committee on the Philippines and prayed for independence. They admitted that by the guiding hand of the United States, over a period of 20 years, they were fitted to assume control of their own government. At that hearing was this colloquy, taken from the record:

Senator PHELAN. I would like to ask, Mr. Quezon, if, after you were assured of independence, would it be the intention of your government to apply to the league of nations, if it exists at that time, for membership, and would you regard that as a sufficient protection against outside aggression?

Mr. QUEZON. Yes, sir; I think so.

Senator PHELAN. And your desire is to have your independence within a reasonable time in order that you might make that application for membership in the league of nations?

Mr. QUEZON. Yes, sir.

And then he went on to testify that, in case the Philippines did not join the league of nations, the United States would, he thought, resent any attempt by Japan to attack the Philippines after their independence had been granted by the United States—that is to say, the people of the Philippines look first to the league of nations, and, failing in membership, look to the United States, on account of the special obligation we have toward that country.

But by joining the league of nations they will save themselves from aggression and at the same time save the United States from engaging in a war with Japan. This shows very clearly not only the security which China will also enjoy against future aggression, but it also shows how the league tends to avert war and to preserve the peace of the Pacific and of the world.

While I am frank to say that I would go far to cripple the present and potential menace of Japan in the Pacific, I do not see how that purpose can be served by dividing the league of nations and seeking vainly, with the aid of the other powers, to deny her the German rights in Shantung. On account of the treaty obligations, England, France, and Italy are in no position to join with us in any such revision of the treaty even if they were well disposed; and any upset on this question at this time might result in the isolation of the United States, and, certainly, the disruption of the league. Furthermore, does not Japan's own promise to China, the President, and the conference relieve us of the necessity of action at this time?

But let China know that the league, for the first time, sets up a tribunal to which she can make appeal and seek a settlement; or, at the worst, at the expiration of the lease, the league, if it endures, can enforce the terms of the treaty of peace with Germany granting only a lease, and to save her sovereignty.

But, Mr. President, why, therefore, should Senators express such hysterical concern? Remember collaterally that Japan and China, if united and organized, would be a great menace to America and Europe. And would it not be a real diplomatic achievement to keep Japan and China apart, which, while it is far from our purpose, is at this time actually accomplished by the irritation growing out of the Shantung incident. Japan is disposed to yield, in some partiulars, to placate China, because it is her imperial policy to use China in the fulfillment of her ambitious designs. The nations of the world, for their own interests, are opposed to the further dismemberment of China, and it is not improbable that article 10 was set up, among other reasons, as a bulwark against Japanese aggression. China, if no other recourse was left her, could well afford to pay with the temporary Shantung lease for this protection.

So, from whatever angle you look upon it, in the light of American interests, it seems to be a situation to leave severely alone; and, beyond all question of doubt, there is nothing in the compulsory solution of it at this time favorable to China which would offset the grave danger to the peace of the world by the otherwise probable disruption of the league of nations.

But a false issue has been interjected into the debate. Japan's invasion of America has suggested a punitive expedition into Asia, and here, it is said, is our opportunity.

I do not see how the question of Japanese immigration and naturalization is involved in this matter at all.

We will not consent to "race equality," which involves immigration, naturalization, the elective franchise, land ownership, and intermarriage. It was rejected at Paris. These are domestic questions with which the legue has no concern, and, lest there be a doubt under article 11 as to the power of the league to take jurisdiction, I am in favor of an explicit interpretative reservation on the subject.

For the reasons stated, which seem to me conclusive, I will vote against the Shantung amendment. I am dispassionate. I am calmly considering American interests. I am not indulging in hatred of Japan nor seeking to injure her, actuated by either fear or resentment. Neither am I sentimental. I have asked myself, "What is best for the United States in this crisis? What is best for China and the world?"

If an uncompromising attitude on our part should alienate Great Britain and France and Italy and force them to stand for Japan, pursuant to their treaty obligations, it might jeopardize the success of the league of nations itself and the treaty of peace with Germany, which embody the fruits of victory. The world hangs upon our decision.

We should, in the spirit of a watchful, benign, and unselfish Republic, remain in the league, and, by disinterested counsel and the moral power of our exalted position, guide its deliberations aright.

We acted with magnanimity in the war; we shall not assume a mean and pusillanimous part in the constructive work of peace.

Mr. TOWNSEND. Mr. President, I do not hope to add anything to the information which has already been submitted to

the Senate after a debate which it seems to me has already been too greatly prolonged. I do feel, however, that it is proper for me at this time to express very briefly my views on this particular amendment.

I regret exceedingly that so many harsh things have been said relative to Japan. Very much intemperate criticism has been indulged that might better have been omitted at this time, a time when we are seeking to compose the great troubles of the world. Japan was our ally. She was in the war before the United States entered it. She rendered invaluable service against Germany and the United States should be the very last to condemn her improperly.

There are two sides to the question in spite of all that Senators may say. Japan has more than a color of title to the Shantung territory. She holds it by a treaty with China. She holds it by conquest. She holds it by a later treaty with the Allies. Whether her treaty with China is a conscionable one or not is, of course, debatable. Germany's title, obtained in 1898, was of doubtful equity, but prima facie Japan's title is good.

Now, the treaty that is before us has been enacted, so far as this territory given to Japan is concerned. The Allies have agreed to its provisions. Whatever we do will not change the situation. We can not, if we would, turn Shantung over to China. I do not like it. I like it as well, however, as I do other provisions of the treaty.

We had one representative, and practically only one representative, at the peace table, and he was much less concerned about the treaty of peace, for which he was supposed to go to Europe, than he was in the league covenant. He evidently consented to things which he now admits were not wise or just. But I think I am perfectly fair to the President when I say that he apparently had little concern in the treaty and great concern in the league. That treaty distributes the spoils of war among the Allies. The United States gets nothing; it wants nothing. It seemed necessary that it should join in the treaty, which is already effective so far as the Shantung territory is concerned without the signature of the United States.

The principal question with us is, Shall we join in this treaty or shall we make a new one, a separate treaty, with Germany? I think the wiser course is for us to join in this one. But made, as it was, without due consideration for the responsibilities and embarrassment of the United States in the matter, and it now being before the Senate for its consent, it seems to me not only wise but entirely patriotic for the United States to declare in the articles of ratification just what our position and understandings are.

Our position is, and it is the only defensible position for us to occupy, that this treaty was arranged and agreed to by the Allies for their own selfish benefit, the United States being a party only nominally, and that those concerns belong to the Old World countries and not to ours. I am in favor of reservations in reference to this matter which shall make this point clear.

I am unalterably opposed to section 10 of the league covenant as it was presented to the Senate, and which, improperly in my judgment, involves us in the troubles of the Old World, and which requires that we shall carry out the provisions of the treaty as to the distribution of territory among the Allies; in other words, it binds us to maintain existing boundaries, boundaries such as are involved in the Shantung incident. I am opposed to that, and propose to so reserve it, as to make it clear that we assume no such obligation whatever. That is a constitutional question; that is a question that can only be solved when it arises by the United States Congress. I want to attach to the resolution of ratification such a reservation in reference to Shantung as will show that we do not approve of its transfer to Germany in 1898, and that we insist that Japan must transfer that territory to China. I want to make clear that the United States is not responsible for this treaty provision. I am willing to wait the future to determine whether or not Japan is going to carry out what is practically a promise by her to return this territory to China at the close of the war or when peace is established.

I do not want to change this treaty as proposed by the wording of this amendment substituting China for Japan; for, by so doing, the United States becomes responsible for a distribution of the spoils in Europe. That is what I am protesting against. I want to keep out of the map-making business for the Old World. This amendment if adopted becomes our proposition, and we must defend it. I want to wash my hands of the whole matter so far as that is concerned; and it can be done by proper reservations.

As I said a few weeks ago, unless not "mild reservations" but strong, meaningful reservations are attached to the resolution of ratification, I shall feel it my duty, without a question, to vote against the whole treaty. My duty is clear to me. I have doubt about some matters in the treaty which have been intentionally complicated. When the President went to Europe, I repeat, he was interested in a league of nations and regardless of the treaty, and he carried out his threat to so complicate the league with the treaty as to make it difficult, if not impossible, for the Senate to perform its full duty.

But, Mr. President, it is a condition that confronts us now. Here is a treaty agreed to for the benefit of the Allies in Europe. I want them to assume the responsibility; and I want to say in the resolution of ratification that we are not responsible. I want to define just exactly what our attitude is. Then, I want this treaty consummated, for we have already indulged in debating this matter long enough. Now, we ought to act upon it. I think every Senator is prepared to vote and act according to his conscientious convictions of duty.

I shall not criticize Senators who vote against me on this proposition; I am going to accord to them the same honesty of purpose that I demand for myself; but it has been embarrassed by prejudices, by propaganda from every source, and it has, indeed, been difficult for Senators to conclude what is best for our country under all the circumstances. Many of its provisions are clouded in mystery. No man can truthfully say that he clearly understands it. On this amendment, however, I am clear and I shall vote against it, believing confidently that we shall have an opportunity to vote for a declaration of the United States Government as to what our attitude is in reference to this whole matter. I am willing to leave the matter where it belongs—with the Allies, with the Old World countries, who are responsible for this treaty. They have already settled it.

Mr. STERLING. Mr. President, I read from the concluding paragraphs of the pending treaty, as follows:

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany on the one hand and by three of the principal allied and associated powers on the other hand.

From the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

It would appear, Mr. President, that this treaty, then, is already in force, so far as Great Britain, France, Italy, and Germany are concerned; and, if not in force, so far as Japan is concerned, it is a foregone conclusion, I think, that it will be in force at an early date. Accordingly, so far as the relation of the powers named to Shantung is concerned, this treaty is an accomplished fact.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Massachusetts?

Mr. STERLING. I yield.

Mr. LODGE. Did the Senator from South Dakota see in the morning papers the dispatch in reference to the treaty going into effect?

Mr. STERLING. I did not.

Mr. LODGE. That dispatch reads as follows:

PEACE IS POSTPONED NOW INDEFINITELY.

PARIS, *October 15.*

Formal ratification of the peace treaty with Germany, making it effective, which was expected this week, has been indefinitely postponed, the American delegation to the conference announced to-night.

The decision not to complete the formal ratification this week was due chiefly to the inability of the three ratifying powers upon the Entente side to make the necessary preparations to carry out provisions of the treaty which must be attended to within a brief time after the actual ratification.

Earlier in the day it was supposed that on Friday or Saturday representatives of Great Britain, Italy, and France would exchange ratifications with Baron von Lersner, the present head of the German mission.

Pierpont B. Noyes, American member of the interallied Rhineland commission, conferred to-day with Frank L. Polk, head of the American delegation to the peace conference, regarding the status of the occupied area of Germany, which may be left without either civil or military government when the formal completion of the Versailles treaty, without American participation, brings the armistice agreement to a conclusion. The Rhineland convention, which creates a civil commission with British, French, American, and Belgian members, stipulates that all four Nations must designate their members before the commission can function.

Military government over the territory must end with the armistice, and the peace conference is having difficulty in devising an interim government pending American ratification.

Mr. STERLING. By whom, may I ask, is the ratification postponed?

Mr. LODGE. By the three powers that have ratified the treaty.

Mr. STERLING. They have indefinitely postponed the going into effect of the treaty?

Mr. LODGE. The dispatch reads:

The decision not to complete the formal ratification this week—

Which can only be completed by the deposit of ratifications—

was due chiefly to the inability of the three ratifying powers upon the Entente side to make the necessary preparations to carry out the provisions of the treaty which must be attended to within a brief time after the actual ratification.

Mr. STERLING. I have not seen the dispatch to which the Senator calls attention.

Mr. LODGE. The result which the Senator has described will be the same.

Mr. STERLING. I think the result will be the same, and that the treaty will be ratified.

Mr. President, I have during the progress of this debate been somewhat interested in the very high moral ground taken by some Senators who are in favor of the pending amendments. It seems to me, at times, that it is late in the day to stand on such a high moral plane with reference to treaties between nations. There was no great protest at the time of the cession of Shantung to Germany.

Mr. POMERENE. Mr. President, was there any protest at that time?

Mr. STERLING. I do not remember any protest. There is this to be remarked, however, concerning our policy, attributable to the great statesman and diplomat, John Hay. As Secretary of State he contended for the open door in China, and in that respect accomplished great things. But following the treaty between Germany and China under which Shantung was ceded to Germany we had this situation: Russia acquiring a lease of Port Arthur on the same terms under which Germany acquired Shantung; Great Britain, not to be outdone, immediately demands the cession of a port to her, and Wei-hai-wei is ceded or leased to Great Britain for a long term; France is not to be behind, and so she immediately proceeds to acquire concessions from China, and her dominion over Kwang-chau Wan is the result. Italy desired concessions, but at that point China refused further concessions, and Italy did not succeed in securing them.

Mr. BRANDEGEE. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. BRANDEGEE. Does the Senator know whether John Hay was Secretary of State at the time Germany obtained her so-called concessions from China?

Mr. STERLING. I am not quite certain, but I think not. I think he became Secretary of State just a little later than that—about 1900 or shortly prior to 1900.

Mr. BRANDEGEE. The reason I asked the question was——

Mr. THOMAS. Mr. President, it was about the 1st of September, 1898, that John Hay became Secretary of State.

Mr. STERLING. Then, that was after the cession of Shantung.

Mr. THOMAS. Oh, yes.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from South Dakota yield?

Mr. STERLING. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The reason I asked the question was that I understood the Senator to comment upon the fact that the United States had made no protest at the time Germany acquired whatever she did acquire from China, and he referred in complimentary words to the policy, if not originated, insisted upon, by Secretary Hay as to the open door. I saw in the public prints the other day that Secretary Hay was not Secretary of State at the time the Germans obtained their concessions, and I am glad to hear it confirmed on the floor of the Senate; but I call the Senator's attention to the fact that we were not a party to the acquisition of whatever Germany obtained from China.

Mr. STERLING. I understand that perfectly, I will say to the Senator from Connecticut. We were not a party, but we did not protest in any way; there was no official protest, and, so far as I remember now, no general sentiment among the people of the United States against the acquisition by Germany of Shantung.

Mr. HITCHCOCK and Mr. McCUMBER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. STERLING. I yield to the Senator from Nebraska, who rose first.

Mr. HITCHCOCK. I have before me the exact dates of the successorship to the office of Secretary of State, if the Senator would like to have them.

Mr. STERLING. I should be pleased to have the Senator read the dates.

Mr. HITCHCOCK. McKinley went into office on the 5th of March, 1897, and appointed John Sherman as Secretary of State. He was succeeded on April 26, 1898, by William R. Day, who was succeeded on September 20 of the same year by John Hay.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield to the Senator from North Dakota.

Mr. McCUMBER. To confirm what the Senator from South Dakota has said, I wish to call his attention to the fact that at the time the German treaty was made we not only did not protest, but we simply asked Germany if she would agree to maintain the "open-door" policy, and Germany replied that she would continue to maintain the "open-door" policy, and we replied simply thanking her for that assurance. That was almost equivalent to an agreement with her.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. STERLING. I yield to the Senator from Indiana.

Mr. WATSON. I call the Senator's attention to the fact that during all of that time the War with Spain was either on or was threatening. The difficulty with Germany grew out of the fact that Admiral Diedrich, who was in command of several German battleships, went down to Manila Bay, as the Senator will remember and as other Senators will recall, and that Dewey had to threaten him on that occasion. Soon thereafter he joined Prince Henry at Tsingtau, where they captured that harbor and that fort, and took possession; and it will be recalled that at that time we were actually at war with Spain. I happened to be a Member of Congress at that time, and I recall that it was with fear that we read the paper every morning, lest we might be engaged in a controversy with Germany also; and while we were engaged in that one war, it would have been the sheerest folly for this country to have committed any act that would have compelled us to go to war with Germany, because the sound, sane policy of that administration, as always of any country at war, was "one war at a time."

That, in my judgment, is the reason why we did not protest. That was sufficient reason for not entering a single protest on that occasion.

Mr. STERLING. Let me ask the Senator from Indiana now if he really thinks that if we had not been at war with Spain at that time there would have been a protest on the part of the United States, or the Secretary of State of the United States, against the acquisition of Shantung? I doubt very much whether there would have been any such protest.

Mr. WATSON. My candid judgment is that there would have been. It was in exact line with the policy of that administration, and was certainly in harmony with the action of John Hay.

Mr. STERLING. Does the Senator recall having heard it discussed in official or diplomatic circles?

Mr. WATSON. I do not, for the very reason I have just mentioned—that we were at that time engaged in a war with Spain.

Mr. KING. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator from Utah.

Mr. KING. The Senator might ask the distinguished Senator from Indiana whether there was any protest when Korea was absorbed by Japan. I do not recall that any warlike attitude on the part of any nation in the world deterred us then from raising our voice against what they denominate a great crime.

Mr. WATSON. There was not; but we had not then come to the John Hay policy in the Orient. Not only that, I will say to my friend from Utah, but two wrongs do not make a right. I have no apology to make for the action of our country with reference to Korea. I think it was absolutely wrong, and I believe that it would have been in keeping with the highest national morality if we had protested, even under the conditions that beset us, when Germany took possession of Shantung.

Mr. KING. Mr. President, will the Senator from South Dakota yield just one moment further?

Mr. STERLING. I yield.

Mr. KING. Under the treaty which we had with Korea there was a moral obligation resting upon this Government to intervene, or at least to make representations against the wrong which was being wrought against her sovereignty; and we were asked to do it by Korea, and we failed to respond.

Let me make just one further observation. I place against the patriotism and the statesmanship of John Hay the patriotism and the statesmanship of Theodore Roosevelt. Theodore Roosevelt was President, as I recall, when Korea was annexed. No; I am in error in respect to that.

Mr. WATSON. That was in 1910.

Mr. THOMAS. Mr. President, if the Senator will pardon me, the protectorate of Japan over Korea was in 1907. Korea was absorbed into the Empire of Japan in 1910.

Mr. KING. What I was about to observe was that, with respect to Germany's aggressions in the Orient, Mr. Roosevelt made no protest.

Mr. BORAH. Mr. Roosevelt was not President when the German aggression took place in 1898.

Mr. THOMAS. He was President in 1907, when the protectorate was declared.

Mr. BORAH. Yes; but while it is immaterial in one sense, because an equally strong man was President, yet, as a matter of fact, Roosevelt was not President in 1898. It was McKinley.

Mr. STERLING. Mr. President, I call attention to these facts, not for the purpose of defending the acts of Germany or of Japan, but because of the high moral ground on which Senators supporting the amendment appear to stand. We did not, whatever the circumstances, protest against the acquisition of Shantung by Germany; nor did we protest against the acquisition of Port Arthur for a like term of years by Russia immediately following; nor did we protest against the acquisition of Weihai-wei by Great Britain; nor did we protest against the acquisition of Kwang-chau Wan by France. There were other events plainly involving moral questions as to which we have been silent, making no protest. I do not defend them. But, further, we did not protest the invasion of Belgium, great as that wrong was, but we were advised about that time to be neutral in thought as well as in word and in deed; and I may say that the people of the United States of America seemed for the time being to be in accord with the sentiment, although a tremendous moral issue was involved, when, under some kinds of leadership, the sentiment of the people of the United States would have been aroused on that great moral issue.

Mr. President, fault is found because the treaties made early in 1917 between Japan and Great Britain and France and Italy were secret treaties. I hail the coming time of open diplomacy. I believe in it; and, of course, in times of peace all diplomacy should be open; but how otherwise than by a secret treaty could they have acted at that time? Must they have published to the world, Germany and Austria included, the terms of the treaty between Great Britain, France, Italy, and Japan? I think not; and it was not to be expected that the treaties would have been published to the world.

What, perhaps, were some of the motives for making such treaties at the time? Well, of course, there was Japan's part in the war. Under the Anglo-Japanese alliance, she came into the war in August, 1914. She did not render a part or a service in the war of which she particularly boasts, as I understand, but rendered valuable service. She rendered service, of course, in the capture of Kiao-chau; she rendered a great naval service; and she rendered a further service by supplying in the year 1915 alone $100,000,000 worth of munitions of war to Russia, including 750,000 rifles, or rifles enough to equip several divisions of Russian troops.

Recognition, then, on the part of these other powers, put to the stress that they were in this war, was one motive, undoubtedly, for the secret treaty with Japan. Japan, after the taking of Kiao-chau, had furnished a fleet that convoyed the British transports from Australia and New Zealand to the seat of war. She sent her flotilla of submarines to the Mediterranean Sea, a little later on, that kept the way clear from Gibraltar to Suez and from Marseilles to Alexandria. That was a part of the service that Japan rendered in the war.

So much, therefore, for the position of the Allies at that time. The war had been going on two and a half years and America had not yet gotten into the war when these secret treaties were made and the issue hung in the balance. I find no particular fault with the treaties made with our allies or our associated powers and Japan in that regard. I think it was such a treaty as probably might have been expected, for they said, "China has, by agreement with Germany, given a lease for 99 years on Shantung, and under the circumstances we are not taking anything away from China." It was but natural that under the stress of circumstances in which they were placed they should so reason.

Now, Mr. President, what is the situation? It has been argued here that we should make this amendment and have the treaty go back, with the hope that Great Britain and France and Italy might recede from the position they have taken in regard to Shantung and the transfer of it to Japan, and we would have our way; we would be able to carry out our idea of the moral question involved, and all would be well. But, Mr. President, is it believed by a Senator here that under the obligations they have assumed in the treaty with Japan that Great Britain or France or Italy are going to renounce that treaty and agree to our proposed amendments to articles 156, 157, and 158 of this treaty?

I do not for a moment believe they can, and, Mr. President, I could not have a very high opinion of them and of their sense of honor if they did. They are bound by every sense and sentiment of honor to stand by their treaty. They will do it, I believe, trusting that Japan will, in the course of time and in a reasonably short time, renounce her claims to Shantung.

So, Mr. President, with the treaty an accomplished fact, practically—though I qualify now the statement formerly made by what the Senator from Massachusetts [Mr. LODGE] read into the RECORD from a dispatch found in the papers this morning—yet I think for all practical purposes we can treat it as ratified as to these three powers and Japan, without any hope of alteration in respect to the Shantung provisions of the treaty.

But, Mr. President, there is the wrong, nevertheless. We can more than make protest against it and against the acquisition of territory by any nation under the circumstances, or in such circumstances as those under which either Germany or Japan acquired Shantung.

We can in unmistakable terms, as we should, have a reservation here, such as was foreshadowed in what the Senator from Wisconsin [Mr. LENROOT] said last evening, a reservation withholding our assent from these three articles, and reserving the right of full liberty of action in any case or in any controversy arising under articles 156, 157, and 158 between China and Japan.

I think, Mr. President, in conclusion, that I simply voice the general sentiment of the people of the United States to-day, and I hope I am not presumptuous in saying so. Are they in favor of this treaty just as it is? No. The overwhelming sentiment of the people of the United States is against it. As an example of the sentiment of my own people I received but yesterday a communication from the registrar of a ministerial conference in the northern part of my State in which they asked for the ratification, but with "reservations"; and I think they know now, for the most part, what reservations should be adopted here in our resolution of ratification.

For my part I would not vote for an amendment that I believed would defeat the treaty, if at the same time we can protect American rights and interests by reservations. I believe we can. I have said enough, Mr. President, to indicate how I shall vote when it comes to voting on the Shantung amendments.

Mr. McCUMBER. Mr. President, I desire to take only a minute or two in referring to the debate of yesterday and the day before. I think it very appropriate, while epithets of dishonor are being hurled against those who fought and bled and died for the cause in which we, as a great Nation, were engaged, that I should say one word in favor of our allies. I may need to apologize to the junior Senator from Delaware [Mr. BALL] and the senior Senator from Missouri [Mr. REED] if I draw certain conclusions from their own expressions which they might say would impugn the motives of a Senator.

Mr. President, I do not think that our allies in entering into the treaty with Japan were committing a henious offense. I do not think they were committing even a dishonorable act. I deny that they were taking the territory of one ally and delivering that territory to another ally, for the simple reason that they were taking nothing but what was held by Germany, our enemy, and at the time of the taking, the date of the treaty, China was not our ally at all, not having at that time made her paper declaration of war.

Mr. President, in 1915 Great Britain had but a little army in the field, but was attempting to form a great army to place upon the battle front. At that time her ships were going down at the rate of 10 a day, and some weeks more than 70 of her stately ships were being sent to the bottom of the ocean. France was being pressed to death. She was bled white along every line of battle. Italy was at that time scarcely in the field. They were dark and gloomy days not only for the Entente powers but for the civilization of the world. Japan had seized whatever rights Germany had in China. With these German leasehold interests in her possession, France, Great Britain, and Italy entered into an agreement with Japan that she might hold what she had thus taken, and that in the final treaty they would sustain her claim to hold what she had wrested from Germany.

China had not turned over her hand to wrest from Germany what Germany had taken from her in 1898. At that time she was not even protesting against it. At that time she was submitting to it in all humility. What offense, then, Mr. President, was committed by France and Great Britain and Italy in saying to Japan—possibly to keep her in the war; I can not say—"You may retain whatever rights you have taken from Germany"?

So far, Mr. President, I do not think that it is in the mouth of any American to condemn the action of our allies in making the treaty. The very lives of the nations of the Old World were in the balance when the treaty was made. It was no dishonorable act against China, because China was making no claim of repudiation at that time, either that she would make war against Germany or that she would resist the German rights. On the contrary, about that time she had agreed with

Japan that the latter might hold what her armies had wrested from Germany.

Mr. President, referring to words that were used yesterday, and I approach them with some timidity and fear, lest some one will raise the objection that by quoting the words of a Senator I am imputing to him some wrongful motive, I find these declarations made by a Senator yesterday:

To fail to advise the United States of the terms and conditions of those treaties, * * * in view of the announced principles of the United States in the conduct of the war, amounted to bad faith upon the part of the countries which withheld the information, bad faith to such an extent as to relieve the United States from any moral obligation whatever of giving any consideration to the terms of those treaties.

Mr. President, it is not necessary that we should give any consideration to the terms of the treaties if we do not wish to do so, but that course can not be predicated upon the theory of any bad faith on the part of our allies.

Again quoting, with the permission of those Senators:

But when they concealed those treaties, their terms and obligations, from the people who were entering into the war upon a specified program and upon specified principles, they had no right thereafter at any time ever to ask the United States to give any consideration to their terms.

And again:

They not only concealed them, but, if I may be permitted to say so, they affirmatively misled the world in regard to the fact of their concealment, and particularly the United States.

Mr. President, Senators have gone further than that, and have asserted as a fact that when Joffre and Viviani and others were present here on the Senate floor, when we listened to their earnest declarations as representing countries that were bleeding to death in this struggle, when every sympathy of the heart of the great American people was responding to every word that they said, those men, Joffre and Viviani and Balfour, were deceiving the United States; that it was their duty to inform us then and there, in the Senate and by publication, just what agreements they had made with Japan upon the Shantung proposition.

Under what theory of ethics, Mr. President, were they compelled to tell us? At what time in the struggle, Mr. President, did the obligation to publish their treaties to the world occur? Before the United States declared war certainly no one will claim that there was any obligation resting upon them to publish to Germany or to the United States or to anyone else what their treaties were at that time. The moment the United States came into the war, upon what theory were they then compelled to give that information to the United States and to the world?

The theory was given by the Senator yesterday, when he said:

But when they concealed those treaties, their terms and obligations, from the people who were entering into the war upon a specified program and upon specified principles.

What were they? What were the specified principles upon which we entered into the war that required other cobelligerents to make known to us what treaties they had made prior to our entry into the war? What effect would the knowledge of these treaties have made upon our war program? Well, Mr. President, I suppose that our declaration of war gives us the real reason for which we entered into that war. I have never had much sympathy with these reiterated declarations that we went into the war to uphold some great principle. We did nothing of the kind. We went into the war because we declared that Germany had made war upon us, and we were defending ourselves. We never said a continental word about any other principle in that war. This is what we said:

That a state of war between the United States and the Imperial German Government, which has been thrust upon the United States, is hereby formally declared.

That was all the reason that we declared. War had been thrust upon us, and we defended ourselves.

Mr. WATSON. Mr. President——

Mr. McCUMBER. Nothing was said about fighting for a world democracy or fighting for any principle. If we had been fighting for principle, if that was the reason for the war, then why did we not get into it when it was started, because we knew what the principle was then just as well as we knew three years after that? I yield to the Senator from Indiana.

Mr. WATSON. The Senator is not in accord with the theory, then, that we went into the war to defend the principles embodied in the 14 points?

Mr. McCUMBER. No; I am not in accord with it at all. We went into the war because war was made upon us. When Germany said to this country, "You can paint one ship like a barber pole, and when you do that you may then cross the ocean once a week with it," we knew we should have to fight, and we did. That was all there was to it. We did fight. I admit that there was a great world principle at stake; but, Mr. President, that was not what brought us into the war.

I want now to say just one word to those Senators who are talking about pro-Germanism and saying if anybody disagrees with them that they must be pro-German in their sympathies. Mr. President, there were Senators in this body who voted against war at all, and they were just as patriotic as any Senator who voted for the war. I can recall the former Senator from Missouri, Mr. Stone, now passed to his long resting place. No braver, truer, better American citizen ever lived, and no more patriotic individual ever existed than former Senator Stone, and yet he was not in favor of entering into the war. So of many Senators, those who believed, like the Senator from Nebraska [Mr. HITCHCOCK] that, in the beginning of the war, before we were driven into it, it would have been proper for us not to have sold munitions of war to either party. I do not challenge their Americanism because of these views, because the moment we got into the war I do not know a Senator who was not for its prosecution heart and soul.

Mr. President, I made a statement in the Senate the other day and was criticized for it. I think if the then occupant of the chair had given the point of order a little further consideration he would scarcely have ruled that a statement that we seemed in our earnestness to be more solicitous of the interests of Germany since the war has closed than we were for our allies, who helped to fight that war, was impugning the motive of any Senator.

Mr. President, I am solicitous to-day of the interests of Germany. She is a great nation, a powerful nation, a nation of intellectual genius in many respects, a progressive nation, a brave nation, and once she has repudiated her hellish doctrine that a State can do no wrong except to fail in her grabbing propensities, once she has repudiated the theory and philosophy taught in all of her schools that it is the duty of any State to take and hold whatever she has the power to hold, then I will welcome Germany into the league of nations. I know that she will be there, and in a very short time, if the league of nations is adopted; and when she is there I believe that she will be a force and a power for good, because she has capabilities if only the minds of her people shall be directed along humanitarian as well as intellectual lines.

So, Mr. President, I do not think that I was open to criticism when I stated that I thought that in our debates, on the part of those who are opposed to the treaty, that they have very often, in those debates, evidenced seemingly no interest in the Allies, but some solicitude for Germany. Let me call attention to the words, and if I draw an improper conclusion I may be criticized for my conclusion, but I will submit the words and see whether Senators would draw the same conclusion.

I find here in a speech made a short time ago by a Senator, after discussing the hardships that had been imposed upon Germany, these words:

For this territory—

Referring to the German territory that was separated from her—

so ceded, nobody pays Germany anything, nor is any credit allowed Germany for it on her reparation account, to which I shall shortly refer.

Then, again, after referring to the many requirements for payment of indemnities, he said:

It is admitted that certain of these damage rules violate the principles of international law as hitherto recognized and observed by the family of nations. The reason why we as well as the enemy should discard such benign principles as have been worked out by the nations in the last centuries is not clear.

And again, condemning the treaty, this Senator said:

The more I consider this treaty the more I am convinced that the only safe way for us to deal with it is to decline to be a party to it at all. I think we should renounce in favor of Germany any and all claims for indemnity because of the war and see that she gets credit for what we renounce.

That sounds to me like some solicitude for Germany, and I am willing to stand upon my statement that it is a solicitude.

Again, from the same speech:

It is indeed a hard and cruel peace that this treaty stipulates, and I have no objection to its being so, but see no reason why we, who do not partake in its spoils, should become parties to its harshness and cruelty. I see no reason why we should be parties to imposing upon Germany a treaty whose terms, our negotiators say, she will not be able to meet.

It sounds to me a little bit as though he were solicitous of the financial interests of Germany.

But, Mr. President, if the Senator making that speech had turned to the treaty he would have found two provisions that govern indemnities and reparations all the way through—first, that Germany shall not pay any more than she is able to pay. What is the rule to determine that? Second, that Germany shall pay as high a tax to meet the indemnity to repair the wrong as the other nations have had to pay in order to pre-

vent her committing a greater wrong. Is there any injustice in that against Germany? Can the German people complain that there is any wrong in it? No, Mr. President.

But there is another thing that I do not like in the speech to which I have referred, and that is the statement that America can do anything she sees fit with her dollars; that we have dollars in abundance; and that we should use those dollars to buy commercial friendship, and thereby secure an advantage over our allies. The testimony that was given before the committee in support of our renouncing whatever should come to us in reparation was that we could buy the German good will, their friendship, and thereby secure trade. No thought of our bleeding allies, no thought of the 1,500,000 noble French boys who were killed in France, no thought of the 900,000 sons of Britain and Canada and Australia whose graves billow the plains of that country.

We should, according to them, use our dollars to buy German trade away from our allies, who can not afford to do likewise. I do not agree with either the philosophy or morality of such a proposition.

Now, Mr. President, returning again to the matter of the good faith of our allies, or lack of good faith, in not publishing their treaty, when was it necessary to publish that treaty? I asked the Senator from Minnesota [Mr. KELLOGG] whether he thought that it would have changed our position in the slightest degree in the matter of conducting this war if that treaty had been laid before us.

He replied, "I do not." Well, then, if the information would not have changed our course in the slightest degree, then how can it be claimed that it was a treacherous act, an act of gross deception? There was nothing that would have changed us in the slightest degree. Therefore, if there was nothing in the secret treaties which would have affected our prosecution of the war, I deny that it was incumbent upon anyone to publish those treaties, because if they published them to us they would also have published them to Germany and to the countries with which they were battling. The moment the war was closed we received everything to which we were entitled.

Now, Mr. President, I wish to say but one word about this matter of the German title not being transferable. Of course, the treaty between China and Germany provided that Germany could not transfer that title, but the treaty did not provide, and could not have provided, that China herself could not transfer it. That is just exactly what China did.

It is said that because China declared war she thereby repudiated the agreement with Germany and vitiated it, and that thereby Japan got no interest. That is a queer philosophy, it seems to me, Mr. President. If A makes a deed of land to B, for no consideration, we will say, and then afterwards deeds the same land to C, and then, after that, A gets into a quarrel with B and says he repudiates the conveyance to B, that it thereby vitiates the deed to C. That is all there is, Mr. President, in this Shantung nontransferable contention. A declaration of war by China against Germany does not affect an agreement made between China and Japan.

So we come down to the question of a reservation. I think that it is necessary to have a reservation. I have prepared two. I think we should hold Japan to her treaty with China, and in her treaty with China she agreed to return Shantung, leasehold and all, that she had received from Germany. I agree that we should hold her to her statement made in Paris that she would return it, which statement is among the minutes of the proceedings. The way, however, to do it, Mr. President, is first to assume that as a nation she will do it.

The Senator from Missouri [Mr. REED] asked, "If she intends to do it, why does she not do it to-day?" Put yourself in the position of Japan. Suppose by a solemn treaty we had agreed to return, whenever the treaty was signed, property which our armies had taken, and some other nation came to you and said, "We do not trust the United States; we have no confidence in them; they are tricky; they are dishonest; therefore, we will take it upon ourselves to make the transfer before we give them an opportunity to perform their agreement." What would the United States do? Do you think she would stand or surrender? She would say, "I have my treaty obligations; I will fulfill them of my own volition; and the whole world can not compel me to do it until I do it under the terms of my agreement; I will not be driven into it." Japan is in exactly the same position, Mr. President. Not only that, but the world would be in a position to bring the power of the entire world—and I am speaking now only of the persuasive power—to compel Japan to make good her treaty agreement. If she made at Paris an agreement that was still more favorable to China, she should keep that agreement. I think, Mr. President, that that is the only proper way to proceed in the premises. It is the fair way between nation and nation; and it being the fair way, and so long as Japan is a nation and is recognized as such, then, in Heaven's name, let us treat her as such.

Mr. SMITH of Georgia. Mr. President, I shall vote against the pending amendment, although I regret that our representatives at Paris consented to the disposition made of Shantung. I only wish to say that in voting against this amendment I shall do so because I consider a wiser way to handle the subject will be either by reservation or independent resolution clearly to define the attitude of the Senate with regard to it. When such a reservation or independent resolution shall be before the Senate, we shall have an opportunity of handling the question in a satisfactory manner, and I hope such a reservation or independent resolution may be adopted in language which I can support.

Mr. SMOOT. Mr. President, I have taken no time of the Senate to discuss the pending peace treaty with Germany, nor do I expect to do so. I am ready to vote upon any reservation, any amendment, or upon the treaty itself, at any time without further discussion.

The pending amendment is the most difficult question affecting the treaty for me to decide. I want my action to show my unalterable opposition to the action taken at the Paris conference in giving Shantung to Japan. In the Shantung provision we are asked to defend injustice as well as economic slavery. That I can not do.

If the pending amendment were the only way in which the United States could refrain from indorsing the Shantung infamy, I should vote for it. A reservation can be made to reach the same end as far as the United States is concerned; and I intend to vote for a reservation, in substance, as follows:

The United States refrains from entering into any [illegible] part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto.

I think such a reservation covers the case just as thoroughly as an amendment would cover it. I shall vote against the amendment. Under no conditions would I vote for the treaty in its present form. Unless reservations are made to it, I shall vote against it.

Mr. SHERMAN. Mr. President, I do not put these amendments or our relations with the associated nations in this treaty on any moral ground. On the 17th day of July, 1919, I stated the grounds on which I objected to articles 156, 157, and 158 of the treaty. The first ground was the treaty of 1858 with China, which recites:

There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire and between their people, respectively. They shall not insult or oppress each other for any trifling cause so as to produce an estrangement between them, and if any other nation should act unjustly or oppressively the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feeling.

That treaty is binding in good faith upon both nations at this time. If we are to show our friendly feelings toward China under that obligation it binds us to protest in every proper way against articles 156, 157, and 158. This may or may not according to the mental complexion be called a moral ground. I only refer to it as a treaty obligation. If we are to show a friendly disposition toward that power it is our duty now to begin to protest against what is admitted to be an injustice.

I have another reason, Mr. President, and it is not a moral reason; it is one purely prudential in character. I stated it on July 17 last. I had then the same motive and the same purposes in view that I have now. At that time I said:

"The United States Government must look well to its own defense and preservation. I regret not to be able to accept the splendid dreams generated by the league of nations. I believe our safety is not mere sentiment; it will rest in the strong arm and disciplined military forces of our people. We have denied Japan the right of immigration for her subjects. It has been repeatedly alluded to during the peace conference of Paris by representatives of that nation. The equality constantly proclaimed in the league logically directs Japan's thoughts to that denial. Its refusal has sunk deep into their sensibilities. It is a wound to their pride. We are vulnerable in the Philippines. Our great friend lies beyond in the people of the Chinese Republic. In our day of peril it must be remembered that the interests of Great Britain and Japan in the Orient are identical."

Mr. President, the British East Indies, together with protectorates lately assumed, constitute Great Britain's interest on the mainland of Asia. Some 300,000,000 Asiatic people live under her dominion. Her possessions give her a strong hold on the Asiatic continent, and are vitally important to her world-wide commerce. She has recently entered into arrangements with Afghanistan; there is, it is understood—and it is but ill concealed—an arrangement that amounts to a protectorate

over the newly created State of Hejaz. In addition to that, the protectorate over Egypt, referred to by the Senator from Oklahoma [Mr. OWEN] on yesterday, is an accomplished fact. England will no more relinquish her hold on Egypt than Japan will relinquish her hold on Korea or Manchuria. These, therefore, constitute the reasons why England and Japan have an identical interest in Asia. They will not be found hostile to each other in the years to come. We must look out for ourselves.

I have no desire to hold the Philippines, except as a war result. I never would have voted, if I had been in this body at the time, to acquire the Philippine Islands; and at the first favorable opportunity I would either give them their independence or I would transfer, with their consent, to some Asiatic power the entire group of islands and relinquish our interest in them forever. I regard them as a governmental liability, that there is in it no profit to us, no honor, and nothing but a source of continual expense.

Therefore, in the day when trouble occurs the United States will not find in those two powers a friendly alliance. The trouble is more likely to come, as intimated on the floor, from Japan; and in that time our great friend will be China, if we treat her justly and in keeping with the treaty of 1858. Therefore the wise course for us to follow, as well as the duty we owe to China as an equally faithful ally if not more useful than Japan, is to keep faith with her, so that in the future she may be our friend.

Our greatest friend may then be the Chinese people, whom to-day we are asked to humiliate and dismember. Let us remember, not in selfish purpose but upon the immutable principles of justice to a great people, that we ought to defeat these articles 156, 157, and 158 in this treaty.

I stated that last summer. Nothing has occurred to change the reasons that were urged at that time. I find myself of the same opinion still. I believe every Senator here will have the same opinion after all has been said on the floor of this Chamber. It is not with any purpose of changing some Senator's opinion, I believe, that anything is said. It is more to justify the vote that the individual gives upon a roll call on this measure.

Mr. President, I heard yesterday, part of the time—I did not hear all that was said but I heard it argued yesterday at some length and to-day—that because we did not protest in 1898 we are estopped now. Various Senators this morning have stated that we can not now be heard because we made no complaint in 1898, when this Province was taken by force of arms from China. It is argued, therefore, that now, when we are called on to ratify this treaty, we can not be heard to criticize it, but that we must accept the treaty as it is presented to us.

In 1898 we were not engaged in going about over the world meddling everywhere. We were then occupied in attending exclusively to our own business. We confined our interposition to affairs in the Western Hemisphere. If other nations undertook to acquire territory or to interfere with existing forms of government in the New World, we protested, and protested in apt season, and effectively. We protested at the close of the Civil War, when France undertook to place an Austrian prince over the Mexican people. We sent our forces to the banks of the Rio Grande. We protested against the invasion of the Monroe doctrine. Again in Cleveland's administration, when Richard Olney was Secretary of State, he gave to the world a proclamation in substance to the effect that we administer law on the Western Hemisphere, and what he proclaimed through the Executive of this Republic was the fiat to be observed by the nations of the Old World. That was law then under the Monroe doctrine, and it is law now. We have confined ourselves to the New World in years past; and only in 1917, when, following the declaration of war, we engaged with the associated nations against a common enemy, did we go beyond our own borders.

We, therefore, have stayed on this side of the Atlantic and on the same side of the Pacific, our own shores. We have not sought to interfere in the affairs of the Old World, because of this established policy which we announced nearly a hundred years ago, the Monroe doctrine, that is sought to be preserved by divers amendments, and by a revision, even, of the original document sent to us last February for our approval.

Having confined ourselves to the New World, we did not interfere with the affairs of the Old. If Germany took portions of the Chinese territory by force, we did not protest. It was not a part of our policy. When we went with other powers to interior China to protect our legation and our citizens, we then protested against the dismemberment of China by the European powers. There is found the first protest in the form of Secretary Hay's "open door." That was in 1900, some 18 or 19 years before this document was presented to us. So the only thing that we can complain about, it is said now, has been in the nature of our delay, such as to constitute, I suppose, what lawyers would call an equitable estoppel. That does not operate upon nations nor upon governments. We can not be held here to have foreclosed our right to protest at this time.

Mr. President, there is another thing outside of mere lapse of time. Let this be called a 99-year lease—and it is the most transparent flattery to refer to it in that way. Let it be called a lease. The acquisition of leasehold interests in property, real estate especially, by sovereign powers within the borders of another sovereign power is not attended with the same conditions that attend the acquisition of private property by private owners. It is not regarded as a matter of common right that a sovereign power may come inside the territory of another sovereign power and acquire real estate, either the fee-simple title or long leaseholds, unless the power within whose borders the territory is acquired shall be consulted and shall acquiesce in it.

I can go as an alien, if the law of any foreign country permits it, and purchase any quantity of real estate in any foreign country. I can hold it. It is not a matter for international negotiation or for diplomacy to recognize my right so to hold it, if the domestic laws governing the acquisition of real estate in that country permits me to do so. But if my Government goes into another country and acquires there either leaseholds or the fee-simple title to real estate, it can be done only upon negotiation with the country wherein that real estate is found. It is an invasion by a sovereign power, withdrawing it ordinarily from commerce in it. The grantee of the real estate or the lessee is not subject to the laws of nature; the Government is perpetual in its life; and for that, as well as the entry upon sovereignty, no such rights can be acquired except by the consent of the country within which that territory lies.

Germany acquired a 99-year leasehold in the borders of the Chinese Empire. It was under a threat, it was by military force, that the term was created. It was not a voluntary act, and it is generally conceded in discussing the question that it was not a voluntary act on the part of China in granting the leasehold. It being an involuntary act, Mr. President, whenever the power that applied the force to China withdrew, either voluntarily or by force of arms, then the leasehold taken from China by force or threats returned by force of Germany's retirement. The reversionary interest of the lease, if gentlemen wish to be technical about it, as a matter of right, returned to China instantly upon the withdrawal of Germany. Whenever Germany entered into an arrangement by which China lost her interest and Japan acquired it upon the withdrawal of Germany, it was in contravention of the common right of the Chinese Republic.

We are asked to ratify it. There is this difference between voting upon this treaty and interfering in 1898 with the affairs on the mainland of Asia. Then we were living under the Monroe doctrine. We were taking care of our own affairs. We were declining to go abroad and mingle in the affairs of all the powers of the earth. We were justified then in letting other people and other nations attend to their affairs. Now, the treaty is brought into this Chamber and we are asked affirmatively to ratify it. We are asked to place the seal of our approval on these articles referring to the Shantung territory. Affirmatively we are asked to ratify what before, 20 years ago, was not of our concern. There is a difference between active approval of a theft, the burglary of a friendly power, and a silent abstinence from approving or disapproving by attending to our own business, pursuant to our policy of nearly a hundred years.

Mr. President, this territory in the Province of Shantung belongs to China. At best, there could only be a delayed reversionary interest. Why not write the guaranty in the treaty? If all that is said in this treaty is right, if it is ratified, it would leave a reversionary interest in China, and it ought to be provided in this treaty that this unexpired lease shall return to the sovereign that involuntarily gave it in 1898.

We are asked, however, to approve it, and put ourselves in the attitude not only of approving it, but of turning around on the heels of article 10 of the league and binding ourselves to defend it by entering into a moral obligation. If Senators are at all sensitive about moral obligations, then it must be conceded that under article 10 of the league this itself is a moral obligation, and is so interpreted—interpreted by all who support it, interpreted by the Executive, interpreted by the authorities in Europe—that it imposes moral obligations; and if that be so, then we must either break our moral obligation or we must come to the rescue in case China attempts to reassert her claims over this territory and retake it from the power that now seeks to seize it.

Mr. President, it is not my intention to occupy much of the time of the Senate, but I simply wish to protest against the assumption that because in 1898 we did not protest, did not make objections to arrangements then entered into involun-

tarily by China to ward off threatened military invasion and the devastation of her territory, that we are now bound. That is a strange morality. It is a strange interpretation.

I have listened to interpretations all the way across the continent and in this Chamber. There are enough interpretations of the league of nations and of this treaty to make the Arabian Nights, if put alongside of it, look like a revised edition of Greenleaf on the Law of Evidence. I have heard interpretation after interpretation that refines away all of its powers. I am told that there is no real power, that it is only a question of recommendation; that they can recommend, they can advise, they can tell us what they wish to be done, but, after all, it being a moral obligation, whether we observe it or not is for us to say.

Concede that that be true, it does not seem that a moral obligation is ineffective in producing results when our Navy goes into Italian waters, when two regiments are to be ordered to Upper Silesia, when the Secretary of War begins to estimate that it will take 150,000 of our troops to administer the Armenian mandate, when ill-concealed rumors come through the press and are published broadcast and when it is generally understood in this Chamber that the Executive already has bound us to an Armenian mandate. The supreme council seems to be issuing effective orders.

A circular has gone out very recently admonishing us that Armenia is on the brink of destruction; that we must interfere, and that actively, or she will be soon destroyed by the Turk and her territory as well as her people be devastated, and there will be no use then for any nation to intervene, because annihilation will have been fully accomplished.

Following on this a great number of doctors of divinity in various parts of the country have been quite active in having resolutions passed by their congregations. A great many religious organizations, headed by those same doctors of divinity, have besieged Members of Congress immediately to ratify the treaty and save Armenia from impending butchery. I wish to say to those preachers, whatever creed they have, that they are awaking late in the day to the great moral movement to preserve the Armenian people.

Mr. President, I again call attention to what I said here some months ago, that the Turk exists to-day as a separate Government in Asia, and is found in Europe, not because of the United States, not because of Armenia, not because of the Greek Catholics, the Russians, or others of that church residing in Turkish territory.

Armenia and the Turk are a pressing problem to-day, because England and France in the Crimean War, from 1850 to 1854, kept the Turk in Europe. The Russian Government would have destroyed the Turk's Government, would have dismembered his territory, would have impoverished, if not overthrown and destroyed him, for slaughtering Christians; but England, France, and the then kingdom of Sardinia all joined with the Turkish Government to defend against Russia, and his Government exists at this day.

It was like the partition of Poland. It suited the purposes of Great Britain years ago to ignore the partition of Poland. When Frederick was on the eve of destruction, more than 150 years ago, when his enemies had crowded him into a corner of Prussia, when his soldiers were without provisions and without munitions of war, when his country was bankrupt, England intervened to save him from destruction. The partition of Poland followed in due course, and the three great powers that divided the territory, England taking none, all had either the passive or the active acquiescence of England in the partition.

I am not hostile to Great Britain, but I believe it well enough to remember some historical truths about that mighty Empire. She takes care of herself. She feared that Russia would acquire some of the Turkish territory in Europe and reach across for British territory in Asia. She therefore joined with France, who had some of the same fear, under the last Napoleon, and Russia was crowded back into her own country. The Crimean War ended in the preservation of the Turk. Therefore, Mr. President, I believe in letting France and England administer Armenian affairs and defend them against the Turkish power, because they are responsible for his presence in both Europe and Asia.

I respectfully remind the doctors of divinity who have bestirred themselves recently to an enormous degree to themselves be informed about who is morally responsible for the outrages that have occurred for the last 25 years against that unhappy people. Let those Governments administer the mandate.

The crusades started in England, and Europe from the time that Peter the Hermit and Walter the Penniless led 100,000 deluded people out of Europe into Asia has seen no more improbable scheme than the league of nations and other portions of this treaty. In the years past we are not the only ones who have made mistakes. To-day let the people in Europe who are responsible for those outrages take the burden; let them keep within bounds the Turkish power that they created and preserved.

The Turkish occupation is a tremendous object lesson of how a country's debts become its strength. Had it not been for the differences in the division of territory, had it not been for the debts of the Turkish Government, she would have perished from the earth long ago.

Talk to me about moral obligations! Mr. President, England has no morality in her Government. She never had, from the time that she blew from the mouths of her cannon the Sepoys in the rebellion in British East India, down to the day that she kept our people in prison hulks until starved and disease ridden they died. She has never had either morals or humanity in dealing with her enemies. The Hun is unspeakable, but still the Hun is not far behind our English ancestors when it concerns measures of effective warfare. I do not complain about them, but I object to being in the power of a country that always so zealously takes care of its own people even at our expense.

We have had some instructive examples of our own. I commend England for taking care of her own people, but I prefer to take care of Americans by the American Government, rather than to throw ourselves for mercy into the hands of the British Empire.

Mr. President, both England and France consented in 1917 to the acquisition of the Shantung territory by Japan. I shall occupy but a very little time on the matter. It is not my purpose to go into it at length, but only to leave in the RECORD these highly moral documents.

Many Senators specialize on international morality. I do not care, for my part, to discuss it. There is not a civilized nation in the world whose history has been read or recorded truthfully that has not at times outraged every principle of humanity and morality known to the casuist or the doctor of divinity.

I now read what is a distinct contribution to international morals, dated February 16, 1917, and I may say, parenthetically, that it was as well understood in the cloakrooms of the two sides of this Chamber and in the public press of this country as well as of Europe, that this document existed before the peace conference met, as any other matter of current news.

The British Embassy at Tokyo, on February 16, 1917, addressed to Viscount Motono, His Imperial Japanese Majesty's minister for foreign affairs, a note which, in substance, says that the Shantung territory, from which Japan has recently expelled Germany, in 1914, shall upon the making of the treaty of peace be vested in Japan, and that all the islands north of the Equator shall go to Japan, and those south of the Equator to the British Empire.

A like note was received from the Japanese Government, deeply appreciative of this friendly spirit. It was addressed to the British ambassador, Mr. Greene, and says that it takes pleasure in stating that the Japanese Government on its part is fully prepared to support in the same spirit the claims which may be put forward at the peace conference by His Majesty's Britannic Government in regard to the German possessions and the islands south of the Equator, and assuring the possession of Shantung to Japan.

Then, not to be outdone in this chapter of international morality, dividing up the territory of a friendly power that had furnished at least 300,000 men behind the lines in a nonmilitary service, the French Government sent to the Japanese ambassador a similar letter or note, and received a similar reply. In substance, it amounts to a treaty, an understanding, by which Japan is confirmed in the possession of this territory by two of the allied powers. Russia would have consented to it, but she was not an authority consulted in the making of the treaty. Temporarily she has troubles of her own, and is not to be considered. But these are the two highly moral documents on which we are sought to confirm articles 156, 157, and 158 of this treaty.

If this were upon anything but a supremely sober subject, it would be an idle jest. How many of Japan's soldiers are lying in their graves to-day because of the bloody war with Germany? Few. There were not 300 soldiers killed, wounded, or missing from the entire Imperial Japanese Army in their struggle to eject Germany from Shantung. There is nothing in it that would justify any claim of conquest.

China, it is said, consented, consented under threats, consented when they made the arrangement that was ratified in 1917 by the powers that concealed their negotiations from our

country. The Executive said he did not know of these secret treaties. We know of them now. No ignorance can be pleaded when we are asked to ratify the pending treaty on a roll call. Because of that we are asked affirmatively here to set our approval upon these sections that are under criticism.

Mr. President, I do not care to argue this subject at length. I will vote for these amendments. I think I will vote for any amendments that come along. I will be quite candid about it. I do not care whether they are consistent or inconsistent. I have been told that consistency is the vice of small minds, so I can afford to be liberal. I can afford to amplify my knowledge and my position. I will vote for any pertinent amendment that comes along. I hope every one of them will be adopted. There could not be confusion worse confounded if every amendment offered were voted into the treaty. Nobody knows what it is. There are more interpretations than there are expounders. It is an international hodgepodge made up of jealousies, of alliances, of leagues, of vague notions, of war and rumors of war, and threatened world upheavals everywhere. If anybody will write an amendment that offers a chance to clarify it, I will vote for it, and I earnestly hope it will be adopted; and after they are all in the treaty can be no worse than it was when it came to us from Paris. It can not be made worse. So vote them in; and then, after every one of the amendments is voted into the treaty and the league, I will vote to reject it all. I will vote for something along the line of the suggestion offered by the junior Senator from Pennsylvania [Mr. KNOX]. I will vote for an international code that will make a treaty between nations that will be a treaty of principle, and not a government of men; a treaty that will unite nations threatened by a common peril to act together to remove it.

It could not be any worse, Mr. President. It might be improved by mixing it up with something American. It could not be any more immoral if we would add a few local crimes of our own. There is already in it enough to stamp it as the imperial crowning infamy of the age.

Secret treaty? Yes. Japan's is a secret treaty, and yet it is in force. The treaty of the Adriatic border a secret treaty? Yes. It is not in effect. Why? Because the representatives at Paris—our own at least—said secrecy was under the ban. If that is so, then why is the Japanese secret treaty, that was equally concealed from the nations, given full force and effect? We may just as well talk plainly about it. I do not suppose this generation will live to see it, but the next war of any consequence that we have with any power will be with Japan. The motive is present. The ambition has been hers for years. She is a monarchy—yea, more than a monarchy, an autocracy. All that the Kaiser was to Europe the Mikado is to the mainland of Asia. We must not forget that in that time of supreme peril our friend, if we keep faith, will be beyond the Philippine Islands and beyond the Island Empire. It will be on the mainland of Asia, with 300,000,000 Chinese.

Whenever the Caucasian drillmaster goes into the interior of China, when he takes European and American tactics to train men for military strength and service; when China wakes from her dream and ceases to be a race of pacifists; when she understands that her territory is being absorbed in spite of the note of John Hay in 1900; when she remembers all that has been taken along her seacoast, Province after Province seized, port after port taken; when she sees the flag of alien powers floating all the way nearly from the Sea of Kamchatka down to her southernmost border; when she sees her territory taken by nation after nation, at last she will waken from her dream; she will understand that this world is no place for a pacifist; she will understand that the millennium has not come with the league of nations; she will know that the millennium is as far away as it was a thousand years ago; that there are as many devils yet to be chained as there were in the time when the crusades were begun. She will know, too, that the only way to preserve her national integrity and keep her territory without dismemberment by aliens is to be able to defend it against those who despoil her.

There is no pacifist nation on earth that has survived. Where are they to-day? In the 3,000 years of history not one of the pacifistic nations has remained. In that 3,000 years there have been 60 years only of universal peace. During the other 2,940 years it has been the military nations that have possessed and divided the earth; that have taken its wealth; that have dominated its people; that have created imperial dominion around the seas.

England for a thousand years has been a separate Government proclaiming her independence and ready to fight the world. I respect her power, her diplomacy, her warfare, and her genius for government. She has faced more than once a world in arms. She fought the Napoleonic wars. She has been repeatedly threatened with destruction, but she is essentially a warlike nation. She survived, and the British race to-day exercises wide dominion, the greatest territorial power the world ever saw, exceeding that of ancient Rome, exceeding in her genius for government that of any other known country in the world. She has been the lawgiver of nations. She has administered justice to most of her nations, and I believe in time will to all of her colonial nations, even including Ireland. There is an abiding sense of justice in an Englishman if you leave him alone. You can not extort justice from him, but if you leave him alone you will get it at last. It may be somewhat delayed, but he will if you give him time enough to do so. The Irishman is a little impatient. I do not blame him. It has been little less than a thousand years that he has been waiting.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Illinois yield to the Senator from California?

Mr. SHERMAN. Certainly.

Mr. PHELAN. The Senator from Illinois has stated that the English finally accorded justice if given their own time. In what time will England grant it to Ireland if given their own way? Ireland has waited for 700 years.

Mr. SHERMAN. It will come about the time the millennium comes, when Satan is chained and cast in the bottomless pit. About that time England will make up her mind that as long as there will be justice all over the world anyhow, she may just as well be in the fashion. I think that gives the Senator as definite information as can be afforded at this time.

Because of that, referring back to England and her possessions, we are asked to go in with her and ratify articles 156, 157, and 158 of the treaty. We are thereby making ourselves a part and parcel of an arrangement that contributes to the glory and the strength of Great Britain and Japan.

I repeat to the American public, that in the day of trouble England will not lift her hand to help us in a struggle with Japan. England's commercial jealousy exceeds even her sense of justice.

Gladstone was mentioned by some friend of the treaty to-day as the Grand Old Man of England. Before he died Gladstone made the admission—and it was only one of many mistakes he might have admitted, but the only one he ever did admit—that when he undertook, by his influence with the English Government and the reigning authorities of the British Empire—and that included even colonial possessions wherever the Government could influence them—to dismember this Republic, that it was a mistake. Everybody knew why the Government did so. It was to destroy a great commercial rival. I know how England has claimed credit in history for making the first free soil there was in the world, so that from the instant the slave from foreign countries touched her soil his chains burst from around him. I have heard all that oratory or read it, in the English Parliament and on English platforms, and the most striking of the oratory was Irish oratory and not British. I have heard all that, but the fact remains that in our great struggle to maintain this Government undivided, England, under the lead of William Ewart Gladstone, used all its vast powers to divide and destroy this Republic and to promote a Confederacy based upon slavery. This is the historical record of England's Government in our day of trouble.

Go back to England; examine the political abstracts of title of statesmen there who are now endeavoring to bring us into this treaty and league. Who are they? Go back through Whig and Tory, liberal and conservative and radical of English politics, and you will find that the successors in the English Government of the same men who prayed that this Republic might be dismembered and destroyed to-day are the loudest proponents of the league in England and in all Europe. We are the catspaw of the Old World. No wonder a distinguished English lord in a club in London said that the United States was the "Fat Boy" of the world. We are also the "easy mark" of the world, if you will allow me to use such an expression in this Chamber. We have been worked by everybody.

To-day in not one foot of Italian territory have we a friend. They know that the treaty of 1915 was broken under the 14 points, for it was a secret treaty. Of course, Senators who do not want now to hear about secret treaties or the 14 points make no argument on the subject. They say the 14 points are obsolete. They are not obsolete; they are dead. We have not a friend in all Italy. It is our own fault. It is because for France and England we broke their treaty pledges of 1915. They signed the treaty; they pledged themselves to give to Italy the territory from the Trentino down along the Adriatic

border to the southernmost part of Dalmatia. We were reserved as a sacrifice to court the unpopularity incident to breaking the treaty and denying to Italy the result of her entry into the war.

A half million of Italy's soldiers are dead; 1,500,000 of them are wounded for life; five million of them went into the field; she has a debt of $13,000,000,000 in gold; but when she sat at the peace table at Paris she could not get one acre of the soil that had been promised her. She had committed no robbery; it was not proposed to take some other country's territory and give it to her, but to give to Italy territory which was Italian in blood and language and spirit, territory which had belonged to her people and to their ancestors and which had been taken from Italy in the wars of 75 or 100 years previous, at the time of the first Napoleon in 1797, when it was given by Napoleon to Austria-Hungary as a pawn or pledge when he was setting up his relatives and friends on the thrones of Europe. The spoliation of Italy began then, and every acre of land proposed to be returned to Italy by the treaty of 1915 was Italian territory, inhabited by Italian populations, Italian in language, with Italian traditions and Italian in very soul; yet when, upon the dismemberment of Hungary this manifest injustice was sought to be remedied the plea was invoked that this was a secret treaty and could not be enforced.

On the heels of that, in this infamous treaty which we are asked to ratify, are the provisions ceding Shantung to Japan. What kind of territory is Shantung? Chinese, with a population of 38,000,000 Chinamen. What language is spoken there? The Chinese tongue. What literature, what traditions, what laws? All Chinese. It is as if we were a pacifist nation, without the ability to resist, and the territory in which Mount Vernon is located, where the dust of the Father of his Country sleeps, were to be taken from us by treaties made between other countries and turned over to Germany or to some other alien hand. We are asked to ratify it—the treaty containing the Shantung provisions—and if a majority shall ratify it in that form we shall have done so in the face of a secret treaty condemned in the case of Italy and approved in the case of Shantung. I fail to see, for my part, the justice or the necessity of such conduct.

Mr. President, I do not care to say any more. I doubt very much whether I will ever again say a word on this or any kindred subject. It is very much to my dislike that I have occupied this time, and unless there is provocation of an extreme character I shall take no more time on this subject. I wish to vote on every matter connected with the league and treaty. Nevertheless, as contracts go when conditions are to be inserted, if there be such provocation as has been presented here in the continual dwelling upon moral grounds, I shall be heard again.

Mr. JONES of Washington. Mr. President, I have but a word to add to what I said a few days ago regarding this amendment. How I ought to vote upon it has given me more trouble than all the other amendments suggested by the committee. Some of my friends in the State seem to think it a very easy matter to decide just what this Nation should do and what it should not do in any given case. It may be easy for them when they have no particular responsibility to discharge. I know that I am as anxious as they are to do the right thing by the United States. Its interests and honor are my only concern.

As an abstract proposition I agree fully with the contention of the able Senator from Tennessee [Mr. SHIELDS], who strongly urges that the United States should no more meddle in the affairs of Asia than it should in the disputes of Europe.

As an abstract proposition the proposal of the learned Senator from Wisconsin [Mr. LENROOT] that we should not amend this treaty, but should adopt a reservation in effect absolving ourselves from all responsibility for this outrage, which everyone condemns unsparingly, also meets with my full approval. If China alone was involved in this question, I would gladly vote with these Senators. It would be no direct concern of ours as to what should happen to China's territory, and we could well leave China to look out for herself. To my mind, this is not the case, however. China is not the only nation affected or concerned. We are involved as a nation and as a people. China was our friend when we entered this war; China became our associate in the war upon our earnest solicitation, if not with our most friendly assurances. If there is such a thing as a moral obligation between nations, we are morally bound to do what we can to prevent the spoliation and robbery of China by any of our associates. It seems to me that the very honor of the United States is involved, and we should do all we can to have this crime reconsidered and undone. I may be wrong, but this is the way it appears to me; and on this ground I shall vote for this amendment. If it is defeated, I shall then vote for the strongest possible reservation declaring our abhorrence of this unjustifiable outrage.

Mr. SHIELDS. Mr. President, some days ago I read into the RECORD from the Columbia Herald, Columbia, Tenn., a splendid editorial upon the league of nations and, incidentally, the responsibilities of United States Senators in discharging their constitutional duty of approval or disapproval of the German treaty now under consideration, and opposing our Government becoming involved in the jealousies, political intrigues, and wars of foreign countries.

My attention has been called to the utterance of George F. Milton, the editor of the Chattanooga News, a Democratic paper published in that city, along the same lines, which I likewise commend.

I read from the pamphlet containing the speech, evidently published for general circulation:

Our people are being stirred into a hysteria very similar to that in Europe previous to the beginning of this war.

Mine was the first pen in Tennessee to urge the President's nomination, and my vote as delegate at Baltimore was cast for him on every ballot, but this is a time for plain speaking. I do not think that it is in the best interests of our country that everyone take their cue from the President and meekly adjust their views to such influence. In a democracy free, frank, and full discussion is contemplated. It was for that reason that the freedom of the press and speech were established in the Constitution. It was for that reason that Mr. Jefferson secured the repeal of the alien and sedition laws in 1801. However able an Executive, he needs an intelligent public opinion to assist him in rendering the best service to the Nation. It will be a calamity to us if we cease to do that independent thinking which has been so useful in the past.

The first consequence of our entrance into this war would inevitably be that we would be drawn into one of the European alliances. Already voices are openly advocating it. In this we would again violate the precepts of Jefferson, who said: "I am not for linking ourselves by new treaties with the quarrels of Europe; entering the field of slaughter to preserve the balance, or joining in the confederacy of kings to war against the principles of liberty." Washington, in his Farewell Address, expressed himself similarly against "entangling alliances." Some paragraphs of his message might have been written for to-day. He said:

"Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests.

"The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible.

"Europe has a set of primary interests which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities."

If we join England the war of the Revolution might as well not have been fought. Of course, to join the central powers would not only bring on a naval war with England, but trouble with Japan.

Mr. President, that speech was delivered in the early part of 1916 in various parts of Tennessee. While I did not concur with Mr. Milton in his pacific utterances, but believed that we should enter the war, and voted for it, yet, in his other positions, with regard to independence of thought and the duty of this country to abstain from foreign entanglements, I fully agree with him. I have not had an opportunity to read the Chattanooga News of late, and do not know what Mr. Milton is saying along these lines at this time; but I hope that he is maintaining the manly independence and American spirit shown in this extract from his speech, and that he remains fixed and steadfast in the faith of the fathers, so well expressed by him.

Mr. BRANDEGEE. Mr. President, I received this morning the following telegram, which I wish to put in the RECORD, together with my reply. There being no morning hour, I take this opportunity of doing so.

The telegram reads:

[Telegram.]

NORWICH, CONN., *October 15, 1919.*

Senator FRANK BRANDEGEE,
Care United States Senate, Washington, D. C.:

By vote of the Connecticut Baptist convention, we are sending you the following resolution, with the request that it be read before the Senate and printed in the CONGRESSIONAL RECORD:

"We, the delegates from the Baptist Churches of Connecticut, in annual convention assembled, representing a constituency of 27,000, do hereby petition and urge the early ratification of the

treaty of peace with Germany, including the plan for the league of nations, without amendments or reservations such as would send it back to the peace conference for reconsideration."

JOHN N. LACKEY, *President.*
A. B. COATS, *Secretary.*

To which I replied:

OCTOBER 16, 1919.

Mr. JOHN LACKEY,
President Connecticut Baptist Convention,
Norwich, Conn.

MY DEAR SIR: Your telegram of the 15th instant, reciting the vote of the Connecticut Baptist convention in relation to the ratification of the treaty of peace, including the plan for the league of nations, is at hand. I shall be glad to comply with your request that the same should be read before the Senate and printed in the CONGRESSIONAL RECORD. I shall take pleasure in doing this to-day. I regret that I am unable to comply with the request contained in the resolution adopted by your convention. There is no possibility whatever that the treaty containing the scheme for the league of nations will be ratified by the Senate except with radical reservations and possibly amendments. I am utterly opposed to the so-called covenant as at present drawn. It is simply an alliance to control the world by force, and I do not believe that, if adopted, it will result in anything but trouble. I am,

Yours, very truly,

FRANK B. BRANDEGEE.

Mr. JOHNSON of California. Mr. President, there is one phase of this discussion which I think has not been touched upon, and which I think has something of an important bearing upon the credibility which may attach to the so-called secret treaties. It is because I want to call this particular aspect of the matter to the attention of the Senate that I ask your indulgence now for a very brief period.

Historically apparently we are all agreed concerning the Shantung infamy. There seems to be, with possibly one exception, a consensus of opinion in the Senate that the decision made at the Paris conference by which the German rights in Shantung were awarded to Japan was an abominable and a detestable decision, to use the adjectives that have been used heretofore, and that it did a wrong which we ought not in any degree to countenance. Indeed, all of those whom I have heard speak upon the subject seem to have a common purpose in denunciation of the wrong; but the question presented to some seems to be whether there should be an endeavor to prevent that wrong so far as lies in our power.

It is insisted, Mr. President, in one instance, that the decision made by the President of the United States was a decision rendered essential by the peculiar circumstances of the case and a decision which expediency dictated in the Paris peace conference. Indeed, in the White House conference between the Foreign Relations Committee and the President, my recollection is that the President stated that he had been advised before the decision was made in this important matter that Japan was likely to withdraw from the peace conference, or was likely not to become a party to the so-called league of nations, unless the decision was rendered in accordance with Japan's wishes.

We may pass that phase of the matter, Mr. President, justifying, as we may look at it from the one hand, the decision rendered by the President of the United States because of the great advantage he thought might be reaped by the world from that decision, or disagreeing with that decision because of the wrong done an immemorial friend. The matter now comes to us as a coordinate branch of the Government, dealing with subjects of this sort; and upon us now rests the responsibility for a decision which has been rendered by the Paris peace conference, and which, primarily, when submitted to the President, has been determined by him.

I want to impress upon the Senate, if I may, that now this matter comes to us as a Senate and as individuals, for us in the great power that is ours in relation to treaties, for us in the great duty and obligation resting upon us in dealing with world affairs, to do as we now see the right; and if this question is, as I insist, a moral question, if it appeals to the ethics of a man sitting here circumscribed by his oath and desiring to render a service to his country—if it be, I say, a moral question, there is a distinct right and a distinct wrong to that moral question; and upon every man in this body rests the duty and the obligation to decide that moral question as he sees the right or as he sees the wrong.

Therefore, Mr. President, if it is conceded in this body that a wrong decision has been made, if it is admitted here that this decision rendered by the Paris peace conference and the President of the United States is abominable and detestable, is immoral, and is infamous, I am unable to understand how it is possible, if those things be true, and this moral issue is presented to us, for any man to avoid the issue, and to avoid it either in one fashion or the other, either by saying that he will concede the wrong and will protest against it, or by saying that he will admit the wrong and vote for it.

I asperse no man's motives. I recognize that in matters of this sort all of us may view various things differently. I recognize every man's right to his opinion. I recognize, above all that, the right of every man to do just as his conscience shall dictate. I am not questioning, in what little I say, any man's motives, any man's courage, or any man's activities in this regard or in any other regard in respect to this treaty. I state only my own position.

There is a wrong. It is admitted. There is a crime. It is conceded. There is an infamy. No man denies it. If this be so, my signature shall not be attached to that wrong, that crime, that infamy, either directly or indirectly.

So it is, Mr. President, that I am for the amendment presented by the Foreign Relations Committee, that not only points the wrong but indulges its expression of the right; for there is a twofold aspect to this amendment of the committee. The twofold aspect is not only saying that a wrong has been done but asserting as well, by the insertion of China in the particular provision, that this wrong should, if possible, be remedied, and that the right of the situation is that China should be awarded the Province of Shantung.

Now, it is not a question of whether we can yield Shantung back to China. I recognize that we can not do it. I recognize that any act of ours here will not accomplish the desired purpose. I grant all that; but that is no reason why we should not indicate our position, and if our position is that Japan has done a wrong we will not, in the first place, assent to it, and, in the second place, we express our view that Shantung should go back to China; and this we do because called upon to act and express ourselves, even though the act be wholly futile and even though we may not accomplish the design that is ours in relation to the Province.

So, I repeat, there is a twofold design in this amendment, not with the recognition upon our part of absolute accomplishment of what we endeavor to do; not at all; but we point the wrong, we decline to be a party to it, and then we express what we believe to be the right, and that is the bold, the courageous, the righteous thing to do in a proposition of this sort.

I listened this morning to various remarks concerning secret treaties. As I understood the distinguished Senators who spoke in regard to them, it was asserted that no obligation rested upon any of our allies or any of our cobelligerents to communicate to us the nature of the bargains which they made before we entered into the war. Very respectfully I dissent from that position. I say that when we entered this war and mobilized the forces of this land, when we went into this conflict by the side of our cobelligerents, the duty rested upon those cobelligerents to make known to us how they had divided the earth's surface and the peoples of the world. It rested upon them to advise us, just as in the daily affairs of life, if you go forward with an individual, it is his duty to advise you of all the facts that may lie in your common path and of all those things which you may together in the future encounter.

I can not for an instant subscribe to the idea that the foreign nations engaged with us in this strife could accept from us all that was done by America in this war and withhold from us every treaty that they had made which was designed at the peace table finally to dictate the peace. That is something I will not for a moment concede, and in which I am in total disagreement with some of the gentlemen whom I have heard this morning.

The justification of the treaty provision again is made that China has been despoiled before, that in the days gone by we have permitted, without open protest, it is said, various parts of China to be taken by various countries of the earth. Admit it all, Mr. President; concede the despoilment of China in the past; concede that it has transpired exactly as has been related upon this floor. This is the first time, Mr. President, that the United States of America has ever been a party to the despoiling of China, and this is the first time that the signature of the people of the United States has been put to any document which took from China peoples or territory.

There is an immense difference between observing a despoilment which we could not preclude or prevent, and being a party to that despoilment, as we are in the present instance. The proudest thing that there is in our history, Mr. President, the one thing of which we may most boast, is that in all the time that we have been a Nation we have never despoiled a

friend and we have never broken our plighted word, and for the first time in the history of the United States now we are asked, not alone to break a plighted word, but we are asked to despoil a friend, upon the theory that we were bluffed out of doing our full duty in the premises and that we might hereafter remedy the wrong that is done.

We are told, too, Mr. President, that this wrong may be remedied by the league of nations hereafter. But I will not insult the intelligence of this body by suggesting that any action in this regard could be brought about not alone by those who are parties to the partition of China, but by the one benefiting nation, Japan, under the league of nations. And so a statement that the remedy might be had under the league of nations is a statement, indeed, that has no real foundation, and is utterly without verity so far as the facts are concerned.

Justification of the secret treaties in this instance and in others? I can not understand that kind of ethics. Justification that China could be despoiled by secret treaties and those secret treaties withheld from us until the President reached Paris, as he says, with no knowledge on his part or on the part of our Government, until that time? Justification for treaties that were entered into, treaties, indeed, that reflected not alone upon Japan, but reflected upon England as well, in dividing the isles of the Pacific? Justification for these treaties, some gentlemen insist upon this floor, when only a short time thereafter, without disclosing those treaties, the representative of Japan asked, from the Secretary of State of the United States, an agreement recognizing the special interests of Japan in China, and never, when thus negotiating, disclosing the treaties which had been entered into which gave a special interest to Japan in China? I repeat, those ethics are beyond my comprehension, and for one I will not subscribe to them at all.

But there is another aspect to this question, Mr. President; there is an aspect that has not been adverted to, so far as I have heard. We had certain terms of peace presented to all the world, certain terms of peace accepted by all the world, certain definite, specific points upon which a world peace should be made, and every nation on earth accepted those certain definite, specific points of peace, save in the one instance where England withheld consent to the provision relating to freedom of the seas; and the peace of Paris was presumably to have been made, not upon secret bargains, not upon treaties entered into before we entered the war, but specifically and directly, by the promise of every belligerent, the peace of Paris was to be made upon the statements of the peace iterated and reiterated by the President of the United States, and accepted by every belligerent in the war. When the President made his specific points of peace, and when they were accepted as the basis of the peace by every nation on earth, these secret treaties and these secret bargains by which spoil was given stealthily unto our cobelligerents were substantially abrogated, and should never thereafter have been heard of; least of all, they never should have been permitted to be a part of the treaty in any degree at all.

Lest we forget, let me remind you of what these terms were upon which we made the peace, and after I have reminded you of what these terms were upon which we made this peace, take your Shantung provision and square it with the terms that were announced to the world and that the world accepted. Take your Shantung infamy, upon which you wish a reservation after you agree to it, and see whether it fits into the picture that was painted by the President of the United States, and to which not only we, but every nation upon the face of the earth, assented and agreed.

In the 14 points presented by the President in January, 1918, we find this:

> 5. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principles in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.

On February 11, 1918, in the address of the President we find these principles announced:

> The principles to be applied are these:
> First, that each part of the final settlement must be based upon the essential justice of that particular case, and upon such adjustments as are likely to bring a peace that will be permanent.

I assume there is no man who will claim that the essential justice of the case is met by the provisions of the treaty in relation to Shantung. Now, follow this, if you please:

> Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game.

We applauded that, and the CONGRESSIONAL RECORD has in parenthesis the word "Applause." The President continued:

> Even the great game, now forever discredited, of the balance of power,

"Peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were chattels and pawns in a game." Oh, we applauded vociferously when the President thus announced this principle. Where is the applause to-day? Have we forgotten that in the peace conference subsequently peoples were in this particular decision bartered about just as if they were pawns in a game, and are we seeking to maintain American principles thus announced or are we seeking a way of escape from recognizing the American peace principles which in February, 1918, we vociferously applauded?

> Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival States.

How well that sounds to-day, and yet how soon forgotten. I am sure principles of this sort struck a responsive chord in every American breast. I am sure that every one of us subscribed with enthusiastic approval and indorsement to the statement of the President when he asserted that "every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned."

This we believed in February, 1918; this we applauded; this enthusiastically we indorsed. Where is our applause, where is our belief, and where is our indorsement to-day of this principle?

We have the opportunity at least to express ourselves. I repeat, it is not a question of righting a wrong; we may be wholly unable to do it. But we have the opportunity either to stand by our utterances in the past, to do equal and exact justice so far as we are able; we have the opportunity to do the reverse, or we have the opportunity to shirk from either course.

I call the attention of the Senate to these principles of peace because I insist that we, so far as we are able, with the primary obligation now resting upon us to do our duty in respect to the ratification of treaties, should maintain at all hazards, maintain as well as we are able, in every possible manner, the good faith and the honor of the American Nation, and the good faith and the honor of the Senate of the United States.

I quote the President further:

> Fourth, that all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world.

Then followed these words:

> A general peace erected upon such foundations can be discussed. Until such a peace can be secured we have no choice but to go on. So far as we can judge these principles that we regard as fundamental are already everywhere accepted as imperative, except among the spokesmen of the military and annexationist party in Germany.

The President says, in February, 1918, that "these principles for which I contend now had been imperatively accepted by every nation on the face of the earth"; and yet at that very time the pockets of our cobelligerents were bulging with secret treaties and secret bargains, by which they were denying the very principles we were expressing to the world and that had been accepted, as the President says, imperatively by all the nations of the earth.

I read again:

> If they have anywhere else been rejected—

That is, other than in Germany—

> the objectors have not been sufficiently numerous or influential to make their voices recently audible. The tragical circumstance is that this one party in Germany is apparently willing and able to send millions of men to their death to prevent what all the world now sees to be just.

All the rest of the world but Germany were sending their forces forward, said the President, in order that every territorial settlement involved in this war should be made "in the interest and for the benefit of the populations concerned." Every other nation on earth, said the President in 1918—and you applauded then—was mobilizing its resources and sending its youth to their death in order that peoples and provinces should not be "bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game."

To-day, after we have listened to these principles and accepted them all this time; to-day, in dealing with this provision of the treaty, we are handing about peoples as if they were mere chattels in a great game. How brief are our memories, and, indeed, how soon we forget the principles that we ourselves announced to the world so short a period ago.

I read further from the President:

> I would not be a true spokesman of the people of the United States if I did not say once more that we entered this war upon no small occasion and that we can never turn back from a course chosen upon principle.

I do not pause to characterize the peace conference at Paris when it turned its back upon principle, but to us to-day comes the question—we are up against the gun right now on this

Shantung provision—shall we, a part of the Government of the United States that possesses its glorious traditions, and that we upon this side and upon the other side, too, think is the bulwark of the American liberty—shall we, when confronted for the first time with our principle, turn our backs upon that principle and do what admittedly is a wrong and an injustice and an infamous thing nationally?

I continue with the President's remarks:

Our armies are rapidly going to the fighting front and will go more and more rapidly. Our whole strength will be put into this war of emancipation—emancipation from the threat and attempted mastery of selfish groups of autocratic rulers—whatever the difficulties and present partial delays. We are indomitable in our power of independent action and can in no circumstances consent to live in a world governed by intrigue and force.

And then we applauded again. "We are indomitable in our independent action, and we can not live in a world of intrigue and force," and yet to-day the right of our independent action is questioned and not only questioned but denied by some Senators upon the floor, and it is insisted that that right of independent action we should forego now because of circumstances they relate that may come to us out of the peace conference and possible delay in the signing of the treaty. We could not, in February, 1918, even then live in a "world of intrigue and force," but to-day not only can we live in a world of intrigue and force but we can embrace it and say to ourselves, satisfying our consciences by a reservation after consenting to it, not only will we live in a world of intrigue and force but by our votes and our action we will make other people, too, live in a world of intrigue and force. I decline, Mr. President, to do it, so far as I am concerned.

Let me continue with the President's remarks:

We believe that our own desire for a new international order under which reason and justice and the common interests of mankind shall prevail is the desire of enlightened men everywhere. Without that new order the world will be without peace and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.

And at the very first blush, the very first breath of power and intrigue in this treaty, we turn back, and, to use a phrase that has been common of late, we scuttle and run for fear that some nation across the water shall say us nay and shall say that we delayed the signing of the peace treaty.

Again:

I hope that it is not necessary for me to add that no word of what I have said is intended as a threat. That is not the temper of our people. I have spoken thus only that the whole world may know the true spirit of America—that men everywhere may know that our passion for justice and for self-government is no mere passion of words but a passion which, once set in action, must be satisfied.

When and where did we change so that our passion for self-government and liberty became a mere passion of words? If we set out upon that mission in February, 1918, if we agreed that, having set out upon that mission, we would not turn back, let us not turn back now. Let us do the right, no matter what the consequences may be, no matter what even may be the futility of the act. Let us do the right and let us put our stamp of disapproval upon a provision admittedly wrong.

Let me proceed with the concluding sentences of this address of the President:

The power of the United States is a menace to no nation or people. It will never be used in aggression or for the aggrandizement of any selfish interest of our own. It springs out of freedom and is for the service of freedom.

And not only do we have these addresses to which assent was given by our people and by the nations who were engaged in this war, but on July 4, 1918, much of what had been said before was reiterated by the President. I want to read a portion of that address:

This, then, is our conception of the great struggle in which we are engaged. The plot is written plain upon every scene and every act of the supreme tragedy. On the one hand stand the peoples of the world—not only the peoples actually engaged, but many others also who suffer under mastery but can not act; peoples of many races and in every part of the world—the people of stricken Russia still, among the rest, though they are for the moment unorganized and helpless. Opposed to them, masters of many armies, stand an isolated, friendless group of governments who speak no common purpose but only selfish ambitions of their own by which none can profit but themselves, and whose peoples are fuel in their hands; governments which fear their people and yet are for the time their sovereign lords, making every choice for them and disposing of their lives and fortunes as they will, as well as of the lives and fortunes of every people who fall under their power—governments clothed with the strange trappings and the primitive authority of an age that is altogether alien and hostile to our own. The past and the present are in deadly grapple and the peoples of the world are being done to death between them.

Oh, you can repeat that to-day upon this hearing. The past and the present are in deadly grapple, and the United States Senate is called upon to say whether a helpless people, always our friend, shall be ground between the forces which have made possible autocracy and government wherein peoples are not considered at all.

I read further:

There can be but one issue. The settlement must be final. There can be no compromise. No halfway decision would be tolerable. No halfway decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace.

I. The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world, or, if it can not be presently destroyed, at the least its reduction to virtual impotence.

II. The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

Read that second paragraph in the light of this determination. And now, having read these principles of peace, it seems to me obvious that we held out to the world certain definite principles upon which the peace would be made. They are our principles as well as the principles that were enunciated by the President. He enunciated them, and we at least accepted and applauded them. Whether he has maintained himself in relation to these principles is not the particular question at present. The question is, having our word plighted to all the world, having plighted our faith to this helpless ally of ours across the Pacific, shall we keep our faith as best we can? In this juncture shall we, irrespective of whether the duty has been done by any other person, do our duty?

I repeat, Mr. President, this is a moral issue, plain and simple. It is a moral issue. Upon the one hand is the right and upon the other is the wrong. No matter what may transpire, no matter what may be the possibilities of its decision, no matter whether it may remedy the wrong or affect it, the decision of the Senate of the United States should be for the right upon this moral issue.

Mr. BRANDEGEE and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. I will yield to the Senator from Mississippi if he wishes to ask permission to have matter printed in the RECORD.

Mr. WILLIAMS. Mr. President, I have just listened, as have you and the Members of the Senate, to the impassioned oration of the Senator from California [Mr. JOHNSON]. His chief characteristic seems to be impassionateness of one sort or another. He comes back after an unsuccessful visit to California to contend for an unsuccessful proposition in the Senate of the United States. The Shantung amendment is going to be defeated. It is going to be defeated by the common sense of this body.

I have received a number of communications from the State of California in the last few days, some of which I desire to insert in the RECORD, and some of which I shall now read:

SAN FRANCISCO, CALIF., *October 8, 1919.*

Senator WILLIAMS,
Washington, D. C.

DEAR SENATOR: I note with much gratitude your attitude toward the ratification of the treaty of Versailles in its present form.

Senator JOHNSON represents only the Irish and the sentiment opposed to Japan; he does not speak for the best thought in California. I spent 14 months in France fighting for the principles embodied in the league covenant, and I assure you that I should be glad to return to France and Germany if by so doing I could complete the task begun in 1914. So far as policing certain areas of Europe is concerned, it seems to me a Regular would prefer service in Silesia or elsewhere to service in China guarding commercial interests. While the President has been unwise in some things, he did his duty in Paris. There is a strong feeling out here that JOHNSON is only a politician, fighting Wilson instead of the treaty.

Sincerely, yours, R. S. MACRAE, Jr.

[Western Union telegram—Night letter.]

OCTOBER 4, 1919.

Hon. HIRAM JOHNSON,
857 Green Street, San Francisco:

"Green Street"—

We have listened to your message and feel that your criticism of the league of nations presents no constructive alternative—

And at that point I call the attention of the Senate to the words "presents no constructive alternative."

What are you going to do if the league of nations is defeated? If the treaty with Germany under the league of nations is defeated, what are you going to do? Are you going to Germany upon your knuckle bones and ask for a new treaty? I do not want to take any advantage of you. I am perfectly aware of the fact that whether you go on your knuckle bones or otherwise, Germany will be only too glad to agree to any terms that you may dictate, because she hopes, out of the trouble, to devise further trouble between us and our allies; she hopes out of it all, as Ludendorff recently said in a speech in Germany, to achieve by a treaty of peace what she failed to achieve by war; but, all the same, the remarks of the Senator from California, the remarks of the Senator from Massachusetts, and the remarks from other

Senators disclose "no constructive alternative"; the language is very important—"constructive alternative." I now resume the reading:

Defects in the covenant can be amended, and meantime it offers the only comprehensive attempt toward enduring peace. The majority of California women are greatly opposed to American isolation and wish their country to continue maintaining her share of international responsibility.

Elizabeth Ashe, Mrs. A. S. Baldwin, Mrs. Charles P. Eells, Sarah Hagan, Mrs. Vernon Kellogg, Mrs. Earnest J. Mott, Mrs. William Palmer Lucas, Mrs. Warren Olney, jr., Mrs. Frederick G. Sanborn, Mrs. Clarence M. Smith, Mrs. Jesse H. Steinhart, Mrs. Annette Abbott Adams, Mrs. Bert Schlesinger, Mrs. Alfred Raas, Mrs. Ray Lyman Wilbur, Mrs. Herbert Hoover, Mrs. Robert A. Dean, Mrs. Grace B. Caukin, Marion Delaney, Mrs. Ralph P. Merritt, Mrs. Duncan McDuffie, Mrs. Louise La Rue, Marion Leale, Dr. Aurelia Reinhardt, Mrs. Laura Molleda, Mrs. Osgood Hooker, Florence Musto, Mrs. Aaron Schloss, Mrs. James Ellis Tucker.

I have also received the following letter:

OXFORD APARTMENTS,
Berkeley, Calif., October 9, 1919.

Hon. JOHN SHARP WILLIAMS,
Washington, D. C.

DEAR SIR: Pardon me for troubling you. My excuse is my interest in the struggle over the peace treaty and the league of nations, and having closely observed your course in the contest I am led to conclude that any reliable information as to the real sentiments of the people of California touching these vital matters will interest you; so I take the liberty of sending you the inclosed "straw vote" just taken at the First National Bank in this city. As this vote was taken subsequent to the visit of Senator JOHNSON it would seem to indicate that his whirlwind campaign turned out to be a harmless zephyr.

From extensive observations and personal inquiries throughout a large part of this State, I am convinced that the vote as here recorded is below the average of what would be shown by a complete poll of the State. However, nearly 5 to 1 is pretty good.

I am proud to claim Mississippi as my native State.

Yours, for speedy ratification,

J. WALTER SMITH.

Mr. Smith incloses the following:

STRAW BALLOT—LEAGUE OF NATIONS.

Deposit at statement department, window No. 38, First National Bank, Berkeley, Calif.

For league of nations	1,273
Against league of nations	281
For league with reservations	183
For league with textual changes	16
For league with reservations and textual changes	116
For league with interpretative resolutions	94
Total	1,963

Vote for one proposition only.

Now, Mr. President, switching from San Francisco and the Pacific coast, I come finally to the South, and to some of the resolutions passed by the United Confederate Veterans.

Mr. President, I can not pay fitting tribute to the United Confederate Veterans; I am unworthy to pay tribute to them. The few of them who are left yet alive, without pensions and without support from anybody in the world, comprehend the best part of all humanity in all the world. Everybody who knows anything about the history of the United States knows that. They are the purest and the noblest and the greatest that America hitherto has produced. I do not mean by that any reflection upon anybody else; I merely mean that I know these old fellows and I know that they represent the highest, the loftiest, the most altruistic, and the most idealistic opinion of America. They have met and have passed in behalf of the treaty of peace the resolutions which I send to the desk, and ask to have inserted in the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection, and it is so ordered.

The resolutions referred to are as follows:

Whereas the amendments and textual reservations to the treaty of peace and league of nations covenant now pending in the Senate of the United States sharply present the issue as to whether or not this great Republic shall disassociate itself from her allies in the common struggle for the perpetuation of liberty, justice, and the rights of humanity, and refuse to participate in the efforts for a just and lasting peace; and

Whereas the league of nations forcibly presents the ideal for which the Christian world has been earnestly working and hopefully praying for centuries, thereby creating and providing for a wiser and more humane method of composing the differences and contentions of nations with each other without the sacrifice of national sovereignty: Therefore be it

Resolved by the Confedcrate Veterans in annual meeting assembled, That the Senate of the United States be, and it is hereby, respectfully memorialized to speedily ratify the treaty of peace with Germany and the league of nations covenant without amendment or textual reservations.

Humanity, commerce, industry, and the whole commercial order demand that this be done. We should not be kept longer in the twilight between peace and war. We earnestly protest against further negotiations and reopening of the treaty with Germany which would necessarily result if amendments and reservations should be made.

The Constitution of the United States has been frequently amended in the manner provided by that great instrument, and other amendments will follow from time to time as the occasion requires. If the league of nations covenant has infirmities or needs further material correction such amendments can be safely left to the action of the league in the manner provided by the covenant. After the victorious war, let the Senate take no action which would compel the United States to humbly petition Germany for its consent to changes in the treaty.

We entered the war not only to avenge the wrongs and outrages done us but for the preservation and perpetuation of liberty, freedom, justice, and that right should triumph over might; not for conquest but for conscience; not for selfish but for righteous ends; that military autocracy seeking world domination might be dethroned, and that world democracy, governed not by force and fear but by faith, justice, and friendship, might prevail.

No selfish act has marked our course in this Great War, and let us be mindful that no selfish, partisan, or unholy influence shall deter us from the performance of our full duties and responsibilities as peacemakers and peace keepers.

The same inspiring causes, and the same conscience which induced us to wage war, resulting in victory, command us now to stand by the league and energetically cooperate with our allies in bringing about a just and enduring peace.

To abandon our allies now, refuse to participate in the league, and seek separate peace with Germany is unthinkable and too horrible to contemplate. If we could not keep out of the war we can not honorably keep out of the league.

This great conflict has taught us that America, with her lofty ideals and unselfish spirit, belongs to the world and must take her share of the world's burdens in solving world problems. As she stood firmly and courageously with her allies in war, she must stand with them in peace. Let us not adopt any policy of cowardly evasion of our responsibilities by killing the treaty with amendments and boastingly say to our allies, with whom we have worked harmoniously shoulder to shoulder in the war, "You will take us on our own terms, for without us your league is a wreck, and all your gains from the victorious peace are imperiled." On the contrary, let us willingly and gladly cooperate with the other signatory powers, and the peace-loving nations of the world, to prevent the recurrence of a cruel, life-destroying, and devastating war like that from which we are just emerging, and let us uncomplainingly accept our share of the responsibility in making the league of nations effective. If our responsibility as maker of peace has been great, our responsibility as conservers will be even greater.

Fail to ratify the treaty, and our brave boys who made the supreme sacrifice for liberty, justice, and humanity will have died in vain.

Mr. WILLIAMS. Oh, Mr. President, the United Confederate Veterans know something about war, its horrors and its conquests. There has been nothing in all the history of all the world to compare to them in their hour of military surrender and in their hour of self-surrender, which came later. If they had been Irishmen in southern Ireland fighting for something unattainable, they would have left to the history of the United States a different page; but they had common sense enough to know when to quit.

When Robert E. Lee surrendered his armed forces in the field he surrendered them and came back into the American Union as well as he and they could, reconciled to the situation. We are nearly all glad to-day that there are no customhouses along the Ohio or the Potomac to divide the American people. The Irish might at least learn that while they are seeking Irish freedom they ought to seek human freedom. They might at least learn while they are seeking the freedom of a part of Ireland to allow Ulster her freedom. The North finally left home rule to Virginia and Mississippi.

It has not been many days ago, Mr. President, since I heard upon this floor a pretense that over 50 per cent of the American Revolutionary troops were Irish when we gained our independence. Only about 4 per cent of the population of the United States at that time were Irish, and two-thirds of that 4 per cent were Scotch-Irish and English-Irish from Ulster; and during the American Revolution whenever a man raised his cup of beer in Ulster he drank "to the memory of William of Orange and to the liberties of the American Colonies." I also find out from a little bit of investigation that the British troops who took the works at Bunker Hill against us and made a defeat out of the thing that we have celebrated as a victory were a British command denominated the Royal Irish. They went over our works at the very last minute and took them from us.

Some time ago a man wrote to me, an Irishman in this city, and said:

While your father was a colonel in the Rebel Army my father was a private in the Federal Army, and my brothers and uncles and various other people were fighting that way.

Now, Mr. President, without any question of the rightness or wrongness of his contention, I wrote back to him and said:

I do not exactly understand why that appeal should appeal to me. You are now coming to me with the idea of Irish self-determination. When Mississippi wanted self-determination, and when Virginia wanted self-determination, and when Alabama wanted self-determination, you people chiefly prided yourselves upon the fact that you did not allow us any self-determination. I have met over 100 of you since the Civil War who have told me in a confidential, democratic way that it was not the Yankees—the "damned Yankees," as they called them—but the Irish that whipped the people of the South.

As a matter of fact, of course, the Irish never whipped the South at all. They could not whip one State of the South. They could not whip the South anywhere, at any time. They are always contending that they have done everything, every-

where, at every time. They never won the war of the American Revolution. Ten Irishmen were in the British Army to every one Irishman in the American Revolutionary Army.

It was the noble, magnificent men of the West—Iowa and Wisconsin and Michigan and Illinois and Ohio and Indiana—that won that war against the South, fighting with a spirit that no people upon the surface of this earth ever displayed before, but going down before superior numbers. What did the Irish have to do with it? All the Irish in Mississippi were fighting for Mississippi. All the Irish in Virginia were fighting for Virginia. All the Irish down South were fighting for the South. Some of the noblest and bravest and best soldiers that I ever knew personally in my life were of their number; but the fact remains that they fought upon whichever side of the line they happened to reside.

The Democratic Party as a party is not engaged in this controversy; and if I am to believe the assertion of the Senator from California and the Senator from Massachusetts, the Republican Party as a party is not engaged in this controversy.

Mr. President, I find this amongst the contentions of these men who are opposed to the league of nations and the treaty of peace—that while they are constantly emphasizing what they call "Americanism," they mean by it pro-Germanism, Irish-Americanism, Magyar-Americanism, and Austrian-Americanism. We have finally reached the point where, according to the tale of the ledger, no man can be a real American unless he is an Irish-American or a German-American or some other sort of a hyphenated American. I do not think these gentlemen have measured up the consequences.

Suppose that once we English- and Welsh- and Scotch- Americans who have never hyphenated ourselves but have just called ourselves Americans dare to unite in one single party and announce to the American Republic that every man in America who is Scotch, English, or Welsh, or the son of a Scotch, English, or Welsh man or woman, or descended from them, shall consolidate politically as the others do, or attempt to do, where would these fellows be? We are not going to do it, because we are simply Americans and nothing else; but suppose we followed their example and grouped ourselves according to racial derivation as they tend to do? Their only strength consists in the fact of their confidence in our not doing it. They imagine that we dare not ever say to them that we are of English or Scotch or Welsh descent.

Mr. President, I am perfectly aware that this speech which I have just made, or attempted to make, is an unwise speech politically considered. I am perfectly aware of the fact that the Friends of Irish Freedom have been packing these galleries for some weeks. I am perfectly aware of the fact that even my Democratic colleagues might call me to account for the inexpediency of it.

I and those with me standing for this treaty and this league of nations are contending for Anglo-Saxon freedom, for the great universal spirit that has dictated the traditions and the ideals of the race in the United States of America, and in Canada, in Australia, in New Zealand, and in South Africa, those traditions and those ideals being simply expressed in the phrase, "Law and liberty with order," a spirit that is as far removed from Russian Bolshevism as it is from Prussian autocracy, but a spirit standing halfway between license and law.

Mr. President, if there be anything in this world more precious to humanity than Anglo-Saxonism, I do not know where it is to be found. If there be any liberty in this world that did not gather its birth from our brethren in Great Britain, I do not know where it will be found. If there be any law and order in this world that did not gather itself from them or from us, I do not know where it will be found.

All the world ran riot for 100 years except Great Britain and the United States of America. They held their own; they are holding their own now. They have a great middle class that dictates their policies. They have no ruling aristocracy—not even in England now. They have, on the other extreme, no proletariat that can dictate what they shall do. They have a great middle class of average citizens—or subjects, whichever they may be called, here or there—which says to all, "Thus far shall ye go, and no further."

I care not for Germans, I care not for Austrians, I care not for Russians, I care not for Turks, I care not for Serbians, I care not for Roumanians, but I do care for the great political and ethical philosophy of Anglo-Saxonism, and by the aid of God's right hand, extended to our right hand—we upon the earth below and He in heaven above—we are going to establish the civilization and the enlightenment of this world upon the basis of Anglo-Saxon law, Anglo-Saxon order, and Anglo-Saxon liberty. Having made it national, we are going to make it international.

I do not care much about what gentlemen say as to Shantung. I am opposed to the part of the treaty about Shantung. But I recognize the fact that the average American citizen that says that he cares whether Shantung is under Japanese or Chinese sovereignty is more or less talking through his hat. He never heard of Shantung until about the time this war started, and did not know anything about it. All at once, one day, somebody woke up and in a partisan sense announced that he was unalterably for China, and a lot of the men who said that are men who upon the Pacific slope had been fighting Chinese and advocating Chinese-expulsion laws for years. It reminds me of the time when Dewey made the discovery of the Philippine Islands by taking Manila, and all at once, within about three or four weeks, there rose up many Americans who said that the American Republic could not exist without the Philippine Islands. Most of them did not know anything about the Philippine Islands except that there was a hat called the Manila hat, and a straw called Manila straw, that came from there, and even that some of them thought came from Spain.

Mr. HITCHCOCK. Will the Senator yield to me to make a request for unanimous consent?

Mr. WILLIAMS. Of course.

Mr. HITCHCOCK. I ask unanimous consent that the Senate vote upon the pending Shantung amendments to-day not later than 5 o'clock, and that after the Senator who is now addressing the Senate takes his seat speeches be limited to 20 minutes.

Mr. WILLIAMS. Mr. President, I will go a little further than that. I will not insist even upon my five minutes. I would be very glad to have a vote. I want to spend about three minutes in saying, before the request for unanimous consent is put, that I do not see the slightest reason in the world why any Member of the Senate on either side of this controversy should resist a vote upon any possible amendment or reservation. Every one of us knows already how he is going to vote. The Senator from Nebraska [Mr. HITCHCOCK] could not have any influence over me if he spoke for three hours. Even the Senator from Missouri [Mr. REED] could not have any influence upon either one of us if he spoke for four hours. Nobody could. I would be very glad indeed to have a unanimous-consent order to take a vote upon anything in connection with this treaty, and especially upon the proposition submitted by so-called friends of the treaty who want to offer reservations.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent that not later than 5 o'clock a vote shall be taken upon the Shantung amendments, and that from this time forward speeches be limited to 20 minutes. Is there objection?

Mr. ROBINSON. Mr. President, I desire to ask the Senator from Nebraska a question. The Senate is proceeding under a unanimous-consent agreement to consider the so-called Shantung amendments en bloc. I desire to know of the Senator from Nebraska whether his request carries with it that the vote shall be upon these amendments en bloc, and I suggest to him that he submit his proposition in that manner, if he sees fit to do so.

Mr. LODGE. The agreement was that there should be only one vote.

Mr. HITCHCOCK. I think that was the understanding.

Mr. LODGE. It is the understanding that we shall vote on them en bloc.

Mr. ROBINSON. The agreement does not reflect that. As written on the calendar, it merely reflects an agreement to consider them en bloc.

Mr. LODGE. I know; but I supposed it was understood that we would have but one vote.

Mr. HITCHCOCK. I make the request in that form, then.

The VICE PRESIDENT. The Chair will restate the request. Is there any objection to voting upon the Shantung amendments en bloc not later than 5 o'clock, and that speeches be limited to 20 minutes in the meantime?

Mr. BRANDEGEE. Mr. President, have I the floor irrespective of the request for unanimous consent? My reason for asking the question is that it is now 4 o'clock, and if we are to vote at 5 o'clock it will allow only three Senators to speak. If I have the floor, I shall not object and wish to take 10 minutes; but I want to know whether I have the floor or not.

The VICE PRESIDENT. The Senator from Connecticut will have the floor when we find out whether there is objection to the request for unanimous consent.

Mr. BORAH. What is the necessity for having a limitation? I do not think there are over two or three speeches to be made. I do not care especially about this particular vote, but there are other votes coming, and I do not wish to have a precedent established by fixing a specific time to vote. I am satisfied that we will get a vote by 5 o'clock, anyway.

Mr. HITCHCOCK. Under those circumstances, Mr. President, I withdraw the request.

Mr. BRANDEGEE. Mr. President——

Mr. PHELAN. Mr. President, may I ask the Senator from Connecticut to yield to me for three minutes to make some brief comment upon the address of the Senator from Mississippi [Mr. WILLIAMS]?

Mr. BRANDEGEE. I had one experience half an hour ago in yielding for a minute. I would be very glad to yield, Mr. President, if I would not lose the floor; but if I keep yielding to Senators for different periods of time, we can not get a vote by 5 o'clock. I do not know that I have a right to yield for a specific period of time, anyway. I will yield for a question at any time.

Mr. PHELAN. If the Senator desires, I will put my remarks in the form of an interrogatory.

Mr. BRANDEGEE. I will yield for a question.

Mr. PHELAN. I would like to ask the Senator from Connecticut [Mr. BRANDEGEE] if he thinks it perfectly fair for a Senator to leave this side of the Chamber and, taking his place upon the other side, make a speech which, in the eyes of strangers looking down upon this body, might be attributed to a member of the Republican Party? [Laughter in the galleries.]

The VICE PRESIDENT. Just a moment. There is going to be order in the galleries. The officers of the Senate have been instructed to remove from the galleries those who do not keep order and obey the rules.

Mr. PHELAN. Speaking of races, I believe the Senator from Mississippi [Mr. WILLIAMS] is of the Welsh race. I desire further to ask this question, if the Senator would consider it opprobrious for the managers of the Dublin horse show to post upon the gates of the inclosure, during the intermission between races, that "These gates are closed in order to prevent the escape of 'welshers'?"

Does the Senator think it would be any reflection upon the Deity if Senators, addressing this Chamber and commenting upon the street address of the junior Senator from California, made reflections upon the color "green," with which God has clothed all his wonderful works? Or, would the Senator think that in making a comparison between the Irish in battle and the Irish in peace, that the South, having accepted the situation and yielded to superior force, should also record such conduct on the part of the Irish, who fight but never surrender? The fact is the South, after a valiant struggle, gave way because there was no moral force behind their cause. They were fighting for slavery, whereas the Irish are always fighting for freedom.

I commend to the Senator from Mississippi that he go and live in Ireland because, as was said by a Chinese mandarin, who had observed that he would rather live in Ireland than in any other land, in answer to an interrogatory to explain why, said, "It is the only country in which the Irish have nothing to say."

Mr. BRANDEGEE. Mr. President, I may say in opening that I regret exceedingly the introduction into this great question, the weightiest and most pregnant question that has been placed before the Senate of the United States, of these racial questions and questions which develop racial feeling. This is an American question to me, and I have no racial prejudices whatever in relation to it.

One of the inescapable consequences, however, in attempting to frame and put in operation a vast contract to control all the nations of the world, who have at times been rivals and enemies, is that you can not put your finger upon any national trouble in Europe, Asia, or Africa, and attempt to deal with it by this Government without immediately arousing racial feeling in this population of ours, which is drawn from all the Governments and countries of the world.

We are altogether differently situated from any other nation in the world in that respect. All our ancestors came from some one of these foreign countries, and it is impossible to touch any one of the complications which are daily unfolding themselves now in foreign lands without involving, to a certain extent, our own peace and good order, and stirring up racial feelings in this country.

Nevertheless, Mr. President, in the consideration of this treaty and the first part of it, the league of nations covenant, I am speaking simply as an American and without, as I trust, any partisanship and without any racial prejudice. I want to do what I think is best for the United States of America as a Government and for all its people in the long run.

As to the immediate and pending amendment with reference to Shantung, it is immaterial to me how deep a knowledge of the Province of Shantung existed among the people of America before this treaty was formulated. It is not a question of the knowledge that existed as to that Province or other Provinces of China and other remote places in the world. The question is a question of principle, and that is all. It is equally applicable, whether the inhabitants be Chinese, Japanese, or Europeans. Here is a great Province of 40,000,000 people, which holds the command of the arteries of commerce in China, to be turned over from its ancient possessor for 6,000 years into the hands of a foreign empire. We have recognized the Republic of China——

Mr. WILLIAMS. Mr. President, does the Senator contend that 40,000,000 people are turned over to Japan under this treaty, and that that formed a possession of Germany?

Mr. BRANDEGEE. I will say to the Senator in reply that I made some remarks on this same subject yesterday, and the idea is that, while the territory itself is not turned over, the possession of the strategic ports and the railroads and the business concessions will allow Japan to control the Province effectively, and, controlling the Province, they control all of north China.

Mr. WILLIAMS. Then the Senator's argument is based upon the idea that by the possession of railroads and mines they control the entire population?

Mr. BRANDEGEE. The idea is based upon the testimony of Dr. Ferguson, who has been for some 20 years in China and is counsel for the President of China; upon the testimony of Prof. Edward Thomas Williams, who is a professor in Stanford University of California and was the expert on oriental affairs retained by the peace commission itself; and upon the testimony of Mr. Millard, editor of the Far Eastern Review. Upon the testimony of those three gentlemen, whose credibility and whose competency, I venture to say, can not be questioned, it was based.

Mr. WILLIAMS. Do I understand the Senator to say that two out of those three have asserted that there are 40,000,000 of Chinese transferred to Japan?

Mr. BRANDEGEE. I did not assert that there had been 40,000,000 Chinese transferred. I said they all stated that those who control the commerce and facilities for commerce of the Province of Shantung control the destiny of China, and I believe it.

Here is a proposition to turn over to a foreign empire a Province which has a population of 40,000,000——

Mr. WILLIAMS. Thirty-six million.

Mr. BRANDEGEE. Whatever it may be—from thirty to forty millions. It is equivalent to a proposition that a State much larger than the Empire State of New York, with its harbor and terminal facilities and radiating railway arteries of communication, should be turned over to an alien empire. Do you suppose the people of this country would put up with such a situation as that? Is that sort of a knife at the throat to be lightly laughed away by saying that nobody cares about the Chinese or whether Shantung is occupied by Chinese or Japanese? Mr. President, is that the spirit in which this great treaty is to be considered?

Here is our fellow Republic, China, which we have recognized. Here, in the very act of creating a covenant for the promotion of peace and good will among men, the first evidence of the spirit which is to actuate the council, which is to control the destinies of all nations, is to plunge a knife into the confiding bosom of our fellow inoffensive, helpless Republic and despoil her.

Mr. President, there is no use arguing the facts of this question. Everybody is ashamed of the transaction. Nobody has risen here or elsewhere to deny the facts. The facts are indisputable. The facts are stated by the President himself, and I will read his testimony in a moment.

But it is said that if we do not become a party to this infamy we can not get the covenant. That is the price. Forty millions of Chinese, the whole Chinese Empire is to be despoiled because Japan, through the Japanese delegates to the peace conference, according to the testimony of the President in the White House to the Foreign Relations Committee of the Senate, notified him that if he did not carry out the provisions of the secret treaties which England and France had made with Japan——

Mr. WILLIAMS. And Italy.

Mr. BRANDEGEE. Yes; and Italy—to turn over this Province to Japan, they stood instructed by the Japanese Government to withdraw from the conference.

And the President of the United States, instead of standing upon the lofty principles announced by him and reiterated to-day by the Senator from California [Mr. JOHNSON], weakly surrendered because he had to have his covenant.

I read now from page 529 of the hearings before the Committee on Foreign Relations. This is the interview of the President with the Foreign Relations Committee at the White House:

Senator BRANDEGEE. In part 6 of the hearings before our committee, on page 182, Senator JOHNSON of California questioned Secretary Lansing. [Reading:]

"Senator JOHNSON of California. Was the Shantung decision made in order to have the Japanese signatures to the league of nations?

"Secretary LANSING. That I can not say.

"Senator JOHNSON of California. In your opinion was it?

"Secretary LANSING. I would not want to say that, because I really have not the facts on which to form an opinion along that line.

"Senator JOHNSON of California. Would the Japanese signatures to the league of nations have been obtained if you had not made the Shantung agreement?

"Secretary LANSING. I think so.

"Senator JOHNSON of California. You do?

"Secretary LANSING. I think so.

"Senator JOHNSON of California. So that even though Shantung had not been delivered to Japan, the league of nations would not have been injured?

"Secretary LANSING. I do not think so.

"Senator JOHNSON of California. And you would have had the same signatories that you have now?

"Secretary LANSING. Yes; one more, China.

"Senator JOHNSON of California. One more, China. So that the result of the Shantung decision was simply to lose China's signature rather than to gain Japan's?

"Secretary LANSING. That is my personal view, but I may be wrong about it.

"Senator JOHNSON of California. Why did you yield on a question on which you thought you ought not to yield and that you thought was a principle?

"Secretary LANSING. Because naturally we were subject to the direction of the President of the United States.

"Senator JOHNSON of California. And it was solely because you felt that you were subject to the decision of the President of the United States that you yielded?

"Secretary LANSING. Yes.

"Senator JOHNSON of California. The decision is his?

"Secretary LANSING. Necessarily."

Then I said to the President:

Now, I wondered whether Secretary Lansing was well informed about this question or not?

The PRESIDENT. Well, my conclusion is different from his, sir.

Senator BRANDEGEE. You could not have got the signature of Japan if you had not given Shantung?

The PRESIDENT. That is my judgment.

Senator BRANDEGEE. You say you were notified to that effect?

The PRESIDENT. Yes, sir.

Senator SWANSON. As I understand, you were notified that they had instructions not to sign unless this was included.

The PRESIDENT. Yes.

Now, I read from page 526 of the hearings before the Committee on Foreign Relations:

Senator JOHNSON of California. Did China enter the war upon our advice—the advice of the United States?

The PRESIDENT. I can not tell, sir. We advised her to enter and she soon after did. She had sought our advice. Whether that was the persuasive advice or not, I do not know.

Senator JOHNSON of California. Do you recall, Mr. President, that preceding that advice we had asked China, as one of the neutral nations, to sever diplomatic relations with Germany?

The PRESIDENT. Whether we had asked her?

Senator JOHNSON of California. Yes, sir.

The PRESIDENT. I do not recall, Senator. I am sure Mr. Lansing can tell, though, from the records of the department.

Senator JOHNSON of California. Do you know, Mr. President, whether or not our Government stated to China that if China would enter the war we would protect her interests at the peace conference?

The PRESIDENT. We made no promises.

Senator JOHNSON of California. No representations of that sort?

The PRESIDENT. No. She knew that we would as well as we could. She had every reason to know that.

Senator JOHNSON of California. Pardon me a further question: You did make the attempt to do it, too; did you not?

The PRESIDENT. Oh, indeed I did; very seriously.

Senator JOHNSON of California. And the decision ultimately reached at the peace conference was a disappointment to you?

The PRESIDENT. Yes, sir; I may frankly say that it was.

Senator JOHNSON of California. You would have preferred, as I think most of us would, that there had been a different conclusion of the Shantung provision, or the Shantung difficulty or controversy, at the Paris peace conference?

The PRESIDENT. Yes; I frankly intimated that.

Senator JOHNSON of California. Did it require the unanimous consent of the members of the peace conference to reach a decision like the Shantung decision?

The PRESIDENT. Every decision; yes, sir.

Senator JOHNSON of California. Do you recall, Mr. President, prior to the decision on the territorial question of Shantung, or of German rights in Shantung, the racial equality question coming before the peace conference?

The PRESIDENT. I remember that at one of the sessions called plenary sessions a resolution regarding that matter was introduced by the Japanese representatives, but rather as an expression of opinion or hope, and it was not pressed for action.

Senator JOHNSON of California. Mr. President, the press at that time stated that it had gone to a vote—and I trust some one will correct me if I am in error—and that the vote was 11 to 6 upon the proposition. The dispatches at that time were to that effect.

The PRESIDENT. I was misled, Senator. You are referring to the commission on a league of nations?

Senator JOHNSON of California. Yes.

The PRESIDENT. There was a vote there. There never was a vote on any subject in the peace conference.

Senator JOHNSON of California. I confounded the two.

The PRESIDENT. Yes.

Senator JOHNSON of California. May I ask, if permissible, how the representatives of the United States voted upon that particular proposition?

The PRESIDENT. Senator, I think it is very natural you should ask that. I am not sure that I am at liberty to answer, because that touches the intimacy of a great many controversies that occurred in that conference, and I think it is best, in the interest of international good understanding, that I should not answer.

Mr. President, I will not say that to any lawyer or to any diplomat, but to any high-school child who can read that testimony the whole thing is as clear as a bell. Our historic position with reference to China was one of friendship, almost of guardianship. We alone of all the nations that had had the chance to despoil her had treated her squarely and had never taken anything from her. We had her confidence. She knew we wanted nothing from her. Our own Government intimated to the Chinese delegates that they ought not to employ American counsel to protect their rights at the conference, and on that intimation they did not employ American counsel to protect their rights. They relied upon our integrity, and the President says that they knew we would do everything we could to protect their rights. The President says—well, I will not repeat his words—it was with the utmost regret that he surrendered. He surrendered his own principles announced in his 14 points; and he did it because the powers that had made the secret treaty with Japan said, "Here we ourselves are bound; you settle this thing with Japan; you are the goat, so to speak." The President tried to settle, and when he found they would not settle on his terms he settled on their terms. That is all there was to it.

In order that we may have the glorious privilege of bearing the burden of guaranteeing the territorial integrity and the political independence of every member of this league—which may grow indefinitely and include all the nations of the world—we generously and magnanimously agree, when we vote against the amendment proposed by the committee to the Shantung provisions, to ratify the Shantung outrage. We agree to do it; and then we put on record a self-accusing declaration, which simply adds to our infamy, when we say we recognize the infamy of it, but we vote to do it and we file the declaration that it is inexcusable that we should do it. If any other Senator wants to stand upon that record through the rest of his life, let him take his stand upon it. I will not stand upon it, treaty or no treaty, covenant or no covenant.

I agree with the Senator from Massachusetts that the suggestion that an amendment to the treaty will necessarily destroy it is mere fiction. It is a bugaboo to say that an amendment involves the resummoning of the peace conference. The peace conference has never been dispersed; it is in session today; but, even if it were not, on our mere submission by cable to the chancelleries of the various high contracting parties an amendment would be accepted by their own Governments irrespective of their delegates to the peace conference, or they could instruct their delegates at the conference to accept it. But we are no more to touch this European-made thing than we are to touch the Ark of the Covenant. Everyone admits it is full of errors, and that this is the only chance we will have to correct them. The talk about taking it as it is and then fixing it as it ought to be is pure buncombe. Everybody knows that our chance to correct the errors in this document is now, and it is the only chance we will ever have.

Look at article 26 of the league covenant providing that amendments to the covenant shall take effect when ratified. There is no provision as to who shall propose amendments and no provision as to when they are to be acted upon; but there is the provision that before an amendment shall take effect it has got to be approved by the unanimous vote of all the powers having representation in the council and by a majority of all the powers represented in the assembly. The minute we propose an amendment Japan—and I say it without feeling toward her, for I have nothing against the Japanese people any more than I have against the Chinese people—Japan will say, of course, "Yes; we will vote for your amendment if you will admit our immigration to your country." Either the thing is unamendable, or we have got to surrender our domestic questions to foreign control. Any way you look at this thing, Mr. President, it is unwise for this country to entangle itself in it. We have nothing to gain. Nor is it our duty to agree to it.

I recall that for the past 30 years the Democratic Party has been inundating this country with the declaration that we have no constitutional power to tax our people to protect our own industries and our own laboring men, while now they are asserting the doctrine that we have the constitutional power, and that it is our international duty, to tax all our people, not for their benefit, but to raise armies and build navies to protect the territorial integrity and political independence of every member of the league in Europe, Asia, and Africa. What constitutional power have we to make a treaty to do any such thing as that? Is that one of the purposes defined by the Constitution of the United States for which we can tax the people of this country? Why should we assume such a burden? On which side shall we fight?

If one foreign nation attacks another, do you suppose that this country can be thrust into a war against one European power to protect the boundaries or political independence of another European power because some one man appointed by the

President of the United States, sitting in Geneva, happens to agree with the eight foreigners who are there that we should go to war? Do you suppose on such a question the American people can be coerced to agree to the judgment of Col. House, if he should be the delegate? And if he should decide that we must fight Roumania, although we were in favor of Roumania? Do you suppose that such a decision could be carried into effect? If it could not be, we would break our contract. What is the use of making a contract and solemnly placing the great seal of this Nation upon it if we do not intend to keep it?

The Senator from Oklahoma [Mr. OWEN] yesterday, on the floor, made an eloquent speech in favor of the league of nations, in which he said he agreed with everything the President had done in connection with it, and said that if we would sign this document and agree to it we would never be called upon to take any action under it. In other words, it is a "mind cure." He wants us to sign this document promising to do these things because we will not be called upon to do them. Imagine an arrogant, determined, and powerful belligerent like Germany, and let the announcement be made that we are assuming this mighty obligation on the theory that we will not be called upon to perform it, how much of a deterrent do you suppose it would be to them when they contemplate another raid upon civilization, if they ever shall?

The President himself after a labored explanation, or attempted explanation, of article 10 to the committee at the White House conference entered into a disquisition as to the difference between a legal obligation and a moral obligation on our part to perform our contract. Mr. President, that is all sophistry; it must be swept aside. Everybody knows that if we guarantee to protect, or if we undertake the obligation to preserve, the territorial integrity of another nation we have got to perform that task, and we have got to perform it by the only means practicable; and if the territorial integrity of a foreign power is threatened by an armed force, the only way—and everybody knows it—to protect its boundary lines is by an opposing army. It is said that the council is merely to advise; but, as the President says, there is a compelling moral obligation for us to conform to the advice. And Congress will be put in the position then, after we have been in this league, if we get into it, unfortunately, for some years, and get so enmeshed with the complicated broils and conspiracies and intrigues of the Old World that we can not get out, of having to go ahead and follow the advice. Very likely the President will recommend to our delegate to agree with those foreign powers, and then we will have to raise our Army, and Congress will not be a free agent; but what a condition this country will be in!

As I say, you can not touch one of these foreign questions without making it at once a domestic question, and a domestic question which will haunt you at the polls, and paralyze your industries, and put the country upon every occasion to the terrific expense and risk of going through exactly the sort of experience that we had to go through when the Germans in the country were paralyzing our industries and blowing up our railroads and bridges and mills. That is merely an illustration of what is going to be our regular order of business if we enter this thing with an idea of performing our duties.

Oh, Mr. President, they say, "You are for war if you are not for this covenant." "Where is your constructive alternative?" the Senator from Mississippi quotes his illiterate correspondent from an unknown address in Green Street as saying. "Where is your constructive alternative?" Why, my constructive alternative is to do what Congress has already declared shall be done and what is declared to be the purpose of the country in the magnificent and comprehensive resolution proposed by the junior Senator from Pennsylvania [Mr. KNOX] and reported favorably by the Committee on Foreign Relations. Make your peace—the only thing that is delaying it is the insistence that this covenant and experiment and chimera shall be a part of it—make your peace and then, as we have already authorized, I believe, in an amendment to a naval appropriation bill, summon the nations of the world together to agree upon a plan; have an international congress to agree upon a plan for making and codifying and observing a code of international law. You can not shoot morality into people with 13-inch guns. Adopt section 5 of Senate resolution 76, submitted by Senator KNOX on June 10, as follows:

That, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

The present covenant is not a peace treaty. It is a "big stick" wielded by the five principal and allied powers over the subject nations of the world. It is nothing but a threat; and article 10, as the President himself says, is the heart of the threat. There are concealed behind it the menace of your potential armies and navies. They are to be summoned after you settle these questions of first, second, and third judgments upon "compelling moral obligations." There is your Army to be sent, and that is all there is to this league—that the five principal allied powers, represented one apiece upon a council sitting in foreign lands, with four others to be added practically at their dictation, for they will control it—those nine men, three times a triumvirate—are to sit there and by their machinations, in a star chamber as unknown to the public as the secret diplomacy that for nine months reigned uninterrupted in Paris, they are to issue their edicts to civilization; and upon what they say, not upon what Congress says, are human events to be decided.

The President says our protection is that it has to be unanimous. Very well. Suppose Col. House sits in the council there and the President of the United States orders him to agree with what the eight foreigners say shall be the diplomatic conduct of the relations of the United States of America, and he does agree, what are we going to do about it? The thing is done. The President himself knows how such things are done. Here is his view of it, from his book on "Congressional Government":

Nay, in many cases the President may not even know what the Senate's objections were. He is made to approach that body as a servant conferring with his master. His only power of compelling compliance on the part of the Senate lies in his initiative in negotiation, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

Why, it is the President that controls the foreign policy of this country under this scheme, and he controls it without responsibility to anybody; and if Col. House—if he be the unfortunate delegate selected to represent the President in this "star chamber" abroad—presumes to disobey the secret instructions of the President, off comes his head, and there would be no trouble in securing plenty of subservient gentlemen to go there and do what they are told, because the worst that can happen to them if they hear they are to be hung upon return to their own country is not to come, but to stay over there.

That is the position that the United States of America is asked to put itself in. That is the fruit of six months of foreign labor and toil and "matching of minds"!

Mr. President, we can always form a league. They claim that they have formed one over there now. Let them have it. This country does not need to have its boundaries protected. We do not ask Russia or Great Britain or France to preserve our political independence. When that is assaulted, the American people in their majesty and might will know how to defend it! But we are to devote the future of America to being a policeman for the rest of the world. Imagine the financial schemes that are in contemplation when the debts of bankrupt Europe come to be liquidated! They do not have to control Congress, these mighty men of finance, any more. They simply go to the President, or to the nine powers, and make their financial arrangements. Whether this war debt of the world is to be funded and imposed upon us is a matter we know nothing about. All these menaces stare us in the face. When the President went abroad to make this peace nobody had it in his mind that he was to return with any such proposition as this; and the pathetic thing about it is that all the good people who want peace seem to be satisfied with anything that is labeled "peace," "a league for peace." Many of them are for the league without looking to see what is in it or on what theory it is drawn or how it is going to work.

Mr. President, they have got to be saved from themselves, and it is our duty to do it. We know what is in this covenant, and we can imagine how it will work; and the Senators who have borne the abuse and who have suffered the ignominy that has been heaped upon them by good but deluded people, in my opinion, if they live a year, and we can keep out of this international contrivance, which I prophesy will blow up the first time any strain is put upon it in an emergency, will come into their reward, and a grateful Republic will say that again the Senate of the United States has saved the country.

Mr. HITCHCOCK. Mr. President, it has been suggested to me by the Senator from Idaho [Mr. BORAH], who objected to the former request for unanimous consent, that in a modified form it might be acceptable. I imagine that the Senate is about ready to vote; and I ask unanimous consent, in any event, that from now on speeches be limited to 15 minutes, and that no

Senator be allowed to speak more than one time—simply on this amendment, of course.

The PRESIDING OFFICER (Mr. McLEAN in the chair). Is there objection?

Mr. WATSON. Mr. President, my information is that there is but one other Senator on this side who desires to speak, and that is the Senator from Wisconsin, and after an arrangement and understanding that he was to speak I would not want to agree to that unanimous-consent request.

Mr. LENROOT. Does the Senator refer to this Senator from Wisconsin?

Mr. WATSON. No; I refer to the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I have been informed that he is the one Senator upon this side who desires to speak. If that be true, he having told me that he did not wish to speak at great length——

Mr. HITCHCOCK. The Senator from Wisconsin is here.

Mr. WATSON. He is here and he can speak for himself, and he has said that he did not desire to speak at great length. Of course, that is up to him to decide, but until he shall decide, personally I do not feel at liberty to agree to the unanimous-consent request.

Mr. GERRY. Mr. President, after listening to the debate this afternoon, I do not feel that I can let the inference go out to the country that the people of Irish descent are disloyal. I know that I can speak for those in my own State against any proposition of that kind, for I know how loyal they have been right through this war, and I know that American history will show how the blood of people of Irish descent has been shed in every cause for which America fought. I resent, Mr. President, any such suggestion, and would speak further on the subject if it were not for the fact that I do not wish to delay a vote on this very important amendment.

Mr. FALL and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. FALL. Mr. President, I have no intention of making a speech. I have not made a speech upon the Shantung proposition. I am a member of the Foreign Relations Committee and voted to report what is known as the Shantung amendment from that committee.

When the peace conference met, Mr. President, it was, among other things, to deal with the possessions of Germany in Europe outside of the boundaries fixed by the five principal allied and associated powers. It was then to deal with the overseas possessions of Germany—that is, German possessions out of Europe.

In dealing with the European possessions of Germany, article 118 of the present treaty was adopted. By the terms of that article Germany simply renounces any claim upon any territory outside of the geographic limits fixed by the treaty.

In renouncing her overseas possessions Germany in terms renounces the overseas possessions in favor of the five principal allied and associated powers. The determination of the powers was to deprive Germany of her possessions. The general disposition of those possessions in Europe was left, by the terms of the treaty, to treaties that thereafter were to be made. The disposition of the overseas possessions of Germany under the terms of the treaty was left to the disposition which might be made of such possessions by the five principal allied and associated powers.

Article 23 of the covenant of the league of nations does, in a conversational way, refer to probable future disposition or government of such overseas possessions. The object, then, of the representatives of the great powers seated at the peace table was attained when Germany made the renunciation. The possessions were thereafter to be dealt with.

When it came to the disposition of Shantung, however, there were two claimants, each of whom claimed that the principal allied and associated powers should force Germany to renounce specifically in its favor the Shantung possession.

The question of the disposition of Fiume was up for consideration. The President of the United States declined to join the commissioners or representatives of the other powers in the disposition of Fiume, and appealed to the Italian people over the heads of Orlando and Sonino. Those representatives of Italy at once left the peace conference. Japan up to that time had not taken part among the five powers. She was not one of the principal representatives who were arranging the terms of the peace treaty. She had taken part, or did take part thereafter, as one of the ten, but had not taken part as one of the five. When Italy's representatives walked out because of the action of the President of the United States it is well understood that pressure was immediately brought to bear upon Mr. Wilson to secure the attendance of Japan for the purpose of enabling them finally to constitute their league, and as Japan walked into the door, she walked into the conference chamber with the word "Shantung" upon her lips. Shantung was the price of the entrance of Japan, and it was paid.

Mr. President, as a member of the Committee on Foreign Relations, charged by the Senate with the duty of considering the treaty, I had, first, by my vote, to decide whether the overseas possessions of Germany should be taken from her. I did not hesitate for a moment, of course, in determining that she should be deprived of her overseas possessions; and under the general terms of the treaty, if no special disposition of any of them was made in the treaty itself, the overseas possessions become the property of the five allied and associated powers, and under the decisions of the Supreme Court of the United States in the Insular cases and the Four Diamond cases we took a one-fifth undivided interest in those properties.

Having decided, first, in my own mind, that the action of the peace commission or the delegates in depriving Germany of her overseas possessions should be sustained, it then became necessary for me to decide, as a representative of a coordinate branch of the Government engaged in treaty making, as to whether Shantung should be left with the other overseas possessions of Germany in the hands of the five allied and associated powers or should be given specifically to any other power without awaiting the further treaty provided under article 119.

This being the case, I looked at the proposition from the standpoint of what should be done with it; whether we, having a one-fifth interest, should dispose of it to any particular power hereafter or at the present time. Under the terms of the treaty I conceived it my duty to cast my vote for the disposition of it at this time, and it became necessary for me to determine whether, in so doing, we should approve the action of the President of the United States in deeding it to Japan. In my judgment it belongs to China, and I voted to return it to its owner, and I shall sustain that vote by my vote upon the pending amendments in the Senate.

Mr. WILLIAMS. Mr. President, if the Senator had voted to return Shantung to its owner, he would have voted to return it to Germany, because it happened that Germany was the owner when this war began. So all that labored argument falls to the ground.

Mr. President, I want to put into the RECORD a letter addressed to Hon. FRANK B. BRANDEGEE, United States Senate, being a copy of a letter sent October 8, 1919, by the League to Enforce Peace, to the Senator from Connecticut, with various names signed. Before I insert it I will say that I submitted it to the Senator from Connecticut. There is nothing personal in it. It is a mere matter of a difference of opinion about the pending question.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OCTOBER 8, 1919.

The Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SIR: According to press reports, you told the Senate yesterday that those who contribute money to the funds raised by the League to Enforce Peace for the purpose of arousing public sentiment in favor of the league of nations belong to the class of which Col. Sellers said "one is born every minute."

Your remark applies to more than 7,000 persons in every walk of life, residing in every State of the Union. We are sending you herewith the names and addresses of a few of them.

Would you be willing to repeat to these men personally the opinion of them you expressed in the Senate Chamber?

We are sending a copy of this letter to the newspapers so that the contributors to this fund who have incurred your displeasure may be assured that they are in good company.

Here is a partial list of these contributors: George W. Wickersham, John G. Agar, Robert Fulton Cutting, Eugene Delano, Cleveland H. Dodge, Darwin P. Kingsley, James K. Hackett, Arthur Curtiss James, Adolph Lewisohn, Sam A. Lewisohn, Alfred E. Marling, Emerson McMillin, William Fellowes Morgan, Henry Morgenthau, Charles D. Norton, William Church Osborn, William L. Saunders, Finley J. Shepard, Oscar Straus, Percy S. Straus, Henry W. Taft, Felix M. Warburg, Judge Henry G. Ward, New York City; Dr. Alexander Graham Bell, Washington, D. C.; William Dudley Foulke, Richmond, Ind.; E. D. Hulbert, Julius Rosenwald, Chicago, Ill.; Robert T. Whitehouse, Portland, Me.; Edward A. Filene, Boston, Mass.; Dr. A. Lawrence Lowell, Cambridge, Mass.; W. Murray Crane, Dalton, Mass.; Harry A. Garfield, Williamstown, Mass.; E. B. Caulkins, Detroit, Mich.; Charles S. Pillsbury, Minneapolis, Minn.; W. T. Kemper, Kansas City, Mo.; W. C. D'Arcy, Festus J. Wade, St. Louis, Mo.; Willis E. Reed, Madison, Nebr.; Louis Bamberger, Newark, N. J.; C. H. Kelsey, East Orange, N. J.; Thomas A. Edison, Austen Colgate, Orange, N. J.; Edward V. Welch, Niagara Falls, N. Y.; V. Everitt Macy, Scarborough-on-Hudson, N. Y.; Homer H. Johnson, W. G. Mather, Cleveland, Ohio; Vance C. McCormick, Harrisburg, Pa.; N. W. Ayer & Son, George Burnham, jr., Cyrus H. K. Curtis, Thomas DeWitt Cuyler, Samuel S. Fels, Philadelphia, Pa.; Leon Falk, William Thaw, Pittsburgh, Pa.; H. St. G. Tucker, Lexington, Va.; W. H. Cowles, Spokane, Wash.; Edward W. Frost, Milwaukee, Wis.; Judge George Gray, Wilmington, Del.

Connecticut: Frederick S. Curtis, Brookfield Center; Rev. Chauncey B. Brewster, Edward Warren Capen, Louis Richmond Cheney, Robert Baird Riggs, Hartford; Morris Barker Crawford, William North Rice, Middletown; William Howard Taft, Rev. Andrew W. Archibald, Winthrop Grant Bushnell, Irving Fisher, Henry W. Farnam, Frank C.

Porter, Judge Edwin S. Thomas, Isaac M. Ullman, New Haven; Thomas B. Doolittle, Pine Orchard; Arthur Reed Kimball, Irving H. Chase, Waterbury.

(Signed) LEAGUE TO ENFORCE PEACE,
WILLIAM H. SHORT, *Secretary.*

Mr. WILLIAMS. In addition to that, Mr. President, I desire to insert an article entitled, "Houston Replies to BORAH. Declares Charges are 'False Both in Fact and Implication.'" I have not had an opportunity to see the Senator from Idaho [Mr. BORAH], but there are three lines that I think ought to be stricken out, because they might be regarded as personal, and I have stricken them out.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[The New York Times, Oct. 11, 1919.]

HOUSTON REPLIES TO BORAH—DECLARES CHARGES ARE "FALSE BOTH IN FACT AND IMPLICATION."

Herbert S. Houston, national treasurer of the League to Enforce Peace, issued the following statement last night in reply to Senator BORAH'S attack on the league in the Senate on Thursday:

"Senator BORAH again places the League to Enforce Peace in his debt by advertising our necessities. The last time he attacked the league in the Senate he brought to our treasury several thousand dollars from friends of whom we had never heard.

* * * * * * *

"While he was fulminating on the floor of the Senate against the league of which the recent Republican President, Mr. Taft, is the head, three other leading Republican members of our executive committee, President Lowell, of Harvard, Mr. Oscar S. Straus, and Mr. Hamilton Holt were in open and friendly conference with Senator LODGE. A few blocks away, in the District National Bank Building, was our sinister and corrupting press bureau, in charge of one of the most distinguished journalists in the United States, Dr. Talcott Williams, long Dean of the Pulitzer School of Journalism at Columbia, and a lifelong Republican.

"Let Senator BORAH ask any Washington correspondent, or all of them, if Dr. Williams, or his associate, Mr. Rickey, has ever offered anything for publication that infringed in the slightest degree on the highest ethics of their profession.

"One thing the Senator said was true—that the League to Enforce Peace was spending a good deal of money. It is spending it for the distribution of millions of pamphlets by Mr. Taft, Herbert Hoover, Samuel Gompers, and scores of other patriotic leaders of American thought who believe that this country will fail in its plain duty unless it joins the league of nations.

"As to the names of the 10,000 subscribers who have made possible this broad campaign of popular education, they are available for Senator BORAH the very moment he will agree to have them published in the CONGRESSIONAL RECORD. This is a standing offer we have had before the Senator for three months."

Mr. LA FOLLETTE. Mr. President, I shall take only a few minutes of the time of the Senate in discussing this amendment. The question is so simple and so plain that no one can misunderstand it. Under articles 156, 157, and 158 of the treaty Germany is compelled to agree to renounce to Japan all right, title, and interest which she theretofore had in the Province of Shantung, China, and to do those things necessary to make such transfer of interest. The Province of Shantung consists of a territory comprising nearly 60,000 square miles—a trifle larger than England—and has a population of nearly 40,000,000 people.

The interest and rights Germany had in this Province were acquired by the treaty of 1898, which Germany forced upon China, and consisted of certain rights in the Bay of Kiaochow in the nature of sovereign rights and mining and railroad rights in the entire Province. All such rights, however, were in the nature of a mere lease for a term of years. Up to the time in 1914, early in the war, when Germany was driven out of the Province by Japan, the Germans had strictly lived up to the terms of the treaty, and had not attempted to overrun or occupy the whole Province. As soon as Japan wrested it from China, however, she at once took steps to make it as difficult as possible to dispossess her.

Dr. John Ferguson, legal adviser to the President of the Chinese Republic, in an address in New York City, Sunday, October 12 last, as reported in the papers of the following day, said:

Japan has been doing everything to make it difficult to dispossess it. The railroads have been overrun with Japanese employees, and there are now between fifty and one hundred thousand Japanese in the Province, whereas prior to 1914 the total German population, including the garrison, was only 3,000.

Now, it is in this situation that the treaty proposes to compel Germany to turn over to Japan against China's objections and protests the rights once held by Germany in the Province, while the committee amendment provides in effect that they shall remain with China.

That is the issue to be determined and settled by our vote this afternoon.

I say remain with China, because there is where those rights unquestionably are now. When China entered the war against Germany, of course Germany's rights and property interests in China reverted to China. But that isn't all. When Japan made her demands upon Germany in 1914 preceding her declaration of war against Germany, it was simply that the German rights in the Province should be surrendered with a view to their return to China. So that when in 1914 Japan drove the Germans out of this territory she did not succeed and did not pretend to succeed to the German rights. Japan and China were not at war. Japan could only succeed to the German rights with the consent of China after Germany had been evicted. Germany was out of possession, but her rights continued, though in abeyance, under the treaty of 1898 until China and Germany became involved in war with each other in 1917, when, of course, German rights, interests, and property in China lawfully became the property of China.

The question simply is, therefore, whether or not we shall become a party to a gigantic theft of territory and valuable rights from China, a sister Republic, an ally in the late war, for the benefit of the most despotic Government on earth.

It is fundamental in the law of contracts, whether between individuals or nations, that no one has power to convey rights which do not belong to him.

We have not a scintilla of right or title to anything in the Province of Shantung.

If so, where did we acquire it? If not, how can we convey it or how can we join in a conveyance? Neither for that matter has Germany or any of the other powers joining in this treaty.

When we assume to join in conveying or in compelling Germany to go through the form of conveying the territory and rights mentioned in the Province of Shantung to Japan it only means that we have the power in conjunction with our late Allies or associates in the war to take by force that which belongs to China and transfer it to Japan, not that we or they have any title which we, under any law recognized in civilized society, can convey to anybody.

If China had the power to resist this rape we would never think of making the assault upon her. If China had the power to resist the ravishment of her title to her territory we would never think of joining with the Allies in committing this infamous crime.

If we become a party to this treaty provision our conduct is no better than that of the armed highwayman who holds up an unarmed and defenseless traveler, robs him of his purse, and then passes it to a confederate.

Volumes have been written about the Shantung provision of this treaty and weeks have been spent in debating it. And out of all the discussion one fact emerges, admitted and recognized by everybody: We have nothing in the Province of Shantung to convey to anyone. If we have, where did we get our title to it? We do not own or have an interest in a foot of territory there. We have not any sort of title, right, or interest in any mine or any railroad or in anything else there. Neither has Germany any shadow of interest in anything in the Province. When we join in compelling Germany to put on record a conveyance of rights in Shantung we are in effect declaring that Germany has some interest there which she can convey. We know that is false. When we join in directing her to make that conveyance to Japan we are guilty of a double deception. We pretend, first, that she has something to convey, and we know that she has not. We assert, second, that whatever interest she has to convey it is right and lawful that she should convey it to Japan. That also known to be absolutely false.

I am utterly unable to follow the reasoning of the distinguished Senators here who admit the criminal nature of the act to which we become a party by rejecting this amendment and signing the treaty, but who say nevertheless that it has gone so far we can accomplish nothing by refusing to become a party to the crime.

There I take issue with them. The crime has not been fully consummated. I believe that if the United States would withdraw at this point, the other parties would never venture to consummate the crime against China. But if they should go forward in this nefarious proceeding, that is no reason why we should join with them in it.

There is a fundamental fallacy which underlies all the reasoning of the Senators who say that it is too late for us to accomplish anything now. Their argument is that the treaty is already in effect; that whether the conveyance by Germany to Japan is effective now or not, it will be so when Japan formally ratifies the treaty, which will be before the Senate passes upon it—in other words, that the conveyance from Germany to Japan is or will be effective and we can not prevent it.

Now, the fundamental error, as I believe, in that reasoning lies in the assumption that Germany has something to convey to Japan in the Province of Shantung.

Suppose that Great Britain, France, Italy, and Japan should make a treaty with Germany, or suppose they had written into this treaty a provision that Germany should make a bill of sale of all Germany's property in this country which we took over

properly and lawfully under international law as soon as we became involved in war with Germany, does anyone suppose that that bill of sale would be worth the paper it was written upon? It would be a fraud upon its face. It would convey nothing. It would be of no more value than blank paper. That is precisely the situation concerning the conveyance or cession which Germany, under compulsion from the Allies, is going to make to Japan of China's rights in Shantung.

The whole trouble with the reasoning of the Senators is that they fail to look through the form of the transaction to the substance of it. We might just as well leave Germany out of it, so far as the real substance of the transaction is concerned. We might just as well pretend that France or Great Britain or some other country succeeded to Germany's rights in Shantung, and that that country should make the conveyance to Japan.

As I have said, and say again, in 1914 Germany was driven out of every foot of this territory. It had possession or control of absolutely nothing there. This was done by Japan in war with Germany, but as a friendly act to China, declared to be for the purpose of restoring to China the rights which everyone knew Germany forced her to yield up in the treaty of 1898.

It is not pretended that Japan acquired by her action the German rights, for if that were the pretense there would be no occasion to write into this treaty the provision that Germany shall make conveyance to Japan.

Then, in 1917, the latent rights to the territory which may have still remained in Germany were absolutely wiped out when Germany and China became involved in war with each other. So that I say Germany from that time forth had no more rights to convey in the Province of Shantung than we or any other country had.

Therefore, when gentlemen say that the crime has already been consummated because Germany's conveyance under this treaty has been or soon will be made, they miss the whole point involved. This cession from Germany to Japan gives legal title to nothing, because Germany has no title to it. The act which this treaty requires of Germany is a barren act, an empty form. There is no real difference so far as the title of China to her property is concerned after Germany has made this conveyance than before she made it. The conveyance does not effect a change of title. It does not affect the ownership, because Germany has nothing to convey. Moreover, the lease, which was all Germany ever had secured from China under the treaty of 1898, provides that Germany's interest can not be assigned. (See Art. V, treaty of 1898.)

The real substance of this transaction is the agreement between Great Britain, France, Italy, and Japan to carve out of China a large area and valuable rights and turn them over to Japan. That is the real thing that is being done. That is the crime that is about to be consummated, and that is the crime I say the United States can prevent by refusing to be made a party to it.

This partition of China simply rests upon force, and it involves a robbery so barefaced that I do not believe the nations involved will dare go through with it if the United States brands the transaction for what it really is and refuses to become a party to it.

By rejecting this provision of the treaty and adopting this amendment we will halt the nations engaged in this assault upon China's sovereignty and territorial integrity and cause them to reconsider their action; while it is certain that if we ratify this treaty with this provision in it, there will be no possible reason for the other nations ever to reconsider their action, and, more than that, we will ourselves have become a party to the very crime we so severely condemn.

Ah! but Senators say, we will frame a reservation by which we will condemn this wrong and thereby keep our own hands clean of this infamy. A reservation will either amount to an amendment or it will amount to nothing—except to record a confession of our own guilt.

The reservation which I have heard suggested here is to the effect that a statement will be made in the resolution ratifying the treaty that the United States will not assent to articles 156, 157, and 158, relating to Shantung, and will preserve full liberty of action respecting that matter. Now, I submit to the Senators whether it would not be far better to vote for the committee amendment, which is perfectly clear, than to attempt to confuse the treaty with any such provision as that suggested.

A treaty between nations like a contract between individuals requires a meeting of the minds upon all the propositions involved in the contract, and if there is not such a meeting of minds there is no contract between individuals and there is no treaty between nations. Suppose A and B are about to enter into a contract. The proposed contract is drawn up. A signs it. It is presented to B for his signature. He signs it but before doing so adds a clause to it saying that "as to provisions 1, 2, and 3"—possibly the most important provisions in the contract—"I am not bound, and shall preserve full liberty of action respecting those matters." Does anyone pretend that that would be a contract? Does anyone pretend that if allowed to rest in that form its effect would be other than to cause controversy between the parties to it? And yet, sir, I do not see wherein the action of the "mild" reservationists, so called in the Senate, differs from the action I have supposed in the case of individual parties to a private contract.

I believe, sir, that it is far better to support the committee amendment which leaves no doubt as to the position of the United States, and, whether we prevent this wrong or not, such action would show that we have done everything in our power to prevent it, and we can never be accused in any way of condoning or being a party to it.

Mr. President, no one can know, but I believe, that if we adopt the pending amendment the allied powers will be forced to halt in their course; they will be forced to reconsider their action and accept the treaty as amended.

A righteous declaration made here to-day will thrill the lovers of liberty in every capital on the face of the earth.

It will loosen the tongues of mankind in one universal acclaim of approval.

Even the allied powers can not brave the verdict of the world when once it is made articulate.

The Imperial Government of Japan is not yet ready to challenge the white civilization.

Adopt this amendment and the moral power of that act alone will compel Great Britain, France, and Italy to reconsider ratification of this treaty.

The United States is the very corner stone of this peace structure as it has been planned.

Adopt this amendment and the crime of Shantung will never be consummated.

And, sir, that crime is such an odious thing that it must be literally effaced from any instrument to which this Government puts its hand and seal.

There is no middle course.

These reservation Senators are on record denouncing the act as the "rape of China." Are they prepared to say to Japan and to the consenting allies, "You may consummate this unspeakable crime, but it must be with our disapproval. We know your brutal design; you have a notorious record which proclaims your fell purpose; but you will please take notice now that we denounce this infamy as 'highly improper.'"

That, sir, does not represent the moral sense of the American people on the issue raised by this amendment.

Mr. LODGE. Mr. President, hoping to get an immediate vote on the pending amendment, I make the point of no quorum.

The PRESIDING OFFICER. The point of no quorum having been made, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Simmons
Ball	Gronna	McKellar	Smith, Ariz.
Bankhead	Hale	McLean	Smith, Md.
Beckham	Harding	McNary	Smoot
Borah	Harris	Moses	Spencer
Brandegee	Harrison	Myers	Stanley
Calder	Henderson	Nelson	Sterling
Capper	Hitchcock	New	Sutherland
Chamberlain	Johnson, Calif.	Newberry	Swanson
Colt	Jones, N. Mex.	Norris	Thomas
Culberson	Jones, Wash.	Overman	Townsend
Cummins	Kellogg	Owen	Trammell
Curtis	Kendrick	Page	Underwood
Dial	Kenyon	Penrose	Wadsworth
Dillingham	Keyes	Phelan	Walsh, Mass.
Fall	King	Phipps	Wash, Mont.
Fernald	Kirby	Pittman	Warren
Fletcher	Knox	Pomerene	Watson
France	La Follette	Reed	Williams
Frelinghuysen	Lenroot	Robinson	Wolcott
Gay	Lodge	Sheppard	
Gerry	McCormick	Sherman	

The VICE PRESIDENT. Eighty-six Senators have answered to the roll call. There is a quorum present.

In accordance with the Chair's construction of the unanimous-consent agreement, if there is no further discussion, the Senate will proceed to vote upon the committee amendments to section VIII, articles 156, 157, and 158, embracing six amendments, commonly known as the Shantung amendments.

Mr. HITCHCOCK. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. SWANSON (when Mr. MARTIN's name was called). My colleague [Mr. MARTIN] is detained on account of illness. His pair has been announced. If he were present and at liberty to vote, he would vote "nay."

Mr. OWEN (when his name was called). I am paired with the Senator from New Jersey [Mr. EDGE]. He would vote, I understand, "nay" on these textual amendments. Therefore I am at liberty to vote. I vote "nay."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). My colleague the Senator from South Carolina [Mr. SMITH] is detained on account of illness in his family. He is paired with the Senator from South Dakota [Mr. STERLING]. If my colleague were here and at liberty to vote, he would vote "nay."

Mr. STERLING (when his name was called). I am paired with the senior Senator from South Carolina [Mr. SMITH]. Under the announcement of his colleague as to how he would vote if present, I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce the unavoidable absence of the junior Senator from South Dakota [Mr. JOHNSON] on account of illness in his family. His general pair has already been announced. If he were present, he would vote "nay."

The result was announced—yeas 35, nays 55, as follows:

YEAS—35.

Ball	Frelinghuysen	McCormick	Poindexter
Borah	Gore	McLean	Reed
Brandegee	Gronna	Moses	Sherman
Calder	Harding	New	Sutherland
Capper	Johnson, Calif.	Newberry	Wadsworth
Curtis	Jones, Wash.	Norris	Walsh, Mass.
Dillingham	Knox	Page	Warren
Fall	La Follette	Penrose	Watson
France	Lodge	Phipps	

NAYS—55.

Ashurst	Henderson	Nelson	Smith, Md.
Bankhead	Hitchcock	Nugent	Smoot
Beckham	Jones, N. Mex.	Overman	Spencer
Chamberlain	Kellogg	Owen	Stanley
Colt	Kendrick	Phelan	Sterling
Culberson	Kenyon	Pittman	Swanson
Cummins	Keyes	Pomerene	Thomas
Dial	King	Ransdell	Townsend
Fletcher	Kirby	Robinson	Trammell
Gay	Lenroot	Sheppard	Underwood
Gerry	McCumber	Shields	Walsh, Mont.
Hale	McKellar	Simmons	Williams
Harris	McNary	Smith, Ariz.	Wolcott
Harrison	Myers	Smith, Ga.	

NOT VOTING—6.

Edge	Fernald	Martin	Smith, S.C.
Elkins	Johnson, S.Dak.		

So the amendments were rejected.

Mr. LODGE. I give notice that at the proper time, after the committee amendments are disposed of, I shall move to strike the Shantung section from the treaty. I ask that the reading of the treaty be continued.

The Secretary resumed the reading of the treaty, at the top of page 210, and read as follows:

"Section II.

" NAVAL CLAUSES.

"Article 181.

"After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:

" 6 battleships of the *Deutschland* or *Lothringen* type,

" 6 light cruisers,

" 12 destroyers,

" 12 torpedo boats,

or an equal number of ships constructed to replace them as provided in Article 190.

" No submarines are to be included.

"All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes.

"Article 182.

" Until the completion of the minesweeping prescribed by Article 193 Germany will keep in commission such number of minesweeping vessels as may be fixed by the Governments of the Principal Allied and Associated Powers.

"Article 183.

"After the expiration of a period of two months from the coming into force of the present Treaty the total personnel of the German Navy, including the manning of the fleet, coast defences, signal stations, administration and other land services, must not exceed fifteen thousand, including officers and men of all grades and corps.

" The total strength of officers and warrant officers must not exceed fifteen hundred.

" Within two months from the coming into force of the present Treaty the personnel in excess of the above strength shall be demobilized.

" No naval or military corps or reserve force in connection with the Navy may be organised in Germany without being included in the above strength.

"Article 184.

" From the date of the coming into force of the present Treaty all the German surface warships which are not in German ports cease to belong to Germany, who renounces all rights over them.

" Vessels which, in compliance with the Armistice of November 11, 1918, are now interned in the ports of the Allied and Associated Powers are declared to be finally surrendered.

" Vessels which are now interned in neutral ports will be there surrendered to the Governments of the Principal Allied and Associated Powers. The German Government must address a notification to that effect to the neutral Powers on the coming into force of the present Treaty.

"Article 185.

" Within a period of two months from the coming into force of the present Treaty the German surface warships enumerated below will be surrendered to the Governments of the Principal Allied and Associated Powers in such Allied ports as the said Powers may direct.

" These warships will have been disarmed as provided in Article XXIII of the Armistice of November 11, 1918. Nevertheless they must have all their guns on board.

" BATTLESHIPS.

" *Oldenburg.*	*Posen.*
" *Thuringen.*	*Westfalen.*
" *Ostfriesland.*	*Rheinland.*
" *Helgoland.*	*Nassau.*

" LIGHT CRUISERS.

" *Stettin.*	*Stralsund.*
" *Danzig.*	*Augsburg.*
" *München.*	*Kolberg.*
" *Lübeck.*	*Stuttgart.*

and, in addition, forty-two modern destroyers and fifty modern torpedo boats, as chosen by the Governments of the Principal Allied and Associated Powers.

"Article 186.

" On the coming into force of the present Treaty the German Government must undertake, under the supervision of the Governments of the Principal Allied and Associated Powers, the breaking-up of all the German surface warships now under construction.

" Article 187.

" The German auxiliary cruisers and fleet auxiliaries enumerated below will be disarmed and treated as merchant ships.

" INTERNED IN NEUTRAL COUNTRIES.

" *Berlin.*	*Seydlitz.*
" *Santa Fé.*	*Yorck.*

" IN GERMANY.

" *Ammon.*	*Fürst Bülow.*
" *Answald.*	*Gertrud.*
" *Bosnia.*	*Kigoma.*
" *Cordoba.*	*Rugia.*
" *Cassel.*	*Santa Elena.*
" *Dania.*	*Schleswig.*
" *Rio Negro.*	*Möwe.*
" *Rio Pardo.*	*Sierra Ventana.*
" *Santa Cruz.*	*Chemnitz.*
" *Schwaben.*	*Emil Georg von Strauss.*
" *Solingen.*	*Habsburg.*
" *Steigerwald.*	*Meteor.*
" *Franken.*	*Waltraute.*
" *Gundomar.*	*Scharnhorst.*

" Article 188.

" On the expiration of one month from the coming into force of the present Treaty all German submarines, submarine salvage vessels and docks for submarines, including the tubular dock, must have been handed over to the Governments of the Principal Allied and Associated Powers.

" Such of these submarines, vessels and docks as are considered by the said Governments to be fit to proceed under their own power or to be towed shall be taken by the German Government into such Allied ports as have been indicated.

" The remainder, and also those in course of construction, shall be broken up entirely by the German Government under

the supervision of the said Governments. The breaking-up must be completed within three months at the most after the coming into force of the present Treaty."

Mr. ROBINSON. I ask unanimous consent to have printed in the RECORD an editorial published in the Arkansas Methodist urging the ratification of the treaty.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arkansas Methodist, Oct. 2, 1919.]

"ACT! ACT! ACT!

"Shall last November's peans and jubilation be for naught? Russia is a red riot. Roumania and her neighbors still fight. Turkish outrages yet persist. Italy is almost in the throes of revolution. France fumes and frets. Great Britain's Irish and labor troubles threaten stable government. Unrest in India and Eypt menace the British Empire. The United States seethes with artificially induced discontent. The powers that fiercely fronted the Teutonic terror are crumbling to pieces like a wall of sand.

"Germany has her troubles, but Germany, less wasted than any other European power, Germany rapidly coalescing and recuperating, may by a sudden turn reinstate the Hohenzollerns, and, thirsting for revenge, mobilize her forces and spring, tiger-like, upon her foolish foes. If Germany could direct the disintegrating and dissolving forces of her former enemies, she could not work a more pleasing program.

"Again and again in history the vanquished have recuperated and reorganized while the victors quarreled or lolled at ease, and at the strategic moment the conquered have become conquerors. Shall history repeat its tragedies on a larger scale?

"If well-ordered and stable governments are not maintained among the Entente nations, in six months one of two things may easily happen: (1) The German Imperial Government may be restored and her disorganized enemies brought to their knees; or (2) the forces of Socialism and Bolshevism may, through industrial warfare, grasp temporary authority in all the nations.

"The proposed peace treaty involving the league of nations is a very human document. It is far from perfection. But who of all its critics could in the contending currents have constructed a better pact? It or its equivalent alone to-day can as a political instrumentality still the tempest and restore order. Grant that Woodrow Wilson was not tactful in dealing with the Republicans or in handling the Senate. Recognize, if you will, his obsession of self-sufficiency. Imagine, if necessary, that he has further presidential aspirations. None of these things change the perilous situation or offer any hope of a better document. In advocating the ratification of the treaty without amendment, whether he is a good man or a bad man, a statesman or a demagogue, a wise man or a fool, he is advocating the only political expedient which promises immediate relief from the menace of Teutonic domination or world revolution.

"When men are surrounded by bloodthirsty savages intent upon their destruction, they do not usually debate technicalities of organization nor the honor which might come to one of their number if he should lead them to victory.

"Those who pose as supreme Americans and argue that safety first for their own America is the only patriotism are as foolish as the householder who by sprinkling his own roof in the midst of a general conflagration fails to cooperate with those who must have his aid to put out the surrounding fire. He who seeks only his own safety will perish, and all his goods with him. He who helps his imperiled neighbors may save himself in saving them. America can not isolate herself. She is in the world conflagration, and walls a thousand cubits high can not withstand the fierce fire. America must help extinguish the whole fire or burn with the helpless of earth.

"We do not prophesy; but we point out imminent possibilities. Can the Senate of the United States afford to quibble over imaginary dangers when world catastrophe momentarily threatens? Can any Senator, whether Democrat or Republican, for personal or party profit, dare to face humanity if the impending calamity overwhelms our distracted world?

"Can Congress as a whole stand acquitted at the bar of God if, by paltering and procrastinating, they fail to provide the necessary laws and tribunals to control the revolutionary forces of America which, foolishly or criminally agitating, seek to destroy our civilization? No Congress ever had such responsibility. If there are wise and good and courageous men in our Federal Legislature, the tremendous issues of the day challenge them to constructive action. We are not standing still, waiting for the Senate to ratify and Congress to legislate; we are rushing toward the very verge of a chasm and are barely holding back the mad forces which would plunge us headlong to the bottom. It is time to throw selfish caution to the winds and become patriots. The next 90 days are more momentous than the corresponding period of last year, because America, organized and determined, even temporarily defeated, would never have given up the fight, while now, lacking sane leadership, we are little better than a seething mob.

"Senators, Congressmen, it is not the mute pyramids of the past that look down upon you, but helpless humanity looks up through blood and tears and begs you to do your duty.

"O Jehovah, God of Hosts and God of the weak, give vision and courage and power to those upon whom the safety of Thy children rests."

CONTROL OF FOOD PRODUCTS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 12) authorizing the Clerk of the House, in the enrollment of the bill (H. R. 8624) known as the food-control bill, to make certain corrections, which was, in line 8 of the second paragraph of section 106 of the bill as agreed upon in conference, to strike out the oblique line and the word "or" thereafter.

Mr. GRONNA. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Friday, October 17, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *October 16, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, we would approach Thee in the spirit of Him who spake as never man spake, who lived as never man lived, who died the world's greatest hero, and who taught us when we pray to say: Our Father which art in heaven, hallowed be Thy name.

Thy kingdom come. Thy will be done in earth, as it is in heaven.

Give us this day our daily bread.

And forgive us our debts, as we forgive our debtors.

And led us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE.

Mr. BLAND of Missouri. Mr. Speaker——

Mr. CANNON. Mr. Speaker, will the gentleman withhold for a moment for me to make a request? Mr. Speaker, I ask unanimous consent that when the vocational bill is taken up again I may have 40 minutes in which to address the House. I think this is the only request I have ever made in my somewhat lengthy service.

The SPEAKER. The Chair was not sure that he understood the gentleman, but the Chair understood the gentleman to ask that when the vocational bill is again taken up he may have 40 minutes in which to address the House in committee. Is that correct?

Mr. CANNON. Yes.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Reserving the right to object, does the gentleman expect to use that time in opposition to this particular bill?

Mr. CANNON. I do.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

When the House adjourned yesterday the previous question had been ordered on the passport bill.

QUESTION OF PRIVILEGE.

Mr. WINGO. Mr. Speaker, when the House adjourned last evening the gentleman from Ohio [Mr. FESS] had the floor on the question of privilege which I had raised. As I understand, the gentleman from Ohio does not care to submit anything further on that, and, as I understand, the Speaker is inclined to think this is not a matter of privilege, and at the suggestion of the Speaker I desire to ask unanimous consent to speak for five minutes, in which I want to discuss one or two statements made by the gentleman from Ohio, so as to get the record straight.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to speak for five minutes. Is there objection?

Mr. ROGERS. Mr. Speaker, reserving the right to object, as there is no matter of privilege in it, does the gentleman object to deferring his request until we pass the pending bill?

Mr. WINGO. Yes; and my reason for it is this: It will only take five minutes, and will let it come in immediately after the debate and the proceedings of last night.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Speaker, I shall briefly recapitulate my contention, so that Members who were not present will understand. The rules of the House specifically provide that the rules of the House shall control the action in the Committee of the Whole and the Committee of the Whole House on the state of the Union wherever applicable. The rules of the House specifically provide that after the roll has been once called, the Clerk shall call the names of Members not answering on the first roll call. Now, the gentleman from Ohio [Mr. FESS], chairman of the committee, based his decision upon the decision of Mr. Speaker Crisp in 1894. If Members of the House will investigate that decision, they will find that Mr. Speaker Crisp rendered that opinion offhand. It was not challenged. It was immaterial at the time, and there has not been any discussion I have been able to find, for the reason that this is the only time that I know of that it has ever been raised. Now, I have investigated, the older Members of the House having helped, as to when the custom first grew up. The gentleman from Ohio stated last evening it was a practice of recent years, since the House Office Building was built. He is in error in that. In 1880 the insistence of Members was such that Mr. Blackburn, of Kentucky, chairman of the Committee on Rules, brought in certain amendments to the rules, including one which provided for this second roll call. He suggests that the second call is only upon a "call of the House." The rule is very clear, Mr. Speaker; it says upon "every roll call." That includes any roll call, because there is no rule of the House governing the call of rolls in the committee other than the rule that the rules of the House shall control, because paragraph 8 of section 23 specifically says that the rules of the House shall control. But the gentleman says that section 841 of the manual states specifically that in the Committee of the Whole the roll is called but once. The gentleman is in error, and in order to get it in the RECORD I will read section 841, so that the House may see that the gentleman is incorrect in his quotation of that rule.

Paragraph 841 reads as follows:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, etc.

That which the gentleman refers to under section 841 is the citation of the decision by Mr. Speaker Crisp, and it is not part of the rule at all. It is simply a citation found among the notes. Now, to conclude, I desire to make the suggestion that I am only interested in the orderly procedure of the House. The experience of the House has shown that it is infinitely wiser, it saves time, to permit the Clerk to call the roll, as provided by the rule, of those who failed to answer upon the first roll call; that it is more orderly and less productive of confusion and takes less time than to permit Members to gather around, as they did yesterday afternoon in the pit of the House, and let the Clerk call them one at a time.

I am only interested in the integrity of the rules of the House. It may be contended that the rule that he has suggested, while it overthrows the rules of the House, will serve the interest of the House by forcing Members to maintain a quorum. I agree with the gentleman that something should be done to keep a quorum. Gentlemen on the Republican side are having the same trouble the Democratic leaders had in a Democratic Congress. It is not a partisan proposition at all. Each side has always had trouble in keeping a quorum. If the gentlemen who are on the Committee on Rules will bring in a rule that will enforce, in a practical way, the attendance of Members, so that we can have a quorum all the time, I will gladly support it. The way to do it is not by an arbitrary decision of the Chairman of the Committee of the Whole House on the state of the Union, in violation of the rules, but by a report of the Committee on Rules and by solemn vote of the Members of the House, with notice first given to them, so that they can express their opinion by voting on an amendment to the rules. It is not within the authority of a Chairman of the Committee of the Whole to change the rules of the House by his decision as Chairman because he thinks the change is necessary. The authority to amend the rules rests with the Members of the whole House, and they are rightfully jealous of this right. I am content to drop the matter, as I am assured that the rules in this respect will be respected in the future.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 7972. An act to improve the administration of the postal service in the Territory of Hawaii, in Porto Rico, and the Virgin Islands;

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.; and

H. R. 6810. An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in research and in the development of fuel, dye, and other lawful industries.

EXTENSION OF PASSPORT CONTROL.

The SPEAKER. The question arises on the passport bill, on which the previous question was ordered.

First, the question is on agreeing to the amendments. If a separate vote is not demanded on any amendment, the Chair will put them en grosse.

The question was taken, and the amendments were agreed to.

The bill was engrossed and ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, division; and, pending that, I think, inasmuch as this is an important matter, there should be a roll call; and I make the point of no quorum.

The SPEAKER. The gentleman, pending the division, makes the point that there is no quorum. Evidently there is no quorum present. The Clerk will call the roll. Those in favor of the bill will, as their names are called, answer "yea," those opposed will answer "nay."

The question was taken; and there were—yeas 315, nays 1, answered "present" 2, not voting 112, as follows:

YEAS—315.

Alexander	Crisp	Hardy, Colo.	Lonergan
Almon	Crowther	Hardy, Tex.	Longworth
Anderson	Currie, Mich.	Harrison	Luce
Andrews, Nebr.	Dale	Haskell	Lufkin
Anthony	Dallinger	Hastings	Luhring
Ashbrook	Darrow	Haugen	McArthur
Aswell	Davey	Hawley	McCulloch
Ayres	Davis, Minn.	Hayden	McDuffie
Babka	Davis, Tenn.	Hays	McGlennon
Bacharach	Denison	Hernandez	McKenzie
Baer	Dent	Hersey	McKeown
Bankhead	Dewalt	Hersman	McKinley
Barbour	Dickinson, Mo.	Hickey	McKinley
Barkley	Dickinson, Iowa	Hicks	McLaughlin, Mich.
Bee	Dominick	Hoch	McPherson
Begg	Doughton	Holland	MacCrate
Benham	Dowell	Howard	Madden
Black	Drane	Huddleston	Magee
Blackmon	Dunbar	Hudspeth	Major
Bland, Ind.	Dunn	Hulings	Mansfield
Bland, Mo.	Dupré	Hull, Iowa	Mapes
Blanton	Dyer	Hull, Tenn.	Martin
Boies	Eagan	Humphreys	Mason
Bowers	Echols	Husted	Mays
Box	Edmonds	Hutchinson	Merritt
Briggs	Elliott	Igoe	Michener
Brinson	Elston	Jacoway	Miller
Brooks, Ill.	Emerson	James	Minahan, N. J.
Brooks, Pa.	Esch	Jefferis	Monahan, Wis.
Browne	Evans, Mont.	Johnson, Ky.	Mondell
Browning	Evans, Nebr.	Johnson, S. Dak.	Montague
Brumbaugh	Evans, Nev.	Johnson, Wash.	Moon
Buchanan	Fairfield	Jones, Pa.	Mooney
Burdick	Ferris	Jones, Tex.	Moore, Ohio
Burroughs	Fess	Juul	Moore, Va.
Butler	Fisher	Kearns	Morgan
Byrnes, S. C.	Flood	Keller	Mott
Byrns, Tenn.	Focht	Kelley, Mich.	Mudd
Campbell, Kans.	Fordney	Kelly, Pa.	Nelson, Mo.
Campbell, Pa.	Freeman	Kendall	Nelson, Wis.
Candler	French	Kettner	Newton, Minn.
Cannon	Ganly	Kiess	Newton, Mo.
Carss	Gard	King	Nichols, Mich.
Carter	Garland	Kinkaid	Nolan
Chindblom	Garner	Kitchin	Oldfield
Christopherson	Garrett	Kleczka	Oliver
Clark, Fla.	Glynn	Knutson	Olney
Clark, Mo.	Good	Kreider	Osborne
Classon	Graham, Pa.	Lampert	Padgett
Cleary	Graham, Ill.	Lanham	Park
Coady	Green, Iowa	Lankford	Parrish
Cole	Greene, Mass.	Layton	Pell
Connally	Greene, Vt.	Lazaro	Phelan
Cooper	Griest	Lea, Calif.	Platt
Copley	Griffin	Lehlbach	Pou
Crago	Hadley	Lesher	Purnell
Cramton	Hamilton	Linthicum	Quin

Radcliffe	Sanford	Strong, Kans.	Walters
Rainey, J. W.	Schall	Summers, Wash.	Wason
Rainey, Ala.	Scott	Sumners, Tex.	Watkins
Raker	Sears	Sweet	Watson, Pa.
Ramseyer	Sherwood	Taylor, Colo.	Watson, Va.
Randall, Calif.	Shreve	Taylor, Tenn.	Weaver
Randall, Wis.	Siegel	Temple	Webb
Rayburn	Sims	Thomas	Welling
Reavis	Sinclair	Thompson	Welty
Reber	Smith, Idaho	Tillman	Whaley
Rhodes	Smith, Ill.	Tilson	Wheeler
Ricketts	Smith, Mich.	Timberlake	White, Kans.
Riddick	Smithwick	Tinkham	White, Me.
Rodenberg	Snell	Towner	Williams
Rogers	Snyder	Vaile	Wilson, La.
Romjue	Steagall	Vare	Wingo
Rose	Stedman	Venable	Winslow
Rouse	Steele	Vestal	Wood, Ind.
Rowe	Steenerson	Vinson	Wright
Sanders, Ind.	Stephens, Ohio	Voigt	Young, N. Dak.
Sanders, La.	Stevenson	Volstead	Young, Tex.
Sanders, N. Y.	Stiness	Walsh	

NAYS—1.

Gallagher

ANSWERED "PRESENT"—2.

Kraus Treadway

NOT VOTING—112.

Ackerman	Fuller, Ill.	McFadden	Rowan
Andrews, Md.	Fuller, Mass.	McLane	Rubey
Bell	Gallivan	McLaughlin, Nebr.	Rucker
Benson	Gandy	MacGregor	Sabath
Bland, Va.	Godwin, N. C.	Maher	Saunders, Va.
Booher	Goldfogle	Mann	Scully
Brand	Goodall	Mead	Sells
Britten	Goodwin, Ark.	Moore, Pa.	Sinnott
Burke	Goodykoontz	Moores, Ind.	Sisson
Caldwell	Gould	Morin	Slemp
Cantrill	Hamill	Murphy	Small
Caraway	Heflin	Neely	Smith, N. Y.
Carew	Hill	Nicholls, S. C.	Stephens, Miss.
Casey	Houghton	O'Connell	Strong, Pa.
Collier	Ireland	O'Connor	Sullivan
Costello	Johnson, Miss.	Ogden	Swope
Cullen	Johnston, N. Y.	Overstreet	Taylor, Ark.
Curry, Calif.	Kahn	Paige	Tincher
Dempsey	Kennedy, Iowa	Parker	Upshaw
Donovan	Kennedy, R. I.	Peters	Ward
Dooling	Kincheloe	Porter	Webster
Doremus	LaGuardia	Rainey, H. T.	Wilson, Ill.
Eagle	Langley	Ramsey	Wilson, Pa.
Ellsworth	Larsen	Reed, N. Y.	Wise
Fields	Lee, Ga.	Reed, W. Va.	Woods, Va.
Fitzgerald	Little	Riordan	Woodward
Foster	McAndrews	Robinson, N. C.	Yates
Frear	McClintic	Robsion, Ky.	Zihlman

So the bill was passed.

The Clerk announced the following pairs:

Mr. LAGUARDIA with Mr. MAHER.
Mr. LITTLE with Mr. MCLANE.
Mr. MCFADDEN with Mr. MCCLINTIC.
Mr. MCLAUGHLIN of Nebraska with Mr. MCANDREWS.
Mr. MACGREGOR with Mr. FITZGERALD.
Mr. MANN with Mr. LEE of Georgia.
Mr. FOSTER with Mr. SMITH of New York.
Mr. FREAR with Mr. SMALL.
Mr. SWOPE with Mr. CANTRILL.
Mr. FULLER of Illinois with Mr. SISSON.
Mr. FULLER of Massachusetts with Mr. SCULLY.
Mr. GOODALL with Mr. SABATH.
Mr. GOODYKOONTZ with Mr. RUCKER.
Mr. BRITTEN with Mr. WISE.
Mr. MOORE of Pennsylvania with Mr. LARSEN.
Mr. MOORES of Indiana with Mr. JOHNSTON of New York.
Mr. DAVIS of Minnesota with Mr. OVERSTREET.
Mr. WARD with Mr. CALDWELL.
Mr. WEBSTER with Mr. BRAND.
Mr. TREADWAY with Mr. BOOHER.
Mr. WILSON of Illinois with Mr. BLAND of Virginia.
Mr. WOODYARD with Mr. BENSON.
Mr. BURKE with Mr. WILSON of Pennsylvania.
Mr. COSTELLO with Mr. UPSHAW.
Mr. CURRY of California with Mr. TAYLOR of Arkansas.
Mr. MORIN with Mr. HEFLIN.
Mr. MURPHY with Mr. HAMILL.
Mr. FULLER of Massachusetts with Mr. RUBEY.
Mr. STRONG of Pennsylvania with Mr. CARAWAY.
Mr. SELLS with Mr. COLLIER.
Mr. SINNOTT with Mr. CASEY.
Mr. DEMPSEY with Mr. SULLIVAN.
Mr. GOULD with Mr. ROBINSON of North Carolina.
Mr. HILL with Mr. RIORDAN.
Mr. HOUGHTON with Mr. HENRY T. RAINEY.
Mr. IRELAND with Mr. O'CONNOR.
Mr. OGDEN with Mr. GODWIN of Arkansas.
Mr. PAIGE with Mr. GODWIN of North Carolina.
Mr. KAHN with Mr. O'CONNELL.
Mr. KENNEDY of Iowa with Mr. NEELY.
Mr. YATES with Mr. BELL.
Mr. ZIHLMAN with Mr. GOLDFOGLE.
Mr. TINCHER with Mr. JOHNSON of Mississippi.
Mr. PARKER with Mr. GALLIVAN.
Mr. PETERS with Mr. EAGLE.
Mr. PORTER with Mr. DOREMUS.
Mr. RAMSEY with Mr. DOOLING.
Mr. REED of New York with Mr. DONOVAN.
Mr. REED of West Virginia with Mr. CULLEN.
Mr. ELLSWORTH with Mr. STEPHENS of Mississippi.
Mr. LANGLEY with Mr. FIELDS.
Mr. ROBSION of Kentucky with Mr. NICHOLLS of South Carolina.
Mr. SLEMP with Mr. CAREW.
Mr. KENNEDY of Rhode Island with Mr. MEAD.
Mr. ANDREWS of Maryland with Mr. WOODS of Virginia.

Mr. KNUTSON. Mr. Speaker, I desire to withdraw my affirmative vote and vote "present." I am paired with the gentleman from Georgia, Mr. BELL.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KNUTSON, and he answered "Present."

Mr. BACHARACH. Mr. Speaker, Mr. KENNEDY of Rhode Island requested me to announce that if he were present he would vote "aye."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. ROGERS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLMENT OF FOOD-CONTROL BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution No. 12, providing for certain corrections in the enrollment of the food-control act.

Mr. SUMMERS of Washington rose.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. SUMMERS of Washington. To ask unanimous consent——

The SPEAKER. There is one unanimous-consent request pending already. The gentleman from Iowa [Mr. HAUGEN], chairman of the Committee on Agriculture, requests unanimous consent to take from the Speaker's table the following Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 12.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," the Clerk of the House of Representatives be, and he is hereby, authorized and directed to strike out the word "an" in line 31 of section 106 of the bill as agreed upon in conference and to insert in lieu thereof the word "on"; also in section 112 where they twice appear and in section 114 where they once appear strike out the words "treasury of the District of Columbia" and insert in lieu thereof the words "Treasury of the United States to the credit of the District of Columbia"; and in section 118, line 5, of the bill as agreed upon in conference, strike out "for" where it first occurs and insert in lieu thereof the word "or."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, Mr. Speaker, what is the effect of all these changes?

Mr. HAUGEN. Two amendments are simply to correct typographical errors; a change of words from "an" to "on" and from "for" to "or." In setting up the type they added "f" to the word "or," making it "for" instead of "or," and made another word read "an" instead of "on." In the bill it is stated that the moneys "shall be paid into the treasury of the District of Columbia." There is no such treasury; it is now proposed that the money shall be paid into the Treasury of the United States to the credit of the District of Columbia.

Mr. CLARK of Missouri. Well, who is responsible for five or six errors in a short resolution?

Mr. HAUGEN. Some one over in the printing department; I could not say. The errors were made in setting up the type.

Mr. CLARK of Missouri. Were those errors in the original bill? Did you people make the errors or was it the printer?

Mr. HAUGEN. In the bill as it was agreed to the word was "on" instead of "an," and the word "or" instead of "for." That has been discovered. The bill as passed provided that the money should be "paid into the treasury of the District of Columbia."

Mr. CLARK of Missouri. I know; but this resolution strikes out a whole sentence.

Mr. HAUGEN. It simply strikes out the word "an" and inserts the word "on," and strikes out the word "for" and inserts the word "or," and strikes out "the treasury of the District of Columbia" and inserts "the Treasury of the United States to the credit of the District of Columbia."

Mr. CLARK of Missouri. The printer did not do that.

Mr. HAUGEN. Not the last. As I said, there are two typographical errors.

Mr. CLARK of Missouri. What they need down there is proof readers.

Mr. HAUGEN. It is very easy to make a mistake of that kind. I am not criticizing it.

The SPEAKER. It is not easy to make a mistake about the "treasury of the District of Columbia," when there never was any such thing on the face of the earth and never will be.

Mr. HAUGEN. It was made at the suggestion of an expert, who probably knows more about the District of Columbia than anybody else. But such mistakes will happen.

Mr. WALSH. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman from Iowa if he does not think in line 8 of the second paragraph of section 106 the word "an" and the oblique line ought to be omitted? That is introducing a new theory in legislation, attempting to insert "or" for "an" and the word "for" for the word "or," so that the sentence can be read either way. Will the gentleman accept an amendment to strike out the oblique line "or," so that the resolution might include the amendment?

Mr. HAUGEN. Yes.

Mr. FESS. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the Committee on Agriculture how much time he expects this will consume?

Mr. HAUGEN. I do not expect it will take up five minutes. It is not necessary to discuss it. The resolution itself indicates what is required, which is simply to correct the typographical errors and to make the changes indicated.

Mr. FESS. Assuming that the gentleman is mistaken and that debate will start, will the gentleman then withdraw it?

Mr. HAUGEN. Yes. I do not think it will take more than a minute to dispose of it.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will the gentleman yield for one observation?

Mr. HAUGEN. Yes.

Mr. CRAMTON. I want to state that this is an illustration of the impropriety of much of our rider legislation. The Committee on Agriculture of neither body in Congress had any business with this Ball bill. It belonged in the Committee on the District of Columbia. The Committee on Agriculture, it develops, did not know that there is no treasury of the District of Columbia, and it is not surprising that they did not. That is not in their jurisdiction. The Committee on the District of Columbia would have known that fact and would have guarded against this kind of an error. I submit that the best legislation can be secured if the committees that have jurisdiction will exercise their jurisdiction and other committees keep out.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, it has been beneficial in this respect, that it did teach the Committee on Agriculture that there was no such treasury. [Laughter.]

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, the trouble about the matter, as I view it, is that it came over here on a conference report, and then we had a rule which came in here which prevented us from amending it. Is not that the reason for the error? If we had had an ordinary resolution and power to correct after we had the conference report in here, these things could have been corrected by the House.

Mr. HAUGEN. The gentleman can draw his own conclusion. The error was made in the printing department.

Mr. GARD. No; the error was made by the conferees.

Mr. HAUGEN. The conferees can not be held responsible for the typographical errors.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAUGEN. In reply to the gentleman from Michigan [Mr. CRAMTON] let me state that the suggestion came from the Committee on the District of Columbia. It was inserted at the suggested of the members of that committee.

Mr. CANDLER. I will state further that the remarks of the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Texas [Mr. BLANTON] as to the knowledge of the Committee on Agriculture are uncalled for and gratuitous, for everybody knows that the Committee on Agriculture knows more about everything in this House and where the treasuries are and everything else than any other committee of the House. [Laughter and applause.]

Mr. WALSH. I move to amend by striking out, in line 8 of the second paragraph of section 106, in the conference report, the oblique line and the word "or."

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: In line 8 of the second paragraph of section 106 of the conference report, strike out the oblique line and the word "or."

Mr. WINGO. I should like to know what the effect of that amendment is. Let the Clerk report the text as it will read if so amended. Or, if the gentleman will explain it, that will be satisfactory.

Mr. WALSH. If the Chair will permit, it will then read:

If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and fair and reasonable service, terms, and conditions of use or occupancy.

Mr. WINGO. What change do you make by that amendment?

Mr. WALSH. They have the word "and" there followed by an oblique line and the word "or," in order that the paragraph may be read either way.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

Mr. HAUGEN. Mr. Speaker, I move to concur in the resolution with the amendment which has been agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

SUPPLEMENTARY REPORT ON THE COTTON CROP.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to call up H. J. Res. 230, authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a House joint resolution, which the Clerk will report by title.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. KING. Mr. Speaker, I object.

Mr. BYRNES of South Carolina. Will the gentleman withhold his objection a moment?

Mr. KING. I will.

Mr. BYRNES of South Carolina. This resolution will not take over five minutes. If it does, I will agree to withdraw it. I am satisfied that no Member of the House will object to it if he will allow me three minutes in which to state its purpose.

Mr. CANDLER. It is unanimously indorsed by all the Members of Congress from the cotton States, and we think it very important to pass this resolution at once.

Mr. KING. I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This joint resolution is on the Union Calendar.

Mr. HAUGEN. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the joint resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of Agriculture is hereby authorized and directed to prepare and publish not later than November 2, 1919, a supplementary estimate of the condition of the cotton crop as of the date October 25, 1919.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9203. An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce; and

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. McFADDEN, for five days, on account of important business.

To Mr. SINNOTT, indefinitely, on account of the death of his daughter. (Request made by Mr. MCARTHUR.)

To Mr. BRAND, indefinitely, on account of serious illness in his family.

To Mr. BOOHER, for the remainder of this session, on account of important business.

LEAVE TO EXTEND REMARKS.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the question of the power of the Government to appoint ambassadors. It is a legal proposition.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of the power of the Government to appoint ambassadors. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, does this embrace the subject of appointing an ambassador to Ireland?

Mr. MASON. Yes; and to South Africa, or any other country. It is simply a recitation of the authorities upon the subject.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, is it the gentleman's own compilation?

Mr. MASON. Yes; it is my own compilation.

The SPEAKER. Is there objection?

There was no objection.

Mr. SUMMERS of Washington. I ask unanimous consent to extend my remarks in the RECORD on the passport bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KELLER. I make the same request.

The SPEAKER. The gentleman from Minnesota makes the same request. Is there objection?

There was no objection.

INDUSTRIAL VOCATIONAL REHABILITATION.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

The CHAIRMAN. Under the leave of the House, the gentleman from Illinois [Mr. CANNON] is recognized for 40 minutes.

Mr. CANNON. Mr. Chairman, I do not believe I shall occupy the 40 minutes, but for fear that I may do so I wish to be reminded at the expiration of 35 minutes. I also desire to say to the committee that I want to make this talk as brief as possible, and for the present, at least, I would be glad not to be interrupted. I have no manuscript. Being of Quaker descent, I have got to preach the gospel as the spirit moves me. [Laughter and applause.]

Mr. Chairman, the war, I pray God, may soon be legally over. Technically it is not over. We had to go to war. They blew up our ships in mid-ocean. We did go to war; we had over 4,000,000 people engaged in that Great War. I will not weary you except to refer to it. You know all about it. Thank God, the armistice came and we with those with whom we cooperated prevailed. [Applause.]

Now we have got to unscramble the eggs. We have got to pay the expenses of the war. They have got to be paid by taxation. We have got to keep our pledges to the boys that were in the front, who had the muskets and the artillery, who bore the brunt of the Great War. Of course, we had to support them from home, for if that link of the chain had broken we would have failed. The chain is no stronger than its weakest link. At times we had a hell of a time at home. [Laughter.] Wages were increased; prices of everything were increased; strikes threatened and coming; we were dictated to; but the soldier did not complain. The trouble was at home.

We have just passed a passport bill. I think it was unanimous, but there may have been one vote against it. You recall the debate of yesterday. It was claimed that the majority of the people who are now striking in the United States are not American citizens. If we only had the power to take them by the nape of the neck and the slack of the breeches and throw them across the ocean, we would have done the job. [Laughter and applause.] Most of them are ignorant, and some of them vicious, as was said yesterday, and I am taking that because it was not disputed by anybody, and they do not wish well to the Government, except as they can be employed and better their condition and go back home.

I am making no attack upon them. God knows that as long as the people in this country will obey the law and aid in the maintenance of our industries, for one I will welcome them, and I welcome the great number of people—and there are a large number—that will be naturalized, who are children of those in the second, third, fourth, and fifth generation who came from across the ocean. They make good American citizens. God knows that as near as I can make up my own ancestry, those who came to this New World, if they had not come, a part of us would be in Ireland. [Laughter and applause.] A little bit would be in Germany and a little bit in France.

The glory of this country has been that under our Constitution local matters are controlled by the States, and national matters are controlled by the Nation. It is a long way to San Francisco—3,000 miles—and a long way from the Canadian border down to the Gulf—2,000 miles and plus. We have got our hands full in performing the functions of the Congress in legislating for the Federal Government, but there is a tendency to go not in a walk, not in a trot, but in a run to transfer power that the States should exercise to the United States Government and administer the same from Washington.

I am not going to say that you Democrats are to blame for it. The truth is that while you are six, we are half a dozen in the premises. [Laughter and applause.]

This bill that I am going to talk about, gentlemen, I want to say is not a partisan bill. It can not pass alone by Republican votes, it can not pass alone by Democratic votes. It is a patriotic thing, in my judgment, to defeat this bill, and it can not be done unless we keep in view the great work before us, with $4,000,000,000 plus to raise annually by taxation, or further embarrass our credit by issuing bonds, and it will touch all of us.

We, on our side, can not make it a partisan question, and you on your side can not make it a partisan question. So it is in this spirit that I come to talk to you. I do not want to abuse anybody or make myself uncomfortable, but I want to call a spade a spade, and speak plainly and directly as I may be led to speak.

We have a national vocational education act to take care of our soldier boys, and we are trying to get ready to do it. It is said that slow progress has been made with that work. I expect that is true. The hearings show that $1,000,000, in round numbers, has been paid in salaries to that board. According to the soldiers' paper which I have in my hand, a very insignificant amount of vocational training has been accomplished. Those that are trained and are in training are only as two to every $2,500 or five or six or seven thousand dollar man on the board who is on salary. Pretty slow progress has been made.

Mr. Chairman, there never was in the tide of time such provision made to care for any Army on earth as was made to care for our Army. About 75,000 are buried in France. God knows I would resurrect them if I could. It is not a very large death rate, it is true, considering the great number of people we had there. "Would you go if you were a young man, Mr. CANNON, for $32 a month?" Well, unless it was absolutely necessary to help preserve the Government, I would answer "No" to that question. I do not suppose any of those boys wanted to go except that they did so from a patriotic standpoint. They are dead. Those who survive them, the wife or the dependent parent or the dependent child, and still broader than that, under the war-risk act are better provided for than any Army was provided for in the history of the world. Think of the $900,000,000 of insurance that went to the dependents of those soldiers.

The $10,000 or the $5,000, whatever the sum might have been, goes to the beneficiaries of those who are dead in payments covering a period of 20 years. Of course, we are all glad that we voted for legislation of that kind, to make that provision for the soldiers and those who survived them. We did not halt, when it came to war legislation, on either side of the House, about voting for anything and everything that would help us win the war. We would do it again if we were in war.

Having said that much about it, let me speak about those who are receiving vocational training. They do not have to go. The war-risk bill makes large provisions. It runs up as high as $200 a month for complete disability; $100 a month is the largest amount that was ever provided for a soldier. All

kinds of rates are made, and they are liberal. Would you be in their condition for that much? Oh, no! But we voted for that liberal act, and we are going to pay for it cheerfully and patriotically.

Some one here has said that this bill will cost the American people annually only 1 cent each, which would be true if we levied a direct tax on all the 100,000,000 people to meet the expense, but the returns of the Internal Revenue Bureau indicate that only about 3 per cent of the people pay an income tax, and that 3 per cent is largely in the industrial States, which have already made pretty fair provision for their unfortunates. The Commissioner of Internal Revenue shows that one-fourth of the States last year paid three-fourths of all the revenue collected for the Federal Government, and that three-fourths of the States contributed less than one-fourth of the total revenues. You propose to further tax the industrious and frugal to take care of the unfortunate in all sections of the country.

But this is not the only legislation of this character proposed to this Congress. The junior Senator from Texas also has a bill now before the Senate to "encourage instruction in maternity and infancy, and to aid in extending proper care for maternity and infancy, and to provide for cooperation with the States in the promotion of such instruction and care."

That bill provides for a direct appropriation of $480,000 for each year, $10,000 of which shall be paid annually to each State from the Federal Treasury. It also provides for an appropriation of $2,000,000,000 annually on the basis of like appropriations by the States. Here is another draft of $2,500,000 a year on the Federal Treasury to aid the States in looking after what the State boards of health should do for each State. There are many other things which can be suggested when the Congress enters upon this character of legislation, and the billions we have spent on war will be continued in centering in Washington great bureaus to look after the people regardless of their ability or their disposition to have all their domestic affairs controlled from Washington.

These bureaus will be models, no doubt, but I fear they may be little more effective than the models in the Patent Office which are stored there to preserve them and for exhibition to the tourists who visit the National Capital, while the unfortunate who do not advertise their misfortunes will continue to suffer in ignorance of these bureaus.

But this legislation minimizes the importance of that for the rehabilitation of the soldiers who were disabled in defense of the whole country, to whom the Nation owes every possible care. Before that legislation has been put into practical operation for the rehabilitation of the soldiers you propose to extend the same benefits to the whole population, regardless of their sacrifices for the Nation—to those who found excuse to remain at home while the boys were in France fighting against Germany. That is, to my mind, one most effective way of indicating that the soldiers deserve no more from Congress than the men and women who made no effort to defend the country.

Do you know what I think of this country? I will just cast my eye about here, letting it rest upon the Members of Congress who are about me, and if all were here I would say what I am going to say now. The best education that is received in this country is that which is received about the hearthstone, from the wife, the husband, the parents, the home, whether that home be a log cabin or in a frame building or what not, and while I believe in book learning, yet if I had a family of boys, every one of them would be so trained that they would earn a living. That is the best of all educations. Of course, we are very liberal in our educational system, and nearly all of the States have compulsory education.

Reading, writing, and ciphering was what I got—as far as the rule of 3. That is what I had. At the age of 15 years I was compelled to go to work—my father having been drowned—to help support the family. I am awkward perhaps in my sentences, but the education that I received upon the hearthstone and in the log schoolhouse I would not exchange, if I could turn back the leaves of time and be young again, for all the training that could be given me in all of the universities of the world. [Applause.]

How are you going to have the Republic preserved? It will be done by keeping the hearthstone, and through the present and the coming generations receiving practical education. I once had a client who owned considerable land who could not read or write. However, he was an awfully good cattleman, was honest, and a good citizen. He was a Democrat, and I used to quarrel with him about voting the Democratic ticket, but he said that he saw the light in that way, and that he was going to do, and he did it up to the time of his death.

One day when he came to see me I said to him, "How is your neighbor, Mr. Jones?" He, too, had lots of land, as this client of mine had. He replied, "Oh, he is getting along pretty well." "Cattle good?" "Yes." Then I said to him, "He has a large family and you have a large family." "Yes, yes," he replied. I said to him, "What are they doing?" and he said to me, "Why, he is sending three gals and two boys over to Asbury College"—it is now Depauw University—"to take a course." I said, "That is all right; he has the money and he has worked hard." "Oh, Joe," said he, "them Jones boys and gals will come back and they will be eddicated idiots," and they were. [Laughter.] Oh, Mr. Chairman, I am not against universities, and I am not against colleges, but let me tell you you have got to take the men who work in the factories, and their children, and those that sail on the lakes and on the ocean, and others who work when you come to consider the men who go to make up the real people of this country, for you can not get along without practical education.

Mr. Chairman, in one respect I am just as good a democrat as any Democrat on the Democratic side of this House. Thank God that the great Civil War is behind us; that the wounds are healed; and that we now have but one common purpose. No one has ever heard me say things about anybody, about any Member of Congress or any Senator, because I happened to disagree with him on principle, simply because he was a Democrat, because I regard him as my peer and I regard myself as his peer.

"Well, now, Mr. CANNON, why do not you talk about the bill?" [Laughter.] Oh, I have been laying the foundation to talk about the bill. Let us now consider vocational training. They have $14,000,000 to take care of the soldiers now for this year. They have trained very few. They have spent a million dollars in salaries—large salaries—and they have trained very few. I hope they will do better. Secretary Glass the other day, as I read in the papers, appeared before a Senate committee and said that he would recommend $20,000,000 more for vocational training, and, God knows, if they need it, I say $20,000,000 or $50,000,000 or $100,000,000 for vocational training for the soldiers, and whatever is needed for that purpose. That is as far as I want to go. "Well, Mr. CANNON, does not this bill want us to go further?" Yes; and that is what I object to. We have 38 States already acting independently of Congress, with their various laws passed for compensation for accidents in civil life, with the courts open, with the manufacturers in the main insuring against accidents to their employees, and, as far as compensation itself goes, it is large, it is liberal, when you come to take up the whole question. The States have done it, and the States ought to continue to do it.

Oh, somebody may say, "Why are you talking?" I am talking on the merits, and if I have not said so already I do not want the necessity of keeping our pledge to the boys who fought our battles in France to be used as a makeshift to take the same machinery and use it to give vocational training to those in civil life who did not go to war. Do you know what is to happen? If I state it wrong, somebody interrupt me. During this Congress you are to bring in a bill here to make the Commissioner of Education a Cabinet member. God knows if I had the power I would have less Cabinet positions than now, because they could be administered without duplication and at far less expense and perform their duty by giving service more promptly than is now given. Under these various departments having jurisdiction we have duplication of all kinds. I am a member of the Committee on Appropriations, and you ought to hear the several departments pull and haul about the importance of having all the money they want to duplicate in the same kind of work. We have got to get rid of that, and ought to get rid of it. I agree with Mr. Speaker CLARK that we have got Cabinet officers enough. I am opposed to the creation of any more. Yet I am informed that the next step is to create a department of education to take the place of the Commissioner of Education. The States are caring for education. A department of education located in Washington to boss the education of the whole country would be injurious to education in the States. Now, as a general proposition, I want to make this statement: The men who are college professors, on the average, are not good business men.

Yet, if there is to be a department of education it would be dominated by college professors. But whenever you find an exception I can count you 50 of them who are not competent for practical work outside of the book education. Now, so much for that. This vocational bill which we passed for the soldiers I voted for. What is the condition of the country? "We are getting $1.10 for corn now, whereas we got $2; hogs have fallen off 25 per cent, and so on and so on." Yes; and they will go off more and the price of corn will go lower, the price

of land will go lower, not in real value, not in purchasing power when you come to exchange them for something to eat and the wherewithall to be clothed, but we will get back some time or other to the normal. But you know we will not do it without pulling teeth. Why, there are plenty of farmers raising cotton, and raising corn, and raising cattle, and doing this and that and the other, so busy they do not stop to analyze the situation, and when you keep your taxation, and we can not reduce it below $4,000,000,000, and it will be more instead of less, and it will last until successors are seated in every seat of this House of those who are now in it, and hell will be to pay and no pitch hot; and, gentlemen, there is no doubt about it. "Mr. CANNON, are you a Republican?" "Yes." I believe in the principle of protection. You Democrats do not. We used to fight about it. We used to get about $300,000,000 that way, a good deal of money to help along under normal conditions.

We can not under any conditions levy any kind of a tariff to get over $500,000,000. Where is the $4,000,000,000 to come from to meet our annual expenditures? Why, we have had prohibition during the war, and that will not be a practical question in the next campaign nor the next nor the next, but it will take nearly half a billion from our revenues. It is a question of taxation. What is it to go on? On manufactured products, on sales by wholesale people of 1 per cent? I hope they will never reach the retail people, because there is so many of them. Consumption taxes not proper. Yet we have got to be patriotic, and you Democrats have not any gimlet hole to look through from what I have to look through in settling the matter. [Laughter and applause.] I have great admiration for the majority floor leader. He is my personal and political friend, but I was not in sympathy with him when he got up here to talk on this bill the other day, and talked of how much we had reduced appropriations more than you had, and there were three or four of you making mouths at him. [Laughter.] Well, that was just camouflage, leather and prunella. That is all there is of it. Let us be honest with each other, leather and prunella. Now, when you read this bill through—we have it under the five-minute rule—read it clear through and you will find that the Commissioner of Education, with his associates, living in Washington, where you people, getting the benefit of the law, will not be here to pay half of it, you will find it so drawn that the whole thing is to be controlled and managed from Washington.

And I am not making any attack upon Dr. Claxton. He is a good-looking old man, you know. [Laughter.] But with the highest respect for him, he looks through the keyhole at the universe, and "It is me and my wife and my son John and his wife; us four and no more." I do not know whether he has a wife or not, but I do know that he is just a specialist. Whereas when it comes to levying taxes in Georgia and North Carolina, Illinois, Indiana, New York, and the other States, you had better leave these matters of caring for the citizens in those various States to the States. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. CANNON. Now, I want to talk in that seven minutes right from the shoulder.

You know that you are organizing your party and we are organizing ours. We are going to have quite a scrap. Whichever one prevails, I am satisfied the sun will rise and we will move on when the scrap is over. You have national committeemen and we have national committeemen. The national committeemen superintend the whole thing in the presidential campaign. They are useful people. I have no stones to throw at them or no stones to throw at the present men holding those places. I expect they are able men. I have a slight acquaintance with Mr. Hays. I do not believe I have ever met with your Democratic national leader; but we will scrap it out without tearing of hair in the next campaign. I hope we will win. Maybe you will win. If so, I will be just as loyal to this Government, if it is so decided by a vote of the majority, as I will be if it is decided our way.

What are you going to say to these national committees? I am not acquainted with the Democratic national committee. I think Mr. Hays, of the Republican committee, from all I hear about him, is a very able man. I was surprised and grieved when it was given out on this side of the House to as good, but no better, Republicans than I am, "You must vote this way. Hays wants it." My God, what would he do with it? He may want it, but what would he do with it? Is this supposed to be a bill for votes? For whom? Men that labor? Is that the supposition? That is the idea if it means anything. Do you think that you will let us do that kind of thing, if that is the motive, without making your record? And you would split even on it. In the meantime the Government would suffer. Oh, I would like to be able to sing that song with a voice that would reach from the Atlantic to the Pacific, that old song of the church:

Increase my courage, Lord.

[Applause.]

Now, then, I was indignant. And I want to here and now, so far as I am concerned, to express my hope and belief that the Republican national committee leader, Mr. Hays, never has been interfering in this matter. I should be sorry, indeed, if it was proved that he did interfere; that he was responsible for this word going around on our side of the House, "He wants that; he wants that"; and that it meant votes.

Let us be honest with each other, my side and your side. If he did say it, I would pray God that he would repent and seek forgiveness for that political sin and never sin any more. [Applause.]

Now, I have not talked a great deal about the merits of this bill. I am going to talk possibly under the five-minute rule, here and there, on an amendment that I may desire to offer. I can not discuss it from beginning to end in the time that I have. But I felt that in good faith I might talk to my Republican friends and my Democratic friends and exhort them not to try to make a partisan measure out of something that is not partisan. [Applause.] We have enough to talk about on each side when the time comes.

Mr. Chairman, have I still some time?

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MONDELL. I thought the gentleman was through.

Mr. CANNON. I yield two minutes to the gentleman from Wyoming, the majority leader. [Loud applause.]

Mr. MONDELL. Mr. Chairman, how times have changed when the gentleman from Illinois [Mr. CANNON] gets his applause on the Democratic side of the aisle.

Mr. CANNON. If the gentleman will yield, if they vote as well as they applaud we will defeat this bill. [Applause.]

Mr. MONDELL. And the gentleman's 10 minutes was very evidently utilized for the purpose of consolidating the Democratic vote against this bill. And I say, how times have changed! Well, I at one time tried to consolidate the Democratic side against a measure that the gentleman from Illinois [Mr. CANNON] was for. He was in favor of putting two Territories in the Southwest together into one State, and I got into a little insurgency to prevent that being done; we tried to get enough Republicans to join with the Democrats to put it over. Well, we did not accomplish it at that time. The organization of those days was a little bit too well knitted together. But eventually it came out our way, because it was right that it should. Finally we admitt 1 Arizona and New Mexico as two separate States, as we had contended we should.

Again I say, how times have changed, when the gentleman from Illinois, of all others, appeals for support to the Democratic side and secures his applause from that side!

Now, something has been said in regard to a gentleman by the name of Hays, who is somewhat prominent politically. Mr. Hays's opinion was asked as to this bill. He did not volunteer any suggestion with regard to it. An inquiry was made of him as to what he thought of it, and he said he thought it was a very excellent measure—a very excellent measure [applause]—showing that the gentleman's views are sound, the gentleman's heart is right, and that, in addition to that, the gentleman has good political sense and judgment. [Applause.]

If the Democratic Party desires to take the responsibility of beating this bill, all well and good. So far as I am concerned, I am perfectly willing that every man on that side shall vote against it if he wants to. If they do, we will make the issue on those lines.

Now, gentlemen, I say again what I have said before——

Mr. BOX. May I ask the gentleman to yield? Would the gentleman prefer a political issue to winning on a meritorious legislative question?

Mr. MONDELL. I would not. I do not want to see a political issue on this or any other question that is not political in this House, but if the gentlemen will insist on making it political by applauding arguments against the bill, that is their affair and not mine.

Now, all these gentlemen who are standing up and protesting that they really are for the bill will have abundant opportunity to set themselves right when we come to vote on the bill. So it is not necessary to discuss that now. They will have their golden opportunity to put themselves right when it comes to the vote.

Mr. WELLING. Will the gentleman yield for a question?

Mr. MONDELL. My time is very brief. I do not know that the House is going to give me any more time, and I have a number of things I would like to say.

Mr. WELLING. If the gentleman desires——

Mr. GARD. The gentleman from Illinois [Mr. CANNON] proceeded under an allotment of time.

Mr. MONDELL. If a motion is needed, I move to strike out the last word.

Mr. GARD. I have no objection to the gentleman proceeding——

Mr. LAZARO. Did I understand the gentleman to say that he did not want to make it a political measure?

Mr. MONDELL. I do not. I have not at any time.

Mr. LAZARO. Did I understand the gentleman to say that they had consulted Mr. Hays about it?

Mr. MONDELL. Mr. Hays was asked about various measures—as to his opinion relative to them.

Mr. LAZARO. Inasmuch as you do not want to make it a political question, did you consult the national Democratic committeeman?

Mr. MONDELL. I do not happen to know that honorable gentleman; otherwise, I might have asked his opinion.

Now, Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, years ago there was ground and reason for a wide difference of opinion in this country relative to the proper activities and functions of the Federal Government. They were the good old days when gentlemen on the Democratic side, at least, and some on the other side preached the doctrine of laissez faire—the doctrine of "let it alone," the doctrine of "do nothing if you can avoid it," the doctrine that that was the best government that governed least; and there is something to be said on that side of the question, and I have sometimes argued it.

But, Mr. Chairman, we long since on both sides of the aisle, on the Democratic side quite as much as on our side, departed from that old doctrine. Long since we began to widen Federal activities and appropriate for a wide variety of purposes, among others for the protection of property, and I do not recall that any of the gentlemen who just applauded arguments against this bill which deals with the humanities have been voting against appropriations to cure hog cholera, to combat the Texas cattle tick, to stamp out the boll weevil, to control pine-bark rust, to stamp out in New England the chestnut blight.

Ah, when property is involved, when men's pocketbooks are affected, when it is proposed to protect men in their opportunities to make money gentlemen are not so tender with regard to the expenditures of Federal money and they are not so disturbed with regard to extensions of Federal authority, control, direction, or expenditures. But when we come to the humanities, when we reach the question of whether or no we shall care for our citizenship, whether or no we shall give encouragement, aid, direction, advice, and help in the salvage of unfortunate humanity, to save men from lives of bitterness and despair, my God, how gentlemen quake lest we too far extend the activities of the Federal Government! [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. I yield.

Mr. BLANTON. Is it not a fact that most of these appropriations which the gentleman from Wyoming has mentioned have been made during normal times of our Government and preceding the Great War, the result of which we must prepare to meet in the future?

Mr. MONDELL. Well, we have made them in normal times and we have made them in abnormal times, and we have made more of them for Texas, the great and glorious State of Texas, from which the gentleman hails, than for any other area under the flag.

Mr. BLANTON. You could not have made them for a better State.

Mr. MONDELL. No; and I have voted for them, voted to stamp out the cotton-boll weevil, to stamp out the Texas tick. We have poured out millions, millions upon millions, that men's property might be protected, that men might be prosperous, and gentlemen have voted for these things enthusiastically. But now when we suggest that it is time that the Nation encourage the betterment of the race, help to save men from despair and restore them to lives of hope and usefulness, these gentlemen who are willing to vote millions for the eradication of the boll weevil and for the extermination of hog cholera are suddenly stricken with panic lest the Federal Government embark on new and questionable activities and enterprises.

Mr. Chairman, I have never called myself a "progressive," and some people have one time and another called me a "reactionary." I have not cared much, for I have been conscious of keeping an open mind and a forward-looking view. I hope that I grow with the growth and development of the views of the world. I hope that if I ever held to the narrow view that the Federal Government may not give consideration and attention to the vital needs and problems of its citizenship I have outgrown it. [Applause.] I want to keep an open mind, and I hope that my footsteps shall be forward and not backward and that when I fight for restrictions of Federal activity it will not be in the domain of the humanities. [Applause.] I appeal to all forward-looking men on both sides of this aisle to remember the responsibility of the Nation in guiding and encouraging the people of the States and their communties in caring for the unfortunate and in building up here, in the fairest land on earth, the best citizenship under the sun. [Applause.]

Mr. WOOD of Indiana, Mr. FESS, and Mr. BANKHEAD rose.

The CHAIRMAN. The gentleman from Alabama [Mr. BANKHEAD] is recognized.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last two words.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I desire to reiterate again to-day the sentiment which I expressed to the committee on this subject on day before yesterday, that I deeply regret that in the discussion of this bill upon its merits these extraneous and unnecessary questions of party expediency or political alignments should have been injected into the debate on this bill.

But I want to address the few remarks that I am going to make here to-day particularly to my colleagues on the Democratic side of this House. I do not want any Democrat here to be driven by these arguments that have been injected into this discussion by the controversy that has arisen here to-day between the distinguished gentleman from Illinois [Mr. CANNON] and the distinguished leader of the majority in this House [Mr. MONDELL]—to be driven away from the real, just, fair consideration of this measure upon its merits.

I want to say this further to you: It is not a Republican measure. I speak it modestly—I was the original author of this bill in either House of Congress in the days of the Sixty-fifth Congress. The bill that a few days ago unanimously passed the Senate of the United States was the bill introduced at the last session of Congress by Senator SMITH of Georgia, and reintroduced at this session by Senator SMITH of Georgia, a Democrat, and it bears his name.

I do not care what Mr. Hays, the chairman of the Republican campaign committee, says about this bill in expressing an opinion upon its merits, nor do I care what Mr. Cummings, our chairman, might say about its merits. There were 35 Democrats, at least, on the test vote here the other day to strike out the enacting clause of this bill who registered their conviction that aside from any other consideration that has been injected into this debate it was a constructive measure for humanity upon its merits, and I am sure they voted for it and that many, at least, will continue to vote for it from that consideration. There are a lot of men in this House who voted for $100,000,000 out of the Federal Treasury to feed foreigners at the last session of Congress. For myself, I voted against it from considerations that appeared to me sufficient at that time.

I do not criticize the votes of those who voted for it; but what shall we say to our constituents, gentlemen, if we register a vote against this humane proposition? The man back there will say, "You voted $100,000,000 to feed alien peoples, did you not?" "Yes." "What was your vote on the Smith-Fess bill that came up in the Sixty-sixth Congress? Was not that a measure to help our own people, to cooperate with the States, as you have done in the construction of good roads, and in the eradication of diseases and in the maintenance of the public health and in the establishment of vocational education for our own folks?" "Yes; that was what it was intended for, to bring some small measure of the Government's actual benefits to the front doors and hearthstones of the people," that my distinguished friend from Illinois [Mr. CANNON] was talking about a few moments ago. How are you going to justify a vote against this measure?

Mr. BLACK. Will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from Texas.

Mr. BLACK. Does not the gentleman think when we come to vote on this bill in the House we ought to vote down the committee amendment that makes this applicable only to certain classes who are crippled and that we ought to make it universal in its application?

Mr. BANKHEAD. I have no objection to the amendment personally, offered a few days ago by the gentleman from Texas, but that is only a minor issue. Some gentlemen are seeking to make an issue here from the standpoint of the political angle, and that is the reason I took the floor—to warn my Democratic colleagues who are favorably impressed with the merits of this measure as a constructive, forward-looking, uplifting, upbuilding, regenerating measure, not to be drawn away from the allegiance dictated by their minds, hearts, and judgments by any false political issue that may be injected into the bill here upon the floor. [Applause.]

Mr. SEARS. What bill does the gentleman refer to in the Sixty-fifth Congress—the Smith-Fess bill?

Mr. BANKHEAD. I intended to refer to the Smith-Bankhead bill in the Sixty-fifth Congress. In that Congress I introduced a bill which was practically the same as this one. It was introduced at this session by the chairman of the committee, as is the practice, and it bears his name. There is no pride upon my part or upon his part as to the authorship of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I should like to see if we can not reach an agreement to close debate upon this section and all amendments thereto. I ask unanimous consent that debate on this section and all amendments thereto close in 40 minutes.

Mr. GARD. There are several amendments.

The CHAIRMAN. The gentleman asks unanimous consent that all debate on section 1 of the bill and all amendments thereto close in 40 minutes. Is there objection?

Mr. GARRETT. Mr. Chairman, reserving the right to object, I want a few minutes on this matter. I am not particular about having the time on this section. I do not want to talk about any amendment to this section. I want to talk on the bill.

The CHAIRMAN. Is there objection?

Mr. GARD. I object.

Mr. FESS. I move that all debate on this section and all amendments thereto close in 40 minutes, the time to be controlled by the Chair.

The CHAIRMAN. The gentleman moves that all debate on this section and all amendments thereto close in 40 minutes.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman has been here a good while, and I suggest that if he presses his motion we will simply waste time on a roll call or two, and that he had better give way for an hour on these propositions. Several gentlemen want to express their opinions.

Mr. FESS. Would the gentleman——

Mr. CLARK of Missouri. I do not want to say a word on it, but I do believe the gentleman will save time by giving an hour.

Mr. FESS. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. FESS. We spent all day on this section the other day.

Mr. CLARK of Missouri. Yes; I know.

Mr. FESS. I asked to read section 2 before we adjourned, but we were unable to read it. We have spent all the time to-day on this same section and we are just where we were when we adjourned the other day.

Mr. GARD. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Ohio.

Mr. GARD. The gentleman knows that we have not considered the bill at all to-day. We have had a speech by the gentleman from Illinois [Mr. CANNON] and one by the gentleman from Wyoming [Mr. MONDELL], almost entirely independent of the merits of the bill. There are a number of us who have amendments to the bill, and I would suggest to the gentleman that he make it an hour instead of 40 minutes.

Mr. FESS. Then I ask unanimous consent that debate on this section and all amendments thereto close in one hour.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that all debate on section 1 and all amendments thereto close in one hour.

Mr. FESS. The time to be controlled by the Chair.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD of Indiana: Page 2, line 22, after the figures "$34,000" insert "*Provided*, That if any discrimination is made on account of color, sex, or religion, in the use of the funds herein authorized, the State so offending shall forfeit all its rights to further participation in the benefits provided for in this act."

Mr. BANKHEAD. I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Alabama reserves a point of order.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I offer this amendment so that if this bill becomes a law there will be no question, but that it will be impartially administered. By reason of the war thousands and thousands of women and girls have been thrown into the business activities of this country, in factory, in shop, and on farms, who were never engaged in such pursuits before. The census reports will show that more cripples have resulted among women and girls, in consequence of their new activities, than there have been in all the history of the country before. There should be no discrimination in this measure, therefore, on account of sex, as I think we will all admit.

By the same token there were thousands and thousands and tens of thousands of colored people who never worked in a factory or shop before in their lives who, by reason of the necessities of the occasion and because of the demand of the Government for the greatest productivity of these great factories, went into them, and colored help had to be resorted to in many sections of this country where it was never used before. This is notably true in my district. There are more than 20,000 colored men employed in the steel and other great industrial factories in that section of the country that were never employed in such capacity before. There is not a day that passes but what scores of these men are crippled. It would be a crime against humanity if this bill should become a law and these men were denied its advantages.

There is another thing this amendment provides, and that is that there shall be no discrimination on account of religious belief. We may assert what we think with reference to this proposition, but there is no question but what there is extant in this country a prejudice against certain religious beliefs in some localities. Discrimination has followed in times past against those who have certain religious beliefs, and it is fair to presume that what has happened in the past will happen in the future.

There can be no reasonable objection made to the adoption of this amendment. It will safeguard it so as to make its benefits apply everywhere, to all classes, as I think the framers of this bill intended that it should apply. There should be no question whether in the North, the South, the East, or the West of discrimination with regard to religious belief or color or sex, as to whom the benefits of this bill should apply. Therefore I hope the amendment will be adopted.

Mr. BANKHEAD. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. What is the point of order?

Mr. BANKHEAD. The amendment is not germane to the bill or to the section to which it is offered. It is not a limitation upon the appropriation. It undertakes to vest the exercise of judicial discretion and ascertainment in the executive branch of the Government. If the Chair will read the amendment he will see that it provides that if any discrimination shall be made in the expenditure of this fund on account of race or religion, the State so offending shall forfeit its proportional part of the appropriation.

An amendment is supposed to be self-enforcing. A point of order has been frequently made where an amendment involved the exercise of discretion which is in the nature of a judicial discretion that it is not germane, and certainly under the provisions of the amendment offered by the gentleman from Indiana it would be necessary for the Executive or that member having the disbursement of this fund and the expenditure to make a judicial ascertainment upon a possibly disputed state of facts as to whether or not there had been on the part of any State, or the officials of the State, any discrimination. I think from that consideration it is not a germane amendment, because it is not susceptible of any other reasonable or logical construction. It remits the ascertainment of a judicial decision on a state of facts admitted or disputed to the officer having the administration of this fund. Besides that, I do not think it is germane under the ordinary rules.

Mr. WOOD of Indiana. Does the Chair care to hear from me?

The CHAIRMAN. The Chair is ready to rule, but the Chair will hear the gentleman.

Mr. WOOD of Indiana. Mr. Chairman, there is no question about the amendment being germane. It is a restriction which may amount to a penalty. It limits and is on all fours with the terms of the bill. It may be a limitation on the appropriation. If a certain event happens, it is a limitation on the appropriation, and, in the event of discrimination, then the State so offending shall not participate further in this fund. There it becomes a forced limitation. It is a restriction in the

nature of a penalty and a restriction in the nature of a penalty may be germane. Limitations certainly are germane.

I call the attention to the language of the bill on page 3, where restrictions are provided for, commencing with line 21, that no portion of any moneys appropriated by this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment or for the purchase or rental of any lands.

There is a restriction. This is of the same character of restriction. The language of the bill provides that no portion of the fund shall be expended for buildings or grounds. If those in control used the funds to buy any buildings or grounds, they will be violating the law.

Mr. BANKHEAD. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BANKHEAD. Does not the gentleman recognize the clear line of cleavage and distinction between a positive prohibition and one which leaves wide open the exercise of discretion or the determination of a judicial fact by an official?

Mr. WOOD of Indiana. There is not a session of Congress but what some restriction or reservation equivalent to the one proposed in this amendment is passed. There is no difference, so far as the result and the consequences are concerned, between the limitations and restrictions provided for in the amendment and those against the purchase of grounds and buildings. This is a positive restriction.

Mr. BANKHEAD. The language in the bill is a positive restriction, and so is germane.

Mr. WOOD of Indiana. This is a positive restriction on the happening of a certain event.

Mr. BANKHEAD. The bill says that you can not buy land; that is positive that you can not do it. Let me ask the gentleman: If this amendment were adopted, and in the gentleman's own State of Indiana it was said that there was discrimination on the question of religion, would not that involve a determination and judicial decision by the administrative officer, acting in a judicial capacity, as to whether or not upon a given state of facts there had been a discrimination?

Mr. WOOD of Indiana. Yes.

Mr. BANKHEAD. Is not the gentleman familiar with the rule that inhibits the placing of a judicial determination on an executive officer?

Mr. WOOD of Indiana. It would not call for the exercise of a judicial decision any more than the language in the bill does with reference to whether there has been an expenditure in the purchase of land or buildings. That would involve a judicial decision and it would involve hearings as to the facts and a final determination. This amendment is a positive restriction upon the happening of a certain event.

If that event never happened, there is no question but what there will be nothing to inquire about, any more than if there is no attempt ever made at the purchase of real estate. There would be no cause for investigation or judicial decision. Suppose that instead of having this reservation in reference to the purchase of real estate there was a qualifying clause that a certain character of real estate might be purchased. That would involve the same character of judicial inquiry that might be involved in the amendment proposed. It is equally positive, and the other would be equally positive.

Mr. BANKHEAD. But the gentleman loses sight of the fact that that language is already incorporated in the bill presented by the committee.

Mr. WOOD of Indiana. It does not make a bit of difference. The committee can not arrogate to itself the entire right to make limitations or reservations.

The CHAIRMAN. The Chair is ready to rule. The Chair is inclined to think that if the pending bill as reported by the committee did not make several reservations or provisions as to what should be done further reservations would not be in order. But in view of the fact that this section already makes five reservations the Chair thinks it is competent for the House by amendment to add one more reservation to the section. If there was only one reservation, the Chair does not think it would be competent to add a further reservation as proposed by the gentleman from Indiana, but under the practice of the House it seems to the Chair, in view of the language of the bill making several reservations as to how the money shall be expended, or as to the conditions under which it shall be expended, that it is well within the rules of the House for the Committee of the Whole to add one or more reservations, as it sees proper to do so. The Chair, therefore, overrules the point of order.

Mr. BANKHEAD. Mr. Chairman, will the Chair yield for a suggestion?

The CHAIRMAN. Certainly.

Mr. BANKHEAD. What does the Chair think about the point of order which I suggested, that it involves the vesting of judicial authority in the Executive, in the exercise of judicial discretion to ascertain whether or not a certain state of facts amounts to a discrimination.

The CHAIRMAN. The Chair is inclined to think that that matter ought to be decided by the committee itself upon the merits of the question, and the Chair overrules the point of order on the matter of germaneness and holds the matter to which the gentleman refers to be something for the Committee of the Whole to decide upon its merits.

Mr. BANKHEAD. I suggest to the Chair, with all due respect, that that does not settle the parliamentary question. That leaves the decision of the point of order to the committee.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the House, I have listened with a great deal of interest to the discussion of this important question. There is not a man in this House who is not in favor of education against ignorance. There is no Member of the House that does not believe that a sound man is preferable for our national welfare to a man who is incapacitated as an economic question. We can not afford, therefore, to vote down this bill. Take a nation that is enlightened and compare it with a nation that is enshrouded in ignorance and darkness. I voted for an immigration bill that restricted people from entering the United States who could not read or write 20 words in their own language, and I would vote for such a bill again. We can not afford to vote down this bill and throw these men in the junk heap who are injured in our industries. I say, as an economic question, so far as our country is concerned, a man who can support himself is preferable to one who can not, the one being an asset and the other a liability. It changes a man from a consumer to a producer. What will a sound man add to the national wealth in a year? Take a farmer's boy who has lost a hand or a foot and who can no longer support himself. Fit him for useful employment and you make him an asset to the Nation, and he will be worth $500 a year in adding to the wealth of the Nation. He can be fitted for a teacher, a bookkeeper, a professional man, or for a mechanic in the industry instead of going through life a dependent. There is that difference between a man who is able to support himself and add to the wealth of the Nation, in being a useful member of society, of value to his country, and a man who is not.

What is there against this bill; what is there against the good things that can be said of it? You talk of education. I would not be standing before you to-day if it was not for the schooling in the little red school and our free institutions of learning. There is no value that can be put upon education. Compare a cripple who has become incapacitated with a man who can go ahead and transact the ordinary business of life. The latter adds to the wealth of the Nation. The only thing they say against this bill is—what? They say that we can not afford it at this time; that we are in debt. The gentleman from Pennsylvania [Mr. WATSON] informed me the other day that our national wealth is $265,000,000,000. At the close of the Civil War our national wealth was only $18,000,000,000.

No, gentlemen, the danger to-day in our country is not the question of our indebtedness, important as that is. The question to-day of national issue is the spirit of unrest that is sweeping over our land. This unrest is brought about by a desire and an attempt to engraft new and dangerous principles into our form of government. Bolshevism has no place in our system of government. It is a dangerous experiment. We believe in the right and opportunity of every person to acquire and hold property, we believe in our homes, and we believe in the sacred right of wedlock. Our Constitution has been the basis of good government for all the nations of recent years that desired to change their form of government. Under it we have become great and powerful. Our forefathers and its defenders gave their lives freely for it, and it is our duty to preserve and protect it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The Chair would state to the gentleman that a few moments ago the committee decided upon one hour's debate, the disposition of the time to be left to the Chair. The Chair has been trying to give five minutes to a gentleman upon each side, for and against, as far as he is able to discover how they stand. The Chair doubts that it is within the province of the Chair to submit the request for unanimous consent.

Mr. SMITH of Michigan. Then give me one minute.

The CHAIRMAN. The Chair does not think that he can do it with propriety. The Chair is very sorry, but since he must live up to the limit of the rule——

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, and to further say that I would not vote a million and a half dollars for hog cholera and then refuse to vote for this bill.

Man's inhumanity to man
Makes countless thousands mourn.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, a parliamentary inquiry——

The CHAIRMAN. The gentleman will state it.

Mr. BLACK. Are we to vote on the amendments as offered or at the end of debate?

The CHAIRMAN. The Chair thinks the proper way is to vote on the amendments at the end of the debate, but that is a matter for the committee to decide. The Chair would not presume to say how it would be disposed of.

Mr. SUMNERS of Texas. Mr. Chairman, a parliamentary inquiry and a suggestion. The disposition of these pending amendments will determine considerably the attitude of Members toward the bill. Now, it seems to me, with all due respect to the Chair, that when these amendments are discussed they ought to be disposed of, because then we can discuss the bill, having in mind whether these amendments are a part of the bill or have failed to become a part of the bill.

The CHAIRMAN. It is a matter of perfect indifference to the Chair how it is decided, whether disposition be made at the close of the discussion on each amendment or at the end of the hour's discussion. The Chair thinks some gentleman ought to state what disposition the committee wants to make of this and how.

Mr. GARRETT. May I make the suggestion to the Chair that it seems to me the gentleman from Texas is correct? Now, it is frequently the case with a rule brought in providing for amendments to a proposition in the House to provide that they shall be voted on at the end of debate, but within my recollection—I may be in error about it—that the orderly procedure when the House is in Committee of the Whole House on the state of the Union is for an amendment to be proposed, debated, and then voted on, and then take up the next. Of course, that does not affect the time limit at all.

The CHAIRMAN. Well, if that is the judgment of the committee, the Chair is perfectly agreeable.

Mr. GARD. Mr. Chairman, I move that the amendments be voted upon separately.

The CHAIRMAN. The Chair would like to ask the chairman of the Committee on Education what disposition he thinks ought to be made of these amendments, as to whether they should be disposed of before or at the close of the hour?

Mr. FESS. I think it would be more satisfactory to the committee if they were voted upon after each amendment was offered and debated—10 minutes' debate and then take a vote.

The CHAIRMAN. That is, five minutes' debate for and against each amendment?

Mr. JONES of Texas. Would not that likely bring about a situation like this, that probably all the discussion in the hour will be on one amendment and there will be no time on the other amendments?

Mr. FESS. It would all close at the end of the hour.

Mr. BEE. May I ask the gentleman from Ohio—I want to be heard on this amendment offered by the gentleman from Indiana [Mr. WOOD]. I do not care to discuss any other amendment, but I do want to be heard in opposition if I get a chance.

Mr. FESS. I think the situation mentioned by the two gentlemen from Texas reveals a rather delicate situation. Most of them want to debate this one particular amendment before we vote on it; is not that the case?

Mr. BLACK. I have another amendment.

Mr. FESS. Perhaps we had better discuss them and vote on them at the end of the hour.

The CHAIRMAN. The Chair thinks that would be the more satisfactory way.

Mr. MACCRATE. Mr. Chairman, a parliamentary inquiry.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEARNS. I think that the motion of the gentleman from Ohio was that all debate upon this section and all amendments thereto should end in one hour. I take it that all of this talk is to come out of that hour.

The CHAIRMAN. Oh, no.

Mr. KEARNS. The motion was to close debate at the end of an hour.

The CHAIRMAN. No; that part of the debate that had reference to the point of order is not taken out of the hour either.

Mr. KEARNS. I am only speaking in reference to that particular motion. The motion was that all debate close within an hour; it was not that there could be one hour's debate.

The CHAIRMAN. If the floor is occupied without debate, of course——

Mr. KEARNS. Mr. Chairman, I have not had an answer to my inquiry. What is the ruling of the Chair?

The CHAIRMAN. The ruling of the Chair is that debate consists of speeches made definitely and formally upon the question at issue.

Mr. KEARNS. But that is not the motion——

The CHAIRMAN. That is the understanding of all such motions.

Mr. MONDELL. If the Chair will allow me, there was a reservation on the point of order, and during that reservation the gentleman did discuss the merits of the amendment.

The CHAIRMAN. That will be taken out, of course, but the discussion of the point of order itself is not to be taken out of the hour. There are to be twelve 5-minute speeches, as the Chair understands by the motion of the gentleman from Ohio, for and against the amendment or against the bill.

Mr. KEARNS. That is not the motion.

The CHAIRMAN. That is the ruling of the Chair, whatever the motion was.

Mr. GARD. Mr. Chairman, I made a motion which I will repeat again in a somewhat modified form now—that this amendment offered by the gentleman from Indiana [Mr. WOOD] be voted on at the end of five minutes' additional time.

The CHAIRMAN. Does the gentleman make a motion to that effect?

Mr. BEE. May I ask the gentleman——

Mr. GARD. That gives the five minutes to the gentleman.

Mr. BEE. I have no objection.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Chairman and gentlemen of the committee, I do not know if the gentleman from Indiana is present or not——

Mr. WOOD of Indiana. Here I am.

Mr. BEE. I am not going to discuss the merits of this bill at this time, but I am going to discuss the amendment offered by the gentleman from Indiana. In doing so may I be permitted to state that there is no pleasanter recollection of my boyhood days than the recollection of the old negro family servants of my father around the family fireside; the recollection of the fidelity, the truth, and loyalty portrayed to me by my people of the action of these old slaves during the trying days of the war, when the men went away to battle and the women and children were left under the protection of these people in absolute safety? I do not approach this question in any sense of race discrimination. I want to suggest to my friend from Indiana [Mr. WOOD] that what we do not want in this country is a race question, and the gentleman from Indiana himself raises the race question by his amendment. Let us see——

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. BEE. Yes, sir.

Mr. WOOD of Indiana. Do I raise any more of a race question than I do a sex question or a religious question?

Mr BEE. We might as well be honest about it, one with the other. We know and the gentleman from Indiana knows that this amendment is not introduced because he is afraid that some Roman Catholic, or some Episcopalian, or some Baptist, or some Methodist, or some man of the Hebrew persuasion will not receive the benefit of this measure. The gentleman from Indiana knows that this measure is not introduced because he is afraid some unfortunate girl whose arms had been taken off in a factory or who had been injured in the field is not going to receive the benefits of this measure.

Mr. WOOD of Indiana. Will the gentleman yield further?

Mr. BEE. Yes, sir.

Mr. WOOD of Indiana. Does the gentleman think any discrimination, then, should be made against a man because he is black?

Mr BEE. No, sir.

Mr. WOOD of Indiana. Then why does the gentleman object to this amendment?

Mr. BEE. Because the gentleman has raised that very issue himself, when nobody else has done so. In the State of Texas, where I have been a member of the legislature, we have provisions that there shall be no discrimination in the distribution

of public money. If this law is passed and is carried into effect, those same provisions will apply against the discrimination on account of color. Let me say to him that whenever we build a schoolhouse in Texas for white children we build one equally as good for the negro children. When we employ a teacher and fix the salary in a white school, we employ a teacher and fix the same salary in the colored school.

Mr. WOOD of Indiana. Will the gentleman yield further?

Mr. BEE. Yes, sir.

Mr. WOOD of Indiana. I understand that is true in Texas, and I understand it is true in North Carolina, but unfortunately there are States in the South where that is not true.

Mr. BEE. The gentleman is begging the question now.

Mr. WOOD of Indiana. No; I am not begging the question. I am stating the situation.

Mr. SEARS. I wish to say that the situation suggested by the gentleman from Texas [Mr. BEE] is true in the State of Florida.

Mr. BEE. In Texas we have institutions for imbecile children. We provide the same institutions for negro children as for white children. Let me say that in the constitution of the State provision has been made for the care of the insane, for the care of the blind, for the care of the deaf and dumb, and we carry the same provision for the negro as for the white people. The Southern States are taking care of the negro. Let the Northern States do half as well and all will be well.

This amendment ought not to be adopted in this bill, because it is not necessary and is known not to be. [Applause.]

Mr. JONES of Texas. Mr. Chairman, I desire to call the committee's attention to the committee amendment that was adopted the other day—the first amendment. I assume there will be a separate vote in the House on this amendment, and I do not think it ought to be adopted, for the reason that if the amendment is adopted a farmer who has worked 8 or 10 hours a day from practically the entire year may be hurt in going to town or on the way to a picnic or after the day's work is over, and would not have the benefits of the bill, whereas a tramp who has worked only one day and happens to be injured on that day would come within its provisions. Again, if a man who works in one of the industries of the country, and who labors practically all the time, happens to be injured while he is taking a little recreation or a little trip to some place of amusement he would be deprived of the benefits of the bill, whereas a man who had done very little work and who had happened to be employed three or four days would have all the benefits of the bill.

Now, as originally drafted the benefits of the bill accrue to every man who is injured in industry or otherwise, whereas under the amendment that was adopted by the committee they are limited to certain industries. In providing the funds to support institutions that would be created under this bill you will provide the funds by general taxation upon every man. If you are going to limit the benefits to certain industries you ought to tax only those industries. That is the theory of the compensation law.

Mr. PARRISH. Will the gentleman yield?

Mr. JONES of Texas. I will.

Mr. PARRISH. Is it not a fact that the bill introduced by Senator SMITH, known as Senate bill 18, and passed on the 23d of June this year, has the very wording that you suggest?

Mr. JONES of Texas. Yes; I understand that it has.

Now, the primary purpose of this bill is not to protect any particular industry, but it is to provide that wrecks who fall by the way, the men who are injured, shall not be a charge on society but shall be made an asset to society. I submit that a workman who happens to be injured in an automobile accident or in taking some form of recreation, if he loses a leg or arm, is just as much a charge on society as if he had been injured by a broken piece of machinery.

Now, it is recognized in all the laws we pass in this country that recreation is just as essential, or practically so, as work itself. That is the theory and the basis for the eight-hour day, and, in fact, of all of the legislation that has been passed that is beneficial to the workmen of this country. And if it is true, then we ought not to say that because a man happens to be injured in one way he should and in another he should not have the benefits of this bill.

Mr. SIEGEL. Will the gentleman yield?

Mr. JONES of Texas. I will.

Mr. SIEGEL. Does the gentleman know of any State that has adopted the provision that he is urging now?

Mr. JONES of Texas. I know the Senate adopted it, and the committee itself, when they first took up this bill, wrote into it that provision, and then when the committee came into the House and presented this bill they offered an amendment which would limit its application. When we come to a separate vote in the House, we ought to vote in the original provision by defeating the committee amendment.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. JONES of Texas. Yes.

Mr. NEWTON of Minnesota. I will say to the gentleman, in answer to the inquiry of the gentleman from New York, that the State of Minnesota has a bill which is in the very phraseology of the original act.

Mr. JONES of Texas. I thank the gentleman for the information. If the legislation is enacted at all, it should be general in its application. If the committee amendment remains in the bill, it will deprive the agricultural sections of many of the advantages of the measure.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARD. Mr. Chairman, I have prepared, and submitted, and called to the attention of the chairman four amendments. I will ask the Clerk to report the first and last amendments that I have submitted.

The CHAIRMAN (Mr. LONGWORTH). Without objection, the amendments will be reported as requested by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 7, after the word "arts," insert "which disability was not caused by the willful misconduct of the person disabled."

Mr. GARD. I will ask that the last amendment be read, which embodies the same principle.

The CHAIRMAN. Without objection, the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 4, line 6, after the word "duty," strike out the period, insert a comma, and add the following: "but such courses for vocational rehabilitation shall not be available to any such civil employee of the United States whose disability was caused by his own willful misconduct."

Mr. GARD. Mr. Chairman and gentlemen of the committee, in offering these amendments I am following the basis given by the present compensation law of the United States as passed by the Sixty-fourth Congress, and which is found in Public Document No. 267, where the payment of compensation to a person injured in the course of employment or in the performance of duty—the two terms being used together—is made unless the injury is the result of his own willful misconduct. I have embodied that in these two amendments. I do not desire to discuss the matter further, since it is very apparent.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. McKEOWN. In case a man should be crippled by reason of his misconduct, as you say, then there would be no chance for him in the future if he repented or wanted to do right. He would have no opportunity to get an education.

Mr. GARD. It is not a question of repenting or wanting to do right. It is just a question of the extent to which you want to carry this bill.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes; surely.

Mr. FESS. I will say to my friend and colleague that this matter was discussed in the committee, and it was not accepted, because the bill was written upon the principle that it was an economic proposition for the Government. Even though the crippling was the result of a man's own negligence, he should be rebuilt anyway; and the majority of the committee decided to omit that particular limitation. It was discussed in the committee quite extensively.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LAYTON. I just want to ask one question.

Mr. GARD. I will yield to the gentleman from Illinois for a question.

Mr. CHINDBLOM. I want to ask if the language the gentleman suggests is taken out of the soldier compensation act?

Mr. GARD. No; it is taken out of the compensation act for civil employees, passed in the Sixty-fourth Congress.

Now I yield to the gentleman from Delaware.

Mr. LAYTON. If that is the prime purpose, the animating purpose, of this bill, I would like to ask why the original amendment was made?

Mr. GARD. The gentleman from Ohio [Mr. FESS] can answer that. I do not know.

Now, Mr. Chairman, I ask that the second amendment I have offered be reported for the information of the committee.

The CHAIRMAN. Without objection, the amendment will be reported.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 3, line 5, after the word "used," strike out the words "by any institution for handicapped persons."

Mr. GARD. Mr. Chairman and gentlemen of the committee, I move that that language be stricken out, because I do not think the language of the bill carries in its real meaning the use of any money by an institution. It is true that the only way that it can be done is that the institution may be dealt with by the boards, the State boards, in some of their corrective measures, in their measures of rehabilitation. The phrase "used by any institution for handicapped persons" seems to me to mean used by the institution itself, and I am sure that is not contemplated. I also have in mind the expression "handicapped persons" as being extremely liberal and one to which almost anything could apply.

Mr. BLACK and Mr. KALANIANAOLE rose.

The CHAIRMAN. The Chair will recognize the gentleman from Hawaii.

Mr. KALANIANAOLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Hawaii offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KALANIANAOLE: Page 1, line 10, after the word "States," insert "and the Territory of Hawaii."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. It is not germane to the bill, which provides for rehabilitation in the States. If the gentleman desires to discuss it, I will withhold it for the present. I will reserve it.

Mr. KALANIANAOLE. I would like to discuss it.

The CHAIRMAN. The gentleman from Hawaii is recognized.

Mr. KALANIANAOLE. Mr. Chairman, it has been interesting to me to listen to the debate that has been going on concerning the rehabilitation of these cripples and also as to the amount of appropriations made for the extermination of diseases in animals, and so on. I was just wondering if you gentlemen realize that Hawaii is a part and portion of the mainland. Hawaii is the only full-fledged Territory left, and I see no reason why the Territory of Hawaii should not be included in any benefits that may accrue from bills that are brought up in the legislative Halls.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. KALANIANAOLE. Certainly.

Mr. BLANTON. I agree with the gentleman, and if we pass any measure at all of this kind I would vote for such an amendment to include the Hawaiian Territory. But is not that a matter which should be provided for and considered by the Committee on the Territories?

Mr. KALANIANAOLE. I do not see any reason why I should go to the Committee on the Territories on a general bill of this kind. I understand that we should go to the Committee on the Territories if a bill to this effect applying only to Hawaii has been introduced. I am now asking the House of Representatives to include Hawaii in this measure. Perhaps the Committee on Education may run off with the idea that Hawaii is a place only where they have hula skirts and play the ukulele under the palms, and so on. [Laughter.]

But I want to say to you, gentlemen, that Hawaii has its industries. It has its sugar-cane raising, and there is no country on the face of the earth where the raising of sugar has reached a higher point scientifically than in Hawaii. It has its pineapple-raising industry and other industries. Why should not the people who are working in these industries be entitled to the benefits of this bill? [Applause.] I see no reason at all. You are excluding us from them, yet at the same time you want us to pay taxes to help the people of the States. Do you call that justice? [Applause.] Do you call it right that we, the citizens of the Territory of Hawaii, shall pay for the disabled men of the States? If you eliminate us from the benefits of this bill, for goodness' sake eliminate us from paying taxes for the benefit of the disabled people of the States. [Applause.]

Mr. FESS. We have omitted to give these benefits to Hawaii, Porto Rico, and the Philippines.

Mr. KALANIANAOLE. Porto Rico and the Philippines are possessions, but Hawaii is a part of the mainland and a full-fledged Territory. [Applause.] Hawaii came into this Union under a treaty of annexation. It did not come to this country under conquest. [Applause.]

Mr. FESS. Will the gentleman yield for another question?

Mr. KALANIANAOLE. I will.

Mr. FESS. I think there will be no danger that anything desired by Hawaii that it ought to have, in the line of vocational rehabilitation, will be denied by the Committee on the Territories, which is in charge of legislation for Hawaii. That is the proper committee.

Mr. KALANIANAOLE. The proper committee, I believe, is the Committee on Education.

Mr. FESS. The Committee on Education has not jurisdiction of matters in Hawaii.

Mr. KALANIANAOLE. Absolutely. Why should I go to the Committee on the Territories when this bill was considered and reported out by the Committee on Education?

Mr. FLOOD. Should not Alaska be included if Hawaii is?

Mr. KALANIANAOLE. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I make the point of order.

Mr. McLAUGHLIN of Michigan. I ask unanimous consent that the gentleman from Hawaii may have five minutes additional.

The CHAIRMAN. That is not possible under the agreement. The Chair will hear the gentleman from Texas [Mr. BLANTON] on the point of order.

Mr. BLANTON. Mr. Chairman, I do not desire to make any extended remarks on this point of order. I think the point of order is clearly well taken. The bill is to provide vocational rehabilitation for men in the States. It makes no provision for the Territories. All legislation in respect to our Territories, under the rules of the House, should be reported from the Territorial Committee. Clearly the bill seeking to provide for vocational rehabilitation for persons living in the States does not admit of amendment to provide vocational rehabilitation for persons living in the Territories. I therefore submit that the Chair should sustain the point of order.

The CHAIRMAN. Does the gentleman from Hawaii desire to be heard on the point of order?

Mr. KALANIANAOLE. I do not think the point of order is well taken. This bill is not particularly for the States, so far as I understand it.

The CHAIRMAN. The gentleman will observe that in line 10, page 2, the Territories, outlying possessions, and the District of Columbia are specifically excluded from the population ratio. Under those circumstances, the Chair is inclined to think that the point of order is well taken, and the Chair sustains the point of order of the gentleman from Texas [Mr. BLANTON].

Mr. BLACK. Mr. Chairman, I send to the Clerk's desk an amendment which I would like to have reported at this time.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 2, amend the committee amendment which has been adopted by striking out, in line 4, the figures "1920" and insert "1921," and on line 6, strike out "1921" and insert "1922," and in line 7, strike out the figures "1922" and insert "1923."

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order against that amendment.

Mr. BLACK. Mr. Chairman, I hope the gentleman will not make the point of order, for reasons that I will endeavor to state in the five minutes I have under my control.

The committee amendment adopted when this bill was last up for consideration says that for the fiscal year ending June 30, 1920, the sum of $500,000 shall be appropriated.

Mr. BANKHEAD. Authorized.

Mr. BLACK. Authorized. We are now already well into the present fiscal year. This bill only authorizes an appropriation for the present fiscal year. It does not make a direct appropriation, and if the bill passes now it will be at the next regular session of Congress before the appropriation will be embodied in the proper annual appropriation bill. I dare say it will be well into 1920 before the appropriation will be available. Therefore I think the authorization should provide that the first appropriation shall be made for the fiscal year which begins June 30, 1920, rather than the one which ends June 30, 1920. What brought this matter to my attention was the debate on the Smith-Hughes vocational bill. We took that up on January 2, 1916. Of course, we all know that the fiscal year 1917 had then begun. When the bill was up in January, 1916, that matter was brought to the attention of the chairman of the committee, Mr. Hughes, by Mr. LENROOT, now a Senator from the State of Wisconsin, and I quote from what he had to say:

Mr. LENROOT. Mr. Chairman, I call the attention of the chairman of the committee with reference to the date in this bill as reported. It was reported to the House on February 12, 1916, nearly one year ago; and very properly the dates named in the bill at that time related to the fiscal year 1917. In view of the present situation and the condition of the Treasury, I want to ask the gentleman whether he does not think all of these dates ought to be moved forward one year?

Mr. HUGHES. I will state to the gentleman that I had intended to offer that amendment.

Mr. LENROOT. Will the gentleman make that motion?

Mr. HUGHES. I will offer that amendment, that all the dates be moved ahead one year, that 1916–17 be made 1917–18 and 1925 be made 1926.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent that all the dates be corrected.

Mr. HUGHES. I ask unanimous consent that they be moved forward one year.

The CHAIRMAN (Mr. BYRNS of Tennessee). The gentleman from Georgia [Mr. Hughes] asks unanimous consent that the bill be so amended as to move up one year the various dates set forth in section 2. Is there objection?

There was no objection.

Mr. BANKHEAD. If the gentleman will allow me, there was a good deal of difference as to the length of time involved in that measure and in this one before the beginning of the next fiscal year.

Mr. BLACK. There was a difference in the point of time of the passage of the bill, but in the point of time for the appropriation it will be the same, because the gentleman will undoubtedly agree with me that if we pass this bill now there will be no money appropriated for the purpose until the next session of Congress, and I dare say the appropriation will not be available until within three months of the close of the fiscal year. Therefore it seems to me that every common-sense consideration argues for the proposition that this bill authorize the first appropriation to begin July 1, 1920, which would be for the fiscal year of 1921.

The CHAIRMAN. Does the gentleman from Alabama make the point of order?

Mr. BANKHEAD. I do not feel like exercising the prerogative of the chairman of the committee on that matter, if the chairman of the committee believes the point of order ought not to be pressed.

Mr. FESS. I think we ought to press the point of order. I do not want to argue it in the hour.

The CHAIRMAN. The Chair is very clear that the amendment is subject to the point of order.

Mr. BLACK. Mr. Chairman, I will offer another amendment in lieu of that, which I think is in order.

The Clerk read as follows:

Page 2, after the word "employment," in lines 3 and 4 as amended, strike out the language "for the fiscal year ending June 30, 1920, the sum of $500,000." And on line 18, same page, after the word "section," strike out the language "for the fiscal year ending June 30, 1920, the sum of $66,000."

Mr. SEARS. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Page 3, line 7, after the word "act," strike out all of line 7 and line 8 down to the semicolon and insert "and the Federal board shall furnish to the State board general plans and specifications and such other information as to the best method for training which they may be able to furnish."

Page 3, line 8, after the word "board," strike out all down to and including the semicolon in line 17.

Mr. SEARS. Mr. Chairman, if the first amendment should fail, the second amendment is useless and should not be adopted. Therefore I will not offer the second amendment if the first amendment is not adopted.

Mr. Chairman, I dislike to offer amendments, being the ranking Democratic member of the committee, because during the consideration of the bill I was compelled to be absent on account of serious illness in my family. Therefore I trust the committee will not misunderstand or misconstrue the motive that impels me in offering the amendments I have offered.

No one is more ready and in accord with legislation to meet the needs of the cripple than am I; no one appreciates the aid of the Government in rendering these people assistance more than myself. But I contend, and shall continue to contend, that the money we appropriate for that purpose should go for the purpose intended, and not be spent in salaries, in many instances, of some people holding positions, taking it away from the people we intend to help and from the aid that Congress intends to give them. It may be contended that, because the Government gives Florida one dollar for each dollar that Florida gives to these people, Florida ought to bow her knee and go to the Government for plans and specifications. On the contrary, I should say that Florida or any other State that has been carrying on this work and has made advancement along the line of rehabilitating the cripples—the Government should go to that State. Why should New York and Massachusetts, which will spend enormous amounts of money along this line if this bill becomes a law, report to the Federal Government and be estopped from putting into effect any system of theirs which does not receive the indorsement of the Federal board in Washington?

I believe that each State is better capable of handling this proposition than is the National Government. I believe the members of the State board are more in touch with the cripples of that State, and that they are as philanthropic as the Federal Government. I think they better understand local conditions. If you pass this bill as it is written, mark my prediction that much of the appropriation will be spent in salaries, and, in fact, more than will be spent in the States in rehabilitating the crippled people.

Mr. FESS. Will the gentleman yield?

Mr. SEARS. Yes.

Mr. FESS. I have read the gentleman's amendment, and it seems to me that his amendment denies to the State the plan to be adopted and puts it in the hands of the Federal board—the very thing that the gentleman does not want to do.

Mr. SEARS. The amendment was hurriedly drawn, but I think if the gentleman will read it carefully he will see that he is mistaken. If, as stated by the report, there are 280,000 cripples, and each should apply for assistance, each one would receive less than $4 per annum, while many people, unless my amendment is adopted, will be receiving $2,500 and more per annum in salaries. Certainly this House does not intend to do that, and I therefore trust my amendment may be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I have listened with a great deal of interest to the remarks that have just been made by my distinguished colleague, the former chairman of the committee. He states on his own responsibility as a legislator on the floor of the House that the States understand the needs of their cripples better than does the Federal Government, and I agree with him.

Let us see what the bill does. I regret to differ from my distinguished colleagues who champion the bill. The bill does not provide the money for the establishment of a single institution to rehabilitate a single cripple. This bill finds no new source of money supply. It goes to the pockets of the American taxpayers for every dollar. We can not deceive ourselves, and the time is coming when the American people, who are paying the taxes, are going to ask us why we are continuing to put on the backs of the American taxpayer these unnecessary Federal employees. Let us take a common-sense view of it. There is only a certain amount of money that the people can put up for the rehabilitation of cripples.

Is not that a sound proposition? Everybody must agree to it. That money can come only from the pockets of the American taxpayers; whether you get it through Federal or State control, it comes from the same pockets. What do we do in this bill? I charge this, and I do it respectfully, against the committee that brings in the bill: They propose that for every dollar the humanely disposed American people are appropriating through the Congress for the cripples of this country they will take out 20 cents the first year for Federal administrative expenses, taking it away from the crippled men and putting it in the pockets of the Federal employees created by this bill and for their expenditure. There is not a man here that can successfully deny that. In the future, upon every dollar that the people are devoting through the Federal Treasury to the rehabilitation of these cripples you will take 15 cents and put it in the pockets of these Federal employees, and into their expenditures, that do not teach a single one of these men nor help them to rehabilitation. I can not see the common sense in the method of procedure provided by this bill. This is what is proposed, and gentlemen will not deny it. We propose to go to the people of a given State, for instance, and get from them, under our system of Federal taxation, their share of the money authorized by this bill to be appropriated, and we bring that money to Washington. Then we send back to them their proportional share under this bill. But for every $120 which we get from them we send back to them only $100. We charge them $20 on every $120 for bringing the money up here and sending it back and for acting as overlord in telling the people who put up the money how they shall spend it. These Federal employees are toll takers, who stand along the pathway where the American people are trying to put their money into the rehabilitation of crippled manhood and take $20 out of every $120 and put it into their own pockets or apply it to their own expenditures. [Applause.] Talk about the politics of it! We ought not to consider that; but the time is not far distant when we shall go home to our people, who are now feeling the burden of direct Federal taxation, and they are going to ask us, "Could you not trust your State? Why are you duplicating the machinery of government and putting upon our backs the salary of unnecessary officeholders who live up in Washington?" You will have to answer that question, and you ought to have to answer it.

I have voted for a good deal of this sort of stuff, and I have voted for a whole lot more of it in the past than I am going to vote for in the future. The States are equipped to do this work. I say to my friend, the distinguished gentleman from Florida [Mr. SEARS], that he has put himself in an attitude, by his amendment, with all due respect to his ingenuity, his judgment,

his fidelity to his country, and his ability as a statesman, where under his own words he has no right to take the money from the cripples of America and put it into the pockets of a lot of new officeholders in Washington.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. BANKHEAD. What does the gentleman mean by taking it from the cripples and putting it into the pockets of people in Washington?

Mr. SUMNERS of Texas. I mean there is only a certain amount of money—the gentleman must agree there is a limit upon the money that the American people can pay for the rehabilitation of their cripples, and when you take from that limited, inadequate amount $20 out of every $120, as you propose to do, the first year, and leave that $20 in Washington to pay the salary and expenses of these unnecessary Federal officers, you take that money from the cripples who need it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KELLY of Pennsylvania. Mr. Chairman, the logic of the gentleman from Texas [Mr. SUMNERS] seems to be that the best way to solve a national problem is to do it in piecemeal fashion, with 48 distinct and separate plans. I disagree entirely, for this great work of human salvage means changing a national liability into a national asset. Why should not America assure the worker in her industries, who enters a daily fight with modern machinery, that his injury will not be his despair but that he will be given a fair chance to begin again? The greatest problem before any nation is that of developing all its resources to the utmost. Here is a chance to take men who would otherwise be derelicts and burdens upon society and make them self-supporting, self-respecting members of society.

Mr. Chairman, during this entire debate, opponents of this bill have vigorously used the argument of economy, of Government interference with private matters, of bureaucratic extensions of power.

It is exactly the same arguments used against every new idea that seeks to put human rights above property rights. On the plane of the State legislature this same battle has been fought out in the past in almost every State in this Union on even so fundamental an issue as the public-school system.

I could not help comparing, during this debate, the similarity of arguments used against this bill with those urged in the Pennsylvania Legislature against the public schools long ago, and Pennsylvania was one of the first States to establish an all-embracing school system.

It was a long battle. The colonial charter and the constitution of 1776 had no reference to schools. The constitution of 1790 made provision for schools for paupers, but few would take advantage of an opportunity with such a stigma upon it.

In 1834 the legislature passed a law providing for an optional school system, and each school district was required to vote as to whether it desired it or not. At the first election 592 districts accepted it and 485 rejected it.

Then, the issue was joined, and one of the most bitter battles in legislative history followed in the next session of the legislature.

The opponents came forward with their arguments of economy and their declaration that education is a private matter. They declared that such action was an infringement of the rights of the individuals and that it was sure to result in confiscation of property.

The State senate at once repealed the act of 1834 on the arguments of these objectors. The bill went to the house, where it wavered in the balance until a young man from Gettysburg, Thaddeus Stevens, took the floor. He made one of the most masterly speeches ever delivered on the subject of public education. He admitted that it was a new idea, but declared that it was not dangerous simply on that account. He declared that by the very law of self-defense the Commonwealth should protect itself against an army of ignorance, which would threaten free institutions.

By a vote of 50 to 30 the House amended the bill, and provided for a complete system of public schools on the principle that every child is entitled to an education. The Senate was forced to accept the amendment or have all legislation fail, in either event the public-school system being continued.

That fight has never had to be made since, and Pennsylvania is to-day expending $50,000,000 a year for its public schools.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. I have very little time, but I will yield.

Mr. CANNON. Well, Pennsylvania settled the matter, and you have the public school.

Mr. KELLY of Pennsylvania. Yes; Pennsylvania did settle the matter in spite of every obstacle. She decided that education and development were matters of government, and that no argument of economy should prevail. And I want to say further that just as no sane man to-day opposes the idea of free education for every child, so the day will come when the same general and universal acceptance will be given the idea that it is a governmental duty to restore and reeducate and rehabilitate every worker crippled in industry.

Mr. Chairman, with other Members of this body, I had the privilege last summer of visiting the largest rehabilitation hospital in England. I went through the shops where 1,800 men, every man a cripple, lacking an arm or a leg or an eye, and in some cases both legs or both arms, were being trained.

I saw those men being remade, learning new trades, adjusting themselves to artificial limbs and appliances.

The thing that impressed me above all others was the eagerness with which they displayed their new accomplishments. They would work until the perspiration poured from their faces in showing how they could use the spade or hammer or saw. Underneath every act was the joy of men who saw light ahead, where they had thought all was darkness. That was the explanation. They had known despair. They had had visions of dependence on charity. They had faced the terror of unemployment, helplessness, and vagrancy. They had found the way out, and the result was so apparent that one of our party remarked "This is the happiest place we have found in England."

Mr. Chairman, I have seen that same thing in Walter Reed and other rehabilitation hospitals in this country. We have recognized the fact that the crippled soldier, injured in his country's cause, is entitled to every assistance in becoming a self-supporting, self-respecting citizen. Let us go one step further and recognize that the soldiers of peace, victims of the carnage of industry, are also entitled to their chance to become developed citizens instead of derelicts. The money spent in these two lines of human betterment will be about the best ever spent by America. [Applause.]

Mr. McKEOWN. Mr. Chairman, the opponents of this measure first took the position that it was unconstitutional. That is the argument of the lawyer who goes into court with a weak case. They have abandoned the unconstitutionality of the measure and they have put themselves upon the plea of economy. You need not worry about the next Congress or the Congresses after this being for economy. The American people will take care of that proposition. You need not disturb yourselves about what appropriations the next Congress is going to make, because, in my humble judgment, Congresses elected in the near future are going to be those who stand for economy.

I feel that this question is not a question of how much money you appropriate to-day. This is forward-looking legislation. This measure is legislation that is going to come. Whether it comes in this Congress or not, it is going to come. This legislation looking to the building up of American manhood is bound to come, and every day I walk down the street and see a cripple standing on the corner, crippled in industry—industry which makes our civilization—when I see him it is to me an indictment of our Government and of our civilization.

But I repeat to you, whether you adopt this measure or not, it is going to come. I had the temerity to offer an amendment to the bill that carried $640,000,000 to the aircraft program to reduce the amount to $320,000,000. I was the only Member of this House who had the temerity to offer that amendment, and I could not even get a corporal's guard at that time. Yet you talk to me about economy; talk to me about economy here, when it is to educate and rehabilitate these men who become cripples in industry. Why, Mr. Roosevelt said once that civilization owed it to the family of the man who went down, whether by his own fault or not, to see that they were cared for, because, he said, if it cost human life to make sugar, and you must have it in your coffee and tea, you ought to pay the full price, and that his family should not want. [Applause.] No, gentlemen; there is nothing in this argument of economy. It is false economy; it is not sound economy. Take a man who can not take care of himself and is a drag upon society, and you take him and make him a being that can earn his own way. Who cares for these cripples to-day? It is the red-blooded, generous American. I believe in making the man who will not help go along with the fellow who is generous and helps to take care of him. Who is taking care of them now? Society. Society bears the burden; and is it not more just to let every man carry the burden rather than put it upon the neighbors in a neighborhood to bear the burden? Somebody has to do it. Are you willing to let the burden rest upon a few generous individuals or are you willing to come and face this proposition

like American statesmen ought to face it and say that you will start this movement? So far as the camel's nose getting in the tent is concerned, the camel never sticks his head in the tent except to get out of a desert sandstorm; and gentlemen who are not willing to place this character of legislation before the several States will be hunting tents in which to stick their heads before the next election rolls around. [Applause.]

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, in all probability what I have to say on this proposition will be like carrying snow to Lapland or coals to Newcastle. I never did possess the happy art of expressing myself felicitously while compressing my ideas into a few sentences. I shall endeavor, however, to express myself as felicitously as circumstances will permit on this great, great matter, in my judgment. I do so for the reason, Mr. Chairman, that from the day I tottered out of my cradle my attitude toward human existence was that of a sympathy and a consideration for the struggler, for the toiler, for the fellow whose youth bore no flower in its branches, whose hopes burned into ashes away, and I desire to run true to that form during all the course of my lifetime.

This great bill has been assailed from five or six different standpoints. The method of attack first resorted to was as to its constitutionality; but, apparently, this assault met with no great response in this House, and it was hastily dropped. Then came the suggestion that the passage of this bill would give great joy to the reds and soviets and agitators of this country. It created a snicker for a moment, and was just as rapidly dismissed, because within the United States of America, in my judgment, Mr. Chairman, all of the agitators of this country who could become a menace could be rolled into one patrol wagon and brought to the calaboose. Finally, State rights were raked into the fight, and you know State rights has taken a shift from its old fortress and has found champions in States that looked upon that doctrine as anathema some years ago. Then came the old, old favorite argument that has been hugged to the soul of every fellow who believes in property rights and is willing to forget human rights; that it is the greatest extravagance. And, finally, from the gentleman from Indiana we have the method adopted 2,000, yes, 3,000 years ago, of the Trojan horse. Troy is to be sacked and pillaged and put to the flames by a cunning device. The bill is to be defeated by loading it down with an amendment that will cause its destruction. The proposed amendment is a device that is calculated to arouse antagonism against the Roman Catholics of the South, to arouse prejudices and apprehensions as to the race question, and all with a view of arraying the Members from the Southern States against this bill. Clever, shrewd, adroit.

I hope that the assumption on which it is based is erroneous. I trust that we are too enlightened to be prejudiced against the adherents of a great church; that we are too generous to be unfair to the members of a race, black though it be, with whom we have dwelled for generations.

So far as I am concerned I am willing to vote, and shall vote, for any amendments to this or any other bill the purpose of which is to bring our people religiously and economically into close and harmonious relationship. But I will oppose this amendment as unnecessary, as uncomplimentary to the section whose assumed prejudice it is apparently intended to overcome solely, and I say this with all possible deference to the gentleman who has offered it, offered solely for the purpose of loading the measure with an amendment that will cause it to totter to its destruction and fall. I am as willing as any man in this country—and trust I will never change that attitude—to help the black man from his prostrate position, just as I am glad to extend my hand to my white brother when he goes down in the smoke of industrial battle.

And right here let me say that I am amazed at the position of the champions of protective tariff on this bill. I am amazed at men opposing this measure who have stood on this floor and championed the passage of tariff measures—measures that have built up our industrial system into Olympian heights and have made the owners of these industries so rich and great and powerful and strong that they have become known through an appellation that signifies power, vast wealth, financial control, and social dominance. I am staggered at the reflection that the overlords and barons of our country can command the passage of laws which enable them to create wealth, build up palaces, and accumulate millions more than they could possibly need to supply their earthly wants, while the worker, the toiler, the doughboy, the trench man has to beg for an obole and not secure it for fear that it will anger the captain of industry, who looks down upon us from his imperial castle—

Crowns and arches for the Cæsars,
Let their brows the laurel twine.

But to the dungheap and the hillside with the down and out, the broken victim of this tremendous industrial activity—

Rattle his bones over the stones,
He is only a pauper whom nobody owns.

Fine linen and purple for Cæsar—no hope from his country for him whose arms and legs were torn from him in the industrial upbuilding of that country.

Up, up with the barons; down, down with the vassels and tenants!

On the floor of this House you shout that your dominating interest in the tariff is to protect American workmen. Show your sincerity. Vote for this bill. You claim that great riches have gone to the captains as an incident to the main purpose—protection to American wage earners. Evidence your sincerity by striking a blow that will help to his feet the man that has gone down to death's door for your theories and who has to make the end of the trail in sorrow and suffering, denied his limbs, his sight, with night and gloom his companions until the grave offers surcease—the only nepenthe that is left for him—oblivion and mother earth. [Applause.]

The CHAIRMAN (Mr. LONGWORTH). The time of the gentleman has expired. All time has expired. The question is on the first amendment.

Mr. MACCRATE. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The present Chairman was not present when this agreement was made. He will ask the gentleman from Ohio [Mr. FESS] whether the agreement contemplated the right to offer amendments after the expiration of the time?

Mr. FESS. All amendments ought to be reported before we begin the debate on them.

Mr. CAMPBELL of Kansas. Amendments can not be denied at any time.

Mr. FESS. They can offer them, but not debate them.

Mr. MACCRATE. I did not desire to debate it, but simply to offer it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. MACCRATE].

The Clerk read as follows:

Amendment offered by Mr. MACCRATE: Page 3, line 9, after the word "Board," strike out the word "for," and on line 10 the word "approval."

The CHAIRMAN. Does any other gentleman desire to offer an amendment?

Mr. LANKFORD. I have one, but I want to offer it after the others have been voted down or voted them up.

Mr. TOWNER. I suggest the amendments be reported seriatum and read for the information of the committee before they are voted on.

Mr. GARRETT. Let one be read at a time and then voted on.

The CHAIRMAN. Without objection, the Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 2, line 22, after the figures "34,000," insert: "*Provided*, That if any discrimination is made on account of color, sex, or religion in the use of the funds herein authorized, the State so offending shall forfeit all its rights to further participation in the benefits provided for in this act."

Mr. GARRETT. Is it in order to inquire if this has been submitted to Mr. Will H. Hays? [Laughter.]

Mr. WOOD of Indiana. May I answer the gentleman?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. WOOD of Indiana) there were—ayes 39, noes 40.

Mr. WOOD of Indiana. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. WOOD of Indiana and Mr. FESS took their places as tellers.

The committee again divided; and there were—ayes 36, noes 44.

So the amendment was rejected.

The CHAIRMAN (Mr. MADDEN). The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 7, after the word "arts" insert: "which disability was not caused by willful misconduct of the person disabled."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 3, line 5, after the word "used" strike out: "by any institution for handicapped persons."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. GARD: Page 4, line 6, after the word "duty" strike out the period, insert a comma, and "but such courses for vocational rehabilitation shall not be available to any such civil employee of the United States whose disability was caused by his own willful misconduct."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 3, line 16, after the word "employees" strike out: "(f) plans for the training of teachers, supervisors, and directors."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 2, line 4, after the word "employment" in lines 3 and 4 as amended, strike out the language: "for the fiscal year ending June 30, 1920, the sum of $500,000;" and on line 18, same page, after the word "Section" strike out the language, "for the fiscal year ending June 30, 1920; the sum of $66,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. SEARS: Page 3, line 7, after the word "Act," strike out all of line 7 and line 8 down to and including the semicolon and insert the following: "and the Federal boards shall furnish to the State boards general plans and specifications and such other information as to the best methods for training which they may be able to furnish."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. FESS), the committee divided; and there were—ayes 31, noes 42.

So the amendment was rejected.

Mr. SEARS. Tellers, Mr. Chairman.

Tellers were refused.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. SEARS——

Mr. SEARS. I withdraw the amendment, Mr. Chairman. That has already been provided for in a manner to do away with the necessity for it.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MACCRATE: Page 3, line 9, after the word "Board," strike out the word "for" and in line 10 the word "approval."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. BLACK. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 3, line 22, strike out the word "appropriated" and insert "from appropriations authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FESS. Mr. Chairman, we accept that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANKFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANKFORD: Page 1, line 4, after the word "of," strike out the words "persons disabled" and insert "disabled persons whose occupations, at the time the disability arises, are."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LANKFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 41.

Mr. LANKFORD. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. Those desiring to take this vote by tellers will rise and stand until they are counted. [After counting.] Not a sufficient number have risen. Tellers are refused.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 6, strike out the word "mechanic" and insert the word "mechanical."

Mr. BLANTON. Mr. Chairman, may I ask the chairman of the committee whether this amendment should not be adopted? The word "mechanic" is evidently an adjective there.

The CHAIRMAN. Under the rule adopted there can be no debate.

Mr. BLANTON. I was just asking the chairman the question.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That in order to secure the benefits of the appropriations provided by section 1 any State shall, through the legislative authority thereof, (1) accept the provisions of this act; (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of the vocational-education act, approved February 23, 1917, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this act; (3) in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency, and the State board charged with the administration of this act, such plan to be effective when approved by the governor of the State; (4) provide for the supervision and support of the course of vocational rehabilitation to be provided by the State board in carrying out the provisions of this act; (5) appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations. In any State the legislature of which does not meet in 1919 or 1920 if the governor of that State shall accept the provision of this act, such State shall be entitled to the benefits of this act until the legislature of such State meets in due course and has been in session 60 days.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment: Page 4, line 8, after the word "appropriation," strike out the word "provided" and insert in lieu thereof the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 5, line 5, strike out the figures "1919" and insert in lieu thereof the figures "1920."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 5, line 6, strike out the figures "1920" and insert in lieu thereof the figures "1921."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GARRETT. Mr. Chairman, I wish to ask the gentleman from Ohio [Mr. FESS] a question with reference to the latter part of that section. The bill provides, "Any State the legislature of which does not meet in 1920," and so forth, "shall be entitled to the benefits of this act." The State obtains the benefits of the act even if no legislation is passed?

Mr. FESS. If the gentleman will note, in line 9 of page 4, a provision requires the legislative authority to accept this act. If the legislature does not happen to be in session, that State would be, under the provisions of this bill, deprived of the benefits of the act unless we made a provision that the acceptance might be made by the governor. I will say to my friend that this language is exactly the language of the Smith-Hughes Act, to take care of the State of Alabama, which did not have its legislature in session.

Mr. GARRETT. How can the governor of a State make an appropriation for the State?

Mr. FESS. The governor could not do that.

Mr. GARRETT. To get the benefits of this act the State authority has to put up dollar for dollar, does it not?

Mr. FESS. Yes; that is with the State, and not with the Federal Government.

Mr. ALMON. The gentleman from Ohio called attention to the fact that that situation existed in Alabama at the time of the enactment of the vocational bill?

Mr. FESS. Yes.

Mr. ALMON. Will the gentleman state what arrangements were made?

Mr. FESS. Yes; arrangements were made authorizing the governor of Alabama to make acceptance instead of the legislature.

Mr. GARRETT. I guess the governor of the State would have no authority to bind the State.

Mr. FESS. I think not; but my friend will remember that our friend Abercrombie was on the committee, and it was adopted to cover this case upon his recommendation.

Mr. ALMON. I remember I assisted in working out the plan to get the benefit of that appropriation.

Mr. BEE. Mr. Chairman, I move to strike out the last word.

Mr. CHINDBLOM. Mr. Chairman, may I ask the gentleman from Ohio [Mr. FESS] a question?

The CHAIRMAN. The gentleman from Texas [Mr. BEE] has moved to strike out the last word.

Mr. BEE. Mr. Chairman, I wanted to ask the gentleman from Ohio a question along the line of the questions propounded by the gentleman from Tennessee [Mr. GARRETT]. Suppose the State has not legislated on this subject at all. How can the governor accept the money for that State when he has nothing to accept the money on? What would he do with the money? And then suppose at the time the legislature met in 1921 it did not adopt any such law. What, then, would it do with the authorization you make?

Mr. FESS. The legislation provided here depends upon the State accepting the benefits. The original plan is to have the legislature do it. If the legislature is not in session, but if the State, through its governor, can meet the requirements of the law, it will not be denied the benefits.

Mr. BEE. But suppose, under the constitution of the State, there is no such power vested in the governor?

Mr. FESS. Then they could not do it.

Mr. TOWNER. Mr. Chairman, will the gentleman, before he presses that point, yield to me?

Mr. BEE. I do not want to lose my time. If the gentleman will pardon me, I want to ask the gentleman from Ohio this further question: I notice where you say "in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency, and the State board charged with the administration of this act, such plan to be effective when approved by the governor of the State." How can there be a plan of cooperation between a workingmen's liability law instituted for the purpose of compelling the corporations that work their men to provide for them an insurance in case of injury and a vocational course for them in case they are injured?

Mr. FESS. One of the difficulties in this legislation that caused the committee to refuse to accept this legislation as an amendment on the soldiers' disability or rehabilitation act was that the soldiers' rehabilitation act was purely Federal, and the rehabilitation of industrial cripples would be cooperative and done through the States.

Mr. BEE. The gentleman has not answered my question.

Mr. FESS. I will answer it. There are 38 States that have State compensation commissions.

Mr. BEE. Yes.

Mr. FESS. We do not want to direct the rehabilitation of any cripple in a State through the State board provided for in this act without the cooperation of the State compensation commission, because the compensation commission has to do with the payment of the compensation to cripples, while this has to do with the training; and while the training would be by the State board, on the approval of the Federal board, there must be cooperation between the State board and the State compensation commission.

Mr. BEE. Now, let me ask the gentleman this question: Suppose a man who is entitled to the privilege of rehabilitation under this act has been the victim of a personal injury by a corporation. Is there anything in this law that will entitle the corporation to set off against his recovery for personal injuries the fact that the Government has provided for his rehabilitation?

Mr. FESS. Most certainly not.

Mr. BEE. Why not?

Mr. FESS. The compensation pays the man because of the injury, and this trains him to put him in a position, not to take his compensation away from him. The compensation will go on, but we train him in order to be a factor in production after the compensation has ceased. The one is paid under the authority of the State, the other is paid by authority of the State in cooperation with the Federal Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I move to strike out the paragraph.

Mr. REED of West Virginia. I desire to oppose the paragraph.

Mr. BLANTON. Is not a member of the committee entitled to recognition first?

The CHAIRMAN. The Chair thinks he is.

Mr. BLANTON. I want to get only one matter clear.

The CHAIRMAN. Is the gentleman from West Virginia [Mr. REED] a member of the committee?

Mr. REED of West Virginia. I am not.

Mr. BLANTON. I will take only a few minutes. This bill provides that dollar for dollar must be appropriated by the States before the Federal Government can pay one single cent toward this fund. Now, in the face of the above, what is the use of such a provision as that in this second section, which provides that where a State legislature does not meet in 1920 or 1921, then the governor of that State may accept this provision, and it shall be in force until 60 days after the legislature shall meet? What is the use of acceptance by the governor of the State if the money can not be paid? Does aceptance provide the means by which the money shall be paid over to the State and may be used and expended? If it can not be paid over and used and expended, what is the use of paying it over? Why not wait until the legislature meets, and in proper form, in accordance with the provisions of the bill, and with the proper safeguards that the bill places around that money, shall appropriate the duplicate amount of money? I think this provision should be stricken out of this bill.

Mr. TOWNER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Iowa.

Mr. TOWNER. If the governor makes acceptance, then the board can make the apportionment, and when the funds are provided then apportionment can be made available for the purpose. That is all it does.

Mr. BLANTON. But what is the use of making the apportionment until the money is appropriated? The money will not be available until the legislature meets, because the legislature is the only power in a State that can appropriate the money of the people of that State. The governor can not do it any more than the President of the United States can appropriate money.

Mr. TOWNER. But the apportionment can be made ready for the acceptance of the State when the funds can be provided.

Mr. BLANTON. What is the use of apportioning to a State until the State itself makes an appropriation? The State might not see fit to appropriate as much as the apportionment?

Mr. TOWNER. Then it could not be used, that is all, but it would be ready if the governor accepted it.

Mr. BLANTON. I think the provision should be stricken out of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, the distinguished gentleman from West Virginia [Mr. REED] has given us some very interesting facts. Without in any way attempting to cast any reflection upon the statements that he has made, I submit that if they are true they are exceptionally interesting, and I have no doubt that as far as Federal activity goes, if this bill becomes a law, the administration of it will be placed in the hands of just such men as those who have figured out that some people are worth a certain amount of money from the soles of their feet up to the neck, and that from the neck up some of them are worth $10,000. But I do not imagine that if they get an individual who is crippled so as to consist only of that portion of his anatomy that is comprised in that space occupied from the neck up that he would contribute very much to the advancement of science or industry in this country.

That is not what I rose to say, however. I want to ask the distinguished chairman of this committee a question with reference to subparagraph 3 of section 2 and to ascertain if it is proposed to tell the legislatures of the States where they have compensation boards and where they have also complied with the vocational-education act that notwithstanding they are complying with the law with reference to vocational edu-

cation and have a vocational-education board in the State, yet it shall provide through the legislature that the workmen's compensation board shall cooperate for the administration of this law and not permit the vocational-education board of the State to participate in the execution of the plan which this Federal board provides?

Mr. FESS. The administration of this law will be under the State board of education upon the approval of the Federal board, but when we enter the States that have compensation commissions we are not giving all of the administration to the education board, which might conflict with the State compensation commission, but we deal as a Federal Government with the State board, and in those States such as the gentleman has suggested, and his State is one of them, whatever cooperation is to be reached must be reached by the authority of the State, and the authority is the legislature. Therefore, in the State of Massachusetts and in the State of Ohio and in many other States, 38 in all, the administration of this particular law will be by the cooperation of the State board and the State compensation commission.

Mr. WALSH. So that we do say to the Legislature of Massachusetts and to the Legislature of Ohio and any of the other States that it shall provide a plan of cooperation, even though the State might prefer that the entire administration of this act should be confined to its State vocational education board.

Mr. FESS. We require just the same as we require that the benefits be accepted by the legislature or the governor.

Mr. WALSH. But you do require that the legislature shall provide that a plan of cooperation shall be established, even though that State might prefer to have this act administered through its vocational education board, regardless of the State compensation board?

Mr. FESS. We do. Vocational education is one thing. That is under the State board of education. The rehabilitation of a cripple touches on the subjects receiving compensation, and we would not give all authority to the State board of education; neither would we give it to the State compensation commission; but a cooperation between the two, as provided by the legislature.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I have listened with a good interest to gentlemen who appear here in advocacy of this measure, and in so far as I can observe their argument in favor of the bill is based upon a profession of interest in the men who are crippled in industry in this country. The issue can not be joined there. I understand, of course, the attitude of those who are in favor of the absorption of all governmental power by the Federal Government, who are seeking to destroy the efficiency of the States. When a man stands on the floor of this Chamber and says that the particular matter under consideration is one over which the States have complete legislative jurisdiction, and with regard to which they have the complete power to deal, he is charged with not favoring the subject matter, as not being in favor of remedying the evil which the bill under consideration seeks to remedy.

Now, let us see what this bill proposes to do. I watched my Democratic colleagues; I counted them. When the distinguished gentleman from Florida offered his amendment to place the administration of this fund within the States' control I watched the vote, and in so far as I could observe every Democrat on the floor stood up and by his vote registered it as his judgment that the States should control. There is but one way on the face of this earth for that to be done, and I challenge the legislative experience and the common sense of my colleague, and that is to leave this matter to the State. I say to you, my friend from the South, I say to you Democrats who, by your vote on the Sears amendment, declared to your country and to your colleagues that you believed the States ought to control. I say to you, my friends, that there is a wisdom in the philosophy of government which puts the necessity of government as close to the people as you can get it. I say to my distinguished colleague from Pennsylvania, it was a fortunate day in Pennsylvania in its struggling with the problem of free schools that the Federal Government did not step in and relieve the people of Pennsylvania of the necessity of dealing with that question. It is only through a struggle that men grow strong, and since the formative period of government progressed government has been in that direction which has put not the right but the necessity of government as close to the people as you can get it. [Applause.] The time has come, my countrymen, when we have to put the brakes on. The time has come in this country when we must put the responsibility on the State. To vote for this measure carries a charge against the States, I can not make anything else out of it, and against the legislatures of the State that they will not do justice to the cripples within their borders. You say by your vote that you must take the money out of the pocket of the people of your State, because they will not through their legislature vote to rehabilitate their cripples and that you must send it back to them through a Federal body of overlords who will charge 20 per cent on the money taken from the pockets of your people to rehabilitate the cripples within their respective States——

Mr. FESS. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. FESS. I have great respect for my friend. Is not the argument he is offering now applicable against many appropriations of money out of the Federal Treasury to do things down in the gentleman's own State?

Mr. SUMNERS of Texas. It is impossible in five minutes to discuss the wisdom of legislation that has been passed. This bill is before the House, and I say to the gentlemen that Members of the Congress when they confront the responsibility of voting on a given measure must reflect their judgment upon that measure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I do not have any difficulty in supporting this bill. In fact, I do so with a great deal of enthusiasm. I think it is one of the best pieces of legislation that has been brought before this Congress. As between human rights and property rights, I am for human rights. I am for all progressive legislation, and I refuse to stand with my back to the wall and with no vision for the future. It is too late now to advance the argument that all such legislation as this ought to be left to the several States. I hope that every State in the Union has enacted wise legislation along this line. My own State has a compensation commission that carries out the provisions of the law enacted for the benefit of those injured. If there is any State in the Union that needs stimulation, north or south, it ought to be stimulated by the Federal Government.

Three arguments have been used against this bill. The first is that of economy. I am heartily in favor of economy in every branch of the Government. Every appropriation ought to be closely scrutinized and not a cent of the people's money should be taken by the taxgatherer in excess of the urgent needs of the country. We are not justified, particularly under present conditions, in appropriating a dollar for any purpose for which there is not great necessity, but as the committee reports there are about 300,000 cripples in the United States, shall we not do anything for them? If the various States have wisely provided for them, certainly the stimulating effect of a Federal vocational board will not do any harm, but under the influence of this board additional humane legislation will be enacted for the cripples of the country. These industrial cripples will be rehabilitated like thousands that became disabled during the last war. They will be trained to earn a livelihood, and instead of being an economic loss they will be a great asset. Therefore, I believe that it is economy to use the services of so many cripples throughout the Nation.

This bill appropriates for the first year $500,000, or about one-half a cent for each of the 110,000,000 citizens of the United States. Certainly no one would begrudge giving this much to rehabilitate the unfortunate and give them encouragement and hope for a brighter day. If these people can be assisted, so that they will fit into various positions where they can make a living, it will be money wisely spent. If the States are enacting legislation along this line, this law will only be a stimulant. In my judgment it will be helpful. While I am for economy, I refuse to begin with the cripples of the country.

The next argument used is that it is not constitutional. It is used in nearly all debates where a Member wants to defeat legislation. I find no constitutional inhibition against this appropriation. Of course, I would not vote for it if it were clear to me that it violated any provision of the Constitution, but none has been pointed out. While one would be free to use the Constitution against the opposing counsel in court, I refuse to use it in an argument on legislation of this kind.

The argument most frequently advanced throughout this entire debate is that it is a matter for the several States. I have already referred to this and what my State has done, but let us see if we have all been consistent in using the argument of State rights against the cripples of the country.

I have before me the Agricultural appropriation bill approved July 24, 1919. I want to refer to a few of the items and invite some of my friends who have been earnestly urging that the States alone ought to look after their own unfortunates to some of these amounts. On page 7 of the bill I find that we appropriated $641,045 to fight hog cholera. I think this is splendid legislation. I heartily favor it. I am sure many of the gentlemen who are against this bill voted for the appropriation in the

Agricultural bill. The hog is placed above the human, and the moral is, "You had better be a hog." On the same page of the Agricultural bill there is an appropriation of $741,980 for the eradication of the southern cattle tick. This is a fine appropriation, but if we can appropriate money to eradicate the cattle tick in the various States of the Union I do not find any difficulty in aiding the work of rehabilitating the cripples of the country. In the same bill we appropriated $220,728 for the study and control of the white-pine blister rust. This item applied and was used in the various States growing pine. I do not criticize it. I only invite attention to it.

We appropriated $452,505 for the study of cereal diseases and the improvement of cereals. This work is largely done throughout the various States. I voted for it. I believe the appropriation is fully justified; but if we can appropriate for the study of diseases of cereals, certainly there ought not to be any objection for appropriating money to rehabilitate human beings. I invite your attention to the item appropriating $304,050 for the prevention of the spread of the gipsy and brown-tail moths. This is a large appropriation, and I am not very familiar with it. I am sure that I would rather vote for an appropriation to encourage the poor and unfortunate cripples of the country than to prevent the spread of "gipsy and brown-tail moths." There is an appropriation contained in the Agricultural bill of $645,040 for meeting the ravages of the cotton-boll weevil. I was heartily in favor of this legislation. I believe the Government ought to make this appropriation. I do not believe it is extravagance. I believe it is practicing economy. This money is spent throughout the various States, and if we use it for combating the cotton weevil, then the question of State rights ought not to be urged against us when we want to help the cripples of our land. The same is true of the agricultural-extension act, where the sum of $720,000 is appropriated. I do not believe there is a better appropriation made by Congress. I have always enthusiastically supported it. However, if we can appropriate money to be used in the various States to grow vegetables and farm products, then we would be justified, in my judgment, in using money to aid cripples in earning a livelihood. There is another appropriation of $397,240 to stamp out the pink boll worm. This is largely used in the one State of Texas; and yet we have gentlemen upon the floor who will vote for an appropriation for this purpose and yet decline to vote anything for the cripples of the country. This legislation is along the same lines as the Smith-Hughes vocational-training act, for which in the aggregate several million dollars have already been expended and more authorized. The act assists the various normal schools in the States throughout the country. Certainly, if we have the authority to assist the able-bodied men and women to secure a better vocational education, how much more is it encumbent upon us to extend relief to the unfortunate for whom there is no ray of hope. Three or four years ago we passed what is known as the good-roads act.

The first year we appropriated $5,000,000 and continued the appropriation until $25,000,000 was reached. This money is being distributed through the various States, much after the fashion of the bill now under discussion. Many gentlemen had no difficulty in voting for that bill, but some decline now to vote for a similar appropriation much less in size, for those who have been so unfortunate as to have lost an eye or a limb. Recently we supplemented the good-roads law by adding as an amendment to the Post Office appropriation bill the sum of $200,000,000.

Another item in the Agricultural appropriation bill is for $2,500,000 to stamp out the foot-and-mouth disease. Everybody agrees that this was wise legislation, and no one, so far as I know, opposed it. By spending Government funds, the disease was checked and our live stock was saved. It resulted in a large economic saving. I favor the economic saving of human beings also.

I am for this humane legislation and shall vote for it, although I will vote to cut down some of the appropriations for administrative expenses of the law and reduce the salaries, when that section of the bill is reached. If I did not, I would throughout all future time be ashamed to meet a cripple on the streets selling shoestrings or lead pencils. Let us stimulate the States to do their full duty to this class of citizens. If it were not for the good women of the country urgently presenting all causes for charity, the churches, and the like upon the men, everybody knows that they would not receive the proper financial support. The various drives for the Red Cross, the Salvation Army, the Young Men's Christian Association, and other welfare organizations during the war netted large sums, but how much would have been contributed to them, if the drives had not been put on and the people appealed to and aroused to a sense of their duty? This legislation has for its purpose the stimulation of the various States by the Federal Government in such a way that they will do their full duty in restoring these cripples and making them an economic asset instead of a liability to the State and Nation. Every community is interested in bettering its citizens, and every State is so interested, and the Nation as a whole is interested in the happiness, contentment, and productive capacity of every citizen in the Union.

Mr. LANKFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new section the following:

"SEC. 2½. That no person or corporation alleged to be liable in damages for disability incurred by another shall be permitted to plead or allege the benefits of this act in mitigation of damages."

Mr. LANKFORD. Mr. Chairman——

Mr. FESS. Mr. Chairman, I make the point of order that debate is exhausted.

The CHAIRMAN. Debate is already closed on this section and all amendments to the section.

Mr. LANKFORD. But I offer it as a new section.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment. If the gentleman desires to discuss it, however, I will reserve it.

Mr. TREADWAY. Mr. Chairman, has it not been ruled several times recently that a new section can not be offered and debated after debate has been closed on the previous section?

Mr. BLANTON. It can not be offered as an amendment to the section under the agreement heretofore entered into by the committee.

Mr. LANKFORD. Mr. Chairman, I ask unanimous consent to proceed.

Mr. TREADWAY. That would be against the rule. I make the point of order that it is not germane.

The CHAIRMAN. The point of order is sustained. The amendment is not germane to the section or to anything else in the bill. Does the Chair understand that the point of order of the gentleman from Texas is against the amendment?

Mr. BLANTON. Yes; against the amendment of the gentleman from Georgia.

Mr. BANKHEAD. Did not the gentleman from Georgia submit a unanimous-consent request to proceed?

The CHAIRMAN. He did; but the Chair, under previous rulings in the committee, did not recognize the gentleman.

Mr. WINGO. If the Chair will permit me, I hope he will take time before he rules that a new section offered as an amendment would come under the rule closing debate on the previous section.

The CHAIRMAN. The Chair sustains the point of order against the amendment.

Mr. WINGO. That makes the question academic, of course.

Mr. BLANTON. Regarding that, Mr. Chairman, it was decided by the gentleman from Iowa [Mr. GOOD] and has been decided at numerous other times.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the Federal Board for Vocational Education shall have power to cooperate with State boards in carrying out the purposes and provisions of this act, and is hereby authorized to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this act; to provide for the vocational rehabilitation of disabled persons and their return to civil employment and to cooperate, for the purpose of carrying out the provisions of this act, with such public and private agencies as it may deem advisable. It shall be the duty of said board (1) to examine plans submitted by the State boards and approve the same if believed to be feasible and found to be in conformity with the provisions and purposes of this act; (2) to ascertain annually whether the several States are using or are prepared to use the money received by them in accordance with the provisions of this act; (3) to certify on or before the 1st day of January of each year to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, together with the amount which each State is entitled to receive under the provisions of this act; (4) to deduct from the next succeeding allotment to any State whenever any portion of the fund annually allotted has not been expended for the purpose provided for in this act a sum equal to such unexpended portion; (5) to withhold the allotment of moneys to any State whenever it shall be determined that moneys allotted are not being expended for the purposes and conditions of this act; (6) to require the replacement by withholding subsequent allotments of any portion of the moneys received by the custodian of any State under this act that by any action or contingency is diminished or lost: *Provided*, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury.

Mr. WALSH, Mr. GARRETT, and Mr. LANKFORD rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] is recognized.

Mr. WALSH. I move to amend the section, page 5, lines 18 and 19, by striking out the words "and private."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 5, lines 18 and 19, strike out the words "and private."

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. WALSH. Division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 31.

So the amendment was rejected.

Mr. STEVENSON. Mr. Chairman, I offer an amendment

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STEVENSON: Page 6, line 9, after the word "portion," insert:

"*Provided*, That no deduction from the allotment to any State shall be made until one year after the legislature of said State shall first meet after the passage hereof."

Mr. STEVENSON. I think the chairman will see the justice of that. The provision is made here that they shall deduct each year from the allotment the part which the State has had on hand and has not expended the year before.

Now, under the provision on page 5, where the governor may accept the terms of this act, and if the State becomes entitled to it, the governor can accept and allotment will be made; but no money can be spent until the legislature meets and appropriates.

Mr. FESS. If the gentleman will yield, I think his amendment might cover an exigency that might arise. I have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. STEVENSON].

The question was taken, and the amendment was agreed to.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Chairman, inasmuch as it is my purpose to vote against this bill, I desire at this time to state some of the reasons that actuate me in so doing. I do not know that I shall contribute any new thought to the debate, but I shall at least have the satisfaction of again laying before this body certain principles applicable to legislation which has been passed here in the past and which are involved again now.

This is another of those unfortunate measures predicated, in my opinion, upon wholly erroneous conceptions of the functions of the respective governments under which we live. It has been said by those advocating this bill that the opponents of the measure have continuously harked back to the doctrine of State rights. Mr. Chairman, I am not ashamed, in any case where the doctrine of State rights applies, to utilize that argument. A million men offered their lives for the principle of local self-government, as they conceived it. Unnumbered thousands of them died for that principle. Other unnumbered thousands of them suffered wounds and torment for the sake of their convictions. I have never felt called upon, Mr. Chairman, to apologize for living by that for which my fathers died or offered to die. But, sir, in frankness let it be said that in the sense of an imposition upon State rights that doctrine is not here applicable. Nor do I contend it. The only way in which the rights of the States are involved here is that there is involved in this measure a certain degree of moral coercion. Of course, the States are free to take the benefits or the burdens of this act, as the case may be, or leave them alone, as they may choose. But what I would emphasize, and what, if I have interpreted correctly, has been the thought which has run through the minds of those who have argued against this bill before us, is the importance of adhering to State duties. I have looked for the time to come—and I think it will come, gloomy as the outlook now may seem—when the popular thought of this country will demand the performance of State duties by the States; will stop this continuous cry which comes up on every governmental proposition that is offered or thought of, of "On to Washington! On to Washington!" [Applause.]

It is not an unnatural thing that the demand for Federal appropriations has grown to such an extent in this country. It has been due, Mr. Chairman, to the indirect system of taxation that has been enforced by the Federal Government. The hand of the tax gatherer has been concealed. The individual in States knew when he paid his State taxes, because he walked into the tax collector's office and paid out the cold cash and received only a tax receipt in return. But he has been paying the Federal taxes when he bought his clothing, when he bought his tobacco, through the instrumentality of the internal-revenue duties and the duties collected at the customhouse. Who was it—Burke, I think it was—who said, "If you could but hide the hand of the tax gatherer you could tax an Englishman down to the last rag of his clothing and to his last crust of bread without occasioning a protest."

What has been the result? The result has been that the people in the States, not knowing when they paid their Federal taxes, came to regard appropriations out of the Federal Treasury as so much got instead of so much spent. As I have said before in this place, discussing legislation similar to this, when the member of a State legislature goes home his constituents meet him with a cold gleam in the eye and say to him, "How much did you spend?" But a Member of Congress returns to that same constituency and is met with the same cold gleam in the eye, but the question is, "How much did you get?"

That, Mr. Chairman, is going to be changed. Why? Because we have reached that point in our Federal expenditures where you can no longer raise even a fourth of the amount by indirect taxation. It has to come by direct taxation. Where the man will feel it and know it when he pays it, he is going to inquire a little more carefully into what it has cost to administer the funds appropriated by the Congress of the United States.

I have always believed, independent of any question of State rights, that Mr. Calhoun was correct when he laid down the principle that whatever can be as well done by the States as it can be done by the Federal Government should be left to the States for performance, and that the arm of the Federal Government should be extended only when the arm of the State government can not—not will not, but can not—reach. I believe in that principle to-day. I know, and every intelligent man who has been observant of Federal expenditures knows, that the administration of this act under the Federal Government will cost the people of this country infinitely more than it would cost if administered under their respective State governments. [Applause.]

What are we coming to? We used to argue, back in our schoolboy days, the question, "Resolved, that the signs of the times indicate the downfall of the Republic." That was one of the old, old questions. I never thought that they did. But I have wondered again and again during my experience as a Member of Congress whether we were not approaching with greater rapidity than we realized that point where the administrative functions of the Federal Government are to bear down and destroy the very substance of the Republic's structure. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, would the gentleman yield to a request?

Mr. GARRETT. Certainly.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in 10 minutes.

Mr. BLACK. I have an amendment to the text that I wish to offer.

Mr. FESS. After the gentleman from Tennessee has closed. That will take care of the gentleman from Texas.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. BLACK. I object. Does that 10 minutes include me?

Mr. FESS. Ten after the gentleman.

The CHAIRMAN. Is there objection?

Mr. LANKFORD. Reserving the right to object, Mr. Chairman, I would like to speak 10 minutes on this bill at some time.

Mr. MACCRATE. I have an amendment. I have not spoken on the bill. I have sat through the entire discussion. I object to that 10-minute limitation.

Mr. WINGO. I object for the present. Let the gentleman from Tennessee get through.

Mr. FESS. Mr. Chairman, make it 15 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the debate on this section and all amendments thereto close in 15 minutes. Is there objection?

Mr. WINGO. I object for the present.

The CHAIRMAN. The gentleman from Tennessee will proceed for five minutes more.

Mr. GARRETT. Mr. Chairman, the principle of this bill is wrong. If this is a Federal function, if it is a thing which the Federal Government ought to do, then the Federal Government

ought to go forth and do it and not depend upon the States. If, upon the other hand, it is a thing which the States can do as well as, if not better than, the Federal Government, it ought to be left to the States to perform.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. In a moment. It ought to be left to the States to perform, because bear in mind, gentlemen, that whether it is done by the State government or done by the Federal Government the same people must pay for it.

Mr. DOWELL. Will the gentleman yield now for a question?

Mr. GARRETT. In a moment. And Federal administration will cost infinitely more. I have heard gentlemen on that side of the Chamber complain much of the bureaus that have been built up here in Washington during the last six or seven years. Here you are starting a perpetual bureau, which will absorb out of the appropriations for its administrative officers and its office forces sums that we can scarcely compute now.

Mr. DOWELL. Did the gentleman take that position in the appropriation of money for good roads?

Mr. GARRETT. I did. I said then substantially what I am saying now. And if it interests the gentleman, let me say it was made the principal issue in a candidacy which I had at home for renomination. My position was sustained by my people. [Applause.] The people of my district are not mendicants at the door of the Federal Treasury. [Applause.] They believe in running the Government in the most economical way that it can be run.

I am raising no technical question here, no abstractions such as gentlemen even from the South have sneeringly referred to in the course of this argument as State rights. I am arguing this from the cold standpoint of a practical business man. I know, and you know, the inevitable effect of this is to increase tremendously a bureau here in a department in Washington. Why, you provide that there must be uniform rules sent out from Washington to govern this matter of rehabilitation.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. BLACK. I object.

Mr. FESS. I move that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Ohio moves that debate on this section and all amendments thereto close in 10 minutes.

The question being taken, on a division (demanded by Mr. BLACK) there were—ayes 42, noes 41.

Accordingly the motion was agreed to.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 6, line 17, after the word "State," where it appears first in the line, strike out the balance of the line, and all of line 18, and down to and including "paid," in line 19, and in lieu of the language stricken out insert "for a period of two years after the appropriation is made."

Mr. BLACK. Mr. Chairman, the language as now contained in the bill says:

Provided, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

If my amendment is adopted the language will read:

Provided, That if any allotment is withheld from any State for a period of two years after the appropriation is made, it shall be covered into the Treasury.

I think an amendment of that sort should be adopted, because we know already that the State board or anyone else has the right to appeal to Congress. We do not need any statutory enactment to give a citizen or a board or anyone else the right to appeal to Congress, and I dare say they will appeal to Congress; but there is no definiteness in the language of the bill. It might be in one year, or two years, or four years, or five years. My amendment would provide that if this allotment is withheld from a State for two years after it has been appropriated, then it shall be covered back into the Treasury, because that would give Congress ample time to hear the State board, to take action upon it; and if it does not amend the act so as to give the State the money, then it will be covered into the Treasury.

Mr. RAMSEYER. I should like to have some one explain what is meant by the language—

The State board of such State may appeal to the Congress of the United States.

Does that language give anyone a right that he did not have before?

Mr. BLACK. I called attention to that. The language does not confer any additional right at all. The State board may appeal to Congress, or any citizen may appeal to Congress.

Mr. RAMSEYER. It simply means the right of petition?

Mr. BLACK. That is what it is. I am not particularly committed to the idea of two years. It might be three years or four years, but some time should be definitely fixed when this money shall be covered into the Treasury.

Mr. FESS. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. FESS. The language used is the language of the Smith-Hughes Act. That was put in because it was feared some controversy might arise where the Federal Government would withhold the money from a State for some reason; and if it should do it permanently—that is, if the Federal board should do it permanently—it would give the right of appeal to Congress and let Congress settle it.

As far as I am concerned, I would be perfectly willing to accept the gentleman's amendment, because I do not think any State is likely to jeopardize its right to use the money.

Mr. BLACK. Not within the period of two years. That will give them ample time; and it has the advantage of being definite and not to leave the time to speculation and conjecture.

Mr. NEWTON of Minnesota. Mr. Chairman, I have been much interested in the ingenious arguments that have been made to defeat this bill to rehabilitate the disabled men and women in industry.

The gentleman from Tennessee [Mr. GARRETT] speaks of this as being purely a State function, and in his usual forceful and eloquent manner has emphasized the importance of State duties. It is a State duty, and, Mr. Chairman, with rare exceptions, the States have long neglected that duty. But the obligation of rehabilitating the industrial cripple also belongs to the Nation. It is a joint obligation, and, with the States, the Nation has for some years seriously neglected the performance of its obligation. So that in rising to support this measure, Mr. Chairman, permit me to stress national duties and their performance.

In enacting this legislation into law the Nation will not only perform its own obligation but will assist the States in doing likewise.

The objections as to this legislation being unconstitutional and outside the proper sphere of Federal legislation could be urged with equal force against every Federal appropriation for education, public health, and agriculture. Something like $26,000,000 was appropriated for educational purposes by Congress this last year. Thousands—yes, millions—of dollars are appropriated each year from the Federal Treasury to prevent cattle and hog diseases, and, in my opinion, wisely so.

In the early history of our country neither the States nor the Federal Government were called upon for legislation of this kind. Then as settlements grew up matters of education and the prevention of disease among cattle and hogs became a State legislative question. After 140 years of our country's history every part and portion of the country is dependent to a greater or less degree upon every other part, so that to-day the raising of hogs in the Middle West is of vital concern not only to the Middle West but to the citizen of the Eastern and Western States. If the farmer's cattle become diseased, not only he and his community are affected but the whole Nation.

In like manner has education become a Federal legislative question. And certainly, with the growth of industry, the disabling of thousands of workmen every year, thereby cutting short their producing power, is of concern not only to the workman and his family and to the community in which he resides but to the Nation as a whole. Changed conditions have made his welfare a matter of national concern. Congress is given power to legislate to promote the general welfare of the Nation. The general welfare requires that every man and woman be a producer. This bill will assist in making him one.

Numerous other objections have been raised which, with one exception, I will not attempt now to answer. It is urged that the measure may be all right, but following the Great War time is not opportune. In reply, I urge that now is the time. We have just won a great war.

There have been certain by-products to every war in American history. The Civil War was fought to preserve the Union. The great by-product was the abolition of human slavery. The

Spanish-American War was fought to protect American rights and to free Cuba. One of the by-products was the acquiring of overseas possessions, with the accompanying responsibility of the care and civilization of several million inhabitants.

The Great War which has just ended will also yield its by-products. Its waste of millions of human lives gave us all a keener appreciation of the worth and value of a human life. It was man power that broke the Hindenburg line. It was man power that furnished the munitions and supplies and the ships that carried them. We were literally a "whole nation in arms." There was a place for every man, woman, and child, and all were mobilized. That was national efficiency.

The war is over and before us are the perplexing problems of readjustment. In many respects these problems are more difficult of solution than the "winning of the war." The waste and extravagance of war time must cease. To really make an impression upon the high cost of living we must produce more and waste less.

We all believe in the prevention of waste by the repair and the salvaging of material. Much was attempted in that line during the war. This Congress has also with credit to itself taken a great step forward in salvaging the human wrecks of the Great War by setting aside $80 a month for the rehabilitation of every disabled soldier. We have said to them that if possible, notwithstanding the injuries or disability received, they are to be made as economically free and independent as their country in whose defense they sustained their injuries.

This we have done out of love and gratitude, yes; but also for economic reasons. Several thousand maimed American soldiers are now in training and many other thousands will be.

But back of the man in khaki and in support of the American "doughboy" was the American workingman, who not only mobilized for the war but had been mobilized for industrial purposes for many years preceding the war. What this Congress is doing for the maimed and disabled soldier of our American Expeditionary Forces it ought at least to aid in doing for the disabled members of our industrial army. I urge this not only upon humanitarian but economic grounds.

Our wounded battle casualties in the American Expeditionary Forces were 230,000, of which about 100,000 can be rated as severe. Figures are not yet available as to the number that were permanently disabled. Compare this with our industrial losses per year. In one year of peace in our industrial army there are 2,000,000 casualties, of which 875,000 involve disabilities of over one month's duration. Of this number 75,000 involve loss of hands, arms, legs, fingers, or eyesight. In other words, in one year's time the losses in our industrial army were eight times as great as the total battle casualties were in the American Expeditionary Forces during the whole war, and bear in mind that this goes on year after year.

Many of these men are so injured that they can not go back to their occupation.

This figure of 2,000,000 does not take in those disabled in industry from disease.

What is the result? The efficient workman upon being disabled ceases to produce. The family man ceases to take care of those he was formerly able to take care of. Finally, the compensation fund is drawn in full and we find those others whose care he is naturally and legally charged with are forced to take care of him. Unable to care for himself he becomes a burden to others, being dependent he ceases to be able to act as an independent citizen. If a family man, thereby charged with the support of others and unable to do so, he sees the education of his children neglected and their future power as producers curtailed, thereby carrying the handicap into the next generation.

In this measure the Nation recognizes its joint debt with the States of the Union to the crippled industrial worker and signifies to the States its willingness to join with them in assisting in the rehabilitation of these maimed and disabled industrial workers. To every dollar contributed by the State the Government pays another dollar. For a precedent we have only to refer to the Morrill Act, originally introduced by Senator Morrill, of Vermont, in 1857, passing both Houses of Congress, but being vetoed by President Buchanan. It was again introduced in 1861, passed both Houses of Congress again, and received the sanction and approval of Abraham Lincoln in 1862. The State Agriculture and Engineering School received its start from this famous enactment carrying the name of the Vermont Senator. Then there is the Smith-Hughes educational act, which passed the last Congress, providing for Federal aid in vocational education of normal men and women. But why search for a precedent? A crippled and disabled workman is a loss not only to the State in which he resides but to the Nation to which he owes allegiance. The Great War has demonstrated the extent to which the Nation's life depends upon its workers. The crippling and disabling of one of them is of concern not only to his dependents but to the State and to the Nation. That is precedent enough.

The gentleman from Missouri, the distinguished ex-Speaker of this House, in his remarks against this bill spoke of his support of Federal legislation to reclaim by drainage and irrigation waste and desert lands. We have heard much during the past few years of the necessity of the conservation of our oil lands, water power, forests, and other natural resources. I agree with the gentleman in the wisdom of such legislation, but I go further and urge the passage of this measure, which conserves that which is more important—the Nation's man power.

In times past Congress has appropriated large sums of money to reclaim arid and desert lands. Let this Congress appropriate a smaller sum to reclaim to a life of social usefulness to the Nation its disabled industrial workers by restoring to them the power of self-support. I urge in this period of readjustment that Congress perform its duty and permit the Nation to clean up the scrap heaps and waste dumps of modern industry. [Applause.]

The CHAIRMAN. All debate on this section and amendments thereto is closed. The first question is on the amendment.

Mr. ALMON. Mr. Chairman, I have an amendment to the amendment of the gentleman from Texas [Mr. BLACK]. I move to strike out the word "two" and insert the word "three," as many of the legislatures only meet once in four years.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. ALMON to the amendment offered by Mr. BLACK: Strike out the figure "2" and insert the figure "3."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. MacCRATE. Mr. Chairman, I have an amendment at the desk.

The Clerk read as follows:

Page 5, line 20, after the figure "1" in parentheses, strike out all down to and including the figure "2" in parentheses in line 23.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That the Secretary of the Treasury, upon the certification of the Federal board as provided in this act, shall pay quarterly to the custodian of each State appointed, as herein provided, the moneys to which it is entitled under the provisions of this act. The money so received by the custodian for any State shall be paid out on the requisition of the State board as reimbursement for services already rendered or expenditures already incurred and approved by said State board. The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that the language in section 4, page 6, reads as follows:

That the Secretary of the Treasury, upon the certification of the Federal board, as provided in this act, shall pay quarterly to the custodian of each State appointed as herein provided the moneys to which it is entitled under the provisions of this act.

Do I understand that that language means that each State is to have a custodian appointed?

Mr. FESS. The State treasurer will be the State custodian.

Mr. WALSH. Why did not the committee provide that it should be paid to the State treasurer?

Mr. FESS. Because the Federal board administers the authority through the State board.

Mr. WALSH. What has that to do with the State treasury? It says "to the custodian in each State." I agree that if the States are going to embark on this proceeding they ought to have a custodian appointed for them, but I would like to know why it was not put into the hands of the treasurer of the State?

Mr. FESS. The act requires the States to appoint a custodian, which is the State treasurer, and he would be the one to administer the fund. The gentleman will find that language on the top of page 5, subdivision 5, that the custodian is the State treasurer, with whom the Federal board is dealing.

Mr. WALSH. That is, to appoint a custodian of said appropriation. It is not the custodian of the State. This is going to

be paid to the custodian of each State, as herein provided, and there is no provision in here for the custodian of the State.

Mr. FESS. The State treasurer is the custodian.

Mr. BANKHEAD. It makes the State treasurer the State custodian.

Mr. WALSH. Mr. Chairman, I see what was intended, and I do not wish to quibble about it. I do not see why a State should be empowered by the act of Congress to appoint somebody else to take care of its funds. If it is the State treasurer, the act should provide that the money should be paid to the State treasurer, and not attempt to give him any new fanciful title which might appeal to some of the distinguished scientists who will administer this act. I do not think it would appeal to the rich man or the poor man, including some of the cripples, who will have to bear the burden of this legislation by way of taxation in order to meet the expenditures.

Mr. EMERSON. Mr. Chairman, I expect to vote for this bill, and in view of the speeches made by the distinguished gentleman from Illinois [Mr. CANNON], and the distinguished Republican floor leader [Mr. MONDELL], I feel called upon to make this statement. I am about as independent as anybody in this House, and I do not take orders from anyone. I am personally responsible for every vote I cast here.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Not now. I do not know Mr. Will H. Hays, chairman of the Republican national committee, and have not met him. I would not know him if he came in on this floor this minute. I have never talked with him about this or any other bill, and am not concerned about his views on this bill or upon any other bill. I cast my vote upon each bill upon the merits of that particular bill, uninfluenced by anybody. I vote in this House for what I consider right and against what I consider wrong. [Applause.]

Mr. BLACK. Mr. Chairman, I move to strike out the last two words. I would like to call the attention of the chairman to the language of the bill, with a view of asking whether he thinks it should be amended. At the close of the section on page 7 the following language occurs:

and shall include in such report the reports made by the State boards on the administration of this act by each State.

I call the attention of the chairman to the fact that there will probably be 48 of these reports, some of which might be of considerable length. It occurred to me that the language ought to be—

shall include in such reports abstracts of the reports made by the State boards.

I do not think they ought to embody the whole report, as it might be a very voluminous document.

Mr. FESS. Mr. Chairman, the idea of the committee was that the State boards should be required to report their activities to the vocational board, and then that that vocational board should be responsible to us and make a report to Congress. The idea was to report what is being done in the various States—not necessarily to be published, but to give it to us. I do not think there would be any special objection to making it an abstract, yet that would give a good deal of discretion to the Federal board. Our idea was to get into this body exactly what is being done in the State of Texas and in the State of Ohio and in other States.

Mr. BLACK. That is very true, but we already have stacks of Government documents that are never read, and if we leave this language in the bill we will have 48 State reports published as a supplement to the report of this board, which will make a very big document.

Mr. FESS. Does the gentleman think we ought to have voluminous reports?

Mr. BLACK. I think there ought to be abstracts of these State reports.

Mr. FESS. Where should the reports from the States be?

Mr. BLACK. They should be kept in the office of the vocational board, and that board should submit to Congress an abstract of those reports along with its report. Mr. Chairman, in line 7, after the word "report," I move to insert the words "abstracts of."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 7, line 7, after the word "report," insert the words "abstracts of."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLACK) there were—ayes 30, noes 45.

So the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 6, line 23, strike out the word "custodian" and insert the word "treasurer"; and strike out "appointed as herein provided"; and on page 7, line 1, strike out the word "custodian" and insert the words "treasurer of."

Mr. WALSH. Mr. Chairman, this amendment simply seeks to provide that the money paid to the States shall go to the proper financial officer of the State by his proper title and does not change the meaning in any respect.

We are approaching the close of the consideration of this measure, and lest there be any misapprehension in the minds of my distinguished colleagues that my position has been changed by references made upon the floor by certain distinguished gentlemen, or by the appeals made to the accompaniment of the slow, sad music of humanity, I desire to say that I am still opposed to this measure and shall vote against it. I want also to say to those gentlemen who have referred to appropriations for the boll weevil, for the white-pine blister, and various other appropriations made by this Congress, that I did not support that measure, neither did I vote for it. If gentlemen will consult the RECORD, they will find that I was in a somewhat lonely and not distinguished minority of one when that bill was put upon its passage.

But I say that the gentlemen here in this Congress who have set upon the task of enacting legislation and who will in a few short months go back to the people of the land to report upon the manner in which they have performed their duties I believe are going to be met with the question, "What have you done to reduce the taxes and the burdens upon the people growing out of this Great War?" [Applause.] And I submit that I had rather defer acting upon these somewhat frantic appeals of the poor unfortunates—accompanied by demands made in the name of others who are not wholly and solely interested in the unfortunates, but more particularly interested in procuring a place upon the pay roll of Uncle Sam at salaries far outweighing the value of the services which they render—I say I prefer to say to my constituents that I have voted against appropriations for projects which might well be deferred until they have lessened somewhat the weight of the taxation that will follow the expenditures arising out of the war emergencies. [Applause.] And I do not fear that the verdict of the people throughout the land will approve the attitude of Members of this House, if that is what they are fearing, in going to the people for approval or ratification of their acts. So I submit, sir, as has been so well said before by gentlemen far more eloquent than myself, that the time is here now to set out upon a program of economy.

Mr. BLANTON. Will the gentleman yield?

Mr. WALSH. Let the States, these backward States that need stimulation—we are providing a new sort of stimulation, having wiped out by constitutional amendment and legislation alcoholic stimulation, and we will substitute for the States a stimulation in the shape of an appropriation from the Federal Treasury. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURRY of California. Mr. Chairman, I intend to vote for this bill, regardless of its crudities. I wish to call the attention of the committee to the fact that Congress is attempting by this bill what it attempted in other bills, like the Smith-Hughes bill and other bills, to legislate responsibility and duties on State officers that are not vested in the State officers by the constitution and laws of the State, and I do not believe that they can do so. In this bill the governors of the States and the legislatures of the States are entirely ignored. All they are good for, it seems to be, is to appropriate half of the money and the governor to sign the bill. When you come to deal with a State you should deal with the governor and not with the treasurer, a subordinate officer, who is sometimes elected by the people and in some States appointed by the governor and in other States appointed by the legislature. I do not think we have any right to impose duties on State officers that are not vested in them by the constitution and laws of their State. The Federal Government should deal with the State governments through their governors, who are their responsible executive officers. Regardless of these crudities and the fact that I do not think a number of things in the bill are constitutional, I am going to vote for the bill to show I believe in the reclamation of human wrecks, just as I do in the reclamation of overflowed lands. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced the ayes appeared to have it.

A division was demanded.

The committee again divided; and there were—ayes 49, noes 4.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That there is hereby appropriated to the Federal Board for Vocational Education the sum of $200,000 annually for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses.

Mr. BLANTON. Mr. Chairman, I offer a perfecting amendment which will make the committee amendment unnecessary if adopted, and I desire to offer it at this time.

The CHAIRMAN. The committee amendment comes first.

Mr. BLANTON. It is in the nature of a perfecting amendment which, if adopted, would make the committee amendment inapplicable.

The CHAIRMAN. The committee amendments are perfecting amendments and should be considered first under the rule. The Clerk will report them.

The Clerk read as follows:

Page 7, line 10, after the word "hereby," insert the words "authorized to be."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 7, line 12, after the word "of," strike out "$200,000 annually" and insert "$100,000 for the fiscal year ending June 30, 1921, and annually thereafter, for the period of four years, $150,000."

Mr. FESS. Mr. Chairman, I ask unanimous consent to change the figure 1921 to 1920. It is a typographical error.

The CHAIRMAN. Unless objection is made, it will be considered as agreed to.

Mr. BLACK. Mr. Chairman, reserving the right to object, does the gentleman mean to authorize an appropriation of $100,000 to be used by this board for the remainder of the present fiscal year?

Mr. FESS. That figure is to correspond with authorized appropriations in the section preceding.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. GOOD. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, I ask recognition as a member of the committee on an amendment that I have to offer.

The CHAIRMAN. There is an amendment pending.

Mr. GOOD. I wish to ask a question concerning the committee amendment. How was the sum of $100,000 for the fiscal year ending June 30, 1920, and the sum of $150,000 thereafter for the period of four years arrived at?

Mr. FESS. By the estimation of the administrative expense, which will at least require one director. It is estimated there will be at least four surgeons and there will be about 14 districts, which will follow the rules of the Smith-Hughes Act, making an assistant director at the head of each district, and then there is provision for making studies and investigations generally, taken from the other act, which carried $200,000 for the purpose, to make these investigations in connection with the Commerce Department and Labor Department and other departments of the Government.

Mr. GOOD. Was this the estimate of the Vocational Board?

Mr. FESS. They estimated $200,000. We cut it.

Mr. GOOD. Two hundred thousand dollars for each year?

Mr. FESS. Yes.

Mr. GOOD. Of course, for this year you are giving them practically their estimate, because this bill will not become a law until practically half the year has gone.

Mr. FESS. That is true. However, this was done back in June.

Mr. GOOD. Mr. Chairman, I offer an amendment to the committee amendment, to strike out the figures "$100,000," in line 12, and insert in lieu thereof the figures "$50,000"; and in line 14 strike out "$150,000" and insert in lieu thereof "$75,000."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Amend the committee amendment, page 7, line 12, by striking out "$100,000" and inserting in lieu thereof "$50,000"; and on page 7, line 14, by striking out "$150,000" and inserting in lieu thereof "$75,000."

Mr. GOOD. Mr. Chairman, in offering this amendment I do not want it understood that I have changed my opinion in the least in regard to the desirability at this time of passing this kind of legislation. I think it is fatal. I think we ought not to do it. I think the party that stands for it and attempts to make a party issue of it will have something to answer for and will be sorry that it ever took that stand. I am absolutely opposed to building up these great bureaus with high-salaried officials, and if this amendment is adopted I shall move to strike out the $5,000 position and the $4,000 position carried in the bill.

Mr. Chairman, the Vocational Board has already 1 official at $6,000 a year, 2 at $5,000 a year, 28 at not in excess of $4,000 a year, and 27 at not exceeding $3,500 a year, and 70 at $3,000 a year. I am opposed to indefinitely extending that sort of thing.

I submit it is not necessary to make this survey to the extent that is proposed here. It should be made by the respective States. I undertake to say it is not necessary to rehabilitate all the college professors in the United States that are worn out and to find jobs for them. [Applause.] And I am afraid that that is what this bill proposes.

I have here a letter received from the Secretary of the Treasury, in which he states that for the last fiscal year we received over $485,000,000 taxes on liquor. I am advised that for the month of August there were practically no receipts from such taxes. Unless that law is modified by presidential proclamation we will receive none.

I have another letter from the editor of a leading magazine, calling my attention to the fact that the New York Chamber of Commerce has gone on record in favor of limiting appropriations by Congress for the next fiscal year to $2,700,000,000, a thing that is absolutely impossible, no matter how economical Congress may be, even if it does not pass another law requiring appropriations. I stated several times, and I repeat now, that by the practice of the strictest economy, by not enacting a single piece of legislation that will require additional appropriations, I do not see how, for the fiscal year ending July 1, 1921, we can bring the appropriations much, if any, under $4,000,000,000. Where is the money to come from, I ask you who vote for this and kindred legislation at this time, desirable as it may be to help the cripples? Answer by your vote where you propose to get the money. A business man, before entering into a contract for the purchase of property, usually first determines the source from which he will get the money with which to discharge the obligation. If he has not the money, and does not know where it is coming from, he refuses to make the purchase. Some day Congress will be guided by the same principle. It will come, just as the gentleman from Tennessee [Mr. GARRETT] explained, from the taxpayers of the several States of the Union. But it will come in a different form. It does not come from all of them. These cripples should be rehabilitated by all the people of all the States. Every man who has property, whether he pays an income tax or not, ought to pay something for such a cause, and the only way to make him pay it is to have the States do those things that the States ought to do, and among those things which the States should do is the care of their indigent poor and the care of their injured and their sick. Every State does it now. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FESS. Mr. Chairman and gentlemen of the committee, this bill has been assaulted from every possible angle. There are those who feel that it is a work that ought to be done, but that the Federal authority should not do it; therefore it should be defeated. There are others who think that while we do make provision, we should pare it down to the very lowest minimum, so that if it can not be defeated on its merits it can be nullified in its effect.

The gentleman who has just now so eloquently addressed us [Mr. GOOD] makes as much noise over the most insignificant item of an appropriation as he does over the maximum appropriation for any governmental function. That is a fairly good characteristic. I remember that Mr. Gladstone said, "What I do I do with all my might, because it is not worth doing unless it entails all the strength that I have." I am concerned, gentlemen of the committee, not with whether this bill is going to pass or not, for I am satisfied it will become law; I am not particular, so far as I am concerned as author of the measure, whether the Congress passes it or not. It matters very little to me save my desire to see a constructive piece of legislation. It has to be left to the judgment of the Congress, and to this Congress which must take the responsibility of its defeat. It seems to me that it is a form of legislation that ought to receive a different consideration from what our membership has accorded to it. The character of the opposition must ever stand as a comment upon our attitude on a progressive measure.

I believe that it is the function of the Government to rehabilitate and rebuild the poor fellow who has lost any limb, who has come to be not only a wreck and a burden to himself, but a subject of charity on the public and under a hopeless despair, so far as he himself is concerned, a charge not only to himself but on the people. It is a wise provision to train him so that he can be self-supporting and make out of himself something, where before he was merely a subject of charity. And that is the purpose of this bill.

Now, so far as the amendment of my friend from Iowa [Mr. GOOD], who makes an assault on the whole bill, is concerned, I am not disturbed as to whether this maximum sum be given or not. What I want to avoid is the House passing a provision and then emasculating it to make it ineffective. The author of the amendment is an enemy of the bill and can not be considered favorably. It is true that the Federal board has the sum of $200,000 for this purpose under the Smith-Hughes Act.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. FESS. It is true also that it has a similar sum under the act for the rehabilitation of crippled soldiers, and I am rather in sympathy with the idea that at this time, for a year at least, it might be advisable not to make the maximum appropriation for the administration, although I have some fear that it may cripple the work.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. FESS. If the gentleman from Iowa would offer an amendment to make the first appropriation $50,000 and the permanent appropriation $100,000, I would be willing to accept it so far as I am concerned.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FESS. I will.

Mr. GOOD. I will say to the gentleman that I think it has been the experience of every man who has served on an appropriation committee that when you put in a maximum the trouble is that every man who is administering that act comes and asks for the maximum.

Mr. FESS. That is true.

Mr. GOOD. That is the trouble.

Mr. FESS. We did cut the estimate down from $200,000 to $100,000.

Mr. GOOD. But I am a little afraid that they made it on the basis of these large salaries.

Mr. FESS. Will not my friend admit that whatever we had brought in here, he would have attempted to reduce it?

Mr. GOOD. I think if the gentleman had brought in just the amount estimated I would have questioned it.

Mr. FESS. We did not think that original amount would be required, and we cut it squarely in two.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STEVENSON. Mr. Chairman, I wanted to ask the gentleman a question on a matter of information. I would like him to have another minute.

Mr. FESS. I ask unanimous consent for one minute more, Mr. Chairman, to enable the gentleman to ask me a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEVENSON. There is a provision here for the purchase of law books for these people. I noticed that was in the Vocational Board provision before, and the question that arises in my mind is, When are they going to buy enough law books? And what will they do with them when they get them?

Mr. BANKHEAD. As to that, I am going to move to strike it out.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLACK. Mr. Chairman, I ask unanimous consent that the amendment be divided.

The CHAIRMAN. Without objection, the Clerk will report the first amendment.

The Clerk read as follows:

Amendment of Mr. GOOD to the committee amendment: On page 7, line 12, strike out "$100,000" and insert "$50,000."

The CHAIRMAN. The question is on the amendment as reported.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 7, line 14, strike out "$150,000" and insert in lieu thereof "$75,000."

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Strike out, on page 7, in lines 14 to 17, the words "for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations,' and in lines 23 and 24 the words "including attendance at meetings of educational associations and other organizations," and on page 8, line 1, the words "and elsewhere, purchase of books of reference, law books, and periodicals."

Mr. WALSH. Mr. Chairman, would not the gentleman prefer to offer that after the committee amendments to this section have been disposed if? That is the usual method.

Mr. BANKHEAD. We have not reached the committee amendments. I think we ought to perfect the text.

Mr. WALSH. The other way is customary.

The CHAIRMAN. The Chair feels impelled to rule that the committee amendments have not yet been disposed of, and that they are entitled to first consideration. The amendment of the gentleman from Alabama [Mr. BANKHEAD] will be pending. The question is on the committee amendment as amended by the motion of the gentleman from Iowa.

The committee amendment as amended was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 8, after line 5, insert the following:

"A full report of all expenses under this section, including names of all employees and salaries paid them, traveling expenses and other expenses incurred by each and every employee and by members of the board, shall be submitted annually to Congress by the board.

No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of $5,000 per annum, to not more than one person; at the rate of $4,000 per annum each, to not more than four persons; at the rate of $3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of $2,500 per annum: *Provided*, That no person receiving compensation at less than $3,500 per annum shall receive in excess of the amount of compensation paid in the regular departments of the Government for like or similar services."

Mr. GOOD. Mr. Chairman, I move to strike out of the committee amendment, commencing in line 12, the following: "at the rate of $5,000 per annum, not more than one person"; and, in line 14, strike out the word "four" and insert the word "one."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. GOOD: Page 8, line 12, after the word "amounts," strike out the words "at the rate of $5,000 per annum, to not more than one person"; and, in line 14, strike out the word "four" and insert the word "one."

Mr. GOOD. Mr. Chairman, the committee amendment provides for one person at $5,000 and for four persons at $4,000 and for not more than five at $3,500. My amendment strikes out the provision for one person at $5,000, and would eliminate three persons at $4,000 per annum. [Applause.]

Mr. FESS. Mr. Chairman, I hope the friends of the bill will not allow this emasculation. We must have a director of this work, whose duties are different from the work of the head of the vocational board. We must also have some surgeons. It is estimated that for the whole country we ought to have at least four. It is absolutely impossible to get men of any recognition for the salary that is now written into this in the form of limitations, and if we are to pass the bill at all it would seem to me that we ought not to emasculate it and make it ineffective.

I hope the friends of the bill will not permit this to be done.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were 58 ayes and 54 noes.

Mr. SEARS and Mr. BLAND of Indiana demanded tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FESS and Mr. GOOD.

The committee again divided; and the tellers reported that there were 63 ayes and 66 noes.

So the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 8, line 21, insert at the end of line 21 the following:
"*Provided*, That no part of the moneys herein authorized shall be expended for the publication, printing, or preparation of any magazine, paper, or periodical unless authorized by the Joint Committee on Printing."

Mr. WALSH. Mr. Chairman, this simply applies a little supervision by the Joint Committee on Printing in regard to the expenditure of this money for printing purposes. The Federal Vocational Board publishes a vocational summary. It is somewhat in line with the publication which conveys to a waiting world the information that each bouncing baby born into the world has an economic value of $90. It also contains poems on the order of "Mary had a little lamb" and similar works of distinguished authors, would-be poets, and literateurs. We have a Joint Committee on Printing, and in several appropriation bills we restrict the great appetite for publicity on the part of these bureaus, providing that the money shall not be used to print magazines, periodicals, or newspapers. I think we ought to say to this distinguished gathering which will administer most of the provisions in this act, and spend most of the money in gathering and rehabilitating broken-down pedagogues, who will get on the pay roll at salaries far in excess of those they have been accustomed to receive in their youthful years, and will have an opportunity to exploit some of their pet theories, that among the activities they shall not pursue will be that of country editor at the expense of Uncle Sam; that if they wish to publish a magazine or newspaper or periodical they must submit it to the Joint Committee on Printing the same as other activities do.

Mr. FESS. Will the gentleman yield?

Mr. WALSH. Certainly.

Mr. FESS. The amendment which the gentleman offers will not prevent the publication of the result of the research and the work of the board?

Mr. WALSH. No, sir.

Mr. FESS. I am in hearty sympathy with what the gentleman wants to do in stopping the publication of periodicals, and so forth

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment to the committee amendment. Strike out the provision "at the rate of $5,000 per annum for not more than one person," and insert the following: "No person shall be employed at the rate of $5,000 per annum or more."

Mr. BANKHEAD. Mr. Chairman, I make the point of order that that in substance was voted on by the committee a few minutes ago.

The CHAIRMAN. The Chair thinks that the point of order is well taken.

Mr. GOOD. Mr. Chairman, the question before the committee was to strike out and was modified by other provisions in the amendment. I am sure the Chair did not have that in mind.

The CHAIRMAN. The Chair had that in mind.

Mr. GOOD. It is true the amendment was to strike out that provision, but included with it was a provision that only one person should be employed at $4,000 instead of four. I am inclined to think that when the vote was taken it was the judgment of the committee that the proposition might injure the bill by striking out three persons at $4,000. I do not believe that anybody will contend that injury would result by striking out the provision for the $5,000 position. I submit to the Chair that where the matter was tied up with other matters it could not be said that this matter was passed upon by the House, because it was passed upon with other matters providing for a salary of three additional persons.

Mr. KELLEY of Michigan. Under the language the gentleman has submitted, could the board pay $4,999.99? If so, the amendment is meaningless.

Mr. GOOD. Mr. Chairman, I do not care to dispute the decision of the Chair. I offer another amendment, to strike out the figures "$5,000" and insert the figures "$4,000."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD to the committee amendment: Page 8, line 13, strike out "$5,000" and insert "$4,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. GOOD) there were—ayes 72, noes 64.

So the amendment was agreed to.

Mr. FESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. I would like to know how the bill will read with that amendment agreed to?

The CHAIRMAN. The Clerk will report the bill as it will read with the amendment adopted.

The Clerk read as follows:

"No salaries shall be paid out of the funds provided in this section in excess of the following amounts: At the rate of $4,000 per annum, to not more than one person; at the rate of $4,000 per annum each, to not more than four persons."

Mr. GOOD. Mr. Chairman, I move to strike out the following: "at the rate of $4,000 per annum each, to not more than four persons."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 13, after the word "person," strike out "at the rate of $4,000 per annum each, to not more than four persons."

Mr. GOOD. Mr. Chairman, I want to say this in regard to these amendments: Until a few years ago the district judges in my State, as I recall, were paid $3,500 per annum, and to-day they receive about $4,200 per annum. The governor of my State until a few years ago received only $5,000 a year; and never before, until this Vocational Board was established and until it commenced to make these raids on the Treasury, did we think of appropriating money as we have been appropriating it in fixing these salaries for low-priced men. On the Republican side of the House we have been denouncing the administration for creating new positions carrying high salaries, yet here we propose a plan to rehabilitate the college professors of the United States and give them higher salaries than the judges of the district courts in most of the States receive, and as high salaries as the judges of the supreme court in some States receive. The gentleman says that you can not get physicians. In the sundry civil appropriation act there is an appropriation for more than 100 physicians at salaries, as I recall, at less than $2,600 a year; and Gen. Blue says he is getting all of the capable physicians at that price that he wants. If we are going to economize, then let us quit talking economy while practicing extravagance. [Applause.]

Mr. FESS. Mr. Chairman, the crime of being a college man I shall neither palliate nor deny. Any place outside of this Congress such a position is not a reproach. I do not put myself in the position of one who must be rehabilitated or resuscitated, as the gentleman from Iowa [Mr. GOOD] declares to be the purpose of this legislation. If this bill is limited to the purview of the gentleman who has just spoken, namely, college professors, then we can afford certainly to defeat it entirely. But valuable legislation can not be defeated by mere meaningless declarations. That is not the purpose of the bill. The purpose of the bill is to aid the cripples who need rebuilding in order to free themselves from public charge. There are 700,000 who are crippled to the extent of four weeks' loss of time; most of them will not need help. But there are 22,500 who are totally crippled. It is true that if you scale that down to meet the compensation of the Federal Compensation Bureau there would not be the great number that have been detailed by the late John Mitchell and other witnesses who have appeared before the committee.

This bill was unanimously indorsed by the New York Congress of Safety Association, representing the employers of that State, the compensation commission of that State, and the Federation of Labor of New York. This congress in its last convention gave its unanimous indorsement to this bill. It was also indorsed by the National Manufacturers' Association and by the International Association of States Compensation Commissions. It has been indorsed by the various chambers of commerce and many business associations. It has been indorsed by the American Association for Labor Legislation, many State compensation commissions, and by many educational departments of various States. It has been indorsed by the Safety Institute of America and the Federal Compensation Commission. It has been indorsed by the tuberculosis association and dozens of other associations of the country. It is resisted and assaulted only here on the floor of the House by men who cry for economy and vote for every conceivable outlay save when to assist man to become a better man. They will vote for a million dollars amidst loud acclaim to take care of tuberculosis in cattle, "but, my God, I want to stop at doing anything for the poor human wreck who accidentally fell into a machine." [Applause.]

And if the gentleman arrayed against this measure can not defeat it on its merits, then he comes in when the measure is completed and attempts to emasculate it by making it impossible to administer the law that we pass. I hope the friends of this measure will not allow that. [Applause.]

Mr. WALSH. Mr. Chairman, the tremendous outburst of enthusiasm following the remarkable burst of eloquence of the distinguished gentleman from Ohio has a peculiar significance, because for the first time we have had it authentically stated upon the floor of the House that this measure is indorsed by the American Federation of Labor, and immediately there is an uproar on the part of those who seek to bask in the sunshine of Samuel Gompers [applause] and some of the other satellites who are down here now attempting to tell the Capital and the people of the country how the industries and the Government of the United States should be conducted. The responsibility does not rest upon the American Federation of Labor to provide the taxes which will be called upon to meet these appropriations and the responsibility does not rest upon the National Safety Confederation of the State of New York to provide the money to meet these appropriations. The responsibility will rest upon the people of the United States. The gentleman says that this bill is assailed only by those who plead for economy.

Mr. SNYDER. Will the gentleman yield?

Mr. WALSH. This bill is also attacked by those who believe it is not the duty of the Federal Government to rehabilitate people injured in private employment and those who are handicapped as a result of accident and misfortune. I will yield to the gentleman for a question only.

Mr. SNYDER. I would just like to say——

Mr. WALSH. If the gentleman will ask a question I will yield.

Mr. SNYDER. I just want to make a statement of just about a half a minute——

Mr. WALSH. I can not yield for a statement; the gentleman can secure time.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. WALSH. For a question.

Mr. BLAND of Indiana. Does the gentleman think anyone here who really wants this legislation put into effect, and put into effect effectively, would be justified in voting for this amendment?

Mr. WALSH. Mr. Chairman, in reply to the gentleman I will say yes, because you can get men to do this work at these salaries, and it is in line with the salaries paid to a vast number of other Government officials doing work of equal importance.

Mr. BLANTON. Will the gentleman yield?

Mr. WALSH. I say this bill is opposed by men who say it is not a part of the duty of the Federal Government to rehabilitate people injured in private employment, and they cite the land-grant colleges and these various other appropriations that have been made as a precedent. Why, those were based upon an entirely different principle than upon the principle which is sought to be invoked here; and, as I said before, if you start on this appropriation—many of us here perhaps will not be here to see it, but some of you Members will—you will see when we will come to be called upon to appropriate not a paltry million dollars of money, but many, many millions of dollars for this purpose, and when we will be called upon to appropriate money for the dependents of the cripples who have been injured in industries and furnish them with medical attendance and medicine at the expense of the Federal Treasury.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word.

Mr. BANKHEAD. Mr. Chairman, I make the point of order that debate has been exhausted.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

Mr. SNYDER. Mr. Chairman, I believe I have the floor.

Mr. BLANTON. Mr. Chairman, a point of order. Is not a motion to rise in order at any time?

The CHAIRMAN. If the gentleman is recognized.

Mr. BLANTON. Is not a Member entitled to recognition?

The CHAIRMAN. The gentleman from New York has been recognized.

Mr. SNYDER. Mr. Chairman, I rise to correct a statement that has been made by the gentleman in charge of the bill. So far as one member of the Manufacturers' Association of the State of New York is concerned, usually since I have been in this House, when the Manufacturers' Association of the State of New York have indorsed any measure, my attention has been called to that and I have been asked to take action upon it. So far as I am able to state no vote has been asked of me as a member of the Association of the Manufacturers of the State of New York with regard to this measure.

Mr. FESS. Will the gentleman yield?

Mr. SNYDER. Certainly.

Mr. FESS. Does the gentleman know F. W. Keough?

Mr. SNYDER. I do not know that I do.

Mr. FESS. Representing the American Association of Manufacturers?

Mr. SNYDER. I am not a member of the National Association of Manufacturers. I am speaking of the manufacturers of the State of New York.

Mr. FESS. The national association is what I refer to.

Mr. SNYDER. And so far as I know the State association has not indorsed this measure.

Mr. GARRETT. Will the gentleman from New York yield?

Mr. SNYDER. I yield.

Mr. GARRETT. Would it be strange if the manufacturers had indorsed this measure?

Mr. SNYDER. No; I do not think it would be strange by any means.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to modify my amendment in this particular, so that the amendment will read "at the rate of $3,600 per annum each to not more than four persons."

The CHAIRMAN. The Clerk will report the suggested modification.

The Clerk read as follows:

Mr. GOOD modifies his amendment so that it will read: "On page 8, line 13, after the word 'person,' insert: 'at the rate of $3,600 per annum each to not more than four persons.'"

Mr. GOOD. Mr. Chairman——

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment in the manner suggested.

Mr. COOPER. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I ask unanimous consent to withdraw the amendment. I suppose the gentleman from Ohio [Mr. COOPER] is opposed to it.

The CHAIRMAN. Is there objection to withdrawal of the amendment offered by the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Chairman, I move to amend the committee amendment by striking out the figures "$4,000," in line 14, and inserting the figures "$3,600."

Mr. FESS. Mr. Chairman, I make the point of order that you can not take out a figure that you have put in once and do it by piecemeal, as the gentleman is now doing, as he took out "$5,000" and then took out "$4,000." I think the Chair was correct when he ruled that could not be done.

Mr. GOOD. Will the gentleman yield?

Mr. FESS. I yield.

Mr. GOOD. In line 13 the committee have stricken out the figures "$5,000" and inserted "$4,000." Now the figures "$4,000," in line 14, have not been stricken out. They stand as the committee amendment, and I am offering to strike them out and insert "$3,600."

The CHAIRMAN. The Chair thinks the point of order is not well taken against the amendment.

The question was on agreeing to the amendment.

Mr. GOOD. Mr. Chairman, I desire recognition on the amendment. For the first time and only in the consideration of this bill have I heard any assault on hog cholera, the cattle tick, the bollworm, and all of these other pests that have been referred to by the gentleman from Ohio [Mr. FESS] and others, and I shall be very much interested in looking up the record of these gentlemen who are now depreciating the fact that appropriations have been made for such purpose to find out when they took the floor and offered amendments to strike out such provisions in the Agriculture appropriation bill.

Mr. FESS. Will the gentleman yield?

Mr. GOOD. In just a minute. If the gentleman from Ohio [Mr. FESS] will move and work as earnestly for the elimination of some of those items in the Agricultural bill when that bill comes before the committee of the next Congress, I will assist him with all my might to try to have them greatly reduced.

Mr. FESS. Will the gentleman yield?

Mr. GOOD. For a question.

Mr. FESS. The gentleman and I voted for those measures. We were together then. We part now when we vote for rehabilitation.

Mr. GOOD. Then, why do you complain of those things? If you have voted for them, you ought to be satisfied.

Mr. FESS. I voted for both. You are voting for hogs and not for men. [Loud applause.]

Mr. BLAND of Indiana. Mr. Chairman, I make the point of order that the gentleman from Iowa is not discussing the amendment.

Mr. GOOD. The gentleman from Ohio votes for the extermination of the cattle tick and for the eradication of the boll weevil and for the control of the hog cholera, but when it comes to bringing in a resolution for men who have lost a finger or two fingers, what does he say about the man or the woman or the child who contracts the deadly disease of tuberculosis in the factory? Does he propose to do a thing for that poor unfortunate?

Mr. FESS. Yes. The bill provides for that.

Mr. GOOD. Oh, no. Does the gentleman bring out a bill providing for the poor child who has lost a father and who is left an orphan, with no one to protect him or defend him? Oh, no. The gentleman does nothing of the kind. No; so far as such unfortunate is concerned, he, too, first votes for hogs. He brings out a bill here, perchance, because it is the opinion of "forward-looking men," who hear voices in the sky calling to him to report out a bill simply to rehabilitate the man with a finger off. I believe that all the unfortunates in the United States should be cared for tenderly out of the treasuries of the respective States and not out of the Treasury of the United States. [Applause.]

Mr. FESS. Mr. Chairman, I move that the debate be now closed.

The CHAIRMAN. The gentleman from Ohio moves that the debate be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. FESS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 86, noes 77.

Mr. BLAND of Indiana. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] A sufficient number have risen. The gentleman from Ohio [Mr. FESS] and the gentleman from Iowa [Mr. GOOD] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 88, noes 86.

So the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. BANKHEAD. Mr. Chairman, I ask for the reading of my amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 7, lines 14 to 17, strike out the words "for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and," and in lines 23 and 24 strike out the words "including attendance at meetings of educational associations and other organizations," and, on page 7, line 25, and on page 8, lines 1 and 2, respectively, strike out the words "and elsewhere, purchase of books of reference, law books, and periodicals."

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to correct the second section of the amendment so as to include "attendance on meetings." Inadvertently I left that out.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to amend the second section of his amendment by including "attendance at meetings." Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

Mr. BANKHEAD. Mr. Chairman, I am entitled to the floor.

The CHAIRMAN. The gentleman from Alabama [Mr. BANKHEAD] has the floor, and the motion of the gentleman from Texas is not in order now.

Mr. BANKHEAD. Mr. Chairman, in view of the fact that the Vocational Board, under its experience and administration of the Smith-Hughes Educational Act and also the act for the rehabilitation of the disabled soldiers——

Mr. VARE. Mr. Chairman, may we have the amendment read?

The CHAIRMAN. It has just been reported.

Mr. BANKHEAD. This amendment is simply to eliminate from this bill some authorizations for the expenditure of money which, in my judgment, without conference with other members of the committee, is not authorized under the existing status of the Vocational Board, for the reason that——

Mr. FESS Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. I shall be glad to.

Mr. FESS. I think I will agree with what the gentleman has to say. This is purely administrative, and, quite naturally, it would be included in the investigations.

Mr. BANKHEAD. The gentleman does not oppose the amendment?

Mr. FESS. As far as I am concerned, I accept the amendment.

Mr. BANKHEAD. I ask for a vote on the amendment.

Mr. VARE. May we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman.

Mr. GARD. Mr. Chairman, I desire to be heard in opposition to the amendment. I call the attention of the chairman of the committee to the language proposed to be stricken out, which is "for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations."

It seems to me this is the very gist of the work of the Federal Board for Vocational Rehabilitation, and is the very thing that the money should be expended for, because the rest of it is merely for the common administrative expenses of the board.

Mr. FESS. I want to say to my friend that the Federal board has a force employed, and if there is any need of this work it will be done through the Department of Labor and also through the Department of Commerce, which two departments work in close cooperation. For that reason I did not think it would cripple the bill to let it go out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, as a member of the committee I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 7, line 10, strike out all of section 5.

Mr. BLANTON. Mr. Chairman, on page 2 of this bill there is authorized to be appropriated $500,000 for the first year; for the second year $750,000, and for the third year $1,000,000.

But we do not stop there. On the bottom of that page you will find provision for further appropriations. In addition to the appropriations I have mentioned you will find an additional appropriation for the first year of $66.000; an additional appropriation for the second year of $46.000; and an additional appropriation for the third year of $34,000; these appropriations being in order to make it possible that the minimum allotment of $5,000 can be made to each State. That is all right as far as it goes. But these additional appropriations of $50.000 for the remainder of this year and $75.000 each for the succeeding three years in section 5 are for administration alone. Now, it has been stated upon the floor by every member of this committee from the chairman down that the only function that this Federal board would have with respect to this fund, so far as the Federal board was concerned, was to apportion the money to the States. Yet in section 5 we are providing for the expenditure of $50,000 for the rest of this fiscal year for administrative purposes alone, and for each and every year for four years we are providing for an additional expenditure of $75,000 for administrative purposes alone. For administering the fund for rehabilitating our soldiers this Federal board already has its machinery, its offices, its officers, assistants, experts, clerks, stenographers, and does not need any more. Now, what are some of these purposes? Let me read to you. [Cries of "Vote! Vote!"] Oh, Mr. Chairman, that is not going to stop me, if I have any of my five minutes left. I have heard the howling of the coyotes on the plains of west Texas so often that mere noise does not bother me or disconcert me. Now, let us see what this does.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Texas.

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 6. That the Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation of disabled per-

sons," to be used under the direction of the said board to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. SEARS. I have a motion to recommit which I ask to have read in my time.

The CHAIRMAN. Does the gentleman want something read for information in his time?

Mr. SEARS. I move to strike out the last word, and ask to have this read in my time for the information of the House. It is a motion to recommit that I shall offer.

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

Mr. SEARS moves to recommit the bill to the Committee on Education with instructions to report the same back instanter with the following amendment:

On page 3, line 7, after the word "act" strike out all of lines 7 and 8 down to the semicolon and insert the following: "And the Federal board shall furnish to the State boards annually general plans and specifications or such information on vocational education as they may have."

And also, in line 8, strike out all down to and including the semicolon after "directors," in line 17.

Mr. SEARS. Mr. Chairman, for myself I have confidence in whatever State board my State may select. If you study the bill carefully, you will find that there will only go to each disabled person about $3.75 per annum, and I would like all of it to go to them and not to high-salaried persons. I therefore sincerely trust my motion to recommit will be adopted, in order that the above results may be obtained. I call attention seriously to the fact that as the bill is drawn the State will have to report to the Federal board, and the large clerical force which will be necessary to make a careful study of all the States will have to go over these reports. If they decide that the report of the State of Pennsylvania is inadvisable, they will send it back to Pennsylvania, and then the board will go through it again and send it back to the Federal board in Washington.

In my amendment the money goes directly to the State and is spent for the benefit of those cripples and this board furnishes to them such information as they may have.

I can not understand how anyone can vote against this motion to recommit from an economical standpoint, unless he has lost confidence in those who sent him here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I move that all debate on this section now close.

The motion was agreed to.

Mr. FESS. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FESS. Mr. Speaker, under the rule I believe the previous question is ordered.

The SPEAKER. The previous question is ordered under the rule. The question is, Is a separate vote demanded on any amendment?

Mr. BLACK. Mr. Speaker, I demand a separate vote on the first committee amendment.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum, and pending that I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn.

The question was taken, and the motion was lost.

The SPEAKER. The gentleman from Texas makes the point of no quorum, and the Chair will count. [After counting.] Two hundred and one Members present, not a quorum.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

Mr. CANNON. A parliamentary inquiry, Mr. Speaker. I believe the previous question is ordered.

The SPEAKER. It is.

Mr. CANNON. I am informed by two or three parties that a demand will be made for the reading of the engrossed bill.

The SPEAKER. That is not a parliamentary inquiry. The gentleman from Wyoming moves a call of the House.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 102 ayes and 91 noes.

Mr. BLANTON. I ask for tellers.

The question of tellers was taken and 14 Members arose.

So the request for tellers was rejected.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fordney	McAndrews	Riordan
Andrews, Md.	Foster	McArthur	Robsion, Ky.
Anthony	Frear	McClintic	Rowan
Bacharach	Freeman	McFadden	Rubey
Barkley	Fuller, Ill.	McKiniry	Sabath
Begg	Fuller, Mass.	McKinley	Saunders, Va.
Benson	Gallivan	McLane	Schall
Bland, Va.	Gandy	McLaughlin, Mich.	Scott
Booher	Godwin, N. C.	McPherson	Scully
Brand	Goldfogle	Madden	Sells
Brinson	Goodall	Major	Sims
Britten	Goodwin, Ark.	Mansfield	Sinclair
Caldwell	Goodykoontz	Mays	Sinnott
Campbell, Kans.	Gould	Moon	Sisson
Caraway	Graham, Pa.	Moore, Va.	Slemp
Carew	Hamill	Morgan	Small
Casey	Hamilton	Mott	Smith, N. Y.
Clark, Fla.	Hayden	Mudd	Snyder
Collier	Heflin	Neely	Stedman
Copley	Hersey	Nelson, Mo.	Stephens, Miss.
Costello	Hill	Nichols, Mich.	Strong, Pa.
Cullen	Houghton	O'Connell	Sullivan
Davis, Minn.	Howard	Ogden	Swope
Dempsey	Ireland	Oliver	Taylor, Ark.
Dent	Jefferis	Olney	Tilson
Dewalt	Johnson, Miss.	Overstreet	Tincher
Donovan	Johnston, N. Y.	Paige	Upshaw
Dooling	Kahn	Parker	Voigt
Doremus	Kennedy, Iowa	Pell	Ward
Drane	Kennedy, R. I.	Peters	Webb
Dunn	Kincheloe	Porter	Wilson, Pa.
Eagle	Kinkaid	Pou	Wise
Ellsworth	LaGuardia	Rainey, Henry T.	Woods, Va.
Evans, Mont.	Langley	Rainey, Ala.	Woodyard
Fields	Larsen	Reavis	Zihlman
Fitzgerald	Lee, Ga.	Reber	
Flood	Little	Reed, N. Y.	

The SPEAKER. On this vote 284 Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

By unanimous consent leave was granted to Mr. RAMSEYER, to Mr. SEARS, and to Mr. EVANS of Nevada to extend their remarks in the RECORD on the bill.

The SPEAKER. The gentleman from Texas [Mr. BLACK] demands a separate vote on the first committee amendment. Is a separate vote demanded on any other amendment?

Mr. BLANTON. Mr. Speaker, I demand a separate vote on the Carss amendment, striking out of the paragraph on the first page the words "who are without sufficient means to provide for their own rehabilitation."

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en grosse. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 4, strike out the words "industry or otherwise" and insert "industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 104, noes 26.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, as I have been informed that there has been a demand for the reading of the engrossed bill, and therefore that we can not pass the bill to-night, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, October 17, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chairman of the Interstate Commerce Commission transmitting report of the Chief of the Bureau of Safety, relative to tests of the railway safety device submitted by the American Automatic Connector Co. (H. Doc. No. 267), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 339) from the Committee on Rules for the consideration of the bill H. R. 9783, to provide a national budget system and an independent audit of Government accounts, reported the same without amendment, accompanied by a report (No. 386), which said bill and report were referred to the House Calendar.

Mr. ROGERS, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication, reported the same with an amendment, accompanied by a report (No. 387), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7552) granting an increase of pension to Robert Wilks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9287) granting an increase of pension to Fletcher Duling; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9402) granting an increase of pension to Francis O. Nash; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8020) granting an increase of pension to Minard Wood; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DEWALT: A bill (H. R. 9972) authorizing the Secretary of War to donate to the borough of Fullerton, Pa., two German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 9973) authorizing the Secretary of War to donate to the town of Linden, county of Montgomery, State of Indiana, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 9974) to prevent certain aliens from being admitted into the civil service of the United States or entering its employment; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 9975) to protect the Government of the United States of America and its national emblem; to prevent the teaching or advocacy of crime, sabotage, or other unlawful methods of terrorism; to deport certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. DALLINGER: A bill (H. R. 9976) to prohibit the export of sugar from the United States or any place subject to its jurisdiction; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 9977) to establish and maintain a permanent force of United States policemen in the District of Columbia for the protection of the public squares and reservations in said District, including the White House grounds; to the Committee on the District of Columbia.

By Mr. BEE: A bill (H. R. 9978) appropriating $100,000 for the purchase of cotton seed to be distributed in Aransas, Neuces, and San Patricio Counties, in Texas; to the Committee on Agriculture.

By Mr. SHERWOOD: A bill (H. R. 9979) to provide for the retirement of commissioned officers of the late Civil War; to the Committee on Military Affairs.

By Mr. KELLEY of Michigan: A bill (H. R. 9980) to authorize the reenlistment or reinstatement of enlisted men, deserters from the naval service, if pardoned by the President, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 9981) to provide for the reorganization of the Corps of Chaplains, and for other purposes; to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 9982) to provide extra compensation to the soldiers, sailors, and marines of the war with Germany; to the Committee on Military Affairs.

By Mr. FORDNEY. A bill (H. R. 9983) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes; to the Committee on Ways and Means.

By Mr. DENT: A bill (H. R. 9984) to provide for the establishment of homes for the disabled soldiers who served in the war with the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, and to provide for the use of the surplus funds of a publication known as the Stars and Stripes, a newspaper published and circulated by the American Expeditionary Forces in France, to that end, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9985) for the acquisition, support, and maintenance of a national cemetery in France, and for the removal of the bodies of American soldiers in the recent war with the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, and who were buried upon foreign soil; to the Committee on Military Affairs.

By Mr. STEVENSON: A bill (H. R. 10003) designating the American mountain laurel the national flower of the United States of America; to the Committee on the Library.

By Mr. DALLINGER: Resolution (H. Res. 336) directing the Secretary of War to report to the House of Representatives the amount of sugar in the possession of the War Department; to the Committee on Military Affairs.

Also, resolution (H. Res. 337) directing the Secretary of the Navy to report to the House of Representatives the amount of sugar now in the possession of the Navy Department; to the Committee on Naval Affairs.

By Mr. HULINGS: Resolution (H. Res. 338) to increase the spirit of Americanism among all citizens of the United States; to the Committee on Rules.

By Mr. CAMPBELL of Kansas: Resolution (H. Res. 339) for the immediate consideration of House bill 9783; to the Committee on Rules.

By Mr. SMITH of Michigan: Resolution (H. Res. 340) to provide for the consideration of House bill 7656; to the Committee on Rules.

By Mr. JOHN W. RAINEY: Joint resolution (H. J. Res. 233) repealing the act of November 21, 1918 (Public, No. 243, Sixty-fifth Congress); to the Committee on the Judiciary.

By Mr. DENISON: Concurrent resolution (H. Con. Res. 33) for the appointment of a joint committee of three Members of the Senate and three of the House of Representatives for the purpose of investigating health conditions in certain departments of the Government; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9986) granting an increase of pension to John Greek; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 9987) granting an increase of pension to William H. Clouser; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 9988) granting an increase of pension to Harrison C. Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9989) granting an increase of pension to Josephine M. Chittenden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting an increase of pension to Olney A. Gifford; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9991) granting a pension to Nathaniel N. Robbins; to the Committee on Pensions.

Also, a bill (H. R. 9992) granting a pension to Mary Silvers; to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 9993) granting a pension to Brice Selby; to the Committee on Pensions.

Also, a bill (H. R. 9994) granting a pension to Albert A. Lyke; to the Committee on Pensions.

Also, a bill (H. R. 9995) granting a pension to Corwin W. Holibaugh; to the Committee on Pensions.

Also, a bill (H. R. 9996) granting an increase of pension to Emil A. Akerman; to the Committee on Invalid Pensions.

By Mr. McKINIRY: A bill (H. R. 9997) for the relief of Philip Sheridan; to the Committee on Claims.

By Mr. MICHENER: A bill (H. R. 9998) to remove the charge of desertion from the record of Melville Van Auker; to the Committee on Military Affairs.

By Mr. MOON: A bill (H. R. 9999) granting an increase of pension to James B. King; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10000) granting a pension to Annie Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10001) granting a pension to Rhoda E. Pryor; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 10002) authorizing the Secretary of the Interior to issue patent to R. L. Credille, mayor of the village of Bonita, La., in trust for certain purposes; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the city council of the city of Minneapolis, favoring legislation to fix the profits to be allowed manufacturers, jobbers, and retailers of sugar; to the Committee on the Judiciary.

By Mr. CURRY of California: Petition of Sacramento Parlor, No. 3, Native Sons of the Golden West, in favor of laws prohibiting Japanese "picture brides" and other oriental immigration; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of residents of the city of Norwich, N. Y., for national ownership and Government operation of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Iowa: Petition of sundry citizens of Iowa, urging support of the Kenyon bill (S. 2202); to the Committee on Agriculture.

Also, petition of National Association for Advancement of Colored People, of Keokuk, Iowa, urging support of Dyer bill; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of R. E. Moran and 132 other residents of Callaway, Nebr., protesting against the provisions of the Kahn and Wadsworth military-training bills; to the Committee on Military Affairs.

SENATE.

FRIDAY, *October 17, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we commit our way into Thy hands. Thou hast led us thus far. Thy providence has been over us. Thou hast called us to the mighty tasks of our day, and we look to the center and source of wisdom and grace and power and ask Thee by Thy spiritual ministry to fit us for the solemn and the great responsibility which is upon us. Guide us by Thine own unerring counsel. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, October 14, 1919, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McKellar	Sheppard
Ball	Harris	McLean	Shields
Bankhead	Harrison	McNary	Simmons
Brandegee	Henderson	Moses	Smith, Ariz.
Calder	Hitchcock	Myers	Smith, Ga.
Capper	Johnson, Calif.	Nelson	Smoot
Chamberlain	Jones, N. Mex.	New	Spencer
Colt	Jones, Wash.	Newberry	Sterling
Culberson	Kendrick	Norris	Sutherland
Cummins	Kenyon	Nugent	Thomas
Dillingham	Keyes	Overman	Townsend
Edge	King	Page	Trammell
Fernald	Kirby	Penrose	Underwood
Fletcher	Knox	Pittman	Wadsworth
Frelinghuysen	La Follette	Poindexter	Walsh, Mont.
Gay	Lenroot	Pomerene	Watson
Gerry	Lodge	Ransdell	Wolcott
Hale	McCormick	Robinson	

Mr. NEWBERRY. I wish to announce that the Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], the Senator from Colorado [Mr. PHIPPS], and the Senator from Maryland [Mr. SMITH] are engaged in a committee hearing.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness in their families. The Senator from Oklahoma [Mr. OWEN], the Senator from Kentucky [Mr. STANLEY], the Senator from South Carolina [Mr. DIAL], and the Senator from Massachusetts [Mr. WALSH] are absent on public business. The Senator from Kentucky [Mr. BECKHAM], the Senator from Maryland [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], the Senator from Missouri [Mr. REED], and the Senator from Oklahoma [Mr. GORE] are detained on official business.

The PRESIDENT pro tempore. Seventy-one Senators have answered to their names. There is a quorum present.

ESTIMATES OF APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a deficiency estimate of appropriation in the sum of $147 required by the Reclamation Service to cover items disallowed in the accounts of C. G. Duganne, former disbursing officer of that service (S. Doc. No. 136), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting a supplemental estimate of appropriation in the sum of $1,500,000 required for additional employees in the Postal Service, fiscal year 1920 (S. Doc. No. 137), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PROMOTION OF FOREIGN COMMERCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Director of the Bureau of Mines, which was ordered to lie on the table and be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, October 16, 1919.

MY DEAR MR. PRESIDENT: In accordance with the resolution (S. Res. 203) recently passed by the Senate, I herewith advise you of the activities of the Bureau of Mines in the cooperative work with other Government departments in Washington relating to the foreign commerce of the United States. The bureau was not named specifically in the resolution, but inasmuch as reference was made to other agencies in other departments of the Government, I believe it advisable to apprise you of what the bureau has done and is doing in this respect.

The bureau's chief and perhaps most satisfactory contact work with the other departments has come through its representation on the economic liaison committee, which, as you may know, meets every Wednesday morning at the State Department under the able chairmanship of Mr. Wesley Frost, chief of the economic intelligence section of the department.

The work of the committee has resulted in the preparation and distribution among the various departments of valuable and timely reports on pertinent subjects and questions relating to the foreign commerce of the United States and its economic relations with other governments. These reports have covered such subjects as coal, petroleum, potash, cotton, finance, credits, etc., and their preparation has served to acquaint the representatives of the various departments concerned with the information and opinions of the other departments in a more thorough and comprehensive manner than has heretofore been the case.

The committee, as I understand it, has no recognized official status, but was initiated solely on the responsibility of the Secretary of State. In consequence of the lack of official status and because of some difference of opinion among the heads of the various departments represented, no publication of the activities and reports of the committee has been permissible, which in certain cases has, I believe, prevented the dissemination of the reports where such publicity might do an appreciable amount of good.

Part of the time of one man and a clerk have been spent upon this work since its inauguration, with such additional assistance in the way of expert advice and committee consultation as it has been necessary to obtain from the various specialists of the bureau whose special subjects are under consideration. The cost of this work is therefore nominal.

In addition to the bureau's participation in the work of the economic liaison committee, it has obtained such information as was possible from various sources and expressed such opinions, chiefly in the nature of written reports on special subjects, as circumstances and the limited personnel available for the work allowed. This work naturally covers the whole field of minerals and metals, particularly with regard to their beneficiation, both in mining and metallurgy. The bureau has been particularly concerned recently with the international situation in petroleum and coal.

I believe it would be of distinct value to the bureau, other Government departments, and the country at large, if the entire time of an able representative of the bureau and such clerical assistance as he might require could be engaged in this contact work, so that the bureau might have not only the assistance of other departments and render such assistance to them as it could in foreign trade matters, but also in order that the work of the various bureau specialists in matters having to do with foreign commerce could be correlated and disseminated from one source.

If it is in order, in accordance with the resolution, I believe it advisable to consider giving official status to the economic liaison committee or some such cooperative body representing the various Government de-

partments, and that the deliberations and reports of such a committee should be given to the public under proper safeguards.

Trusting that this will give you the information desired, I am, Mr. President,

Most sincerely, yours, VAN. H. MANNING,
Director.

The honorable the PRESIDENT OF THE SENATE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 9782) to regulate further the entry of aliens into the United States, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PITTMAN. Mr. President, I have a telegram here from the Presbyterian Synod of California and Nevada approving the covenant of the league of nations. I ask to have it read.

The PRESIDENT pro tempore. The Secretary will read, without objection.

The Secretary read as follows:

SAN FRANCISCO, CALIF., *October 16, 1919.*

The SENATE OF THE UNITED STATES,
Care of Senator Pittman, of Nevada, Washington, D. C.:

The Synod of California and Nevada, consisting of over 55,000 communicants, in regular annual session assembled in San Francisco, while not committing itself upon the justice of the Shantung award or other details of the peace treaty, does nevertheless enthusiastically indorse the treaty as a whole, including the provisions for the establishment of a league of nations, and commends this treaty as humane and Christian, and it urges upon the Representatives of California and Nevada, the Hon. JAMES PHELAN and the Hon. HIRAM W. JOHNSON, of California, and the honorable Mr. PITTMAN and the honorable Mr. HENDERSON, of Nevada, their support of the measure of adoption, and strongly oppose any reservations or amendments which might invalidate the treaty as a whole.

WM. S. YOUNG, *Stated Clerk.*

Mr. HENDERSON. I have received a similar telegram, which I was going to ask to have read, but I join with my colleague in the presentation of the telegram which has been read and which will be inserted in the RECORD. I present the telegram addressed to me and ask that it be received and appropriately referred.

Mr. POINDEXTER. I wish to announce that I have received a good many more telegrams than those that have been introduced. The telegrams I have received are opposed to the league of nations. I shall not offer them.

Mr. LODGE. I submit a telegram which I ask to have read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SAN FRANCISCO, CALIF., *October 16, 1919.*

Hon. HENRY CABOT LODGE,
Chairman Foreign Relations Committee,
United States Senate, Washington, D. C.:

As Americans and friends of Irish freedom, we protest against imputation of Senator JOHN SHARP WILLIAMS that friends of Irish freedom, either collectively or individually, have threatened assassination to any person, either in official or private life. Our organization countenances only legal, constitutional methods of presenting the case of Ireland to our fellow citizens. May we ask that you give this protest proper publicity.

THOMAS J. CLARKE BRANCH
FRIENDS OF IRISH FREEDOM,
HUGH O'CONNOR, *President.*
T. O'LEARY, *Secretary.*

Mr. LODGE presented a memorial of the faculty and students of St. Meinrad Seminary, at St. Meinrad, Ind., remonstrating against the ratification of the league of nations treaty, which was ordered to lie on the table.

Mr. WADSWORTH. I have here a copy of resolutions adopted by the Legislative League of New York City, N. Y., an organization maintained by some public-spirited women of that State. The resolutions have to do with the covenant of the league of nations and condemn it as presented, and I ask that they may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

The following resolution was adopted by the Legislative League, New York City, October 2, 1919:

"Whereas the German peace treaty and the so-called league of nations covenant should have been entirely separate instruments, but were purposely made into a conglomerate in order that the peace-loving American people should accept the whole mass of entanglements and obligations for the sake of speedily making peace with Germany; and

"Whereas our Congress has the power to declare the war at an end and that a state of peace now exists between the United States and Germany; and

"Whereas the league of nations covenant is grossly discriminatory against the United States in that Great Britain has been given six votes in the assembly while the great United States of America has been given only one, even though our States are more nearly sovereign than are the British colonies; and

"Whereas the United States went into the war 'to make the world safe for democracy,' but as a matter of fact the league of nations makes the world safe for imperialism and autocracy, throttling the spread of democracy forever; and

"Whereas article 10 and other articles would compel the American people to send their boys to and expend their taxes in any part of the globe where democracy manifests itself as it did with us in 1776 in order to suppress freedom and independence, even with shot and shell; and

"Whereas the league of nations definitely creates a superstate depriving the United States of her sovereignty, impairing the prestige of our Monroe doctrine, interfering with immigration and other internal policies; and

"Whereas our beloved country has gained its power, its greatness, its wealth, and its prestige because of its untrammeled freedom of action, and because of its adherence to Washington's admonition to beware of foreign entanglements; and

"Whereas we believe that the United States and its people can serve humanity better by their free and independent action rather than by the dictates of a foreign council or assembly: Be it

"*Resolved*, That we, the Legislative League of New York City, some of the mothers of the country, affectionately wishing the welfare of our beloved land, earnestly urge that Congress shall declare to the world that the war with Germany is ended and that a state of peace now exists between the United States and Germany; be it further

"*Resolved*, That we beg the Senators of the United States now debating our entering the so-called league of nations, that they cast their votes for the good of the American people and defeat the ratification of the so-called league of nations."

Mr. SPENCER. I present a memorial from the National Race Congress of America relating to certain phases which are especially applicable to the colored race, and ask that it may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

A Memorial.

WASHINGTON, D. C., *October 10, 1919.*

To the Congress of the United States of America:

We, the National Race Congress of America, in its fourth session, representing 12,000,000 negroes, and viewing with alarm the spread of lawlessness and the growing injustice to millions of those loyal Americans, most respectfully petition the Congress of the United States as follows, to wit:

1. That you pass the antilynching bill, now pending, with the amendment giving any Federal court jurisdiction of the crime of lynching, regardless of venue.

2. That there be identical accommodations upon all common carriers, both in interstate and intrastate travel.

3. That all Federal registrations and elections be placed and held under Federal supervision.

4. That the statute on the removal of causes be so amended that plaintiffs and complainants shall have the rights in instituting suits in a Federal court on the ground of local prejudice that defendants have in removing causes to a Federal court on the ground of local prejudice, notice to be given under the amendment as now provided by law.

5. That a law be enacted creating a board of conciliation, the personnel of which shall be named by the United States Congress, and whose duties shall be to investigate and report to Congress on all matters of racial unrest, racial discriminations, and racial antipathy.

6. That a law be enacted providing equal military and naval training for all American citizens.

7. That a law be enacted making the assemblage or formation of a posse in any county unlawful, unless said assemblage or posse be called by the sheriff of the county in which assembled, and said assemblage or posse without the call of the sheriff of said county shall be prima facie evidence of mob violence.

8. That all legislation affecting labor be so drawn and passed that it can not be used for discriminations on account of race, creed, or color, and that there be an economic wage scale that shall apply to white and colored alike.

William Harrison, Illinois, chairman; Daniel L. Reed, Texas; John R. Hawkins, District of Columbia; J. A. Whitted, Pennsylvania; P. W. Howard, Mississippi, secretary; P. J. Bryant, Georgia; Charles Stewart, Illinois; W. Calvin Chase, District of Columbia; R. L. Vann, Pennsylvania; W. T. Andrews, South Carolina; George E. Haynes, Tennessee; E. H. Coit, South Carolina; W. H. Brooks, District of Columbia; R. E. S. Tomey, Florida; A. P. Prielleau, South Carolina.

Approved by the National Race Congress October 10, 1919.

W. H. JERNAGIN,
President, Washington, D. C.
C. H. STEPTEAU,
Secretary, Baltimore, Md.

Mr. HITCHCOCK. I ask to have inserted in the RECORD a telegram announcing the support of the league of nations by a religious organization in Massachusetts; by a religious convention in Nebraska; also a telegram from the Protestants of Sacramento, Calif., to the same effect; a telegram stating the number of signatures of petitions, being 534 in number, sent to the Senator from California [Mr. JOHNSON], asking him to support the league of nations; a telegram from the Shakespeare Club of Pasadena, Calif., with a membership of 700 women, supporting the league of nations, and asking for the immediate ratification of the treaty; also a telegram from the Musicians' Club of Los Angeles, Calif., announcing their discussion and support of the league of nations; also a telegram from the president and secretary of the Teachers' Association of Pasadena, Calif., 200 members, supporting the league of nations, and asking for the immediate ratification of the treaty; and also a telegram to the same effect from a political organization of Missouri.

There being no objection, the telegrams and communications were ordered to be printed in the RECORD, as follows:

SHELBURNE FALLS, MASS., *October 15, 1919.*

Senator HITCHCOCK,
Senate, Washington, D. C.:

Franklin Association Congregational Churches and ministers again puts itself on record in favor of the league of nations.

O. E. HARDY.

—

WEEPINGWATER, NEBR., *October 15, 1919.*

Hon. GILBERT M. HITCHCOCK,
United States Senate, Washington, D. C.:

Resolved by the Nebraska Congregational conference in annual session at Weepingwater, Nebr., October 13–15, 1919, That we consider a final vote upon the treaty of peace with Germany without delay a matter of urgent necessity; that while recognizing its imperfections we urge the ratification of the treaty without amendment or reservations necessitating a reopening of the negotiations; that we hereby instruct the business community committee to communicate these resolutions to President Wilson, to Senator LODGE, and to Senators HITCHCOCK and NORRIS of Nebraska.

CHAS. ROGERS,
JOHN A. ANDRESS,
LOUIS HIEB,
Committee on Resolutions.

—

SACRAMENTO, CALIF., *October 15, 1919.*

Senator GILBERT HITCHCOCK,
Washington, D. C.:

The Sacramento Church Federation Council, representing the thousands of Protestants in Sacramento, the home town of Senator HIRAM JOHNSON, after a careful study of the peace treaty and the league of nations, have decided with but one dissenting voice to wire Senator JOHNSON the following:

"At the regular meeting of the Sacramento Church Federation to-day it was voted that we deplore your attitude on the league of nations and that we are still strong for the covenant."

SACRAMENTO CHURCH FEDERATION,
M. F. HARBAUGH,
Executive Secretary.

—

SAN FRANCISCO, CALIF., *October 15, 1919.*

Senator G. M. HITCHCOCK,
Senate Office Building, Washington, D. C.:

To-day mailed Senator JOHNSON 534 signatures on petition. Warren Olney, justice of supreme court, addressed meeting resulting in 317 postals and 7 telegrams signed and sent to Senator JOHNSON.

WOMEN'S LEAGUE FOR PEACE TREATY.

—

PASADENA, CALIF., *October 14, 1919.*

Senator HITCHCOCK,
Washington, D. C.:

Shakespeare Club of Pasadena, Calif., having a membership of 700 women, at its business meeting October 14, by vote approved the immediate ratification of the treaty of peace and the league of nations by the United States Senate.

MRS. FRANK H. FEARS,
Corresponding Secretary.

—

LOS ANGELES, CALIF., *October 14, 1919.*

Senator GILBERT HITCHCOCK,
Senate Building, Washington, D. C.

HONORABLE SIR: I have the honor of advising you that at a meeting of the Musician Club, of this city, last night, after an address by L. A. Handly on the league of nations, on motion by Charles Wakefield Cadman the club earnestly urged the early ratification of the treaty that will make the league of nations reality.

FRED A. BACON, *Secretary.*

—

JOHN MUIR INTERMEDIATE SCHOOL,
Pasadena, Calif., October 10, 1919.

Senator GILBERT M. HITCHCOCK,
Washington, D. C.

DEAR SIR: The following resolution was unanimously adopted by the Pasadena Teachers' Association, which consists of 300 members:

"*Resolved,* That the Pasadena Teachers' Association, believing that no other way presents itself to peacefully solve international problems, and that the United States should share the responsibilities as well as the advantages of a world power, urges the Senators of the State of California to assist in the ratification of the peace treaty and the covenant of the league of nations without delay or amendment."

Very truly, yours,

GEORGE HETZEL, *President.*
JANE J. POULSEN, *Secretary.*

—

ST. LOUIS, MO., *October 15, 1919.*

Senator HITCHCOCK,
Senate Office Building, Washington, D. C.:

Please read the following into CONGRESSIONAL RECORD:

"We, the Democratic Women's Central Committee of the State of Missouri, in convention assembled, do urge the United States Senate to ratify the peace treaty with its accompanying league of nations covenant as soon as possible, leaving further reservations and amendments to the constituent membership of the league of nations as they try it out in actual experience."

Mrs. W. W. MARTIN,
Member Democratic State Central Committee Missouri.

Mr. NEW. I send to the desk a copy of resolutions adopted by a mass meeting of the Friends of Irish Freedom held in the city of Indianapolis, Ind., on the evening of October 11, and ask that they may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions adopted at meeting at Tomlinson Hall, Indianapolis, Ind., October 11, 1919.

Whereas the United States entered the World War under the most solemn declaration of our President, who said: "America is fighting for the liberation of peoples everywhere from the aggression of autocratic force; for the liberty, the self-government, and the undictated development of all peoples"; and

Whereas every nation which engaged in the conflict accepted this new gospel of world liberty as announced by our President; and

Whereas England has subjected the people of Ireland to her rule for seven and one-half centuries, and still continues to do so against the will of the Irish people, expressed in the republican form of government which they, by an overwhelming majority, established to rule themselves: Therefore be it

Resolved, That we, American citizens, who have assembled here to encourage and support the Irish Republic and do honor to the President of Ireland, do earnestly indorse and support the demand of the Irish people for the free exercise of their right of national independence; that we sincerely and respectfully urge the President and Congress of the United States to give immediate and effective recognition to the Irish Republic as the first and most necessary step in securing a lasting peace for the world and in redeeming our pledge given when entering the late war.

Whereas the covenant of the league of nations in its present form, without the previous recognition of Ireland's independence, would in effect condemn the Irish people to continue bondage by pledging America's support to England against any nation which might seek to render assistant to Ireland in her struggle for freedom: Be it

Resolved, That we call upon the Senate of the United States to oppose and vote against the said covenant, and we approve of the attitude adopted by Senators WATSON and NEW, of Indiana, in their opposition to the said covenant; and

Whereas England is expending approximately at the rate of $60,000,000 per year on her army of occupation in Ireland alone, not to mention the still larger sums spent in maintaining armies of occupation amongst other subject peoples: Be it further

Resolved, That we call upon Congress to withhold further loans or financial accommodations to Great Britain until she withdraws her army of occupation from Ireland.

Copies of these resolutions to be sent to the President of the United States, to Vice President MARSHALL, and to Senators WATSON and NEW.

Mr. MYERS presented a memorial of sundry citizens of Park County, Mont., remonstrating against the enactment of legislation providing for the establishment of game sanctuaries in national forests, which was referred to the Committee on Forest Reservations and Protection of Game.

Mr. NEWBERRY presented memorials of sundry citizens of Detroit, Mich., remonstrating against the establishment of a department of education, which were referred to the Committee on Education and Labor.

Mr. McLEAN presented a petition of the Connecticut Baptist Convention, and a petition of sundry citizens of New Haven, Conn., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

LEAGUE OF NATIONS.

Mr. McCORMICK. Mr. President, I ask to have printed in the RECORD a letter from a soldier, who writes to me from Madill, Okla.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MADILL, OKLA., *July 9, 1919.*

DEAR SIR: I write you this letter, believing that you will not hesitate to publish a letter written by a soldier boy who saw active service on the battle front in the great World War with Company B, Three hundred and forty-fourth Machine Gun Battalion, Ninetieth Division, and who followed the old Stars and Stripes in the battles of the Meuse, Argonne, and St. Mihiel.

It appears from reading your daily paper that you have nothing to offer your readers but to abuse and make fun of people that happen to oppose the United States adopting the proposed league of nations. You fail to offer any intelligent reason why the British-Wilson league should be accepted by this country, but content yourself by offering insults and contempt to the free-thinking people of America that are standing out and favoring this great Nation of ours retaining its traditional policy promulgated and established by the immortal Washington, Jefferson, Madison, and Monroe and adhered to by Lincoln, McKinley, and Roosevelt of keeping out of any entangling alliances with foreign nations.

You also forget that President Woodrow Wilson as late as February, 1916, bitterly assailed that class of citizens that were advocating going into the war with Germany or becoming involved in any foreign entanglements or alliances, and made the statement that he did not know what their standard of citizenship was, but that he could not subscribe to that standard.

Every reasonable man knows that in past history following every great war we have a bountiful crop of pacifists that are always promulgating some doctrine to prevent future wars; in fact, President Wilson, in 1916, led lots of people to believe that it did not make any difference what happened, that he would keep this country out of war, and it is very evident at this time, through the metropolitan press of the country, which has no fixed convictions on any principle of government and whose conscience is only moved by the jingle of gold, that lots of people are being led to believe that the proposed British-Wilson league of nations will prevent future wars for all time to come, when in truth and in fact the adoption of this proposed league of nations means that the free Government of the United States no longer exists and that the seat of government at Washington will have been removed to Geneva, Switzerland, where a few autocratic men, selected without any voice or vote of the people, will assemble with the kings and emperors and czars of the world and dictate the destiny of the world; that our Nation, by this agreement, pledges the last dollar of America and the last drop of American blood to police and protect the empires, the kingdoms, and the monarchies of all Europe, Asia, and Africa; and that all this supposed sentiment that is being talked about for this league of nations comes from the international bankers, the profiteers, that got rich out of the recent World War; these loud-mouthed patriots that petitioned Congress to pass the draft law and then used all their influence to keep their own boys at home. I now fling the challenge in your face that the boys that went through the horrors of the war on the actual battle front are not making any howl or sending out any ex-Presidents or Presidents to make speeches in behalf this un-American propaganda called the league

of nations. I have not heard of any of the fathers and mothers, brothers and sisters of the thousands of dead American soldiers that sleep on foreign battle fields writing any letters or making any speeches in favor of this infamous doctrine called the league of nations, which binds this great, free country of ours to act as general policeman and guardian for the world and destroys our Nation, its Constitution, and its sovereignty, but in my humble judgment this proposed scheme should properly be called the alliance of the money changers, profiteers, and the get-rich-quick, who have no respect for the blood of American soldiers, the weeping of widows, and the groans of orphans as long as money can be poured into their coffers through any channel.

Will thank you to publish this letter, and if you have any sane or intelligent reason why any good citizen should use their influence to have the Senate of the United States approve this proposed league of nations, I would be glad for you to present them without abusing people who happen to differ from you.

Yours, very truly,

LEONARD MCKENZIE.

CLAIMS OF ARMY OFFICERS.

Mr. NEW, from the Committee on Military Affairs, to which was referred the bill (S. 2120) for the relief of certain officers in the United States Army, asked to be discharged from further consideration of the bill and that it be referred to the Committee on Claims, which was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANSDELL:

A bill (S. 3244) to authorize the Secretary of the Interior to issue patent to R. L. Credille, mayor of the village of Bonita, La., in trust, for certain purposes; to the Committee on Public Lands.

By Mr. WADSWORTH:

A bill (S. 3245) to regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes; to the Committee on Military Affairs.

By Mr. LENROOT:

A bill (S. 3246) for the relief of Hugo Stamm; to the Committee on Indian Affairs.

By Mr. SMITH of Georgia:

A bill (S. 3247) to require the Secretary of War to cause a survey to be made for a canal from Cumberland Sound through the St. Marys River, thence to the Suwanee River, and through the Suwanee River to St. Marks, on the Gulf of Mexico; to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 3248) equalizing the pay of retired enlisted men of the United States Army and the United States Marine Corps; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 3249) granting an increase of pension to Alfred Blair; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 116) authorizing the Secretary of War to loan to the city of Portland, Oreg., tents, cots, blankets, and pillows for the use of visitors attending the forty-sixth annual session of the Imperial Council, Ancient Arabic Order, Nobles of the Mystic Shrine, in June, 1920; and

A joint resolution (S. J. Res. 117) to provide certain metal for the making of a national memorial carillon (with accompanying paper); to the Committee on Military Affairs.

THE IRISH QUESTION.

Mr. WALSH of Montana. I submit a resolution and ask that it be read.

The Secretary read the resolution (S. Res. 215), as follows:

Whereas by the treaty between Germany on the one side and the allied and associated powers on the other, signed at Versailles the 28th day of June, A. D. 1919, it is provided that the same will come into force between the powers ratifying the same upon the deposit of ratifications by Germany and three of the said allied and associated powers; and

Whereas the said treaty has now been ratified by Germany and by three of the said powers, to wit, France, Great Britain, and Italy, and will be in effect between the said powers and the other signatories to the said treaty that have ratified the same upon the formal issuance of the procès-verbal reciting the ratifications aforesaid; and

Whereas by virtue of the said treaty the league of nations will thereupon come into being and be authorized to entertain representations in accordance with article 11 of the covenant for the league of nations, as follows:

"It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either international peace or the good understanding between nations, upon which peace depends"; and

Whereas the amicable relations between Great Britain and the United States are continually imperiled by controversies over the government of Ireland: Now, therefore, be it

Resolved, That it is the sense of the Senate that whenever the United States becomes a member of said league of nations, by ratification of the said treaty or otherwise, the Government of the United States should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government.

The PRESIDENT pro tempore. Under the rule, the resolution goes over until to-morrow.

Mr. WALSH of Montana. That course is satisfactory.

ANALYSIS OF LABOR PROVISIONS OF THE TREATY.

Mr. CALDER. Mr. President, there is no question more involved or more far-reaching in its effect upon the future of this country than Part XIII of the treaty, which deals with the labor question. Because it is apparently in the interest of labor this phase of the treaty has had little opposition from Members of the Senate or the public generally. It is of such great importance that it ought to be thoroughly examined into before the treaty is finally passed upon. In fact, it is a subject that warrants a study and discussion that once entered upon will take several weeks of the Senate's time.

I know that there is a widespread feeling throughout the country that the treaty should be disposed of at once, but Part XIII is fraught with so much danger to the economic good of our Nation, and there is such a great possibility of injury not only to labor but to the industry of the country as well that even if the ratification of the treaty is delayed for another month this subject ought to be thoroughly ventilated. I have had given to me an analysis of Part XIII, prepared by Mr. Eugene E. Smith, editor of Labor Opinion, published at Portland, Oreg. This is a monthly digest of contemporary labor and industrial thought as expressed in labor, financial, and trade press. I commend this analysis to the careful consideration of the Members of this body, and I ask unanimous consent that it be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The analysis is as follows:

"PART XIII, LABOR, TREATY OF PEACE WITH GERMANY.

"(By Eugene E. Smith.)

"The following is in no wise intended to be controversial or argumentative, but it is intended that it shall start a train of thought that will lead toward and arrive at a proper determination of the question, Can the Democracy of the Republic of the United States of America, functioning through its constituted Government and the administration thereof, as that administration may be changed from time to time by the vote of all the people, operate more efficiently for social progress for all our people unhampered by a political, official alliance with the socialistic movements of Europe, or will it be aided in such efforts and then for unity by such an alliance? To keep clear and apart in the mind of the reader matters of fact and matters of the writer's opinion and the conclusions reached based on a combination of both on specific points, such facts, opinions, and conclusions are so captioned in that which follows.

"Facts: Part 13, captioned "Labor," treaty of peace with Germany (U. S. Senate Doc. No. 49, to be had on application to your Senator or to the Government Printing Office, Washington, D. C.), establishes a permanent organization (art. 387) recognized by the peace commission as an 'organization of labor' (art. 386), to be international in character and make-up, a membership by a nation in the league of nations carrying with it the obligations of membership in the labor organization (art. 387). The permanent organization of labor is to consist of—

"First. A general conference of representatives of the nations members of the league; and

"Second. An international labor office (art. 388).

"For the purpose of summarizing, we will take up the make-up of the general conference of representatives first. The conference will meet at least once in every year, and may be held oftener if it is determined an occasion may so require. It will be composed of four delegates from each of the nations, members of the league, two of whom will be Government delegates, i. e., appointed by the Government to represent the Government's, hence the public's, interests; one of whom will be appointed by the Government, who shall be nominated by the employers, and one of whom shall be appointed by the Government, who shall be nominated by the workpeople of the member nation. Provision is made for advisers to the delegates, and where women are affected women advisers may be selected. An adviser may only speak in the conference upon request by the delegate whom he or she accompanies and on authorization of the president of the conference, and may not vote; however, an adviser may be privileged to both speak and vote if acting in the capacity of deputy for his or her delegate. Members (nations) 'undertake to nominate nongovernment delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of the employers or workpeople, as the case may be, in their respective countries.' (Art. 389.)

"Here it will be interesting to note, in order to comprehend the probable size and make-up of the international labor organizations of the future, the nations to be represented therein. These follow: The original members of the league of nations, signatories of the treaty of peace, which are the United States of America, Belgium, Bolivia, Brazil, British Empire (including Canada, Australia, South Africa, New Zealand, and India), China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, Hedjaz, Honduras, Italy, Japan, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Roumania, Serb-Croat-Slovene State, Siam, Czecho-Slovakia, Uruguay; and the States invited, to date, to accede to the covenant of the league of nations, which are the Argentine Republic, Chile, Colombia, Denmark, Netherlands, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland, Venezuela; and likewise the nations that in the future, in all likelihood, will be invited to accede to the covenant of the league of nations, which are Mexico, Russia, Germany, Austria, Hungary, Bulgaria, and, sometime, Turkey—a total of 27 signatory nations, 13 States invited to become such, and 6 that sooner or later will be invited—a grand total of 46—which means a conference composed of from 100 to 150 or more delegates. (Annex No. 1 to part 1 of the treaty of peace with Germany.)

"The seat of the league of nations has been fixed at Geneva, Switzerland. (Art. 7.) The meetings of the international labor conference, excepting for the first meeting, will be held at the seat of the league of nations, except another place may be decided upon by a preceding conference by a two-thirds majority vote by the delegates present. (Art. 391.)

"The international labor office, which is the second and administrative half of the international organization of labor set up by the league of nations, will be established 'at the seat of the league of nations as part of the organization of the league.' (Art. 392.) This office will be controlled by a governing body consisting of 24 persons appointed as follows: Twelve representing the Governments, 6 elected by the delegates to the conference representing employers and 6 elected by the delegates to the conference representing the workers. Eight of the 12 persons appointed to represent the Governments on the governing body of the international labor office will be nominated by members (nations) which are of chief industrial importance. If any question arises as to which of the members are of chief industrial importance the matter shall be decided by the council of the league of nations. This governing body will elect from its members its own chairman, will regulate its own procedure, and will fix its own times of meeting. (Art. 393.) It will appoint a director of the international labor office, who will be responsible for the official conduct of the office and for the performance of such other duties as may be assigned to him by the governing body. (Art. 394.)

"The director will appoint his own staff (art. 385) to carry out the functions of the international labor office, which include the 'collection and distribution of information on all subjects relating to the international adjustment of conditions in industrial life and labor' and the preparation of the agenda for the meetings of the conference and the editing and publication in French and in English and in other languages, if the governing body thinks desirable, of 'a periodical paper dealing with problems of industry and employment of international interest.' (Art. 396.) The international labor office will be entitled to the assistance of the secretary general of the league of nations in any matter in which it can be given. (Art. 398.)

"Article 7 of the treaty of peace specifies, among other things, that 'representatives and members of the league and officials of the league, when engaged on the business of the league, shall enjoy diplomatic privileges and immunities.'

"The foregoing will give one a fair idea of the scope and the importance of the proposed international labor conference, its close connection with the league of nations, its prestige because of that close connection, and the efficient machinery that is to be set up to carry out the proclamations and recommendations of the conference. The conference only has power to recommend to members of the league of nations the enactment of legislation or approval of treaties, and these recommendations must be approved by a majority of two-thirds of the votes cast by the delegates present; however, 'each of the members undertakes that it will, within a period of one year at most from the closing of the session of the conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment, and in no case later than 18 months from the closing of the session of the conference, bring the recommendation or draft convention before the authority or authorities within whose competency the matter lies, for the enactment of legislation or other action'—hence no member nation may ignore the recommendations of the conference when the same are presented under the terms of the treaty. (Art. 405.)

"Provision is also made in the treaty under articles 411 and 412 for a commission of inquiry to inquire into any neglect on the part of any member ratifying any of the convention or recommendations of the conference to enforce the provisions thereof, and if found necessary to obtain this enforcement the matter may be referred to the permanent court of international justice of the league of nations (art. 415), the decision of which shall be final. (Art. 417.)

"Opinion: Any decision, from the simple viewpoint of an American citizen as such only, on the merits or demerits or the probable future effects of the international labor organization as set up in the treaty of peace, must not be based merely upon the written words, clauses, and articles dealing therewith in part 13 of said treaty. Rather we must take into consideration, first, the conditions existing at the time these were written, particularly as these conditions bore upon the destiny of the European Governments; and, second, the present tendency on the part of these Governments and their respective national labor movements toward acceptance of the principle of nationalization of private capital and industry, or, in other words, toward socialism and to some degree at least toward Bolshevism, which interpreted means a dictatorship by the proletariat or the so-called wageworkers, because it is reasonable to assume that if the tendency is in this direction it will be reflected more and more year by year in the recommendations and proclamations of the international labor conference. In every country of industrial importance, likely to have influential representation in these conferences, the trade-union movements, with the exception of the United States, are strongly socialistic.

"In July of this year there met at Amsterdam delegates representing the trade-union movements of the various European nations and the United States with the purpose to reorganize the International Trade Union Congress, and this purpose was effected. On nomination by Mr. Gompers, president of the American Federation of Labor, Mr. W. A. Appleton, secretary of the Confederation of British Trade Unions, was elected president of the International Trade Union Congress, succeeding Carl Legien, of Germany, who was president of the congress at the time of the outbreak of the World War. According to an historical survey of the proceedings of the Amsterdam meeting published in the Democrat, of London, edited by Mr. Appleton, directly after the adjournment of the International Trade Union Congress convention the delegates reassembled into an international socialist convention, in which all countries were represented by the same delegates they were represented by in the International Trade Union Congress, with the exception of the United States and its delegates. According to the same article or survey, the Amsterdam International Trade Union Congress adopted a resolution, binding upon all members, which set the objective in the international labor conferences to be held under the auspices of the league of nations to be the program of the international trade union conference that was held early in 1919 at Berne, Switzerland. In this connection it is interesting to note that the American labor movement was not represented at the Berne conference. It is also just as interesting to note further that the international trade union conference at Berne of 1919 declared that an international parliament of labor should be set up by the league of nations with power and authority to issue not only international conventions with the binding force of law behind them but also international laws which, immediately upon adoption should have the same force legally as national laws in all nations.

"The so-called labor-capital problem, said to be the greatest problem now before the various peoples of the world, is, in the opinion of the writer, not the question at issue at all, for while there are some differences between what we call labor, meaning thereby the manual wageworkers of our country, and so-called capital, better described as the management in industry, few, if any, of these differences are irreconcilable, particularly in the United States. The real question at issue can be more properly described as being the irreconcilable difference between capitalism and socialism and the more extreme form of socialism commonly described as Bolshevism, which had its genesis in the teachings and doctrines of socialism. Hence from the viewpoint of this analysis the question to be considered is not a labor-capital question in the commonly accepted sense. Reduced to words it might be put thus: Will the international labor conference and its machinery, as a part of the league of nations, function so as to actually bring labor and industrial manage-

ment in America into a closer understanding, assuring justice to each without destroying either, but rather securing that which is due to both, or will it function to advance tenets, doctrines, and the cause of socialism, syndicalism, or even extreme Bolshevism? We have shown where the International Trade Union Congress, lately adjourned in Amsterdam, declared for the Berne program, which was largely socialistic and inclined in some matters toward Bolshevism.

"It might be well to examine as well as we may the attitude of the principal European Governments toward a very vital contention made by the Berne conference, namely, the right of the workers in an international parliament to promulgate decrees having the force and legal binding effect of international law, binding on all countries members of the league of nations. On June 1 of this year Acting Secretary of State Long, at Washington, D. C., made public through the press the German note on international labor (and the note of the allied Governments in reply thereto), protesting against the arrangements made by the peace commission for an international organization of labor under the league of nations. The German peace delegation in this note said: 'In the opinion of the German democratic government the final decision in questions of labor law and labor protection belongs to the workers themselves.' In another place in the same note the delegation said: 'According to the resolutions of the international trade-union conference at Berne, the international parliament of labor is to issue not only international conventions with legal binding force but also international laws which, from the moment of their adoption, are to have the same effect (legally binding force) as national laws (proclamations to the workers of all countries adopted by the international trade-union conference at Berne, 1919, at the motion of Jousaux, the delegate from France). The draft of the German democratic government indorses this resolution and makes the passing of such laws depend on the assent of four-fifths of the nations represented.' In other words, the German democratic government was, and we assume is, in favor of an international labor parliament as a part of the league of nations with power to issue international edicts on labor questions binding on all nations members of the league when four-fifths of the countries represented in the international labor parliament vote in favor of any such edict.

"The reply of the allied and associated governments, dated May 31, and signed by President Clemenceau, of the peace commission, is fully as interesting, though seeming to reject in toto the contentions of the German Government. Section 1 of Premier Clemenceau's reply, which, of course, was approved by our own representative, President Wilson, said in part: 'The allied institutions hold it to be their duty to collaborate with labor in the formulation of such laws, but the laws must be passed upon by representatives of the whole community.' Further along in his note Premier Clemenceau says, however (in the latter part of section 5): 'The labor commission, moreover, set up by the peace conference envisaged all of the points mentioned in your letter as coming within the scope of the labor organization. * * *' Section 6 of the same note reads in part: 'It [the labor commission] also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all by laws imposed on them by representatives of other countries; international conventions as provided for under the peace treaty are, therefore, at present more effective than international labor laws, for the enforcement of which no penal sanctions can be applied.' In annex No. 2 of the allied note here referred to Premier Clemenceau transmits to the German delegation a copy of the resolution referred to by him in the first sentence of section 6 of his note. The resolution reads:

"The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the international labor conference under the auspices of the league of nations with power to make, under conditions to be determined, resolutions possessing the force of international law.

"The underscoring of the words 'at present' appearing twice in section 6 of the note quoted is ours as it strikes us as being peculiar that these words should be used and repeated, thus leaving the impression that probably in the future the principle adopted at the Berne conference and approved by the German democratic government might be brought into full acceptance through the league of nations and its international labor conferences by the members of the league, leaving one to assume that when the labor commission, headed by Mr. Gompers, whose colleague from America was Mr. E. N. Hurley, adopted the resolution expressing the hope that the high contracting parties would as soon as possible endow the international labor conference with power to pass resolutions possessing the force of international law, they, the commission, possibly had some ground for belief that Messrs. Clemenceau, Wilson, George, et al, felt kindly toward their aspirations and hopes on this point and might help to shape things toward the end that these might be consummated.

"So much for the probable tendency of the various European national labor movements and the European Governments to go contrary to the ideals of America. Examination of the social currents in European Nations, including even conservative England, will lead one to no other belief except that the trade-union movements of these countries are fast becoming anticapital and prosocialist. This is strongly reflected in their different Governments; hence it is more than probable that a majority of the delegates elected by and from the various countries to sit as such in the international conferences of labor will be anticapital and prosocialist. While it is true the agenda or program of each meeting of the conference is set in advance and any Government may object to any item of the agenda, it is also true that the governing body of the international labor office determines the agenda from year to year, and it is also true that regardless of any Government's objection to any item on the agenda the conference may by two-thirds vote set the objection aside and consider the item at another time at their own discretion, and even the protesting Government is bound under its treaty obligations to present any resolution or recommendation passed by the conference and so ordered to its national congress or parliament within practically one year from the adoption of the recommendation by the labor conference. As an example, England has declared for the nationalization of its coal mines. The international labor conference could arrange for a discussion of the subject at a coming meeting and upon approval of the principle by two-thirds of the delegates voting in a conference our Government and every other Government represented in the league would be forced under its treaty obligations to place the matter before Congress, and the full force of all the machinery of the international labor office with its world-wide publication, its scores of expert advisors and statisticians, could be placed behind the campaign for adoption. The same thing could easily happen in the matter of forcing our Government to put before its Congress the matter of waiving its right to participate in determining our country's will in the passage of international or even national labor laws and conferring all its rights in the matter upon the international labor conference. These matters are not only important to so-called capital but, we assume, are of vital import to American workpeople. Granting that American labor and European labor desire approximately the same degree of attainment in the matters of economic security, opportunity, etc., the method of approach is radically different in the European countries and our own.

"One provision of the treaty in particular can easily operate to the end that independent alliances may be formed between the various groups of labor and employers which may be in competition with America for foreign trade and markets. We refer to article 407, which says, 'If any convention coming before the conference for final consideration fails to secure the support of two-thirds of the delegates present it shall nevertheless be within the rights of any of the members of the permanent organization to agree to such convention among themselves,' thus affording ample opportunity for different balances of industrial power to be struck between nations contending for trade and economic advantages, for nations will always so contend as long as there are nations. It must never be forgotten that America is the richest of all nations, and there is a human trait, seemingly, that is ineradicable, and that is to be envious of and combine against wealth. While it is true the league of nations seeks through its machinery to prevent political side combinations of governments, it would appear that it is affording an official channel through which industrial and economic combinations may be made under the guise of social and labor betterment. This aside, it would appear from the foregoing that a wonderful opportunity will be presented, not yet recognized, it would seem, by either the Socialists or those who believe in the capitalistic system of production, for the spreading and dissemination over the entire surface of the earth of the doctrines of socialism, paid for—and stamped with their implied approval, at least—by the capitalistic nations of the world. It would appear that America must in the nature of things be forced to go Europe's way rather than by example to succeed in the American way to find relief from the present chaotic condition, an example set up by a leadership based upon the firm rock of Americanism and the ideals of America for the individual citizen whose happiness and welfare, according to our fathers, are more important than the

strength and welfare of any Government, when this is built upon the unhappiness of its subjects or citizens.

"It is true that the labor commission set up by the peace commission did, with a world of detail, seek to surround the international labor conference with safeguards and checks that would prevent that which we have described; but it is equally true, and this is based on the experience and history of the past, that any body of men formed into a conference or assembly or parliament or bureau and who are given certain legislative, administrative, or judicial powers seek untiringly and unceasingly to develop and enlarge those powers and fight bitterly any attempt that is made to take any power from them. The only excuse or reason America has for entering into any such combination is to rescue Europe from a possible condition of utter chaos. To do this through the machinery of the international labor conference will mean that, despite an overwhelming voting strength against them, the representatives of our Government and the representatives of our employers and of our labor, totaling four in number, must at all times lead and direct the other delegates the American way or else be led and directed by the European delegates the European way; hence it is not strange if some Americans think that we can do more for Europe by acting independently in such matters and by our success demonstrating the worth and soundness of our remedies.

"In a sense the international labor conference is a legislative body, with representatives elected thereto by certain industrial groups, and even the Government delegates elected thereto will more than likely be men or women closely allied with industry or keenly sympathetic with one group or the other. Not to make an odious or extreme comparison, it resembles in some ways the industrial or class legislative bodies that some of our extremists would set up to replace the present political scheme of government. Just how many years must go by with the annual or more frequent meetings of the international labor conference before it becomes actually a serious competitor for supremacy with that of our political Government is a question for the future to determine, but a question that is rich in possibilities and deserves present examination.

"Conclusions: These may be summarized as follows:

"First. That because of the tendency on the part of the foreign national labor movements and the peoples of European nations toward socialism, the international labor conference will become the world clearing house for socialist propaganda, tinctured more or less with plain Bolshevism.

"Second. Opportunity will be made more easy for effective economic and trade alliances—disguised as labor treaties—against the interests of the foreign trade of the United States.

"Third. An undue burden and responsibility will be placed, through our participation in the international labor conference, upon American labor and American capital for the redeeming to a sound footing the social, political, and economic conditions of European nations.

"Fourth. That the international labor conference will from year to year gain for itself greater and greater power, to the final end that this power will overshadow the political power of our Government over certain vital domestic policies, thus threatening political and democratic government itself.

"Fifth. It will be far better that a labor bureau or department be set up by the league of nations corresponding with our Federal Department of Labor, leaving the different national labor movements to meet when and how they choose as such, as they now do in the International Trade Union Congress, giving them the free exercise of the right to submit singly or jointly, either by themselves or in conjunction with the employing interests of any one or more nations, that which is their program for national and international law affecting labor.

"Sixth. It is unreasonable to assume that the employing interests of America will be keen to enter into agreements with the American labor movement, thus strengthening it, if that movement is continually assailed through the machinery of the international labor conference with un-American doctrines.

"Seventh. No national understanding between American labor and management of American industry can be brought about if every year the entire subject is to be opened up by non-American influences. In time this truth will be borne home to the American workers."

AFFAIRS IN TURKEY AND ARMENIA.

Mr. BRANDEGEE. Mr. President, I send to the desk and ask unanimous consent that the Secretary may read an article appearing in the Washington Post of Thursday, October 16—yesterday morning—entitled "Turkish pact waits." After the reading I desire to make a few brief comments upon the article.

The PRESIDENT pro tempore. Without objection the Secretary will read as requested.

The Secretary read as follows:

"TURKISH PACT WAITS—POWERS WANT WILSON TO ACT ON ARMENIA AND DARDANELLES—SYRIA A BONE OF CONTENTION—ENGLAND, FRANCE, AND ITALY DISAGREE OVER DISPOSITION OF TERRITORY—PARTITION OF EMPIRE COMPLICATED BY SECRET TREATIES IN WHICH ALLIES PLAY FALSE TO ONE ANOTHER—SMYRNIA, PROMISED TO ITALY, GIVEN TO GREECE—UNITED STATES THE CRUX IN THE CARVING WILSON POSTPONED.

"(By Ryley Grannon.)

"Among other matters awaiting President Wilson's attention is the partition of the Turkish Empire. The great powers are unable to move until they receive word from Washington. The treaty with Turkey can not be signed until Mr. Wilson gives the word. The partition of the Turkish Empire is the subject of one of the interesting secret chapters of the war. Secret diplomacy never had greater play than in the expected carving up of Turkey.

"STILL DECEIVING ONE ANOTHER.

"The European Governments fairly excelled themselves in the game of 'double crossing,' and some of them are still at it. The United States is now involved, and until it indicates what part of Turkey it will annex the other powers will continue their rivalries.

"The first treaty of the powers providing for the partition of Turkey was made by Great Britain, France, and Russia. The pourparlers began in March, 1915, but the treaty was not concluded until May, 1916.

"The now famous treaty of London had been made in April, 1915. It was signed by Sir Edward Grey, Jules Cambon, Marquis Imperiali, and Count Benckendorff. Article 9 of that treaty provides that 'France, Great Britain, and Russia recognize as an axiom the fact that Italy is interested in maintaining the political balance of power in the Mediterranean, and her right to take over, when Turkey is broken up, a portion equal to theirs in the Mediterranean.'

"ITALY IGNORED IN 1916 TREATY.

"The other powers appear to have forgotten this treaty, for they concluded the treaty of May, 1916, without regard to Italy. The 1916 treaty carved up Turkey roughly as follows:

"To Great Britain: Direct administration of southern Mesopotamia, including Bagdad, Akri, and Kaiffa, and as a British zone of influence all the remainder of Mesopotamia.

"To France: Direct administration of all Syria, and as a zone of influence Adana, Sivas, Diarberkir, and tributary territory.

"To Russia: Constantinople and the Straits, with a part of southern Thrace, a stretch of the Asiatic coast adjacent to the straits, and the islands of the Sea of Marmora, Imbros, and Tenedos.

"ARRANGE FOR PALESTINE.

"Palestine was to be placed under an international régime. Special clauses disposed of Arabia, with advantages to Great Britain in securing communication between Egypt and Mesopotamia.

"In the fall of 1916 Italy became aware of this treaty. There was a meeting of the premiers at the little French town of St. Jean de Maurienne. It was a stormy session. The upshot was another treaty which admitted Italy to a share of the Turkish spoils.

"This Anglo-French-Italian treaty was made in 1917, after the United States had broken with Germany. All knowledge of it was kept from the United States. President Wilson said he knew nothing of it until he arrived in Paris.

"SMYRNA GIVEN TO ITALY.

"The treaty recognized the changes caused by Russia's collapse. Constantinople and the Straits were to be placed under an international régime. Italy was to have Smyrna under 'direct administration,' and for a zone of influence was to take over a territory north of Smyrna as far as the Gulf of Adramyti. The other powers retained their respective slices of Turkey.

"Then came the peace conference and President Wilson, abolition of secret treaties, self-determination, and all. There was a controversy over Fiume, and the Italian delegation temporarily withdrew. While they were absent the 'big three' sent for Premier Venizelos, of Greece, and told him to occupy Smyrna. Greece instantly moved, and her troops still occupy Smyrna.

"SECRET TREATY NULLIFIED.

"The three powers in control at that time in Paris—France, Great Britain, and the United States—nullified the secret treaty so far as it related to Smyrna. When the Italians returned to the peace conference they found it necessary to accept the fait accompli.

"But the powers are unable to agree among themselves concerning Turkey. France and Great Britain are at odds over

Syria, which Great Britain now thinks should be left to the disposal of the league of nations. The British delegates have led off in accepting the mandatory plan, and seem to be willing to do away with all treaty rights if the league of nations will promise in advance to give England the same territories under a mandate. France is skeptical and holds to the treaties. Italy leans to the French view.

"The question was not settled when President Wilson left Paris. He wished to have the United States take a mandate over Armenia and possibly over Constantinople, but he could not promise that the people and Congress would support him. Therefore he told his colleagues in the peace conference to postpone the partition of Turkey until he could consult American public opinion.

"The Allies have endeavored to agree among themselves and hasten the carving-up process, but no one of them is willing to assume the burden of governing Armenia, which is full of fighting tribes and lacking in natural resources. Without the Armenian and Dardanelles questions settled, the powers can not act. They must wait upon President Wilson.

"Hence Thanksgiving is almost here and the hungry powers have no Turkey."

Mr. BRANDEGEE. Mr. President——

Mr. POMERENE rose.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BRANDEGEE. I do not want to yield the floor, Mr. President.

Mr. POMERENE. Oh, no.

Mr. BRANDEGEE. For what purpose does the Senator desire me to yield?

Mr. POMERENE. Simply to ask a question.

Mr. BRANDEGEE. I yield.

Mr. POMERENE. The article which was just read, I believe, was presented by the Senator?

Mr. BRANDEGEE. It was presented by me.

Mr. POMERENE. Can the Senator advise us who wrote the article?

Mr. BRANDEGEE. No; I do not know who the employees of the Washington Post are. The article was clipped from the Washington Post of yesterday.

Mr. POMERENE. I understand it purports to have been written by Ryley Grannon, and I wondered if the Senator knows who he is?

Mr. BRANDEGEE. No; I do not; but the Senator can find out if he wants to.

Mr. POMERENE. I am trying to find out.

Mr. BRANDEGEE. I have received a good many letters from people, mostly clergymen, who are very much interested in the Armenian question and who ask that something be done to protect the Armenian people from slaughter by the Turks. They state that the extermination of the Armenian race is threatened. Of course we know, or we have been informed through the press, that the British are rapidly withdrawing their forces from Armenia and the Caucasus and have requested this country to send from 100,000 to 200,000 men over there to take the place of the withdrawn British troops.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. I yield.

Mr. BORAH. There are not any undeveloped oil fields in Armenia or Turkey, then?

Mr. BRANDEGEE. The article states that the President is very anxious that we should accept the mandate for Armenia, and, therefore, I assume there is no oil or anything else of use to this country there; but, Mr. President——

Mr. KING. Mr. President, will the Senator permit an interruption?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. I do.

Mr. KING. Of course, the distinguished Senator from Idaho knows very much more about this subject than I do, and about the geography, the physical characteristics, and the resources of Armenia; but, if he will pardon me, there is oil in the northern part of Armenia and in the provinces contiguous to it which, perhaps, will come under the mandate of some Government.

Mr. BORAH. I have not any doubt, then, Mr. President, if oil is there that the situation will be taken care of by the English troops.

Mr. BRANDEGEE. Whether there is oil there or not, there is trouble there.

Mr. KING. Yes.

Mr. BRANDEGEE. And if anybody can furnish the oil to pour on the troubled waters, now is the time to bring the oil can around before we get in any deeper. [Laughter.]

Mr. President, on the calendar day of September 9, 1919, the Senator from Nebraska [Mr. HITCHCOCK] in behalf of the Senator from Mississippi [Mr. WILLIAMS] presented Senate joint resolution 106, which was referred to the Committee on Foreign Relations. The committee took it up for consideration a few days ago, but came to an impasse because certain information was desired as to what sort of a situation the President had created in relation to Armenia and Constantinople. A proposition was made in the committee to request that such information be given to the committee, so that it could act intelligently upon the joint resolution; but owing to representations made to the committee as to the inability of the President to transact business of that kind at this time the request for information was not pressed and the whole matter remains in abeyance. Meantime people continued to be agitated about what we are going to do to protect the Armenians, and all that I am able to answer them is that we have never declared war on Turkey, and the only way that I know to protect the Armenians is to send an army over there to fight off the Turks. Whether the people who desire to protect the Armenians want to compose that army themselves or want to send their wives' relatives on this pleasing mission I do not know; but here is the joint resolution introduced at the suggestion of the Senator from Mississippi:

"Whereas the withdrawal of the British troops from the Caucasus and Armenia will leave the Armenian people helpless against the attacks of the Kurds and the Turks; and

"Whereas the American people are deeply and sincerely sympathetic with the aspirations of the Armenian people for liberty and peace and progress: Therefore be it

"*Resolved, etc.*, That the President of the United States is hereby authorized to use such military and naval forces of the United States as in his opinion may seem expedient for the maintenance of peace and tranquillity in Armenia until the settlement of the affairs of that country has been completed by treaty between the nations.

"SEC. 2. There is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $——— to enable the President to execute the foregoing resolution."

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BRANDEGEE. Yes.

Mr. POINDEXTER. I suppose the Senator from Connecticut noticed the statement of the President in one of the speeches that he made on his recent tour that if the league of nations were adopted no khaki-clad American—meaning American soldiers, I suppose—would ever again cross the Atlantic Ocean. That has been published quite extensively. I understand further that the suggestion in the article introduced by the Senator from Connecticut indicates that the troops that are spoken of in the joint resolution would be used in the performance of responsibilities assumed under the league of nations. In view of the fact that they are not going to cross the Atlantic, I suppose they will be sent by the way of the Pacific.

Mr. BRANDEGEE. Well, I do not know, Mr. President; but that is one of the unsatisfactory conditions that exists. We do not know about many of these things, and we are not allowed to know, and, of course, under those circumstances we can not legislate intelligently.

The Senator from New Mexico [Mr. FALL] was discussing with me yesterday the question of the dispatch of 5,000 American troops that we understand have already sailed, night before last, to be used in Silesia. Nobody knows under what authority those troops are sent there. Of course, we know that they are ordered there by the Secretary of War or the Chief of Staff, or whoever is the proper military official to order them; but whether there is lawful authority, now that the war is over, for sending American troops to Armenia and to Silesia and to Siberia, nobody knows.

Mr. FALL. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. Certainly.

Mr. FALL. I will say to the Senator that I had expected to refer to this matter of troops being sent to Silesia during the debate that I presume will take place to-day upon other amendments to this proposed treaty, as I think we can obtain some information from Senators upon the floor, at any rate, as to the act itself, and as to the assumed authority for this act.

Mr. BRANDEGEE. I only referred to that matter incidentally, Mr. President, because it was of a similar character to the authorization contained in the joint resolution to which

I referred, to wit, Senate joint resolution 106. If the President of the United States thinks it is necessary for Congress to authorize him to send troops to Armenia, I do not understand why a similar joint resolution would not be necessary to authorize the dispatch of our soldiers to Silesia. Of course, I understand that under the terms of the treaty—which, of course, is not yet in existence so far as this country is concerned—and, I assume, under the terms of the armistice, certain American troops can be lawfully employed in occupying, policing, and guarding certain territories there, and I understand there are forces on the Rhine, and possibly in the Saar Basin, or in other parts there, which may be legitimately there; but these other military movements that are now going on, now that the war is over, I think the Senate is entitled to information about. Certainly the Senate is entitled to it, I think, before it should be requested to pass joint resolutions authorizing the dispatch of such troops.

Mr. McCORMICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. BRANDEGEE. Certainly.

Mr. McCORMICK. I wanted to interrupt the Senator at that point to say that I have just been informed, and very reliably, that it is now contemplated to send a brigade to Lithuania, which I thought might interest the Senator in connection with what he is saying about these other military excursions.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. BRANDEGEE. Certainly.

Mr. KING. The Senator seems to make no distinction, if I interpreted his remarks correctly, between American troops being sent to Armenia and American troops being used upon the Continent of Europe and in fields where German troops are operating.

I agree with the Senator, if I understand the situation correctly, that not having declared war against Turkey, before we send troops to Turkey or to Armenia, no matter how laudable the object may be, there ought to be further information vouchsafed to the Senate. I certainly would not feel like voting for that joint resolution, much as I sympathize with the Armenians, until I understood a little more about conditions.

The Senator states that perhaps American troops are in the Saar Basin and upon the Rhine and perhaps in other parts of Europe where it is necessary to enforce the terms of the treaty against Germany. I submit to the Senator in all good faith would not the obligation rest upon the allied Governments, having set up Poland, to see that Germany, by military operations, did not infringe the orders of the allied powers, including the United States, with respect to Poland, and that Germany carried out the terms of the treaty? And if that question is answered affirmatively—and it seems to me it must be answered affirmatively—would it not then be a duty resting upon the allied and associated powers to use sufficient military force against Germany to see that the mandates of the allied and associated powers, as set forth in the treaty, are carried into effect?

Mr. BRANDEGEE. Mr. President, I have no doubt that the Senator, when he starts, thinks he is going to ask a very simple and single question, but his mind is so resourceful and his brain so active that my experience is that by the time he has sat down my mental capacity is insufficient to restate all that he has stated and give him the answers, seriatim, to his questions. The gist of it, however, as I gather it, is this: Were we not bound, under the treaty, to furnish troops in certain places? To that I say no, because we have not yet ratified the treaty. Any obligations that we are under now, as I understand, to furnish troops over there are such as were created by the armistice, or such as the Commander in Chief of our Army and Navy has under the war powers, by virtue of our recognition of the existence of a state of war between ourselves and the Central Powers.

However that may be, this dispatch of troops is in progress. Neither we, who have to provide for their payment and the maintenance of the Army, nor the public know anything about what else is contemplated. We are ignorant of why these military movements are going on.

Now, I am not rash enough to say that it is illegal, because I do not know. It is wise not to express an opinion upon an important matter of that kind—the use of our military forces in troublous times like these—unless one speaks by the card. When you are only able to get at the facts from hour to hour, as dispatches appear in the public press in regard to the sending of troops hither and thither to foreign lands upon unknown missions, of course, without knowing the object for which they are dispatched, you can not well express a trustworthy opinion as to whether they are authorized or not.

Of course, we all know that this Government always has, whenever there was danger to American citizens or American property in any foreign land, felt that our citizens were entitled to the protection of our flag; and we have always landed troops—marines or other kinds of troops or sailors—to protect any American citizens in jeopardy or their property. That is a lawful exercise of our military power. It may be that the 5,000 men who were dispatched to Silesia are sent there to protect American citizens. It may be that the administration or the War Department have some theory that technically the status of war which we declared to exist between ourselves and the Central Powers a year or two ago still exists, although actually it does not, and therefore that they have all the war powers that they ever had. Now, if the dispatch of these troops to Silesia, or the contemplated dispatch, the requested authorization for the dispatch of troops to Armenia, is a legitimate exercise of the conduct of the war against the Central Powers, I have nothing to say about its being authorized; but the Congress and the country, who are quite as much concerned in this matter as the administration, are kept in ignorance about it.

It may be wise that we should be kept in ignorance. I do not know. I know that is our state of mind; and the condition is such at present that even on bills and joint resolutions introduced at the request of the administration itself, when we ask why the authority is needed and what the troops are to do, we can not press the matter and get the information.

I have nothing further to suggest about this Armenian matter. I do think, however, that a resolution should be adopted by this body, and I hope it will be, calling for information about why troops are being sent to Silesia and why they are sent to other places. I think we are fairly entitled to it, in view of intimations and assertions such as are contained in the article from the Washington Post, which has just been read by the Secretary, in relation to some sort of an understanding between our peace commissioners at the peace conference and the peace commissioners of our associated powers, in view of the fact that there seems to have been some sort of an understanding about what we should do in Armenia and Anatolia and Constantinople, or what it was recommended that we should do, and in view of the statement in this article that it is delaying the confirmation of the proposed Bulgarian and Turkish treaties. These matters are all so interrelated that we can not act intelligently upon one without knowing the contents of the entire proposition.

They are all interwoven, Mr. President. This whole situation in Asia Minor is interwoven with the very treaty we are considering. We are told that the treaty with Turkey, to which we have to be a party, will be presented to us after this treaty shall have been ratified, possibly, though I hope that this treaty will not be ratified. We have done whatever was required by this treaty without knowing whether it coincides with the other treaty or with what we would like to do about the other treaty, or whether the treaties with Bulgaria, Turkey, and Germany, when they are all ratified, will produce a situation we approve of, or whether we are being led step by step in the dark, without proper information, to ratify one treaty which may create a status from which we can not recede, although we would like to, and by reason of which we will be compelled to take the next step, which we would not have taken if we could have foreseen it.

We are a coordinate branch of the treaty-making power, Mr. President. There is a situation in Europe, Asia, and Africa which presents a composite scheme, and there is a plan in somebody's mind, or in the mind of some sets of people, that after these different parts are fitted together you will see a picture that is supposed to be harmonious and understandable; and we are handed the head or the tail or the trunk of the animal and are told, "Ratify that, and afterwards we will hand you the trimmings." I would like to see the picture of the whole animal before I say whether I like it or not; and I think, as a coordinate branch of the treaty-making power, we are entitled to know what the situation is that it is desired to produce. No one can act intelligently upon this thing unless he does know it.

Our partner in this treaty-making business knows the whole proposition. We are considering this treaty in open executive session, Mr. President, because it is no ordinary treaty. It is a document wrought under the tense and abnormal psychology which pervades all the nations of the world as a natural consequence of the tremendous crisis through which we have passed, and we are considering it in open executive session because we think all the people of this country—and of other countries, too, for that matter—should know why we approve or disapprove of the particular features of the treaty. But we do not get the necessary information from our partner,

who knows the whole of it. For myself, I do not think it is fair to this branch of the treaty-making power, and I do not think that it is fair to the country, Mr. President.

I hope somebody will introduce a resolution to find out what the proposition is in Armenia; how far we have been committed, if at all, by the President, who has the authority to initiate agreements, at least; and I hope that some information concerning the dispatch of our armies to these various parts of the world will be called for by resolution of the Senate.

AMERICAN TROOPS FOR SILESIA.

Mr. WADSWORTH. Mr. President, like the Senator from Connecticut, I have been disturbed at the news which reached us yesterday or the day before concerning the dispatch of troops abroad, and, like the Senator from Connecticut, I have been exceedingly anxious to know upon what authority they have been sent and for what purpose.

Again, like the Senator from Connecticut, I am somewhat uncertain as to the authority, and I do not venture at this time to express an opinion. But, concerned as I was, I called at the War Department yesterday morning to ascertain what I could regarding the expedition which has started for Silesia. I conversed with the Assistant Secretary of War and the Chief of Staff in the absence of the Secretary of War himself. I learned that the expedition, as the Senator from Connecticut stated, consists in the aggregate of about 5,000 men—the Fifth and the Fiftieth Regiments of Infantry and suitable detachments of Medical Corps and quartermaster troops. It is bound, in the first instance, for Coblenz, to be held there pending the time when direction shall be given it by some higher authority to proceed to Silesia, and there participate in the policing of the plebiscite. This American force, I was given to understand, is to form part of a force contributed by at least two other nations, the aggregate allied force of this kind to consist of something like 18,000 men. The time at which the force is expected to arrive in Silesia is entirely uncertain. The duration of its service there is entirely uncertain.

I was given to understand that the dispatch of this force is due to some arrangement made by the American peace commission in Paris, or some agreement made by them with the representatives of other powers, to the effect that America would join with the other powers in policing this far-away country while the plebiscite is being held.

It was intimated also that the power or authority for sending this force springs from the fact that we are still technically at war with Germany. I do not attempt to express an opinion upon that interpretation of the power of the Executive. I am not aware that there is anything in the terms of the armistice affecting Silesia at all.

I am in full sympathy with the policy of the department and the action of the administration in maintaining troops on the Rhine, in the so-called German occupied territory, in conformance with the terms of the armistice itself entered into on November 11. I notice that in the treaty pending before us there is a provision relating to Silesia, according to which, if it is ratified by this country, we may be called upon, in effect, to assist in policing Silesia. One of the several amendments offered by the Senator from New Mexico [Mr. FALL], had it been adopted, would have resulted in withdrawing the United States from that obligation.

Mr. NELSON. May I ask the Senator a question? Is the Senator opposed to the establishment of the Government of Poland?

Mr. WADSWORTH. Not at all.

Mr. NELSON. As proposed in the treaty?

Mr. WADSWORTH. Not at all.

Mr. NELSON. Is not Silesia to be a part of it?

Mr. WADSWORTH. I do not know.

Mr. NELSON. Is not Silesia part of the country that is to compose Poland, and is it not to be determined by a plebiscite?

Mr. WADSWORTH. I can not tell whether it is to go to Poland until the plebiscite is taken.

Mr. NELSON. No one will know until then; and they simply want our troops there to see that there is fair plebiscite, that is all, to police it. Unless the Senator is opposed to the establishment of the Government of Poland, as provided for in the treaty, he ought not to object to this action by our Government.

Mr. WADSWORTH. Mr. President, the Senator from Minnesota, I think, is quite unwarranted in drawing that conclusion. I, of course, am in favor of the establishment of an independent Polish State. But, like the Senator from Connecticut, I would like to know, as a Member of the Senate, and I may say as a member of the Committee on Military Affairs, charged at this time with most important legislation looking to the permanent reorganization of the Regular Army, what commitments our administration has made for the use of American troops the world over. How can we legislate on the matter of the size of the Regular Army until we know how the Army is to be used and where?

If the intimation made by the Senator from Illinois a few moments ago is true, or reasonably accurate, that some other expedition is to be sent to Lithuania, it has a most distinct bearing upon our military policy. It is not a very effective way for a Government to handle its foreign affairs when the result is that the Congress is kept in the dark to such an extent that it can not legislate intelligently and in a constructive manner.

My purpose in going to the War Department to request the information about this expedition was first to ascertain its size, the approximate cost, if I could find that out, how long it would be absent upon this duty, what its purpose was, and incidentally what authority there was for sending it.

Mr. NELSON. Is the Senator opposed to the purpose to have a plebiscite there in connection with the establishment of the State of Poland?

Mr. WADSWORTH. I am not competent to answer that question. I do not know anything about Silesia and Poland in the present situation, and I am not permitted to know.

Mr. NELSON. Is not the treaty before the Senator?

Mr. WADSWORTH. The treaty does not tell me what are the internal conditions of Silesia.

Mr. NELSON. The treaty tells the Senator that there is to be a plebiscite there.

Mr. WADSWORTH. Very true; but I have not been informed, and I think no other Senator has been informed, whether or not it will take the participation of 5,000 American troops to see that the count is an honest one. All I want is information, and I think the Senate is entitled to information. I am not in favor of acting for or against any projected policy until we have information. That is all I have been asking.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Washington?

Mr. WADSWORTH. I yield to the Senator from Washington.

Mr. POINDEXTER. I should like to ask the Senator from Minnesota, in view of the much more intimate interest that the great allied European nations, victorious in this war, have in the readjustment of the internal affairs of Europe, and in view of the enormous assistance that this country has already rendered them in this war, does he not think that it would be equitable and fair, knowing that they have the power to do so, to provide that they should supervise the plebiscite in Silesia, and that the United States should be relieved of that duty?

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. WADSWORTH. Mr. President, if I am not taken from the floor, I will yield to the Senator from Minnesota to reply to the question addressed to him by the Senator from Washington. Perhaps the Senator from Minnesota will be content to answer it later. I shall take but a moment further.

Mr. NELSON. I do not think it needs an answer. The Senator can go on.

Mr. WADSWORTH. I understood that the Senator from Minnesota had risen to ask permission to interrupt me.

Mr. NELSON. On reflection I concluded that it did not need any answer.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from North Carolina?

Mr. WADSWORTH. I yield.

Mr. OVERMAN. The Senator says he wants information, and that he went to the War Department to get information. Did they refuse him information?

Mr. WADSWORTH. So far as the information went, I got it; but it did not tell me about Silesian prospects.

Mr. OVERMAN. Did they decline to give the Senator any information he asked for?

Mr. WADSWORTH. They did not decline to give me anything they knew about it.

Mr. HITCHCOCK. Mr. President——

Mr. ASHURST. Mr. President, a point of order. What is the pending motion? I have been waiting for an hour to present a paper. May I have the opportunity now?

The PRESIDENT pro tempore. The Senator from Arizona raises the question of order.

Mr. ASHURST. Oh, no; I merely ask unanimous consent to have printed in the RECORD the address by the Secretary of Labor at the opening of the Industrial Conference.

Mr. WADSWORTH. Mr. President, I believe I have the floor.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Arizona can not present the paper so long as the Senator from New York has the floor, unless he desires to take the Senator from New York from the floor by a point of order.

Mr. ASHURST. I do not desire to take the Senator from New York from the floor, but I have been waiting for an hour to present the paper.

The PRESIDENT pro tempore. The Senator from New York is entitled to the floor and will proceed.

Mr. PENROSE. I think the Senator from New York has concluded to permit the Senator from Arizona to intrude upon the proceedings, but some of us would be a little better satisfied if we knew what the document is that he wants to have printed.

The PRESIDENT pro tempore. The Chair is of the opinion that at the present moment the document can not be received.

Mr. PENROSE. I think the ruling is a wise one.

Mr. HITCHCOCK. Mr. President, will the Senator from New York permit me to ask him a question?

Mr. WADSWORTH. Yes; I yield for a question.

Mr. HITCHCOCK. Will the Senator state what information he sought at the War Department?

Mr. WADSWORTH. I sought information as to the strength of the expedition and its composition, its destination, and its purpose, the authority under which it was sent, and the probable duration of its service abroad; and I have related to the Senate all that I found out at the War Department. But the thing that to me is unsatisfactory is the fact that we at this late date learn that by some agreement made by the American peace commission since the armistice was signed we are committed to the sending of troops to Silesia. We have never had any information to that effect, as I understand it, here in the Congress. It has some bearing upon the appropriations which we shall make for the support of the Army. It has some bearing upon the size of the Army and the military policy, and I am wondering——

Mr. PENROSE. Mr. President——

Mr. WADSWORTH. May I just finish my statement, and then I will yield to the Senator from Pennsylvania? I am wondering whether there are any other commitments, and I think we have a right to know. That is all. As to that I did not get any information.

Mr. HITCHCOCK. Mr. President——

Mr. PENROSE. I should like to ask the Senator from New York whether he suspects the agreement was made by Mr. Hoover or Col. House?

Mr. WADSWORTH. I have not the slightest idea.

Mr. PENROSE. I was told that possibly that distinguished military genius, Mr. Hoover, might have made it.

Mr. HITCHCOCK. Before the Senator from New York takes his seat, let me ask him if he has any doubt as to the power of the President to order troops to Coblenz, where troops are already stationed?

Mr. WADSWORTH. No; Mr. President, I have not.

Mr. HITCHCOCK. Does the Senator have any doubt as to the power of the President, in concurrence with the other nations associated with us in this war, to send troops into Germany under certain conditions?

Mr. WADSWORTH. Under certain conditions, as laid down in the armistice, but, as I understand it, there is no reference to Silesia or the policing of Silesia in the terms of the armistice. The only reference to Silesia and the policing of Silesia is contained in one of the articles of the treaty which this country has not yet ratified.

Mr. HITCHCOCK. This country has not yet ratified the treaty, but the Senate has already declined to amend the provision providing for American troops in Silesia.

Mr. WADSWORTH. May I ask, does the Senator from Nebraska contend that that confers authority?

Mr. HITCHCOCK. No; but "the Senator from Nebraska" takes the position that the President has the power at this time to order troops to reenforce the other troops already in Coblenz, and by the time those troops get there it will be decided whether or not they will go farther.

The Senator from New York well knows that the purpose of this country is to stand by its object to give Poland an existence as a nation. The Senator from New York must realize that a part of that purpose contemplates a plebiscite in upper Silesia. The Senator must know also that to hold that plebiscite with German soldiers present would be a farce, and that the only way of having the plebiscite is to have troops there representing the associated and allied countries for that purpose. Unless the Senator is opposed to that purpose, he ought not to criticize it. The Senator must know also that Germany has already agreed to pay the expenses of those troops, and therefore they are not sent there at the expense of the United States.

Mr. WADSWORTH. Mr. President, the Senator from Nebraska beclouds the issue, so far as I am concerned, by this constant reference to the desire of the United States, admitted, for the establishment of an independent Polish State. I do want to see an independent Polish State established; but in its establishment I think the Senate of the United States is entitled to information as to what obligations our administration has entered into. The Senate had no information about this expedition until it read it in the newspapers yesterday. The Committee on Military Affairs of the Senate had no information about it until it read it in the newspapers yesterday. That is not the way to treat the Senate. We ought to have the information. We ought to be told here and now what our commitments are in a military sense. Is this the first one and is it the last one? If it is not the last one, what other commitments have we entered into? That is all I have been contending for. I do not pretend to pass upon the authority. I can not command a knowledge of the Constitution and of the law which would equip me to pass upon the authority.

This action is somewhat unusual at this time, prior to the ratification of the treaty and subsequent to entering into the terms of the armistice, which terms contain nothing about Silesia.

If it is a military necessity, if it is a necessity from the standpoint of humanitarianism that American troops shall join with British and French troops in policing that territory to stop bloodshed, possibly it is justified, but I want to know the character of the commitment which our representatives entered into at Paris, and whether or not there are any other commitments.

Mr. BRANDEGEE and Mr. HITCHCOCK addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New York yield; and if so, to whom?

Mr. WADSWORTH. I yield first to the Senator from Connecticut, who rose first.

Mr. BRANDEGEE. Will the Senator be kind enough to state what Gen. March, if he was the official whom the Senator saw, claimed was his authority?

Mr. WADSWORTH. The intimation that was given to me by both the officials was that we are still technically at war with Germany.

Mr. BRANDEGEE. Was that all?

Mr. WADSWORTH. And that under the war power the President could send troops of the United States.

Mr. BRANDEGEE. Was that all?

Mr. WADSWORTH. An intimation was made that the Senate had taken unfavorable action upon an amendment which would have withdrawn the United States from the policing of Silesia.

Mr. BRANDEGEE. What inference was drawn from the action of the Senate on an amendment of a different nature?

Mr. WADSWORTH. It was not a matter relating to the purpose of this expedition. I suppose the inference was that the department or the administration was justified in sending troops, in view of the vote of the Senate upon that amendment. I can not agree to that inference.

Mr. NELSON. Mr. President, I simply rise to say that this puts me in mind of an incident we had a few days ago about the landing of a few troops on the Dalmatian coast. Great complaint was made then that we were making war on Italy. A resolution was introduced, and when we got the smoke cleared off all it amounted to was that the Italians had requested a few of our marines to go ashore there to keep order. It seemed to me then, as it turned out afterwards, to be a tempest in a teapot, and this is of a kindred nature.

Mr. HITCHCOCK. Mr. President, I indorse most emphatically what the Senator from Minnesota [Mr. NELSON] says. This attack resembles very much the same purpose that was behind the attack upon the administration with regard to the landing of marines at Trau. It resembles also those other attacks upon the administration which have taken the form of a repetition of the vaguest and most ridiculous rumors, repeated here on the authority and dignity of a United States Senator, that the President of the United States had received a million dollars' worth of gifts in Europe, and other statements of that character, indicating a purpose to attack the administration instead of discussing the treaty now before the Senate.

Mr. President, what are the facts in this case? The Senate has before it a treaty and all the votes so far have indicated that the Senate will in some form ratify the treaty; that textually no change will be made in it; that the overwhelming majority of the Members of the Senate propose to ratify the treaty

without dotting an "i" or crossing a "t"; that whatever, if anything, is done in the way of qualification will be done in the way of reservations.

Mr. LENROOT. Mr. President, will the Senator yield for a question?

Mr. HITCHCOCK. If the Senator will permit me to proceed, I will yield in a moment.

Under those circumstances what do we find? In the annex, on page 129, it is stated that within 15 days from the coming into force of the present treaty, the German troops in the plebiscite area of Silesia shall be withdrawn and the troops of the United States, Great Britain, France, and Italy shall enter. It is very evident that we can not send troops from here to Silesia within 15 days after the ratification of the treaty. If they are to be sent there they have to be sent from some near-by post. The United States already has troops along the Rhine. What is more reasonable than that the War Department, already seeing what the Senate of the United States proposes to do, should move to those American camps that now exist along the Rhine in Germany sufficient troops so that when the Senate ratifies the treaty that obligation under the treaty may be carried out?

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. HITCHCOCK. In just a moment.

The assertion or assumption that this is a matter done at the expense of the United States Treasury is unwarranted. The expenses of these troops are to be paid for by Germany. It is a part of the plan proposed in the treaty. It does not involve a national appropriation, and I can not understand the purpose of the chairman of the Committee on Military Affairs and other Senators, who are committed against the treaty and do not propose to vote for it in any form, in constantly interfering with the rest of the Senate that do propose to ratify the treaty. [Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. The Sergeant at Arms and the Doorkeeper will remove from the galleries those who disturb the Senate by manifestations of approval. It is against the rules of the Senate.

Mr. BORAH. Mr. President, we have not resigned our places in the Senate. We have our views which we express. I am opposed to the treaty for the very reason that when it is ratified, this thing which we are now discussing will be accentuated to such a marked degree that our troops will be constantly crossing the ocean for the purpose of performing service in Europe. That is the reason why I am opposed to it. It is for the very reason which is now the subject of discussion.

Mr. HITCHCOCK. The Senator entertains, no doubt honestly, that opinion, and I entertain just as honestly the conviction that if the treaty is ratified and the league of nations goes into effect the result will be a reduction of armament, the result will be the preservation of peace, just as when the Monroe doctrine was declared by the United States. That doctrine involved the possibility of our sending troops, if necessary, to South America or Central America to prevent any European country planting itself on the North or South American continents or in Central America. That was the threat of the United States; but we never sent any troops there; we never appropriated any money to carry out the Monroe doctrine. The Monroe doctrine was sufficient of its own strength to prevent war; to prevent aggression on the Western Hemisphere. So I believe, even if the Senator from Idaho does not believe, when all the nations of the world practically unite in a statement that there shall be no wars of conquest anywhere in the world under penalty of suppression by the united action of the nations, that that will end wars of conquest, just as the Monroe doctrine ended wars of conquest which were threatened against the Western Hemisphere.

But I say, Mr. President, that we have before us a treaty, which the majority of the Senate have shown very definitely that they want to ratify in some form. The only question practically remaining before the Senate at the present time is whether those who want to ratify the treaty without any qualifications can in some way unite with those who want to ratify it with certain qualifications.

Mr. LENROOT, Mr. SHIELDS, and Mr. HALE addressed the Chair.

Mr. HITCHCOCK. I yield to the Senator from Wisconsin.

Mr. LENROOT. Does not the Senator from Nebraska know that the rejection of the amendments does not warrant the assumption, either upon the part of the Senator from Nebraska or of the War Department, that the Senate proposes to ratify the treaty with any obligation to send troops to Silesia or anywhere else upon the face of the earth? Does not the Senator know that the treaty can not be ratified with any such obligation imposed upon the United States?

Mr. HITCHCOCK. No; I do not know that, Mr. President.

Mr. LENROOT. Well, the Senator will find it out later if he does not know it now.

Mr. HITCHCOCK. My conviction is—and the ideas which I have had have been quite justified up to the present time—that the Senate will not adjourn without the ratification of the treaty. I do not believe that the Senate of the United States is going to back out of this war before it is finished; and the war is not finished until the German troops are out of Silesia and are supplanted by troops of the allied and associated nations, just as they have been supplanted by those troops upon the Rhine.

Senators might defeat the treaty, but if they do the war powers of the President will still continue. Under those war powers he can send those troops into Germany, be that understood.

I say, Mr. President, that when Senators who have already announced that they are going to vote against the treaty under any and all circumstances get up here and plead for and profess a desire to have more light about some other treaty and prod the administration to give out information that they want for some purpose they are not doing it for the purpose of a fair consideration of the treaty, but solely and only for the purpose of embarrassing the administration.

Mr. SHIELDS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Tennessee.

Mr. SHIELDS. I merely desired to ask the Senator a question; but, premising that by a reference to the last utterance of the Senator, I have not been able to secure my own consent to an unqualified ratification of the treaty. I am in favor of amendments, if necessary, or reservations—it is immaterial to me which, so that we secure proper modifications. I can see no objection, however, to any Senator opposing the execution of the treaty before it is ratified.

The question, however, which I rose to ask is this: The Senator said that at the present time our Army and Navy are being used, as I understood him, in Europe. I should like to call his attention to the fact that there is a bill now pending before the Committee on Military Affairs, which is favored by the administration, giving the President the automatic power, without further legislation, under the machinery used in the late war, to conscript American soldiers for foreign service or any other service. I understand that such a bill is now pending before the Military Affairs Committee, and I should like to know what the object of it is, if it is not to send our soldiers to foreign countries to enforce any obligation which may be assumed in this treaty, for we have no need for an Army of 500,000 men at home. There is no threat or prospect of war other than may come upon us as a member of the league of nations.

Mr. HITCHCOCK. I am not advised as to what the administration has favored in reference to that matter; I have not been consulted, but I should hesitate very long before voting for a bill such as the Senator from Tennessee describes.

Neither do I suppose, Mr. President, that this country can immediately reduce its Army. Surely the Senator from Tennessee would not quote me as saying that, for I have never claimed it. The very terms of the covenant of the league of nations provide for a gradual reduction of armaments simultaneously by all the nations in the league under the advice of the council. Manifestly that can not be done suddenly. First, the council must canvass the matter and consult all of the nations, at least all that are members of the council. The nations represented on the council, nine in number, must unanimously agree upon the form and extent of the reduction. That takes time. Then, what the council recommends by its unanimous advice must be accepted by the various nations concerned. So that in the very nature of things disarmament, which we believe will be brought about under the league of nations, must be gradual and must come by united action in the council. That, in the very nature of things, is the only way disarmament can ever come.

Mr. SHIELDS. Is that disarmament to be enforced by troops that are to be raised by conscription?

Mr. HITCHCOCK. Mr. President, the Senator from Tennessee, I am sure, will recognize the truth of my statement when I say that no recommendation even for disarmament can be had until the representative of the United States and the representatives of the other members of the executive council unite in action. It could not occur then, so far as the United States is concerned, until Congress passes upon it and acquiesces in it. So I say that the disarmament of which I speak necessarily must come gradually and harmoniously and by the united action of all of the nine nations represented on the executive council.

I say again that if Senators think they can defeat the ratification of the treaty, they nevertheless leave the President with the war powers. He has sent troops, under the war powers,

to Coblenz, and there is no reason why he could not send them farther if the war powers continue. The way to take away the war powers from the President of the United States is to ratify this treaty and bring about peace. A ratification of the treaty means a carrying out of the purposes of the war, one of which was to create the Kingdom of Poland. In creating the Kingdom of Poland, this little territory of Silesia, which contains a mixed population, must be allowed to vote as to which country it desires to belong. Silesia being required to vote, it is absolutely necessary that the great nations concerned should occupy it with a small military force and move the Germans out for the time being. That is provided for in the treaty; it is the inevitable proceeding; and it is not done at the expense of the United States, as the Senator from New York seems to imply, but it is done at the expense of Germany.

Mr. FLETCHER. Mr. President, I should like to suggest to the Senator from Nebraska that the purpose of sending troops there is to avoid any possible cause for sending troops there at some other time later on. The purpose is to conduct a peaceable plebiscite, so that the difficulties will be settled, and therefore there will be no occasion for trouble hereafter.

In reference to the remark of the Senator from Tennessee [Mr. SHIELDS], I happen to be a member of the Committee on Military Affairs; I think I ought to know something about the measures pending before that committee, and I know of no such measure as he has indicated. The propositions before the committee are for the reorganization of the Army on a peace basis, and there is no plan contemplated to send troops to foreign countries.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. FLETCHER. I yield.

Mr. OVERMAN. I understand that there is no provision in the bill for drafting anybody.

Mr. SMITH of Georgia. Oh, yes; there is, if you will turn to the bottom of page 40——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Georgia?

Mr. FLETCHER. I yield.

Mr. SMITH of Georgia. If you will turn to the bottom of page 40 of the bill, you will find a provision that in case of war the act of 1916 and all of the other drafting acts which we passed because of the exigencies of the present war shall be used for the purpose of drafting men.

Mr. OVERMAN. But that is only in case of war.

Mr. SMITH of Georgia. Yes; but it is in the bill.

Mr. FLETCHER. It is not proposed to change the present method of raising an army in case an army is to be raised, but there is no provision in the bill which contemplates sending American troops into foreign countries unless in case of war.

Mr. FALL. Mr. President, will the Senator yield for a question?

Mr. FLETCHER. I yield.

Mr. FALL. I understood the Senator to say that the purpose of sending troops to Silesia is to provide for a quiet election, and, I presume, to protect the electoral franchise in order to insure that a proper result is obtained. Does it not remind the Senator of an argument that has been used here repeatedly and confuted successfully by his colleagues? The very purpose of the proposal to send troops into the Southern States was that which is now advocated by the Senator in sending troops into Silesia, as I understand. Under the force bill it was proposed to send troops to make certain that in some districts in some of the Southern States an expression of opinion was properly obtained, and the Senator certainly, although not a member of the body at that time, was in full sympathy with the arguments of his colleagues against it. I am astonished to see the Senator from Florida now advocating exactly the same principle which he and his colleagues so successfully fought in order that they might maintain what they claimed to be white supremacy in the United States of America.

Mr. FLETCHER. I do not think there is any analogy whatever between the two conditions.

Mr. FALL. I ask the Senator if the purpose, as he announced it, is not to insure a quiet election and a full exercise of the electoral franchise and a proper return of the ballots after the votes are cast?

Mr. FLETCHER. Yes. Here is a treaty, an agreement reached between contesting belligerents in this war, and one of the terms of the treaty is that there shall be a plebiscite in a portion of Poland to determine the preference of the people there residing. It is perfectly proper and legitimate that the parties entering into this agreement, coming to these terms, should see that they are fully and properly carried out, and that is the method agreed on for carrying it out; that is all.

Mr. FALL. Will the Senator yield for a moment for another question?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. FLETCHER. I yield the floor.

Mr. FALL. In reference to the Senator's statement that he saw no analogy between the provision of the treaty under discussion and the force bill referred to by me, and his allusion to the fact that this was a treaty provision, I desire to say that the so-called force bill, Mr. President, was offered under the provisions of the Constitution of the United States, which, as the Senator will recollect, provides that there shall be no discrimination in the matter of the electoral franchise on account of race, color, or previous condition of servitude. In that case there was a constitutional provision; in this case there is a treaty provision not yet adopted.

Mr. FLETCHER. Precisely. The Constitution provides also that the States shall conduct their own elections; the right of suffrage is a State matter entirely, and the manner of conducting elections is a State matter. So there was no occasion for a measure of the kind referred to by the Senator; but, as I have said, that has no relation whatever to the present question.

ADDRESS OF SECRETARY WILSON.

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Secretary of Labor Wilson at the opening of the Industrial Conference in this city on the 6th of October. It is a very short address, and I am sure will be interesting to Senators.

Mr. PENROSE. Mr. President, I beg the Senator's pardon. My attention was diverted, and I should like to know what is the nature of the document.

Mr. ASHURST. In response to the interrogatory propounded by my friend, the Senator from Pennsylvania, I ask unanimous consent to have printed in the RECORD a copy of the speech delivered by Secretary of Labor Wilson at the opening of the Industrial Conference in this city on the 6th instant. I wish the Senator to indulge me long enough to state that, as he will recall, when I first came to the Senate some seven or eight years ago I was a very great sinner in the matter of introducing matters into the RECORD.

Mr. PENROSE. Yes; I know the Senator was.

Mr. ASHURST. But I believe three years have elapsed since I have asked to have anything printed in the RECORD in the way of letters and telegrams, with one or two exceptions. I have abandoned that sin; but I notice other Senators have taken my place. However, I do ask to be indulged in this instance.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arizona?

Mr. PENROSE. Mr. President, in view of the long abstention of the Senator from the habit, and the fact that it is doubtless an illuminating document, I shall not object.

The PRESIDENT pro tempore. The Chair hears no objection, and the address will be printed in the RECORD.

The address is as follows:

ADDRESS DELIVERED BY HON. W. B. WILSON, SECRETARY OF LABOR, AT THE OPENING OF THE INDUSTRIAL CONFERENCE, PAN-AMERICAN BUILDING, WASHINGTON, D. C., OCTOBER 6, 1919.

"Ladies and gentlemen of the conference, I regret very much that the illness of the President has made it impossible for him to be here to greet you. I had hoped that he might be here in person to bid you welcome, and by the clarity of his vision, the soundness of his judgment, and the felicity of his speech have assisted you toward the accomplishment of the great purpose he had in mind when this conference was called.

"The whole world is face to face with the most difficult peace-time problem it has ever had to deal with. The wastage of war has been tremendous. There has not only been the loss of millions of lives and the permanent disability of other millions of people, but there has been an extraordinary destruction of the material resources of the world. The power of replacement of the things destroyed has been seriously impeded by the conditions that constitute the aftermath of war. Industry has been disarranged by the processes of readjustment to the needs of peace, and commerce has been handicapped by insufficient shipping facilities, foreign exchange, and domestic uncertainty. Many countries are without stable government, and financial inflation in all of the commercial countries of the world has played havoc with the relative values of money, wages, and commodities.

"The effect of these things has been reflected in the high cost of living and the consequent demand for higher wage rates to meet the increasing burden of the family budget. Yet increases in the wage rate do not always give relief. There are but two ways by which the general standard of living of the wage-workers can be improved. One is by increased productivity,

making more material available for wages. The other is by taking the means of increased compensation out of the profits of the employer. If wages are increased and profits remain the same, the burden is passed on to the consuming public in the form of an increased cost of living, and comes back in that form to the wageworker himself. No portion of improved living standards can come out of the profits of the employers unless there is profiteering.

"And what gives the opportunity for profiteering? The very conditions that we are confronted with to-day—the destructive agencies of war, the disarrangement of industry and commerce, and the unrest and high nervous tension of our people, resulting in a shortage of supply as compared with demand. The whole world is interested in returning to the highest productive efficiency, having due regard to the health, safety, and opportunities for rest, recreation, and improvement of those who toil. The more productive we are the sooner we will replace the wastage of war, return to normal price levels, and abolish the opportunity for profiteering. There can be no profiteering where the production is ample to meet the needs of the people of the world if there is a free flow of material from producer to consumer. It is only where the production is not sufficient for the needs of the people, or, when sufficient, where artificial obstructions impede proper distribution that there is any possibility of profiteering. Anything that restricts the highest efficiency commensurate with the physical, mental, and spiritual well-being of the workers tends to retard the progress of the country as a whole.

"For that reason we are all interested in the maintenance of industrial peace, but there can be no permanent industrial peace that is not based upon industrial justice. Just as international wrongs may accumulate to the point where war is necessary to bring relief, so industrial wrongs may make industrial conflict preferable to the further endurance of the wrongs imposed. Nor is it sufficient that either side to an industrial controversy should be the sole judge of what constitutes justice. The means must exist by which all men may know that justice has been secured. An imaginary wrong has all the force and effect of reality until it is shown that it is only imaginary. We have found ways of regulating all the other relations of mankind. Surely human intelligence can devise some acceptable method of adjusting the relationship between employer and employee.

"The right of any man to cease working for another for any reason that is sufficient to himself is the basic element of human liberty. The right of any person to refuse to operate his plant at any time he desires to do so is the exercise of a property right guaranteed by the Constitution. It does not follow that because these rights exist it is necessary to exercise them. They must nevertheless be safeguarded. Having done that and having devised the machinery by which justice can be secured and by which everybody at interest has the opportunity of knowing that justice has been secured, it is not likely that the right to cease work will be exercised by sufficient numbers, or the right to cease operating industrial plants will be carried to such an extent as to seriously affect the welfare of the balance of the people.

"There have been a number of great epochs in the spiritual and material advancement of mankind. The laws of justice laid down by Moses and the laws of love laid down by Christ stand out as the greatest of all ideals. Upon your shoulders rests a splendid responsibility. Before you the doors of opportunity are open, not to the acquisition of wealth or the attainment of fame, but to the greater achievement, the establishment of institutions that will promote the welfare of mankind down through the ages. If you, in the abundance of your combined wisdom and experience, can produce an acceptable document of this character, the results of your work will find a place in the hearts of men like the Magna Charta, the Bill of Rights, the Declaration of Independence, the Constitution of the United States, and the Emancipation Proclamation.

"In the name of the President of the United States and in his behalf, I wish you Godspeed in the great task before you."

Mr. FLETCHER. I call for the regular order.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The regular order is the presentation of petitions and memorials.

FOREIGN SECURITIES IN THE UNITED STATES.

Mr. BORAH. I offer a resolution at this time, and ask unanimous consent for its present consideration.

Mr. SMITH of Georgia. I hope the Senator will give us a chance to have one-half hour more of morning business.

Mr. BORAH. This is morning business. If it leads to any debate, I will withdraw it.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent for the present consideration of a resolution which will be read.

The resolution (S. Res. 214) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to send to the Senate such facts or data as may be in his possession or available showing:

1. The amount of foreign bonds or securities which have been placed in this country since August 1, 1914, price paid, and the interest they bear.
2. By whom said bonds or securities were placed and by whom held at the present time.
3. The kind of securities or bonds and from what countries.
4. All data and facts, in other words, relating to the placing of foreign securities in this country since August 1, 1914, the nature of the securities, and by whom held, now available or within the possession of the Treasury Department.

Mr. HITCHCOCK. Mr. President, I was out of the Chamber momentarily. I did not hear to whom the resolution was addressed.

Mr. BORAH. To the Secretary of the Treasury.

Mr. HITCHCOCK. Has the Secretary of the Treasury information concerning these matters?

Mr. BORAH. He has some information, and I only call for whatever he has.

Mr. HITCHCOCK. As to the holding of European securities in the United States?

Mr. BORAH. I say, I only call for whatever information he has. Of course, necessarily he must have some information, because these bonds have been located. I am going to call on another department later.

Mr. HITCHCOCK. The Senator is calling for information as to the holding of bonds in private hands in the United States?

Mr. BORAH. Yes; foreign securities.

Mr. HITCHCOCK. And the Senator says the Secretary of the Treasury knows where they are held?

Mr. BORAH. I assume he must have some knowledge of them.

Mr. HITCHCOCK. Under what provision of the law?

Mr. BORAH. I simply assume that by reason of the fact that the owners must be paying taxes on them.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HITCHCOCK. I have not any objection. I do not know whether the Secretary of the Treasury has the information.

Mr. BORAH. I have put it in such language that, if he has not the data and information, it will not be embarrassing for him. I call for such information as he has.

The resolution was considered by unanimous consent and agreed to.

LEAGUE OF NATIONS—WOMAN SUFFRAGE.

Mr. JONES of New Mexico. Mr. President, as there have been a number of telegrams and petitions presented here this morning in regard to the treaty of peace with Germany, I desire to call attention to a very large number of American citizens who are taking some steps regarding this matter, and in my judgment there is no element of our citizenship which ought to have more influence regarding this subject than the one to which I refer.

In this morning's New York Times I observe this article:

WOMEN JOIN LEAGUE FIGHT—COMMITTEE LAUNCHES NATION-WIDE CAMPAIGN FOR RATIFICATION.

A nation-wide campaign for the immediate ratification of the peace treaty was launched yesterday at a meeting of the Women's Non-Partisan Committee for the League of Nations, held at the Bijou Theater. Announcement was made that arrangements are being made whereby thousands of women who desire to see the Senate pass favorably on the treaty may have an opportunity of signing monster petitions to be sent to the Senate.

Mrs. J. Borden Harriman, chairman of the executive committee, said that the campaign is intended to last 10 days, and that telegrams had been sent to representative women in all the States asking their cooperation. The speakers at the meeting yesterday included Mrs. Carrie Chapman Catt, Katherine M. Davis, Mrs. Raymond Brown, and Mrs. Harriman.

"The greatest question before the American people is the decision concerning the league of nations," says the appeal sent out by the committee. "Its adoption is the hope of the world. Women are part of the American people and the people's opinion is our sovereign. Therefore we appeal to the women of America to make known their conclusions concerning the league of nations at Washington."

"If Senator LODGE had gone to Paris and brought back with him a covenant, we who are not partisans would have supported the covenant of LODGE just as we support the covenant President Wilson brought back," Mrs. Catt declared. "It is not a perfect instrument, and if it were perfect we would not know it."

There is no more bitterness expressed to-day toward the covenant, said Mrs. Catt, than there was expressed against the Constitution when it was up for adoption.

Mr. President, it seems to me that in a crisis of this kind, when we are at the conclusion, we hope, of the greatest war of the world's history, and when we are facing problems which must be of a vital character to our country, we ought not to ignore this expression of the earnest desire of this great mass

of American citizenship. I think this is an appropriate time to call attention to the fact that the amendment to the Constitution of the United States granting them the right of suffrage has not been ratified. It seems to be assumed that this amendment to the Constitution will have been ratified before the next presidential election, but I want to say that it is not at all certain at this time that that will be the case.

Mr. SMITH of Georgia. Mr. President, I do not like to interrupt the Senator, but we only have 20 minutes more for morning business. If the Senator wishes to make any extended remarks, I must ask for the regular order. We have some reports of committees and other matters to present.

The PRESIDENT pro tempore. Does the Senator from Georgia make the point of order?

Mr. SMITH of Georgia. I do not make the point.

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Connecticut will state his point of order.

Mr. BRANDEGEE. The point of order is that the Senator from Florida [Mr. FLETCHER] demanded the regular order, which was ordered, and other Senators were shut off from talking; and immediately the Senator from New Mexico has the privilege of talking, although the rest of us are denied it.

Mr. JONES of New Mexico. Mr. President, it seems to me that the remarks of the Senator come with poor grace from him, because we all know that he this morning, out of order and with unanimous consent, occupied about an hour of the time of the Senate.

The PRESIDENT pro tempore. The Chair did not understand that the Senator from Florida had made a point of order.

Mr. BRANDEGEE. Why, Mr. President, I did address the Senate by unanimous consent, and then the Senator from Florida demanded the regular order. I did not demand it.

Mr. JONES of New Mexico. And I am presenting what I believe to be in the nature of a petition to the Senate.

Mr. BRANDEGEE. That does not meet the point of order.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. JONES of New Mexico. Of course, if the Senator insists upon his point of order, I have nothing further to say.

THE COMMITTEE ON TERRITORIES.

Mr. CALDER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably Senate resolution 180, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Territories, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

EMBARGO ON WHEAT.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, without amendment, Senate resolution 211, submitted by Mr. OWEN on the 13th instant, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Agriculture and Forestry immediately investigate the reasons for the embargo on wheat and why transportation is not available to move the wheat of Oklahoma, Kansas, Texas, Colorado, and other States, and what steps the Grain Corporation has taken to obtain ships for the movement of such grain.

The said committee is hereby empowered to sit and act at such time and place as it may deem necessary; to require, by subpœna or otherwise, the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost not exceeding $1 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expense thereof shall be paid from the contingent funds of the Senate on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Contingent Expenses.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. Without objection, the resolution is agreed to.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. JONES of New Mexico. Is the resolution before the Senate?

The PRESIDENT pro tempore. The resolution is not before the Senate. There is nothing before the Senate.

Mr. JONES of New Mexico. I thought the resolution was before the Senate.

The PRESIDENT pro tempore. The Chair asked whether there was objection to the present consideration of the resolution, and the Chair heard none.

Mr. JONES of New Mexico. At that point I rose and addressed the Chair.

The PRESIDENT pro tempore. The Chair did not hear the request of the Senator from New Mexico for recognition.

Mr. JONES of New Mexico. There has been no vote taken upon the resolution, I believe.

Mr. LENROOT. Mr. President, I rise to a question of order. As I recollect, the President pro tempore stated that without objection the resolution was agreed to, and that was the order.

The PRESIDENT pro tempore. Reports of committees are still in order.

COTTON CROP OF 1919.

Mr. SMITH of Georgia. From the Committee on Agriculture and Forestry I report back favorably, without amendment, the joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop; and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of a joint resolution just reported by him.

Mr. ASHURST. Let it be read first.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of Agriculture is hereby authorized and directed to prepare and publish, not later than November 2, 1919, a supplementary estimate of the condition of the cotton crop as of the date October 25, 1919.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LENROOT. Mr. President, with the understanding that there is not to be any debate, I do not object. Otherwise, I shall object.

The PRESIDENT pro tempore. The Chair can not give the Senator from Wisconsin any assurance upon that point.

Mr. SMITH of Georgia. There will be no debate. If there is any, I will withdraw my request.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. JONES of New Mexico. I am not going to take up the time——

Mr. LENROOT. Mr. President, will the Senator yield? In view of the statement I made it seems to me the Senator should have stated whether he intended to occupy the 15 minutes remaining in debate. Of course, he is at perfect liberty to do that, but I submit that it is not quite fair to the Senate.

Mr. JONES of New Mexico. I desired to state, Mr. President, that I wanted about two minutes to conclude what I was saying when objection was made by the Senator from Connecticut. It will not take up the remainder of the morning hour, and I have no intention of delaying the passage of this joint resolution; but I do want to call the attention of the Senate to the importance of the Federal amendment permitting women to vote.

I think it is extremely important at this time in the history of our country that this privilege should be granted, and I hope the Senators who are in favor of the amendment to the Constitution will use their utmost endeavors in bringing about the ratification of the amendment.

In order that Senators may be informed as to the present status of the amendment, I ask to have inserted in the RECORD, without reading, an article from the New York Times, which purports to give, and I believe does correctly give, a statement of the present status of the amendment. If that may be published in the RECORD, I shall conclude what I have to say by again appealing to Senators to do what they can in their home States to bring about the ratification of the amendment.

The PRESIDENT pro tempore. Without objection, the communication will be printed in the RECORD as requested.

The matter referred to is as follows:

"OBSTRUCTING FEDERAL SUFFRAGE—OBDURATE OR RELUCTANT GOVERNORS MAY LOSE WOMEN THE VOTE IN NEXT PRESIDENTIAL ELECTION.

"ATTITUDE OF THE LEGISLATURES.

"Below are given the party proportions in State legislatures. Those marked with a star have ratified, 19 in number. Those marked with a cross constitute the suffragist list of States classed as "expected to ratify." They are 22 in number. Nineteen are necessary in order to attain the necessary two-thirds. Those States unmarked are classed as unpromising territory by suffrage leaders at Washington. Two of these, Florida and Tennessee, regarded as favorable to suffrage, are prevented from voting on an amendment until a new legislature is elected. It will be noted that all the States unmarked in this list are Southern:

Alabama, 100 per cent Democratic.
† Arizona, majority Democratic.
* Arkansas, 100 per cent Democratic.
† California, 3 to 1 Republican.
† Colorado, 2 to 1 Republican.
† Connecticut, 3 to 1 Republican.
† Delaware, 2 to 1 Republican.
Florida, 100 per cent Democratic.
Georgia, 100 per cent Democratic.
† Idaho, majority Republican.
* Illinois, majority Republican.
† Indiana, 3 to 1 Republican.
* Iowa, 6 to 1 Republican.
* Kansas, majority Republican.
† Kentucky, Democratic majority.
Louisiana, 100 per cent Democratic.
† Maine, 3 to 1 Republican.
† Maryland, Democratic-Republican equality.
* Massachusetts, 4 to 1 Republican.
* Michigan, majority Republican.
* Minnesota, majority Republican.
Mississippi, 100 per cent Democratic.
* Missouri, majority Democratic.
* Montana, 3 to 1 Republican.
* Nebraska, 8 to 1 Republican.
† Nevada, majority Republican.
* New Hampshire, 2 to 1 Republican.
† New Jersey, 5 to 4 Republican.
† New Mexico, 7 to 3 Republican.
* New York, 5 to 3 Republican.
North Carolina, 100 per cent Democratic.
† North Dakota, majority Republican.
* Ohio, 2 to 1 Republican.
† Oklahoma, majority Democratic.
† Oregon, 8 to 1 Republican.
* Pennsylvania, 8 to 1 Republican.
† Rhode Island, majority Republican.
South Carolina, 100 per cent Democratic.
† South Dakota, 14 to 1 Republican.
Tennessee, 100 per cent Democratic.
* Texas, 100 per cent Democratic.
* Utah, majority Republican.
† Vermont, majority Republican.
Virginia, 100 per cent Democratic.
† Washington, 10 to 1 Republican.
† West Virginia, majority Republican.
* Wisconsin, majority Republican.
† Wyoming, 3 to 1 Republican.

"Both Democratic and Republican speakers, in their flourishes for the women's vote in the next presidential election, assume as a foregone conclusion that the suffrage amendment will be ratified in ample time. They have taken their cue from the rosy claims put forth by suffrage leaders when ratification by one State was quickly followed by that of another. At the then rate of progress success did seem certain, but within the last few weeks obstacles have appeared which have changed the buoyant confidence of suffrage leaders in touch with the situation to one of increasing anxiety. In fact, earlier predictions have so gone awry that unless some unforeseen development takes place the amendment, if it does get through in time, is likely to do so by the closest of shaves.

"Two votes in Congress held up the passage of the suffrage amendment a year. Some of the suffrage leaders are apprehensive that by a similar narrow margin woman's participation in a presidential election may go over for four years. Outwardly there is still an air of confidence at woman's national headquarters at Washington, but in the inner councils the state of mind borders on one of alarm. There are two chief causes for uncertainty.

"One is that some of the western governors who made to representatives of the suffragists statements which were taken as assurances that extra sessions would be called are now deferring action on those extra sessions. They are even indicating in some instances that governors are doubtful of the advisability of summoning the legislature for the purpose desired.

"UNEXPECTED OPPOSITION.

"The other cause is adverse action by political parties or primaries in States where victory was counted as certain. Ratification by 19 States are necessary to win. In 15 of these special sessions are required. Of the 17 States which have ratified, 7 did so in regular sessions, and the special sessions brought about were in States where success was comparatively easy on account of highly favorable conditions. Thus seven of the special sessions were gained in the period between June 16 and August 2. Despite increasing effort, only two States—New Hampshire and Utah—were added to the list in September. Only one other State has a definite date set for a special session—Colorado. The governor of that State has announced that he will issue an official call for November 15. In a statement of the National Woman's Party put out recently at Washington 22 States were set down as 'expected to ratify.' Other States which have not ratified, while they are not absolutely given up, are, to say the least, not regarded as promising. Thus the chances to win are in the main centered in the list of 22. That list is composed of:

"Arizona, California, Colorado, Connecticut, Delaware, Idaho, Indiana, Maine, Maryland, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Vermont, Washington, West Virginia, Wyoming, and Kentucky.

"In two of these States recent political events have altered the situation unfavorably since the original forecast was made. Maryland is one of the four States in the list which has a regular session of the legislature in 1920, the others being New Jersey, Rhode Island, and Kentucky. The present Legislature of Maryland has been polled by suffrage agents, and, according to them, would pass the ratification resolution if assembled, but the governor, Emerson C. Harrington, Democrat, flatly refuses to call a special session. New members of the legislature are to be elected in November. The Democratic organization in that State is put down as against suffrage, and the Republicans at their recent convention decided they would not vote in the legislature to ratify an amendment to the Federal Constitution until the question has first been submitted to the voters of the State.

"This drew an immediate protest from the suffragist leaders at Washington. The answer of the Maryland Republicans was that the action of the convention was intended to apply to the prohibition amendment, but that explanation did not alter the effect of the plank in the party platform. In any event, the suffrage amendment in this State is left to the uncertainties of an election campaign just now getting under way. If the Democrats win, some of them will evidently have to be 'converted'; if the Republicans are successful, they stand committed to popular referendum vote on suffrage, with the issue uncertain and the matter of time an adverse factor in getting a final action before registration day for the presidential election.

"SITUATION IN NEW JERSEY.

"In New Jersey, where also a new legislature is to be elected this fall, there is a situation somewhat similar, as the result of the recent primaries there. There, too, the Republicans are pledged to submit the amendment to a referendum before the legislature acts upon it, and the cost of a special election, with the hue and cry to keep down expenses going on, may, as in Maryland, be used by opponents to postpone the referendum until the next regular election, which would be that of the next presidential election. The Democratic candidate for governor in New Jersey has promised to stand for immediate affirmative action on the amendment if elected. To make the situation more vexing to the suffragists, the amendment would be ratified, they say, by the present members of the legislature, as shown by a careful poll, if the governor could be induced to call the legislature in special session. This Gov. William N. Runyon, Republican, refuses to do.

"In two other States in this preferred list governors who, it was hoped by the suffragists, would be won over to calling special sessions have taken such an emphatic position against doing so that the chance of 'converting' them has grown more and more unlikely. These executives are Gov. Marcus H. Holcomb, of Connecticut, and Gov. Percival W. Clement, of Vermont. If special sessions could be won in these States, say the suffragists, there is no doubt that the legislatures would ratify. The four States named are troubling the suffragists most; if they should all fail to ratify in time and none of the States outside of the 'expected to ratify' list should swing over to suffrage, then the amendment would not be made operative in time for the next presidential election.

"DILATORY TACTICS USED.

"In addition to these uncertainties there is a list of States where it was expected that calls for special sessions would have been announced by this time. Gov. William B. Stephens, of California, promised, according to the suffragists, that he would call a special session if necessary, but he has not acted, and the suffragists have been unable to get anything definite out of him. An issue has risen there to complicate the situation. Senator JAMES D. PHELAN, of that State, wants a special ses-

sion also for another purpose—to pass legislation bearing on oriental immigrants. Gov. Stephens, it is reported, is opposed to inviting legislative action on the oriental question, thus strengthening his disinclination to call a special session.

"Gov. Thomas E. Campbell, of Arizona, Republican, was counted on to speed along the ratifications. The latest from him, suffragists at Washington report, is 'that unless his plans are changed he will call a special session, but for the present he has no intention of acting.' At the Salt Lake meeting of governors the suffragists announced that assurances had been obtained from Gov. John G. Townsend, of Delaware, Republican, that he would call a special session. Since then a fight has developed in Delaware over the repeal of a recently passed school law largely increasing taxes. Those in the Republican Party who oppose the repeal are against a special session, which might mean a reconsideration of the measure at this time.

"In Idaho Gov. D. W. Davis has added to the disappointment of the suffragists by putting off acting. They had him classed as one who had promised to give aid and comfort. The governor is a Republican. Senator WILLIAM E. BORAH, of Idaho, also a Republican, made one of the most determined fights in the Senate against the amendment. Gov. Ben Olcott, of Oregon, also listed as having given assurances that he would call a special session, is reported to be balking on the ground of the extra expense, especially as the women of his State already have full suffrage. This is true of other Western States where the calling of a special session is hanging fire. California, Washington, Wyoming, Idaho, Arizona, South Dakota, and Oklahoma all have full suffrage.

"Indeed, the suffragist leaders in Washington have met difficulty in arousing to aggressive fight for special sessions, with its extra expense, the women of States which already give women the vote. In order to overcome the obstacle of extra expense the suffragist agents are seeking pledges from the members of legislatures that they will waive pay and mileage. In the States which are yet without woman suffrage it is found more easy for women who want the ballot to go in and fight for it, but where governors take an unyielding position against suffrage the fighting may influence future campaigns, but does not move the obstinate executive to the desired immediate action.

"Both Democratic and Republican national leaders are on record for the suffrage amendment, and therefore the suffragists profess to be puzzled because these men have not used their influence on the governors, or if they have used it, why it has not been effective in causing the governors to do as the suffragists want them to.

"'Why,' asked a suffrage leader in Washington the other day, 'has not Chairman Hays, of the Republican national committee, induced his friend, Gov. James P. Goodrich, of Indiana, to call a special session? It ought to be all the easier, because some of our representatives received assurances from the Indiana governor that he would assemble the legislature for this purpose. Now, it is said he is on the uncertain list. And if the Democrats are equally desirous that we vote in 1920, why does not Chairman Cummings, of the Democratic national committee, get the Democratic governor of Maryland to call a special session in that State?'

"Between the Democrats and the Republicans the greater opportunity to be instrumental in the ratification of the amendment lies, it is admitted, with the Republicans. Of the 22 States 'expected to ratify' only five have Democratic governors—Kentucky, Maryland, Oklahoma, Nevada, and West Virginia. Two Democratic States which the suffragists were counting on have lined up in the anti column—Virginia and Georgia. Virginia will have a regular session in 1920, and the suffragists will continue the fight then. Two other Democratic States, Florida and Tennessee, which would be certain to ratify according to suffragist tallies, are prevented from doing so by laws that an amendment may not be ratified before a new legislature is elected, a requirement which practically amounts to a referendum in these States. To add to the embarrassment of Democratic leaders who are urging the ratification of the amendment, Gov. Ruffin G. Pleasant, of Louisiana, has issued an appeal to the other Southern States asking them to join in preventing ratification. Other Southern States the legislatures of which meet this winter are Mississippi, North Carolina, and South Carolina. Suffragists assert that they have a chance in Mississippi and North Carolina.

"The total of this opposition to the suffrage amendment among southern Democrats may seem an undue load for national Democratic leaders to carry until it is taken into consideration that the Republicans have 15 governors to line up or account for by 'explanations' satisfactory to the suffragists. There is a suspicion among the suffragist leaders that some of the uncompromising antis among the Democrats and the Republicans are secretly obstructing the progress of the amendment, and that the demand made in some States that the question be referred to the people is in reality a plan to prevent ratification in time for the 1920 election.

"THE TIME LIMIT.

"That time is shorter than it seemed on first consideration. Some of the States have a poll-tax law which requires payment from four to six months in advance of the election. In Alabama the poll tax must be paid by February 1. In the greater number of the States registration is not more than one month in advance of the election, but in others—Oregon, Utah, and Indiana, for example—it is 60 days before election; in Arkansas and Mississippi, 4; in Rhode Island, 5; and in New Hampshire, 6, except in the city of Manchester. Therefore, according to a suffrage leader in Washington, if ratification is delayed much beyond the first of the year the operation of State election laws cuts down the number of women who could vote in the next presidential election.

"Looking at the situation as it is to-day the prospect that women will vote in the 1920 election would be dark, indeed, from the standpoint of the suffragist, were the fact not taken into consideration that wholly unlooked-for gains have been made by the suffragists in the past. Senators and Representatives at Washington who were listed as rank antis switched over to the pro column. The so-called 'pressure' system, with the 'card index' of Members, has got credit as the chief propulsive force. Soon after the passage of the amendment this system was extended to fit governors. At first it seemed that the governors would be as responsive as Senators and Representatives, but after some initial successes results have been disappointing. A suffrage leader in Washington said the other day in referring to some of the governors: 'You can not budge them.' This winter, however, during the months considered the most suitable for legislative sessions the suffragists, they say, expect to resume the headway they attained in the six weeks following the passage of the amendment and to continue their drive whatever the obstacles until success is won in time for the 1920 election."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISPOSAL OF GOVERNMENT-OWNED SHIPS.

Mr. EDGE. Mr. President, I call up Senate resolution 212, which was carried over under the rule.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 212) submitted by Mr. EDGE:

Whereas from time to time public announcement has been made of the placing of orders by private American companies for the construction of cargo ships by private yards; and

Whereas as a specific instance, during the past week a statement appeared in the public press to the effect that the Atlantic, Gulf & West Indies Steamship Co. had ordered by private yards the construction of eight tank ships; and

Whereas the United States Shipping Board, or Emergency Fleet Corporation, has full authority to dispose of ships now under their jurisdiction and control and included in this fleet are many tank ships apparently of the general type being obtained by private concerns from other sources; and

Whereas in the one instance cited approximately $18,000,000 could have been obtained by the Shipping Board through the sale of such ships to private concerns; and

Whereas one of the practical, effective methods for reducing the exorbitant taxation now prevailing is by covering back into the Treasury the hundreds of millions of dollars now tied up in the operations of the Shipping Board and the Emergency Fleet Corporation; and

Whereas it now is high time that the Government be released from competition with private business, and that business be restored to private hands: Therefore be it

Resolved, That the United States Shipping Board be instructed herewith to advise the Senate as to whether any effort was made to dispose of Government-owned ships to fill the order herein cited, and if so what prices were offered and asked for the same; and further to advise the Senate as to the number of ships that have been disposed of to private interests, with a description of the same and the prices received, and whether any offers have recently been received or are at present pending and the quotations involved, as well as to inform the Senate on the policy being followed in endeavoring to dispose of this type of Government property.

Mr. EDGE and Mr. FLETCHER addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Jersey.

Mr. EDGE. I yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, I desire to offer an amendment to the resolution. I really do not think that the last "whereas" clause on the first page ought to be included in the resolution; but I am quite positive that the last "whereas" clause, appearing on the second page, should not be included in the resolution, and I move to strike it out.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Florida.

The SECRETARY. On page 2, strike out the following words of the preamble:

And whereas it now is high time that the Government be released from competition with private business, and that business be restored to private hands.

Mr. EDGE. Mr. President, I have no objection to the adoption of the amendment. It states a policy and perhaps it is not entirely in place in this resolution of inquiry. While I believe that 90 per cent of the people of the United States agree with the policy so stated, perhaps it is hardly the time or the occasion to put the Senate on record, and with six minutes left of the morning hour, as I am particularly anxious to have the resolution passed so that we can at least get this information, I will not object to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, just a word. I do not agree to the inference that may be drawn from the last clause. Of course, if the Government should dispose of the ships and put the money in the Treasury we would have that much money in the Treasury, but we would have no ships. It is the same proposition, practically, as if owning an automobile I were to sell the automobile and put the money in my pocket. I would have the money, but I would have no automobile. The proposition is reasonably sound that if we cover back into the Treasury the hundreds of millions of dollars we have invested in ships we would have that much more money in the Treasury, but we would have no ships.

I am not in favor of disposing of any of these ships at this time, except such as are not efficient and might reasonably be disposed of in order to balance the fleet. If it was left with me, I would not sell a rowboat, especially not to any other country.

I think further that this information can be had without calling upon the Shipping Board by a resolution of this sort. It could be had, I think, upon request. As evidence of that, I am going to offer to have printed in the RECORD a copy of a communication received from the chairman of the Shipping Board a few days ago as to the plan for making sales and the number of sales that have been made up to this time. The information may be of some value, and I ask to have the communication inserted in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

UNITED STATES SHIPPING BOARD,
Washington, October 1, 1919.

HON. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of September 26 re vessels sold, chartered, or allocated by the Shipping Board, I inclose herewith list of vessels sold up to the present time, together with statement of prices at which our vessels are disposed of. I am also sending you a copy of our triweekly report, which gives all allocations and charters of our vessels. Our policy is to charter only wooden and composite steamers, except in a few cases, where steel steamers are chartered to concerns to replace vessels which we have requisitioned from them and have still in service. When vessels are allocated by the board they are turned over to managers to be handled for us in connection with the securing of crews, furnishing of supplies, etc. For such services we pay a fee of $400 a month for each vessel up to and including five. If a company is assigned for management more than five boats, we pay them $350 a month for each vessel in excess of five. The operators of our ships—those who procure cargoes and attend to loading of same, etc.—are paid a commission of 2½ per cent of the gross freight list of general cargoes supplied by them and 1¼ per cent of the gross freight list of bulk cargoes supplied by them.

With the hope that this will enable you to furnish your constituent with the information desired, and with kind regards,

Yours, very truly,

(Signed) JOHN BARTON PAYNE, *Chairman.*

UNITED STATES SHIPPING BOARD,
SHIP SALES DIVISION,
Washington, August 1, 1919.

Prices and terms fixed for steel and wood tonnage.

STEEL VESSELS.

Prices:

Vessels built on Great Lakes for ocean service, 3,000/4,200 dead-weight tons, $200 per dead-weight ton.

Submarine Boat Corporation type, 5,350 dead-weight tons, $210 per dead-weight ton.

American International Shipbuilding Corporation type, 7,800 dead-weight tons, $215 per dead-weight ton.

Skinner & Eddy type, 8,800 dead-weight tons, $220 per dead-weight ton.

Skinner & Eddy type, 9,600 (10,076) dead-weight tons, $225 per dead-weight ton.

No brokerage allowed for sale of steel vessels.

WOODEN VESSELS.

Ferris type, single screw, 3,500 dead-weight tons.

Prices and terms:

1. Ninety dollars per dead-weight ton. Cash payment on delivery.

2. One hundred dollars per dead-weight ton. On delivery of vessels, 50 per cent of purchase price to be paid in cash; balance, 50 per cent, to be paid in quarter-annual installments of 8⅓ per cent, extending over period of 18 months.

3. One hundred and fifteen dollars per dead-weight ton. On delivery of vessel, 25 per cent to be paid in cash; balance, 75 per cent, payable in quarter-annual installments of 6¼ per cent, extending over period of 36 months.

One and one-fourth per cent brokerage allowed bona fide brokers completing the sale of a wooden ship.

Ships sold by United States Shipping Board to Sept. 25, 1919.

Name.	Dead-weight tons.	Terms of payment.	Purchaser.
New steel ships:			
Deerfield	9,725	Deferred payments.	Eldorado S. S. Co.
New Britain	7,814	do	J. E. Dockendorff & Co.
Point Adams	3,750	Cash on delivery	Pacific Mail S. S. Co.
Point Bonita	3,750	do	Do.
Point Judith	3,750	do	Do.
Point Lobos	3,750	do	Do.
Redondo	5,900	Deferred payments.	F. & J. Auditore.
Richmond Boro	7,787	do	Williams S. S. Co.
Sacramento	7,462	do	F. & J. Auditore.
West Catanace	8,453	do	Eldorado S. S. Co.
Wisconsin Bridge	5,336	do	French-American Line.
Donora	9,778	do	Orinoco S. S. Co.
Hauchuca	7,455	do	Oriental Navigation Co.
Lake Mohonk	3,513	Cash on delivery	Astoria Mahogany Co.
Lake Oneida	3,513	do	Do.
Mineola	3,954	Deferred payments.	W. R. Grace & Co.
Neponset	9,737	do	Eldorado S. S. Co.
Santa Tecla	3,954	do	W. R. Grace & Co.
Yaphank	7,814	do	Williams S. S. Co.
Ex-Austrian steel ship:			
Lydia	5,936	do	
Reconstructed lake ships:			
Adrian Iselin	3,075	Cash on delivery	George Hall Coal Corporation.
A. D. Mactier	2,920	do	Do.
Blue Hill	4,000	do	Massey S. S. Co.
F. P. Jones	2,850	do	Edward P. Farley & Co.,
Frontenac	3,500	do	Davie S.B. & Repair Co.
L. W. Robinson	2,824	do	George Hall Coal Corporation
Manola (stern)		do	Davie S.B. & Repair Co.
C. R. Van Hise	7,500	do	Paisley & Morrow S.S.Co.
E. C. Pope	4,000	do	Coastwise Transportation Co.
Maruba	3,800	do	Fidelity Trust Co.
North Wind	3,223	do	Sold to lower-named.
North Pines	4,500	Deferred payments.	French-American Line.
R. S. Warner	4,250	do	Do.
Roman	3,175	do	Do.
Saxon	3,040	do	Do.
Requisitioned steel ships:			
Columbia	2,900		W. R. Grace & Co.
Airlie	4,000	Deferred payments	Nacirema S. S. Co.
Ashburn	4,000	do	Do.
Beechland	4,700	do	Do.
Birchleaf	4,000	do	Do.
Cowardin	4,700	do	Do.
Dalana	4,000	do	Do.
Horado	4,700	do	Do.
Natenna	4,700	do	Do.
Nawtika	4,700	do	Do.
Neabsco	4,700	do	Do.
Thala	4,000	do	Do.
Zavallo	4,700	do	Do.
Coyote	3,500	do	French-American Line.
Kanabec	3,500	Cash on delivery	Do.
Mazama	3,500	Deferred payments	Do.
Red Cloud	3,500	Cash on delivery	Do.
Yehama	3,500	do	Fidelity Trust Co.
Alderman	4,700	Deferred payments	Nacirema S. S. Co.
Argenta	4,700	do	Do.
Itompa	4,700	do	Do.
Buckhannon	3,500	Cash on delivery	Continental Transportation & Oil Co.
Campello	3,500	do	Do
Wooden barge:			
Iberia	2,300	do	Robert P. Hyams
Requisitioned tugs:			
John E. Meyer		do	Sinclair Navigation Co.
Richard Fitzgerald		do	Kelley Island Line & Transport Co.

RECAPITULATION.

	Number.	Dead-weight tons.		
Steel vessels	26	132,328	$20,423,665.00	$8,562,033.26
Wood and composite	20	84,879	11,020,000.00	1,532,500.00
Tugs	5		421,000.00	421,000.00
Barges	1		125,000.00	31,250.00
		217,207	31,989,665.00	10,546,783.26

Mr. LENROOT. Mr. President, I move to amend the "whereas" in the preamble next before the last upon page 1 by inserting after the word "whereas" the words "it was stated in said article that," before the words "in the one instance

cited." My reason for suggesting the amendment is that I have been objecting for several days to agreeing to resolutions in stating solemn and important facts in preambles to resolutions. I do not think it ought to be done.

The amendment was agreed to.

Mr. WALSH of Montana. I move to strike out the paragraph of the preamble near the bottom of page 1, extending over to page 2.

Mr. EDGE. Mr. President, I object to that amendment.

Mr. WALSH of Montana. I make that motion for the reason so directly stated by the Senator from Wisconsin [Mr. LENROOT]. It is a question of policy upon which we should not commit ourselves in this hurried manner. The Senator can get his information just as well without that preamble.

Mr. EDGE. Mr. President, I can not see any reason in the world why the Senate of the United States should object to stating a fact. There is quite a distinction between the objection raised by the Senator from Wisconsin [Mr. LENROOT] and the suggestion made by the Senator from Montana [Mr. WALSH]. The quotation of $18,000,000 was entirely from a newspaper article, and I think the suggestion and the amendment of the Senator from Wisconsin were entirely proper. But the paragraph objected to by the Senator from Montana permit me to read:

Whereas one of the practical, effective methods for reducing the exorbitant taxation now prevailing is by covering back into the Treasury the hundreds of millions of dollars now tied up in the operations of the Shipping Board and the Emergency Fleet Corporation.

Certainly that is not a question of policy; that is a question of fact. Every dollar of governmental property disposed of, where the money is turned back into the Treasury, relieves us of that much in securing new income or new revenue to run the Government. The policy of running the merchant marine, the railroads, or any other agency in which the Government is now involved, is not here discussed; the mere statement is made that money being returned by the sale of governmental property or commodities must relieve the taxpayers of this country to that extent; and I can not see the slightest objection to drawing attention to it.

On a division, the amendment of Mr. WALSH of Montana was rejected.

The resolution as amended was agreed to.

SEDITIOUS ACTS AND UTTERANCES.

Mr. POINDEXTER. Mr. President, I call up the resolution which was submitted by me asking for certain information from the Attorney General and which went over under the rule.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 213) submitted by Mr. POINDEXTER on the 14th instant, as follows:

Resolved, That the Attorney General of the United States is requested to advise and inform the Senate the reason for the failure of the Department of Justice to take legal proceedings for the arrest and punishment of the various persons within the United States who during recent days and weeks, and for a considerable time continuously previous thereto, it is alleged, have attempted to bring about the forcible overthrow of the Government of the United States; who, it is alleged, have preached anarchy and sedition; who, it is alleged, have advised the defiance of law and authority, both by the printing and circulation of printed newspapers, books, pamphlets, circulars, stickers, and dodgers, and also by spoken word; and who, in like manner, it is alleged, have advised and openly advocated the unlawful obstruction of industry and the unlawful and violent destruction of property, in pursuance of a deliberate plan and purpose to destroy existing property rights and to impede and obstruct the conduct of business essential to the prosperity and life of the community.

Also, the Attorney General is requested to advise and inform the Senate why the Department of Justice has failed to take legal proceedings for the arrest and deportation of aliens who, it is alleged, have within the United States committed the acts aforesaid.

Mr. FLETCHER. Mr. President, I move to amend the resolution in line 2, page 1, by striking out the words "the reason for," and in line 3 the words "the failure of," and inserting in lieu thereof the words "whether or not"; and following the word "Justice," in line 3, I move to strike out the words "to take" and insert in lieu thereof the words "has taken"; and after the word "proceedings," in line 4, to insert the words "and if not, why not, and if so, to what extent," so that that portion of the resolution will read:

Resolved, That the Attorney General of the United States is requested to advise and inform the Senate whether or not the Department of Justice has taken legal proceedings, and if not, why not, and if so, to what extent, for the arrest and punishment, etc.

As the resolution now reads it simply condemns, in effect, the Department of Justice for a failure to do something which, according to my information, the Department of Justice not only has not failed to do, but is taking the necessary steps to accomplish. I believe the resolution would get the information which I think the Senator wants without the words I move to strike out.

Mr. POINDEXTER. I move to amend the amendment of the Senator from Florida by adding, at the close of the amendment which he has proposed, the words "and to what extent such proceedings have been taken, if at all."

Mr. FLETCHER. I have no objection to that.

Mr. POINDEXTER. As so amended, while I prefer the original form, I will accept the amendment suggested by the Senator from Florida.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida as modified.

The amendment as modified was agreed to.

Mr. FLETCHER. I desire to suggest a further amendment. In line 6, page 2, I move to strike out the word "why" and insert in lieu thereof the words "whether or not"; and in line 6, after the word "has," strike out the words "failed to take" and insert in lieu thereof the word "taken"; and at the conclusion of the paragraph add the words "and if not, why not; and if so, to what extent," after the word "aforesaid," in line 9, so that the paragraph as amended will read:

Also, the Attorney General is requested to advise and inform the Senate whether or not the Department of Justice has taken legal proceedings for the arrest and deportation of aliens who, it is alleged, have, within the United States, committed the acts aforesaid; and if not, why not; and if so, to what extent.

Then, if the Senator from Washington desires to add "and to what extent such proceedings have been taken, if at all," those words can be added.

Mr. POINDEXTER. I accept the suggested amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Attorney General of the United States is requested to advise and inform the Senate whether or not the Department of Justice has taken legal proceedings—and if not, why not; and if so, to what extent—for the arrest and punishment of the various persons within the United States who, during recent days and weeks, and for a considerable time continuously previous thereto, it is alleged, have attempted to bring about the forcible overthrow of the Government of the United States; who, it is alleged, have preached anarchy and sedition; who, it is alleged, have advised the defiance of law and authority, both by the printing and circulation of printed newspapers, books, pamphlets, circulars, stickers, and dodgers, and also by spoken word; and who, in like manner, it is alleged, have advised and openly advocated the unlawful obstruction of industry and the unlawful and violent destruction of property, in pursuance of a deliberate plan and purpose to destroy existing property rights and to impede and obstruct the conduct of business essential to the prosperity and life of the community.

Also, the Attorney General is requested to advise and inform the Senate whether or not the Department of Justice has taken legal proceedings for the arrest and deportation of aliens who, it is alleged, have, within the United States, committed the acts aforesaid; and if not, why not; and if so, to what extent.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed to consider the treaty of peace with Germany as in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole, and in open executive session, resumed the consideration of the treaty of peace with Germany.

The Secretary resumed the reading of the treaty, on page 217, and read as follows:

"Article 189.

"Articles, machinery and material arising from the breaking-up of German warships of all kinds, whether surface vessels or submarines, may not be used except for purely industrial or commercial purposes.

"They may not be sold or disposed of to foreign countries.

"Article 190.

"Germany is forbidden to construct or acquire any warships other than those intended to replace the units in commission provided for in Article 181 of the present Treaty.

"The warships intended for replacement purposes as above shall not exceed the following displacement:

Armoured ships	10,000 tons,
Light cruisers	6,000 tons,
Destroyers	800 tons,
Torpedo boats	200 tons.

"Except where a ship has been lost, units of the different classes shall only be replaced at the end of a period of twenty years in the case of battleships and cruisers, and fifteen years in the case of destroyers and torpedo boats, counting from the launching of the ship.

"Article 191.

"The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany.

"*Article 192.*

"The warships in commission of the German fleet must have on board or in reserve only the allowance of arms, munitions and war material fixed by the Principal Allied and Associated Powers.

"Within a month from the fixing of the quantities as above, arms, munitions and war material of all kinds, including mines and torpedoes, now in the hands of the German Government and in excess of the said quantities, shall be surrendered to the Governments of the said Powers at places to be indicated by them. Such arms, munitions and war material will be destroyed or rendered useless.

"All other stocks, depots or reserves of arms, munitions or naval war material of all kinds are forbidden.

"The manufacture of these articles in German territory for, and their export to, foreign countries shall be forbidden.

"*Article 193.*

"On the coming into force of the present Treaty Germany will forthwith sweep up the mines in the following areas in the North Sea to the eastward of longitude 4° 00′ E. of Greenwich:

"(1) Between parallels of latitude 53° 00′ N. and 59° 00′ N.; (2) To the northward of latitude 60° 30′ N.

"Germany must keep these areas free from mines.

"Germany must also sweep and keep free from mines such areas in the Baltic as may ultimately be notified by the Governments of the Principal Allied and Associated Powers.

"*Article 194.*

"The personnel of the German Navy shall be recruited entirely by voluntary engagements entered into for a minimum period of twenty-five consecutive years for officers and warrant officers; twelve consecutive years for petty officers and men.

"The number engaged to replace those discharged for any reason before the expiration of their term of service must not exceed five per cent. per annum of the totals laid down in this Section (Article 183)."

Mr. WARREN. Mr. President, at this time I desire to make a few observations. I believe I have not, so far, entered into the discussion of the peace treaty, league of nations, or any of the perplexing problems that are disturbing our national and commercial peace. I have heard some, and have read many, of the speeches in the Senate, and I feel moved to venture a few observations for record touching these engrossing subjects.

We have just successfully concluded the greatest war in the world's history. The ruthless sacrifice of human lives knows no historical parallel. The lavish expenditure of public funds and the wanton destruction of property and resources have plunged the world into appreciable proximity to the abyss of universal bankruptcy. The world has been on a prolonged debauch of expense—much of it necessary, but some of it unnecessary and wickedly extravagant. It is not strange, then, nor unnatural that after passing through such a hysteria of unparalleled excesses and intemperance we should to-day find ourselves confronted with the inevitable after effects, nor is it entirely surprising that the governments of the world should be beset by revolution and anarchy after experiencing these vicissitudes.

Our own United States, although fortunately farther removed from the disastrous after effects than are some of the other governments, still must consider herself a patient for serious treatment. The vote of the people has ordained us to be the physicians and the surgeons in the case. What remedies, then, are to be prescribed for the patient?

Although this Government of ours was conceived less than a century and a half ago, it now occupies an exalted position as a world leader. Her success has promoted her to the first positions in commerce, industry, form of government, and world power. Such rapid progress can not be termed accidental. There must be an underlying cause.

Mr. President and gentlemen of the Senate, I am ready to stand firmly and unequivocally upon the ground that our great success has been due fundamentally and primarily to our form of government. It has been brought about by our faithful adherence to the basic principles of self-government as promulgated by our forefathers and recorded in our Constitution. It has been the result of unswerving loyalty of the past to the precepts embodied by patriotic statesmen in such governmental monuments as Washington's Farewell Address, the Monroe doctrine, and Lincoln's Gettysburg speech. It occurs to me that these prescriptive remedies should be applied now. We have but to apply the foundational truths and elementary doctrines which have so successfully guided our ship of state in the past.

The right of the majority to rule and the supreme sovereignty of our Government are of first and vital importance in these teachings. I can not agree with the program outlined in a recent meeting of the communist party at Chicago to join with the Russian Bolsheviki in an international plot to overthrow this Government and to supplant it with their own Utopian mesmerisms. Nor can I agree with the attitude of Mr. Gompers, when he recently said before a Senate committee that if a law were passed to prevent railroad strikes he believed the railroad unions would strike, regardless of law and order. I can not agree with the Boston policemen who, in direct violation of their solemn oath to uphold the law, deserted their posts and relinquished the city to the mercy of hoodlums. I can not agree with the President, who, in his recent Des Moines speech, said that the league of nations covenant is bigger than the Senate and greater than our Government.

In fact, I can not agree with any man or any mob that would detract from the supreme sovereignty of our Government and its Constitution. To yield one iota from this position I would consider a flagrant violation of my oath of office which I swore to keep.

The signs of the day are ominous. Nearly every new edition of the press heralds a new declaration against the Government by some class, mob, or misguided individual. There is a too prevalent disposition to usurp the power and the will of the majority. I look with a jealous and a critical eye upon these encroachments. It is generally conceded that the treaty and the league of nations covenant is the most momentous question before the country to-day. And here the issue stands out in bold silhouette.

The President has clearly stated in his Des Moines address what in my opinion constitutes the main point in controversy—the league of nations is greater than the Government. Shall our Government be subservient and a vassal to an international affiliation? Shall we waive our heritage and independent treasure to enter a universal brotherhood in which we yield this inherent privilege? Or shall our Government and Constitution remain supreme, with the spirit and patriotism in which it was conceived and reared?

For my own part I deem it my duty and an honor to take my stand under the banner of the inviolable sovereignty of our Government and its constitutional rights. I can not agree with any international body which usurps or subtracts even one degree from the power and the independency of our nationality. I can not vote for the league of nations as proposed until it has been Americanized to recognize these principles.

My conscience demands that I stand for reservations which insure the freedom and the liberty of the American people which they have enjoyed since the Declaration of Independence. To my mind pursuing any other course would mean that our traditional liberty bell had been cleft in vain; that the horrors of the Civil War and the proclamation of emancipation had been for naught; that the blood and fiber of our American manhood had been spent to no avail on the battle fields of France.

My friends who favor this league in its present form may say that I lack vision; that I have failed to hear the voice of humanity crying out for love and peace throughout the universe. It may be said that I have neglected to gather the light and golden rule embodied in the Biblical lesson, "Am I my brother's keeper?"

It is said that the United States can not afford to recede from our past program of charity and philanthropy toward civilization in general; that we must accept the league as the next step up the ladder. To none of these statements and allegations can I accede. On the contrary, I believe that if our Nation has been an altruistic Samsonian giant in the past it will surely be shorn of its copious locks by sacrificing its birthright to join the present league of nations.

The moment we relinquish the fundamental foundations upon which our Nation has been constructed, then shall we commence to decay, crumble, and fall as a strong power for good.

History relates in tragic terms the steps which led to the downfall of the Grecian State, the Roman Empire, and many other governments which reigned supreme during their period of ascendancy. Is there not some value in the historian's records as to the rise and fall of nations? Radical changes have been the rocks upon which many a good ship of state has foundered. Let us not be unduly disturbed by the "voices in the air" which cry out for the adoption of extreme and radical ideas in our national policy. On the other hand, let us view the present problem sanely and practically, giving full weight and credence to the teachings and experiences of the past. Why imperil the bone and food which we have in our mouth by plunging headlong into the river after another bone, which may turn out to be only a shadow?

What nation, what man can question the unselfish motives and purposes of the United States? The battle for equal rights of men and the progress of civilization have ever been our creed. Our missionaries have pierced every corner of the globe. We have fed the starving hordes of the world. We have always exerted our good offices and diplomatic power against autocratic oppression and injustice. By the grace of God we were the final potent factor which turned defeat into victory in the late war. We allied ourselves on the side of justice and liberty, without coercion or duress. Our influence for good throughout the world will grow and become more effective in the future if followed under the policy of the past.

Discarding the fundamental rights which have made us a great Nation and a benevolent world power will undermine and weaken the whole fabric of our Government and its institutions. The plan will defeat itself. Self-preservation is the first law of nature. We can best answer the "voices in the air" and the needs of humanity by rejecting any league of nations which is not thoroughly Americanized lest it strike at the vitals of our very existence.

No one doubts the sincerity of purpose which inspires the proponents of this proposed league. No one can question the spirit and desire on the part of the President to solve the problem of world peace. The zeal and intensity with which he has worked in placing his idea before the people of the world characterize the depth of his feeling. His final physical exhaustion in pressing his convictions is to be lamented.

Again I wish to reiterate that the patriotism and sentiment of the men who favor this league can not be questioned. I grant that they are actuated by an ambition to be of service not only to their country but to the entire mundane sphere. But they go too far. They have blindly followed and have been carried past the stopping point of moderation and good, sound common sense, and unfortunately have allowed "visions" and mirages to enmesh them in an extreme and radical position.

Even the ancient Greek philosophers taught that success in life is found in a life of moderation. Pope in his Essay on Criticism sounds the same warning when he says:

> Be not the first by whom the new are tried,
> Nor yet the last to lay the old aside.

No one has greater horror of or antipathy toward war than I. It has been my lot to have taken part in one war, and the terrible consequences still remain graphically impressed upon my mind.

Then came the war and waste of our endeavors for the Cuban people and our acquisition of responsibilities in the Philippines.

And just now we are emerging from the greatest of all wars in expenditure of blood and treasure, the effects of which have placed an enormous burden upon our children, grandchildren, and those who come after them.

Even as worthy and justifiable as the causes of these wars were, nevertheless we have grown to appreciate all the more the terrible consequences of warfare.

If this league in its present form would prevent war and at the same time guarantee our national sovereignty I would hasten to proclaim approval. It is not a partisan issue. I insist that the issue is the broad question of Americanism. Democrats as well as Republicans have played major parts in preserving and upholding our Constitution and our institutions. President Grover Cleveland was just as emphatic in his denunciation of any attack upon our national sovereignty as was George Washington, the Father of his Country.

I commend and praise our President in that I believe he has given life to the germ of a plan which, with certain restrictions and alterations, tends toward the abolition of future wars. Full faith and credit are due every man for his honest endeavors, and I regret that I must oppose this document until it has been deprived of its denationalizing talons.

Let us turn to the league of nations covenant and contemplate some of the salient features which appear to me to circumvent our constitutional rights.

One of the pillars of our American Constitution has been the right of Congress to sanction any declaration of war. The right of the majority of the people, through Congress as their mouthpiece, to approve or disapprove the sending forth of American soldiers to possible death has never been questioned. And yet article 10 of this document, in my opinion, strangles the breath of life from this principle.

The first iniquitous consequences of this surrender have been felt even before we have ratified the treaty. American marines were sent recently against the Italians on the Dalmatian coast, under British direction, without the consent or knowledge of the Secretary of our Navy. The capitulation of the right of Congress to declare war is a direct and effective blow at our sovereignty. If we relinquish this right, then, indeed, the league of nations is greater than our United States.

There are those who say that we are only morally bound to protect the members against external aggression. This, to me, is a distinction without a difference. If our Nation is morally bound to do a thing, then certainly in all sincerity we should be legally bound. No sincere American can hold otherwise. Our national integrity and honor would not suggest any other theory. Granting this to be true, I see no other path but to make our position clear to the other contracting parties.

Our eminent doctors of law, in their primary lectures on contracts, lay special emphasis on the necessity of stating clearly and definitely all the terms of an agreement, leaving nothing to be inferred which may later give rise to serious controversy and lawsuit. Unless the minds of the contracting parties have met in one accord, then there is no contract. Let us set out in succinct and definable language the intent and purpose of our mind in order that we may perfect a noncontroversial agreement.

Supposing that the family of nations should not be to our liking and we should desire to change our international household surroundings; how are we to proceed? The terms of the covenant provide expressly that two years' notice shall be given and all obligations must have been completely fulfilled. Who is to determine our liabilities as to outstanding obligations?

Personally, I infer from the wording of the clause pertaining thereto that the league council would constitute the tribunal in this case. Again, I feel that we must make clear our intention and our purpose for the benefit of the other parties to the agreement. To place our application for withdrawal in the hands of the other nations for consent and favorable consideration I consider to be an abrogation of our national rights.

Articles 11 and 12 of this instrument bind us to submit to the league every circumstance threatening the good understanding of nations. A general provision of this character might cover a multitude of sins. Certainly learned doctors of contractual law would decree this statement to be ambiguous and deserving of elucidation.

Are we going to submit to the league the question of immigration from the Orient? Are we going to allow the league to fix and regulate our tariff schedule and foreign-commerce relationships? If the league council can govern our immigration, then by that privilege it can destroy us as a Nation. During these times of labor unrest we have already commenced to feel the need of strict control upon the influx of the foreign element. Rob Congress of her right to legislate and regulate her domestic problems and you strip our Republic of her sovereign rights.

The reference to the Monroe doctrine is vague and uncertain. Who shall interpret the metes and bounds of this document? Are we becoming so obsequious that we are willing to submit this historic masterpiece for interpretation by the very people against whom it was directed? I can not conceive of any such relinquishment on the part of the American Nation.

The language of our intent and purpose on this vital point should leave no question for doubt or argument. For years the principles set forth in the Monroe doctrine have kept us free from the entanglements and intrigues of the European Continent. It has served us well and faithfully, and I resent any attempt to compromise its strength and power.

The importance of cooperation and harmony between the United States and Great Britain has ever had its full weight with me. I regret that Great Britain's conception of this need did not seem to be of full strength when she demanded six votes to our one. True, it is said that five of these votes belong merely to a debating society. If they are not important, then why are they not relinquished by the British Government? If England is unable to do all of the debating for her colonies and possessions under her one major vote, then surely she ought not to expect the United States to do the debating for all of her 48 States and her possessions with a single voice.

The needs, resources, industries, and people of our Nation are as diversified and varied as those of England and her family of colonies. If the league of nations is to be an ideal brotherhood, then certainly England should feel safe and protected with the same voting power as is accorded to the United States.

There is scant reason for surprise that no particular remonstrance against the terms of the treaty has been voiced in England, France, or Japan.

If Great Britain could secure ratification of the document in its present form, she could credit herself with a diplomatic victory of colossal magnitude. To place the official star of authority upon the extended chest of Uncle Sam and to bid him police the world, including the numerous British foreign colonies, would be a signal triumph.

France displayed her faith in the league of nations by demanding a separate triple alliance in which the United States and Great Britain guarantee to come to her rescue in case of unprovoked external aggression.

Japan should feel elated at her diplomatic prize in her acquisition of the German rights in Shantung to the exclusion of China—one of our allies in a common cause.

Italy alone seems disgruntled. The effect of refusing to concede Fiume unreservedly to her is developing into a serious international muddle. And yet we are asked to accede without a word of protest.

The greater portion of the men who are considering this manuscript have passed the heyday of life. So far as we are personally concerned, the disastrous results of ratifying the treaty without reservations might be placated and possibly avoided. But my heart and sympathy go out to the youth of to-day, the governing Americans of to-morrow, and the generations of Americans to come. Individuals change, conditions change, and nations change. Our friend of to-day may be our enemy of to-morrow. Present acts of love and kindness may be euphemistically interposed for deeds of hatred and cruelty on the morrow.

The late wars serve well to enlighten us as to the rapidity and suddenness with which the international family may be upset and estranged. My earnest plea is that we may avoid the perils and pitfalls of the future; that we may retain unsullied and free from emasculation the supreme sovereignty of our Nation; that the precepts and advice of our forefathers may be heeded and preserved by strict obedience.

The various Army colors and standards and all the lesser symbols and emblems have been bowed in homage to the Presidents of our country as they have stood in review, but never has the American Flag been lowered to acknowledge the superiority of any man, creed, class, or nation. May she ever proudly and supremely hold her majestic sovereignty aloft as our highest object of appreciation and respect; may the glittering stars on her field of blue be never dimmed by a more powerful light; may the sanctity and purity of her stripes never find a rival. All our lives we have been protected and sheltered by the strength of this banner, and my prayer goes up to heaven that Father Time in his cycle of years may never reach the point where the American Flag must be dipped to the dust in homage to any international emblem.

The Secretary resumed the reading of the treaty and read as follows:

"The personnel discharged from the Navy must not receive any kind of naval or military training or undertake any further service in the Navy or Army.

"Officers belonging to the German Navy and not demobilised must engage to serve to the age of forty-five, unless discharged for sufficient reasons.

"No officer or man of the German mercantile marine shall receive any training in the Navy.

"Article 195.

"In order to ensure free passage into the Baltic to all nations, Germany shall not erect any fortifications in the area comprised between latitudes 55° 27′ N. and 54° 00′ N. and longitudes 9° 00′ E. and 16° 00′ E. of the meridian of Greenwich, nor instal any guns commanding the maritime routes between the North Sea and the Baltic. The fortifications now existing in this area shall be demolished and the guns removed under the supervisions of the Allied Governments and in periods to be fixed by them.

"The German Government shall place at the disposal of the Governments of the Principal Allied and Associated Powers all hydrographical information now in its possession concerning the channels and adjoining waters between the Baltic and the North Sea.

"Article 196.

"All fortified works and fortifications, other than those mention in Section XIII (Heligoland) of Part III (Political Clauses for Europe) and in Article 195, now established within fifty kilometres of the German coast or on German islands off that coast shall be considered as of a defensive nature and may remain in their existing condition.

"No new fortifications shall be constructed within these limits. The armament of these defences shall not exceed, as regards the number and calibre of guns, those in position at the date of the coming into force of the present Treaty. The German Government shall communicate forthwith particulars thereof to all the European Governments.

"On the expiration of a period of two months from the coming into force of the present Treaty the stocks of ammunition for these guns shall be reduced to and maintained at a maximum figure of fifteen hundred rounds per piece for calibres of 4.1-inch and under, and five hundred rounds per piece for higher calibres.

"Article 197.

"During the three months following the coming into force of the present Treaty the German high-power wireless telegraphy stations at Nauen, Hanover and Berlin shall not be used for the transmission of messages concerning naval, military or political questions of interest to Germany or any State which has been allied to Germany in the war, without the assent of the Governments of the Principal Allied and Associated Powers. These stations may be used for commercial purposes, but only under the supervision of the said Governments, who will decide the wave-length to be used.

"During the same period Germany shall not build any more high-power wireless telegraphy stations in her own territory or that of Austria, Hungary, Bulgaria or Turkey.

"Section III.

"AIR CLAUSES.

"Article 198.

"The armed forces of Germany must not include any military or naval air forces.

"Germany may, during a period not extending beyond October 1, 1919, maintain a maximum number of one hundred seaplanes or flying boats, which shall be exclusively employed in searching for submarine mines, shall be furnished with the necessary equipment for this purpose, and shall in no case carry arms, munitions or bombs of any nature whatever.

"In addition to the engines installed in the seaplanes or flying boats above mentioned, one spare engine may be provided for each engine of each of these craft.

"No dirigible shall be kept.

"Article 199.

"Within two months from the coming into force of the present Treaty the personnel of air forces on the rolls of the German land and sea forces shall be demobilised. Up to October 1, 1919, however, Germany may keep and maintain a total number of one thousand men, including officers, for the whole of the cadres and personnel, flying and non-flying, of all formatins and establishments.

"Article 200.

"Until the complete evacuation of German territory by the Allied and Associated troops, the aircraft of the Allied and Associated Powers shall enjoy in Germany freedom of passage through the air, freedom of transit and of landing.

"Article 201.

"During the six months following the coming into force of the present Treaty, the manufacture and importation of aircraft, parts of aircraft, engines for aircraft, and parts of engines for aircraft, shall be forbidden in all German territory.

"Article 202.

"On the coming into force of the present Treaty, all military and naval aeronautical material, except the machines mentioned in the second and third paragraphs of Article 198, must be delivered to the Governments of the Principal Allied and Associated Powers.

"Delivery must be effected at such places as the said Governments may select, and must be completed within three months.

"In particular, this material will include all items under the following heads which are or have been in use or were designed for warlike purposes:

"Complete aeroplanes and seaplanes, as well as those being manufactured, repaired or assembled.

"Dirigibles able to take the air, being manufactured, repaired or assembled.

"Plant for the manufacture of hydrogen.

"Dirigible sheds and shelters of every kind for aircraft.

"Pending their delivery, dirigibles will, at the expense of Germany, be maintained inflated with hydrogen; the plant for the manufacture of hydrogen, as well as the sheds for dirigibles, may, at the discretion of the said Powers, be left to Germany until the time when the dirigibles are handed over.

"Engines for aircraft.

"Nacelles and fuselages.

"Armament (guns, machine guns, light machine guns, bomb-dropping apparatus, torpedo-dropping apparatus, synchronization apparatus, aiming apparatus).

"Munitions (cartridges, shells, bombs loaded or unloaded, stocks of explosives or of material for their manufacture).

"Instruments for use on aircraft.

"Wireless apparatus and photographic or cinematograph apparatus for use on aircraft.

"Component parts of any of the items under the preceding heads.

"The material referred to above shall not be removed without special permission from the said Governments.

"Section IV.

"INTER-ALLIED COMMISSIONS OF CONTROL.

"Article 203.

"All the military, naval and air clauses contained in the present Treaty, for the execution of which a time-limit is prescribed, shall be executed by Germany under the control of

Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

"Article 204.

"The Inter-Allied Commissions of Control will be specially charged with the duty of seeing to the complete execution of the delivery, destruction, demolition and rendering things useless to be carried out at the expense of the German Government in accordance with the present Treaty.

"They will communicate to the German authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take, or which the execution of the military, naval and air clauses may necessitate.

"Article 205.

"The Inter-Allied Commissions of Control may establish their organisations at the seat of the central German Government.

"They shall be entitled as often as they think desirable to proceed to any point whatever in German territory, or to send sub-commissions, or to authorize one or more of their members to go, to any such point.

"Article 206.

"The German Government must give all necessary facilities for the accomplishment of their missions to the Inter-Allied Commissions of Control and to their members.

"It shall attach a qualified representative to each Inter-Allied Commission of Control for the purpose of receiving the communications which the Commission may have to address to the German Government and of supplying or procuring for the Commission all information or documents which may be required.

"The German Government must in all cases furnish at its own cost all labour and material required to effect the deliveries and the works of destruction, dismantling, demolition, and of rendering things useless, provided for in the present Treaty.

"Article 207.

"The upkeep and cost of the Commissions of Control and the expenses involved by their work shall be borne by Germany.

"Article 208.

"The Military Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the military clauses.

"In particular it will be its duty to receive from the German Government the notifications relating to the location of the stocks and depots of munitions, the armament of the fortified works, fortresses and forts which Germany is allowed to retain, and the location of the works or factories for the production of arms, munitions and war material and their operations.

"It will take delivery of the arms, munitions and war material, will select the points where such delivery is to be effected, and will supervise the works of destruction, demolition, and of rendering things useless, which are to be carried out in accordance with the present Treaty.

"The German Government must furnish to the Military Inter-Allied Commission of Control all such information and documents as the latter may deem necessary to ensure the complete execution of the military clauses, and in particular all legislative and administrative documents and regulations.

"Article 209.

"The Naval Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the naval clauses.

"In particular it will be its duty to proceed to the building yards and to supervise the breaking-up of the ships which are under construction there, to take delivery of all surface ships or submarines, salvage ships, docks and the tubular docks, and to supervise the destruction and breaking-up provided for.

"The German Government must furnish to the Naval Inter-Allied Commission of Control all such information and documents as the Commission may deem necessary to ensure the complete execution of the naval clauses, in particular the designs of the warships, the composition of their armaments, the details and models of the guns, munitions, torpedoes, mines, explosives, wireless telegraphic apparatus and, in general, everything relating to naval war material, as well as all legislative or administrative documents or regulations.

"Article 210.

"The Aeronautical Inter-Allied Commission of Control will represent the Governments of the Principal Allied and Associated Powers in dealing with the German Government in all matters concerning the execution of the air clauses.

"In particular it will be its duty to make an inventory of the aeronautical material existing in German territory, to inspect aeroplane, balloon and motor manufactories, and factories producing arms, munitions and explosives capable of being used by aircraft, to visit all aerodromes, sheds, landing grounds, parks and depots, to authorise, where necessary, a removal of material and to take delivery of such material.

"The German Government must furnish to the Aeronautical Inter-Allied Commission of Control all such information and legislative, administrative or other documents which the Commission may consider necessary to ensure the complete execution of the air clauses, and in particular a list of the personnel belonging to all the German Air Services, and of the existing material, as well as of that in process of manufacture or on order, and a list of all establishments working for aviation, of their positions, and of all sheds and landing grounds.

"Section V.

"GENERAL ARTICLES.

"Article 211.

"After the expiration of a period of three months from the coming into force of the present Treaty, the German laws must have been modified and shall be maintained by the German Government in conformity with this Part of the present Treaty.

"Within the same period all the administrative or other measures relating to the execution of this Part of the Treaty must have been taken.

"Article 212.

"The following portions of the Armistice of November 11, 1918: Article VI, the first two and the sixth and seventh paragraphs of Article VII; Article IX; Clauses I, II and V of Annex n° 2, and the Protocol, dated April 4, 1919, supplementing the Armistice of November 11, 1918, remain in force so far as they are not inconsistent with the above stipulations.

"Article 213.

"So long as the present Treaty remains in force, Germany undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

"PART VI.

"PRISONERS OF WAR AND GRAVES.

"Section I.

"PRISONERS OF WAR.

"Article 214.

"The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty and shall be carried out with the greatest rapidity.

"Article 215.

"The repatriation of German prisoners of war and interned civilians shall, in accordance with Article 214, be carried out by a Commission composed of representatives of the Allied and Associated Powers on the one part and of the German Government on the other part.

"For each of the Allied and Associated Powers a Sub-Commission, composed exclusively of Representatives of the interested Power and of Delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war.

"Article 216.

"From the time of their delivery into the hands of the German authorities the prisoners of war and interned civilians are to be returned without delay to their homes by the said authorities.

"Those amongst them who before the war were habitually resident in territory occupied by the troops of the Allied and Associated Powers are likewise to be sent to their homes, subject to the consent and control of the military authorities of the Allied and Associated armies of occupation.

"Article 217.

"The whole cost of repatriation from the moment of starting shall be borne by the German Government who shall also provide the land and sea transport and staff considered necessary by the Commission referred to in Article 215.

"Article 218.

"Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

"This stipulation shall not apply to prisoners of war and interned civilians punished for offences committed subsequent to May 1, 1919.

"During the period pending their repatriation all prisoners of war and interned civilians shall remain subject to the existing regulations, more especially as regards work and discipline.

"*Article 219.*

"Prisoners of war and interned civilians who are awaiting disposal or undergoing sentence for offences other than those against discipline may be detained.

"*Article 220.*

"The German Government undertakes to admit to its territory without distinction all persons liable to repatriation.

"Prisoners of war or other German nationals who do not desire to be repatriated may be excluded from repatriation; but the Allied and Associated Governments reserve to themselves the right either to repatriate them or to take them to a neutral country or to allow them to reside in their own territories.

"The German Government undertakes not to institute any exceptional proceedings against these persons or their families nor to take any repressive or vexatious measures of any kind whatsoever against them on this account.

"*Article 221.*

"The Allied and Associated Governments reserve the right to make the repatriation of German prisoners of war or German nationals in their hands conditional upon the immediate notification and release by the German Government of any prisoners of war who are nationals of the Allied and Associated Powers and may still be in Germany.

"*Article 222.*

"Germany undertakes:

"(1) To give every facility to Commissions to enquire into the cases of those who cannot be traced; to furnish such Commissions with all necessary means of transport; to allow them access to camps, prisons, hospitals and all other places; and to place at their disposal all documents, whether public or private, which would facilitate their enquiries;

"(2) To impose penalties upon any German officials or private persons who have concealed the presence of any nationals of any of the Allied and Associated Powers or have neglected to reveal the presence of any such after it had come to their knowledge.

"*Article 223.*

"Germany undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the German authorities.

"*Article 224.*

"The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

"*Section II.*

"GRAVES.

"*Article 225.*

"The Allied and Associated Governments and the German Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

"They agree to recognise any Commission appointed by an Allied or Associated Government for the purpose of identifying, registering, caring for or erecting suitable memorials over the said graves and to facilitate the discharge of its duties.

"Furthermore they agree to afford, so far as the provisions of their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country.

"*Article 226.*

"The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 225 of the present Treaty.

"The Allied and Associated Governments on the one part and the German Government on the other part reciprocally undertake also to furnish to each other:

"(1) A complete list of those who have died, together with all information useful for identification;

"(2) All information as to the number and position of the graves of all those who have been buried without identification.

"PART VII.

"PENALTIES.

"*Article 227.*

"The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties.

"A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy and Japan.

"In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.

"The Allied and Associated Powers will address a request to the Government of the Netherlands for the surrender to them of the ex-Emperor in order that he may be put on trial."

Mr. HALE. Mr. President, I see that the Senator from Nebraska [Mr. HITCHCOCK] has taken his seat in the Chamber. I was much interested this morning in the position taken by the Senator, that because the peace treaty is practically sure to be ratified, therefore it is entirely proper for us to take preliminary action thereunder. I do not agree with the position taken by the Senator, but I am very much pleased to hear him say that in all probability the peace treaty is going to be ratified. That indicates clearly to me, Mr. President, that the Senator and his followers are prepared to accept strong pro-American reservations, without which the treaty never can and never should be ratified.

Mr. HITCHCOCK. Mr. President, that may be a very interesting subject for debate, but this is not the proper time to discuss the matters to which the Senator refers. I believe in crossing a bridge when we get to it, and when we do get to that bridge we will cross it.

Mr. HALE. The Senator crossed the bridge this morning.

Mr. HITCHCOCK. I think probably it would hardly be proper to say that I crossed any bridge this morning. I think when we get to that bridge we will cross it, and I believe that when we get to it the only question remaining for the Senate to decide will be whether those who are in favor of ratifying the treaty with reservations can get together with Senators who are in favor of ratifying the treaty without reservations. I know that it is not possible for reservation Senators alone to ratify the treaty. It may be quite impossible for Senators who are opposed to all reservations alone to ratify the treaty. But I am very sure that Senators who are in favor of ratifying the treaty with reservations can not possibly do so by uniting with Senators who are determined to defeat the treaty under all circumstances. The only possible combination is the one I have stated.

The Secretary resumed the reading, and read as follows:

"*Article 228.*

"The German Government recognizes the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

"The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the German authorities.

"*Article 229.*

"Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

"Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

"In every case the accused will be entitled to name his own counsel.

"*Article 230.*

"The German Government undertakes to furnish all documents and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.

"PART VIII.

"REPARATION.

"*Section I.*

"GENERAL PROVISIONS.

"*Article 231.*

"The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

"*Article 232.*

"The Allied and Associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage.

"The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea and from the air, and in general all damage as defined in Annex I hereto.

"In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this Part provided for, as a consequence of the violation of the Treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, together with interest at the rate of five per cent. (5%) per annum on such sums. This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold on May 1, 1926, or, at the option of the German Government, on the 1st of May in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

"*Article 233.*

"The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commission, to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto.

"This Commission shall consider the claims and give to the German Government a just opportunity to be heard.

"The findings of the Commission as to the amount of damage defined as above shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of that Government's obligations.

"The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of thirty years from May 1, 1921. If, however, within the period mentioned, Germany fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the Commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the Allied and Associated Governments, acting in accordance with the procedure laid down in this Part of the present Treaty, shall determine.

"*Article 234.*

"The Reparation Commission shall after May 1, 1921, from time to time, consider the resources and capacity of Germany, and, after giving her representatives a just opportunity to be heard, shall have discretion to extend the date, and to modify the form of payments, such as are to be provided for in accordance with Article 233; but not to cancel any part, except with the specific authority of the several Governments represented upon the Commission.

"*Article 235.*

"In order to enable the Allied and Associated Powers to proceed at once to the restoration of their industrial and economic life, pending the full determination of their claims, Germany shall pay in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may fix, during 1919, 1920 and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards liquidation of the amounts due for reparation. Germany shall further deposit bonds as prescribed in paragraph 12 (*c*) of Annex II hereto.

"*Article 236.*

"Germany further agrees to the direct application of her economic resources to reparation as specified in Annexes, III, IV, V, and VI, relating respectively to merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products; provided always that the value of the property transferred and any services rendered by her under these Annexes, assessed in the manner therein prescribed, shall be credited to her towards liquidation of her obligations under the above Articles.

"*Article 237.*

"The successive instalments, including the above sum, paid over by Germany in satisfaction of the above claims will be divided by the Allied and Associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each.

"For the purposes of this division the value of property transferred and services rendered under Article 243, and under Annexes III, IV, V, VI, and VII, shall be reckoned in the same manner as cash payments effected in that year.

"*Article 238.*

"In addition to the payments mentioned above Germany shall effect, in accordance with the procedure laid down by the Reparation Commission, restitution in cash of cash taken away, seized or sequestrated, and also restitution of animals, objects of every nature and securities taken away, seized or sequestrated, in the cases in which it proves possible to identify them in territory belonging to Germany or her allies.

"Until this procedure is laid down, restitution will continue in accordance with the provisions of the Armistice of November 11, 1918, and its renewals and the Protocols thereto.

"*Article 239.*

"The German Government undertakes to make forthwith the restitution contemplated by Article 238 and to make the payments and deliveries contemplated by Articles 233, 234, 235 and 236.

"*Article 240.*

"The German Government recognizes the Commission provided for by Article 233 as the same may be constituted by the Allied and Associated Governments in accordance with Annex II, and agrees irrevocably to the possession and exercise by such Commission of the power and authority given to it under the present Treaty.

"The German Government will supply to the Commission all the information which the Commission may require relative to the financial situation and operations and to the property, productive capacity, and stocks and current production of raw materials and manufactured articles of Germany and her nationals, and further any information relative to military operations which in the judgment of the Commission may be necessary for the assessment of Germany's liability for reparation as defined in Annex I.

"The German Government will accord to the members of the Commission and its authorised agents the same rights and immunities as are enjoyed in Germany by duly accredited diplomatic agents of friendly Powers.

"Germany further agrees to provide for the salaries and expenses of the Commission and of such staff as it may employ.

"*Article 241.*

"Germany undertakes to pass, issue and maintain in force any legislation, orders and decrees that may be necessary to give complete effect to these provisions.

"*Article 242.*

"The provisions of this Part of the present Treaty do not apply to the property, rights and interests referred to in Sections III and IV of Part X (Economic Clauses) of the present Treaty, nor to the product of their liquidations, except so far as concerns any final balance in favour of Germany under Article 243 (*a*).

"*Article 243.*

"The following shall be reckoned as credits to Germany in respect of her reparation obligations:

"(*a*) Any final balance in favour of Germany under Section V (Alsace-Lorraine) of Part III (Political Clauses for Europe) and Sections III and IV of Part X (Economic Clauses) of the present Treaty;

"(*b*) Amounts due to Germany in respect of transfers under Section IV (Saar Basin) of Part III (Political Clauses for Europe), Part IX (Financial Clauses), and Part XII (Ports, Waterways and Railways);

"(*c*) Amounts which in the judgment of the Reparation Commission should be credited to Germany on account of any other transfers under the present Treaty of property, rights, concessions or other interests.

"In no case however shall credit be given for property restored in accordance with Article 238 of the present Part.

"*Article 244.*

"The transfer of the German submarine cables which do not form the subject of particular provisions of the present Treaty is regulated by Annex VII hereto.

"*ANNEX I.*

"Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories:

"(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

"(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labour), wherever arising, and to the surviving dependents of such victims.

"(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.

"(4) Damage caused by any kind of maltreatment of prisoners of war.

"(5) As damage caused to the peoples of the Allied or Associated Powers, all pensions and compensation in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalised cost of such pensions and compensation at the date of the coming into force of the present Treaty on the basis of the scales in force in France at such date.

"(6) The cost of assistance by the Government of the Allied and Associated Powers to prisoners of war and to their families and dependents.

"(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilised persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

"(8) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.

"(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

"(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

"*ANNEX II.*

"1.

"The Commission referred to in Article 233 shall be called 'The Reparation Commission' and is hereinafter referred to as 'the Commission'.

"2.

"Delegates to this Commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium and the Serb-Croat-Slovene State. Each of these Powers will appoint one Delegate and also one Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein.

"On no occasion shall the Delegates of more than five of the above Powers have the right to take part in the proceedings of the Commission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions."

The next amendment was, on page 261, annex 2, subsection 2, after the words "Delegates of," to strike out the words "the United States," so as to read:

Delegates of Great Britain, France, and Italy shall have this right on all occasions.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Simmons
Bankhead	Harding	McNary	Smith, Ariz.
Beckham	Harris	Moses	Smith, Ga.
Brandegee	Harrison	Nelson	Smith, Md.
Capper	Henderson	New	Smoot
Chamberlain	Hitchcock	Newberry	Spencer
Colt	Johnson, Calif.	Norris	Stanley
Cummins	Jones, N. Mex.	Nugent	Sterling
Curtis	Jones, Wash.	Overman	Sutherland
Dillingham	Kellogg	Page	Thomas
Edge	Kendrick	Penrose	Trammell
Fall	Kenyon	Phelan	Underwood
Fletcher	Keyes	Phipps	Wadsworth
Frelinghuysen	King	Poindexter	Walsh, Mass.
Gay	Kirby	Ransdell	Warren
Gerry	Knox	Robinson	Watson
Gore	Lenroot	Sheppard	
Gronna	Lodge	Shields	

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Mississippi [Mr. WILLIAMS]. I understand that he is detained on official business.

I also wish to announce that the Senator from Virginia [Mr. SWANSON], the Senator from Nevada [Mr. PITTMAN], and the Senator from South Carolina [Mr. DIAL] are absent on official business.

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present. The question is on the amendment of the Committee on Foreign Relations.

Mr. FALL. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] this morning seemed to voice the idea that those Senators who were not in favor of the pending treaty or who were opposed to its ratification were not entitled to be heard with reference to any proposed amendment or reservation thereof. I have never understood that to be the theory of legislation in this or any other parliamentary body. Legislation is a matter, first, of discussion, consideration, and generally of compromise. The treatment of a proposed treaty by this branch of the treaty-making power is that which would be given to proposed legislation.

I would feel myself derelict in my duty under my oath as a Senator if I did not propose to perfect any measure whatsoever which might be offered for adoption by this body, although I might be opposed to the measure itself and might have my mind definitely and firmly made up that, irrespective of the question whether amendments were or were not adopted, I should finally vote against the measure as a whole. In other words, I consider it to be one of the very gravest duties imposed upon a Senator in this body to perfect, if possible, legislation and to make it as innocuous as it can be made. Particularly in this instance do I consider that duty incumbent upon Senators, in view of the declarations such as we have heard from the Senator from Nebraska, who is leading the forces in favor of the treaty, that there is no question of the final adoption of the treaty.

Mr. President, I have had no hesitation whatsoever in expressing my views upon various provisions of this proposed treaty. I have none now. I have had nothing whatsoever to hide. I have not attempted to disguise my opinion nor to refrain from expressing here and elsewhere my determination upon the subject. I may reiterate that I am opposed to the constitution of the league of nations. As it is proposed, no reservation can cure, to my satisfaction, the fatal defects in that instrument. I had hoped that it might be possible to sever the proposed constitution of the league of nations from the so-called treaty of peace with Germany, which is, in fact, no treaty of peace whatsoever. I had then proposed that if, by the proper amendments, or what I considered proper amendments, my objections to the treaty itself were obviated, I should vote for the treaty. I say very frankly that in the face of the declared determination of the majority of the Senate to reject amendments to the treaty itself, I shall vote against the entire instrument. I shall, however, in pursuance of what I believe to be my duty, insist upon the amendments which I think proper to make the instrument as little disastrous or as innocuous as possible; and I conceive that in so doing I am merely performing my duty under my oath as a Member of this body.

In pursuance of that policy I have offered in the committee, and expect later to offer in the Senate, amendments to this treaty. I am perfectly aware of the fact that those amendments will be defeated. Therefore it may be asked why I should insist upon offering them. My purpose is that which I have declared, to perform my duty as I see it as a Senator.

We have seen some of the effects, at any rate; and while I have no aspirations to be considered a prophet, in my judgment you will see further effects of the offering of these amendments in the first place, of the discussion upon the amendments in the

second place, and of the rejection of the amendments in the third place, some of the results with which you are faced now.

Mr. President, for the adoption of a council of representatives of the great nations of the world to meet in annual or semi-annual assembly for the discussion of world questions and reports to their several governments, I will vote heartily at any time. This was the first plank of the platform of the League to Enforce Peace. For the creation of a world tribunal, a court based upon the foundation upon which rests the department known as the judiciary department of this Government; for the creation of a world court which may deal with world questions as the Supreme Court of the United States deals with national questions, I will vote, should I have an opportunity. This is the second plank in the platform of the League to Enforce Peace. The entire platform has been scuttled and the money raised for propaganda in support of it has been diverted to assist in the creation of a purely political body with legislative powers, alone except as in article 11 executive powers may be found.

Mr. President, various amendments have been brought out of and submitted by the majority members of the Foreign Relations Committee for perfecting the body of this instrument. They have been voted down, one at a time. The pending amendment, brought out and reported favorably by the majority of the committee, will, of course, be rejected. I am now occupying the time of the Senate in this discussion, knowing the futility of the discussion so far as the immediate result will be indicated by a vote, but knowing that the discussion itself tends to inform the people of the United States of the shackles which are being placed upon them, of the obligations which are being imposed upon them, and which they must perform or repudiate in the future. I am determined that in so far as my weak voice can reach them they shall understand before it is ratified by this body not only the obligations which they are entering into for the future through the adoption of the covenant of the league of nations, but the obligations which they are assuming for the present through the adoption without amendment of the body of the treaty itself; and I, sir, as I say, not assuming to be a prophet, am performing what I believe to be my duty, in the assurance that I shall have no apology to make to the American people hereafter for my course or for my vote, nor any explanation, sir. I may be wrong.

Mr. President, the pending amendment is not the amendment which I would see adopted to the clause under consideration. Did I not know that it was absolutely futile, I should have offered the amendment in the original form in which I proposed it in the committee—to take the United States entirely out of the reparation commission, to assume none of the obligations imposed by the reparation articles, to decline any benefits whatsoever which might come to us through the reparation provisions, and to see that neither the United States nor its people for the next 30 years had any duty to perform under its provisions, which duty, when performed, will be, under the declaration of the President of the United States or of his peace commissioners, as testified under oath, performed for the benefit, not of the people of the United States but of the people of the other nations of the world.

As was well said by Brockdorff-Rantzau—and I may be declared to be pro-German for even mentioning the name; however, I refer to an official communication signed by Brockdorff-Rantzau and answered by M. Clemenceau as the president of the allied delegates—as was well said by Brockdorff-Rantzau upon reading the reparation articles, the reparation commission provided under this treaty has more power in Germany, or in the district under the control of the reparation commission directly, and in Germany as a whole, than was ever vested in the Kaiser, in the German Empire, in the Reichstag, or in all the several States of Germany combined.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Pennsylvania?

Mr. FALL. I yield to the Senator, with pleasure.

Mr. KNOX. Does the Senator from New Mexico happen to remember that it is not only over Germany that the reparation commission exercises such vast powers, but it is over other countries as well; as, for instance, it is within the function of the reparation commission to determine how much money Belgium owes the United States up to the 11th day of November, 1918, when the armistice was signed, and to decide that the United States shall accept German bonds in payment therefor.

Mr. FALL. I thank the Senator for adding to what I have been saying so important a suggestion, which, of course, is based upon the written terms of the treaty.

Mr. President, I have no hesitation whatsoever in saying to you that these terms never will be performed. No force, no power known to man, can compel performance of the terms which you are agreeing to enforce, except the bayonets of an overwhelming military force in Germany for 30 years.

There are no terms of peace in the reparation commission provisions of the treaty, but there is perpetual war and strife in every line of them. No country can ever remain a country, no country can retain any element of sovereignty, and perform as you provide that Germany shall perform. The only way that you can compel Germany to perform is by the bayonets of your soldiers. Still we are told that those of us who oppose this peace treaty should not even offer an amendment to mitigate in some degree the inequalities which are visited upon the United States at least by the terms of the covenant.

The amendment proposed here is simply to the effect that the American member of the commission of seven may attend the meetings of the commission, but that with the exception of his right to vote in every instance on the article dealing with the distribution of the German merchant fleet and ships now constructed or to be hereafter constructed, which she agrees to turn over to certain powers in proportion to their tonnage laws, in which article the United States is interested, he shall cast his vote and bind the people of the United States to no other provision, unless he receives direct instructions from his Government as to the casting of his vote upon that subject. In other words, that no commissioner appointed by the President of the United States, either by and with the consent of the Senate or not, shall bind this Government by his vote in regulating the affairs and conducting the supergovernment of Germany, except as he may be directly instructed by his Government at home. It simply provides that the commissioner whom we may name shall perform all his duties as the treaty itself provides that he shall perform one of them.

As the United States declared that it expected no part of the sums provided for in the nature of reparation to be given to us, and would accept no part of them, and as such declaration was not joined in by our associates, the allied powers, it became necessary, in carrying out their purposes, to see that our vote did not affect the question or influence their commissioners upon the scaling of the indebtedness. The provision therein is to the effect that upon any vote with reference to reducing the reparation demanded, the commissioner shall receive direct instructions from his Government before agreeing to any such reparation. The proposed amendment simply applies the same principle or rule to the performance of the other duties of this commissioner.

Mr. President, I shall not undertake to go at length into the discussion of the various provisions of the reparations articles. I have referred to them in broad terms alone.

There is an army provided for in these reparation commission articles to enable the reparation commission to enforce its orders. There is a further provision that the reparation commission itself may recruit armed forces of its own.

Mr. President, many of our earnest colleagues, actuated undoubtedly by as patriotic motives as those which I claim, sincerely believe that through some form of reservations somewhere they may reach the same object that I have in view in offering what is denounced so often as a textual amendment. Some of them have declared, with reference to other amendments which have been rejected here on the same line, that they would not vote to reject those amendments were they not convinced that the same object could be reached by a reservation.

It has not been my good fortune, Mr. President, to see the proposed reservations. In a discussion yesterday with one of the reservationists I was shown one of those reservations. I can say very frankly that there was an immediate disagreement between that Senator and myself as to the effect of his proposed reservation. That being the case, Mr. President, being in hopes that a reservation itself would reach the object, and therefore, if the amendment were defeated, that I might, through a vote cast for the reservation, assist in the perfecting of this instrument, but disagreeing entirely with the gentleman who supports the amendment as to its effect, I asked him who would construe the reservation.

Of course, I may say, frankly, that I can not agree with any part of the contention that is advanced by some Senators in regard to the applicability of any precedents which have been cited here with reference to the effect of reservations as saving the United States in treaties. I can not agree for one moment with those Senators who maintain that the reservations contained in the Algeciras agreement form a precedent which would be binding in the consideration of this treaty. I can not agree for a moment with the contention that the reservations contained in such agreements as those adopted at the last

Hague convention form a precedent for the consideration or construction of similar reservations or other reservations attached to this agreement.

In the first place, Mr. President, you join supine government and a political body of some character. A subject under dispute, or a dispute not under dispute, is brought up properly for consideration by the council. You have adopted a reservation of some character concerning the various subjects under discussion. If you have compelled the other allied and associated powers, who, together with the United States, constitute a perpetual majority in the council, to agree with your reservation before you have entered the council chamber, you may claim some degree of safety. If you have not required, as a condition precedent to the exchange of ratifications, that you should be joined affirmatively in those reservations by those who with you will constitute a majority of that council forever, then I say to you that the construction of the reservation itself is a point of dispute to be settled under the terms of the league covenant, and under the terms of the league covenant, if you refuse to submit that very question to arbitration, automatically the council itself takes cognizance of it, and you are precluded from voting upon it.

Again, you will be met by the proposition that, as a matter of fact, your reservations constitute amendments, in effect, to the treaty itself. Every reservationist who has spoken here declared himself as not opposed to the principle covered by these amendments and declared that he would vote for the amendments if he did not think that we could cover the same proposition by a reservation. Every one of those gentlemen agrees with the contention which inevitably would be made that the reservations themselves form amendments, and they will be met by the assertion, "We have not agreed to the amendments," and they will be met by the assertion that "You yourselves have agreed how this covenant of the league should be amended, and until it is so amended we will construe your amendments for you."

You have constituted no great court to whom the question could be submitted. You have submitted to a political body, and by the terms of your submission exclude yourselves from participating in the vote.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FALL. With pleasure.

Mr. LENROOT. What body does the Senator think would have the right to construe?

Mr. FALL. The council of the league of nations.

Mr. LENROOT. Under what authority?

Mr. FALL. Under the general authority vested in it. I know the Senator does not agree with my construction, even of the Constitution of the United States. I know he does not agree that there is any power in this council. I do not agree with him. I think there is. I think there is general power in this council and in the assembly. We disagree fundamentally upon the constitutional propositions involved—earnestly and sincerely, of course, but fundamentally. There is no point of agreement. The Senator is absolutely sincere, undoubtedly, in his contention that a reservation will reach the point which he agrees with me should be reached by reservation or textual amendment. The appeal to me that a textual amendment means the summoning of the peace council again, the submission to the peace council itself of the acceptance or rejection of the amendments, and that it will require time, is no appeal to my judgment, when the rights, possibly the destiny, certainly the future of the people of the United States are involved, and in view of the fact particularly that the peace council are now in session.

Mr. President, I offered an amendment to the provision with reference to upper Silesia, excluding the United States from taking part in the deliberations or actions or decisions of the commission appointed under the terms of this peace treaty. Until the terms of the treaty are ratified, until the treaty itself becomes effective in so far as the United States is concerned, the armistice agreed upon between the United States and its associates upon one part and Germany upon the other is in full force and effect unless denounced or violated.

Has there been any violation, in so far as we know or have been informed, of the terms of the armistice with reference to upper Silesia? None whatsoever. There has been none, I will say flatly. The armistice is in effect. The armistice proposes and disposes of the use of the armed forces of the United States until the treaty comes into effect.

It now develops in the discussion which took place this morning that the Chief of Staff of the United States has informed the chairman of the Committee on Military Affairs of this body that the 5,000 troops who sailed last night or this morning, destined for upper Silesia, are being sent across the water to that point under the war power of the President of the United States and under the additional authority which he conceives to have been conferred upon him indirectly by the rejection by this body of the amendment offered by myself and voted down a few days since. This broad assertion is made despite the declaration of Senators voting against the amendment at the time that they cast their votes, or a few moments prior thereto, and repeated again this morning by the eminent Senator from Wisconsin [Mr. LENROOT], that the treaty itself could not be ratified unless a reservation shall be adopted which will protect the United States, as the amendment offered by myself, if it had been adopted, would have reached that purpose.

Mr. KNOX. Mr. President——

Mr. FALL. I yield to the Senator from Pennsylvania.

Mr. KNOX. I interrupted the Senator a few moments ago in calling attention to the idea of acceptance of German bonds by the reparation commission, and I made a statement which, I think, after closer examination of the text of the treaty, I was scarcely warranted in making. I was misled by the language of a document prepared for the use of the Committee on Foreign Relations, which undertook to state the powers of the reparation commission. In this document it is stated that—

> One of the powers of the reparation commission is to determine the debt Belgium owes to the allied and associated powers incurred up to November 11, 1918, with interest at 5 per cent and accept German bonds of this amount.

I find upon an examination of article 232, of which this is supposed to be a condensed statement, that acceptance of German bonds in the amount is an acceptance for Belgium and not an acceptance for those to whom Belgium owes any debt.

Mr. FALL. However, it comes under the provision to which the Senator referred.

Mr. KNOX. Yes. I wanted to make that correction.

Mr. POMERENE. Mr. President, if I may be permitted, I am very glad that the Senator from Pennsylvania has made that correction, because that statement had been heretofore made on the floor of the Senate on several occasions and I was not able to find it. The provision to which the Senator now refers is on page 249 of the text.

Mr. KNOX. Article 232; and I think a clear reading of the article is that the bonds are to be accepted for Belgium and does not release Belgium from her obligations to a country to which she shall owe any debt.

Mr. POMERENE. In no sense does it release Belgium from her obligation to us except as it may be paid.

Mr. KNOX. Yes; that is correct.

Mr. FALL. I did not understand the Senator from Pennsylvania to make the point that it relieved Belgium from any debt. It was with reference to the powers of the Reparation Commission which we were discussing. I will say in passing that the Senator will find further, in some of the articles of the treaty, that Germany is compelled to underwrite certain other indebtedness of her allies in this war which has not yet been ascertained in so far as we know—of course over her very serious protest.

Mr. President, we are confronted by the remarkable condition of affairs that, upon the one hand, the disposition of the troops of the United States may be made in any manner whatsoever that the war power declares so long as the status of war exists, and, upon the other, we have the defeat of an amendment in this body, coupled with the declaration that the treaty itself can not go into effect unless the amendment is covered by proper reservations, and that the latter action is additional authority for the use of the armed forces of the United States, as it is not provided that they shall be used in the armistice under which we are now operating.

But, sir, even under the contention as specifically announced, I was yet astounded this morning to have the Senator from Nebraska [Mr. HITCHCOCK], who was leading so well those forces which are lined up in favor of the adoption of the treaty, as he says, without the crossing of a "t" or the dotting of an "i," announce a doctrine which I have heard hinted at once or twice in this Chamber, in effect, that the status of war having been created, no power could interfere with the President of the United States, as Commander in Chief of the Army and Navy of the United States, in the disposition of the armed forces of the United States.

I called attention once before, two years or more ago, in this body, to what that declaration meant, that it meant in terms, in effect, or in spirit that, having declared war on Germany, neither the Congress of the United States nor any other power could prevent the President of the United States, in his discretion, from invading the neutral countries of Switzerland or Holland if, in his judgment, as military commander, he could best reach the forts in Germany through such invasion. That was the doctrine. The doctrine is that being not yet, as the Senator

says, at peace—that is, under his construction of what peace means, not having ratified the present treaty—the President of the United States, as Commander in Chief of the Army of the United States, may, in violation of the armistice entered into and under which we are operating, take the soldiers from Illinois and other States in the Union and send them, not to the Rhine Provinces, which are provided in the armistice itself to be occupied for a certain length of time, but send them across Germany or through the free city of Danzig and occupy Upper Silesia until such time as he sees fit to withdraw them. That is a peculiar theory of government to me, Mr. President; but in its logical outcome, logically followed by the commissioners of the United States of America, in concert with other members of the supreme council, a day or two since in declaring economic and armed war upon Russia, with whom we have never been at war.

I read from the Associated Press dispatches in the morning papers as follows:

LONDON, *October 16.*

The text of the note of the supreme council inviting Germany to participate in the blockade of Russia, as published in the Berlin Tageblatt and reprinted by the Daily Herald, shows that Norway, Denmark, Sweden, Holland, Finland, Spain, Switzerland, Mexico, Chile, Argentina, Colombia, and Venezuela have been invited to initiate measures to prevent their nationals from engaging in any trade whatever with Bolshevik Russia. The measures are thus enumerated:

First. Refusal of permission to sail to every ship bound for a Russian Bolshevik port and the closing of all ports to ships from Bolshevik ports.

Second. Similar regulations to be adopted with regard to all goods destined for Russia by any other route.

REFUSE PASSPORTS AND CREDIT.

Third. Passports will be refused to all persons to or from Bolshevik Russia. Isolated exceptions may be made by agreement of the allied and associated powers.

Fourth. Measures will be taken to hinder banks from granting credit to commercial undertakings in Bolshevik Russia.

Fifth. Every Government will refuse its nationals any facilities of intercourse with Bolshevik Russia, whether by post or wireless telegraphy.

This, of course, constitutes economic war. The following constitutes armed warfare:

Marshal Foch added the following instruction:

"Inform the German Government that the British and French men-of-war in the Gulf of Finland will continue to blockade Bolshevik ports and detain from the moment they come in sight ships bound for Bolshevik ports."

Mr. President, this is the modern doctrine of the freedom of the seas so strenuously contended for through the windows of the White House. Every neutral ship sailing from a South American port for a Russian port called a Bolshevik port, whatsoever the port may be, so denominated by some representative of the supreme council, must understand that if encountered by a British or a French man-of-war it will not be allowed to enter the port of destination.

A blockade is a war measure, and is defined in international law as war. The Congress of the United States is not called upon to act. Why? Because, under the modern theory so eloquently announced, we are in a state of war.

Now, Mr. President, let us see what the logical consequence is. Having by proper declaration of war once entered a state of war with any nation, automatically the President of the United States, being constituted military dictator of the United States, has the power vested in him to declare war or to commit an act of war against any other country under the heavens.

Mr. HITCHCOCK. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. HITCHCOCK. The Senator is not charging me with making any such statement as that, is he?

Mr. FALL. I will read from the Senator's remarks of this morning and see whether or not I was justified in even intimating that he held that opinion:

Mr. HITCHCOCK. My conviction is—and the ideas which I have had have been quite justified up to the present time—that the Senate will not adjourn without the ratification of the treaty. I do not believe that the Senate of the United States is going to back out of this war before it is finished; and the war is not finished until the German troops are out of Silesia and are supplanted by troops of the allied and associated nations, just as they have been supplanted by those troops upon the Rhine.

Continuing, the Senator said:

I say, again, that if Senators think they can defeat the ratification of the treaty, they nevertheless leave the President with the war powers. He has sent troops under the war powers to Coblenz, and there is no reason why he could not send them farther if the war powers continue. The way to take away the war powers from the President of the United States is to ratify this treaty and bring about peace.

Of course, there may be no other way; but I may say to some of the Senators who are so fond of reservations that there is a way set forth in the Declaration of Independence of the United States by which war powers can be taken away without the ratification of this treaty. God deliver us from the necessity of appealing to the ultimate powers of the people of the United States to change forcibly their form of government!

Mr. President, where are we? We have, under the provisions of the Constitution, declared war against Germany; we are in a state of war; the President has war powers; and therefore we are justified in declaring war, economic and armed, against Russia. We have declared, in violation of the terms of the armistice, that we are justified in occupying portions of Germany which were not provided to be occupied in the armistice.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. I do.

Mr. HITCHCOCK. The Senator will realize that we did not make the armistice; it was made by the President of the United States. He has the power to change it, for it is purely a military proceeding.

Mr. FALL. That is another astounding proposition. Any Senator who holds such ideas as those just expressed has an absolute contempt for the Constitution of the United States, an absolute contempt for the form of government adopted by our fathers and so far preserved by the sword of our people, or else has no conception whatsoever of what our form of government is, with its three coordinate branches of government. Apparently, as I understand the doctrine enunciated, he has no conception of international law or of the rules of war among civilized nations. The Senator does not seem to realize that an armistice takes the place of a treaty of peace for the time being when it is in effect and that a violation of it by us would be as much to be condemned by all as would be a violation of its terms by Germany.

Mr. HITCHCOCK. But the Senator has shown no violation of it.

Mr. FALL. But the Senator himself is suggesting that the President of the United States has the right to violate it in the face of all decency and of the history of the civilized world.

Mr. HITCHCOCK. Not at all. I say the President of the United States in conjunction with the other powers has the power to amend it and they have done so. What are you going to do about it? They have amended it.

Mr. FALL. I deny the statement. The President has done nothing of the kind in conjunction with the other powers. If he has, it does not mitigate his offense against decency and civilization, but condemns his associates in the perpetration of such an offense. Germany is a party to the armistice.

Mr. HITCHCOCK. Mr. President, Germany has agreed to the modification.

Mr. FALL. Germany, sir, has not agreed to the modification that we might occupy the territory referred to with troops, except as she has been compelled to do so under duress and at the point of the bayonet.

Mr. HITCHCOCK. Everything is under duress.

Mr. FALL. Oh, yes.

Mr. HITCHCOCK. She has agreed to it.

Mr. FALL. Well, we have not in this treaty. Now, you appeal to the war powers of the President, that he, as Commander in Chief, can modify or obviate or set aside an armistice, and in the next breath you appeal to the terms of the treaty itself as modifying the terms of the armistice; and the treaty, in so far as we and the President of the United States are concerned, has not been ratified.

Mr. HITCHCOCK. The Senator misunderstands, I think. The armistice was made by the authority of the President of the United States for the United States and by the proper authorities for Great Britain, for France, for Italy, and for Japan. It was made with Germany, which assented to it under compulsion. Now all of those powers except the United States and Japan have ratified the treaty; all of those powers, including the United States and including Germany, have agreed to the modification of the armistice by which soldiers go into Silesia during the plebiscite. The other nations have taken that action under the treaty and the President has taken it under his war power. If we have not the treaty in force the President has his war power, and he has exercised his war power.

Mr. FALL. Precisely; but the Senator from Nebraska, from my point of view, instead of extricating himself from his extraordinary construction of the war powers of the President of the United States, becomes more deeply involved, for, reduced to its logical conclusion, his construction is that the President of the United States is a military dictator. I am not prepared to disagree with that construction, but as to the constitutionality or legality of that state of affairs I do disagree. That it is a fact—and the Senator has stated that it is a fact—that we are operating in this instance under a military dictatorship I agree. That there is a military dictatorship in this country legally and constitutionally or by the consent of the people of the United States I disagree.

Mr. President, let us follow this matter a little further. So long as we are at war the President under his war powers can even violate an armistice. When are we at peace? The Senator says when we ratify this treaty. Why, Mr. President, we solemnly declared war against the Austro-Hungarian Empire; we have now pending a treaty of peace terminating the war with Austria, and we have in process of negotiation a treaty of peace supposed to be intended to terminate the war with what remains of Hungary, Hungary having been broken up and divided. A portion of it goes to or is claimed by Bulgaria; another portion to Roumania, or she lays claim to it; and still another portion, I believe, we have agreed to turn over to Czechoslovakia and to the Serb-Croat-Slovene State. So long as we have not entered into a treaty of peace with the Hungarian portion of the former Austrian Empire the dictatorship in this country and throughout the world will continue. That is the logical argument and the only deduction which can be made from the war powers of the President as construed by his representatives here. Therefore if we can just hold off peace with any other country the President of the United States can continue to exercise his war powers abroad; he can continue to send our troops wherever he may please; he can continue to take part in a declaration of war upon an ally—for Russia was an ally of the United States—and under his war power, being a military dictator, he can use the armed forces of the country anywhere he pleases and not be guilty of a high crime and misdemeanor and be subject to punishment by impeachment through the Congress of the United States. I deny any such construction.

Mr. President, are the soldiers, if they are needed in blockading Bolshevik ports, to be diverted from their destination in Upper Silesia to Russia to join or cooperate with the American forces already there unconstitutionally? How long are the war powers to continue? Yet we are told that if we adopt textual amendments to this treaty we will prevent the United States having peace with the world; that if we reject the proposition for American representation on the reparation commission—and the Austrian treaty and every other treaty which is now being prepared is full of commissions; and an army of Bullitts or representatives of like or other character, I suppose, are in training for the positions which you are assisting to constitute for them—a like result will follow. We are told as an excuse for the violation of the Constitution, as an excuse for a usurpation of power by the President of the United States such as no other man in the United States ever dared to undertake, that finally Germany will pay for the occupation by our troops of Upper Silesia. A wonderful argument, Mr. President; an argument that will appeal, of course, to Senators in this body.

We were told by the same Senator a few days ago that amendments ought not to be adopted because a very great financial benefit was to be derived—I think he mentioned about $1,000,000,000—by the United States, if not directly by reparation, through the indirect operation of the reparation commission in Germany. Exalted sentiments, worthy of indorsement by those who believe that no textual amendments should be adopted to this treaty, worthy of those who hold to the belief that by a mere declaration of war against an enemy the President of the United States automatically becomes a military dictator, and that so long as war is not ended by a written document adopted by the military dictator and ratified by us without the crossing of a "t" or the dotting of an "i," his military war powers continue and he can command the forces of the United States to invade or its ships to blockade a friendly country!

Mr. President, I have little more to say. In so far as I am concerned, the vote may be taken. With the amendments proposed and those which will be proposed defeated, I shall vote against the ratification of the entire treaty; and in doing so I again say that in my heart I have the assurance that I shall never be called upon to apologize or feel of myself the necessity for apologizing to any people anywhere for my action and my vote, nor will it be necessary for me to explain it.

Mr. KELLOGG. Mr. President, I shall not undertake to discuss the distinction between reservations and textual amendments; but I believe I can show that if the Senate desires to attain the objects sought to be accomplished by this amendment it can be done by the resolution of ratification, in which the Senate must provide for the appointment of all representatives of the United States under the treaty and define their powers and duties, or such provision may be made by joint resolution or statute.

Now, let us see what this amendment is. It is an amendment of Annex 2, page 261, section 2, which section provides:

> Delegates to this commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium, and the Serb-Croat-Slovene State. Each of these powers will appoint one delegate and also one assistant delegate.

The next part of the section reads as follows:

> On no occasion shall the delegates of more than five of the above powers have the right to take part in the proceedings of the commission and to record their votes. The delegates of the United States, Great Britain, France, and Italy shall have this right on all occasions.

In the pending amendment the words "United States" are stricken out and the following words added:

> The delegate of the United States shall have no vote in the proceedings of the commission except concerning a matter wherein such delegate is specifically instructed by his Government to take part in proceedings of the commission and to cast and record the vote of the United States thereupon; but shall always have such right when Annex III to the reparation clauses or any section thereof is under consideration.

Annex III provides for the disposition of the shipping, and so forth.

The Senate should, and undoubtedly will, pass a resolution ratifying the treaty and providing that the Congress of the United States will provide by statute for the appointment of its representatives under the league and treaty on commissions, boards, courts, or to any other position; establishing the extent to which the United States is to participate therein; and defining and limiting the powers and duties of the various commissioners and representatives, mode of appointment; and finally providing that until that is done no one shall represent the United States under the league or treaty.

It is the clear duty of the Senate of the United States to pass such a resolution, and it devolves upon the Congress to provide by statute for those appointments and to define the powers and duties of our representatives and the extent of their participation in these commissions. If that is done—and I know it has been considered by the distinguished chairman of the Foreign Relations Committee, who has given a great deal of attention to it—there is absolutely no necessity for this amendment.

This amendment provides that the delegate of the United States shall have no vote in the proceedings of the commission except concerning a matter wherein such delegate has been instructed by his Government to take part in the proceedings of the commission and to cast and record the vote of the United States thereupon. The Congress will by statute provide that, and the resolution of ratification should give notice that the Congress will do it by statute; and until that is done we shall have no commissioners, and we shall have no delegate.

Of all amendments within my knowledge, this is the least necessary.

The foreign countries are not at all interested in how we shall appoint our representatives. That is for the Congress to decide; and the resolution of ratification, I believe, can and should thoroughly protect the United States until Congress has acted.

The PRESIDENT pro tempore. The question is upon amendment numbered 45, proposed by the committee.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCumber	Sheppard
Bankhead	Gronna	McKellar	Simmons
Beckham	Hale	McNary	Smith, Ariz.
Borah	Harris	Moses	Smith, Ga.
Brandegee	Harrison	Myers	Smith, Md.
Capper	Henderson	Nelson	Smoot
Chamberlain	Hitchcock	New	Spencer
Colt	Johnson, Calif.	Newberry	Stanley
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Kellogg	Nugent	Sutherland
Curtis	Kendrick	Overman	Swanson
Dial	Kenyon	Page	Thomas
Dillingham	Keyes	Penrose	Townsend
Edge	King	Phelan	Trammell
Fall	Kirby	Phipps	Underwood
Fernald	Knox	Pittman	Walsh, Mass.
Fletcher	La Follette	Pomerene	Walsh, Mont.
Frelinghuysen	Lenroot	Ransdell	Warren
Gay	Lodge	Robinson	Watson

Mr. DIAL. I wish to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained by illness in his family.

Mr. GERRY. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Mississippi [Mr. WILLIAMS] are absent on official business. The Senator from South Dakota [Mr. JOHNSON] is detained by illness in his family.

Mr. HENDERSON. I desire to announce the absence of the senior Senator from Delaware [Mr. WOLCOTT], on account of illness in his family.

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. There is a quorum present. The Secretary will state amendment numbered 45.

The SECRETARY. On page 261, in Annex II, article 2, after the words "the delegates of," on line 3 of the last paragraph, strike

out the words "the United States" and the comma, so that it will read:

The delegates of Great Britain, France, and Italy shall have this right on all occasions.

Mr. HITCHCOCK. I would like to inquire of the Senator from New Mexico whether he desires a yea-and-nay vote on these amendments?

Mr. FALL. It is immaterial to me, Mr. President. So far as I am concerned, I have no desire in the matter. There is no question but that the amendments will be defeated.

Mr. PENROSE. Let us have a yea-and-nay vote.

Mr. FALL. Other Senators ask for a yea-and-nay vote. I suggest to Senators that the yea-and-nay vote on one amendment is sufficient.

Mr. PENROSE. I will withdraw the request.

Mr. FALL. Then I have no request to make. The amendments heretofore have been defeated, and this amendment will be defeated, I presume, by approximately the same vote. So I agree that a viva voce vote may be had.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state amendment numbered 46.

The SECRETARY. On line 4 of the last paragraph on page 261, after the word "occasions" and the period, it is proposed to insert the following words:

The delegate of the United States shall have no vote in the proceedings of the commission, except concerning a matter wherein such delegate is specifically instructed by his Government to take part in proceedings of the commission and to cast and record the vote of the United States thereupon, but shall always have such right when Annex III to the reparation clauses or any section thereof is under consideration.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will continue the reading.

The Secretary resumed the reading of the treaty and read as follows:

"The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan shall have this right on occasions when questions relating to damage at sea, and questions arising under Article 260 of Part IX (Financial Clauses) in which Japanese interests are concerned, are under consideration. The Delegate of the Serb-Croat-Slovene State shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

"Each Government represented on the Commission shall have the right to withdraw therefrom upon twelve months notice filed with the Commission and confirmed in the course of the sixth month after the date of the original notice.

"3.

"Such of the other Allied and Associated Powers as may be interested shall have the right to appoint a Delegate to be present and act as Assessor only while their respective claims and interests are under examination or discussion, but without the right to vote.

"4.

"In case of the death, resignation or recall of any Delegate, Assistant Delegate or Assessor, a successor to him shall be nominated as soon as possible.

"5.

"The Commission will have its principal permanent Bureau in Paris and will hold its first meeting in Paris as soon as practicable after the coming into force of the present Treaty, and thereafter will meet in such place or places and at such time as it may deem convenient and as may be necessary for the most expeditious discharge of its duties.

"6.

"At its first meeting the Commission shall elect, from among the Delegates referred to above, a Chairman and a Vice-Chairman, who shall hold office for one year and shall be eligible for re-election. If a vacancy in the Chairmanship or Vice-Chairmanship should occur during the annual period, the Commission shall proceed to a new election for the remainder of the said period.

"7.

"The Commission is authorised to appoint all necessary officers, agents and employees who may be required for the execution of its functions, and to fix their remuneration; to constitute committees, whose members need not necessarily be members of the Commission, and to take all executive steps necessary for the purpose of discharging its duties; and to delegate authority and discretion to officers, agents and committees.

"8.

"All proceedings of the Commission shall be private, unless, on particular occasions, the Commission shall otherwise determine for special reasons.

"9.

"The Commission shall be required, if the German Government so desire, to hear, within a period which it will fix from time to time, evidence and arguments on the part of Germany on any question connected with her capacity to pay.

"10.

"The Commission shall consider the claims and give to the German Government a just opportunity to be heard, but not to take any part whatever in the decisions of the Commission. The Commission shall afford a similar opportunity to the allies of Germany, when it shall consider that their interests are in question.

"11.

"The Commission shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

"12.

"The Commission shall have all the powers conferred upon it, and shall exercise all the functions assigned to it, by the present Treaty.

"The Commission shall in general have wide latitude as to its control and handling of the whole reparation problem as dealt with in this Part of the present Treaty and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding, and distributing the reparation payments to be made by Germany under this Part of the present Treaty. The Commission must comply with the following conditions and provisions:

"(*a*) Whatever part of the full amount of the proved claims is not paid in gold, or in ships, securities and commodities or otherwise, Germany shall be required, under such conditions as the Commission may determine, to cover by way of guarantee by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.

"(*b*) In periodically estimating Germany's capacity to pay, the Commission shall examine the German system of taxation, first, to the end that the sums for reparation which Germany is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the Powers represented on the Commission.

"(*c*) In order to facilitate and continue the immediate restoration of the economic life of the Allied and Associated countries, the Commission will as provided in Article 235 take from Germany by way of security for and acknowledgment of her debt a first instalment of gold bearer bonds free of all taxes and charges of every description established or to be established by the Government of the German Empire or of the German States, or by any authority subject to them; these bonds will be delivered on account and in three portions, the marks gold being payable in conformity with Article 262 of Part IX (Financial Clauses) of the present Treaty as follows:

"(1) To be issued forthwith, 20,000,000,000 Marks gold bearer bonds, payable not later than May 1, 1921, without interest. There shall be specially applied towards the amortisation of these bonds the payments which Germany is pledged to make in conformity with Article 235, after deduction of the sums used for the reimbursement of expenses of the armies of occupation and for payment of foodstuffs and raw materials. Such bonds as have not been redeemed by May 1, 1921, shall then be exchanged or new bonds of the same type as those provided for below (paragraph 12, *c*, (2)).

"(2) To be issued forthwith, further 40,000,000,000 Marks gold bearer bonds, bearing interest at 2½ per cent. per annum between 1921 and 1926, and thereafter at 5 per cent. per annum with an additional 1 per cent. for amortisation beginning in 1926 on the whole amount of the issue.

"(3) To be delivered forthwith a covering undertaking in writing to issue when, but not until, the Commission is satisfied that Germany can meet such interest and sinking fund obligations, a further instalment of 40,000,000,000 Marks gold 5 per cent. bearer bonds, the time and mode of payment of principal and interest to be determined by the Commission.

"The dates for payment of interest, the manner of applying the amortisation fund, and all other questions relating to the issue, management and regulation of the bond issue shall be determined by the Commission from time to time.

"Further issues by way of acknowledgment and security may be required as the Commission subsequently determines from time to time.

"(*d*) In the event of bonds, obligations or other evidence of indebtedness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favour Germany's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

"(*e*) The damage for repairing, reconstructing and rebuilding property in the invaded and devastated districts, including reinstallation of furniture, machinery and other equipment, will be calculated according to the cost at the dates when the work is done.

"(*f*) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any verified debt of Germany must be accompanied by a statement of its reasons.

"13.

"As to voting, the Commission will observe the following rules:

"When a decision of the Commission is taken, the votes of all the Delegates entitled to vote, or in the absence of any of them, of their Assistant Delegates, shall be recorded. Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors have no vote.

"On the following questions unanimity is necessary:

"(*a*) Questions involving the sovereignty of any of the Allied and Associated Powers, or the cancellation of the whole or any part of the debt or obligations of Germany;

"(*b*) Questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

"(*c*) Any postponement, total or partial, beyond the end of 1930, of the payment of instalments falling due between May 1, 1921, and the end of 1926 inclusive;

"(*d*) Any postponement, total or partial, of any instalment falling due after 1926 for a period exceeding three years;

"(*e*) Questions of applying in any particular case a method of measuring damages different from that which has been previously applied in a similar case;

"(*f*) Questions of the interpretation of the provisions of this Part of the present Treaty.

"All other questions shall be decided by the vote of a majority.

"In case of any difference of opinion among the Delegates, which cannot be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

"14.

"Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

"15.

"The Commission will issue to each of the interested Powers, in such form as the Commission shall fix:

"(1) A certificate stating that it holds for the account of the said Power bonds of the issues mentioned above, the said certificate, on the demand of the Power concerned, being divisible in a number of parts not exceeding five;

"(2) From time to time certificates stating the goods delivered by Germany on account of her reparation debt which it holds for the account of the said Power.

"The said certificates shall be registered, and upon notice to the Commission, may be transferred by endorsement.

"When bonds are issued for sale or negotiation, and when goods are delivered by the Commission, certificates to an equivalent value must be withdrawn.

"16.

"Interest shall be debited to Germany as from May 1, 1921, in respect of her debt as determined by the Commission, after allowing for sums already covered by cash payments or their equivalent, or by bonds issued to the Commission, or under Article 243. The rate of interest shall be 5 per cent. unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

"The Commission, in fixing on May 1, 1921, the total amount of the debt of Germany, may take account of interest due on sums arising out of the reparation of material damage as from November 11, 1918, up to May 1, 1921.

"17.

"In case of default by Germany in the performance of any obligation under this Part of the present Treaty, the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.

"18.

"The measures which the Allied and Associated Powers shall have the right to take, in case of voluntary default by Germany, and which Germany agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances.

"19.

"Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions, within or without German territory, ships, bonds, shares or securities of any kind, or currencies of Germany or other States, the value of such substitutes for gold being fixed at a fair and just amount by the Commission itself.

"20.

"The Commission, in fixing or accepting payment in specified properties or rights, shall have due regard for any legal or equitable interests of the Allied and Associated Powers or of neutral Powers or of their nationals therein.

"21.

"No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission as such member. No one of the Allied or Associated Governments assumes any responsibility in respect of any other Government.

"22.

"Subject to the provisions of the present Treaty this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

"23.

"When all the amounts due from Germany and her allies under the present Treaty or the decisions of the Commission have been discharged and all sums received, or their equivalents, shall have been distributed to the Powers interested, the Commission shall be dissolved.

"*ANNEX III.*

"1.

"Germany recognises the right of the Allied and Associated Powers to the replacement, ton for ton (gross tonnage) and class for class, of all merchant ships and fishing boats lost or damaged owing to the war.

"Nevertheless, and in spite of the fact that the tonnage of German shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the German aggression, the right thus recognised will be enforced on German ships and boats under the following conditions:

"The German Government, on behalf of themselves and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all the German merchant ships which are of 1,600 tons gross and upwards; in one-half, reckoned in tonnage, of the ships which are between 1,000 tons and 1,600 tons gross; in one-quarter, reckoned in tonnage, of the steam trawlers; and in one-quarter, reckoned in tonnage, of the other fishing boats.

"2.

"The German Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1.

"3.

"The ships and boats mentioned in paragraph 1 include all ships and boats which (*a*) fly, or may be entitled to fly, the German merchant flag; or (*b*) are owned by any German national, company or corporation or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of German nationals; or (*c*) are now under construction (1) in Germany, (2) in other than Allied or Associated countries for the account of any German national, company or corporation.

"4.

"For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the German Government will:

"(*a*) Deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all encumbrances, charges and liens of all kinds, as the Commission may require;

"(*b*) Take all measures that may be indicated by the Reparation Commission for ensuring that the ships themselves shall be placed at its disposal.

"5.

"As an additional part of reparation, Germany agrees to cause merchant ships to be built in German yards for the account of the Allied and Associated Governments as follows:

"(*a*) Within three months of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in German shipyards in each of the two years next succeeding the three months mentioned above.

"(*b*) Within two years of the coming into force of the present Treaty, the Reparation Commission will notify to the German Government the amount of tonnage to be laid down in each of the three years following the two years mentioned above.

"(*c*) The amount of tonnage to be laid down in each year shall not exceed 200,000 tons, gross tonnage.

"(*d*) The specifications of the ships to be built, the conditions under which they are to be built and delivered, the price per ton at which they are to be accounted for by the Reparation Commission, and all other questions relating to the accounting, ordering, building and delivery of the ships, shall be determined by the Commission.

"6.

"Germany undertakes to restore in kind and in normal condition of upkeep to the Allied and Associated Powers, within two months of the coming into force of the present Treaty, in accordance with procedure to be laid down by the Reparation Commission, any boats and other movable appliances belonging to inland navigation which since August 1, 1914, have by any means whatever come into her possession or into the possession of her nationals, and which can be identified.

"With a view to make good the loss in inland navigation tonnage, from whatever cause arising, which has been incurred during the war by the Allied and Associated Powers, and which cannot be made good by means of the restitution prescribed above, Germany agrees to cede to the Reparation Commission a portion of the German river fleet up to the amount of the loss mentioned above, provided that such cession shall not exceed 20 per cent of the river fleet as it existed on November 11, 1918.

"The conditions of this cession shall be settled by the arbitrators referred to in Article 339 of Part XII (Ports, Waterways and Railways) of the present Treaty, who are charged with the settlement of difficulties relating to the apportionment of river tonnage resulting from the new international régime applicable to certain river systems or from the territorial changes affecting those systems.

"7.

"Germany agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining the full title to the property in all ships which have during the war been transferred, or are in process of transfer, to neutral flags, without the consent of the Allied and Associated Governments.

"8.

"Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent Agreements.

"The handing over of the ships of the German mercantile marine must be continued without interruption in accordance with the said Agreement.

"9.

"Germany waives all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved, in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers or otherwise, notwithstanding any decree of condemnation which may have been made by a Prize Court of Germany or of her allies.

"ANNEX IV.

"1.

"The Allied and Associated Powers require, and Germany undertakes, that in part satisfaction of her obligations expressed in the present Part she will, as hereinafter provided, devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers, to the extent that these Powers may determine.

"2.

"The Allied and Associated Governments may file with the Reparation Commission lists showing:

"(*a*) Animals, machinery, equipment, tools and like articles of a commercial character, which have been seized, consumed or destroyed by Germany or destroyed in direct consequence of military operations, and which such Governments, for the purpose of meeting immediate and urgent needs, desire to have replaced by animals and articles of the same nature which are in being in German territory at the date of the coming into force of the present Treaty;

"(*b*) Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window-glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles of a commercial character which the said Governments desire to have produced and manufactured in Germany and delivered to them to permit of the restoration of the invaded areas.

"3.

"The lists relating to the articles mentioned in 2 (*a*) above shall be filed within sixty days after the date of the coming into force of the present Treaty.

"The lists relating to the articles in 2(*b*) above shall be filed on or before December 31, 1919.

"The lists shall contain all such details as are customary in commercial contracts dealing with the subject matter, including specifications, dates of delivery (but not extending over more than four years), and places of delivery, but not price or value, which shall be fixed as hereinafter provided by the Commission.

"4.

"Immediately upon the filing of such lists with the Commission, the Commission shall consider the amount and number of the materials and animals mentioned in the lists provided for above which are to be required of Germany. In reaching a decision on this matter the Comimssion shall take into account such domestic requirements of Germany as it deems essential for the maintenance of Germany's social and economic life, the prices and dates at which similar articles can be obtained in the Allied and Associated countries as compared with those to be fixed for German articles, and the general interest of the Allied and Associated Governments that the industrial life of Germany be not so disorganised as to affect adversely the ability of Germany to perform the other acts of reparation stipulated for.

"Machinery, equipment, tools and like articles of a commercial character in actual industrial use are not, however, to be demanded of Germany unless there is no free stock of such articles respectively which is not in use and is available, and then not in excess of thirty per cent. of the quantity of such articles in use in any one establishment or undertaking."

ENTRY OF ALIENS—HOUSE BILL REFERRED.

The PRESIDENT pro tempore. The Chair as in legislative session lays before the Senate the bill (H. R. 9782) to regulate the entry of aliens into the United States, which will be read twice by its title and referred to the Committee on Foreign Relations.

Mr. KING. Mr. President, it occurs to me that that bill is properly referable to the Committee on Immigration. If it deals with passport regulations it ought to go to the Committee on the Judiciary, because that committee considered the last bill on the subject and reported it back to the Senate, and this is really a reenactment of the existing law. I am not sure whether this is the same measure, known as the passport bill.

The PRESIDENT pro tempore. The Chair will say that the bill begins:

That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act should be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by Congress, be unlawful—

And so forth.

The Chair was of the distinct impression that the bill ought to be referred to the Committee on Immigration, but it has now been referred to the Committee on Foreign Relations. Of course, however, it is subject to a motion for a change of reference.

Mr. KING. I have no particular interest in the measure. We are all anxious that that measure, or a similar one, shall

pass; but it occurred to me that if it was a reenactment of existing law, a bill which was reported from the Judiciary Committee before, it ought to go to the same committee, but that if it was dealing with the general subject of immigration, it ought to go to the Immigration Committee.

Mr. BRANDEGEE. Mr. President, I have just entered the Chamber. May I inquire what the message from the House is?

Mr. KING. It is the passage of a bill.

Mr. BRANDEGEE. What is the bill?

The PRESIDENT pro tempore. It is H. R. 9782, and it is entitled "A bill to regulate further the entry of aliens into the United States."

Mr. BRANDEGEE. Mr. President, I am the chairman of a subcommittee of the Committee on the Judiciary, to which a joint resolution concerning that very question was referred. The joint resolution was introduced by the chairman of the Judiciary Committee, the Senator from Minnesota, Mr. NELSON. The Senator from Minnesota spoke to me this morning as to what should be done with the bill that was passed by the House. It is known as the passport bill, I believe.

Mr. KING. Yes.

Mr. BRANDEGEE. I told the Senator from Minnesota that he had better consult the Senator from Massachusetts [Mr. LODGE] if the question of jurisdiction between the Foreign Relations Committee and the Judiciary Committee was to be raised. They did talk together here, and I heard their conversation, from which I inferred that the Senator from Minnesota was willing that the bill should go to the Foreign Relations Committee. The Senator from Massachusetts said that that committee had always taken jurisdiction of passport matters; it comes under the State Department; and I would move that the bill be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The bill has already been referred to the Committee on Foreign Relations.

Mr. BRANDEGEE. Very well. I thought the Senator from Utah was claiming its reference to the Judiciary Committee.

Mr. KING. I think the bill ought to go to the Judiciary Committee, for the reason that the passport bill—at least, a bill to continue its existence—was reported before by the Judiciary Committee. That committee is now considering a measure similar to this, and perhaps one that amplifies its provisions. The Immigration Committee, too, is also considering the subject, so that it would be properly referable to that committee; but in view of the statement made by the Senator I have no objection to having it referred to the Committee on Foreign Relations.

Mr. HARRISON. Mr. President, I merely want to make an observation touching this matter, in the hope that the bill will not be referred to the Foreign Relations Committee. The chairman of the Immigration Committee is not here. It appears to some of us to be a question that ought to go to the Immigration Committee. It is a question of the admission of certain aliens into the United States; and I was in hope that the matter might be held in abeyance until the chairman of that committee could be present.

The PRESIDENT pro tempore. The Chair may be permitted to say that it is subject to a motion to refer the bill to the Committee on Immigration if any Senator desires to make the motion.

Mr. BRANDEGEE. Mr. President, I did not know that there was any question about the jurisdiction of the Immigration Committee. While I think the question of passports would not come peculiarly under the jurisdiction of that committee, I ask unanimous consent that the reference be reconsidered, and that the matter lie upon the desk, undisposed of as to its reference, until the chairmen of those three committees can be on the floor.

Mr. HARRISON. That is entirely satisfactory.

The PRESIDENT pro tempore. Without objection, the reference will be reconsidered, and the bill will lie on the table.

Mr. LODGE subsequently said: Mr. President, I wish to ask that the bill (H. R. 9782) to regulate further the entry of aliens into the United States, which I understand is on the table, and which was in charge of the Committee on Foreign Affairs in the House of Representatives, be referred to the Committee on Foreign Relations. I think it belongs to that committee. I have spoken to the Senator from Minnesota [Mr. NELSON], the chairman of the Committee on the Judiciary, and also to the Senator from Rhode Island [Mr. COLT], the chairman of the Committee on Immigration, and they are both entirely satisfied that the bill should be referred to the Committee on Foreign Relations. I therefore ask that that reference be made.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the bill named by him shall be referred to the Committee on Foreign Relations. The question is on that motion.

Mr. PITTMAN. Mr. President, may I ask the Senator from Massachusetts if the chairman of the Committee on Immigration favors that course being taken?

Mr. LODGE. Yes; he has been spoken to to-day, and said he had no objection.

Mr. PITTMAN. Very well.

Mr. LODGE. The bill was reported from the Committee on Foreign Affairs in the House, and I think it involves naturally a question of foreign relations.

Mr. PITTMAN. I only asked the question because the Senator from Massachusetts was not present at the time the discussion concerning the bill took place a while ago.

Mr. LODGE. I was told that the Senator from Rhode Island had been spoken to and that he was entirely satisfied to have the bill referred to the Committee on Foreign Relations, and I myself spoke to the Senator from Minnesota, the committee of which he is chairman having a similar bill before it.

Mr. KING. I may say to the Senator that the original bill—and this is a bill to continue its existence—was reported by the Judiciary Committee of the Senate at the last session of Congress; but I have no objection to the bill going to the Committee on Foreign Relations

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Foreign Relations.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Saturday, October 18, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *October 17, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, by whom we are continually upheld and sustained, control our minds, direct our ways, and make straight our paths, that our service may be of the highest and best, that we may ascend day by day to the higher manhood in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. In the opinion of the Chair no quorum is present.

Mr. DOWELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Iowa moves a call of the House.

The question was taken.

The SPEAKER. The ayes seem to have it.

Mr. BLANTON. Division!

The House divided; and there were—ayes 39, noes 14.

So a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Ferris	Kennedy, Iowa	Nicholls, S. C.
Andrews, Md.	Fess	Kennedy, R. I.	Ogden
Anthony	Fields	Kiess	Olney
Barkley	Frear	Kincheloe	Overstreet
Begg	Fuller, Ill.	LaGuardia	Paige
Booher	Fuller, Mass.	Langley	Parker
Brand	Gallivan	Larsen	Pell
Brinson	Gandy	Lee, Ga.	Peters
Britten	Godwin, N. C.	Little	Porter
Caldwell	Goldfogle	McAndrews	Rainey, H. T.
Campbell, Kans.	Goodall	McClintic	Rainey, Ala.
Caraway	Goodykoontz	McCulloch	Ramsey
Carew	Gould	McFadden	Reavis
Carter	Graham, Pa.	McKinley	Reed, N. Y.
Casey	Greene, Vt.	McLane	Riddick
Collier	Hamill	McLaughlin, Nebr.	Riordan
Costello	Heflin	MacGregor	Robsion, Ky.
Cullen	Hill	Maher	Romjue
Davis, Minn.	Houghton	Mann	Rowan
Dempsey	Howard	Mason	Rowe
Donovan	Hull, Iowa	Mead	Rubey
Dooling	Husted	Moore, Pa.	Sanford
Doremus	Ireland	Moores, Ind.	Saunders, Va.
Drane	Johnson, Miss.	Morin	Scully
Eagle	Johnson, S. Dak.	Murphy	Sells
Ellsworth	Johnston, N. Y.	Neely	Sinnott

Sisson	Stephens, Miss.	Tincher	Wilson, Pa.
Small	Strong, Pa.	Upshaw	Wise
Smith, N. Y.	Sullivan	Walters	Zihlman
Smithwick	Swope	Ward	
Steele	Taylor, Ark.	Wilson, Ill.	

The SPEAKER. On this roll call 308 Members answered to their names. A quorum is present.

Mr. TOWNER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. When the House adjourned last night the House was voting on the amendment to the bill, which the Clerk will report.

The Clerk read as follows:

Page 1, line 4, strike out the words "industry or otherwise," and insert "industrial pursuits including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts.

The SPEAKER. The question is on agreeing to the amendment adopted by the committee.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. BLACK) there were—ayes 148, noes 65.

So the amendment was agreed to.

The SPEAKER. The vote next comes upon the second amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARSS: On page 1, lines 7 and 8, strike out the words "and who are without sufficient means to provide for their own rehabilitation."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 57, noes 59.

So the amendment was rejected.

The SPEAKER. The question is on ordering the bill to be engrossed and read the third time.

The question was taken, and the bill was ordered to be engrossed and read a third time; was read the third time.

Mr. SEARS. Mr. Speaker——

Mr. BLANTON. Mr. Speaker, I have a motion to recommit. I am a member of the committee, and I am against the bill.

Mr. SEARS. Mr. Speaker, I am the ranking member of the committee and I have a motion to recommit.

The SPEAKER. Are there any other gentlemen who have motions to recommit?

Mr. WOOD of Indiana. I have one.

The SPEAKER. Is the gentleman on the committee?

Mr. WOOD of Indiana. I am not on the committee.

The SPEAKER. Who is the ranking member?

Mr. BLANTON. Mr. SEARS; but I am against the bill and he is for it.

The SPEAKER. The gentleman need not proceed to qualify until asked to do so. Is the gentleman from Florida opposed to the bill?

Mr. SEARS. I am opposed to the bill.

The SPEAKER. The Chair will recognize the gentleman from Florida, the ranking member of the committee. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SEARS moves to recommit the bill to the Committee on Education with instructions to report the same back instanter with the following amendment:

On page 3, line 7, after the word "act," strike out all of lines 7 and 8 down to the semicolon and insert the following: "and the Federal board shall furnish to the State boards annually general plans and specifications or such information on vocational education as they may have."

And also, in line 8, strike out all down to and including the semicolon after "directors" in line 17.

Mr. BLANTON. Mr. Speaker, I offer a substitute motion to recommit——

Mr. TOWNER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Where a motion to recommit is read by the Clerk and a Member calls the attention of the Speaker to the fact that he desires to offer a substitute motion to recommit, is he not entitled to recognition?

The SPEAKER. He is not. The gentleman in charge of the bill is entitled to recognition.

The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SEARS. Division, Mr. Speaker.

The House proceeded to divide.

Mr. SEARS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-six gentlemen have arisen, not a sufficient number.

Mr. SEARS. Mr. Speaker, I demand the other side.

The SPEAKER. There is no question of the other side. The question is whether one-fifth of the Members present demand a quorum.

Mr. SEARS. I demand the other side, because other business has been transacted since a quorum was developed.

The SPEAKER. The only question was whether or not there were one-fifth of the Members present demanding a quorum.

Mr. BLANTON. May I ask that the Chair count?

Mr. SEARS. I make the point of no quorum.

The SPEAKER. The gentleman makes the point of no quorum. The Chair will count. [During the count.] The Chair has already counted 225 Members, and there are many uncounted. A quorum is present. The motion to recommit is rejected. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

Mr. WALSH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 196, nays 105, answered "present" 9, not voting 120, as follows:

YEAS—196.

Almon	Ferris	Lazaro	Rhodes
Anderson	Fitzgerald	Lehlbach	Ricketts
Andrews, Nebr.	Focht	Lesher	Riddick
Ashbrook	Foster	Linthicum	Rodenberg
Babka	Freeman	Lonergan	Romjue
Baer	French	Luhring	Rose
Bankhead	Gallagher	McArthur	Rouse
Barbour	Garland	McGlennon	Sabath
Benham	Glynn	McKenzie	Sanders, Ind.
Black	Goodwin, Ark.	McKeown	Sanders, N. Y.
Bland, Ind.	Green, Iowa	McKinley	Schall
Bland, Mo.	Greene, Mass.	McLaughlin, Mich.	Scott
Bowers	Griest	McPherson	Sherwood
Briggs	Hadley	MacCrate	Shreve
Brooks, Ill.	Hamilton	Magee	Siegel
Brooks, Pa.	Hardy, Colo.	Mapes	Sims
Browne	Haskell	Mays	Sinclair
Brumbaugh	Hastings	Michener	Smith, Idaho
Burdick	Hawley	Miller	Smith, Ill.
Burke	Hayden	Minahan, N. J.	Smith, Mich.
Burroughs	Hays	Monahan, Wis.	Steenerson
Campbell, Pa.	Hernandez	Mondell	Stephens, Ohio
Cantrill	Hersey	Mooney	Stiness
Carss	Hersman	Moore, Ohio	Summers, Wash.
Chindblom	Hickey	Morgan	Sweet
Christopherson	Huddleston	Mott	Taylor, Colo.
Classon	Hulings	Mudd	Taylor, Tenn.
Cole	Hull, Iowa	Nelson, Wis.	Temple
Cooper	Hutchinson	Newton, Minn.	Thompson
Copley	Igoe	Newton, Mo.	Timberlake
Crago	James	Nichols, Mich.	Tinkham
Crowther	Johnson, Ky.	Nolan	Towner
Currie, Mich.	Johnson, Wash.	O'Connell	Vaile
Curry, Calif.	Jones, Tex.	O'Connor	Vare
Dallinger	Juul	Olney	Vestal
Darrow	Kearns	Osborne	Volgt
Davey	Keller	Parrish	Volstead
Denison	Kelley, Mich.	Phelan	Weaver
Dickinson, Mo.	Kelly, Pa.	Platt	Webster
Dickinson, Iowa	Kendall	Pou	Welling
Dowell	Kettner	Purnell	Welty
Dunbar	King	Radcliffe	Wheeler
Dupré	Kinkaid	Rainey, J. W.	White, Kans.
Dyer	Kleczka	Raker	Williams
Elliott	Knutson	Ramseyer	Wingo
Elston	Kraus	Randall, Calif.	Wood, Ind.
Esch	Kreider	Randall, Wis.	Woodyard
Evans, Mont.	Lampert	Reber	Yates
Fairfield	Lankford	Reed, W. Va.	Young, N. Dak.

NAYS—105.

Alexander	Dent	Kitchin	Slemp
Anthony	Dominick	Lanham	Small
Aswell	Doughton	Layton	Smithwick
Ayres	Dunn	Luce	Snell
Bee	Echols	Lufkin	Steagall
Bell	Edmonds	McDuffie	Stedman
Benson	Evans, Nebr.	Madden	Stevenson
Blackmon	Evans, Nev.	Major	Strong, Kans.
Bland, Va.	Fisher	Mansfield.	Sumners, Tex.
Blanton	Flood	Martin	Tillman
Boies	Fordney	Merritt	Tilson
Box	Ganly	Montague	Treadway
Browning	Garrett	Moon	Venable
Buchanan	Good	Moore, Va.	Vinson
Butler	Graham, Ill.	Nelson, Mo.	Watkins
Byrnes, S. C.	Greene, Vt.	Nicholls, S. C.	Watson, Pa.
Byrns, Tenn.	Griffin	Oldfield	Watson, Va.
Candler	Hardy, Tex.	Oliver	Webb
Cannon	Harrison	Padgett	Whaley
Clark, Mo.	Haugen	Park	Wilson, La.
Cleary	Hoch	Quin	Winslow
Coady	Holland	Rayburn	Woods, Va.
Connally	Hudspeth	Robinson, N. C.	Wright
Cramton	Hull, Tenn.	Rucker	Young, Tex.
Crisp	Humphreys	Sanders, La.	
Dale	Jacoway	Sanford	
Davis, Tenn.	Jones, Pa.	Sears	

ANSWERED "PRESENT"—9.

Bacharach	Garner	Snyder	Walsh
Emerson	Rogers	Thomas	Wason
Gard			

NOT VOTING—120.

Ackerman	Frear	Larsen	Rainey, H. T.
Andrews, Md.	Fuller, Ill.	Lea, Calif.	Ramsey
Barkley	Fuller, Mass.	Lee, Ga	Reavis
Begg	Gallivan	Little	Reed, N. Y.
Booher	Gandy	Longworth	Riordan
Brand	Godwin, N. C.	McAndrews	Robsion, Ky.
Brinson	Goldfogle	McClintic	Rowan
Britten	Goodall	McCulloch	Rowe
Caldwell	Goodykoontz	McFadden	Rubey
Campbell, Kans.	Gould	McKiniry	Saunders, Va.
Caraway	Graham, Pa.	McLane	Scully
Carew	Hamill	McLaughlin, Nebr.	Sells
Carter	Heflin	MacGregor	Sinnott
Casey	Hicks	Maher	Sisson
Clark, Fla.	Hill	Mann	Smith, N. Y.
Collier	Houghton	Mason	Steele
Costello	Howard	Mead	Stephens, Miss.
Cullen	Husted	Moore, Pa.	Strong, Pa.
Davis, Minn.	Ireland	Moores, Ind.	Sullivan
Dempsey	Jefferis	Morin	Swope
Dewalt	Johnson, Miss.	Murphy	Taylor, Ark.
Donovan	Johnson, S. Dak.	Neely	Tincher
Dooling	Johnston, N. Y.	Ogden	Upshaw
Doremus	Kahn	Overstreet	Walters
Drane	Kennedy, Iowa	Paige	Ward
Eagan	Kennedy, R. I.	Parker	White, Me.
Eagle	Kiess	Pell	Wilson, Ill.
Ellsworth	Kincheloe	Peters	Wilson, Pa.
Fess	LaGuardia	Porter	Wise
Fields	Langley	Rainey, Ala.	Zihlman

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. FESS (for) with Mr. WALSH (against).

Mr. MCCULLOCH (for) with Mr. SNYDER (against).

Mr. EMERSON (for) with Mr. CLARK of Florida (against).

Mr. LAGUARDIA (for) with Mr. GRAHAM of Pennsylvania (against).

Mr. OGDEN (for) with Mr. ROGERS (against).

Mr. KENNEDY of Rhode Island (for) with Mr. BACHARACH (against).

Mr. JOHNSON of Mississippi (for) with Mr. TINCHER (against).

Mr. EAGAN (for) with Mr. DEWALT (against).

Mr. LONGWORTH (for) with Mr. GARNER (against).

Mr. HUSTED (for) with Mr. BOOHER (against).

Mr. WALTERS (for) with Mr. THOMAS (against).

Until further notice:

Mr. FULLER of Massachusetts with Mr. RUBEY.

Mr. MORIN with Mr. GOLDFOGLE.

Mr. MURPHY with Mr. GODWIN of North Carolina.

Mr. PAIGE with Mr. GANDY.

Mr. PARKER with Mr. GALLIVAN.

Mr. ELLSWORTH with Mr. SISSON.

Mr. SWOPE with Mr. CAREW.

Mr. WARD with Mr. CARAWAY.

Mr. MCFADDEN with Mr. LARSEN.

Mr. MCLAUGHLIN of Nebraska with Mr. KINCHELOE.

Mr. HILL with Mr. OVERSTREET.

Mr. HOUGHTON with Mr. NEELY.

Mr. WHITE of Maine with Mr. CALDWELL.

Mr. WILSON of Illinois with Mr. BRINSON.

Mr. ZIHLMAN with Mr. BRAND.

Mr. MANN with Mr. JOHNSTON of New York.

Mr. MASON with Mr. HOWARD.

Mr. ACKERMAN with Mr. WISE.

Mr. ANDREWS of Maryland with Mr. WILSON of Pennsylvania.

Mr. PETERS with Mr. EAGLE.

Mr. PORTER with Mr. DRANE.

Mr. BEGG with Mr. UPSHAW.

Mr. RAMSEY with Mr. DOREMUS.

Mr. BRITTEN with Mr. TAYLOR of Arkansas.

Mr. REAVIS with Mr. DOOLING.

Mr. CAMPBELL of Kansas with Mr. SULLIVAN.

Mr. GOODALL with Mr. ROWAN.

Mr. KENNEDY of Iowa with Mr. MCANDREWS.

Mr. GOODYKOONTZ with Mr. RIORDAN.

Mr. REED of New York with Mr. DONOVAN.

Mr. MOORE of Pennsylvania with Mr. HEFLIN.

Mr. MOORES of Indiana with Mr. HAMILL.

Mr. KIESS with Mr. LEE of Georgia.

Mr. LANGLEY with Mr. FIELDS.

Mr. ROBSION of Kentucky with Mr. CULLEN.

Mr. LITTLE with Mr. LEA of California.

Mr. ROWE with Mr. COLLIER.

Mr. SELLS with Mr. CASEY.

Mr. FREAR with Mr. SCULLY.

Mr. COSTELLO with Mr. STEPHENS of Mississippi.

Mr. DAVIS of Minnesota with Mr. STEELE.

Mr. GOULD with Mr. RAINEY of Alabama.

Mr. DEMPSEY with Mr. SMITH of New York.

Mr. HICKS with Mr. HENRY T. RAINEY.

Mr. STRONG of Pennsylvania with Mr. CARTER.

Mr. FULLER of Illinois with Mr. SAUNDERS of Virginia.

Mr. IRELAND with Mr. MAHER.

Mr. JEFFERIS with Mr. MCLANE.

Mr. MACGREGOR with Mr. BARKLEY.

Mr. JOHNSON of South Dakota with Mr. MCKINIRY.

Mr. KAHN with Mr. MCCLINTIC.

Mr. ROGERS. Mr. Speaker, I voted "nay." I am paired with the gentleman from Kentucky, Mr. OGDEN. I want to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ROGERS, and he answered "Present."

Mr. WALSH. Mr. Speaker, I am paired with the gentleman from Ohio, Dr. FESS. I voted "nay." I desire to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WALSH, and he answered "Present."

Mr. EMERSON. Mr. Speaker, I voted "aye." I have a pair with the gentleman from Florida, Mr. CLARK. I have a live pair with him. I want to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. EMERSON, and he answered "Present."

Mr. BACHARACH. Mr. Speaker, I have a pair with the gentleman from Rhode Island, Mr. KENNEDY. If he were present, he would vote "aye." I want to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BACHARACH, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. TOWNER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that all Members of the House may have 10 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members of the House may have 10 legislative days in which to extend their remarks on the bill just passed. Is there objection?

Mr. BLANTON. Reserving the right to object, would the gentleman mind making that five legislative days?

Mr. DYER. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the gentleman's request?

Mr. WINGO. Reserving the right to object, does the gentleman intend to put in newspaper clippings?

Mr. BLANTON. The only thing I intend to put in is my position on the bill, together with the motion to recommit, which, under the rules of the House, I was prohibited from commenting on.

Mr. WINGO. I will not object, provided the gentleman does not put in clippings from newspapers or letters laudatory of his political ambitions.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that all gentlemen may have five legislative days in which to extend their remarks in the RECORD, to be confined strictly to the bill, their own remarks.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all gentlemen may have five legislative days in which to extend their own remarks on the bill just passed.

Mr. JOHNSON of Washington. Reserving the right to object, if the gentleman from Missouri will make it three legislative days I will not object. Three is enough.

Mr. CLARK of Missouri. I do not care whether it is three or five.

Mr. JOHNSON of Washington. While the subject is alive, if men are anxious to get into the RECORD, let them get in. As a

matter of fact, it is almost impossible to secure the paper to print the RECORD. I shall not object to three days.

Mr. CLARK of Missouri. I will change it to three, but I will insist that the speeches that go in shall be the speeches of the men who pretend to make them, and that there shall be no exhibits in there.

Mr. WINGO. Limited to this subject.

Mr. CLARK of Missouri. Yes; and limited to the subject.

Mr. CANNON. Mr. Speaker, I was not well last evening and last night, and I did not revise my remarks. I desire the privilege of revising and extending, strictly upon the bill, my remarks.

The SPEAKER. One unanimous-consent request is pending, that of the gentleman from Missouri [Mr. CLARK]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] under that will have that privilege.

WILLIAM Z. FOSTER.

Mr. DAVEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes, so that in that time there may be read to the House the letter of Senator POMERENE to the United Labor Congress at Youngstown, Ohio, in response to their resolutions touching Congressman COOPER.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for five minutes and to have read the letter indicated. Is there objection?

Mr. BLANTON. Mr. Speaker, does the letter intend to reflect upon Congressman COOPER?

Mr. DAVEY. No. This is Senator POMERENE'S defense of Congressman COOPER.

Mr. BLANTON. Then I will have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the letter presented by the gentleman from Ohio [Mr. DAVEY].

The Clerk read as follows:

WASHINGTON, D. C., *October 1½, 1919.*

MR. HARRY DECHUND,
Secretary United Labor Congress, Youngstown, Ohio.

DEAR SIR: Your recent favor received, inclosing copy of the preamble and resolutions adopted by the United Labor Congress, Youngstown, Ohio, criticizing the speech made by Congressman JOHN G. COOPER on the 23d day of September, 1919, in the House of Representatives.

As a committee of the Senate is now investigating the steel strike, I shall refrain from making any comment thereon until the hearings are ended and the report presented. Your criticisms, however, relate to what Congressman COOPER said with regard to William Z. Foster, and lest I be misunderstood by my silence I can not pass them by.

I read Congressman COOPER'S speech the day after it was delivered; since the receipt of your resolutions I have read it again. Truth compels me to say that I indorse both in spirit and in letter everything he said respecting William Z. Foster.

[Applause.]

While I am not familiar with all the details of the steel strike, I have examined into the merits of William Z. Foster. He was an I. W. W. and a syndicalist. It is claimed for him that he has since reformed. I have read his booklet on Syndicalism, and a number of his letters printed in Solidarity. I have read his more recent book on Trade Unionism—The Road to Freedom, and I have read most of his testimony recently given before the Senate committee.

In his pamphlet on Syndicalism he advocated direct action, sabotage, revolution, and the destruction of government.

In his letters in Solidarity he urged getting into trade-unions and "boring from within" the trade-union movement; and adds: "I am satisfied from my observation that the only way for the I. W. W. to have the workers adopt and practice the principles of revolutionary unionism—which I take is its mission—is to give up the attempt to create a new labor movement, turn itself into a propaganda league, get into the organized-labor movement, and by building up better fighting machines within the old unions than those possessed by our reactionary enemies, revolutionize these unions, even as our French syndicalist fellow workers have so successfully done with theirs," and signs his letter, "Yours, for revolution, Wm. Z. Foster."

In his recent work on trade-unionism he says: "Under the new order (as he pictures the plan) government, such as we know it, would gradually disappear. In an era of science and justice this make-shift institution, having lost its usefulness, would shrivel and die." And again he says, "Criminal courts, police, jails, and the like would go also."

In his recent testimony before the Senate committee now investigating the steel strike, while it is true that he claimed to have modified his former views somewhat, it is not apparent that they have been substantially changed.

It is significant that the reds, the I. W. W.'s, and all that class of people who believe in abolishing private property are Foster's eager followers.

The President of the United States, in the interests of the whole public, begged that this strike be delayed until after there could be an investigation by the industrial conference now sitting in Washington. Samuel Gompers, the president of the American Federation of Labor, opposed the calling of the strike, but nevertheless it was called at the instance of Mr. Foster and other leaders of the radical element. It looks to the public as if he were making good his statement in Solidarity, "to bore from within" the trade-union movement.

Why should you decline to accept the counsel of Congressman COOPER, an American, who is imbued with the American spirit, and who by every act of his life has shown his interest in law-abiding labor, and prefer to accept the leadership of Foster, who until very recently was a self-confessed I. W. W. and syndicalist, and even now preaches the abolishment of private property and the overthrow of the courts and of government?

Permit me to suggest in a very kindly way: Do not mistake the American spirit. Americans are patient and long-suffering. If our Government needs changing, the majority will change it and not the minority; and when it is changed it will be by real Americans and not by soviets or Bolshevists of the Foster type. [Applause.] To place Foster at the head of any movement is an insult to every law-abiding laboring man, and to America herself. We do not need the aid of the Fosters and the un-Americanized foreign element to tell us how to run our country.

When Lincoln witnessed the sale of the mulatto slave girl on the auction block in New Orleans, he said if he ever had an opportunity to hit slavery he would hit it hard; and so permit me to suggest—and I think I understand the American people—if they ever have occasion to hit Bolshevism in this country, it will be hit harder than Lincoln hit slavery. [Applause.]

America would not tolerate the menace of a military autocracy in Germany. She raised an army of 4,000,000 men to prevent it. This same spirit will not sit silently by and see builded up in this country an industrial autocracy, whether it be in the name of capital or of labor. We have the best Government in the world, and we are going to keep it the best. It is like the air about us. Some people can not appreciate its life-preserving qualities until it is taken away. But most Americans understand it.

Americans—and I am one of them—sympathize with labor in their reasonable demands, but they never will approve a movement which is led by the Fosters and their kind. [Applause.] Their activities bode no good to anyone.

Very sincerely, ATLEE POMERENE.

[Applause.]

During the reading of the foregoing letter Mr. DAVEY'S time expired, and Mr. WALSH asked that the reading of the letter might be completed. His request was granted by unanimous consent.

THE BUDGET.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submits the following report:

The Committee on Rules, to which was referred House resolution 339, submitted a privileged report on the resolution, with the recommendation that it be agreed to.

House resolution 339.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 9783, being "A bill to provide a national budget system and an independent audit of Government accounts, and for other purposes." That the bill shall be the continuing order of business, except consideration of conference reports and matters on the Speaker's table. That there shall be 12 hours of general debate confined to the subject matter of the bill, to be divided equally, one half to be controlled by the gentleman from Iowa, Mr. GOOD, and the other half by the gentleman from Tennessee, Mr. BYRNS. That at the conclusion of the general debate the bill shall be read for amendments under the five-minute rule. That at the conclusion of the consideration of the bill for amendments the bill together with the amendments, if any, shall be reported to the House. That the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

Mr. HAUGEN. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. HAUGEN. The resolution reads that general debate shall be confined to the subject matter of the bill. Would that exclude debate on the other part of the program, the other bill, which accomplishes this which is reported by the committee, which changes the rules of the House?

Mr. SNELL. As I understand it, this is simply intended to keep out all the miscellaneous speeches that are usually made in general debate. It should be confined to the bill and things pertinent to it.

Mr. HAUGEN. I think the debate should be confined to the subject matter, but as stated in the report, this is only a part of the program, or in other words, this is a camouflage leading up to something else.

Mr. SNELL. It was intended to confine the debate to the general program of legislation.

Mr. HAUGEN. Would that include item No. 2, action on the budget by Congress, as indicated on page 3 of the report?

Mr. SNELL. Yes; I understand it would.

Mr. HAUGEN. With that understanding I certainly have no objection, but that is the important thing in the whole proposition; and, as stated in the report, it is clear that this bill is simply a camouflage and the forerunner for the other proposition. With that understanding I have no objection to the adoption of the rule.

The SPEAKER. The question is on ordering the previous question.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WALSH. I desire to ask the Chair if the adoption of this rule making this bill a continuing order is intended to dispense with Calendar Wednesday?

The SPEAKER. The Chair thinks it would not dispense with Calendar Wednesday.

Mr. HAUGEN. If the gentleman will yield further, I would like to inquire if the time is to be equally divided between those who favor and those who are opposed to the bill? We had that assurance from the chairman and the ranking member the other day, and I suppose that will be carried out.

Mr. CLARK of Missouri. Mr. Speaker, I wish you would order these gentlemen to talk loudly enough so that people can hear them.

The SPEAKER. The Chair wishes they would. The question is on ordering the previous question.

The previous question was ordered.

Mr. SNELL. Mr. Speaker, this is one of the most important matters that ever came before this House. If anything can be done that will improve the manner of making up the national budget, or tending toward efficiency in the expenditure of Federal funds, it is the duty of this Congress to do it.

Early in the session the House, recognizing the importance of the matter, appointed a special committee to consider this legislation. This resolution simply carries out the express wishes of Congress in making the report of this committee in order at this time, and the report of the Committee on Rules is unanimous.

I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, just a few words, not so much upon the rule itself as upon the bill that it is proposed to make in order.

I think the House and the country are to be congratulated upon the fact that this step forward in budget legislation is about to be taken. For many years thoughtful students of our fiscal policies have realized the necessity for the budget system. The party to which I belong, as well as the other party, I think, indorsed such legislation in its national platform in 1916. An effort was made in the last Congress to carry out this provision, and there was placed upon one of the appropriation bills legislation which would at least have marked the beginning of the budget system. That failed of passage in the other body under circumstances with which we are all familiar. Of course, I suppose no one anticipated that it would be possible for this special committee to bring in a plan which would meet every requirement of every man. For my own part, I regard this merely as the beginning. I wish it could have been possible at this time—and I trust it may be possible in the future—to develop a system whereby in the House itself there will be a closer coordination than there has been heretofore or than will be possible even under this bill, if I construe it correctly, of appropriations and revenues. I hope to see the day come when every bill which is brought into the House providing for an appropriation or an authorization shall have with it in some tangible form a plan for obtaining the revenue to pay that particular appropriation; or, if the revenues are already in existence, point out from whence they are to come. [Applause.] I think that would have a very wholesome effect upon legislation. I think it would have been very fortunate, for instance, if the bill which has just passed this House could have had opposite its authorization a statement of the place from which the money is to come, the millions and millions of dollars to pay for it. And so of many matters of legislation to be brought before the House.

It was not expected of this bill that it would meet that requirement; but this bill is, in my opinion, a decided improvement over the present system.

I do not propose, of course, to attempt to go into details. That may more properly be left to those who have been intimate with it during its consideration.

I reserve the remainder of my time.

Mr. SEARS. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Florida.

Mr. SEARS. This is evidently an important bill, or a special rule would not have been brought in. I notice that the debate is limited to 12 hours, to be confined to the subject. The gentleman knows that there is not and will not be a quorum present during the debate, and I would like to ask why 12 hours of general debate are given to this subject when a quorum will not be present and when the people of the country want some action toward reducing the high cost of living and less action in disposing of hot air?

Mr. GARRETT. Mr. Speaker, I can only say in answer to the gentleman that it was the thought of the members of the Committee on Rules, influenced largely, I will say very frankly, by the suggestions that came particularly from the members of the Special Budget Committee and other gentlemen in the House interested in this subject, that this was a matter of very great importance, proposing a profound change in our fiscal policy, and it was believed that ample time should be given for the consideration of so important and far-reaching a measure. Provision was made that it should be confined to the bill, for obvious reasons. Of course, it was understood in the Committee on Rules that there could properly come within the scope of the subject matter of this bill a discussion of another proposition which is pending and perhaps has been reported from the Budget Committee—I am not sure as to that—changing the rules of the House of Representatives. The Committee on Rules believed that that was a part of the subject matter, and it was the understanding in the Committee on Rules that that matter could be legitimately discussed under the language of this rule. That is all I can say in response to the gentleman from Florida.

I reserve the remainder of my time.

Mr. SNELL. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, as the gentleman from New York [Mr. SNELL] in charge of the bill has properly said, this is one of the most important pieces of legislation that will come before this Congress. As a matter of fact, I am inclined to think that with the exception of the railroad legislation, which we hope to consider a little later in this session, no more important matter will come before this Congress than this bill.

All thoughtful men have realized for many years the faulty character of our method of estimating and appropriating. For many years men in and out of Congress have urged reform in the direction of a budget system.

I am frank to say that when the committee was appointed, near the beginning of the session, I scarcely hoped that it would be possible to secure unanimous agreement upon legislation. I want to congratulate the members of that committee, I want to congratulate the House and the country, on the report they have made, and on the fact that they have reported to the House unanimously in this exceedingly important matter. There is no question about the value of a budget system adapted to our form of government, and I hope that beginning with this legislation we shall be able to work out such a system. As the bill is unanimously reported, I hope it will have a like unanimous support in the House. [Applause.]

Mr. SNELL. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9783, providing for a budget system.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

A NATIONAL BUDGET SYSTEM.

Mr. GOOD. Mr. Chairman, stupendous problems await the action of the Sixty-sixth Congress. To it is committed more important questions than ever before in times of peace engaged the attention of the Nation's law-making body. This Congress must determine the Nation's policy with regard to the railroads; the merchant marine; the control and development of our national resources; our military and naval policies; and last, but by no means least, the problem of bringing our expenditures within a normal revenue. The solution of many of these and allied problems, already too long delayed, must by the very force of circumstances be solved at the earliest practicable moment.

NECESSITY FOR BUDGET LEGISLATION.

That this Congress will enact legislation providing for a national budget is certain. Many forces are working for it. Both political parties have declared for it. Business interests

of the country are demanding it. The taxpayers are looking for it as the only agency that will bring about a reasonable reduction in expenditures, to the end that at an early day burdensome taxes, which tend to cripple production and prevent an extension of our foreign trade, may be reduced. This reduction can only come by a reduction in the estimated expenditures of the Government, and this reduction can only be effected by the practice of the strictest economy in every branch of the Government service. And this reduction, in turn, can only be effected by the adoption on the part of the Government of sound business principles which practical business men in every branch of industry have found essential in the successful conduct of their business affairs. That our present methods of making estimates for the expenses of the Government and of making appropriations to meet these demands are unscientific, unbusinesslike, wasteful, and extravagant no well-informed person will deny. But no system alone, however perfect in outline or complete in its details, will bring about the needed reform. It will require the exercise of the best judgment and the practice of the strictest economy by administrator and legislator alike in the administration of the most scientific plan that human ingenuity and skill can devise to bring about the desired result.

To accomplish this it will require on the part of the executive departments an entire change of administration policies. The property acquired by the Government during the war and not needed by the Government in times of peace must be sold to the best advantage of the Treasury of the United States; heads of departments must demand greater efficiency from their employees, eliminate duplications, and bring in estimates for as small sums as possible. Congress on its part must be willing to forego for the time being the enactment of laws providing for new undertakings that will require large expenditures of money, no matter how desirable the objects may be.

The war has wrought a tremendous change in the Government's fiscal affairs. Formerly our revenues flowed into the Treasury from sources that affected but slightly the ordinary citizen. That revenue came through a system of indirect taxation that the ordinary taxpayer did not feel and that did not affect industry except to stimulate its production. Our revenue then came from tariff duties, taxes on tobacco, intoxicating liquors, and sources of that character. Revenue was coming into the Treasury more rapidly that it could be expended, and Congress gave but little attention to the consideration of measures calling for new governmental activities that called for large expenditures. For 52 fiscal years, from 1866 to 1917, inclusive, the revenues exceeded the expenditures during 41 of those years, and during only 11 years did the expenditures exceed the revenues. During these 52 years the net excess of revenues over expenditures amounted to the grand total of $2,147,686,439.46. During all of that time, according to the last report of the Secretary of the Treasury, only $636,554,225.07 of direct taxes were collected, and these taxes were paid by comparatively few persons. For the calendar year 1909, 52,498 corporations in the United States made tax returns showing a taxable income, while in 1917 this number had increased to 232,079. For the calendar year 1913, 357,598 persons made individual income-tax returns, and for the year 1917 this number was increased to 3,472,890. It is thus seen that the number of corporations and persons who are affected by direct taxes is rapidly increasing, and with that increase there will come an increased demand for the practice of economy and efficiency, both on the part of the executive departments and of Congress.

For the fiscal year ending June 30, 1914, our expenditures totaled $1,025,698,578.59, while for the current fiscal year it is estimated that it will require to pay current expenses and to discharge obligations created while we were at war approximately $10,830,000,000. In this connection, however, it should be remembered that a large part of the expenditures of this year are necessary to pay obligations created for war purposes, and which ought to be largely discharged before the end of this fiscal year.

In a recent statement Hon. John J. Fitzgerald, who for more than 19 years was an honored Member of this House and for more than six years the able chairman of the Committee on Appropriations, said that in the future the annual requirements for the support of the Government would amount to $5,000,000,000. I realize, as I am sure he does, that it is impossible to say with any degree of exactness just what our requirements will be. But it has seemed to me that someway and somehow the expenses of the Government should be so reduced that they will not exceed $4,000,000,000 per annum. But I realize that to accomplish this result will require a business administration of a high order on the part of the Executive, and the strongest possible determination on the part of Congress to economize in appropriations and to stop enacting legislation that will in the future require the expenditure of public funds. I trust the expenses of the Government will be less than the amount I have indicated. But I shall be surprised if the estimates soon to be submitted by the Secretary of the Treasury for the next fiscal year do not exceed $5,000,000,000 as the estimated requirements for that year. I realize that to do this Congress must forego the doing of some of those things which Members think ought to be done. Unquestionably the necessities of the situation must compel us to give up the doing of some things which forward-looking men, under more favorable conditions, would like to do. It will require, and ought to require, the amortization of our war debt covering a period of at least 50 years.

THE PRESENT METHOD OF SUBMITTING ESTIMATES.

To understand the changes which the proposed bill will effect one must first be familiar with the details of our present system. Under the law it is the duty of the heads of the several executive departments and independent Government establishments to furnish the Secretary of the Treasury on or before the 15th day of October of each year with an annual estimate of the funds necessary for their respective departments for insertion in the Book of Estimates. Under this law it is the practice of the head of each of such departments to designate the head of each bureau under him to make the estimate of the expenses for his bureau. When all of the estimates from the various bureau chiefs under a given department have been thus made, the head of that department submits his estimates to the Secretary of the Treasury, who has no power to increase or diminish them, and no power to coordinate the services of the several bureaus or to prevent duplications in the service. Bureaus under different executive departments doing similar work are thus stimulated in a spirit of rivalry, and so far as the estimates that come to Congress go no one coordinates or attempts to coordinate the various activities of the several departments. In practice this system has resulted in waste, extravagance, and inefficiency, and duplications in the Government service.

The defect in this plan must be apparent to anyone who has made a study of its practical operation. Everyone familiar with the practical operation of this system agrees that its failure lies in the fact that no one person is responsible for the estimates to Congress. They are a patchwork and not a structure. As a result a great deal of the time of the committees of Congress is taken up in exploding visionary schemes of bureau chiefs, for which no administration would be willing to stand sponsor. They provide for building up rival bureaus and no one is responsible for bringing about their coordination or limiting their activities. The result is that Congress is criticized, and justly so, for its failure to provide a system which will correct these abuses. The system is wrong, and Congress alone can change the system. If it fails to act now and refuses to make the necessary changes in a plan that is admittedly bad, Congress will and should receive the condemnation of the American people.

It has been urged that the act of March 4, 1909, gives the President the power to correct this evil. Unquestionably such was the intention of Congress in enacting that legislation. But in practice it has not had that result. The act provides:

> Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriation, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of the said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

It will be observed that it is only when the estimated revenues are not sufficient to meet the estimated expenditures that the President is called upon to practice this measure of economy. Even in such cases that provision of law has not been found practical. The law has been on the statute books for more than 10 years, and up to this time no President has ever availed himself of its provisions. The reason is obvious. The estimates are made up by the members of his Cabinet. To sit in review after the estimates have been submitted to Congress and to make reductions therein would in effect amount to repudiation of published statements just previously made by the respective members of his Cabinet. If the President is to perform this function he should be required to perform it in the first instance, and not simply to review what his Cabinet members have already done.

The study and review of the proposals should be made in the first instance and not after the estimates have been submitted to Congress.

A BUREAU OF THE BUDGET—THE PRESIDENT'S RESPONSIBILITY.

The bill provides for the creation of the Bureau of the Budget in the office of the President, with a director and an assistant director appointed by the President. The bureau will be provided with such assistants and employees as may be necessary to collect for the President all the information necessary to enable him to submit to Congress on the first day of each regular session the annual budget. It is proposed that the budget shall contain balanced statements of revenues and expenditures of the Government, and an itemized statement of the proposed expenditures.

The bill fixes the responsibility for the budget on the President of the United States. Broadly speaking, the change, therefore, is from a system where no person is responsible for the estimates of expenditure to one where absolute responsibility is fixed on an elective officer of the United States. If duplication, waste, extravagance, and inefficiency shall exist in the service in the future, the President will be responsible for them if he includes in his budget an estimate for their continuation. The functions that are now performed by the members of the President's Cabinet, acting separately and without any coordination, would in practice be performed by their acting as a unit in assisting the President to present a budget for which his administration is willing to stand and by which it would be judged. It substitutes teamwork in the executive departments for the unorganized individual work of each of the 10 members of the Cabinet.

Under the law "the estimates of expenses for the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the year preceding." The hearings developed the fact that there must be some change in the order of estimates, and that in order to effect real economy the President should be permitted to submit a new order of arrangement by which appropriations could be made for the functions of the Government rather than the separate departments of the Government. In order to permit the President to present such a budget it was thought necessary to give him authority, in submitting his first budget, to submit also an alternative budget, which could be prepared in such form and according to such system of classification and itemization as in his judgment would be most appropriate, and which would effect the greatest degree of economy. Hence the committee inserted in the bill a section providing for the submission of an alternative budget for the fiscal year ending June 30, 1922. If Congress shall, in considering the budget for that year, adopt the plan submitted by the President, then the provision of law now on the statute books would apply to that budget as well as it now applies to the various items contained in the Book of Estimates.

THE BRITISH BUDGET SYSTEM.

It was the unanimous opinion of the committee that a great deal had been said and much had been written on the subject of a national budget by men who knew very little about our present system. Our present plan has been criticized from one end of the country to the other, and most of this criticism has been based on misstatements of fact. No member of the Select Committee on the Budget, or no person who sat with the committee and heard the hearings, will, I am sure, have the temerity to say that the United States has no system of finance. That our present system is faulty and needs to be greatly modified all who have studied the problem will agree; but these changes, it was agreed by the committee, should be made not by discarding the entire system, including that which was good, but rather by the retention of all that is good and by eliminating that which is bad, and the substitution of a plan that will strengthen it and make it more nearly perfect. Many of these writers and critics who have said that we have no system at all have pointed to the British system as an ideal plan for a national budget. No one familiar with the British system of government will for a moment contend that the United States could or should adopt that system. In the first place, the difference in the form of government of the two countries precludes our adopting their system if we desired to do so. In the second place, I doubt very much whether we would care to adopt the British budget system. After all, the proof of the pudding is in the eating.

The British Isles comprise about 121,000 square miles of territory—less than half the size of Texas; not as large as California, Montana, or New Mexico; about the size of Nevada, Colorado, and Arizona. Their population is approximately 45,000,000 people. We have in continental United States nearly 3,000,000 square miles of territory and over 100,000,000 of people, and yet for the fiscal year 1914 the budget for the British Isles carried approximately the same as the total appropriations for the United States, including Alaska and our insular possessions.

THE RESPONSIBILITY OF CONGRESS.

Under our present system, by which appropriations are closely scanned by Congress and by its committees, are to be found advantages not contained in the exchequer and audit departments act of Great Britain of 1866. But it contains weaknesses that must be corrected; and it is the opinion of the committee that with the enactment of this bill into law and the passage of House resolution 324 our system will be superior to that of Great Britain. When the whole program as outlined in this bill and in House resolution 324, providing for the changes in the rules of the House and the substitution of one large Committee on Appropriations for eight separate committees shall have been adopted by Congress and put into effect, absolute responsibility for each step in the making of appropriations will be fixed. The President will be responsible for the creation of the budget. His responsibility will end when that budget has been transmitted to Congress, and with the ending of his responsibility that of Congress will commence. Just as the President is made responsible for the preparation and transmission of the budget, so Congress will be made responsible for the budget which it shall enact. If it is found that the President's budget contains items that will lead to extravagance, waste, duplication, and inefficiency in the service, the people of the United States will hold him responsible for his act. If, on the other hand, Congress enacts a budget providing for such waste and extravagance, Members who vote for such a budget will and should be held to strict accountability for their action. With this responsibility, therefore, for each step in budget making fixed and determined by law, it is believed that a greater degree of economy can be effected than is possible under our present system.

AN "EXECUTIVE BUDGET" NOT PROPOSED.

It will no doubt be urged by some that this bill provides for an Executive budget, and that, under our Constitution, the duty of making appropriations is a legislative and not an Executive prerogative. As already pointed out, it will be the duty of the President to initiate the budget, just as it is now the duty of the heads of the several executive departments to initiate the estimates. It will be the duty of the President to transmit the budget to Congress, just as it is now the duty of the Secretary of the Treasury to transmit a Book of Estimates to Congress. To that extent, and to that extent alone, does the bill provide for an executive budget.

The bill does not take from or add to the duties now imposed upon Congress to make the most thorough examination of the estimates found in the budget, nor does it in any way restrict or limit the power of Congress to act on the budget. If, in the opinion of Congress, the estimates contained in the President's budget are too large, it will be the duty of Congress, and it will have as much power as it now possesses, to reduce them.

The bill does not in a single particular give the Executive any greater power over the consideration of appropriations by Congress than he now has. In my opinion the plan proposed will fall far short of accomplishing its real purpose if in its operation there should be any surrender by Congress of the minutest examination into every detail of the estimates, and the bill leaves Congress free and independent to act upon the proposals contained in the budget. Unquestionably, however, the estimates found in the budget will come to Congress after a more mature deliberation by the executive departments, and the work now required by Congress and its committees in making its investigation will be materially reduced.

AN ACCOUNTING DEPARTMENT CREATED.

In 1866 the Parliament of Great Britain enacted the exchequer and audit departments act. That act is a monument to the statesmanship of William E. Gladstone. It contains essential elements not found in our system, and it is contended by many who have studied budgetary legislation in the United States that by a similar law Congress would correct the evils resulting in the waste and extravagance of public funds. Indeed, there are those who think we should go no further at all at the present time than to provide for an independent audit and control of expenditures. The British exchequer and audit departments act of 1866 converted the nominal control by Parliament into a real control, and it has withstood the strongest tests that have been brought against it during the more than 50 years that this act has been a part of their statutory law. The comptroller and auditor general of Great Britain has broad powers not only in auditing all expenditures, but in investigating such expenditures. True, the investigation is a post mortem examination, yet in

practice that examination also served as a check and restraining influence in the making of the budget for the succeeding year.

The bill under consideration creates an independent establishment to be known as the accounting department. The functions of this office are similar in many respects to those of the office of the comptroller and auditor general in Great Britain. All powers and duties now imposed by law upon the Comptroller of the Treasury and the six auditors are transferred to the accounting department. At present Congress has no power or control over appropriations after they are once made. This control passes to the executive departments, and these departments practically audit their own expenditures, and the legality of expenditures by an executive department is passed upon by an official appointed, and who can be removed at any time, by the Executive. After appropriations are once made by Congress, the control over expenditure of the money appropriated passes from Congress.

Our present plan precludes serious criticism of an expenditure by an auditor or the Comptroller of the Treasury. These officials owe their appointment to the President. They can not be expected long to hold their positions if they should criticize wastefulness, extravagance, or inefficiency in any of the executive departments. This system is not only unscientific but it is impracticable. It contains no check against extravagance. No successful business man would adopt such a plan in the conduct of his business affairs.

The bill provides for a comptroller general of the United States and an assistant comptroller general of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive salaries of $10,000 and $7,500 a year, respectively. They shall hold their offices during good behavior and shall be removed only by a concurrent resolution of Congress on account of inefficiency, neglect of duty, or malfeasance in office, and the bill provides for the retirement of either of these officials when he shall have reached the age of 70 years. This tenure in office is necessary in order to secure competent men of high standing to fill the positions. The position is a semijudicial one and the tenure in office is made secure so long as the official performs his work in a fearless and satisfactory way.

By creating this department, Congress will have applied a practical business policy to the administration of the Government's fiscal affairs. Men will be employed as auditors who owe their positions to their training and ability and who do not secure their positions as a reward for political service. They will be fearless in their examinations, and can criticize, without fear of removal, executives who misuse appropriations or whose offices are conducted in an inefficient manner. Congress and its committees will at all times be able to consult with officials of this department regarding expenditures and from it will be able to obtain the most reliable information regarding the use to which any appropriation has been put or the efficiency of any department of the Government. This independent department will necessarily serve as a check against extravagance in the preparation of the budget. Those appointed by the President and charged with the duty of assisting him in collecting data and in preparing the budget will realize that their every act and decision will come under the close scrutiny of the accounting department. If duplications, inefficiency, waste, and extravagance exist as the result of any expenditure, the President will be held responsible therefor if he continues to ask for appropriations to continue such practices. The knowledge on the part of every executive and bureau chief that such an independent and fearless department exists, and that every act and deed they perform will come under the closest scrutiny of this department, will in itself force a much higher degree of efficiency in every department of the Government.

One of the greatest weaknesses in our present system lies in the fact that committees charged with the responsibility of considering appropriation bills have but little assistance in arriving at correct conclusions. The persons appearing before the committees of Congress in explaining estimated requirements are in the main the very bureau chiefs who prepared the estimates. Proud of their achievement and jealous of their power they appear before these committees to exploit the attainments of their respective bureaus, to cover up the shortcomings of their departments, and to minimize waste and inefficiency, no matter how great the extravagance may be. They magnify their accomplishments and either conceal or forget their shortcomings. They pad their estimates and stultify themselves in attempting to maintain them. Not infrequently do they fool Congress and its committees by securing larger appropriations than they know is necessary, but when these appropriations are once secured, in order to prevent a reduction in them in succeeding years, they proceed to spend the appropriation for things not contemplated when the grant was made. The result is an ex parte examination by Congress, and in this examination, even though made most searching and thorough, Congress too frequently hears only half the truth and sometimes gets an altogether erroneous conception of the real situation.

Even the heads of the executive departments, as a rule, are not informed as to the actual conditions of the separate bureaus under them. This fact has been clearly demonstrated by the appearance of Cabinet members before appropriation committees. Members of the Cabinet have too frequently demonstrated before such committees that they have no detailed information with regard to the departments they are administering. Indeed, so great has been the humiliation of members of the Cabinet in this regard that the practice which formerly obtained of members of the Cabinet appearing before appropriation committees in support of their estimates has practically passed into disuse.

The office of comptroller general will be a very important and powerful one. In some respects it may be compared to the office of the British comptroller and auditor general. How important that office was during the war and how it functioned when the British treasury, and even the House of Commons, failed to function is best told in the speech of the Hon. Leif Jones, made in the House of Commons on October 24, 1916. He said:

The honorable member for Huddersfield [Mr. Sherwell] has brought the House back to a consideration of the real subject matter of to-day's debate. It is a misfortune that in discussing the report of the public accounts committee the whole time should have been taken up with the grievances of one or two firms who happen to have come under the notice of the committee through the evidence given to it by the administrative department which had dealings with those firms. The work of the public accounts committee—I say this not from any prejudice in its favor, because I have sat upon it for 10 years—is of the utmost importance in the financial structure of this country. It is important in peace time, but I venture to say that it is tenfold as important now that a great war is being waged. The ordinary control of this House over finance has wholly disappeared during the war. We have no estimates. We have the estimates for the civil service, but there are no estimates for the war office or navy expenditure. The House of Commons has not the control which it exercises ordinarily through considering the estimates. Treasury control has largely disappeared. Both the great spending departments which deal with the war urge that the ordinary control of the treasury could not be exercised during the war because of the need for haste. The chairman of the public accounts committee pointed that out in his opening speech. He pointed out that the war has necessitated a great expenditure without any time to consider that expenditure. The result is that the treasury is not able to consider the expenditure before the departments, the war office, and the Admiralty make it. The only control which is left is control after the event, and it is most important, late as it comes, that that control after the event should be as thorough as possible and that there should be full investigation into those matters to which the comptroller and auditor general draws attention in his report upon the appropriation account. Although we are glad even to get the appropriation account in its present form, not in the form in which we shall have it after the war, the appropriation account and in the account of the comptroller and auditor general to enable the public accounts committee, which deals with that report, to know how the money of the nation has been spent and whether the methods which have been pointed out be bad are still bad—whether there has been improvement as the war goes on.

The honorable member for Galway has reminded the house of the great functions of the comptroller and auditor general, who, indeed, is the real guardian, on behalf of the House of Commons, of the purse of the nation. He is a great officer of state. He is not removable even by the Government of the day. He can only be removed on a petition from both Houses of Parliament. He is appointed expressly by this house to safeguard the expenditures of the country and to see that the accounts are properly audited and properly appropriated for the purpose for which this house intended. There is no power in the house nor in the prime minister nor in the cabinet to override the decisions of the comptroller and auditor general. He is one of the great officials in this country. He presents his report annually to the house. They are considered by the public accounts committee, and it is not only our right, it is bounden duty where the comptroller and auditor general has pointed out matters in connection with expenditure which to him do not seem quite right, or which require further investigation; it is, I say, our bounden duty to call attention to these matters in our report, so that the house may consider them.

If the comptroller and auditor general of the British House of Commons is the "real guardian, on behalf of the House of Commons, of the purse of the nation," the comptroller general provided for under this bill will become the real guardian of the Treasury of the United States. He will become one of the most powerful and useful Government officials, and, in my opinion, more real economy and efficiency will result through the creation of this office than any other single step we could possibly take.

The creation of an independent auditing department will produce a wonderful change. The officers and employees of this department will at all times be going into the separate departments in the examination of their accounts. They will discover the very facts that Congress ought to be in possession of and can fearlessly and without fear of removal present these facts to Congress and its committees. The independent audit will, therefore, I believe, accomplish a threefold result:

First. It will serve to inform Congress at all times as to the actual conditions surrounding the expenditure of public funds in every department of the Government;

Second. It will serve as a check on the President and those under him in the preparation of his budget;

Third. It will require every Cabinet member to make a study of his department, to the extent that he will become master of the work of the various bureaus under him. He will be made to realize what he has not realized in the past, that he will be responsible for the waste and extravagant use of public funds appropriated for the use of his department.

CONCLUSION.

I have referred to House resolution 324, which provides for a change in the rules of the House. That resolution takes from the Committee on Agriculture, the Committee on Foreign Affairs, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on the Post Office and Post Roads, and the Committee on Indian Affairs their present jurisdiction to report appropriation bills. It confers upon one committee of 35 members full authority to report all appropriation bills. I refer to the resolution at this time only to advise the House that it is not the intention to call that resolution up for consideration until the next session of Congress, and probably not until this bill has been enacted into law. It was the unanimous judgment of the committee that the bill we are considering to-day should be enacted into law. There is, however, some difference of sentiment in the committee regarding the advisability of passing House resolution 324, and when that resolution is considered, full and complete opportunity will be given the Members of the House to discuss it. I refer to it now in passing only to disarm criticism that would otherwise be made of the Select Committee on the Budget, if in reporting out this bill it failed to refer in some way to needed changes in the rules of the House.

The proposed legislation is of vital importance to the people of the United States. No legislation of greater import will engage the attention of this Congress. More than three years ago the political parties promised it. To-day the people are earnestly demanding it. In proposing this legislation we lay no claim that it is perfect. Time alone will develop its imperfections, and when they appear Congress should not hesitate to correct them. In my opinion this legislation is solidly founded upon sound business principles, and its adoption will mark the beginning of a new era in the financial history of the United States. Once enacted, this legislation will need no defender. The saving it will effect will speak more loudly than words can tell of its real worth. As Burke put the old Latin law, it will "give us a system of economy, which is itself a great revenue." [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate agrees to the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 12) authorizing the Clerk of the House of Representatives in the enrollment of the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, and to regulate rents in the District of Columbia," to make certain designated corrections.

NATIONAL BUDGET SYSTEM.

The committee resumed its session.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] is recognized for six hours.

Mr. BYRNS of Tennessee. Mr. Chairman, several gentlemen have stated that the pending bill is one of the most important pieces of legislation that will come before Congress at this session. That statement, in my judgment, is entirely true. In view of the tremendous and enormous expenditures of our Government, which will continue for years to come, and the great amount of revenue that will have to be raised in order to meet those expenditures, I know of nothing more important than legislation which has for its purpose the improvement of the method of submitting estimates and making appropriations by Congress in the interest of economy and better efficiency in the Government service.

The chairman of the Special Committee on the Budget, the gentleman from Iowa [Mr. GOOD], has prepared and filed a report on this bill which very ably and comprehensively sets forth the reasons and the necessity for the adoption of some legislation of this kind and gives full explanation of the various provisions of the bill. I hope that all of the Members, if they have not already done so, will take occasion to read that report before the bill comes up for a final vote.

THE OBJECT OF THE BUDGET.

The Special Committee on the Budget has presented the pending bill for the consideration of the House with the very earnest conviction that, if enacted into law, it will not only result in a more orderly and businesslike method of making the appropriations necessary to run the Government, but that it will also bring about much greater economy and efficiency in the service. For a number of years many contributors to magazines and other periodicals and students of the budget system and its results in those countries where it has been established have strongly advocated the adoption by Congress of some sort of a budget system for our Government. True, many of them have differed widely as to just what kind of a budget system is needed. Some of them, it must be said, have written learnedly on the general subject, but have shown an amazing ignorance concerning our form of government and the principles of a budget system applicable thereto. They have extolled the British system as an ideal one and as one which could most profitably be applied in our Government, being either ignorant or forgetful of the fact that the two Governments are widely different in form, and that a successful budget system in one country could not possibly be applied to the other. In passing, it may be said that there is now going on in Great Britain a very severe criticism of its system, it being claimed that it not only deprives the people's representatives of a voice in the fiscal policy of the nation, but that it led to serious waste and extravagance in the late war. Other advocates have proceeded on the erroneous idea that a budget is needed to control and curb extravagance on the part of Congress rather than the executive branch of the Government. There are some who have written magazine articles and even books with this idea in mind, without even understanding the fundamentals of what they are writing about.

They were written in blissful ignorance of the fact that the House of Representatives, as the records will show, has always been the retrenching arm of the Government, for even the Senate seldom loses an opportunity to increase the amounts carried in the appropriation bills when they have passed the House. I do not mean to say that the House has not frequently been extravagant and perhaps wasteful of the people's money. But I lay it down as a fact that in the many appropriation bills which have been passed in the last 20 years there has not been over one or two in which the House did not greatly reduce the requests and estimates for appropriation which were submitted to Congress by the various departments of the Government—in many cases by many millions of dollars. And this is true of both Republican and Democratic administrations.

But, Mr. Chairman, regardless of this, there is undoubtedly much room for reform in the legislative as well as the executive branch of the Government. For some time, and largely as a result of my service on the Appropriations Committee, I have been very firmly of the opinion that in order to bring about greater economy and efficiency in the Government there ought to be a change in the present method of formulating estimates and submitting them to Congress, and perhaps in the manner in which they are considered by Congress, and certainly as to the control of the expenditures of our Government. As the expenditures of our Government have continued to increase year by year, it has become more and more apparent that in the interest of economy and efficiency there should be established some sort of a budget system. A budget may be described in general terms as a plan or proposal showing the estimated revenues and also the proposed expenditures of the Government during the ensuing fiscal year, or as it was defined in the hearings before the committee, "a budget is a prospectus of Government business for the year." As stated, it involves a statement of the Government income with the method by which the proposed additions to income are to be secured, and also the estimate of what it will take to run the Government as the law provides it shall be run, and such new services as the proposers may deem essential for the coming year.

I have said that the adoption of a budget has been advocated for a number of years. Among the most prominent advocates of such a system were former President Taft, both during and since his administration; Hon. John J. Fitzgerald and Hon. Swagar Sherley, both of whom were great chairmen of the Appropriations Committee; and President Wilson in his message to Congress on December 4, 1917. The necessity for some sort of a budget system was recognized to be of such great importance that both of the great political parties declared for it in 1916 in their national party platforms. Even then, however, although ably advocated by a number in both political parties and both in and out of Congress, there was no general public demand or public sentiment in favor of the inauguration of such

a system. No action was taken by Congress until the last session, when the House unanimously adopted a provision on an appropriation bill providing for the appointment of a committee to prepare budgetary legislation, but it did not become effective on account of the failure of the appropriation bill to pass the Senate. Some one has said that the Government, like the individual, is a creature of habit. This is entirely true. It is prone to follow along the old beaten path until strong pressure causes it to move to higher ground. And so long as our revenues exceeded our expenditures, and so long as it was possible to collect the necessary revenues by way of indirect taxation and the taxpayer paid his tax without knowing he was paying it, there was no general demand or particular desire on the part of the general public for economy or a reform in our financial and accounting system.

In order that there may be real and practical economy, it is essential that there shall be a public demand for it. The Government at Washington reflects the views, wishes, and sentiments of the people as their Representatives understand them; and if the people are indifferent to extravagance and unconcerned as to the amount of public expenditures, there is but little real resistance to the persistent and constant demand which is ever pressing on Congress for enlarged and new and untried Federal activities. As a result, the National Government is now performing many functions of government which really belong to the States and municipalities and could best and more economically be performed by them. The people are now watching the Government expenditures closer than ever, and as a result there has happily come a persistent demand for budgetary reform in the interest of economy and efficiency in Government service. The reason for this change is perfectly obvious. Experience has shown that after every war the people—at least for a time—have given a closer scrutiny to their Government's expenditures. There has always been a huge war debt to pay, and the people are brought face to face with higher taxes. These conditions have been multiplied many times by the last war, and the people are turning their eyes on Washington in order to see just how their money is being spent. It is this fact which makes it possible to do now what could not be done a few years ago—that is, to secure the favorable consideration of a measure revising our appropriating and accounting system in the interest of economy and efficiency.

The annual expenses of our Government are now many times greater than they were a few years ago, and they must continue so for many years to come, on account of the obligations incurred as a result of the war. They are now so large that only a very small part of the necessary revenue can be collected by way of indirect taxation. The great bulk of taxes collected for our National Government must come directly from the pockets of the people. Before the war our public debt was less than $1,000,000,000. To-day it has reached the stupendous figure of over $26,000,000,000, the annual interest on which alone amounts to more than the entire annual cost of our Government a few years ago. The Secretary of the Treasury has stated that, in his opinion, the deficit during the fiscal year will amount to $1,000,000,000, and that this will be taken care of by the last installments of the Victory loan. But he has uttered a solemn warning that if Congress does not practice economy, or if legislation is enacted creating large additional charges on the Treasury, another bond issue will be necessary, thereby not only adding to the burden of future generations but also the present generation by way of increased interest charges and the burden caused by a further inflation of public credit. Those who are urging some of the bills pending before Congress should very seriously ponder this solemn warning of the head of the Treasury. Business, agriculture, labor, industry of all kinds must contribute each year its share to the $4,000,000,000, and perhaps more, that will likely be needed to run the Government for some years to come on the most economical basis possible. These taxes will fall hardest on the man of moderate or small means, who constitutes by far the greater proportion of our solid citizenship. Everyone must recognize, therefore, the urgent need of the strictest economy in governmental affairs, and that public expenditures must be reduced to the lowest possible minimum consistent with efficient and proper service.

While it is perfectly manifest that a reform in our fiscal policy as it relates to expenditures is greatly needed, it is not within the facts to say, as some have said, that we have no laws on the subject and that the present system is entirely slipshod and haphazard. Present law directs the heads of the departments to submit their estimates of appropriations needed for their departments during the ensuing fiscal year to Congress through the Secretary of the Treasury, and the Secretary of the Treasury is required to submit a statement showing the estimated revenues for the next fiscal year, along with the estimated total expenditures for that year, which are the fundamentals of any and all budget systems. Under the law passed March 4, 1909, the President, whenever the estimated expenditures exceed the estimated revenues, is directed to recommend to Congress a plan either for reducing the expenditures or for raising the additional revenue to meet the anticipated deficit. It is, however, an evidence of a defect or weakness in our system when it can be said that, with only one or two shining exceptions, no head of a department shows the slightest effort to revise or prune down the estimates for his department, but accepts and transmits them just as they are handed to him by the various bureau chiefs. The inevitable result is that the estimates are invariably extravagant, for every bureau chief is interested in boosting his own bureau. He honestly believes that it is a most important part of the Government and that the interest of the Government and the people can best be served by magnifying it. This is natural and commendable, for a man is not worth his salt if he does not believe with all his heart in what he is doing. Undoubtedly the executive heads of the departments now have the power to revise and reduce these estimates, and certainly the Executive has; but the instances are rare when it has been done. It should be said, however, in all fairness, that Congress has never provided the machinery or proper agency through which it could effectually be done. That is what we propose to do by this bill, and thus fix the responsibility in a direct and positive way on the Executive, so that in the future if extravagant estimates are submitted the taxpayers may know just who is responsible therefor.

The bill provides that the President may appoint a director of a budget bureau. He is to be directly under the President, and is to be paid a good salary, so that a man of expert knowledge and skill may be secured. This man, with his assistant and a trained force under him, will study the various services of the Government and be able to advise the President as to their functions, with suggestions as to what, if any, reductions can be made. We all know that one of the great sources of extravagance in our Government is duplication of service. This has grown up not as a result of intent on the part of officials, but rather as a result of different interpretations of various laws. Many examples might be given, but I shall mention only two or three by way of illustration. For instance, there are chemistry bureaus in several departments, each functioning separately and with their respective overhead charges; services are being performed in the Departments of Interior and Labor similar in some respects to those being rendered by the Bureau of Public Health, which is under the Department of the Treasury. There is a clear duplication in the work being performed by the commercial attachés and agents under the Department of Commerce and the foreign-trade advisers and agents under the State Department. Under the present system of each department submitting its own estimates through the Secretary of the Treasury, without power on his part to revise them, there is no way whereby these duplications can be cut out, for each department head is anxious to maintain his own service. Congress is unable to consolidate them intelligently and without danger of doing injury to the service, because it lacks accurate information as to just how far these services duplicate or overlap each other, and it is difficult to get this information from a department which is interested in holding on to what it has. But under this bill all of these estimates will go to the President for transmission to Congress, with full power on his part to revise them, and, with the assistance of the expert force provided, he will be expected to cut out duplications, coordinating and combining different services doing the same thing under one department, thus saving overhead and also resulting in better efficiency. There were those who felt that this duty should be vested in the Secretary of the Treasury, for reasons which it is not necessary to state here, but the great majority felt that it should be more properly lodged with the President, who is elected by the people and, therefore, accountable to them, and who is also the supreme head of the Government, with power over all the departments.

By far the chief advantage to be gained by this bill, Mr. Chairman, lies in the fact that it fixes in the most direct and positive way upon the President the responsibility for all the estimates submitted. If they are extravagant, then the people will know who is responsible therefor. If he wishes to exercise economy, then he is given the means whereby he may carry this view into effect. And if, while exercising economy in the submission of the estimates, Congress should prove extravagant and increase them, then an issue is made and the people will know how to judge between them. You can neither have or expect good government, Mr. Chairman, unless there

is some one at the head upon whom rests the weight of responsibility. A system which relieves officials of responsibility for their acts inevitably makes for looseness, extravagance, and inefficiency in government. So I repeat the chief merit of this bill is that it fixes responsibility and brings the full light of public opinion to bear on those responsible, and in that way it will surely bring about a greater economy and efficiency in government.

The second step in the process of a budget is its consideration by the legislative body and final enactment into law. Any change in the present method of consideration by Congress will, of course, have to come by way of a change in the rules of the two Houses, and is, therefore, not attempted in the pending bill. A majority of the committee has recommended a change in the rules of the House so as to provide that all the estimates for every department shall be submitted to a single appropriation committee, with an enlarged personnel, so as to enable it to properly perform the work incident to the hearings and the preparation and passage of all the supply bills through the House. This plan, it is contended, is a wise one and necessary to full economy and the coordination of the various services of the Government. And I may say to my Democratic friends that it was made a part of the Democratic national platform of 1916 and was advocated by President Wilson in his annual message of December 4, 1917. I am perfectly well aware of the difficulty, if not impossibility, of making a change of this kind. I am frank to say that if the pending bill is adopted I do not believe this will be of such great importance as is claimed by some of its advocates. I believe that the adoption of the pending bill will do away with some of the reasons advanced in favor of one committee.

In this connection I wish to refer very briefly to a change which quite a few have advocated, influenced in some cases, I have fancied, by an undue admiration of everything that is British. And that is the insistence that a Member of Congress should be restricted in his right to offer an amendment to increase an appropriation over the estimates. Some urge that a Member should be denied this right altogether, while others advocate a two-thirds or three-fourths vote to adopt an amendment. In Great Britain the right to move to increase has been denied to members of Parliament for over 200 years, and the right to move to decrease is never resorted to. But, as I have heretofore pointed out, their system of government is different from ours. Under their method of procedure a failure to accept the estimates as submitted by the ministry is regarded as a vote of lack of confidence, and the ministry immediately resigns and goes to the country, and an issue is thus made, and sharply made at once, before the people. But not so under our form of government. When the President's estimates are rejected, there can be no immediate issue before the people. None can be made until his term of office has expired and a new President is to be chosen. I am opposed to any such restriction on a Member of Congress. It is contrary to the theory of our Government, under which all power is vested in the people. There is no greater power in government than that which controls the purse strings. It was for this power that the people of England fought for so many years, and when they finally succeeded in wresting it from the King he became a mere figurehead. Real government was vested in the people's ministers and in the Parliament, of which they are a part and to which they are responsible. I do not believe in clothing the President with the power to absolutely control the Nation's purse strings to the exclusion of a majority of the direct representatives of the people. It would be giving to him a power which it was never contemplated that he should have, and, to my mind, would be a clear departure from all the principles which underlie a republican form of government.

What may be called the third step in the consummation of an effective budget system is the audit and control of the expenditures of the Government. I think it will be admitted that the control of expenditures should properly be vested in the fund-granting rather than the fund-spending department. No private business of any magnitude would permit its executive officers, who are charged with the duty of handling its finances, to audit their own accounts. And yet that is exactly the course pursued in our Government under the present system. Congress makes the appropriations necessary to run the Government and the executive departments spend the sums appropriated and their accounts are audited by an auditor for each department and over whom Congress has not the slightest control or jurisdiction. The result is that Congress has no control over expenditures. It can not have complete control of expenditures without some system whereby the expenditures may be subjected to an examination by independent officers for the purpose of seeing whether or not the wishes of Congress in making the appropriations and any conditions imposed in making the grants were carried out in good faith. Congress repeatedly throws safeguards around appropriations and imposes checks, more or less cumbrous, but it must be conceded that this does not give the real effective control to which I am alluding. This can only be secured by ascertaining through its own independent officers just how the money has been spent. Otherwise, conditions may be solemnly imposed only to be lightly disregarded.

The pending bill seeks to prevent this by making provision, as far as can be done under our Constitution, for an officer responsible only to Congress, whose duty it shall be to audit and pass upon the legality of all Government expenditures. This is the practice followed by every other great nation in the world. This officer, who is to be known as comptroller general, and his assistant must, under the Constitution, be appointed by the President, and it is provided that they shall be confirmed by the Senate. Their term of office is indefinite, subject to involuntary retirement at the age of 70 years and to removal only by a majority of both Houses of Congress when found to be inefficient or guilty of neglect of duty or of malfeasance in office. They will thus not be subject to changing political administrations, but good and faithful service will be the test which will be applied to determine whether or not they shall be retained in office. The offices of the various auditors are transferred to this accounting department and reports as to expenditures will be made direct to Congress and such investigations made and information furnished as may be required by Congress and its committees relative to the use to which money already appropriated has been applied and the necessity of the appropriations which are being asked for the future. For, let me say just here, it is not intended by the enactment of this proposed law that the Appropriations Committee of Congress shall no longer hold careful hearings in order to determine whether or not the estimates submitted shall be allowed. It is intended to make the President responsible for the estimates which are transmitted to Congress. There his responsibility ends. Congress will be responsible for the action taken on the estimates, whether it be to increase or reduce them. And in order that it may properly meet this responsibility its committees should continue to give the closest scrutiny to every item of appropriation which is requested.

In conclusion, Mr. Chairman, let me say that it will not be contended by any member of the Special Budget Committee that the bill proposed is perfect in all of its details. Perfection can come only by the process of evolution. It is expected that it will be improved by amendment in the future in such manner as experience may demonstrate to be wise and proper. It is, however, confidently offered as a great improvement over the present system and in the earnest belief that, if enacted, it will bring about greater economy and better efficiency in the Government service. As has been well said, its adoption will not require the surrender of power by either branch of the Government, but it will enable both the executive and legislative branches to understand each other and the public to understand both. New Federal activities, the constant demand for the creation of others, and the enormous expenses made necessary by the war make the importance of a budget far greater to-day than ever before. Our expenses to-day are far greater than our revenues, and the people demand that the most rigid economy shall be practiced. A budget system makes it possible to closely consider and study both the revenues and expenditures of the Government at one and the same time, and in this way only can we hope to bring about that economy which the people demand and have the right to expect of their public servants. [Applause.]

Mr. BANKHEAD. Mr. Chairman, will the gentleman from Tennessee yield for a question?

Mr. BYRNS of Tennessee. Yes.

Mr. BANKHEAD. Under the proposed system contained in this bill, take, for illustration, one of the departments, say, the Treasury Department. It has been the observation of a great many of us who have been to these departments that there are a number of employees sitting around in the corridors and in the offices who do not seem to be at work, who do not seem to be actually necessary, so far as numbers are concerned. Assuming the argument is true which the gentleman made awhile ago, that it is perfectly natural for the head of a bureau or a department to enlarge the activities of his department and to continue to recommend this number of employees, if, as a matter of fact, they are not, from the standpoint of strict business, necessary, how would a decision of that sort be reached under the proposed bill cutting off any number of employees who were not absolutely essential to the proper conduct of the bureau?

Mr. BYRNS of Tennessee. I think the statement of the gentleman, as applying to one or two departments, is one that applies to nearly all departments.

Mr. BANKHEAD. I use the Treasury Department merely as an illustration.

Mr. BYRNS of Tennessee. I think the adoption of this bill or the plan proposed under the bill would very effectively dispose of that very matter, and that was one of the reasons that influenced a great majority of the committee in placing this power to revise the estimates under the President. In other words, this bill provides for a budget bureau, at whose head shall be a director and an assistant, to be appointed by the President and to be under his direct jurisdiction and control. It is to be expected that the director of the bureau and his assistant, together with the trained force they will have, will throughout the year make close inspections of the various departments, not only as to the functions of each particular service and bureau in the department but also as to the necessity for the appropriations which have been made and under which they act, in order to arrive at just what suggestion they may make to the President when he is called upon to revise the estimates for future appropriations. These estimates will come from the head of the departments.

They will be sent to the President and it will be the duty of the President to send them to the Congress. He is provided with a bureau, some of whose employees will be paid good salaries in order that he may get the most expert advice. It is to be expected that he will call upon his director of the budget bureau for information as to the various services in an effort to secure economy and reduce estimates, and these persons, who are employed throughout the year, who have been making their investigations throughout the various departments, will be able to advise the President as to whether or not reductions can be made. In addition to that it will have this other very wholesome effect: If the head of a department, and particularly the head of a bureau, knows that his chief, the President of the United States, is anxious to relieve the people of as much expense as possible and that he has officials who are making these investigations day by day, week by week, and month by month, he will be more careful to see that expenses are cut down before they reach his chief for proper revision.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. TILSON. Will the accounting department have anything to do with this? Will they look into the efficiency of the employees of the various bureaus?

Mr. BYRNS of Tennessee. They will indirectly and very effectively, I think. Of course, it would be highly improper, I take it we will all agree, for the accounting department to be given authority to interfere with the administrative features of the various departments, but the accounting department will audit all of their expenditures. The comptroller general will pass on the question of whether or not the departments have made their expenditures in accordance with the law. He or his department will also be looking into the departments for the purpose under this law of making suggestions to Congress and its committees in the formulation and preparation of the various appropriation bills.

Mr. TILSON. In other words, it is the gentleman's idea to have the accounting department report to Congress and to be in a way under the control of Congress, whereas the budget department would be entirely under the President.

Mr. BYRNS of Tennessee. Under the control of the President.

Mr. TILSON. And it will be supposed to be in harmony with the President and with the various departments of Government under the President.

Mr. BYRNS of Tennessee. Yes; at least in harmony with the President and his policies, because the gentleman knows that every appropriation to a certain extent carries with it a question of policy, and it would be eminently unwise, it seems to me, to place under the President some man who is not strictly in sympathy with him in order to give him advice as to just what he should do with reference to the estimates that are transmitted to Congress. The director of the budget, therefore, is to be appointed by the President without the necessity of confirmation by the Senate. When it comes to the accounting officer, who is directly responsible to Congress, he is appointed by the President, it is true, and confirmed by the Senate, but removable only by concurrent resolution of both Houses of Congress. In addition to what the gentleman has said, this bill makes the accounting officer subject not only to the Congress but to all of its committees, and at any time that any committee having under consideration an appropriation or any matter involving revenue or expenditure in any way desires information, that committee can call for the comptroller general, or for some one of his assistants, and, if necessary or thought desirable, send him down to the departments for the purpose of securing the information they wish.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. ALEXANDER. The gentleman from Alabama [Mr. BANKHEAD] asked if this budget committee would have any supervision over the expenditures in the different departments. Hardly an appropriation bill is submitted or an estimate from the departments that does not involve increased expenditure because of increased personnel in the departments.

Before this budget is made up and sent to the Congress it will necessarily involve an examination in the departments to determine if the force in the departments is sufficient, and in that way in the first instance all these expenses will be visèed to determine whether the increased expenses are necessary for the administration of the work of the departments?

Mr. BYRNS of Tennessee. The gentleman is clearly correct.

Mr. DENISON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. DENISON. I would like to inquire under what theory the committee acted when they provided that the budget officers should not be confirmed by the Senate but simply appointed by the President?

Mr. BYRNS of Tennessee. Well, that applies only to the director and assistant director of the budget. The bill specially provides that the employees necessarily employed in the work on the budget, with the exception of those two officials, shall be taken from the civil service. Now, the theory upon which the committee acted was this. As I said a moment ago every appropriation to a certain extent involves some matter of policy, either large or small. Now, this bill undertakes to make the President responsible for the transmission of these estimates. It undertakes to fix upon him the responsibility for the size of the estimate and the various requests submitted for appropriations. Now, it was thought that it would be manifestly unwise and unfair to fix this responsibility upon the President and then not to give him a free hand in the appointment of the director and the assistant, in whom he should have absolute and unquestioned confidence. They should be thoroughly in sympathy with him and his policies, because the gentleman can readily understand that if you were to provide for a director of the budget and give him a term of, say, six years you might have one administration go out and a change from one party to the other in the next administration, and it would be unfair to the incoming President to fix the responsibility upon him and at the same time give him an assistant to help carry out that responsibility appointed by his predecessor, and possibly not in sympathy with his announced policies.

Mr. DENISON. Of course that would not be the best policy, but I was wondering why these important officers should not at least pass the scrutiny of some one else except the President. Otherwise I should think they would be of no value to the President at all They will do exactly as he suggests to them to do.

Mr. BYRNS of Tennessee. That is to be expected, but if the President himself is not anxious to practice economy neither Congress nor the country can expect any great results from his action with respect to these estimates, but I assume that every President is anxious to bring about economy, and certainly from now on they will be extremely anxious to do so, and I assume, having the right to select two experts to give him advice and who will be close to him and in whom he will put the greatest kind of confidence, he will select men not only above reproach but in whom he can put that sort of trust. Now, if you undertake to give the Senate the right of confirmation, why it would have the power to hamper the President. We are, as I said, trying to put this responsibility directly upon the President and make him responsible and to leave no loophole whereby anyone can escape from that responsibility. I can imagine a case where a President might appoint someone as his director of budget and possibly an indifferent or perhaps a hostile Senate might hold the appointment up. So it seemed to the committee, with respect to these two men, who are to be his close confidential advisors, that he ought to have a free rein in making these appointments. Now, the gentleman understands it is a different policy we pursue in reference to the Comptroller General.

Mr. DENISON. I understand that. Of course, the gentleman understands there is a very wide sentiment in this country against any personal employees of that kind or personal officers of that kind——

Mr. BYRNS of Tennessee. That is true.

Mr. DENISON. I think there is opposition throughout the country.

Mr. BYRNS of Tennessee. And I am in entire sympathy with the suggestion made by the gentleman, but I think with respect to those two officers it is an entirely different proposition.

Mr. TILSON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. TILSON. So, in order to have the President made responsible for this as nearly as possible, you give him officials related in a very special degree close to him. In other words, this gives him another hand or another arm which enables him to do work which he can not by reason of his present limitations perform alone.

Mr. BYRNS of Tennessee. Precisely. And these men will proceed to do that which he would do if he had the time and opportunity.

Mr. TILSON. I understand that.

Mr. JONES of Texas. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. JONES of Texas. I would like to ask the gentleman what provision has been made for giving the House the benefit of any hearing that may be conducted. Under the present system we have hearings before the committee which are available for the membership of the House.

Mr. BYRNS of Tennessee. I will say to the gentleman I do not know just how many were printed. The chairman of the committee, I am sure, provided——

Mr. JONES of Texas. I am not talking about that; I am talking about after the bill is passed. Under the present system the Appropriations Committee conducts extensive hearings, and the House is enabled to vote very intelligently on any specific item. If a Member desires to do so, he can go and look up the evidence in reference to any particular item of appropriation. Now, I have read the bill very hastily, and it says the President may furnish data and information if he sees fit to do so. Suppose he does not see fit to do so? What information will the House have to vote intelligently on any proposition that may be presented?

Mr. BYRNS of Tennessee. This bill requires him to do so in so far as we can require the President to do anything.

But this bill has nothing to do with the consideration of estimates after they reach Congress, by its committees or by the Committee of the Whole.

Mr. JONES of Texas. I understand; but if the President is going to be made responsible, and if in the language on page 3 he will submit this data, it seems to me you are getting the question of appropriations far removed from the Representatives.

Mr. BYRNS of Tennessee. The gentleman understands, of course, that the President is made responsible only for the transmission of the estimates to Congress. They now come through the Secretary of the Treasury, and really nobody is responsible, because nobody has the power to revise them except the head of each department. Now, such data as the President may send in support of the estimates submitted will, of course, be sent to the Speaker of the House and will be published as a public document, no doubt, or perhaps in a book of estimates, as they are now published.

Mr. JONES of Texas. I understand that is true, but at the present time the Appropriations Committee has this responsibility, rather than the President, and the Appropriations Committee is practically required by the House to conduct these hearings and get the information that we need. Now, you are taking it out of the hands of the House practically—that is, you will not take your appropriations out of the hands of the House, but you are letting the President secure all the data and information, and, as I gather from the reading of the bill, there is no provision for the conduct of hearings. I am asking the gentleman for information.

Mr. BYRNS of Tennessee. I understand. This bill only does two things. It does not undertake to deal with the estimates after they come to Congress and their consideration by Congress. That matter would involve, of course, a change in the House rules, and it could not be done in the form of law, and therefore would come up under a separate resolution.

Mr. JONES of Texas. Was it contemplated by the committee that hearings would be held and would reach the House?

Mr. BYRNS of Tennessee. Undoubtedly.

Mr. JONES of Texas. I did not gather that from the bill, and that is the reason that I asked for information.

Mr. BYRNS of Tennessee. This does not make any change in respect to that. The gentleman, of course, knows that under the present system each department chief sends his estimates to the Secretary of the Treasury by October 15, and he is required to arrange and classify them and send them to the Speaker of the House by the first day of the session.

Mr. JONES of Texas. As I understand the gentleman, it is not to interfere in any way with the full investigation by the House through its committees with any items that make up the budget?

Mr. BYRNS of Tennessee. Not at all. And I should be much opposed to Congress denuding itself of that power.

Mr. CRISP. This makes it obligatory on the President to send the estimates instead of the departments, and when the estimates are here it is in the power of Congress to have hearings and to say whether the amount should be appropriated or not?

Mr. BYRNS of Tennessee. The gentleman is right.

Mr. MOORE of Virginia. Will the gentleman yield for just one question?

Mr. BYRNS of Tennessee. I will.

Mr. MOORE of Virginia. I find in this large volume here, containing the report of the hearings, that Secretary Glass and other gentlemen seem to assume that, apart from any disposition that is made of this, lies the disposition by the House of Representatives and Senate. I understand this bill deals exclusively with the action of the Executive in the beginning and in the end. It does not deal at all, as the gentleman said a moment ago, with the action of Congress, because that would require a change in the rules. As I understand, House resolution No. 324 proposes to change the rules. This is the question I wanted to ask for information: Will my friend explain a little further why the consideration of that resolution is to be postponed quite indefinitely, as I understood from the chairman of the committee, if it be true it is considered important in the estimation of many of the people who testified, primarily important, with the method of disposing of the budget when it comes in from the Executive by Congress, why should there be such an indefinite postponement of House resolution 324?

Mr. BYRNS of Tennessee. I am sorry I can not advise the gentleman as to the reasons why the chairman proposes to postpone consideration of the resolution.

Mr. MOORE of Virginia. My friend will understand I am not criticizing. I am looking for information.

Mr. BYRNS of Tennessee. I understand, but I can only explain to the gentleman that, not being the author of the resolution, I do not know just why its more earnest advocates desire to postpone its consideration. I do not mean to say by that that I shall not vote for the resolution when it comes before the House. I rather think I shall vote for it. I take it, I will say to the gentleman from Virginia, that one reason that probably influenced those in control of it to suggest that it would be postponed was the fact that it is expected that it will have pretty hard sledding when it comes before the House, whereas the pending bill, it is thought, will receive practically unanimous approval.

Mr. TAYLOR of Colorado. Let me ask the gentleman if this thought did not come before the committee, that both the Senate and the House will be very busy from now on until we hope the session will adjourn, some time in the very near future, and we may have a little bit of vacation before we meet on the first Monday in December? And another reason, if this bill is not passed and does not become a law there will be no use of considering that resolution. And we thought this ought to become a law, and then they could go on and not take the other matter up until December.

Mr. MOORE of Virginia. I may say that, barring the question of a vacation, I had supposed if the bill should be passed it would be a logical thing to follow it at once with this resolution, which proposes the change in the rules, so as to have the reform complete, if reform is to be made, before you can start considering next year's appropriations, or perhaps the appropriations for the year following.

Mr. TAYLOR of Colorado. There is an alternative budget here that takes care of this.

Mr. DUNBAR. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. DUNBAR. On page 7 you provide for the appointment of the comptroller general of the United States and assistant comptroller general, who shall be appointed by the President, with the advice and consent of the Senate. Now, further down in the same paragraph you provide for the terms under which the comptroller general and the assistant comptroller general may be removed. It says:

> The comptroller general and the assistant comptroller general shall hold office during good behavior, but may be removed at any time by concurrent resolution of Congress after notice and hearing, when, in their judgment, the comptroller general or assistant comptroller general has been inefficient, or guilty of neglect of duty, or of malfeasance in office, and for no other cause and in no other manner.

Now, when it is proposed to remove the comptroller general and his assistant, the President is not taken into consideration, and inasmuch as the President is to be held primarily responsible for the conduct economically of the budget system, why this provision, which might permit a hostile Congress to remove the comptroller general and his assistant?

Mr. BYRNS of Tennessee. The gentleman understands, of course, that the comptroller general and assistant comptroller general have nothing to do with the transmission of the estimates or with their formulation or presentation to Congress. The comptroller general or assistant comptroller general have only to do with the auditing of accounts. In other words, as the gentleman from Iowa [Mr. GOOD] expressed it in the course of his remarks a few moments ago, they make a post-mortem examination of the expenditures made by the Government. Now, it was the thought, and I am sure the gentleman will agree, that Congress, which makes the appropriations, should have the ultimate control of the expenditures; and the only way to do that was to provide that Congress should have independent officers to make report as to how the money was expended.

Mr. DUNBAR. Then the object of providing for the removal of the comptroller general and his assistant by Congress is to enable Congress to have a check on the administration in seeing that they properly perform the duties of their office?

Mr. BYRNS of Tennessee. The gentleman is entirely correct. In other words, it is to do away with the present system, whereby the fund-spending department audits its own accounts, and provide that the fund-granting branch of the Government shall audit the expenditure of those grants.

Mr. WELLING. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. WELLING. Are the proposed functions of the comptroller general different in any great degree from those now performed by the Comptroller of the Treasury?

Mr. BYRNS of Tennessee. They are not. They are practically the same thing. They will embrace principally his duties and the duties of the auditor. But I understand now, under the order issued by Secretary McAdoo, the auditors are under the Comptroller of the Treasury, so that you might say that the comptroller general's functions will be the same as those now performed by the Comptroller of the Treasury.

Mr. WELLING. You say that the duties of the comptroller shall be taken over by the comptroller general?

Mr. BYRNS of Tennessee. Yes.

Mr. GARNER. And he can question the propriety of certain expenditures that do not meet his approval, whereas under the present conditions he has not that authority?

Mr. BYRNS of Tennessee. Yes. I am glad the gentleman made that suggestion.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. YATES. On page 7 there is a provision for the comptroller general, and the provision already referred to, that unless removed by a concurrent resolution by Congress he shall remain in office until the age of 70. I would like to inquire what determines the term of office of the officers mentioned on page 1?

Mr. BYRNS of Tennessee. They are subject to the will of the President.

Mr. YATES. They are subject to the will of the President?

Mr. BYRNS of Tennessee. Yes.

Mr. YATES. Like the Comptroller of the Currency, there is no fixed term?

Mr. BYRNS of Tennessee. There is no fixed term.

Mr. YATES. And are the duties specifically defined here—the difference between the director of the budget and the assistant director of the budget and the comptroller general? The duties of the comptroller general seem to be set forth pretty amply. Where are defined the duties of the director and assistant director of the budget?

Mr. BYRNS of Tennessee. The gentleman will find those duties set forth in section 2. Really the duties of the director of the budget are to advise the President in the matter of submitting estimates. They will be fixed by the President, and he will perform such duties as the President may desire him to perform, either in the way of investigation or advice or suggestion.

Mr. DUNBAR. May I ask if the relation of the head of the bureau of the budget with the President in the administration of the budget system is not somewhat similar to the position Col. HOUSE now occupies to the President?

Mr. BYRNS of Tennessee. Well, I do not know just what the relations of Col. HOUSE are to the President, I will say to the gentleman; but I do know this, that under this law the director of the budget is expected to be a very close and confidential adviser of the President in respect to these particular matters.

Mr. DUNBAR. He should be, and it is evident that he will need some one in that close personal relation in order to enable him intelligently to perform the new duties that are proposed to be assigned to him.

Mr. BYRNS of Tennessee. The gentleman is clearly correct.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DENISON. May I ask the gentleman one more brief question?

Mr. BYRNS of Tennessee. Yes.

Mr. DENISON. I notice on page 7 of the bill that it provides that the comptroller general and assistant comptroller general may be removed by a majority of the two Houses for three specific reasons, and that it is expressly limited to those three. One of them is that he has been adjudged inefficient; and another, guilty of neglect of duty; and the other is malfeasance. He can not be removed for any other reason?

Mr. BYRNS of Tennessee. No; not under this law.

Mr. DENISON. Would ill health be considered inefficiency? In the judgment of the gentleman from Tennessee, if he should fall into bad health, would that be considered inefficiency?

Mr. BYRNS of Tennessee. If his ill health was such as to prevent him from performing the duties of the office, I would say yes. Of course, that would be for the Congress to determine.

Mr. DENISON. The gentleman thinks that the term "inefficiency" is broad enough to cover a case of protracted ill health. In the ordinary acceptation of the term that would not be so considered. A man might be very efficient, and yet be unable to perform the duties of his office by reason of ill health. Ordinarily the gentleman will understand that inefficiency does not cover a case of bad health or something of that kind.

Mr. BYRNS of Tennessee. I catch the force of the gentleman's suggestion.

Mr. DENISON. For instance, I take it that no one would question the efficiency of the President at this time, but certainly he is in a very bad condition of health.

Mr. GARNER. I imagine that when you get into Committee of the Whole an amendment could be offered as to incapacity to fulfill the duties of the office.

Mr. DENISON. I ask the question for that reason.

Mr. BYRNS of Tennessee. I see no objection to the adoption of an amendment of that sort.

Mr. DENISON. That is the reason why I asked the question.

Mr. KINKAID. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. KINKAID. Does the gentleman believe that the language of the bill necessarily requires a supervision to the extent of rgulating the number of employees in any branch?

Mr. GARNER. Congress does that.

Mr. KINKAID. I understood the gentleman a while ago either to expressly say or to imply, at least, that these new officers would supervise the number of employees or advise as to whether there were too many employees.

Mr. BYRNS of Tennessee. No. The gentleman misunderstood.

Mr. KINKAID. Or advise the President about gauging the appropriation based on the number of employees.

Mr. BYRNS of Tennessee. Yes; I take it that if there was an estimate transmitted to the President for transmission to Congress by a certain bureau in which the bureau had stated that it needed a certain number of employees, or a certain amount of money in order to pay a certain number of employees, the President, if disposed to do so, could direct the director of the budget to report to him as to whether or not they were asking for too many; and if so, he could reduce them.

Mr. KINKAID. Then when making an estimate for the existing number of employees, which will be the case, I presume, in most instances, would the President be held responsible for the number of employees to be appropriated for?

Mr. BYRNS of Tennessee. That is usually the case now.

Mr. KINKAID. Then, should the President raise the question of the number of employees? That is, does the bill contemplate that the President will be held responsible in that respect?

Mr. BYRNS of Tennessee. Exactly. The bill contemplates that the President will use this bureau of the budget for the purpose of making investigations of all the departments, year in and year out; that they will collect data showing the functions of the various bureaus, possibly their history, and so forth; their number of employees, just what they are doing, whether or not they are functioning properly, and so forth, and will have that data subject to the call of the President; and when he comes to revise these estimates and send them to Congress, he will have this data and also the advice of his director of the budget, so that he will know whether or not he can safely reduce them, or whether they should come to Congress as transmitted to him.

Mr. KINKAID. The gentleman will pardon me for not having read the bill. It is quite new to me. Now, is there any language contained in the bill which is express enough to im-

pose this duty on the President, to scrutinize as to the number of employees?

Mr. BYRNS of Tennessee. Undoubtedly.

Mr. HUDSPETH. I have not had time to read the bill and I want to ask a question about something which may be embodied in the bill. I see on page 2, in section 2, it is provided that the President shall transmit to Congress an estimate of all appropriations necessary for carrying on the functions of the Government. Now, we are called upon from time to time to pass emergency appropriations. Will those have to be submitted by the President to Congress—the emergency appropriations?

Mr. BYRNS of Tennessee. Yes. That is in the bill.

Mr. HUDSPETH. I had not read that far in the bill.

Mr. BYRNS of Tennessee. If the gentleman will refer to page 6, section 8, of the bill, he will find that provision is made for the transmission of deficiency estimates and for expenditures under any new laws that may be passed by Congress.

Mr. HUDSPETH. Or for any deficiency that may occur under an old law?

Mr. BYRNS of Tennessee. Yes. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. GOOD. I yield 45 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentleman of the committee, I think it may well be said that the subject under discussion is one of the most important that has ever come before the Congress. To transform the finance system of the United States is a problem that may well attract the attention of the American people, and it surely should attract the attention of the representatives of the American people in the Congress.

The period during which we lived as a Nation before the war was one in which the revenues were collected from indirect sources, and those who paid the taxes really did not feel the burden. The total expenditures of the Government from the day the Declaration of Independence was proclaimed until the day the war against Germany was declared amounted to about $25,500,000,000. It may be information to the public to know that since the war began until the present time we have appropriated $51,500,000,000, and that the revenues which we derive now are not all by indirect taxation, but the great bulk of them is by direct taxation.

Until 1913 there was no income-tax law which enabled the Government to levy an income tax against the individual. To-day we have in our citizenship more than 3,000,000 men and women who pay income taxes.

The annual expenditure for the maintenance of all activities of the Government prior to America's entry into the war was about $1,500,000,000. Our bonded interest-bearing obligations before the war were less than $1,000,000,000. The average annual interest charge amounted to about $22,000,000.

When all the obligations resulting from the war are paid and all the contract obligations are settled, I think it is fair to say that the interest-bearing obligations of the United States will amount to about $34,000,000,000, and that the average annual interest and sinking-fund charge will be approximately $1,500,000,000. So we see at once that the interest charges against the Government in the future will be equal to the total cost of maintaining every activity of the Government prior to the war.

The citizens of the United States are to be taxed more heavily than they ever have been taxed before, not only for periods near but for periods remote. The burdensome taxation will be imposed not only upon those of the present generation but upon generations that are yet to come, and instead of having an annual charge for the maintenance of the Government of about $1,500,000,000 it is fair to assume that we are going to have an average annual budget amounting to about $5,000,000,000, and that most of this must be collected from the people in the form of direct taxation. We can not go to the people and ask them to buy bonds to meet the obligations of the Government. We must meet the expenses of the Government by direct taxation, and so we have reached a condition requiring reform in our system of finances.

There is a growing tendency among the American people to criticize the extravagance of the Congress, and a justly growing tendency to criticize the increasing extravagance of the executive branch of the Government. The men who are to be in public life in the future will be looked to to institute every economy that it is possible to introduce in order that the people of the United States may be relieved from burdensome taxation. And so we to-day, coming as we do with this proposition for legislation to reform the financial methods of the Government, appeal to the House and to the Senate to join in a movement calculated to be of infinite relief to the American people in the days to come.

The ship of state has been sailing on an uncharted sea. She has passed through one of the greatest storms that ever blew. She has reached a stage where she is water-logged. The captain of the ship is informed by the watch that he sees the danger lights ahead, and the captain orders a reckoning taken in order that the ship may not be cast upon the rocks. The storm has opened the seams of the ship. She is leaking at every pore. The engines have been put out of commission. They are unable to pump the water from the hold fast enough to keep the ship afloat. The piston rods have blown through the cylinder heads of the engines, the crown sheet has burned out because of the inability of the pumps to supply the boilers with water, and the ship is in danger of being foundered. The sailors have come to the rescue. They are pumping to the best of their ability, and we who have recommended the consideration of this bill may be classed as the sailors who are advancing the movement for the preservation of the ship of state.

We have had in all the years past a slipshod method of conducting the financial business of the United States. There has been no correlation in the legislative and executive branches of the Government. No one has been responsible, or, if so, no one has accepted the responsibility of recommending a budget to the Congress for the appropriations needed to maintain the Government.

Every bureau chief has felt that he had a right to make up an estimate of the needs of his bureau without respect to what anyone else might think about it, and every bureau chief with definite ideas has been anxious to make his bureau the most potent bureau in the Government.

In the Navy Department, with 11 bureaus, each bureau chief makes up what he thinks to be the needs of his bureau. He submits those needs to the Secretary of the Navy. The Secretary of the Navy compiles them in a single recommendation to the Secretary of the Treasury, but he does not feel that he has the power, even though he may have the right, to criticize or prune the recommendations made by the bureau chief.

The Assistant Secretary of the Navy, testifying before the Budget Committee, said that the Secretary of the Navy, or his assistants, felt that they had no power whatever to remedy any wrong that might result from the present method of making up estimates for bureau chiefs' needs. When he was asked if they did not have the power under the law to change the policy of the bureau chiefs he said he did not think they did. When he was asked if they had ever recommended a change in the law to give them the power he frankly admitted that they never had. But he said if some such system as we propose in this bill should be enacted into law he could almost guarantee the Navy Department would be conducted at 20 per cent less cost than it is to-day. That is a startling statement, but I think it could be done, and if it could be done in the Navy Department it could be done in each and every department of the Government.

Twenty per cent of $5,000,000,000, the annual estimated expenses of the Government, would be a billion dollars. A billion dollars per annum taken from the backs of the American taxpayers would be a great relief. It would lighten the load; it would enable the Congress to go back to the people and say that it had done the best that could be done. Every man in Congress ought to join in this movement. It is a movement bound to be approved by the American people.

All the bureau chiefs, the heads of all departments, now assemble their demands for financial needs for the conduct of their bureaus and departments and submit those demands to the Secretary of the Treasury, who, with the small clerical force at his command for that purpose, tabulates them and hands them over to the Congress for their consideration. But no one ever attempts to scrutinize the demands of the departments until they come before the committees of the Congress. I am proud to be able to say that Congress and the committees have scrutinized the estimates of the departments in the past, and in the past 20 years they have appropriated $500,000,000 less, if I recall, than the estimates that the departments called for. So that it can not well be said that the extravagance, if such there has been, can be laid at the doors of the Congress.

Now, what does this bill propose? It proposes that instead of an irresponsible system of making estimates for Government needs there shall be a scientific and responsible system. What is that scientific and responsible system to consist of? It is to impose on the President of the United States the responsibility of assembling all the estimates of the bureaus of every department and independent Government establishment and providing for such pruning in the estimates made by bureau chiefs and department heads as may be justified by the needs of the Government activities.

But it has been said by many that the President is too busy a man; that he is already overburdened with work and ought not to be charged with this new responsibility. My reply to that is that the President, being the only elective official that represents all the American people, is the only man upon whom

the responsibility should be placed. The President alone has the power to say to every Cabinet officer that the expenditure within his department shall not exceed a certain amount within any given year, and he under this law, if it becomes a law, is to be furnished with an organ consisting of an organization presided over by a man who has sufficient executive ability to organize a force and to assemble information upon which the President may base an intelligent judgment.

The organization which it is proposed to create under this law will be the instrumentality by means of which the President will not only have the power but he will also have the facilities and the knowledge and the experience by which he will be able to present to the Congress a photograph of the annual Government needs and a statement of the revenues with which to meet those needs. The proposition will be, I assume, that when the President appoints a man the head of an organization, such as this bill proposes, he will appoint a man qualified to perform the onerous task to be imposed upon him. I assume that it will be one of the first functions of this organization to call upon every bureau chief within the Government to write a monograph of his own bureau, telling not only how the bureau came to be formed in the first instance, but what the activities of the bureau consist of. Not only shall this bureau chief be compelled to write the story of the functions of this bureau but the story of each activity under every function. In this way this organization, which is to be supplied to the President, will be constantly at work. It will become expert in the knowledge of the bases of the Government. Somebody will be enabled for the first time, then, to realize what the various activities of the Government mean, how they came to be established, what the purpose of each bureau is, what its function is in the Government, what extravagances, if any, have been practiced by the bureau in the past, and what economies may be introduced in the proper conduct of the bureau in the future. It has been said that the organization that is to be supplied to the President will assume superior jurisdiction over a Cabinet officer, and that, therefore, there will be friction in the various departments, but we all must remember that the bureau that we are supplying to the President is the instrumentality of the President, who is to be held personally responsible.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TILSON. Would not a little friction sometimes be very healthful if applied just in that way?

Mr. MADDEN. It might be; but, after all, the bureau itself is only the instrumentality to furnish information to the President, and with the information in his possession the President will be able to sit at the Cabinet table and tell his Cabinet chiefs just what they ought to do, and if there is any friction anywhere he will be able to dispel it by deciding the question instantly. As it is to-day, under the law of 1909, called the Smith law, the Secretary of the Treasury assembles the estimates of the various departments, totals them, and if he finds, after submitting them to the House of Representatives, that the estimates of the expenditures are in excess of the estimates of the revenues, it then becomes his duty to send those estimates to the President with full information as to the facts, and it becomes in turn the duty of the President to make recommendations to the Congress as to how these estimates may be reduced, or if, in the judgment of the President, they are not possible of reduction, then, as an alternative, how the revenue may be raised to meet the increased expenditures. But the President has never functioned under that law. I believe, however, that the time has come when, if the President has the facilities to do the work, he will be very glad, indeed, to assume the responsibility, and it will not take much of his time, for he will have an expert corps of men who will be engaged every day in the year to ascertain the facts in connection with the conduct of every bureau in every department of the Government, and these facts will be supplied to the President in such form that it will not take any of his time, except to pass upon fundamentals.

The advantage in imposing upon the President the burden of creating a budget for submission to the Congress is this: The President will be compelled by the facts in the case, as he submits them, to defend his administration against the charge of extravagance, because if he recommends extravagant appropriations, as is frequently done now, it will be the function of the Congress then to criticize the President because of extravagance. The President submits every need of the Government at a given time, so far as he is able to find out what those needs may be, and the great debates of the country, in my judgment, will be had upon the question of the extravagance of Congress or the question of the extravagance of the administration. There will be nothing in the law to prohibit the Congress from increasing or decreasing the recommendations made by the President. If the President's recommendations are reasonable and economical, and the Congress increases them and makes them extravagant, then the Congress will be put upon its defense before the country and will be compelled to defend the extravagance which it inaugurates by increasing the recommendations made by the President.

If, on the other hand, the President pays no attention whatever to the economical side of the financial needs of the country, and the Congress in its wisdom decides to reduce materially the recommendations made by the President, it will be for the President to defend himself against extravagance which his recommendations indicate. With over 3,000,000 income taxpayers now, and more to come, the Nation is going to be more watchful than ever before of the expenditures made by the Government. I am glad that that is to be the case, because certainly the Government has been running wild, the ship has been rudderless, the captain has been off watch, and there has been no head who might be held responsible.

When this bill becomes a law, the great forum of America will find itself advised of every need of the Government by simply looking at the budget. There will then be for the first time an incentive on the one hand for the executive branch of the Government to defend its right of claim to efficiency and economy and to charge extravagance to the Congress, and, on the other hand, an opportunity for the Congress to defend its claim to economy and efficiency and the charge of extravagance against the executive branch of the Government. This will give the picture as no other method could do. We will have a picture of America's needs, and when the departments, from the President down, realize that they must defend their right to the confidence of the people by the practice of proper economy, you can rest assured that they will understand why they are extravagant before they become so. If they know in advance that they are going to be obliged to defend their right to the people's confidence, they will study the needs of the Government for the first time, and they will continue to study those needs for all time, and they will be in a position, if criticism is leveled at them, of being able to answer the criticism and defend themselves.

On the other hand, to-day we have an indiscriminate criticism of Congress for extravagant methods, and that is probably easily accounted for. It is easier to criticize men in the mass than it is to criticize the individual, and it is perhaps easier for men in the mass to be extravagant because of their ability to shift the load of responsibility onto the shoulders of some one else than it will be for the individual, when the limelight of publicity is leveled at his actions, to escape the responsibility of criticism by any subterfuge.

We propose in this bill not only to do what I have indicated, but also to create a comptroller and auditor general, who is to be appointed by the President, by and with the advice and consent of the Senate, whose term of office shall be during good behavior, who shall not be dismissible by the President under any circumstances, and who shall be retired from the office to which he is appointed only for certain well-defined reasons provided in the bill, and then only as the result of the enactment of legislation by the Congress. It is proposed to create this auditor and comptroller general so that he may be able to pass on all of the legal phases of every expenditure and at the same time audit the accounts and to make him so independent of the executive branch of the Government that no influence of any kind can be exercised over him in the discharge of his duties. If I have my way, when this legislation is completed, I shall propose the creation of a great committee of the House, to be known as the committee on expenditures, consisting of the best men in the House—because it is to be a great committee if it is created—to whom this auditor and comptroller general may report from day to day, and through that medium supply the House of Representatives and the Senate with such information as to what is being done with the money appropriated as to keep the Congress advised in connection with every step taken.

In this way we will have a check against the executive branch of the Government not only as to the methods of appropriating but as to the method of expenditure, and my judgment is that the foundation of the future financial system of economy could not be laid so well in any other way as by the adoption of the bill which is now before you for consideration. [Applause.]

Mr. CRISP. Will my friend yield?

Mr. MADDEN. Surely.

Mr. CRISP. I have listened to the gentleman with much interest. I think it is a splendid bill, and I am in favor of it, and I know my friend is one of the best legislators in the House. I would like to have him give his views as to whether it is advisable or not to follow this step by concentrating all appropriations in one committee of the House?

Mr. MADDEN. Personally I am in favor of that. Of course, in the establishment of a single committee of the House you have one responsible body through which you can deal with the recommendations of the President. You have the responsibility placed where no duplication can be had in connection with appropriations. It is true that no one committee of the House in itself could adjudicate all recommendations made for the expenditures of the Government. Whether you make one committee or more, this committee would have to be divided into subcommittees, as the Committee of Appropriations to-day is, and I apprehend that when the House passes this bill, and the Senate concurs, we will find ourselves in a position where we will be glad to formulate the other section of reform indicated by the question of the gentleman from Georgia. For, after all, it would not be wise, nor would it be fair, to say that the only end of the Government that needs to be reformed is the executive. We can not afford to go before the people and say that we have already acted by requiring the President to defend his claim to economy unless we put ourselves in the attitude of meeting the issue and being in a position to do likewise.

Mr. CRISP. I want to say I thoroughly agree with the gentleman and I am very glad to have his views on it.

Mr. MADDEN. You can not make this reform too sweeping for me, and I want to say to the gentlemen here and elsewhere that it makes no difference to me what committee I am on. Some people think that they must be on a particular committee to have any influence in the House. Now, I would sooner be on the Committee of the Whole House on the state of the Union than any committee in the House, and my certificate of election is the only thing I need for that. I am under no obligation to any committee on committees for that place, and there all the legislation that is enacted by the Congress is considered under the five-minute rule and there you get real, legitimate consideration. So, after all, these men who may feel aggrieved at the possibility in advance of losing some prestige somewhere because they have not got a particular committee, it seems to me really are getting agitated too far in advance. Every man here knows that if you want to keep your head above the waves of this House you have got to keep swimming all the time. [Applause.] You can not rest on the merits of the achievement that you accomplished yesterday. It makes no difference how great a thing you accomplished yesterday you are only one of the common herd to-morrow, and you have got to live on what you can produce by industry, not genius. There is no genius here more than there is anywhere else. The man who works, has industry, has system, has integrity, has courage to meet the issue, has the facts to present to the House, does not have to be an orator any more than I am. All he needs is to have the facts, have industry, courage, and integrity of purpose, and he will make a good Member of Congress, and that is what we hope to make out of every man here if there are any here who are not good Members of Congress, and I doubt if there are; I have no idea there are. So I say we can not reform the executive end of the Government without reforming ourselves, and for one I am proud to have been permitted to serve on this committee on the budget with the distinguished gentleman from Iowa [Mr. GOOD], who is chairman of the committee, and who has worked in season and out of season to produce the good that is to flow from the legislation that is to follow the work of this great committee over which he has presided with such great distinction. [Applause.]

Mr. BLANTON. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. BLANTON. How are we going to reform ourselves in the face of the crack of the bull whip that comes once in a while like we had yesterday and this morning?

Mr. MADDEN. I have never heard of such a thing as the crack of the whip since I have been a Member of Congress, and I have been here for a good many years. I have been as free and independent in my action as air. No man living during the years of my service in Congress has ever told me what to do. Neither one of my constituents nor any man has presumed to tell me what to do here. Every man here is equal. Each man counts for what he is worth. Some men count for more, some for less; it depends on their industry——

Mr. BLANTON. Will the gentleman yield for a further question?

Mr. MADDEN. Surely.

Mr. BLANTON. Does the gentleman think that in the face of such speeches as were made here by the two ex-Speakers of the House, one on each side of the aisle, by the distinguished chairman of the Committee on Appropriations, and by other strong Members of this Congress, that anyone could have withstood that eloquence and logic other than by the crack of the bull whip?

Mr. MADDEN. Every man here is here with the right to express his thoughts. If he has views, he has a right to express them. If his views are such as to bring around him a following that other men do not happen to have, that is his good fortune, and the country is fortunate, too, if he is the right-thinking kind of a man. The two great ex-Speakers of the House are men who have stood the test of American confidence. [Applause.]

They are entitled to the respect and the confidence of every right-thinking American. They have views, and they have the courage to express them. They have never faltered in the patriotic discharge of their duty. And I am proud to be able to stand upon this floor and say that it has been my privilege and my pleasure and that I consider it a great honor to have had the opportunity to sit at the feet of these great men mentioned by the gentleman from Texas.

One more word and I shall close. I wish to say that no greater chance to perform a patriotic service has ever fallen to the lot of any man living under the flag than the opportunity afforded to support the great measure now before the Congress. I predict that with this measure enacted into law economy in Government expenditures will result, system will be inaugurated where chaos now reigns, and opportunity for information to the American people, such as has never been afforded before, will be at the disposition of any man who cares to know about the finances of his country. And there can be no doubt that a system of economy is bound to result when we throw the limelight of publicity upon the acts not only of the Congress and of its individual Members, but on the President and every man who owes allegiance to him in the executive branches of the Government. I thank you. [Applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I would like to ask if there is any Member on either side of the Chamber who wishes to speak in opposition to the bill? If so, I will be glad to yield him time at this moment. If not, I yield 40 minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. BLANTON. Will the gentleman from Oklahoma permit me to propound a parliamentary inquiry to the Chair?

Mr. HOWARD. Yes, sir.

Mr. BLANTON. Mr. Chairman, I desire to present a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. It develops now within a very short time after general debate has begun that there is no opposition on the floor of this House to the budget bill now under consideration. Then, if that is the case, why take up 12 hours of the Congress in debate of the measure when you can not find any opposition to it on the floor?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry. The gentleman from Oklahoma [Mr. HOWARD] will proceed.

Mr. BLANTON. I thought the Chair was in control of the time of the committee.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, referring to the question propounded by the gentleman from Texas, I would be so delighted to see this bill pass that, as far as the little time I am going to consume is concerned, if we could take an immediate vote and make this bill a part of the laws of this country, I would gladly yield my privilege. In fact, Mr. Chairman, I am especially delighted at the manner in which this bill and the proposition to establish a budget system for the United States Government is being received by the Members of Congress. I am especially delighted that I have had an opportunity to participate in the hearings and in drawing this measure, because it calls to my mind that for many years, along with my good colleague, the gentleman from Kansas [Mr. WHITE], when neither he nor I was a Member of this body, but when we were members of another organization studying the great problems of taxation and the expenditure of public moneys as members of the National Tax Association, I have been urging a budget system not only for the National Government but for all State, city, and county governments.

And I am especially glad that the time seems now to have come when the United States Government, through the adoption of this bill, will set the precedent by which all Governments will look closely and further and with more business interest toward the expenditure of public moneys.

I consider that this is probably the most important measure that has or will come before this special session of Congress. Those who have given careful thought to this matter realize that a budget system is not only necessary now, but has been for years past. There is another feature in connection with this legislation that is pleasing to me, and that is the fact that

it partakes not at all of a political nature. I am especially delighted that this Congress has risen in this matter far above political lines and that the leaders and the big men of the country in and out of Congress, both Democrats and Republicans, are joining in the support of this much-needed reform.

It was very gratifying to me when ex-President Taft, Gov. Lowden of Illinois, Secretary of the Treasury Carter Glass, the Hon. Swagar Sherley, and the Hon. John J. Fitzgerald, and other prominent men who have given a study to Government finances came before the committee and indorsed the committee's efforts to bring forth a fair and efficient budget measure. I believe it is an omen that the Government is going to improve its administration of affairs and that we have finally reached a conclusion that Government must be administered in a more economical and simplified manner. And I trust that this will establish a precedent, and that we will get together on other great measures, as we are together on this, and do something real in behalf of the people of this country.

Now, when this measure becomes a law we may not all agree as to the method of carrying out its provisions on the floor and in the committees of the House, but let me urge upon the Congress that we need not let this enter into our feelings as to the passage of this bill. Let us establish the budget system, now that we have an opportunity, and after its establishment if there are flaws they can be remedied. Congress has always risen, and always will rise, to the position of doing the right thing and in handling questions properly as they come before it, and I urge that we do not let our differences of opinion as to the enforcement of this budget system in our own House interfere with our votes as to the passage and the initiation of a budget system.

I have for years been very much interested in the establishment of a budget system, and my interest in this system has grown out of my experience as a public official and the consequent knowledge of public expenditure and the raising of revenues gained from the public service.

Mr. HUDSPETH. Will my friend from Oklahoma yield for a question, Mr. Chairman?

Mr. HOWARD. Yes, sir.

Mr. HUDSPETH. As I understand, I will say to the gentleman, from the casual reading of this bill, the enforcement of this budget system is provided for in the bill?

Mr. HOWARD. No.

Mr. HUDSPETH. I would like to have the gentleman's idea upon the enforcement.

Mr. HOWARD. I was referring to the question, as did the gentleman from Illinois [Mr. MADDEN], of the number of committees we had to handle in the House.

Mr. HUDSPETH. I did not understand just what the gentleman meant by the enforcement. As I understood, the President submits the estimates to Congress.

Mr. HOWARD. My language was perhaps a little bit misleading, but what I was referring to was how the matter should be handled in the House.

As I was saying, Mr. Chairman, my support of the budget system has come by reason of my experience in the matter of expending and raising public revenues. For four years I was the purchasing agent of my State and expended practically all of the money that it expended for State government. Then for four years I was the State auditor for my State, and audited all of the bills against public revenues. And I want to say right here, Mr. Chairman and gentlemen of the committee, that if this bill went no further than to that paragraph or section creating a comptroller general and concentrating the payment of all bills and the settlement of all claims against the United States in one department with a determined authority, it would be sufficient and great and beneficial legislation. I consider, Mr. Chairman, that this one section of the bill will be very beneficial, and will prove to be a very economic one and a benefit to the taxpayers of the United States.

Mr. Chairman, the rapidity with which public expenditures have increased is amazing and shocking. Too much of a tendency to live on, and not under, the Government has been developed.

Of course, Mr. Chairman, I am a new Member of the Congress, and I do not want to be understood as criticizing, but rather desire to take the position of suggesting. In my opinion—and I believe it can be substantiated by an investigation—both our National, State, and municipal governments employ too many people. There is too great a degree of multiplication of service, and beyond question there is too great a tendency to purchase too much material and supplies for use in public service. I want it understood, however, Mr. Chairman, that I am in no way criticizing the present or past administrations when I make the suggestion that too many people are employed in government and that too much money is wasted in the purchase of materials and supplies, because if a condition of useless and extravagant expenditure of public money does exist at this time it is due to the fact that the present system of collecting and spending public moneys has been handed down to us as a legacy from other years. In fact, I can remember, Mr. Chairman, when I was a boy in Kentucky, of hearing my father and his neighbors complain of heavy taxes and how the burdens of government seemed to increase instead of decrease.

Mr. Chairman, the proposition of increased burden of government is one with which we will continually have to contend. Why, Mr. Chairman, when I was a boy in a little town in the hills of Kentucky, if some fellow had come into that town and suggested that he was going to teach the boys of that little town how to become carpenters, the old town carpenter down there, who built what few buildings we had, or repaired them, would have taken a hand ax and would have run that fellow out of that town, and he would have said, "I have been training the boys of this community to become carpenters for many years, and I have made of them good carpenters, and we do not need you down here." Likewise, if some one had gone into that community when I was a boy and said, "I am going to teach the girls how to cook," she would have insulted every grandmother down there, because the grandmothers would have maintained that they had been making good cooks out of the girls there ever since the history of Kentucky had begun and they could continue to do so.

But, Mr. Chairman and gentlemen of the committee, the people demanded domestic-science departments, and they demanded manual-training departments, in their schools, and it was well that they should have them. But now that they have been established, it is also well to bear in mind that in having them they must pay for them. But it is also well, Mr. Chairman, that we as legislators or public officials of the State or the Federal Government should bear in mind that as these demands upon us for increased functions of government are made, in meeting them we should also in every way possible provide for maintaining what the people desire on the most economical basis possible. As a matter of fact, I doubt if any system that we adopt in the matter of spending public moneys will reduce the amount of public money to be expended as compared with what we are spending under normal conditions. As the Government increases, the expenditures are going to increase, and it is my opinion that a good budget system, properly carried out, as we anticipate in this bill, will and should stop the waste in public expenditures.

The old method of collecting and spending public moneys has had its day. The people are not now, and have not been for some time past, satisfied with that system. They are not satisfied with a system that collects from them extraordinary amounts of money in the name of taxation, and then spends it in a haphazard manner, without thought and careful attention, such as a private citizen would give to the expenditure of his private funds.

Mr. Chairman, the expenditures for government must be looked squarely in the face as a problem to be solved before they assume proportions more disconcerting. The evil against which the national budget system would operate is the multiplication of Government functionaries, which is one of the most ancient evils with which we have to deal; it is this multiplication of Government functionaries which I most fear in the matter of economical government. Under the old system a multiplication of governmental departments and employees has grown until the people of this country are staggering under the burden. I was once asked the question as to what was the attitude of the taxpayers toward public expenditures. My reply to same was, and is, if the taxpayers of this country would really give serious thought to public expenditure of money, what they would say about it would not look well in print and we could not repeat it to our wives, mothers, and daughters. Why did I and why do I say that? Because an analysis of public expenditures, in my opinion, shows that in this Government, and in each State and in each municipality in this country, too many people are employed in public service. In the past, Congress, State legislatures, and many kinds of tax levying and tax enforcing bodies have given great thought and study to the manner of levying and enforcing tax laws, but I have never known and can find but very little history which records that any of us have given thought and study in a scientific manner to the expenditure of public moneys. And I say to the Congress that we have reached the time where it is more necessary that we give thought and study to the expenditure of money than we do to the levying and collecting of taxes. It makes no difference financially to the victim what becomes of his money, whether it is taken from him by a highwayman at the point of a polished revolver or in the name of taxation. I do not say that the taxpayers of this country have been robbed,

but I do say that a system of multiplication in government has grown until much money is being spent for governmental purposes that could be saved to the taxpayers if a proper and scientific renovating of our system was made.

There must be in this country not only a reform in the expenditure of moneys but there must be a reform in taxation, because business is staggering and suffering under the burdens under which we are now laboring, and unless relief to business from taxation is given in some manner in the very near future I fear the result. There must be a scientific renovating of our system, and I believe that a proper and scientific renovation is at hand in the adoption of the bill that we now have before us.

Mr. ALMON. Will the gentleman yield for a question?

Mr. HOWARD. Yes.

Mr. ALMON. Will the gentleman kindly call to our attention some case illustrating multiplication of work in any departments of the Government, so as to show the importance of preventing that?

Mr. HOWARD. Yes. A few days ago I called the attention of this House to a case when, as State auditor of the State of Oklahoma, I had made an analysis of the employees of the Government and of that State, and I found that in the State of Oklahoma there are about 1,100 people employed in health work. For instance, we have down there a city health department, a county health department, a State health department, and regulations and activities of the Federal Public Health Service, with the result that, with different rules and regulations, before the health laws can be enforced the only person who is needed is the undertaker. [Laughter.]

Another case: As I stated a few days ago on the floor of the House, in that same analysis I discovered that a part of my State is below the quarantine line, and they had started to eradicate the cattle tick. As State auditor of the State of Oklahoma I found that we had traveling over that State something like 50 men on a salary and expense account eradicating the cattle tick in Oklahoma and preparing it to be put above the quarantine line. I found that at the same time the National Government had about 40 or 50 men traveling over the State of Oklahoma engaged in the same work of attempting to eradicate the cattle tick—40 or 50 men in the employment of the State enforcing the law and 40 or 50 men in the employment of the Federal Government enforcing the same law. These fellows had different ideas as to what they should do. They had different ideas as to the best solution in which to dip the cattle. They had different ideas as to what was the proper material out of which to build the vats.

They quarreled about this and that. The result was that in some of the counties the cattlemen got sore, and there were some vats blown up. In many instances, as a result of this double work and these conflicting opinions, when they finally got together and ready to enforce the quarantine law the cow had died of old age and the ravages of the tick. [Laughter.]

Mr. ALMON. Will the gentleman kindly explain how this legislation will relieve that situation?

Mr. HOWARD. I do not know that this legislation will relieve that situation, but in speaking on this bill I am only taking occasion to call attention to a condition that exists. Certainly if we go into a study of economic government, and establish functions for studying it, some attention may be given to conditions of this kind, and if we are to get free of the burdens of taxation somebody will devise some remedy and cut out the multiplicity of work that is now being done by the States and the Federal Government.

Illustrations of the multiplicity of public work can be cited without limit, and remedies must be sought and found. The necessity for economy can not be denied. To my mind the adoption of a budget system as provided in this bill will be a long step toward the solution of this question. In these days when there is a constant and loud complaint because of growing tax burdens and increase of expenditure, very much thought is being given to the cause thereof. I believe that one of the most satisfactory ways in which to meet the situation is the adoption of a budget system as set forth in this bill, which will not only relieve the feeling of discontent among the taxpayers but should put the Government on an efficient and economical basis.

The budget should show, and I am sure will under this bill, the actual financial condition and estimates as to the future based on these conditions. This might not mean the lessening of expenditures, for necessarily as the Government and population grow legitimate expenditures must increase. But waste must be stopped, and under a budget system as provided for in this bill I believe it will be stopped. We must seek to spend our money for proper requirements. As our population grows and various forms of government take on new functions, so there will be an increase in expenditures. The duty of the budget as provided for in this measure will be to see that the expenditures are made for proper purposes. The budget system means that there must be estimates of needs and estimates of resources that may be available to meet such needs.

The budget system, in my opinion, is a cure for invisible government. It means practical executive supervision; it means the careful expenditure of the people's money; it means strict accountability; it means publicity; and it means administration preparedness.

And I urge that this bill will properly protect the people in all sections of the country, and assure to the overburdened taxpayers relief from the burden of taxes under which they are now suffering—burdens of taxation for which no party or administration is responsible but which have come down to us from a system that may have been good in the early days of the Republic, but owing to the growth of our country and the economic conditions has become obsolete and faulty. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, when a boy of 12 years of age gets his first job at 50 cents a day he does not need to devise a very elaborate system for keeping track of his income and his expenditures, but whatever system would be devised, if there were system to it, would be called a budget. Now, when this same boy becomes a man and establishes himself in some line of business that involves, as does the mercantile business, a multitude of transactions that have to do with expenditures aggregating hundreds of thousands or millions of dollars, the system or scheme that must be worked out by which he will keep track of his income and his expenditures may also very properly be called a budget, but it will be a budget of very comprehensive character. For the boy a budget may be desirable; for the man a budget is necessary.

Now, the same proposition holds good for the Government. When we became a Government our expenditures were very small in comparison with our expenditures to-day. Not only were they small in total amounts, but they were small proportionately.

Our population in 1790 was less than four million, and our total average expenditures for the first five years after our organization as a Government were less than $6,000,000 per year. To be exact, our population in 1790 was 3,929,625, and our average expenditure for the first five years' history of our country aggregated $5,854,172. This was equal to $1.34 per capita. At that time the problem of government was one that had to do with a very limited number of agencies, which chiefly had to do with policing the Nation through an Army and a Navy, administering justice in so far as this was involved in making and executing national laws, maintaining our place internationally, and providing revenues for these purposes. Matters that to-day are regarded as of prime importance as Government functions were, in the early days of our history, carried forward by private individuals or else were not attended to at all. Gradually, however, with our development as a Nation, we came to regard as responsibilities belonging to the Government as a whole a multitude of matters that in the early days had no part under the Government, or, if at all considered, were handled in most simple fashion. But our Government developed and our national wants increased, until in the middle of the last century our per capita expenditures, instead of being $1.34, had mounted up to about $2.25 in 1850 and $5.70 in the period of 1880 and $8.85 in 1900 and $11.14 in 1916 for every man, woman, and child in the United States. Our population that year was estimated at 100,000,000 people and our expenditures were $1,114,937,012.

It will be seen that while our population had increased from less than four million to one hundred million—or, in other words, had multiplied itself by 25—our expenditures had increased from less than $6,000,000 to more than $1,000,000,000—or, in other words, had multiplied itself two hundred times.

Now, if our expenditure in 1916, which was the last year before the Great War, had been upon the basis per capita of our expenditure during the first five years of our country's history, we would have expended in 1916 to maintain our Government not $1,114,000,000 but $134,000,000. This suggests why we have come to a time when we should have a definite budget system.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DUNBAR. The gentleman has stated that two years ago our expenditures had so increased that they amounted to $11 for every man, woman, and child in the United States. It is estimated now that our expenditures during the coming years, with-

out any reduction in the amount of our annual debts, will approximate $5,000,000,000 per year, and on a basis of $5,000,000,000 our expenses will amount to $50 a year for every man, woman, and child, so that while two or three years ago they amounted to $11, we now have to look forward to an expenditure of $50.

Mr. FRENCH. Of course, if the gentleman's figures prove to be correct, as the years go by, it is all the more reason why we should have a budget system. I have purposely omitted discussing the large expenses of the last two years, because I wanted to take the Government under normal conditions. For that reason I mentioned 1916.

Mr. DUNBAR. Will the gentleman yield again?

Mr. FRENCH. Just briefly.

Mr. DUNBAR. I want to ask the gentleman if the conditions will not be normal which will require an expenditure of $5,000,000,000?

Mr. FRENCH. I do not doubt that under normal conditions expenses will be greatly increased over what they were two or three years ago, but just how much I do not know.

Now, in what way are our expenses increasing? Is there a way by which they can be cut down?

My own notion is, with regard to the expenditure of public money, that we should determine the necessity for the expenditure; that we should determine whether or not that which is accomplished by the expenditure of money is wise and beneficial for the people; we should determine whether or not that which is done had best be done by the Government or by private initiative. Then, if it shall be determined that the problem is one for the Government to meet instead of the private individual, our responsibility is to see to it that under the Government it shall be carried forward with the utmost regard for the public interest from the standpoint of expense.

To show how the Government has expanded, let me call attention to one or two of the agencies of government.

POST OFFICE DEPARTMENT.

Take the Post Office Department. Why, the first year after our Government was formed we had 75 post offices throughout the then United States. To-day we have more than 50,000 post offices. During the first five years of our country's history we expended on an average $83,784 per year. In other words, 2 cents per capita to maintain the Post Office Department was what it cost our people annually during the first five years of our country's history; just one postage stamp of to-day for every man, woman, and child was all that was necessary for an entire year. Well, most of our people could not read and write; we did not have any newspapers and periodicals; we had few magazines, and, in fact, in this line we were leading rather the simple life.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Briefly.

Mr. STEVENSON. Would the gentleman inform us what the postage was at that time? Was it not 25 cents on the letter?

Mr. FRENCH. Probably so. I do not have the figures, but I am not talking of the rate on the individual letter. The gentleman's ancestors may have placed 25 cents on a particular letter to send it, but when they were doing that there were dozens of others who were not mailing letters at all. I am speaking of the average per individual. It was 2 cents per individual at that time, compared with upwards of $3 per individual to-day.

The reason why that has come about is the general education of our people and demands made by people who are educated.

Why, our people can all read and write—that is, most of them—including the children. We have a multitude of magazines and newspapers published throughout the United States, and families think that they are badly abused unless they can take their proportionate share of publications. We all write letters. Our people are closely knit together from one end of the country to the other by means of the Post Office Department.

In 1918 we had 54,345 separate post offices, and for the fiscal year ending June 30, 1918, our expenditures for the maintenance of that department were $324,833,728, in comparison with $32,140 in 1790, or, in other words, we expended $3.06 per capita for the maintenance of our Post Office Department.

Would you abolish the Post Office Department and thus save the money? Of course you would not. The Post Office Department means more than the handling of letters; it means our post office money order system; it means the delivery of publications; it means the free rural delivery system for the people of our country; it means the city carrier system in our cities and the delivery of mail two or three times a day; it means the maintenance of the parcels post. In other words, it means the maintenance of a multitude of agencies that the people of our country regard quite as essential to living at the beginning of the twentieth century as was the maintenance of the 75 post offices quite essential to the living of our forefathers in 1790.

AGRICULTURE DEPARTMENT.

There was no such thing as a Department of Agriculture until nearly a hundred years after our country was born, and it was nearly 50 years after our beginning as a Nation before the first appropriation was made along lines that are usually considered as the essential reasons for the maintenance of the department. True, we had built roads and canals in the early days, but we did so not from the standpoint of agriculture, but from the standpoint of military necessity, the standpoint of defense; to some extent, possibly, from the standpoint of commerce.

In 1839, however, the Congress appropriated $1,000 for the purchase of seeds to help out the farming sections of the country when it seemed advisable that from a national standpoint the Government should assist. But it was 20 years later than that before our appropriations along lines that we recognize as agricultural in character amounted to more than $40,000. In fact, in 1860 the appropriation was $40,000. In 1888 the Department of Agriculture was given the rank of a Cabinet department, and that year the Congress appropriated $971,823 for its maintenance. The appropriation for the year 1918 was $33,986,487.

Would we abolish the Agriculture Department? Would we give over the assistance that is being furnished the plant industry throughout the United States, that is being furnished to the cotton growers of the South, that is being furnished to the grain producers of the West, that is being furnished to the growers of fruit in the New England States or on the Pacific coast; would we abandon the work of eradication of pests that destroy our crops; would we abandon the fight against disease that exterminates cattle or horses or hogs? Rather, there probably is nowhere an expenditure of $33,000,000 that in results brings such tremendous profits as the expenditure of the $33,000,000 through the Agriculture Department of our country. Yet, gentlemen, that cost alone is more than it cost to maintain the Government of the United States during all of the first five years of the history of our country.

A BILLION-DOLLAR NATION.

I have mentioned the development of our country and have referred to two of the departments by way of illustration. We have numerous other departments and the expenditure in all of them aggregates upward of $1,000,000,000. In other words, instead of being a small Nation with limited income and with limited expenses, we have become an immense Nation, maintained at stupendous cost, and I take it that the people are in such harmonious demand for the maintenance of the different agencies of Government, and believe that these agencies can be better carried on through the Government taking the lead or initiative than through private means, that we shall never again fall below approximately the billion-dollar sum for the annual maintenance of our public affairs.

CRITICS—TRUE AND FALSE.

During the last several years especially there has been considerable discussion of the budget question, and criticisms have been made of the Government and of Congress on the subject to which I want to give very brief attention.

There are two kinds of critics—the true and the false. The true critic who discusses the budget system knows what he is talking about and his discussions are always helpful, no matter whether his point of view and conclusions are right or wrong. The false critic, however, is the one who criticizes at so much per line in the press or magazines and so much per speech on the platform, and who is rather careless touching facts and conditions of which he pretends to be advised. These latter critics, who are more profuse than the former, as a matter of fact, seem to know little about the structure of their Government and nothing that I can discover that is worth while touching the budget question. Congress, being made up of a great many Members, is quite a safe object for attack, and so these critics find it rather profitable to themselves to hurl broadside charges at Congress and hold up before their audiences or readers the extravagance of the country, placing the responsibility for the extravagance upon Congress. I want to call to your attention figures that will show the estimates made to Congress by the various departments for expenditures asked for year by year, together with the appropriations made by Congress in recognition of these requests. The table that I am including begins with 1897 and runs down to 1916—a period of 20 years. The last year is the year before the Great War, and the period is practically a normal time.

Comparative statement exhibiting, for the 20-year period covering the fiscal years 1897 to 1916, inclusive, the grand total of estimates submitted by the Executive and the grand total of appropriations granted by the Congress.

Fiscal year.	Estimates.	Appropriations.	Excess of estimates.	Excess of appropriations.
1897	$522,134,193.92	$515,845,194.57	$13,288,999.35	
1898	535,446,047.28	528,735,079.30	6,710,967.98	
1899	911,522,533.22	893,231,615.55	18,290,917.67	
1900	754,006,489.64	674,981,022.29	79,025,467.35	
1901	767,355,248.78	710,153,852.88	57,204,385.90	
1902	775,374,804.24	730,338,575.99	45,036,228.25	
1903	776,348,318.47	[1] 800,624,496.55		$24,276,178.08
1904	765,455,776.30	753,058,506.02	12,398,270.28	
1905	830,974,206.79	781,172,375.18	49,801,831.61	
1906	835,260,367.21	820,181,634.96	15,075,732.25	
1907	880,796,415.47	879,589,185.16	1,207,230.31	
1908	943,190,643.68	920,798,143.80	22,392,499.88	
1909	1,079,449,288.96	1,008,397,543.56	71,051,745.40	
1910	1,103,387,538.01	1,044,401,857.12	58,985,650.89	
1911	1,024,145,769.58	1,027,911,629.18	244,140.40	
1912	1,026,287,535.81	1,026,682,881.72		395,375.91
1913	1,040,648,026.55	1,019,412,710.91	21,235,315.64	
1914	1,153,206,963.14	1,098,678,788.40	51,528,174.74	
1915	1,152,681,777.02	1,116,118,138.55	36,563,638.47	
1916	1,135,187,984.31	1,114,937,012.02	20,250,972.29	
Total	18,020,860,868.38	17,465,240,253.71	580,292,168.66	24,671,553.99
Net excess of estimates			555,620,614.67	

[1] The appropriations for 1903 include the sum of $50,130,000 for the Panama Canal, an amount not submitted in the estimates for that fiscal year. If that amount be eliminated, the excess of estimates would be $25,853,821.92.

Now, what does the table show? It shows that the departments have asked for appropriations amounting to $18,020,860,868.38. It also shows that Congress made appropriations of $17,465,240,253.71. It shows that in all but two years the Congress refused to appropriate as much as the departments asked for and that the sum total saved by the Congress over what the departments asked for aggregated $555,620,614.67. Now, during this period of 20 years, in 1903 the Congress appropriated a little less than $25,000,000 in excess of the department estimates. This excess is explained when I say that that year Congress appropriated $50,130,000 for the construction of the Panama Canal, which was not included in the estimates. Also, in 1912 Congress appropriated a little less than $400,000 more than the departments asked for, but this will not seem surprising when I say that of the amount appropriated by Congress that year $8,000,000 of that was for the Post Office Department, in addition to that which the department had asked for. This amount was made necessary largely by reason of the extension of the rural delivery system.

If I were to take the last two years instead of the 20 years before the European war, I would show you estimates of the departments in excess of appropriations of between one and two billions of dollars; and if I were to take the years preceding the 20-year period referred to, I would still show you appropriations much less than the estimates made by the departments.

Now, what does this mean? Why, it means that the departments and not the Congress are the ones that are extravagant, and I may say that my experience in Congress has been that the departments are constantly making demands, while it requires every energy of the Members of Congress to keep the appropriations down. Under our present system department officers haunt our offices, press themselves upon Members of Congress in the Capitol, and even, as I have seen them, day after day sit in the galleries to see what Members are opposing or advocating the pet plans that the departments are pressing upon Congress.

Again, there are some critics who urge a budget system, and about their only excuse lies in the public buildings and grounds appropriations. Why, gentlemen, from the foundation of our Government down to 1917 the total appropriations for public buildings, including sites, repairs, restorations of buildings, and so forth, aggregate $351,938,000. Now, from the beginning of our Government down to June 30, 1917, the total expense of government had been $40,000,000,000. In other words, all the appropriations for public buildings make an amount less than 1 per cent of the total running expenses of the Government, and yet these critics would magnify these amounts and try to make the country believe that the Government was spendthrift and extravagant on the basis of this very small percentage of expenditure on the part of the Government. Even if the entire amount had been unworthily spent, the amount would be less than 1 per cent; but the fact of the matter is that most of the money appropriated for even public buildings and grounds has been wisely spent, and, of course, in this amount must be included the necessary public buildings not only in Washington but in all the great cities of the country.

And then when it comes to rivers and harbors appropriations, the total spent by the Government up to 1915 was $980,000,000, or less than 2½ per cent of the moneys appropriated for the maintenance of the Government.

Mr. Chairman, I resent these false statements that are indulged in by false critics. I resent the activities of such false critics from the standpoint of the public good. The anarchist is limited in his activity to the distance that his bomb will carry destruction, but the false critic, the man who deliberately undermines the confidence of the people in their public service, is worse than the anarchist, because the poison that he distributes goes far and wide, and while it does not directly destroy buildings, as does the bomb of the anarchist, it furnishes the media for the propagation of anarchy and thereby the overthrow of orderly government. One of the greatest assets that a country can have is a government in which the people can have confidence.

I have served in Congress with members of various political parties. I have opposed them upon the rostrum and in the political campaigns and on the floor of this Chamber, but I could not say other than that the overwhelming number of Members of Congress, and of public officers generally, with whom I have come in contact have had the interest and well-being of their country at heart and have been citizens who would not sell the responsibility that has been imposed upon them for the weight of the world in gold. The Congress makes mistakes, administration officers make mistakes, but it should be written in the heart and conscience of every citizen of our Republic that, for the most part, their public officials ring true and are laboring as they see it for the cause that will mean the greatest good to the people they represent.

THE NEED OF A BUDGET.

For a good many years thoughtful people have come to realize that we ought to have a budget system. Now, there is nothing magic about the word "budget"; all that it means is an orderly estimate, by a proper agency of our Government, of the needs of the Government in all its departments for the approaching year and a proper and careful estimate of the prospective revenues for the same year. Now, that is all there is to the matter. The problem that we have before us is devising the proper agency and indicating just what that agency shall have to do.

It goes without saying that our present system is wrong. We do have something of a budget; we do have something of an estimate of the expenditures and of the prospective revenues. The trouble is it is not carefully worked out and it is not presented to our country by the responsible agencies having to do with its administration in a comprehensive, compact, and lucid form.

Under the law it is made the duty—

of the heads of the several executive departments, and of such other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the 15th day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the 1st day of November of each year, estimates for such appropriations as, in his judgment, shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress. (Mar. 3, 1901, Stat. L., vol. 31, p. 1009, sec. 5.)

The statutes further provide that—

All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction. (R. S., sec. 3669.)

The statutes further provide—

All estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of bookkeeping and warrants of his department. (July 7, 1884, Stat. L., vol. 23, p. 254, sec. 2.)

The act of March 4, 1909, provides that—

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiencies. (Mar. 4, 1909, Stat. L., vol. 35, p. 1027, sec. 7.)

In a word, these sections provide that the different agencies of the Government—the various departments, commissions, bureaus, and what not—shall submit to the Secretary of the Treasury at stated periods estimates of the moneys required for the handling of their respective lines of work for the approaching year. It was the idea when these laws were passed that it would enable the President to work out a budget through the Secretary of the Treasury and present that budget to the Congress. But for some reason or other administrations have not chosen to so regard the law, and all that it amounts to is that the Secretary of the Treasury's office becomes one for the assembling of the estimates of the different departments, and without further analysis by the administration, without checking the estimates over to see how they overlap or how they might properly be reduced or how they fit in with prospective revenues, they are transmitted to the Congress. In other words, the Secretary of the Treasury, under our present system, performs just as useful a function and just as responsible a piece of work in every particular as could be performed by the janitor of the Treasury Department in transmitting the several documents to the legislative body. The Treasury Department, however, furnishes for the information of the Congress an estimate of the prospective revenues for the approaching year. Now, when this information is furnished to the Congress it is distributed to the various committees that have to do with the shaping of appropriation bills. These committees do not articulate. They have nothing in common; they work out the appropriations for the several departments independently, and the only common ground, the only meeting ground in this legislative body, where these measures can be considered and compared is in the Committee of the Whole House on the state of the Union, and later in the House of Representatives itself, but as the bills are not reported at one time no satisfactory comparison can be made by the Committee of the Whole. Appropriation bills are reported by eight different committees. Revenue bills, for the most part, are reported by only one committee, though, properly speaking, quite a number of committees have to do with matters that concern revenues, as, for instance, the Committee on Post Offices and Post Roads, the Committee on the Public Lands, the Committee on Immigration, and various other committees of the House.

WHAT IS WRONG WITH OUR SYSTEM?

Now, what is wrong with our system? From the foregoing and from our experience I think we are all agreed that our system is wrong. I have no doubt that to-day the officers of the Government are held to a far stricter accountability than ever before and that a much smaller proportion of public funds is expended unworthily or is stolen from the people than was true 100 years ago.

The budget system does not seek primarily to correct the misapplication of public funds or to prevent the looting of the Treasury through means that are themselves unlawful, and there is surprisingly little of either in our Government. What it does comprehend is the establishment of a system that will prevent the waste, you might say, of public moneys.

Our present system is wrong because there is an immense amount of duplication of work. There is a Public Health Service in the Treasury Department, there is another under the Secretary of War, and still another one under the Navy Department, and there may be others under the various other departments. The Treasury Department has something to do through its bureaus with the field of chemistry, so has the Interior Department, and so has the Department of Agriculture, the Department of Commerce, and possibly other departments of the Government. And so I could continue. The overlapping of work is one of the main reasons for the establishment of a budget system. The departments are jealous of each other. There is rarely a department, I have discovered, that once it has laid its hands on a particular line of work willingly surrenders it or willingly or at all admits that it can not handle the work more orderly and more properly than any other department. I could multiply incidents and illustrations of what I mean by the hour, and so could you all, to illustrate this point and to illustrate the jealousy that exists among the departments in the handling of their work.

Now, what system shall we adopt? There are some writers and speakers on this question who urge the British system or the French system, and with full confidence that the budget problem is one that can be worked out by the taking over of some system tried out in some other country and applying it in our own without regard to structure of government, ideals of the people, and numerous other considerations.

BUDGET SYSTEM OF GREAT BRITAIN.

In Great Britain we have a monarchy; we have an executive department and a legislative department. The executive power in Great Britain is nominally in the Crown, but we know that as a matter of fact the power is vested in what is called the ministry, which is made up for the most part from the legislative body itself; that is, the Parliament.

This ministry is named from the majority party or group of the Parliament.

The budget is prepared by the cabinet, and in its preparation three officers are relied upon for the general estimates touching the expenditures in all departments. The chancellor of the exchequer prepares the estimates for civil departments, while the estimates for the army and the navy are prepared, respectively, by the secretary of state for war and by the first lord of the admiralty. Probably I should say that new items and increases of items in the war and navy departments must be referred to the chancellor of the exchequer for his approval. If the items are for matters that are of technical or professional character the approval of the chancellor of the exchequer is formal.

Each of these departments has a corps of trained experts, whose work is to give shape to the details of the budget, for notwithstanding the fact that the broad lines of the budget must be worked out by the heads of the departments, the splitting up of the amounts to be expended must be intrusted to specialists.

From the foregoing it appears that the treasury is the responsible budget office in Great Britain. In this office is a highly organized and permanent budget staff immediately responsible to the financial secretary of the treasury, who is himself a member of the ministry. To the treasury all the civil departments annually submit their estimates of expenditure for the coming fiscal year. These estimates are used as the working basis by the treasury staff, and the latter is vested with the responsibility of inquiring into estimates and modifying them, submitting to the ministerial officers of the department the problems of large significance. Thus the treasury staff, under the direction of the chancellor of the exchequer and the financial secretary of the treasury, prepare the budget of Great Britain for all the civil departments of the Government. Under the direction, likewise, of the chancellor of the exchequer there is annually prepared an estimate of the receipts of the Government for the approaching fiscal year; and if the estimated receipts are less than the estimated revenues this officer prepares plans of taxation to raise the additional required amount of revenue.

So, then, the budget is submitted to Parliament in three parts—one part for the army, by the secretary of state for war; one for the navy, by the first lord of the admiralty; and one for all the civil departments, by the chancellor of the exchequer; and likewise this latter officer submits proposed plans of taxation.

The budget as it is finally worked out must be in such shape as to have the approval of the ministry and it is presented to the Parliament with all the authority of the ministry and the responsibility is assumed by the ministry for what it contains. Now, there is no standing committee in the House of Commons, but the budget is presented immediately to that institution in Great Britain that we have copied for our own Congress—the Committee of the Whole. The reason why it is not presented to one or more committees of the House of Commons is because the ministry is itself, for the most part, made up of members of that body, and therefore is practically itself a committee of the British Parliament. Furthermore, and important in connection with this system of budget making, there is no veto power in Great Britain, and in addition the House of Lords may not amend the budget or financial bills. Can anyone, then, apply the British system to the United States? Those who urge that system and attempt to make application, urge that we should rely with almost blind simplicity and confidence upon the Cabinet or the President for the budget, because the ministry is so relied on in Great Britain.

The Cabinet in the United States is not part of the legislative body, but is a separate and distinct institution responsible in an immediate way to the President, not to Congress. In Great Britain the ministry is practically a committee selected from Parliament. Bear in mind again that in Great Britain, if a great policy, such as might be involved in a budget, shall be presented by the ministry and shall be rejected by the Parliament, the ministry does one of two things—it resigns, that a new ministry may be invited by the King to assume control, or it goes before the country, calling an election and asking to be justified or turned down.

Is that the policy in the United States? Did you ever hear of a President and his Cabinet resigning when the Congress turned down a policy recommended by the President and his Cabinet? Did you ever hear of a President and his Cabinet urging a special vote of confidence or resigning so that vacancy would be created and an election be held? Not at all. On the other hand, the President and his Cabinet are intrusted with executive responsibility for a period of four years, and the very arbitrary and independent character of the Executive,

together with the fact that the Executive has the veto power, places this branch of the Government upon such a different basis from that which obtains in Great Britain that there can be no sensible analogy drawn between a budget system that would work in Great Britain and one that would be satisfactory in the United States.

FRENCH BUDGET SYSTEM.

And as for France, the situation there is analogous rather to Great Britain than to the United States. The President is elected by the two legislative bodies in joint session for a period of seven years. The senators are elected indirectly for a period of nine years. The deputies are elected by direct vote for a period of four years. The cabinet is named by the President, and while there may be some members chosen from the outside, for the most part the members of the cabinet are selected from the Senate and Chamber of Deputies. Finance matters may originate only in the Chamber of Deputies and not in the Senate. The budget is prepared under the direction of the minister of finance by a budget committee, and is supposed to represent the idea of the cabinet touching expenditures and revenues.

The budget is submitted to the Chamber of Deputies in the form of a bill, and by that body is immediately referred to the budget committee made up of 44 members of the chamber. The budget committee has full power in the matter of increasing, reducing, or eliminating items of the bill or adding new items. The budget committee reports the measure to the chamber and the powers of the chamber are limited. No new item may be offered, and no items may be increased if they pertain to salaries, compensations, or pensions. Furthermore, all other amendments must be offered in the early stages of procedure of consideration of the measure. The ministers may, of course, participate in the debate, and may offer amendments within limitations to supplement the original estimates. If the bill passes the chamber it goes to the Senate, and by that body is referred to a committee of 27 of its own membership, called the finance committee. This committee reports the bill, with any permissible amendments, to the Senate, but neither the committee nor members of the Senate may propose any amendments other than to strike out or reduce items, except such items as had been eliminated from the bill in the Chamber of Deputies.

As in Great Britain, the cabinet is to all practical purposes a committee of the legislative body, and if the cabinet shall be turned down and the budget bill shall fail, why, as in Great Britain, the ministry is dissolved and a new cabinet is appointed, representing what seems to be the prevailing point of view of the legislative body.

So we see that in both of these countries the executive is very largely a part of and responsible to the legislature. Now, this is not at all true in the United States, and for that reason an entirely different budget system must be worked out.

BUDGETS IN OTHER COUNTRIES.

I have examined the budget systems with some care of other countries—Switzerland, Japan, Germany under the Empire, Canada, and Australia. They are all interesting and made to meet the peculiar structure of government with the varying balancing of power between the executive and the legislative branches. In Germany under the Empire too much authority was vested in the Emperor. And this is true in Japan, where no bill perthining to finances may be introduced into the Diet that has not first had the approval of the Crown. In Canada, Australia, and Switzerland the budget system is more analogous to that of Great Britain, for the executive department is wholly or largely dependent upon legislative will.

LEGISLATIVE BUDGET.

It has been suggested that the legislative branch of our Government should be the branch to prepare the budget, since it controls the purse strings and since it is responsible immediately to the people.

The criticism that I make against that idea is that the legislative branch of the Government can not know the details of the wants of the various departments and bureaus of the Government. It can not know the relative value of the various functions of the Government. To provide such a system would be to reverse the orderly manner of procedure.

The administration is in position to know what each particular branch is doing, to have an idea of the importance of the work, and to assemble under one head or in one group the items of expenditure that it is willing to go to Congress and ask be taken care of.

The legislative branch of the Government has its function not in initially preparing the budget but in discussing it, in giving publicity to the various items suggested, in criticizing, if you please, in subtracting and adding to, and helping the administration to a better knowledge of the attitude of the public toward the facts and toward agencies of the Government.

EXECUTIVE BUDGET.

There are some who say, "Let us have an executive budget." These persons have in mind, or think they have in mind, the budget system of Great Britain or France. As a matter of fact, as I have indicated, the executive in those two countries is wrapped up and identified with the legislative body. Those who would urge an executive system upon the United States with our executive department a separate and distinct department of government, with the tenure of office fixed at four years, with the Executive not subject to recall the moment his policy might be turned down by the Congress—those who urge this system have read history to small purpose. They have not been impressed with the struggle that for several hundred years went on in England, from which country we borrowed very largely our system of government—the struggle, I say, to wrest from the Crown the right of the people to have a part in taxation. These people have read to little purpose not only the struggle in Great Britain but the struggle that went on in the colonies before our separation from the mother country by asserting the right of representation if taxation were to be imposed. They have read to little purpose the history of the debates that centered around the formation of our Government when we drafted a Constitution that separated the executive from the legislative; that gave to the Congress the purse strings; that provided that bills for the raising of revenue should originate in the House; and that placed upon the Executive the responsibility of administering and carrying out the policy that the representatives of the people themselves had outlined. Those who urge the executive budget forget, too, as they point to Great Britain and to France, that our President and his Cabinet will not resign, and are not expected to resign, upon the Congress turning down a policy recommended by the administration.

BUDGET SYSTEM FOR THE UNITED STATES.

From what I have said touching the system of the budget in Great Britain and in France, it must be apparent that a similar system would not be at all appropriate in the United States. In the United States the executive and legislative branches of the Government are separate and distinct. It would seem, however, that the budget in its preparation, in the first instance, should be the work of the executive branch of the Government. The legislative branch can not know the details of the various executive departments, and it would seem that an orderly way to proceed would be for some institution to be established under whatever name—bureau, commission, or what not—that would have the responsibility of gathering in the facts from all the departments, commissions, bureaus, or other agencies of the Government, touching expenses for the coming year, and also that would have the responsibility of gathering in the facts touching the prospective revenues for the same period. This agency should be separate and apart from any Cabinet office. It should be an independent institution or bureau responsible only to the President. It should have the power to go carefully into the affairs of all the departments and bureaus of the Government, ascertain and know the needs and wants of such departments and bureaus, ascertain whether or not there is overlapping of work or duplication of work that could be eliminated, and whether or not work that is being done in several departments could not be combined under one. Also there should be provided another institution that would have charge of the auditing of all the accounts of the several departments and bureaus, and there should be further intrusted with this institution power and responsibility of inquiring into expenses, of checking up on efficiency, of even calling a halt on expenditure until the President himself may be advised. It should be the function of the budget bureau or commission to submit to the President all the facts touching on the prospective needs of the various departments, bureaus, and commissions and the expenditures that will be necessary during the coming year, and as well laying before the President facts touching the revenues for the same period. It should then be the duty of the President to submit to Congress such a budget as he is willing to stand for and as to which he is willing to have his administration responsible. It would seem advisable that there should be submitted to Congress at the same time by the President an alternative budget that would indicate the vital needs of the country and that would eliminate expenditures for the maintenance of institutions or the carrying on of functions that can well be carried on, but that in case of necessity could with least difficulty and embarrassment be avoided.

The budget, then, as initially prepared, should represent the wishes of the administration. Now, it happens that sometimes unusual conditions make it necessary for unusual expense to be

incurred. The President should then have the power to submit supplementary estimates or statements calling for further funds and indicating the reasons therefor. Likewise, new legislation sometimes provides for expenditure of money, and, after the President may ascertain what the expenses may be, he should have the power to make new statements to the Congress that in a way would supplement the budget.

With these ideas in view, the Good bill has been prepared, and I shall briefly outline what it does.

THE PENDING BILL.

First. It creates a bureau of the budget.

(a) This bureau is responsible to the President.

(b) All departments, bureaus, boards, commissions, offices, agencies, or other establishments of the Government, except the legislative branch and the Supreme Court, shall furnish annually to the President estimates of cost of their maintenance for the succeeding year.

(c) The bureau of the budget shall assist the President in working out a budget for the executive branch of the Government.

(d) The Secretary of the Treasury shall submit to the President his estimate of public revenues for the coming year and the condition of the Treasury.

Second. The President shall transmit to Congress on the first day of each regular session a document called a budget, which shall contain balanced statements of the revenues and expenditures of the Government for the preceding fiscal year and of the resources and liabilities of the Treasury at the close of the year, his estimate of the revenues and expenditures of the Government for the current fiscal year and of the resources and liabilities of the Treasury at the close of the year, his estimates of the revenue and expenditure needs of the Government for the ensuing fiscal year, and how, in his opinion, these needs should be met. The estimates of expenditures for the legislative branch of the Government and the Supreme Court shall be those submitted to the President. The President shall transmit with such budget such further data regarding the financial affairs of the Government and such recommendations in relation thereto as he deems proper.

Third. The President shall transmit an alternative budget.

Fourth. No estimate or request for appropriation or recommendation for raising revenue shall be made by an executive officer of the Government to the Congress except through the President, unless at the request of either House of Congress.

Fifth. Special additional estimates may be made.

(a) To meet conditions under new laws.

(b) To supplement prior estimates.

Sixth. An accounting department is created.

(a) Independent of executive department.

(b) Under control and direction of comptroller general of the United States.

(c) Comptroller appointed by President, confirmed by Senate.

(d) Services for good behavior.

(e) Takes place of six auditing offices under present law, and the latter are abolished.

(f) Duties of accounting department defined.

I shall take but a few words further to note a few ways the budget and accounting system should react on our governmental financial affairs.

LUMP SUM AND ITEMIZED APPROPRIATIONS.

When Congress appropriates a sum of money without itemizing the use to which the money is to be applied, we call it a lump-sum appropriation. Discretion is then left with the executive officer to administer the fund. If all administrative officers would act in good faith, this would be the best kind of appropriation to make within broadly definite bounds, for the money could be made to go further and purchase more of service than when itemized lists are attached indicating that for which the money shall be applied. Ordinary business economies could be practiced in purchasing supplies and in employing help. Employees could be readily shifted from one department to another as work was heavy or light. An $1,800 clerk could alternate between two offices and handle the work admirably under a lump-sum arrangement, while under an itemized arrangement two clerks at $1,800 each would be employed oftentimes and each do about half work.

And so in other ways that a business man would devise.

But experience has shown that the lump-sum system will not be faithfully executed by all heads of bureaus. Favoritism is shown; unequal and even widely different compensation for the same work is paid; ambitious heads of divisions overreach in extending the activities under them beyond all bounds; these and other evils make dissatisfaction among employees and among division heads. In spite of economies that are disclosed under faithful heads of divisions, the extravagances and overreaching ambitions of unfaithful heads neutralize all good and produce an exceedingly large balance of wrong. To correct these wrongs and protect the public, Congress has been compelled to itemize in large degree the matters for which funds shall be spent.

Now, it would seem that under the budget system, coupled, as it is, with an independent audit system, the lump-sum appropriations idea could be somewhat extended, the good being attained and the evils eliminated. The comptroller general would be the first to discover abuses, and the budget bureau would have a second check.

WOULD PREVENT OTHER ADMINISTRATIVE ABUSES.

But the budget and audit plan would prevent still other abuses. The administration would constantly have its attention called to inefficiency. The inefficiency that results from infirmities of employees and the humanity of bureau heads in refusing to discharge those who have seen long service and are no longer able to render anywhere near a dollar's worth for a dollar paid, I trust will be corrected by civil-service retirement legislation.

But there is another class of inefficiency that the budget and audit system should reach. I have not the slightest doubt that Members of Congress are able to obtain and do obtain better and more efficient secretaries and clerks than they could possibly obtain through the civil service for the same compensation, and why? Because they are able to pick and choose and retain the efficient and dismiss the dull. But in assembling many thousands of clerks and other employees, as must be done in the departments, we must have civil service, with all its faults, to prevent still greater wrongs. Under it the large majority of employees are thoroughly high class, but not all. Inefficient employees, like clinkers in a furnace, hamper the work. They are in all departments, killing time, disturbing public business, writing answers to letters that do not answer, stupidly pretending to do work that live employees must do over again or waste their good time coaching the dullards. To get rid of the worthless when once installed is the bane of department heads. We all know of clerks who are shunted from division to division, department to department, because they can not make good, and chiefs very kindly help them to a transfer rather than make a fight to dismiss them entirely. "Let George do it" is the motto as these Government failures are passed on for another chief to dispose of. I am told that it is almost impossible to get rid of worthless help when once installed.

Surely the budget and audit system will go far to correct this situation, and to rid the pay roll of this type. Faithful and competent employees will welcome the prospect and the Public Treasury will be the gainer by the change.

HORIZONTAL CUTS.

Another thing to be hoped for is the more scientific scaling down of amounts asked for as occasion demands. Just as an individual, our Government should keep within its income. If the ready estimates of expenditures total $1,500,000,000 and the estimated revenues equal only $1,000,000,000, clearly the budget must be reduced or new taxes must be laid. One way to reduce the budget would be to clip one-third off every item in the estimates. But this will not do, for some items can better be eliminated entirely rather than suffer other items to be reduced a penny. Just as in a private home, the father may give over buying an automobile, but he can not give over medical attention for his child. The Congress tries to discriminate under the present system, but under the budget plan proposed the administration would be asked to discriminate and to indicate to Congress the items of most vital concern.

ALTERNATIVE BUDGET.

This leads me to notice one of the most vital features of the bill, the section that provides for an alternative budget. Every department should be asked to advise the President, and thereby the budget bureau, what items are vital and should be maintained should the occasion arise for reducing the budget 20 per cent, 50 per cent, or more. Then the budget bureau, having the advice of the respective department heads, could make further analysis for the benefit of the President, and the President would come before Congress with a definite program. The President would say, "Here is an outline of my idea of how the Government can best spend a billion and a half of dollars, and here is an outline of the way the Government should spend the money if only a billion dollars shall be available." The Congress would then take the estimates and bring its judgment to bear upon them.

All in all, the adoption of the budget and audit system, as is provided in the pending bill, will go far toward establishing a

more businesslike administration of public affairs. Under this system the administration will be responsible for the budget as proposed, the Congress responsible for the budget as passed. Under this system duplication of work in departments would be eliminated or a satisfactory reason be established wherever it continued. Under this system inefficiency would be disclosed. Under this system there would constantly be held up to Congress and to the country a picture of that for which the people's money is expended. Under this system the issue could always be made whether or not any particular function of Government should be carried on or be abolished.

Every dollar that we spend comes from the people. The man of wealth may pay millions, and the poorest citizen of our land, whose hands are horny with toil, contributes his share when he purchases so much as a postage stamp. Both alike want good government; they want order, security, conveniences that organized society affords, and they are willing to pay the cost. And, again, both alike ask that in the expenditure of their money a hundred cents' worth of service be bought for every dollar paid.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. KELLER. Mr. Speaker, I would like to have unanimous consent to extend my remarks.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD.

Mr. GARNER. On what subject?

Mr. KELLER. On this bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to the following:

To Mr. THOMAS, for an indefinite period.

To Mr. DRANE, on account of important official business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9203. An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce; and

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho.

EARTHQUAKE IN PORTO RICO.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to have printed as a public document a report regarding the earthquake investigation made by Dr. Reed and Prof. Taber in the island of Porto Rico. This report was made under the direction of the Secretary of War, and it is requested that it be printed as a public document, it being of considerable scientific interest and value.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the matter indicated be printed as a public document. Is there objection?

Mr. GARNER. Can the gentleman state what prevents the War Department from printing this?

Mr. TOWNER. I could not say. It is usual. I think there is no question but this is the usual way in which these scientific investigations have been made. The earthquake, as the gentleman knows, in Porto Rico was quite a serious one. Such a one had never occurred before on the island. It is of considerable interest to scientific men.

Mr. GARNER. The gentleman knows that the War Department has a fund out of which it could publish this document, if it desired to do so.

Mr. TOWNER. I do not know anything about that, I will say to the gentleman.

Mr. GARNER. They have a fund out of which they can publish such documents as they think are necessary. Does the gentleman know how much it will cost?

Mr. TOWNER. Yes. I have an estimate here of what it would cost.

Mr. MASON. It would not cost any more here than there, would it?

Mr. SEARS. Would it stop the earthquakes?

Mr. TOWNER. The statement is that it will require a little over $300, I will say to the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Saturday, October 18, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the bill (H. R. 2980) to increase the efficiency of the Military Establishment of the United States, reported the same without amendment, accompanied by a report (No. 389), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 9089) releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the city of Fort Smith for a site for a convention hall, community building, and other public purposes, reported the same with amendments, accompanied by a report (No. 388), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9863) granting a pension to Robert Criswell Pollock, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAPES (by request): A bill (H. R. 10004) to authorize the widening of Georgia Avenue between Fairmont Street and Gresham Place NW.; to the Committee on the District of Columbia.

By Mr. SANFORD: A bill (H. R. 10005) to provide for the furlough to the Regular Army Reserve of enlisted men serving in the present emergency; to the Committee on Military Affairs.

By Mr. ANDERSON: A bill (H. R. 10006) authorizing the Secretary of War to donate to the Township Association, Watchung, Somerset County, N. J., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 10007) authorizing the purchase of buildings and grounds for the embassy of the United States at Santiago, Chile; to the Committee on Foreign Affairs.

By Mr. KAHN: A bill (H. R. 10008) to regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 10009) providing for the relinquishment of certain described property by the United States to the city and county of San Francisco, State of California; to the Committee on Public Buildings and Grounds.

By Mr. KLECZKA: A bill (H. R. 10010) providing for the deportation of certain aliens who withdrew their declaration of intention to become citizens of the United States in order to escape military service; to the Committee on Immigration and Naturalization.

By Mr. KREIDER: A bill (H. R. 10011) authorizing and directing the Director of the Census to collect and publish monthly statistics concerning hides, skins, and leather; to the Committee on the Census.

By Mr. ANDERSON: Resolution (H. Res. 341) to provide changes in the rules of the House in connection with the establishment of a national budget; to the Select Committee on the Budget.

By Mr. DAVILA: Joint resolution (H. J. Res. 234) authorizing the establishment of a free port of entry at San Juan, P. R.; to the Committee on Ways and Means.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 235) authorizing the Director General of Railroads to prepare and put immediately into operation a system of rates that will give proper service to the public and a reasonable dividend or protection to the investor; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 10012) granting a pension to Grace Kavanagh; to the Committee on Pensions.

By Mr. COADY: A bill (H. R. 10013) granting a pension to Zora Schenkelberger; to the Committee on Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 10014) granting a pension to Lydia Lenora Henson; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 10015) granting a pension to Edith Payne Trimm; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 10016) granting a pension to Abe Erlich; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 10017) granting an increase of pension to James N. Davis; to the Committee on Pensions.

By Mr. HUTCHINSON: A bill (H. R. 10018) granting an increase of pension to William Todd; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10019) granting a pension to Margaret A. Jewell; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 10020) for the relief of the dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission; to the Committee on Military Affairs.

By Mr. LAYTON: A bill (H. R. 10021) granting a pension to Thomas R. Henthorne; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 10022) granting a pension to Rush W. Burnside; to the Committee on Pensions.

By Mr. MASON: A bill (H. R. 10023) authorizing the President to award a congressional medal to Isabella Bosquette; to the Committee on Military Affairs.

Also, a bill (H. R. 10024) to authorize the Secretary of War to retire Julius Baron as a second lieutenant; to the Committee on Military Affairs.

By Mr. PAIGE: A bill (H. R. 10025) granting an increase of pension to Florence E. Handy; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 10026) granting an increase of pension to Katherine Candee; to the Committee on Pensions.

Also, a bill (H. R. 10027) granting an increase of pension to John W. Scott; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10028) granting a pension to Theodore S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10029) granting a pension to George R. Everhart; to the Committee on Pensions.

Also, a bill (H. R. 10030) granting a pension to Robert W. Koontz; to the Committee on Pensions.

Also, a bill (H. R. 10031) granting a pension to Elizabeth L. M. Miller; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of three citizens of Lamar, Mo., favoring the impeachment of Woodrow Wilson, President of the United States; to the Committee on the Judiciary.

By Mr. BURDICK: Resolutions adopted by mass meeting of citizens of Newport, R. I., urging the recall of foreign loans to Governments and objecting to further loans to Great Britain until she withdraws her armies of occupation from India, Egypt, and Ireland, and compels Japan to withdraw from Shantung and Korea; to the Committee on Foreign Affairs.

By Mr. CARSS (by request): Petition of the board of education of the city of Duluth, Minn., and of the Young Women's Christian Association of Duluth, Minn., favoring legislation to establish a Federal motion-picture commission; to the Committee on the Judiciary.

By Mr. COADY: Petition of sundry citizens of Maryland, favoring the passage of the bill recently passed by the Senate pensioning ex-members of the old United States Life-Saving Service who were disabled in service; to the Committee on Pensions.

By Mr. CLASSON: Petition of St. Paul's Evangelical Church, Oconto, Wis., denouncing lynching outrages; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Michael Davitt Branch, Friends of Irish Freedom, urging Congress to recognize the Irish Republic; to the Committee on Foreign Affairs.

Also, petition of Wisconsin Circuit Court Clerks' Association, favoring amendment of section 10 of the naturalization laws so as to facilitate the naturalization of aliens; to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Rhode Island: Resolutions adopted by mass meeting of citizens of Newport, R. I., urging recall of foreign loans to Governments and objecting to further loans to Great Britain until she withdraws her armies of occupation from India, Egypt, and Ireland, and compels Japan to withdraw from Shantung and Korea; to the Committee on Foreign Affairs.

By Mr. MOON: Papers to accompany House bill 9999, granting an increase of pension to James B. King; to the Committee on Pensions.

By Mr. NOLAN: Petition of Angel City Court, No. 579, Court of Foresters, Los Angeles, Calif., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

By Mr. TAYLOR of Tennessee: Petition of American Zinc, Lead & Smelting Co., of Mascot, Tenn., protesting against the passage of Senate bill 2896, regulating manufacture, storage, sale, purchase, and use of explosives and ingredients; to the Committee on the Judiciary.

SENATE.

SATURDAY, *October 18, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the abundant life that has a fullness of possibilities within it. A life of marvelous resources Thou hast put at our command. Thou dost call us with this life into the larger service of the world. We pray that obedient to the divine will, following the light along the pathway of human progress, we may toil onward and upward, ever accomplishing the purpose of God in us as a people. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Norris	Smoot
Capper	Henderson	Nugent	Spencer
Chamberlain	Hitchcock	Overman	Sterling
Colt	Jones, Wash.	Page	Thomas
Culberson	Kenyon	Penrose	Trammell
Curtis	Kirby	Pittman	Wadsworth
Dial	McKellar	Sheppard	Walsh, Mont.
Dillingham	Nelson	Sherman	
Edge	New	Simmons	
Fletcher	Newberry	Smith, Ga.	

Mr. CAPPER. I wish to announce that the Senator from North Dakota [Mr. GRONNA], the Senator from Oregon [Mr. MCNARY], the senior Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. HARRISON], the Senator from New Hampshire [Mr. KEYES], the junior Senator from Louisiana [Mr. GAY], and the Senator from Wyoming [Mr. KENDRICK] are absent in attendance at a meeting of the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Thirty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absentees, and Mr. KING, Mr. LENROOT, Mr. PHIPPS, Mr. SUTHERLAND, and Mr. UNDERWOOD answered to their names when called.

Mr. GERRY, Mr. CUMMINS, Mr. STANLEY, Mr. ROBINSON, Mr. POMERENE, Mr. FERNALD, Mr. KELLOGG, Mr. LODGE, and Mr. POINDEXTER entered the Chamber and answered to their names.

Mr. SMOOT. I desire to announce that the Senator from New Mexico [Mr. FALL] and the Senator from Connecticut [Mr. BRANDEGEE] are absent holding a hearing on the Mexican situation.

Mr. PHELAN, Mr. TOWNSEND, Mr. MCLEAN, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

Mr. GERRY. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness in their families. The Senator from Massachusetts [Mr. WALSH] is absent on account of the illness of a member of his family. The Senator from Oklahoma [Mr. OWEN], the Senator from Missouri [Mr. REED], and the Senator from Oklahoma [Mr. GORE] are absent on public business. The junior Senator from Louisiana [Mr. GAY], the junior Senator from Mississippi [Mr. HARRISON], the Senator from Wyoming [Mr. KENDRICK], the Senator from Montana [Mr. MYERS], the senior Senator from Louisiana [Mr. RANSDELL], the Senator from Virginia [Mr. SWANSON], the senior Senator from Mississippi [Mr. WILLIAMS], and the Senator from Arizona [Mr. SMITH] are detained from the Senate on official business.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 138).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting a supplemental estimate of appropriation in the sum of $222,000 required by the Interior Department for construction of buildings at the St. Elizabeths Hospital, District of Columbia, fiscal year 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury in response to Senate resolution 203, which will be inserted in the RECORD.

The communication is as follows:

TREASURY DEPARTMENT,
Washington, October 16, 1919.

To the PRESIDENT OF THE SENATE:

SIR: Responding to Senate resolution 203, requesting detailed statements of the character, amount, and estimate of the cost to the Government of the work of the International High Commission, together with such suggestions and recommendations as I may be able to make looking to the closer cooperation and coordination of the work of the commission with that of other agencies of the Government for the effective promotion of the foreign commerce of the United States, I beg to submit the following:

The International High Commission was established to give effect to the recommendations of the first Pan American financial conference, held in Washington May 23 to 29, 1915, under authorization of the Congress, given in the Diplomatic and Consular appropriation act approved March 4, 1915. The conference had been called in order that the ministers of finance and appropriate financial and commercial leaders of the American Republics might take counsel with the Secretary of the Treasury of the United States as to the best means of offsetting the damage done to inter-American commerce by the European War and of establishing closer commercial and financial relations between the several Republics. It was clearly obvious to those who took part in the conference that intermittent gatherings of any kind could not hope to accomplish as much along either of the lines indicated as a body permanently constituted and provided with an adequate procedure and an effective organization for frequent consultation on nontechnical matters requiring international cooperation. The structure suggested for such a body by the first Pan American financial conference met with the unanimous approval of the Governments invited to participate, and the Congress of the United States likewise sanctioned its establishment by public act No. 15, Sixty-fourth Congress, approved February 7, 1916; appended herewith. (Exhibit A.) The plan agreed upon called for a series of national sections, each composed of eminent jurists and financiers, operating under the chairmanship of the minister of finance. Each section was to have its own secretariat and to meet in separate session as often as the minister of finance would deem desirable. All the sections were to gather at such time and place and under such circumstances as the majority would determine. In fact, they did meet in Buenos Aires in April, 1916, under the chairmanship of the minister of finance of Argentina and devised a detailed program for their future work. They constituted as the directive and coordinating body of the entire commission three officers of the United States section, giving to this agency the name of central executive council. The United States section of the commission is at present composed of the following members, the first three of whom constitute the executive council:

Carter Glass, Secretary of the Treasury, chairman; John Bassett Moore, New York, vice chairman; L. S. Rowe, secretary general; John H. Fahey, Boston; Duncan U. Fletcher, United States Senator; Andrew J. Peters, mayor of Boston.

Samuel Untermyer, New York.

Paul M. Warburg, New York.

Dean John H. Wigmore, Northwestern University Law School, Chicago.

Herbert Fleishhacker, San Francisco.

The aims and objects of the commission since its meeting at Buenos Aires in 1916 have been, in a broad way, to give effect to the recommendations of the financial conference of 1915. It has taken a leading part in making effective the purposes of the International Trade-mark Convention of 1910, and has secured the establishment of the Trade-mark Registration Bureau at Habana. Upon the practical importance of that bureau in protecting the industrial property and good will of our manufacturers and exporters I need not dwell. The commission is not relaxing its efforts to bring into the trade-mark registration plan those of the seven countries which have not yet ratified the trade-mark convention, and we are confident that at a relatively early date the more important countries will have adhered.

The stabilizing of exchange and the avoidance of the risk and expense of the constant shipment of gold were the purpose of a convention providing for an international gold clearance fund, a copy of which is attached as Exhibit B. This convention has been found acceptable in principle by a number of Governments and is in process of negotiation.

For many years past the heavy license fees required of commercial travelers by municipalities and provincial governments have been a serious obstacle to international commerce. At the first Pan American Financial Conference a convention was agreed upon the purpose of which was to eliminate the excessive levying of such license fees. This convention has been found acceptable by some 14 American Republics, a number of which have signed it, and with two of which it is now actually in effect. A copy thereof, together with memoranda explaining its purpose, will be found in Exhibit C.

The commission has undertaken to study the difficult problem of uniform statistical methods, and upon the recommendation of the Department of Commerce and other competent authorities in this field the United States section recommended the adoption of the international classification of merchandise for statistical purposes agreed upon at the International Congress of Statistics, at Brussels, in November, 1913. This simple schedule has been found acceptable by various Governments as at least constituting an approach toward uniform statistical methods. The council is now publishing in the Spanish language year by year the statistics of importation and exportation of the several Republics as furnished to its secretary general by the national sections. The Department of Commerce is publishing the English version of the figures for the United States. All values are given in the national currency of the country concerned and in a money of account upon which agreement was reached by the commission, taking one-fifth of the United States gold dollar as the unit. To this money of account the name Panamericano was given.

Close to the heart of the entire problem of progressive and uniform international and commercial law are the related problems of bills of exchange, checks, and other negotiable instruments. The commission early decided that The Hague rules on bills of exchange and on checks were much closer to the commercial law of the countries of civil-law tradtions than could be the uniform negotiable instruments act of the United States. To reduce the slightly divergent systems of the various Republics to one harmonious standard set up beside the negotiable instruments act would at least constitute a genuine service and simplification of the problem. To this end the commission has devoted itself, and it is gratifying to be able to report that no less than five national congresses have at this time projects of law modifying their commercial codes with reference to bills of exchange in the direction proposed by The Hague conferences on that subject, while one country has lately enacted The Hague rules on checks in slightly modified form. To warehouse receipts and bills of lading the commission has given somewhat less attention, and urges the adoption of the respective United States uniform acts. With the problems of acceptances and conditional sales the commission is likewise concerned, and hopes to be able to recommend specific programs to the several Governments before much time shall have elapsed.

Without citing the other activities of the commission, but submitting instead a list of references in regard to its work (Exhibit D), I beg to urge upon the Senate the consideration that the commission provides a direct and uninterrupted agency for the exchange of ideas on technical and nondiplomatic problems. The simplicity as well as the elasticity of the organization of the International High Commission makes it possible for it to secure important results with a surprisingly small outlay, and I have no suggestions to offer as to further cooperation and coordination.

So far as concerns the appropriations made by the Congress of the United States I append (Exhibit E) a list of them, together with indications of the manner in which they were expended and an estimate of expenditures during the fiscal year 1920–21 to be made from the appropriation of $30,000 for the maintenance of the commission, concerning which I shall make a recommendation in my annual report to be submitted to the Congress in December.

Closely related to the work of the commission and indeed absorbing the attention of all its sections at the present time is the second gathering of ministers of finance and representative commercial and financial leaders of the American Republics at Washington, January 12 to 17, 1920. Just as the first Pan American Financial Conference had largely an emergency purpose and was concerned with remedial measures, so the second Pan American Financial Conference will be concerned with reconstruction and with the establishment upon a broad basis of the best possible commercial and financial relations between the free Republics of this hemisphere. An appropriation to defray the expense of this conference was made by the Sixty-fourth Congress in Public Act No. 379, which provided $50,000 to remain available until expended. To this conference it is expected that nearly all the ministers of finance will come, and a number of representatives of our own industrial and financial communities will be invited to join in discussing the problems of common interest and moment. The International High Commission will submit a detailed report of its activities to this conference.

I have the honor, sir, to remain,
Respectfully,
CARTER GLASS, *Secretary.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhue, one of its clerks, announced that the House had passed a bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry, or otherwise, and their return to civil employment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 55. An act to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in townships 29 south, range 28 east; also in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian; in the State of Florida, and for other purposes;

S. 794. An act granting lands for school purposes in Government town sites on reclamation projects; and

H. J. Res. 230. Joint resolution authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

HOUSE BILL REFERRED.

H. R. 4438. An act to provide for the promotion of vocational rehabilitation of persons disabled in industry, or otherwise, and their return to civil employment, was read twice by its title and referred to the Committee on Educational Labor.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a resolution from District No. 17, United Mine Workers of America, of Charleston, W. Va., praying for a Federal investigation into conditions in the Guyan River field, West Virginia, which was referred to the Committee on Education and Labor.

Mr. CAPPER presented a petition of sundry citizens of Fall River, Kans., praying for aid from the United States in relieving conditions in Armenia, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND. I present for reading copies of two telegrams—one issued by the Finance Committee of the League to Enforce Peace, being a telegram sent to one of the leading manufacturers of the State of Michigan, and a copy of that manufacturer's answer.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

NEW YORK, N. Y., *October 15.*

CHAS. E. KOLB,
31 Garrison:

In this moral and political crisis League to Enforce Peace, William Howard Taft, president, A. Lawrence Lowell, chairman, has great and necessary responsibility of leading and securing expression of public demand for prompt ratification of the peace treaty and league of nations covenant without amendments and without reservations that would require resubmission of Paris conference or separate peace with Germany. Business uncertainty and industrial unrest will continue throughout the world until ratification starts life again in normal channels. Will you join others in contributing $500 toward expenses of campaign?

HERBERT HOUSTON,
Treasurer.
GEO. WICKERSHAM,
VANCE MCCORMICK,
CLEVELAND DODGE,
OSCAR STRAUSS,
Finance Committee, Bush Terminal Sales Building.

BATTLE CREEK, MICH., *October 16, 1919.*

HERBERT HOUSTON,
Treasurer League to Enforce Peace,
Bush Terminal Sales Building, New York, N. Y.:

Not one cent. People in this neck of the woods now understand your work, and will stand for America first. Obviously, your message intends to frighten weak people to your support. Cease your bunk and be Americans.

CHAS. E. KOLB.

(Charge to Union Steam Pump Co.)

Mr. TOWNSEND. I ask for the printing in the RECORD of an article on the amendment which is known as the Johnson amendment to the treaty appearing in a Michigan newspaper, written by Benton Hanchett, one of the leading attorneys of the United States, a man whose reputation stands especially high wherever he is known.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREAT BRITAIN'S SIX AND UNITED STATES' ONE VOTE IN LEAGUE OF NATIONS.

EDITOR THE NEWS COURIER:

The provisions of the league of nations by which in the working of the league Great Britain is to have six votes while the United States is to have only one vote are a matter of interest and of division among those who support the league without change of its terms, and those who support the league with a change or with reservations respecting some of its terms. President Wilson upon his speaking tour first met the objection of the inequality of the voting power of Great Britain and the United States by stating that this inequality existed only in the assembly of the league, which he said was only a debating society, and that the assembly does not vote, that the voting power of the members of the league is in the council of the league, where the voting power of Great Britain and of the United States is equal, each having one vote. This explanation of the President was disputed in a speech upon the league by Senator REED, of Missouri, and following this speech of Senator REED, the President, at his address at Pueblo, Colo.—reported in the New York Sun—said: "Now, you have heard of six votes belonging to Great Britain. Those six votes are not in the council; they are in the assembly, and the interesting thing is that the assembly does not vote. I must qualify that statement a little, but essentially it is absolutely true."

The facts are these: The league provides in article 2 that the action of the league under this covenant shall be effected through the instrumentality of an assembly and of a council. The assembly may deal at its meeting with any matter within the sphere of action of the league or affecting the peace of the world. At meetings of the assembly each member of the league shall have one vote and may not have more than three representatives.

The original members of the league signing the league are 32 in number, among whom are Great Britain, Canada, Australia, South Africa, New Zealand, and India, each of which has a vote in the assembly, and they make up the six votes for Great Britain. The United States has a single member, having only one vote.

Article 4 provides that "the council shall consist of representatives of the principal allied and associated powers, together with four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. * * * With the approval of the majority of the assembly the council may name additional members of the league, whose representatives shall always be members of the council; the council with like approval—approval of a majority of the assembly—may increase the number of members of the league to be selected by the assembly for representation in the council." Article 1 provides that "any of the self-governing States, dominions, or colonies not named in the annex may become members of the league if admission is agreed to by two-thirds of the assembly." By article 5, "decisions at any meetings of the assembly or of the council will require agreement of all the members of the league represented at the meeting except where otherwise provided." It will be observed that by the above provisions the assembly by its vote is to determine these most important matters, viz:

1. The assembly may deal with any matter within the sphere of action of the league or affecting the peace of the world.

2. The assembly shall select from time to time, in its discretion, the four members of the council which, with representatives of the United States, Great Britain, France, Italy, and Japan (those being the allied and associated powers) are to constitute the council until the number of the members of the council shall be increased.

3. By approval of the assembly expressed by a majority vote of its members, the council may name additional members of the league whose representatives may be always members of the council. By this means the number of the members of the council may be increased.

4. By approval of the assembly expressed by a majority vote of its members the council may increase the number of the members of the league to be selected by the assembly for representatives in the council. By this method also the number of the members of the council may be increased.

5. By agreement of two-thirds of the assembly expressed by its vote any State, dominion, or colony may become a member of the league in addition to the 32 members of the league which have signed the league.

In all of the above action of the assembly Great Britain will have six votes and the United States only one vote.

6. In the selection of the first four members of the council to make up the full membership of the council, which selection is to be made by the assembly from time to time, the members so selected, up to the full number of the four, may be representatives of Canada, Australia, South Africa, New Zealand, and India. In this manner Great Britain may obtain in the council votes up to the number of five, while the United States can in no case have more than one vote in the council.

7. As the members of the council from time to time may be increased, Great Britain may acquire in the council up to the full number of votes which it has in the assembly, by election to the council of representatives of Great Britain's above-named self-governing dominions, while the United States must remain always the possessor of its one vote in the council.

The question whether representatives of Canada and other self-governing dominions of the British Empire may be elected to the council has been answered to the inquiry made by Mr. Borden, prime minister of Canada, upon that precise subject, by the following letter of President Wilson, Lloyd-George and Clemenceau, viz:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraph of the article representatives of self-governing dominions of the British Empire may be selected or named as

members of the council, we have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

G. CLEMENCEAU.
WOODROW WILSON.
D. LLOYD-GEORGE.

Here is a statement by the very men who framed the league of nations that representatives of Canada, Australia, South Africa, New Zealand, and India, which are the self-governing dominions of the British Empire, may be selected as members of the council. This being true, Great Britain then may have and may obtain the same number of votes in the council which it has in the assembly, viz, six for Great Britain, while the United States has one. The question here is not what will be done under the league, but what its terms provide for and what may be done under it, and it is so plain that "he who runs may read" that within the terms and provisions of the league, in both assembly and council, Great Britain may have six votes to the United States' one vote, and that thus in every matter which may come before the league Great Britain may have six times the voice and power of the United States.

Again, under article 15 of the league, Great Britain will have six votes, and the United States one vote only, in disposing of and deciding questions of the utmost importance which come before the league. By this article whenever there shall "arise between members of the league any dispute likely to lead to a rupture which is not submitted to arbitration, as above, the members of the league agree that they will submit it to the council. * * * The council shall endeavor to effect a settlement of any dispute. * * * The council may in any case under this article refer the dispute to the assembly, and the dispute shall be so referred at the request of either party to the dispute." The reference to the assembly is for the purpose of having the assembly settle the dispute. This settlement is to be accomplished by bringing to bear upon the parties to the dispute the personal influence of the members of the assembly, their arguments, their advice, their weight of character, and by the weight of the interest in the dispute which the nation has whose members take part in seeking to secure the terms by which the dispute will be settled. Suppose the dispute were between China and Japan concerning the return of Shantung to China. Is there any doubt that Japan would have the dispute referred to the assembly, depending upon and expecting to have the influence of the six voices and six votes of Great Britain on its side in securing such terms as would be acceptable to Japan, Great Britain having already by treaty with Japan committed itself to the interest of Japan in returning Shantung to China? Here may be six advocates for Great Britain laboring for Japan and one advocate of the United States advocating for China. If in any case the settlement is not arrived at by the efforts of the assembly, it then remains for the parties to the dispute to fight it out in their own way. If a settlement is made, and the making of such settlement is one of the most important powers for which the assembly is created, it will be made upon the terms arranged solely by action of the assembly. The report of the settlement is to be made by the assembly to the council and the assembly. If the report of the settlement is concurred in by the members of the council and by a majority of the members of the league the settlement will stand and the dispute be at an end (the representatives of the parties to the dispute not voting). The council and the members of the assembly upon this report of the settlement being made can not amend or change it. They have no power over it other than to approve it or disapprove it. If the members of the council disapprove of it the settlement goes for naught, and the parties are then again left to fight it out in their own way.

The precise point is this: That every such dispute may be brought before the assembly. If a settlement of it is made, that settlement and its terms are the work of the assembly alone. In the work of the settlement Great Britain perhaps speaks and argues by Lloyd-George, prime minister of England; Robert Borden, prime minister of Canada; Mr. Hughes, prime minister of Australia; Gen. Smuts, prime minister of South Africa; the prime minister of New Zealand; and India's best man, and the United States, perhaps, by Col. E. M. House.

The writer has no unfriendliness toward Great Britain or toward its self-governing dominions, but in the "matching of minds," in the making of the terms of the league of nations, he deeply feels that the United States of America has met a Waterloo defeat.

BENTON HANCHETT.

Mr. PENROSE. I present to the Senate and ask to have read the communication which I send to the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

PENNSYLVANIA DIVISION,
SONS OF VETERANS, U. S. A.,
Philadelphia, October 17, 1919.

Hon. BOISE PENROSE,
United States Senate, Washington, D. C.

DEAR SENATOR: I inclose you copy of letter which speaks for itself.

Fraternally,

W. B. MCNULTY,
Division Secretary.

PENNSYLVANIA DIVISION,
SONS OF VETERANS, U. S. A.,
Philadelphia, October 16, 1919.

Mr. TOM JONES MEEK,
National Extension Building, New York City.

DEAR SIR: The Sons of Veterans, United States of America, association of Philadelphia unanimously oppose the present treaty and league of nations because we believe that our Nation is not protected, especially in our control of the Monroe doctrine and our internal questions. We decline absolutely to agree to any control of our Army and Navy by any other authority except Congress. We are in favor of peace, but not at the cost of surrendering any of our rights.

We understand that the President and Congress are in favor of a league that will end war for all time; in fact, all our people seem to agree to this proposition. The President informs the Nation that we are amply protected in every way, and that fact is so clearly understood by the other nations that it is not necessary to make amendments or reservations by which to safeguard our interests, but as soon as he is asked to have this part of the written agreement he objects because it would require, as he claims, submitting the whole contract to the nations interested and intimates that it would kill the whole proposition. His statements are contradictory and inconsistent, and we fail to understand where there can be any objection to placing in the league of nations covenant amendments and reservations in accordance with his statements. We have not heard any statement from the other nations to the effect that what the President has told the American people is correct, and strange silence seems to prevail on this matter in Great Britain, France, Italy, and Japan. We can not understand why there should be objections to inserting in this agreement the President's statements about our protection, especially if it is a fact that the other nations agree to the safeguards as stated by the President.

We oppose the Shantung feature of the treaty. We consider it dishonorable to agree to the giving of any part of a friendly country, especially one of our allies, to another nation. We should not sanction any secret treaty entered into by other nations to transfer from an enemy territory taken by compulsion from a friendly power, even to give it to one of our allies; it would be national dishonor to do so and a violation of the 14 points as enunciated by our President.

All the eloquence of any speaker that you could send us would be of no avail unless he could show us some better reason than the President has advanced for a refusal to place in the treaty the safeguards mentioned.

Respectfully,

W. B. MCNULTY,
Secretary Sons of Veterans Association of Philadelphia.

Mr. PENROSE. Mr. President, I merely wish to add that this organization which is called the Sons of Veterans is composed of the sons of the veterans of the Civil War. It is a very active and numerous society in Philadelphia, and is a very patriotic body, active in all patriotic movements. The senior Senator from Kansas [Mr. CURTIS] is a member of the Sons of Veterans in his State, and so is the senior Senator from Washington [Mr. JONES] a member of that organization in his State. I think that both of these Senators have been to Philadelphia and have honored this organization by being with them and addressing them on the occasion of their annual banquet.

Mr. SHERMAN. I present a petition from certain constituents of mine in Barry, Ill., in reference to the league of nations, which I ask may be printed in the RECORD without reading.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

BARRY, ILL., *September 30, 1919.*

Senator SHERMAN,
United States Senate, Washington, D. C.

DEAR SIR: Your constituents here, who are not biased by partisan sentiment, wish the United States Senate to guard the interests and nationality of the United States above everything else.

The Monroe doctrine must be left operable in its full strength; we must retain the right to decide our own questions on immigration, the tariff, the strength of our own Army and Navy, and all other questions affecting ourselves as a Nation.

We must be masters of our own fate as we have been in the past. We decline to place ourselves or our children in a position to be drafted by Europe to settle their everlasting embroglio of racial, political, or religious hatreds. Our fathers came here to get away from that.

Washington warned us to keep free from entangling alliances, and his words hold true to-day.

Therefore, as 100 per cent Americans, we demand continued unfettered national existence, and hereby pledge anew our undying allegiance to our own country and our own flag.

Mr. SHERMAN. I have another petition, from 300 clergymen of the Methodist Episcopal Church, of the Rock River conference, asking me to vote for the league of nations treaty without amendment or reservation. I decline to present such a petition. I have answered the petitioners by mail to-day, telling them that if they do not know more about the plan of salvation than they do about the league of nations their congregations need new spiritual guides.

Mr. STERLING. Mr. President, as somewhat offsetting what the Senator from Illinois [Mr. SHERMAN] has just said in regard to the attitude of the Methodist clergymen in his State, I send to the desk and ask to have read an editorial from the Aberdeen (S. Dak.) News, with regard to the attitude of the Methodists of South Dakota.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

METHODISTS SPEAK UP.

"The Dakota conference of the Methodist Episcopal Church, in session at Mitchell last week, declared in favor of amendments and reservations to the league of nations covenant, to properly safeguard the American Constitution and the Monroe doctrine. The bishops of the Episcopal Church, in session at Detroit last week, voted down a declaration in favor of the covenant in its present form, for a modified indorsement of the plan. The Mitchell Republican, published in the hostess city of the Methodist Episcopal conference, has been bitter in its attacks upon Senators favoring reservations and amendments to the covenant, and has not hesitated to accuse them of ulterior motives in their opposition. It has insisted that from 75 to 85 per cent of the people of South Dakota are in favor of the covenant as the President presented it to the Senate. The Methodist Episcopal Church is the largest religious denomination in South Dakota. The resolution concerning the pact was adopted by a conference consisting of the ministers from every charge in the State and from lay delegates elected from the membership of each charge. It was a representative body, and both the clergymen and the lay delegates are in close and intimate touch with the people all over the Commonwealth. They know what South Dakotans are thinking about. They are thoughtful, intelligent men themselves, and they have given the matter of the covenant for the league of nations, the provisions contained in the original document, and the amendments and reservations offered in the Senate considerable thought, as all genuine Americans should. And they have reached the conclusion that the covenant needs fixing before ratification."

Mr. SMOOT. Mr. President, up to this time I have not asked that a letter or telegram be inserted in the RECORD either for or against the league of nations; but this morning I have a letter from an ex-Member of the Senate to which I desire to direct the attention of the Senate. The League to Enforce Peace has been very active in my State in requesting citizens there to telegraph to me to vote for the league of nations as it has been written, without reservation or amendment. From the letter referred to I see that the League to Enforce Peace has changed its tactics, and, instead of pleading with citizens or requesting them, are now demanding that they telegraph their Senators. The letter received by me this morning is from ex-Senator Joseph L. Rawlins, and I am going to read it into the RECORD. It is as follows:

MY DEAR SENATOR: I am this morning in receipt of an urgent telegraphic request from the League to Enforce Peace, not that I request but that I demand that you immediately vote for the league of nations. Of course, I know you to be entirely capable of forming your own judgment as to the merits of this measure and that you will act accordingly; but, as for myself and those with whom I come in contact, I wish to say for your information that we should be greatly gratified if you can bring about with your vote the defeat of this measure so detrimental, in our judgment, to the liberties and the welfare of the American people.

I presume there is not a Senator in this body but that knows who Joseph L. Rawlins is. He served six years in the Senate upon the Democratic side, and is just as loyal an American as ever lived.

I will simply add, Mr. President, that if this letter had not come from an ex-Member of this body I would not have thought of breaking the rule I have followed by asking that it be published in the RECORD in connection with the consideration of the league of nations covenant.

Mr. HITCHCOCK. Mr. President, inasmuch as the Senator from Utah has broken his rule, I ask to have read from the desk an editorial from the Evening Tribune, of Davenport, Iowa.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Evening Tribune.]

"SOUND IRISH SENTIMENT.

"The Evening Tribune takes pleasure in republishing the following resolution adopted by Division No. 1 of the Ancient Order of Hibernians in Davenport, because they tally so completely with its own notion of how Irish self-determination is to be brought about:

"Believing that the just demands of the Irish people for self-determination, independent government, until admitted by Europe, threatens to disturb the peace and good understanding and friendly relations between the nations and peoples of the world—with or without a league of nations—and believing that the league of nations, as proposed in the covenant and treaty submitted by President Wilson to the United States Senate, offers the best if not the only practical means of compelling England to grant to Ireland the God-given rights of independence and freedom: Therefore be it

"*Resolved*, That we favor the league of nations as the greatest forward step for world peace, its adoption the greatest self-serving contribution of the United States to the human race for the relief of oppressed people everywhere, and the best hope for the freedom and independence of Ireland. We respectfully ask our Senators to aid in its speedy ratification.

"It is so plain, if the world is to go ahead in the old way, that the smaller peoples will more than ever be under the shadow or under the wing of their more powerful neighbors, that everybody ought to see it without argument. For their more powerful neighbors are going to be watchful of every element of weakness as never before. Not to go away from home for illustration, the United States is going to be much more watchful of its immediate neighbors if we go ahead in the old jealousies and old rivalries.

"The only hope of the smaller peoples is in an ordered world, where everybody is sworn to keep the peace and to help enforce the law. The beginning of dawn will be for them just when the world is banded together in some effective way to protect rights of life and property and to secure liberty the world over.

"The Evening Tribune would congratulate the Davenport Hibernians on seeing so clearly just where Ireland's future lies. Every American of Irish descent and every American of Irish sympathies should be for the league of nations with all the might that is in him."

Mr. WILLIAMS. Mr. President, I ask permission to have inserted in the RECORD a resolution with regard to the Armenian question passed by the Near East Relief Society by a unanimous vote.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"Whereas from authenticated sources comes the statement that there are at least 100,000 Christian and Jewish girls and women held captive in the harems of the Turks, Kurds, and Arabs within the domain of the former Ottoman Empire, forced to live in suffering and degredation often far worse than death; and

"Whereas the Near East Relief, chartered by act of Congress, has inaugurated rescue work for the care of the escaped victims of this tragedy and urgently invites the women of America to rise and free and protect the women of Armenia, the hope of their Nation: Therefore be it

"*Resolved by the representatives and guests of the Near East Relief in convention assembled in New York this 15th day of October, 1919*, That our Government, as the servant of humanity, be requested to take such measures as will give immediate protection to American relief workers and American property and to the stricken people whatever temporary protection is necessary until such time as they can themselves protect their womanhood and home and establish themselves among the free peoples of the earth."

SUGAR SHORTAGE.

Mr. FLETCHER. Mr. President, on an entirely different subject, but a very practical and important subject to all of the people, I wish to tender a communication from a firm of wholesale dealers in groceries, produce, meats, and so forth, a very responsible firm of Jacksonville, Fla., C. W. Zaring & Co., rather in the nature of a petition. It begins by saying:

We are out of sugar in this market and can not get it—

And then proceeds to make some suggestions. I ask to have the communication printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

JACKSONVILLE, FLA., *October 16, 1919.*

Hon. D. U. FLETCHER,
Washington, D. C.

DEAR SIR: We are out of sugar in this market and can not get it. The Louisiana people will not name a price for shipment next month, when their sugar is ready, and intimate that the price for the cheaper grade of sugar will run 13 to 14 cents per pound f. o. b. shipping point, or approximately 4½ to 5 cents more than we have been paying for the good eastern granulated sugar.

Why is it that people who will take such an advantage can not be regulated? We think Congress should take immediate action and place Louisiana under the Equalization Board, extending the time and powers of this board. Immediate action should be taken or these people will obtain any price that they see fit to ask for their sugar. We notice the beet-sugar people are putting refined beet sugar on the market at 10½ cents, and Louisiana should not be allowed any more than that for their refined sugar, with the proper differentials for the lower grade.

Can not you get immediate action on this?

Yours, very truly,

C. W. ZARING & Co.,
C. W. ZARING, *President.*

THE LEAGUE OF NATIONS.

Mr. PITTMAN. I have some resolutions from the woman's committee for the league of nations and other citizens of Reno, Nev., signed by the chairman and members of the committee. I ask to have them read, omitting the signatures.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read the resolutions.

Mr. PITTMAN. I should like to have the signatures printed in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The resolutions, together with the signatures, are as follows:

"Believing that the United States should enter the league of nations, which aims to promote international cooperation and to achieve international peace and security;

"Recognizing that the covenant of the league of nations can not be separated from the peace treaty, since the latter was founded on the assumption that the league of nations would be formed;

"Believing that delay on the part of the United States Senate to ratify the peace treaty will seriously jeopardize the peace of the world:

"We, the woman's committee for the league of nations, and other citizens of Reno, Nev., do most earnestly urge the United States Senate to ratify the treaty of peace, including the covenant, without reservation or amendment, as soon as it is submitted for ratification.

"(Signed) Mrs. R. D. Eichelberger, chairman, Colonial Hotel, Reno, Nev.; J. E. Church, jr., Mrs. J. E. Church, jr., Mrs. Brewster Adams, N. E. Wilson, B. N. Curtis, R. C. Thompson, Mrs. R. C. Thompson, Mrs. B. N. Curtis, Wayne B. Adams, Brewster Adams, Victor Cokefair, Mrs. P. P. Humphrey, George H. Hopkins, George W. Sears, H. P. Boardman, G. B. Blair, Maxwell Adams, L. W. Hartman, Albert E. Hill, Mrs. H. D. Sanborn, Mrs. Rudolph Herz, Clara P. Angell, Mrs. A. R. Ratcliff, Mrs. C. S. Meacham, Mrs. F. G. Pressell, Mrs. S. C. Dinsmore."

Mr. THOMAS. Mr. President, I simply wish to suggest, if this experience meeting is over, that we proceed with the regular order.

Mr. BRANDEGEE. Some Senators have had the pleasure of having their experiences, but I should like the courtesy of a brief minute of experience.

Mr. THOMAS. I withdraw the suggestion, Mr. President. I supposed the meeting was over.

Mr. BRANDEGEE. Of course, every morning there is a battle of telegrams here pro and con.

The VICE PRESIDENT. They become a part of the morning business by custom.

THE SYRIAN MANDATE.

Mr. BRANDEGEE. Inasmuch as the Senator in the management of the treaty has just had an article read from the desk, I send to the desk a copy of the London Daily News of September 5, which gives just a squint at the kaleidoscopic situation existing in Asia Minor. I ask that it may be read.

The VICE PRESIDENT. Is there any objection?

Mr. JONES of New Mexico. Mr. President, a parliamentary inquiry. What is the order of business?

The VICE PRESIDENT. The presentation of petitions and memorials, and, for a number of weeks past, letters, telegrams, editorials, newspaper clippings, and so forth.

Mr. JONES of New Mexico. I ask for the regular order.

The VICE PRESIDENT. The Senator from Connecticut asks for the reading of the article referred to by him. [Putting the question.] The ayes have it, and the Secretary will read as requested.

The Secretary read as follows:

"The Syrian problem, after degenerating into one of the few jests of the peace conference, is now playing a more serious and sinister part. The press of the capital is no infallible guide to the trend of French opinion generally, but enough has been written in the last week by responsible papers in Paris to make it clear that what is happening in Syria is creating the possibility of serious friction between this country and France. The position with regard to Syria is simple. Under the relevant clauses of an agreement signed by Sir Edward Grey and M. Cambon in 1916 the Turkish provinces in Asia were to be so divided as to give France the Syrian seaboard, with Lesser Armenia and the Vilayet of Adana, while Great Britain acquired Lower Mesopotamia and certain rights over Haifa and Jaffa. The intervening territory was to consist of independent Arab States; Palestine becoming a protectorate under the joint suzerainty of Russia, France, and Great Britain. The complaint of France is that Great Britain, not content with securing the mandate for Mesopotamia and establishing herself in a predominant position in the new Arabian State ruled over by the King of the Hedjaz, is insisting on occupying Syria with her own troops and denying the justice of the French claim to a mandate over that region. That statement needs elaboration to cover the full facts, but as an explanation of the present discontent it is adequate.

"On that discontent there are two observations to be made. One is that it unquestionably exists, and the other that it ought not to be allowed to exist. France is laboring under a sense of grievance which can not be dismissed as entirely unjust. For the 1916 secret agreement there is nothing to be said. Under article 20 of the covenant of the league of nations, which both France and Great Britain have signed, is must plainly be abrogated. But, agreement or no agreement, this country has come singularly well out of the war in the East. We have become mandatories of one of the richest territories in the world—Mesopotamia. We have declared a protectorate over Egypt, and succeeded in warding off all suggestions of our becoming mandatories instead of suzerains of that country. We have established ourselves behind the back of the league of nations in a position of exclusive privilege in Persia. We have taken the credit and are reaping the advantages of the creation of the Kingdom of the Hedjaz and allowed the Emir Feisul to be walked round Paris by a British officer with the maximum of political indiscretion. In view of the traditional interest of France in Syria, it is not astonshing that our reluctance to recognize her claim to a Syrian mandate has provoked some warmth both of feeling and expression.

"The real difficulty of the situation lies not on the surface but far below it. The whole position of the mandate question is eminently unsatisfactory. Mandates are being apportioned by the allied delegates at Paris without any reference to the league of nations or any pretense of consulting the peoples concerned as to their choice of their new masters. As long ago as 1917 Mr. Lloyd-George said even of the German colonies in Africa that 'when you come to settle who shall be the trustees of these uncivilized lands you must take into account the sentiments of the people themselves.' If that admirable principle is to be applied to native Africans, it is much more applicable to the former subjects of the Turkish Empire in Asia. However that may be, it is our business to put ourselves right with France over Syria by declaring unequivocally and publicly that we have no intention of adding to our own responsibilities in that region and no thought of putting any impediment in the way of the grant of a Syrian mandate to France, provided that solution is agreeable to the population itself."

Mr. BRANDEGEE. Mr. President, it appears from that article that the British press is boasting and gloating over the position in which Great Britain has established herself. I read in the Washington Post of this morning an article, which I have not at my desk, giving the speech of some noted British statesman, in which he expressed the view that it was our plain duty to help out the poor Turks, now that the Turkish Empire was in a bad way, and that we ought to go to their rescue. On this side of the ocean we are being besieged with petitions to go to the rescue of the Armenians and save them from the poor Turks, whom the British want us to protect. Between the Armenians and the Turks and the other friends of freedom in Asia Minor and elsewhere, I think we have all we can do if we can only find out which sect of these tribes we are to be the guardians of; but we are given no information upon that point as yet, and I suppose it is comparatively immaterial.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 157) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise, reported it with an amendment and submitted a report (No. 270) thereon.

He also, from the same committee, to which was referred the bill (S. 3115) authorizing the Secretary of the Interior to correct an error in an Indian allotment, reported it without amendment and submitted a report (No. 271) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2934) for the relief of the Leavenworth Bridge Co., of Leavenworth, Kans., asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general, reported it without amendment and submitted a report (No. 268) thereon.

He also, from the same committee, to which was referred the bill (S. 3239) to amend the Army appropriation act for 1920, so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes, reported it with an amendment and submitted a report (No. 269) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 3250) for the relief of William Gaston Hall; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 3251) granting longevity pay from and including August 5, 1917, to certain officers and enlisted men; and

A bill (S. 3252) to amend an act entitled "An act to provide quarters or commutation thereof to commissioned officers in certain cases; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 3253) to authorize the widening of Georgia Avenue between Fairmont Street and Gresham Place NW.; to the Committee on the District of Columbia.

By Mr. NEW:

A bill (S. 3254) to amend the national defense act of June 3, 1916, making it unlawful for any person to wear the uniform of the United States Army, Navy, Marine Corps, or Coast Guard while participating in a riot, mob, or public disturbance; to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 3255) for the relief of the Shelby Medical College, of Nashville, Tenn.; to the Committee on Claims.

By Mr. JONES of New Mexico:

A bill (S. 3256) for the relief of private owners of land within or near the Carson or Santa Fe National Forests, N. Mex.; to the Committee on Agriculture and Forestry.

By Mr. WADSWORTH:

A bill (S. 3257) relating to the disposition of funds accumulated by tactical divisions of the Army or the units thereof, as well as other organizations of the Army which were created from National Guard units; to the Committee on Military Affairs.

By Mr. UNDERWOOD:

A bill (S. 3258) for the purchase of a site and erection of a public building at Marion, Ala.; to the Committee on Public Buildings and Grounds.

ROBERT A. MINOR.

Mr. KING. I offer a resolution and ask for its immediate consideration.

The resolution (S. Res. 216) was read, considered by unanimous consent, and agreed to, as follows:

Whereas the Senate on the 31st day of July last agreed to and adopted the following resolution:

"*Resolved*, That the Secretary of War report to the Senate whether or not Robert A. Minor, an American citizen, accredited as a war correspondent in the military zone in France, was arrested by military authorities of the American Expeditionary Forces for circulating seditious publications and propaganda among the soldiers of the American Expeditionary Forces, or for any other cause, and that if said Minor was arrested as aforesaid to report to the Senate the particular nature of the charges upon which he was arrested, and whether or not said Minor has been discharged from custody, and the reason therefor, if such action was taken"; and

Whereas the Senate on the 10th day of October, instant:

"*Resolved*, That the Secretary of War is directed to forthwith report to the Senate on the matter referred to him by said resolution of July 31, ultimo"; and

Whereas the Secretary of War has made no report to the Senate in the premises: Therefore be it

Resolved, That the Committee on the Judiciary is authorized and directed to make full investigation of the matter set forth in said resolution of the 31st of July, ultimo, and report its findings to the Senate, and for this purpose to summon such witnesses and documents as may be necessary.

THE IRISH QUESTION.

Mr. WALSH of Montana. Mr. President, I ask that Senate resolution 215 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution, coming over from a preceding day, which will be read.

The Secretary read Senate resolution 215, submitted yesterday by Mr. WALSH of Montana, as follows:

Whereas by the treaty between Germany on the one side and the allied and associated powers on the other, signed at Versailles the 28th day of June, A. D. 1919, it is provided that the same will come into force between the powers ratifying the same upon the deposit of ratifications by Germany and three of the said allied and associated powers; and

Whereas the said treaty has now been ratified by Germany and by three of the said powers, to wit, France, Great Britain, and Italy, and will be in effect between the said powers and the other signatories to the said treaty that have ratified the same upon the formal issuance of the procès-verbal reciting the ratifications aforesaid; and

Whereas by virtue of the said treaty the league of nations will thereupon come into being and be authorized to entertain representations in accordance with article 11 of the covenant for the league of nations, as follows:

"It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either international peace or the good understanding between nations upon which peace depends"; and

Whereas the amicable relations between Great Britain and the United States are continually imperiled by controversies over the Government of Ireland: Now, therefore, be it

Resolved, That it is the sense of the Senate that whenever the United States becomes a member of the said league of nations by ratification of the said treaty or otherwise, the Government of the United States should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government.

Mr. THOMAS. Is it the intention of the Senator from Montana to press the resolution this morning?

Mr. WALSH of Montana. That is my intention.

Mr. THOMAS. It is a very important matter, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKellar	Smith, Ga.
Bankhead	Hale	Nelson	Smoot
Beckham	Harris	New	Spencer
Brandegee	Henderson	Newberry	Sterling
Capper	Hitchcock	Nugent	Sutherland
Chamberlain	Jones, N. Mex.	Overman	Swanson
Colt	Jones, Wash.	Page	Thomas
Cummins	Kellogg	Penrose	Trammell
Curtis	King	Phelan	Underwood
Dial	Kirby	Pittman	Wadsworth
Dillingham	La Follette	Poindexter	Walsh, Mont.
Edge	Lenroot	Pomerene	Warren
Fernald	Lodge	Robinson	
Fletcher	McCumber	Sheppard	

Mr. CURTIS. I desire to announce the absence on official business of the Senator from North Dakota [Mr. GRONNA], the Senator from Wyoming [Mr. KENDRICK], the Senator from Louisiana [Mr. GAY], the Senator from Nebraska [Mr. NORRIS], the Senator from New Hampshire [Mr. KEYES], and the Senator from Oregon [Mr. MCNARY].

Mr. GERRY. The Senator from Louisiana [Mr. GAY], the Senator from Mississippi [Mr. HARRISON], the Senator from Wyoming [Mr. KENDRICK], the Senator from Montana [Mr. MYERS], the Senator from Louisiana [Mr. RANSDELL], and the Senator from North Carolina [Mr. SIMMONS] are absent on official business. The Senator from Maryland [Mr. SMITH], the senior Senator from Oklahoma [Mr. GORE], the Senator from Missouri [Mr. REED], the junior Senator from Oklahoma [Mr. OWEN], and the Senator from Delaware [Mr. WOLCOTT] are detained from the Senate on public business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. WALSH of Montana. Mr. President, I ask for the reading again of so much of the resolution as asks for action by the Senate, namely, the last paragraph of the preamble and the resolution itself.

The Secretary read as follows:

Whereas the amicable relations between Great Britain and the United States are continually imperiled by controversies over the government of Ireland: Now, therefore, be it

Resolved, That it is the sense of the Senate that whenever the United States becomes a member of the said league of nations by ratification of the said treaty or otherwise, the Government of the United States should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government.

Mr. WALSH of Montana. Mr. President, the resolution recites article 11 of the covenant of the league of nations, which is the foundation for the action which the resolution contemplates shall be taken. That article reads as follows, in part:

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

It will be recalled that while the peace conference was in session a great assemblage of citizens of this country met at the city of Philadelphia, and as a result of that meeting a deputation was sent to Versailles seeking an opportunity itself to be heard in behalf of the cause of Irish independence or seeking to secure a hearing for the representatives of the embryonic Irish republic. The view was taken apparently that only nations having established governments, recognized by the various governments of the world, were entitled to be heard by their representatives at that gathering, but provision was made in the covenant for the league of nations for a hearing for peoples claiming the right of self-government. Prominent among these people of the earth, and perhaps most conspicuous among all of them, are the people of Ireland. I have seized the first opportunity to present this method of securing a hearing for the people of Ireland in their struggle for self-government.

Mr. PENROSE. Mr. President, may I ask the Senator a question?

Mr. WALSH of Montana. I shall be glad to answer, if I can.

Mr. PENROSE. Would not the cause of Ireland have a much better chance if the United States had six delegates instead of one in the conference?

Mr. WALSH of Montana. I do not think so.

Mr. PENROSE. Does the Senator think Ireland stands a better show with Great Britain having six votes and the United States one?

Mr. WALSH of Montana. Of course, that is entirely aside from the matter to which I am addressing myself; but I have no objection whatever to being diverted for a moment to say to the Senator that in a matter of this character no action by the council will result. It is simply affording a forum before which the cause of Ireland can be presented, but if there were a vote it would make no difference whether the United States had 6 votes or 600 votes, inasmuch as, in order to secure action, there would have to be a unanimous vote.

Mr. PENROSE. But there would be a certain consolation in having six votes anyway.

Mr. WALSH of Montana. I have answered the question of the Senator. I do not propose to let him interject a speech into the midst of mine.

Mr. President, upon this general subject I made some remarks in the course of an address delivered before the Senate on the 28th day of July. I do not desire, nor do I intend, to take up much time of the Senate this morning in a discussion of the matter, and for brevity I read from the address then delivered, as follows:

"The sympathy of the people of this country, as stated, goes out spontaneously to every submerged nationality aspiring to an independent life. But there are abundant reasons why that sympathy is particularly keen in the case of the Irish. It is not alone that there are in this country at least 20,000,000 of Irish birth or Irish ancestry, whose desire as American citizens to preserve peace between the United States and the British Empire is forever at war with the feeling engendered by the story of the impartial historian of British misrule in Ireland and barbarous oppression of the Irish. The feeling of kinship dates back to the days of our own struggle for independence. The very fight that was being waged here culminating in the break was at the time in progress in Ireland. It had its parliament as each of the American Colonies had its legislature or assembly. British statesmen asserted the right of the Parliament of Great Britain to tax Ireland and generally to regulate its affairs exactly as they contended it had the right to impose whatever burdens it thought fit upon the American Colonies. The right thus asserted had been exercised so freely and harshly as to be grievously repressive of Irish industry and to drive the so-called Scotch-Irish in great numbers to America, while the penal laws, which Montesquieu declared 'could have been made only by devils and should be registered only in hell,' caused their Catholic brethren to seek the same asylum. Swift, Flood, and Grattan had successively led Irish opinion in protest against the same usurpations with reference to Ireland of which the American patriots complained. Franklin visited Dublin on the eve of the outbreak, before independence was seriously contemplated, to confer with Irish leaders over common wrongs. The Continental Congress, assembled speedily after the engagement at Lexington, on July 28, 1775, adopted an address to the people of Ireland in justification of the course of the Colonies, in which their official representatives said:

"Accept our most grateful acknowledgments for the friendly disposition you have always shown toward us. We know that you are not without your grievances. We sympathize with you in your distress * * * and we acknowledge, with pleasure and gratitude, that your nation has produced patriots who have nobly distinguished themselves in the cause of humanity and America.

"The struggle against the pretensions of the British Parliament to 'legislate in all cases whatsoever' throughout the Empire went on contemporaneously in Ireland and in America, each being mutually helpful to the other. Beset by enemies at home and abroad, Spain having recently become a participant in the war, the English Parliament, by an act passed in 1782, recognized, in effect, Grattan's contention 'that his most excellent majesty, by and with the advice and consent of the lords and commons of Ireland, are the only power competent to enact laws to bind Ireland.' The negotiations for peace with America were even then pending, and Greene says that—

"The grant of independence to the one great dependency made it easier to recognize the freedom of the other.

"The substantial independence of Ireland thus gained was of short duration, however. In the year 1800, during the ministry of the younger Pitt, the Irish Parliament, in which, it may be remarked, no Roman Catholic was eligible to membership or permitted to sit, upon the solicitation of the British ministry, passed the so-called act of union, by which it ceased to exist and the power to legislate for Ireland passed to the Parliament sitting in London. The historian last referred to—a standard English writer, bear in mind—tells us that the assent of the perfidious Irish representatives was 'bought with a million in money and with a liberal distribution of pensions and peerages,' and he adds that 'base and shameless as were such means, Pitt may fairly plead that they were the only means by which the bill for the union could have been passed.' From that day to this the agitation has gone on to undo the work thus consummated."

I then gave a brief account of the agitation which has been carried on from that day to this, and then spoke as follows:

"We hastened to express to them our sympathy when we were fellow sufferers and felt in need of their moral support in our resistance to alien rule. Why should we not now express the hope that is general, if not universal, in this country that they may soon realize their hope of a government of their own choice? We have earned the right to speak at least with the frankness of a friend to Great Britain, remembering that but two short years ago her representatives were here, virtually confessing defeat in the war and frantically appealing to us to hasten into the fray, lest all should be lost before our aid could be made effective.

"We have earned the right to say to her that her treatment of Ireland is a constant menace to the amity we are desirous of preserving unimpaired between the two countries.

"There is not a controversy that arises between them, however trivial in fact, the seriousness of which is not magnified by reason of the irritating factor of Ireland's wrongs. Some day an inconsequential blaze may be fanned into a conflagration. Should any dispute with Britain ever arise upon which the people of the United States are otherwise nearly evenly divided, it is scarcely disputable that our citizens of Irish blood would be found massed against a peaceful settlement not because they are willing to involve this country in the horrors of another world war with the sole object of securing independence for Ireland but because they would approach the consideration of the question from the standpoint of American interest and honor, with an inherited prejudice against Britain, which, unfortunately, recent action and inaction touching Ireland have done little to eradicate.

* * * * * * *

"I join in the assertion that there is no people and no nation to which the principle of self-determination is more distinctly applicable than to the Irish people and Ireland. It is refreshing to note that the peril in which our relations to Great Britain stand from the cause to which I have adverted is being recognized by her statesmen and publicists.

"In a recent address Gen. Smuts said that the most pressing of all questions before the Empire is the Irish question, and he added:

"It has become a chronic wound whose septic effects are spreading to our whole system, and through its influence on America is beginning to poison our most vital foreign relations. * * * Unless it is settled on the great principles which form the basis of this Empire this Empire must cease to exist.

"In one of a series of letters recently appearing in the London Times, reproduced in American journals, advocating the immedi-

ate grant of dominion home rule to Ireland, is this significant comment:

"At the center of the Empire is the weakness of the Irish quarrel. It is felt at its farthest confines; it hampers our foreign policy; it is an open breach for our enemies. The British people can not afford to wait. A disease which restricts action can not afford to wait.

"If we have no duty in the premises we may with entire propriety say to Great Britain that we are looking to her promptly to apply the principle of self-determination, announced by President Wilson and indorsed by her in her hour of extremity, to Ireland."

Mr. President, I am glad I was interrupted by the question addressed to me by the Senator from Pennsylvania [Mr. PENROSE], because it gives me an opportunity to emphasize the fact that under article 11 nothing further is contemplated than that the cause of Ireland, her right to self-government, to a government of the choice of her own people, may be presented to the league of nations, either to the council or the assembly, and in that way to the whole world.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. LENROOT. I should like to ask the Senator whether he believes one nation presenting to the council of the league of nations the question of depriving another of a portion of its territory and political independence is carrying out the contract of that nation under article 10 to respect and preserve the political independence and territorial integrity of that nation?

Mr. WALSH of Montana. I see no reason why it is not. I see no inconsistency whatever between article 10 and article 11. Article 10 simply guarantees that we undertake to respect and preserve the territorial integrity and political independence as against external aggression. That is all. If there is an internal uprising in which any people outside are interested, those people are forbidden, under article 10, to resort to war to express their ideas concerning the matter——

Mr. LENROOT. Mr. President——

Mr. WALSH of Montana. But they have an opportunity possibly to express their views under article 11. I yield to the Senator from Wisconsin.

Mr. PENROSE. Mr. President——

Mr. WALSH of Montana. I have yielded to the Senator from Wisconsin.

Mr. LENROOT. I should like to correct the Senator in one particular. It is not alone external aggression, but threat of external aggression.

Mr. WALSH of Montana. Yes.

Mr. LENROOT. I should like to ask the Senator, under his construction of article 11, if a dispute is taken jurisdiction of by the council, if there, by unanimous action, they do anything at all toward securing the freedom of Ireland, would it not be a threat of external aggression?

Mr. WALSH of Montana. Will the Senator kindly repeat his question?

Mr. LENROOT. Article 10, as the Senator knows, is not alone external aggression, but the threat of external aggression. If an appeal is made to the council or the league under article 11 to secure the freedom of Ireland, and the council acts unanimously for that purpose, does not that constitute a threat of external aggression?

Mr. WALSH of Montana. Not in any sense whatever. External aggression has a clear meaning in article 10; it means the making of war by one country or one nation upon another nation.

Mr. LENROOT. I should like to ask the Senator another question. If, under article 11, jurisdiction can be taken of the Irish question, can not like jurisdiction be taken of the immigration question in this country, the tariff question, or almost any other domestic question?

Mr. WALSH of Montana. The situation to which the Senator refers is taken care of, as he well knows, in another provision, which provides that if the objection is raised that any question is a domestic matter the league takes no action.

Mr. LENROOT. Then does the Senator take the position that if Great Britain should raise the point that the Irish question is a domestic question they could not take jurisdiction under article 11?

Mr. WALSH of Montana. They could not take jurisdiction at all. I thought I made that pretty clear. Perhaps I may repeat myself about the matter.

The language of article 10, to which the Senator refers, is very specific. It does not deny jurisdiction over any question. If the league finds that a question is domestic, it does not act in the matter at all. I have endeavored to explain with respect to this question that it is not action by the league at all that is expected or anticipated in this matter.

It simply affords a forum before which the cause can be presented. In its preparation the covenant was particularly guarded so that there should be no opportunity for a decision in a matter of this character, and very wisely so, because if the cause of Ireland could be presented to the council or to the assembly and the council or assembly could decide in one particular way and take action in favor of Irish independence, like the Holy Alliance, they could take action against Irish independence; in other words, the whole question would be submitted to their action and determination and they would be obliged to govern themselves accordingly and to suppress the efforts of people to establish their independence. It was intended that the council should have no such power; but the covenant, as I have stated, simply affords a forum before which oppressed people anywhere upon the earth may go and have their cause heard before the whole world.

Mr. LENROOT. Why is there not a like forum for the question of immigration? The Senator from Montana in reply to me stated in answer to that inquiry that that was taken care of by the provision relating to domestic questions. I should like to have the Senator show how, if that provision applies to prevent immigration, coming under the terms of article 11, it does not also apply to prevent the Irish question coming under article 11.

Mr. WALSH of Montana. I also dealt with that when I previously spoke on this subject. In my own view the Irish question—the question of Irish independence—is not a purely domestic question. I quoted from Gen. Smuts here to indicate that it is quite a different thing from a purely domestic question. He says that it poisons their entire system and affects their foreign relations and particularly their relations with America, giving to it an international aspect as well as a domestic aspect.

Mr. LENROOT. But does the Senator——

Mr. WALSH of Montana. If the Senator will pardon me, I have also called the attention of the Senator to the fact that when Cuba endeavored to establish her independence our Government declined to recognize that that was a purely domestic question within the dominion of the Kingdom of Spain. Inasmuch as it affected so directly the lives of our own people, we chose to regard it as an international problem.

Mr. LENROOT. The same reasoning would make the question of Japanese immigration with the United States an international question and not solely a domestic question.

Mr. WALSH of Montana. Well, suppose that should follow; the council could not do anything about it.

Mr. LENROOT. I understand; but I wanted to get the Senator's view as to whether under article 11 the council could take jurisdiction of immigration into this country. He now says it could not, as I understand.

Mr. WALSH of Montana. Wait a moment. It is not a question of jurisdiction. I have not the slightest doubt in the world that the Japanese representative before the council of the league of nations may stand up any time he sees fit and talk as long as the rules of that body will permit him to talk on racial equality. Does the Senator doubt it?

Mr. LENROOT. No.

Mr. WALSH of Montana. Very well.

Mr. LENROOT. But that is not the proposition. Can the council take jurisdiction and make a recommendation?

Mr. WALSH of Montana. It can not. It is a domestic question.

Mr. LENROOT. It is not any more so than is the Irish question.

Mr. WALSH of Montana. Yes; I think it is a little more so; but even if it were not I do not assert—I think I have made myself perfectly clear—that there can be any recommendation concerning the Irish question.

Mr. LENROOT. But the Senator from Montana just stated that in the case of the Cuban situation we declined to recognize it as a purely domestic question. Japan could likewise refuse to recognize the question of Japanese emigration to the United States as being a domestic question, and, by the Senator's reasoning, the council would take full jurisdiction of Japanese immigration under the terms of article 11.

Mr. WALSH of Montana. Of course, the Senator from Wisconsin may reason that way, but I do not.

Mr. President, this resolution is not offered in any spirit of hostility to the British Empire or to England. It is offered in the hope that an irritating factor in the relations that subsist between these two great Governments may be removed; and I hope it will be speedily removed. I have no doubt the overwhelming sentiment of the people of this country is in favor of granting to the Irish an opportunity at least to present their cause before a world forum.

Mr. POINDEXTER. Mr. President, the Senator from Montana [Mr. WALSH] has stated that the league of nations would not be debarred from the consideration of the question which he has presented by his resolution so far as article 10 of the covenant is concerned, because that article limits the obligations of the members of the league to respect and to preserve the territorial integrity and the existing political independence of all members of the league only against external aggression. Consequently the Senator replies that, so far as the consideration of this question is concerned, it can be presented to the league, notwithstanding article 10.

The question is presented by the Senator from Montana in a resolution in the Senate of the United States affecting the political independence of Great Britain to control a part of the Kingdom of Great Britain and Ireland. I fail to see how the Senator can escape the conclusion that that is an external aggression. It looks to me very much as though the United States were external to Great Britain, and certainly the act of the Senator from Montana this morning in bringing up his resolution here is an external attack upon the territorial integrity of Great Britain if the question of Irish independence of Great Britain is involved. The Senator can not escape that conclusion.

The consequence will be that immediately, as soon as the procès-verbal is filed and the league goes into effect, we shall have a case whereby, on account of the action of the Senator from Montana in attacking the political independence of Great Britain and menacing her territorial integrity, the league will go into operation to bring to bear upon the United States all possible economic pressure, authority to exercise which is vested in the league by the covenant.

The first thing we know we may find that, under article 16 and other articles of the league covenant, the great nations of Europe will sever "all trade or financial relations" with the United States, prohibiting "all intercourse" between citizens of the United States and citizens of other nations and undertake to prevent "all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not," because of the breach of international law by the action of the United States Senate in undertaking to interfere in the domestic affairs of Great Britain.

The Senator from Montana says also that this matter can be presented to the league, but that the league will have no power of decision; that even though it were not regarded as a domestic question but were regarded as an international dispute of which the league clearly has jurisdiction, no decision could be rendered; and that even if a decision could be rendered, the existence of six votes on behalf of Great Britain would be no disadvantage to Ireland; that Ireland would be in just as favorable a situation, this matter being presented under a covenant in which the United States has one vote and Great Britain has six votes, as if it were presented to a league in which the United States had 100 votes.

I have never been able to follow the reasoning of the Senator from Montana and other advocates of the league who picture the services which have been rendered by Canada and Australia in this war as a reason for giving them votes in the league and putting them upon an equality with the independent and sovereign nations of the world when in the same argument they claim that those votes are not of any value.

The fact of the case is, whatever the motives and purposes of the Senator from Montana in introducing this resolution may have been, that it is perfectly empty, perfectly meaningless, and worthless in so far as any benefit which might possibly accrue to Ireland is concerned.

If the intention of the Senator from Montana is to create the impression among the Irish voters of the United States that he is doing them or Ireland a service by presenting this resolution and having this question taken up by the league of nations, in which Great Britain and her colonies, constituting the British Empire, have six votes, I do not think that he will deceive them into believing that there is anything substantial in that service. The Senator from Montana says that the six votes of Great Britain will be of no material effect in the consideration of such a question presented to the league. Let us see whether they will or not.

Mr. WALSH of Montana. Mr. President, I should like——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield to the Senator.

Mr. WALSH of Montana. I should like to interrupt the Senator. The Senator from Montana has no purpose on earth of endeavoring to deceive the Irish people or anybody else.

Mr. POINDEXTER. I did not intend, Mr. President——

Mr. WALSH of Montana. The Senator from Montana appreciates their good will very much, but beyond that it is a matter of indifference to him how they regard him or the resolution. The Senator from Montana introduced the resolution in the hope, as it is expressed therein, that an irritating factor in our relations with Great Britain would be removed. I claim the credit for simple honesty in the introduction of the resolution.

Mr. POINDEXTER. It is not my purpose to impute any ulterior purpose or any purpose upon the part of the Senator from Montana to deceive the Irish people. The purpose of my statement was to indicate that if the Irish people expected any benefit to come to them from any action under the resolution which has been introduced by the Senator from Montana, they would be grievously disappointed, and that the Senator from Montana would be grievously disappointed if he really thinks any benefit would come to the Irish people from any action that could be taken under this resolution.

Mr. PENROSE. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, on this point I do not want to interrupt the Senator from Washington; I only want to observe that the Irish people have been accustomed for 100 years or more to be buncoed and gold-bricked. The recent invitation to hold a constitutional convention has come to be so looked upon by Ireland, and that is the reason why the Irish are so incensed—because they have not been dealt with fairly and candidly. The crowning and most insolent effort to bunco the Irish is this resolution of the Senator from Montana. His belated enthusiasm for the cause of Ireland was only in evidence on yesterday. I should like to ask him what show Ireland would have with six hostile delegates from the British Empire, and perchance a statesman like the Senator from Mississippi appointed to represent the American Government as the crowning distinction of his illustrious career.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I decline to yield further at this time. I will yield to the Senator in a few moments.

A few days ago the Senator from North Dakota [Mr. MCCUMBER], speaking of this same position of predominance of Great Britain in the league of nations by reason of having six votes, made somewhat the same argument that has been made by the President and by the Senator from Montana and other advocates of the league—that is, that these great self-governing colonies, on account of their heroic sacrifices in the war, are entitled to recognition; and he then followed the same course that they all will follow by coupling that with the assertion that although these votes were given to them as a reward for their sacrifices in the war they were of no benefit to them—a sort of a hollow pretense of a reward for the sacrifices that they have made. The Senator from North Dakota said:

> Mr. President, almost every argument made on the floor of the Senate, and every one without exception made to the public by Senators opposed to any league of nations, has given the impression to the people of the world that the council or the assembly, as the case might be, is a sort of court or tribunal that decides the disputes between nations, and it is because of these misstatements of the facts and the misapprehension of many of our people arising therefrom that the ground is made fertile for the development of about all the animosities toward this league and especially toward the claimed voting power of Great Britain. I have no doubt the letter read by my colleague [Mr. GRONNA] this morning from the State of North Dakota was entirely founded upon that general misapprehension.
>
> I wish the public could just once fully understand, first, that not one case of dispute out of a hundred would ever go to the council or assembly; second, that even if all other efforts provided for the settlement of disputes should fail, the only thing submitted to the council or assembly is the right to investigate and report the facts to the public.

The same assertion has been made by the leading advocates of the league, those who are chiefly responsible for its formulation and presentation to the world—that this body in which Great Britain has six votes to our one, which the Senator from Montana now asks shall take jurisdiction of the Irish question, is a mere debating society and has no authority to decide anything. The Senator from North Dakota says that only one case out of one hundred would ever go before it.

Let us see what the plain provisions of the league covenant are on that subject.

Article 15 of this covenant provides:

> If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the secretary general, who will make all necessary arrangements for a full investigation and consideration thereof.
>
> For this purpose the parties to the dispute will communicate to the secretary general, as promptly as possible, statements of their case with all the relevant facts and papers, and the council may forthwith direct the publication thereof.

The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the council may deem appropriate.

If the dispute is not thus settled, the council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Then it proceeds as follows in relation to the assembly, in which Great Britain not only has 6 votes to our 1 but in which she has 18 delegates to our 3 sitting in this assembly. Although there are only 6 votes upon the part of Great Britain and 1 upon the part of the United States, there are 18 delegates upon the part of Great Britain and 3 upon the part of the United States.

If the council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

The council may in any case under this article refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.

From what I have read, this fact is indisputable, because this language is so plain that it is not capable of ambiguity of construction: That any dispute whatever between two nations that is likely to lead to a rupture—and every dispute which is of any importance is likely to lead to a rupture—which has not been otherwise settled, whether it is claimed by one of the parties to relate to a domestic question or not, may, as a matter of right upon the part of either one of the disputants, be taken into the assembly—not the council, but the assembly—and there it is. The action which the assembly shall take has been defined in the language of the covenant which I have just read.

There has been a great deal of assertion that the result of that action of the council would be merely—I think the President made that statement two or three times in the recent speeches that he has made—to postpone any military action or act of war upon the part of either one of the disputants for a period of nine months. That has been asserted over and over again. Under article 12 it is provided:

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute.

So that allowing six months within which the council is to make its report and the three months after that—what is called the "cooling-off period"—there are at least nine months in which neither one of the disputants can go to war if they keep their obligations under this covenant which we are asked to ratify; and it has been repeated over and over again that that was the extent of the limitation upon the sovereign right of a nation to take up arms in defense of its institutions or its citizens that was contained in this league. It seems to have been a deliberate attempt, because the people who have been making this argument are familiar with the instrument to leave out of consideration altogether in the discussion of this question—and I think it is the most vital one in the covenant—this language that is contained in article 15.

It does not say anything about nine months as the period within which a nation's hands shall be stayed by the obligation which it has assumed under this league before it will be able to take action in the defense of some vital right of the nation.

If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

The same obligation applies in case of decisions by the assembly, which are determined by a majority vote, under the conditions already stated.

There is not any limitation upon the obligation. They will not go to war, not within three months or within six months or within one year, but never. If this instrument is ratified and this Nation becomes a member of the league, a dispute about some question in Montana, perhaps, may come before it. If the league is going to take jurisdiction of such a question as the Irish question, it may take jurisdiction of the claim of citizens of Montana that their comrades have been hung without trial. One man was hung by the neck from a trestle out there because he was trying to create sedition or insurrection, and great numbers of his friends claimed that they had been denied their constitutional rights. That is no more of a domestic question than the Irish question is. They might go before this league, and, if we follow the lead of the Senator from Montana, it will be decided in a tribunal in which we have no vote at all, because we would be one of the interested parties; the British Empire would have six votes; and we would be compelled to accept whatever decision the assembly might make for the settlement of that or any other question which they chose to assume jurisdiction of, the discretion being vested in that tribunal to determine whether it was purely domestic or whether it was of such a character as affected the interests of the world, as the Senator says we decided in the case of Cuba when we took jurisdiction of it as an international matter.

When it is decided, so far from being merely advisory it is absolutely binding, because we have committed ourselves never to take up arms to vindicate our position in the matter. There is no other way in which a nation can assert its rights, when it comes to a dispute over a vital matter with another nation that is decided by a great international tribunal. If we bind ourselves that we will commit no act of war against our antagonist in that controversy who accepts the decision of the league, then the decision becomes final and binding.

That is the advisory character of the assembly, which it is said has no jurisdiction except to talk; and upon that interpretation of it we are asked to ratify this instrument. That is the sort of information that has been given to the public as to the nature of this central tribunal for the decision of world questions and of the foreign relations of all of the members of the league which we are asked to ratify.

I thought, Mr. President, it was an opportune time to call attention to the nature of the power of the assembly of the league of nations, which, if we are to believe the Senator from Montana, can take up and consider, and once taking up and considering, will finally determine under its own jurisdiction even such questions as the integrity of the British Empire or the right of the United States to govern its various dependencies.

Mr. President, a great deal has been said to the effect that immigration is a domestic question, and as such could not be considered by the league.

Immigration is a matter which concerns the movement of the nationals of one nation from their own country into another country. From immemorial times that of necessity has been the subject of international treaties. It could not have been the subject of international treaties unless it was an international question. The dispute between two nations about the respective rights of their nationals is an international dispute. Does any Senator who looks upon this matter with impartiality—does the Senator from Montana, who is interested in the question of immigration to the Pacific coast, doubt that if the question should be presented by Japan to the assembly, where they have a right to go, of the right of her subjects to settle in the United States under the laws of the United States, a dispute which is not merely academic, but which is concrete and actually existing, that the assembly would deny that that was an international dispute? It is bound to be an international dispute if it is a dispute between two nations, and it is perfectly evident that each nation in the case I am mentioning has a substantial interest in it.

Mr. WALSH of Montana. Mr. President——

Mr. POINDEXTER. Then it goes to the assembly of the league of nations, and when that assembly decides the question Great Britain would be there with her 18 delegates for consultation and for advice and for influence, with her 6 votes against the 1 vote of the United States. However, the United States would have no vote in such a case as that. Does the Senator doubt that when the assembly decided a case one of the parties to which was a nation that was not only an ally of Great Britain in this war but a general ally under a treaty of alliance between the two nations, the decision of the assembly would be forever binding upon the United States? How could we resist it after we have obligated ourselves that we will not go to war against our antagonist in any such dispute?

Mr. WALSH of Montana. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Montana.

Mr. WALSH of Montana. I understood the Senator to address a question to the Senator from Montana, which I shall be very glad to answer. I think the Senator from Washington has rendered a service in calling attention to the binding character of a decision by the assembly. I say to him with perfect frankness, if any question should be presented to the assembly, any dispute in which the United States is interested, and the United States should insist that the question was one of domestic concern purely, and therefore that the assembly, consisting of at least one and possibly three representatives from every nation being a member of the league, should decide

against the United States and hold that the question is one of international import and not purely domestic, and thus take jurisdiction of the matter and reach a conclusion unanimously against the United States, so that a determination would be made, I should like to have the world understand that under those circumstances the United States binds itself that it will not go to war. In other words, whenever all the nations of the earth, gathered together, decide and determine a dispute between the United States and another nation and unanimously agree that the United States is in the wrong, I should like to have the world understand that we have obligated ourselves not to go to war.

Mr. POINDEXTER. I am very glad the Senator has made that statement.

Mr. WALSH of Montana. Let me state further——

Mr. POINDEXTER. I decline to yield further. That makes the matter quite clear. That is very different from the President's view of this matter and the views of the Senator from North Dakota [Mr. MCCUMBER], which I have just read, and the views of all the other advocates of the league whose expressions I have so far heard.

Mr. WALSH of Montana. Mr. President——

Mr. POINDEXTER. I will yield in a moment. I would like to comment on what the Senator has just said. Their attitude has been that the assembly of the league was merely a conciliatory body, that it could merely debate and make recommendations, and that those recommendations, when reports were made, were merely advisory. The Senator from Montana, if I correctly understand him now, admits—an admission which it seems to me is merely a recognition of the plain language of the covenant—that the United States in such a case, by ratifying this covenant binds itself in advance that it would not go to war against the decision of the assembly.

Mr. WALSH of Montana. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Montana.

Mr. WALSH of Montana. Before the Senator proceeds, I desire to take exception to the statement that I admit anything. That is the plain language of the covenant. There is no admission. I so assert. But, Mr. President, I assert also that because there must be a unanimous decision, which is remotely improbable——

Mr. POINDEXTER. That is a different question, Mr. President.

Mr. WALSH of Montana. That it will amount to anything except a discussion of the question, because it is scarcely conceivable that there can be a real dispute between two nations with respect to which all the other nations of the earth will say that one of them is wrong. So the matter would be merely a debate.

Mr. POINDEXTER. I am somewhat in doubt now as to whether the Senator admits that we would obligate ourselves not to go to war or whether we do not obligate ourselves.

Mr. WALSH of Montana. The Senator need not be in doubt about it.

Mr. POINDEXTER. Or whether he says he wishes we would obligate ourselves.

Mr. WALSH of Montana. If such an improbable thing that there should be a unanimous decision with respect to a controversy between this country and another should be rendered in the assembly, we bind ourselves that we will not go to war against the decision of the assembly.

Mr. POINDEXTER. We do bind ourselves?

Mr. WALSH of Montana. Exactly.

Mr. POINDEXTER. Let me understand the Senator from Montana clearly.

Mr. WALSH of Montana. The Senator understands me perfectly clearly.

Mr. POINDEXTER. Do I understand that the Senator from Montana admits that by this covenant we would bind ourselves not to go to war against a nation having a dispute with us that accepts the decision of the assembly?

Mr. WALSH of Montana. There is nothing equivocal about my statement. The Senator can not possibly have misunderstood it. I do not admit anything. I assert that in the improbable case of a dispute concerning which there would be a unanimous decision of the assembly against us, every nation on earth taking the view that we are wrong about it, we bind ourselves not to go to war.

Mr. POINDEXTER. I am just as much at a loss now as I was before to know what the Senator's conclusion is as to the obligations which we assume under the covenant of the league of nations, whether the Senator agrees that we would be obligated not to go to war if our antagonist in the dispute accepted the decision of the assembly, or whether we would not be. Evidently, notwithstanding the number of times the Senator has discussed the league of nations, and the intense feeling which he has displayed about the obligations of the United States under this league, he is not familiar with its terms, which surprises me very much. I had thought that the Senator had read the article which he is talking about, and that he knew what are its contents. The Senator assumes that the decisions of this assembly will have to be unanimous, under the terms of article 15. The contrary is the fact. They do not have to be unanimous at all. In view of the fact that evidently the Senator has not read it, or else has forgotten what it is, I will read it now. I have a copy of it in my hands. We might as well know what it is we are talking about.

Mr. WALSH of Montana. The Senator from Montana is perfectly familiar with it.

Mr. POINDEXTER. Article 15 reads:

> The council may in any case under this article refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.
>
> In any case referred to the assembly all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority—

Not unanimous, but a majority—

> of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

So, Mr. President, so far from this being the case which the Senator has picked out, of every other nation in the world unanimously, as he vehemently emphasized, agreeing to it, it is not declared that every other nation in the world or every other member of the league or every other member of the assembly shall agree to it. It only requires that representatives of those nations who are represented upon the council shall agree to it, and a majority of the other members of the league. That is all that it requires.

Now, Mr. President, let me comment a little further upon another suggestion of the Senator from Montana. He departed from the question which we were discussing, as to what the effect of the covenant would be, and assuming that the covenant was a satisfactory one to the United States—that is, even assuming that the covenant required the unanimous decision of the assembly—he undertook to argue that if the other nations of the world represented in the assembly unanimously decided that as to a question which the Government and the people of the United States claim to be a domestic question, if the other nations of the world, all of whom have conflicting interests with the United States, should decide that it is not a domestic question, we must accept their decision.

Mr. LODGE rose.

Mr. POINDEXTER. Just one moment and I will yield to the Senator from Massachusetts.

The result of that would be, under the interpretation which the Senator from Montana gives to the covenant and which is a much more favorable interpretation than can possibly properly be given to it, that the foreign affairs of the United States would be taken out of the control of the people and the Government of the United States and put under the control of foreign nations; and the Senator from Montana stands in his place and attempts to justify that, and says that he is willing that the independence and sovereignty of this country, which would be involved in such a dispute, should be committed to the decision of foreign peoples if they agree upon a decision.

I yield now to the Senator from Massachusetts.

Mr. LODGE. The hour of 2 o'clock having arrived, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to.

Mr. BORAH. Mr. President, may I ask a question?

Mr. POINDEXTER. I yield to the Senator from Idaho.

Mr. BORAH. A parliamentary inquiry. What becomes of the resolution now? Does it go to the calendar?

The PRESIDING OFFICER. It goes to the calendar.

Mr. BORAH. Will it be permissible, under unanimous consent, to have it remain on the table without prejudice, and would the Senator from Montana be willing to have that course taken?

Mr. WALSH of Montana. That course would be quite agreeable to me.

Mr. LODGE. It can be taken from the calendar by motion at any time.

Mr. BORAH. I myself want to discuss the resolution.

Mr. WALSH of Montana. I should be glad to have unanimous consent given that it shall go over without prejudice.

Mr. LODGE. I think it can be reached just as easily on the calendar as on the table. I have no objection, however, to having it go to the table.

Mr. WALSH of Montana. I ask unanimous consent that the resolution may go over without prejudice.

Mr. LODGE. Of course it is not before the Senate now.

Mr. WALSH of Montana. That is true.

Mr. LENROOT. Mr. President, I do not think consideration of the resolution ought to interfere with the consideration of the peace treaty in any way. Therefore I object.

The PRESIDING OFFICER. Objection is made. The resolution goes to the calendar.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. POINDEXTER. Mr. President, I am very glad indeed to have this very clear statement from the Senator from Montana this morning, part of it embodied in the resolution, in the first place that he is not only willing but advocates that the league of nations shall at least consider, I am not thoroughly clear as to whether or not the Senator from Montana thinks they should act upon and decide, such questions as the Irish question. I do not know exactly what he means by the Irish question. I do not know whether he means land laws for the Irish people, or home rule for the Catholic population, or for the north of Ireland, or home rule for a part of them and not for the other part, or whether he means Irish independence. At any rate, whatever the Irish question to be submitted to the league may be defined to be, his position is that the United States, acting through the Senator from Montana as the initiator of the movement in the Senate of the United States, shall intervene in the question and bring it before the league of nations, and that the league of nations shall take it up; and, in the second place, after having vested the league of nations with jurisdiction of questions of that kind, that we shall be bound by their decision, not for nine months, but forever, in case the other members, not involved in the dispute, unanimously agree upon the decision.

I have no doubt, Mr. President, that it would be a very easy matter to get a unanimous decision from the other members of the league to abolish the Monroe doctrine. I never knew of a South American country that thought very much of the Monroe doctrine. My impression is that those nations which really owe their existence to it are not friendly to it. They misinterpret it, and it would not be difficult to get them to vote, in the league of nations, for the abolishment of the Monroe doctrine, or to reject any plea that was introduced by the United States in a dispute between it and another nation based upon the Monroe doctrine. Does anyone have any doubt that Japan would vote with the European nations on that question, or that Haiti would vote with them on that question, or that Cuba would do likewise?

I am not sure whether they would or would not, but I am not sure by any means that they would not, and the consequence is that you are submitting to this decision, even though the rule were, as the Senator from Montana mistakenly thought it was, that the decision should be unanimous, jurisdiction over a doctrine, as it is called, a policy of the United States which has come to be one of the unwritten laws of our foreign policy and as essential to the development of the interests of this country as the Constitution itself. There can not be any doubt whatever after this as to the position of at least the Senator from Montana upon those questions.

Now, Mr. President, I want to refer to another feature of the discussion. I have called attention to the fact that we are binding our hands forever to accept the decision of this tribunal in which Great Britain, one of the aggressive nations of the world, has six times the power that the United States has. Cover it up as you may, by sophistry or by an attempt to make plain language mean something else than it actually does mean, the British Empire has six times the power that the United States has in the assembly of the league; and we are told that we must consent to that because of our obligations to Europe. The Senator from Nebraska says that we must give six votes to the British Empire in this league because of the great services that Great Britain and her colonies have rendered in the war.

We aided them at least in winning the war, and it would be supposed that they would have been under obligations to us, but, according to the Senator from Nebraska [Mr. HITCHCOCK], the greater the services we render the greater are, not their obligations, but ours.

The Senator from Nebraska, who has talked so much about the regard that he has for the Allies and our duty to serve them in Europe after the war is over, stated the other day on the floor of the Senate that he had not changed his position which he occupied during the war toward the several belligerents. He even went so far as to dispute the assertion of the Senator from Missouri [Mr. REED] that he had introduced an embargo resolution in the Senate after the *Lusitania* was sunk, and when it was shown that he had introduced it some seven months after the *Lusitania* was sunk the Senator from Nebraska stated that he had never apologized for it and was not going to apologize for it. I assume that means that he is not going to apologize for the position which he took throughout the war and up to the time of the declaration of armed neutrality, after Germany had made war upon the United States, after the President had appealed to Congress to authorize him to arm our merchant vessels in order to protect them against the war which Germany was making upon them. I only referred to this——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. Certainly.

Mr. HITCHCOCK. To what action of mine does the Senator refer at the time of the armed-neutrality discussion?

Mr. POINDEXTER. I refer to the Senator's action in speaking on the floor of the Senate in behalf of Germany.

Mr. HITCHCOCK. The Senator knows that I conducted the armed-neutrality resolution through the Senate as far as it went.

Mr. POINDEXTER. Yes; that was a thing that seemed to me quite peculiar, that the Senator could conduct, nominally, the armed-neutrality resolution, which, my understanding is, came not from the Senator from Nebraska, but from the administration——

Mr. HITCHCOCK. It came from the Committee on Foreign Relations.

Mr. POINDEXTER. I hardly think it originated in the Committee on Foreign Relations. My impression is it came from the Executive branch of the Government.

Mr. HITCHCOCK. It did. It was the recommendation of the President.

Mr. POINDEXTER. It came to the Senate and was then referred to the Committee on Foreign Relations.

Mr. HITCHCOCK. Does the Senator question that I supported that resolution to the limit of my ability?

Mr. POINDEXTER. I certainly do. I fail to see how the Senator could support that resolution to the limit of his ability while he was declaring at the same time, and a long time after it had been introduced, to the limit of his ability, that he sympathized with Germany, that not only the German people but that the German Government were entitled to a great deal of consideration, and when he had pending at that time a bill and a resolution for an embargo upon arms and was attempting to get them passed through Congress, and which, if he had succeeded in getting them passed, would have brought about a German victory.

Mr. HITCHCOCK. Why does the Senator say that I was attempting at that time to get my embargo bill passed through Congress?

Mr. POINDEXTER. Well, I will call attention——

Mr. HITCHCOCK. The Senator knows that it was a very material distance previous to that time. The Senator will recall, if he will think a moment, that I led the fight in the Senate and endeavored by every human means to secure the passage of the resolution authorizing the President to arm the merchant ships of the United States and protect our neutrality by arms. The Senator knows that.

Mr. POINDEXTER. I do not know that at all, Mr. President. I know that the Senator urged the adoption of the resolution, but when the Senator at the same time justified the acts of war upon which the proposal for armed neutrality had been based, expressing sympathy for Germany and for the German Government, it impaired to a great extent the strength and influence of his support of the armed-neutrality resolution. I will call attention to the language——

Mr. HITCHCOCK. I should like to have the Senator give some dates now.

Mr. POINDEXTER. I will.

Mr. HITCHCOCK. The Senator is confusing one year with another. The Senator knows very well what brought on the demand for armed neutrality and later the demand for war. It was the decision of Germany to retract her promise not to attack American vessels by submarine warfare.

Mr. POINDEXTER. Yes.

Mr. HITCHCOCK. He knows that decision was reached by Germany and announced to the United States in the spring of 1917.

Mr. POINDEXTER. Yes.

Mr. HITCHCOCK. And that when Germany took that position, when she retracted her promise to us, then the administration moved for armed neutrality; and I supported the armed-neutrality resolution. The Senator knows that that armed-neutrality resolution failed because a few Senators here in the Senate fought it and resisted it by filibuster until 12 o'clock noon on the 4th of March, 1917, and that Congress then automatically and necessarily adjourned. He knows that the President thereupon, within a short time, reconvened Congress in extraordinary session; he knows that when Congress convened in extraordinary session it was I who had charge in the Senate of the resolution declaring war on Germany. Now, he knows these things, and why does he state that at that time I was advocating an embargo on arms? He may have confused his dates, but at least he ought to correct his gross misstatements.

Mr. POINDEXTER. Mr. President, the armed-neutrality resolution was introduced in the House of Representatives on February 26, 1917; it was reported with amendments to the House and committed by the House to the Committee of the Whole House on the state of the Union on February 28, 1917. That resolution provided as follows:

That the President of the United States be, and he is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

That resolution, Mr. President, recognized the fact that unlawful attacks were being made upon the merchant ships of the United States, and had been made upon them previously to the time of the passage of the resolution. The fact is that such attacks had been in process for a considerable period of time. The declaration of war on April 6, 1917, contained this language—not that we declared war upon Germany but that we recognized the state of war existing between Germany and the United States:

That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared, and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

Recognizing at that time the existence of a state of war which had existed for a period of time prior to its recognition by the resolution.

In the address of the President of the United States of April 2, 1917, at the joint session of the two Houses of Congress, the President said:

On the 3d of February last I officially laid before you the extraordinary announcement—

"The 3d of February." I beg the Senator from Nebraska to note that date—

On the 3d of February last I officially laid before you the extraordinary announcement of the Imperial German Government that on and after the 1st day of February it was its purpose to put aside all restraints of law or of humanity and use its submarines to sink every vessel that sought to approach either the ports of Great Britain and Ireland or the western coasts of Europe or any of the ports controlled by the enemies of Germany within the Mediterranean.

And he proceeded to say:

I was, for a little while, unable to believe that such things would in fact be done by any Government that had hitherto subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up, with meager enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded. This minimum of right the German Government has swept aside under the plea of retaliation and necessity and because it had no weapons which it could use at sea except these which it is impossible to employ as it is employing them without throwing to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of noncombatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people can not be. The present German submarine warfare against commerce is a warfare against mankind.

It is a war against all nations. American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how it will meet it. The choice we make for ourselves must be made with a moderation of counsel and a temperateness of judgment befitting our character and our motives as a nation. We must put excited feeling away. Our motive will not be revenge or the victorious assertion of the physical might of the Nation, but only the vindication of right, of human right, of which we are only a single champion.

I read that, Mr. President, and call attention to the language of the resolution recognizing a state of war and the bill authorizing the President to arm our merchant ships in order to show the conditions which not only then existed but had existed for a considerable period of time previous to that, during which time the Senator from Nebraska used the language to which I have called attention on the particular date I have mentioned.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator has read the President's statement that Germany withdrew the promise she had made and proceeded to unrestricted submarine warfare; the Senator knows that the promise made by Germany in 1916 was kept for a number of months and not withdrawn until the 31st day of January, 1917; and when Germany withdrew it and proceeded to make submarine warfare upon our vessels the President then demanded, first, the armament of our ships to protect our neutrality, and immediately thereafter he demanded action by Congress declaring a state of war. The Senator is not warranted in saying that this condition had existed long; it had only existed since the 31st day of January, 1917, for that was the date when Germany withdrew her promise; that was the date when she proceeded to unrestricted submarine warfare, and it was that act of Germany which caused the action of the United States leading us into the war against Germany.

Mr. POINDEXTER. Yes.

Mr. HITCHCOCK. So that the condition was not a protracted one. For many months Germany was operating under the promise not to do those things which she finally decided to do against us on the 31st day of January, 1917.

Mr. POINDEXTER. Well, Mr. President, a considerable period of time elapsed between the 31st day of January, 1917, and the 4th day of March, 1917, when the armed neutrality resolution was temporarily delayed by the close of the Congress. A considerable period of time elapsed between the 31st day of January and April 6, 1917, when the declaration recognizing the existence of a state of war between Germany and the United States was adopted. Furthermore, Mr. President, the *Lusitania* was sunk in May, 1915. That was the most egregious of all the piratical acts of Germany in violation of the rights of American citizens upon the high seas which she committed. The Senator knew of that; the whole world knew of it; the sentiment of our people was known in regard to it. It was still uncondoned, notwithstanding the weary series of notes that were exchanged. Long after that, long after Germany had broken her promise and renewed her warfare upon American citizens pursuing their peaceful occupations upon the high seas, the Senator from Nebraska, who now charges his opponents in this matter pending before the Senate with being the associates only of Bolshevist organizations and of catering to the German vote, was espousing the cause of Germany in the war, or at least declaring himself a neutral, and on other occasions declaring himself in sympathy with Germany and asking for consideration not only for the German people but for the German Government.

The Senator from Nebraska on December 7, 1914, introduced a bill, being Senate bill 6688, providing as follows:

That it shall be unlawful and treated as a breach of the neutrality laws of the United States for any person, partnership, or corporation to sell or contract to sell, or deliver or contract to deliver, during the existence of war between nations with which the United States is at peace any arms, ammunition, artillery, and explosives of any kind whatsoever to be used against a country or nation with which the United States is at peace; and during the existence of war it shall be unlawful to sell for exportation or to export arms, ammunition, artillery, and explosives, except upon filing with the Secretary of Commerce such satisfactory sworn proof that said arms, ammunition, artillery, and explosives are not intended to be used in violation of this act.

Any person violating this act shall be fined not more than $100,000 and imprisoned not more than three years, and any arms, ammunition, artillery, and explosives, the exportation of which is attempted in violation of this act, shall be forfeited, one-half to the use of the informer and one-half to the use of the United States.

On the same date, Mr. President, to show the activity and interest of the Senator from Nebraska in this matter, he introduced Senate resolution 488. It provided:

Resolved, That the Secretary of Commerce be, and he is hereby, directed to inform the Senate whether and to what extent arms, ammunition, artillery, and other similar munitions of war have been exported from the United States to each of the belligerent nations in the present war, and to Canada, for each month from the 1st of August to the 1st of December.

Resolved also, That he inform the Senate to what extent contracts with American concerns are now being executed for the manufacture and exportation of arms, ammunition, and artillery, and that said statements be so far as possible in detail.

Again, Mr. President, on February 2, 1915, the Senator proposed as an amendment to Senate bill 6856, and had printed, practically the same proposition as that which is included in the bill and resolution which I have just read.

Still later than that——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. Just a moment. On December 7, 1915, the Senator again, seven months after the sinking of the *Lusitania*, introduced Senate bill 380, entitled "A bill to prohibit individuals, partnerships, or corporations in the United States from selling arms, ammunition, artillery, and explosives of any kind for exportation during the existence of war except upon proof that said arms, ammunition, artillery, and explosives are not to be used in said war against a country with which the United States is at peace."

During the interval between the introduction of these various bills, and at the time they were introduced, the RECORD shows that the Senator from Nebraska was exceedingly active in pressing them for adoption. About that time there was a powerful organization in the United States with some such title as "The American Embargo Association," organized of sympathizers with Germany for the purpose of bringing about the adoption of this legislation; and in the effort to bring it about the Senator from Nebraska not only introduced bills but introduced resolutions, and not only introduced separate resolutions and bills but introduced amendments to other bills then pending, and spoke in favor of them in the Senate.

I pause to make this comment upon that, Mr. President, and I would not have called attention to it but for the epithets that have been used by the Senator from Nebraska in this debate and to illuminate his expressions of affection, now that the war is over, for our allies—that it would have been a good deal better if he had indicated some sympathy, if not affection, for them while they were fighting in a desperate situation for the preservation of their nationality and independence. On the contrary, however, if the Senator from Nebraska at that time, when they needed friends and assistance, had succeeded in accomplishing what he undertook to do, the Allies would not now be making a victorious peace, but Germany would be dictating peace to the world.

Mr. President, if the Senator from Nebraska had had his way in this war which he talks about in his support of the league of nations, instead of curbing Germany, which he now says he wants to do, it would have been equivalent to leading into the field in behalf of Germany an army of a million well-armed soldiers. They would have done Germany no more good, they would have contributed no more to her success, than would the placing of an embargo upon the shipment of the necessary materials for the conduct of the war which they were obliged to obtain at that time in the United States, as proposed in the persistent efforts of the Senator from Nebraska, if he had succeeded in having his way, though he now claims to be such a good friend of the Allies.

Mr. President, by reference to volume 52, page 3938, of the CONGRESSIONAL RECORD of the date of February 17, 1915, this language will be discovered, used on the floor of the Senate by the Senator from Nebraska, indicating his attitude at that time, for which, as I understand, he says he has no apologies to make:

> Mr. President, let me come to the issue. Is it an act of unneutrality in the midst of war for the United States to prohibit its citizens from selling arms and ammunitions manufactured in this country to belligerent nations that are making war upon nations with which we are at peace? The argument that this is so is made upon this theory, that one of the great sides to this horrible war has succeeded in getting command of the sea; that it is solely able to draw upon our great resources and to purchase our arms and ammunition; and that to pass this act at this time would be to withdraw from it the benefit which it enjoys and the advantage which it has gained.

On page 3939 he says:

> I say, Mr. President, it is time this country again awakened to the fact that we have a responsibility to share in what is going on; and I may say, by way of interruption to myself at this time, that I believe the time is at hand when the United States should lead the neutral nations of the world and take aggressive steps to bring this war to a close.

That was while Germany was in occupation of Belgium and northern France, in the full flush of the atrocities which shocked the world; and the Senator from Nebraska declared that we should withdraw our support from those nations which were standing for civilization, and that we should bring the war to a close. Of course, it is needless to say that that would have been a German victory.

At the same time and at the same place the Senator used this language:

> Why, we have already seen in this country, Mr. President, what it means. It means that, by permitting this traffic, we are arraying citizen against citizen, race against race; and while a few months ago there was a friendly feeling between all of the various stocks which have come from Europe, where German and Bohemian and Pole and Russian and Swede and Englishman and Frenchman all lived together in comparative peace and harmony, there is developing in this country at the present time a tendency which threatens to disintegrate our population into the different races; which threatens to array race against race in the United States.
>
> I say the fact that we are in such a position, the fact that we have such a heterogeneous population, the fact that we have the sons of so many European countries in our own midst, is a reason why we, at least, above all the nations in the world, should keep out of any entanglements in time of war. We should carry the policy of abstention to the limit.

Not only, Mr. President, has the Senator reversed his attitude toward France and Great Britain, who were the chief instruments in checking the wicked ambitions of Germany, but he has reversed his attitude toward European entanglements. He has become the advocate not only of entanglements but of union with Europe, and the advocate of a covenant of international government which ties the United States to Europe and to Asia and to other parts of the world that are represented in the league, in every controversy of importance which may arise in those parts of the world, whether it is a matter of interest to our people or not. It is quite a contrast to the attitude that the Senator took during the war.

At the same time, the Senator said in the Senate:

> I have no friendships and no sympathies on either side.

Now that we have won the war, he says that our friendship must go to the extent of sharing in all the burdens of the future which may afflict these allies. At the time when they needed friends and at the time when such an emergency had arisen that it threatened the integrity of the United States the Senator said he had no friendships.

In volume 53 of the CONGRESSIONAL RECORD, page 1613, on January 27, 1916, about a year later, the Senator was still indifferent as to whether or not France and Great Britain survived in this frightful contest. The Senator did not care at that time whether they won or lost. He apparently was perfectly indifferent as to what the consequences to the United States would be if Germany overran Europe, consolidated the resources of materials and of men of those conquered countries, and hurled them in due time, when she was ready, against the United States. The Senator did not care. He was indifferent because, he said, according to the CONGRESSIONAL RECORD:

> I am a neutral, Mr. President.

He not only said that he was a neutral, but he also said:

> I do not want to see either side in this war crush the other side. I am against having either of them victorious.

Now, when they do not need friends, when they are victorious, when they are the masters of Europe, it might be of some interest to them, if not to our own people, to recall the fact that when they did need friends the Senator said that he did not want to see them victorious—the advocate of a league of nations! That was almost a year after Germany had perpetrated the marine outrage of torpedoing a passenger ship without notice and without any attempt to save the passengers, which the rules of decency and of international law required. The Senator from Nebraska was not indignant at that. At least, he was not indignant to the extent of caring whether or not the nation which had perpetrated it succeeded in her ambitions and designs of conquest, which meant the domination of the world and ultimately, I believe, if she succeeded, either a contest between the United States singlehanded against the consolidated resources of Europe under German dictation or else the domination by Germany of the United States as well as the rest of the world.

I think all of this throws considerable light upon the sincerity of the arguments that are made about the advisability of the ratification of this league because of the necessity of curbing Germany. The Senator from Nebraska says that we must ratify this league because it curbs Germany. Mr. President, Germany was curbed when the back of her army was broken by the Allied troops in the Argonne in November, 1918. The war was won then, and from that time to this three nations of Europe have been able alone, without the assistance of the Senator from Nebraska or of the United States, to put Europe in order.

The Senator now says that we must ratify the league of nations, the treaty of peace, and the International Labor Conference, because if we do not do that we may not be able to assist in fixing the customs duties of Germany. That is one of the arguments that he is put to in favor of the league of nations. Mr. President, the time has never been in the history of American commerce, at least not for many years, when this Nation was not able to secure perfectly fair trade agreements with all other nations in the world. The control of the United States over the commerce of the United States, which does not depend upon a league of nations, is sufficient protection to our interests in the German customs tariffs.

So it may be said as to the argument which the Senator from Nebraska makes in behalf of the ratification of this league, because through it our title to the proceeds of the alien property which has been sold in this country may be secured. As was very well said by another Senator the other day, that is in the possession of this country, and we are able to protect it. I assume that we do not want to do anything unjust in regard to it. We are able to decide what is right, and we are able to defend our position after we have decided what is right in regard to that proposition, whether this treaty is ratified or not.

The Senator says that it would be poltroonery and dishonor for the United States now to abandon France and England, although he thought it was highly honorable to abandon them in 1915. In volume 54, page 2235, on January 30, 1917, shortly before the armed neutrality resolution was presented and about the time Germany renewed her submarine warfare, which is the circumstance to which I referred a moment ago, the Senator from Nebraska supported the declaration of the President made to the Senate in favor of a peace without victory, thereby reiterating the attitude which he had expressly stated in the Senate on various occasions, that he did not want to see either side victorious. Referring to that declaration of the President for a peace without victory, the Senator from Nebraska said on January 30, 1917:

> It has been received in every great country in the world and read by millions of the people of the world, and it has met a responsive chord in every country. It is to-day an issue in every great nation, and it is to-day the greatest influence for hastening the advent of peace and bringing a close to this terrible war.

I repeat, Mr. President, the thing which he was there eulogizing was the peace without victory of either side.

So, Mr. President, much later than that, long after the armed-neutrality resolution had been introduced—for it had been reported in the House of Representatives on February 28, 1917, and I have called attention to the date when it was introduced—the Senator said he changed his position. He must have made a lightning change, judging from the CONGRESSIONAL RECORD. Three days after the introduction of this armed-neutrality resolution in the Senate, after it had passed the House of Representatives, only one month before we entered into the war, March 4, 1917, as reported in volume 54, page 5018, CONGRESSIONAL RECORD, the Senator from Nebraska used this language:

> I feel, Mr. President, therefore, a sympathy for the German people, who, after all, are only living the lives that their destiny requires them to lead.

At that time the German Army, composed of all the able-bodied male members of the German people, were committing all the atrocities that their ingenuity could think of in the destruction of life and property in Belgium and northern France. The Senator from Nebraska said he sympathized with them. They were then engaged in enslaving and despoiling the people of France and Belgium, and in the pillage of those countries.

The Senator not only sympathized with the people, but he praised the Government of Germany, in this language:

> We are wont to condemn their Government, Mr. President, and because our sympathies go strongly to the other side, we forget that the Government of Imperial Germany has done more for the common people, the masses of the German people, during the last 45 years than any country in Europe, at least, has done for its people.

Not only that, but the Senator from Nebraska at the same time condoned the German atrocities, which aroused the indignation of the world, committed against these allies that he thinks now we ought not to desert, ought to cleave to after they have won the victory, when he would not cleave to them while they were in the midst of the fight. Said the Senator from Nebraska:

> When a man is crowded against the wall or is fighting for his wife and his children, he will not think of the means that may be necessary. * * *
>
> Do Senators think that the parents of those children * * * are going to observe the ancient rules of international law?

He further eulogized the President in his persistent efforts to bring about a peace without victory, saying:

> It is not only the people of the United States who owe this great debt of gratitude to the President, it is the people of all the world; * * * the son of any one of these countries is indebted to the President of the United States for having succeeded * * * in keeping one of the great nations out of this awful calamity.

Mr. President, the Zimmerman note, of notorious memory, was published in the United States on March 1, 1917. Everybody remembers the feeling of the citizens of the United States when that note was published, indicating an effort on the part of Germany to stir up a conspiracy with Mexico and Japan to partition the United States, to give California to Japan, Texas to Mexico, and most of the rest of the United States to Germany. When everybody else was quite indignant about that note the Senator from Nebraska said, as appears in the CONGRESSIONAL RECORD, volume 54, page 4595, on March 1, 1917:

> I am sorry to say that much the Senator from Missouri has declared as to false reports or conspiracies to circulate them is true. The American mind has been poisoned with false reports, and we have had an opinion created in the United States which has not altogether been justified by the facts.

Of course, that was a long time after the Bernstorff atrocities. The Senator from Nebraska, who now talks about the poltroonery of those who will not agree to submit the foreign affairs of the United States to the control of the league of nations, used these words many months after Von Bernstorff had employed his agents to murder the citizens of the United States, blow up its manufacturing establishments, insult its Government, and recompense the people of the United States for the hospitality which he had received by the violation of their laws and the commission of innumerable indecencies. The Senator from Nebraska still thought that the American mind had been poisoned by false reports against Germany and German agents.

Mr. President, the sincerity of the appeals which are made by the Senator who has charge of this covenant of the league of nations, to ratify it on account of obligations that we owe to France and to Great Britain, is to be considered in connection with his declarations at an earlier day as to the real feeling which he had toward those great free nations, in the midst of their desperate struggle for liberty and civilization. It is for that purpose, and in order to throw some illuminating light upon the arguments of the Senator from Nebraska, that I have called attention to these records.

The PRESIDING OFFICER. The Secretary will continue the reading.

Mr. HITCHCOCK. Mr. President, I do not want to detain the Senate from the reading of the treaty. I think this form of filibuster is very obnoxious, aside from the personal attack involved. I am not an issue in this controversy. I did introduce an embargo bill on the first day Congress was in session after the war broke out. I introduced it on the 7th of December, 1914, and I affirm now it would have been wise for the United States to have maintained its neutrality, and not to have sold arms and munitions in enormous quantities, by which this country was practically converted into a base of supplies for one side.

I do not believe, and never have believed, that such action on our part, if we had prohibited the export of arms and munitions in enormous quantities, would have resulted in a German victory. I have no idea that it would, because at that time Russia with her full power was in the field. It would probably have resulted in an earlier peace, and instead of having the welter and the ruin which we behold all over the world now, with 7,000,000 dead men and twice 7,000,000 cripples, the war would have been brought to an end without any such result.

Ultimately it may be better and it probably will be better, I am frank to say now, to have militarism wiped off the face of the earth, as it has been. It may be better, and it probably will be better, that the Empires of Russia, Germany, and Austria-Hungary have disappeared, but at that time, if the United States had passed an embargo bill and refused to allow itself to be made the military base for either side, the result would have been the adoption of a peace without any victory on either side. With Russia still pounding at the doors of eastern Germany, Great Britain in command of the sea, and France with an enormous army in the field, the result would probably have been a peace without victory, it probably would have been a compromise, and the United States would not have been involved in the war.

But, Mr. President, the Senator well knows that when I introduced that resolution on the first day the Congress met after the war opened—December 7, 1914—that did not express sympathy for either side. That was purely a question that this country might remain neutral, under the proclamation of the President of the United States that was not questioned anywhere. No Senator rose in his place to move a declaration of war, though that is the function of Congress. The whole country acquiesced in the idea of neutrality, and it was only those people making millions and hundreds of millions of dollars out of the manufacture of munitions, to keep the war alive, who objected to it and objected to the position which I took.

I want to say, furthermore, Mr. President, that the Senator who has just taken his seat, the Senator from Washington [Mr. POINDEXTER], himself supported my resolution in the Senate of the United States. He remembers when I offered it as an amendment to the shipping bill. He remembers when a motion was made to lay it on the table, and he joined me at that time in voting against laying it on the table, and so did 34

other Senators here. It ill becomes the Senator at this time, for the purpose of making a little personal attack upon me, to bring up that matter.

Mr. POINDEXTER rose.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. Mr. President, that is all I care to say. I would prefer to have the Senator's ill will and bad opinion than his good opinion.

Mr. POINDEXTER. Mr. President, I am very sorry I can not accommodate the Senator. I have a very good opinion of him. The fact that I called attention to his congressional record ought not to anger him so. I made no animadversions upon the Senator. I simply read from the CONGRESSIONAL RECORD. Of course, the Senator's heat and the Senator's indignant expression is not a matter of any great concern. I do not think the Senator will feel that way after he thinks the matter over.

I only rose to say that I never supported his resolution, I never voted for it, and never spoke in behalf of it, and if it had ever come to a vote before the Senate I would have voted against it. A great many people voted to keep the matter before the Senate in order to defeat it, in order to prevent an evasion of the direct issue, and to put the Senate's attitude in the matter on record before the country and the Allies. Of course, I do not recollect about motions to lay matters upon the table at that date. I know that I never supported in any way his resolution, but, on the contrary, was at all times actively opposed to it.

Mr. HITCHCOCK. Mr. President, inasmuch as that question is now raised, I read from the CONGRESSIONAL RECORD of February 18, 1915:

The SECRETARY. The Senator from Nebraska proposes to amend House amendment No. 3 by adding, at the end of section 16, the following:

"That it shall be unlawful and treated as a breach of the neutrality laws of the United States for any person, partnership, or corporation to sell or contract to sell, or deliver or contract to deliver, during the existence of war between nations with which the United States is at peace, any arms, ammunition, artillery, and explosives of any kind whatsoever to be used against a country or nation with which the United States is at peace; and during the existence of war it shall be unlawful to sell for exportation or to export arms, ammunition, artillery, and explosives, except upon filing with the Secretary of Commerce satisfactory sworn proof that said arms, ammunition, artillery, and explosives are not intended to be used in violation of this provision.

"Any person violating this provision shall be fined not more than $100,000 and imprisoned not more than three years, and any arms, ammunition, artillery, and explosives the exportation of which is attempted in violation of this provision shall be forfeited, one-half to the use of the informer and one-half to the use of the United States."

The motion was then made to lay that amendment on the table. Fifty-one Senators voted to lay it on the table, and thus defeated it. Thirty-six Senators, endeavoring to save it, voted against laying it on the table. Of course I was one, and the Senator from Washington [Mr. POINDEXTER] was another.

Mr. SMOOT. Mr. President, the Senator does not mean to say that whenever a Senator votes to lay a matter on the table he is opposed to it or is in favor of it? I wish to say to the Senator that it has been my practice not to vote to lay a measure on the table unless absolutely necessary in order to carry forward business that should be passed at a very early day. I always prefer to vote direct upon the question. That may have been the case on the very question referred to. I am simply stating my position with reference to the question.

The PRESIDING OFFICER. The Secretary will resume the reading of the treaty.

The Secretary resumed the reading of the treaty, at the top of page 287, and read as follows:

"The Commission shall give representatives of the German Government an opportunity and a time to be heard as to their capacity to furnish the said materials, articles and animals.

"The decision of the Commission shall thereupon and at the earliest possible moment be communicated to the German Government and to the several interested Allied and Associated Governments.

"The German Government undertakes to deliver the materials, articles and animals as specified in the said communication, and the interested Allied and Associated Governments severally agree to accept the same, provided they conform to the specification given, or are not, in the judgment of the Commission, unfit to be utilized in the work of reparation.

"5.

"The Commission shall determine the value to be attributed to the materials, articles and animals to be delivered in accordance with the foregoing, and the Allied or Associated Power receiving the same agrees to be charged with such value, and the amount thereof shall be treated as a payment by Germany to be divided in accordance with Article 237 of this Part of the Present Treaty.

"In cases where the right to require physical restoration as above provided is exercised, the Commission shall ensure that the amount to be credited against the reparation obligation of Germany shall be the fair value of work done or materials supplied by Germany, and that the claim made by the interested Power in respect of the damage so repaired by physical restoration shall be discharged to the extent of the proportion which the damage thus repaired bears to the whole of the damage thus claimed for.

"6.

"As an immediate advance on account of the animals referred to in paragraph 2 (*a*) above, Germany undertakes to deliver in equal monthly installments in the three months following the coming into force of the present Treaty the following quantities of live stock:

"(1) TO THE FRENCH GOVERNMENT.

"500 stallions (3 to 7 years);
"30,000 fillies and mares (18 months to 7 years), type: Ardennais, Boulonnais or Belgian;
"2,000 bulls (18 months to 3 years);
"90,000 milch cows (2 to 6 years);
"1,000 rams;
"100,000 sheep;
"10,000 goats.

"(2) TO THE BELGIAN GOVERNMENT.

"200 stallions (3 to 7 years), large Belgian type;
"5,000 mares (3 to 7 years), large Belgian type;
"5,000 fillies (18 months to 3 years), large Belgian type;
"2,000 bulls (18 months to 3 years);
"50,000 milch cows (2 to 6 years);
"40,000 heifers;
"200 rams;
"20,000 sheep;
"15,000 sows.

"The animals delivered shall be of average health and condition.

"To the extent that animals so delivered cannot be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Germany in accordance with paragraph 5 of this Annex.

"7.

"Without waiting for the decisions of the Commission referred to in paragraph 4 of this Annex to be taken, Germany must continue the delivery to France of the agricultural material referred to in Article III of the renewal dated January 16, 1919, of the Armistice.

"*ANNEX V.*

"1.

"Germany accords the following options for the delivery of coal and derivatives of coal to the undermentioned signatories of the present Treaty.

"2.

"Germany undertakes to deliver to France seven million tons of coal per year for ten years. In addition, Germany undertakes to deliver to France annually for a period not exceeding ten years an amount of coal equal to the difference between the annual production before the war of the coal mines of the Nord and Pas de Calais, destroyed as a result of the war, and the production of the mines of the same area during the years in question: such delivery not to exceed twenty million tons in any one year of the first five years, and eight million tons in any one year of the succeeding five years.

"It is understood that due diligence will be exercised in the restoration of the destroyed mines in the Nord and the Pas de Calais.

"3.

"Germany undertakes to deliver to Belgium eight million tons of coal annually for ten years.

"4.

"Germany undertakes to deliver to Italy up to the following quantities of coal:

"July 1919 to June 1920		4½	million tons,
" — 1920	— 1921	6	—
" — 1921	— 1922	7½	—
" — 1922	— 1923	8	—
" — 1923	— 1924	8½	—
and each of the following five years			

"At least two-thirds of the actual deliveries to be land-borne.

"5.

"Germany further undertakes to deliver annually to Luxemburg, if directed by the Reparation Commission, a quantity of coal equal to the pre-war annual consumption of German coal in Luxemburg.

"6.

"The prices to be paid for coal delivered under these options shall be as follows:

"(*a*) For overland delivery, including delivery by barge, the German pithead price to German nationals, plus the freight to French, Belgian, Italian or Luxemburg frontiers, provided that the pithead price does not exceed the pithead price of British coal for export. In the case of Belgian bunker coal, the price shall not exceed the Dutch bunker price.

"Railroad and barge tariffs shall not be higher than the lowest similar rates paid in Germany.

"(*b*) For sea delivery, the German export price f. o. b. German ports, or the British export price f. o. b. British ports, whichever may be lower.

"7.

"The Allied and Associated Governments interested may demand the delivery, in place of coal, of metallurgical coke in the proportion of 3 tons of coke to 4 tons of coal.

"8.

"Germany undertakes to deliver to France, and to transport to the French frontier by rail or by water, the following products, during each of the three years following the coming into force of this Treaty:

Benzol	35,000 tons.
Coal tar	50,000 tons.
Sulphate of ammonia	30,000 tons.

"All or part of the coal tar may, at the option of the French Government, be replaced by corresponding quantities of products of distillation, such as light oils, heavy oils, anthracene, napthalene or pitch.

"9.

"The price paid for coke and for the articles referred to in the preceding paragraph shall be the same as the price paid by German nationals under the same conditions of shipment to the French frontier or to the German ports, and shall be subject to any advantages which may be accorded similar products furnished to German nationals.

"10.

"The foregoing options shall be exercised through the intervention of the Reparation Commission, which, subject to the specific provisions hereof, shall have power to determine all questions relative to procedure and the qualities and quantities of products, the quantity of coke which may be substituted for coal, and the times and modes of delivery and payment. In giving notice to the German Government of the foregoing options the Commission shall give at least 120 days' notice of deliveries to be made after January 1, 1920, and at least 30 days' notice of deliveries to be made between the coming into force of this Treaty and January 1, 1920. Until Germany has received the demands referred to in this paragraph, the provisions of the Protocol of December 25, 1918, (Execution of Article VI of the Armistice of November 11, 1918) remain in force. The notice to be given to the German Government of the exercise of the right of substitution accorded by paragraphs 7 and 8 shall be such as the Reparation Commission may consider sufficient. If the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Germany, the Commission is authorised to postpone or cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace coal from destroyed mines shall receive priority over other deliveries.

"*ANNEX VI.*

"1.

"Germany accords to the Reparation Commission an option to require as part of reparation the delivery by Germany of such quantities and kinds of dyestuffs and chemical drugs as the Commission may designate, not exceeding 50 per cent. of the total stock of each and every kind of dyestuff and chemical drug in Germany or under German control at the date of the coming into force of the present Treaty.

"This option shall be exercised within sixty days of the receipt by the Commission of such particulars as to stocks as may be considered necessary by the Commission.

"2.

"Germany further accords to the Reparation Commission an option to require delivery during the period from the date of the coming into force of the present Treaty until January 1, 1920, and during each period of six months thereafter until January 1, 1925, of any specified kind of dyestuff and chemical drug up to an amount not exceeding 25 per cent. of the German production of such dyestuffs and chemical drugs during the previous six months period. If in any case the production during such previous six months was, in the opinion of the Commission, less than normal, the amount required may be 25 per cent. of the normal production.

"Such option shall be exercised within four weeks after the receipt of such particulars as to production and in such form as may be considered necessary by the Commission; these particulars shall be furnished by the German Government immediately after the expiration of each six months period.

"3.

"For dyestuffs and chemical drugs delivered under paragraph 1, the price shall be fixed by the Commission having regard to pre-war net export prices and to subsequent increases of cost.

"For dyestuffs and chemical drugs delivered under paragraph 2, the price shall be fixed by the Commission having regard to pre-war next export prices and subsequent variations of cost, or the lowest net selling price of similar dyestuffs and chemical drugs to any other purchaser.

"4.

"All details, including mode and times of exercising the options, and making delivery, and all other questions arising under this arrangement shall be determined by the Reparation Commission; the German Government will furnish to the Commission all necessary information and other assistance which it may require.

"5.

"The above expression 'dyestuffs and chemical drugs' includes all synthetic dyes and drugs and intermediate or other products used in connection with dyeing, so far as they are manufactured for sale. The present arrangement shall also apply to cinchona bark and salts of quinine.

"*ANNEX VII.*

"Germany renounces on her own behalf and on behalf of her nationals in favour of the Principal Allied and Associated Powers all rights, titles or privileges of whatever nature in the submarine cables set out below, or in any portions thereof:

"Emden-Vigo: from the Straits of Dover to off Vigo;

"Emden-Brest: from off Cherbourg to Brest;

"Emden-Teneriffe: from off Dunkirk to off Teneriffe;

"Emden-Azores (1): from the Straits of Dover to Fayal;

"Emden-Azores (2): from the Straits of Dover to Fayal;

"Azores-New-York (1): from Fayal to New York;

"Azores-New-York (2): from Fayal to the longitude of Halifax;

"Teneriffe-Monrovia: from off Teneriffe to off Monrovia;

"Monrovia-Lome:

from about	lat.	2° 30′ N.;
	long.	7° 40′ W. of Greenwich;
to about	lat.	2° 20′ N.;
	long.	5° 30′ W. of Greenwich;
and from about	lat.	3° 48′ N.;
	long.	0° 00′,

to Lome;

"Lome-Duala: from Lome to Duala;

"Monrovia-Pernambuco: from off Monrovia to off Pernambuco;

"Constantinople-Constanza: from Constantinople to Constanza;

"Yap-Shanghai, Yap-Guam, and Yap-Menado (Celebes): from Yap Island to Shanghai, from Yap Island to Guam Island, and from Yap Island to Menado.

"The value of the above mentioned cables or portions thereof in so far as they are privately owned, calculated on the basis of the original cost less a suitable allowance for depreciation, shall be credited to Germany in the reparation account.

"*Section II.*

"SPECIAL PROVISIONS.

"*Article 245.*

"Within six months after the coming into force of the present Treaty the German Government must restore to the French Government the trophies, archives, historical souvenirs or works of art carried away from France by the German authorities in the course of the war of 1870–1871 and during this last war, in accordance with a list which will be communicated to it by the French Government; particularly the French flags taken in the course of the war of 1870–1871 and all the political papers taken by the German authorities on October 10, 1870, at the chateau of Cerçay, near Brunoy (Seine-et-Oise) belonging at the time to Mr. Rouher, formerly Minister of State.

"*Article 246.*

"Within six months from the coming into force of the present Treaty, Germany will restore to His Majesty the King of the Hedjaz the original Koran of the Caliph Othman, which was removed

from Medina by the Turkish authorities and is stated to have been presented to the ex-Emperor William II.

"Within the same period Germany will hand over to His Britannic Majesty's Government the skull of the Sultan Mkwawa which was removed from the Protectorate of German East Africa and taken to Germany.

"The delivery of the articles above referred to will be effected in such place and in such conditions as may be laid down by the Governments to which they are to be restored.

"Article 247.

"Germany undertakes to furnish to the University of Louvain, within three months after a request made by it and transmitted through the intervention of the Reparation Commission, manuscripts, incunabula, printed books, maps and objects of collection corresponding in number and value to those destroyed in the burning by Germany of the Library of Louvain. All details regarding such replacement will be determined by the Reparation Commission.

"Germany undertakes to deliver to Belgium, through the Reparation Commission, within six months of the coming into force of the present Treaty, in order to enable Belgium to reconstitute two great artistic works:

"(1) The leaves of the triptych of the Mystic Lamb painted by the Van Eyck brothers, formerly in the Church of St. Bavon at Ghent, now in the Berlin Museum;

"(2) The leaves of the triptych of the Last Supper, painted by Dierick Bouts, formerly in the Church of St. Peter at Louvain, two of which are now in the Berlin Museum and two in the Old Pinakothek at Munich.

"PART IX.

"FINANCIAL CLAUSES.

"Article 248.

"Subject to such exceptions as the Reparation Commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the Allied and Associated Powers during the Armistice or its extensions.

"Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

"Article 249.

"There shall be paid by the German Government the total cost of all armies of the Allied and Associated Governments in occupied German territory from the date of the signature of the Armistice of November 11, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services, treatment of sick and wounded, veterinary and remount services, transport service of all sorts (such as by rail, sea or river, motor lorries), communications and correspondence, and in general the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

"The cost of such liabilities under the above heads so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territories shall be paid by the German Government to the Allied and Associated Governments in marks at the current or agreed rate of exchange. All other of the above costs shall be paid in gold marks.

"Article 250.

"Germany confirms the surrender of all material handed over to the Allied and Associated Powers in accordance with the Armistice of November 11, 1918, and subsequent Armistice Agreements, and recognises the title of the Allied and Associated Powers to such material.

"There shall be credited to the German Government, against the sums due from it to the Allied and Associated Powers for reparation, the value, as assessed by the Reparation Commission, referred to in Article 233 of Part VIII (Reparation) of the present Treaty, of the material handed over in accordance with Article VII of the Armistice of November 11, 1918, or Article III of the Armistice Agreement of January 16, 1919, as well as of any other material handed over in accordance with the Armistice of November 11, 1918, and of subsequent Armistice Agreements, for which, as having nonmilitary value, credit should in the judgment of the Reparation Commission be allowed to the German Government.

"Property belonging to the Allied and Associated Governments or their nationals restored or surrendered under the Armistice Agreements in specie shall not be credited to the German Government.

"Article 251.

"The priority of the charges established by Article 248 shall, subject to the qualifications made below, be as follows:

"(*a*) The cost of the armies of occupation as defined under Article 249 during the Armistice and its extensions;

"(*b*) The cost of any armies of occupation as defined under Article 249 after the coming into force of the present Treaty;

"(*c*) The cost of reparation arising out of the present Treaty or any treaties or conventions supplementary thereto;

"(*d*) The cost of all other obligations incumbent on Germany under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto.

"The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the Allied and Associated Powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers.

"Article 252.

"The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present Treaty is not affected by the foregoing provisions.

"Article 253.

"Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied or Associated Powers or their nationals respectively, before the date at which a state of war existed between Germany and the Allied or Associated Power concerned, by the German Empire or its constituent States, or by German nationals, on assets in their ownership at that date.

"Article 254.

"The Powers to which German territory is ceded shall, subject to the qualifications made in Article 255, undertake to pay:

"(1) A portion of the debt of the German Empire as it stood on August 1, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the ceded territory, and the average for the same years of such revenues of the whole German Empire as in the judgment of the Reparation Commission are best calculated to represent the relative ability of the respective territories to make payment;

"(2) A portion of the debt as it stood on August 1, 1914, of the German State to which the ceded territory belonged, to be determined in accordance with the principle stated above.

"Such portions shall be determined by the Reparation Commission.

"The method of discharging the obligation, both in respect of capital and of interest, so assumed shall be fixed by the Reparation Commission. Such method may take the form, *inter alia*, of the assumption by the Power to which the territory is ceded of Germany's liability for the German debt held by her nationals. But in the event of the method adopted involving any payments to the German Government, such payments shall be transferred to the Reparation Commission on account of the sums due for reparation so long as any balances in respect of such sums remains unpaid.

"Article 255.

"(1) As an exception to the above provision and inasmuch as in 1871 Germany refused to undertake any portion of the burden of the French debt, France shall be, in respect of Alsace-Lorraine, exempt from any payment under Article 254.

"(2) In the case of Poland that portion of the debt which, in the opinion of the Reparation Commission, is attributable to the measures taken by the German and Prussian Governments for the German colonisation of Poland shall be excluded from the apportionment to be made under Article 254.

"(3) In the case of all ceded territories other than Alsace-Lorraine, that portion of the debt of the German Empire or German States which, in the opinion of the Reparation Commission, represents expenditure by the Governments of the German Empire or States upon the Government properties referred to in Article 256 shall be excluded from the apportionment to be made under Article 254.

"Article 256.

"Powers to which German territory is ceded shall acquire all property and possessions situated therein belonging to the German Empire or to the German States, and the value of such acquisitions shall be fixed by the Reparation Commission, and

paid by the State acquiring the territory to the Reparation Commission for the credit of the German Government on account of the sums due for reparation.

"For the purposes of this Article the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

"In view of the terms on which Alsace-Lorraine was ceded to Germany in 1871, France shall be exempt in respect thereof from making any payment or credit under this Article for any property or possessions of the German Empire or States situated therein.

"Belgium also shall be exempt from making any payment or any credit under this Article for any property or possessions of the German Empire or States situated in German territory ceded to Belgium under the present Treaty.

"Article 257.

"In the case of the former German territories, including colonies, protectorates or dependencies, administered by a Mandatory under Article 22 of Part I (League of Nations) of the present Treaty, neither the territory nor the Mandatory Power shall be charged with any portion of the debt of the German Empire or States.

"All property and possessions belonging to the German Empire or to the German States situated in such territories shall be transferred with the territories to the Mandatory Power in its capacity as such and no payment shall be made nor any credit given to those Governments in consideration of this transfer.

"For the purposes of this Article the property and possessions of the German Empire and of the German States shall be deemed to include all the property of the Crown, the Empire or the States and the private property of the former German Emperor and other Royal personages.

"Article 258.

"Germany renounces all rights accorded to her or her nationals by treaties, conventions or agreements, of whatsoever kind, to representation upon or participation in the control or administration of commissions, state banks, agencies or other financial or economic organisations of an international character, exercising powers of control or administration, and operating in any of the Allied or Associated States, or in Austria, Hungary, Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

"Article 259.

"(1) Germany agrees to deliver within one month from the date of the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the sum in gold which was to be deposited in the Reichsbank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

"(2) Germany recognises her obligation to make annually for the period of twelve years the payments in gold for which provision is made in the German Treasury Bonds deposited by her from time to time in the name of the Council of the Administration of the Ottoman Public Debt as security for the second and subsequent issues of Turkish Government currency notes.

"(3) Germany undertakes to deliver, within one month from the coming into force of the present Treaty, to such authority as the Principal Allied and Associated Powers may designate, the gold deposit constituted in the Reichsbank or elsewhere, representing the residue of the advance in gold agreed to on May 5, 1915, by the Council of the Administration of the Ottoman Public Debt to the Imperial Ottoman Government.

"(4) Germany agrees to transfer to the Principal Allied and Associated Powers any title that she may have to the sum in gold and silver transmitted by her to the Turkish Ministry of Finance in November, 1918, in anticipation of the payment to be made in May, 1919, for the service of the Turkish Internal Loan.

"(5) Germany undertakes to transfer to the Principal Allied and Associated Powers, within a period of one month from the coming into force of the present Treaty, any sums in gold transferred as pledge or as collateral security to the German Government or its nationals in connection with loans made by them to the Austro-Hungarian Government.

"(6) Without prejudice to Article 292 of Part X (Economic Clauses) of the present Treaty, Germany confirms the renunciation provided for in Article XV of the Armistice of November 11, 1918, of any benefit disclosed by the Treaties of Bucharest and of Brest-Litovsk and by the treaties supplementary thereto.

"Germany undertakes to transfer, either to Roumania or to the Principal Allied and Associated Powers as the case may be, all monetary instruments, specie, securities and negotiable instruments, or goods, which she has received under the aforesaid Treaties.

"(7) The sums of money and all securities, instruments and goods of whatsoever nature, to be delivered, paid and transferred under the provisions of this Article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those Powers.

"Article 260.

"Without prejudice to the renunciation of any rights by Germany on behalf of herself or of her nationals in the other provisions of the present Treaty, the Reparation Commission may within one year from the coming into force of the present Treaty demand that the German Government become possessed of any rights and interests of German nationals in any public utility undertaking or in any concession operating in Russia, China, Turkey, Austria, Hungary and Bulgaria, or in the possessions or dependencies of the States or in any territory formerly belonging to Germany or her allies, to be ceded by Germany or her allies to any Power or to be administered by a Mandatory under the present Treaty, and may require that the German Government transfer, within six months of the date of demand, all such rights and interests and any similar rights and interests the German Government may itself possess to the Reparation Commission.

"Germany shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Germany, on account of sums due for reparation, with such sums in respect of the value of the transferred rights and interests as may be assessed by the Reparation Commission, and the German Government shall, within six months from the coming into force of the present Treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce on behalf of itself and its nationals in favour of the Allied and Associated Powers all such rights and interests which have not been so communicated.

"Article 261.

"Germany undertakes to transfer to the Allied and Associated Powers any claims she may have to payment or repayment by the Governments of Austria, Hungary, Bulgaria or Turkey, and, in particular, any claims which may arise, now or hereafter, from the fulfilment of undertakings made by Germany during the war to those Governments.

"Article 262.

"Any monetary obligation due by Germany arising out of the present Treaty and expressed in terms of gold marks shall be payable at the option of the creditors in pounds sterling payable in London; gold dollars of the United States of America payable in New York; gold francs payable in Paris; or gold lire payable in Rome.

"For the purpose of this Article the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

"Article 263.

"Germany gives a guarantee to the Brazilian Government that all sums representing the sale of coffee belonging to the State of Sao Paolo in the ports of Hamburg, Bremen, Antwerp and Trieste, which were deposited with the Bank of Bleichröder at Berlin, shall be reimbursed together with interest at the rate or rates agreed upon. Germany having prevented the transfer of the sums in question to the State of Sao Paolo at the proper time, guarantees also that the reimbursement shall be effected at the rate of exchange of the day of the deposit.

"PART X.

"ECONOMIC CLAUSES.

"Section I.

"COMMERCIAL RELATIONS.

"Chapter I.

"CUSTOMS REGULATIONS, DUTIES AND RESTRICTIONS.

"Article 264.

"Germany undertakes that goods the produce or manufacture of any one of the Allied or Associated States imported into German territory, from whatsoever place arriving, shall not be subjected to other or higher duties or charges (including internal charges) than those to which the like goods the produce or manufacture of any other such State or of any other foreign country are subject.

"Germany will not maintain or impose any prohibition or restriction on the importation into German territory of any goods the produce or manufacture of the territories of any one of the Allied or Associated States, from whatsoever place arriving, which shall not equally extend to the importation of the like goods the produce or manufacture of any other such State or of any other foreign country.

"Article 265.

"Germany further undertakes that, in the matter of the régime applicable on importation, no discrimination against the commerce of any of the Allied and Associated States as compared with any other of the said States or any other foreign country shall be made, even by indirect means, such as customs regulations or procedure, methods of verification or analysis conditions of payment of duties, tariff classification or interpretation, or the operation of monopolies.

"Article 266.

"In all that concerns exportation Germany undertakes that goods, natural products or manufactured articles, exported from German territory to the territories of any one of the Allied or Associated States shall not be subjected to other or higher duties or charges (including internal charges) than those paid on the like goods exported to any other such State or to any other foreign country.

"Germany will not maintain or impose any prohibition or restriction on the exportation of any goods sent from her territory to any one of the Allied or Associated States which shall not equally extend to the exportation of the like goods, natural products or manufactured articles, sent to any other such State or to any other foreign country.

"Article 267.

"Every favour, immunity or privilege in regard to the importation, exportation or transit of goods granted by Germany to any Allied or Associated State or to any other foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the Allied and Associated States.

"Article 268.

"The provisions of Articles 264 to 267 inclusive of this Chapter and of Article 323 of Part XII (Ports, Waterways and Railways) of the present Treaty are subject to the following exceptions:

"(*a*) For a period of five years from the coming into force of the present Treaty, natural or manufactured products which both originate in and come from the territories of Alsace and Lorraine reunited to France shall, on importation into German customs territory, be exempt from all customs duty.

"The French Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

"The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

"Further, during the period above mentioned the German Government shall allow the free export from Germany, and the free re-importation into Germany, exempt from all customs duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories of Alsace or Lorraine, to be subjected there to any finishing process, such as bleaching, dying, printing, mercerisation, gassing, twisting or dressing.

"(*b*) During a period of three years from the coming into force of the present Treaty natural or manufactured products which both originate in and come from Polish territories which before the war were part of Germany shall, on importation into German customs territory, be exempt from all customs duty.

"The Polish Government shall fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

"The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

"(*c*) The Allied and Associated Powers reserve the right to require Germany to accord freedom from customs duty, on importation into German customs territory, to natural products and manufactured articles which both originate in and come from the Grand Duchy of Luxemburg, for a period of five years from the coming into force of the present Treaty.

"The nature and amount of the products which shall enjoy the benefits of this régime shall be communicated each year to the German Government.

"The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

"Article 269.

"During the first six months after the coming into force of the present Treaty, the duties imposed by Germany on imports from Allied and Associated States shall not be higher than the most favourable duties which were applied to imports into Germany on July 31, 1914.

"During a further period of thirty months after the expiration of the first six months, this provision shall continue to be applied exclusively with regard to products which, being comprised in Section A of the First Category of the German Customs Tariff of December 25, 1902, enjoyed at the above-mentioned date (July 31, 1914) rates conventionalised by treaties with the Allied and Associated Powers, with the addition of all kinds of wine and vegetable oils, of artificial silk and of washed or scoured wool, whether or not they were the subject of special conventions before July 31, 1914.

"Article 270.

"The Allied and Associated Powers reserve the right to apply to German territory occupied by their troops a special customs régime as regards imports and exports, in the event of such a measure being necessary in their opinion in order to safeguard the economic interests of the population of these territories.

"Chapter II.

"SHIPPING.

"Article 271.

"As regards sea fishing, maritime coasting trade, and maritime towage, vessels of the Allied and Associated Powers shall enjoy, in German territorial waters, the treatment accorded to vessels of the most favoured nation.

"Article 272.

"Germany agrees that, notwithstanding any stipulation to the contrary contained in the Conventions relating to the North Sea fisheries and liquor traffic, all rights of inspection and police shall, in the case of fishing-boats of the Allied Powers, be exercised solely by ships belonging to those Powers.

"Article 273.

"In the case of vessels of the Allied or Associated Powers, all classes of certificates or documents relating to the vessel, which were recognised as valid by Germany before the war, or which may hereafter be recognised as valid by the principal maritime States, shall be recognised by Germany as valid and as equivalent to the corresponding certificates issued to German vessels.

"A similar recognition shall be accorded to the certificates and documents issued to their vessels by the Governments of new States, whether they have a sea-coast or not, provided that such certificates and documents shall be issued in conformity with the general practice observed in the principal maritime States.

"The High Contracting Parties agree to recognise the flag flown by the vessels of an Allied or Associated Power having no sea-coast which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

"Chapter III.

"UNFAIR COMPETITION.

"Article 274.

"Germany undertakes to adopt all the necessary legislative and administrative measures to protect goods the produce or manufacture of any one of the Allied and Associated Powers from all forms of unfair competition in commercial transactions.

"Germany undertakes to prohibit and repress by seizure and by other appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in its territory of all goods bearing upon themselves or their usual get-up or wrappings any marks, names, devices, or description whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature, or special characteristics of such goods.

"Article 275.

"Germany undertakes on condition that reciprocity is accorded in these matters to respect any law, or any administrative or judicial decision given in conformity with such law, in force in any Allied or Associated State and duly communicated to her by the proper authorities, defining or regulating the right to any regional appellation in respect of wine or spirits produced in the State to which the region belongs, or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such law or order shall be prohibited by the German Government and repressed by the measures prescribed in the preceding Article.

"Chapter IV.

"TREATMENT OF NATIONALS OF ALLIED AND ASSOCIATED POWERS.

"Article 276.

"Germany undertakes:

"(*a*) Not to subject the nationals of the Allied and Associated Powers to any prohibition in regard to the exercise of occupations, professions, trade and industry, which shall not be equally applicable to all aliens without exception;

"(*b*) Not to subject the nationals of the Allied and Associated Powers in regard to the rights referred to in paragraph (*a*) to

any regulation or restriction which might contravene directly or indirectly the stipulations of the said paragraph, or which shall be other or more disadvantageous than those which are applicable to nationals of the most favoured nation;

"(c) Not to subject the nationals of the Allied and Associated Powers, their property, rights or interests, including companies and associations in which they are interested, to any charge, tax or impost, direct or indirect, other or higher than those which are or may be imposed on her own nationals or their property, rights or interests;

"(d) Not to subject the nationals of any one of the Allied and Associated Powers to any restriction which was not applicable on July 1, 1914, to the nationals of such Powers unless such restriction is likewise imposed on her own nationals.

"Article 277.

"The nationals of the Allied and Associated Powers shall enjoy in German territory a constant protection for their persons and for their property, rights and interests, and shall have free access to the courts of law.

"Article 278.

"Germany undertakes to recognise any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalisation laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

"Article 279.

"The Allied and Associated Powers may appoint consuls-general, consuls, vice-consuls, and consular agents in German towns and ports. Germany undertakes to approve the designation of the consuls-general, consuls, vice-consuls, and consular agents, whose names shall be notified to her, and to admit them to the exercise of their functions in conformity with the usual rules and customs.

"Chapter V.

"GENERAL ARTICLES.

"Article 280.

"The obligations imposed on Germany by Chapter I and by Articles 271 and 272 of Chapter II above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

"Article 276 of Chapter IV shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.

"Article 281.

"If the German Government engages in international trade, it shall not in respect thereof have or be deemed to have any rights, privileges or immunities of sovereignty.

"Section II.

"TREATIES.

"Article 282.

"From the coming into force of the present Treaty and subject to the provisions thereof the multilateral treaties, conventions and agreements of an economic or technical character enumerated below and in the subsequent Articles shall alone be applied as between Germany and those of the Allied and Associated Powers party thereto:

"(1) Conventions of March 14, 1884, December 1, 1886, and March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables.

"(2) Convention of October 11, 1909, regarding the international circulation of motor-cars.

"(3) Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

"(4) Agreement of May 15, 1886, regarding the technical standardisation of railways.

"(5) Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs.

"(6) Convention of December 31, 1913, regarding the unification of commercial statistics.

"(7) Convention of April 25, 1907, regarding the raising of the Turkish customs tariff.

"(8) Convention of March 14, 1857, for the redemption of toll dues on the Sound and Belts.

"(9) Convention of June 22, 1861, for the redemption of the Stade Toll on the Elbe.

"(10) Convention of July 16, 1863, for the redemption of the toll dues on the Scheldt.

"(11) Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal.

"(12) Conventions of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea.

"(13) Convention of December 21, 1904, regarding the exemption of hospital ships from dues and charges in ports.

"(14) Convention of February 4, 1898, regarding the tonnage measurement of vessels for inland navigation.

"(15) Convention of September 26, 1906, for the suppression of nightwork for women.

"(16) Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

"(17) Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

"(18) Convention of May 4, 1910, regarding the suppression of obscene publications.

"(19) Sanitary Conventions of January 30, 1892, April 15, 1893, April 3, 1894, March 19, 1897, and December 3, 1903.

"(20) Convention of May 20, 1875, regarding the unification and improvement of the metric system.

"(21) Convention of November 29, 1906, regarding the unification of pharmacopœial formulæ for potent drugs.

"(22) Convention of November 16 and 19, 1885, regarding the establishment of a concert pitch.

"(23) Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome.

"(24) Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera.

"(25) Convention of March 19, 1902, regarding the protection of birds useful to agriculture.

"(26) Convention of June 12, 1902, as to the protection of minors."

Mr. LODGE. Mr. President, as it is now 4 o'clock, and we have reached article 283, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate, as in legislative session, adjourned until Monday, October 20, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *October 18, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we hail with joy and gratitude this a newborn day, token of Thy presence, good will, and continued care.

Help us with pure minds, high ideals, and noble endeavors to hallow Thy name, trusting where we can not prove in a faithful service to our fellow men; ever advancing with a strong heart, a firm step, a helping hand, a sunny smile, a cheering voice, until we all come into the measure of the stature of the fullness of Christ and Thy kingdom be come and Thy will be done in the hearts of all men, under the potent influence of the world's great Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 230. Joint resolution authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 55. An act to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other arising from faulty surveys in townships 29 south, range 28 east; also in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes; and

S. 794. An act granting lands for school purposes in Government town sites on reclamation projects.

ORDER OF BUSINESS—THE BUDGET SYSTEM.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Under the rule upon which we are now operating of 12 hours' debate, what is the order of business on next Monday?

The SPEAKER. The Chair thinks that under the rule the rule makes this bill (H. R. 9783) privileged for next Monday.

Mr. GARD. The present bill is privileged for next Monday?

The SPEAKER. The Chair thinks so.

Mr. CLARK of Missouri. Mr. Speaker, has the Chair considered the rule? I am not going to appeal from the decision of the Chair, but it has been my understanding that the only way to get rid of the unanimous consent and suspension of the rules day was by unanimous consent.

The SPEAKER. The Chair is disposed to think that the rule makes this bill privileged next Monday, but, of course, the House can set that aside.

Mr. DOWELL. Mr. Speaker, the Chair held that Calendar Wednesday would not be set aside by this rule.

The SPEAKER. No; Calendar Wednesday would not be set aside.

Mr. DOWELL. What is the difference between the order of business on next Monday and the order of business on Calendar Wednesday?

The SPEAKER. The Chair thinks that upon investigation the gentleman will find that the rule is quite different as to Calendar Wednesday and the Unanimous Consent Calendar. The Chair thinks that it would be in order for the gentleman from Iowa to move to go into Committee of the Whole House on this bill, but the House can vote it down, and in such case the Unanimous Consent Calendar would be in order.

Mr. GARD. My inquiry was whether the Speaker would hold that the rule would authorize this bill to go ahead on Monday to the exclusion of the Unanimous Consent Calendar.

The SPEAKER. In the opinion of the Chair this rule gives a privileged status to this bill, so that it is superior to that of the Unanimous Consent Calendar, and the Chair would recognize the gentleman from Iowa to move to go into Committee of the Whole House on the state of the Union on this bill. Then if that was voted down, the Unanimous Consent Calendar would come up, so that it would be in the power of the House to exercise its option.

Mr. GARRETT. Mr. Speaker, I desire to reinforce the opinion of the Chair by suggesting that there is a provision in the rule that this shall be a continuing order. That is not usually in the rule.

The SPEAKER. The Chair had that in view.

Mr. GARD. Will the gentleman yield for me to ask the gentleman from Iowa if it is his intention to go ahead with this bill on next Monday?

Mr. GOOD. I hope to. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9783.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9783, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, I am perfectly willing, as I think all other members of the Committee on the Budget are, to permit anyone who desires to speak against this bill at this time, because we have already had half a dozen very able speeches in favor of the bill, and no one thus far has said anything in opposition to it. But if no one wants to oppose the measure at this time I will merely make a few very general observations as to the work of your committee, and possibly during the discussion of the bill under the five-minute rule I may go into some of the provisions more in detail.

I feel that this is a bill that every Member of the House ought to give some careful personal attention to. If there ever was a bill that the Members ought to individually study and take the hearings and read them, this is the bill.

As most of you know, this Select Committee on the Budget has held hearings on the subject for over two weeks. We had some of the most distinguished people in this Republic before us. We were especially honored by the high class of people who favored us with their views and the marvelous amount of practical information that the committee thus obtained. Every Member of this House should, in justice to himself, read the patriotic and excellent statement of ex-President Taft. It is one of the most practical, sensible, and far-reaching and human presentations of this matter that anyone could make.

Let me say to my Republican friends that while this is not a political matter at all, with ex-President Taft, former Secretary of War Stimson, Gov. Lowden of Illinois, MONDELL, and many other high-class men urging the Republican Party to take this matter up at once and get the greater portion of the very great credit for putting it on the statute books, I can not see how anyone on that side of the House can justly oppose as fair, reasonable, just, and necessary a measure as this is. And let me say to my Democratic friends that if we meant what we said in our national platform of 1916; if President Wilson meant what he said in his message to Congress in December, 1917; if Secretary McAdoo and Secretary Glass and John Fitzgerald and Swagar Sherley knew what they were talking about—and everyone knows they did—then I can not see how any Democrat can consistently come out and oppose this measure.

This proposition is, in a legislative way, naturally divided into two parts, and we have presented the subject to the House in two separate bills. The bill that is now before the House has nothing whatever to do with this House itself. This bill pertains solely to the executive department of the Government. It pertains to the President of the United States and the 10 departments over which his Secretaries preside. This bill is intended to systematize and regulate the expenditures of all those departments and make the President himself responsible for them.

Mr. KING. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. KING. What reason had the committee for bringing in this legislation on the floor of the House in installments?

Mr. TAYLOR of Colorado. For the reason that the legislation necessary to create a national budget system is logically divided into two parts. In the first place, we have to have a law creating a budget system and providing who shall make up the budget, and how it shall be made, and what it shall contain; that is, the formation of the budget. That is the first thing, and that must be provided for by a law, and that is what this bill does. The second phase of the budget is the action by Congress on the budget prepared and presented to it by the administrative branch of the Government. The third phase of the budget is the supervision and control of the execution of the budget. The first and third steps are matters of law, and this bill provides for both of them. The second step, the action on the budget by Congress, is to be governed merely by a change in the rules of our House and does not require any law or any action by the Senate. Now, the budget must come from the executive and the administrative departments; and instead of giving all this power and putting all this responsibility upon the Treasury Department, as some people thought we should, we felt that there was nobody but the President of the United States who ought to be responsible absolutely for the fiscal and economic policy and system of our Government. Therefore we placed this duty upon the President of the United States, and we make him officially responsible for the budget and for all of his executive departments, for all the money that Congress must raise, and for the way in which it shall be raised and how it shall all be spent. This bill deals only with the executive—that is, the administrative—features, the first and third phases of this proposed budgetary legislation. There is a great deal of machinery that has to be arranged for by law. We create a bureau of the budget and provide for its officials, and define their duties and require the departments to submit their estimates to the President instead of to the Treasury. This bill provides the action that is required by the President as to when he shall transmit the budget to Congress, also the contents, order, and arrangement of the estimates of appropriations and the complete machinery for the guidance of the President, and for the budget bureau and the various departments, and for the accounting department and its procedure. If this bill does not pass, then there is no necessity for considering the next step—that is, the action by Congress on the budget—because there will be no budget and no necessity to discuss a change of our rules. But if this bill does pass—I am confident it will—and is signed by the President—I am confident it will be—then we should follow it up by the resolution pertaining to change in our own rules of this House. In other words, we have no logical right to pass a very emphatic law regulating the executive departments of the Government unless

we are willing to regulate ourselves in the same direction of economic coordination. But we will determine that matter when we get to it. Our own rules for our own conduct are not at all involved in this bill.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. JONES of Texas. I asked the question yesterday about the hearings that might be conducted after the budget was submitted. Is it the plan to have whatever hearings may be had conducted before a single committee in the House, or will the hearings be divided among the various committees, as they are now, the Military Affairs Committee conducting the hearings with reference to military appropriations and the Naval Affairs Committee with reference to naval appropriations?

Mr. TAYLOR of Colorado. There is no question whatever but that all of these appropriating committees will function the same hereafter as they have heretofore, because one big committee can not conduct all of the hearings. At the same time there will be taken from them only the right of making the appropriations. They can recommend, they can authorize, they can bring in and pass laws, they can provide for the laws applicable to these departments, regulate salaries, and do everything under the sun, practically, that they can at the present time, except to appropriate the money. We felt that there must be some big central committee, and while the House will hereafter determine it, it is possible that the ranking member and the chairman of each of these appropriation committees, the Military and Naval Affairs and all the other appropriating committees, may be members of this large expenditure committee of 35. But, of course, seven or eight appropriating committees will have their investigations and duties to perform just the same. The idea is that there must be some centralized recognized power that can put a brake upon all of these committees, and morally at least on the House itself, and not let one committee run wild in one direction and another committee run wild in another direction, and have no systematic check on any of them. Each of these is naturally ambitious to get as much as it possibly can. There is no economic financial system or cohesive control to our present methods of obtaining estimates or expending the money.

Mr. JONES of Texas. Is it planned to have the budget presented en masse to the House?

Mr. TAYLOR of Colorado. Oh, yes.

Mr. JONES of Texas. Or will it be submitted separately?

Mr. TAYLOR of Colorado. It will be submitted en masse to the House and considered systematically and consecutively as the great national budget, and will be by all odds the most important bill before each Congress, and will probably require weeks to thoroughly consider and pass it.

Mr. JONES of Texas. And the recommendations that are made will be made by one committee?

Mr. TAYLOR of Colorado. Yes; one great appropriation committee of 35 will bring the President's budget, with such changes as they agree upon, all at one time, so that it may all be considered at once.

Mr. JONES of Texas. But the various committees will conduct the hearings?

Mr. TAYLOR of Colorado. Yes; and they can greatly help that one committee and can also be heard before that committee; but sooner or later, some time, some one big, representative committee will come before this House with the official budget, and that budget will be presented to the House. Then the 435 Members of this House will have the right to shoot it to pieces if they can. They have the same authority and right and permission which they have now to increase or diminish it if they have the votes to do so.

Mr. JONES of Texas. These various committees, as such, will not report any appropriations direct to the House?

Mr. TAYLOR of Colorado. They will not make any appropriations; no. They can report laws to the House and they can authorize or recommend appropriations, but they can not appropriate money out of the Federal Treasury. This one committee will have the sole right to do that, and it presents that Federal budget or administration budget to the House with all the various amounts and items that it thinks each of those various departments of the Government is entitled to. We have not taken away from ourselves as Members of Congress, either individually or collectively, a particle of authority to enlarge or cut down or do whatever we please with the administration budget. But at the same time the understanding, the belief, and the hope is that when the administration is politically responsible to the country and when they have the machinery which we give them to do all this work and when they eliminate, as they will, many of the duplications of work and unnecessary clerks and bring in the budget which they are willing to go before the people with and say that the Government imperatively needs and wants that amount of money and does not want any more and will be responsible for the economic expenditure of that amount of money and that they will not ask Congress for any more, then, as I say, it is for the House to consider and act upon that budget, and if the House changes that amount, either raising or lowering it, we must and will take whatever credit or blame that may be attached to it, and the administration will not be responsible for that increase or decrease. We will have to answer to the people for our action and it will not be so easy hereafter to answer for unnecessary expenditures.

Mr. JONES of Texas. That answers the question very thoroughly, but there is one further question which I would like to ask: Does the gentleman think that the one supercommittee, as you might term it, will have a chance to be as familiar with what might be proper with reference to the naval appropriations or the Army appropriations or any one particular thing as would a particular committee that was assigned to the duty of investigating the various functions of a particular department of the Government?

Mr. TAYLOR of Colorado. We expect that the Committee on Military Affairs and the Committee on Naval Affairs and the Committee on Agriculture and all these other committees will go into the matters pertaining to their departments just as fully as they do now, and we expect them to give this budget committee the benefit of their investigations. Personally I think it might be well for the chairmen and the ranking members of those committees to be members of this large general appropriation committee. They could then see to it that their departments are treated fairly. But that is for the House to hereafter determine.

If we are honest in wanting to hereafter more systematically scrutinize the expenditures of the Government and lighten as much as we can the enormous burdens of taxation, we must make some concessions of some of our individual prerogatives. Somebody has got to have the power to actually economize, and with all of these various appropriation committees running rampant you might say at the present time Congress absolutely can not economize; and as ex-President Taft well says, and all of the other thoughtful people say, it is not fair, it is not honest, it is not consistent, it is not practical for us to drastically regulate the administration and then not be willing to regulate ourselves any. But as I have repeatedly said, that matter will be discussed more in detail when we reach it.

Mr. JONES of Texas. I desire to thank the gentleman for the information, and I want to assure him that I asked the question for information and for information only.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. CLARK of Missouri. I am in favor of a budget, and always have been, and always will be. I want to ask this question: If no one except this big committee of 35 or 175, or whatever the number may be, is going to make appropriations, then what sense is there in having the Military Affairs Committee and the Naval Affairs Committee and all of the rest of them conduct these hearings? How would the result of the hearing ever get to this big committee?

Mr. TAYLOR of Colorado. Why, the Members could go before the big committee and be given full hearings before this big Appropriations Committee. If the budget is properly and carefully prepared, as it undoubtedly will be, there will not be as much necessity for elaborate hearings. But every committee can conduct as many hearings as it wants to.

Mr. CLARK of Missouri. If that is true, what is the use of going through this dumb show of having hearings before these various other committees?

Mr. TAYLOR of Colorado. Why, these other committees have a great many duties to perform besides making appropriations of money.

Mr. CLARK of Missouri. I know, but the hearings are held for the purpose of ascertaining as to how large these appropriations ought to be.

Mr. TAYLOR of Colorado. Yes; and somebody has got to make that investigation, and they can do it more thoroughly and give more time to it than a subcommittee from this big committee of 35.

Mr. CLARK of Missouri. How does the big committee get possession of the information that these ordinary committees obtain which now appropriate?

Mr. TAYLOR of Colorado. They get it from the budget bureau. The President must furnish it with his budget, and in addition to that the big committee will have all those de-

partment heads before it, and likely the chairman and ranking member of these committees will or may be members of this committee, and, if so, would give it all the data necessary for their respective committees.

Mr. CLARK of Missouri. They would have to state over again to this big committee precisely what they had heard in this smaller committee?

Mr. TAYLOR of Colorado. Oh, well, that would be only as to the sum total of the necessary appropriations that they had agreed upon. While it is probably the most important one, yet appropriating money is only one of the many functions of these appropriation committees. Of course, the gentleman understands that this matter is going to be debated at length when that resolution comes up. We have not seen fit to take it up now for two or three reasons. In the first place, this bill must go ahead of it and become a law first, if it is going to pass. And, in the second place, we have not the time to consider it now. And, in the third place, it is not expected we could take it up at this session of Congress at all. This is the bill we are now trying to pass. When we pass this bill and it is approved by the President, then we will, as soon as the House can, take up the rule in relation to making whatever changes the House deems necessary in our own House rules. But we have faithfully promised the American people to pass this bill, or some such a bill, and this is our duty now, and after we do pass this bill then it will be our duty to, and I am confident we will, make whatever changes may be necessary in our rules to keep faith with our party-platform promises.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TAYLOR of Colorado. I do.

Mr. NEWTON of Minnesota. The gentleman has mentioned the fact that this proposed change in the rules making an appropriating committee of 35 would have upon it the chairman and the ranking member of the present appropriating committees of the House?

Mr. TAYLOR of Colorado. I think the House will probably make that kind of a provision in the change of the rules, but it is not in the resolution now. The members of the Select Committee on the Budget have talked that feature over among themselves, but of course it is for the House to determine that. We did not.

Mr. NEWTON of Minnesota. As I understand the proposed change in the rules they do not go that far.

Mr. TAYLOR of Colorado. No.

Mr. NEWTON of Minnesota. They do not include the men who only have the right to be upon one of the committees——

Mr. TAYLOR of Colorado. The committee on committees of the House may determine that. That is a matter for the House regulation, that is a matter of detail hereafter. We leave that feature to the judgment of the House when the time comes.

Mr. NEWTON of Minnesota. Yes; but the proposed change does not provide that Representatives from these appropriating committees shall be on this large Appropriation Committee.

Mr. TAYLOR of Colorado. No. We felt that the Membership of the House should be left free to determine that by permanent rules of the House, or by the steering committee or whatever committee we want to have to determine that matter.

Mr. NEWTON of Minnesota. May I also inquire if it is the plan to place upon this committee of 35 a rather strong representation from the Committee on Ways and Means of the House?

Mr. TAYLOR of Colorado. Yes, sir. I think so. But of course that also is for the House to hereafter determine.

Mr. NEWTON of Minnesota. So that this committee of 35 would have on it representatives from the present appropriating committees of the House and also from the committee that raises revenue?

Mr. TAYLOR of Colorado. Yes, sir. I think the intention is to have that large committee composed of the oldest and strongest Members of the House, representing, of course, all parts of the country.

Mr. NEWTON of Minnesota. That would make it fairly representative, then, of the whole House?

Mr. TAYLOR of Colorado. Oh, yes. We have thrashed this out, I may say to the gentleman, exhaustively, and the men who have given this subject a life study have been before us, and they and we have thought over this matter in view of our form of government, and this is our best determination and this report on this bill is unanimous, and I may say there is no minority report on the other one—that is, the resolution changing the rules of the House—although there are some mental reservations of members of the committee as to the system by which we will regulate ourselves when we reach that time. I want to urge every Member to read the report on this bill prepared by our chairman [Mr. GOOD]. It is a very exceptionally clear and forcible presentation of this bill in all its phases.

Mr. GARRETT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. GARRETT. In connection with the change in the rules, this thought has occurred to me and on that I shall be very glad to hear the gentleman: If you leave the several committees—the Committee on Naval Affairs, the Committee on Military Affairs, Post Office and Post Roads, Foreign Affairs, and so forth—all the legislative power that they now possess and simply take from them only appropriating authority, the authority to report appropriations, will it, in the gentleman's opinion, work economy, in view of the fact that you leave the authorizing authority with these committees? In other words, if the gentleman will indulge me——

Mr. TAYLOR of Colorado. Certainly; go ahead.

Mr. GARRETT. As I understand, under the rule that has been reported, I believe, from the Budget Committee——

Mr. TAYLOR of Colorado. Yes.

Mr. GARRETT. And ought to have been referred to the Committee on Rules, I think; however, I am perfectly willing for the Budget Committee to wrestle with it.

Mr. TAYLOR of Colorado. Let me say they considered that very fully and finally decided to allow Mr. GOOD to report it rather than Mr. CAMPBELL of Kansas.

Mr. GARRETT. So I heard. Now, the authority to authorize, for instance, battleships, cruisers, and all of the naval program is left with the Committee on Naval Affairs under this rule.

Mr. TAYLOR of Colorado. Yes.

Mr. GARRETT. Now, will it not result in the practical working that this committee will simply come in with its authorization of a naval program, and the Committee on Appropriations, if the Congress shall adopt that authorization, will be in honor bound to make the appropriations required under the law, and will it not simply result that your Committee on Naval Affairs and Committee on Military Affairs, and so on, will legislate, having only the responsibility of authorization without the added responsibility of appropriation?

Mr. TAYLOR of Colorado. I feel, in deference to the chairman of our Budget Committee, that he ought to answer that question.

Mr. GOOD. In answer to the gentleman, I think that is necessarily so. We have a great many committees that report out legislation; that legislation may subsequently require appropriation. Now, take the instance the gentleman has indicated. The Committee on Naval Affairs would and should investigate as to how large a Navy we should have; whether it would be necessary to build one battleship, or two battleships, or a half dozen battleships.

They will investigate into the necessities of the Navy and the size of the Navy. This committee would report all such legislation. No one committee could at the same time look into all the necessities of all the branches of the Government and determine how much should be appropriated and also report all legislation. If that were not the case, the gentleman can see then that there would be no necessity for having all of these appropriation committees and all of these committees of the House that would report out the legislation. But the only intention is to center the finances, the act of financing all of these different activities, in one committee, so that early in the Congress there can be placed before the House on a chart the anticipated revenues for the year and the expected expenditures for the year, that Congress could have the picture at the beginning of the Congress instead of the next day after Congress adjourns, when the chairman of the Committee on Appropriations and the ranking minority Member have their speeches printed in the RECORD, as has been the custom for a great many years, and Members know the next day after Congress adjourns what the picture is.

Mr. LONGWORTH. Will the gentleman yield to me to ask the chairman of the committee a question?

Mr. TAYLOR of Colorado. I will.

Mr. LONGWORTH. Is it not a fact that the Appropriations Committee up to 1885 was the only committee that had the power to appropriate?

Mr. GOOD. Yes; after its creation had sole jurisdiction. Originally the Ways and Means Committee had appropriating jurisdiction, and that continued until 1865.

Mr. LONGWORTH. So that the distributing of appropriation power among committees is of comparatively recent origin.

Mr. DOWELL. Will the gentleman permit just one question? The Appropriations Committee, as I understand it, will have nothing to do with the policy of the Navy or with the policy of the Army.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. TAYLOR] has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes additional to the gentleman.

Mr. DOWELL. That would still be determined by these committees?

Mr. GOOD. Absolutely.

Mr. DOWELL. And the Appropriations Committee will merely, so far as the appropriations are concerned, carry out the general policy outlined by the other committees?

Mr. GOOD. The only qualification, of course, that would have to be made would be that if we had four billions to expend and the estimate of expenditures amounted to six billions, there would have to be a cut if it was determined not to look to other sources of revenue. So there might be necessarily some cut that might in a way affect the policies, which would be temporary rather than permanent.

Mr. DOWELL. But there would be no disposition whatever on the part of the Appropriations Committee to determine the general policy?

Mr. GOOD. Oh, no; I do not think so at all.

Mr. ALMON. Mr. Chairman, I want to ask the chairman of the Committee on Appropriations if in his opinion the enactment of the present bill into law would make it necessary for the passage of House resolution 324 amending the rules?

Mr. GOOD. No; it would not. The two stand separate and alone. The committee felt this, that here were defects in our present law that ought to be corrected; that we ought to change the law in the respect provided for in the bill.

It also had brought so clearly before it by 37 men who appeared before the committee, that the House ought to change its rules, too, that while we should clean the executive house we ought to clean our own, and the committee was not willing to take the responsibility and say that we would clean the executive house and will not clean our own so as to bring about economy. We brought out both of these measures and have laid the cards all on the table so that the House might determine just what it should do.

Mr. ALMON. It has been suggested by the gentleman from Minnesota [Mr. NEWTON], I believe, that it was contemplated that if this bill now under consideration was enacted into law and House resolution 324 was enacted into law that it would be the purpose to make the membership on the Committee on Appropriations 35, to consist of the present members, numbered 21, and the ranking members from about seven committees, who, having jurisdiction of appropriations, do not make 35, and also suggested a number of members would be taken from the Ways and Means Committee. I do not understand how you could get all those members on a committee of 35. I would like to have the gentleman's views on that.

Mr. GOOD. So far as I am personally concerned, I think this selection of a committee of 35 ought to be from the very strongest men of the House. My own thought is, so far as I am personally concerned, that I shall place in the hands of the committee on committees a letter stating to the committee that my resignation as a member of the Committee on Appropriations is at their disposal, to deal with as to them may seem best. I think the Committee on Ways and Means, that selects the Democratic members of that committee, and the committee on committees, on the Republican side, that selects Republican members, ought to be unfettered, because the big problem before the country for the next 25 years is going to be economy, and you have got to have men upon that committee who are willing to stand against all local demands from the various districts and report out appropriations only that are necessary in order that the Government may economize. I do not know how that would be met by that committee, but I believe by that time the House will be sobered, so that it will be willing to "go to the mat" and select the very best men in the House, men who will stand for economy at all times and under all circumstances.

Mr. CLARK of Missouri. I would like to ask the gentleman from Iowa a question.

Mr. GOOD. I have not the floor.

Mr. CLARK of Missouri. Well, the gentleman can give the gentleman from Colorado [Mr. TAYLOR] some more time.

Did not you and I and some of the rest of us find out here the other day that this House was not in favor of economy?

Mr. GOOD. Well, I have seen the House change in that respect, and I believe it is going to be more and more in favor of economy as the days and years pass and as the Members hear from home.

Mr. LINTHICUM. The gentleman was speaking a while ago about the status of the Naval Affairs Committee after the passage of this bill. Would not the status of that committee after the passage of the bill be the same as the present status of the Committee on Public Buildings and Grounds and the Committee on Rivers and Harbors in that they authorize appropriations?

Mr. GOOD. The passage of the bill does not change the status of a single committee of the House. It does not change the power or authority of a single committee or of a single Member of Congress. It is the resolution No. 324.

Mr. LINTHICUM. I refer to the resolution. Under that the status of the Committee on Naval Affairs would be the same as the present status of the Committee on Public Buildings and Grounds and the Committee on Rivers and Harbors. They could authorize, but not appropriate.

Mr. GOOD. They could determine the policy and would decide on the size of the Navy, and then the Committee on Appropriations would have to make the appropriations for it.

Mr. ALMON. Mr. Chairman, will the gentleman yield for another question?

Mr. TAYLOR of Colorado. Yes.

Mr. GOOD. I would say, however, that the Committee on Rivers and Harbors is an appropriating committee at the present time a good deal more than an authorizing committee.

Mr. ALMON. But the passage of this resolution No. 324 amending the rules would not affect the present membership of the Committee on Appropriations, would it?

Mr. GOOD. I do not know whether I caught the point of the gentleman's question or not.

Mr. ALMON. I say the passage of resolution No. 324, changing the membership of the Committee on Appropriations and enlarging it from 21 to 35 members, would not affect the membership of the present committee?

Mr. GOOD. Not unless they tendered their resignations.

Mr. ALMON. Not unless they did that?

Mr. GOOD. No.

Mr. TAYLOR of Colorado. Mr. Chairman, I may say to the chairman of the Budget Committee that I am very glad indeed to have had him answer all these questions, because he is so well qualified to do so. I have no pride of opinion or desire to make a speech on this subject. All the members of the committee are unanimously and enthusiastically in favor of this bill. We want to pass it and do everything that will help the passage of it. We have done so much work upon this matter and are so thoroughly impressed with its far-reaching importance that we feel a patriotic pride in this bill and an earnest desire to be of whatever service we can in enacting it into law.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MOON. I want to ask the gentleman as to the first section of the bill. I note that there will be a director at $10,000 and an assistant director at $7,500, to be appointed by the President.

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MOON. And then you have some $5,000 men and some with less salary.

Mr. TAYLOR of Colorado. Yes.

Mr. MOON. What is the tenure of office of these men?

Mr. TAYLOR of Colorado. The tenure of office of the director and assistant director of the bureau is at the will of the President.

Mr. MOON. You do not say so at all. It is simply provided that the President appoints them.

Mr. TAYLOR of Colorado. The President can appoint them, and they are subject to his control. My idea is that the power to appoint implies the power to remove. I think the President could put them out any minute.

Mr. MOON. The bill does not say that.

Mr. TAYLOR of Colorado. No; but those two men, the director and assistant director, are not under civil service and they are intended to be subject to the control of the President. But the other officers who are appointed later in the bill—that is, the comptroller general and assistant comptroller general of the accounting department—are subject to removal only by the Congress of the United States. The President appoints them, but thereafter he has no control whatever over them. They were intended to be made entirely independent of the President and all the executive departments of the Government. They are responsible only to Congress.

Mr. MOON. They are under civil service?

Mr. TAYLOR of Colorado. No. The comptroller general and the assistant comptroller general can not be considered as being under civil service, because they are subject to removal only by the House and Senate, for three causes only.

Mr. MOON. All the employees whose salaries are less than $5,000, it is provided, shall be appointed from the eligible lists of the Civil Service Commission. They are under the civil-service rules?

Mr. TAYLOR of Colorado. Yes.

Mr. MOON. Then, to get down to facts, you have a life tenure for everything, practically?

Mr. TAYLOR of Colorado. Oh, no. The director and assistant director of the budget bureau hold office only at the will of

the President. All the employees of the bureau under them are under the civil service, and in the same way the comptroller general and assistant hold office subject to the will of Congress, and all the subordinate employees in that accounting department are under the civil service.

Mr. MOON. You do not provide for removing anybody. You provide for appointments, but not for removals.

Mr. TAYLOR of Colorado. Oh, yes. If the Senate and the House of Representatives decide in their judgment by a majority vote that the comptroller general or the assistant is inefficient or guilty of neglect of duty or of malfeasance in office, they can throw him out very quickly, and they will not hesitate to do so.

Mr. MOON. You can throw out anybody by impeachment.

Mr. TAYLOR of Colorado. Let me say this to the gentleman from Tennessee: Our idea was that in some manner we should make these responsible head officers, having such tremendous powers and responsibilities, as independent as possible under our form of Government, and should get as high a class of men as possible, and then give them the powers similar to what such officers have in other countries of the world and allow them to fearlessly cut down and cut out all the thousands of unnecessary expenditures of our Government. They should be absolutely free and independent of official influences. They will have to be cold-blooded and cut down appropriations in every direction that they deem proper and eliminate duplication and any superfluous employees and antiquated methods and antiquated people and inaugurate efficiency and up-to-date business methods, and they have very great and far-reaching responsibilities, and they must have a free hand to properly perform their very great duties.

Mr. MOON. Is not that the way the rights and prerogatives of the people are committed to a clique for plunder?

Mr. TAYLOR of Colorado. Oh, no. We want to get away from that.

Mr. MOON. You have made no provision here for any term of years in the tenure of office of these men.

Mr. TAYLOR of Colorado. No, sir.

Mr. MOON. They practically hold for life. You say they are appointed by the President. You do not provide for their removal by the President. It is a question whether the President can remove them or not.

Mr. TAYLOR of Colorado. Oh, yes; the President can remove the director, and if it is deemed advisable to insert that specific provision in the bill directly giving him that authority, I see no objection to doing so.

Mr. MOON. But the President can not remove the civil-service employees.

Mr. BYRNS of Tennessee. Mr. Chairman, will my colleague yield there?

Mr. MOON. Yes.

Mr. BYRNS of Tennessee. In reference to the two officials to whom the gentleman has referred—that is, to the director and assistant director of the budget—the bill provides that they shall be appointed by the President.

Mr. MOON. Yes.

Mr. BYRNS of Tennessee. Now, there is no definite fixed term of office, and an incoming President will have a perfect right, or the President who makes the appointment will have the right, to call for and demand their resignations whenever he desires to do so, because they hold subject to his will and pleasure.

Mr. MOON. Ought there not to be a tenure fixed?

Mr. BYRNS of Tennessee. No. There should not be a term fixed in the case of these officials, but they should be subject to removal at pleasure, and for this reason: We are trying in this bill to fix a definite responsibility upon the President in the transmission of these estimates. The President has not the time, and it would be impossible for him to go through these departments and get definite information as to the amount of these appropriations and the number of employees required, and therefore we provide this bureau for that purpose. Now, if we are fixing upon the President the responsibility for the transmission of these estimates, certainly we ought to give the President free rein in the selection of the man who is to head that bureau. He ought to be a man in whom the President has absolute confidence, and the President ought to have the right at any minute and in any hour to remove him if he desires to do so.

Mr. MOON. Well, admitting that, it is a very questionable proposition—the gentleman's statement—as a matter of law. If the appointment is placed in the hands of the President with the power of removal, there is no question about it; but if Congress invests in the President simply the power of naming a particular officer, it is very questionable to say whether the President has the right to say what the tenure is to be and remove him from office.

Mr. BLAND of Missouri. Section 12 provides for that.

Mr. MOON. What does it provide?

Mr. BLAND of Missouri. It provides that the President shall remove him and fix the tenure of office.

Mr. MOON. I am only making these suggestions to the gentleman. I do not believe there should be any doubt at all as to the power of the President. I do not believe we ought to create an office without fixing the tenure, and I do not believe one iota in the civil-service proposition you have here. [Laughter.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LONGWORTH. Would not the status of this director be the same as that of an ambassador, who is appointed for a fixed term?

Mr. TAYLOR of Colorado. Yes.

Mr. LONGWORTH. And that is the custom always in the Diplomatic Service—that when a new President is inaugurated he receives the resignations of all the ambassadors and ministers. This is on precisely the same basis.

Mr. TAYLOR of Colorado. Yes; and in the same way.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield for a question?

Mr. TAYLOR of Colorado. In a moment. In the same way, if the director of the budget and his assistant have been exceptionally efficient and have made a splendid record, as we all hope and believe they will, the chances are that no incoming President will want to remove them. He ought to have that power. He does have that power under this bill; but if those officials are exceptionally efficient he will not want to dispense with their services. They are not political positions at all.

Mr. MOON. Why do you not make it clear that he shall have the power?

Mr. TAYLOR of Colorado. So far as I am concerned, I have not a particle of objection to that. That is a matter of detail, to be considered when we come to consider the bill under the five-minute rule for amendments.

Mr. WILLIAMS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. WILLIAMS. The gentleman says the new President, when he comes in, could remove the director.

Mr. TAYLOR of Colorado. Yes.

Mr. WILLIAMS. Could the President who was in, during the term of his office, remove the director?

Mr. TAYLOR of Colorado. Oh, surely he can remove him. If he does not prove efficient, the President can and will remove him at any time.

Mr. WILLIAMS. If there is any doubt about that, it ought to be made clear.

Mr. MOON. What time does your bill provide for the retirement of these people on half pay?

Mr. TAYLOR of Colorado. At the age of 70 years. That only applies to two men.

Mr. MOON. That is exactly the provision as to judges who may be appointed by the President, but can not be unappointed by the President.

Mr. TAYLOR of Colorado. That is a matter of detail. I hope the gentleman will offer an amendment to embody any suggestion which he has in mind.

Mr. MOON. I am against any proposition that turns over control of the revenues to any such a bureau as that.

Mr. LINTHICUM. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I yield to the gentleman from Maryland.

Mr. LINTHICUM. On page 9 of the bill it says that section 236 of the Revised Statutes is hereby amended to read as follows:

SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the accounting department.

What claims does that cover? What does it mean by "settled"? Does it mean that they shall be paid, or drawn on the Treasury and settled? What class of claims does that refer to? Does that relieve Congress of any of these private claims that come before it, and does it relieve the Court of Claims of any of its work?

Mr. TAYLOR of Colorado. I do not think so. I think that simply means to consolidate all of these five or six auditors that we now have into one department and put them under the Comptroller General and make them go into one office rather than have each one of them auditing his own accounts, which is an entirely illogical and unbusinesslike way of doing and which they are doing at the present time.

Mr. LINTHICUM. I agree with the gentleman about that, but it seems to me that the word "settled" may have a different meaning than he states.

Mr. TAYLOR of Colorado. We do not bring out this bill as the absolute sum total of human wisdom. When you come to consider it, section by section, we will all welcome amendments that will make it better.

Mr. McKENZIE. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. McKENZIE. Is it the purpose of this legislation that when the budget committee has reported a bill to the House the power of the House to increase those appropriations is shut off?

Mr. TAYLOR of Colorado. Oh, no. The House can do whatever it pleases. We do not take away from this House any power, and we do not take away from any of the Members the power to try to do something; but we feel this way, that when the administration brings in a carefully prepared budget and says to the American people, "This is all the money we want, this is where we are going to get it from, this is what we are going to expend it for, this is our official fiscal policy," and when it has been carefully considered and reported by the large House Appropriations Committee, which may be called its budget committee, our thought is that they will very thoroughly investigate, and that after the items making up this budget have gone through all these different departments and bureaus and the comptroller and the various committees, when a bill is brought in here after that much consideration, the chances are that that bill will not be increased in this House.

In other words, we feel that it will at least somewhat resemble the effect of the official budget that is put before the House of Commons of England or other controlling bodies of the various nations of the world. In other words, it is possible; but we figure that with the character of men that we will have in the 35 members of that committee, and with the investigation they make, and with the power of the executive departments behind it, a bill will not be changed very much on the floor of the House unless there is some very good reason for it. Candidly that is the way the Budget Committee feels.

Mr. McKENZIE. Is it the opinion of the gentleman that under our form of government and under our Constitution it would be impossible to put a limitation on appropriations by the House?

Mr. TAYLOR of Colorado. I do not think it is impossible; but at the same time we doubt the wisdom of it. We do not think any such limitations will be necessary.

Let me say this generally to the Members of the House: The only one feature that has a mental reservation with all of us, and that is somewhat uncertain in the minds of all of us, and that we can not satisfactorily advise you about, is the body at the other end of this Capitol.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. I will take 10 minutes more.

Mr. BYRNS of Tennessee. I yield to the gentleman 10 minutes more.

Mr. TAYLOR of Colorado. As a matter of fact, the House of Representatives has got no right to regulate the Senate, but we do feel that when we bring out the budget in the manner in which we here provide, and if we provide that any amendments that they put on in the Senate shall be subject to a point of order in this House, and guard ourselves in every way that we can, we feel that with the administration and with the power that this House will have of initiating these revenue measures, it will very materially curtail the present custom of the Senate of boosting appropriation bills to the blue sky, nearly.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LONGWORTH. I should like to know how the committee construes section 4, particularly that portion of it which gives to the President the recommendation as to revenues. Is this budget, in addition to suggestions as to appropriations, to contain suggestions for the imposition or raising of revenues?

Mr. TAYLOR of Colorado. Why, yes; in so far as the President sees fit to advise Congress. In other words, we want to put the duty and the responsibility upon the President of the United States to outline and present to Congress, as we feel he ought to, the fiscal policy of this Government; in other words, to show how and where the money is coming from and where he thinks every dollar of it ought to go. In other words, we want to make him put all his financial cards on the table here and before the whole country and be officially responsible for them.

Mr. LONGWORTH. For instance, take the case of this year, where the total expenses for the fiscal year exceeds the sources of revenue from all known sources by more than $3,000,000,000. Would it be the duty under this plan for the President to recommend to Congress how that deficit can be made up?

Mr. TAYLOR of Colorado. Yes, absolutely. He ought to tell Congress what his financial policy and ideas are, and then, if necessary, go before the American people and back them up. If we differ with him and change his budget, we will have to answer to our constituents when we go home for reelection.

Mr. GOOD. If the gentleman will allow me, that is the law now, under the act of March 4, 1909.

Mr. LONGWORTH. Since I have been in Congress I have never heard of its being obeyed. Does the gentleman from Iowa remember a case where the President has made such a recommendation?

Mr. GOOD. No; I think it may be that President Wilson, in one of his annual messages, made some suggestion during the war.

Mr. LONGWORTH. Yes; such as a few sources of taxation, but no recommendation as to those taxes. He recommended that this tax should be imposed, for instance, on oil and steel.

Mr. TAYLOR of Colorado. I do not think that President Taft or President Wilson ever carried out that act or enforced that law. It has been practically a dead letter, and still it is a good law.

Mr. LONGWORTH. I understand the purpose of making this provision is to make it the duty of the President to make suggestions and recommendations as to revenue and recommendations as to expenditure?

Mr. TAYLOR of Colorado. Yes; we feel that he ought to frankly and fully let the country know what his policy is. He will have the necessary machinery, and he should do the work and give the country the benefit of his power and opportunity to save the people's money and get the credit for it if he does and be blamed for it if he does not.

Mr. LONGWORTH. In other words, the budget is, so far as the Executive is concerned, a complete recommendation to Congress as to the finances of the Government?

Mr. TAYLOR of Colorado. Absolutely. In other words, we put the responsibility on the executive departments of this Government to tell Congress and the American people what that financial policy is and how to carry out what he promised during the campaign, what his party stands for, and present it to the American people in a way that everybody can understand. Then Congress will take up his recommendations, and we have the absolute power to indorse them or disregard them. If we disregard them we have to answer to the American people for it, whether we raise or lower it.

Mr. HASTINGS. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. HASTINGS. As I understand, the Budget Committee prepares in detail the budget and transmits it to Congress through the President, stating the various sums that will be necessary to run the Government——

Mr. TAYLOR of Colorado. Yes; and where they are to come from.

Mr. HASTINGS. And where they are to come from—the amount to be used by the Navy Department, the amount to be used by the Army, the Agriculture Department——

Mr. TAYLOR of Colorado. Every activity of the Government.

Mr. HASTINGS. Every activity of the Government, and give it in detail. What I would like to hear the gentleman on is this: I am for the budget and for the bill; but I am against the rule, because I believe when these recommendations are made, for instance, the amount necessary for the Army or the Navy or the Department of Agriculture—I believe that gentlemen of this House who have made a study of that question for years and years are better qualified to say how that appropriation shall be used for the benefit of the Army or other departments than the 35 Members on this committee. I believe that gentlemen, for illustration, on the Post Office Committee who have been on that committee for years and years know more about the expenditure of that money for the benefit of the Postal Service than the men on this committee. I believe that men on the Agricultural Committee will know more about the expenditure of money for the benefit of agriculture than this great committee, and so of all the other departments. That is the one point of difference between myself and the gentleman, and the difference entertained by other Members of the House. Everybody favors a budget system.

Mr. WALSH. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will yield to the gentleman.

Mr. WALSH. I would like to ask the gentleman from Oklahoma what would happen to the country if all the members of the Post Office Committee should be defeated for reelection?

Mr. HASTINGS. The gentleman from Massachusetts understands that that is highly improbable. Some gentlemen have

served here as long as 30 years, some 35, and some 40 years, and there is never an entirely new membership of the House. Let me say that just as soon as you concentrate the power in 35 Members of the House, the Appropriation Committee, the Committee on Rules, and the Ways and Means Committee will control and dominate the legislation of this House, and the rest of the membership of this House might as well go home.

Mr. WALSH. They could resign.

Mr. HASTINGS. The gentleman from Massachusetts imagines that he runs the entire House, and often interjects remarks, whether proper or otherwise; and sometimes they are not entirely appreciated, and some do not appreciate them at all. I want him to remember that there are other Members that ought to be heard and expect to be heard once in a while in addition to the gentleman from Massachusetts.

Mr. WALSH. Will the gentleman yield?

Mr. HASTINGS. I have not the floor.

Mr. TAYLOR of Colorado. I will yield to the gentleman.

Mr. WALSH. Does the gentleman from Oklahoma, who has been here for a great many years——

Mr. HASTINGS. Not many, but a few.

Mr. WALSH. Well, several terms, feel that any one committee or any two committees or any three committees can control the judgment of the entire membership of the House or can get any measure through contrary to the judgment of the majority of the House?

Mr. HASTINGS. They bring the legislation to the attention of the House, and in that way can get consideration of the House. Let me ask the gentleman how the Committee on Agriculture could get any consideration here of any bills before the House, except on Calendar Wednesday or by a special rule? If the committee has had two Calendar Wednesdays, the committee might never be called during the whole session of Congress. We have had experience of that kind a number of times.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman 10 minutes more.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LONGWORTH. Might I suggest that up to 1865 there was only one committee of this House, which had charge of not only appropriations but the raising of revenue?

Mr. TAYLOR of Colorado. That is true.

Mr. LONGWORTH. And many well-known statesmen made handsome reputations, although they were not members of the Ways and Means Committee. It was not until 1885 that any committee except one had the power of appropriation at all.

Mr. TAYLOR of Colorado. There is not a Member in this House who favors economy or who wants to carry out his party platform who can give a sane reason for voting against this bill.

It is a matter that systematizes the executive departments. As far as the other proposition is concerned—that is, our rules—that is a bridge which we will cross when we come to it. That will be time enough to thrash out the rules question and the power of the committees.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. STEAGALL. Is it not true that this bill creates quite a number of officers at large salaries?

Mr. TAYLOR of Colorado. Not very many.

Mr. STEAGALL. Are not those places to be filled by men who are to be appointed and who are not responsible to the people of the country who pay the taxes, from whom the representatives of the people hold their positions?

Mr. TAYLOR of Colorado. The heads of the budget are responsible to the President of the United States, and he can cut off their heads in five minutes.

Mr. STEAGALL. Is it not true that some of these officers hold office for life?

Mr. TAYLOR of Colorado. All civil-service employees hold office for life.

Mr. STEAGALL. Is it not true also that, after all, the Congress is not responsible for extravagant appropriations as are the heads of these departments, to whom we listen and who submit to us now their estimates from which we make up our appropriations?

Mr. TAYLOR of Colorado. The gentleman is absolutely correct about that. That is one thing that came out in the hearings. Practically all of these writers upon the budget system, even the authors of many books and articles in all of these magazines, berate Congress for extravagance, but when they came before our committee, as a matter of fact, there was hardly one of them who knew that the Congress of the United States had saved to the Government of the United States hundreds of millions of dollars by cutting down estimates that were turned in every year by the heads of the executive departments.

Mr. STEAGALL. It is true that in every instance the Congress cuts the appropriations sent in by these heads of departments.

Mr. TAYLOR of Colorado. In almost every instance.

Mr. STEAGALL. Does not the gentleman believe that the representatives of the people, who have to go before them every two years and give an account of their record here, can better be trusted to conserve and economize than men appointed who are not responsible to the people, who hold their office at the will of some one else?

Mr. TAYLOR of Colorado. There is nothing in this bill that would prevent us from preserving and economizing, and we see no reason why the administration should not be put on record to conserve and economize and let the American people know why it does not, if it does not.

Mr. STEAGALL. Does the gentleman believe that if the Members of Congress could have put the responsibility upon the Executive, it would have resulted in any great saving in recent years?

Mr. TAYLOR of Colorado. Yes; I think it would. I think there is a great deal of duplication, and many unnecessary employees, and great waste and unnecessary expenditures, and I feel that if the departments themselves had the responsibility put upon them of going before the American people for reelection and showing where all this money came from and went to we would have made a great saving. Mr. Chairman, I thank the committee for its courteous hearing. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Chairman, I wish to take up the five minutes in catechizing the chairman of the committee [Mr. GOOD], because I want some information. If the chief man in this plan—whatever he is called—is not to be appointed for life, why not say so in this bill?

Mr. GOOD. Does the gentleman refer to the director of the budget or the comptroller general?

Mr. CLARK of Missouri. The comptroller general.

Mr. GOOD. He is not appointed for life. He is appointed during good behavior. He is appointed until the happening of two events—either until he is removed by concurrent resolution of Congress or until he reaches the age of 70 years.

Mr. CLARK of Missouri. That is one question. Why do you not put it in the bill that the President shall have the power to remove this man instantly if he wants to?

Mr. GOOD. The intention was that this department should be more an arm of the Congress than of the executive department. The President will have his bureau of the budget, with a director of the budget, and there should be on the part of Congress an independent establishment, to whom Congress could go for its information, which would be at all times a check and a balance against extravagance upon the part of the Executive.

Mr. CLARK of Missouri. Why put the director and his assistant on the same basis as Federal courts—that when they reach the age of 70 years and have served 10 years they shall be retired on half pay?

Mr. GOOD. That does not apply to the director of the budget. The director of the budget, when he retires, gets no pay at all after he leaves the office, because that man is to be the President's personal man. He will likely go out with the administration. He is the man that the President will hold responsible for giving him personal information that he wants. The comptroller general is a semijudicial one. I can conceive of no official of the United States who will have more power than the comptroller general of the United States. We ought to invite to that office the very best talent that is obtainable; and in order to do that you must make the tenure of office somewhat permanent and hold out an inducement to the man who may occupy it, so that when he retires, if he is not retired by concurrent resolution, he will have something on which he will be able to live.

Mr. CLARK of Missouri. That is just the beginning of a pension system from civil walks of life, is it not?

Mr. GOOD. No; I do not think so. The gentleman may say that retiring judges of the Federal court was the beginning of a pension system; yet that law has been on the statute books for a great many years, and it was not the beginning of a pension system, and this bill does not extend it except to this officer.

Mr. CLARK of Missouri. But every time some one wants to establish a pension system from civil life the case of the Federal judges is cited as a precedent.

Mr. GOOD. That is true.

Mr. CLARK of Missouri. Why should not another law be passed that if a man serves in Congress 10 years or 25 years or 20 years and attains the age of 70 years, he shall be retired on half pay? What do these appointive officials do, who hold appointive offices, in the way of labor, more than a Congressman does?

Mr. GOOD. I want to call the attention of the gentleman from Missouri to this fact, that this man will pass upon expenditures of several billions of dollars a year. We ought to get the very best man available. I do not know whether you can get a man from the practice of the law or from business pursuits for the amount specified in the bill; but the intention of the committee was to make the salary so it would be attractive, and also to make some retirement provision attractive. The retirement provision is only an incident; it is a detail; and if there is objection to it on the ground the gentleman has specified, why——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I would like to have five minutes more. I am digging for information.

Mr. TAYLOR of Colorado. I yield the gentleman five minutes additional.

Mr. CLARK of Missouri. Well, now, he gets $10,000 a year. We get $7,500. We pass on billions of dollars a year, too. Now, how does he come to be such a big wig? When we come to that section I am going to move to strike out the retirement business and find out about it. Now, another question. Is this comptroller general, or whatever you call him, going to be a member of the Cabinet, with a separate department?

Mr. GOOD. No.

Mr. CLARK of Missouri. You refer all the way through the bill to "the department."

Mr. GOOD. Yes. We provide in section 9 that there is created a department to be known as the accounting department.

Mr. CLARK of Missouri. Yes.

Mr. GOOD. That is the department that is referred to.

Mr. CLARK of Missouri. Now, a department has a certain fixed meaning in the understanding of the American people. It is "the department," and the chief of the department is a member of the Cabinet.

Mr. GOOD. Not necessarily so. I can give the gentleman quite a number of instances where departments do not have a Cabinet member.

Mr. CLARK of Missouri. It is a misnomer, then, to call it a department. A department is a department. Does not the gentleman know that the House has been the most economical body that has anything to do with the finances of this country?

Mr. GOOD. Yes; more economical than the estimating or the executive department.

Mr. CLARK of Missouri. The chiefs of departments, the heads of bureaus, and all that kept exceeding the appropriations here until Congress had to pass a law making it a criminal offense for them to do it.

Mr. GOOD. Yes; that is true.

Mr. CLARK of Missouri. Is this comptroller general, or whoever or whatever he is going to be, supposed to be more economical than the rest of these departments?

Mr. GOOD. Absolutely so. This department is created to put a stop to that sort of thing in the executive department, and the only way you can do it is to have men going out through these other departments 365 days in the year to bring to Congress the information as to the real status in those departments. That is, in part, the purpose of this department.

Mr. CLARK of Missouri. Now, does not the gentleman know that the Civil Service Commission has been hunting around here to find places in which to put—I have forgotten how many, but four or five thousand that some department turned loose here the other day—and the Civil Service Commission stated that they were going to find places to put those discharged people in?

Mr. GOOD. I had not seen that statement.

Mr. CLARK of Missouri. Well, it was in the newspapers. I do not know whether the newspapers were telling the truth or lying about it.

Mr. GOOD. I have not seen the statement.

Mr. CLARK of Missouri. This comptroller general is going to absorb practically all the power there is up there, is he not?

Mr. GOOD. No; the comptroller general will pass first on the legality of every expenditure. Second, he will audit the accounts in a big way for all of the departments, and he will have under him a trained corps of auditors, who will owe their position to the fact that they are auditors rather than that they have performed political services. Political auditors are now selected. Of the six auditors, only one had ever done any auditing before. The others were men selected because of their political pull, and it is not businesslike for Congress to be held responsible for appropriations and having no check upon the expenditures after they are made. No business institution in the country would give a million dollars to a man to spend for a certain thing and allow him to audit his own accounts. That is the system we have now. We want an independent audit, so that Congress can know whether or not the money it has appropriated has been expended for the purposes for which it was appropriated. And we want him to be able to say it to them without fear of being removed by the executive that he criticizes. That is the purpose of this provision.

Mr. CLARK of Missouri. Another question. Has a single man appeared to testify before this Committee on the Budget who has standing enough to be elected here to the House or to the Senate in his own community?

Mr. GOOD. Did a single man——

Mr. CLARK of Missouri. Did a single man appear before this Budget Committee and advise a budget—and most of them would not know a budget if they met it in the big road—did a single one have standing enough for him to be elected to the House or the Senate?

Mr. GOOD. Well, Mr. Fitzgerald, Mr. Sherley; both have been elected a number of times to this House and rendered wonderful service in this House, and they both advocated it.

Mr. CLARK of Missouri. Both were able men.

Mr. GOOD. Mr. Taft and Gov. Lowden both advocated it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman five minutes additional.

Mr. CLARK of Missouri. I do not want five minutes more.

I want to say this, Mr. Chairman, that I am in favor of a budget system, and this idea of a big committee to transact this business appeals to me very forcibly, but I do not want some office created up here in the administrative department that is going to bully and override the House of Representatives. [Applause.] The patronage of the Government is very strong indeed. I had experiences concerning that early in my congressional career.

Mr. CANNON. Will the gentleman yield for a question?

Mr. CLARK of Missouri. With pleasure.

Mr. CANNON. The Comptroller of the Treasury Department now passes upon appropriations as to whether finally it would be legal or illegal to expend the money for the purpose spoken of. A man by the name of Taylor, of Ohio, was comptroller when I came to Washington. He was a very competent man in every respect.

A law came up for him to construe as to the expenditure of an appropriation. Grant was President. Mr. Taylor would not construe it for the purpose proposed. They could not get him to do it. He said that was contrary to the spirit of the law that made the appropriation. Whereupon word came to him that he must make that construction or he would be removed. His reply was, "I tender my resignation to the President, because I will not make that construction." And President Grant had the good sense to let him stay, and he did stay until he died. Now, I want a man that is not to be subject to patronage in the construction of the law that makes the appropriation.

Mr. CLARK of Missouri. When Congress met in extraordinary session in 1893 we had a caucus here, not of Democrats alone but of everybody who was friendly to silver. There was a membership then of 357. There were 201 Members of Congress in that caucus. They debated it two weeks, and when we called the roll seven times on one day on that proposition, 16 to 1 and 17 to 1, and so forth, the highest vote we ever polled was 101. What did it? Patronage.

One night in February, 1909, or early in March, we had a confab here about the President's salary just before President Taft was to be inaugurated. We were scrapping around here as to whether we would raise his salary to $75,000, and it was solemnly promised on the floor of the House if I would let up fighting that proposition the $25,000 for traveling expenses for the President would never be asked any more. The statement was made in public. Within three weeks after President Taft was inaugurated a bill was introduced here to give him that $25,000 for traveling expenses, and I accused gentlemen over there who formerly agreed with me on that proposition that they were not acting in good faith; that they were not telling the truth on that night on which we were scrapping; but they simply laughed at it. They practically admitted that they have fibbed; and President Taft got his $25,000 for traveling expenses.

Mr. CANNON. Will the gentleman allow me?

Mr. CLARK of Missouri. Yes.

Mr. CANNON. That is a reflection upon the House of Representatives and the Congress.

Mr. CLARK of Missouri. That may be; but I am telling you about this patronage clause. I could give a dozen examples. As one example that I have related is about a Republican and one about a Democrat, nobody can accuse me of talking politics. I am in favor of a budget system, but I am not in favor of giving some Mephistopheles up in these departments authority to do everything.

Mr. GOOD. Mr. Chairman, I yield 45 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman and gentlemen of the committee, my part in this debate is to discuss the English financial system and procedure in relation to the preparation, submission, and adoption of their yearly budget, and to state in what respects we adopted or rejected their practice, in order to propose a budget system adapted to American conditions. The committee prepared the pending bill, having in mind our constitutional system, our institutions, and circumstances.

It is well understood by everyone who has studied the budget system that the English practice is the best of its kind and the longest established; it has been under fire and test for a great many years, and it is probably better known than any other.

Charles Dickens, in David Copperfield, says:

> Mr. Micawber conjured me to observe that if a man had £20 a year for his income and spent 19 shillings and 6 pence he would be happy, but if he spent £20 1s. he would be miserable; after which he borrowed a shilling from me for porter and cheered up.

That, in a way, describes the condition in this country. That is, we have had during our history such ample resources that we were not compelled to worry at any time concerning the revenue necessary to meet the expenditures. And our debt was small in proportion to our ability to obtain funds for the support of the Government. Suddenly we have come to a condition of affairs where our revenues are not adequate for our expenditures, where our debt has suddenly assumed tremendous proportions, where the costs of the Government have increased and will be largely maintained for a considerable period, and where, when we return to normal times and conditions, the incomes of the people who are paying these great taxes will be reduced. It will then be a greater burden on the taxpayers to pay even the amount that they are now paying. We are faced, then, with three conditions, namely, increased debt, increased expenditure, and decreasing sources of revenue in comparison with governmental expenditures.

For instance, take the question of the increase in salaries. We have made increases in salaries, and it is proposed to increase many others. The number of persons employed will be reduced slowly. There are many obligations growing out of the war, the full extent of which we have not realized. Very many other expenses of the Government that have been increased will likewise diminish slowly. We have not yet had time to take stock of the full extent of our new liabilities.

We have had in this country many issues in times past between the different parties, but in my judgment the great issue for many years to come will be the question of financial retrenchment—the reduction of expenditures. I expect to see in this country a great President, who, like Mr. Gladstone, will found his title to fame and lasting glory as President of the American Republic upon the fact that he conducted the administrative affairs of this Government upon a basis of sound economy and obtained the results that ought to be obtained at a greatly reduced expense [applause]; that there will be a race of Secretaries in the Cabinet who will make it their great endeavor to so conduct their departments in an orderly, systematic, and less expensive manner, who will go through them with a lighted candle and discover where eliminations can be made and found their title to the gratitude of the American people upon the fact that they did the service required of them at a greatly reduced cost. And likewise that there will be departmental chiefs who will do these same things. That hereafter Presidents will be elected, parties will be overthrown, upon the question of which party and which man in the great office of President can best serve the people for the least expense.

This bill proposes to take that question under serious consideration and afford a measure and method of its realization.

We propose an ante mortem examination of the patient—the public revenue. We propose that by a certain system of sound financial therapeutics we may restore the sick man and save his life, rather than wait until he is dead and hold a post mortem examination upon him and find out why he died. We propose in the beginning of things, before a dollar is collected or a dollar is expended, that there shall be squeezed out of the estimates and out of the appropriations and out of the proposed taxation the last dollar that is unnecessary to be taken from the people or spent in the public service.

The Select Committee on the Budget have reported a bill adapted to American conditions, but they have not been unmindful of historical conditions and historical precedents and the experience of other people. I shall therefore discuss three things in the English budget, because those three things are vital to the bill that we have reported.

The first is the preparation of estimates; the second, money in Parliament; and the third is the audit.

Mr. LONGWORTH. Before the gentleman proceeds to take up the English system, may I ask him one question?

Mr. HAWLEY. Yes.

Mr. LONGWORTH. The gentleman is a member of the Committee on Ways and Means?

Mr. HAWLEY. Yes.

Mr. LONGWORTH. He recalls that the late Secretary of the Treasury, Mr. McAdoo, advised that committee to reduce taxes automatically by 25 per cent on the ground that the revenues so derived would be amply sufficient to run the Government for the fiscal year 1919. The gentleman recalls the fact that a few days ago the chairman of the Committee on Appropriations showed that the expenses of the fiscal year 1919 would be something more than $10,500,000,000, so that we now find ourselves in the position of having automatically reduced taxes to a point where we will not raise more than $4,000,000,000 in the face of an expenditure of more than $10,000,000,000. Is it not to avoid just that sort of thing, that sort of wild guessing in the dark, that this bill has been drawn as a remedy?

Mr. HAWLEY. It will do that. It will provide a balanced statement of expenditures and revenues, and it will reduce the expenditures within the possibilities of the revenues, and reduce the revenues to the lowest possible amount consistent with the good of the public service.

There is one fundamental difference between our Government and the English Government. In the English Government the administration, or the executive, and the power that controls the legislation is one and the same body, namely, the cabinet, or ministry, or what is known in their phraseology as "the Government." The House of Commons, as such, never originates a policy. It only approves or rejects a policy proposed by the ministry. If it wishes to maintain a ministry in power, it accepts their policies. If it wishes to overthrow a ministry, it rejects their policies. But in this country Congress initiates policies on its own accord, and it approves all policies submitted by the Executive before they can be adopted. Consequently in our system we must take knowledge of the fact that we must not deprive the Congress of that power which it has long exercised, and which, in proportion to the expenditure, it has wisely exercised. In the last 25 years the Congress of the United States has appropriated $600,000,000 less than the Executive has recommended. In passing judgment upon the policies of the Executive we have found them at times too costly, or that the proposed work would cost more than the public good to be derived therefrom.

When Mr. Gladstone was prime minister he removed a minister from his cabinet because that man refused to cut down the expenditures of his department within the limits Mr. Gladstone thought that department could be carried on for. The minister said he could not afford to make the necessary and required reduction. Mr. Gladstone said, "They must be made." He dismissed from office that man and appointed another who would accomplish that purpose. We must make it possible to accomplish that result in this country or the conditions that confront us can not be successfully met in the coming years.

The fiscal year in Great Britain begins on April 1. So far as the system is concerned, the commons is supreme nominally. The cabinet is in control as long as it commands a majority of the House of Commons. In the cabinet the prime minister is the chief factor. Under him is the chancellor of the exchequer, for if a prime minister does not take, when he assumes the premiership, the chancellorship of the exchequer also, the next strongest man in the cabinet makes a bee line for that place.

The treasury in England has a double organization—a political and a financial organization. The political organization consists of a chancellor of the exchequer, who is frequently the prime minister, also known as the first lord of the treasury. Then they have four or five junior lords, who are part of the "scenery," but have nothing to do with the finances of the country, except that they are useful occasionally to sign documents; these junior lords act as parliamentary whips. There is a parliamentary secretary, who is the chief whip of the ma-

jority. There is a financial secretary, who is the assistant to the chancellor, both in the administration of the finances in the treasury and on the floor of the House of Commons. These men are all members of the cabinet, and you can see from that how great a voice the fiscal system and the treasury of Great Britain has in the cabinet of England and on the floor of the House of Commons by the number and the character of men who conduct its affairs.

There is then the permanent or financial organization, at the head of which is a permanent secretary. Sometimes the office is divided between the two men. They and the permanent staff under them do not change with the political changes in the Government.

The estimates are prepared in the treasury, and the process is as follows: In October of each year the permanent secretary of the treasury, acting for and on behalf of the chancellor of the exchequer, sends to every spending department a sheet containing, printed on it, every item of expenditure that that department or service was authorized to make in the last appropriation act. The amounts appropriated for that department or service for the last five years are set down in columns printed in for the convenience of the spending department in submitting its estimate, and also to let it know that the treasury is advised as to what the amounts should be. Then the department puts in the amount it estimates as needed for every item printed in the list as the estimate for the ensuing fiscal year.

Such estimates are arrived at in this way: The treasury is in constant touch with every spending department. Here is a department or "service" that wishes to add five men to its staff. They can not do that, even though they have the money appropriated for it, unless the treasury approves that addition of five men in what is known as a "treasury minute." Or it wishes to develop a service, and under the power of virement they have the authority to transfer sums from one service to another within a certain limitation. But they can not spend a dollar more than they did in the preceding year unless they submit that request to the treasury and the treasury minute approves of the change in the organization of that service. These are only illustrative cases; and the treasury has similar authority over many other activities.

That goes on every day in the year. The treasury department decides thousands and thousands of cases. They retain a copy of the minute. The spending service receives a copy of the minute, and if when it makes out its estimate in the estimate blank it wishes to add a clerk, or to change the service a little, or add a new service, it must put in a specially-prepared column the date and number of the treasury minute authorizing the changes; otherwise it is not authorized or warranted to include them in the estimate. So that every day of the year the treasury department is approving or disapproving the actions of the spending departments. The treasury department is, on the part of the executive, the cabinet of England, the power that enables it to hold down the spending department to the last shilling consistent with the proper performance of their public duties.

When the estimate circulars are received back by the treasury department it examines them. It notes every proposed item of expenditure and observes whether they are warranted by a comparison with the appropriations of the preceding year or reference to the treasury minutes. If there is any change at all the treasury then examines the quotation of the treasury minutes to see whether that change was authorized. If not, they require the spending department to show cause why that item should not go out of the estimate.

If there is a change in the organization of the service, the warrant for that must be cited in a treasury minute, and if they can not show warrant of authority for it the spending department is asked to show why that should not go out of the estimate. If a new service is added they make the same inquiry. They look for stowaways all through the estimates to see whether the spending department is attempting to get a new item included in a place where the treasury department will overlook it. Occasionally such an item is overlooked, but rarely. The result is that when the treasury department makes up the estimates, having collected all the estimate sheets, to be presented to the ministry for the ensuing fiscal year, the greater proportion of the items have been agreed on between the treasury and the spending departments. The remaining differences must then be settled. The treasury, in the case of a dispute between the spending departments and the treasury, appoints an interdepartmental committee if more than one department is concerned; otherwise, a departmental committee. The spending department offers its reasons for adding the new service or the new employee, or whatever it may be that they desire the enlargement for. The spending department may yield, the treasury may compromise, the treasury may yield, or there may be a deadlock. If there is a deadlock, the treasury refers it, on its side, to the chancellor of the exchequer, and the spending department refers it, on its side, to the head of the spending department, and the chancellor of the exchequer and the departmental head then endeavor to come to a conclusion. If they can reach no agreement, it then goes before the ministry. As against the treasury, the head of the spending department has the prevailing voice, in that it can bring it before the chancellor and the cabinet, but as against the head of the spending department the chancellor has the strongest voice in the cabinet, and the cabinet sustains the treasury in every possible case.

For that reason, then, the treasury department of England has grown to be a very powerful organization in the hands of the ministry for holding down the expenditures to the last possible pound consistent with the public good. It is not a department that goes around seeking trouble. Every spending department understands that the special obligation of the treasury is to reduce expenses, and they take it in good part. But it is an all-the-year-round work on their part, and the result is that they have effected some very remarkable economies in the public service.

I quote from Durell's Parliamentary Grants. This, I believe, is the latest book on the English fiscal system and the most authentic:

"The primary object of the treasury, as well as of the public accounts committee, is to complete and secure the control of Parliament over the public expenditure and to maintain financial order throughout the service. The treasury is the central financial authority of the State and all important changes in financial administration should either have its prior authority or at least be brought directly to its notice. 'By immemorial custom, the lords commissioners of the treasury have been constitutionally empowered to control all other departments of the State in matters of finance and public expenditure. In various facts of Parliament and reports of committees of the House of Commons this authority has been from time to time recognized and enforced.' The secretary of the board of audit emphasized the same point in 1865. Unless Parliament for some special purpose empowers some other department than the treasury to authorize expenditure, 'the source,' he said, 'of all administrative authority for expenditure is the treasury. The right of the treasury to determine what the several departments may spend and what they must not spend, though modified occasionally by certain special enactments, is incontestable and rests upon an unbroken prescription which has accordingly the force of law. The treasury, moreover, may exercise this right, provided that it does not transgress any parliamentary requirement in any way it pleases. * * * In short, the power of determining by what means the controlling authority of the Crown over the public expenditure can be best maintained belongs of right to the treasury, and the decision of the treasury as to what expenditure is or is not sufficiently authorized is final and without appeal.'

"This financial control is really the control of the chancellor of the exchequer, exercised through the subordinate or departmental treasury acting as his advisory staff." (D., 241.)

"The functions of the treasury in relation to public finance are to control, to authorize, and to advise apart from its duty of having to secure that the money required is available. It is strictly neither an expending nor a collecting department of the State, but rather the financing department for all other departments. It is responsible for seeing that the consolidated fund is always in a position to meet the demands made upon it, and therefore it is one of the first duties of the financial branch of the treasury to watch the rate at which issues are proceeding—to watch, that is to say, 'the overflow from the sluice,' namely, the issues from the exchequer. This it is able to do by being informed of the daily progress of imprests to the accounting departments, which enable them to carry on their daily expenditure from day to day, inasmuch as the issues are made on its direction. Nor again is it normally an executive department, though occasionally, and indeed frequently, there are many things to be done in the multifarious concerns of the country in regard to which the treasury is compelled to act as a department invested with the initiative, simply because there is no other department to do so. Still, this ought not to be done when there is another department which is able to take the initiative.

"The duty of preparing and consequently of criticizing the estimates on which the budget is to be based devolves upon the treasury, which is therefore necessarily possessed of very great power of control over public expenditure." (D., 242.)

"Economy is never attainable without efficiency—that is an absolute rule." (D., 243.)

"The business of the treasury, apart from policy and its rôle of representing how much money it is wise or not wise to spend, is to find out waste by all official legitimate means, to canvass unwise expenditure, and, by correlating the demands of the different departments, to secure the maintenance of the system of public accounting in them all on a principle of uniformity. It is, as regards the functions which it can exercise, a very effective instrument to produce financial order, for it is the nature of financial criticism to look for defects and propose remedies. It is the department on which Parliament mainly relies for the prevention of financial irregularities on the part of the accounting departments. Its control commences with the preparation of the estimates and continues throughout the various processes of expenditure, accounting, and audit until the final report of the public-accounts committee has been dealt with." (D., 244.)

"In the second place, the treasury is required to write minutes on the reports of the public-accounts committee and of the estimates committee. It is not required to adopt them, but it can not ignore them. Action is required to be taken and the treasury must present its minutes for the consideration of these committees in the next session. If it disagrees with the report, the reasons on which its objections are based must be stated. The committees therefore are not only certain of a hearing when dealing with the treasury but are certain also of ascertaining the attitude of the treasury, and, consequently, of being able to see whether their recommendations will or will not be carried out or whether it will be necessary to appeal to the final arbitrament of Parliament. It is inconceivable nowadays that the treasury should wish to ignore any portion of such reports. The spirit with which the modern treasury is imbued makes it zealous to assist in these improvements and proposals for efficiency, which are the objects aimed at in those reports. Disagreements on matters of principle or procedure are bound to arise, for there are two sides to every question; but the aim of the treasury is the aim of the committees—the settlement of a question in the manner most advantageous to the public service. In practice the treasury invariably takes each item of the reports which calls for notice, observation, or action and expresses a considered opinion on it. These minutes thus provide a valuable insight into the policy of the treasury in relation to principles and practice." (D., 246.)

"Among the chief merits of this central controlling authority are the following:

"1. It promotes financial order.

"2. It secures uniformity of system.

"3. It exercises a valuable influence in advising departments as to organization and similar general questions.

"4. It compels a department to justify its proposals.

"5. It acts as an impartial critic on the department's proceedings generally.

"Moreover, the existence of such a factor of control both relieves and strengthens the control of Parliament." (D., 251.)

"This general control by the treasury may, for convenience, be considered under three aspects, namely, control over the estimates, over the expenditure under votes, and over details, though the control so exercised under one of these heads frequently affects and is, in many points, inseparable from the others. Of these the first mentioned is anterior control, the second is concurrent control, and the third is both anterior and concurrent. With retrospective control, as secured by audit, the treasury is only indirectly concerned." (D., 252.)

"The general total, with which the departmental treasury is not officially concerned, being given, the departments draw up the estimates in detail and are required to obtain treasury sanction to them, separately and collectively, before they are presented to Parliament. It is only at this second stage that the subordinate or departmental treasury, as such, intervenes." (D., 253.)

"The control therefore of the subordinate or departmental treasury ends with financial criticism. If the chancellor of the exchequer chooses to call in question the policy of the departments, he does so as a member of the cabinet before the cabinet." (D., 255.)

"It is a constitutional rule that treasury sanction is necessary to any increase of expenditure, save only in the case of the establishments of the two Houses of Parliament. Not only is such sanction a necessity, but it is an obligation on the department, when presenting proposals involving fresh expenditures, to lay all the financial considerations before the treasury in full at the very outset." (D., 259.)

"Outside questions of a policy or technical points, there may be in some classes of expenditure a considerable margin between extravagant and economical administration." (D., 260.)

"The chancellor of the exchequer might make such a demand, and put pressure on a department to cut down its total estimate in order to bring it within the sum which he thinks he can afford." (D., 263.)

"It may be advisable at this stage to consider the form of the estimates in somewhat more full detail. The general form is governed by three main considerations:

"1. The supply of information to Parliament.

"2. The preservation of continuity of the votes.

"3. The maintenance of control.

"And it will be convenient to discuss them from these points of view." (D., 266.)

Mr. DOWELL. Will the gentleman yield for a question there?

Mr. HAWLEY. Yes.

Mr. DOWELL. Does the treasury department of England have the same arrangement that we have in this country——

Mr. HAWLEY. The gentleman must be a mind reader, because I was just going to take up that question.

Mr. DOWELL. I should like to hear what the gentleman has to say about that.

Mr. HAWLEY. Now, the question is, Why not make the Treasury Department in this country the budget-making organization and give it budgetary authority for making the estimates? The reason is very plain. If you have followed this brief analysis—and I must necessarily condense what I had intended to say because of the passage of time—you will observe that the treasury department in England is not a spending department, except to a very limited extent and for its own employees. It has practically nothing to do except this particular work that I have outlined, the preparation of the budget, informing itself by actual contact with the spending departments where reductions can be made, where excessive expenditures are in progress, where any service is overmanned, and in many other particulars, in order to reduce the expenditures to the lowest minimum.

In England the financial question for many years following Mr. Gladstone's ministry was the question that decided the survival or overturn of ministries. For that reason it has been essential to ministries in England that they make economical recommendations; but in order to do that they must have the information upon which to base such recommendations.

The English treasury is not a spending department. The Treasury of the United States is one of the largest spending departments in our Government. The English treasury does not collect revenue; our Treasury does. The English treasury does not administer the debt; our Treasury does. The English treasury does not coin money; our Treasury does. The English treasury does not issue paper money or securities; our Treasury does.

The English treasury does not keep a dollar of public funds in its possession. Our Treasury keeps all the public funds either actually or distributes them in depositories. The English treasury does not have these functions that our Treasury has—the War Risk Insurance Bureau, the Coast Guard Service, the Supervising Architect's Office, the Farm Loan Bureau, the Federal Reserve Board, the Public Health Service, and some other similar organizations.

The English treasury finds itself occupied every day of the year, from one year's end to the other, with preparation of the budget, the examination of proposed expenditures, and the duties outlined above. It does nothing else. If we made the Treasury of the United States the authority for the preparation of the budget in this country, we would have to strip it of all its present functions and give them to some other or new department, and make the Treasury a budget-making bureau, in order to enable the Secretary of the Treasury to give his whole time and attention to this work, since it would require all his time if he did the work effectively. To delegate it to a subordinate would be to court failure. We thought it not advisable to disrupt one great department of the Government in order to make it the budgetary authority. So we created in the office of the President of the United States a system fashioned somewhat like the English system of the treasury for preparing the estimates, under the President of the United States, which shall have the authority to do most of the things I have designated that the English treasury does. We have left to the President to direct its activities. If successful, it will be one of the hardest working of our public services.

We have practically made the President of the United States his own chancellor of the exchequer by giving him the authority to appoint men to make the budget in his office and to be responsible for that budget. We have not added to the powers of the President. We could not do that. He has, and will have, absolute authority over the estimates to be submitted. We have simply created this office, a bureau of the budget, fashioning it

on the approved experience, which shall assist him in discharging his functions. We have given him authority to change the director and assistant director when he pleases if they do not do what he desires. We have given him a permanent official staff, which shall collect information, as the English treasury does, day after day, every hour, from every department of the Government.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GREEN of Iowa. The gentleman understands that we now have a statute, and have had for several years, in reference to the estimates——

Mr. HAWLEY. The gentleman means the statute of 1909?

Mr. GREEN of Iowa. Yes. Does the gentleman intend to say something about that?

Mr. HAWLEY. Only what President Taft said, that he thought well of it, but that he did not have the machinery to prepare a budget. We are taking away that reason by giving the President of the United States the machinery for preparing a budget.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. FAIRFIELD. About how large a personnel will this personal budget system have?

Mr. HAWLEY. That is something that experience will have to determine.

Mr. FAIRFIELD. Was there any estimate in regard to it?

Mr. HAWLEY. We provide $100,000 for the office in its inception, and if it functions well it will save several millions.

Mr. FESS. Would it interrupt the gentleman if I asked him one or two questions?

Mr. HAWLEY. I will be glad to answer the gentleman, if I can.

Mr. FESS. Under this bill it will still remain as an executive rather than as a legislative budget. If this bill is carried into effect, it will be an executive budget?

Mr. HAWLEY. It will be an exeeutive budget.

Mr. FESS. You are not taking any power away from the President?

Mr. HAWLEY. We are not taking away any power from the President; we are simply giving him the necessary machinery for the exercise of the power he long ago ought to have exercised, and making it his duty to perform this important part of his public functions.

Mr. FESS. And with the authority you fix the responsibility upon him?

Mr. HAWLEY. He must say when he submits a budget that he has thoroughly investigated the public needs on both the revenue and expenditure sides, that he needs every dollar he asks for, does not need a dollar more and could not get along with a dollar less, and that the proposed revenues are necessary.

Mr. FESS. How independent do you make the auditing system?

Mr. HAWLEY. Absolutely independent from the spending departments. We give it a judicial status. It examines questions as a court examines questions, upon the law and upon evidence.

Mr. FESS. Let me ask the gentleman another question which was discussed some time ago. The power of appointment would carry with it the power of removal unless there was a limitation written into the law.

Mr. HAWLEY. Of which office is the gentleman speaking?

Mr. FESS. I am speaking of the comptroller and the assistant comptroller who are appointed with the advice and consent of the Senate. The power to appoint has always been interpreted to carry with it the power of removal, unless in the appointment there was some inhibition written in the law.

Mr. HAWLEY. We thought that these men, having a judicial status, ought to have a judicial tenure of office. We have thought that they ought to be secure in the tenure of office unless they were incompetent, guilty of malfeasance of office, or dereliction of duty, or have otherwise shown themselves unfit to hold their places. Then they can be removed if in the judgment of the two Houses of Congress they ought to be removed.

Mr. WELLING. But he can not be removed by the President.

Mr. HAWLEY. No.

Mr. FESS. He could be removed by impeachment.

Mr. HAWLEY. Yes; but we provide a more expeditious method.

Mr. FESS. Does the gentleman mean that impeachment proceedings would not lie?

Mr. HAWLEY. No; I do not mean that; but we provide another way, more summary.

Mr. FESS. By concurrent resolution?

Mr. HAWLEY. By concurrent resolution of both Houses of Congress.

Mr. FESS. In other words, the man who is appointed may be independent of the appointing power, and at the same time if the legislative branch finds that he is not desirable, although he may be desirable to the appointing power, the legislative branch can remove him?

Mr. HAWLEY. Yes; he is our officer, in a measure, getting information for us, to enable us to reduce expenditures and to keep advised of what the spending departments are doing. If he does not do his work properly, we, as practically his employers, ought to be able to discharge him from his office.

Mr. FESS. The auditing, then, is entirely independent of the spending departments.

Mr. HAWLEY. From every spending department.

Mr. FESS. That is a great improvement.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CANNON. As I understand it, when a budget is made in England, as the gentleman has described, although I think he did not refer to it further, if it does not go through, then the Government is turned out and they go to the people. We can not do that. A Senator's tenure of office is six years, ours two years, and the President's four.

Mr. HAWLEY. But I think the distinguished gentleman will agree that that is no reason for not having a well-prepared budget?

Mr. CANNON. Not at all. I am in entire harmony with the removal of this comptroller general by concurrent resolution and making him independent of the Executive, although the Executive appoints him originally. Under the bill he has a fixed tenure, unless the House and the Senate turns out by concurrent resolution that there ought to be some one else there.

Mr. FESS. Mr. Chairman, will the gentleman yield for one other interruption?

Mr. HAWLEY. Yes.

Mr. FESS. Referring to the matter that the distinguished gentleman from Illinois [Mr. CANNON] mentioned, in England the budget has been a great issue, more than any other one issue in the last 50 years.

Mr. HAWLEY. Since the time of Gladstone.

Mr. FESS. As the gentleman will recall, Gladstone came to the front of his tremendous fight against Mr. Disraeli on the budget system. What I was getting at is this: While the responsible ministry system in vogue in Britain and France could not be utilized here, if this plan will fix the responsibility upon the Executive we will have the issue so that while there is no possibility of dissolution and going back to the people it will become a distinctive issue before the country at our periodic elections.

Mr. HAWLEY. That is true. To pass on to the second division, I wish now to discuss money in Parliament. When the budget is submitted to the House of Commons, through the treasury, all the civil estimates are moved by the chancellor of the exchequer. The army and navy estimates are moved by the respective ministers of the army and the navy. The army and navy estimates are on a little different basis from the civil estimates, but I shall not have time now to make the distinction. There is no committee in the House of Commons corresponding to our Committee on Appropriations. They have tried several times to appoint what they call an estimates committee to revise and examine the estimates, but should the estimates committee make any serious changes in the ministry's proposal they create a Government crisis, and the estimates committee therefore has not functioned very well. In the last report of the select committee on reform in the House of Commons—for by the act of 1911 the House of Lords can not refuse its assent to any money bill—they call attention to the fact that the House of Commons is practically a rubber stamp so far as the voting of money is concerned; that they have no authority over any inception of appropriations, in the reduction or character of the appropriations. They are proposing some method for relieving that situation, to give the House of Commons more authority over appropriations to reduce them, especially below the budgetary estimates of the ministry, without causing a crisis in the Government.

I quote the following from Young's The System of National Finance:

"It is for the House of Commons alone to grant money and to limit the uses of its grant; it is for the House of Lords to assent to the grant, with the limited power of criticism left to it by the Parliament act. The whole initiative is with the Commons, but in the exercise of that right the House of Commons has imposed upon itself a very important limitation. By

a self-denying ordinance it has deprived the generality of its own members of the power of initiative in imposing charges on the people, and has limited that power to the Crown. By the Crown, since ours is a constitutional and limited monarchy, we understand the King's executive ministers who sit in Parliament and are responsible to it. So the limitation of initiative by the House to the Crown is in fact a limitation to those of its own members who are responsible for the executive government. No grant can be proposed unless a minister demands it. No proposal can be made that a tax be imposed or increased unless a minister signified the assent of the Crown to the proceeding, and thus certifies that the money is needed for the public service. No member not a responsible minister can get up and propose the imposition of a public charge on his own initiative. The matter is regulated by a standing order of the House of Commons. It is No. 66 which provides that 'this House will receive no petition for any sum relating to the public service or proceed upon any motion for a grant or charge upon the public revenue, whether payable out of the consolidated fund or out of money to be provided by Parliament, unless recommended by the Crown.'"

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GREEN of Iowa. And for the reasons that the gentleman has just stated, he has discovered, of course, as have the rest of us who have read the parliamentary debates, that the estimates are not discussed in the House of Commons as they are here.

Mr. HAWLEY. I am coming to that. The estimates are submitted in the form of votes. There are 150 votes in the Book of Estimates. The whole budget is submitted at once. When the estimates are submitted to Parliament, the chancellor makes what is known as the budget speech, in which he discusses the policies of the dominant party, and especially as they are implied in the estimates. Then the opposition asks to be heard on certain parts of the budget which they propose to make the issues in the next election. These are submitted to the House of Commons, and the house, after a certain number of days, determines by vote the order in which they shall be considered. Members of the dominant party may submit questions, but the opposition is usually given the privilege of presenting its issues. That is on the old theory that before a grant of money can be made in England a redress of grievance must be had. Twenty days are given from the time of meeting in February to adjournment on August 5 for the consideration of the budget. There are no appropriation committees that ever investigate a single item before they vote. There is no consideration by a Committee of the Whole House on the state of the Union, such as we have under the five-minute rule. When the first of the 20 days has arrived, and the days for discussion are set at various periods between February and August 5, they set up what they call "supply," or, as we would say, go into the Committee of the Whole, the motion being "that Mr. Speaker do leave the chair." A chairman of the committee on supply is appointed. Then the opposition makes its attack on certain policies of the ministry, and the ministry reply. This discussion continues during the days set until, as frequently occurs, practically the whole time is consumed without any investigation of special value of the items proposed by the spending departments.

Mr. GREEN of Iowa. And they never go into detail.

Mr. HAWLEY. Never going into detail. The members of the House of Commons have no idea of what the details are so far as the parliamentary proceedings are concerned. They can get them from the reports if they will dig them out. After 18 days of debate have thus been had the nineteenth day comes as the day of judgment. The chairman calls the votes in order. If, for instance, there have been passed 10 votes in the preceding 18 days, then on the nineteenth day he calls the eleventh vote, the twelfth vote, the thirteenth vote, the fourteenth vote, and these are passed in order down to the one hundred and fiftieth vote—passed under what they call the guillotine and without any debate.

It is impossible under their rules for any objection to be offered to any expenditure while the guillotine is falling on the votes. On the twentieth—these 20 days may be extended to 23 at the application of the opposition with the consent of the ministry—on the twentieth day the House of Commons then reports, like we do from our Committee of the Whole House on the state of the Union, back to the house the action of the committee on supply, that it has voted the budget. On that day they agree to the report of the committee on supply, as we agree in this House on a report of the Committee of the Whole House on the state of the Union. Now, these votes are only authorizations. They are not appropriations under which the spending department are authorized, when the votes are passed, to begin spending the money so voted, but must await the passage of the annual appropriation act, which is always passed a few days before adjournment on August 5. Then they set up the ways and means committee and vote the taxes necessary to meet the appropriations.

Mr. FESS. Will it interrupt the gentleman for me to ask him one more question?

Mr. HAWLEY. When I finish this statement. They set up a ways and means committee in the same way they set up the committee on supply to vote the taxes, and when that is pending no motion is in order to change the proposals of the ministry.

Mr. FESS. The gentleman has answered my question, but he made some statement that the members of the House of Commons did not know the details. There is a reason for that, because they are not permitted to make any motion to change any of them.

Mr. HAWLEY. The only motion permitted is to reduce an item, and that has not been appealed to for many years.

Mr. FESS. The gentleman answered my question before I asked it.

Mr. HAWLEY. Then one other item——

Mr. WELLING. Will the gentleman permit a question?

Mr. HAWLEY. Yes.

Mr. WELLING. Suppose the opposition in the British Parliament should succeed in their attack upon any item?

Mr. HAWLEY. Any vote?

Mr. WELLING. Any item of the budget, and should obtain an adverse vote. Would Parliament at once go to the country?

Mr. HAWLEY. There are three options open to the ministry. They may consider that the house had not expressed a want of confidence in them, and that is one of the special recommendations of the ninth report of the select committee of 1918, that in order to give a great opportunity to the House of Commons to reduce the expenditures the ministry need not make a particular vote the subject of political consideration. They can consider that the house has not lost confidence in them and risk another vote. That very seldom occurs. They may resign from office and let a new ministry assume office or they may ask the Crown, which is the ministry, to dissolve Parliament, thereby terminating the service of every member of the house, and go to the country to elect an entirely new body, to determine whether the new body so elected will support the ministry or the opposition.

Mr. FESS. Will the gentleman yield for one other question, and this is the last one?

Mr. HAWLEY. I yield to the gentleman.

Mr. FESS. This is the last, and I shall not further interrupt the gentleman. I put the question to him because he is very familiar with the history of this procedure. Did the committee consider at all the advisability of preventing a motion from the floor of the House to change items in the bill that is to be reported by the thirty-five?

Mr. HAWLEY. The gentleman means from our Budget Committee?

Mr. FESS. Yes.

Mr. HAWLEY. The Budget Committee considered that and the fact that the Congress approves all policies proposed by the Executive before they become effective and originates entirely the greater proportion of the policies of our country, and thought it advisable not to handicap the membership of the House by providing that Members should not be given an opportunity freely to offer amendments on the floor of the House.

Mr. FESS. And those amendments could not be thrown out on a point of order?

Mr. HAWLEY. Only under the rules as now constituted. Now as to the question of audit. The treasury of the English Government, having held the estimates to the lowest possible shilling consistent with the public good and the budget having been passed by the House of Commons, the spending departments are now in a position to ask that funds be made available for their work. The public funds are generally held in the consolidated fund in the Bank of England. Before they can get a shilling the treasury applies to the comptroller and auditor general for permission to have issued to the treasury——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEMPLE. Does the gentleman desire more time? If so, I am authorized by the chairman [Mr. Good] to extend the time of the gentleman. How much time does the gentleman desire?

Mr. HAWLEY. Could I have as many as 15 minutes?

Mr. TEMPLE. I yield that time to the gentleman.

The CHAIRMAN. The gentleman is recognized for 15 additional minutes.

Mr. HAWLEY. To repeat that statement because of the interruption. Before the treasury can make available to the spending department a pound it must apply to the comptroller and auditor general for permission to have a credit at the Bank of England. That letter sets forth in some detail the services for which the money is desired, the amount for each service, and the period of time during which it is to be used. The comptroller and auditor general having examined the law and the appropriations and finding that these services have this money appropriated for their use, that the proportion asked for is not in excess of what they should use for the time specified in the request, issues the necessary authorization. The treasury then has a credit at the Bank of England available for the proposed expenditures. It, in turn, receives applications from the paymasters or spending officers of the services for a credits on their behalf. The treasury likewise makes what further examination may be necessary and advises the Bank of England that the spending departments are to be credited with specified amounts of money to be spent within a certain time, but not a pound more can be spent within that time without special treasury sanction, and this special treasury sanction must be supported by a new permit from the comptroller and auditor general for additional credit.

Now, the spending departments having their credit begin their expenditures, and the minute they begin an expenditure the comptroller and auditor general, on his side, representing the House of Commons, as their special officer, has the authority and power to have sent to him every document, every voucher, every contract made by any department, or the papers relating to any expenditure authorized by any department, to see whether they comply with the law and are within the appropriation and the limit of credit established. He can disallow items when he decides the expenditure to be unauthorized, and he reports all irregularities to the public accounts committee of the House of Commons for their consideration. The comptroller and auditor general follows the course of business in every department day after day.

His staff examines the accounts and operations of every department, as the Treasury does. The Treasury and the comptroller and auditor general have cooperative working arrangements, for both have the same purposes in view. When they have any spending service on the carpet, the Treasury sits with the comptroller and auditor general and the public accounts committee. The Treasury Department, in preparing the estimates, holds an ante mortem examination to save the life of the patient if they can. The comptroller and auditor general conduct a post-mortem examination to see why the patient died and how to save the next. The comptroller and auditor general have the same status in England as we propose to give our comptroller and auditor general, a judicial status and a life tenure.

It will be noted that the office of comptroller general proposed to be created by the bill does not give as wide powers or impose as many duties upon the comptroller general as are given to and exercised by the comptroller and auditor general in England. Experience will show, however, in what particulars we should amplify the powers of the comptroller general.

Mr. TILSON. Will the gentleman yield there?

Mr. HAWLEY. Yes.

Mr. TILSON. In order to make him correspond more nearly to the corresponding British officer, would he not be removable by the two Houses of Congress? That is, easily removable. He is under this bill, as I understand, removable, but for such cases as are enumerated. It may be somewhat difficult to do.

Mr. HAWLEY. The gentleman may have failed to note a very significant phrase, "when in their judgment."

Mr. TILSON. If it were done it would have to be for one of the causes enumerated?

Mr. HAWLEY. He is summarily removed, and that is the end of it.

Mr. TILSON. On that line he should be easily removable by the responsible party in power in Congress.

Mr. HAWLEY. Yes; it is so provided. The Treasury prepares all the forms of accounting.

It prepares and sends out, as I have already noted, the estimates circular, so that the estimates come in in a uniform character. They do not allow changes in the form of estimates, except upon urgent necessity, so that year after year, if anyone desires to make comparisons, he can easily tabulate the expenditures for any particular service and see whether that service is growing or diminishing in cost. The treasury sends out all forms of accounting and costing, to keep understandable public records, so that when one official goes from one department to another making inquiries as to any accounting or any costing matter he is as familiar with the system in that department as he is with his own. They have the same kind of costing and accounting and other arrangements in one department that they have in another. That is one thing we hope our comptroller and auditor general and our budget committee will require to be done. It will greatly simplify the keeping of the public accounts and thus increase the value of any financial information that we receive.

In conclusion, unless there is some further question——

Mr. HASTINGS. I would like to ask the gentleman a question if it will not interfere.

Mr. HAWLEY. Yes.

Mr. HASTINGS. Did the Budget Committee consider recommending a change in the Constitution so as to permit the President vetoing separate items in appropriation bills?

Mr. HAWLEY. We did not. I do not think that was in the purview of the resolution creating this committee. It specified two things—the proposed legislation on the budget system and proposed amendments to the rules.

Mr. HASTINGS. In my judgment, that would enable us to cut out a good many items of doubtful propriety in appropriation bills.

Mr. HAWLEY. I think it would result in that in many instances. I understand the State of Illinois in its budget system has given, by an amendment to its constitution, that power to the governor.

Mr. PLATT. Under the system proposed——

Mr. HAWLEY. And Ohio, too, I am informed.

Mr. HASTINGS. And Oklahoma, also, has.

Mr. HAWLEY. We are getting some valuable testimony.

Mr. PLATT. It has been so in New York for a long time. Under the system proposed the President would have to approve the estimates in advance.

Mr. HAWLEY. He will necessarily approve the budget before he submits it to Congress, but like any sensible man, with a balance wheel in his head, he should change his mind if the facts justify.

Mr. TILSON. After all, Congress has the right to increase his estimates even then.

Mr. HAWLEY. I wish to speak on the responsibility of Congress under this system. When the budget is received by Congress it has been approved by the President. He has said to us he needs that amount of money, not a dollar more, and can not get along with a dollar less. When it comes before Congress we have two responsibilities. If we accept his budget without change, we share the responsibility with the President. If we change that budget by reducing items or by increasing items, by eliminating items or adding items, we have assumed a responsibility of our own in addition to that responsibility we have in the matter of the items that the President submitted and which we adopted without change. We have not changed the responsibility of the House in this bill; we have not changed the opportunity of the House to examine the estimates. The committees can go just as thoroughly into them as they ever have gone, and they can go more thoroughly into them. With the independent auditing system, we can get immediate information. Every committee will have in the auditor's department a staff that can be put, in case of need, to gathering information quickly. We will not have to introduce a resolution in the House, have it considered, send it down to a department, and, after waiting a time, politely inquire whether or not they received our letter; and then, when we do get the information, have it practically of no value. We will have an expert accounting department that will quickly submit authentic information. That will increase the power of Congress over appropriations, but at the same time it will increase our responsibility in the matter of making appropriations.

Mr. FESS. Will the gentleman yield for a question?

Mr. HAWLEY. Yes.

Mr. FESS. My only fear is, if the Congress still retains the right, which I think it will have, to either increase or reduce, will not that, in a way, shift the responsibility from the President so that, while he has the estimates now, he does not feel any responsibility, because Congress does it in the finality?

Mr. HAWLEY. In answer to the gentleman's question, I will state my opinion. I do not wish to attempt in any way to bind the committee. While I respect the great office of President, and hope that it will always be conferred on men competent for its great duties, yet I have known in our history men to go from this body to that great office and fill it with high renown. I would not tie the hands of the Members of the House or impair their opportunities or diminish their chances of rendering public service to the country in the initiation of great public policies. If a man sitting in the President's chair can inaugurate great policies leading to the expenditure of money, that

same man, as a Representative, or men of equal ability, standing on the floor of Congress are just as competent to inaugurate policies for the public good. [Applause.] I believe in making the House of Representatives, which is the truly representative body in this country, because of our direct elections and short terms, just as strong as possible. This is the place where the people of the United States can secure the quickest response if they object to anything that is being done in the public service.

Among the men who have been Presidents of the United States, John Quincy Adams, William Henry Harrison, John Tyler, Franklin Pierce, James Buchanan, and Andrew Johnson served both in the House and Senate; James K. Polk, Millard Fillmore, Abraham Lincoln, Rutherford B. Hayes, James Garfield, and William McKinley served in the House only; and James Monroe, Martin Van Buren, and Benjamin Harrison served in the Senate only; that is, 15 out of the 26 Presidents of the United States have served in one or both Houses of Congress.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield for a question?

Mr. HAWLEY. Yes.

Mr. McKEOWN. In the discussion of the procedure in England was it considered in the committee as to the other parts of the procedure where the department bureaus are called into the House of Commons to answer questions from Members? Was that considered in any way in connection with the procedure here?

Mr. HAWLEY. When we had the witnesses before us that was discussed to some extent. It was in the minds, I am confident, of all the members. When the chancellor of the exchequer moves any vote, the heads of the particular services which have the expenditure of the money under the vote are at his side to afford him information necessary to answer questions that may be asked.

Mr. McKEOWN. Was that considered as to whether any of that procedure would be carried out here under this system?

Mr. HAWLEY. You mean to have the President's Cabinet with his subordinates appear here from time to time when we were discussing the appropriation bills and defend the items we discuss on the floor?

Mr. McKEOWN. Yes. In that particular I understand that in the English system members of the house can file with the clerk of the house questions in writing, to be propounded to the heads of these departments with reference to expenditures, and they are required to answer them.

Mr. HAWLEY. Yes. They are given two days' notice and required to answer them.

Mr. McKEOWN. Was anything of that kind discussed in the committee as applicable to the procedure here under this system?

Mr. HAWLEY. We had that under consideration in a general way, but when we ascertained that it was not advisable to have the Secretaries of the Cabinet come on the floor of the House and defend their estimates, that particular proposition of course went with the others.

In the treasury estimate circulars sent out in October there are two things that are like what the Hon. JAMES R. MANN once said of the last lines of Thanatopsis, that the Government Printing Office kept them set up in stereotyped form for use in eulogies.

There are two stereotyped statements in that circular. One is that the state of the revenue demands the utmost economy; and if there is anything a spending department in England hears, morning, noon, and night, it is that statement, because when the duty devolves upon the treasury to decide some particular issue, they cite that statement about the state of revenue demanding economy, and I suspect the heads of departments over there could sing it in chorus. But it is excellent advice. It has resulted in the reduction of a vast amount in the estimates and in the saving to the people of great sums of money. The other is that the preceding year's appropriation must not be taken as the starting point for this year's estimates. I once served on an appropriation committee. I think there is one vice prevalent we should correct if we can, and that is the practice of assuming last year's estimates or appropriations as a starting point. The British treasury, even if there is no change in the appropriations, compels the spending departments when it writes the estimate opposite the item (the same amount it may be as in preceding years) to show good cause why it should be continued at all, or why it should not be reduced. They will not allow them to begin on the last year's appropriation and build up on that, and so permit the pyramiding of appropriations. The British treasury assumes that the spending department is not entitled to a dollar for any service unless it can make a good showing, and it seems to me it is a good, sound financial policy to inaugurate here, so far as it may be necessary.

Mr. McKEOWN. Will the gentleman permit another question?

Mr. HAWLEY. Yes.

Mr. McKEOWN. From his investigations of the British financial plan, can the gentleman say whether or not it is the policy of the British Government to carry on its Government with very many less employees in its various departments than ours, as compared with our Government in the same kind of work?

Mr. HAWLEY. I looked for the information and obtained it only inferentially, but I am of opinion that the personnel cost in Great Britain is less than the personnel cost in this country. I have no comparative statement, but that is my opinion. They annually appropriate $1,000,000,000, about the same amount we appropriate in normal times. It costs them less for each dollar of service than it costs us by reason of the treasury control over the addition of personnel.

Now, suppose we authorize in an act the addition of certain men to a department or to a special bureau. The appointing officers here have the absolute right to appoint them without any official from any accounting department making an examination to determine whether they really need them, or whether after they have had them three months they should be continued or whether after they have had them six months they should be continued. Since the estimates are made many months prior to the taking effect of the appropriation conditions may have so changed that a smaller additional number could do the work required. But when the British Parliament under the estimates makes an appropriation, we will say, for the addition of 10 persons to any particular service, before they can employ them—they are appointed by the treasury—before the treasury will employ all or any of them, that department must convince the treasury that there is need for some or all of them. The expenditure of appropriations is not considered mandatory. The treasury then raises the question, "Do you need 1 man or 10 men for the year or for six months, or for three months, or for nine months?" They can raise this question at any time, and just as soon as the spending department can not justify to the treasury department the employment of the 1 or the 10 they are dismissed. The treasury department has authority to terminate their service.

Mr. PLATT. In the House of Commons, when a new policy is determined upon which is going to call for a considerable expenditure, such, for instance, as old-age pensions, that goes in as a part of the budget, does it not?

Mr. HAWLEY. Yes.

Mr. PLATT. The change of policy is incorporated in the budget. Of course we can not do that. We have made no provision for such a thing as that. Our budget simply takes care of routine expenditures.

Mr. HAWLEY. The English budget provides for the authorized expenditures. The legislation usually precedes the budgetary estimate; after the legislation is enacted, the estimate is brought in.

Mr. PLATT. Do not the two go together when there is a new policy established?

Mr. HAWLEY. There are bad exceptions to all good rules, but I have stated what I understand to be the principle.

Mr. TILSON. Will the gentleman yield right there?

Mr. HAWLEY. Yes.

Mr. TILSON. The gentleman speaks frequently of the English treasury, but does not the treasury in the English Government occupy much the same position that the bureau of the budget would occupy under this proposed new system here? remarks, and pointed out the distinction between the English

Mr. HAWLEY. I made that clear at the beginning of my treasury and ours, and said that the English treasury was, in its operations, similar to the bureau of the budget which we propose, and not at all like our Treasury, except that it spells its name in the same way.

Mr. TILSON. Unfortunately, I was called out of the Hall for a few minutes during the earlier portion of the gentleman's very interesting and instructive remarks. As I understand, it is expected that the director of the budget will perform something like the service that the English treasury performs?

Hr. HAWLEY. The permanent secretary for the treasury of England.

Mr. PLATT. The question which I am now about to ask is not entirely germane. Does not the gentleman think we could

save something if we abolished the Independent Treasury entirely and had the money of the Government deposited in the Federal reserve bank?

Mr. HAWLEY. Please do not lead me into the discussion of an entirely extraneous issue.

Mr. ANDREWS of Nebraska. The rule forbids it. [Laughter.]

Mr. FESS. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. FESS. Is it contemplated to bring all our appropriation measures in as one bill, to provide for the military, the Naval Establishment, the Post Office, the Department of Agriculture, and all these other services in one bill?

Mr. HAWLEY. I have purposely avoided discussing the proposed amendment to the rules because it confuses the discussion I am endeavoring to present. If the Congress enacts this bill into law, and changes the rules providing for one Committee on Appropriations, then when that committee submits its report it will be a balanced statement of revenues on the one side, with expenditures for the whole system of government on the other, so that we will have before us at one view all that it is proposed to do in the matter of revenue and expenditure during that session of Congress—of course, outside of supplemental estimates.

Mr. FESS. And when we adopt the report of that one appropriating committee the appropriations will have been made, except the deficiencies that may come up later.

Mr. HAWLEY. Yes; and we intend to discourage deficiencies, so that a department or bureau that wants a deficiency appropriation will think it is fishing in a shallow pool. [Applause.]

Mr. FAIRFIELD. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. FAIRFIELD. If the Government should undertake a new function or create a new department, that department would be authorized by legislation, without any estimate of its cost necessarily, so that we would not have the opportunity to discuss at one time the feasibility of the new department and the cost accompanying it under this new rule.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. I yield to the gentleman from Oregon five minutes more.

Mr. HAWLEY. In answer to the question of the gentleman from Indiana, I think this will be the procedure: The legislative committees will continue to report legislation. I presume the gentleman is speaking in anticipation of the possible adoption of the rule consolidating the appropriating committees. The legislative committees will continue to report legislation. They would not be without authority to make an authorization of appropriations if in their judgment the authorization of appropriations was necessary to explain the legislation. Very frequently when a proposition of legislation is propounded some Member on the floor of the House will inquire, "How much will it cost?" And an estimate of the cost is sometimes a very material factor for the information of the House in the consideration of legislation. Any legislative committee would be authorized to report legislation with an estimate of cost, but not to appropriate a single dollar. The appropriation would go entirely to the new committee if that rule were adopted.

Mr. FAIRFIELD. Will the gentleman permit another question?

Mr. HAWLEY. Yes.

Mr. FAIRFIELD. Then, in case the Congress should create a new function of the Government and authorize an appropriation, it would be within the power of the Budget Committee to ignore it absolutely, and it never could get before the House?

Mr. HAWLEY. In answer to that question I will say that when the Congress has by solemn act of legislation adopted a policy which requires the expenditure of money, I doubt if any appropriations committee will have the temerity to refuse the appropriation, unless the Public Treasury could not stand the burden and some things must stand aside, and that was among the things that could best stand aside. We will endeavor, if I understand it, in the future, under the new conditions of burdensome taxation and the greatly increased cost of government over normal revenue, to live within our means, as Mr. Micawber said.

Mr. FAIRFIELD. I am heartily in favor of the bill, but I can see where this Budget Committee, which the gentleman has not been discussing, would be the determining factor as to whether the Government should engage in a new function or not. That may be very wise. I am not saying it is unwise, but we should have that clearly in view.

Mr. HAWLEY. The question of the rule will come up at another time.

Mr. WELLING. May I ask the gentleman a question?

Mr. HAWLEY. Yes.

Mr. WELLING. Suppose the enlarged Committee on Appropriations were to bring in this balance statement of expenditures and receipts of the Government which the gentleman suggests, and then a proposition should come up in Congress for the establishment of a national park in some part of the country. I mention that merely as an illustration. Would that sort of a bill, introduced by a Member of the House, be met with the solid front of objection of this appropriating committee that all of the money that the Government would have at its disposal for that particular year had been disbursed, and that we could not introduce any new legislation of that sort?

Mr. HAWLEY. No; I do not see where the Appropriation Committee under the proposed rule would have any authority to say what bills should be introduced or what bills any committee could consider and report.

Mr. WELLING. There would be no sense of introducing a bill unless it could be considered or acted upon.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. GOOD. I yield to the gentleman five minutes more.

Mr. CANNON. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CANNON. Under the rules of the House a proposition for a national park or anything else, if a point of order is made, could not go on an appropriation bill.

Mr. HAWLEY. Yes; but I understood the gentleman to indicate the introduction of a bill in the ordinary method and have it considered by the proper committee. It could be done then as now. After the park was created and maintenance authorized, it would be for the Appropriations Committee to make the appropriation.

Mr. WELLING. The thought I wanted to get at is this: The Appropriations Committee, for instance, disburse all the revenues of the Government for any particular year in their budget plan. How can any other legislation that may be introduced upon the floor of the House for the public interest receive a proper hearing since all the money has been disbursed?

Mr. HAWLEY. That would only take place provided the act for the park was passed after the introduction of the budget. In that event it would have to go into the next year's budget.

Mr. CANNON. If the gentleman will allow me, if legislation was enacted after the budget had been made up, that legislation could pass if the majority was with it.

Mr. HAWLEY. And the point of order was not made.

Mr. CANNON. The point of order would not be good if the legislation was on the statute books.

Mr. HAWLEY. The gentleman is right.

The House of Commons has created a committee known as the Public Accounts Committee. The members of this committee are selected because of their experience in financial matters and willingness to devote time and attention to an examination of the expenditures of the public money. The Comptroller and Auditor General makes notes of the action of the spending departments with which he disagrees. At the end of the year he files a full report with the Public Accounts Committee. The Public Accounts Committee, with the assistance of the Comptroller and Auditor General, examines the officials in the spending departments responsible for the matters in disagreements and reports to the House of Commons for its action. This is a post-mortem examination and the Select Committee on National Expenditure for 1918 recommends that the standing orders be so amended as to require the Comptroller and Auditor General to report his findings currently that action may be taken by the Public Accounts Committee immediately upon matters reported by him. This suggestion seems to me to command great merit. The chairman of the Public Accounts Committee is practically always a member of the opposition. We have not reported in this bill a provision for the creation of such a committee nor has it been included in the proposed amendment to the rules. The matter has been left for future action. There is a question whether there should be a joint Committee on Public Accounts or whether the House and Senate should each have such a committee. The Public Accounts Committee has been the means of affording the House of Commons a degree of control and a certainty of information that they could not have secured without it. I believe that the principle involved is one of the greatest important and that in due time we shall avail ourselves of this method of increasing the power of Congress over public expenditures in the interest of efficiency and economy.

Now, in conclusion I desire to recur to a statement I made in the beginning. I believe that under our present conditions, with our tremendous indebtedness, with a diminishing revenue, in that the earnings of the people in the future from which we have derived income taxes will be reduced, because they will not

receive such large incomes as they have in the past, with our sources of income restricted, it is necessary to exercise the utmost economy, and that there will come in each succeeding campaign, as Mr. Gladstone established his prestige with England, among the aspirants for the office of President men competent in financial affairs who will administer the affairs of the Government with less cost to the country than heretofore and with better service. These two needs, in my judgment, will be among the main issues in the future campaigns.

We have too cumbersome a governmental machine. It takes too much fuel to get up power to make it go. We have to put too much fuel in the shape of dollars into the furnace to make the machine operate. It takes too many people to shovel the money into it. We need a reduction in the cost of service and a reduction in the number of persons employed. Because in the last analysis we are not operating this Government for the benefit of any class of citizens, not even for the salary-drawing class, but we are operating it for the good of the people, 100,000,000 strong, that we may render them the best service possible for the least amount of money. [Applause.]

I believe the bill now pending in this committee over which the gentleman from Iowa has presided with great fairness and discretion, giving every opportunity for the witnesses and the members of the committee to be heard and ask questions—I believe this bill is essentially a step in the right direction to establish a more firmly democratic government in this country, controlled by the people and administered in their behalf and interest. [Applause.]

Mr. WALSH. Mr. Chairman, I think we ought to have a quorum of the committee here.

Mr. GOOD. I hope the gentleman from Massachusetts will not make it necessary to have a call of the House.

Mr. WALSH. I have listened to these very interesting speeches on this subject, and most of them by members of the committee, and it seems to me that unless we have a quorum we are not going to hear those who are opposed to the bill.

Mr. GOOD. We have on the program some who are opposed to the measure, and they will be ushered in very shortly.

Mr. WALSH. Very well, I will withhold it for a while and see what we are going to get.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am in favor of the passage of this bill creating a national budget system and an independent audit of Government accounts. I feel that the system under which we are now operating is both antiquated and extravagant. The gentleman who has just preceded me has well said it is too hard to get up steam, it takes too much coal in the shape of money, too much fuel, and too many people to shovel it in.

This bill provides for a director of the budget and for an assistant to be appointed by the President, and these directors, with the other officials appointed in the bill, constitute the bureau of the budget in the office of the President, which is to prepare data and assist the President in the preparation of a budget, who will transmit the same to Congress after having made such alterations, deductions, and so forth, as he may deem proper.

It repeals the law which provides that the various departments should transmit their estimates to the Secretary of the Treasury, and he without any supervision or authority whatever over these has been transmitting them to Congress.

The people through this budget will know exactly what the entire cost of the Government is to be for the next fiscal year, just as soon as it is transmitted by the President, and will have ample time to study and approve or disapprove the various items.

They can then submit to their various representatives, if they desire, their objection to any portion of the budget, so that their representatives will know the desires of their constituents; in other words, it will let the light in on the budget as an entirety before it is too late to take action and will give the public abundant time for mature consideration.

I believe if we can concentrate public attention on the national budget when it is so framed, not as the estimate of one department but the estimates of all the departments, if we can throw the calcium light of public attention on the budget when sent down by the President, it will not only reduce the expenses of this Government but it will reduce the responsibility of Congress, and it will largely reduce the criticisms of Congress which it has not merited.

We all know that the committees of Congress have always taken the estimates submitted by the different departments, pared them down in committee, and when they have been brought into the House the membership, by constant attention, criticism, and discussion of each and every item, have reduced them as much as possible consistent with the departmental demands.

The public generally do not go back of the congressional appropriations and ascertain the demands made upon Congress for the multitude of governmental expenditures, and so Congress receives all the criticism for expenses of the Government.

The people do not realize that Congress is but putting its stamp of approval upon the departmental demands after they have used the acid test of elimination applied to each and every item of the estimate separately.

The public should more closely scrutinize the departmental items, see to the elimination of all waste, whether it be by excess expenditures for material or for an overabundant list of employees; the latter seems at this time to be the principal waste and extravagance of our various departments. I do not criticize the departments too strongly, nor do I blame employees. I realize that during the war vast numbers of employees were taken on, and that it is difficult to decrease and unusually hard upon the employee who is dropped from the Government pay roll. The American people will, however, sooner or later demand reduction. It will become the great issue before the American people sooner or later—and the "later" is not far distant. Excess costs and excess employees must go, not perhaps at the sole demand of Congress, but the demand of a heavily taxed people, who will rise up and demand retrenchment in every department and every branch of Government.

The budget, as I have said, thus emanating from the hands of the President, will enable the people to judge more accurately, and with facts and figures before them express their wishes and desires more clearly.

The people do not realize that the departments demand the money; they do not realize that Congress can not take the responsibility at all times of denying them the money; so the criticism goes on of Congress because of these vast appropriations.

When we consider the changes which have taken place in the revenues and expenditures of the Government we must naturally understand that a system which perhaps cared for the country moderately well in the early days could not take care of present conditions. It could not be expanded correctly for such vast bookkeeping and accounting.

There was a time when the larger portion of our revenues was derived from the tariff and from the internal-revenue tax on liquors and tobacco. During 52 years prior to 1917 there had been only something over $600,000,000 collected from direct taxes, and that from but few people. In the year 1909, 52,498 corporations in the United States made tax returns showing taxable income, while in 1917, 232,000 made returns. During the calendar year of 1913, 357,598 persons made individual income-tax returns, and for the year 1917 this was increased to 3,472,890.

Can you imagine any private corporation with its book accounts so vastly increased adhering to an old system which had long since become obsolete?

In 1914 we expended something over $1,025,000,000, while for 1919 it is estimated that it will take to settle our obligations for the war and run the Government something around eleven billions. This, of course, including obligations created during the war period for which we must now pay.

This important legislation we have long delayed. We sought to have had a budget system certainly before the war began. When we realize what taxes have been collected, when we realize the expenditures that have been made, we can readily see how inadequate our system is under modern conditions, with the vast revenues and expenditures now necessary. So long as the people paid their taxes indirectly through a tariff and an internal revenue on certain articles of luxury they did not much concern themselves, but now, when taxation is heavy and the taxgatherer delves into a man's business affairs, when taxation burdens his livelihood, when he is asked all manner of questions as to his business, his profits, and his expenditures, when it affects the very livelihood of his family and education of his children, we can readily understand why the people become more interested in national legislation, in appropriations, and in revenues. The people of this country do not object to the payment of taxes, but they want a dollar in service or in material for every dollar of taxes they pay, and I believe by this system we will be able to materially help them in that respect.

As I say, it will throw the light of public attention upon the budget when it is sent to Congress. The people of the country will realize that the President, an elective officer of the Nation, and directly accountable to them, has submitted the budget. They have the right to look to him for protection and care. They will know then where to place the responsibility; and if Congress chooses to increase the budget, it will take that responsibility. If it chooses to decrease it without injury to the Government, Congress will get the credit for it. I believe the people will largely appreciate these things. What

we want to do at this time it to save every dollar in expenditure that we can possibly save and thereby lessen the burden of taxes under which the people are groaning at this time. If we pass this bill we will certainly go a long way toward satisfying the demands of the people. In my State the people are unanimous for some budget system. They are crying for some system which will reduce taxation and expenditures. They are crying against the vast number of officeholders who perform very little service for the Government. They are groaning under an increase of salaries, and they demand attention from the House of Representatives.

The people of my State several years ago found to their sorrow that appropriations were vastly increasing, and that revenues without a budget system could not be made to equal the appropriations. The cry went up from the taxpayers of the State for a budget system, which the legislature put into effect, and it is now doing admirable work and keeping the appropriations of the State within the bounds of the revenues.

This budget system of the National Government will not alone serve for the reduction of appropriations and lessening of taxation, but it will serve as a strong adjunct to the Government in that it will provide information for the use of Congress and the various departments, and will always have at hand a vast fund of information for not alone the guidance of the President himself but for Congress and the departments as well. There will be at hand information as to the condition of the Treasury and the opinion of the President as to the needs of the Government for the ensuing fiscal year.

There will be an accounting department of the bureau independent of the executive departments and under the control and direction of the comptroller general of the United States created under this act, and who, together with the assistant comptroller general, is appointed during good behavior until 70 years of age; so that these officers are entirely removed from any political influence or effect of changing administrations. The powers and duties now conferred upon the Comptroller or the Auditor of the Treasury and the auditors of the other departments are vested in the accounting department of the budget bureau.

The comptroller general is required to investigate at the seat of Government and elsewhere the receipts and disbursements of public funds and report the same in writing to Congress at the beginning of each regular session, and shall make such other reports as shall be ordered by Congress or any committee thereof.

It will be seen from these casual observations that the bill is complete in every detail for the provision of a national budget and for the accounting department thereof; that it will lessen largely the demands upon the various departments for information, in that the bureau of the budget will always have it ready at hand. I feel that upon the passage of the bill our Government will be found more efficient economically and otherwise, and that we will see a vast improvement in the finances of the country and in the lessening of taxation. [Applause.]

I sincerely hope this bill will be passed.

Mr. GOOD. Mr. Chairman, I yield 45 minutes to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, in years past it has been the practice of certain people to buy goods after fashions of other countries. Society women bought hats and dresses made in Paris. Men bought clothes made in England. American-made goods were not good enough for them. Like those people, it is now suggested that we pattern our laws after the laws of foreign countries. Because England, Germany, and other countries have a budget, and few, if any, committees to pass upon appropriations, thus centralizing the power over appropriations, it is suggested that we also have a budget. Personally autocracy never appealed to me. I prefer a democratic form of government and American-made goods.

Now, what is there to this European plan suggested? The two reports would indicate that the budget system is in the interest of economy, to safeguard the Public Treasury, that one committee can accomplish that end better than a number of committees. The definition of a national budget in the report is: "The instrument through which the several financial operations of the Government are correlated, compared one with the other, and brought under examination at one and the same time. * * * It is a document through which the Chief Executive is the authority responsible for the actual conduct of governmental affairs."

As far as the bill goes that, in part, is true; but the report states: "Broadly speaking, a budget system has three distinct phases, namely: (1) The formation of the budget; (2) action on the budget by Congress; (3) supervision and control of the execution of the budget." The contention is that this bill will take care of (1) and (3), but as the report states, (2) can be better accomplished by a change in the rules. To carry this out the chairman of the committee reported H. Res. 324, which provides for a "Committee on Appropriation, consisting of 35 members, which is to be given exclusive authority to report all appropriations and take from the Committees on Agriculture, Foreign Affairs, Indian Affairs, Military Affairs, Naval Affairs, Post Office and Post Roads, and Rivers and Harbors the authority now vested in those committees to report appropriations."

If the three propositions are to be included in the budget system, judging from results obtained from national budget policies in other countries, I am compelled to take issue with the committee's definition of a national budget. According to results obtained in other countries it has proven disastrous, hence it can be more clearly defined as a system to make it easier for the greedy and unscrupulous to get their hands into the Public Treasury; to satisfy egotism and ambition; to promote waste, bankruptcy, wreck, ruin, and disaster; to establish autocracy.

One would infer from the statement made that the President is not now responsible for the acts of the members of his Cabinet, but that he would be responsible for the acts of the director of the bureau of budgets. That seems too absurd even to take notice of, as, for instance, the provision in this bill requiring the several executive departments to make and furnish annual estimates and requiring that the estimates be submitted to Congress by the President instead of the Secretary of the Treasury, as the President is responsible for the acts of every member of his Cabinet, of course, adds nothing to his responsibility or to the responsibility of the heads of the executive departments. Cabinet officers are all appointed by the President, with the advice and consent of the Senate. The director of the bureau of budgets would be appointed by the President under the provisions of this bill. Hence, if the President can be held responsible for the acts of the director, he certainly can be held responsible for the acts of the members of his Cabinet.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. GARNER. Has the gentleman read the bill which is before the House?

Mr. HAUGEN. Yes; certainly.

Mr. GARNER. The bill before the House does not require the confirmation of the director of the budget by the Senate.

Mr. HAUGEN. My recollection is that it does.

Mr. GARNER. Oh, no.

Mr. HAUGEN. Whether it does or not, can the President be held responsible for the acts of a clerk in a department drawing $10,000 a year over what he is held for the conduct of a member of his official family, a Cabinet officer? That is the question.

The bill also provides for the transfer of the accounting from the six auditors to the accounting department and for the transfer of the present incumbents—merely a change of title, the same as in the change in submitting estimates, or, in other words, a "camouflage."

Another contention is that the estimates of expenditures, as at present submitted, represents only the desires of the individual departments and bureaus—that these requests have been subjected to no superior revision with the view of bringing them into harmony with each other—that the estimates are the products of bureau chiefs; or, in other words, that the President and those responsible have been derelict in their duties. If so, what an insult to the heads of the departments and to the President! If true, what assurance have we that the estimates will be given more consideration by the heads of the departments and the President if the heads of the departments are required to submit the estimates to the President or the bureau of the budgets instead of through the Secretary of the Treasury, as they are now doing? If they are guilty, as alleged, is not the remedy at the polls or by impeachment, and not in the proposed change, more properly designated a "camouflage."

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. GREEN of Iowa. As I understand the view of the gentleman, he considers that under this bill the President will decline to assume responsibility, just as he does now?

Mr. HAUGEN. Others may so contend, but I have never assumed that any President of this Government has neglected his duty. I can not believe that any President is guilty of such a charge.

Having some knowledge of how business is conducted in the departments, more particularly in the Department of Agriculture, I can not believe that any President or Cabinet officer would be guilty of any such charge. I can not believe that any-

body who is sufficiently trained in business and of a capacity to run a peanut stand, or even a peanut politician, would lay himself open to any such charge.

The gentleman, the author of the bill and report [Mr. GOOD], in his opening remarks pointed out that under our present system, since 1866, in 41 out of 52 years, the revenue exceeded the expenditures. That statement clearly contradicts the contention made in the report.

Mr. GARNER. Does the gentleman believe now that the President of the United States undertakes to supervise or investigate the various requisitions upon Congress submitted through the Secretary of the Treasury?

Mr. HAUGEN. I do not only think so, but I know that he does. The gentleman knows, and everyone who has given this matter consideration knows, that the estimates are now submitted to the President and Congress through the Secretary of the Treasury. It matters not whether they are submitted direct or through the Secretary of the Treasury to the President. The estimates are generally taken up in the Cabinet meetings. The Secretaries of the departments present their plans and estimates. They are discussed and finally amounts are determined upon. If the estimates exceed the amount determined upon by the President and his Cabinet, the respective Secretaries must make the necessary reduction required to bring them within the aggregate amount fixed.

Mr. GARNER. Do I understand the gentleman to contend that the various items contained in the Book of Estimates sent to Congress by the Secretary of the Treasury are taken up in the Cabinet meeting and each item is scrutinized and considered by the Cabinet?

Mr. HAUGEN. The Cabinet first discusses the estimates and determines what the budget, or, rather, what the amount of expenditures, shall be. Then the respective Secretaries take up the matter with their bureau chiefs, who make estimates for the bureaus to the Secretaries. The various estimates are gone over, scrutinized, and revised by the Secretaries, and generally sent back to the bureau chiefs with the direction that they be brought within the limit fixed by the Secretary. When revised accordingly the Secretaries submit them to the President. They are again given consideration by the President and members of his Cabinet. When the estimates are finally determined upon the Secretaries must bring their estimates within the amounts fixed. They are then submitted, through the Secretary of the Treasury, to Congress. It matters not whether you call it a budget or an estimate, it amounts to the same thing. Whether this is done in all instances I do not know, but anything short of it is gross dereliction of duty. Any President or Cabinet, whoever they may be, doing less than this should not be trusted with running even a corner grocery store, much less the largest business institution in the world.

Mr. GARNER. How does the gentleman account for the fact that ex-President Taft and President Woodrow Wilson and Secretary Glass and other members of the Cabinet take issue with that statement and ask for this specific legislation? How does the gentleman account for that fact that they want this kind of legislation if they are now doing what he says this bill will require to be done?

Mr. HAUGEN. As to the duty and responsibility resting upon the President and his Cabinet, the Constitution provides that the executive power shall be vested in the President of the United States. It also provides that the President shall from time to time give to the Congress information as to the state of the Union and recommend for its consideration such measures as he may judge necessary and expedient. So, then, there is no question as to his duty, authority, or responsibility. Furthermore, the bill does not propose a change of power granted under the Constitution. The report so states; besides it is not in the power of Congress to change the Constitution. So, as before stated, if he fails to do his duty, the remedy is with the people on election day or by impeachment, and not in the change of titles.

As to the question, "Have the executive department and Congress done their duty?" If they have not, who is to blame? As before stated by my colleague, Mr. GOOD, the revenue exceeded the expenditures in 41 out of the last 52 years, which is evidence that both have done fairly well, certainly much better than other nations under a system such as is here proposed. Some departments and some Congresses may have been slack and derelict in their duties, but that is no reason for condemning the system as a whole. As to the charge made against the Executive and Congress, my understanding is that generally heads of departments and committees pursue their duties with industry, fidelity, intelligence, and rectitude to purpose. I know that the committee of which I have the honor to be a member works early and late, not on an eight-hour schedule but much of the time 16 hours a day. The Committee on Agriculture generally meets at 10 o'clock in the morning and sits until 6 o'clock.

Weeks and months are given to the consideration and preparation of appropriation bills. Reports of the hearings held on the appropriations cover several hundred pages. One report, I believe, covered more than 1,700 pages. Bills reported by that committee are not, as alleged in the report on this bill, the estimates made by the bureau chiefs. In the Department of Agriculture estimates are first submitted by the chiefs of the bureaus to the Secretary. They are scrutinized and revised and sent back to the bureaus with instructions to be revised and made to conform with the budget determined for the department by the Secretary. When revised and incorporated in the budget determined by the Secretary, as before stated, it is sent to the President. The President and the Cabinet give it, as all other budgets, consideration. Finally a national budget or national estimate—whatever you may prefer to call it—is determined upon and submitted, through the Secretary of the Treasury, to Congress, where it is divided and referred to the respective committees having jurisdiction over appropriations. There they are again carefully scrutinized and considered. Take, for instance, the appropriation for the Department of Agriculture for the current year. Owing to the delay in forwarding the estimates the committee did not begin its hearings until January 3, concluding them on January 22. It was then given consideration by the subcommittee and again considered by the whole committee. The bill passed the House on February 1, again on June 4, and a third time on July 18, and was finally signed on July 24.

In making up the bill for the current year, here is what was done in the office of the Secretary, which comes first in the bill: The office estimate was $513,000. The Secretary in submitting it reduced it to $491,000. The committee cut the Secretary's estimate $21,570. In the Weather Bureau, which comes next, it's estimate was $1,912,000. The Secretary made it $1,906.000 and the committee cut that amount $51,540. The Bureau of Plant Industry estimate was $3,500,000. The Secretary made it $3,294,000 and the committee reduced it $80,640. The Bureau of Chemistry estimated $1,838,000. The Secretary made it $1,611,000 and the committee reduced his estimate $248,600. The Bureau of Markets estimate to the Secretary was $3,723,000. The Secretary made it $3,131,000 and the committee reduced his estimate $452,750. Thus all along the line. The total estimates for routine and ordinary work made by the bureau chiefs to the Secretary was $34,850,366. The Secretary made it $33,149,286 and the Committee on Agriculture reduced it to $29,847,162. The Secretary cut the estimates of the chiefs of the bureaus $1,701,080 and the committee cut the Secretary's estimates $3,302,124. The grand total estimates for the Department of Agriculture by the bureau chiefs was $36,694,766; the Secretary, $34,993,686; reported by the committee, $31,691,562. Does that represent the views of the bureau chiefs? No, gentlemen. Let us abide by the facts. In bringing this bill before the House, why not state the facts? The contention is that the President, Secretaries of the departments, and the committees have been derelict in their duties. Gentlemen, I am not going to criticize the members of any committee. I have no quarrel with the Committee on Appropriations. The members of that committee enjoy the respect and admiration of this House. It is made up with men of intelligence, industry, as high a class of men as you can find, performing their duty with fidelity and rectitude of purpose; but they are overworked now. Much of the time they work night and day. Compare their reports with the reports of committees having more time to give to the consideration of bills. If there is anything that the House is opposed to, if there is anything we have contended against it is lump-sum appropriations. Our committee started the fight some years ago. It has grown inch by inch until it has become a popular proposition. What are the results? The Agricultural appropriation bill carried $33,900,211 and 6,033 positions were on the statutory roll. The Committee on Appropriations brought in the sundry civil. It carried $607,160,207.95, and only 1,600 positions were on the statutory roll.

I find that the following seven bills were reported by the Committee on Appropriations carried the amounts as follows:

Fortifications	$11,214,291.00
Pensions	215,030,000.00
Sundry civil	607,160,207.95
Second deficiency (1919)	292,714,084.71
Third deficiency (1919)	24,325,929.40
Railroad deficiency	750,000,000.00
War-risk insurance and pension deficiency	45,044,500.00
	1,945,489,013.06

The total number of clerks carried on the statutory rolls in these seven bills were 2,281.

The appropriation bill for the Department of Agriculture was reported by the Committee on Agriculture. It carried $33,900,211 and 6,033 clerks on the statutory rolls.

The appropriation reported by the Committee on Agriculture in the Agricultural appropriation bill is only 1.7 per cent of the appropriation reported by the Committee on Appropriations in the seven bills enumerated above, while the number of clerks carried on the statutory rolls in the Agricultural appropriation bill is nearly three times the number of clerks carried on the statutory rolls in the seven bills reported by the Committee on Appropriations.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. SMITH of Michigan. The gentleman in reading the number of clerks on the statutory roll said an appropriation of $1,900,000,000 and 2,200 clerks. I think the gentleman made a mistake and meant to say 22,000 clerks.

Mr. HAUGEN. I said $1,945,489,013.06 and 2,281 clerks.

Mr. SMITH of Michigan. And put the number of clerks at 2,200 on the statutory roll. Did not the gentleman make a mistake, and should it not be 22,000?

Mr. HAUGEN. Oh, no.

Mr. SMITH of Michigan. Well——

Mr. HAUGEN. I said 2,281 clerks were carried on the statutory roll in the seven bills reported by the overworked Committee on Appropriations, as compared with 6,033 on the statutory roll in the Agricultural appropriation bill.

Mr. SMITH of Michigan. That is what the gentleman stated.

Mr. HAUGEN. That is correct.

House resolution 324 not only gives the one committee of 35 members exclusive jurisdiction over all appropriations, but, in order to carry out the scheme to give absolute control, bars other committees, with few exceptions, from the privilege of reporting bills carrying appropriations.

The amendment proposed to Rule XII provides that, with few exceptions, no bill or joint resolution carrying an appropriation shall be reported by any committee not having jurisdiction, nor shall an amendment proposing an appropriation be in order, and so forth. The Committee on Rivers and Harbors is permitted to report at any time bills authorizing the improvement of rivers and harbors; the Committee on Invalid Pensions general pension bills. If this amendment is adopted bills authorizing the distribution of pork are privileged under the rule, but legislation by the Committee on Invalid Pensions, aside from general pension bills, to care for or to help the soldiers is barred. The door is also closed to legislation from the Committee on Interstate and Foreign Commerce, now having jurisdiction over war-risk insurance and compensation matters for soldiers. It is barred to legislation from the Committee on Agriculture.

The door is closed to legislation from the Committees on Labor and Education and swung wide open to the pork barrel, so frequently characterized as graft.

It is no secret that more intense and determined opposition has been centered against the bills appropriating a few million dollars for agriculture, labor, and education than against other bills carrying many times the amounts.

If the amendments to the rules are adopted it will result in the farmer, laborer, and the Bureau of Education, as well as numerous other interests, not only being placed at the mercy of the Committee on Appropriations, but they will be barred under the rule like in days gone by when Members on bended knees with tears in their eyes approached the throne pleading and begging for an opportunity to have bills brought up for consideration. Gentlemen, why open the doors to certain ones and exclude others? Are not the soldiers, the farmers, the laborers, and others entitled to some consideration? They are good enough to vote. Why close the doors to them? Why pat them on the back on election day and close the doors to the Halls of Congress to them later? Why monopolize without end?

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. GOOD. Will the gentleman point out in the resolution where any attempt is made to change the rules of the House with regard to the Committee on Interstate and Foreign Commerce?

Mr. HAUGEN. I was reading from the resolution, quoting from the gentleman's resolution.

Mr. GOOD. The Committee on Interstate and Foreign Commerce is not mentioned.

Mr. HAUGEN. They are not given the privilege to report.

Mr. GOOD. The Committee on Interstate and Foreign Commerce is not mentioned in the resolution.

Mr. HAUGEN. It bars all committees except those enumerated in the bill.

I will quote from the resolution, House resolution 324, page 2, line 15:

16. The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules, on rules, joint rules, and order of business; the Committee on Elections, on the right of a Member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills authorizing the improvement of rivers and harbors; the Committee on Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers; the Committee on the Territories, bills for the admission of new States; the Committee on Enrolled Bills, enrolled bills; the Committee on Invalid Pensions, general pension bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

Page 3, line 17:

Rule XXI, add an additional clause as follows:

"5. No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time."

I will also quote from the gentleman's report on the resolution proposing changes in the rules of the House, page 3:

The resolution makes three important changes in the rules of the House, viz:

(1) It centers in one Committee on Appropriations, composed of 35 members, the authority to report all appropriations, and takes from the Committee on Agriculture, Committee on Foreign Affairs, Committee on Indian Affairs, Committee on Military Affairs, Committee on Naval Affairs, Committee on the Post Office and Post Roads, and the Rivers and Harbors Committee the authority now vested in those committees to report appropriations. * * *

(3) It permits the raising of a point of order at any time on any appropriation item carried in any bill or joint resolution reported by any committee not having jurisdiction to report appropriations.

It is at once apparent that the principal change proposed in the rules of the House is the one centering all appropriations in a single committee. This change was strongly urged by practically every person who appeared before the committee as being a very important and necessary step, if in the future appropriations are to be made with intelligence and economy.

It may be that one committee of 35 members can do more and better work than eight committees with a total membership of more than 150, but results obtained fail to support that contention. I say that not in an offensive way. No; I know the make-up of that great committee. As before stated, each member enjoys the confidence and respect of the House; all are men of intelligence and integrity, doing their very best; but the fact is that it is a physical impossibility for that committee to give the required time and consideration to all items contained in bills coming under their jurisdiction. Hence, the work must necessarily be divided and disposed of by subcommittees, and little, if any, consideration can be given to each item by the whole committee. If the committee is already overworked, it seems absurd to assume that in addition to what it is now doing it can take on the work now being performed by seven committees.

Now, a word as to economy. Has the one committee or no committee, under the budget policy resulted in economy in other countries? England has tried it; other European countries have tried it. What are the results? England is now on the verge of bankruptcy; its people, staggering under its death-dealing blows. England is turning the heavens and earth to get away from it, to adopt the American system, one that has worked so well and which it is now proposed to discard. England is making headway. After years of fierce struggle, she succeeded on February 19, 1918, in appointing a select committee to examine, recommend, and report as to a proper policy to take the place of its vicious, autocractic budget policy. I have a copy of the select committee's report. As a starter, that committee reports not in favor of one committee, as suggested in this bill, but of two to begin with, and that this number should be added to if found desirable.

Sidney Webb, professor of public administration in the University of London, School of Economics and Political Science, in his reply to a question asked by the committees, favors not one committee—an autocratic power as suggested here—but states that for the purpose there should be appointed a standing committee for each of the 13 great divisions of government. So, according to the select committee and Dr. Webb, we should have not one committee, as suggested here, or eight appropriation committees, as we now have, but several committees, or one for each of the 10 departments. To that might be added others, as, for instance, one for the executive department, and so on. Un-

doubtedly a committee on appropriations for each department, as we now have on expenditures in each department, would result in a saving and great benefit. It goes without saying that committees having jurisdiction pertaining to the departments, committees drafting laws and who come in more frequent contact with the departments, have more intimate knowledge of their requirements than a committee giving all its time to appropriations. As to the advisability of one or more committees and as to the results of the budget system in Europe, I refer you to the ninth report from the select committee on national expenditures, together with the appendix ordered by the House of Commons to be printed October 22, 1918. According to it, though wide difference of opinion exists in England as to whether committees should have jurisdiction over both estimates and accounts, practically all agree that the present method for securing parliamentary control of expenditures is inadequate and favor the establishment of from 1 to 13 committees on expenditures.

I have a copy of a publication entitled "The Nineteenth Century," of August, 1917, in which Mr. J. A. R. Marriott refers to the vicious budget policy. On page 346 he quotes Sir Tudor Walters: "Ministers must not imagine that they * * * are possessed of some divine and supreme power. * * * We want to restore to the House of Commons not merely the right to audit the expenses that are being incurred but to control the financial policy and expenditure of the country." And states: "Such language, reechoed from every quarter of the House, proceeding indifferently from conservative, radical, and labor members, possesses no inconsiderate significance." On page 346 he quotes Mr. T. Gibson Bowles: "A close study of British finance can not but conclude that the vast increase in our national expenditure does, on the whole, mainly arise from * * * a disregard of economies, a contempt for frugality, and a lavish, wasteful, wanton, and unnecessary expenditure all around." Does that sound like economy? On 351 he states: "Can it be hoped that we shall ever get back to sound methods of finance, or that we shall ever reestablish the effective control of the House of Commons over expenditure so long as financial responsibility is divorced from political power? There is, however, general agreement that unless we are to drift toward disaster that control must be reestablished." He further states that the act of 1866, the budget policy, is a corner stone of the existing edifice. On 353 he states: "Plainly the first step to be taken is to insure a real and not merely a formal examination of the estimates. But a real examination is not possible at the hands of the whole House, nor, indeed, at the hands of any smaller body—such as a select committee * * * the estimates should be closely scrutinized by a committee or by a series of committees—one for each class of votes—especially appointed for this purpose and charged to make a report to the House before the estimates are approved in committee of supply." On 354: "We want, therefore, not only an estimates committee but also a committee whose duty it shall be to examine the financial aspect of every bill which involves the expenditure of public money—a committee which shall have the power to examine ministers and permanent officials and shall make a detailed report to the House before it goes into committee on the bill. * * * Is it not demonstrably true that much of the waste of public money which we are deploring to-day is due to overhaste in legislation?" Is overhaste desired? If so, one committee. On 355 he states: "The ancient machinery must be adapted to modern processes of production. Unless the adaptation is made, and made quickly, nothing but disaster can ensue." And further quotes President Lowell, of Harvard, who, after referring to the "growing practice of delegating legislative power," adds: "We hear much talk about the need for the devolution of the power of Parliament on subordinate representative bodies, but the tendency is not mainly in that direction. * * * The real defection has been in favor of the administrative departments of the central Government, and this" (as Mr. Lowell justly observes) "involves a striking departure from Anglo-Saxon traditions with a distinct approach to the practice of continental countries." On 357 he states: "Neither the existing House of Commons nor the more responsible organ of public opinion will allow matters to remain as they are. Nor is any time to be lost." On 358: "It is of supreme importance to them that their representatives in the House of Commons should, without delay, take the necessary steps for regaining that control over the spending departments of the Government which they have allowed to slip out of their fingers." The article is signed Mr. J. A. R. Marriott and is followed by a footnote, which reads as follows: "Since this article went to press the Government have settled the terms of reference to the select committee which is to be set up immediately—the terms which follow closely the line in the above pages."

Here is what the press and some of England's most eminent people have to say about the inferior autocratic budget policy. I quote from the London Times, Friday, August 8, 1919:

"ROAD TO RUIN—FINANCIAL PERIL ADMITTED—ECONOMY AND WORK THE ONLY HOPE—'DIRECT ACTION IS TREASON.'

"The House of Commons turned its attention to-day to the great and serious questions of the reestablishment of the authority and control of Parliament and the finanical position of the kingdom. Mr. Chamberlain insisted that the good will and active assistance of every class in the community were needed to save the situation. If we continued spending as we were spending now, and if we did not increase production beyond the rate at which we were producing now, the end would be national bankruptcy. He repeated that the Government as a whole were seized with the seriousness of the position and had set their minds to find a remedy. There was nothing in the situation, he added, that was beyond our control, if we tackled it as a nation with the same resolution, public spirit, and unity with which we had faced and overcome the difficulties of the war."

Gentlemen, there is your economy. There is the situation under a budget system. As before stated, under it, under the lump-sum appropriations, it is easier for the grafter to get his hands in the Public Treasury. If that is what is desired, the budget system and the reduction of the number of committees will undoubtedly do that.

Mr. KINKAID. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. KINKAID. Will the gentleman state whether the showing made is to the effect that the budget system is responsible for the unfavorable financial condition in England?

Mr. HAUGEN. They have been experimenting with it since 1866. They are getting away from the system. As long as Gladstone held the reins they got along fairly well; but they are rapidly approaching bankruptcy as the result of it.

Mr. KINKAID. Is not their financial condition due to the war?

Mr. HAUGEN. Not entirely.

Mr. KINKAID. And is not the budget system merely a coexistent condition?

Mr. HAUGEN. If the gentleman will read this report—and I will have part of it inserted—it will satisfy the gentleman it is not a matter of the war. On page 9 it states:

These questions relate to normal conditions and not to the state of war.

I will quote from the ninth report from the select committee on national expenditure, to which I referred a few moments ago.

Page 2 gives the order of reference. It states that on February 19, 1918, it was ordered that a select committee be appointed—

"To examine the current expenditure defrayed out of moneys provided by Parliament and to report what, if any, economies consistent with the execution of the policy decided by the Government may be effected therein.

"To make recommendations in regard to the form of public accounts, the system of control within the departments and by the treasury, and the procedure of this house in relation to supply and appropriation, so as to secure more effective control by Parliament over public expenditure."

Page 3. It reports: "The select committee on national expenditure have made progress in the matters to them referred so far as relates to the procedure of the House in relation to supply and appropriation and have agreed to the following ninth report. * * * The subcommittee decided to proceed by way of written question and answer. They framed a questionnaire, which was sent to Mr. Speaker, the chairman of ways and means and the deputy chairman, to the chancellor of the exchequer and the ex-chancellors, to the financial secretary to the treasury and the ex-financial secretaries, to certain other members of the house representative of parties, to the comptroller and auditor general, to certain government officials, and to a small number of others whose views it was thought desirable to ascertain. We present in the appendix to this report the questions and the replies, together with a synopsis. Those questions and replies related to the normal conditions of times of peace, and this report relates to them also. * * * The replies show, with few exceptions, a consensus of opinion that the present system of parliamentary control over expenditures is inadequate. In that view we concur. Indeed our terms of reference themselves, inviting proposals to render control more effective, indicate that the house is not satisfied with the existing procedure. * * * Under these conditions it is not surprising that there has not been a single instance in the last 25 years when the House of Commons by its own direct action has reduced on financial grounds any estimate submitted to it.

* * * Yet it can not be contended that there is never an occasion in any year or under any head on which proposals for expenditure could with advantage be reviewed and amended."

Page 4 states: "We consider that the House of Commons, as the representative of the taxpayer, should reassert fully and effectively its right of restricting the amounts to be allotted for each head of the national expenditure, and we recommend the adoption of the measures to that end which we now proceed to detail."

Standing committees on estimates: "The great majority of the replies to the questions which were circulated favor the principle that the estimates should be subjected to examination by a select committee. Among those who express that view are all the officers of the House who were consulted—Mr. Speaker, the chairman of ways and means, the deputy chairman, and the clerk of the house. We are unanimously of the same opinion.

"We recommend that at the beginning of each session there should be appointed, by the customary procedure, two standing committees on estimates, each consisting of 15 members. After some experience of the working of these committees it may be found desirable to add a third.

"We have considered the alternative of a single committee with a larger membership, which should divide itself into a number of subcommittees, each dealing with one department or group of departments, but we have arrived at the conclusion that for the purpose in view the balance of advantage lies against this method."

Page 5 (S. C. on E.) states: "The estimates committee of 1912, 1913, and 1914 was appointed in pursuance of a recommendation of the Select Committee on National Expenditures of 1902–3. It rendered useful service, but its usefulness was impaired by three causes.

"First, the task imposed upon it was too large for a single body to perform; it was able to consider each year only a fraction of the estimates; its examination of the votes of any particular department was rather an exceptional incident than a normal part of the financial procedure; the departments knew that once their estimates had been considered it would probably be from 7 to 10 years before they were considered again. Our proposals for two committees, and, if experience shows it to be desirable, for the addition of a third, should go far to remove this drawback, particularly if each of the committees were expected to give as much time as might be necessary to enable it to cover each session a large part of the whole field."

Do you want estimates examined once in 10 years? If so, have one committee as proposed here. That is your one committee budget system. That is your autocratic form of government proposed here.

On page 8 the committee gives its conclusions and recommendations:

"We are of the opinion that the existing procedure of the House of Commons is inadequate to secure proper parliamentary control over the national expenditure. We recommend that there should be appointed each session two standing committees on estimates, each consisting of 15 members, and that a third should be added if experience showed that this was desirable."

Page 9, Appendix. Questions relating to the procedure of the House of Commons on matters of finance and the replies received thereto. List of questions: (These questions relate to normal conditions and not to the state of war.)

"1. Do you consider that the present methods for securing parliamentary control over expenditure are adequate?

"2. If not, do you regard the appended proposal for the establishment of a standing committee on estimates and accounts as the right line of reform?

"3. Have you any modifications to suggest to that proposal?"

Page 10. Reply from Mr. Speaker:

"1. I do not consider the present methods tend to economy. The House of Commons has become one of the chief spending departments of the State.

"2. I believe that a committee on estimates, selected from among the real advocates of economy, would have a salutary effect.

"3. It is a mistake to combine the public accounts committee and the estimates committee. The function of the latter is to criticize the vote of money necessary for a particular service; the function of the former is to see that the money voted has been spent in the manner intended."

Page 11. Reply from the Right Hon. Sir Donald McLean, K. B. E., deputy chairman of ways and means:

"2. I think that a committee on estimates is a very good idea."

Page 14. Reply from the Right Hon. T. McKinnon Wood:

"2. Yes. It is quite impossible for so large a body as the committee of the whole house adequately to consider details of estimates, and I think that it is necessary to adopt the standing committee system if anything like effective control over the spending departments is to be exercised by the House of Commons. Such control will in the future be of extreme importance."

Page 15. Reply from the Right Hon. Walter Runciman, M. P.:

"In reply to your inquiry I have to say that, after considering the tentative proposal of your committee that greater economy in the expenditure of public moneys should be secured by means of a standing committee on estimates, set up as a microcosm of the House of Commons, somewhat on the lines laid down by your committee. I could not give more than general approval of this suggestion, for in some details it seems to me expedient to make modifications.

"I do not hold the view that a committee set up for this purpose would lead to pressure for increased rather than for decreased expenditure, but if that tendency is to be feared safeguards against it can be provided from the first."

Page 18. Reply from the Right Hon. Arthur Henderson, M. P.:

"With reference to question 1, the reply is definitely in the negative, and in reply to Nos. 2, 3, and 4, while not committing the party to every detail in the proposal for a standing committee, broadly it is on right lines. It may be stated, however, that in our opinion 26 members would not be sufficient to do the work contemplated."

Reply from the Right Hon. J. W. Gulland, M. P., page 19:

"1. No; I think the present methods very inadequate.

"2. The committee as proposed would be one useful line of reform.

"3 and 4. It entirely depends on how this committee is worked. If it is energetic it could be of enormous use, but it all depends upon the work and spirit that is put into it."

Page 20. Reply from James Parker, Esq., M. P.:

"If parliamentary control is to be really effective the estimates of every department should, in my opinion, be considered by a committee before they are sanctioned by the house."

Page 22. Note by Sir H. J. Gibson, K. C. B. (comptroller and auditor general):

"While supporting the establishment of a standing committee on estimates as well as on accounts, I am strongly of the opinion that they should be separate and not combined, though some members should serve on both."

Page 24. Reply from T. Gibson Bowles, Esq.:

"Both the expenditure to be provided for and the actual expenditure itself are uncontrolled. In the true sense there is no public finance left. Nor will there be nor can there be any restoration thereof, either during the war or for long after. The waste, the squandering, the fraud, and the terrible irregularities of all sorts now proceeding and inevitable in war will then come under review, as they did after the Boer War in the public accounts committee, whereof I was then a member."

Page 26. Reply from Sidney Webb, Esq., professor of public administration in the University of London (School of Economics and Political Science):

"No one committee could set itself to control policy in general. What seems required is a series of standing committees, to be appointed by the committee of selection at the beginning of each Parliament mainly from among members interesting themselves especially in the particular subject and serving for the whole term of the Parliament—this not necessarily excluding a formal reappointment and filling of vacancies each session—each committee charged with the continuous oversight of what is actually being done in one of the 13 fundamental branches of our Government at its present stage, namely, foreign affairs, defense, finance, justice, the promotion of material production, communication and transport, the regulation of employment, education, health, the administration of India and that of the dominions and dependencies, supplies and research."

Page 27. Reply from Sidney Webb, suggesting 13 committees.

"To sum up, I propose:

"1. That the House of Commons should insist on a marked distinction being made between the oversight of policy and the art or technique of administration.

"2. That the House should organize its own work so as to be able to exercise such a continuous oversight of all the ministries or departments as will enable it to secure the execution of the policy that it has prescribed, and no other.

"3. That for this purpose there should be appointed a standing committee for each of the 13 great divisions of government, the various ministries or departments concerned with each such division being required to supply, continuously and automatically, the information necessary to enable the committee to satisfy itself that the prescribed policy is being carried out efficiently and therefore with genuine economy."

Page 28, Part III. Synopsis of replies received to the questions submitted by the subcommittee on procedure.

To question 1:

"The House 'has become one of the chief spending departments of the State.' (Mr. Speaker.)

"It is impossible for the House as a whole to have any effective knowledge of the countless details of expenditure. (Sir Charles Hobhouse, Mr. McKinnon Wood.)

"Debate in Committee of the Whole House is an unsuitable method. It reflects current opinion, which may be economical or the reverse. (Sir C. Ilbert.)

"It is diffuse and inconclusive, and in any case is concerned with policy and not with the amount of expenditure. (Sir Sydney Olivier, Mr. Hayes-Fisher, Sir William Gibbons.)"

To question 2:

"Unqualified (or practically unqualified) approval is expressed by the chairman of ways and means, Sir Courtenay Ilbert, Mr. McKinnon Wood, Mr. Hayes-Fisher, Mr. James Parker, Mr. Arthur Henderson, Mr. Boland, Sir Sydney Olivier, Sir William Gibbons, and Mr. Harold Cox. Approval in general terms, but subject to important reservations, by Mr. Speaker, Sir Donald McLean, Mr. Runciman, Sir Charles Hobhouse, Mr. Acland, Mr. Gulland, and Sir Charles Harris. Mr. Asquith would have no objection to seeing the experiment tried."

Gentlemen, England has tried this since 1866. She has given it a fair trial. As a result she is on the verge of helpless bankruptcy. The report gives the conclusions of this committee, a committee that has given this matter years of thought and consideration. Are we to pattern after England? Are we not drifting into debt fast enough?

I will include a few clippings from the London Times. The Times' report of the debate in the House of Commons, June, 1919:

"NATIONAL EXPENDITURE—THE QUESTION OF CONTROL.

"Mr. H. Samuel stated that it was right to say at the outset that they had found the chancellor of the exchequer and the Government departments very ready to adopt the suggestions which the select committee had made. So far from resenting them, they had, as a rule, really welcomed the committee's suggestions, because they realized that the committee had not been seeking opportunities for attack, but only seeking opportunities to be of assistance. There was a small number of outstanding questions as to which the Government had not met the suggestions of the committee or had met them only in a partial and insufficient degree. * * * He complained of the war office attitude to the committee on expenditure in regard to the military staff of the war office. The committee had recommended last December that the war office should hold an inquiry of its own into the question of the increase in the staff.

"MR. BONAR LAW'S REPLY.

"The chancellor of the exchequer: I can assure the members of my right honorable friend's committee that it is through no feeling of discourtesy to them that I rise now before they have taken their part in the debate. * * * It is the duty of the chancellor of the exchequer, more than anyone else, to welcome any measure by which greater control and some chance of saving can be secured in this immense expenditure. For that reason I welcomed the appointment of this committee. I welcomed it on the understanding, which has been adhered to, that it would be set up for the purpose of helping in this matter and not for the purpose of finding material with which to criticize the Government. There is a real danger that in dealing with this big question we may be so lost in details that we shall not be able to see the wood on account of the trees, and it is the business of the House to look at the larger aspects as well as the smaller aspects of this question. The Government have tried to carry out the recommendations of this committee."

The Times, Friday, August 29, 1919:

"WHITEHALL PURGE—RUTHLESS REDUCTION AT WAR OFFICE—NATIONAL SHIPYARD SCANDAL.

"Our correspondent at Chepstow calls attention to the waste of between four and five millions of money there at the National Shipbuilding Yards. In two years two ships have been launched. Mr. Clynes, speaking last night at Widnes, denounced the Government's extravagance and waste. * * * On top of Mr. Lloyd-George's letter to his colleagues has come a circular from the treasury addressed to the permanent heads of each state department, asking them to look into affairs and to effect economies in every possible direction."

The Times, Thursday, September 4, 1919:

"THE ENFORCEMENT OF ECONOMY.

"To the EDITOR OF THE TIMES:

"SIR: Mr. Mason thinks the suggestions made by Mr. Grant and myself for the control of expenditures beside the mark. His panacea is a change of Government, a remedy which suggests political partisanship rather than a genuine desire for economy. Those of us who are chiefly concerned to see good government restored look beyond the present 'hustle,' with its waste, its injustice, and its inevitable reaction. We want to see a system established which will insure that projected economies, as well as projected expenditures, receive careful and instructed consideration. Flying visits of inspection, letters from high places, week-end decisions on hastily thrown together reports, will not effect our objects. They can only be secured by intimate inside knowledge. But that knowledge must be independent of the department, or its possessor will inevitably be hampered by that spirit which exists in all great concerns, and which, at its best, appears as 'esprit de corps,' at its worst as departmental jealousy. I have advocated the appointment of a treasury official in each of the great spending departments, and if your correspondent is correct something of the kind is about to be carried out. If this should be the case, the new officials should, as a matter of course, report from time to time to the select committee on national expenditure. I am, sir,

"Your obedient servant,

"NEVILLE CHAMBERLAIN."

"To the EDITOR OF THE TIMES:

"SIR: The long and short of it is the country has got to meet a bill by March 31 next of one thousand six hundred millions and will only have six hundred millions with which to meet it. Will Lord Fisher or anyone else be kind enough to tell us how this is to be done? Will the prime minister or the chancellor of the exchequer or Mr. Bonar Law tell us? I have been looking at your columns every day for this, but 'there is neither voice nor any that answered.' Are the English, who have shown themselves heroes in war, to be cowards in peace? Are our statesmen and generals and admirals, who have shown themselves invincible in battle, now to cringe and to cower before the calamity of insolvency, destitution, and want, and not to be able to point a way of safety from the self-accusing conscience of the nation which will save our self-respect and at the same time honor our acceptances? * * * I was addressing a multitude in the open air upon this question the other day, and a man afterwards came up to me and said that he did not think he could draw his pension conscientiously any longer, and he had determined to seek some useful occupation. That is the spirit of noble independence and self-sacrifice which peace demands of us, and unless we, as a nation, can show the same fortitude and valor now that we did in the war we shall deserve to sink into the same infamy and disgrace as did the ancient empires of the world. Mr Hoover's very plain speaking about the 'stoppage of credit' is quite sufficient warning of what is coming upon us. * * * There is no doubt this country can pay its way in time, but if its throat is to be cut just when it is beginning to breathe, we might just as well all have been destroyed in the recent war. Is it not perfectly futile to talk about houses for the working classes when we can not get the fuel with which to make the cement or the bricks—fuel which we shall want this winter for our very existence? When the nation can not pay its way, it is pure lunacy to launch out into a national transport system and the nationalization of coal mines, which will cost many millions. A man with a bankruptcy petition on the file against him might just as well talk about buying a new house or building a yacht.

"Yours, obediently,

"EDMUND KIMBER."

Does that indicate economy under the autocratic budget system? I leave it to you, gentlemen.

I have a number of other clippings from press reports. I shall not read from them further than their headlines:

The Times, Tuesday, September 2, 1919: "Control of expenditure."

The Times, Saturday, August 9, 1919: "The road to ruin—State extravagance—Ministers' fears—New estimates in the autumn."

The Times, Wednesday, August 13, 1919: "Extravagance: the Government's apologies."

The Times, Monday, September 1, 1919: "Treasury control—A return to sound practice."

The Times, Saturday, September 20, 1919: "The public purse—Responsibility for control."

That is what the people of England think of the budget policy and no committee, or few committees, to review an appropriation. They have tried it. They are staggering under it. England is doing all it can to get away from the vicious, autocratic system, and is patterning after our system. We are expected here to adopt a system tried, discarded, and discredited in other countries.

I will also quote from the Economist.

In the issue of November 30, 1918, page 739, George Hamilton in an article stated:

"The nonperformance of these duties will ultimately land the country in insolvency or to infringe upon the present prerogatives of the chancellor of the exchequer and the treasury

by associating with them a capable cooperation, and by obtaining effective economy preserve national solvency. * * * I further contended in my letter that it was policy and not accountancy which alone can regulate and control national expenditure. If committees were established on the lines I suggested they would very much resemble the parliamentary bureaus of the French assembly, and these bureaus investigate expenditure before and not after it is sanctioned. My suggestions, therefore, would put some limitation on the powers which the chancellor of the exchequer, the treasury, and the House of Commons as a whole are now supposed to exercise, but it is because they are incompetent adequately to discharge this duty, and their incompetency is generally acknowledged, that it becomes necessary to substitute an effective machinery for that which from experience we know has failed and will continue to fail."

In the issue of December 7, 1918, page 776, Constitution Hill states:

"No tinkering with the constitution of the treasury will prevent the elect of modern democracy from spending public money."

In the issue of May 10, 1919, page 776, under an article entitled "This year, next year, some time——?" appears the following:

"'Neither this year nor next year nor perhaps the year after will be entirely normal, and in considering what our policy ought to be, I am driven to the hazardous experiment of casting my mind forward into the future to an imaginary normal year.' (The Chancellor of the Exchequer.)

"We may perhaps be doing an injustice by a comparison of the chancellor's finance with an almost passive religious piety, but there is about his speech—even about his exhortations to economy—a painful suggestion that things have gone far beyond his control, and a despairing hopelessness of any rapid improvement in the attitude of Parliament toward expenditure. * * * Hesitation in assuming that Parliament will show any respect for economy is natural and indeed inevitable, but it would be much better for the chancellor, instead of saying, 'I assume, though I have no right to assume, that you will be good boys,' to say to the House of Commons, 'So long as I am at the treasury you have got to behave yourselves.' In other matters the Government has not shown much respect for the independence or the importance of this House of Commons, and if firmness and dictation are wanted anywhere it is in the realm of finance that the need is most urgent. * * * Then we have in this hypothetical budget a debt charge of £400,000,000. This figure compares with an actual estimate of £360,000,000 for the current year, leaving a difference of £40,000,000 as the charge on subsequent borrowing. Here again results must depend on exertion and economy, and until revenue covers expenditure £400,000,000 will unhappily remain a hypothetical figure. How much more the State will have to incur through housing, redemption of debt, and loss on exchange is not clear, but we shall probably be fortunate if Mr. Chamberlain's estimate is not exceeded."

Here you have the result of the budget policy of England. Is it what is desired in our country?

"In the issue of May 17, 1919, page 797, under an article entitled 'Waste,' appears the following: 'Every now and then the select committee on expenditure or the auditor general lifts the veil for a moment and shows us a few striking instances of how Government officials have played ducks and drakes with the public money. * * * But we doubt whether the public have ever been given such startling revelations of the way in which their money has been thrown in the gutter as it provided by a report on the ministry of munitions issued this week by the comptroller and auditor general. Ten columns would hardly suffice if we were to give all the paragraphs in this report which refer to extensive official delinquencies, and we advise our readers to purchase the document for themselves. It is numbered 79 and may be obtained for 6d. at His Majesty's Stationery Office or through any bookseller. * * * We have not the space to pursue further this tragic catalogue of sins against the taxpayer. * * * We can not now save these millions that have already gone down the sink. But the plea that it is no good crying over spilt milk or shutting the stable door after the horse has been stolen is as perilous as it is specious.'

Worse and worse the further we look into it. Think it over.

In the issue of August 16, 1919, page 259, under an article entitled 'The prime minister's chance,' appears the following: "At the end of last week Mr. Chamberlain told the house that if we continue to spend as we are now spending, we shall be on the road to national bankruptcy, but seemed to regard his statement as a matter of purely academic interest, not requiring any action on his part. He is apparently prepared, after giving this warning, to let things go on as they are. He also stated that on both sides of the account his budget estimates will be very wide of the mark. The expected expenditure will certainly be exceeded, and he will be some £70,000,000 short in his revenue. * * * Perhaps even more astonishing, as an indication of the Government's incapacity to see what is required of it by the country, was its defense of the charges made in the report, already referred to, by the select committee on national expenditure. A very important point, on which great emphasis has been laid by the daily press, was a reply made by the lord advocate (Mr. Clyde) to Sir John Hunter when he urged that criminal proceedings should be taken with regard to certain sums that appeared to have been wrongfully expended. * * * Such is the series of ineptitudes with which the rank and file of what is called our Government have heaped discredit on discredit. * * * We need drastic official economy and taxation. * * * We must pay our way, and since the budget is already a fallacious mockery, it must be amended so as to bring us at least as near to paying our way as we were said to be when it was brought in.'

In the issue of August 23, 1919, page 320, under an article entitled "Controlling the departments," written by Charles John Wilson, appears the following: "Upon all hands we hear cries that if the nation would avoid bankruptcy, greater vigilance must be shown and greater control exercised over the spending departments. * * * Parliament finds it very easy to vote money—that is, to sanction expenditure—but in the present state of our finances it is necessary that much greater control should be instituted. That is wherein all Government departments fail so lamentably when brought into comparison with private enterprise. Why should it be so? Is it not that there is a fundamental difference in the methods employed? * * * Can nothing more be done to show our efficiency as a nation in controlling our spending?"

Mind you, all under a budget policy. Does that sound like economy?

I next compared the bill with the German budget policy. After making a comparison I need not say that I was not only surprised but astounded to see that the German budget system more closely guards its public treasury than the one suggested here. Aside from that, the two are practically the same. First, the preparation of the German budget estimates began with the local authorities. They were then submitted to the provincial authorities who criticized, revised, and coordinated them. They were next forwarded to the appropriate ministry—there are 12 of them. There they were again scrutinized, revised, and classified, and made an integral part of the department estimates. After the estimates were revised by the heads of the respective ministries they were transmitted to the imperial ministry of the treasury for further scrutiny and revision. They were then presented to the imperial chancellor for his approval. The final preparatory step in the budget procedure was the submission of the completed estimates to the Emperor. You will note that the estimates started with the local communities, the States and cities, and step by step were closely scrutinized and reviewed as they passed up to the Emperor, after which they were finally submitted to the Bundesrath showing in itemized form the estimates, receipts, and expenditures.

That procedure has been characterized as autocratic. Here in America, under a democratic form of government, not only where we preach it but where we live up to it, where we have gone to the extent of sacrificing 75,000 lives and expending $50,000,000,000 in order to stamp out autocracy and to make the world a safer and better place in which to live, now, within 12 months after the victory achieved, it is suggested that we plunge headlong into the most autocratic form of government ever suggested; that is, so far as making expenditures are concerned.

As was stated recently at the industrial conference by that noble champion of labor, Mr. Gompers, "Are we in this year of grace, 1919, when we have driven political autocracy off the face of the earth, to submit to an industrial autocrat?" The words can well be applied in this case. As everybody knows, a budget system means lump-sum appropriations, which makes it easier for certain ones to get their hands into the Public Treasury. The centralization of power to appropriate the public money in one committee is undemocratic and a step toward autocracy. It deprives the membership of this House of their rights and prerogatives and their rights can not be invaded without encroaching upon the rights of those whom they represent.

In Germany, after passing through the various steps indicated, estimates were introduced first in the Bundesrath—the chief

legislative organ of the Empire—a legislative council of instructed delegates from the several German States, appointed by the Princes or Kings of the States and the senate of the free cities, which council exercised the mixed function of a legislative and executive council or a court of appeals. It possessed the power of initiative and no change of amendment by the Reichstag could become valid without its approval. It was presided over by the imperial chancellor, at the head of the Prussian delegation. The Prussian members numbered 17. The total number of the Bundesrath, I believe, was 61. In Germany they had a committee representing the various States, cities, and local communities who watched over the items relating to their own States and saw to it that their rights were fully protected. Upon approval of the budget estimates the imperial chancellor of that body introduced them into the Reichstag with the budget bill, where it was debated and given consideration and then referred to the budget committee, a committee composed of representatives of various political parties, and similar to the one suggested here in this bill. Estimates were examined in detail. The commission from the Bundesrath appeared before the committee to give explanation and information. After that it was reported by the budget committee. Then the estimates were taken up for a second reading and debate. At the third reading the estimates were discussed item by item and then voted upon. As a rule, the majority of the Reichstag approved the budget upon the recommendation of the budget committee. The greatest freedom of debate was always allowed. Complaints against the departments' management were aired and criticized. After approval by the Reichstag the budget was then returned to the Bundesrath where it was finally approved and then promulgated by the Emperor.

Thus you have briefly a comparison of the German policy with the one suggested here. Slack and imperfect it may be, but who will dispute the fact that the German system is more safeguarded? If autocracy was a bad thing in Germany, why not here in America?

Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. HAUGEN. May I have more time?

Mr. GOOD. I will give the gentleman more time if he wants it.

Mr. HAUGEN. As to the accounting, the proposed bill simply abolishes the office of six auditors and sets up a new bureau, that of the accounting department. The bill provides that the incumbents of the offices of auditors shall be transferred, at their present salaries, to the accounting department. That, of course, neither adds nor detracts. It is on a par with transferring the estimators from the Secretary of the Treasury to the bureau of budgets. All would be under the same influence, and the whole matter can, as before stated, be readily disposed of under the definition of "camouflage." In other words, it would comply more closely to the German system, except that the German system required a monthly accounting made by the imperial accounting department. Its members were nominated by the Bundesrath and approved by the Emperor. Under this bill they will be appointed by the President. Aside from that the two systems are practically the same.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. SMITH of Michigan. I am interested to know whether or not the condition of the Kaiser at the present time is due to the budget system?

Mr. HAUGEN. I have pointed out the budget policy of England, and also the one of the Kaiser. We are now discussing the budget system and expenditures. My only purpose was to point out the disastrous result in all places where it has been tried out and the defects of the one proposed here. We have been experimenting with autocracy and one-man rule. As a result, not only has the Treasury suffered, but the parasites and profiteers have preyed upon the people. As a result, the Steel Trust increased its profits 1,000 per cent. The packers, millers, and others followed suit. The price paid to the farmer was and is being held down, and the price paid by the consumer has been persistently and constantly going up. The favored few are the only ones to benefit.

Mr. WASON. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. WASON. Does the gentleman think that the budget system as practiced by the Kaiser in Germany had anything to do with the Germans' ability to finance such a war as they did?

Mr. HAUGEN. We know that they nearly went bankrupt.

Mr. WASON. Did the country go bankrupt? How long were they able to stand out alone and finance the conflict?

Mr. HAUGEN. I have no comment to offer on that phase. I did not rise to discuss that proposition. I came here to discuss the budget systems and to compare the one suggested here with other systems.

Mr. WASON. I will put my inquiry in other language. Is it not a fact that when Germany had the budget system, which the Kaiser had some control over and safely guarded, that made it possible to put them in a condition to wage this war?

Mr. HAUGEN. I know that autocracy in Germany was criticized and condemned. I also know that the American dollar has shrunk in half, and that, according to recent quotations, the rate of exchange in Germany has depreciated about 75 per cent. If the value of the American dollar has depreciated 50 per cent and if German paper money is worth only 75 per cent of the American dollar, the Kaiser's dollar is worth only 12½ cents. If the budget policy had anything to do with credit, it goes without saying that it was a failure.

As everybody knows, a budget system means lump-sum appropriations, as was pointed out in the report and as was evidenced by previous reports of the committee. You have had your lump-sum appropriations. You have had your estimates. You have had your experience, like the rest of us. Only a short time ago you cut an appropriation of $6,000,000 to $4,000,000, and then you got up to $14,000,000, and landed at $8,000,000, all on a single item. Lump-sum appropriations were recently made. As a result we have the Arlington site, the Jamestown Exposition site, a report of the expenditures in Paris and I might refer to the $100,000,000 lump-sum appropriation for the purchase of food. Are you satisfied with the results? If so, the plan suggested will undoubtedly bring about like results.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. NEWTON of Minnesota). The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I yield to the gentleman 15 minutes more.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. BLANTON. The gentleman is making such an appealing speech that I was wondering whether he would like to have some one here to hear him. We have about 25 men on the floor. If the gentleman would like to have an audience, I will make the point of no quorum.

Mr. HAUGEN. It will all appear in the RECORD. If anybody cares to read it, he will have an opportunity to read it from the RECORD. I shall be satisfied.

I will take only another minute.

Gentlemen, the results obtained under the budget policy in other countries do not square with the contention set forth in the report. The bill now under consideration, if enacted into law, may do no harm. I doubt that it will improve matters. As this bill affects expenditures only, if it bankrupts our country as it has other countries, that may in time be overcome. But when a resolution having for its object an encroachment on the rights and privileges of the Members of the House is to be taken into consideration, that is a different matter. I for one shall oppose it. Recently our policy has been not to make this House more autocratic, but to make it more representative. Experience with autocratic power in the past has resulted in wreck and ruin. Shall it be tried again? Experience, careful thought, and consideration convince me that the best interests of the people in general and of the country at large would be better served by increasing the number of appropriation committees. In my opinion we should have at least one appropriation committee for each department.

Besides that, I am absolutely opposed to the concentration of legislative power in one man or in one committee, thus curtailing the Member's rights and personal independence. And, as I have stated, the Member's rights can not be encroached upon without invading the rights of those whom he represents. I believe that the people of the United States should have full opportunity to have their desires recorded; that their Representatives may have an opportunity to record their votes according to the dictates of their consciences and their best judgment.

Why, gentlemen, that is simply contending for that for which our forefathers fought and died. With due regard and respect to those who disagree with me and who believe in the concentration of legislative power, who believe that the best interests of the people can be better served thereby, and with due regard for and full appreciation of the charms and shrewdness of the proponents of the resolution, I can not help but believe that it is safer to trust to the judgment of 435 Members of the House representing 112,000,000 of people than to leave it to any one

man or any one committee. We have had experience along this line in the past. It is fresh in the memory of all of us. It resulted in wreck and ruin.

The rights and the principles for which our forefathers fought and died are as sacred to the American people to-day as they ever were. Rest assured that they are not going to yield in that respect. Our march will be onward. It will be upward. We will continue to lead all nations not only in commerce, in agriculture, and in industrial pursuits but in honor, dignity, in morality, and everything that goes to make a nation great and grand. [Applause.]

If I read the handwriting on the wall correctly, no autocracy or legislative subjugation for any length of time will be tolerated. Though the American people have at times submitted to autocratic rule, burdensome taxation, and inconvenience, you can put it down for a certainty that this and coming generations will ever contend for and maintain their rights. Now, as in the past, the American citizen's love for equal rights granted under the Constitution are as near and dear to him as they were to our forefathers who bled and died for them. He can at all times be counted upon to be true and loyal to our grand and glorious Government, with its splendid and magnificent institutions, and you may rest assured that its honor and dignity will ever be maintained.

Patriotism, loyalty, and the principles for which our fathers fought and died are as safe to-day as they ever were. [Applause.] And any party or set of men that undertakes to interfere with them will, as in the past, forever regret it. [Applause.]

Mr. BLANTON. One minute, Mr. Chairman. Let me ask the gentleman this question: Suppose the gentleman's committee, on making and reporting out a bill with this budget system in effect, should recommend the appropriation of a certain sum of money and that bill is passed, and suppose the budget committee should turn the proposition down and refuse to have the appropriation made. Is there any way that the gentleman, as chairman of the Agricultural Committee, could get a vote of the House on that proposition?

Mr. HAUGEN. No way at all.

Mr. BLANTON. No way at all?

Mr. HAUGEN. It is made hog tight.

Mr. BLANTON. You are absolutely cut off and hog tied?

Mr. HAUGEN. I will tell you what would happen. There has been more intense opposition to these few million-dollar appropriations for agriculture, for labor, and for education than to all the other appropriation bills. There is no secret about it. Here is your budget. It calls for, say, $4.000,000,000. The revenue is only three and a half billion dollars. It will be necessary to cut the expenditures, the budget, half a billion dollars. It comes up to your bureau of budget, and what happens? The munition factories or the navy yards are in the favor of the bureau of budget, or whatever it may be. Where is the reduction to be made?

The director of the budget may say, "This little Department of Agriculture does not amount to very much. It asks $40,000,000. Cut it down to $20,000,000. It must get along with $20,000,000. Here is education. Cut education $10,000,000. Here is labor. Cut labor $10,000,000. That will save $40,000,000. That will give a friend a contract for another battleship, or $40,000,000 to improve some river or harbor or to buy more munitions."

Mr. BLANTON. Then I understand that no committee of this House can recommend and pass a bill authorizing an appropriation to be made, after this proposed budget system is adopted? I understand this from the gentleman's statement.

Mr. HAUGEN. Page 3 of the resolution reads:

Rule XXI, add an additional clause as follows:

"5. No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time."

Mr. BLANTON. No committee can?

Mr. HAUGEN. How could it under that rule?

Mr. BLANTON. I mean with the budget system.

Mr. HAUGEN. I referred to the budget system and amendment to the rule. That is not suggested here. You are speaking of a liberal budget system, but I am speaking of the autocratic budget system proposed here.

Mr. BLANTON. Under this autocratic budget system will it not be possible to bring in bills authorizing appropriations to be made?

Mr. HAUGEN. Not under the rule if amended as suggested, except by the one committee.

Mr. BLANTON. Not with this proposition?

Mr. HAUGEN. It is absolutely hog tight. No one need appear. Nearly all the committees are even cut off from making privileged reports. The Committee on Agriculture and the rest of them are not even permitted to make privileged reports, but the pork barrel is given the privilege under the proposed rule. And, as I said, it is made hog tight. I thank you, gentlemen. [Applause.]

I yield back the remainder of my time.

Mr. BLANTON. Mr. Chairman, I ask for two minutes to ask the chairman of the committee a question for information.

Mr. GOOD. I yield to the gentleman two minutes.

Mr. BLANTON. I should like to ask the chairman of this special committee and of the Appropriations Committee [Mr. GOOD] whether under this proposed budget system a committee such as the Agricultural Committee will not thereafter still have the right and the power to bring in proposed legislation, merely authorizing appropriations to be made, just as at this time?

Mr. GOOD. Certainly. No power has been taken away from any committee by the resolution.

Mr. BLANTON. Did the gentleman say yes or no? I did not understand his answer.

Mr. GOOD. I said the resolution did not propose to take away from a single committee of Congress any of its powers to report out legislation.

Mr. HAUGEN. But you take away the privilege to call up at any time.

Mr. BLANTON. Will that committee have the right to report legislation merely authorizing appropriations to be made?

Mr. GOOD. Yes; that is a legislative function.

Mr. BLANTON. That is a legislative function. Then the House has the right to pass on that proposed legislation and vote it up or down?

Mr. GOOD. Certainly.

Mr. BLANTON. And if the House votes it up and passes the proposed legislation, then it will be in order upon any appropriation bill. There being legislation authorizing it, it would be in order for any Member of Congress to offer the legislation on an appropriation bill?

Mr. GOOD. Yes. Of course the Senate would have to pass upon it, and the President would have to sign the bill.

Mr. BLANTON. Yes; but it would not be out of order.

Mr. GOOD. No.

Mr. BLANTON. Because there would be legislation authorizing such appropriation.

Mr. GOOD. Certainly.

Mr. BLANTON. Then the answer that the distinguished chairman of the Agricultural Committee made to me a moment ago, I take it, is incorrect.

Mr. GOOD. I did not hear the answer.

Mr. HAUGEN. I said that it cut off the right of privileged reports and to report appropriation bills.

The committee report reads:

CHANGES PROPOSED IN THE RULES OF THE HOUSE.

The resolution makes three important changes in the rules of the House, viz:

(1) It centers in one Committee on Appropriations, composed of 35 Members, the authority to report all appropriations, and takes from the Committee on Agriculture, Committee on Foreign Affairs, Committee on Indian Affairs, Committee on Military Affairs, Committee on Naval Affairs, Committee on the Post Office and Post Roads, and the Rivers and Harbors Committee the authority now vested in those committees to report appropriations.

(2) It requires that any Senate amendment to a general appropriation bill which would be in violation of clause 2 of rule 21, if said amendment had originated in the House, shall be first submitted to the House for a separate vote before such amendment be agreed to by the managers on the part of the House.

(3) It permits the raising of a point of order at any time on any appropriation item carried in any bill or joint resolution reported by any committee not having jurisdiction to report appropriations.

It is at once apparent that the principal change proposed in the rules of the House is the one centering all appropriations in a single committee.

Mr. BLANTON. But they still have the right to recommend legislation merely authorizing appropriations to be made—not making appropriations?

Mr. GOOD. Yes.

Mr. BLANTON. Merely authorizing them to be made.

Mr. HAUGEN. The proposed amendment to the rule does not so provide. That has never been the function of my committee. We have been an appropriating committee, with the right to report at any time.

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, I am indeed glad to know that Democrats and Republicans have at last come together in the consideration of a bill to establish a national budget system and an independent audit of Government account.

Conservative Members of Congress have been appealing to the people for a long time to produce more and economize in order to reduce the high cost of living. Not only that we should preach economy to the people, but we should also practice economy in government.

The slipshod manner in which congressional appropriations are now made constitutes in itself ample argument in favor of the adoption of the budget system in this country. We know that under the present system estimates are furnished Congress by the various departments, being transmitted through the Treasury Department, but not being inspected by any authoritative body. It is very plain to anyone who knows anything about legislation that in this way there is duplication of appropriations, waste, and an entire absence of proper business methods. We do not know until the end of the session how much money is voted to run the Government or whether there will be sufficient revenues to meet the appropriations. A private business run upon a similar plan would soon wind up in the bankruptcy courts. Some one said a good many years ago, when the total appropriations of Congress were not more than $1,000,000,000, that a saving of $300,000,000 a year could be effected if modern business methods were adopted in the financial affairs of the Government. No one can attempt, with any degree of accuracy, to name the exact amount of money spent needlessly during any fiscal year. However, one can safely say that the figures will run into millions of dollars.

With a large war debt hanging over us and the many appropriations needed to run the Government, it seems to me that it is high time to change our present system and save this money to the taxpayers of the United States. The Select Committee on the Budget to which this bill was referred reported the bill now under consideration favorably. The committee in its report says that it was their policy to consider the subject in its broadest aspect in order to determine not what was theoretically desirable but rather to determine what was practically feasible, keeping in mind at all times that to it had been committed the problem of recommending a system that would be in complete harmony with our constitutional form of Government. The report also states that there was a uniformity of opinion on the part of all the witnesses who appeared before the committee, and that without exception they all criticized the present system of handling our finances and took the position that we should adopt the budget system.

I think the definition given by one of the witnesses who appeared before the committee meets the situation that now confronts our Government:

A national budget—

He said—

is the instrument through which the several financial operations of the Government are correlated, compared one with the other, and brought under examination at one and the same time. It should be at once a report, an estimate, and a proposal. It is a document through which the Chief Executive, as the authority responsible for the actual conduct of governmental affairs, comes before the fund-raising and fund-granting authority and makes full report regarding the manner in which he and his subordinates have administered affairs during the last completed year; in which he exhibits conditions of the Public Treasury, and, on the basis of such information, sets forth his program of work for the year to come and the manner in which he proposes that such work shall be financed.

That the significance of past operations and the purpose of proposal for the future may be clearly seen, this document must be complete and detailed. It must cover all the financial operations of the Government, and cover them in such a way that the relationship between past actions and proposals for the future revenues and expenditures and assets and liabilities may be clearly seen.

The most important feature of a budget is that it shall be all comprehensive. It must bring together in one consolidated statement all the facts regarding the financial conditions of the Treasury and the revenues and expenditures of the Government, past and prospective.

The budget under the proposed plan will be an Executive budget only to the extent that the Executive initiates the budget. It is a congressional budget, in that it has been considered and acted upon by Congress. It is very evident that under the proposed plan the responsibilities of the President and the responsibilities of Congress will be well defined, and each branch will be held to a strict accountability for the part it has acted. Then, too, under the proposed plan the accounting department will furnish information to Congress and to its committees regarding the expenditures of the Government.

It may be that defects will be discovered in this bill while it is under consideration. If such is the case, let us hope that we will work in harmony to correct them. There is unanimity in Congress as to the necessity for economy and retrenchment. The only way we can practice real economy is to have business-like administration in every department of the Government, and that will come only when we adopt a budget system. If care is exercised and waste abolished, taxes, of course, can be reduced. If Congress will adopt a budget system, it will accomplish a great benefit for the people. Even the United States, with a total estimated wealth of more than $200,000,000,000, is not so rich or so powerful that it can afford to disregard the principles of business efficiency or fail to provide itself with a carefully-mapped-out budgetary plan. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Louisiana yields back two minutes.

Mr. GOOD. I yield one minute to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, I have heard the chairman of the Agricultural Committee, Mr. HAUGEN, discuss what he terms his opposition to this measure. I regret to say that he raised only three points—one, that of the lump-sum appropriation, which would be eradicated by the passage of this bill; second, the question as to whether other committees could bring in bills authorizing certain appropriations, the answer is that they can; third, as to how the budget system would be controlled. It would be controlled in two ways—one by the director of the budget in the office of the President, who would provide the budget, the other by the comptroller system, which would be under the jurisdiction and supervision of Congress itself.

The passage of this bill means the greatest forward step this country has taken in government in over 50 years. It is one of the greatest steps that we could possibly take, because it will mean in the long run that the American people will get 100 cents worth of return for every dollar appropriated by them.

The expenditures of the Federal Government have increased from $581,393,374 for the year 1880 to $21,813,356,598 for the year 1918. With such a large amount to be spent as twenty-one billions for the past year and with the knowledge that each succeeding year would mean an expenditure of at least $5,000,000,000, the time has arrived when the people as well as their representatives must give very thorough study to the question of taxation as well as expenditures.

Once we know each year the amount which our revenues will produce, we can by proper scrutiny and the elimination of unnecessary bureaus and their duplication keep our expenditures within the amounts which the Treasury is to receive.

It has been repeatedly pointed out in the newspapers that we have entirely too much duplication of the same kind of work.

Recently I was asked to obtain some publications for the bringing up of a young infant. Investigation showed that the Children's Bureau in the Department of Labor, the Division of Publications in the Department of Agriculture, and the Public Health Service, under the supervision of the Secretary of the Treasury, all published pamphlets covering the same subject. We have doctors in the Interior Department, in the Labor Department, in the War Risk Insurance Bureau, and several other departments, when if all these doctors were under one chief or one bureau head there would be eliminated the useless overhead charges, including space occupied, besides the amount spent for unnecessary clerical and stenographical work.

We can realize very fully that the constant expenditure of money by the Government without the full realization of the fact that the amount being expended is greater than the income must result in a still heavier burden of taxation to be placed upon the people.

Dr. Edward A. Fitzpatrick, now of Wisconsin but a native New Yorker, who has written the book entitled "Budget Making in a Democracy," has repeatedly pointed out that it is not merely the amount of expenditure, but how the money is spent, which is of the deepest interest to the people at large.

It seems to me that, in order that the budget may be made more effective, that the rules of the House must be changed, in order that the members of the Cabinet should be permitted to appear upon the floor of the House when appropriation bills involving their departments are up for consideration, and in order that Members of the House may have the opportunity of personally interrogating them as to the items contained therein. It is not as radical a change as some people imagine.

We are passing through trying times in this country, and in order that there may be a reduction in the cost of living it becomes every American to try to set his own house in order and to purchase only where he can obtain the most for his money. He should have a budget of his own for his home. He should strictly adhere to that budget. The Government of the United States should not only have a budget, but there should be constant and close scrutiny for the purpose of making certain that the Government obtains full value for every dollar spent.

The American people are giving deep study at the present time to the various questions which are constantly arising, and they view with the greatest of favor the enactment of this bill into law.

Mr. GOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON of Pennsylvania. Mr. Chairman, I will vote for this bill provided the Budget Committee can prove that under this system we can save millions for the taxpayers of our country. The Members of the Sixty-sixth Congress on both sides of the House were elected with the view of exercising economy. I have been opposed to the number of bureaus that have been created in this and other Congresses since I have been a Member, because they take too much money from the Treasury.

It was said by the chairman of the Ways and Means Committee that our taxes for 1920 would be $6,000,000,000 more than in 1919. It is true that we have saved the country millions of dollars, but it seems to me, Mr. Chairman, that we are putting in at the bunghole and drawing from the spigot, and if we continue to do this, at the end of the Sixty-sixth Congress the barrel will sound pretty empty. The distinguished chairman of the committee in his eloquent address the other day, when he opposed the vocational bill, asked Congress, Where are we to get the money? There was no answer. He asked the question again, Where will you get the money to meet our national expenses? And I have not, Mr. Chairman, heard a reply. And yet within 24 hours after his question he brings into this House a bill creating a bureau which, as one of the members of the committee said, will cost the Government $100.000, but he also remarked it would save the country millions of dollars. I want to know how this autocratic committee, which is composed of the same men as the Appropriations Committee, is going to revolutionize the affairs of state so that it may be able to save millions of dollars for the American people. I want to hear from the present chairman of the committee, and I ask him now to answer my inquiry, What is the procedure by which these committees will be able to save the country millions of dollars through this new committee of 35? I again ask the gentleman the question.

Mr. GOOD. If the entire power was centered in one committee that committee could look at the entire picture at the beginning of the Congress, and if cuts had to be made these cuts could be distributed throughout the various services of the Government, and it would not leave upon one committee the obligation to make all the cuts that were required, while perhaps some other committee might appropriate extravagantly. One yardstick would apply to all committees.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GOOD. I yield the gentleman two minutes more.

Mr. WATSON of Pennsylvania. What greater facilities would your committee have in obtaining necessary appropriations under the budget system than other committees if, as you say, you are going to save money?

Mr. GOOD. This bill will provide for greatly added facilities for furnishing information to the appropriate committees, whether we have one committee or many.

Mr. WATSON of Pennsylvania. Can the gentleman give us an instance?

Mr. GOOD. Yes; first, the items will come in thoroughly digested, and it will not be the estimate of the bureau chief alone. It will be the estimates of the President of the United States, who will know that if they are too large they are going to be criticized. It will also be scanned by the accounting department, and the comptroller will be able to have his force of auditors at all times at the command of Congress, so that if any inefficiency or waste exists he will convey the information to Congress.

Mr. WATSON of Pennsylvania. Would not the present appropriation committees have the same facilities?

Mr. GOOD. I do not think so.

Mr. WATSON of Pennsylvania. They could call the same witnesses.

Mr. GOOD. The President of the United States never comes before the committee. Members of the Cabinet used to come, but they have quit coming because they demonstrated the fact that they do not know anything about the bureaus under them.

Mr. WATSON of Pennsylvania. I want to say that I am in favor of any system which is going to lessen the taxes for people of the country.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield one minute to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, there are two kinds of committees existing in the House to-day, one which has appropriating power and the other that has the power only to authorize appropriations with respect to legislation proposed. From the answer by the chairman of the Agricultural Committee [Mr. HAUGEN] to the question I propounded to him, and the answer given by the chairman of the Appropriations Committee [Mr. GOOD] to the same question, evidently they do not coincide. I do not yet understand the situation. I would like for the chairman of the Appropriations Committee, if he will, to explain. I would like to understand the situation, and I believe other Members would also. I would like to have him explain clearly to the House whether, if the proposed budget plan is adopted, the various committees of the House would still have the right to bring in and report proposed legislation that authorizes appropriations.

Mr. GOOD. Yes. Authorization is legislation, and we have not curtailed their power of legislation in the least.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Chairman, I do not feel quite as much at home here as in a Texas courthouse, and I am going to ask that you permit me to stand here and that you do not interrupt me. I probably will not be able to say anything worth hearing, but I shall have a better chance to do it if you do not interrupt me.

The subject under consideration by the House is one which is very interesting to the country. It is interesting to the new Member, who realizes something of the present situation in the country, and the need of some kind of a satisfactory solution of the difficulty which confronts us. It is confessedly great. I would not feel inclined to support any measure that deprived Congress of the powers conferred upon it by the Constitution, because, in the first place, I realize the binding force of that instrument, and, in the next place, I think the power in safer hands here than elsewhere. While I think the remarks of the gentleman from Iowa [Mr. GOOD], to the effect that there might be some house cleaning here, are pertinent and true, yet I believe, from what I have seen at a distance as a citizen, from what I have seen since I have been a Member, that if this body is not the protecting and economizing influence in the National Government, then its guardian forces are weak. I believe that the House of Representatives is the people's best hope.

I am inclined to favor the measure under consideration, because, as presented here, it seems that it will furnish more information to us, to the country, to those who would act upon the various estimates, and enable us all, including our fellow citizens at home, to form a more intelligent judgment, because based upon more accurate information, more careful examination. I favor it because I think it will tend to make public the issues involved. I believe it will draw public attention to the estimates and appropriations as we will consider them. I think it will, therefore, be helpful.

But permit me to suggest, Mr. Chairman, that I think that no mere system by itself will accomplish what we want. Machinery without motive power will be ineffectual. Any new organization that has not behind it a new attitude on the part of Congress and on the part of the people whom we serve here will not accomplish all that should be accomplished. It is a very common mistake for men who want to forward a given cause or to work a given reform to build on more and more machinery, to add new systems.

My position is that whatever the system be, if the Members of this House and the Members of the body at the other end of the Capitol and the determination of the people at home are such as to require it, with any sort of a system, certainly with the one which we now have, we will accomplish the purpose which the people are in earnest about having us accomplish. If our attitude and that of the people at home remain unchanged this system or some kindred system may be helpful, but it will not go very far, because it will limp and stop for lack of life.

I do not intend, in the brief time that I have, to discuss the machinery that is proposed. I think the members of the committee, the men having the benefit of years of experience and study here, are in much better position to advise their colleagues about these various provisions, and I approach it from a somewhat different standpoint, and that is the purpose behind it.

We have had a great deal of talk here about the high cost of living, great Government expenditures, and high taxes. I think it is not an accident that all this talk comes together. I think the subjects are very closely related to each other. While we have nearly reached the conclusion that not all of the evils of the high cost of living can be remedied by legislation, we will make a serious mistake if we conclude that Congress can do nothing. The enormous waste which has been committed by the world and the enormous expenditures which have been made by the Government have been drawn from the substance of the people. The world has wasted enough to provide for its main-

tenance for several years, and it now seems surprised that the consequences of that waste are upon its people.

For our proper use and for the use of our allies we expended something like $30,000,000,000 during the last two or three years. That means something like $300 per capita—$300 for each man, woman, and child in the United States—or something like $1,500 for each average family of five. We are raising four billions of dollars by taxation in one year. On an average that is about $40 per head, or $200 for an average family of five. Rich people will not feel that drain. Poor people can not pay it. But the average man feels it and is distressed by it. I believe that Congress will make a very serious mistake if it concludes that because we can not right all these evils now it can do nothing. There are two things to be done. One is to make more and the other for the waste to be less. Those things are fundamentally necessary. There is a part of this that we can control. When we draw $4,000,000,000 from the substance of the producers of America in one year we add it to the burdens of their life, we add it to the expense of living.

When we deal with large appropriations we must not imagine that our action has no direct relation, no direct connection, with the problem that the average citizen is trying to solve when he undertakes to make his income meet his expenses. It does have a direct connection with this serious problem with which the average man is wrestling. I am very much gratified to see the working members of this body are trying to solve the great question now.

If you will permit the suggestion from one who is inexperienced in such matters, it is more important than many of us have realized that this problem be worked out. There is not a great deal of starvation nor actual suffering in the United States on account of the high cost of living, but there is a nervousness, there is, if I may call it such, a kind of hysteria, there is a fretfulness, a discontent, in the minds of the people which is not wholesome. When we remember that the doctrines of anarchy and revolutionary socialism are being widely and persistently taught, and that a state of discontent in the minds of the people is the most fertile soil in which that kind of doctrine can take root and grow, we ought then to realize that as great men in other times here have met great problems and have dealt with them heroically and unselfishly and successfully, so we are called upon in the day of America's greatness, of the height of her greatness, to deal with problems perhaps as great as any they dealt with. In my humble judgment we are dealing with them now. I insist that the difficulty of this is greater than many of us realize.

It is not easy for a man who forms extravagant habits to shake them off so long as he has recourse to wealth that he can waste. It is not easy for States and nations having built up a system of enormous expenditures to lessen those expenditures. It is said that taxes once up never go down. The tendencies are the other way. The habit of extravagance and the liberal use of money once contracted is hard to break. This is true of nations. It is especially true of us when we survey the vast field of our wealth and see the magnitude of it. It is especially hard for us to look upon that wealth and upon the resources of the Nation as sufficiently limited to restrain us. It is nevertheless true that there are limits beyond which it is dangerous for us to go.

Another thing in connection with the situation is the attitude of the people whom we represent—their demands for appropriations do not stop. What colleague of mine has been notified by organizations or institutions receiving Government appropriations at home that they want their appropriations decreased because the Government is up against an emergency? What people at home have written us that just now they do not think it would be a patriotic thing for us to take home to our districts all the money we can? The truth is that the people still appear to have the idea that the National Treasury is a kind of self-filling chamber of gold; that it pours in there from unseen sources and flows out and may flow out forever in an almost boundless stream. I think it is our duty to help remove that idea. I am afraid they do not fully realize that the Nation gets its wealth by drawing it from them and that they are pinched and stinted because that wealth is being drawn away from them. In my imperfect conception of my obligation as a faithful Member of this body, representative of my people at home, I shall undertake to inculcate in them, so long as by their partiality I represent them here and as a citizen when I go back among them, the fact that this Government, great as it is and boundless as is the wealth it controls by virtue of its power to take what the people have—that they and their representatives are guilty of vicious, impoverishing, and hurtful waste in expending vast sums of money as they are often expended.

Mr. BLANTON. Will my colleague yield for a question?

Mr. BOX. I will.

Mr. BLANTON. I will tell my colleague what I believe our constituents think about the matter. I think that every time we make a lavish and unnecessary appropriation for any part of the country that is in the nature of pork-barrel graft even the good people directly benefited thereby deem our little offering ridiculous, laugh at us in their sleeves, and they look upon us with distrust and compassion, if the term may be used, regretting that we should have such a wrong conception of their ideals and characteristics. We spend hundreds of thousands for garden seed, which the people know was paid for with their money, and is no present from us. If we could only realize how much fun they make of us concerning these items, we would stop the waste. They would like to be able to rely upon us to exercise good judgment in the way in which we should exercise it, in taking care of and conserving the money that belongs to the people of this Government. I do not think that the people in any district in the United States appreciate pork-barrel legislation.

Mr. BOX. I thank my colleague for his suggestion. I yield to no man in admiration and in respect for the good people who have gratified an ambition I have indulged in since I was a child; but will this House and my colleague permit me to say I think they are much more disgusted when the money goes somewhere else than when it comes to them? [Laughter and applause.]

If I am trying to get a part of the pork barrel, I can not stand there with a club and knock every other colleague off when he wants some of it, for he will likewise knock me back. I am saying this because I think it should be said. I am sure my people will not misunderstand me if they see these words, for I have undertaken in whatever career I have here to take my people into my confidence. I am going to deal with them on that basis. In the brief experience that I have had with them on that basis I have not found it unsuccessful. Each one of us owes that obligation to this Nation and to his people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I will yield 10 minutes additional to the gentleman.

The CHAIRMAN. The gentleman is recognized for 10 additional minutes.

Mr. BOX. In addition to that, gentlemen, we need what the honored gentleman from Illinois said we needed here the other day—we need courage in dealing with this situation. These measures that come here demanding more and more money must be discouraged. The money in the Treasury must be dealt with by us as trustees. We are guardians of what there is over there. When I have been here longer, if I am permitted to stay longer, I may be able to work out such a problem as was presented here the other day when the gentleman from Iowa said, "You have not got the money." The faithful, hardworking chairman of the Appropriations Committee said, "You have not the money and you are not going to have the money. What are you voting away? Where are you going to get what you are voting away?"

And then the House proceeded as if that difficulty had not been presented. I am wondering when the budget system is adopted here, and some one we have no less confidence in than we have in our faithful, hard-worked colleague says the same thing, and we know it is true, as we knew it was true when he said it, just how we will deal with identically the same proposition when it is presented under a budget system.

I look among the bills that I understand are to be considered, and I see some providing for a very large outlay; some that will be very hard for the average Member of Congress to resist. When you say to me, for instance, that "You are going to get for Texas several millions of dollars out of the provisions of the Smith-Towner bill," and you ask me how the folks will think of it, if I do not help them to get their part of it. Will they say, "Oh, well, the others are getting a part of it for their districts"? The people should know the heart of these questions, but they often do not. I am wondering how we are going to deal with questions like that when they confront us. I say that is not in criticism of any particular measure, but that situation requires a high order of courage for a set of men who want to serve and please their people, and yet know that they have in their keeping the destinies of this great country.

Mr. MADDEN. I would say that the duty that is imposed upon the Members of Congress then is to look at the Nation and not at the locality.

Mr. BOX. The gentleman is preeminently correct, according to my conception. And will you permit me just a minute to say that I have not forgotten what I said to them when I came

up here? I got out on the hill the other day and looked to the West, and there were the hills of Virginia, and my imagination went across the whole continent, to the Pacific Ocean, and up North and down South, and fastened on what the 100,000,000 of American men and women were thinking and doing. Their problems became still more a reality to me. They are human, but they are a great people, entitled to great service from us. Let us not imagine that in any of our little games we are fooling them. From the eyes of that multitude of 100,000,000 Americans there are many discerning and inquisitorial and somewhat doubtful and cynical looks. Ride in a sleeping car, ride in a day coach, go out among the farmers at their schoolhouse meetings, talk with the men in the cab of the engine and in the shops, talk with all of them, and think of them all as one great mass, and remember that they are enormously, tremendously, acutely interested in what we are doing. They know, if we do not know it, that the situation up here is somewhat serious, and when we play politics back and forth across this middle aisle they know it.

Mr. BLANTON. And they know it when the Republican bull whip is flourished over there, too.

Mr. BOX. Well, I wanted to discuss this question, in my unsatisfactory way, with the utmost frankness, and I did not care to put forth any partisan question, because I know we do agree about some of the fundamentals here, and that we should get down to the accomplishment of our purpose.

I will relate a little incident illustrative of that point. The first day I came here I made it a point to meet the honored gentleman from Illinois [Mr. CANNON], of whom I had heard since I was a boy. He was in Congress when I was born, or soon afterwards. None of my colleagues who knew me were present to present me, and I introduced myself. Pardon this personal reference. The old gentleman said, "You belong to one party and I to another; we live in different sections of the country and will disagree about many things, but I hope we will agree that we do not want this country to go Bolshevik."

Now, Mr. Chairman and gentlemen, there are many things that are within our power. We could do them by the exercise of the right purpose and determination. I do not want, if I seem cynical and critical, to be so understood. I do not know how to discuss anything but by just saying what I think about it. But there are some things that I see here that my honest judgment does not approve and which I know our people would not approve. You will permit me to say that although I have not had the experience of years of service here I come as fresh from the body of the people as any of you. I suspect I might be able to form something like as accurate an opinion of what they are thinking and feeling as men who have been here for many years.

My own judgment is that they feel these problems just as acutely as we do, and perhaps more so. I am in full sympathy with what the gentleman from Iowa [Mr. GOOD] said a while ago, when he stated that we ought to begin housecleaning here at home. If my colleagues permit, I will suggest some things that I see.

In the first place, I think every man who has reported here on the conditions in the departments has said that the departments have a great many people that they do not need to whom they are paying high salaries. I think everybody I have heard talk has said that.

Perhaps the limitations of a life of more or less severe poverty has narrowed my views on such subjects, and I would not have them affect my ideas on the problems of my great country. I see things about the Capitol Building, that we control, that do not seem to me to be in the interest of economy. I think, for example, this habit we have of paying the families of our colleagues a year's pay when they die is not justified by law. All respect to the princely men who have sat here, and their families, with whom we sympathize; but where is our justification for that? The Constitution says we shall receive such pay as has been ascertained by law.

The other day a question arose here as to an appropriation, and somebody said, "This is not warranted; this is unwise; we had better have this question carefully looked into"; and an eloquent gentleman rose and said, "Who is kicking about that $7,500 that is paid to the families of deceased Congressmen without warrant of law? If we do things like that, why be particular in dealing with an appropriation like this one?"

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five additional minutes to the gentleman.

The CHAIRMAN. The gentleman's time is extended five minutes.

Mr. BOX. I wonder what could not be justified if you use that as a precedent.

I noticed an incident when I visited this House and had permission to occupy this floor some months ago, when two gentlemen were contesting a seat here. One of them had served for two years; and on the last day of the session, the dying day of the Congress, that contest was decided, and he was unseated, and both of them drew full pay for two years. I wonder what we would say about some such policy as that in one of the departments?

I understand, gentlemen, that this Congress can not right all these evils, and that we can not provide a remedy now that would bind all our successors; but I do say that our committees on elections could hasten these contests, whatever may be the merits of them, and whatever is to be the action ought to be taken. [Applause.]

I say these things, gentlemen, not because I think that anything that we may say on such abuses in this House will have such a wonderful effect on the financial condition of the country; but they do have a big effect on the estimate which the people place upon us and upon our action. Such things do have a wonderful effect upon the way the other man looks at us while we talk economy. I have been indulged very much in the time extended to me. My judgment is, gentlemen, that the problem of reducing expenses and taxes is serious.

We are going to have to deal with very difficult questions. Dr. Franklin said during the last hours of the Constitutional Convention of 1787 that almost everything depends upon the opinion which the people hold of their Government.

My own study of history has taught me that the people have been devoted to their government so long as they could respect it. I have never yet read of an instance where a fairly good government, once established, was overthrown by its people. We will have nothing to fear upon the part of this liberty-loving, discerning, independent people that we represent here if we in the utmost good faith undertake to live up to our preachments of economy [applause]; and, after building a better system, let us put behind it the motive power that will carry it into successful execution. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Texas yields back one minute of unused time.

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska.

Mr. BLANTON. Mr. Chairman, this is marketing evening. I think we ought to have a chance to market this evening. I am going to make the point of no quorum.

Mr. GOOD. I hope the gentleman will not do that. I am going to move to rise presently.

Mr. BLANTON. There are a good many employees of this House who have to do their marketing Saturday evening, and many places close a little after 5 o'clock. With the usual extensions, and so on, we will have to be here until after 5.30. So I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. Evidently there is no quorum present.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. BOX. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HAWLEY. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CONTESTED-ELECTION CASE—TAGUE AGAINST FITZGERALD.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for myself and the gentleman from New York [Mr. JOHNSTON] to file minority views in the contested-election case of Tague against Fitzgerald.

The SPEAKER. The gentleman from Georgia asks unanimous consent to file the views of the minority in the case of Tague against Fitzgerald. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. HULINGS, indefinitely, on account of important business.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned until Monday, October 20, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. OVERSTREET, from the Committee on Elections No. 2, to which was referred the contested-election case of Tague against Fitzgerald, submitted a report thereon (No. 375), which said report was referred to the House Calendar.

Mr. ROGERS, from the Committee on Foreign Affairs, to which was referred the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam, reported the same without amendment, accompanied by a report (No. 390), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 10032) to change the name of oleomargarine to butterine and to change the rate of tax on butterine; to protect the consumers, dealers, and manufacturers of all kinds of butterine against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of revenue; to the Committee on Agriculture.

By Mr. CHRISTOPHERSON: A bill (H. R. 10033) to provide for the issuance of stock, bonds, mortgages, and other evidences of indebtedness by corporations or associations engaged in the business of common carrier or public utility doing an interstate business; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 10034) to amend section 4 of the act of June 29, 1906, as amended by the act of May 9, 1918, facilitating naturalization of aliens in Government employ; to the Committee on Immigration and Naturalization.

By Mr. DALLINGER: A joint resolution (H. J. Res. 236) to authorize leave of absence for employees of the United States Government residing in the Commonwealth of Massachusetts who are members of the Massachusetts State Guard; to the Committee on Expenditures in the Post Office Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10035) granting an increase of pension to James Murphy; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 10036) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Isabella Ann Fluker; to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 10037) to correct the rank of Lieut. Joseph R. Austin on the permanent Navy list; to the Committee on Naval Affairs.

By Mr. FERRIS: A bill (H. R. 10038) granting an increase of pension to James R. Vickers; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 10039) granting an increase of pension to Franklin A. Lindsey; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 10040) granting an increase of pension to James Renshall; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 10041) granting a pension to Reuben E. Lawrence; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 10042) granting an increase of pension to Henry E. Torrance; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10043) granting a pension to Louisa J. V. Vaughn; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 10044) to amend or correct the commission issued to Ansel Griggs Wineman; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Cerk's desk and referred as follows:

By Mr. CAREW: Petition of American citizens of Lithuanian origin, praying the President of the United States and the Congress of the United States to give moral support to the Lithuanian people in their struggle against the Bolsheviki; to the Committee on Foreign Affairs.

Also, petition of Anton Richter, president of the Bohemian Slavonian Fraternal Benevolent Association, protesting against the passage of the Myers bill; to the Committee on Printing.

By Mr. ESCH: Resolution of the Hydraulic Society, adopted at a meeting held in Buffalo, N. Y., protesting vigorously against the Plumb plan with regard to railroad legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: Petition adopted by the Sixteenth Annual Convention of the Oklahoma State Federation of Labor on the 16th day of September, 1919, urging the ratification of the peace treaty at the earliest possible moment by the Senate of the United States in order that the nations of the world may resume their normal and peaceful relations; to the Committee on Foreign Affairs.

By Mr. NICHOLS of Michigan: Petition of commission on after-war problems of the African Methodist Episcopal Church, of Detroit, Mich., urging Congress to make inquiry as to the underlying cause of race riots in several cities in the United States, with the view of formulating such suggestions for adoption by the people as may prove a safeguard against similar outbreaks in the future; to the Committee on the Judiciary.

Also, resolution by Hiram Lodge, No. 1, urging the passage of the bill making lynching and mob violence an offense against the Federal Government; to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of American citizens in meeting assembled in the Borough of The Bronx, New York, under the auspices of the Michael Davitt Branch of the Friends of Irish Freedom, urging the Congress of the United States to recognize the Irish Republic, and for the Senate of the United States to consider the treaty of peace separately from the covenant of the so-called league of nations; to the Committee on Foreign Affairs.

Also, petition of Northern New York Utilities (Inc.), of Watertown, N. Y., protesting against national and absolute prohibition; to the Committee on the Judiciary.

Also, petition of National Association of United States Customs Inspectors of New York City, urging the support of House bill 6577; to the Committee on Ways and Means.

Also, petition of Branch No. 16 of the National Association of United States Civil Service Employees at Navy Yards and Stations, urging legislation for an increase in compensation for all employees under that organization; to the Committee on Reform in the Civil Service.

Also, petition of Chief Yeoman R. W. White and Chief Gunner's Mate C. H. McDonald, both of United States Navy, representing chief petty officers, urging the passage of the bill giving a raise in pay to officers and enlisted men of the Navy and Marine Corps; to the Committee on Naval Affairs.

Also, petition of Civil Service Forum of New York City, urging that House bills 6577 and 6659 be favorably reported out of committee and finally enacted; to the Committee on Ways and Means.

Also, petition of Rigney & Co., of Brooklyn, N. Y., urging the support of Senate bill 3011; to the Committee on Agriculture.

Also, petition of Foster-Milburn Co., of Buffalo, N. Y., urging proper amendments to House bill 5123, to the end that reputable manufacturers who are not now protected may be protected; to the Committee on the Post Office and Post Roads.

Also, resolutions adopted by the American citizens of Luthuanian origin residing in the city of Rochester, N. Y., urging Congress to give moral support to the Lithuanian people in their struggle against the Bolsheviki and Polish militarism by recognizing the Lithuanian Republic as an independent State; to the Committee on Foreign Affairs.

By Mr. RAKER: Telegram from R. C. Turrittin, of Constantia, Calif., protesting against allowing Great Britain to sell a large amount of wool in this country and requesting that an embargo be placed on the sale of such wool; to the Committee on Ways and Means.

Also, letter from Little River Redwood Co., of Bulwinkle, Calif., protesting against the bill introduced by Representative

JEFFERIS, which prohibits the exportation of lumber for two years; to the Committee on Ways and Means.

Also, letter and copy of resolutions passed by the directors of the Association of Business Organizations of Los Angeles, Calif., requesting that because of the different conditions governing them the electric railways be eliminated from legislation for the steam railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. WINSLOW: Resolution of Men's Association, First Baptist Church, protesting against acts of cruelty and oppression committed by Japan in Korea; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *October 20, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our lives are in Thy hands. Thou dost order our ways. The truth that Thou hast given to us stands ever past recall, and our highest good comes from bringing our thought and our will into subjection to Thy thought and Thy will. To live out our lives as God would lead us is to reach the highest good. We pray Thy blessing upon us this day that we may think of Thee who art the God above us, leading us to the accomplishment of a divine purpose. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a petition of 14,450 clergymen, pastors of churches and representatives of leading denominations and Christian agencies, praying for the speedy ratification of the treaty of peace without reservations or such amendments as would require a resubmission of the treaty to the peace conference and to Germany. The letter of transmittal and the body of the petition will be printed in the RECORD, and the petition will be referred to the Committee on Foreign Relations.

The letter and petition are as follows:

NATIONAL COMMITTEE ON THE CHURCHES
AND THE MORAL AIMS OF THE WAR,
New York, October 16, 1919.

Hon. THOMAS RILEY MARSHALL,
The Senate of the United States, Washington, D. C.

DEAR SIR: I am inclosing herewith a petition signed by 14,450 clergymen, pastors of churches and representatives of the leading denominations and Christian agencies of America, asking for the ratification at the earliest possible date of the Paris peace treaty, embodying the league of nations covenant, without reservations or such amendments as would require the resubmission of the treaty to the peace conference and Germany.

Will you kindly see that this is brought to the attention of Congress.

Very respectfully, yours,

HENRY A. ATKINSON.

We, the undersigned clergymen, representing the churches of the United States, urge the Senate of the United States to ratify at the earliest possible date the Paris peace treaty embodying the league of nations covenant without reservations or such amendments as would require resubmission of the treaty to the peace conference and Germany.

Mr. PITTMAN. I have a telegram here from the Nevada Federation of Women's Clubs, which I should like to have read.

There being no objection, the telegram was read, as follows:

ELKO, NEV., *October 18, 1919.*

Senator KEY PITTMAN,
Washington, D. C.:

Believing that peace should be attained at the earliest moment, the Nevada Federation of Women's Clubs, in convention assembled, do earnestly urge the United States Senate to ratify without amendment the treaty of peace, including the league of nations. Mailing resolutions adopted.

Mrs. E. K. SMITH,
Chairman Committee on Resolutions.
Mrs. GEORGE WEST, *Director.*

Mr. LODGE. I present a letter, in the nature of a protest, from the director of the Irish National Bureau, of Washington, D. C., which I ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

IRISH NATIONAL BUREAU,
Washington, D. C., October 20, 1919.

Hon. HENRY CABOT LODGE,
Chairman Committee on Foreign Relations,
United States Senate.

DEAR SIR: The resolution offered Friday, October 17, by Senator WALSH of Montana, wherein is sought an expression of opinion by the Senate that following ratification of the league of nations covenant and the peace treaty "the state of affairs in Ireland and the right of its people to self-government be presented by the United States to the council or assembly of the league," should be understood by the Committee on Foreign Relations and the Senate as in no sense sanctioned by those who, on August 30, appeared before the Foreign Relations Committee and spoke in behalf of the 20,000,000 Americans of Irish blood.

Ireland was denied a hearing at Paris, though the United States Senate, by a vote of 60 to 1, adopted a resolution asking for a hearing. That resolution was stronger than the resolution now offered by the Senator from Montana. It was the voice of the American people speaking in behalf of a small nation bowed down by oppression.

The oppressor had no difficulty by diplomatic wiles in prevailing on the American delegates to ignore the resolution of the United States Senate.

If the league of nations covenant containing the objectionable provisions supported by Senator WALSH of Montana is ratified, Great Britain will have six votes and the United States one. It is ludicrous to expect justice before a court so constituted, and more particularly when the power, the voice, and the vote of the delegate from the United States would be controlled absolutely by the same influences that contemptuously ignored the Senate's prior resolution and denied the hearing then asked.

Offer at this time of a resolution asking for a hearing after the court has been packed and the oppressing nation has the United States entangled into an alliance which compels the United States to abide by the decision of the packed court can not be viewed by those authorized to speak for the 20,000,000 Americans of Irish blood as an act springing from a sincere desire to aid Ireland. Rather must it be viewed as an instance of "drawing the red herring across the trail," and an attempt to divide forces which unitedly are striving to save America as well as Ireland.

All who are vested by the Republic of Ireland with authority to speak for the people of Ireland, and all who have earnestly, during the past few months, also for years, voiced the judgment, views, and declared wishes of Americans asking that Ireland be accorded justice, have time and again protested that article 11, quoted by Senator WALSH of Montana, does not provide the relief he seeks to read from its wording.

The judgment and views of those who rightfully speak for Ireland should be respected by Senator WALSH of Montana. They would prefer that he should share the conclusion of Senator DAVID I. WALSH, of Massachusetts, who, of recent date, declared on the floor of the Senate:

"I regret to say that I am convinced that there is no agency created or provision made in the covenant which gives the slightest hope of the league of nations ever amicably adjusting the problems of submerged peoples. I refuse to mislead them by suggesting possible opportunities for hearings or adjustments when no such provisions are contained in the document before us."

The Irish National Bureau being authorized to speak officially for the Friends of Irish Freedom and federated bodies, may I respectfully ask that this communication be read or otherwise presented to the attention of the Senate.

Respectfully, yours,

DANIEL T. O'CONNELL,
Director Irish National Bureau.

Mr. LODGE. I also present resolutions of the Patrick H. Pearse Branch of the Friends of Irish Freedom, of Washington, D. C., in which they register their opposition to the scheme of the resolution of the Senator from Montana [Mr. WALSH] and urge the Senate to vote it down. I ask that the resolutions may be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas Senator THOMAS J. WALSH of Montana, on the 17th day of October, 1919, introduced and had read in the United States Senate a resolution which is hereto annexed and made a part of this resolution; and

Whereas the purpose of the resolution was and is to delude the unwary; to impose upon the true friends of peace; to obscure the real question of freedom for Ireland and other small nations, now the issue between the watchdogs of power and the champions of self-determination for all small nations; to serve partisan politics as against the integrity of the American Republic; to put the mongrel flag of internationalism before the Stars and Stripes, our national emblem; to prefer the rule of might in the place of the rule of right; to disregard the advice of Washington in regard to foreign and entangling alliances; and to throw into the discard the Declaration of Independence, the Constitution of the United States, and the Monroe doctrine for the rule of force as expressed in the league of nations; and

Whereas in this, the age of commercialism and shams, the United States is not without champions for the perpetuation of our institutions, which were born of the Declaration of Independence and saved by the surrender of Cornwallis at Yorktown and our victory of 1812; and

Whereas in every national crisis there has appeared in the arena those dashing souls who dare to tell the truth and who throw down the gantlet to those advocates of prescriptive rights who are willing to barter our liberties and surrender with the pen what Washington and other patriots obtained with the sword; and

Whereas there are those who are willing to forget the bitter rule of hypocrisy and woe which has obtained in Ireland, Egypt, India, and in our own country in colonial days, and submit to foreign rule under a league of nations: Therefore be it

Resolved, That the Patrick H. Pearse Branch of the Friends of Irish Freedom, Washington, D. C., registers its opposition to the scheme of Senator WALSH'S resolution, which is a delusion and a snare.

Resolved further, That we will never recognize those encroachments of insolent power upon the rights of our people, which is the very heart and purpose of the covenant and which will rivet the chains of slavery and humiliation upon all small nations, if the idea of the resolution of Senator WALSH is accepted by the people as to recognition of the Irish republic.

Resolved further, That a copy of these resolutions be sent to the Foreign Relations Committee of the United States Senate, with the request that the Walsh resolution be voted down, because it is without a measure of relief or comfort to those small nations who are struggling for self-determination.

Mr. POINDEXTER. I send to the desk a telegram and ask unanimous consent that the Secretary may read it.

There being no objection, the telegram was read, as follows:

NEW YORK, N. Y., *October 3.*

Mrs. JOHN A. FINCH,
2340 West First Avenue, Spokane, Wash.:

The League to Enforce Peace—William Howard Taft, president; Lawrence Lowell, chairman—is conducting an active and necessarily expensive campaign to secure an expression of public opinion that will compel ratification of the peace treaty without reservations, that would require resubmission to the Paris conference or a separate treaty with Germany. Will you not help the cause by a substantial contribution?

Herbert S. Houston, treasurer; George W. Wickersham, Vance McCormick, Cleveland H. Dodge, Oscar S. Strauss, finance committee, Bush Terminal Sales Building, New York.

Mr. HITCHCOCK. I ask to have read three short telegrams from California, following those I introduced into the RECORD on Saturday last.

The VICE PRESIDENT. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

SAN FRANCISCO, CALIF., *October 18, 1919.*

Senator G. M. HITCHCOCK,
Senate Office Building, Washington, D. C.:

To-day mailed 663 signatures on petition to Senator JOHNSON.

Mrs. L. P. BOYCE,
Secretary Women's League for Peace Treaty.
Mrs. RAY LYMAN WILBUR,
President.

PASADENA, CALIF., *October 10, 1919.*

Senator HITCHCOCK,
United States Senate, Washington, D. C.:

The Pasadena Clearing House Association have to-day sent the following telegram to United States Senator HIRAM W. JOHNSON:

"The Pasadena Clearing House Association, representing the unanimous sentiment of the banks of this city, respectfully request that you cease your opposition to the ratification of the peace treaty and the league of nations covenant. We believe that the business interests of this section are practically unanimous in their desire for prompt ratification of the peace treaty and the covenant of the league of nations."

L. B. COULSTON.

SAN FRANCISCO, CALIF., *October 18, 1919.*

Senator HITCHCOCK,
United States Senate, Washington, D. C.:

The following telegram has just been sent to Senator HIRAM W. JOHNSON:

"After months of careful study, listening to debates and talks, hearing your speech at Fairmont Hotel, the San Francisco Center of California Civic League, the largest civic body of women in San Francisco, having over 2,400 members, held membership meeting Thursday, the 16th, and overwhelmingly voted for league of nations without amendment or reservations. We beg your change of vote and support of measure."

MAY C. BOURN TUCKER.

Mr. CAPPER presented a memorial of sundry citizens of Willowdale, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. SMITH of Maryland presented a petition of sundry citizens of Aquasco, Md., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2692) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it with an amendment.

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (S. 729) to amend section 217 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, reported it with an amendment.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, reported it with amendments and submitted a report (No. 273) thereon.

TENNESSEE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 3193) to authorize the Tennessee Bridge Co., a corporation chartered under the laws of the State of Tennessee, to construct a bridge across the Tennessee River near Loudon, Tenn., and I submit a report (No. 272) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Tennessee Bridge Co., a corporation chartered under the laws of the State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation near the city of Loudon, Loudon County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3259) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States; to the Committee on Public Health and National Quarantine.

By Mr. MYERS:

A bill (S. 3260) relating to the creation of the office of General of the Armies of the United States; to the Committee on Military Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 3261) providing for the purchase or condemnation of a site for a target range at or near Great Piece Meadows, in the State of New Jersey; to the Committee on Military Affairs.

By Mr. SMITH of Maryland:

A bill (S. 3262) granting an increase of pension to Sarah Jane Ross; to the Committee on Pensions.

SHANTUNG PROVISION OF PEACE TREATY.

Mr. GORE. Mr. President, I ask to have printed in the RECORD, without reading, an extract from the Manchester Guardian in relation to the Shantung provision of the peace treaty.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Reprint from the New York American of August 29, 1919.]

"GREAT BRITAIN WARNED OF JAPANESE MENACE TO UNITED STATES IN SHANTUNG—MANCHESTER GUARDIAN SAYS AMERICANS FEEL AS ENGLAND WOULD IF TREATY GAVE BELGIUM TO FOE.

"[By Forbes Fairbairn, Universal Service staff correspondent.]

"LONDON, *August 28.*

"Britain is experiencing a sharp awakening to the danger of secret treaties in which the interests of all the associated Governments are not concerned.

"The Liberal Manchester Guardian to-day solemnly warns the British Government against the Shantung commitment and points in the strongest terms to what it describes as the Japanese menace to the United States. Says the Guardian:

"'The action of the United States Senate Committee on Foreign Relations for a direct amendment of the peace treaty can not be dismissed as a sentimentality or partisan obstruction.

"'It has two main objects, both of which are worth understanding, even at the risk of speaking too plainly.

"'Primarily, the action arises from a deep and widespread conviction in America that a conflict with Japan impends. Secondly, most Americans regard the present Japanese Government as differing from the old Prussian Government only in this: Japan has not the physical resources for the struggle.

"'AMERICANS HIGHLY APPREHENSIVE.

"'The masses of the American people are extraordinarily sensitive toward anything that seems to aggrandize Japan. Recently they have noted three things, filling them with apprehension.

"'First. The mineral and strategic advantage accruing from the Shantung privileges they regard as similar to the advantages which accrued to Germany from the control of Alsace-Lorraine.

"'Second. China's betrayal they regard as not only vicious in itself, but as highly dangerous, because it alienates a people who in a future war would side with the Occident.

"'Third. Above all, they are profoundly moved by the fact that coincident with America's entry into the war the Allies should have made secret arrangements with Japan affecting so closely the vital interests of America.

"'This latter fact cut to the quick and convinced Americans that a greater peril lies ahead than they had believed.

"'They have no faith whatever in Japanese promises, for they recall the long list about Korea and Manchuria, as well as the infamy of the 21 demands, and when they examine the promise now given and they see it involves the retention of economic privileges, and they know how little anything else matters in the exploitation of a weak country.

"'They (the American masses) do not believe in the power of the League of Nations to correct the evil.

"'They argue that if secret agreements have bound France and Britain to deliver Shantung to Japan, what evidence is there that France and Britain would later accept the risk of forcing Japan to relinquish the booty?

"'MISCHIEF THEN BEYOND REPAIR.

"'If anybody confirms the Japanese title, so Americans reason, Japan will be intrenched behind the "sanctity of treaties," and the mischief will be irreparable.

"'America, they say, can not validate a title intending later to impugn it. Morally and practically, it is better to prevent a wrong than to try to undo it later, they add.

"'It is of the utmost importance that British Liberals be not misled in this matter. Shantung seems far away to them, but to America Shantung is almost as close as Belgium is to England.

"'If British Liberals could imagine that the treaty were delivering Belgium to Britain's most serious potential enemy, they would understand the character of American sentiment.

"'The other phase of the opposition in the American Senate bears upon the fortunes of the league of nations. Here the motives are much more mixed, but it is fair to say that the opposition is exploiting its genuine fight on the Shantung settlement to delay the ratification and defeat the treaty.

"'Shantung is thus both the end and the means. They wish to defeat it because it is intrinsically bad, and use it to defeat other articles whose badness is clear to them but not clear to the rest of America.

"'The main body of Republicans have no objection to sending the treaty back to Paris, disliking it on so many grounds; but they are concerned as politicians in throwing the onus for such action upon the President, and hope that the complex American interests centering around Shantung will furnish their opportunity. It is almost certain that important consequences not now foreseen will flow from their action.'"

PRICE FIXING.

Mr. GORE. I also ask to have printed in the RECORD, without reading, a report of a speech delivered by Mr. Julius H. Barnes at Duluth upon a recent occasion, in which Mr. Barnes has the wisdom to say that price fixing has failed and has always failed and will always fail. I wish to say that the morrow cometh, and I shall take occasion at a later date to try to have that tattooed on the foreheads of some of the ardent champions of that ancient and exploded theory.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PRICE FIXING FAILS, DECLARES BARNES—URGES SOLVING TRADE PROBLEMS BY ECONOMICS INSTEAD OF POLITICS.

"DULUTH, MINN., *October 19.*

"Denunciation of price fixing by law and other undue interference of Government in business was voiced by Julius H. Barnes, of Duluth, chairman of the United States Grain Corporation, in an address delivered at the Duluth Commercial Club last night. Analyzing the present problems of trade and industry, Mr. Barnes urged their solution 'by economics instead of politics.'

"'I appear before you in the position of wheat director of the United States,' Mr. Barnes declared, 'and I have no sympathy with the office.

"'The guarantee on wheat was fixed by law without consultation of either Herbert Hoover or myself, but when the Government places the responsibility of carrying out a war-time measure there is no alternative except to take the post and remain at it until a year after the war has ended.

"'Price fixing by law has always failed and always will fail.

"'The grain corporation was not a price-fixing body. It was the great merchant of the country, a legalized trading monopoly. The same is true of the Food Administration in other commodities. You can fix trade margins, but it must be done with great care that there is sufficient margin left all along the line.'

"Defending the grain corporation, Mr. Barnes said that $5,500,000,000 worth of foodstuffs were handled for the Allies and the United States without a profit and that the $20,000,000 profit shown after two years of war work was made on trade with neutral countries, which were charging the Allies exorbitant rates for the tonnage and should be made to pay an added price on grain."

NEGLECTED GRAVES IN FRANCE.

Mr. STERLING. Mr. President, in the last number of the Literary Digest, the number for October 18, 1919, under the head of "Neglected graves in France," is printed a letter written by Mrs. Edward McClure Peters to the New York Tribune. The letter speaks of the neglect and bad management of cemeteries in France in which United States soldiers are buried. The letter is calculated to create more or less disquiet and anxiety among those who have friends and relations buried in France. Through Col. Charles C. Pierce, of the Graves Registration Service, and chief of that service, I have received some communications relative to this letter, which I ask may be printed in the RECORD. The first is a cablegram from Gen. W. D. Connor, of the Services of Supply in France, the cablegram being sent on receipt of this letter, which had been forwarded to him; also copy of a letter written by the Quartermaster General to one of the young men whose name is mentioned in the letter of Mrs. Peters; also a circular issued by Col. Charles C. Pierce to all the members of the Graves Registration Service and also a letter from Gen. Pershing to Col. Pierce.

The VICE PRESIDENT. Without objection, the communications will be printed in the RECORD.

The communications are as follows:

"Letter received here and promptly acted upon. Practically all large cemeteries in France created during the past summer, one of the driest seasons for many years; as result the cemeteries still have new and unfinished appearance, which will disappear when grass and flowers have chance to grow. Inspections of cemeteries by supervisors are made monthly and caretakers are paid monthly, hence nothing extraordinary in the caretaker at Thiaucourt not having seen anybody for three weeks. He has been replaced by two discharged soldiers as caretakers.

"With regard to incorrect names, many of these, in absence of identification tag, were obtained from identifying letter, and in some instances are incorrect. All data on crosses is being compared with data on individual casualty cards. This is a big task, and involves careful work, which will take several months to complete. There is no discrimination between officers and men. In the concentration of bodies in some cases the bodies of officers were grouped together and the men were similarly grouped.

"Cemetery at Thiaucourt is laid out according to the approved plans for our cemeteries, and our American Expeditionary Forces cemeteries are better looking than French or British cemeteries that I have seen in France. All have white fences around them, paths are graveled, and grass has been sown, or will be as soon as weather conditions warrant. Have received many commendations on the general appearances of our big cemeteries, although, due to newness, they have not the shrubbery and trees usually found in old cemeteries. Cemetery at Cholly has discharged soldier caretaker, and, considering conditions, there are no just grounds for criticisms. Crosses in all cemeteries will have to be straightened from time to time until ground has thoroughly settled.

"Statements that bodies of our dead are treated with tenderness and care are correct. Menil la Tour is not in care of the French, but is one of our own cemeteries.

"In a letter from Mrs. Peters September 14 she states, 'As to personnel of the Grave Registration Service, I have met several, and each has impressed me as being deeply penetrated with the sacredness of the task before him.'

"Our cemeteries are new. The ground has not had time to settle, due to lack of rains. Anybody who desires can criticize their look if they compare them with long-established cemeteries at home, but can not criticize with justice if they consider the length of time they have been established and the conditions under which they were created and are being kept up. Most of our big cemeteries are in the battle areas, where living conditions are almost impossible and where labor is scarce. * * * Col. Kromer and I personally visit these cemeteries as often as possible, and are impressed with the importance of this work."

"As to the foregoing article on 'Forgotten graves' in the New York Tribune, the Quartermaster General made reply to the father of one of the young men, whose name is mentioned in the article, as follows:

"'The Graves Registration Service, through its chief, Col. Pierce, has worked very hard to perfect cemeterial conditions in Europe, and the work of that service has progressed very satisfactorily, when one considers the large number of cemeteries involved and, in fact, when all of them are new. The public clamor in America for the return of our men from France caused the Graves Registration Service to lose almost its entire personnel of 15,000 men and 450 officers, and it was therefore unable to cope with the situation until some method of reorganization and the gathering of adequate personnel could be made effective by the authorities in France. Those measures, we understand, have been vigorously taken up, and a cablegram from Gen. Connor assures us that this work is to be zealously pressed until the work is complete and satisfactory.

"'As to the markers and inscriptions, it should be stated that these are only temporary and provisional. Measures have been instituted for the substitution of some acceptable form of stone marker, and the National Commission of Fine Arts has been asked by this office for advice with regard to design and material. The inscriptions placed on the temporary markers were the best obtainable at the time they were made. As in the case of national cemeteries in the United States, these will have to be corrected in accordance with the more perfect rolls of the Adjutant General's office and made official before they can be inscribed on the permanent markers in each individual case.'"

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AMERICAN EXPEDITIONARY FORCES,
GRAVES REGISTRATION SERVICE,
QUARTERMASTER CORPS,
U. S. S. "KAISERIN AUGUSTE VICTORIA,"
At Sea, July 13, 1919.

Special G. R. S. Circular.

To all members of the G. R. S., regular and attached:

1. Being temporarily recalled to Washington for consultation concerning future phases of our work, the chief of the G. R. S. regards it as a great privilege to be embarked upon the same ship which is returning 13 units of our service, together with the headquarters of the Neufchateau area to their homeland, and he desires to place in your hands an expression, however inadequate it may be, of his pride in your achievements and his gratitude for the cheerfulness with which you have accepted your prolonged service in France, Belgium, Luxemburg, and Germany, as well as the rare devotion to taxing and irksome duty with which you have ministered to the bodies of our fallen comrades and the anguish of their sorrowing kinfolk.

2. Since the armistice there has been greater demand for your service than ever before. Some 40,000 isolated graves or such as were improperly placed during the months of ghastly combat have been removed to safer points of concentration by your hands, and the names of a multitude, previously unknown, have been placed on the crosses of Jewish headboards that will sentinel these sacred shrines until more permanent markers shall be established.

3. God alone knows how deeply you have gone into the very heart of splendid service and how much your heroic efforts will count in coming years for the comfort of your countrymen.

4. Forgive us for holding you so long. We could not let you go while the lads who belonged to us were left sleeping by the roadsides, in lonely shellholes, or in flooded dells.

5. But now, the first big phase of our operations being practically finished, you are going home, in the pride and comfort of a very great work very well done.

6. May the God of battles guide you through the days to come and give you the priceless reward of His great recognition.

CHARLES C. PIERCE,
Colonel, Quartermaster Corps, Chief G. R. S.

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AMERICAN EXPEDITIONARY FORCES,
OFFICE OF THE COMMANDER IN CHIEF,
France, March 28, 1919.

Lieut. Col. CHARLES C. PIERCE, Quartermaster Corps,
Chief Graves Registration Service,
American Expeditionary Forces.

MY DEAR COLONEL: It is a pleasure for me to express my thanks and the thanks of officers and men of the American Expeditionary Forces to you and your personnel for the efficient work of the Graves Registration Service throughout the war.

You arrived in France a lone advance agent of a branch of service which had still to be organized, and which war's exigencies and hazards made imperative. You and your first handful of workers labored unceasingly, overcame obstacles, taxed your brains and hands to the utmost, and finally achieved an organization worthy of the highest praise.

On every battle field where Americans were engaged, and, having made the supreme sacrifice, were laid to their final rest, the results of your service were seen.

Your personnel toiled, often exposed to the same dangers as front-line troops, and performed their duties there diligently, conscientiously, and sympathetically. The liaison they maintained with our allies was admirable.

The consecrated service you rendered to the kinfolk of our soldiers in conveying information and allaying undue anxiety and fears, the part you played in acting as personal representatives for thousands of soldiers' relatives, meets not only with the appreciation of the entire American Expeditionary Forces but the gratitude of the American people.

A work so comprehensive in its scope, yet characterized by a humanitarianism that is indeed laudable, stands forth in bold relief as a labor of duty and sympathy that will be a credit to our country forever.

Sincerely, yours,

JOHN J. PERSHING.

ADDRESS BY HON. ROBERT LANSING.

Mr. HITCHCOCK. Mr. President, I ask to have inserted in the RECORD an address delivered by Robert Lansing, Secretary of State, before the regents of the University of the State of New York at their convocation at Albany on October 17. The address is on the subject of democracy, and contains also an urgent plea for the ratification of the treaty, and particularly the establishment of the league of nations.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE POWER OF DEMOCRACY.

[Address by Robert Lansing, Secretary of State of the United States, before the regents of the University of the State of New York at their convocation at Albany on Oct. 17, 1919.]

"There come times in the lives of nations, as in the lives of individuals, when they should pause and look back along the path which they have been following in order that they may go forward with a better knowledge and understanding of that which lies before them. The United States has reached such a time. The experiences of the last few years have affected materially our national life and our international relations. New conceptions of duty and of right have come into being. New manifestations of national power and national character have dispelled former doubt and apprehension as to the future. New ideas have assumed a prominent place in the political thought of the Nation and will affect either for good or evil the economic and social life of the people. It is indeed a time to stop and consider the lessons of the days through which we have passed, to weigh the facts with deliberation, so that we may wisely meet the problems which lie before us as a Nation.

"As the Great War recedes into the past we are beginning to obtain a truer perspective of America's part in the events which mean so much to civilization and to mankind. When one stands on a mountainside and gazes upward he is unable to gain an adequate conception of the height of the mountain. It is only as he looks back at the peak from the distant plain that he comprehends how far it towers above its fellows. So it is with American achievement in this war. During the stress of the days of effort we thought only of the way to accomplish the task. To-day we realize the greatness of the accomplishment and all that it means.

"And first of all we have obtained a truer conception of the American spirit and a better knowledge of American national character than we had before this time of trial. Whatever may have been said of the mercenary motives of our lives in former days, our acts have proven that this Nation is at heart true to the loftiest conceptions of duty and that it only needed the occasion to demonstrate to a skeptical world that a great democracy was ready—aye, eager—to make any sacrifice to protect its principles of political freedom from the destructive forces of military autocracy.

"As we review that period of the war before the United States became a participant and consider the course of action which neutrality imposed upon us, I do not wonder that the allied nations, which, though exerting themselves to the uttermost, could barely maintain themselves against the great military power of Germany, should have considered us a people blinded to the truth by an inordinate fondness for wealth and ease, a people who had lost those high ideals which were the very pillars on which rested our national greatness and prosperity.

"Nor is it strange that there should also have existed among the German people, even after we entered the war, a belief that we did so unwillingly, and that the real reason for our taking

that step was because we had loaned so much money to the allied governments that their defeat would mean a tremendous loss to our financial institutions. Not only would our reputation as money worshipers induce such a belief, but the reason would appeal strongly to the German mind as logical and sensible.

"Thank God, America never sank so low as that even in thought! However great had become the power and temptation of wealth in the daily life of this Nation—and we should not deny its ever-growing influence during the years before we entered the war—the soul of America held the flame of patriotism and loyalty to human rights which needed but a manifest danger to liberty to fan it into a consuming fire.

"From that epoch-making day in April, 1917, when the Congress of the United States so gloriously responded to the President's call to arms in defense of human rights and declared to the world that this Republic was in a state of war with the Imperial German Government the zeal and might of a united people proclaimed to friend and foe alike that they had misjudged our national spirit. With a generosity unequaled America gave and gave and gave, until the mind fairly staggers in the vain effort to comprehend the vastness of the sacrifice. Of its men the Nation gave by the millions; of its wealth, by the billions; of its labor and energy and will, beyond any computation. Without murmur or hesitation and with an enthusiasm which has astounded the whole earth, men and women throughout this land answered every appeal of the Government to do or to abstain from doing, provided that they were assured that their compliance would help win the war.

"The universal acceptance of the draft act was a triumph of the loyalty of the whole Nation which was as amazing as it was splendid. The food-rationing without compulsion of law through the voluntary act of individuals was one of the most extraordinary manifestations of patriotic devotion in this extraordinary time. The ever-increasing burden of taxation, the frequent appeals for war loans almost fabulous in amount, and the repeated campaigns for the Red Cross and other humanitarian enterprises were met by the people with a spirit of approval and ready response which for spontaneity has no equal in the annals of any nation. The demands for increased products of the field, the mine, and the factory were met with the same spirit of willingness and unflagging effort. It is a marvelous record of popular support for a national cause.

"It is needless to review the achievements of our armies and navies, the organization and equipment of millions of men, their transportation overseas, and the essential and decisive part which they took in the final victory over the invading hosts of Germany. These are manifestations of the same spirit of devotion and zeal which inspired popular effort in America and bear witness to what Americanism means and is.

"With such a shining record of achievement as a State and as a people we can fearlessly challenge the world to show us a nation which rose so unitedly and so greatly to the support of an ideal. It is the more remarkable when we remember that the American people were not spurred to action by the presence on American soil of hostile armies or the sight of devastated homes; that they had not witnessed the scenes of horror and desolation which stir men's souls to the depths and call them to deeds of vengeance; that their cities and hamlets had not become masses of smoking ruins; and that their dear ones had not been dragged away to slavery or worse by a brutal soldiery. And yet, with none of these personal incentives to take up arms, the United States as a Nation and its citizens as individuals entered the war against the unholy alliance of Central Europe with an iron determination to sacrifice their all, if need be, to vanquish the foe of human liberty.

"What is the explanation of this spontaneous uprising of a whole people, a people numbered by the scores of millions? No doubt the disregard of American lives and rights caused by the desperate character of the struggle affected many, as well it might. No doubt the utter lawlessness of the German leaders and the brutality of the German soldiery awakened a passionate desire to punish a nation which permitted such deeds. No doubt the plots and intrigues of the Imperial Government against this country were factors in arousing the wrath of our people. But all these reasons combined are insufficient to explain the unanimity of the Nation in its demand for war against the Central Powers. It was something deeper and more impelling than these causes of war which was decisive. Almost without warning an impulse to enter the war swept over the country, an impulse arising from the conviction, which had been unconsciously gaining strength for many months, that liberty and democracy throughout the world would be imperiled if the Germans were victorious. It was this great underlying certainty of impending disaster which induced the millions of our people, as a single man, to demand war.

"Unmindful of the cost and inspired by a spirit of devotion to the cause, the American people deliberately entered the conflict with the stern purpose of doing their full share in saving democracy from the destruction which threatened it. We did not make war as avengers of the wrongs we had suffered. We made war as crusaders to wrest from profaning hands the sacred rights of mankind.

"We are a nation of many bloods and many temperaments. We are a conglomerate people. From every quarter of the earth multitudes have flocked to our shores, seeking in America that freedom of thought and action and that possibility to rise which were denied them in the lands of their nativity. Without the ties of kinship and without the common language and mode of life which give to most nations a strong bond of unity, we, as a people, are held together by the great principle of democracy, which is fundamental to our existence as a Republic. Ours is a bond of political faith rather than a bond of common origin. In this we differ from other peoples, who possess a national character built up from the primitive relationship of the family and the tribe, from ancient tradition and the pride of race.

"American nationality and American national character rest upon an idea of public and individual liberty which is the vital element in our national life. For that idea our forefathers struggled, and, triumphing, they founded upon it this Republic. In the earlier period of our history as a Nation those who came to our shores sought to escape from political oppression and a social system founded upon class distinctions. But in recent years the dominant motive of our immigrants has changed. It has been the desire of material benefit rather than to seek personal freedom that those of foreign birth have come to the United States. The reason is manifest. The spirit of liberalism in the past half century had become more and more potent in European countries and made less burdensome the monarchical and class privileges which had been so long the instruments of oppression. The deprivation of political rights and the all-pervading sense of wrong and injustice ceased to be the chief impulses driving men from the lands of their fathers to find new homes in America.

"With this change of motive on the part of the aliens who in later years landed at our ports and mingled with our people there was among thoughtful Americans a justifiable apprehension as to how strong and how impelling was the American idea among the millions of our foreign-born citizens and their children. It was reasonably asked whether those, without American blood and without hatred of the political and social institutions of the land from which they came, would have the same passion for liberty, the same devotion to democracy, the same patriotic fervor, and sacrificial spirit which had been manifested in past generations of Americans.

"This World War has dispelled that doubt forever. Conclusively and emphatically the answer has been given. The experience of the United States in this great crisis of history has proven to the world that a nation, though it be a mixture of races cemented together by a political idea, is as truly a nation as one rooted in common birth and in centuries of land tenure. We may not possess nationality in the physical sense, but we possess nationality in the spiritual sense. We know now that Americans of to-day, whatever may be their blood, their language, their creed, their manners of life, are devoted to the American idea and to American ideals as are those whose ancestors were identified with the early life of this Republic.

"The satisfaction which we as loyal Americans feel in the spiritual fidelity of our people to the underlying principle of our national life is intensified by the knowledge that a democracy, such as the United States, is able, because inspired with the true spirit of patriotism, to meet every emergency, however great. Patriotism, such as we witnessed in this country during the war years of 1917 and 1918, makes a democracy a unit in purpose and effort. Its manifestation has given us a stronger conviction than we had before that in the principle of democracy we have an instrument which can, through uniting the might of a people, overcome international injustice and prevent the commission of those wrongs which have so frequently been the causes of war.

"Democracy as the central principle of national life operates other than by force in preventing international conflicts and in preserving peace among the nations. An enlightened people, who recognize moral obligation, possess a national conscience which responds to sentiments of justice and right. The more complete the individual liberty and the more universal the enlightenment, so much the more sensitive is that conscience, so much the more

strictly do the people hold their government to the path of rectitude. It is only through the instrumentality of democratic institutions that the national conscience can give that expression of purpose and attain that control over governmental action which inspire for the nation the respect of its own people and the confidence of foreign peoples.

"Let democracy be honestly and firmly established as the principle upon which the political system of a nation is erected, and a government is bound to develop which is responsive to the collective conscience of the people. With a government of that sort we can deal frankly and without suspicion of hidden motive, because its acts are tempered by the great moral sense which directs the popular will. While this may be considered an overstatement because of the measure of ignorance which prevails among some peoples and because of the common weaknesses of human nature with which only the idealist fails to reckon, I think that in general we may regulate our conduct in international affairs on the assurance that a truly democratic State would not knowingly wage an aggressive or unjust war against another State.

"But there is another reason—and possibly this is even stronger than the one which I have just stated—for asserting that the principle of democracy is the great enemy of war as well as the great guarantor of international peace. If I have drawn true conclusions from history I am correct in saying that the people of every nation entitled to be called 'civilized' desire peace and abhor war; that a people, appreciating the real object, have never entered upon a war of conquest provided their will found true and free expression; and that they do not willfully oppress the weak or act unjustly toward their neighbors. In a word, the conscience of an enlightened people—and I mean by 'people' all the people and not a privileged political class—checks the evil motives of their Government and only fails to direct national conduct aright when their public servants are not subject to the will of all or when they misrepresent the popular desires.

"To insure to the world a continuing state of international peace democracy should be made the standing policy of civilization. I mean real democracy, and not the mere form without the substance. Real democracy, based upon individual political equality and free from class privilege or influence, is the only agency through which expression can be given to the conscience of a nation and to the popular hatred of war. Democratic nations are not aggressive and domineering. They resent and resist aggression by others. They are not influenced by cupidity or improper ambitions. They are just to the powerful and to the powerless. They do not violate their word or permit personal ambitions to divert them from the constant purpose to do that which is right.

"I am firmly convinced that if every nation was a democracy in reality, as is this Republic, universal peace would be an accomplished fact and not a goal toward which the world looks with longing eyes striving to devise methods by which it may be attained.

"Meanwhile we must seek other means of checking the wrongful use of force among nations. Every agency therefore which has for its purpose the prevention of international wars and the preservation of international peace deserves the earnest and generous support of all men whose horizon is not limited by selfishness or ignorance. The American people, with their abhorrence of war, should be the last to reject any instrumentality which gives promise of preserving amity between nations and of hindering, if it does not actually prevent, an appeal to force. Political antipathies and partisanship ought not to influence the consideration of a great plan of international organization to support a state of peace. Objections have been made to the covenant of the league of nations which is incorporated in the peace treaty with Germany. It is not to be wondered at, considering the complexity of the subject. In fact I do not believe such a document could ever be so perfectly drafted that it would win unanimous approval. But none of the objections, over which so much oratory has been spilt, bulks large compared with the will and purpose of the nations expressed in the covenant. It is my unqualified judgment that the league of nations should be fully tested in its present form before being condemned, if for no other reason than that to reject it would be to discourage future attempts to obtain unity of action among the nations in the effort to avoid international conflicts. We can not as an influential power in the world assume such a responsibility.

"Admitting, for the sake of argument, all the faults and undesirable features which its bitterest opponents have raised against the covenant, I am prepared to say that it ought to be adopted and tried, for it represents to-day an international concert devoted to peace. The United States, I am convinced, will not be the nation to check this movement or to discourage the civilized States of the earth from seeking by united purpose and counsel to restrain the use of force in the settlement of their disputes. If, after a fair trial, the league fails to accomplish its objects, then is the time by amendment to make the covenant more efficient.

"Such action as that which was taken by the conference at Paris when it adopted the covenant makes for peace, but does not insure its permanency. It is a powerful agency, but not an all-powerful one. The only certainty of unbroken peace in this world, I believe, lies in the general adoption of democracy as the supreme political principle of all nations. Until that time comes we must use other agencies, but must not expect too much of them. Yet we should never lose sight of the real preventive or cease to advance the policy of democracy, of real democracy, among the nations.

"It fell to the lot of this country to demonstrate the might as well as the spirit of democracy. In this most critical time the United States accomplished all that had ever been claimed for it and more than had been expected of it. By its deeds it proved that a people acting in their sovereign right possess the will and the power to meet a foreign foe with vigor and success. We have lived through an epoch which tested our democratic institutions to the extreme, and we have stood the test. Thus in time of war democracy is magnificently vindicated.

"To-day new problems have arisen to try the efficiency of democracy. Victors over autocracy, we have discredited the system of class based upon birth and title, and we have now to meet a new classism as strongly though not as manifestly hostile to democracy and equality of individuals as the old classism. It is in foreign lands that this new enemy has most radically developed and openly attacked individual liberty. But this country is not free from the danger. To-day the rights of particular classes over other classes of our population are being preached in our streets, and appeals to selfishness, to envy, and to ignorance, under the guise of justice, are being sent broadcast throughout the land. Apostles of unrest and even of revolution, as well as others less radical and more sincere, taking advantage of the industrial and commercial confusion resulting from the war, are seeking converts to doctrines which aim to grant special privileges to certain groups of citizens and to deprive others of those private rights which are inseparable from the American conception of individual liberty.

"We must not close our eyes to the progress of events and to the tendency of the forces which are being exerted. We must not rest in a state of indifference or of false confidence. It is a time for action. Democracy is in danger from within rather than from outside the body politic. Again we, Americans, are called to the defense of the American principle which is being attacked not only by insidious foes but by friends who fail to see the wrong which they are doing. We must meet this new attack with the same unyielding and courageous spirit as that with which our soldiers met the Germans on the soil of France. It took us long to realize the great menace of German imperialism to the vital principle of our national life, but when it was realized we unitedly entered the conflict and fought on to victory. I believe that realization of the present danger will again call forth the best there is in this Republic and we will succeed in overcoming those who seek to pervert democracy by injecting into it a species of class imperialism which is more attractive than the ancient forms because it appeals to those who have suffered in the past from injustice and from denial of that equality of opportunity which it is the duty of democracy to maintain.

"No truer declaration was ever uttered than 'Eternal vigilance is the price of liberty,' and the American people ought to-day to take that thought to heart and resist every movement which is out of accord with the liberty and equality of the citizens of this Republic without distinction as to race, class, or condition. The dangers, as I see them, are a disposition to compromise the principle of equal rights with the demand for special rights; an apparent willingness to conciliate by concessions in order to avoid for the time being at least those evil conditions which threaten to result from the denial of class privileges; a timidity in meeting the issue squarely and boldly pointing out in what way it menaces the idea of democracy; and last, but by no means least, the tendency of many leaders of political thought to temporize with and placate certain elements of our population by accepting in a measure undemocratic doctrines which plainly violate the essential principle of the American political system.

"During the progress of a war opportunism, if it does not mean lawlessness, is always justifiable in the struggle for victory, but in time of peace when face to face with great social

and economic problems, national and international, opportunism is the resort of shallow minds impelled by political ambition and greed for power, or by a moral cowardice which is as contemptible as it is un-American. We can not meet successfully the present problems by following leaders who, to advance their own political fortunes, counsel an abandonment of principle for the sake of expediency. By adopting such a policy we will weaken the American conception of democracy and encourage those who consciously or unconsciously strive for a classism which can not be reconciled to that conception. If we had listened to the opportunist, we would never have been an independent people; we would never have been a Union; we would never have entered the World War. If we listen to the opportunist now, America will never accomplish its promised destiny or prove to the world that democracy is capable of meeting any crisis, however grave, and of protecting individual liberty from its ancient enemy, special privilege, however disguised by popular phrase or pleasing epigram.

"Democracy has made this nation what it is. Democracy can make the world what it ought to be. Whatever may happen, we must not shrink from the duty of maintaining in this country democracy in its purity, and we must not cease our efforts to advance its cause throughout the earth. A great chapter of the history of the United States is being written in these days. It must not be recorded that we made 'the world safe for democracy,' but that we failed to make 'America safe for democracy.'

"Let us not forget what American democracy has done for human liberty. Let us not forget what democracy can do for universal peace. Democracy was worth fighting for and worth dying for, and it is worth guarding sacredly from every contaminating influence. With it as the dominant idea of our national life no American need fear for the future of this Republic. With it as the supreme political principle of the nations, we may look forward to an era of permanent peace."

STABILIZATION OF FOREIGN EXCHANGE.

Mr. OWEN. Mr. President, I ask to have printed in the RECORD a memorial from members of the National Live Stock Exchange with regard to the stabilization of foreign exchange. It is only a short matter.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CONGRESS ASKED TO STABILIZE FOREIGN EXCHANGE—PRESIDENT BROWN URGES IMMEDIATE ACTION IN EFFORT TO PREVENT PRICE BREAKS.

"CHICAGO, *September 12, 1919.*

"*To all Members of Congress:*

"A grave situation confronts the American farmer and unless prompt action is taken by the Congress of the United States thousands of farmers and live-stock producers will be financially ruined. This condition is already with us, and is becoming increasingly dangerous as time passes. I refer to the present state of foreign exchange and the constant depreciation in European money values.

"The Hon. Herbert C. Hoover, in his recent testimony before the congressional committee investigating war expenditures, pointed out the imminent danger in the following statement:

"'An extremely dangerous situation will result in case the United States Government does not assist producers in finding outlets for their goods. During the war American products of all kinds increased threefold. Unless there are permanent markets for these products a terrible reaction is inevitable, counteracting all the production incentives, which caused the present efficiency. The American Government must intervene by granting credits to the nations needing foods.

"'American farmers are entitled to the greatest consideration. After Government stimulation their production must be guaranteed markets.

"'Agricultural production in all the European nations is nearing a normal state, but the countries which have emerged from the war will need American financial assistance for another 18 months.

"'We are coming into a flood of production of foodstuffs in the northern hemisphere and again will have a great surplus in the United States. If, in the meantime, Europe has not found credits to purchase the coming winter's supplies, we are likely to have a glut and prices may fall below the cost of production to American farmers.'

"Our farmers have never before had occasion to concern themselves with the matter of foreign exchange, but present conditions must inevitably bring this subject home to them. The exporter of American farm products is facing the future with great uncertainty, and well he might.

"A study of current exchange rates as of Friday, September 12, 1919, showed the following:

Country.	Monetary unit.	Normal value in United States money.	Value in United States money Sept. 12, 1919.
		Cents.	*Cents.*
Austria	Crown	20.3	2.00
Belgium	Franc	19.3	11.80
Czechoslovakia	Crown	20.3	3.15
Denmark	do	26.8	21.85
Finland	Mark	19.3	6.50
France	Franc	19.3	11.77
Germany	Mark	23.8	4.00
Great Britain	Pound sterling	486.65	416.00
Greece	Drachma	19.3	19.6
Italy	Lira	19.3	10.3
Jugo-Slavia	Crown	20.3	2.15
Netherlands	Florin	40.2	37.00
Norway	Crown	26.8	22.85
Poland	Mark	23.8	3.75
Portugal	Escudo	108.00	65.00
Roumania	Lei	19.3	4.35
Servia	Dinar	19.3	8.2
Spain	Peseta	19.3	19.00
Sweden	Crown	26.8	24.35
Switzerland	Franc	19.3	17.90

"Conditions in some countries have reached the point where wage increases mean little or nothing to the laboring man since the increases are paid in depreciating money. German coal miners agreed to a longer day not for an increase in pay but provided they were given 2 pounds of lard, oleo, or other edible fats which their money can not buy.

"Foreign labor has never received the wages paid our workmen. Our mounting prices and wages to enable our people to meet them have brought our standard to a point Europe can never hope to attain. It stands to reason that their wages, even if accepted at face value, would not have the purchasing power to provide more than the mere necessities of life. Convert the purchasing power of this money at the present rate of exchange into American food and it is not to be wondered that food is more acceptable than money.

"It has come to the point where many of the European countries can not possibly finance the purchase of foods, notwithstanding that the specter of starvation or its near 'relative,' malnutrition, stalks abroad in their land. Our farmers have responded to the appeals of our Government and have produced foodstuffs in abundance, and this is now available for sale and distribution.

"This food has been produced under the handicap of higher wages and shorter hours, and the farmer justly expects his efforts to be rewarded by receiving a price commensurate with the cost of production. In the face of these conditions at home and abroad one of two things must occur, viz:

"1. American prices must be reduced to a point which will enable Europeans to purchase our products.

"2. American products must be consumed at home and the surplus of production will certainly lower present prices to a point where the producer must suffer tremendous losses.

"As pointed out by Mr. Hoover, the only apparent solution is for the Congress to arrange for the establishment of a fund which shall be available to protect the credit of the buying countries. I do not advocate that this be turned over to them to expend in increasing their military equipment, but that it shall be made available as loans upon proper security and solely for the purchase of American products, and particularly American farm products.

"This condition will automatically adjust itself as soon as the European countries reestablish their agricultural and industrial enterprises and once more resume the exportation of products. Exchange invariably adjusts itself to the balance of commerce, and when this point is reached the stabilization fund could be retired and normal conditions restored.

"There can be no doubt but that the present uncertainty and hazard of financing is largely responsible for the recent slump in our live-stock markets. The time of our heavy fall and early winter runs is at hand, and the packers must exercise care in filling their cellars—as they must do in the season of heavy runs—with high-priced meat, which can not later be sold except at a tremendous loss.

"This is a matter which deserves immediate attention, and I respectfully urge upon all Members of Congress the great importance of taking the necessary action to stabilize the foreign exchange before the disastrous effects are further felt by our live-stock producers."

THE IRISH QUESTION.

Mr. ASHURST. Mr. President, I observe in the CONGRESSIONAL RECORD of the proceedings of Saturday, October 18, 1919, the speech of the Senator from Mississippi [Mr. WILLIAMS], delivered in the Senate on the 14th instant. In the Senator's address will be found the following sentence:

It has not been many days ago, Mr. President, since I heard upon this floor a pretense that over 50 per cent of the American Revolutionary troops were Irish when we gained our independence.

Mr. President, in the latter part of the year 1778 and in the early part of the year 1779, during our American Revolution, there was dissatisfaction in England, and especially in Parliament, with reference to some of the movements of the English generals.

Severe strictures were made in Parliament against Sir William Howe, commander of the English forces on the American Continent, and a parliamentary investigation was had as to the evolutions and movements of the English troops in America.

Hon. Joseph Galloway, who had been for some 12 years speaker of the house of delegates or the house of assembly of the Pennsylvania Legislature, was called upon to testify before a joint committee of the two houses of Parliament. His testimony was published in the Royal Gazette, then printed by James Rivington, printer to the King, and in the issue of the Royal Gazette of October 17, 1779, the original of which is in the Congressional Library, so I am informed, and photographic copy of which I have here, the following testimony, among other things, was given by Mr. Galloway:

Q. That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of natives of America or were the greatest part of them English, Scotch, and Irish?

Mr. Galloway answered:

A. The names and places of their nativity being taken down, I can answer the question with precision. There was scarcely one-fourth natives of America; about one-half Irish; the other fourth were English and Scotch.

Mr. President, that is what appears in the Royal Gazette, published by Mr. Rivington, printer to the King, in its issue of October 17, 1779. Let me call attention to the fact that the Senator from Idaho [Mr. BORAH] introduced a resolution some time in July, as follows:

Resolved, That the Senate of the United States earnestly requests the American peace commission at Versailles to endeavor to secure for Edward De Valera, Arthur Griffiths, and Count George Noble Plunkett a hearing before said peace conference in order that they may present the cause of Ireland.

To this resolution an amendment was offered by Mr. WALSH of Massachusetts, as follows:

Resolved, That the Senate of the United States express its sympathy with the aspirations of the Irish people for a government of its own choice.

This amendment was adopted unanimously.

A roll call was then had upon the resolution as amended, and there were 60 yeas and 1 nay, the nay vote being the Senator from Mississippi [Mr. WILLIAMS]. I ask unanimous consent that that vote on the roll call may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The vote by yeas and nays referred to is as follows:

The result was announced—yeas 60, nay 1, as follows:

YEAS—60.

Ashurst	France	La Follette	Ransdell
Beckham	Gay	Lenroot	Reed
Borah	Gronna	Lodge	Sheppard
Brandegee	Harris	McCormick	Sherman
Calder	Harrison	McKellar	Simmons
Capper	Hitchcock	McNary	Smith, Ariz.
Chamberlain	Johnson, Calif.	Moses	Smith, S. C.
Culberson	Jones, N. Mex.	Nelson	Smoot
Cummins	Jones, Wash.	New	Spencer
Curtis	Kellogg	Newberry	Sterling
Dial	Kendrick	Norris	Sutherland
Dillingham	Kenyon	Nugent	Swanson
Elkins	Keyes	Page	Walsh, Mass.
Fall	Kirby	Phelan	Walsh, Mont.
Fletcher	Knox	Pittman	Watson

NAY—1.

Williams

NOT VOTING—35.

Ball	Harding	Owen	Stanley
Bankhead	Henderson	Penrose	Thomas
Colt	Johnson, S. Dak.	Phipps	Townsend
Edge	King	Poindexter	Trammell
Fernald	McCumber	Pomerene	Underwood
Frelinghuysen	McLean	Robinson	Wadsworth
Gerry	Martin	Shields	Warren
Gore	Myers	Smith, Ga.	Wolcott
Hale	Overman	Smith, Md.	

So the resolution was passed.

Mr. ASHURST. The Senator from Mississippi is a historian, and he can not deny that in the field of war the Irish race has furnished more luminaries than have been furnished by any other race in Europe. In our own Revolution we recall Gen. Greene; Gen. Richard Montgomery, who fell at Quebec and who was so highly esteemed as a soldier by that other great soldier, Aaron Burr, that when Montgomery fell at the head of his men, Burr rushed forward alone and, under fire of the English guns, carried back the precious body of Gen. Richard Montgomery; Gen. George Clinton, brigadier general, governor of New York, and twice Vice President, was an Irishman; Andrew Jackson, whom as a soldier and statesman neither man nor muse can praise too much, was born of Irish parents who came from Carrickfergus.

We perceive that the Duke of Wellington, the Iron Duke, was an Irishman. So were Lord Kitchener and Lord Roberts and Gen. French.

Gen. James Shields, Senator from three States, was an Irishman.

In our War between the States we remember Gens. Phil Kearney, McDowell, McCall, Thomas, Meagher, and gallant Pat Cleburn, all of Irish origin; and who does not recall the great triumvirate, Sherman, Sheridan, and Grant, all of Irish parentage? While on this subject let me remark that no more splendid figure arose out of the Civil War than the Irishman, Stonewall Jackson.

Charles Thomson, patriot, was born in Maghera, County Derry, Ireland, November 29, 1729. He was brought to this country in 1740, attended the academy of Francis Allison, and while still very young was made principal of a Friends academy at Newcastle, Pa. He was respected and trusted by the colonists, and was a prominent local leader during the strained relations with the mother country. *He was the secretary in every Continental Congress, 1774–1789*, and from the private memoranda that he made compiled a history of the Revolution.

It will be remembered that Judge James Wilson, the grandfather of President Wilson, was born in County Down, Ireland; that the ancestors of President James K. Polk came from Donegal, Ireland; that the ancestors of President James Buchanan and President McKinley came from the same vicinity; that the ancestors of President Arthur came from Antrim, Ireland; and that the mother of President Roosevelt was Irish.

Agricola, who was born A. D. 37 and lived until about A. D. 93, advised the empire builders of his day that—

Rome should war down and take possession of Ireland so that freedom might be put out of sight.

Thus, in this early Roman reference to Ireland we pick up for the *first time* the golden thread of Irish militant resistance to imperial exploitation, and this thread of courage and patriotism runs through all Irish history.

On the one side is the "warring down" so that freedom might be put out of sight, and on the other it is the eternal struggle to uphold the rights of free men.

Contemplating the Europe that existed before the Christian era, in the east we find Greece; in the west we find Ireland, and it is Ireland alone amongst the lands of western Europe that preserves the recorded traditions of its speech, culture, and song that connect the half of Europe with its ancestral past.

It was the Irish race that lit the lamp of genius in the brain of Europe.

When the unlettered Welch and English ancestors of the Senator from Mississippi [Mr. WILLIAMS] and myself were staring in mute amazement at the Phœnician and Carthaginian navigators who, before the Christian era, visited the Scilly Islands, then called the "Islands of Tin," to obtain a supply of that metal, the Irish race was fully acquainted with the use of precious metals, the fabrication of fine linens, was fond of music and song, and was enjoying its literature.

When the Druids at Stonehenge, on Salisbury Plain, made their last midnight sacrifice, the triennial council of the Irish people was held at the great hall or court of Tara where Irish kings and nobles assembled.

King Alfred the Great ascended the English throne in the year 871 A. D., and he was indeed one of the world's wisest and noblest men. He ruled for 30 years, and he proved himself to be a valiant warrior and an earnest patron of whatever promised to promote the good of his people, but long before Alfred ascended the English throne the Irish race had scattered throughout Europe manuscripts of priceless masterpieces limned by Irish scribes; such as the Book of Kells in the library of Trinity College at Dublin, acknowledged to be the most beautiful book in the world; indeed, into its pages are woven such a wealth of ornament and it has such an ecstasy of art that the colors are as lustrous, as fresh, and as soft as though it was the work of yesterday, but the book was made 1,200 years ago.

In the fields of oratory and poetry history swarms with the names of Irish orators and poets whose lips were touched

by the Promethean fire, and I can do no better than to conclude by referring to the senior Senator from California [Mr. PHELAN], a patriotic American of Irish parentage, who closed his able speech in the Senate on last Thursday with the following language:

We acted with magnanimity in the war; we shall not assume a mean and pusillanimous part in the constructive work of peace.

Mr. THOMAS. Mr. President, I have no intention of prolonging the discussion of which the very able speech of the Senator from Arizona [Mr. ASHURST] is a part, but inasmuch as it now seems apparent that the vote on this treaty may largely depend upon the possession of the Irish vote, I shall at a later time attempt to show that neither party deserves it.

VOCATIONAL TRAINING.

Mr. WADSWORTH. Mr. President, I beg the indulgence of the Senate while I make a very brief announcement.

Between 1 o'clock and 1.30 this afternoon a platoon of United States soldiers will give a drill in the open space in front of the Capitol. The significant part of this occasion is that of this platoon of troops not one could speak or write the English language three months ago. Half a dozen of us witnessed this platoon drilling and exercising this morning at 11 o'clock, and I think I can say that we were tremendously inspired by what we saw. In brief, it made us feel a little better about some of the problems that confront the Republic.

I merely wanted to urge as many Senators as possible to see this drill—it is well worthy of their time—and to estimate what these men have done under proper teaching in the Army in the very short time they have been in the service, remembering that they come from 14 different nations and three months ago could not speak or write a word of English.

Mr. WALSH of Montana. Mr. President, I should like to inquire from the Senator from New York what significance there is to the fact that they could not read or write English. Have they taken some educational training since entering the Army?

Mr. WADSWORTH. Yes, Mr. President. These men have come from Camp Upton, on Long Island, where a battalion of 640 soldiers who have been enlisted in the Army during the last four months, and who could not speak or write English in any degree whatsoever, has been undergoing training. This platoon of something like 28 men, representing 14 nationalities, some coming from as far away as Persia, has been touring the country under the command of a couple of officers, giving these exhibitions; and I assure the Senator it is one of the most remarkable things I have ever seen.

Mr. WALSH of Montana. I was simply interested in the effort toward teaching them.

Mr. WADSWORTH. It is a new work inaugurated in the Army during the last five or six years, and it illustrates what can be done by intelligent teaching and training, and, incidentally, toward bringing the Army closer to the people.

Mr. BRANDEGEE. Mr. President, I wanted to ask the Senator, along the same line that the Senator from Montana was pursuing, to what extent do these soldiers speak English now, after their three months' training?

Mr. WADSWORTH. I spoke myself, and so did other Senators, with six or eight of them. They speak English quite readily. They understand anything you say to them. All the orders are given in English, and as they execute the commands they repeat the orders, with the numbering. It is really an astonishing achievement, and well worthy of the serious attention of men who are about to legislate on the reorganization of the Army and a permanent military policy for the country.

Mr. THOMAS. Mr. President, if the Senator will allow me, I want to indorse cordially everything that he has said about the exhibition which we witnessed this morning, and I wish every Senator would make it a point to see the next exhibition. It is a revelation of what can be done in military training properly carried on, both as to linguistics and as to military tactics and discipline.

Mr. CHAMBERLAIN. Mr. President, just a suggestion along the same line.

About a year before we entered the war the Military Affairs Committee of the Senate added a rider to an appropriation bill which provided for the vocational training of men in the different garrisons who might desire to take some form of vocational or industrial training. It authorized the Secretary of War, as I now recall, to select one of the garrisons to which men who desired to take this training might be ordered for instruction. Of course, the entrance of the United States into the war stopped any proceedings under that provision of the law; but the subject of vocational training has been and is being very seriously discussed by the Military Affairs Committee, and I believe the country has generally come to believe that men will be improved in their service to their country by taking a proper course of training. That is provided for in a bill for universal military training, if that is embodied in the Army reorganization plan; but even if it is not, it seems, Mr. President, that there is no better place to Americanize the men who join the Army than in this particular branch of the service. The Senator from New York might have called attention to the fact that the report of the Judge Advocate General of the Army showed an immense amount of illiteracy in all parts of the country. Much of that has been done away with by the training which these men received in the service.

THE MEAT-PACKING INDUSTRY.

Mr. JONES of Washington. I have here a resolution adopted by the Stock Men's Club, of Spokane, Wash., with reference to the Kenyon and Kendrick bills relating to the packers. This club is incorporated. In a letter sending this resolution, they state that a membership of 60 was present and that the resolution was adopted unanimously. I ask permission to present the resolution, and that it may be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. That reference will be made.

THE LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, I ask permission to have inserted in the RECORD a letter from Clarence B. Miller, of Washington, D. C., containing extracts from the Duluth News Tribune describing the method by which alleged propaganda is being introduced into the public schools, intimating that it is done by the League to Enforce Peace, or that the material is furnished by them.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *October 17, 1919.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Apparently there is a species of propaganda on foot by the League to Enforce Peace to which public attention has not yet been directed. At least, I have not run across it.

The first concrete case to arise has just occurred at Duluth, Minn. The superintendent of schools at that point is a Mr. Hoke, who is a southern Democrat, having been brought two or three years ago from Richmond, Va., to Duluth to take charge of the Duluth system of public schools.

You will observe in the Duluth News Tribune, a Republican paper, published in the city of Duluth, under date of October 12, an exposé of the propaganda. It appears a little booklet has been issued purporting to give facts relative to the league of nations, but which actually contains a great deal of material which is purely propaganda. This attempt to seduce the minds of the youth of the land is brazen and without a parallel, so far as I know. It appears that immediately upon the exposition of the facts the board of education of the city of Duluth took action, and the book has been withdrawn. Please note the editorial under date of October 14 in the Duluth News Tribune, and the paragraph which has been marked, calling into bold relief the vicious misstatements contained in the propaganda part of the booklet. This is the only copy of this material which I have. Therefore, after you are through using this, if you care to use it at all, I will appreciate the favor if you will kindly return it to me.

Very sincerely, yours. C. B. MILLER.

[Duluth News Tribune, Oct. 14, 1919.]

"SCHOOL OUSTS PROPAGANDA OF PEACE LEAGUE—'BOOST' PAGE IN COVENANT BOOK IS DESTROYED AS RESULT OF NEWS TRIBUNE EXPOSÉ—BOOK NOT TO BE USED IN LANGUAGE WORK OR MEMORIZED, HOKE'S ORDER TO TEACHERS."

"Prompt action by school authorities yesterday followed the exposure in Sunday's News Tribune of the fact that a copy of the league of nations covenant was being made the vehicle of bald propaganda for the League to Enforce Peace. Copies of the covenant were 'called in' yesterday morning by teachers, the title-page destroyed, and an order issued by Supt. K. J. Hoke that the booklet be not used in language work or that any student be required to memorize any part of it.

"PRAISED LEAGUE PLAN.

"The action is exactly what the News Tribune sought.

"Objections to the booklet were not based on the text of the league covenant, but the fact that its title-page carried an evident attempt to create sentiment favorable to the league of nations.

"The title-page bore the following:

"'The Paris covenant for a league of nations; text of the plan adopted by the Paris peace conference, April 28, 1919.

"'A charter for world democracy; framed by the representatives of the victorious, free nations.

"'Extending to all the world the principles of the Declaration of Independence, the Constitution of the United States, and the Monroe doctrine.

"'Published by League to Enforce Peace, Bush Terminal Sales Building, 130 Forty-second Street, New York.'

"WHAT LEAGUE IS.

"The League to Enforce Peace carries on a nation-wide publicity campaign, through literature, meetings, press telegrams, and other propaganda, for the evident purpose of creating sentiment favorable to the ratification of the league of nations covenant without protection of American rights.

"Students in English classes were asked to produce the booklets when they reported yesterday. The title-pages were torn off and the books then returned to them, students said. In at least one other class the booklets were taken up altogether and the students informed that 'they would not be used any more.'

"Dr. Hoke issued the following statement on the matter:

"DR. HOKE'S STATEMENT.

"'The pamphlets on the league of nations were ordered by the superintendent, at the request of one of the high-school teachers, for the purpose of teaching current history in the high-school history department. The pamphlets were approved by the committee on schools before they were placed in the hands of the children. Information on the league is the only thing with which any person in the schools is concerned. There was no thought of propaganda.

"'The title-page, which has on it the only printing not related to the text, has been removed. No pamphlet will be permitted in the schools with the title-page on it. It will be used in connection with the history work for reference or reading. It will not be used in language work, nor will the children be asked to memorize any part of it.'

"He declined to make further comment on the episode."

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"WHERE IT BELONGS.

"There is no impropriety in the covenant of the league of nations being used in high-school classes. It belongs there; it is current history and immensely important. Moreover, now is the time to use it. It is a matter of present interest. But where and how should it be used and from where should it come?

"Certainly it should not come from the League to Enforce Peace. This source of itself is so extremely partisan as to introduce it as partisan. Nor should it have any such introduction as the league's cover page, which proclaims it 'a charter for world democracy,' which it is not; 'framed by the representatives of the victorious free nations,' which it was not; 'extending to all the world the principles of the Constitution of the United States,' which it does not; 'and the Monroe doctrine,' which it does not and can not.

"In other words, it is put into the hands of high-school pupils with a series of bald misstatements. The principal of the school declined to tell where or how the books were secured or who had recommended them. But he said the text was to be read in the English classes and one or two parts were to be memorized.

"Right there is the absurdity of the situation. To use this covenant in English classes is inexcusable unless to show what to avoid and how diplomacy obscures its purposes in blind and hidden meanings. It is admittedly mighty poor English in expression and construction. To commit any part of it to memory as English is a travesty on what is worth while.

"But it does belong both in civics and in history. It points the way to teach both these subjects. Its framework belongs in civics as a form of government. The construction of the league as a governing body in contrast with the forms of government of the three countries whose representatives framed it would do much to arouse special interest of students in forms of government and for critical contrast.

"In history it should be far more than a topic of current history. It could be studied in connection with the treaties with Germany and Austria, in contrast with, say, the treaties of Vienna, Berlin, and Paris, which would arouse an immediate interest in the world of those days, what led up to those other treaties, what they did or tried to do, the world of then and now, and fix in the minds of pupils much of great value that otherwise would be read and forgotten.

"It may interest the school authorities also that digests of these two treaties, with the covenant complete and an excellent index, have been issued by the American Exchange Bank. It is an exceedingly valuable booklet, of which the high school could probably get enough copies for its civics and history classes for a nominal cost. It is all they need.

"The covenant alone has fair value; with the treaties it could be made of the greatest use and that without any more political taint than has all history and all civics. But to use the covenant in English classes is wholly without rhyme, reason, or sense."

—

[Duluth News Tribune, Oct. 12, 1919.]

"PROPAGANDA OF PEACE LEAGUE INVADES SCHOOL—CENTRAL HIGH STUDENTS TOLD TO MEMORIZE PORTIONS OF PARIS COVENANT, STUDY ITS TEXT—NOBODY SEEMS TO KNOW WHYS AND HOWS, BUT BOOKLET GETS INTO CURRICULUM ANYHOW.

"Bald propaganda for the league of nations covenant has found its way into the course of study at Central High School. Students in all English classes have been instructed to study copies of a booklet which is a palpable effort to set out only material favorable to the covenant, and have been told that they will be directed this week to memorize certain articles of the much-discussed document. The booklets, issued by the League to Enforce Peace, a prolific publicity bureau for the nations' league without protection of American rights, have been introduced into the school curriculum.

"ALL IN HANDY FORM.

"The title-page of the booklet bears the following inscription:

"'The Paris covenant for a league of nations; text of the plan adopted by the Paris peace conference, April 28, 1919.

"'A charter for world democracy; framed by the representatives of the victorious, free nations; extending to all the world the principles of the Declaration of Independence, the Constitution of the United States, and the Monroe doctrine.

"'Published by League to Enforce Peace, Bush Terminal Sales Building, 130 West Forty-second Street, New York,' together with the union printers' label.

"NO INSTRUCTION, SAYS YOUNG.

"Despite the obvious effort of the booklet to set out only the side favorable to the league covenant, Principal Leonard Young denied there was political bias in the introduction of the booklet. He declined to state where the booklets came from, whether or not the board of education had purchased them, or who had recommended them for use. He admitted the subject had been brought into the school curriculum and that the booklets were being made use of without specific instruction from the board.

"Such board members as could be reached were emphatic in their statement that they had nothing to do with it and that they would look into the matter.

"'The text is to be read in English classes at the high school and one or two parts are to be memorized,' Mr. Young said.

"'Is this addition to the curriculum under instructions from the board?' he was asked.

"BOARD NOT IN IT.

"'We don't have to ask the board about everything of that sort,' he said. 'The board doesn't tell us what to read in the schools. It is being read just the same as we read last year the book Democracy of To-day.'

"Questioned as to the book Democracy of To-day, Mr. Young said he could not recall its authorship, but that it was a book of essays.

"Mr. Young waxed indignant when asked about the circumstances under which the book on democracy and the booklet on the league covenant were introduced into the schools. 'You can find the democracy book in any library. The booklet on peace is not a textbook in the sense of the larger textbooks. It comes to pupils without charge,' he said.

"'Who furnishes it?' he was asked.

"WHERE DOES IT COME FROM?

"'That is a matter you will have to take up with the board. I don't think you will be able to find out where it comes from,' he replied.

"'The idea is simply to bring the text of the covenant before the pupils of more mature age,' he continued, 'just as we did with the book on Democracy of To-day.'

"'Have you read the inscription of the cover of the covenant copy, purporting to "give to all the world the principles of the Declaration of Independence, and so forth?"'

"'I didn't know there was anything special on the title-page,' he said. 'I wouldn't want to discuss it.'

"WHAT 'DEMOCRACY' CONTAINS.

"A copy of a book, Democracy of To-day, which is not listed at the Duluth Public Library, was furnished to the News Tribune last night by a high-school student, who said she had studied it last year under direction of her teacher, and that she was continuing the study in classes this year. The book is by

Christian Gauss, a professor in Princeton University, with a portrait of President Wilson as the frontispiece, and the following principal articles:

"Lincoln's Gettysburg address, essay of Lowell on democracy, one speech by Lloyd-George, the Constitution of the United States, and 18 articles or speeches by latter-day Americans.

"Of the latter 18, 14 are by Woodrow Wilson, 1 is by Grover Cleveland, 1 by the late Theodore Roosevelt, 1 by Secretary Lane, of the administration Cabinet, and 1 by Elihu Root, formerly of Roosevelt's Cabinet.

"Teachers of English interviewed last night expressed fear that any comment of theirs might prejudice them in their positions.

"'In my classes there is no thought of international or American politics in the way we read the covenant booklet,' said Miss Harriet Gemmill, in charge of the English department at the high school.

"'I tell the students it makes no difference whether they are for the league of nations or opposed to it. They are to study it simply as a matter of current interest, as something they ought to know about simply as loyal citizens. Our personal convictions are not mentioned.'

"CRASSWELLER'S STATEMENT.

"'We don't want to put politics in the schools,' said Frank Crassweller, chairman of the committee on schools. 'On the other hand, anyone who studies current history must study the league of nations. The objectionable feature is the wording on the cover of the booklet introduced at Central. The inside of the pamphlet contains simply the text of the league of nations covenant.

"IGNORANT OF ORDER.

"'It may be that the copies from the League to Enforce Peace were obtained simply because they were easily available. I do not know who ordered the pamphlets.

"'I am satisfied that nothing is being used as a textbook unless arguments on both sides are being advanced. Sometimes an enthusiastic teacher advances his own ideas beyond what is proper. Sometimes a textbook is partisan. We recently decided to take from the courses a history textbook that became too political in the proposition of socialism and the controversy between capital and labor.

"'In this case I do not believe that anything is taught except the text of the covenant inside of the pamphlet.'

"OTHER STATEMENTS.

"Statements of other board members follow:

"R. J. Coole: 'I want to look into this matter immediately. I believe that after investigation the board will do what is right.'

"A. C. Le Due: 'Neither the purchase nor the acceptance of these booklets was authorized by the board in open meeting or otherwise, as far as I know. It is all news to me, and I am very much interested in it. I will give the matter attention.'"

SOCIALISTIC ACTIVITIES.

Mr. WATSON. Mr. President, I offer the resolution which I send to the desk and ask to have it read. After the reading I shall ask unanimous consent to speak briefly to the Senate on the resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 217) was read, as follows:

Whereas there is reason to believe that a number of the employees of the Federal Trade Commission have been, and now are, engaged in socialistic propaganda and in furthering the organization and growth of socialistic organizations; and

Whereas if Bolshevism, with all that it implies, is to be met and overcome in our country, it must be done by first ousting all its adherents and advocates from public office: Therefore be it

Resolved in the Senate of the United States, That the Committee on Interstate Commerce of the Senate is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest practical date upon the truthfulness of these charges; that said committee may conduct such inquiry by subcommittee or otherwise, and shall be empowered to hold sessions during the recess of the Senate; and for this purpose the committee or any subcommittee thereof is empowered to send for persons and papers, to employ whatever assistance, either clerical or legal, they deem necessary to aid in conducting the investigation, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of the same printed for use; and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent to address the Senate upon this subject.

Mr. WALSH of Montana. Mr. President, I inquire whether the resolution should not go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. There is no doubt about it. That is where it will go; but the Senator from Indiana asks unanimous consent to address the Senate on the resolution.

Mr. WALSH of Montana. Oh! I was under the impression that it was a request for present consideration.

The VICE PRESIDENT. Is there any objection?

Mr. TRAMMELL. Mr. President, if the Senator contemplates taking very much time, I shall object.

Mr. WATSON. Mr. President, I think if the Senator from Florida will permit me to conclude what I have to say, it will not occupy more than 15 minutes.

Mr. TRAMMELL. I will not make the objection, then. I am anxious to get the consideration of the calendar.

Mr. WATSON. I know it will not exceed 15 minutes.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. WATSON. Certainly.

Mr. SHEPPARD. Does the preamble to the resolution recite "Whereas it is alleged" that these things exist, or does it state that as a matter of fact they do exist?

Mr. WATSON. It says there is reason to believe they exist; and if the Senator will listen to what I have to say, he will learn the reasons upon which I base the belief.

Mr. SHEPPARD. I did not follow the Senator closely. Does the preamble say "Whereas there is reason to believe"?

Mr. WATSON. Yes.

The VICE PRESIDENT. The Senator from Indiana will proceed.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator a question.

Mr. WATSON. Very well.

Mr. HITCHCOCK. The first preamble reads:

Whereas there is reason to believe that a number of the employees of the Federal Trade Commission have been, and now are, engaged in socialistic propaganda and in furthering the organization and growth of socialistic organizations.

Does that mean that they are doing this officially?

Mr. WATSON. No.

Mr. HITCHCOCK. That they are doing it as individuals?

Mr. WATSON. Certainly. I do not mean that they are employed for that purpose by the Government.

Mr. HITCHCOCK. This is a private matter which the Senator desires to inquire into?

Mr. WATSON. Precisely; and that they have been doing these things, if my information be correct—and I think it is—while they have been engaged as employees of the Federal Trade Commission in pursuing their official duties.

Mr. HITCHCOCK. I notice that in the second "whereas" the Senator's resolution states:

If Bolshevism, with all that it implies, is to be met and overcome in our country, it must be done by first ousting all its adherents and advocates from public office.

Does the Senator confuse Bolshevism with socialistic beliefs?

Mr. WATSON. Mr. President, I have been for many years a student of socialism. I think I understand its underlying philosophy as advocated by its adherents and those who have espoused its doctrines, from Karl Marx down to the present time. Fundamentally there is no difference between socialism and Bolshevism. I do not care to discuss that proposition, however.

Mr. HITCHCOCK. I have not any objection. I was simply rather surprised that the Senator should appear to confuse Bolshevism with socialistic beliefs.

Mr. WATSON. There is no question about the two being precisely the same, in that fundamentally they believe in the collective ownership of all the means for the creation of wealth, all the means for the distribution of wealth, and all methods of communication. That is the fundamental proposition. I can go into that at length, if the Senator cares to hear it; but it is apart from the object of the resolution.

The VICE PRESIDENT. The Senator from Indiana will proceed.

Mr. WATSON. Mr. President, for some weeks I have been investigating socialism in the various departments of the Government, and I have been astounded at the number of its adherents in office and the very solid manner in which they seem to be intrenched in our governmental affairs. From time to time I may call the attention of the Senate to the number of socialists engaged in the different departments and the methods of their activities, but my present purpose is to deal only with those employed by the Federal Trade Commission.

What I say in support of this resolution is in no wise a defense of the packers. Their activities are being investigated by another committee of this body. If they are guilty, they should receive the punishment they deserve; if they are innocent, they should be exculpated. With that investigation I am not familiar, nor is it my present purpose to discuss it. I mention it only to call attention briefly to the socialistic activities of some of the employees of the Federal Trade Commission

who were chosen to investigate the operation of these corporations.

My theory is that, no matter what business is subject to investigation by the Federal Trade Commission, it is entitled to fair and decent treatment. The agents of the Government should be sent out to investigate and not to persecute. They should impartially collate the facts and transmit them to the Federal Trade Commission in order that that body may come to just conclusions concerning the questions involved. But in these cases that course has not always been pursued.

The following is an extract from the Report of the Federal Trade Commission on the Meat Packing Industry, Summary and Part 1, issued June 24, 1919:

> Walter Y. Durand, who had general charge of the investigation and of drafting the report; Francis J. Heney, who conducted the public hearings of inquiry and the investigation of facts connected therewith; Arthur B. Adams and Basil M. Manly, who assisted Mr. Heney in, respectively, the investigations and the hearings; Stuart Chase and Samuel W. Tator, who had general direction of investigating and accounts; and George A. Stephens, who had charge of the statistical work; and also with Mr. Adams, of the investigation of marketing methods. All the foregoing except Mr. Heney contributed in an important degree to the drafting of one or more parts of the report.
>
> Important aid in the preparation of portions of the report or in the investigation was given by William W. Bays, Vanderveer Custis, John H. Dynes, E. A. Goldenweiser, Earl S. Haines, A. S. Kravitz, William F. Notz, Johann G. Ohsol, Edwin C. Reed, and G. O. Virtue.
>
> Valuable assistance, especially in the field, was also rendered by Nelson M. Barrett, Lewis F. Bond, Robert M. Buck, W. W. Childs, L. T. Cowie, Sam Evans, Everett F. Haycraft, Byford E. Long, Hugh McIsaac, Donald D. Sells, and Walter M. Twombly.

The object is, it will be seen, to acknowledge the services of these men, and to extend the grateful thanks of the Federal Trade Commission to them for the service rendered.

Mr. President, all these employees are not Socialists nor have they been involved in socialistic activities, but some of them have been to a most amazing degree, and it is to them that I desire particularly to direct the attention of the Senate at this time.

My information is that Mr. Stuart Chase, as the above-acknowledgement recites, had general charge in Chicago of all the investigations of the meat-packing industry and supervision of all the investigations of independent packing companies throughout the United States. He was married in 1915 and, together with his wife, spent their honeymoon doing slumming work and making an investigation of a social character in Rochester, N. Y. They collaborated in writing a book called "A Honeymoon Experiment," which plainly shows the socialistic views of each. Since that time he has been a great contributor to magazines and newspapers of a socialistic character, and has written many articles against what he is pleased to call capitalism.

His office at Chicago, the office of the Federal Trade Commission, during the investigation of the meat packers was in the Conway Building and it at once became the center of socialistic activities. He organized and afterwards became the president of the Fabian Club, a society founded for the express purpose of furthering the doctrines of socialism. About him in the Federal Trade Commission headquarters were grouped such men as Victor Berger and Irvin St. John Tucker, both of whom have been indicted and convicted under the espoinage act, and many other extreme socialists, and his office became the rendezvous of a number of men devoted to the destruction of property, the overthrow of government, and the consummation of the ideals of socialism.

He was active in securing the attendance of the employees of the Federal Trade Commission at a meeting at the Coliseum in Chicago at which Victor Berger and other socialists and radicals made inflammatory speeches. He signed and approved a pamphlet called "What Happens in Military Prisons" and also a "Report of the Treatment of Conscientious Objectors at the Camp Funston Guardhouse." The latter pamphlet closes with this appeal:

> Do you not believe that now that the war is over and the ideals for which these men stand, right or wrong, can no longer have an influence upon the military success of this country, that a liberal Government can well afford to be generous with war's heretics? All of these men were usefully employed before the war and longed to serve their country in ways to which their consciences agreed. Is it not poor economy to deny them this privilege?

Under his direction there were issued a series of publications called "Fabian Tracts," all of which breathe the spirit of sedition and intense opposition to existing institutions, both financial and governmental. He was also instrumental in organizing a meeting at the Chicago Theater in January, 1918, at which Lincoln Steffens spoke. That anarchist had just returned from Russia and his address was delivered for the purpose of aiding in the recognition by our Government of Lenin and Trotski.

Chase wrote an article for the New Majority, an extreme radical paper, under date of July 5, 1919, in which he excoriated this Government for having failed to recognize the Russian soviet government.

It can be verified by affidavit that Chase instructed members of the Federal Trade Commission's investigating staff that in the event the figures obtained from the packer's books were not the equivalent of those submitted by the packers in their various financial statements, they should in all cases take the larger figures. In a number of instances it so happened that the figures obtained by the Federal Trade Commission from the packers' books were not as large as those submitted by the various packing companies, and in each case the Federal Trade Commission used the larger figures which would be arrived at by putting back various reserves into profits, thereby inflating the profits, all of which was done upon Chase's positive instructions.

During all of this time the office of the Federal Trade Commission in the Conway Building, under his instructions and with his active consent, became the headquarters of all the active members of the Fabian Club, including such men as Tucker and Berger and the other socialistic members of the Federal Trade Commission.

Samuel W. Tator, who, with Stuart Chase, had general charge of investigations, is well known in socialistic circles. During this time he was an avowed admirer of Lenin and Trotski and frequently expressed his admiration of the soviet government of Russia. He was an active member of the Fabian Club and was pronouncedly against the Allies in the World War. He was an intimate friend of Chase, always met with the other members of the Federal Trade Commission, and to them frequently made the statement that all big business should be confiscated and owned by the Government.

After the armistice was signed he warned his fellow investigators of the Federal Trade Commission that the Washington office had notified the Chicago office to cease all revolutionary activities, stating that if they continued they would get into trouble with the Department of Justice.

My further information is that Mr. A. S. Kravitz, then and now in the employ of the Federal Trade Commission, is a Russian from Riga; that he is a graduate of several universities and is an intellectual socialist of the most radical type. Throughout the war he was intensely pro-German, as his many utterances testify. He has always expressed himself as an ardent admirer of Lenin and Trotski and claims to be a personal friend of Lenin. Frequently he stated to his fellow employees that he was heart and soul for the German cause and on many occasions made the statement that he did not believe in aggregations of wealth or property, and that they should all be taken from the corporations and owned by the Government.

My further information is that Raphael Mallen was born in the United States but raised in Mexico; that he studied for the ministry, and for a time preached, but was afterwards expelled from the church for his socialistic utterances and practices. He was in an Army prison at Camp Grant in the summer and fall of 1917 on account of being a conscientious objector, and secured his release by using his previous training for the church as a pretext. He attended all the Fabian Club meetings and was pronounced in his socialistic utterances. Mr. Mallen has written for various socialistic publications, all of them inveighing against the existing order of things and insisting on a complete change in our social program. He frequently waved a red flag at the meetings of his coemployees of the Federal Trade Commission and always carried the red emblem in his pocket. He openly made the statement that his home in Chicago had been raided several times, and that after the raiders left he brought his socialistic writings to Mr. Chase's headquarters in the Federal Trade Commission office, Conway Building, and boasted that the bags containing these papers and writings were "Government dynamite." He acted in the capacity of statistician and was more seditious in his remarks to the members of the Federal Trade Commission staff than anyone else of that body. He was under constant suspicion by the Government authorities of Chicago, and frequently attended meetings at the Clarion Book Shop, 204 North Clark Street, Chicago, with Chase, Kravitz, Berger, Ohsol, Tator, Buck, Manly, Sorber, Haines, and others seeking socialistic literature.

R. N. Buck is the editor of a radical magazine called the New Majority, which is published in Chicago. It purports to be an organ of the American Federation of Labor and also of the Labor Party of Chicago, but I have no means of knowing whether or not this is true. I suspect its truthfulness, however, because it is far more radical than the utterances of the official organs of the American Federation of Labor.

Buck is a frequent contributor to radical newspapers and magazines, and his articles are always devoted to attacks

upon the rights of property and upon our institutions of government.

My information is that Basil L. Manly was employed for a time by the Federal Trade Commission in Chicago, along with the others whose names I have given and shall give, to investigate packers. He belonged to the Fabian Club, frequently conferred with all the other Socialists in Chase's headquarters, was a constant visitor at the office of the Clarion Book Shop, and was and is a frequent contributor to radical papers.

He wrote an article for the American Labor Yearbook of 1917–18 entitled "Distribution of Railroad Ownership in the United States," assailing individualistic ownership and covertly advocating Government ownership of these utilities. He has published several articles in a paper called Reconstruction that are exceedingly seditious in character. It is fair to say that many of the articles contained in this magazine are patriotic and in no wise seditious, but those by Manly manifest a distinct disposition on his part to overturn the existing order of things; in other words, to bring about a social and political revolution. An article published by him in this magazine, June, 1919, expresses his sentiment on anti-Bolshevistic propaganda and on the incarceration of Eugene Debs in this language:

> There has been, it seems to me, quite recently a decided change in the entire national psychology. A few weeks ago the persecutory mania which had been developed partly as a result of the overstrain of war conditions and partly as a direct result of malicious propaganda reached the climax. The witch-burning fever was at its height. All that was needed was to call some mild-mannered agitator a Bolshevik in order to rally a mob of silk-hatted fanatics ready to consign the innocent victim to the flames or hang him to a lamp-post.
>
> Leagues for the suppression of Bolshevism were being organized every morning by enthusiastic press agents who were out of jobs and saw a chance to shake down the terrified capitalists for a few thousand dollars for "organizing expenses."
>
> Almost every morning the newspapers carried unverified reports that secret service agents had unearthed insidious nation-wide plots to assassinate the President, to establish a Bolshevik government in America, or to do any one of a hundred other fantastic things that the fevered imagination of the particular press agent might conjure up.
>
> The crisis came, I believe, when Eugene Debs was sent to serve his 10-year sentence in the Moundsville Penitentiary. The intense wave of feeling which swept over the country when Debs was sent to prison seems to have brought a realization to many, if not all, the leaders of the forces of reaction that they had gone far enough, and, perhaps, too far.

Manly continued his relations with the Federal Trade Commission in Chicago until their headquarters were closed, after which he was appointed a member of the War Labor Board to succeed Frank P. Walsh, a socialist of as radical a type as himself.

He continued his relations with this board until recently, when he resigned to take a position with the Newspaper Enterprise Association, a publicity association organized by William L. Colver, a member of the Federal Trade Commission.

Johann G. Ohsol was at one time a member of the Russian Duma, afterwards, he says, exiled to Siberia, from which he escaped, he being the second Russian red in the employ of the Federal Trade Commission.

Ohsol is a pronounced socialist, has written frequently for radical newspapers and magazines, and in the Labor Yearbook of 1917–18 published a screed on "Socialism and economic conditions," which clearly sets forth his views with reference to our governmental institutions and to the right of the individual to own and enjoy private property. He is a soviet of the most virulent type, and never fails to express the greatest admiration for Lenin and Trotski.

My information is that Martin L. Sorber is a friend and admirer of Irvin St. John Tucker and Victor Berger. In the issue of the Chicago Socialist of November 16, 1918, there appears an advertisement for a mass meeting on the following Sunday to mark the city's rejoicing over the downfall of the Kaiser. I read a part of it in order to show the character of this publication and the part that Sorber played in the socialistic parade on that occasion:

> It is coming—the Chicago worker's celebration of the coming of peace, the town of socialism, the first anniversary of the Russian soviet republic and the outbreak of the German revolution.
>
> Every socialist in the city will be there. The ward branches will occupy allotted places in the Auditorium, with standards flying.
>
> The same will be true of all the foreign-language organizations, including the recently organized Greek society and an organization of Chinese socialists now in the making.
>
> Seymour Stedman, counsel for the National Socialist Party, who has defended socialists from coast to coast during America's participation in the war, will be on the list of speakers.
>
> Chicago's five indicted socialists, who will be placed on trial Monday, November 25, according to present arrangements, will speak.
>
> First of all Victor L. Berger, socialist Congressman elect, will tell his plans for bringing the socialist program before the next Congress.
>
> J. Louis Engdahl will predict the time when Chicago socialists will take over the Tribune, the official organ of the local plutocracy, just as the German socialists in Berlin took over the Lokal Anzeiger, formerly the Kaiser's favorite paper, rechristening it the Red Flag, and using it to exploit the message of the workers.
>
> Irvin St. John Tucker, now head of the Workers' Institute, will tell how to educate the workers of the Nation to a realization of the real meaning of socialism.
>
> Irvin St. John Tucker is chief marcher of the parade. Martin L. Sorber is chairman of the committee on banners.

This shows the company in which this and other members of the Federal Trade Commission were always found in Chicago.

After the Federal Trade Commission closed its headquarters in the Conway Building, Sorber used the office of Tucker in which to write up his reports to the Federal Trade Commission, he being at that time employed by the commission at the rate of $7 a day to make independent investigations of the so-called "big-five packers in Chicago," and Sorber continued on the pay roll of Irvin St. John Tucker during the time he was making these supplementary investigations as a member of the Federal Trade Commission.

My information is that Daniel A. Kemper was in the employ of the Federal Trade Commission in Chicago; that he belonged to the Fabian Club; that he met with the other socialists at the office of the Clarion Book Shop; that he was open and avowed in his seditious utterances among his fellow employees at Chase's headquarters; and that he was always active in scattering socialistic propaganda. He was with the Federal Trade Commission, be it said to their honor, but three months.

Mr. Earl S. Haines was another one of these employees who was always active in socialistic endeavor. On one occasion he condemned in unmeasured terms the publications of American newspapers regarding the soviet government in Russia, saying that they were not telling the truth about it, but were trying to discredit the movement by telling of riots and bloodshed in that country. He openly asserted that the soviet government in Russia was the greatest government in the world and that he would never be satisfied until we had one like it in America.

My information is that Mrs. Baldwin, who acted in the capacity of accountant and stenographer in the headquarters of the Federal Trade Commission in Chicago, was an anarchist of the most pronounced type. She was always open and vigorous in all her remarks, and at the time the bomb was exploded at the conclusion of the I. W. W. trial by Judge Landis, she exclaimed in the presence of her coemployees, "It served them right." This, too, regardless of the fact that a number of lives were lost.

My information is that an anarchist parade occurred in Chicago after the signing of the armistice in which Stuart Chase, A. S. Kravits, Martin L. Sorber, and Daniel A. Kemper, all members of the Federal Trade Commission, marched until intercepted by the authorities. They all carried red flags and wore red neckties. The procession was broken up by the police authorities and the representatives of the Department of Justice; these four men were taken into custody until their flags were taken from them. On the next day Irvin St. John Tucker telephoned from Chase's office, Federal Trade Commission, to the headquarters of the Department of Justice in Chicago and insisted on the return of the flags thus captured, and the numerous socialist employes of the Federal Trade Commission at that time were loud in their denunciation of the act of the authorities in breaking up the parade and seizing the flags.

Mr. President, I am by nature a conservative. This makes me cautious in making charges based upon mere rumors or idle gossip. I have not done so in this instance, and I believe that, if the Senate will order the investigation for which my resolution asks, every assertion I have made can and will be substantiated.

We introduce many resolutions in this body on Bolshevistic activities, but nothing results. We talk much but do little, and yet all believe that something must be done to overcome the socialistic tendency of the time, and especially to prevent socialists from seizing the reins of government.

Senators, if socialists and anarchists are recognized in official life, they will not be condemned in private life. If they are fostered and protected by the Government, they will flourish in business and industrial institutions, and we will not succeed in overcoming the Bolshevistic tendency of the day unless we oust from office every red radical holding a place under the Government.

Men sent out by the Federal Trade Commission should be investigators and not persecutors; they should impartially find the facts and should fearlessly report them. Men ought not be selected to represent the Government who are against all government. We had as well choose atheists to reform the principles of the church. Men who are opposed to our existing institutions should never be chosen to protect them, and no agency of the Government bent on the enforcement of the laws has a right to select as its representatives those who are opposed to all law and hostile to all government. These acts are subversive of the very foundations of government, and should the practice continue will inevitably result in its overthrow.

If my information be correct, the headquarters of the Federal Trade Commission in Chicago during the time they were open were centers of sedition and anarchy from which radiated the most baleful influence. If men in the Government employ scatter dragon's teeth and sow the seeds of discord, how can we condemn the man on the street or in the office or in the shop for following their advice and emulating their example The place to begin reform is where the evil does the greatest harm and works the greatest destruction, and that is in the departments of government.

I shall not pursue this further to show you the activities of some of the other employees of the Federal Trade Commission in Chicago at that time, but I trust I have mentioned enough to demonstrate that that office was, during all that period, a center of radicalism, a nesting place for socialists, a spawning ground for sovietism, and that, while professing to investigate business with a view to eradicating its evil features, they constantly plotted for the destruction of the business they were charged to investigate and for the confiscation and collective ownership of all the means for the creation and the distribution of wealth.

If these charges be true, and on my responsibility as a Senator I charge that my information warrants the belief that they are, these facts should be known to the people. If they can be substantiated, the business world has a right to know the character of the investigation to which they may be subjected, and the people have the right to be informed as to the misfeasance and malfeasance of their public servants; Congress has the right to know who appointed men of that type to official positions, not alone that they may oust all those who have so outraged the trust imposed in them, but that they may also call to a speedy account the men responsible for their selection.

I ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. It will be so referred. Morning business is closed. The calendar under Rule VIII is in order.

SHORTAGE OF SUGAR.

Mr. DIAL. Mr. President, I noticed in the papers yesterday that the Harriman National Bank, of New York City, had inserted a paid advertisement in some paper stating that the shortage of sugar was caused by "inefficient Washington." We know that there is a great strike in New York and some 40,000 longshoremen have shipping and handling of freight tied up. So it seems to me that if this national bank, which receives its existence from the Government and is acting under a charter of the Government, would endeavor to settle the strike in their own city, in order that a large quantity of produce there, which is going to waste, could be saved, that they would be doing a much better service than taking the stockholders' money illegally and unlawfully and trying to encourage unrest and dissatisfaction in the country. A bank is chartered to do a banking business. It is not chartered to misrepresent or vilify the Government, and I feel that this is nothing less than a misappropriation of funds, and that their charter should be revoked. If anybody has any respect for themselves or respect for their posterity, they should stop encouraging unrest in this country and allow our conditions to become normal. We would not expect a bank to encourage anything of that sort at least. We are told that there is plenty of sugar in New York if it could be handled.

CALLING OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McLean	Sheppard
Ball	Gronna	McNary	Shields
Bankhead	Harding	Myers	Smith, Ga.
Borah	Harris	Nelson	Smith, Md.
Capper	Harrison	New	Smoot
Chamberlain	Henderson	Newberry	Spencer
Colt	Hitchcock	Norris	Sterling
Culberson	Jones, N. Mex.	Nugent	Sutherland
Cummins	Jones, Wash.	Overman	Swanson
Curtis	Kendrick	Owen	Thomas
Dial	Keyes	Page	Trammell
Dillingham	King	Penrose	Underwood
Elkins	Lenroot	Phipps	Walsh, Mont.
Fletcher	Lodge	Pittman	Warren
France	McCormick	Poindexter	Watson
Gay	McCumber	Pomerene	
Gerry	McKellar	Ransdell	

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained by illness in their families. The Senator from Massachusetts [Mr. WALSH] is absent on account of the illness of a member of his family. The senior Senator from Arkansas [Mr. ROBINSON], the Senator from California [Mr. PHELAN], the Senator from Mississippi [Mr. WILLIAMS], and the junior Senator from Arkansas [Mr. KIRBY] are absent on official business. The Senator from Missouri [Mr. REED], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Delaware [Mr. WOLCOTT] are detained from the Senate on public business.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present. The calendar under Rule VIII is in order.

THE CALENDAR.

The first business announced on the calendar was the resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world.

Mr. ASHURST. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

The Secretary proceeded to read the bill.

Mr. KING. I object to the consideration of that bill, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1369) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. ASHURST. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. KING. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1273) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. JONES of Washington. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and

Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1448) for the relief of Jacob Nice was announced as next in order.

The Secretary proceeded to read the bill.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy was announced as next in order.

Mr. KING. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

ELIZABETH MARSH WATKINS.

The bill (S. 1194) for the relief of Elizabeth Marsh Watkins was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500, to compensate Elizabeth Marsh Watkins, of Wakpala, S. Dak., for permanent bodily injuries sustained by her on the 9th day of November, 1908, at the Government Indian school at Flandreau, S. Dak.

Mr. KING. Mr. President, I should like to ask the Senator from South Dakota something about this bill. Upon what foundation does it rest?

Mr. STERLING. This bill has already once passed the Senate, and I can say to the Senator from Utah that I think it a most meritorious measure. This Indian girl was attending the Indian school at Flandreau, S. Dak. She was engaged in work in the laundry; the machinery with which she had to work was defective, according to the statement of the superintendent of the school, and she received a permanent injury so that the fingers of her hand are useless, and she is, one might say, a physical wreck from that injury.

Mr. KING. Will the Senator permit an inquiry?

Mr. STERLING. Yes.

Mr. KING. Is there any fund in the Indian Bureau with which to meet claims of this character?

Mr. STERLING. I do not think there is.

Mr. KING. My information is that there is a fund set aside in some branch of the Indian Service to meet claims of this character.

Mr. STERLING. It is not my understanding that there is any such fund. If the Senator will refer to the report of the committee, he will find there affidavits of physicians and surgeons who have examined this girl.

Mr. KING. Let me ask the Senator another question. Does the Senator think it wise to give this sum directly to the Indian girl? The report does not seem to indicate her age.

Mr. STERLING. I most certainly do. Where a person is attending a Government school, as this young girl was, and while doing work for the Government in the laundry is injured because of defective machinery in the laundry, the Government ought to afford compensation.

Mr. KING. The Senator does not understand my question. The point was whether the appropriation ought to be made directly to this young Indian girl or whether or not it ought to go to some guardian ad litem or general guardian.

Mr. STERLING. The girl is now married, and I see no objection to it going directly to her.

Mr. KING. If the person is competent to handle the fund, I have no objection at all.

Mr. STERLING. She is.

Mr. KING. But it seems to me if the beneficiary were a person of immature years the money ought to go to a guardian, so that it could be handled under direction of the court and not be misapplied or wasted.

Mr. STERLING. Intellectually she is a very bright woman.

Mr. LENROOT. Mr. President, I should like to ask the Senator if any portion of this fund will go for attorney's fees?

Mr. STERLING. I do not think any of it will go for attorney's fee, I will say to the Senator from Wisconsin. She made her own application; this bill was introduced directly here. I know of no attorney in the case, and I do not think there is any attorney or that she has ever had an attorney.

Mr. KING. I submit to the Senator, would it not be a good idea to provide that the entire amount shall go to her and not any portion of it to any attorney or agent?

Mr. STERLING. I do not think there is any danger of that. If I thought there was I would be willing so to provide; but I do not believe she ever had an attorney. The husband of the woman and the woman herself have both seen me, and I do not think there is any such danger.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2377) to amend section 1 of the act approved July 17, 1916, known as the Federal farm-loan act, so as to provide for the payment of the expenses of the Federal Farm Loan Board and employees by the Federal land banks and joint-stock land banks, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

Mr. SMOOT. Mr. President, I just want to make a statement, and then I shall not object to the bill going over.

All that this bill means is this: In the past the expenses of the Federal farm-loan banks, amounting to $143,000 per year, have been paid by the Government. This bill provides that the banks themselves shall pay that expense. It is recommended by the Secretary of the Treasury, and nobody holds for a minute that the expense of maintaining the banks should not be paid by the banks themselves.

Mr. WALSH of Montana. Mr. President, I will state that I merely desire an opportunity to look into the bill, and that is the reason why I ask that it go over on this call of the calendar. I do not mean to say that I shall be opposed to it later.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 56) to enable the United States to participate in the work of the International Aircraft Standards Commission, was announced as next in order.

Mr. WALSH of Montana. In the absence of the chairman of the Military Affairs Committee, I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 1199) to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 172) for the selection of a special committee to investigate the administration of the Office of the Alien Property Custodian was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2902) to amend section 5182, Revised Statutes of the United States, was announced as next in order.

Mr. SMOOT. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2978) to establish additional fish-cultural subsidiary stations in the State of Michigan was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SISSETON AND WAHPETON BANDS OF SIOUX INDIANS.

The bill (S. 126) conferring jurisdiction on the Court of Claims to permit the Yankton and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 33731), and to hear, determine, and render judgment in said action in claims of Yankton and Cuthead Bands of Sioux Indians against the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 3, after the word "the," to strike out the word "Yankton" and insert "Yanktonai"; on line 6, page 1, to make the same amendment; on page 2, lines 5, 9, 12, 15, and 19, and on page 3, line 16, to make the same amendment, so as to make the bill read:

Be it enacted, etc., That the Yanktonai and Cuthead Bands of Sioux Indians may intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States, and that all claims of whatsoever nature which the Yanktonai and Cuthead Bands of Sioux Indians may have or claim to have against the United States shall be submitted in said above-named action to the Court of Claims, with due right to appeal to the Supreme Court of the United States by any party for the amount due or claimed to be due said Yanktonai and Cuthead Bands from the United States under any treaties or laws of Congress, and to establish that the claims presented in said action are

not due to the said Sisseton and Wahpeton Bands of Sioux Indians, but that the same are due to the said Yanktonai and Cuthead Bands of Sioux Indians, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said Yanktonai and Cuthead Bands of Sioux Indians against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Yanktonai and Cuthead Bands of Sioux Indians, and to enter judgment; and in determining the amount to be entered herein, the court shall deduct from any sums found due said Yanktonai and Cuthead Bands of Sioux Indians any and all gratuities paid said bands or individual members thereof subsequent to March 3, 1863: *Provided*, That in determining the amount to be entered herein, the value of the land involved shall not exceed the value of such land on March 3, 1863. If any such question is submitted to said court, it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition in intervention, which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, and oral testimony, depositions, and sworn statements by members of said bands of Indians may be used as evidence. Whatever moneys may be found due the Yanktonai and Cuthead Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided further*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction on the Court of Claims to permit the Yanktonai and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 33731), and to hear, determine, and render judgment in said action in claims of Yanktonai and Cuthead Bands of Sioux Indians against the United States."

LANDS IN CROW RESERVATION, MONT.

The bill (S. 193) to cancel the allotment of Little Bear, deceased Indian of the Crow Reservation, Mont., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to cancel the allotment of Little Bear, deceased, Crow allottee No. 1654, covering the north half of the south half of section 14, township 7 south, range 35 east, Montana meridian, containing 160 acres.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator from Kansas the purpose of these bills. Is it to compel the Government of the United States to make payment out of the Treasury of the United States or to make payment for certain claims which may be established out of funds belonging to Indian tribes?

Mr. CURTIS. This is a claim against the Government of the United States, and permits the Government to set up any set-off it may have. It is a bill introduced by the Senator from Oklahoma [Mr. OWEN], and it might go over until he is here if the Senator objects. I suggest that it go over until the Senator from Oklahoma arrives.

The VICE PRESIDENT. The bill will be passed over.

IRRIGATION SYSTEMS ON THE BLACKFEET RESERVATION, MONT.

The bill (S. 1329) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to expend the sum of $5,944.93 from any money now available for construction of irrigation systems on the Blackfeet Reservation, in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands, and of their right to select lieu land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., pp. 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

Mr. SMOOT. Mr. President, I take it for granted that this is a reimbursable fund or appropriation; is it not?

Mr. CURTIS. It is reimbursable, like all other irrigation funds. This bill is simply to get this additional land that is needed in carrying out the project. The bill was introduced by the Senator from Montana [Mr. WALSH].

Mr. SMOOT. Is this project to benefit the Indian lands, or the Indian lands and those of the white settlers as well?

Mr. CURTIS. My recollection is that it embraces both. I will ask the Senator from Montana if that is not so?

Mr. SMOOT. Can the Senator from Montana tell me what proportion of each is benefited?

Mr. WALSH of Montana. This is purely an Indian reservation project. The original project contemplated the irrigation of quite a body of lands outside of the reservation; but the work has never been extended to those, and they were thrown open to public settlement some time ago. I may say to the Senator, however, that the settlers are now appealing to the Government to rescind the order heretofore made and to include the lands outside; but up to the present time nothing has been done, and all the expenditures have been made within the reservation.

Mr. SMOOT. And wholly on Indian lands?

Mr. WALSH of Montana. Yes. I wish the Senator to understand that the original survey included the lands outside as well as the lands inside.

Mr. SMOOT. I understood the Senator to say that.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL AIRCRAFT STANDARDS COMMISSION.

Mr. WADSWORTH. Mr. President, I am given to understand that in my absence a few moments ago a request was made that Senate joint resolution 56 be passed over. I believe the request was made by the Senator from Montana [Mr. WALSH].

Mr. WALSH of Montana. Yes, Mr. President. I merely desired that such an important matter should not be taken up in the absence of the chairman of the Committee on Military Affairs, thinking that he might be able to give us some information concerning it.

Mr. WADSWORTH. Is it in order to return to that joint resolution at this time and ascertain if there is objection to its consideration?

The VICE PRESIDENT. Without objection, that may be done. Is there any objection?

Mr. WALSH of Montana. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 56) to enable the United States to participate in the work of the International Aircraft Standards Commission, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the resolving clause and to insert:

That the President of the United States be, and he is hereby, authorized to appoint, upon the recommendation of a committee consisting of the Secretary of War, the Secretary of the Navy, the Postmaster General, and the Secretary of Commerce, delegates to the International Aircraft Standards Commission, at least two of whom shall be officers of the aeronautical, technical, or engineering staffs of the War Department and the Navy Department; to give official approval of the purposes, rules of procedure of said commission, and to publish its recommendations from time to time as he may deem advisable; and to appoint members of advisory committees of the commission and members of the National Aircraft Standards Committee, upon the recommendation of the committee heretofore designated to recommend the appointment of delegates to the International Aircraft Standards Commission.

SEC. 2. That for the current fiscal year the actual and necessary expenses of delegates to the International Aircraft Standards Commission, or authorized agents on special duty, at home or abroad, for standardization purposes, including the sum of $1,000 for the payment of the proportionate share of the United States in the maintenance of the central office of the International Aircraft Standards Commission, and not exceeding in the aggregate $6,000, shall be paid from any other funds in the Treasury not otherwise appropriated upon certificates of the Secretary of War that the expenditures are necessary for the study of the development of aircraft production for military purposes.

Mr. WALSH of Montana. Mr. President, will the Senator from New York tell us what the International Aircraft Standards Commission is?

Mr. WADSWORTH. Mr. President, this matter has been pending for several months. It seems, if my recollection is correct, that shortly before the close of hostilities the allied Governments—especially England, France, Italy, Canada, and the

United States—agreed to establish an International Aircraft Standards Commission in order to make an effort to standardize certain technical terms, to standardize certain articles of equipment which are already in common use, and with respect to which there is no longer any dispute as to their value. The whole matter, I may say to the Senator from Montana, is exceedingly technical.

A meeting of the commission was called for last June. Unfortunately the United States could not be represented at the meeting, because the Congress had not authorized the sending of delegates for such a purpose. The meeting was postponed by the other powers in order to give the United States a chance to authorize the sending of delegates; and since last June the meeting has been successively postponed several times, until I may say that to-day the situation has become exceedingly embarrassing. We must either decide that we shall take advantage of this forum for the discussion of the technical matters connected with aviation or that we shall not take advantage of it. In other words, the other Governments can not be expected to wait much longer.

Every person with whom we have discussed the matter in the Military Affairs Committee states that America has everything to gain and nothing to lose by becoming a member of this international commission. The fact is, several of the other nations are far ahead of us in the development of aviation. If we can only have our delegates meet with these other people from time to time and absorb some of the knowledge and experience that the others have and bring it back here it will do our aviation a lot of good; and, in fact, the War Department and the Navy Department and all branches of the Government interested in aviation are exceedingly anxious that the United States should take part in this movement.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. WADSWORTH. Certainly.

Mr. KING. Do I understand that the various Governments are perfectly willing to reveal to each other all of the improvements which they have made in mechanical devices connected with aircraft, and to reveal all of the information which they have obtained relative to the development in aircraft production?

Mr. WADSWORTH. I am not certain that each and every Government is willing to reveal everything it knows; but it is not for the purpose of exchanging secrets now that the war is over. The first purpose of it was to enable each of the Allies to understand what the others were doing; but from now on it is apparent that this flying game, if I may call it such, is to grow into tremendous proportions, and it is the desire of these Governments, and the desire of the authorities of the United States, to confer one with the other as to the standardization of technical terms, the standardization of tests of strength and safety, so that when a Frenchman discusses these technical matters he will discuss them in terms which can be understood by an American technical man. That is the real purpose of the commission. I think it is one of great value, and that we ought to take advantage of it.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Military Affairs reported an amendment to strike out the preamble, and the amendment was agreed to.

INDIAN LAND PATENTS IN MONTANA.

The bill (S. 2282) canceling Indian trust patents Nos. 307319 and 366449 was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized and directed to cancel Indian trust patent No. 307319, issued to John Baptiste Martell for the northeast quarter of section 27, township 31 north, range 55 east, Great Falls land district, Montana, said trust patent having been issued on Turtle Mountain Indian selection No. 38.

SEC. 2. That the trust patents heretofore issued to members of the Turtle Mountain Band of Chippewa Indians born after October 8, 1904, the date the act of April 21, 1904 (33 U. S. Stats L., p. 194), was ratified and accepted by said Indians, be, and the same are hereby, confirmed, said trust patents to continue and be held in all respects of the same force and effect and subject to all the conditions and restrictions attached to trust patents issued to other members of said band.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill canceling Indian trust patent No. 307319, and to confirm patents issued to certain members of the Turtle Mountain Band of Chippewa Indians, and for other purposes."

SCHOOL LAND IN MONTANA.

The bill (S. 2709) authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Wakea town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each township on said reservation for school purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment on page 2, line 9, after the word "purposes," to insert the following proviso:

Provided, That Indian children residing in such school districts shall at all times be received in schools used and maintained for public-school purposes in the town sites covered by this act on equal terms with white children.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to school district No. 8 of Sheridan County, Mont., for block 1, in Wakea town site, in the former Fort Peck Indian Reservation, Mont., upon filing its application therefor, said block to be used and maintained for public-school purposes.

SEC. 2. That the Secretary of the Interior is authorized and directed to set apart for public-school purposes not exceeding one block of unappropriated land in each town site, in the former Fort Peck Indian Reservation, Mont., created under the act approved May 30, 1908 (35 Stats., p. 558), and to cause patents to be issued therefor to the school districts within such town sites, respectively, upon their filing application therefor, such lots or blocks to be used and maintained for public-school purposes: *Provided*, That Indian children residing in such school districts shall at all times be received in schools used and maintained for public-school purposes in the town sites covered by this act on equal terms with white children.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Wakea town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each town site on said reservation for school purposes."

LAND AT FOREST GROVE, OREG.

The bill (H. R. 446) authorizing the Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the United States of America for the use of the Bureau of Entomology, Department of Agriculture, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to transfer all right, title, and interest in fractional block 6 of Naylor's addition to the city of Forest Grove, in Oregon, to the United States of America for the use of the Bureau of Entomology, Department of Agriculture.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACTIONS FOR DEATH ON HIGH SEAS.

The bill (S. 2085) relating to the maintenance of actions for death on the high seas and other navigable waters was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, to strike out the words "on any navigable waters of the Panama Canal Zone"; on page 2, line 16, after the words "as offered," to insert a new section, as follows:

SEC. 4. That whenever a right of action is granted by the law of any foreign State on account of death by wrongful act, neglect, or fault, occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding.

On page 2, line 24, after "SEC.," to strike out the numeral "4" and insert "5"; on page 3, line 7, to strike out the numeral "5" and insert the numeral "6"; on line 12, to strike out the numeral "6" and insert the numeral "7"; on line 17, after the words "of any State," to insert "or to any navigable waters in the Panama Canal Zone"; and, on line 19, to strike out the numeral "7" and insert the numeral "8," so as to make the bill read:

Be it enacted, etc., That whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

SEC. 2. That the recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

SEC. 3. That such suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until 90 days after a reasonable opportunity to secure jurisdiction has offered.

SEC. 4. That whenever a right of action is granted by the law of any foreign State on account of death by wrongful act, neglect, or fault, occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding.

SEC. 5. That if a person die as the result of such wrongful act, neglect, or default as is mentioned in section 1 during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this act for the recovery of the compensation provided in section 2.

SEC. 6. That in suits under this act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly.

SEC. 7. That the provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this act as to causes of action accruing within the territorial limits of any State. Nor shall this act apply to the Great Lakes or to any waters within the territorial limits of any State or to any navigable waters in the Panama Canal Zone.

SEC. 8. That this act shall not affect any pending suit, action, or proceeding.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD NATION OF INDIANS.

The bill (S. 2454) for the relief of certain members of the Flathead Nation of Indians, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That during the period of one year from and after the approval of this act the Secretary of the Interior is hereby authorized, under existing law and under such rules and regulations as he may prescribe, to make allotments on the Flathead Reservation, Mont., to all unallotted, living children enrolled with the tribe, enrolled or entitled to enrollment: *Provided*, That such allotments be made from any unallotted or unsold lands within the original limits of the Flathead Indian Reservation, including the area now classified and reserved as timber lands, cut-over lands, burned or barren lands thereon; and patents issued for allotments hereunder for any lands from which such timber has not been cut and marketed shall contain a clause reserving to the United States the right to cut and market, for the tribal benefit, as now authorized by law, the merchantable timber on the lands so allotted: *Provided further*, That when the merchantable timber has been cut from any lands allotted hereunder the title to such timber as remains on such lands will thereupon pass to the respective allottees, and the Secretary of the Interior is hereby directed to withhold from sale or entry all lands unsold and unentered within the said reservation at the date of the passage of this act until allotments hereunder have been completed. All acts or parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROW INDIAN RESERVATION LANDS.

The bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be allotted the surveyed lands and such unsurveyed lands as lie north of the line between townships 5 and 6 south, together with such unsurveyed lands contiguous to those now surveyed and within 2 miles therefrom as the commission hereinafter provided for may find to be suitable for allotment, within the Crow Indian Reservation in Montana, not herein reserved as hereinafter provided, among the members of the Crow Tribe, as follows, namely, 160 acres to the heirs of every enrolled member, entitled to allotment, who died unallotted after December 31, 1905, and before the passage of this act; next, 160 acres to every allotted member living at the date of the passage of this act who may then be the head of a family and has not received allotment as such head of a family; and thereafter to pro rate the remaining unallotted allotable lands and allot them so that every enrolled member living on the date of the passage of this act and entitled to allotment shall receive in the aggregate an equal share of the allotable tribal lands for his total allotment of land of the Crow Tribe. Allotments made hereunder shall vest title in the allottee subject only to existing tribal leases, which leases in no event shall be renewed or extended by the Secretary of the Interior after the passage of this act, and shall, as hereinafter provided, be evidenced by patents in fee to competent Indians, except as to homesteads as hereinafter provided, but by trust patent to minors and incompetent Indians, the force and legal effect of the trust patents to be as is prescribed by the general allotment act of February 8, 1887 (24 Stats., p. 388). Priority of selection, up to 320 acres, is hereby given to the members of the tribe who have as yet received no allotment on the Crow Reservation, and thereafter all members enrolled for allotment hereunder shall in all respects be entitled to equal rights and privileges, as far as possible, in regard to the time, manner, and amount of their respective selections: *Provided*, That Crow Indians who are found to be competent may elect, in writing, to have their allotments, except as herein provided, patented to them in fee. Otherwise trust patents shall be issued to them. No patent in fee shall be issued for lands of a husband unless the wife joins in the application, who shall be examined separately and apart from her husband, and a certificate of the officer taking her acknowledgment shall fully set forth compliance with this requirement.

SEC. 2. No conveyance of land by any Crow Indian shall ever be authorized or approved by the Secretary of the Interior to any person who owns at least 640 acres of land within the present boundaries of the Crow Indian Reservation, and any conveyance by any such Indian made either directly or indirectly to any such person of any land within said reservation as the same now exists, whether held by trust, patent, or by patent in fee, shall be void, and the grantee accepting the same shall be deemed guilty of a misdemeanor and be punished by a fine of not more than $5,000 or imprisonment not more than six months, or by both such fine and imprisonment.

SEC. 3. That the Secretary of the Interior shall, as speedily as possible, after the passage of this act, prepare a complete roll of the members of the Crow Tribe who died unallotted after December 31, 1905, and before the passage of this act; also a complete roll of the allotted members of the tribe who at the date hereof are living and are heads of families but have not received full allotments as such; also a complete roll of the unallotted members of the tribe living six months after the approval of this act who are entitled to allotments. Such rolls, when completed, shall be deemed the final allotment rolls of the Crow Tribe, on which allotment of all tribal lands and distribution of all tribal funds existing at said date shall be made. The rolls shall show the English as well as the Indian name of the allottee; the age, if living; the sex; whether declared competent or incompetent; the description or descriptions of the allotments; and any other fact deemed by the Secretary of the Interior necessary or proper. Said rolls shall be completed within one year after the approval of this act.

SEC. 4. That any names found to be on the tribal rolls fraudulently may, upon request of the tribal council, at any time within one year from the passage of this act, be stricken therefrom by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, after giving all parties in interest a full opportunity to be heard in regard thereto; and any allotment made to such fraudulent allottee shall be canceled and shall then be subject to disposition under the provision of this act: *Provided*, That nothing herein contained shall be construed to deprive any such persons of the protection in the premises provided under existing law.

SEC. 5. That such of the unallotted lands as are now used for agency, school, cemetery, or religious purposes shall remain reserved from allotment so long as such agency, school, cemetery, or religious institutions, respectively, are maintained for the benefit of the tribe: *Provided*, That the Secretary of the Interior, upon the request of the tribal council, is hereby authorized and directed to cause to be issued a patent in fee to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on the reservation for such lands thereon as have been heretofore set aside and are now occupied by such organizations for missionary or school purposes: *Provided further*, That not more than 640 acres may be reserved for administrative purposes at the Crow Agency, and such lands shall be definitely described and made a matter of record by the Indian Office.

SEC. 6. That any and all minerals, including oil and gas, on any of the lands to be allotted hereunder are reserved for the benefit of the members of the tribe in common and may be leased for mineral purposes, upon the request of the tribal council under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, but no lease shall be made for a longer period than 10 years, but the lessees shall have the right to renewal thereof for a further period of 10 years upon such terms and conditions as the Secretary of the Interior may prescribe: *Provided, however*, That allotments hereunder may be made of lands classified as valuable for coal or other minerals which may be patented as herein provided with a reservation, set forth in the patent, of the coal, oil, gas, or other mineral deposits for the benefit of the Crow Tribe: *And provided further*, That at the expiration of 50 years from the date of approval of this act the coal, oil, gas, or other mineral deposits upon or beneath the surface of said allotted lands shall become the property of the individual allottee or his heirs.

SEC. 7. That there is hereby appropriated the sum of $50,000, or so much thereof as may be necessary, from any funds in the Treasury of the United States to the credit of the Crow Tribe of Indians not otherwise appropriated, for the purpose of making the surveys and allotments and for other expenses provided for herein.

SEC. 8. That any allotment or part of allotment provided for under this act, irrigable from any irrigation system now existing or hereafter constructed by the Government on the said reservation, shall bear its pro rata share, computed on a per acre basis, of the cost of constructing such system: *Provided*, That no additional irrigation system shall be established or constructed on the Crow Reservation until the consent of the tribal council thereto has been duly obtained. All charges against allotments authorized by this section may be reimbursed in not less than 20 annual payments, and the Secretary of the Interior may fix such operation and maintenance charges against such allotments as may be reasonable and just, to be paid as provided in rules and regulations to be prescribed by him. Unless otherwise paid, these latter charges may be paid from or made a charge upon his individual share of the tribal fund when said fund is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against his land has been paid, such unpaid amount shall become and be a lien upon his allotment, of which a record shall be kept in the office of the superintendent of the reservation at the agency; and should any Indian sell any part of his allotment, with the approval of the Secretary of the Interior, the amount of such unpaid charges against the land so sold shall remain a first lien thereon, and may be enforced by the Secretary of the Interior by foreclosure as a mortgage. All expenditures for irrigation work on the Crow Reservation, Mont., heretofore or hereafter made, are hereby declared to be reimbursable under such rules and regulations as the

Secretary of the Interior may prescribe, and shall constitute a lien against the land benefited, regardless of ownership, and including all lands which have heretofore been sold or patented. All patents or other instruments of conveyance hereafter issued for lands under any irrigation project of the said Crow Indian Reservation, whether to individual Indians or to purchasers of Indian land, shall recite a lien for repayment of the irrigation charges, if any, remaining unpaid at the time of issuance of such patent or other instrument of conveyance, and such lien may be enforced or, upon payment of the delinquent charges, may be released by the Secretary of the Interior. In the case of lands under any project purchased in the bona fide belief on the part of the purchaser that by his purchase he acquired a right to have water from the system for the irrigation of the land purchased by him in the same manner as the Indian owner, the Secretary may, after notice to the Indians interested, determine the value of the land at the time of the purchase from the Indians, and give to the purchaser or his assigns credit on the charge for construction against the land to the amount of the difference between the price paid and the value as so determined, and shall withhold for the benefit of the tribe from the Indian or Indians of whom the purchase was made, an equal amount from any funds which may be due or distributable to them hereunder. Delivery of water to such land may be refused, within the discretion of the Secretary of the Interior, until all dues are paid: *Provided*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest until the owner of the land to be irrigated shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as may be deemed reasonable and proper for making effective the foregoing provisions: *Provided, however*, That in no case shall any allottee be required to pay either construction, operation, or maintenance charges for such irrigation privileges, or any of them, until water has been actually delivered to his allotment: *Provided further*, That the Secretary of the Interior shall cause to be made immediately, if not already made, an itemized statement showing in detail the cost of the construction of the several irrigation systems now existing on the Crow Indian Reservation separately, the same to be placed at the Crow Agency and with the Government farmers of each of the districts of the reservation for the information of the Indians affected by section 7 of this act.

SEC. 9. That lands within said reservation, whether allotted, unallotted, or otherwise disposed of, shall be subject to all laws of the United States prohibiting the introduction of intoxicating liquors into the Indian country until otherwise provided by Congress.

SEC. 10. That any unallotted lands on the Crow Reservation chiefly valuable for the development of water power shall be reserved from allotment or other disposition hereunder, for the benefit of the Crow Tribe of Indians: *Provided*, That such lands shall not be leased or otherwise disposed of without the consent of the tribal council.

SEC. 11. That so much of article 3 of the act of April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect" (33 Stat., p. 353), as relates to the disposition of the trust funds of the tribe at the expiration of the 15-year period named in the act; to the purchase of cattle; to the distribution of cattle among the Indians of the reservation; to the purchase of jackasses, stallions, and ewes; to the building of fences; the erection of schoolhouses and hospitals; the purchase of additional cattle or sheep; the construction of ditches, dams, and canals; and to the establishment of a trust fund for the benefit of the Crow Indians thereunder, be, and the same is hereby, repealed: *Provided*, That all remaining trust funds arising under the terms of said agreement, or otherwise, with such interest thereon as may now be due, shall be set aside and draw interest at the rate of 4 per cent per annum until the same are distributed as provided by law: *Provided further*, That the Secretary of the Interior is hereby authorized to permit competent Indians who have received patents in fee, and other Indians who have demonstrated their ability to properly care for live stock, to withdraw their pro rata share of cattle out of the tribal herd within one year after the approval of this act, under such rules and regulations as the Secretary of the Interior may prescribe and on condition that said Indians shall execute a stipulation relinquishing all their right, title, and interest in said tribal herd thereafter: *Provided further*, That any Indian who has received his share of stock in accordance with the above provision and who has also demonstrated his ability to properly care for and handle live stock may also be permitted to withdraw the pro rata shares of his wife and minor children under the same rules and regulations as applied to the stock already issued to him, and on condition that such cattle be branded with the individual brands of his wife and minor children, which shall be recorded in the names of the respective members of his family. It shall be the duty of the superintendent of the Crow Reservation to observe closely the manner in which such stock are handled and cared for, and in case of failure or neglect to properly care for the same the Secretary of the Interior is authorized to take charge of such shares and sell them for the benefit of the individual owners, to whose credit the proceeds of the sale shall be placed, or return them to the tribal herd or handle them with tribal cattle for the minor or incompetent owners and charge a fee to cover the cost of caring for them.

SEC. 12. That upon the approval of this act the Secretary of the Interior shall forthwith appoint a commission consisting of three persons to complete the enrollment of the members of the tribe as herein provided for, and to divide them into two classes, competents and incompetents, said commission to be constituted as follows: Two of said commissioners shall be enrolled members of the Crow Indian Tribe and shall be selected by a majority vote of three delegates from each of the districts on the Crow Reservation; and one commissioners shall be a representative of the Department of the Interior, to be selected by the Secretary of the Interior. Said commission shall be governed by regulations prescribed by the Secretary of the Interior, and the classification of the members of the tribe hereunder shall be subject to his approval. That within 30 days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman. That said commissioners shall then proceed personally to classify the members as above indicated. They shall be paid a salary of not to exceed $10 per day each, and necessary expenses while actually employed in the work of making this classification, exclusive of subsistence, to be approved by the Secretary of the Interior, such classification to be completed within six months from the date of organizing the commission.

SEC. 13. That every member of the Crow Tribe shall designate as a homestead 640 acres, already allotted or to be allotted hereunder, which homestead shall remain inalienable for a period of 25 years from the date of issuance of patent therefor, or until the death of the allottee: *Provided*, That the trust period on such homestead allotments of incompetent Indians may be extended in accordance with the provisions of existing law: *Provided further*, That any Crow Indian allottee may sell not to exceed 320 acres of his homestead, upon his application in writing and with the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe: *And provided further*, That said land to be sold by said Indian allottee shall not exceed more than one-half of his irrigable nor more than one-half of his agricultural land and shall not include the improvements consisting of his home.

SEC. 14. That exchanges of allotments by and among the members of the tribe may be made under the supervision of the Secretary of the Interior with a view to enabling allottees to group their allotted lands on the Crow Reservation, but always with due regard for the value of the lands involved. And in cases where patents have already been issued for such allotments proper conveyance shall be made back to the United States by the allottee, whereupon the land shall become subject to disposition in the same manner as other lands under the provisions of this act.

SEC. 15. That the Secretary of the Interior be, and he is hereby, authorized to sell allotted and inherited Indian land held in trust by the United States on the Crow Reservation, Mont., with the consent of the Indian allottee or the heirs, respectively, to any soldier, seaman, or marine who served under the President of the United States for 90 days during the late war against the Imperial German Government or in any war in which the United States was engaged with a foreign power, or in the Civil War, who will actually settle on said land, on annual payments covering a period not to exceed 20 years, as may be agreed upon under such rules, regulations, and conditions as the said Secretary of the Interior may prescribe and in accordance with the provisions of this act.

SEC. 16. That there is hereby granted to the State of Montana for common-school purposes sections 16 and 36, within the territory described herein, or such parts of said sections as may be nonmineral or nontimbered, and for which the said State has not heretofore received indemnity lands under existing laws; and in case either of said sections or parts thereof is lost to the State by reason of allotment or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral, nontimbered lands within said reservation, not exceeding two sections in any one township. The United States shall pay the Indians for the lands so granted $5 per acre, and sufficient money is hereby appropriated out of the Treasury of the United States not otherwise appropriated to pay for said school lands granted to the said State: *Provided*, That the mineral rights in said school lands are hereby reserved for the benefit of the Crow Tribe of Indians as herein authorized: *Provided further*, That the Crow Indian children shall be permitted to attend the public schools of said State on the same condition as the children of white citizens of said State.

SEC. 17. That the Secretary of the Interior, with the approval of the Crow Tribal council, is authorized to set aside for administrative purposes (at the Crow Agency and at Pryor subagency) such tracts for town-site purposes as in his opinion may be required for the public interests, not to exceed 80 acres at each town site, and he may cause the same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe; and he is authorized also to set apart and reserve for school, park, and other public purposes not more than 10 acres in said town sites; and patents shall be issued for the lands so set apart and reserved for school, park, and other purposes to the municipality or school district legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites shall be paid at such time and in such installments as the Secretary of the Interior may direct.

SEC. 18. That the sum of $10,000, or so much thereof as may be necessary, of the tribal funds of the Crow Indians of the State of Montana, is hereby appropriated to pay the expenses of the general council, or councils, or business committee, in looking after the affairs of said tribe, including the actual and necessary expenses and the per diems paid its legislative committee when visiting Washington on tribal business at the request of the Commissioner of Indian Affairs or a committee of Congress, said sum and the actual and necessary expenses to be approved by and certified by the Secretary of the Interior, and, when so approved and certified, to be paid.

Mr. MYERS. Mr. President, I desire to offer an amendment to the amendment of the committee.

Mr. WALSH of Montana. Before we proceed to that, Mr. President, I desire to say that in section 11 an error has occurred. The numeral "3" should be "2," so that section 11 will read:

That so much of article 2 of the act of April 27, 1904, entitled—

And so forth.

I move to amend the committee amendment to that effect.

The amendment to the amendment was agreed to.

Mr. MYERS. Mr. President, I move to amend the committee amendment—the substitute offered by the committee—by striking out all that part of section 10 after the word "Indian," in line 16 of that page of the printed bill where section 10 of the committee substitute appears. My amendment is to strike out the proviso at the end of the section, which says:

Provided, That such lands shall not be leased or otherwise disposed of without the consent of the tribal council.

That would leave section 10 standing without the proviso and would provide that any unallotted lands of the Crow Reservation, chiefly valuable for the development of water power, be reserved from allotment, or other disposition hereunder, for the benefit of the Crow Tribe of Indians.

I think the disposition of those lands which are held for the benefit of the Crow Tribe of Indians should be vested in the power and discretion of the Secretary of the Interior. The disposition of all Indian lands has always been so vested. The disposition of them is vested in the discretion and power of and put under the control and authority of the Secretary of the Interior, under such rules and regulations as he may prescribe,

and under existing law. I do not believe that any exception should be made in this case.

Indians occupying a tribal relation are not presumed to be competent to handle their affairs. They are under the guardianship of the Government, and the Secretary of the Interior is their guardian. It is his duty to look after their interests. When it comes to disposing of lands which are valuable for water-power development, I do not believe that their disposition ought to be controlled by a band or tribe of Indians who are not competent to manage their own affairs, who are wards of the Government. I do not believe that they ought to have the power to veto any disposition of those lands and lock up their possibilities forever. I think it is unreasonable. If they are not competent to manage their individual affairs, if they are still in a tribal relation and under the guardianship of the United States Government, I do not think they should be allowed to have a veto on the disposition of lands suitable for water-power development.

I would not be afraid, ordinarily, to leave a matter of that kind to the Indians if they were uninfluenced by others and uninterfered with. But scheming persons, agitators, and others who may have sinister motive may acquire a great deal of influence over Indians and persuade them to oppose any disposition of such lands in any way at all or upon any terms. Interested parties might persuade them to block absolutely a valuable water-power development.

We need water-power development now. It is one of the crying needs of the country. Oil is becoming scarce, coal is becoming scarce, wood is becoming scarce, and it is universally admitted that there is a great and crying need for the development of water power for irrigation and for the creation of electrical power by which to operate railroads and for furnishing power for many purposes.

If there is land that may be valuable for water-power development on an Indian reservation, why take the control of it from the Secretary of the Interior? I think we ought to trust the Secretary of the Interior. I believe all of us would be willing to trust the present Secretary of the Interior to do his duty and to look after the rights of the Indians, and I think we could well trust any man who might be appointed to hold the high and responsible position of Secretary of the Interior to act honestly and judiciously. I believe he would do his duty in matters of this kind.

I look upon this as a dangerous provision, one calculated to block and lock up forever valuable water-power sites.

Now, getting down to this instance, I know, and many others in Montana know, and some Senators here know, I believe, that there is a valuable site for water-power development on this reservation. It has been filed upon and a great deal of work has been done upon it through existing law, under a permit that was issued to the big Horn Canyon Power & Development Co., of which Mr. J. J. Harris, of Hardin, Mont., is the president, and to which he and his associates have devoted ceaseless labor for many years. A good deal has been done under that permit under existing law. To say, if this bill passes, that before those people can go ahead with their work they must get the consent of a tribe of Indians who have not been pronounced competent, who are occupying a tribal relation, I think would be unjust and dangerous. I want all the benefits derived from disposition of such lands to go to the Indians, but I want the Secretary of the Interior, a competent man, to say upon what terms the lands shall be disposed of, if at all. If the Secretary of the Interior should say they shall not be disposed of at all, I would be satisfied.

I understand that the land involved in this undertaking of which I speak, on the Crow Indian Reservation, involves about 1,000 acres of Indian land and about 20,000 acres of public land, and that the whole thereof is absolutely necessary for the development of this much-needed enterprise, an honest, meritorious, bona fide enterprise. It is no speculative scheme at all. I know enough about it to pronounce it an honest, bona fide project. Yet, just because one twenty-first part of it happens to be involved in Indian land, such a provision as we have here would put it in the power of this tribe of Indians to block the whole project, and lock it up, and cause these men to lose all the time and money which they have put into this enterprise.

I understand, too, that if the project should be confined to the 1,000 acres which are on Indian land, it would develop about 40,000 horsepower; whereas if it should cover the entire tract, it would develop over 200,000 horsepower. I think we ought to be careful about handling a matter of this kind.

I believe this is a serious matter and that we are about to do a very great injustice. I contend that the control of the water-power possibilities upon the reservation should be vested in the Secretary of the Interior instead of in the Indians.

Under the water-power bill passed by the House and now pending before the Senate, the control of water-power sites is vested in a commission consisting of the Secretaries of the Interior, Agriculture, and War. Under existing law, the control of water-power upon the public domain, including Indian lands, is under the Secretary of the Interior. The Indians and their welfare also come under his supervision and control.

I submit that undoubtedly my amendments should be adopted.

Mr. SMOOT. Does the Senator from Montana expect that the amendment proposed by him and the bill will be acted upon to-day?

Mr. MYERS. I do not want to block the passage of the bill. I am quite willing to have the bill acted upon whenever the Senate is ready. I merely wanted to get before the Senate my views on my amendment to the amendment of the committee.

Mr. SMOOT. I agree with the Senator, so far as that is concerned, but really I do not think we ought to dispose of it this afternoon.

Mr. MYERS. That is for the Senate to say.

Mr. SMOOT. It is 2 o'clock now.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Lodge	Smith, Ariz.
Ball	Harding	McCormick	Smith, Ga.
Bankhead	Harris	McCumber	Smith, Md.
Borah	Harrison	McKellar	Smoot
Capper	Henderson	McNary	Spencer
Chamberlain	Hitchcock	Myers	Sterling
Colt	Johnson, Calif.	New	Sutherland
Cummins	Jones, N. Mex.	Norris	Swanson
Curtis	Jones, Wash.	Nugent	Thomas
Dial	Kellogg	Overman	Trammell
Dillingham	Kendrick	Page	Underwood
Fernald	Kenyon	Penrose	Wadsworth
Fletcher	Keyes	Phelan	Walsh, Mont.
France	King	Phipps	Warren
Gay	Kirby	Poindexter	Williams.
Gerry	Knox	Ransdell	
Gore	La Follette	Sheppard	
Gronna	Lenroot	Simmons	

Mr. SHEPPARD. The Senator from Arkansas [Mr. ROBINSON], the Senator from Oklahoma [Mr. OWEN], and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The Secretary resumed and concluded the reading of the treaty, as follows:

"Article 283.

"From the coming into force of the present Treaty the High Contracting Parties shall apply the conventions and agreements hereinafter mentioned, in so far as concerns them, on condition that the special stipulations contained in this Article are fulfilled by Germany.

"Postal Conventions:

"Conventions and agreements of the Universal Postal Union concluded at Vienna, July 4, 1891.

"Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

"Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

"Telegraphic Conventions:

"International Telegraphic Conventions signed at St. Petersburg July 10/22, 1875.

"Regulations and Tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

"Germany undertakes not to refuse her assent to the conclusion by the new States of the special arrangements referred to in the conventions and agreements relating to the Universal Postal Union and to the International Telegraphic Union, to which the said new States have adhered or may adhere.

"Article 284.

"From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the

International Radio-Telegraphic Convention of July 5, 1912, on condition that Germany fulfils the provisional regulations which will be indicated to her by the Allied and Associated Powers.

"If within five years after the coming into force of the present Treaty a new convention regulating international radio-telegraphic communications should have been concluded to take the place of the Convention of July 5, 1912, this new convention shall bind Germany, even if Germany should refuse either to take part in drawing up the convention, or to subscribe thereto.

"This new convention will likewise replace the provisional regulations in force.

"Article 285.

"From the coming into force of the present Treaty, the High Contracting Parties shall apply in so far as concerns them and under the conditions stipulated in Article 272, the conventions hereinafter mentioned:

"(1) The Conventions of May 6, 1882, and February 1, 1889, regulating the fisheries in the North Sea outside territorial waters.

"(2) The Conventions and Protocols of November 16, 1887, February 14, 1893, and April 11, 1894, regarding the North Sea liquor traffic.

"Article 286.

"The International Convention of Paris of March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911; and the International Convention of Berne of September 9, 1886, for the protection of literary and artistic works, revised at Berlin on November 13, 1908, and completed by the additional Protocol signed at Berne on March 20, 1914, will again come into effect as from the coming into force of the present Treaty, in so far as they are not affected or modified by the exceptions and restrictions resulting therefrom.

"Article 287.

"From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the Convention of the Hague of July 17, 1905, relating to civil procedure. This renewal, however, will not apply to France, Portugal and Roumania.

"Article 288.

"The special rights and privileges granted to Germany by Article 3 of the Convention of December 2, 1899, relating to Samoa shall be considered to have terminated on August 4, 1914.

"Article 289.

"Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany.

"The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Germany. The date of the revival shall be that of the notification.

"The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with the terms of the present Treaty.

"The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present Treaty, shall not be considered as revived.

"In case of any difference of opinion, the League of Nations will be called on to decide.

"A period of six months from the coming into force of the present Treaty is allowed to the Allied and Associated Powers within which to make the notification.

"Only those bilateral treaties and conventions which have been the subject of such a notification shall be revived between the Allied and Associated Powers and Germany; all the others are and shall remain abrogated.

"The above regulations apply to all bilateral treaties or conventions existing between all the Allied and Associated Powers signatories to the present Treaty and Germany, even if the said Allied and Associated Powers have not been in a state of war with Germany.

"Article 290.

"Germany recognises that all the treaties, conventions or agreements which she has concluded with Austria, Hungary, Bulgaria or Turkey since August 1, 1914, until the coming into force of the present Treaty are and remain abrogated by the present Treaty.

"Article 291.

"Germany undertakes to secure to the Allied and Associated Powers, and to the officials and nationals of the said Powers, the enjoyment of all the rights and advantages of any kind which she may have granted to Austria, Hungary, Bulgaria or Turkey, or to the officials and nationals of these States by treaties, conventions or arrangements concluded before August 1, 1914, so long as those treaties, conventions or arrangements remain in force.

"The Allied and Associated Powers reserve the right to accept or not the enjoyment of these rights and advantages.

"Article 292.

"Germany recognises that all treaties, conventions or arrangements which she concluded with Russia, or with any State or Government of which the territory previously formed a part of Russia, or with Roumania, before August 1, 1914, or after that date until coming into force of the present Treaty, are and remain abrogated.

"Article 293.

"Should an Allied or Associated Power, Russia, or a State or Government of which the territory formerly constituted a part of Russia, have been forced since August 1, 1914, by reason of military occupation or by any other means or for any other cause, to grant or to allow to be granted by the act of any public authority, concessions, privileges and favours of any kind to Germany or to a German national, such concessions, privileges and favours are *ipso facto* annulled by the present Treaty.

"No claims or indemnities which may result from this annulment shall be charged against the Allied or Associated Powers or the Powers, States, Governments or public authorities which are released from their engagements by the present Article.

"Article 294.

"From the coming into force of the present Treaty Germany undertakes to give the Allied and Associated Powers and their nationals the benefit *ipso facto* of the rights and advantages of any kind which she has granted by treaties, conventions, or arrangements to nonbelligerent States or their nationals since August 1, 1914, until the coming into force of the present Treaty, so long as those treaties, conventions or arrangements remain in force.

"Article 295.

"Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.

"Furthermore, they agree that ratification of the present Treaty should in the case of Powers which have not yet ratified the Opium Convention be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

"For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

"Section III.

"DEBTS.

"Article 296.

"There shall be settled through the intervention of clearing offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (*e*) hereafter the following classes of pecuniary obligations:

"(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;

"(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;

"(3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

"(4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

"The proceeds of liquidation of enemy property, rights and interests mentioned in Section IV and in the Annex thereto will be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided in paragraph (*d*), and disposed of by them under the conditions provided by the said Section and Annex.

"The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this Section:

"(*a*) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard to the settlement of the said debts otherwise than through the Clearing Offices;

"(*b*) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. Nevertheless, debts due by the inhabitants of territory invaded or occupied by the enemy before the Armistice will not be guaranteed by the States of which those territories form part;

"(*c*) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the Clearing Office of the country of the debtor, and paid to the creditor by the Clearing Office of the country of the creditor;

"(*d*) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion or India, at the pre-war rate of exchange.

"For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Germany.

"If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

"In the case of new States the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII (Reparation);

"(*e*) The provisions of this Article and of the Annex hereto shall not apply as between Germany on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India on the other hand, unless within a period of one month from the deposit of the ratification of the present Treaty by the Power in question, or of the ratification on behalf of such Dominion or of India, notice to that effect is given to Germany by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be;

"(*f*) The Allied and Associated Powers who have adopted this Article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and German nationals. In this case the payments made by application of this provision will be subject to arrangements between the Allied and Associated Clearing Offices concerned.

"*ANNEX.*

"1.

"Each of the High Contracting Parties will, within three months from the notification provided for in Article 296, paragraph (*c*), establish a Clearing Office for the collection and payment of enemy debts.

"Local Clearing Offices may be established for any particular portion of the territories of the High Contracting Parties. Such local Clearing Offices may perform all the functions of a central Clearing Office in their respective districts, except that all transactions with the Clearing Office in the Opposing State must be effected through the central Clearing Office.

"2.

"In this Annex the pecuniary obligations referred to in the first paragraph of Article 296 are described 'as enemy debts,' the persons from whom the same are due as 'enemy debtors,' the persons to whom they are due as 'enemy creditors,' the Clearing Office in the country of the creditor is called the 'Creditor Clearing Office,' and the Clearing Office in the country of the debtor is called the 'Debtor Clearing Office.'

"3.

"The High Contracting Parties will subject contraventions of paragraph (*a*) of Article 296 to the same penalties as are at present provided by their legislation for trading with the enemy. They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

"4.

"The Government guarantee specified in paragraph (*b*) of Article 296 shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

"The terms 'bankruptcy' and 'failure' refer to the application of legislation providing for such juridical conditions. The expression 'formal indication of insolvency' bears the same meaning as it has in English law.

"5.

"Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to them, and shall furnish the Clearing Office with any documents and information required of them.

"The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

"The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

"The Creditor Clearing Office will notify the Debtor Clearing Office of all debts declared to it. The Debtor Clearing Office will, in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the grounds for the non-admission of debt.

"6.

"When a debt has been admitted, in whole or in part, the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

"7.

"The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office unless within three months from the receipt of the notification or such longer time as may be agreed to by the Creditor Clearing Office notice has been given by the Debtor Clearing Office that it is not admitted.

"8.

"When the whole or part of a debt is not admitted the two Clearing Offices will examine into the matter jointly and will endeavour to bring the parties to an agreement.

"9.

"The Creditor Clearing Office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses or commissions.

"10.

"Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the clearing office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine,

interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

"Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

"Each Clearing Office shall in so far as it is concerned take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

"The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

"11.

"The balance between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week.

"Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

"12.

"To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

"13.

"Except for special reasons all discussions in regard to claims will, so far as possible, take place at the Debtor Clearing Office.

"14.

"In conformity with Article 296, paragraph (*b*), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

"The Debtor Clearing Office will therefore credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

"As an exception, the admitted debts owing by persons having suffered injury from acts of war shall only be credited to the Creditor Clearing Office when the compensation due to the person concerned in respect of such injury shall have been paid.

"15.

"Each Government will defray the expenses of the Clearing Office set up in its territory, including the salaries of the staff.

"16.

"Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration if the parties so agree under conditions fixed by agreement between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI hereafter.

"At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

"17.

"Recovery of sums found by the Mixed Arbitral Tribunal, the Court, or the Arbitration Tribunal to be due shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

"18.

"Each of the Governments concerned shall appoint an agent who will be responsible for the presentation to the Mixed Arbitral Tribunal of the cases conducted on behalf of its Clearing Office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

"Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to reopen and maintain a claim abandoned by the same.

"19.

"The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the Tribunal to decide rapidly on the cases which are brought before it.

"20.

"Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the Tribunal may be substituted for a deposit.

"A fee of 5 per cent. of the amount in dispute shall be charged in respect of all cases brought before the Tribunal. This fee shall, unless the Tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

"The Tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

"Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

"21.

"With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the Clearing Offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned.

"Each of the Clearing Offices will be at liberty to correspond with the other and to forward documents in its own language.

"22.

"Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions:

"Interest shall not be payable on sums of money due by way of dividend, interest or other periodical payments which themselves represent interest on capital.

"The rate of interest shall be 5 per cent. per annum except in cases where, by contract, law or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

"Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.

"Sums due by way of interest shall be treated as debts admitted by the Clearing Offices and shall be credited to the Creditor Clearing Office in the same way as such debts.

"23.

"Where by decision of the Clearing Offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 296, the creditor shall be at liberty to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

"The presentation of a claim to the Clearing Office suspends the operation of any period of prescription.

"24.

"The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

"25.

"In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office, or to take any step provided for in this Annex, intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the courts or to take such other proceedings as may be open to him.

"*Section IV.*

"PROPERTY, RIGHTS AND INTERESTS.

"*Article 297.*

"The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

"(*a*) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken by Germany with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 298.

"(*b*) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty.

"The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owner shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

"German nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph.

"(*c*) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (*b*) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

"(*d*) As between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

"(*e*) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights, or interests, including any company or association in which they are interested, in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an Arbitrator appointed by that Tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Germany.

"(*f*) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in German territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (*c*) shall be satisfied by the restitution of the said property if it still exists in specie.

"In such case Germany shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution .

"If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Secton III may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (*e*) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

"Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (*e*) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

"(*g*) The rights conferred by paragraph (*f*) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

"(*h*) Except in cases where, by application of paragraph (*f*), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, shall be dealt with as follows:

"(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Germany resulting therefrom shall be dealt with as provided in Article 243.

"(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of German nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power and if retained the cash value thereof shall be dealt with as provided in Article 243.

"In the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Germany, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235 and 260, be paid direct to the owner. If on the application of that owner, the Mixed Arbitral Tribunal, provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

"(*i*) Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

"(*j*) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights and interests of the nationals of the Allied or Associated Powers from November 11, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty, shall be restored to the owners.

"*Article 298.*

"Germany undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 297, paragraph (*a*) or (*f*):

"(*a*) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of German nationals under the laws in force before the war;

"(*b*) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

"*ANNEX.*

"1.

"In accordance with the provisions of Article 297, paragraph (*d*), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

"The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void.

"2.

"No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or Department of the Government of such a Power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

"3.

"In Article 297 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

"Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

"4.

"All property, rights and interests of German nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

"5.

"Notwithstanding the provisions of Article 297, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Germany to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the German company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under German war legislation with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver the latter company derivative copies permitting the continuation of reproduction of articles for use within German territory.

"6.

"Up to the time when restitution is carried out in accordance with Article 297, Germany is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

"7.

"Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 297, paragraph (*f*).

"8.

"The restitution provided in Article 297 will be carried out by order of the German Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the German authorities upon request, which may be made at any time after the coming into force of the present Treaty.

"9.

"Until completion of the liquidation provided for by Article 297, paragraph (*b*), the property, rights and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

"10.

"Germany will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

"Germany will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of German nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

"11.

"The expression 'cash assets' includes all deposits or funds established before or after the declaration of war, as well as all assets coming from deposits, revenues, or profits collected by administrators, sequestrators, or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

"12.

"All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

"13.

"Within one month from the coming into force of the present Treaty, or on demand at any time, Germany will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents and information of any kind which may be within German territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in German territory or in territory occupied by Germany or her allies.

"The controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guarantee of the German Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

"14.

"The provisions of Article 297 and this Annex relating to property, rights and interests in an enemy county, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III regulating only the method of payment.

"In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six

months of the coming into force of the present Treaty notify Germany that the said provisions are not to be applied.

"15.

"The provisions of Article 297 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 297, paragraph (*b*).

"*Section V.*

"CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

"*Article 299.*

"(*a*) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

"(*b*) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Allied or Associated Governments of which one of the parties is a national, shall be excepted from dissolution under this Article.

"When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

"(*c*) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 300, nor the Annex hereto shall apply to contracts made between nationals of these States and German nationals; nor shall Article 305 apply to the United States of America or its nationals.

"(*d*) The present Article and the annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

"(*e*) Nothing in the present Article or the annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

"*Article 300.*

"(*a*) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

"(*b*) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in German territory to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

"(*c*) Upon the application of any interested person who is a national of an Allied or Associated Power the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (*b*), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

"If such restoration is inequitable or impossible the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the German Government.

"(*d*) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provision or of the exercise of a right stipulated in the contract itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (*c*).

"(*e*) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by Germany in invaded or occupied territory, if they have not been otherwise compensated.

"(*f*) Germany shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

"(*g*) As regards negotiable instruments, the period of three months provided under paragraph (*a*) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

"*Article 301.*

"As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

"Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

"*Article 302.*

"Judgments given by the Courts of an Allied or Associated Power in all cases which, under the present Treaty, they are competent to decide, shall be recognised in Germany as final, and shall be enforced without it being necessary to have them declared executory.

"If a judgment in respect to any dispute which may have arisen has been given during the war by a German Court against a national of an Allied or Associated State in a case in which he was not able to make his defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation, to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

"At the instance of the national of the Allied or Associated Power the compensation above-mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the German Court.

"The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

"*Article 303.*

"For the purpose of Sections III, IV, V and VII, the expression 'during the war' means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Germany and the coming into force of the present Treaty.

"*ANNEX.*

"*I. General Provisions.*

"1.

"Within the meaning of Articles 290, 300 and 301, the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

"2.

"The following classes of contracts are excepted from dissolution by Article 299 and, without prejudice to the rights contained in Article 297 (*b*) of Section IV, remain in force subject to the application of domestic laws, orders or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:

"(*a*) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;

"(b) Leases and agreements for leases of land and houses;
"(c) Contracts of mortgage, pledge or lien;
"(d) Concessions concerning mines, quarries or deposits;
"(e) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities, or other similar juridical persons charged with administrative functions.

"3.

"If the provisions of a contract are in part dissolved under Article 299, the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

"II. Provisions relating to certain classes of Contracts.

"STOCK EXCHANGE AND COMMERCIAL EXCHANGE CONTRACTS.

"4.

"(a) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided:

"(1) That the contract was expressed to be made subject to the rules of the Exchange or Association in question;
"(2) That the rules applied to all persons concerned;
"(3) That the conditions attaching to the closure were fair and reasonable.

"(b) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

"(c) The closure of contracts relating to cotton 'futures,' which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association, is also confirmed.

"SECURITY.

"5.

"The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

"This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

"NEGOTIABLE INSTRUMENTS.

"6.

"As regards Powers which adopt Section III and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

"7.

"If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

"III. Contracts of insurance.

"8.

"Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

"FIRE INSURANCE.

"9.

"Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

"A settlement shall be effected of unpaid premiums which became due during the war, or of claims for losses which occurred during the war.

"10.

"Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

"Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

"LIFE INSURANCE.

"11.

"Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

"Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war with the addition of interest at five per cent. per annum from the date of its becoming due up to the day of payment.

"Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the person entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

"Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at five per cent. per annum within three months from the coming into force of the present Treaty.

"12.

"Any Allied or Associated Power may within three months of the coming into force of the present Treaty cancel all the contracts of insurance running between a German insurance company and its nationals under conditions which shall protect its nationals from any prejudice.

"To this end the German insurance company will hand over to the Allied or Associated Government concerned the proportion of its assets attributable to the policies so cancelled and will be relieved from all liability in respect of such policies. The assets to be handed over shall be determined by an actuary appointed by the Mixed Arbitral Tribunal.

"13.

"Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

"14.

"In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled where the giving of such notice was prevented by the war to recover the unpaid premiums with interest at five per cent. per annum from the insured.

"15.

"Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 14 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

"MARINE INSURANCE.

"16.

"Contracts of marine insurance including time policies and voyage policies entered into between an insurer and a person who subsequently became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

"Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

"Where the risk had attached effect shall be given to the contract notwithstanding the party becoming an enemy, and sums

due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

"In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

"17.

"No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

"18.

"Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

"OTHER INSURANCES.

"19.

"Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 18, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

"RE-INSURANCE.

"20.

"All treaties of re-insurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

"Nevertheless if, owing to invasion, it has been impossible for the re-insured to find another re-insurer, the treaty shall remain in force until three months after the coming into force of the present Treaty.

"Where a re-insurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 18 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

"21.

"The provisions of the preceding paragraph will extend equally to re-insurances existing at the date of the parties becoming enemies of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

"22.

"Re-insurance of life risks effected by particular contracts and not under any general treaty remain in force.

"The provisions of paragraph 12 apply to treaties of re-insurance of life insurance contracts in which enemy companies are the re-insurers.

"23.

"In case of a re-insurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the re-insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract of re-insurance in respect either of premiums or of losses shall be recoverable after the war.

"24.

"The provisions of paragraphs 17 and 18 and the last part of paragraph 16 shall apply to contracts for the re-insurance of marine risks.

"*Section VI.*

"MIXED ARBITRAL TRIBUNAL.

"*Article 304.*

"(*a*) Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

"In case of failure to reach agreement, the President of the Tribunal and two other persons either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

"If any Government does not proceed within a period of one month in case there is a vacancy to appoint a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

"The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

"(*b*) The Mixed Arbitral Tribunals established pursuant to paragraph (*a*), shall decide all questions within their competence under Sections III, IV, V and VII.

"In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and German nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

"(*c*) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

"(*d*) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

"(*e*) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

"(*f*) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

"(*g*) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

"*ANNEX.*

"1.

"Should one of the members of the Tribunal either die, retire, or be unable for any reason whatever to discharge his function, the same procedure will be followed for filling the vacancy as was followed for appointing him.

"2.

"The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

"3.

"The agent and counsel of the parties on each side are authorized to present orally and in writing to the Tribunal arguments in support or in defence of each case.

"4.

"The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

"5.

"Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The Tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

"6.

"The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

"7.

"Germany agrees to give the Tribunal all facilities and information required by it for carrying out its investigations.

"8.

"The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian or Japanese, as may be determined by the Allied or Associated Power concerned.

"9.

"The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

"Article 305.

"Whenever a competent court has given or gives a decision in a case covered by Sections III, IV, V or VII. and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the German court.

"Section VII.

"INDUSTRIAL PROPERTY.

"Article 306.

"Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Article 286, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognized and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

"Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of German nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

"No claim shall be made or action brought by Germany or German nationals in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government, of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

"Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph I of this Article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the German Government in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from German nationals.

"Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by German nationals, whether by granting licenses, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary and artistic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

"In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty.

"Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this Article.

"The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 297, paragraph (*b*).

"Article 307.

"A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving, or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

"All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to German nationals are revived under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

"The period from August 1, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade mark or design used, and it is further agreed that no patent, registered trade mark or design in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade mark or design for two years after the coming into force of the present Treaty.

"Article 308.

"The rights of priority, provided by Article 4 of the International Convention for the Protection of Industrial Property of Paris, of March 20, 1883, revised at Washington in 1911 or by any other Convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs and models which had not expired on August 1, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

"Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bonâ fide* in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

"Article 309.

"No action shall be brought and no claim made by persons residing or carrying on business within the territories of Germany on the one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the declaration of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property,

either existing at any time during the war or revived under the provisions of Articles 307 and 308.

"Equally, no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Germany on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the declaration of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by Germany during the war.

"This Article shall not apply as between the United States of America on the one hand and Germany on the other.

"Article 310.

"Licences in respect of industrial, literary or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and German nationals, on the other part, shall be considered as cancelled as from the date of the declaration of war between Germany and the Allied or Associated Powers. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licences held in respect of rights acquired under German law. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

"No licence in respect of industrial, literary or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

"Where sums have been paid during the war by virtue of a license or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of German nationals, as provided by the present Treaty.

"This Article shall not apply as between the United States of America on the one hand and Germany on the other.

"Article 311.

"The inhabitants of territories separated from Germany by virtue of the present Treaty shall, notwithstanding this separation and the change of nationality consequent thereon, continue to enjoy in Germany all the rights in industrial, literary and artistic property to which they were entitled under German legislation at the time of the separation.

"Rights of industrial, literary and artistic property which are in force in the territories separated from Germany under the present Treaty at the moment of the separation of these territories from Germany, or which will be re-established or restored in accordance with the provisions of Article 306 of the present Treaty, shall be recognized by the State to which the said territory is transferred and shall remain in force in that territory for the same period of time given them under the German law.

"Section VIII.

"SOCIAL AND STATE INSURANCE IN CEDED TERRITORY.

"Article 312.

"Without prejudice to the provisions contained in other Articles of the present Treaty, the German Government undertakes to transfer to any Power to which German territory in Europe is ceded, and to any Power administering former German territory as a mandatory under Article 22 of Part I (League of Nations), such portion of the reserves accumulated by the Government of the German Empire or of German States, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

"The Powers to which these funds are transferred must apply them to the performance of the obligations arising from such insurances.

"The conditions of the transfer will be determined by special conventions to be concluded between the German Government and the Governments concerned.

"In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the German Government, one by the other interested Government and three by the Governing Body of the International Labour Office from the nationals of other States. This Commission shall by majority vote within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the Council shall forthwith be accepted as final by Germany and the other Government concerned.

"PART XI.

"AERIAL NAVIGATION.

"Article 313.

"The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory and territorial waters of Germany, and shall enjoy the same privileges as German aircraft, particularly in case of distress by land or sea.

"Article 314.

"The aircraft of the Allied and Associated Powers shall, while in transit to any foreign country whatever, enjoy the right of flying over the territory and territorial waters of Germany without landing, subject always to any regulations which may be made by Germany, and which shall be applicable equally to the aircraft of Germany and to those of the Allied and Associated countries.

"Article 315.

"All aerodromes in Germany open to national public traffic shall be open for the aircraft of the Allied and Associated Powers, and in any such aerodrome such aircraft shall be treated on a footing of equality with German aircraft as regards charges of every description, including charges for landing and accommodation.

"Article 316.

"Subject to the present provisions, the rights of passage, transit and landing, provided for in Articles 313, 314 and 315, are subject to the observance of such regulations as Germany may consider it necessary to enact, but such regulations shall be applied without distinction to German aircraft and to those of the Allied and Associated countries.

"Article 317.

"Certificates of nationality, airworthiness, or competency, and licences, issued or recognised as valid by any of the Allied or Associated Powers, shall be recognised in Germany as valid and as equivalent to the certificates and licences issued by Germany.

"Article 318.

"As regards internal commercial air traffic, the aircraft of the Allied and Associated Powers shall enjoy in Germany most favoured nation treatment.

"Article 319.

"Germany undertakes to enforce the necessary measures to ensure that all German aircraft flying over her territory shall comply with the Rules as to lights and signals, Rules of the Air and Rules for Air Traffic on and in the neighbourhood of aerodromes, which have been laid down in the Convention relative to Aerial Navigation concluded between the Allied and Associated Powers.

"Article 320.

"The obligations imposed by the preceding provisions shall remain in force until January 1, 1923, unless before that date Germany shall have been admitted into the League of Nations or shall have been authorised, by consent of the Allied and Associated Powers, to adhere to the Convention relative to Aerial Navigation concluded between those Powers.

"PART XII.

"PORTS, WATERWAYS AND RAILWAYS.

"Section I.

"GENERAL PROVISIONS.

"Article 321.

"Germany undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway, or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers (whether contiguous or not); for this purpose the crossing of territorial waters shall be allowed. Such persons, goods, vessels, carriages, wagons and mails shall not be subjected to any transit duty or to any undue delays or restrictions, and

shall be entitled in Germany to national treatment as regards charges, facilities, and all other matters.

"Goods in transit shall be exempt from all Customs or other similar duties.

"All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic. No charge, facility or restriction shall depend directly or indirectly on the ownership or on the nationality of the ship or other means of transport on which any part of the through journey has been, or is to be, accomplished.

"Article 322.

"Germany undertakes neither to impose nor to maintain any control over transmigration traffic through her territories beyond measures necessary to ensure that passengers are *bonâ fide* in transit; nor to allow any shipping company or any other private body, corporation or person interested in the traffic to take any part whatever in, or to exercise any direct or indirect influence over, any administrative service that may be necessary for this purpose.

"Article 323.

"Germany undertakes to make no discrimination or preference, direct or indirect, in the duties, charges and prohibitions relating to importations into or exportation from her territories, or, subject to the special engagements contained in the present Treaty, in the charges and conditions of transport of goods or persons entering or leaving her territories, based on the frontier crossed; or on the kind, ownership or flag of the means of transport (including aircraft) employed; or on the original or immediate place of departure of the vessel, wagon or aircraft or other means of transport employed, or its ultimate or intermediate destination; or on the route of or places of transshipment on the journey; or on whether any port through which the goods are imported or exported is a German port or a port belonging to any foreign country or on whether the goods are imported or exported by sea, by land or by air.

"Germany particularly undertakes not to establish against the ports and vessels of any of the Allied and Associated Powers any surtax or any direct or indirect bounty for export or import by German ports or vessels, or by those of another Power, for example by means of combined tariffs. She further undertakes that persons or goods passing through a port or using a vessel of any of the Allied and Associated Powers shall not be subjected to any formality or delay whatever to which such persons or goods would not be subjected if they passed through a German port or a port of any other Power, or used a German vessel or a vessel of any other Power.

"Article 324.

"All necessary administrative and technical measures shall be taken to shorten, as much as possible, the transmission of goods across the German frontiers and to ensure their forwarding and transport from such frontiers, irrespective of whether such goods are coming from or going to the territories of the Allied and Associated Powers or are in transit from or to those territories, under the same material conditions in such matters as rapidity of carriage and care *en route* as are enjoyed by other goods of the same kind carried on German territory under similar conditions of transport.

"In particular, the transport of such perishable goods shall be promptly and regularly carried out, and the customs formalities shall be effected in such a way as to allow the goods to be carried straight through by trains which make connection.

"Article 325.

"The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on German railways or navigable waterways for the benefit of German ports or of any port of another Power.

"Article 326.

"Germany may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Germany to her own ports or the ports of any other Power.

"Section II.

"NAVIGATION.

"Chapter I.

"FREEDOM OF NAVIGATION.

"Article 327.

"The nationals of any of the Allied and Associated Powers as well as their vessels and property shall enjoy in all German ports and on the inland navigation routes of Germany the same treatment in all respects as German nationals, vessels and property.

"In particular the vessels of any one of the Allied or Associated Powers shall be entitled to transport goods of any description, and passengers, to or from any ports or places in German territory to which German vessels may have access, under conditions which shall not be more onerous than those applied in the case of national vessels; they shall be treated on a footing of equality with national vessels as regards port and harbour facilities and charges of every description, including facilities for stationing, loading and unloading, and duties and charges of tonnage, harbour, pilotage, lighthouse, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name of or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind.

"In the event of Germany granting a preferential régime to any of the Allied or Associated Powers or to any other foreign Power, this régime shall be extended immediately and unconditionally to all the Allied and Associated Powers.

"There shall be no impediment to the movement of persons or vessels other than those arising from prescriptions concerning customs, police, sanitation, emigration and immigration, and those relating to the import and export of prohibited goods. Such regulations must be reasonable and uniform and must not impede traffic unnecessarily.

"Chapter II.

"FREE ZONES IN PORTS.

"Article 328.

"The free zones existing in German ports on August 1, 1914, shall be maintained. These free zones, and any other free zones which may be established in German territory by the present Treaty, shall be subject to the régime provided for in the following Articles.

"Goods entering or leaving a free zone shall not be subjected to any import or export duty, other than those provided for in Article 330.

"Vessels and goods entering a free zone may be subjected to the charges established to cover expenses of administration, upkeep and improvement of the port, as well as to the charges for the use of various installations, provided that these charges shall be reasonable having regard to the expenditure incurred, and shall be levied in the conditions of equality provided for in Article 327.

"Goods shall not be subjected to any other charge except a statistical duty which shall not exceed 1 per mille *ad valorem*, and which shall be devoted exclusively to defraying the expenses of compiling statements of the traffic in the port.

"Article 329.

"The facilities granted for the erection of warehouses, for packing and for unpacking goods, shall be in accordance with trade requirements for the time being. All goods allowed to be consumed in the free zone shall be exempt from duty, whether of excise or of any other description, apart from the statistical duty provided for in Article 328 above.

"There shall be no discrimination in regard to any of the provisions of the present Article between persons belonging to different nationalities or between goods of different origin or destination.

"Article 330.

"Import duties may be levied on goods leaving the free zone for consumption in the country on the territory of which the port is situated. Conversely, export duties may be levied on goods coming from such country and brought into the free zone. These import and export duties shall be levied on the same basis and at the same rates as similar duties levied at the other Customs frontiers of the country concerned. On the other hand, Germany shall not levy, under any denomination, any import, export or transit duty on goods carried by land or water across her territory to or from the free zone from or to any other State.

"Germany shall draw up the necessary regulations to secure and guarantee such freedom of transit over such railways and waterways in her territory as normally give access to the free zone.

"Chapter III.

"CLAUSES RELATING TO THE ELBE, THE ODER, THE NIEMEN (RUSSSTROM-MEMEL-NIEMEN) AND THE DANUBE.

"(I)—General Clauses.

"Article 331.

"The following rivers are declared international:

the Elbe (*Labe*) from its confluence with the Vltava (*Moldau*), and the Vltava (*Moldau*) from Prague;
the Oder (*Odra*) from its confluence with the Oppa;
the Niemen (*Russstrom-Memel-Niemen*) from Grodno;
the Danube from Ulm;

and all navigable parts of these river systems which naturally provide more than one State with access to the sea, with or without transshipment from one vessel to another; to-

gether with lateral canals and channels constructed either to duplicate or to improve naturally navigable sections of the specified river systems, or to connect two naturally navigable sections of the same river.

"The same shall apply to the Rhine-Danube navigable waterway, should such a waterway be constructed under the conditions laid down in Article 353.

"*Article 332.*

"On the waterways declared to be international in the preceding Article, the nationals, property and flags of all Powers shall be treated on a footing of perfect equality, no distinction being made to the detriment of the nationals, property or flag of any Power between them and the nationals, property or flag of the riparian State itself or of most favoured nation.

"Nevertheless, German vessels shall not be entitled to carry passengers or goods by regular services between the ports of any Allied or Associated Power, without special authority from such Power.

"*Article 333.*

"Where such charges are not precluded by any existing conventions, charges varying on different sections of a river may be levied on vessels using the navigable channels or their approaches, provided that they are intended solely to cover equitably the cost of maintaining in a navigable condition, or of improving, the river and its approaches, or to meet expenditure incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenditure and shall be posted up in the ports. These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in cases of suspected fraud or contravention.

"*Article 334.*

"The transit of vessels, passengers and goods on these waterways shall be effected in accordance with the general conditions prescribed for transit in Section I above.

"When the two banks of an international river are within the same State goods in transit may be placed under seal or in the custody of customs agents. When the river forms a frontier goods and passengers in transit shall be exempt from all customs formalities; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by the riparian State.

"*Article 335.*

"No dues of any kind other than those provided for in the present Part shall be levied along the course or at the mouth of these rivers.

"This provision shall not prevent the fixing by the riparian States of customs, local octroi or consumption duties, or the creation of reasonable and uniform charges levied in the ports, in accordance with public tariffs, for the use of cranes, elevators, quays, warehouses, etc.

"*Article 336.*

"In default of any special organisation for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take suitable measures to remove any obstacle or danger to navigation and to ensure the maintenance of good conditions of navigation.

"If a State neglects to comply with this obligation any riparian State, or any State represented on the International Commission, if there is one, may appeal to the tribunal instituted for this purpose by the League of Nations.

"*Article 337.*

"The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water-power, fisheries, and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Commission, if there is one, shall be given priority over the requirements of navigation.

"Appeal to the tribunal of the League of Nations does not require the suspension of the works.

"*Article 338.*

"The régime set out in Articles 332 to 337 above shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognised in such Convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river systems of the Elbe (*Labe*), the Oder (*Odra*), the Niemen (*Russstrom-Memel-Niemen*), and the Danube, and such other parts of these river systems as may be covered by a general definition.

"Germany undertakes, in accordance with the provisions of Article 379, to adhere to the said General Convention as well as to all projects prepared in accordance with Article 343 below for the revision of existing international agreements and regulations.

"*Article 339.*

"Germany shall cede to the Allied and Associated Powers concerned, within a maximum period of three months from the date on which notification shall be given her, a proportion of the tugs and vessels remaining registered in the ports of the river systems referred to in Article 331 after the deduction of those surrendered by way of restitution or reparation. Germany shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilisation of those river systems.

"The number of the tugs and boats, and the amount of the material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war.

"All craft so ceded shall be provided with their fittings and gear, shall be in a good state of repair and in condition to carry goods, and shall be selected from among those most recently built.

"The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the arbitrator or arbitrators, shall not in any case exceed the value of the capital expended in the initial establishment of the material ceded, and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

"(2) *Special Clauses relating to the Elbe, the Oder and the Niemen (Russstrom-Memel-Niemen).*

"*Article 340.*

"The Elbe (*Labe*) shall be placed under the administration of an International Commission which shall comprise:

"4 representatives of the German States bordering on the river;

"2 representatives of the Czecho-Slovak State;

"1 representative of Great Britain;

"1 representative of France;

"1 representative of Italy;

"1 representative of Belgium.

"Whatever be the number of members present, each delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

"If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

"*Article 341.*

"The Oder (*Odra*) shall be placed under the administration of an International Commission, which shall comprise:

"1 representative of Poland;

"3 representatives of Prussia;

"1 representative of the Czecho-Slovak State;

"1 representative of Great Britain;

"1 representative of France;

"1 representative of Denmark;

"1 representative of Sweden.

"If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

"*Article 342.*

"On a request being made to the League of Nations by any riparian State, the Niemen (*Russstrom-Memel-Niemen*) shall be placed under the administration of an International Commission, which shall comprise one representative of each riparian State, and three representatives of other States specified by the League of Nations.

"*Article 343.*

"The International Commissions referred to in Articles 340 and 341 shall meet within three months of the date of the coming into force of the present Treaty. The International Commission referred to in Article 342 shall meet within three months from the date of the request made by a riparian State. Each of these Commissions shall proceed immediately to prepare a project for the revision of the existing international agreements and regulations, drawn up in conformity with the General Convention referred to in Article 338, should such Convention have been already concluded. In the absence of such Convention, the

project for revision shall be in conformity with the principles of Articles 332 to 337 above.

"Article 344.

"The projects referred to in the preceding Article shall, *inter alia:*

"(*a*) designate the headquarters of the International Commission, and prescribe the manner in which its President is to be nominated;

"(*b*) specify the extent of the Commission's powers, particularly in regard to the execution of works of maintenance, control, and improvement on the river system, the financial régime, the fixing and collection of charges, and regulations for navigation;

"(*c*) define the sections of the river or its tributaries to which the international régime shall be applied.

"Article 345.

"The international agreements and regulations at present governing the navigation of the Elbe (*Labe*), the Oder (*Odra*), and the Niemen (*Russstrom-Memel-Niemen*) shall be provisionally maintained in force until the ratification of the above-mentioned projects. Nevertheless, in all cases where such agreements and regulations in force are in conflict with the provisions of Articles 332 to 337 above, or of the General Convention to be concluded, the latter provisions shall prevail.

"(3) Special Clauses relating to the Danube.

"Article 346.

"The European Commission of the Danube reassumes the powers it possessed before the war. Nevertheless, as a provisional measure, only representatives of Great Britain, France, Italy and Roumania shall constitute this Commission.

"Article 347.

"From the point where the competence of the European Commission ceases, the Danube system referred to in Article 331 shall be placed under the administration of an International Commission composed as follows:

"2 representatives of German riparian States;

"1 representative of each other riparian State;

"1 representative of each non-riparian State represented in the future on the European Commission of the Danube.

"If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

"Article 348.

"The International Commission provided for in the preceding Article shall meet as soon as possible after the coming into force of the present Treaty, and shall undertake provisionally the administration of the river in conformity with the provisions of Articles 332 to 337, until such time as a definitive statute regarding the Danube is concluded by the Powers nominated by the Allied and Associated Powers.

"Article 349.

"Germany agrees to accept the régime which shall be laid down for the Danube by a Conference of the Powers nominated by the Allied and Associated Powers, which shall meet within one year after the coming into force of the present Treaty, and at which German representatives may be present.

"Article 350.

"The mandate given by Article 57 of the Treaty of Berlin of July 13, 1878, to Austria-Hungary, and transferred by her to Hungary, to carry out works at the Iron Gates, is abrogated. The Commission entrusted with the administration of this part of the river shall lay down provisions for the settlement of accounts subject to the financial provisions of the present Treaty. Charges which may be necessary shall in no case be levied by Hungary.

"Article 351.

"Should the Czecho-Slovak State, the Serb-Croat-Slovene State or Roumania, with the authorisation of or under mandate from the International Commission, undertake maintenance, improvement, weir, or other works on a part of the river system which forms a frontier, these States shall enjoy on the opposite bank, and also on the part of the bed which is outside their territory, all necessary facilities for the survey, execution and maintenance of such works.

"Article 352.

"Germany shall be obliged to make to the European Commission of the Danube all restitutions, reparations and indemnities for damages inflicted on the Commission during the war.

"Article 353.

"Should a deep-draught Rhine-Danube navigable waterway be constructed, Germany undertakes to apply thereto the régime prescribed in Articles 332 to 338.

"Chapter IV.

"CLAUSES RELATING TO THE RHINE AND THE MOSELLE.

"Article 354.

"As from the coming into force of the present Treaty, the Convention of Mannheim of October 17, 1868, together with the Final Protocol thereof, shall continue to govern navigation on the Rhine, subject to the conditions hereinafter laid down.

"In the event of any provisions of the said Convention being in conflict with those laid down by the General Convention referred to in Article 338 (which shall apply to the Rhine) the provisions of the General Convention shall prevail.

"Within a maximum period of six months from the coming into force of the present Treaty, the Central Commission referred to in Article 355 shall meet to draw up a project of revision of the Convention of Mannheim. This project shall be drawn up in harmony with the provisions of the General Convention referred to above, should this have been concluded by that time, and shall be submitted to the Powers represented on the Central Commission. Germany hereby agrees to adhere to the project so drawn up.

"Further, the modifications set out in the following Articles shall immediately be made in the Convention of Mannheim.

"The Allied and Associated Powers reserve to themselves the right to arrive at an understanding in this connection with Holland, and Germany hereby agrees to accede if required to any such understanding.

"Article 355.

"The Central Commission provided for in the Convention of Mannheim shall consist of nineteen members, viz.:

"2 representatives of the Netherlands;

"2 representatives of Switzerland;

"4 representatives of German riparian States;

"4 representatives of France, which in addition shall appoint the President of the Commission;

"2 representatives of Great Britain;

"2 representatives of Italy;

"2 representatives of Belgium.

"The headquarters of the Central Commission shall be at Strasburg.

"Whatever be the number of members present, each Delegation shall have the right to record a number of votes equal to the number of representatives allotted to it.

"If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

"Article 356.

"Vessels of all nations, and their cargoes, shall have the same rights and privileges as those which are granted to vessels belonging to the Rhine navigation, and to their cargoes.

"None of the provisions contained in Articles 15 to 20 and 26 of the above-mentioned Convention of Mannheim, in Article 4 of the Final Protocol thereof, or in later Conventions, shall impede the free navigation of vessels and crews of all nations on the Rhine and on waterways to which such Conventions apply, subject to compliance with the regulations concerning pilotage and other police measures drawn up by the Central Commission.

"The provisions of Article 22 of the Convention of Mannheim and of Article 5 of the Final Protocol thereof shall be applied only to vessels registered on the Rhine. The Central Commission shall decide on the steps to be taken to ensure that other vessels satisfy the conditions of the general regulations applying to navigation on the Rhine.

"Article 357.

"Within a maximum period of three months from the date on which notification shall be given Germany shall cede to France tugs and vessels, from among those remaining registered in German Rhine ports after the deduction of those surrendered by way of restitution or reparation, or shares in German Rhine navigation companies.

"When vessels and tugs are ceded, such vessels and tugs, together with their fittings and gear, shall be in good state of repair, shall be in condition to carry on commercial traffic on the Rhine, and shall be selected from among those most recently built.

"The same procedure shall be followed in the matter of the cession by Germany to France of:

"(1) the installations, berthing and anchorage accommodation, platforms, docks, warehouses, plant, etc., which German subjects or German companies owned on August 1, 1914, in the port of Rotterdam, and

"(2) the shares or interests which Germany or German nationals possessed in such installations at the same date.

"The amount and specifications of such cessions shall be determined within one year of the coming into force of the present

Treaty by an arbitrator or arbitrators appointed by the United States of America, due regard being had to the legitimate needs of the parties concerned.

"The cessions provided for in the present Article shall entail a credit of which the total amount, settled in a lump sum by the arbitrator or arbitrators mentioned above, shall not in any case exceed the value of the capital expended in the initial establishment of the ceded material and installations, and shall be set off against the total sums due from Germany; in consequence, the indemnification of the proprietors shall be a matter for Germany to deal with.

"Article 358.

"Subject to the obligation to comply with the provisions of the Convention of Mannheim or of the Convention which may be substituted therefor, and to the stipulations of the present Treaty, France shall have on the whole course of the Rhine included between the two extreme points of the French frontiers:

(*a*) the right to take water from the Rhine to feed navigation and irrigation canals (constructed or to be constructed) or for any other purpose, and to execute on the German bank all works necessary for the exercise of this right;

"(*b*) the exclusive right to the power derived from works of regulation on the river, subject to the payment to Germany of the value of half the power actually produced, this payment, which will take into account the cost of the works necessary for producing the power, being made either in money or in power and in default of agreement being determined by arbitration. For this purpose France alone shall have the right to carry out in this part of the river all works of regulation (weirs or other works) which she may consider necessary for the production of power. Similarly, the right of taking water from the Rhine is accorded to Belgium to feed the Rhine-Meuse navigable waterway provided for below.

"The exercise of the rights mentioned under (*a*) and (*b*) of the present Article shall not interfere with navigability, nor reduce the facilities for navigation, either in the bed of the Rhine or in the derivations which may be substituted therefor, nor shall it involve any increase in the tolls formerly levied under the Convention in force. All proposed schemes shall be laid before the Central Commission in order that that Commission may assure itself that these conditions are complied with.

"To ensure the proper and faithful execution of the provisions contained in (*a*) and (*b*) above, Germany:

"(1) binds herself not to undertake or to allow the construction of any lateral canal or any derivation on the right bank of the river opposite the French frontiers;

"(2) recognises the possession by France of the right of support on and the right of way over all lands situated on the right bank which may be required in order to survey, to build, and to operate weirs which France, with the consent of the Central Commission, may subsequently decide to establish. In accordance with such consent, France shall be entitled to decide upon and fix the limits of the necessary sites, and she shall be permitted to occupy such lands after a period of two months after simple notification, subject to the payment by her to Germany of indemnities of which the total amount shall be fixed by the Central Commission. Germany shall make it her business to indemnify the proprietors whose property will be burdened with such servitudes or permanently occupied by the works.

"Should Switzerland so demand, and if the Central Commission approves, the same rights shall be accorded to Switzerland for the part of the river forming her frontier with other riparian States;

"(3) shall hand over to the French Government, during the month following the coming into force of the present Treaty, all projects, designs, drafts of concessions and of specifications concerning the regulation of the Rhine for any purpose whatever which have been drawn up or received by the Governments of Alsace-Lorraine or of the Grand Duchy of Baden.

"Article 359.

"Subject to the preceding provisions, no works shall be carried out in the bed or on either bank of the Rhine where it forms the boundary of France and Germany without the previous approval of the Central Commission or of its agents.

"Article 360.

"France reserves the option of substituting herself as regards the rights and obligations resulting from agreements arrived at between the Government of Alsace-Lorraine and the Grand Duchy of Baden concerning the works to be carried out on the Rhine; she may also denounce such agreements within a term of five years dating from the coming into force of the present Treaty.

"France shall also have the option of causing works to be carried out which may be recognised as necessary by the Central Commission for the upkeep or improvement of the navigability of the Rhine above Mannheim.

"Article 361.

"Should Belgium within a period of 25 years from the coming into force of the present Treaty decide to create a deep-draught Rhine-Meuse navigable waterway, in the region of Ruhrort, Germany shall be bound to construct, in accordance with plans to be communicated to her by the Belgian Government, after agreement with the Central Commission, the portion of this navigable waterway situated within her territory.

"The Belgian Government shall, for this purpose, have the right to carry out on the ground all necessary surveys.

"Should Germany fail to carry out all or part of these works, the Central Commission shall be entitled to carry them out instead; and, for this purpose, the Commission may decide upon and fix the limits of the necessary sites and occupy the ground after a period of two months after simple notification, subject to the payment of indemnities to be fixed by it and paid by Germany.

"This navigable waterway shall be placed under the same administrative régime as the Rhine itself, and the division of the cost of initial construction, including the above indemnities, among the States crossed thereby shall be made by the Central Commission.

"Article 362.

"Germany hereby agrees to offer no objection to any proposals of the Central Rhine Commission for extending its jurisdiction:

"(1) to the Moselle below the Franco-Luxemburg frontier down to the Rhine, subject to the consent of Luxemburg;

"(2) to the Rhine above Basle up to the Lake of Constance, subject to the consent of Switzerland;

"(3) to the lateral canals and channels which may be established either to duplicate or to improve naturally navigable sections of the Rhine or the Moselle, or to connect two naturally navigable sections of these rivers, and also any other parts of the Rhine river system which may be covered by the General Convention provided for in Article 338 above.

"Chapter V.

"CLAUSES GIVING TO THE CZECHO-SLOVAK STATE THE USE OF NORTHERN PORTS.

"Article 363.

"In the ports of Hamburg and Stettin Germany shall lease to the Czecho-Slovak State, for a period of 99 years, areas which shall be placed under the general régime of free zones and shall be used for the direct transit of goods coming from or going to that State.

"Article 364.

"The delimitation of these areas, and their equipment, their exploitation, and in general all conditions for their utilisation, including the amount of the rental, shall be decided by a Commission consisting of one delegate of Germany, one delegate of the Czecho-Slovak State and one delegate of Great Britain. These conditions shall be susceptible of revision every ten years in the same manner.

"Germany declares in advance that she will adhere to the decisions so taken.

"Section III.

"RAILWAYS.

"Chapter I.

"CLAUSES RELATING TO INTERNATIONAL TRANSPORT.

"Article 365.

"Goods coming from the territories of the Allied and Associated Powers, and going to Germany, or in transit through Germany from or to the territories of the Allied and Associated Powers, shall enjoy on the German railways as regards charges to be collected (rebates and drawbacks being taken into account), facilities, and all other matters, the most favourable treatment applied to goods of the same kind carried on any German lines, either in internal traffic, or for export, import or in transit, under similar conditions of transport, for example as regards length of route. The same rule shall be applied, on the request of one or more of the Allied and Associated Powers, to goods specially designated by such Power or Powers coming from Germany and going to their territories.

"International tariffs established in accordance with the rates referred to in the preceding paragraph and involving through waybills shall be established when one of the Allied and Associated Powers shall require it from Germany.

"Article 366.

"From the coming into force of the present Treaty the High Contracting Parties shall renew, in so far as concerns them and under the reserves indicated in the second paragraph of the present Article, the conventions and arrangements signed

at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

"If within five years from the date of the coming into force of the present Treaty a new convention for the transportation of passengers, luggage and goods by rail shall have been concluded to replace the Berne Convention of October 14, 1890, and the subsequent additions referred to above, this new convention and the supplementary provisions for international transport by rail which may be based on it shall bind Germany, even if she shall have refused to take part in the preparation of the convention or to subscribe to it. Until a new convention shall have been concluded, Germany shall conform to the provisions of the Berne Convention and the subsequent additions referred to above, and to the current supplementary provisions.

"Article 367.

"Germany shall be bound to co-operate in the establishment of through ticket services (for passengers and their luggage) which shall be required by any of the Allied and Associated Powers to ensure their communcation by rail with each other and with all other countries by transit across the territories of Germany; in particular Germany shall, for this purpose, accept trains and carriages coming from the territories of the Allied and Associated Powers and shall forward them with a speed at least equal to that of her best long-distance trains on the same lines. The rates applicable to such through services shall not in any case be higher than the rates collected on German internal services for the same distance, under the same conditions of speed and comfort.

"The tariffs applicable under the same conditions of speed and comfort to the transportation of emigrants going to or coming from ports of the Allied and Associated Powers and using the German railways shall not be at a higher kilometric rate than the most favourable tariffs (drawbacks and rebates being taken into account) enjoyed on the said railways by emigrants going to or coming from any other ports.

"Article 368.

"Germany shall not apply specially to such through services, or to the transportation of emigrants going to or coming from the ports of the Allied and Associated Powers, any technical, fiscal or administrative measures, such as measures of customs examination, general police, sanitary police, and control, the result of which would be to impede or delay such services.

"Article 369.

"In case of transport partly by rail and partly by internal navigation, with or without through way-bill, the preceding Articles shall apply to the part of the journey performed by rail.

"Chapter II.

"ROLLING-STOCK.

"Article 370.

"Germany undertakes that German wagons shall be fitted with apparatus allowing:

"(1) of their inclusion in goods trains on the lines of such of the Allied and Associated Powers as are parties to the Berne Convention of May 15, 1886, as modified on May 18, 1907, without hampering the action of the continuous brake which may be adopted in such countries within ten years of the coming into force of the present Treaty, and

"(2) of the acceptance of wagons of such countries in all goods trains on the German lines.

"The rolling stock of the Allied and Associated Powers shall enjoy on the German lines the same treatment as German rolling stock as regards movement, upkeep and repairs.

"Chapter III.

"CESSIONS OF RAILWAY LINES.

"Article 371.

"Subject to any special provisions concerning the cession of ports, waterways and railways situated in the territories over which Germany abandons her sovereignty, and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the cession of railways will take place under the following conditions:

"(1) The works and installations of all the railroads shall be handed over complete and in good condition.

"(2) When a railway system possessing its own rolling-stock is handed over in its entirety by Germany to one of the Allied and Associated Powers, such stock shall be handed over complete, in accordance with the last inventory before November 11, 1918, and in a normal state of upkeep.

"(3) As regards lines without any special rolling-stock, Commissions of experts designated by the Allied and Associated Powers, on which Germany shall be represented, shall fix the proportion of the stock existing on the system to which those lines belong to be handed over. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before November 11, 1918, the length of track (sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and wagons to be handed over in each case; they shall decide upon the conditions of their acceptance, and shall make the provisional arrangements necessary to ensure their repair in German workshops.

"(4) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling-stock.

"The provisions of paragraphs 3 and 4 above shall be applied to the lines of former Russian Poland converted by Germany to the German gauge, such lines being regarded as detached from the Prussian State System.

"Chapter IV.

"PROVISIONS RELATING TO CERTAIN RAILWAY LINES.

"Article 372.

"When as a result of the fixing of new frontiers a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, if not specifically provided for in the present Treaty, shall be laid down in a convention between the railway administrations concerned. If the administrations cannot come to an agreement as to the terms of such convention, the points of difference shall be decided by commissions of experts composed as provided in the preceding Article.

"Article 373.

"Within a period of five years from the coming into force of the present Treaty the Czecho-Slovak State may require the construction of a railway line in German territory between the stations of Schlauney and Nachod. The cost of construction shall be borne by the Czecho-Slovak State.

"Article 374.

"Germany undertakes to accept, within ten years of the coming into force of the present Treaty, on request being made by the Swiss Government after agreement with the Italian Government, the denunciation of the International Convention of October 13, 1909, relative to the St. Gothard railway. In the absence of agreement as to the conditions of such denunciation, Germany hereby agrees to accept the decision of an arbitrator designated by the United States of America.

"Chapter V.

"TRANSITORY PROVISIONS.

"Article 375.

"Germany shall carry out the instructions given her, in regard to transport, by an authorised body acting on behalf of the Allied and Associated Powers:

"(1) For the carriage of troops under the provisions of the present Treaty, and of material, ammunition and supplies for army use;

"(2) As a temporary measure, for the transportation of supplies for certain regions, as well as for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organisation of postal and telegraphic services.

"Section IV.

"DISPUTES AND REVISION OF PERMANENT CLAUSES.

"Article 376.

"Disputes which may arise between interested Powers with regard to the interpretation and application of the preceding Articles shall be settled as provided by the League of Nations.

"Article 377.

"At any time the League of Nations may recommend the revision of such of these Articles as relate to a permanent administrative régime.

"Article 378.

"The stipulations in Articles 321 to 330, 332, 365, and 367 to 369 shall be subject to revision by the Council of the League of Nations at any time after five years from the coming into force of the present Treaty.

"Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of five years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of five years during which reciprocity cannot be demanded may be prolonged by the Council of the League of Nations.

"Section V.

"SPECIAL PROVISION.

"Article 379.

"Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Germany undertakes to adhere to any General Conven-

tions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty.

"*Section VI.*

"CAUSES RELATING TO THE KIEL CANAL.

"*Article 380.*

"The Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and of war of all nations at peace with Germany on terms of entire equality.

"*Article 381.*

"The nationals, property and vessels of all Powers shall, in respect of charges, facilities, and in all other respects, be treated on a footing of perfect equality in the use of the Canal, no distinction being made to the detriment of nationals, property and vessels of any Power between them and the nationals, property and vessels of Germany or of the most favoured nation.

"No impediment shall be placed on the movement of persons or vessels other than those arising out of police, customs, sanitary, emigration or immigration regulations and those relating to the import or export of prohibited goods. Such regulations must be reasonable and uniform and must not unnecessarily impede traffic.

"*Article 382.*

"Only such charges may be levied on vessels using the Canal or its approaches as are intended to cover in an equitable manner the cost of maintaining in a navigable condition, or of improving, the Canal or its approaches, or to meet expenses incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenses, and shall be posted up in the ports.

"These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in the case of suspected fraud or contravention.

"*Article 383.*

"Goods in transit may be placed under seal or in the custody of customs agents; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by Germany.

"*Article 384.*

"No charges of any kind other than those provided for in the present Treaty shall be levied along the course or at the approaches of the Kiel Canal.

"*Article 385.*

"Germany shall be bound to take suitable measures to remove any obstacle or danger to navigation, and to ensure the maintenance of good conditions of navigation. She shall not undertake any works of a nature to impede navigation on the Canal or its approaches.

"*Article 386.*

"In the event of violation of any of the conditions of Articles 380 to 386, or of disputes as to the interpretation of these Articles, any interested Power can appeal to the jurisdiction instituted for the purpose by the League of Nations.

"In order to avoid reference of small questions to the League of Nations, Germany will establish a local authority at Kiel qualified to deal with disputes in the first instance and to give satisfaction so far as possible to complaints which may be presented through the consular representatives of the interested Powers.

"PART XIII.

"LABOUR.

"*Section I.*

"ORGANISATION OF LABOUR.

"Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

"And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

"Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

"THE HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

"*Chapter I.*

"ORGANISATION.

"*Article 387.*

"A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

"The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

"*Article 388.*

"The permanent organisation shall consist of:

"(1) a General Conference of Representatives of the Members and,

"(2) an International Labour Office controlled by the Governing Body described in Article 393.

"*Article 389.*

"The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

"Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

"The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

"Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

"A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

"The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

"The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

"*Article 390.*

"Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

"If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

"If in accordance with Article 389 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

"*Article 391.*

"The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

"*Article 392.*

"The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

"*Article 393.*

"The International Labour Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions:

"The Governing Body of the International Labour Office shall be constituted as follows:

"Twelve persons representing the Governments;

"Six persons elected by the Delegates to the Conference representing the employers;

"Six persons elected by the Delegates to the Conference representing the workers.

"Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

"Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

"The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

"The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

"Article 394.

"There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

"The Director or his deputy shall attend all meetings of the Governing Body.

"Article 395.

"The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

"Article 396.

"The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

"It will prepare the agenda for the meetings of the Conference.

"It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

"It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

"Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

"Article 397.

"The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

"Article 398.

"The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

"Article 399.

"Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

"All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

"The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

"Chapter II.

"PROCEDURE.

"Article 400.

"The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 389.

"Article 401.

"The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

"Article 402.

"Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

"Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

"If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

"Article 403.

"The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

"Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

"The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

"Article 404.

"The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

"Article 405.

"When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (*a*) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (*b*) of a draft international convention for ratification by the Members.

"In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

"In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

"A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

"Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

"In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

"In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

"If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

"In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it

shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

"The above Article shall be interpreted in accordance with the following principle:

"In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

"Article 406.

"Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

"Article 407.

"If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

"Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

"Article 408.

"Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

"Article 409.

"In the event of any representation being made to the international Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

"Article 410.

"If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

"Article 411.

"Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

"The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 409.

"If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

"The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

"When any matter arising out of Articles 410 or 411 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

"Article 412.

"The Commission of Enquiry shall be constituted in accordance with the following provisions:

"Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Enquiry shall be drawn.

"The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

"Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

"Article 413.

"The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

"Article 414.

"When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

"It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

"Article 415.

"The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

"Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

"Article 416.

"In the event of any Member failing to take the action required by Article 405, with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

"Article 417.

"The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 415 or Article 416 shall be final.

"Article 418.

"The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

"Article 419.

"In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

"Article 420.

"The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 412, 413, 414, 415, 417 and 418 shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

"*Chapter III.*

"GENERAL.

"*Article 421.*

"The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:

"(1) Except where owing to the local conditions the convention is inapplicable, or

"(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

"And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

"*Article 422.*

"Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

"*Article 423.*

"Any question or dispute relating to the intepretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

"*Chapter IV.*

"TRANSITORY PROVISIONS.

"*Article 424.*

"The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

"Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

"The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

"*Article 425.*

"Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

"*Article 426.*

"Pending the creation of a Permanent Court of International Justice disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

"*ANNEX.*

"FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919.

"The place of meeting will be Washington.

"The Government of the United States of America is requested to convene the Conference.

"The International Organising Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

"Agenda:

"(1) Application of principle of the 8-hours day or of the 48-hours week.

"(2) Question of preventing or providing against unemployment.

"(3) Women's employment:

"(*a*) Before and after child-birth, including the question of maternity benefit;

"(*b*) During the night;

"(*c*) In unhealthy processes.

"(4) Employment of children:

"(*a*) Minimum age of employment;

"(*b*) During the night;

"(*c*) In unhealthy processes.

"(5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

"*Section II.*

"GENERAL PRINCIPLES.

"*Article 427.*

"The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

"They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

"Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

"*First.*—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

"*Second.*—The right of association for all lawful purposes by the employed as well as by the employers.

"*Third.*—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

"*Fourth.*—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

"*Fifth.*—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

"*Sixth.*—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

"*Seventh.*—The principle that men and women should receive equal remuneration for work of equal value.

"*Eighth.*—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

"*Ninth.*—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

"Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

"PART XIV.

"GUARANTEES.

"*Section 1.*

"WESTERN EUROPE.

"*Article 428.*

"As a guarantee for the execution of the present Treaty by Germany, the German territory situated to the west of the Rhine, together with the bridgeheads, will be occupied by Allied and Associated troops for a period of fifteen years from the coming into force of the present Treaty.

"*Article 429.*

"If the conditions of the present Treaty are faithfully carried out by Germany, the occupation referred to in Article 428 will be successively restricted as follows:

"(1) At the expiration of five years there will be evacuated: the bridgehead of Cologne and the territories north of a line running along the Ruhr, then along the railway Jülich, Duren, Euskirchen, Rheinbach, thence along the road Rheinbach to Sinzig, and reaching the Rhine at the confluence with the Ahr; the roads, railways and places mentioned above being excluded from the area evacuated.

"(2) At the expiration of ten years there will be evacuated: the bridgehead of Coblenz and the territories north of a line to be drawn from the intersection between the frontiers of Belgium, Germany and Holland, running about from 4 kilometres south of Aix la-Chapelle, then to and following the crest of Forst Gemünd, then east of the railway of the Urft Valley, then along Blankenheim, Valdorf, Dreis, Ulmen to and following the Moselle from Bremm to Nehren, then passing by Kappel and Simmern, then following the ridge of the heights between Sim-

mern and the Rhine and reaching this river at Bacharach; all the places, valleys, roads and railways mentioned above being excluded from the area evacuated.

"(3) At the expiration of fifteen years there will be evacuated: the bridgehead of Mainz, the bridgehead of Kehl and the remainder of the German territory under occupation.

"If at that date the guarantees against unprovoked aggression by Germany are not considered sufficient by the Allied and Associated Governments, the evacuation of the occupying troops may be delayed to the extent regarded as necessary for the purpose of obtaining the required guarantees.

"Article 430.

"In case either during the occupation or after the expiration of the fifteen years referred to above the Reparation Commission finds that Germany refuses to observe the whole or part of her obligations under the present Treaty with regard to reparation, the whole or part of the areas specified in Article 429 will be reoccupied immediately by the Allied and Associated forces.

"Article 431.

"If before the expiration of the period of fifteen years Germany complies with all the undertakings resulting from the present Treaty, the occupying forces will be withdrawn immediately.

"Article 432.

"All matters relating to the occupation and not provided for by the present Treaty shall be regulated by subsequent agreements, which Germany hereby undertakes to observe.

"Section II.

"EASTERN EUROPE.

"Article 433.

"As a guarantee for the execution of the provisions of the present Treaty, by which Germany accepts definitely the abrogation of the Brest-Litovsk Treaty, and of all treaties, conventions and agreements entered into by her with the Maximalist Government in Russia, and in order to ensure the restoration of peace and good government in the Baltic Provinces and Lithuania, all German troops at present in the said territories shall return to within the frontiers of Germany as soon as the Governments of the Principal Allied and Associated Powers shall think the moment suitable, having regard to the internal situation of these territories. These troops shall abstain from all requisitions and seizures and from any other coercive measures, with a view to obtaining supplies intended for Germany, and shall in no way interfere with such measures for national defence as may be adopted by the Provisional Governments of Esthonia, Latvia and Lithuania.

"No other German troops shall, pending the evacuation or after the evacuation is complete, be admitted to the said territories.

"PART XV.

"MISCELLANEOUS PROVISIONS.

"Article 434.

"Germany undertakes to recognise the full force of the Treaties of Peace and Additional Conventions which may be concluded by the Allied and Associated Powers with the Powers who fought on the side of Germany and to recognise whatever dispositions may be made concerning the territories of the former Austro-Hungarian Monarchy, of the Kingdom of Bulgaria and of the Ottoman Empire, and to recognise the new States within their frontiers as there laid down.

"Article 435.

"The High Contracting Parties, while they recognize the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

"The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.

"ANNEX.

"I.

"The Swiss Federal Council has informed the French Government on May 5, 1919, that after examining the provisions of Article 435 in a like spirit of sincere friendship it has happily reached the conclusion that it was possible to acquiesce in it under the following conditions and reservations:

"(1) The neutralized zone of Haute-Savoie:

"(*a*) It will be understood that as long as the Federal Chambers have not ratified the agreement come to between the two Governments concerning the abrogation of the stipulations in respect of the neutralized zone of Savoy, nothing will be definitely settled, on one side or the other, in regard to this subject.

"(*b*) The assent given by the Swiss Government to the abrogation of the above mentioned stipulations presupposes, in conformity with the text adopted, the recognition of the guarantees formulated in favour of Switzerland by the Treaties of 1815 and particularly by the Declaration of November 20, 1815.

"(*c*) The agreement between the Governments of France and Switzerland for the abrogation of the above mentioned stipulations will only be considered as valid if the Treaty of Peace contains this Article in its present wording. In addition the Parties to the Treaty of Peace should endeavour to obtain the assent of the signatory Powers of the Treaties of 1815 and of the Declaration of November 20, 1815, which are not signatories of the present Treaty of Peace.

"(2) Free zone of Haute-Savoie and the district of Gex:

"(*a*) The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above Article for insertion in the Treaty of Peace, which provides that 'the stipulations of the Treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex district are no longer consistent with present conditions.' The Federal Council would not wish that its acceptance of the above wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special régime which is appropriate to the geographical and economical situation and which has been well tested.

"In the opinion of the Federal Council the question is not the modification of the customs system of the zones as set up by the Treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question. The Federal Council has been led to make the preceding observations by the perusal of the draft Convention concerning the future constitution of the zones which was annexed to the note of April 26 from the French Government. While making the above reservations the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.

(*b*) It is conceded that the stipulations of the Treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory.

"II.

"The French Government have addressed to the Swiss Government, on May 18, 1919, the following note in reply to the communication set out in the preceding paragraph:

"In a note dated May 5 the Swiss Legation in Paris was good enough to inform the Government of the French Republic that the Federal Government adhered to the proposed Article to be inserted in the Treaty of Peace between the Allied and Associated Governments and Germany.

"The French Government have taken note with much pleasure of the agreement thus reached, and, at their request, the proposed Article, which had been accepted by the Allied and Associated Governments, has been inserted under No. 435 in the Peace conditions presented to the German Plenipotentiaries.

"The Swiss Government, in their note of May 5 on this subject, have expressed various views and reservations.

"Concerning the observations relating to the free zones of Haute-Savoie and the Gex district, the French Government have the honour to observe that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested in that question.

"The French Government, on their part, are anxious to protect the interests of the French territories concerned, and, with that object, having their special situation in view, they bear

in mind the desirability of assuring them a suitable customs régime and determining, in a manner better suited to present conditions, the methods of exchanges between these territories and the adjacent Swiss territories, while taking into account the reciprocal interests of both regions.

"It is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries, and as was done by Switzerland long ago on her own boundaries in this region.

"The French Government are pleased to note on this subject in what a friendly disposition the Swiss Government take this opportunity of declaring their willingness to consider any French proposal dealing with the system to be substituted for the present régime of the said free zones, which the French Government intend to formulate in the same friendly spirit.

"Moreover, the French Government have no doubt that the provisional maintenance of the régime of 1815 as to the free zones referred to in the above mentioned paragraph of the note from the Swiss Legation of May 5, whose object is to provide for the passage from the present régime to the conventional régime, will cause no delay whatsoever in the establishment of the new situation which has been found necessary by the two Governments. This remark applies also to the ratification by the Federal Chambers, dealt with in paragraph 1 (*a*), of the Swiss note of May 5, under the heading 'Neutralized zone of Haute-Savoie'.

"*Article 436.*

"The High Contracting Parties declare and place on record that they have taken note of the Treaty signed by the Government of the French Republic on July 17, 1918, with His Serene Highness the Prince of Monaco defining the relations between France and the Principality.

"*Article 437.*

"The High Contracting Parties agree that, in the absence of a subsequent agreement to the contrary, the Chairman of any Commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote.

"*Article 438.*

"The Allied and Associated Powers agree that where Christian religious missions were being maintained by German societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved.

"The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the Missions are conducted, will safeguard the interests of such Missions.

"Germany, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

"*Article 439.*

"Without prejudice to the provisions of the present Treaty, Germany undertakes not to put forward directly or indirectly against any Allied or Associated Power, signatory of the present Treaty, including those which without having declared war, have broken off diplomatic relations with the German Empire, any pecuniary claim based on events which occurred at any time before the coming into force of the present Treaty.

"The present stipulation will bar completely and finally all claims of this nature, which will be thenceforward extinguished, whoever may be the parties in interest.

"*Article 440.*

"Germany accepts and recognises as valid and binding all decrees and orders concerning German shops and goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any German national.

"The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of German Prize Courts, whether affecting the property rights of nationals of those Powers or of neutral Powers. Germany agrees to furnish copies of all the documents constituting the record of the cases, including the decisions and orders made, and to accept and give effect to the recommendations made after such examination of the cases.

"THE PRESENT TREATY, of which the French and English texts are both authentic, shall be ratified.

"The deposit of ratifications shall be made at Paris as soon as possible.

"Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

"A first procès-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Germany on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

"From the date of this first procès-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.

"In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

"The French Government will transmit to all the signatory Powers a certified copy of the procès-verbaux of the deposit of ratifications.

"IN FAITH WHEREOF the above-named Plenipotentiaries have signed the present Treaty.

"Done at Versailles, the twenty-eighth day of june, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers."

Mr. LODGE. Mr. President, I ask that the Senate now return to the first amendment which was passed over.

The SECRETARY. The first amendment, known as the Johnson amendment, on page 19——

Mr. LODGE. The amendment has been read. It is not necessary to read it again.

Mr. WATSON. Mr. President, I understand that a number of Senators desire to address the Senate on the Johnson amendment. I think I myself should like to make a few remarks upon it. They believed, however, as I believed, that the reading of the treaty would occupy all of the afternoon, and I do not know of any Senator who is now prepared to address the Senate. Under those conditions, I ask the Senator from Massachusetts if it would not suit his convenience to adjourn.

Mr. LODGE. Several Senators who have spoken to me desire to go on to-morrow, but it is necessary to have a morning hour. I intended to move a recess, but I find that it is absolutely necessary that the Senate should have a morning hour to-morrow for the consideration of the urgent deficiency appropriation bill, which is now ready, and has been reported to the Senate to-day. It is a bill which ought to be disposed of in the morning hour at once. For that reason, instead of moving a recess, I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Tuesday, October 21, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *October 20, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, inspire, we pray Thee, the heart of every American citizen with a profounder reverence for our National Constitution, which for a hundred and thirty-two years has guided us to unparalleled prosperity; and arouse a patriotism which shall sweep through our Republic as never before, to still unholy strife, eliminate lawlessness and unrest; a patriotism which shall drive the agitator, the Bolshevist, the dynamiter, and all foreign vagaries from our borders, that loyalty, peace, and good will may reign supreme. In the name of Him who taught us how to live and enjoy the fruits of liberty, justice, mercy, and worship Thee, our Father, in the beauty of holiness. Amen.

The Journal of the proceedings of Saturday was read and approved.

RECEPTION TO THE KING OF THE BELGIANS.

Mr. MONDELL. Mr. Speaker, I send to the Clerk's desk a resolution and ask that it may be read for the information of the House. I shall then ask unanimous consent for its immediate consideration.

Mr. GARD. The gentleman does not ask for its consideration now?

Mr. MONDELL. No; I ask that it be read for the information of the House.

The Clerk read as follows:

Resolved, That on Tuesday, October 28, 1919, at 1.45 o'clock p. m., the House take a recess until 2.30 o'clock p. m. for the purpose of receiving His Majesty the King of the Belgians.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, I desire to ask the gentleman from Wyoming if this is the only recess we are going to get before the regular session?

Mr. MONDELL. I trust not; I trust that there will be another, beginning about the 8th or the 10th of November.

Mr. BLANTON. I hope so.

Mr. CLARK of Missouri. Mr. Speaker, I hope nobody will object to the consideration of this resolution. The King of the Belgians is about the only one of the crowd that deserves the cordial greetings of the American people. [Applause.]

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

THE BUDGET.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9783, the budget bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. MONDELL. Mr. Chairman, I am informed that at 1 o'clock there will be a drill on the plaza in front of the Capitol of what is known as "The All-American Platoon," a body of soldiers all of whom are foreign born, all of whom a few months ago could speak no English and could not understand an order in English. They will appear this afternoon at 1 o'clock, and it occurred to me that Members might desire to see them drill.

Mr. GARD. Does the gentleman plan to ask for a recess?

Mr. MONDELL. No; in view of the fact that the House has an important piece of legislation before it, and that it will require all the afternoon and the attention of the House the entire day, I shall not ask for a recess.

Mr. GARD. If we do not recess, the Members will all be out in front of the Capitol.

Mr. MONDELL. Oh, no; I think some gentlemen will be here.

Mr. BLANTON. The usual 20 will be here. [Laughter.]

Mr. GOOD. Mr. Chairman, Saturday night, just before adjournment, I had yielded 20 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, as I may not be able to complete my remarks, I ask unanimous consent to revise and extend them in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Chairman and gentlemen of the committee, I concur very heartily with the general provisions of this bill. There are some points, perchance, to which important amendments should be made, but I shall not dwell particularly on those at the present, because they can be taken up more properly at a later date.

In the first section of the bill we have a proposition for the creation of a bureau of the budget, with a director and an assistant director, at $10,000 and $7,500, respectively, for salaries. I may say in passing that I believe this work can be done with a salary for the director equal to that of a Member of the House or Senate, and that an amendment should be made reducing the salary from $10,000 to $7,500, and in view of salaries paid throughout the departments for services of a like character in the main the assistant director's salary should be fixed at $5,000.

Passing now to the question of the real work of the bureau of the budget, I desire to suggest that we should not deceive ourselves in advance with reference to great economies by the existence of such a bureau. If we could realize even a small percentage of the reduction prophesied by some of its enthusiastic advocates we would still be doing well. I am confident that there is a margin of saving here sufficient to justify the creation of the bureau.

But I am reminded of a little incident that happened some years ago when a particular gentleman who had mastered the world outside, and was ready to conquer the department and demonstrate to all observing people his remarkable financial ability, came into the Treasury as Assistant Secretary. One of our versatile newspaper men wrote up the incident somewhat as follows. He described the newcomer as the greenest piece of political grass that ever came out of a great city in a Pullman drawing room for the National Capital to direct the financial affairs of the Nation.

In the midst of the first day of official service he is said to have propounded more questions than all the wisest old-timers could ever answer. They were surprised and puzzled. Many of his questions related to things that belonged to the department, but many more related to things that did not belong to the department at all.

On the next morning he entered the office, and the report of the newspaper correspondent says he sat for a few moments in quiet meditation. Those about him began to fear for his welfare. They thought, perchance, that the great official's responsibilities resting upon him had so overtaxed him that his mind was about to give way. In a minute or two he sprang from his chair, rushed to the office of the Secretary, and pointed out to the Secretary where they could save $50,000 a year.

The next day he called upon the Secretary early in the morning and told him where he could save half a million dollars. Then he showed where he could save a million dollars, and on the third day he proved to the Secretary conclusively that he could run the Treasury Department without a cent of appropriation. In a short time that brilliant financial life passed on to wider fields. The observers were relieved, however, when he disappeared and became interested in private matters elsewhere. Here is an illustration of many of the ambitious thoughts and purposes that find their way into the department life to revolutionize everything in a day. Many of the fundamental rules of the great departments have been developed through years of experience. Most of them run along lines well defined and well fixed. In most of them there are practical economies. In some of them there are extravagances, and it is our purpose to search out as far as we may these extravagances to eliminate them and apply practical economy.

In the discussion of this subject and the cost of the bureau naturally we wish to keep our minds upon that phase of the question. I think we have heard quite a number of men say in the course of the debate here that they are opposed to the creation of new bureaus; that they are in favor of reducing the number we already have. When, therefore, there is a proposition to build up a new one we should know quite well what the range of its usefulness and practical value is. In determining that let us look for a moment at the scope of this work. The committee has indicated in paragraph (c) of section 1 of this bill an appropriation of $100,000 for the fiscal year ending June 30, 1920. That means $100,000 for six months.

On that basis the committee suggests a cost of $200,000 a year for the running expenses of this bureau. This, however, in the light of the suggestions made by the gentleman from Oregon [Mr. HAWLEY] is merely the nose of the camel under the tent. The strongest argument that I have heard yet against this bill was suggested by the gentleman from Oregon. I am sorry that I do not see him on the floor now. By and by I wish to call his attention to that and make sure whether the estimate he then made was accurate or an accident. The committee suggests, as I have indicated, the measure of cost at $200,000 annually for the bureau. What did the gentleman from Oregon say? He said that they could not place the bureau within the Treasury Department and make it a part of that department without practically paralyzing the business of that department because of the volume of work that this bureau would be obliged to perform. Immediately I turned to some figures to

ascertain what the running expenses of the Treasury Department for its offices here in Washington might be. In 1913 the expenses of that department on the general salary roll were $3,341,000. Do we want, without further debate, to create a bureau that will cost $3,341,000? If so, where will it direct its energies to make a saving that will be equivalent to that expenditure? I am quite sure that that statement of $3,341,000 is incorrect. I am confident from years of observation that all of the additional work for a budget bureau can be performed inside of the Treasury Department for $75,000 a year. Others may think differently. I base this statement upon a careful review of the expense accounts and the activities of the various bureaus of the department and the method in which estimates have been made up heretofore. True, since I have had direct observation of these matters, other methods may have come into existence.

Let me sketch for just a moment some of the plans that were in vogue when I was required to take part in making up the estimates for the Treasury Department and for other departments. As suggested by others in these debates, each bureau officer is supplied at regular times each year with blanks upon which to prepare the estimates of his bureau. He is called upon by the head of the department to make those estimates along the lines of absolute necessity. He fills out the blank and sends it up to the Secretary of the Treasury. After they have all been turned in from the various branches of the department, they go into the hands of a committee for revision. Sometimes I chanced to be a member of the committee handling that kind of work. They review them and, wherever new estimates were furnished for new activities, investigations were made with respect to the necessity for the increases. In many instances those estimates were returned to the heads of the bureaus and they were called upon to reduce them, and in many instances they did, and I venture the prediction that the reductions thus made by these officers in the Treasury Department—and other departments were similar at that time—amounted to as much as the reductions made by the committees on appropriations in the House and in the Senate. They were eliminated from the list, new forms were prepared before they were entered into the printed estimates to go to Congress. I do not mean to say that there were not overdrawn statements in some instances. Whether you have a bureau of the budget or whether you proceed according to the plan that I have described, you will have to go to the heads of these bureaus for these facts in the beginning. No director of the budget, no clerks or officials in the budget bureau, can do that work, and it would be unwise, impractical, to undertake it.

That would mean that you would have people coming from an outside agency into each bureau to analyze the needs of the work of each individual desk and each line of expenditure in that bureau. That would mean a budget that might cost more than $3,341,000. That would be duplication, and we are standing here to prevent duplication, as I understand it. So I do not see the necessity of the largeness of the bureau, as suggested by the gentleman from Oregon, that would take practically the force now on the rolls of the Treasury Department to do this work. I think the estimate of the committee for $100,000 for the first six months stands quite in contrast with the estimate as furnished by the gentleman from Oregon, and I put these two statements in contrast simply to show the wide divergence of opinion that is bound to appear in dealing with a question of such magnitude and such complication. It is no small task to analyze this business. Moreover, if the Secretary of the Treasury, as a member of the President's Cabinet, in touch with the financial affairs of the Government, is not reliable and competent to do this business in the interest of an economical administration for his chief, how can we expect it from a director of the budget?

Let us think for a minute about the matter of direct responsibility. How much more securely would an independent bureau of this kind fix the responsibility upon the President than the action of a member of the Cabinet would? How far can the President go into these details? Practically nothing is possible under the circumstances. If the Secretary of the Treasury, with only one department under his charge, is not able to do this work efficiently, how can you expect the President to find time for it, when he has the whole range of the Government to deal with? So, when it comes to the final analysis, I am inclined to the opinion that the independent bureau will not accomplish any special advantage in the line of economy but will be more expensive than it would be if provided for inside of the Treasury.

Under paragraph (b) of section 2 emphasis is placed on certain detailed work to be done by the bureau of the budget in making investigations extensively into the various branches of the public service. To carry out the duties there imposed you have a wide range of duplication of service. A few months of observation in the department will reveal that fact very clearly.

Coming now to section 3, permanent appropriations, fixing estimates, let us get the bearing with reference to the general types of appropriations to be handled by this budget bureau. We have the annual appropriations which cover the major part of the Government expenditures. We have what are called permanent appropriations with fixed amounts, such, for instance, as those set apart for public buildings.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BYRNS of Tennessee. I will yield the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Nebraska is recognized for 10 additional minutes.

Mr. ANDREWS of Nebraska. Then we have what we call the permanent indefinite appropriations, out of which the refunds from customs duties are made and the refunds from internal-revenue tax collections are made. I will pass that with a mere mention, taking up, for instance, section 4; and right there I find one of the best features in the bill. This budget bureau shall furnish the Congress balanced statements of revenues and expenditures. That is a new feature. That is essential information to the Members of the House and the Senate in the proper discharge of their duties in voting appropriations. With a debit and credit statement clearly in view, we can measure our course of action in distributing appropriations.

As it is now we are working in the dark. No one, except those on the committees which have given special attention to the subject, can state the unappropriated funds still in the Treasury on which additional appropriations may be drawn. If we have a statement in clear view as to the total revenues and the estimated expenditures side by side you have one of the strongest forces and arguments to press down unwise and unnecessary appropriation. To illustrate, a certain committee may be thoroughly imbued with the necessity of certain public improvements. They may be highly commendable. They bring in a bill authorizing the expenditure of a million dollars, for illustration. The House passes it. Another committee presents another proposition, and then another and another, nobody knowing what the volume of unappropriated funds in the Treasury may be at the time, but with these balanced statements of revenues and appropriations we will have a picture before us, and thus we can guard against any of the appropriations that would otherwise be made. Now, lest my time should expire too suddenly I shall direct my attention to the other provision of this bill, beginning with section 9, providing for an accounting department. I wish we could find a more suitable word than the word "department." The word "bureau" is more commonly used for purposes of this kind. In this section we are laying a foundation for the largest measure of economy that can be realized under this bill. Why? Because the accounting officers of the Government can go out into these various channels, gather the facts and submit them. The contracts and the vouchers upon which public money is expended will be available for the House and the Senate. When anyone rises on the floor then to challenge some course of procedure all we need to do is to go and get the contracts and the vouchers and review the official record upon which the disbursement has been made. Suppose we had that record now for all of these expenditures for the War Department, contracts amounting to billions of dollars, expenditures through disbursing officers amounting to billions more.

When a committee on expenditures needs to ascertain the facts now you can call in these accounting officers, the men who know the facts from the examination of the record. They can bring the contracts and the vouchers, and you will have trained service to begin with. How is it now? When you start out on that kind of work you go and employ some so-called expert accountant, who may not know the alphabet of the accounting system of the Government of the United States. You pay him a big price—perhaps $20 or $30 a day—to go down there and learn something about the Government's business. You are paying him that salary to educate him, and how could you rely upon the facts that are brought back by a person of that kind? On the other hand, you will have under this plan officers of the Government, subject to the call of the House and the Senate, to come and lay the facts upon the table, point out the record, and show what the situation is. Right there you can economize; right there you can press in closer upon the expenditures of the Government; right there you can deal fairly and justly with everybody. With that plan you do not have to pound the brush to see whether you can scare up something or not. You have a practical business rule of action by means of which you can deal with the question. It is proposed that these accounting officers shall be covered into the Government for life, with salaries aggregating $43,500. In all probability the same men

who are doing the work now would go into the service under this bill. You would be legislating eight people into the service, giving life tenures with salaries amounting to $43,500, and two of them to draw half pay after they reach the age of 70 years, provided they have served 10 years. That is a point where I think there ought to be some amendments, and no doubt they will appear. The concluding portion of the bill relates to the efficiency of the accounting system. Under existing conditions you can not build up an efficient force of accounting officers. They have people in the service now, a few of them, not many, who do not understand the accounting system. They never will; they never can understand it. It is not in their nature to understand it; but the auditors can not dispose of those clerks. I will not take the time now to tell you why.

If I had plenty of time I would enter into that story; it is a very interesting one. This bill requires the Civil Service Commission to establish eligible registers for the examination of applicants for appointment as accountants. The questions must be approved by the comptroller general himself. Why? Because the examinations ordinarily prescribed by that commission are not suitable for testing practical accountants. They do not bear upon the business to be transacted. This plan, however, provides that the examination of accountants shall be made upon questions prescribed by the comptroller general, and on that basis you can begin to build up a standard of efficiency.

EFFICIENCY.

This idea of efficiency is an indispensable factor in correct accounting. The primary duty of the accounting system is to enforce a strict observance of legal methods in the collection and disbursement of public revenues.

The proper discharge of that duty makes it necessary for the officers and clerks intrusted with that business to possess clear, accurate knowledge of statutes, regulations, and methods of public business. These facts can not be repeated too frequently or emphasized too strongly, because a great many public officials act upon the assumption that the accounting offices are chiefly, if not exclusively, engaged in the posting of debits and credits that have been previously journalized by some one else. They do not seem to think that a knowledge of law, regulations, and Government business is of any consequence whatever. But whether they do or not those who are charged with the development of ways and means to promote the efficiency of the service should take into account actual conditions and facts and formulate plans accordingly.

The present accounting system is based upon the idea of a double examination or audit. One examination is to be made in the administrative offices that have jurisdiction of the expenditures of the various appropriations, and are therefore in possession of the actual information concerning all of the details involved in the creation of liabilities and the needs of the various branches of the public service. The final examination or audit is made in an auditing office, with the right of an appeal to the Comptroller of the Treasury as the chief accounting officer. If the conditions that are logically involved in the present system are given due weight and consideration, trained accounting clerks will be secured for the administrative offices and also the auditing offices in order that accounts may be built up correctly under the laws and regulations and be examined finally by other accounting clerks in the auditing offices who are supposed to be trained to that particular line of business. It is a fact, however, that this subject has not yet received the consideration which it deserves. Until it does, the matter of public accounting is bound to carry within itself a large measure of inefficiency. The most important improvements that could be made at this time are (1) the establishment of eligible registers with the Civil Service Commission for trained public accountants and (2) the adoption of an inflexible rule requiring that all clerks appointed to the work of the examination of public accounts should be certified by the Civil Service Commission as trained accountants. The nature of this business is too important to be pressed aside to serve the mere exigency of accommodating some person with a place who has no knowledge of the work of accounting or adaptability for it. It is useless to talk about the discharge of people from the rolls of the auditing offices who are not properly equipped for such service until the appointments of such persons upon those rolls cease.

The way in which to meet the situation, remove the difficulties, and improve the service is to adopt and enforce an inflexible rule with respect to the appointment of accounting clerks. Eligible registers have been established for other things, but the work of accounting seems to have received no more consideration than the ordinary routine affairs of clerical service. The accounting clerk who examines all the questions of law, regulations, and facts upon which a correct journal entry is based receives less consideration in point of salary than the individual who takes that journal entry and does the simple work of posting it into the ledger. This practice is wrong, not because the bookkeeper who posts the journal entry may receive a larger salary than the accounting clerk who determines all of the intricate questions involved in the journal entries, but because the accounting clerk does not receive a salary commensurate with the importance and value of his service.

If an eligible register of accountants should be established and this office, for instance, should be allowed a certain number of accountants at the different grades, classes 1, 2, 3, and 4, selections would then be made from persons who already possess some knowledge of the business. Under this plan, those who have never studied the work of accounting would be ineligible for appointment as accountants. In this way the classified service would become helpful to the accounting offices.

Every well-informed person knows that accounting clerks should possess and exercise skill and knowledge peculiar to that kind of work. They must be familiar with the statutes creating the accounting system and prescribing the legal methods of procedure to be observed in the examination and settlement of public accounts. They must possess a thorough knowledge of the laws of contracts and the statutes that are involved from time to time in the conduct of public business. In the customs service, for instance, the work calls for accurate knowledge of tariff schedules and rates, the customs administrative laws, and numerous other statutes as construed by the Secretary of the Treasury, the Board of General Appraisers, and the courts. Those laws and decisions are complex in character and their proper construction and application require a high degree of skill on the part of the clerks who handle over $500,000,000 of business annually, keep it within legal channels, and direct it through all the ramifications of the public service to its correct places upon the ledgers of the department. It is erroneous to assume that such business involves merely the question of posting debits and credits previously ascertained by somebody else. Years of careful study and thorough training are necessary to qualify clerks to discharge such duties efficiently, economically, and in keeping with the public welfare.

Numerous lines of public business will be readily recalled in addition to the customs service, if extended argument should be needed in support of this proposition. Efficiency can not be secured and economy can not be promoted effectively unless these important facts are taken into account and given full consideration and weight in the selection of clerks for the work of the accounting offices.

INDEPENDENT ORGANIZATION.

After extended study and observation of this branch of public business I am fully convinced that the accounting system of the Government will never reach its highest degree of efficiency and economy until the accounting offices become an independent organization with the comptroller at its head.

But this question must be viewed from the administrative standpoint also.

ADMINISTRATIVE EXAMINATION OF ACCOUNTS.

Section 22 of the act of July 31, 1894 (28 Stat., p. 211), is mandatory with respect to the administrative examination of accounts.

Section 14 of the same act, page 210, makes provision for exceptional cases.

The phrase "proper administrative examination of accounts" has received numerous interpretations and applications. The office that manifests a commendable pride in systematic accounting seems to have no trouble in understanding the correct meaning of the phrase, but the office that is willing that its accounts may pass along with negligence and indifference seems to interpret that phrase according to its own inclinations, which are foreign to systematic accounting. It is not uncommon to find conflicting interpretations placed upon it by different committees composed of persons claiming to be expert accountants.

It is earnestly hoped and believed that the method of administrative bookkeeping recently prescribed by the department will assist very greatly in removing many of the difficulties heretofore experienced in connection with the administrative examination of accounts.

Every account, whether it belongs to the species called claims or not, should bear official evidence showing that the proper administrative office has considered the matter and has forwarded to the auditor all the material information it has in regard to the correctness or incorrectness of the account. In this way the administrative offices and the accounting offices can cooperate with one another in reducing all mistakes to the lowest possible point and advancing the efficiency of the service to the highest point.

But what constitutes a proper administrative examination? What does it really involve and require?

The legislative history of these statutes will assist us very materially in answering this question correctly.

House Report 637, Fifty-third Congress, second session, submitted by Mr. Dingley, of Maine, bears directly upon this question. It shows that "administrative officers should examine and approve these accounts coming under their control before they go to the auditor."

In the second paragraph of page 3 of that report the following statement appears:

To guard against the possibility of collusion in the settlement of the few classes of claims which have not had a previous examination and approval by an administrative officer, the auditor is required to submit such claims to two clerks to examine independently, and a favorable report is required from both to settle the same.

It is evident that two independent audits are required, the first by the proper administrative officer and the second by the proper auditor.

Thus the existing law clearly requires a double examination or audit in the settlement of public accounts.

The following extracts are quoted from pages 4349 to 4350 of the CONGRESSIONAL RECORD, Fifty-third Congress, second session:

There should be a double audit of all the expenditures of the Government, whether they be claims or accounts, whether the audit be made after disbursement or prior to payment. A double audit is essential to mathematical accuracy and a correct interpretation of statutes.

Conceding as we (the committee) do, that there should be a joint double audit, the question arises, Who shall make that audit?

It is contended by the gentlemen who are opposed to this bill that the administrative audit under the present triplicate system of examination should be abolished and accounts and claims sent directly to the auditor whose examination should be reviewed by a comptroller. It seems to me, Mr. Chairman, that an administrative examination is of paramount importance. Congress commits to the administrative departments the expenditures of large sums of money, much of which in its detail is necessarily a matter of regulations by administrative departments.

It follows, therefore, that these departments should supervise and examine expenditures they have authorized in order to determine that they have been made in accordance with laws and regulations and that the amounts are correctly stated.

If the administrative departments are to enforce economy in the administration of the public service, then there is no escape from the conclusion that they must supervise and review the expenditures they have made. (Mr. Dockery.)

Page 4350, Secretary Carlisle's letter contains the following:

About 90 per cent of all the expenditures of the Government other than those from postal revenues are made through responsible disbursing agents, and their accounts will be carefully audited by the administrative departments of the Government before going to the auditors.

This method, together with the requirements that all claims which do not receive an administrative audit, shall have two independent examinations in the auditor's offices, constitute a complete check.

Page 4337, Mr. Dingley said:

All accounts before going to the proper auditor must first be examined and approved by the head of the department which made or authorized the expenditure. This secures two separate and independent examinations of accounts.

The act reorganizing the accounting offices of the Treasury Department was approved July 31, 1894.

On March 2, 1895, Mr. Dockery submitted, on behalf of the joint commission, a report concerning the reorganization of the accounting system of the Treasury Department.

That House Report 2000, Fifty-third Congress, third session, contains the following on pages 25, 26, and 27:

Addressing the Assistant Secretary, Mr. Dingley says:

We want to inquire of you how the new accounting system has been working since the 1st of October and whether you have kept a special eye on that.

Mr. HAMLIN. I think the system is working admirably. The Secretary recently asked me to represent him in that matter and to notice any facts that might arise under the comparison of efficiency in the department.

The Assistant Secretary summarized the question of a double examination or audit in the following words:

There is as complete an audit in each bureau of the War Department, Navy Department, Interior Department, and the other departments of the Government as would be found in any corporation or commercial house in the world. The new system provides that after this complete audit by the administrative departments the accounts should be passed upon thoroughly by an auditor. This makes a complete double check. (P. 26, last paragraph.)

Thus it is clearly shown that an administrative examination involves the same degree of scrutiny and thoroughness that an examination would exact in an auditing office. It will be observed that the authors of the law gave the same meaning to the words "examine," "examination," with respect to an administrative office, that they did in regard to the auditing office. An administrative examination involves the same kind of work in an administrative office that it does in an auditing office. It will be observed that the authors of this law frequently used the expression "administrative audit," also "joint audit," meaning thereby one and the same thing for the administrative and the auditing offices. It will also be observed that Mr. Dockery, chairman of the commission, and also Mr. Dingley placed special stress upon the fact that the double audit of claims should be required before or after payment.

On the basis of this bill you can reach out to the business colleges of the country, the business high schools of the country, and induce them to put these fundamental questions into their courses of study. Thus in a short time the Government will be able to secure men and women who are educated for this work before they come here. As it is now, you pay them salaries while they learn the business. On the plan proposed in this bill you will be able to obtain trained service at the very outset, and that principle will lift the accounting system to a grade of efficiency that will challenge the commendations of all. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman and gentlemen of the committee, I wish to use the time allotted me in discussing a feature of the budget system relatively unimportant as regards legislation but one concerning which, in my opinion, it is pertinent to inquire at this time. I should like to make a brief statement and then predicate upon it one or two questions to members of the committee.

I realize that this is a subject of general legislation, and that perhaps it would not be proper or advisable to seek to include in it matters of detailed procedure in the manner of the preparation of the budget. The primary dual purpose of the proposed act is evidently to foster and promote economy and to discover and prevent duplication both in governmental effort and governmental expenditure. Conflicting claims and overlapping of functions is an expensive incident of our administrative system.

I note that one of the witnesses who testified before the committee was Dr. W. F. Willoughby, director of the Institute for Government Research. In his book on the problem of a national budget he states as his opinion that data regarding the cost of governmental operations should be submitted from at least five distinct standpoints, namely: Funds, organization units, activities, character of expenditure, and object of expenditure. These terms are largely self-explanatory.

It seems to me that the adoption of some such method as that here suggested will likely insure economy by enabling the discovery of duplication and extravagance. Of course, this is a matter of accounting and is relatively unimportant, but it is intensely practical. I feel, therefore, that it is not really a digression to call attention to this feature of the matter. As Dr. Willoughby has stated, "No satisfactory budget system can be established unless the proper basis for such a system is laid in the adoption of a scheme of expenditure documents and accounting practices calculated to produce the information which must be furnished by a budget if it is fully to serve its purpose as an information document."

Section 4 of this bill provides that the budget shall contain balanced statements of the revenues and expenditures of the Government. Nevertheless, we could be supplied with a balanced statement which would not reveal the real sources of extravagance and duplication and which would not properly present the opportunities for economy.

Though this is not directly a part of our proposed legislation, it seems to me that it is a very important incident, and I believe that in an effort to get a comprehensive idea of the program it is not crossing the bridge before we get to it to inquire of the committee whether or not it has considered this practical matter. For the information of myself and the Committee of the Whole House I have risen to inquire about this feature of the system. Is this practical phase of the question to be left to the arbitrary judgment of one man? I for one should like to be advised of the method in the contemplation of the Budget Committee. [Applause.]

Mr. GOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman and gentlemen of the committee, in the last 25 or 30 years there has been an alarming increase in the cost of government in the United States, both in the Federal Government and in our State and municipal governments. This increase has been so progressive that it has become alarming and is now challenging the earnest consideration of thoughtful men charged with administration of government in the States and in the Nation.

Some 20 years ago I had the honor of serving as a member of the legislature of my State. The total appropriations for the State government for a period of two years at that time had reached the sum of thirteen millions. And I remember what an outcry was made by a portion of the press of our State and the leaders of the opposition party, when that legislature ad-

journed, against its extravagance and wastefulness. That was 20 years ago. Thirteen million dollars at that time was sufficient to finance all the departments of the government of the great State of Illinois for two years. In less than four years from that time the expenses of government in our State had gone up to $20,000,000 for two years. In 1912, at the close of the administration of Mr. Deneen, the legislature had appropriated for the last two years of his administration the sum of $29,000,000. That enormous appropriation became an issue more or less in the 1912 campaign in Illinois. Our Democratic friends said that was wasteful and extravagant, and that if they were given charge of the State government they would cut down expenditures and reduce the taxes, with which the people of the State were burdened. A Democratic legislature and a Democratic governor came into power in 1912. There is no question but that they were acting in good faith in the criticism they had made of these expenditures and fully intended to cut down appropriations, but, to the surprise of themselves and everyone concerned in the State government in our State, the first legislature under that administration increased the appropriations to $39,000,000. In the next two years, the last half of the administration of Gov. Dunne, the appropriations reached the sum of $45,000,000, and the Republicans made that an issue in the campaign of 1916, namely, that the appropriations had unnecessarily been increased in four years from $39,000,000 to $45,000,000. And the Republican Party came back into power. However, the appropriations at the very next session of the legislature were increased, and I think necessarily so.

And that has been the history of all the States. It has likewise been the history of all the counties and cities of the United States. I see it stated in the hearings that in the great State of New York in 30 years the cost of government had increased 600 per cent, while the assessed valuation of the State had only increased 300 per cent and the population 30 per cent.

Mr. ALMON. Will the gentleman yield?

Mr. WILLIAMS. I will.

Mr. ALMON. Did the population of the State of Illinois and the value of property and the assessed value of property increase in proportion to the increased appropriations to which you have just referred?

Mr. WILLIAMS. No, sir. The increase in appropriations was entirely out of proportion to the increase in wealth and population. In 25 years our increase in appropriations in Illinois amounted to between 400 and 500 per cent. Our population probably about doubled in that time, and our increase in wealth was from 250 to 300 per cent. But I was speaking about the State of New York, where the expense of government in 30 years has increased 600 per cent and the property valuation of the State 300 per cent. That is out of all proportion, it seems to me, and presents a question demanding the very best thought of men charged with the government of that State, as do the constantly increasing appropriations of the Federal Government demand the best thought of men charged with the management of our Federal Government.

Mr. HARDY of Colorado. Will the gentleman yield?

Mr. WILLIAMS. I will.

Mr. HARDY of Colorado. You would not have us understand that that was entirely extravagance on the part of the government?

Mr. WILLIAMS. I do not say so.

Mr. HARDY of Colorado. Is it because they are getting more by way of benefit in the shape of high schools and better roads and better asylums all along the line?

Mr. WILLIAMS. The States and the Federal Government have entered upon many new activities that require vast sums of money, but, with all that, the expenses of government are increasing at a ratio such that, unless it can be stopped, will reach a point where the burden will be too heavy to be borne by the people.

As to the Federal Government, the appropriations increased in the 40-year period from 1877 to 1917 more than 500 per cent. Let us begin with the administration of President Hayes, 40 years ago. At that time we had 45,000,000 population. I find that the total expenditures, the entire appropriations, of the Congress for the first year of his administration—that is, for the year ending July 1, 1878—were only $88,356,938.13. At the present time we pass deficiency bills carrying larger sums than were appropriated by the Congress for that entire year. The next year the appropriations increased to $172,016,809.21; and we find that for the entire four-year period of the Hayes administration the total appropriations amounted to the modest sum of $578,609,236.42. My honored colleague from Illinois [Mr. CANNON], who is present with us to-day, was a Member of the House of Representatives at that time, and yet he has lived to see in his own lifetime and during his service in Congress the appropriations for the operation of the Federal Government increase more than 500 per cent.

In the administration of Garfield and Arthur, the next four-year period, the total appropriations for the entire four years amounted to $756,370,081.37, an increase of $177,760,744.95 over the four-year period preceding.

In Mr. Cleveland's first administration the total appropriations for the entire four-year period were only $818,323,530.53, which was an increase of $61,953,449.16, a less increase than had been made in the former four-year period.

Coming on down to the administration of President Harrison, the total appropriations for that four-year period reached the sum of $1,134,331,204.87. It was the first time in the history of the Nation, except during the period of the Civil War, that we had reached the point where we had expended more than a billion dollars under a single administration. An increase was noted in this administration of $316,007,674.34 over the expenditures of the first administration of Mr. Cleveland, a very large increase.

In Mr. Cleveland's second administration, which ended in 1897, we find the total appropriations $1,226,644,157.19, or an increase of $92,312,952.32 over the Harrison administration.

We then come to the McKinley administration, with the extraordinary expenditures growing out of the Spanish War, and we find that, even including all the expenditures of that war, the total appropriations of the Government for the four-year period were only $1,903,894,744.42, an increase of $677,250,587.23, which was largely on account of the Spanish-American War.

Under Mr. Roosevelt's first administration the appropriations reached $1,897,811,351.83, an increase of $6,083,392.59 over the administration of Mr. McKinley, which conducted the war. Under Mr. Roosevelt's second term, which ended in 1909, the total appropriations for the entire period were $2,221,931,711.46, an increase of $324,120,359.63 over the previous four years of his first administration.

When we come to the administration of President Taft we find the total appropriations of the Government reaching the sum of $2,563,849,210.84, or an increase of $341,917,499.38 over the last administration of President Roosevelt. It might be noted here that Mr. Roosevelt's second administration was the first administration in the history of the Government, except Mr. Lincoln's, during the Civil War, where our expenditures reached the sum total of $2,000,000,000 and upwards.

We have next the first administration of Mr. Wilson, where the total appropriations reached the sum of $3,216,841,723.11, an increase of $652,992,512.27, which was largely accounted for, as we all know, by the preparedness measures that were passed by Congress.

We find that from 1877 down to 1917, a period of 40 years, the expenditures for operation of the Federal Government have increased more than 500 per cent. This certainly is a most startling fact, and if the same ratio of increase obtains the next 40 years we will find Congress appropriating annually something like $20,000,000,000.

Now, as I said a few moments ago, that increase, no doubt, was largely brought about by the multiplied activities, in almost every direction, of the Government that have been brought into being during these several years. But it certainly is out of proportion to the growth and the increase in the population and wealth of this country. And you will note this, in the study of the appropriations for the support of the Government beginning back in the administration of President Washington, I think, that there has never been a four-year period, a period of a single administration, where the expense of the Government decreased over that of the previous four-year period except in case of war, with perhaps only a single exception. Up until the Civil War in 1860 this Federal Government had never appropriated in a single year as much as $75,000,000 to operate the Government, and we have now reached the period where the appropriations required are so stupendous, where they are so appalling, as to challenge the attention and consideration of thoughtful men charged with the administration of the Government.

During these years this phenomenal increase in the cost of the Government has been widely discussed in the public press, in the magazines, in Congress, and in the State legislatures. A great many books have been written by college professors on how to cure this manifestly growing evil in the expenditures of government. I notice in reading the hearings of the committee that the committee had a few college professors before it, and got their views about the proper legislation and what kind of a budget should be created to meet the requirements of the situation. A careful analysis of the testimony of some of these eminent gentlemen has convinced me that they were absolutely

ignorant in many respects of the practical operations of the Government, and as to how appropriations were made, and as to the workings of the Congress, and the manner in which the revenues were raised and the appropriations were made. I read some time ago where Gen. Benjamin F. Butler, who at one time was a very prominent Member of this House, said, in discussing college professors and their activity in politics, that a treatise by a college professor on how to run the Government was about as valuable as a dissertation by a soured old maid on how to rear children. [Laughter and applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield there?

Mr. WILLIAMS. Yes.

Mr. BLANTON. Does the gentleman know of any class of business men in the United States to-day who are required to make a closer study of finding out how to make a given amount of money go a required distance than college professors? In other words, is it not a fact that the college professors of our land to-day are forced, by reason of very limited financial circumstances, to make their little stipend of resources and income that they have to run their institutions with go to the furthermost limit?

Mr. WILLIAMS. That may be true in their private life.

Mr. BLANTON. That is not private life. That is the school life of the country. And ought we not to give them credit for it?

Mr. WILLIAMS. My opinion is that if the Government were turned over in all its departments to college professors such as some of those who appeared before the committee, there would not be any money left in a very short time. [Laughter.]

Mr. BLANTON. I hope the gentleman is not alluding to our mutual friend, the distinguished educator from Ohio, Dr. FESS.

Mr. WILLIAMS. No. I certainly do not have him in mind. I am not speaking of Dr. FESS. Dr. FESS is one of the ablest and most practical men in Congress, and always instructs the House when he speaks. I am speaking of Dr. Willoughby, whoever he is, and Mr. Lindsay; and the whole trouble with their publications has been that they have assumed that the Congress of the United States is culpable in this matter.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. LANHAM. It is not my pleasure to know Dr. Willoughby, but I have read his book. Some of it may be theoretical, and, again, some of it may be intensely practical. But it seems to me the preparation of a budget along the line he suggests, whereby you can identify and thereby prevent duplication in the activities of the various departments, would be very helpful, although I realize that is not a matter of legislation but of practical operation and administration.

Mr. WILLIAMS. I will say to the gentleman that Dr. Willoughby's second statement before the committee was much more illuminating than his first statement at a prior hearing, because he had in the meantime sat with the committee at its meetings and had heard some practical gentlemen discuss the matter. [Laughter.] But those who have written books on this subject in the main and those who are responsible for the articles in the magazines and the public press, who have been berating Congress because of its alleged extravagance and because of the growing expenses of the Government, were assailing the wrong body and the wrong branch of Government. It is my belief, based upon observation made during my service in this body and upon what I have observed as to the operation of the Government, that the only place in the entire structure of the Federal Government where there has been an honest effort made to cut down expenses and to economize has been right here on the floor of the Congress of the United States. [Applause.] Take the estimates that have been submitted to Congress during the last 10 or 15 years by the departments of the Government, indicating the amounts that they requested and demanded of Congress, and compare those amounts with the appropriations actually made, and you will find that Congress, through the efficient Committee on Appropriations which we have been fortunate enough to have here session after session, has saved to the Government vast sums of money, running into the billions of dollars.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. WILLIAMS. I will, if it is in relation to the subject that I am talking about.

Mr. BLANTON. I am sure the gentleman was present the other day when the distinguished chairman of the Committee on Appropriations [Mr. GOOD], in reply to my questions, stated that of the thousands of employees who were brought to Washington during the war, for the purposes of the war, only about 2,000 have been taken off the pay rolls and sent home. Now, are not we responsible for that?

Mr. GOOD. Will the gentleman yield?

Mr. BLANTON. I believe the number was 2,100 or 2,200.

Mr. GOOD. The gentleman wants to be accurate, I am sure. I suppose as many as 15,000 or 20,000 have been removed, but others have taken their places.

Mr. BLANTON. It amounts to the same thing, if others have taken their places, because the number has not been reduced. We are responsible for that. If the unnecessary ones are not sent home, are we not responsible for it when we let them stay here, or if, when some of them are sent home, we let others take their places?

Mr. WILLIAMS. My idea about that is that the heads of these departments under this administration are largely responsible for keeping thousands of unnecessary employees upon the pay rolls.

Mr. BLANTON. We are primarily responsible, because we appropriate the money to pay for them.

Mr. REAVIS. Will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Nebraska.

Mr. REAVIS. If the heads of these departments continue these extravagant estimates after this budget becomes the law, it will be more embarrassing with the budget than it would be without it.

Mr. WILLIAMS. The gentleman from Nebraska is absolutely right. I have no doubt in the world but what 30,000 or 40,000 employees on the pay roll of the Government in Washington could be discharged for the good of the service, and it ought to be done; but this legislation that we are bringing in here now has for its purpose—and I think we will find that it will largely accomplish that purpose—to furnish to the Congress definite and accurate information from time to time as to the needs of the public service, so that we can legislate on these appropriation bills perhaps in a more intelligent way than has been possible in the past.

Mr. REAVIS. Will the gentleman yield again?

Mr. WILLIAMS. Yes.

Mr. REAVIS. Is it not the duty of the bureau heads now to furnish this definite and specific information as to their official needs?

Mr. WILLIAMS. Yes, indeed.

Mr. REAVIS. If they pursue in the future the same policy that they have pursued in the past, will not the budget be a menace rather than a benefit?

Mr. WILLIAMS. Well, the theory of the budget, of course, is that we are creating a department that will stand separate and apart from these spending departments of the Government, and that in order to make good, and make a record for itself, it will have only in view the object to conserve the Public Treasury and to furnish Congress information of a definite nature as to the expenses of the Government that are really necessary.

Mr. REAVIS. That is, we will have the estimates furnished by some one who takes into consideration the rights and needs of the people rather than the rights and needs of a department.

Mr. WILLIAMS. Yes. Of course, we need not expect during the first two or three years of the operation of the budget, in my judgment, to reap the benefits from it that will ultimately come if this system is enacted and adopted, and if we have, as we will have, an honest effort made on the part of the bureau of budget, which is directly responsible, under the President of the United States, to furnish the Congress information as to the money that is actually needed.

Mr. HASTINGS. Will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Oklahoma.

Mr. HASTINGS. I want to compliment the gentleman on the splendid service he has rendered to the House in collecting the data which he has just given us in his speech. I was wondering if he had gone behind the Hayes administration, back to the beginning of the Government, and whether or not he had that data, so that he could put it into his speech for the benefit of the Members of the House?

Mr. WILLIAMS. I have the data, but the increase in appropriations from the beginning of the Government up until the Civil War, while it was gradual, was not so great or rapid.

Mr. HASTINGS. And the gentleman began far enough after the Civil War so as to give normal figures. Now, I notice, in reading the hearings before the Budget Committee, a statement made by the chairman of the committee as to how much the estimates were reduced by the Congress of the United States in one year for instance. I was wondering if the gentleman himself had those figures.

Mr. WILLIAMS. In the last 10 or 15 years—I do not know the exact number of years—the estimates were reduced more than $1,000,000,000 prior to this Congress, and the gentleman knows that this Congress has reduced the estimates about $900,000,000.

Mr. HASTINGS. I was wondering if the gentleman had any exact figures for the last 10 or 12 years.

Mr. WILLIAMS. The figures which I have relate to the total appropriations, exclusive of the Post Office Department, under the different administrations from President Hayes till 1917. They are as follows:

Hayes:	
1878	$88,356,938.13
1879	172,016,809.21
1880	162,404,647.76
1881	155,830,841.32
Total	578,609,236.42
Garfield and Arthur:	
1882	179,578,999.86
1883	251,428,117.57
1884	187,911,566.17
1885	137,451,397.77
Total	756,370,081.37
Increase in the amount of appropriations over the preceding four-year period	177,760,744.95
Cleveland's first term:	
1886	170,608,113.60
1887	209,659,382.01
1888	193,035,861.13
1889	245,020,172.89
Total	818,323,530.53
Increase in the amount of appropriations over the preceding four-year period	61,953,449.16
Harrison:	
1890	218,115,439.80
1891	287,722,488.96
1892	323,783,079.36
1893	304,710,196.75
Total	1,134,331,204.87
Increase in the amount of appropriations over the preceding four-year period	316,007,674.34
Cleveland's second term:	
1894	319,011,846.62
1895	311,788,819.78
1896	293,057,104.81
1897	302,786,385.98
Total	1,226,644,157.19
Increase in the amount of appropriations over the preceding four-year period	92,312,952.32
McKinley:	
1898	311,179,557.54
1899	673,050,293.63
1900	462,509,750.27
1901	457,155,142.98
Total	1,903,894,744.42
Increase in the amount of appropriations over the preceding four-year period	677,250,587.23
Roosevelt's first term:	
1902	479,365,657.55
1903	486,439,306.68
1904	464,846,770.57
1905	467,159,617.03
Total	1,897,811,351.83
Decrease in the amount of appropriations from the previous four-year period	6,083,392.59
Roosevelt's second term:	
1906	489,241,777.30
1907	549,434,246.53
1908	555,739,440.78
1909	627,516,246.83
Total	2,221,931,711.46
Increase in the amount of appropriations over the previous four-year period	324,120,359.63
Taft:	
1910	648,191,676.26
1911	663,725,794.84
1912	634,549,561.40
1913	617,382,178.34
Total	2,563,849,210.84
Increase in the amount of appropriations over the previous four-year period	341,917,499.38
Wilson's first term:	
1914	684,757,276.26
1915	674,497,625.16
1916	678,677,858.70
1917	1,178,908,962.99
Total	3,216,841,723.11
Increase in the amount of appropriations over the previous four-year period	652,992,512.27

Mr. Chairman, any thoughtful man after studying these figures will see the wisdom of inaugurating a system in the making of these appropriations for the future that will eliminate all waste and extravagance and limiting appropriations in every possible way. By the practice of the strictest economy we will never again see an annual appropriation bill that carries less than three or four billion dollars. Our interest charge alone will greatly exceed $1,000,000,000, and after next year sound business and wise statesmanship demand that we begin a reduction of our national debt from at least five hundred million to a billion dollars annually. The gentleman from Iowa [Mr. GOOD], chairman of the Committee on Appropriations, has stated that at least four billions will be required annually for years to come.

Where is this stupendous sum of money to come from? There are only two possible sources—to levy taxes on the people or further increase our burden of debt. When this fact becomes plain to the people, as it will, they are going to demand strict economy on the part of Congress, and will demand that appropriations be reduced to the actual requirements of the Government.

Heretofore the people have not been directly interested in these appropriations, because they did not feel the burden of taxes. Prior to the war our revenue was derived mainly from tariff duties and the internal revenue, and the weight of these taxes were not felt by the people; therefore they did not have such a direct and personal interest in the appropriations as they will now have, when they have to dig down into their own pockets to pay the bills. Until now the internal revenue produced about one-half of the money required to run the Government. With national prohibition the main part of that revenue has gone forever. The tariff, which has been such a fertile theme for discussion, has produced the other half. All students of the tariff agree that it will not be possible to frame a tariff bill either on the Republican theory of protection or the Democratic theory of a tariff for revenue only that will produce to exceed $500,000,000. We are therefore squarely up against the proposition that from now on anywhere from three to four billion dollars must be raised annually from the people direct. This necessity will not tend to make Congress any too popular with the people. Neither will it be an asset to the party that happens to be in power. For years to come one of the live, burning questions in our politics is going to be the expenditures of the Government. Parties will be voted into office and voted out of office on this issue. The people will demand a business administration of their Government, and they will judge parties and public men on their record in holding down profligate expenditures.

In order that the people may pass accurate judgment on these matters, it is necessary that our fiscal system, including both the raising of the revenues and their expenditure, should be such that responsibility can be placed, and that it can be definitely determined who is entitled to the credit or to the blame, as the case may be, in all these matters.

This law creating a budget system definitely fixes that responsibility. Under the bill the responsibility will, in the first instance, rest on the President and the executive branch of the Government. The President, through the machinery provided in the bill, will be required to submit to Congress on the first day of each regular session a full and detailed statement of the amount of money required for the various activities of the Government for the coming year. He will have to say: "I need this much money the coming year. Every dollar is necessary for the proper operation of the Government. I ask you, on my responsibility as President, to furnish me this amount."

When the President submits his budget the people will know the sum total of the money required to run the Government for a year. If the amount is too large and does not meet the approval of the country, the President and his administration will be held responsible by the people.

When the budget is submitted to Congress by the President a responsibility then attaches to Congress. If Congress approves the budget and grants the President the amount demanded, it then becomes equally responsible with him before the country. If Congress takes the position that the demands of the President are exorbitant and extravagant and cuts the estimates, a clear-cut issue is then made between the President and Congress, which is presented to the people in a manner they can understand and intelligently pass upon. This, in my judgment, will result in tremendous saving to the Treasury.

The bill then provides for the appointment of an official termed the comptroller general, whose duty it is to follow every appropriation made by Congress and see that the money is properly spent. This will be of invaluable service to Congress, as this official, being entirely independent of every other branch of the Government, is directly responsible to Congress. I shall

not go further into the details of this legislation, as it has been fully explained in the many able speeches that have been made.

I will say, however, that I heartily support this measure as a wise, constructive piece of legislation, and congratulate the committee on their work in reporting a bill that apparently has the approval of the entire membership of the House.

Mr. BYRNS of Tennessee. I yield three minutes to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Chairman, you are familiar with Shakespeare's immortal truth in the tragedy of King Lear, proving that you can not give away your authority and still have it. The Constitution conferred certain power upon their Representatives in Congress. We can not delegate a duty to some one else and still have the same power and information that we would have if we performed it ourselves.

The Member from Nevada is jealous that no power be voted away, jealous that none be misused. We must approach the future with an intense anticipation of the duties and knowledge of our governmental requirements. [Applause.]

It was an honor to hear the distinguished Member from Iowa [Mr. GOOD] in lucid speech define our Nation's financial condition. His clearness of thought upon that subject was the result of labor and devotion. We were grateful for that knowledge, with ambition for his opportunity.

Does the budget legislation propose to turn that ability, knowledge, and duty for which we were elected over to an appointee? Do we voluntarily vote away this power, this pleasure of service and duty, to avoid toil, or do we feel some one is better qualified with diligence to serve our Nation?

The framers of the Constitution were wise to provide that our Senate share the duty of deciding foreign treaties. It would have added wisdom to give Representatives in Congress equal power.

How many of you gentlemen fresh from the people had your opinion sought by your Senators upon the most important problem of history? My every word is spoken with reverence for our Nation and my place, jealous of its power and jealous of my duty. As we debate this measure by sections, no portion which delegates our power will have my approval. [Applause.]

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from Texas [Mr. PARRISH].

Mr. PARRISH. Mr. Chairman and gentlemen of the committee, I wish to avail myself of this opportunity to make a few general remarks concerning the merits of this proposed legislation which has for its purpose the creation of a national budget, and to say something concerning the necessity of economy in the administration of the affairs of the National Government generally. This bill, if it meets the expectations of all of us, will reach a wide-felt need and will have a far-reaching effect toward stimulating a more rigid economy in Government expenditures.

In the first place, the director of the budget, with the salary proposed and with the assistance given him, should be a very competent and capable man, and if he properly performs his duties the budget, which will hereafter be submitted to Congress instead of the Book of Estimates, will be more carefully studied and scrutinized than has been the case under the old system. This will have the effect, I trust, of holding down some of the extravagant requests that have been made in the various departments, and will leave off of the list many of the unnecessary employees now finding lodgment in the various departments. Until we administer public affairs with the same strict economy that we administer our private affairs, we are going to waste a great deal of the people's money, and I sincerely hope the director of the budget will exercise that business judgment and intelligent economy that characterizes the successful business firms of our country, and if he does this, it will not only meet the hope and expectation of Congress but also of the American people.

Then the accounting department, which will be under the direction of the comptroller general, will audit very carefully all the expenditures after the money has been appropriated by Congress, and while in its nature it will be a post-mortem examination, yet I feel that it will have a beneficial effect. In other words, under the present system Congress makes appropriations and the money is turned over to the heads of the various departments of Government, and unless expensive investigation is ordered Congress does not know whether the money was expended according to its wishes or not, but under the auditing system there will be made by the comptroller general a careful audit of all expenditures of the Government, and the effect will be to advise Congress and the people whether or not those intrusted with the expenditures of public money have carried out the wishes of Congress and the people, and it goes without saying that this check, no doubt, will encourage caution and economy in the public expenditures.

If I may say so, Mr. Chairman, the great issue now before the American people and before Congress is the matter of the economic expenditure of public money. I saw an article in one of the Washington papers yesterday which said in effect that the two great parties are searching for a political issue. If I may be permitted to suggest to the writer of that article, neither party now has to search for that issue, because it has already been determined, and hereafter the great issue before the American people will be that touching the expenditure of public money and the amount of taxes that will be exacted in order to meet such expenditures, and hereafter the man who aspires to public leadership will have to give an account before his constituency of how he has expended or will expend money from the Public Treasury.

In the history of the English Government you will find that the expenditures were made at random, more or less in a way similar to ours, for a great number of years, and then William E. Gladstone came forward as one of the great leaders of his day and gave the best of his life in defense of the treasury of England, and under his leadership there was created the system of the exchequer and the audit, which has stood the test of all the legal attacks made against it for more than 50 years; Gladstone's name has gone down in history as one of England's greatest statesmen and the exchequer and audit has remained the vital issue before the English people from that day until this, and will continue to be the issue through all time to come.

Now is the time in the history of the American people that some great man come forward, as Gladstone did in England, and become a dominant force that will reorganize the financial system of this Nation in such a way as to give to the United States a great business administration and see to it that the taxes which must be exacted of the people of the United States are expended with the strictest economy. [Applause.] Henceforth this is the issue, the vital question to the people back at home—What are you going to do with the public money? And they will take no evasive answer in reply; they are reasonable, but they will not be deceived; they want the money they pay into the Public Treasury to be judiciously expended; they want value received for their money.

I am not one of those who try to make the public believe that all the money that has been spent in the past has been wasted—far from it—for such demagoguery as that has a bad effect when it comes from a Member of Congress, or, for that matter, any other public official, as it serves to cast discredit upon those who have unselfishly sought to serve the people whom they have been elected to serve. However, no man will deny that public money has been wasted and extravagantly expended; but by a careful study of the various needs of the Government the expenditures can be cut down very largely, and the public will get the benefit, dollar for dollar, of the money that is spent. The people at home expect us to see that this is done, and they are expecting relief from the heavy burden of taxation that is now imposed upon them.

The farmers of this Nation have borne the burdens of taxation without complaint, and during the war these burdens were heavily increased, yet without a murmur or complaint they paid whatever they were asked to pay; but now that the war is over we are, or should be, returning to the paths of peace, and the people at home are expecting us to do something to relieve the heavy taxes that were required to be paid into the Federal Treasury. The income and excess-profits taxes that have been levied in the past, and that seem to be the only means of meeting Government expenditures, have fallen heavily upon the farmers of our country.

They have been making a little money during the past few years, but most of the profit has gone back into the Government, either in the form of taxes or in the purchase of Liberty bonds. The income and excess-profits tax as now levied has a tendency to discourage progress, development, and individual initiative. The farmer with a few dollars invested, by putting into it the very hard labor of himself and children, has succeeded in bringing in good returns, and has in fact made a little profit, and we want to so regulate our financial affairs in the future that the man who makes the profit by his energy and initiative will be permitted to retain as much as possible of that which he earns by his own efforts and the effort of his family in order to protect them against the hardship of a rainy day. [Applause.]

Indeed, if I may say so, Mr. Chairman, we should hasten back, and that as quickly as possible, to the paths of peace. We must discourage extravagant expenditures wherever found, either in public or private life. We want to go back to that good old-fashioned democracy which gives to every man the right to make his own fortune, and that with as little interference and regulation on the part of the Government as possible. The high cost of living, with those things that follow, about which much has

been said recently, will never be reduced until the American people go back to the paths of peace and are conservative in their investments, conservative in their daily method of living, and until they exercise and practice the strictest economy, and in order to do this it is necessary that we get back as quickly as possible to normal conditions.

In furtherance of this plan I believe we should return the railroads to their owners under legislation that will properly safeguard the public as speedily as possible. [Applause.] We ought to build a permanent and enduring merchant marine system, and by proper legislation close the doors against undesirable immigration, shutting out those who would come in to disturb our economic and social conditions, and that the agitator should be hit—and hit hard; that the doctrine of conservatism, rational, and economic living should be preached from every pulpit and platform, and every man should be given, as far as possible, the chance to reap the fruits of his own toil; it is in this way only that we will destroy the agitator and put business back on a conservative basis.

But, Mr. Chairman and gentlemen, we are not going to do this by bickering across the aisle; we are not going to do this by hurling accusations from one side of the aisle to the other; we are not going to do this by making charges and countercharges; but we can, as Representatives of the great American people, do this by putting our shoulders to the wheel, the men on the left of the aisle pulling together with the men on the right of the aisle as one great man for the common and unselfish good of our great American Nation. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman and gentlemen of the House: If it were not for the fact that this bill is supported by so many of the ablest and most experienced and most patriotic men of the House, I should find myself absolutely without any faith in its efficacy to accomplish the purpose for which it is intended. Of course, generally speaking, we are all in perfect accord in the purpose underlying the bill. Every thoughtful man in this House has come to recognize the great danger that confronts us on account of the extravagance of the Federal Government and of the various States and other Government subdivisions of the country. Before the recent war the total expenses of the National Government amounted to about $1,500,000,000 a year. Our total indebtedness was less than $1,000,000,000. The annual interest on this sum was only a little more than $20,000,000. We are told on good authority that when the final balance is struck and the present war technically closed the obligations of the Government will amount to more than $30,000,000,000. It will require nearly $1,500,000,000 to take care of the sinking fund and interests on these obligations. This sum about equals the total cost of running the Federal Government before the war. And it is now estimated that it will require something like $5,000,000,000 annually to meet the vast expense of the Government. This presents a situation that challenges the careful consideration of every Member of this body. The records of history show that money as represented in taxes or commerce or conquest has always been a prolific source of war. The discharge of a debt amounting to $30,000,000,000 would endanger the very existence of any other government that ever existed on earth; and we shall be fortunate, indeed, if we are able to solve the problems facing us without engendering disputes and class hatreds that will seriously disturb the happiness of our people, if they do not endanger the preservation of the Republic.

Extravagance is rampant on every hand—in the home, in the family, and in the conduct of the Government. It is interfering with the education and hindering the moral development of the youth of the land. I believe I appreciate the seriousness of the situation as fully as any Member of this House. During the excitement of the war and the dangers involved in that conflict, of course, we had little time to count the cost or think of economy. Our first thought was to win the war in the quickest way and with the least possible loss of life. We did not care to consider the mere matter of money as against the lives of the brave boys who were fighting for our flag.

But in this connection I may say that since the war I have been casting my vote against additional appropriations and new schemes for the creation of boards and departments, necessitating new expenditures by the Government. I have done so consistently, as the RECORD will show, and I intend to continue to do it. And, my friends, we may as well face the fact that this is the only way to cure the evil of extravagance. The remedy rests with the individual Members of this House and of the Senate.

Now, what is the first thing that confronts us when we fix our eyes on this bill? The two first lines of the first paragraph of the bill provide for the creation of a Bureau, with a Director to receive a salary of $10,000 a year and an Assistant Director at $7,500 a year. This Bureau is to serve as a buffer between Members of Congress and their constituents. The Director of this Bureau is authorized to appoint and fix the pay of employees and to spend money for rent, printing, telegrams, telephones, law books, books of reference, stationery, furniture, office equipment, and other supplies—to organize in due and ancient form as a department of the Government.

The initial appropriation for the expense of this department is $100,000. We all know what that means. It is only a beginning. I will say frankly that I have very little faith in any economic reform to be accomplished by any measure that starts out with the creation of a new board or bureau or a new department in our Government. If any committee will report an act to abolish some board or bureau or to cut its appropriation or the number of its employees in half, I think I should be willing to promise offhand to cast one vote in favor of such a bill, no matter in what direction it strikes. But I shall have to be convinced before I favor any bill that starts out with the creation of another board or bureau in Washington. [Applause.]

Mr. WELLING. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. Yes, with pleasure.

Mr. WELLING. There ought to be one feature of this bill particularly inviting to the gentleman. I refer to the one wherein it abolishes the office of the Comptroller of the Treasury.

Mr. STEAGALL. Oh, no; not at all. There is no——

Mr. SEARS. It does not abolish it at all. It simply raises his salary to $10,000 a year.

Mr. STEAGALL. It does not abolish the office of Comptroller of the Treasury. It simply substitutes for him an officer to be known as a Comptroller General, who is to perform the same duties, the salary being raised to $10,000 a year, as suggested by my friend from Florida [Mr. SEARS]. Then there is to be an Assistant Comptroller General, at $7,500 a year, to take the place of the Assistant Comptroller of the Treasury. The Comptroller General also has authority, specifically conferred by the act, to appoint as many as three employees, each at a salary of $5,000 a year, independent of civil-service regulations. The Director of the Bureau of the Budget is also empowered to appoint three men at $5,000 a year each in addition to the others he may deem necessary in his department. If you will examine the bill, on page 9, at the bottom, you will find that the Comptroller General, in addition to his Assistant and the other three men provided for at salaries of $5,000 each and the entire force in the office of the Comptroller of the Treasury, which is to be transferred to the new department, is authorized to appoint, remove, and fix the compensation of such officers and employees in his department as may be provided. In making these appointments he is responsible to nobody, and he may fix the salaries as he pleases, according to his own sweet will, with the one single limitation that not more than three shall be allowed salaries of more than $5,000 each. We know well enough how the head of every department in Washington thinks that the whole scheme of government depends upon him and those employed under him, and how hard it is ever to hold down the salaries or the number of people employed in any department. Always Congress cuts the estimates. Every year the Congress saves millions and millions of dollars by the reductions in the estimates of the various departments. Yet knowing all these things to be true, the members of the Budget Committee have reported a bill which makes the Comptroller General and the Assistant Comptroller General officers for life, and even provides that they may be retired at half pay when they reach 70 years of age; and which makes them responsible, we might say, to nobody but the good Father who rules us all. Why do I say that? I know that they are supposed to be responsible to Congress, but a close analysis of the language of the act shows that as a practical proposition this is not true. But I am opposed to life tenure in office for the head of any department in this Government, even if absolute power over him were retained in the Congress of the United States. It is un-American and undemocratic. [Applause.]

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I will be glad to yield in a moment. The act provides that the Comptroller General and the Assistant Comptroller General may be removed if "inefficient" or "guilty of neglect of duty" or "malfeasance in office." What is "inefficiency"? "Inefficiency" would be defined in various ways, according to the mind of the individual passing upon the question. But in no event would the question hinge upon whether or not an officer was cautious or liberal regarding expenditure of money for the public welfare. What is meant by the phrase "guilty of neglect of duty"? Certainly no lawyer would contend that an officer would be "guilty of neglect of duty" simply

because he favored a liberal expenditure of the public money for the public welfare. So of an officer accused of "malfeasance in office." The words would be held to involve bad faith or corruption. In no case would this clause be construed to apply to an officer who might be liberal in his views regarding expenditures. So we see there is nothing in these provisions of the act that would enable the Congress to get rid of a Comptroller General or the Assistant Comptroller General because of a failure to economize. And, following the enumeration of these grounds of removal we find this specific clause, "and for no other cause and in no other manner." So it is beyond controversy that for the mere failure to enforce economy there is no power in the President nor the Congress through which the Comptroller General nor the Assistant Comptroller General may be removed. We have made them officers for life with no power retained in the Congress by which to get rid of them, even though their retention in office might result in the unnecessary expenditure of billions of dollars every year.

Another thing proposed in connection with this bill that does not appeal to me is the revision of the rules of the House. The plan contemplates the creation of a supercommittee on the subject of appropriations, a committee to have charge of all bills involving expenditures. At the same time we are told that we shall let the various appropriation committees continue to function, in so far as the right to make authorizations regarding the various departments is concerned.

This looks to me like a duplication of work, and that is one of the things that we have been crying out against, and that ought not to be countenanced here nor in any other branch of the Government. This new committee could never hope to become more familiar with conditions and necessities in the various departments of government than the committees of this House, the Members of which are in peculiar touch with each of those departments and who have been studying their operation for years and years. Besides, so far as I am concerned, I do not like the idea of centralizing power in this body. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS of Tennessee. I yield 10 minutes more to the gentleman.

Mr. STEAGALL. This body is in charge of itself. The majority has absolute control. It is democratic in its organization, everyone has his say, everyone has recognition, and I hate to see this changed. I can not see my way clear to vote to put all this vast power in one committee. [Applause.]

Gentlemen, I have about reached the point where I am slow to throw up my hat for something simply because it is offered as a reform, and I have been counted as a kind of reformer all my life. Before I came to Congress I favored nearly all of the progressive policies of my party—"new-fangled issues" they were sometimes called. In many instances there is no doubt we were right; but I think I have learned some things during my service as a Member of this body, and to tell you the whole truth, I am not quite sure that I have not unlearned a few. Merely to call a thing a reform does not enthuse me any more so much as it used to, though I wish it understood that I am still a young man. [Laughter.] I confess I am alarmed at the senseless and incessant clamor for change to be heard on every hand. I deplore the discontent and dissatisfaction with customs and ideals and institutions we have been taught so long to regard as sacred. We have upset so many things that I sometimes fear I shall wake up some morning to find myself left-handed. [Laughter.] I once heard my father tell a story that illustrates my view of what is needed in this Government. There was a great preacher down in my country who once held a big revival meeting. Soon after the meeting closed he met a friend and told him about it. The preacher said it was the greatest revival he had ever known in his life. The friend was a religious man and, being delighted with the report, hastened to inquire, "And how many new members did you take in?" The preacher replied, "We did not take in any; we turned out 130." [Laughter.] My friends, this is the method to be employed in this body if we are to give the people the reforms they desire at our hands. [Applause.]

We need an end to the senseless cry for change. We need a revival of conservatism and common sense. If we are going to cut down expenses, instead of passing new laws and creating new boards and bureaus, we should repeal some of the laws now on the statute books and abolish some of the boards and bureaus now in operation. [Applause.] If there is anything that the people of this country are sick and tired of, it is boards and bureaus in Washington to govern their activities. I am not lecturing anybody nor criticizing anybody nor putting any blame on anybody that I do not take my own share of. I know that we did a great many things during the war that we would not have thought of doing under other conditions and, of course, we made some mistakes, though I think it safe to say that in every such case the fault lay primarily with the heads of departments, Army officers, and other so-called experts who thought they were wiser than Congress and who were allowed to influence our action. But the fact is there is hardly anything in this country or any business establishment from the Pennsylvania Railroad to a peanut stand that a man can now operate without having a Federal official superintend him. The truth is, we have too much government. We are drifting away from the old maxim that the people least governed are the best governed.

This Congress, even though the war ended about a year ago, notwithstanding the enormous burdens entailed, is going right on increasing salaries, creating officers, establishing boards and bureaus, granting pensions to civil employees, and spending money as if the country did not owe a dollar and had billions in the Treasury lying idle. As a remedy for this we are told that we shall shift responsibility on the President. Well, in the first place, I do not believe this body is bankrupt, either in intelligence, in courage, or in patriotism. In any event, we have assumed the responsibility under oath and we can not get rid of it, even if we would.

But let us see what will become of the effort to place responsibility on the President. The Members of this House have to face their constituents every two years and give account of their conduct here. The President holds office for four years and will not be a candidate every time Members of this House offer for reelection. The people, if they have the good sense they ought to have and that I believe they have, will not submit very long to the enormous burdens they are now carrying without calling their Representatives to account, unless they are shown that these burdens are necessary for the support of the Government, economically and sensibly administered.

Our revenue can no longer be raised by tariff laws, as formerly. Taxes are now in the main levied directly. The people know what they are required to contribute to the support of the Government and they are going to demand full understanding of the manner and purposes for which it is expended. But suppose, for the sake of the argument, that the President should be a candidate for reelection, do you suppose that the election of a President is likely to be determined by what his Budget Bureau recommends to Congress? Why, of course——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEAGALL. May I have five minutes more?

Mr. BYRNS of Tennessee. I will yield to the gentleman five additional minutes.

Mr. STEAGALL. Of course, the determination of a presidential campaign will not be decided upon an issue like that. I believe it is true that we did once have a candidate for the Presidency who talked quite a lot about a horse doctor in the Geodetic Survey, but no candidate for the Presidency is likely to adopt that method of campaigning any time soon! Campaigns for the Presidency will be fought out over questions of world-wide importance. Gentlemen, the truth of the matter is there is but one hope for reforming conditions in this body, and that hope rests upon the courage and patriotism of the individual Member of Congress and his recognition of his responsibility to his people at home. [Applause.] If the regard of Members of this House for their constituents who must pay the taxes to meet the expenditures made by Congress, Members who must confront their constituents every two years to give an account of their record here—if they can not be trusted to take care of the situation, it is useless to hope for better things at the hands of some head of a bureau who holds office by appointment. I confess I have no faith in it.

Mr. CANDLER. Will the gentleman permit me to say further, especially where you have a life tenure?

Mr. STEAGALL. Yes; whether he is in for four years at the will of the President or for life. Of course, if he is in for life, it only makes the case much worse. Gentlemen, I know it is a common thing for men to asperse Congress, and I never hear a thoughtless fellow engaged in wholesale denunciation of the representatives of the people of this great Nation that I am not sorry for him. Every man ought to know that the protection of the masses rests in the keeping of their own chosen representatives, and it is in them that we must find the intelligence and patriotism upon which depends the perpetuity of this Republic. [Applause.] My friends, as I see the matter—though I express my opinion in the face of the fact that many older, abler, and more experienced Members of the House view it otherwise—the hope for relief from reckless extravagance under which the people suffer rests upon their chosen representatives, and I have no faith in any scheme by which this body is to go out and hire some fellow to tell us how to run

the Congress of the United States. [Applause.] The less outsiders are permitted to influence our action, the better it will be. The people to whom we owe our highest duty do not come here. They rely upon us to protect their interests. I know it is mighty easy to find a man on any corner who cusses Congress and who can tell exactly what ought to be done and how this body should be run, but about nine hundred and ninety-nine times out of a thousand when you find one of these fellows you will discover that he could not be elected to any office in his precinct, and that if he could live another hundred years would have no chance ever to become a Member of this great body. [Applause.] I believe there is more patriotism and brains, more legislative capacity, in this Congress, chosen as the representative of the great free people of this country, than could be found in any other body of men of like size that ever assembled on this earth. If the President were ordered to select a like number of men or twice the number who compose this body to attempt to tell us how to legislate, the scheme would be a failure. I think I know it can not be less, if we send him out to organize a board or bureau for that purpose. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, almost daily our Republican friends from across the aisle with tears in their eyes deeply deprecate the increased expenditures of our Government, and then in the next breath lay the blame upon what they term "Democratic departments" of Government. I wonder if our friends do not know how ridiculous their position is to the people of this country who know the facts, who know that the estimates of the expenditures of these various departments and the designated clerical force required are largely made up by the chiefs of those departments, many of whom, and a majority of whom, are Republicans in politics and who hold their positions under the civil-service rules of this Government, and many of whom have filled their positions for 25, 30, and even 40 years. Department heads recommend estimates made by these department chiefs independently holding their positions for life under civil-service regulations.

Mr. STEPHENS of Ohio. Will the gentleman yield?

Mr. BLANTON. I regret that I can not, as I have only three minutes. The gentleman from Iowa [Mr. GOOD], the chairman of the Appropriations Committee, in reply to my question the other day admitted that out of the many thousands of war clerks only about 2,100 had been sent home, and he laid the blame on the departments; and I am advised that every time one of these departments turns loose some of these war workers who are unnecessary and tells them to go home that the very next day a Congressman, in many instances a Republican, comes down with his constituents, both to the department and to the Civil Service Commission, demanding that they be reinstated in that or some other department—and there is the trouble. That is the reason we have all of these thousands of war workers who we know are unnecessary at this time and who long since should have been sent home, and that is the reason there are so many still hanging on to public jobs with no work to do of any value, and that is the reason, as I told the gentleman from Illinois [Mr. WILLIAMS] awhile ago, that the blame is not on these departments, Republican and Democratic chiefs alike, but the blame primarily rests upon the Congress, upon each and every one of us Members, if you please, and these war workers are going to continue to hold their positions just as long as Members of Congress sit here and permit them to do so.

Mr. GOOD. Will the gentleman yield?

Mr. BLANTON. The gentleman promised to yield me some time. I will yield.

Mr. GOOD. I yield the gentleman a minute. The gentleman says the blame is on the Congress. Congress passed on February 28 last the legislative, executive, and judicial appropriation bill, carrying something like $97,000,000 for salaries of clerks in Washington, and for other purposes. That was for the whole year. When Congress did that, why the whole control passed out of Congress, so far as employing those clerks in the departments was concerned, until the 1st of July, 1921.

Mr. BLANTON. Now, the gentleman, I am sure, is going to give me another minute, because he took up nearly all of the one he yielded. No; I can not agree that the control has passed beyond Congress, for we hold the purse strings, and if we directed these departments to immediately return all unnecessary clerks to their homes, and then let them understand that we meant business and expected our orders to be obeyed, they would be obeyed. We must be willing to do our own thinking and make some investigations ourselves and check up these estimates which are so liberally enlarged when the chiefs present them to the heads of departments and, in turn, they are passed on to us for granting.

And we Members of Congress must let our zeal for the Nation as a whole be greater than our zeal for some of our constituents who may be holding these unnecessary jobs, and when they are cut loose we must not get them reinstated.

And I want to state to the distinguished gentleman from Iowa [Mr. GOOD] that there is one way that this Congress can send those war workers home, and he knows it, and you know it, and I know it, and the people know it; he could bring in a resolution to-morrow, because he has control of the Rules Committee—a resolution demanding of these departments that these unnecessary war workers be sent home. He knows it, I know it, and you know it, and the people of this country know it. Then, if that is the case, why blame it on the departments? I will tell you what we ought to do. When these departments come in here with these unnecessary estimates, if they should want to hold these clerks on, we must learn to sit down on them and show them when the time comes where, to use an American expression, to "head in." When we do that we are going to stop this unnecessary expense. Until we do that, they are still going to hang on to the public offices they hold.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 45 minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman and gentlemen of the committee, not many questions as important as this one will come before this Congress. And there are few that are attracting so lively an interest on the part of substantial people throughout the country. There was a time when Congress, without serious consequences to the country, without serious danger of disaster, could appropriate for any service that might be thought to be desirable. There was not much fear of pressing too hard upon the sources of revenue. Congress had never laid unbearable burdens upon the people. That time, however, has passed. The expenses of the war have been enormous, and the interest that is to be paid upon our bonds will amount to more than the total expenditures of the Government five years ago. In addition to that the high cost of living has affected the Government, as it has affected the individual. Everything that the Government buys costs more, and every man or woman in the employ of the Government demands—yes, and needs—increase of salary in order to meet the higher cost of living for the individual. So that our expenses of government will be much higher, probably, for many years to come than they have been in the past.

We must keep up a high rate of taxation, and the people will feel it as burdensome. For that reason there is much more interest in economy on the part of the Government than there has ever been before, and I believe that the problem that is before the present Congress is greater than the problem that was before the Sixty-fifth Congress. Then everybody knew that there was only one thing to be considered, and that all other things must yield to the necessity of overcoming our enemy.

At the present time there is more difference of opinion about policies. A great many things are to be settled—the question of the railroads, of the merchant marine, of our foreign policy—but among them there is none of more importance than this one. I have thought that for a little while I should like to take up three things—the present method of dealing with the finances of the Government, the necessity of reforming that method, and then show the proposals of your Special Committee on the Budget, which are found, first, in the bill that is now pending, and, second, in the resolution which is to come up later for the modification of the rules of the House.

And taking up in that order the points that I wish to discuss, I shall give my attention, first—and not for very long—to the present financial methods of the Government.

With the increased public interest in this matter there has been great multiplication of magazine articles and newspaper editorials and weightier articles in the reviews dealing with the reform of the budget, or, as many of them say, the adoption of a budget system. Many of these review articles and magazine articles and newspaper editorials have been helpful. Much of the criticism of our present method, the criticism of Congress along with other branches of the Government, has been justified. And we ought to listen to well-informed criticism. But along with the helpful criticism, valuable to every student of governmental affairs, there has been a flood of exceedingly uninformed criticism. Men who are professional writers and who know how to prepare very readable articles with meager allowance of information have rushed into print on this question, some of them amusing, some of them, it must be confessed, irritating,

but all of them easily to be distinguished from the genuine students of governmental methods, who have furnished valuable criticisms which we would do well to follow.

I remember one article—and I do not intend to mention the name of the writer—in which it is said, in an attack on Congress that would be irritating if it were not amusing, that Congress does not know, has no means of finding out, and does not wish to know anything about the relation between the Government's revenues and its expenditures until it is too late for the knowledge to do any good.

Well, I do not intend to read in the hearing of the members of this committee the information that is furnished to Congress, but I should like to call your attention to one volume that is prepared by the administrative department to furnish information to the appropriating committees.

The pages are 9 inches by 11 inches, and there are 1,093 pages the Book of Estimates, in which the heads of the administrative bureaus send up, through the Cabinet Secretaries, to the Secretary of the Treasury, who transmits them to the Speaker of the House, estimates of the needs of the various bureaus and departments for the coming fiscal year. This copy which I hold in my hand is the estimates for the fiscal year of 1920. Along with that, the estimates of the needs for the coming year, the Secretary of the Treasury sends to the Speaker of the House of Representatives a combined statement of the receipts and disbursements and balances of the United States Government for the last completed fiscal year. These come to us in a volume whose pages are of the same size, 9 inches by 11 inches, to the extent of 200 pages. This came to us at the same time that the Book of Estimates came. We have there a combined statement of the receipts and disbursements for the last completed year, the last year for which complete statements could be made. We have also an estimate for the next year that is to come.

Now, what have we for the current fiscal year that lies between those two? In the annual report of the Secretary of the Treasury we have statements boiling down the combined statement of receipts and disbursements, with statements of receipts and disbursements for the year ending June 30, 1918, with comparative statements of the receipts and disbursements of that year with the year next preceding it. We have these full statements of the receipts and disbursements for the fiscal year ending June 30, 1917, compared with the receipts and disbursements of the year ending June 30, 1918, together with estimates of the receipts for the current, but yet uncompleted, year, ending June 30, 1919. It came to us last December, and the fiscal year would not be completed until the 30th of the following June, so, of course, the best that could be done was to make estimates of the receipts expected in the Treasury and the disbursements expected, based upon the appropriations that had already been made, and possible deficiencies. And along with that is an estimate for still one year more in the future, based on existing revenue laws and estimates of receipts and disbursements for the year ending June 30, 1920. That is, the estimates came to us in December, 1918, including the reports, the ascertained facts, for the year ending June 30, 1917, and also for the year ending June 30, 1918. Those reports and comparisons were in our hands.

The estimates also of the partly completed year then current were placed before us, and the estimates of the expected revenues for the next year to come, together with the very large Book of Estimates of the appropriations needed for the year to come, the fiscal year ending June 30, 1920. These were all in our hands before we began to make the appropriation bills in December, 1918.

There is no need for me to remind Members of the House of the manner in which these estimates are handled after the Secretary of the Treasury has sent them to the Speaker of the House. The estimates are sent to the Committee on Appropriations and to the other committees which prepare appropriation bills. The naval bill is prepared by the Committee on Naval Affairs, the Army bill by the Committee on Military Affairs, and so on. There are eight committees in all which have charge of the preparation of these supply bills.

Each of these committees spends weeks, some of those having charge of bills carrying the larger amounts spend months, in studying the estimates, hearing witnesses, examining the heads of bureaus, divisions, and departments, sometimes calling before the committee the Secretary of War, the Secretary of State, or other Cabinet member having jurisdiction over the department for which the appropriation is being made.

Volumes of testimony are taken. It is printed and made available for other Members of Congress who have been busy on other committees which are making like investigations for appropriation bills dealing with other departments. Every winter there is not only one bill but several on each of which the testimony fills hundreds, and, in many instances, thousands, of pages. No Member of Congress can neglect these volumes of "committee hearings" and feel that he has done his duty in preparing himself to vote intelligently on the appropriation bills which are to come before the House. It is nevertheless true that the volume of business is so large that every man must deliberately choose the field within which he will do the greater part of his work and make up his mind to limit his studies in other bills very largely to controverted matters.

Congress does have, not in one volume but still accessible, though the information is to be collected from three volumes, statements of the revenues and expenditures of the last completed fiscal year, estimates of the revenues and expenditures of the current fiscal year, and estimates of prospective revenues and expenditure needs for the next ensuing fiscal year.

Why is not that enough? Well, it is not enough; our present method is not satisfactory. It can be improved; it ought to be improved; and it is going to be improved very shortly. [Applause.] But it is not the fool system that some of our fool critics think it is. [Applause.] Some of these gentlemen are much more desirous of making strong statements than of making true statements. They tell us that Congress does not know, has no means of knowing, and does not wish to know the relation between receipts and expenditures. I say that these gentlemen do not know. They did have the means of knowing, but did not care to use them.

Why does the present system need improvement? The principal reason, in my judgment, is that in spite of the bulk of the book that contains the estimates there is nowhere a central authority in the preparation of those estimates that will coordinate them, that will detect and make stand out in the bright light the overlapping functions of the various departments, the duplication of services. If we correct their overlappings and duplications we will improve the service and at the same time save a considerable amount of money.

These estimates are made, as has been said, in the various spending bureaus, the bureaus that perform services for the people of the United States. Of course, the performance of these services costs money.

The bureaus make an estimate of the work they expect to do and the amount of money it is going to cost them to do it. In each department of the Government—the State Department, the Agricultural Department, the Navy Department, and all the rest—the various bureaus send their estimates to the head of the department. The head of the department has authority to revise, to suggest a recasting of those estimates. It is commonly believed that some of the Cabinet Secretaries do exercise some control over the bureaus in their department and that some of them do not.

I do not feel at liberty to enlarge very much on one incident that turned up in 1917. It would have been unwise to mention it at all at that time. The war was on, and it was as important to preserve the morale of the people of the United States as it was to maintain the morale of the Army. But in one of the departments, the War Department, there were duplicate estimates. Different bureaus in the War Department had estimated for the same thing, one item of about 40,000 machine guns. It was not discovered in the office of the Secretary of War. When all the estimates from all the departments went to the office of the Secretary of the Treasury the thing was either not detected there or it was not thought that there was power there to correct it. But it was detected; it was discovered in the House Committee on Military Affairs, and the duplication was not appropriated for by duplicate appropriations. That was one of the reasons why Congress was able to cut down the estimates of that year.

Gentlemen of the committee, do you realize that the estimates that came to the Sixty-fifth Congress for the fiscal year ending June 30, 1919, amounted to more than $30,000,000,000? That is what the departments asked for, the War Department, the Navy Department, and all the rest, more than $30,000,000,000; and the appropriating committees of Congress pared down those estimates and saved more than $5,000,000,000, cutting down the estimates to a little bit more than $25,000,000,000, whereas they originally had been a little more than $30,000,000,000. It is to be remembered also that this pruning did not prevent nor postpone the winning of the war. The pruning is not unusual. The year ending June 30, 1919, was an abnormal year, and, of course, the estimates were abnormal. But I want to call your attention to a table, and I should like at this point, Mr. Chairman, to obtain permission to revise and extend by remarks so as to include this table, which I do not intend to read in full.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks in the manner suggested. Is there objection?

There was no objection.

Comparative statement exhibiting, for the 20-year period covering the fiscal years 1897 to 1916, inclusive, the grand total of estimates submitted by the Executive and the grand total of appropriations granted by the Congress.

Fiscal year.	Estimates.	Appropriations.	Excess of estimates.	Excess of appropriations.
1897	$529,134,193.92	$515,845,194.57	$13,288,999.35	
1898	535,446,047.28	528,735,079.30	6,710,967.98	
1899	911,522,533.22	893,231,615.55	18,290,917.67	
1900	754,006,489.64	674,981,022.29	79,025,467.35	
1901	767,355,248.78	710,150,862.88	57,204,385.90	
1902	775,378,804.24	730,338,575.99	45,036,228.25	
1903	776,348,318.47	[1] 800,624,496.55		$24,276,178.08
1904	765,456,776.30	753,058,506.02	12,398,270.28	
1905	830,974,206.79	781,172,375.18	49,801,831.61	
1906	835,260,367.21	820,184,634.96	15,075,732.25	
1907	880,796,415.47	879,589,185.16	1,207,230.31	
1908	943,190,643.68	920,798,143.80	22,392,499.88	
1909	1,079,449,288.96	1,008,397,543.56	71,051,745.40	
1910	1,103,387,508.01	1,044,401,857.12	58,985,650.89	
1911	1,028,145,769.58	1,027,901,629.18	244,140.40	
1912	1,026,287,505.81	1,026,682,881.72		395,375.91
1913	1,040,648,026.55	1,019,412,710.91	21,235,315.64	
1914	1,150,206,963.14	1,098,678,788.40	51,528,174.74	
1915	1,152,681,777.02	1,116,118,138.55	36,563,638.47	
1916	1,135,187,984.31	1,114,937,012.02	20,250,972.29	
Total	18,020,869,868.38	17,465,240,253.71	580,292,168.66	24,671,553.99
Net excess of estimates			555,620,614.67	

[1] The appropriations for 1903 include the sum of $50,130,000 for the Panama Canal, an amount not submitted in the estimates for that fiscal year. If that amount be eliminated, the excess of estimates would be $25,853,821.92.

Mr. TEMPLE. I will read just an item or two. This is a table giving a comparative statement for the 20-year period ending June 30, 1916, showing the estimates submitted to Congress by the administrative departments through the Secretary of the Treasury and comparing them with the appropriations made by Congress during those years, including in the appropriations made by Congress all the appropriations which originated either in this House or in the Senate and which had not been covered at all by the estimates. Including those additions, what are the facts? For the period of 20 years, every year save two shows that Congress appropriated less money by millions than was demanded in the estimates. Whether it was a Republican Congress or a Democratic Congress, the same thing was true. It is Congress that has been putting on the brake, although throughout the country Congress is spoken of as the agency of extravagance.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman two questions.

Mr. TEMPLE. I shall be glad to yield.

Mr. CLARK of Missouri. Do not these essays that the gentleman talks about represent that Congress is exceedingly extravagant and that the departments hold them down?

Mr. TEMPLE. A good many of them do.

Mr. CLARK of Missouri. Now, is not exactly the reverse of that true?

Mr. TEMPLE. I think the gentleman is exactly right. For example, in the year 1916 the estimates called for $1,135,000,000. We appropriated $1,114,000,000, saving $20,000,000 under the estimates—under the amounts asked for. In the preceding year, 1915, the saving was $36,000,000; and so on, year after year, every year in the whole 20 except 2.

Mr. JUUL. Mr. Chairman, I would like the gentleman to give us a few more of those figures. They are mighty interesting.

Mr. TEMPLE. I shall print the table in connection with my remarks.

Mr. JUUL. Very well.

Mr. BUTLER. Tell us about the two years.

Mr. TEMPLE. In the two years in which the appropriations by Congress exceeded the estimates submitted there was included the year 1903, in which there was an appropriation of $50,000,000 for the Panama Canal, which was not called for by the estimates. That was an extraordinary appropriation, and it is hardly fair to put it in the tables at all. If it is left out, there is only one year, then, in which the appropriations of Congress exceeded the estimates submitted, and that was the year ending June 30, 1912; and in the total for the 20 years, leaving in the table the $50,000,000 for the Panama Canal, which ought not to be left in, the whole reduction by Congress, the amount by which the appropriations were less than the estimates, reaches the total of $555,000,000.

Nevertheless I want to emphasize the thing that I pointed out a little while ago, the failure of anybody in the administrative departments to catch up the duplication made in the estimates for 1917 for those 40,000 machine guns and several other items amounting to more millions of dollars than I care to mention even now.

That was picked up by the House Committee on Military Affairs, and similar things are picked up by the appropriating committees in the very careful investigations that they ordinarily make of all these estimates year after year. It is Congress that attempts to put on the brake, and does put on the brake. Why is this? I will tell you one reason: It is only normal to expect that the bureau chiefs will ask for more money than Congress will be willing to give. Any man at the head of a bureau who does not think his work is exceedingly important, who does not really overestimate its importance and see the service it can render much more plainly than he sees the service that other bureaus can perform, is hardly fit to be the head of a bureau. We expect those men to grow enthusiastic about their work. We really expect them to make estimates for larger appropriations than the country at large would be willing for them to have.

Such a man is like a horse that pulls on the bit when you are driving. He is eager for his work. It is not a blameworthy trait; it is praiseworthy. It is his business to pull and it is our business to hold him in, and we do it. Our work would be easier if somebody in the executive and administrative branch of the Government would prepare a book of estimates in which we could put more faith. That is what we want. [Applause.]

Now, we are not attempting to unload any of our work on the executive branch of the Government. We are not going to give up any of our responsibility. We will still be responsible for the appropriation bills. We are now dependent on the information that we can dig out from sometimes unwilling witnesses who come before the committees. Sometimes also these men, when the appropriating committee in the House refuses them certain things which they have asked for, will squirm around and find some other way to get the appropriation in, will go to the Committee on Appropriations and get them to put it in a deficiency bill, or will go over to the Senate and get the Senate appropriating committee to put it in. We have to head them off at every gap in the fence, or they will break through somehow.

And nobody is responsible for this general Book of Estimates. The act of March 4, 1909, does provide that if the Secretary of the Treasury finds that the estimated expenditures exceed the estimated revenues for the coming fiscal year he shall then submit the estimates, together with a statement of the expected revenues, to the President, and the President shall then call the attention of Congress to the excess of estimated expenditures over prospective revenues and suggest where the estimates may be cut or how the revenues may be increased. We have already recognized the President's responsibility for that work in the act just mentioned, the act of March 4, 1909. If the present bill passes it will furnish the President with machinery by which he can examine these estimates, by which he can perform that work that we have laid upon him, and perform it intelligently. It is the duty of the President under the Constitution to do that. We are not increasing his duties nor enlarging his powers. We are only giving him the means of exercising his powers and at the same time requiring that he assume the responsibility that goes with power. If he says now that he has not the machinery with which to make these estimates, we will furnish him the machinery.

That brings me, then, to a discussion of the pending legislation. I have spent more time on the preliminary discussion than I had intended to.

There are three things that we want to accomplish. First, we want to get trustworthy estimates; second, we want to improve our own methods of dealing with those estimates in making appropriations; in the third place, when the appropriation has been made, we want to follow the thing up and find out whether the money was expended in accordance with the terms of the act by which it was appropriated. Two of those things are included in the present bill—the first and the third.

We have not included in the present bill any attempt to reorganize the committees of the House, and for a very good reason. An act of Congress after it passes this House goes to the Senate and must pass that body, and then must go to the President and be signed by him before it can become a law. The committees of the House are creatures of the rules of the House, and the Constitution provides that each House may make rules for its own procedure. We do not put into the bill, then, any reform of our own rules, because the Senate has nothing to do with the rules of the House, and the House does not care to

dictate at all to the Senate anything about the rules of the Senate. We intend to keep in our own hands the power that the Constitution places in our hands, so that we may be responsible, as the Constitution places the responsibility on us, for the organization and the work of the House of Representatives, and we do not put into an act which must pass the Senate any provision for the reorganization of the working machinery of the House, because the Senate has no jurisdiction over the House.

I may say in passing that the Senate does not exactly attempt to assume jurisdiction over the House, but occasionally a bill comes back from the Senate in such a shape that we hardly recognize it. Just in passing I call your attention to one proposal in the resolution modifying our rules, which will come up later, probably after this bill has been entirely disposed of by the Senate and the President, and which we shall probably consider at the next session of Congress.

One of the provisions in the resolution is to this effect: You are all familiar with the fact that if any Member of the House proposes an amendment calling for an appropriation which is not provided for in existing law any Member of the House can stop it. It is contrary to the rules of the House, and all that is necessary is for a man to make the point of order against it that it is an appropriation unprovided for in existing law. Many a time such an amendment is thrown out on the floor of the House. Then the bill goes over to the Senate and comes back with that amendment in it. Now, we put into this proposed revision of the rules a provision of this kind, that if any bill comes back from the Senate with an amendment which would have been out of order if it had been proposed on the floor of the House the House conferees shall not have power to assent to it until there has first been a vote in the House on each such amendment. I believe by that we will do a good deal to restore to the House of Representatives the power and responsibility that the Constitution lays upon our shoulders and which have gone elsewhere in the development of legislative methods in the Senate. [Applause.]

Now, the first thing we propose to do with regard to the preparation of the Book of Estimates is to provide a budget bureau in the office of the President, with a director and an assistant director and a staff sufficient to perform the work. Why in the office of the President? It seemed to your committee that if the budget staff were subordinate to the Secretary of the Treasury—and the other proposal was to have it in the Treasury Department—if the Secretary of the Treasury, through the budget staff, should revise estimates coming, say, from the Navy Department or the War Department or the Department of Agriculture, at a Cabinet meeting, probably the Secretary of War or the Secretary of the Navy or the Secretary of Agriculture would say to the Secretary of the Treasury, "How is it that you let a bureau chief in your department override my decisions about my department?" The Secretary of the Treasury has no authority over other members of the Cabinet. But if we put this budget bureau in the office of the President, put it in the office of the man who has jurisdiction over members of the Cabinet, then, if any member of the Cabinet attempts to override the budget suggested by the director of the budget bureau and approved by the President, it is not likely that that Cabinet Secretary would last very much longer in his office. We would put the preparation of the budget in the office of the man that has authority, and not in the hands of a man of equal rank with his associates.

One of the most important results in the preparation of the budget, as I believe, will come from the preparation of what in the bill is called the alternative budget. Under existing law estimates must be made each year according to the classification of the last year's appropriation. That is not exactly the language of the law, but that is the principle. The estimates are made and classified according to the classification of last year's appropriation. That is desirable in order to get a basis for comparing this year's appropriation with last year's work. How much did this bureau spend last year and how much do they ask this year? That is desirable. But if we never depart from that rule, we will never be able to get rid of the duplication and overlapping. If we are going to keep on doing a thing as it has always been done, there can be no improvement.

So the bill provides that for one year, the year ending 1922, the budget bureau shall prepare an alternative budget, with such classification and itemization as may seem to the President to be wise. If we adopt that or any part of it that year, then under existing law, which provides that the next year's estimates shall be classified according to this year's appropriations—if we adopt any of the new classifications proposed, that becomes the standard or regular classification for the next year. So the alternative budget merely covers the transition period.

Mr. BUTLER. May I ask the gentleman a question or two?

Mr. TEMPLE. Certainly.

Mr. BUTLER. There is something else to be guarded against besides duplication. That is overestimation. I would like to hear my colleague, who is well informed on this subject, in reference to that matter. Is it or not necessary that there should be some one inside the budget bureau who is acquainted with the different services, so that he can advise Congress in regard to it—some man in whom we have confidence—so that when he turns it over to Congress Congress will have some confidence that it has been thoroughly and well prepared? What bothers me the most and has given me more trouble than any other since I have been in Congress is these overestimates. When I have found that a bureau chief has asked two or three times more than he expected to get, I have disregarded his judgment and taken my own.

Mr. TEMPLE. That is why it is so desirable to have a budget bureau entirely outside of any of the spending departments. If the director were subject to the head of one spending department, he might give a little more liberal estimate to the bureaus in his own department. But it will be the duty of the budget staff to keep in touch with the work every day in the year and to see what is going on. Now, many, many times some service is asked for that we might like to provide for, but we say we must have a better-balanced budget. In making up the household budget you have to allow so much for rent, so much for food, so much for clothing, and so on. If you would like a better house, you say if we have that better house we will have to cut down on food or on clothing. A man in making up the household budget has to balance the spending in one department with that of another. We will have to do the same thing. In the preparation of the budget there must be authority to cut some estimates so as to form a well-balanced budget.

Mr. BUTLER. So we may anticipate that in this budget bureau there will be experts, men of knowledge on all technical matters with which they have to deal, and men in whom we will have confidence?

Mr. TEMPLE. Yes; men in whom we have confidence, but not confidence enough to make us shirk our own responsibility in the matter. Nothing that the budget bureau can do will relieve the Appropriations Committee, or the appropriating committees, of Congress from the responsibility of making investigations of their own, just as they do now, and handling that budget as we handle the Book of Estimates.

Mr. BUTLER. I should expect, after they reported the budget, on the committee on which I serve, that we would spend four months examining the estimates—four months in solid work.

Mr. TEMPLE. It is a good thing to have the stream of estimates filtered before it reaches the committee.

Mr. BUTLER. And thoroughly examined.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TEMPLE. I will.

Mr. LONGWORTH. There is one phase of this matter that I do not quite understand. It is the duty of the budget commission, or perhaps the President, to estimate as to the revenues. Suppose, for instance, the expenditures were ascertained to be a certain sum, and the available revenue is not sufficient to meet that sum, would it be mandatory on the budget commission or the President to suggest the means by which such revenue could be raised?

Mr. TEMPLE. The Constitution already provides that the President shall present to the Congress such discussion of the state of the Union as he may desire. Most Presidents have found it desirable to make suggestions about the revenue, whether tariff or income tax, or anything else. The Presidents will continue to do so, I have no doubt, and they will continue to do so in connection with the proposed budget of estimates for expenditures, but their suggestions will be no more mandatory on Congress than they have hitherto.

Mr. LONGWORTH. Of course not; but it would be mandatory or their duty in case the expenditures exceeded the anticipated revenue to make some recommendation.

Mr. TEMPLE. I do not know about the use of the word "mandatory." We can not compel the President to perform his duty. It will be his duty to do it.

Mr. LONGWORTH. Take a situation such as confronts us this fiscal year. It appears that the expenditures for this fiscal year will be something over $10,000,000,000 and that our total receipts from all available sources will be not to exceed seven billions and a half. Under those circumstances what would be the duty of the budget bureau?

Mr. TEMPLE. I think it would be the duty of the President to bring the facts to the attention of Congress and suggest either revision of the revenue laws for the purpose of increasing the revenues or a bond issue. When I say that we have not the power to compel the President I am speaking in terms of a generation. It is not with regard to any particular President or any particular Congress, but Congress at no time has power to compel the President to perform his duties. The pressure of public opinion is efficacious on both Presidents and Congresses.

Mr. LONGWORTH. I think in this bill, if I am not mistaken, the word "shall" is used with reference to this.

Mr. TEMPLE. Yes; that question was taken up with a former President of the United States, Mr. Taft, and he gave it as his judgment that it would be proper to make use of that word.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. BLANTON. After all, when the budget is prepared and recommended and when the appropriating committee has passed upon that and submitted it to the House in a proper bill, then in Committee of the Whole each Member of Congress will function in passing upon the matter.

Mr. TEMPLE. Just exactly as he does now.

Mr. BLANTON. And will have the same right to be heard with respect to these recommendations and that proposed legislation as he has now.

Mr. TEMPLE. Precisely.

Mr. BLANTON. And the Committee of the Whole can make its impress on the proposed legislation just as it does now.

Mr. TEMPLE. Exactly. It was proposed to the Special Committee on the Budget that in our proposed revision of the rules of the House we include a provision that an amendment for an increase of an item offered by any Member on the floor will be out of order. We refused to incorporate any such provision in the proposed rules. There is no reason why the privileges, the rights of Members of Congress, or the rights of Congress as a whole should be diminished in the least.

Mr. BLANTON. But in no case would an amendment to decrease be out of order.

Mr. TEMPLE. No. That was the proposal.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. TEMPLE. I have only one more point to cover, and that has been covered very completely by others, I think.

I have already dealt with the preparation of the budget. I have purposely referred only in a general way to the dealing with the budget by the committee or committees of the House under the proposed revision of the rules, though I firmly believe in the desirability of such a reorganization of the committees of the House as will enable the House to deal with the budget as a whole. The third thing provided in the program of the committee is this, that there shall be an independent audit, so that Congress, having made the appropriations, will follow them up and see how the money appropriated has been spent. At present the audit system is in the Treasury Department.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. BUTLER. I understand this first proposal deals with the actual needs and necessities of government.

Mr. TEMPLE. Yes; just as the present Book of Estimates does, but we do hope to get a better and more trustworthy Book of Estimates.

Mr. BUTLER. The third with the audit and the second with a revision of the rules in order to better effectuate the purpose of the bill?

Mr. TEMPLE. Yes.

Mr. BUTLER. On the second proposition we will meet some day.

Mr. TEMPLE. When the resolution providing for the change in the rules comes up.

Mr. BUTLER. Yes; we will be at Philippi.

Mr. TEMPLE. That is not incorporated in this bill, because we do not want the Senate to have anything to do with the revision of the rules of the House any more than we want to interfere with the rules of the Senate.

It is thought desirable to have the audit made by an independent agency of the Government not under the control of any spending departments. The people who spend the money are not the proper people to audit the accounts. Of course, there will be an executive audit. Every disbursing officer will have to have proper accounts and in every one of the departments there will be the ordinary executive audits, but when we come to the independent audit, that agency ought to be under the control of the same authority that appropriates the money.

The Comptroller of the Treasury is now an officer in the Treasury Department, quite distinct, as everyone understands, from the office of the Comptroller of the Currency. The Comptroller of the Treasury will be removed from the Treasury Department and his title changed if this bill passes. He will thereafter be called the comptroller general of the United States. Also, the six auditors in the Treasury Department, the Auditor for the War Department, the Auditor for the Navy Department, the Auditor for the State and Other Departments, and all the others. They are not connected at all with the departments for which they audit, but are officers in the Treasury Department. They will also be removed from the Treasury Department and made a part of the working force in the office of the comptroller general of the United States. The Constitution provides the method for appointing officers of the United States. He will be appointed by the President with the confirmation of the Senate, but we have provided that he may be removed by concurrent resolution of Congress. A joint resolution has the effect of law, and has to be signed by the President. A concurrent resolution of the two Houses goes nowhere after it has passed the two Houses, and if the bill is passed this would give the legislative branch of the Government control of the audit, not through the power of appointment, but through the power of removal. It seems to me that the whole plan gets back to the scheme of the Constitution of the United States. It restores something of the power that Congress formerly had and ought to have, but which in practice has been largely taken over by the Executive. Also, with regard to the relation between the two Houses, it restores part of the power that the Constitution puts upon the House of Representatives when it provides that all revenue bills shall originate in the House of Representatives.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. TEMPLE. I will.

Mr. CLARK of Missouri. Mr. Chairman, do not the words "that the Senate shall have power to add amendments" practically nullify that right of the House?

Mr. TEMPLE. The Constitution itself provides that the Senate shall have the power to amend. I think there has been at least one instance in which the Senate amendment was practically this: They struck out everything after the enacting clause and inserted an entirely new bill. Is that in accordance with the spirit of the Constitution, which provides that a revenue bill shall originate in the House?

Mr. CLARK of Missouri. I do not believe it is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Does the gentleman desire a little more time?

Mr. CLARK of Missouri. I wish the gentleman would give the gentleman from Pennsylvania a little more time.

Mr. GOOD. I will yield the gentleman five minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five additional minutes.

Mr. CLARK of Missouri. Now, when the first tariff bill came up here after the Democrats got possession of the House they did the very thing the gentleman is now talking about in the Senate with the tariff bill. Well, when it came up in the House Mr. MANN raised the point of order that that could not be done in the meaning of the words "that the Senate shall have the right to amend." Well, I told him this, that if I had been the Speaker of the First Congress when that question was first raised that I would have sustained his point of order, but that the people of the United States and both Houses of Congress had acquiesced in that sort of procedure for 122 years, and that it had become the habit of the House. Now, if it does not disturb the gentleman, they load up these House bills over there with every conceivable kind of amendment. I know at one time they sent the grab-bag bill over here, the sundry civil appropriation bill, and they added over $600,000 of amendments, old, bearded, gray-haired antiquated claims, several of which antedated the Revolution absolutely. [Laughter.] But I informed the conferees if they did not cut those $600,000 of claims out I was not going to appoint the conferees that night and I would let the whole thing go over. The vice of this whole extravagance of this is that the Members neglect to exercise the very power of which the gentleman was talking about a while ago, to raise the point that the thing is not germane or that it is not according to law, and so forth. That is one source, and the other source is the desire of the Senate to load down these bills with everything and then wait until just a day or two before Congress is going to adjourn and hold them up, thinking that the Members of the House will be so keen to get away that they will not block the game. Now,

if we would make a rule in this House—I suppose we would have a tremendous row with the Senate if we did—but if we should make a rule in this House that no Senate amendment could be adopted by the House conferees unless it was germane in the House, then you would strike at the root of this extravagance, but you are not going to do it until you do that. [Applause.]

Now, I want to ask the gentleman—I do not want to take up all of his time, he is making a very interesting speech—will we be under any more obligation to follow the estimates and recommendations of this new-fangled board than we are to follow the estimates and recommendations of these various departments?

Mr. TEMPLE. Absolutely not; our powers will remain precisely as they are, but the issue may be a little more clearly defined. With regard to the amendment in the rules, the language proposed, though the legislation is not before the House just now, reads as follows:

To Rule XX, add an additional clause as follows:
"2. Any amendment of the Senate to a general appropriation bill which would be in violation of the provisions of clause 2 of Rule XXI, if said amendment had originated in the House, shall not be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment."

I think that would reach precisely the point of which the gentleman from Missouri was speaking.

Mr. BUTLER. Will the gentleman yield?

Mr. TEMPLE. I will.

Mr. BUTLER. Is not that largely the fact now? When an appropriation bill is sent over from the Senate with amendments added to it we consult with colleagues in the House before it goes to conference, and colleagues oftentimes ask that the conferees shall not agree to such and such an amendment until the House votes on it. Is not that largely the practice now?

Mr. TEMPLE. There may be a hazy sort of practice of that sort informally, but this will make it the formal rule of the House. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOOD. Mr. Chairman, I yield 25 minutes to the gentleman from Indiana [Mr. PURNELL]. [Applause.]

Mr. PURNELL. Mr. Chairman, reference has been made a number of times during this debate to the great importance of this proposed legislation. It has been said that this is the most important measure the Congress has considered for many years. The creation of a Federal budget system involving, as it does, a radical change in our fiscal policy is of sufficient moment to challenge not only the attention of every Member of Congress but of every citizen of the Republic as well. The establishment of a budget system is a great reform for which there has been a growing demand. Like other great reforms, however, serious consideration has not been given it until necessity intervened. Prior to the war a few extra millions could be appropriated without affecting individual taxpayers. Now that the people are burdened with taxes and compelled to support the Government largely by direct taxation, the paying public has turned its attention toward Government expenditures. The creation of a budget system has been urged by economists and statesmen for many years. Both political parties have declared in favor of such a system. But, until now, the Congress of the United States has not undertaken to give serious consideration to the question. It has been my pleasure and privilege during the last few days to mingle with the people of my district. They are vitally interested in the curtailment of useless expenditures and are demanding a "return to that simplicity which befits a democratic Government." The people are demanding a reduction in the high cost of government as well as a reduction in the high cost of living. I am quite sure the people will welcome any change in the financial policy of their Government which will serve these ends. President Taft made an effort during his administration to establish a budget system. But until Congress recently authorized the appointment of this special committee to conduct hearings, study the question, and report a bill nothing definite has really been undertaken.

I want to express the very great appreciation I feel for the honor conferred upon me in being named a member of this special committee. I regard it as a privilege to have been able to sit with the distinguished members of this committee through the hearings and deliberations which have resulted in the presentation of this bill to the House. I realize that I have contributed little as a member of this committee and have received much. For this opportunity I want to publicly express my gratitude.

Before saying anything about the budget system, it would perhaps be better to say something concerning the evils the system is expected to cure. It is generally agreed that our present method of preparing and presenting the annual estimates of expenditures for the ensuing year is both unscientific and unbusinesslike. Under our present system the bureaus and boards of the various departments of the Government make up their own estimates early in the fall of the money they will need or desire to spend for the coming fiscal year. These estimates are prepared without regard for the financial condition of the country and without regard for estimated revenues. As an illustration I will take the Department of Agriculture, since I am a member of the Committee on Agriculture and know something of its method of making appropriations. The Department of Agriculture has many bureaus under it, such as the Forest Service, Bureau of Chemistry, Bureau of Plant Industry, Bureau of Animal Industry, Weather Bureau, Department of Farm Management, Bureau of Soils, Bureau of Entomology, Bureau of Biological Survey, Bureau of Publications, Bureau of Crop Estimates, States Relations Service, Bureau of Public Roads, Bureau of Markets, Insecticide and Fungicide Board, Federal Horticultural Board, as well as numerous other lesser activities. As stated, these several bureaus or boards prepare in the early fall their own estimates of the money needed for their several departments during the coming year. Each bureau chief or board head is naturally enthusiastic over the work of his organization. He desires to see it expand and grow. He therefore includes in his estimate of expenditures not only the actual needs of his department but also incorporates in dollars and cents his desires and ambitions for the future. Under our present system he does more than that.

He knows from experience that when his estimate reaches Congress it will be materially reduced. He therefore increases his estimate in anticipation of a substantial cut by Congress. These estimates from the various bureaus are next submitted to the Secretary of Agriculture, who is the department head. He then has in his possession the estimates for all of the money the Department of Agriculture desires to expend during the coming fiscal year. It is perfectly clear that the Secretary of Agriculture can not give to these estimates the close, businesslike scrutiny that is desired. He has no organizaton or machinery by which he can determine the correctness of the estimates. He must depend upon the heads of his various bureaus, and it necessarily follows that he must accept their estimates at their face value. He naturally gives them his formal approval. In doing so he relies upon Congress to scrutinize the estimates and determine their merit. He trusts the Committee on Agriculture to go over the estimates item by item and finally pass upon them. The Committee on Agriculture and the Congress itself must therefore bear the full responsibility for such appropriations as may be made.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. PURNELL. I will.

Mr. TILSON. Is it not the custom for the Committee on Agriculture and other committees of the House to call before them the very men who made these estimates in the first place?

Mr. PURNELL. The gentleman is absolutely right.

Mr. TILSON. And, as a rule, nobody else is called upon except some one in that particular bureau?

Mr. PURNELL. Let me say in furtherance of that thought that the very thing that happens is that these men who have previously prepared the estimates come up with additional arguments to show that they ought to be adopted.

Mr. TILSON. And they are well prepared and buttressed with arguments, whereas the honest Member of Congress who is trying to investigate this particular bureau is handicapped by lack of information?

Mr. PURNELL. Yes; he is at a decided disadvantage. Members of the Committee on Agriculture do not and can not be expected to have that full knowledge of the needs of this department that should be present in those charged with the duty of finally passing upon them. It is a physical impossibility for members of the committee or of the House to go over these various items were they qualified to do so. Herein lies the most serious objection to our present system. There is no fixed responsibility for the estimates. The people, who, after all, must pay the bills, do not know whether the executive or legislative branch of the Government should be held responsible for the expenditure of public money. Too often the public places that responsibility upon the Congress of the United States, when, as a matter of fact, those who prepare the estimates should bear the responsibility. The truth is, as was clearly developed during the hearings before this committee, the Congress is in reality the economical branch of the Government. Covering a period of 20 years the Congress has, with but two

or three exceptions, reduced the annual estimates as presented by the Executive. There is a general feeling that the Congress is extravagant and wasteful, when, as a matter of fact, it is the watchdog of the Treasury.

The gentleman from Pennsylvania [Mr. TEMPLE] touched upon this point admirably a while ago when he gave a concrete example covering a period of 20 years. The Congress has, with but two single exceptions, and one of those doubtful, reduced the annual estimates presented by the executive branch of the Government. Now, I know there is a general feeling over the country—I have met it in my district and I dare say every Member here has met it in his—a feeling that the Congress of the United States is the profligate branch of the Government, when, as a matter of fact, the Congress of the United States is really the money-saving branch.

That which is true of the Agricultural Department is, of course, true of every other department of the Government. After the Secretary of Agriculture, Secretary of the Navy, Secretary of War, Secretary of State, the Postmaster General, Secretary of Labor, and the other department heads have collected the estimates from their various bureau chiefs they are by law required to submit them to the Secretary of the Treasury. The Secretary of the Treasury is required by law to compile and print these various requests in what is known as the Book of Estimates. This is done not later than October 15 of each year. In this connection it is well to remember that the Secretary of the Treasury has no power whatever to increase or decrease the estimates. He has no power to even suggest a revision. He acts in a clerical capacity only.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. PURNELL. With pleasure.

Mr. ANDREWS of Nebraska. Will you please cite the law that makes it impossible for the Secretary and the heads of the departments to make a reduction of these estimates?

Mr. PURNELL. I will say to the gentleman that I can not cite the law, but from almost every witness who appeared before our committee we traced the Book of Estimates from the various bureau heads until it reached the Congress of the United States, and without an exception we were told that the Secretary of the Treasury had absolutely no authority whatever to revise, criticize, suggest revision, or change, but that his duty was purely clerical and consisted merely in compiling that which was given to him by the various department heads of the Government.

Mr. ANDREWS of Nebraska. Let me take just a moment more. I will say that the reverse opinion prevailed in the department during the 18 years I was there, and I know it operated.

Mr. PURNELL. The gentleman had 18 years experience and appeared before our committee and gave us a great deal of valuable information. Is the statement that I have just made correct, that the Secretary of the Treasury has no power to revise?

Mr. ANDREWS of Nebraska. I do not concur in that view, because I know at times he has revised and reduced.

Mr. PURNELL. Let me ask the gentleman if that is the general practice?

Mr. ANDREWS of Nebraska. I can not answer as to any cases aside from those I know. I would not presume to say what people had done when I was not there and cases I did not know about. I simply wanted the citation of the law under which it is impossible for the Secretary to do these things. If there is such a law, I would like to find it, and I took it for granted that the gentleman would be able to cite the statute. That was the reason for my question.

Mr. PURNELL. I will say to the gentleman that I made that statement upon the authority of the numerous gentlemen who appeared before our special committee and made the statement.

At the beginning of each regular session of Congress in December these estimates are by law required to be submitted by the Secretary of the Treasury to Congress. It is plain to be seen that when these estimates reach Congress they do not in any particular represent the real, rock-bottom financial needs of the Government. They do not represent an honest estimate of these needs. What Congress should get is a bed-rock estimate of governmental needs for the coming year. What it really gets in the Book of Estimates is real needs plus aspirations, ambitions, and anticipation of reduction by Congress all expressed in terms of finance.

The next step in the present system is the consideration of the estimates by the various appropriating committees and the passage of bills to meet the needs. In the early years of our Government the estimates were submitted to one committee and were considered by Congress in a single appropriation bill. As the country increased in population and wealth the duties of Congress increased until we now have 14 annual appropriation bills. Eight committees now prepare and report appropriation bills. The Committee on Agriculture appropriates for the Department of Agriculture; the Military Affairs Committee appropriates for the War Department; the Naval Affairs Committee appropriates for the Navy Department; the Committee on Foreign Affairs appropriates for the Diplomatic and Consular Service; the Committee on the Post Office and Post Roads appropriates for the Postal Service; the Committee on Indian Affairs appropriates for the Indian Service; the Committee on Rivers and Harbors appropriates for internal waterways and harbor improvements; and the Committee on Appropriations has jurisdiction over the following six bills for the support of the Government: First, the legislative, executive, and judicial bill, providing for the salary and certain other expenditures of the departments; second, the sundry civil expense bill; third, the fortifications and coast-defense bill; fourth, the District of Columbia bill; fifth, the pensions bill; sixth, all bills providing for deficiencies in any of the Government departments. These deficiency bills are always necessary, because the departments do not always get what they need in the first place, and also because unforeseen circumstances frequently arise necessitating increased expenditures. The several appropriating committees conduct hearings and determine as far as possible the real merits of the several estimates, but it is clear that no committee, however careful it may be, can really know the true merit of the demands made. A bill is finally agreed upon by the committee and reported to the House for consideration.

Another objection to our system is that the several appropriating committees appropriate money without any regard to any general financial policies. The Secretary of the Treasury is not consulted by any of the committees to determine what effect any bill will have on the Public Treasury. The Executive being without responsibility in the matter of preparing a financial program has no financial policy. Congress itself has no financial policy other than the general desire and determination to reduce rather than increase estimates. The Ways and Means Committee has jurisdiction over all bills relating to the raising of revenue. There is no connection whatever between the Ways and Means Committee, which raises the revenue, and the appropriating committees, which provide for its expenditure. It is therefore quite clear that these various processes are carried on from year to year without regard for any general financial policy on the part of either executive or legislative branch of the Government.

Mr. SMITH of Michigan. Will the gentleman please yield for a question?

Mr. PURNELL. Yes.

Mr. SMITH of Michigan. Under the topic that you are now discussing I would imagine that the lump-sum appropriations are allowed or made. Now, does this budget system provide for any check upon lump-sum appropriations, giving free hand to spend a certain amount that is not specified or the use of which is not designated when the appropriation is made? Is there any check on that in this system proposed?

Mr. PURNELL. I would not undertake to answer the gentleman's question by yes or no. But this system that we hope to adopt by this bill will put responsibility on somebody at every stage of the proceedings, and that is the thing that has been lacking heretofore. Departments have requested money, the President has transmitted the requests to us, and we have appropriated money, and the people have never known who was directly responsible for it.

Mr. SMITH of Michigan. Will the item always be specified for which the appropriation is to be made?

Mr. PURNELL. In the budget as it comes to Congress?

Mr. SMITH of Michigan. Yes.

Mr. PURNELL. Absolutely; yes, sir. The question as to just how far down the line this budget shall go is one that was discussed in the committee, and I am not sure that it has been definitely determined; but, as far as I am concerned, I would be glad to have it go down to the individual clerks, so that those who are charged with the responsibility of passing upon the budget will know absolutely whether or not the thing asked for is actually needed.

Mr. SMITH of Michigan. To know what it is for?

Mr. PURNELL. Certainly.

Mr. RICKETTS. Will the gentleman yield?

Mr. PURNELL. Certainly.

Mr. RICKETTS. It has been the practice of Congress, as I understand it, in making appropriations to give lump-sum ap-

propriations to the heads of the departments for miscellaneous purposes. Does the gentleman think that a good practice?

Mr. PURNELL. I do not.

Mr. RICKETTS. Does the gentleman think by the adoption of this law and the enactment of this legislation that that can be prevented?

Mr. PURNELL. I do.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. PURNELL. I will be glad to yield.

Mr. EVANS of Nebraska. Is there anything in the law, however, which in itself prevents that; and, if so, what?

Mr. PURNELL. You mean in this particular law?

Mr. EVANS of Nebraska. Yes; in this particular law.

Mr. PURNELL. No; there is not.

Mr. EVANS of Nebraska. It must be a policy to be developed?

Mr. PURNELL. This is the skeleton of a basic plan, and experience will help us add to it and work out the details.

Mr. EVANS of Nebraska. With reference to the responsibility which the gentleman has just suggested, in what way will this law fasten the responsibility for an estimate on a bureau or department that the present law does not?

Mr. PURNELL. Well, I will be glad to answer the gentleman's question.

Under the present system it is pretty hard to say where responsibility lies. The head of a bureau, who is enthusiastic about the work of his particular bureau—and, as Dr. TEMPLE very well said a moment ago, that is a commendable trait—includes in his estimate when he prepares it in the fall, not only his real needs but his hopes and ambitions for the future, and, as I said a moment ago, he adds to it more than that. He knows from experience he will get a substantial cut when he comes up here, and he adds to his absolute needs and his hopes and ambitions the substantial cut which he expects to get, and expresses it all in dollars and cents. He passes that on to the head of his department, for instance, the Secretary of Agriculture. The Secretary of Agriculture has the power, perhaps, to whittle it down, but the ties of friendship, association, and politics sometimes forbid that, I am sure; so it is passed from the Secretary of Agriculture to the Secretary of the Treasury, who acts in a clerical capacity and compiles it with other estimates and incorporates it in the Book of Estimates. Now then, where is the responsibility? Is it on the bureau heads? Is it on the Secretary of Agriculture? Is it on the President of the United States? Or is it on Congress? We do not know. But I will say to you that under this proposed bill the responsibility will be determinable at every stage in the proceeding, because we are going to fix responsibility, in the first instance, upon the President, to say exactly what money is needed and what money is not needed for the running of the Government, and whenever he incorporates that in his budget and turns it over to this body, that responsibility immediately goes from his shoulders to our shoulders.

Now, we did not want to handicap the President or tie his hands in any particular, and we have tried to give him under this bill all of the machinery necessary to determine exactly what the Government will need.

Mr. EVANS of Nebraska. Will the gentleman yield further?

Mr. PURNELL. I will be glad to.

Mr. EVANS of Nebraska. I am for the bill and I am going to vote for it, but I think we are expecting it to be a panacea for ills that will never be cured. Has not the head of the bureau just as much responsibility now as he will have under this law if adopted? Why will not he operate exactly under the same motive as he does now? And along with it the President now has the power to cut estimates, and, of course, could, if he had the machinery; and why could he not empower the Secretary of the Treasury, outside of the Secretary's own estimates, to do that very thing?

Mr. PURNELL. The gentleman has answered his own question. He has the power but he has not the machinery.

Besides that, let me suggest something else: None of us overlook the value of public sentiment, do we? If the people of the United States, from whose pockets we take the money to defray the expenses of the Government, know in every instance who is responsible for handling it and doling it out—if we are successful in bringing about that condition—we shall have gone far toward removing the evils that exist to-day. Of course, I do not contend, nor do any of the older members on this committee, who have had a greater number of years' experience, contend, that this bill, if adopted, will of itself from the very first moment of its adoption prove a panacea for all the ills from which we suffer, but it is a starting point.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield for an interruption?

Mr. PURNELL. I will be glad to. I will try to answer any question the gentleman propounds.

Mr. ANDREWS of Nebraska. I do not want to put the gentleman to the test, because I know he could do it. But I want to make this observation: I have known of numerous instances in which heads of departments have gone to the White House for the indorsement of questions of large extensions of appropriations, and I have never known of an instance in which they failed to get what they went for.

Mr. PURNELL. I have no doubt but that the gentleman is correct.

Mr. TILSON. Mr. Chairman, will the gentleman yield there for one question?

Mr. PURNELL. Yes.

Mr. TILSON. For many years—for 15 years, as the gentleman from Pennsylvania [Mr. TEMPLE] has shown—it has been within the power of the President to reduce the estimates of his department chiefs, and they have come in here and have been reduced by Congress many hundreds of millions of dollars in the last 16 years, and yet the notion has gone out through the newspapers and magazines and all over the country that Congress has been the responsible one and the extravagant one. How does the gentleman propose by this bill to cure that? Does he expect in future that the people will lay the charge where it belongs, or go on in the same blissful state of ignorance that they have been in in the last 15 or 20 years?

Mr. PURNELL. I think I can answer the gentleman's question by one simple announcement, and that is that this bill fixes the responsibility for the expenditure of Government funds. I believe it absolutely fixes that responsibility, and with that responsibility fixed and determined, I will trust the American people to keep in mind those who are responsible. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. PURNELL. May I have some more time, Mr. Chairman?

Mr. GOOD. The time is nearly all gone, but I will yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes more.

Mr. PURNELL. I thank the gentleman.

I have only hinted at some of the objections to our present system. They can well be summed up with the statement that there is now no fixed responsibility for the estimates and no coordination in the raising and spending of the public funds. The budget system is offered as a remedy for these evils. It is believed that the adoption of a budget system will not only result in fixing responsibility and coordinating the financial operations of the Government, but that it will prevent waste, overlapping, duplication, and extravagance.

What is the budget system? The word "budget" is derived from the French word "bougette" which translated means "a little bag." It is a term used in dealing with the raising and expending of money by local or national governments, corporations, or other bodies which have to deal with questions of this kind. The term was first used by the British. The pouch in which the chancellor of the exchequer carried his financial papers to Parliament was called "the budget."

The essential elements of a budget system that can be applied under our form of government are as follows: First, the preparation of the annual estimates; second, the procedure in Congress in relation to the estimates; and, third, a control over the expenditures through an organization with power of control and audit.

This bill provides that the President shall bear full responsibility for all estimates submitted to Congress. He shall be charged with the duty of saying to Congress and the public as well just what money is needed to run the Government for the ensuing year. It is hoped that his presentation of the budget to Congress will be an annual event; that it will serve to focus the public mind upon Government finances, and that the public will follow the progress of the budget from the time it leaves the President's hands until it has been increased, decreased, or accepted by the legislative branch of the Government. It will clearly fix upon the Executive a responsibility that is now divided. I regard this as the one great thing to be accomplished by this bill. In fixing responsibility upon the President we have taken every precaution to see that his hands shall be perfectly free and that he shall be limited only by the consciousness of that responsibility. We have provided him with all necessary machinery to determine the real needs of the Government. The bill provides for the creation of a bureau of the budget in the office of the President, with a director and assistant director, to be appointed by him and removable at his will. It is provided that the director and assistant director shall receive salaries of

$10,000 and $7,500 a year, respectively. It is hoped that through years of experience and opportunity to know there will grow up in the bureau of the budget an efficient corps of trained experts, whose tenure of office shall be indefinite and whose desire to serve the Government shall not be hampered or affected by any change of administration. It will be the duty of the budget bureau to provide the President with a broad, comprehensive view of the finances and needs of the Government, which he has heretofore been unable to get. The budget, when submitted by the President to Congress, will contain not only a statement of proposed expenditures but also an estimate of revenues. If extravagance, waste, and duplication exist, the President will be held to strict accountability for their continuation.

The second step in the proposed legislation is the consideration of the budget by Congress. With the submission of the budget to Congress by the President that body assumes full responsibility. It is no longer an Executive budget, but is a legislative budget. If the estimates as submitted are reduced by Congress, it will be for the people to determine whether the presidential demands were extravagant or whether the Congress is short-sighted and niggardly. On the other hand, if the estimates of the President be increased by Congress, an issue will at once be made which the people will have an opportunity to pass upon at the next election. Much has been said concerning the British system, which does not permit an increase of the estimates as submitted. Such a plan, in my judgment, is not in harmony with our theory of government, and should not be incorporated in our system. This is a government of the people and by the people, and we are their direct representatives. They ask for no greater safeguard than to know where responsibility lies. This bill will give them that protection.

I shall not enter into a discussion at this time of the proposed change in the rules of the House, although it seems to have been made an issue in this debate. That question does not properly enter into the establishment of budgetary legislation. That is a matter for future consideration. I want to say in passing, however, that we can not help but be considered derelict in our duty if we vote to regulate the executive branch of the Government and refuse to regulate ourselves. It is sufficient to say at this time that it was the unanimous judgment of the committee that this bill as reported should be enacted into law.

The third step, and a most important one, is the audit and control of the expenditures of the Government. Heretofore the executive branch of the Government has occupied the awkward position of auditing its own accounts. All are agreed that this is wrong in principle. It was the unanimous judgment of the committee that the power of audit and control should be lodged with the legislative rather than the spending branch of the Government. We propose to clothe the Executive with full power to survey and determine the financial needs of the Government as well as make estimates therefor. We reserve to the Congress the power of making the appropriations and of seeing that the money is properly spent. This bill provides for an officer to be known as the comptroller general, whose duty it shall be to audit and pass upon the legality of all Government expenditures. He shall be responsible only to Congress and shall be removable by Congress alone, and then only for cause. He and his assistant are to be appointed by the President, with the approval and consent of the Senate. The creation of this independent auditing department will accomplish three things. It will serve to keep the Congress informed as to actual conditions surrounding the expenditure of public funds. It will serve as a check on the President in the preparation of the budget. It will require every Cabinet officer and department head to make a study of his department and know its real financial needs.

These are, in brief, the salient features of the proposed bill. The enactment of this bill and the creation of a budget system for the Federal Government will mark a great epoch in the history of the Nation. It will go far toward the prevention of waste, extravagance, and duplication. It will result in a great saving to the people from whose pockets the Government must take the money to carry on its operations. If it does nothing more than fix responsibility in the expenditure of their money, we will have earned the thanks of a grateful people. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and I yield back the balance of my time.

The CHAIRMAN. Without objection, the gentleman's request will be granted.

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. JONES of Texas. Mr. Chairman and gentlemen of the committee, I do not think I shall use anything like 20 minutes. I did not come to make a speech; I shall only submit a few remarks.

I think the benefits to be derived from this legislation, like the reports of Mr. Bryan's political death, have been very much exaggerated. I shall support the measure because of the manifest need for a change in the present method of submitting estimates, but I am not as sanguine with reference to it as a great many who have spoken seem to be. Because of the apparent success of the plan elsewhere it deserves a trial, and I think it will prove of merit. But there is no need of raising false hopes or deceiving ourselves into believing it a panacea for all national ills. It provides for a budget system; that is, the submitting of estimates through the office of the President. But he can do everything, if I understand the situation correctly, at the present time, that he can do under the terms of this bill. Therefore practically all that is to be accomplished by the provisions of the bill that is before the House is to provide the machinery of a few directors and clerks to carry out what he already has the power to do, and to lay the predicate for additional legislation in the future.

Now, of course everyone realizes that it is important to have economy in the affairs of government. I have not been a Member of Congress long, but for a number of years I have kept up, in a general way, with the proceedings here. During that time I have in a number of instances read the recommendations of a President of the United States, but I have not in a single instance known a President in his message to recommend to Congress the cutting down of any estimated appropriation for any department. Have you?

Now, the statement has been repeated frequently in the discussion of this measure that it fixes the responsibility. I sincerely hope this may be the effect. The furnishing of a central channel through which all estimates must pass, and the placing of expert directors in charge should at least obviate some of the duplication of work now being done by some of the departments, and to this extent at least the system possesses real merit.

I expect to support this measure in the hope that it may accomplish something of value.

I do not see how it can do any particular harm. But when you come to a presidential election, how much attention is paid to the expenses of the Government? There are other issues which control presidential elections—the question of preparedness, the question of Panama Canal tolls, or reciprocity, or the tariff, or some of those other issues. Of course, both parties accuse each other of extravagance, or, rather, the out party always accuses the in party with being extravagant, but they are never specific in their charges in national campaigns; and that issue will not be made in presidential elections, in so far as the practical side of the question is concerned. The President is in a position whereby he can use the various departments that are created for the purpose of carrying on his own policies, of extending his own powers—they are creatures of his own creation—and of creating and establishing and maintaining his own prestige. I am speaking impersonally now, and through the history of the Government the President has in many instances recommended the creation of additional bureaus, or the extension of others already under way, but not their elimination.

What I want to say particularly is this: That this is but a step, as has already been said by some members of the special committee—and they have done fine work; I want to say that—but this is but a step to more legislation, which means the concentration of additional powers in the House of Representatives in the hands of a few men. It is proposed to create a committee of 35 members to have practical control of the legislation, in so far as legislation is concerned, in this country. It is now being done by committees consisting of over 100 members, and they are busy every day in the year working on estimates.

Now, listen: It is true that hearings are to be conducted by the various committees, but when you deprive a committee of the power to recommend appropriations, by that very act you take away the incentive to conduct the investigations, and practically all the investigations with reference to appropriations will be made by this committee of 35. I submit that they will not know as much about the Indian affairs appropriations or river and harbor appropriations or Army and Navy appropriations as the present committees would know. It is all right to have a single budget recommended through the office of the President in order to fix the responsibility.

But when it gets up here it ought to be broken up among the various committees, so that the different members could be at

work. There is too much work concentrated in some of the committees of the House now. Take, for instance, as an illustration of the very thing that will be accomplished by this change, the Interstate and Foreign Commerce Committee of the House. I submit that that committee should be broken up into two or three committees. That may not be a popular thing to say, but it is true nevertheless. Take the Calendar of the House. All the bills on that calendar reported to the House were reported by 17 committees, when there are more than 50 committees of the House. Practically half the important legislation of the Congress is reported by the Committee on Interstate and Foreign Commerce. I have no objection to that. It is a fine committee, and it does fine work. But let me make a suggestion. The word "commerce" is too broad. It ought to be broken up, for instance, into a committee on transportation, a committee on insurance, a committee on corporations, and others. I do not know that I can name all the different things—in fact, I do not know whether any of the suggested names are proper—but there are a number of different subdivisions that go to make up the subjects considered by that committee. Commerce is generally used to mean half the important affairs of this country. Now, just as an illustration, if we had had a committee on transportation, so that at the beginning of this year they could have gone into the consideration of railway matters, the railway bill could have been reported by the 1st day of July and that matter have been disposed of by this body before this date. Other legislation also could have been in a greater degree of completion than we have it at the present time.

Take the various questions that come up, and if you parcel them out among the Members of the House you will get efficient and well-considered legislation to a greater degree than you get it at the present time.

Right near the close of the last session a recommendation was brought in here that $750,000,000 be appropriated to continue the operation of the railroads of this country. I heard the chairman of that committee, Hon. Swagar Sherley, of Kentucky, who is no longer a Member of the House but who was one of its hardest workers and most efficient Members, say that he had three days in which to have hearings on that $750,000,000 appropriation.

Mr. CANNON. Will the gentleman yield for a question?

Mr. JONES of Texas. I will.

Mr. CANNON. That was on a deficiency bill.

Mr. JONES of Texas. The hearings were conducted by the Appropriations Committee.

Mr. CANNON. Precisely. Would you have a dozen men on a deficiency bill?

Mr. JONES of Texas. I would not assign men to a particular bill, but rather assign the bill to a committee. I will ask the gentleman this: In this House of 435 Members would the gentleman take all the legislation and put it in the hands of one committee and let the others stand out until that committee had finished, when it could not do half the work?

Mr. CANNON. May I have half a minute to answer?

Mr. JONES of Texas. Yes.

Mr. CANNON. The committees of this House are clothed with power to legislate, and the legislation goes as riders upon appropriation bills, and that leads to extravagance. If those committees would perform their duties and pay more attention to legislation, the appropriations would follow the legislation, where the House had intelligently considered it and it had been intelligently prepared.

Mr. JONES of Texas. What the gentleman says is true, and it is a bad practice to attach legislation onto appropriation bills, but this bill will not cure that. On the other hand, I think it will encourage it, because you will have one great committee here that will have all the appropriations. They will have absolute power, and you can not fight them much, because they will have control of appropriations, and they will be tying legislation onto appropriation bills more than ever unless we amend the rules, or rather unless we enforce the rules.

Mr. CANNON. The great committee of the House that can consider legislation most intelligently is the Committee of the Whole House on the state of the Union. There are the 435 members of that committee. I have been a young Member of Congress and I have been an old Member of Congress, and let me say to the gentleman that this greatest of all committees rarely commands a quorum. It takes two terms and sometimes three terms, and sometimes never, for a Member of Congress to have a conception of his duty.

Mr. JONES of Texas. The gentleman was a Member of Congress several years before I was born, and, consequently, he knows a great deal more about legislation than I know. I have read of him since boyhood. I have great confidence in his judgment, and I know that my experience is not as ripe as his. I know that my judgment is not as good as his; but I have read this bill carefully, and within the four corners of this paper I can not find a single sentence that will correct the evils he has suggested.

Mr. CANNON. I concede the gentleman's industry and his ability as well, and I am serious when I say that.

Mr. JONES of Texas. I thank the gentleman. I was not asking for a compliment.

Mr. CANNON. It is true nevertheless.

Mr. JONES of Texas. I thank the gentleman. When we have one committee of 35, which has practically all the responsibility of this House, we will have a smaller attendance than when we have a little more responsibility placed on the shoulders of the men who constitute the House. [Applause.] I can show you men who came here within the limit of my experience, wanting to do something and expecting to do their best in connection with the legislation of Congress. Yet because they happened to be assigned to a committee which had nothing to do, because when they came here some committee which had control of the legislation had practically all the time, they have in a measure lost interest, and simply proceed to vote on the various propositions that come up. I recognize the difficulties that the gentleman has suggested, but I do not see how they can be corrected by this legislation.

Mr. HASTINGS. If the gentleman will yield, I want to emphasize what he is saying, that it is especially true at the short session of Congress, when we have only three months and when nothing is passed except the appropriation bills. Now, what would the other 400 Members of this House who were not on the committee of 35 do during a short session of Congress, when no other legislation is enacted except the appropriation bills? Of course, having nothing to do here themselves, and having no responsibility, a great many of them will not be here, and I doubt if you would have a quorum here in Washington.

Mr. JONES of Texas. I think that statement is well made; but the principal thing I am trying to emphasize is that one committee of 35 men absolutely can not conduct the hearings that are necessary to make the appropriations to run this Government, with this extensive work that is being done by the various departments and the various activities that are being conducted by the various bureaus and institutions which this Government has created.

Mr. PURNELL. Of course the gentleman understands that the question of changing the rules of the House is entirely separate from the proposed legislation that is before the House?

Mr. JONES of Texas. I recognize that, and it is just like the last 5 miles of a man's journey to a town that is 10 miles away. The gentleman in his own speech here a few minutes ago suggested that if we reformed the executive department and did not reform ourselves, we would be shown in a bad light. That was the substance of what he said a while ago, and the enactment of this bill calls for the changing of the rules, does it not?

Mr. PURNELL. It does not necessarily call for it. I want to express my individual opinion that we would be lax in our duty if we regulated the executive branch of the Government and did not regulate ourselves.

Mr. JONES of Texas. Does not the gentleman expect to make an argument along that line when the other proposition comes up?

Mr. PURNELL. I expect to.

Mr. JONES of Texas. And I have an idea that the gentleman will elaborate on it considerably. Therefore the bills are inextricably yoked together; the one is a part of the other in effect and one is a step in a two-step journey.

Mr. PURNELL. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. PURNELL. I think somebody ought to make this statement in fairness to the committee that had the matter in charge: There was no attempt to conceal anything, and that is why the two were reported together, because we wanted to be fair to the membership of the House. I do not believe there is any desire to try to concentrate power in any place unnecessarily.

Mr. JONES of Texas. I thank the gentleman; if anything I have said would have that interpretation or meaning, I want to withdraw any such suggestion or imputation. I think the committee did a fine lot of work. I have read a considerable part of the hearings, not all, and I congratulate the committee not only on the work but the form and manner in which they presented it to the House for consideration. Nevertheless, when they have finished their work, the responsibility of the House commences, and we can not have this legislation properly considered unless it is properly discussed.

I maintain that perhaps you have accomplished something in providing the machinery whereby the President of the United States may have uniform estimates; you may do away with some of the overlapping in the different departments where one department does a little work that is done in some other department; but I submit to you that the chance of getting economy in this Government, the chance of reducing the expenses of this Government comes from a determination of the people whom you and I as Members of Congress go back to for reelection and they ask about these various things, and not in a presidential election, when great issues overshadow this particular issue.

Therefore in the future, as in the past, the economy of Government expenditure will be in the House of Representatives, and not with the President. As a direct corollary of that I say that whenever you place too much power in the hands of a single committee you do away with the tendency to economy in the Government expenditures and rather increase that tendency. This is true because one committee can not possibly have as extensive hearings on each subject as that subject deserves.

A moment ago I referred to the $750,000,000 railway appropriation which was brought in at the end of a three days' hearing. What did the chairman of the committee say was the reason for that? The recommendation was made five or six weeks before the bill was reported. His reason was that the other appropriation bills were calling for the attention of members on the Appropriation Committee and that the committee was overworked. The chairman himself said that he had been working day and night for weeks and weeks on the six appropriation bills which that committee considered, and I personally know his statement was true. Now, it is the purpose of the Congress, if this legislation is enacted in its finality as recommended by this committee, to not only have these six appropriation bills centered in one committee, but to have all the others with it, and have the other committees shorn of their right to pass appropriation legislation. That would still further centralize the power and cause the appropriation legislation to be less considered in the future than it has been in the past. [Applause.]

Mr. GOOD. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, I expect to support this bill, but I wish to speak briefly upon another subject.

It has been a great surprise to me to find that a number of newspapers in North Dakota have come out strongly in favor of the Plumb plan for Government ownership of railways. Ours is an agricultural State. We have no manufacturing to speak of. For the life of me I can not see how a farmer can receive any benefit out of the Plumb plan. It would ruin him, to my mind, if applied to railways, coal mines, and other industries. This proposition is new. Few people have given it thought. Those farmers who have considered it are, so far as I can learn, opposed to it. When the farmers learn what it means they will not touch it with a hundred-foot pole.

Mr. Chairman, when the Plumb plan is mentioned one is apt to think of it as applied only to the Government ownership of railways. It is proposed to apply it to many industries. The coal miners have declared for it, and in the meantime are threatening to strike if they are not granted a six-hour day, a five-day week, time and a half for overtime, double time for Sundays, and on top of all a 60 per cent increase in wages. That is their notion of how much work they should do and how much they should be paid, and, presumably, if they were to get complete control of the coal industry, by means of the Plumb plan, they would give themselves that kind of a layout, provided in the meantime their notions of pay and hours of labor had not become more pronounced.

The world will starve to death if placed upon the six-hour day. That is why it is economically unsound. Do you suppose for a minute that hired men are going to stay on the farm to work 12 hours a day when they can get more money by working 6 hours per day plus two holidays each week in the town or city? How are you going to keep them from going to the cities after the millennium has been established in the transportation and manufacturing industries?

And will the owners remain on the farms? They will not. Already there is a decided movement upon the part of farm labor to the cities, and already the owners are facing an era of falling prices for their products and increased costs in every direction. Owners of farms are leaving them even when they can not find tenants. They say they can make more as workers in manufacturing plants. I personally know of many such deserted farms near my old home in Michigan. We could not rent our old farm in Michigan for the past two years for this very reason.

Mr. Chairman, the Plumb plan has no place in this Republic. This is a Government of, by, and for the people—the whole people. Mr. Plumb proposes that the Government shall buy industries and turn them over for the benefit of a certain class. It is unsound. It is un-American. It will, among others, ruin the farmers. When they are all enticed from the farms to the cities by big wages and short hours and the farms are deserted, they and their Plumb-plan brothers will die of hunger.

Although Mr. Plumb holds out some hopes of certain profits to be generously shared with the public, it can not be denied that his philosophy and that of men like him is in the direction of decreased production, more pay, shorter hours, less work, more men, and more votes.

Farmers never strike. They will not do so. But if the Plumb plan in industry prevails, one by one they will nail boards over the windows of their homes and quietly leave the farms. When that time comes the truth may dawn upon people of the Plumb variety, if they survive the calamity brought upon themselves and their fellow men.

My views upon this subject are set forth in greater detail in a letter written by me and printed in several North Dakota newspapers. I ask leave to print this letter in the RECORD.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

YOUNG SAYS GO SLOW.

"WASHINGTON, *October 1.*

"Congressman GEORGE M. YOUNG, of North Dakota, has written a letter to a Barnes County farmer in which he takes a decided stand against the Plumb plan for Government ownership of railways and advises farmers to go slow. He says:

"'My study of this question has convinced me that the Plumb plan for ownership of railways is uneconomic and that it would be injurious to the public generally, and particularly to the farmers. The plan proposed by Mr. Plumb briefly stated is for the Government to purchase all the railways and turn them over to a board made up of two-thirds railway employees, one-third working in the general offices, and one-third working along the railway lines, thus giving the employees control of the business.

"'Let us run this proposition over briefly. You are a farmer. Transportation is the biggest of all farm questions. The balance sheet is influenced more by freight rates than by any other item. Freight rates mean more to agriculture than to any other industry.

FARMER PAYS FREIGHT BOTH WAYS.

"'Farmers pay the freight both ways. Just now it is difficult to determine where the price of wheat is fixed. In time of peace it is Liverpool, the Minneapolis price being Liverpool carriage charges off. In other words, the farmers pay the freight in time of peace through to Liverpool, and pay similarly upon other farm products through to the ultimate place where prices are fixed. They also pay the freight upon all merchandise and machinery purchased. For their thrashing rig they pay the Michigan price plus freight; for the auto, Detroit price, freight added; and upon the same basis for every implement used on the farm. It is even worse than that.

"'All the freight paid, say by Mr. Ford, in assembling the material for his cars is made a part of his price, and so with all other manufacturers of articles or implements for farm use. The items are mentioned by me in the most brief way, but you will readily understand what tremendous factors they are in the yearly expense of farmers. The same is true as to their purchases of merchandise. The factory adds freight in assembling materials to the cost of production, Minneapolis and Fargo jobbers add freight from the factory to their price, and the local merchant adds to his price the freight from Minneapolis or Fargo. No farmer can afford to brush this question aside with the thought that it is one for some one else to decide. The item of freight catches the farmer both going and coming. It means his very existence. Jones, who achieved celebrity by reason of having paid the freight, must have lived on a farm.

A TIME FOR SOBER THOUGHT—PRICES WILL DROP.

"'There is another thing which farmers must take into account. After the conclusion of peace agriculture will be one of the first industries throughout the world to return to normal conditions. The Government will not guarantee a price for wheat, and farmers will not be able to fix a price for it. It will be governed in large part by the law of supply and demand. The same will be true of other farm products and the prices may fall surprisingly low. I did not begin growing wheat as long

ago as you, and have not sold it as cheap as you, but most that I have raised has been sold for less than a dollar per bushel. Farmers must face lower price levels for their products. Butter will go down; eggs will drop; the price of wool, wheat, and coarse grains will shrink. It behooves us to take thought of the future. While there may be serious times ahead for all, there is special danger in the situation which may confront farmers. It is a time when Members of Congress should realize their responsibility, and it is likewise a time when those at home who advise them should also feel their responsibility and prepare themselves to give a just and patriotic verdict.

EASIER TO GET IN THAN OUT.

"'The farmer who has been in doubt as to the wisdom of State ownership may have concluded that it was worth experimenting, and that if a failure the State could stand its loss and get out of business. It will not do to follow any such philosophy in respect to National Government ownership. The farmers, who have the biggest financial stake in North Dakota, are in the majority. They have the power to vote themselves out of any proposition into which they have voted themselves if they find it is losing money or is out of harmony with sound principles of government. Not so in the case of National Government ownership. They will not have the power to vote it out, because they are in the minority. Farmers who clamored for national grading of grain would be mighty glad to get out of it now. It looks as though that door is closed for all time, and it should serve as a warning that it is sometimes easier to get in than to get out.

RAILWAYS WILL PAY NO TAXES.

"'Another important fact to bear in mind is that in the event of Government ownership the railways would pay no taxes. This would increase the taxes upon farm lands and all other property. Would the freight rates be correspondingly reduced? My belief is they would not.

TO SAFEGUARD AGRICULTURE.

"'I want to do the right thing by all the people of my congressional district, and believe I can serve them best by helping to safeguard the interests of agriculture. It is a time to go slow. The men who come to us with a proposition that if we will support Government ownership of railways, they will save us money in freight rates, should be treated the same as anyone who has something to sell. Let them show us. The farmers did not start this. The idea did not originate with them. It is the other fellow's idea. It is well known that the farmers never thought of a Government price for wheat. The idea originated with others. They whispered to the farmers that it would be a good thing and they took the bait.

PLAUSIBLE GENTLEMEN.

"'Now we are asked by some very plausible gentlemen to support the Plumb plan for Government ownership of railways upon the assurance it will be a great thing for us. This is very generous, very generous, indeed, but I want none of it in mine, and will vote for none of it. Senator LENROOT's plan for a broad Government control with some changes would, to my mind, be much better.

MINE WORKERS HOT AFTER IT.

"'The Plumb plan, as applied to railroads, is to be only part of a general plan for the Government ownership of other industries. The United Mine Workers of America want it; that is to say, the Government to buy the mines and turn the management over to them. In advance of this they are now threatening to strike if they are not granted a six-hour day and a five-day week, plus a 60 per cent increase in wages, and time and a half for overtime.

WHERE WILL THE FARMERS GET OFF?

"'If they demand this now, what will they take for themselves when they gain complete control of the industry through the Plumb plan? Will this make coal cheaper? Or any article where coal is used in its manufacture? Or will it be possible to secure any labor for the farm against such competition?

EVERYBODY DOING IT.

"'Radicals among the miners of gold, silver, copper, etc., are also agitating for the Plumb plan to be applied to their industries, and it is believed that it will also be the next move by the steel organizers. If the Plumb plan is logical and proper for one industry, it is the right of all who work in other industries. There should be no favoritism.

ATTRACTIVELY CAMOUFLAGED.

"'These propositions are always put up in very attractive, inviting packages. I see by some of the North Dakota papers that the saving in freight costs claimed for farmers is to be brought about by squeezing the water out of the railroad stocks. They say that instead of paying interest upon nineteen billions of bonds and stocks the railroads can be taken over for twelve billions. That is the bait by which it is expected to capture farmers' votes. As Maj. Edwards, a pioneer newspaper man, used to say, "important if true."

COURTS MUST TREAT RAILWAY'S PROPERTY SAME AS FARMERS.

"'Mr. Plumb is quoted as saying dramatically, "We will not pay a cent for the railways above what they actually cost!" There may be considerable sympathy with that declaration, but this is a business proposition and it will do no good to turn our faces from the facts. No matter what Mr. Plumb and others like him assert, the courts will apply the same rules of law in respect to taking property from a railway company as when taking it from a private individual. If the State needs a farm for a packing plant or otherwise it can not by condemnation proceedings take it for its original cost, which might have been only a few dollars paid to the Government as homestead fees. If the Government buys the railways they must, according to law, be paid for according to their value at the time they are taken over. It won't be a question of what they cost, but their value measured by present scales of wages and present costs of materials and equipment. The Interstate Commerce Commission will soon complete an exhaustive inventory of the railway property of the Nation, in which will be counted every steel rail, every tie, every yard of earth moved, and all other property scheduled with the same detail, and from which a valuation can be easily figured. Measured by the present scale of wages and cost of materials, the railways are now worth more than $20,000,000,000, according to conservative estimates; in other words, more than the amount of the present issues of bonds and stocks. These are unpleasant facts, but they must be faced if a proper solution of the railway problems is to be obtained.

STOCK ISSUES UNDER RIGID GOVERNMENT CONTROL.

"'Again, the very just complaint about the issuance of watered stocks in the past has no more relevancy to the Plumb plan than to any other plan, because the committees of both the Senate and House have determined, no matter what plan is adopted, to place the railway issues of stocks and bonds under rigid governmental control.

"'Then they say they are going to save money by paying a lower rate of interest. With immense issues of national bonds for the war, for railroads, for coal mines, for other mines, etc., can the Government borrow the money at anything like the present rates? It is highly improbable that there will be much saved in that direction.

WHEN ALL MEN LEAVE THE FARM FOR BIG TOWN WAGES, WHO WILL FEED THEM?

"'My belief is that even the railway men themselves, if they consider where it may finally lead to, can not afford to give up their old leadership and their old methods under which they have made great progress to follow Plumb, the radicalist.'"

Mr. PARRISH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield 25 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I congratulate the House and the country on the presentation of this legislation. We have been talking about the reform of our system of estimates and appropriations for a great many years. For one reason and another we have never reached a situation where it seemed possible to start in the direction of the reform that we all favor until this session of Congress.

I want to congratulate the committee that drafted this bill on having arrived at a unanimous conclusion in regard to it. I hope we may go all the way through with budget legislation without any serious division and without any division at all between the two sides of the House. There is certainly no politics in a measure of this kind. It is a matter of practical governmental business and it is important that we should approach it, consider it, and pass upon it without partisan or political bias.

I am one of those who do not consider a radical change in the rules of the House as absolutely essential to the carrying out of a complete and satisfactory budget system. [Applause.] I do not say that it would not be wise to do that, but I am not sure that it would be. It is a very important question and one to which at the proper time we shall give due and proper consideration.

Gentlemen have suggested, as they have stated it, that as we are reforming the executive departments we should reform our own methods. I do not look upon budget legislation as an act

of reformation by Congress pressed upon the Executive. I trust there will be no objection in any executive quarter to any proper legislation that we may place on the statute books on this subject. We have never had legislation that clearly defined and definitely guided the executive departments in the preparation of estimates and their presentation to the House, and therefore we have fallen into the unbusinesslike methods that we have followed so long.

In my opinion the most important part of this bill is that portion of it which provides for the new accounting department. I said in my statement before the committee that I thought we would do very well if we took no further step at the beginning than the one contemplated in that action. I am glad, however, the committee saw fit to go further. It is tremendously important that we shall have an independent audit and a body of trained experts who, keeping track of expenditures and informed as to estimates, will be able to so intelligently inform Congress that the evils of a loose system of estimating and appropriating will be so clearly presented to Congress and the country that further reforms will come as a matter of course, because its necessity will be so clearly indicated.

There is nothing in the bill to my mind so tremendously important as this independent audit and the body of intelligent experts who should be brought together and trained under that organization.

After the House and the Senate have determined what we have to do in the matter of budget legislation, then we can take up the question as to whether we shall have one or many committees, and I am still in a position to be persuaded either way, after hearing all of the arguments, as the weight of the arguments may determine. I agree with the gentleman from Texas [Mr. JONES] that there are difficulties in the way of a single committee, and yet in the course of time those difficulties might be overcome, and it is possible that we would secure the best results in that way. However, very excellent results could undoubtedly be secured with a greater number of appropriating committees than one. If we were to carry this matter of the budget to its final logical conclusion, we would unite the appropriation committees and the Ways and Means Committee all in one. Nobody has suggested that, however, as all agree that the burden would be too great for one committee, and yet that is the point to which the extreme development of the logic of a budget system will carry you if you propose what some have suggested as a perfect system.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. What does the gentleman think of creating a larger committee, not an appropriating committee in fact, which would limit and allocate and apportion the amount which might be appropriated by some of the committees now, and thereby fix a limit on the amount which might be expended by the several committees—though perhaps the gentleman has not given that phase of the matter any consideration.

Mr. MONDELL. Undoubtedly, if we retain as many appropriating committees as now, or more than one appropriating committee, it would be necessary to have some provision whereby the committees would be, to a certain extent at least, under the direction of the House in the total amount of their appropriations. The gentleman suggests a committee that would allocate as between the different committees. Some such system could perhaps be worked out, and it is entirely possible that when we reach that phase of the matter we may find that at the beginning, at least, the best solution will not be a single appropriating committee, but some compromise between the present system and that suggested in the resolution that has been reported. My mind is entirely open to argument.

Mr. GREEN of Iowa. I mentioned this matter because it was proposed, at least in part, by a bill which I had introduced and which I discussed at some length in the hearings before the committee. The committee did not see fit, however, to adopt the provisions of the bill because of the practical difficulty that interfered with part of it.

Mr. MONDELL. I want to emphasize one fact in connection with this budget legislation, and that is that budget legislation is not necessary primarily, because the Congress by its acts or through legislation or appropriations that it initiates is entirely or principally responsible for the tremendously increasing expenditures of Government; quite the contrary. If this may properly be called a measure to reform the executive departments in the matter of estimates, there is abundant reason for doing that, because while I do not know that anyone has taken the trouble to estimate the difference between the estimates and the appropriations in the last 10 or 20 years, or for any given period, yet we all know that those estimates enormously exceeded the appropriations actually made.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAWLEY. It was brought out in the hearings that in the 20 years preceding the war Congress had appropriated $595,000,000 less than the administrative estimates.

Mr. MONDELL. All of which emphasizes the statement which I have just made that a budget system is not necessary wholly or primarily for the purpose of restraining the disposition of Congress to appropriate extravagantly, for if we had appropriated what the departments asked us to in years past, the national debt would be very much greater or the tax rates would have been heavier during all of those years. The fact is that the constant growth of appropriations is due in the main to the desire of bureaus and departments to increase their activities, to expand and grow and cover new territory, and do more and spend more in the territory already covered. It is not due, except in a very limited way, to appropriations initiated by the Congress.

To illustrate, right now the officers of the Navy are appearing before the Naval Committees of both House and Senate urging an increase in the pay of the Navy, which, as I understand it, would amount to $135,000,000 per annum. An increase in the pay of the Regular Army has also been asked, and while that increase would not amount to so much as the proposed increase in the Navy, it would amount to many million dollars. These increases are being urged now by the departments. I am not surprised that officers of the Navy and the Army desire increases of pay. We all realize that it must be very difficult for those gentlemen to meet their obligations and to live decently on the same pay that they received before the beginning of the war. However, most of them have advanced a grade or two since that time so that so far as the individual is concerned they are actually receiving a little more than they did at the beginning of the war. In that connection we should be reminded of the fact that up to this time no civil employee of the Government receiving more than $2,500 base pay has had his or her salary increased since the beginning of the war, except as that they have been advanced in grade. My opinion is that we are not likely to increase the pay of the officers of the Army and the Navy until at least we shall have concluded that it is not only wise but essential that we shall increase the pay of at least some of the civil employees of the Government receiving over $2,500.

It is not to be wondered at, perhaps, that these gentlemen are seeking an increase of pay at this time when men in the trades and in certain lines of industry who do not require any considerable amount of preparation, any special education to prepare them for their work, are in some instances getting more pay than those who had given six or eight years of their lives to educational preparation, and who have tremendous responsibilities resting upon them. We are witnessing an extraordinary exhibition of demands in this regard upon the part of the bituminous coal miners, who received perhaps the earliest advance of wages at the beginning of the war, and perhaps as great an advance as anyone. They are now asking not only for a five-day week but time and a half or double pay for overtime and holidays and a 60 per cent increase in wages—demands which, if met, would, it is claimed, make coal a luxury to be enjoyed only by the rich and make it difficult for us to compete with foreigners in the production of manufactured goods. In days when demands as extraordinary as that are made it is not to be wondered at that the men in the military service and in the civil service of the Government ask to have an increase in their pay.

The President has well said that this is a time when men should possess their souls in patience and stop rocking the boat with demands for increases of pay, which are likely to have the effect of again starting prices skyrocketing. It is true that many of those who receive their pay from the Government, both in military and civil life, are receiving no more now than before we entered the war, while most of the men in the trades and industries who are asking for further increases and shorter hours have had their pay largely increased, but, nevertheless, while their cases appeal to us we must guard against large increases of appropriations, even as the President urged that this was the time to try to hold prices level and endeavor to reduce them, free from the disturbing effect of continual increase, which tend to produce the very evil they seek to cure—relief from advancing living costs.

Just what effect a budget system will have on the demand for anywhere from a billion and a half to three billion in the form of bonuses on top of two and a half billions of floating indebtedness we now owe I do not know, but if it will have any restraining effect upon ambitious designs of that sort proposing an enormous additional burden upon the country I think it will accomplish a most excellent purpose. The American people

have long sought an improvement of our system of estimates and appropriations. A great many people of this country have urged a budget system, and I congratulate them, and I congratulate the Congress that we are starting in that direction and are about to pass legislation that eventually will give us we hope a perfect or at least a much better system. [Applause.]

The CHAIRMAN. Does the gentleman yield back his time?

Mr. MONDELL. I do.

The CHAIRMAN. The gentleman yields back five minutes of his time.

Mr. PURNELL. I yield one minute to the gentleman from Connecticut [Mr. TILSON].

Mr. MONDELL. Mr. Chairman, how much time did I yield back?

The CHAIRMAN. Five minutes.

Mr. MONDELL. Mr. Chairman, before the gentleman from Connecticut begins, might I have one minute of the time which I yielded back? I simply desire to call attention to the fact that there are now in the gallery looking down on this assembly of the representatives of the American people some new Americans, some fine stalwart young gentlemen, who come to us from some 15 different countries beyond the seas. [Applause.] They come here to be of our citizenship, and they have given evidence of their good intentions by putting on the uniform, and in four months these young men, coming here ignorant of our language, have learned to read and speak English and to drill as finely as the best soldiers under any flag. [Applause.] We not only had the pleasure of witnessing these young gentlemen drill, but of conversing with a number of them, and they speak English well and seem to understand it perfectly. I want to congratulate them and especially to congratulate the officers who have trained them. [Applause.] I want to congratulate the men who have taken an interest in this splendid work. It is a work of which we may all be proud. We appreciate these stalwart additions to our citizenship, and hope that after these young soldiers have served the period of their enlistment they will find abundant opportunity as citizens here in the land of the free. [Applause.]

The CHAIRMAN. The gentleman from Connecticut is recognized for one minute.

Mr. TILSON. Mr. Chairman, I had asked the one minute of time for the purpose of doing what the majority leader has just done, calling attention to our guests in the gallery. Although this pleasant task has been so gracefully performed by my friend from Wyoming, nevertheless I shall avail myself of the minute that has been granted me to add just a word. This detachment of recent Army recruits under the direction of Col. Bernard Lentz, of the General Staff of the Army, have been making a tour of the country to demonstrate that the Army has created a "melting pot" that actually melts. The detachment is popularly known by the appropriate title and designation of "Americans all." They are accompanied by Chaplain Fell, who has also done a great deal for them in this work. They represent, as the gentleman from Wyoming has said, 14 different nationalities, but now "Americans all." Four months ago they could not write or read the English language. They have been taught English and trained at the same time. Anyone who witnessed the drill on the Plaza at the east front of the Capitol this morning and understood its full meaning will appreciate what has been done, is being done, and will continue to be done in this great American melting pot of the United States Army. [Applause.] I ask unanimous consent, Mr. Chairman, that I may extend my remarks in the RECORD by printing a roster of this detachment.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. In accordance with the permission just granted, I here insert a complete roster of the "Americans all" detachment from the recruit educational center—the Army melting pot—Camp Upton, N. Y.

The roster is as follows:

"AMERICANS ALL."

Pedro Araez.
Sylvester Balchunas.
Arezio Aurechio.
Jules Boutin.
Oasge Christiansen.
Kusti Franti.
Odilian Gosselin.
Walter Hucko.
Argele Intili.
Henry Jurk.
David King.
John Klok.
Norman Kerman.
Eugene Kristiansen.
Frank Kristopoulos.
Johannes Lenferink.
Fidel Martin.
Attilio Marzi.
Gurt Mistrioty.
Michael Myatowych.
Francisco Pungi.
Joseph Rossignol.
Ichae Semos.
Joe Shestak.
George Strong.
Hendrix Svennigsen.
Fritz Wold.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from Oklahoma [Mr. HASTINGS]. [Applause.]

Mr. HASTINGS. Mr. Chairman, everyone does and should appreciate the necessity for the most rigid economy. It should be practiced in our public as well as private affairs. The enormous expenditures made during the war, now happily over, very greatly increased the public debt, the interest upon which will make our annual expenditures very much larger during the present generation. For this reason it is necessary for us to reduce expenses in every possible way consistent with the efficient management of our Government. The high cost of living has impressed each individual and family with the necessity of reducing their personal expenses. Therefore economy in public and private affairs will be very greatly emphasized in the years immediately before us.

The bill under discussion to-day, if enacted into law, will provide a national budget system and an independent audit of Government accounts. I favor it because it will cause a closer scrutiny of every item that goes into an appropriation bill, and after the funds are made available the expenditures will be more closely examined and criticized. I believe that it will result in reducing the expenses of the Nation and reduce taxation. Such a measure has been under discussion for a number of years. It was ably advocated by Hon. John J. Fitzgerald, former chairman of the Committee on Appropriations, and Hon. Swagar Sherley, who followed him as chairman of that great committee. An amendment was added to the sundry civil bill during the closing hours of the Sixty-fifth Congress providing for a commission to study this subject and report a suitable bill. It was defeated on account of the filibuster in the Senate. The report of the committee on the pending bill is unanimous. It had before it a number of men who have given much study to the question, and the members of the committee are to be congratulated upon the information furnished the House in general debate upon the bill.

The bill provides for the creation of a Bureau of the Budget in the office of the President, with a director and an assistant director in charge. The bureau will be charged with the duty of making a careful investigation of all estimates of the official needs in detail of every department and bureau of the Government for the next fiscal year. A report will be made by it to the President, who is required to transmit the same to Congress. The budget is required to contain a balanced statement of the revenues and expenditures of the Government for the preceding fiscal year and of the resources and liabilities of the Treasury at the close of the year and estimates of the revenues and expenditures of the Government for the current fiscal year, as well as how these needs must be met.

An accounting department is created, headed by a comptroller general, with an assistant comptroller general, who shall hold office during good behavior and be removable only by a concurrent resolution of Congress. The comptroller general is charged with the responsibility of auditing every expenditure made by the various departments and bureaus and is required to make a report in writing annually, making such suggestions as to changes in legislation thought desirable and giving such information as may be helpful to Congress. In this way the advocates of the system hope to focus public attention upon every item of extravagance and eliminate the same and consolidate bureaus that are doing the same general character of work, thereby avoiding duplication. With the bureau independent of all departments it is expected that the head of every bureau or department submitting an item to be included in the budget will be required to fully justify it.

The budget system as presented does not take away from Congress the constitutional power of making appropriations. The budget submitted each year may be added to or reduced. While I believe the system will result in a great saving to the Government and will prevent the creation of new bureaus and result in the elimination of much duplication of work, it is too much to hope, without additional or further legislation, that all extravagances will be avoided.

I want to call attention to the advisability of a constitutional amendment empowering the President of the United States to veto any item in an appropriation bill. Many of the new States, including my own, have provisions of this kind in their constitutions, and most of the older States that have revised their constitutions within the last few years have incorporated a like provision in them. For this purpose I have prepared the following amendment:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be,

and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

Amend section 1, Article VII, of the Constitution of the United States by adding the following paragraph at the end of said section:

"Every bill which shall have passed the House of Representatives and the Senate making appropriations of money embracing distinct items, shall before it becomes a law be presented to the President of the United States; if he approves, he shall sign it, but if he disapproves the bill or any item or appropriations therein contained, he shall communicate such disapproval with his reasons therefor to the House in which the bill shall have originated. All items not disapproved shall have the force and effect of law according to the original provision of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in section 7, Article I, in reference to other bills."

In my judgment, the adoption of this amendment would be a long step in the right direction to enable the President to check extravagance in appropriations. Many doubtful items in the closing hours of Congress find their way upon general appropriation bills and can not be eliminated without vetoing the entire bill and necessitating the reconvening of Congress. No President would want to take the responsibility of doing this. There is no reason why the President should not be given the authority to veto any separate item or veto any separate piece of legislation on appropriation bills. If such authority were given him, the vicious practice of placing legislative riders on appropriation bills would be stopped.

The various departments under the system proposed would have to submit their estimates through the director of the budget and the President to Congress, and the committees of Congress would have the advantage of estimates carefully gone over and justified, in the first place, and, in addition, would have them further examined and explained before them. This would give Congress more information regarding the appropriations, which would enable their being reduced. If Congress attempted to increase the appropriations above the requirements of the various departments, it could be checked by the President's veto.

An erroneous impression prevails throughout the country that Congress alone is responsible for large appropriations. In the past 20 years Congress has reduced appropriations below the estimates furnished through the Treasury Department more than $500,000,000, as the following table shows:

Comparative statement exhibiting, for the 20-year period covering the fiscal years 1897 to 1916, inclusive, the grand total of estimates submitted by the Executive and the grand total of appropriations granted by the Congress.

Fiscal year.	Estimates.	Appropriations.	Excess of estimates.	Excess of appropriation.
1897	$529,134,193.92	$515,845,194.57	$13,288,999.35	
1898	535,446,047.28	528,735,079.30	6,710,967.98	
1899	911,522,533.22	893,231,615.55	18,290,917.67	
1900	754,006,489.64	674,981,022.29	79,025,467.35	
1901	767,355,248.78	710,150,862.88	57,204,385.90	
1902	775,378,804.24	730,338,575.99	45,036,228.25	
1903	776,348,318.47	[1] 800,624,496.55		$24,276,178.08
1904	765,456,776.30	753,058,506.02	12,398,270.28	
1905	830,974,206.79	781,172,375.18	49,801,831.61	
1906	835,260,367.21	820,184,634.96	15,075,732.25	
1907	880,796,415.47	879,589,185.16	1,207,230.31	
1908	943,190,643.68	920,798,143.80	22,392,499.88	
1909	1,079,449,288.96	1,008,397,543.56	71,051,745.40	
1910	1,103,387,508.01	1,044,401,857.12	58,985,650.89	
1911	1,028,145,769.58	1,027,901,629.18	244,140.40	
1912	1,026,287,505.81	1,026,682,881.72		395,375.91
1913	1,040,648,026.55	1,019,412,710.91	21,235,315.64	
1914	1,150,206,963.14	1,098,678,788.40	51,528,174.74	
1915	1,152,681,777.02	1,116,118,138.55	36,563,638.47	
1916	1,135,187,984.31	1,114,937,012.02	20,250,972.29	
Total	18,020,860,868.38	17,465,240,253.71	580,292,168.66	24,671,553.99
Net excess of estimates			555,620,614.67	

[1] The appropriations for 1903 include the sum of $50,130,000 for the Panama Canal, an amount not submitted in the estimates for that fiscal year. If that amount be eliminated, the excess of estimates would be $25,853,821.92.

The present law requires estimates of the various departments to be submitted through the Treasury Department. This has been done, but the estimates have been in a large volume and have not been carefully digested and have not been balanced with our revenues. Under the existing law it is required—

of the heads of the several executive departments, and of such other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the 15th day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the 1st day of November of each year, estimates for such appropriations as, in his judgment, shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress. (Mar. 3, 1901, Stat. L., vol. 31, p. 1009, sec. 5.)

The statutes further provide that—

All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction. (R. S., sec. 3669.)

The statutes further provide—

All estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of bookkeeping and warrants of his department. (July 7, 1884, Stat. L., vol. 23, p. 254, sec. 2.)

The act of March 4, 1909, provides that—

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress now in his judgment the estimated appropriation could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiencies. (Mar. 4, 1909, Stat. L., vol. 35, p. 1027, sec. 7.)

It was intended by this legislation to make the Treasury Department a bureau of the budget, but the Treasury Department has a very large number of other bureaus, and it has been thought advisable by most economists that the bureau of the budget be separated from and made entirely independent of all other departments of the Government.

Many of the States, including my own, have enacted legislation of this kind. I am sure that much more attention will be given to the subject by the legislatures of the various States in the years immediately ahead of us than has been given in the past. There is the same necessity for strict economy in the expenditure of public funds appropriated by State legislatures and by municipalities as confronts the Federal Government. With the increased burden of direct taxation—local, State, and National—retrenchment in expenditures will be insisted upon.

It is interesting to follow the increase in appropriations. When our Constitution was ratified we had a population of about 3,500,000, while we now have a population of approximately 110,000,000. When Washington was inaugurated he was allowed a Cabinet composed of a Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, and Postmaster General. The Navy Department was created by the act of April 30, 1798. The Department of the Interior was established by the act of March 3, 1849. While there had been an Attorney General from the beginning of the Government, the Department of Justice was created by the act of June 22, 1870. The Department of Agriculture was created by the act of February 9, 1889, although there had been a Commissioner of Agriculture created by the act of May 15, 1862. The Department of Commerce and Labor was established by the act of February 14, 1903, and was separated into two departments by the act of March 4, 1913. With the establishment of each department, new bureaus were created and their work expanded, very much enlarging the activities of the Government.

In the early days of the Republic State rights were jealously guarded, and it was only in exceptional cases where any expenditures were made by the Federal Government in the different States. Within the last 25 years the activities of the National Government have greatly increased, as is evidenced by the enlargement of the various bureaus, particularly those of the Department of Agriculture, Department of the Interior, Department of Commerce, and Department of Labor. At each session of Congress it is insisted that new bureaus within these departments be created and that additional work be given them within the various States. In a measure this accounts for the increases in the appropriations within the past 40 years. Let us examine the amounts appropriated, both annually and by administrations:

Hayes:	
1878	$88,356,938.13
1879	172,016,809.21
1880	162,404,647.76
1881	155,830,841.32
Total	578,609,236.42

Garfield and Arthur:	
1882	$179,578,999.86
1883	251,428,117.57
1884	187,911,566.17
1885	137,451,397.77
Total	756,370,081.37
Increase in the amount of appropriations over the preceding four-year period	177,760,744.95
Cleveland's first term:	
1886	170,608,113.60
1887	209,659,382.01
1888	193,035,861.13
1889	245,020,172.89
Total	818,323,530.53
Increase in the amount of appropriations over the preceding four-year period	61,953,449.16
Harrison:	
1890	218,115,439.80
1891	287,722,488.96
1892	323,783,079.36
1893	304,710,196.75
Total	1,134,331,204.87
Increase in the amount of appropriations over the preceding four-year period	316,007,674.34
Cleveland's second term:	
1894	319,011,846.62
1895	311,788,819.78
1896	293,057,104.81
1897	302,786,385.98
Total	1,226,644,157.19
Increase in the amount of appropriations over the preceding four-year period	92,312,952.32
McKinley:	
1898	311,179,557.54
1899	673,050,293.63
1900	462,509,750.27
1901	457,155,142.98
Total	1,903,894,744.42
Increase in the amount of appropriations over the preceding four-year period	677,250,587.23
Roosevelt's first term:	
1902	479,365,657.55
1903	486,439,306.68
1904	464,846,770.57
1905	467,159,617.03
Total	1,897,811,351.83
Decrease in the amount of appropriations over the previous four-year period	6,083,392.59
Roosevelt's second term:	
1906	489,241,777.30
1907	549,434,246.55
1908	555,739,440.78
1909	627,516,246.83
Total	2,221,931,711.46
Increase in the amount of appropriations over the previous four-year period	324,120,359.63
Taft:	
1910	648,191,676.26
1911	663,725,794.84
1912	634,549,561.40
1913	617,382,178.34
Total	2,563,849,210.84
Increase in the amount of appropriations over the previous four-year period	341,917,499.38
Wilson's first term:	
1914	684,757,276.26
1915	674,497,625.16
1916	678,677,858.70
1917	1,178,908,962.99
Total	3,216,841,723.11
Increase in the amount of appropriations over the previous four-year period	652,992,512.27

We must keep in mind that the increase in 1899 was due to the Spanish-American War, and that the increases from 1914 to 1917 were due to preparation for and conduct of the World War.

The figures in the above table are exclusive of the appropriations for the Postal Service paid from postal revenues, where the receipts almost balance the expenditures, and do not include the permanent annual appropriations required for the payment of interest on the public debt and the other standing appropriations.

During Washington's administration the annual appropriations aggregated about $4,000,000, and we did not expend to exceed $75,000,000 annually before the Civil War. During Hayes's administration the annual expenses of the Government first exceeded $100,000,000.

The increase in the population of the United States justifies some of the increases in these appropriations. The creation of new departments within this time explains some of the increases and the enlargement of Federal activities throughout the various States is responsible for other increases.

In addition to the ordinary expenses of the Government it will be necessary in the future to make large expenditures to meet the increased bonded indebtedness of the Government. The gross public debt of the United States on June 30, 1919, amounted to $25,484,506,160.05. With interest at the rate of 4¼ per cent on this indebtedness, it would require, in round numbers, $1,000,000,000 annually to meet the interest charges. A sound financial policy will require that an equal amount be paid into the sinking fund, so that in addition to the ordinary expenses of the Government there will be required an expenditure of $2,000,000,000 annually to meet the public debt and interest on it during this generation. We must not forget that while the armistice is signed and the war is over and the Army is to all intents and purposes demobilized, certain obligations growing out of the war to those who took part in it will remain with us through a long number of years. Approximately $40,000,000,000 in insurance was taken out, part of which is contingent. We enacted a liberal compensation act, and thousands of disabled soldiers, sailors, and marines come within its provisions and must be cared for. Large expenditures will also be necessary for vocational training provided for under existing law.

It is difficult to estimate the added expenditures growing out of the present war. No one could estimate the amount that would be paid for pensions when the Civil War ended. For a number of years after the Civil War the special pension acts did not annually exceed 25. During the last Congress there were 3,641 pensioned by special act. Most of them represented increases over pensions previously drawn. The total number of special pension bills enacted since the Civil War up to the present time is 56,924.

Mr. Garfield in 1876 thought that the crest of pension legislation had been reached, when the sum of $29,270,404.76 was appropriated, but the last pension appropriation bill, approved February 25, 1919, carried $215,030,000. From 1866 down to 1919, inclusive, there has been paid for pensions $5,298,915,665.46, and when the last report was made 646,895 pensioners, soldiers or widows, were carried on the pension roll. As no one could foresee the vast expenditures that followed the Civil War, in addition to the cost of the war itself, we may expect many increases in appropriations growing out of our obligations to enlisted men who took part in this last war, their wives and dependents.

Now that our system of taxation has in a large measure been changed and the burdens of maintaining the Federal Government fall more directly upon the people, they will scrutinize with greater care and hold those in office to a stricter accountability for the money expended.

We collect through the customhouse about $250,000,000 annually. The most that was ever collected by means of a tariff under the Payne-Aldrich Act was $320,000,000 in one year, and the average annual collection for a period of four years was $315,000,000. It is admitted by all that a sufficient amount can not be obtained from this source to satisfy the enlarged needs of the Government. Constitutional prohibition has eliminated the revenue from alcoholic beverages, from which it was estimated that $75,000,000 would be received for the fiscal year ending June 30, 1920. This estimate was made, having in view the legislation then in force, limiting the manufacture and restricting the sale of alcoholic beverages. In arriving at the annual loss of revenue from this source, it can best be estimated by stating the average annual amount received during a five-year period prior to the war, which was about $225,000,000. Therefore, the needs of the Government must be met largely from income—individual and corporation—taxes and excess-profit taxes. The voters with tax receipts in hand will demand economy in expenditures of public money to the barest needs of the Government efficiently managed.

The Treasury estimated that the following amounts of revenue will be collected for the fiscal year ending June 30, 1920, under the last revenue act, approved February 7, 1919:

Estimated revenue receipts under the existing law and the revenue act of 1918, as agreed to by the conference committee, for the fiscal year ending June 30, 1920.

Income tax:	
Individual	$1,290,000,000
Corporation	510,000,000
Excessive-profit tax	1,250,000,000
Estate tax	110,000,000
Transportation:	
Freight	115,000,000
Express	14,000,000
Persons	75,000,000
Oil by pipe lines	5,000,000
Seats and berths	6,000,000
Telegraph and telephone	17,000,000
Insurance	14,000,000
Admissions	50,000,000
Club dues	3,500,000
Excise taxes:	
Automobiles, etc	75,000,000
Jewelry, sporting goods, etc	60,000,000
Other taxes on luxuries, at 10 per cent	58,000,000
Other taxes on luxuries, at 20 per cent	85,000,000
Yachts and pleasure boats	1,000,000
Beverages	75,000,000
Stamp taxes	31,000,000
Tobacco:	
Cigars	46,500,000
Cigarettes	125,000,000
Tobacco	72,000,000
Snuff, etc	6,300,000
Leaf	100,000
Papers and tubes	1,000,000
Special taxes:	
Capital stock	80,000,000
Brokers	1,200,000
Theaters, etc	2,100,000
Bowling alleys, billiard and pool tables	2,500,000
Shooting galleries	400,000
Riding academies	50,000
Manufacturers of tobacco	70,000
Manufacturers of cigars	850,000
Manufacturers of cigarettes	240,000
Automobiles for hire	700,000
Use of motor boats, yachts, etc	1,000,000
Total	4,184,510,000

When this act passed the House in October, 1918, which was before the signing of the armistice, it was estimated that approximately $8,000,000,000 would be collected under it. It passed the Senate after the armistice became effective, and upon the recommendation of the Treasury Department the amount proposed to be collected was reduced to $4,000,000,000. I want to particularly emphasize the amount which will be collected through the income tax, individual and corporation, the excess-profit tax, and the estate tax, all direct taxes, $3,160,000,000 annually.

Most of the European countries have a budget system. The bill we have under consideration follows in a large measure the British system. In Great Britain they have carefully detailed estimates made of expenditures and a balanced statement of the revenues received from all sources, through the treasury, which does not perform the functions of our treasury, but is charged with about the same duties and responsibilities as the present bill confers upon the director of the budget. The expenditures are audited as this bill requires the comptroller to do. However, there is a difference in making the appropriations. The ministry is composed of members of Parliament, who defend the budget presented, and the appropriations are made in lump sums and not in such detail as ours. Little discussion is had upon the individual items. In this respect, our plan is a decided improvement over the British system. With the detailed estimates submitted to Congress, as required by the bill under consideration, there is no reason why the various committees, charged with the responsibility under the present rules, should not take up the estimates, together with a report of the revenues to be received, and carefully go over each item, just like appropriation bills are now considered in the House. I do not favor lump-sum appropriations. The people are entitled through their representatives to have this added supervision over the expenditure of public money, and investigation first by the committees and later by Congress as a whole will not hurt a meritorious appropriation.

There is no reason why the rules should be changed so that the work of all the committees is centered in one large committee of 35, as the proposed rule provides. In fact, I have heard no legitimate argument in its favor. The usual argument is that it will cut out a duplication of work. That is exactly what is expected to be done by the director of the budget in preparing his estimates and by the comptroller in auditing the accounts. They will be charged with the preparing of estimates and the supervision of expenditures, to see that there is no duplication of work and to recommend the cutting down of expenditures in every possible way. These recommendations will be submitted to Congress through the President. Therefore, all duplications will be eliminated before the appropriations are considered by the various committees. If the powers of the present appropriating committees are preserved, when the estimates are submitted by the President to Congress, the estimate for the Postal Service will be referred to the Committee on Post Offices and Post Roads, the estimate for agriculture will be referred to the Committee on Agriculture, the estimate for the Indian Service will be referred to the Committee on Indian Affairs, and the estimates for the other departments will go to their appropriate committees. These committees are thoroughly familiar with the work of the various departments, having spent years in studying the same. They are familiar with the legislation for which the expenditures are asked and are better qualified to recommend whether any particular branch of the Government should be continued or whether it can be cut down without injury.

Again, from time to time, as legislation is enacted, the various committees must of necessity familiarize themselves with the additional financial burdens the same will place upon the Government. They will, therefore, keep better informed as to the current needs of these particular bureaus or departments. In my opinion there is every argument in favor of the retention of the committees and none in favor of their consolidation. A larger committee would have to divide itself into subcommittees and could not possible give the necessary time to investigate details. It would have to depend upon the information contained in the estimates and such additional information as may be given by the departments and bureaus. It could not make any independent investigation. The old committees have plenty of time to familiarize themselves with every detail of any bureau or department and can be depended upon to see that greater economy is practiced. Many of the old committees have only one department to consider appropriations for.

With the ending of the war we should enact all necessary reconstruction legislation to return to a peace basis as expeditiously as careful consideration will permit. The Army is practically demobilized. The Navy is about on a peace basis. All surplus war materials and supplies not needed for the Government should be sold to the best advantage at once to save deterioration and cost of housing and caring for same, and the proceeds should be placed to the credit of the Government. Railroad legislation should be enacted. We must not hesitate to assume our full responsibility. Let us return as quickly as possible to prewar conditions. This will have a splendid effect in settling the spirit of unrest now pervading the country.

Economy in all expenditures, Federal and State, public and private, is and should be the controlling thought in the mind of every citizen of the Nation.

Mr. GOOD. Mr. Chairman, I yield the remainder of my time to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, to my mind no more important legislation has been presented to Congress during normal times in the last quarter of a century than the present budget bill. The budget system is new to Congress, although it has been discussed for years and been adopted in many of the States of this Union. I have made a careful study of the bill and have read both the report of the committee and the hearings, and will support the same. In my judgment it is wise legislation.

This system consists primarily of three things: First, the formation of the budget; second, action on the budget by Congress; third, supervision and control of the execution of the budget.

In order to thoroughly understand the objects of the proposed bill, it is necessary to consider the provisions of existing law, governing the formation and transmittal of estimates for appropriations to Congress, as well as the supervision and control of expenditures after the appropriations have been made. Under the act of March 3, 1901, Statutes at Large, volume 31, page 1009, section 5, it is made the duty of the heads of the several executive departments and those at the head of the subordinate divisions of these departments, and all officers required to make estimates, to furnish to the Secretary of the Treasury, on or before the 15th day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates, prepared by direction of law under his direction, and in case of the failure of any of the heads of departments or chiefs of their subordinate divisions, or other officers required to furnish these estimates, it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the 1st day of November of each year, estimates for such appropriations as, in his judgment, shall be requisite and necessary in every such case, which estimates shall be included in the Book of Estimates, prepared by direction of law under his direction for the consideration of Congress.

Section 3669, Revised Statutes, further provides that all annual estimates for public service shall be submitted to Congress through the Secretary of the Treasury. Under the act of July 7, 1884, Statutes at Large, volume 23, page 254, section 2, all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress, shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed under the supervision of the Chief of Division of Bookkeeping and Warrants of his department.

Under this method of making estimates great extravagance has resulted. For more than 50 years the estimates have gradually grown, and during the last two years they have increased by leaps and bounds, and, consequently, the appropriations of Congress have increased year after year until the great burden of taxation has become almost unbearable. It was evident to every one concerned that something had to be done to cut down these appropriations. Consequently, on the 31st day of July of this year the House passed a resolution authorizing the Speaker of the House of Representatives to appoint a select committee for the Sixty-sixth Congress, to consist of 12 members, and to be known as the Select Committee on the Budget. The resolution provided for the discharge of the standing committees of the House of the Sixty-sixth Congress from the further consideration of bills and resolutions for the establishment of a national budget system or proposing changes in the present method of dealing with appropriations, estimates, and expenditures, and for the reference of all such bills and resolutions to the Select Committee on the Budget.

In pursuance of that authority the Select Committee on the Budget has held extensive hearings covering a period of several weeks, and have given full opportunity to anyone who desired to present his views on the subject.

This committee is to be congratulated on the splendid manner in which it has discharged its duty. The bill before the House, the report of the committee, and the hearings disclose the fact that this committee shouldered a gigantic task and that it has rendered a great service both to Congress and to the country. It is, indeed, rather strange that a committee so large should make a unanimous report to this House on this important bill. To my mind this is conclusive proof of the sincerity of the members constituting this committee. It indicates to me that they had but one thought in mind, and that was to prepare and present to this House a measure which when enacted into law would insure a great reduction in governmental expenditures. The enactment of this bill into law is one great step toward systematizing in a business way the appropriations to be made by Congress. [Applause.]

The various heads of departments, bureaus, and commissions under the control of the Government have been extremely extravagant as well as careless in many instances in preparing their estimates for submission to Congress. Somehow they do not seem to have taken into account the fact that if these estimates should be enacted into law in the form of appropriations this money must be raised by the Government either through revenue or direct taxation.

Mr. LONGWORTH. Mr. Chairman, may I suggest to my colleague in that connection that our expenses for this year exceed by nearly 30 per cent the total expenditures for all purposes during the entire administrations of President Roosevelt and President Taft?

Mr. RICKETTS. I thank the gentleman for the suggestion.

Mr. EVANS of Nevada. Will the gentleman yield?

Mr. RICKETTS. Certainly.

Mr. EVANS of Nevada. You say the expenses are growing greater. Are they growing greater proportionately than the growth and expansion of the bureaus that have been created since? That is the whole secret.

Mr. RICKETTS. I can not answer the gentleman's question right without giving it consideration; but I do want to say to him in that connection that the cost of running this Government to-day is more than it ever was in our history before, and we have to-day in the Government more bureaus and more boards and governmental agencies than any other country on the face of the earth.

Mr. EVANS of Nevada. Perhaps that is the solution.

Mr. RICKETTS. Perhaps it is. And my judgment is, if the gentleman will indulge me to answer his question, that this bill is a step in the right direction. You will never be able to cut down the number of employees in these departments until you cut down the appropriations. There are 102,000 employees in the departments now, 40 per cent of whom are not needed.

There is a rivalry between the heads of departments, which has resulted in numerous duplications in the estimates presented to this House and to Congress. The chairman of the various committees of the House have been imposed upon by the testimony of experts, who were not concerned in the subject of economy with reference to carrying on the business of the Government, but who were concerned in having the estimates made as large as possible, and consequently many unnecessary appropriations were made.

I think it is well understood by the membership of this House that most of us are very largely controlled in our votes by what the chairman and the members of the committee having charge of the bill have to say with reference to the necessity for the appropriation to be made. In this we are many times misguided, for under the present system we have no way to determine whether the appropriation is reasonable and just, and consequently we depend upon the chairman and the committee, who have been influenced and persuaded to recommend these appropriations by heads of departments and by the testimony of experts, hence the great necessity of this legislation.

I know of no city in the country that has more experts to the square inch than the city of Washington. This city has but very few commercial industries or factories employing its citizens. I have been told on good authority that there are but two factories in this city and they are both engaged in the manufacture of pianos. This city has a population of about 400,000, 100 000 of whom must have employment. Ninety-five per cent of this employment must come from the Government, and consequently the experts are kept busy urging upon the departments and upon Congress the necessity of establishing new bureaus and new commissions and new agencies. The secret purpose of their activities is, of course, to increase the employment capacity of Uncle Sam, and this sort of thing has gone on for a great number of years, until we have more bureaus, more commissions, and more agencies of the Government than any other country in the world. [Applause].

The only way to reduce these bureaus, commissions, and agencies is to reduce the appropriations, and under the budget system this will be the result.

The people of this Nation seem to be out of joint with the times and conditions. They have overlooked the fact that we have been engaged in a World War for the past two years and that no consideration tending to economy has occupied the minds of the people or the attention of the Congress of the United States. Wholesale appropriations were made without questioning them. Every line of business in the country was urged by the President and the present administration and by the people of the country generally to increase production. Labor was scarce because of the fact that 4,000,000 of our boys were in the service of the United States, either at home or abroad, and consequently the productive power of this country was greatly reduced. Wages were higher than ever was known before. Not only so, but we have paid the highest prices for every commodity produced in this country ever before paid in our history, and we are still paying these high prices. The armistice was signed on the 11th of last November, but notwithstanding that fact this Nation has gone on spending its money in a reckless way, regardless of our responsibilities to support and maintain the Government and to meet its just and honest obligations. [Applause.]

The American people should stop, look, and listen. They have apparently gone money mad. They are all standing on tiptoe, all working on a high tension, and very few of us satisfied with conditions. There seems to be a general unrest throughout the country, and it is regrettable that the people do not stop and think. This is a reconstruction period in our national history. It is a time when we must return to normal conditions; when we must stabilize the business of our country. We have gotten away from the fundamentals of our forefathers upon which the basic law of our country is founded. In fact, we have become reckless spendthrifts. We do not look to the future. We seem only to care for the present. The people of the United States need to be rebaptized in pure, unadulterated Americanism. They should be taught the lesson of thrift, frugality, and economy which, of necessity, is the result of industry.

We have an inflated currency as the outgrowth of the war, due in a large measure to the enormous expenditures made in the various activities connected with that war. Money is plentiful and of little value. If we would restore its purchasing power and value, we must restrict the volume of currency, and we must practice in connection therewith the strictest economy if we are to recover from the great burdens this World War has thrust upon us. Our national debt is staggering, but we must meet it and pay it. How are we to do it? Go on making extravagant appropriations? No; curtail them. It is up to Congress to devise ways and means, and this legislation is a step in the right direction.

The legislation proposed in this bill will cure many of our ills. The experts who have been leeches on Uncle Sam's Treasury will be reduced in number and required to secure employment elsewhere or in some other line of trade.

From the statistical figures available, the total expenditures of the Government from the day of the Declaration of Independence down to and until we entered into war with Germany amounted to about $25,600,000,000. During the war appropriations aggregated something like $51,500,000,000. The annual expenditure for the maintenance of all activities of the Government prior to our entrance into the war was $1,500,000,000. Our bonded indebtedness prior to the late war was less than $1,000,000,000, and the interest charge thereon was something like $22,000,000.

When all our present obligations resulting from the war are paid and all the contract obligations are settled in full, the interest-bearing obligations of the United States will amount to about $34,000,000,000 and the average annual interest and sinking-fund charge will approximate something like $1,600,000,000. These figures make it perfectly plain that the interest charges alone of this Government in the future will be equal to, if not greater than, the total cost of maintaining the Government prior to the war.

The chairman of the Appropriations Committee [Mr. GOOD] made a statement on the floor the other day that the appropriations required to defray the expenses of the Government for the fiscal year 1920 would be something like $5,600,000,000. From whom will Uncle Sam secure this money? From the taxpayers of the country. They will be required to bear this burden; and I am not surprised that the taxpayers everywhere throughout this Nation should be knocking at the doors of Congress requesting it to economize and cut down unnecessary appropriations.

Gentlemen of the House, the old ship of state is drifting to the rocks, and it is the duty of Congress to divert her course and to steer her safely into the business channels of the business world. Uncle Sam must wake up and settle down pretty soon, for if he does not he will not be able to settle up. He can grope in financial blunders no longer. He must change his business system.

The budget system has been tried in many States of this Union relative to State expenditures, and it has been found to be a successful plan. In my own State—the great State of Ohio—this system was adopted in 1913. It provides that the various heads of State departments shall transmit estimates of their financial requirements to the governor on blanks furnished for that purpose, and that the auditor shall report to the governor concerning the condition of the treasury. The governor must submit these estimates, without provision, to the legislature, accompanied by his budget of current expenses of the State.

In 1913 Arkansas, Ohio, and Oregon adopted the budget system. In 1915 Iowa, Minnesota, Nebraska, North Dakota, and Washington adopted it. In 1916 Maryland, New Jersey, and New York adopted it. In 1917 Delaware, Kansas, New Mexico, Utah, and West Virginia adopted it. In 1918 Virginia adopted it. In 1919 Alabama, Arizona, Idaho, Indiana, Montana, Nevada, North Carolina, Oklahoma, South Carolina, and Wyoming adopted it. In 1916 Louisiana adopted it. In 1917 Connecticut, Illinois, South Dakota, Tennessee, Vermont, and Wisconsin adopted it. In 1918 Georgia, Kentucky, Massachusetts, and Mississippi adopted it. In 1919 Maine, Michigan, and New Hampshire adopted it. At the present time there are 43 out of the 48 States that have enacted budget legislation, and of these, I think, two are of the type that was recommended or advocated by that stanch Democrat, Mr. Fitzgerald, of New York, and these two States are New York and Arkansas. There are 19 that are of the type that has come to be known as the commission type; there are 22 that have come to bear the label of executive type.

Last year was not a normal year, but last year our original estimates were $13,504,357,939.64. Supplemental estimates were added, giving us a total of $30,365,463,993.74. The actual appropriations of last year were $25,266,194,173.53. The appropriations, you will observe, were $5,101,259,820.18 less than the estimates submitted to Congress. Five billion dollars difference between the administrative estimates and the congressional appropriations in one year, and for this year the original estimates submitted have been $8,089,667,298.07. We have not gotten the supplemental estimates as yet. Heaven only knows what they will amount to. If there ever was a time in our national history when there should be a league of Americans it is now. The success of this Nation in the future will depend very largely upon the solidity of its citizenship. We must all have a uniform aim, and that aim should be to economize in every way possible, so that the burden of taxation now resting so heavily upon the shoulders of the taxpayers throughout the country may be lessened. As an American deeply interested in American industries, in the stability of our institutions, in the citizenship of our country and the welfare of our people generally, I shall use every faculty that I possess to reduce Government appropriations and to establish an economical business basis in the governmental affairs of the country. [Applause.]

Under our present system of estimating and passing appropriations there is ample opportunity for gross graft and waste, but under the budget system no such opportunity is afforded. Strange, is it not, that a system so faulty as the present one should continue in vogue for so many years, during which time millions of dollars of the people's money have been wasted?

Under the budget system the Chief Executive of the Nation will be charged with the responsibility of presenting to Congress such budget as in his judgment is necessary to the liquidation of the expenses of the Government for the fiscal year thereafter.

Heretofore the estimates submitted have been a guess and not a structure, and this method all will concede is a reckless method of transacting public business and has been astoundingly costly to the Government and the taxpayers of the country.

The responsibility for the future appropriations under this budget bill will rest with the President. He is elected by the people and he should be responsible to them, and should account to them, for the distribution of the public funds. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That (a) there is created in the office of the President a bureau of the budget. There shall be in the bureau a director and an assistant director, who shall be appointed by the President and receive salaries of $10,000 and $7,500 a year, respectively. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director.

(b) The director, with the approval of the President, shall appoint and fix the compensation of such employees and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office as may from time to time be provided for by Congress. All employees in the bureau whose compensation is less than $5,000 a year shall be appointed from lists of eligibles furnished by the Civil Service Commission and in accordance with the civil-service laws and regulations.

(c) For the fiscal year ending June 30, 1920, there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $100,000 for the expenses of the establishment and maintenance of the bureau, including the payment of the salaries herein authorized. No person appointed by the director shall be paid a salary in excess of $5,000 a year, and not more than three persons appointed by him shall be paid a salary at that rate.

Mr. GOOD. Mr. Chairman, I move to strike out, commencing with the word "For," in line 12, on page 2, down to and including the word "authorized," in line 17.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 2, beginning with the word "For," in line 12, strike out all down to and including the word "authorized," in line 17.

Mr. GOOD. Mr. Chairman, this is not an appropriation bill, and when the bill was first introduced it contained this provision, on the theory that perhaps it might be passed so that the law could be made available for the making of the estimates for the next fiscal year. Of course, there will be a deficiency bill to later take care of anything of this kind, and there are objections to carrying an appropriation in a legislative bill, and I think the appropriation carried in this bill might as well go out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GOOD].

The amendment was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLARK of Missouri: In line 6, page 1, after the word "President," insert the words "who shall be removable at the pleasure of the President."

Mr. CLARK of Missouri. Mr. Chairman, the way this bill stands, in its original shape, this comptroller general would be appointed for life. I am opposed to any such tenure.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. MADDEN. This does not apply to the comptroller general. This applies to the director of the budget, who is appointed by the President, and as he is the servant of the President, he of course would be removable by the President.

Mr. CLARK of Missouri. How does the gentleman know that? I have heard it asserted here several times.

Mr. MADDEN. If the President appoints him and there is no restriction on removing him, the President will have the power to remove him.

Mr. KITCHIN. Just as he can remove the Register of the Treasury or the Comptroller of the Treasury at present, or a Cabinet member. The gentleman's construction is correct as to the comptroller general, who appears later on.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. JONES of Texas. Is it not true that shortly after the Civil War Secretary Stanton refused to resign?

Mr. KITCHIN. Yes. But later on they were proceeding on the theory that the President could remove him.

Mr. CLARK of Missouri. That was at a time when the Republican Party took a somersault that was absolutely astonishing. [Laughter.]

Mr. KITCHIN. And they have kept up the habit ever since. [Laughter.]

Mr. CLARK of Missouri. Anyhow they had what is called the tenure of office act, and Stanton got so that he would not speak to the President, or the President got so that he would not speak to Stanton. Both of them were very quarrelsome, and, contrary to all common sense, the Republicans insisted on Stanton's staying in the Cabinet, and Johnson undertook to prize him out, which he had a perfect right to do, and that is what he fell out with Gen. Grant about. He removed Stanton and appointed Grant Secretary of War ad interim, and he said with the understanding with Grant that Grant was to hold on to the office simply for the purpose of trying the constitutionality of the tenure of office act, and Grant denied it. Each one of them always said the other lied about it, and they would not ride up to the Capitol together when Grant was inaugurated. Anyhow, Grant——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. I would like to have long enough to tell this tale.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. KITCHIN. Reserving the right to object, Mr. Chairman, the committee will not object provided the gentleman withdraws his amendment and offers it in the right place.

Mr. CLARK of Missouri. If it is not in the right place, I will withdraw it.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to have his time extended five minutes. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Anyhow, Grant moved out when the crisis came and Stanton moved in, and I think he slept and took his meals over in the War Department. Anyhow, Stanton held on until after the impeachment trial and Johnson was acquitted by one vote. Then the very minute the Republicans got in possession of the whole thing again, in the first days of March, they repealed the tenure of office act, which showed that it was simply done to hold things down and to bedevil Andrew Johnson.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. FESS. Is it not true that in order to prevent Johnson from removing Stanton the tenure of office act was passed in 1867, and passed over his veto, and afterwards he was removed anyway, in spite of the tenure of office act?

Mr. CLARK of Missouri. That is true. He ought to have been removed, simply because he was not on good terms with the President. It is ridiculous to think that the President can not control his Cabinet. Now, as quick as the Republicans got in they repealed the tenure of office act, and there they were.

Now, I am not in favor of giving any man a life office. I do not care three whoops who he is, where he is, or where he comes from, or whether he is a Democrat or a Republican. They have got too many of them now.

Mr. Chairman, I withdraw the amendment for the present.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Nebraska: Page 1, line 6, strike out the figures "$10,000" and insert in lieu thereof the figures "$7,500."

Mr. ANDREWS of Nebraska. Mr. Chairman, I think that a salary equal to that of a Member of the House or of the Senate is adequate for a director of the budget, and for that reason I think we are fully justified in leveling this matter to the point indicated by the amendment.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. TILSON. Does the gentleman think that the salary of a Member of Congress is adequate at the present time?

Mr. ANDREWS of Nebraska. Oh, I am not debating that proposition. I do not want to give a bigger salary to the other fellow than we have while we are at the grade we are at now.

Mr. TILSON. We have the power to change that matter and give Congressmen an adequate salary.

Mr. ANDREWS of Nebraska. That is true, Mr. Chairman, but I do not think the gentleman from Connecticut wants to raise that question now.

Mr. TILSON. I am willing to raise it at any time and to vote for it right now, because my people wish Congressmen to have an adequate and fair salary.

Mr. GREEN of Iowa. Is it the intention of the gentleman to move to reduce the salary of the assistant director in case this amendment is adopted?

Mr. ANDREWS of Nebraska. I have an amendment for that purpose.

It occurs to me that we have argued strongly enough on many other questions here on other bills to prove the advisability of adopting this amendment.

Mr. EMERSON. Mr. Chairman, I desire recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. GOOD. Does the gentleman desire to speak on this amendment?

Mr. EMERSON. I simply desire to get five minutes.

Mr. GOOD. I think in the orderly procedure on this bill we will get a great deal further if we may have the amendments presented just as the gentleman from Nebraska [Mr. ANDREWS] has presented his amendment, and then have the debate confined to the amendment, and then have action taken on the amendment. Quite a number of gentlemen did not get an opportunity to speak in the general debate. I think they ought to have some leeway, but I hope they will select opportunities when a specific amendment is not under consideration, so that we will not get the debate confused.

As to the amendment of the gentleman from Nebraska, I am as much opposed to high salaries as any Member of this House. I do not believe in them. I do not believe that under our system of government we ought to encourage them; but I want to say that this office and that of the comptroller general will be such important offices, and the duties to be performed will be so important, and the standing of the men who will be called upon to perform those duties will be of such a character that you will be compelled to pay good salaries. If we do not pay fair salaries and fail to get good men, the failure will not be chargeable to the system but to a failure to pay a living wage to the men who are to administer the law.

Mr. FESS. Will the gentleman yield there?

Mr. GOOD. Yes.

Mr. FESS. If this officer performs his duty in accordance with the expectation of Congress, how many times $10,000 will he save to the Government?

Mr. GOOD. A great many times $10,000. I anticipate that the estimates which will come in this year will be more than $5,000,000,000, and we must provide a salary that will at least give a man living expenses here in Washington. Now, it was proposed that we should make the salary of this position the same as that of a Cabinet member. The committee felt that there ought to be some difference, but they did not feel that the President would be able to get the character of man that would be necessary to do this work for less than the amount specified.

Mr. ANDREWS of Nebraska. Will the gentleman answer this question: What is the salary of the Secretary to the President?

Mr. GOOD. It is $7,500.

Mr. ANDREWS of Nebraska. It occurs to me that the salary of the Secretary to the President and his duties are fully as important as those of the director of the budget will be.

Mr. GOOD. I do not think so at all. We have fixed the salaries of the members of the Farm Loan Board, one of the last commissions that Congress established, at $10,000 a year. Yet it is seriously proposed here that we shall reduce the salary of this very important position. I do not believe that in the enactment of a great statute, such as we are about to enact, we should cripple the President and should tie his hands by making the salary so low that he will not be able to get the character of man that he ought to have, when he must intrust to him the collecting of information for him and in giving him advice upon this most important question.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. How much are we now paying the Director General of Railroads?

Mr. GOOD. I think $25,000 a year. Several of the regional directors get $40,000, and I think one or two get $50,000. There are several $25,000 positions, although the Director General himself gets but $25,000 a year.

Mr. GREEN of Iowa. That is not a congressional appropriation, though.

Mr. GOOD. No.

Mr. REED of West Virginia. This kind of a man would be in line with the class of men who are getting these salaries.

Mr. GOOD. The President must have a good man, the best possible to secure.

Mr. CLARK of Missouri. I should like to ask the gentleman from Iowa a question.

Mr. GOOD. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Does the gentleman believe that the President is going to appoint a man to this office who is superior to every man in the House of Representatives and the United States Senate?

Mr. GOOD. No; but I do not believe the Members of the House of Representatives or the Members of the United States Senate who do their work properly are receiving enough money.

Mr. CLARK of Missouri. I know; but they are receiving a certain amount, and there is no earthly prospect of its being raised, either.

Mr. GOOD. I imagine that with living expenses what they are now, if there was to be a revision of that law there might be some change in the salary.

At any rate, I think the gentleman from Missouri fully understands the tremendous duties that this man will be called upon to perform, and he ought to have a salary commensurate with those duties even if some other persons are not adequately paid.

Mr. CLARK of Missouri. The gentleman from Iowa says that this man is going to pass upon estimates amounting to so many billion dollars?

Mr. GOOD. Yes.

Mr. CLARK of Missouri. Do not we have to pass upon the same amount of estimates?

Mr. GOOD. Yes.

Mr. CLARK of Missouri. What is the sense, then, in making the distinction?

Mr. GOOD. What sense was there in fixing the salary of the members of the Cabinet at $12,500, who now make the estimates we pass upon? What sense was there in fixing the salary of the directors of the Farm Loan Board, that went through here without exception, at $10,000?

Mr. CLARK of Missouri. I never thought there was very much sense in it and do not now. I once heard Senator Bailey make a statement on the floor of this House that ought to be bored into the head of every man in the public service, and that was that he hoped the time would never come when the salary of a public official was the principal inducement to his holding the office.

Mr. GOOD. I will say to the gentleman from Missouri and the Members of the House that here is a little bureau that is being established which will cost less than almost any other bureau in the Government and it will perform a great function. It will save money on all of them. If we want to strangle the bill, if we want to defeat the legislation, let us say to the President we will give him a man, but most any old man will do and that we do not propose to give him a salary sufficient to get the kind of a man that he desires.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska, Mr. ANDREWS.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 7 ayes and 52 noes.

Mr. BLANTON. Mr. Chairman, I demand tellers.

The question of tellers was taken, and tellers were refused.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, this is a matter of some importance, and I think we ought to have a quorum here to pass upon it.

Mr. ANDREWS of Nebraska. Mr. Chairman, I sincerely hope the gentleman from Texas will not insist on that. We have expressed our demand in relation to these matters.

Mr. BLANTON. How many of us have expressed it? I will withdraw it, Mr. Chairman. If the majority is willing to pass on these matters with a handful of Members present, I am willing.

Mr. ANDREWS of Nebraska. I now offer my other amendment.

The Clerk read as follows:

Page 1, line 6, after the word "and" strike out the figures $7,500 and insert the figures $5,000.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 5 ayes and 48 noes.

Mr. BLANTON. Mr. Chairman, I ask for tellers. I may not get but one vote, but I ask for tellers.

The CHAIRMAN. The gentleman from Texas requests tellers.

The question of ordering tellers was taken, and tellers were refused.

So the amendment was rejected.

Mr. EMERSON. Mr. Chairman, I am going to vote for the budget bill and for the rule which is necessary to carry it into operation, and I trust the bill and the rule will pass this House without a dissenting vote. Congress is continually being criticized for extravagance, and Members are continually arising on the floor of this House and denying that accusation. This bill gives Congress an opportunity to fix the responsibility for this extravagance.

This is the most important bill that has been presented to this Congress and one of the most important bills that has ever been presented to any Congress, for it lets the people of this country in on the ground floor and gives them a view of the expenditures of the Government, with an opportunity to fix responsibility. We are eternally charging the departments with duplication and extravagance, and the people of the country blame Congress, because we have provided no way for the public to find out who is to blame.

The responsibility for providing the machinery so that the public may be able to ascertain the truth about these matters is upon Congress, and if we do not do it we should be criticized.

This bill will save the people of this country millions of dollars, will centralize the responsibility, will prevent graft, will keep the purse strings of the Government directly under the control of the people.

This bill will prevent duplication, will prevent irresponsible heads of departments, whose sole object is to get their hands into the Public Treasury, from getting more than that to which they are entitled.

The budget system, wisely administered, is the greatest system to control public and private expenditures. We all practice it in our own private affairs. The opponents of the budget bill are those who would increase public expenditures, not decrease them. The opponents of this bill are those who would conceal responsibility as much as possible and thus enable certain interests to make raids upon the Public Treasury without being caught.

The budget system wipes out the old fossil system that has cursed this country for many years. The budget system takes us from the cobweb financial system of the past, to the modern, sane, and up-to-date system of the best regulated public and private institutions.

I congratulate the chairman of the committee that has reported this bill and the rule. He has taken the good from all budget systems and placed it in this bill.

The great cities of the world have been obliged to adopt this system to save themselves from bankruptcy. Large private concerns adopted the system several years ago. Let Congress delay not another session in passing this wise and fruitful legislation. Put the responsibility for the initiating of expenditures upon the executive branch of the Government and the responsibility for the appropriating upon the legislative branch and you have solved the problem of fixing responsibility for extravagance and that is all the people ask. The people then will be placed directly in touch with public expenditures and will be able to fix the responsibility, and there can be no shifting of this responsibility from one department or subdivison upon another. The people who pay the taxes will know, as they have a right to know, who is to blame, and they then have the remedy in their hands. The people demand this legislation

and we must give it to them. Give the people what they want, as they pay the bills.

We are representatives of the people and when we find out what the people want it is our duty to give it to them. The people want this bill, and woe unto him who opposes it. [Applause.]

Mr. SEARS. Mr. Chairman, I offer the following amendment: On page 2, line 4, strike out the words "law books."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 4, after the word "telephone," strike out the words "law books."

Mr. SEARS. Mr. Chairman, I moved to strike out the words "law books" because we are starting out on an economic system which I heartily indorse. Nearly every appropriation bill we have had, it does not matter for what purpose, has a provision for law books. Whether the money is spent for law books or what I can not say, because I have not made a personal investigation.

Mr. GOOD. Mr. Chairman, I do not think the gentleman wants to do that, because this provision is carried in every appropriation bill for every bureau and department, and my recollection is that in even the largest department of the Government, except the Department of Justice, the cost is not exceeding $500 a year, and my recollection is that in most cases it amounts to but $100 a year.

Mr. SEARS. Five hundred dollars for law books. The poorest lawyer is the man who never studied law, and when you give him a law book you are doing him an injury. [Laughter.] I do not see why these matters where legal points are involved can not be referred to the Attorney General or some one in his office for an opinion. I do not care to argue it further. We have bought enough law books for departments at $500 a year to have the largest library not only in the city of Washington but in the world. And yet the books do not amount to so very much as they are scattered all over the city and are in most cases, no doubt, mere duplications.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 3 ayes and 45 noes.

So the amendment was rejected.

Mr. SEARS. Mr. Chairman, on page 2, line 3, after the word "for," I move to strike out the word "rent." I am simply offering these motions, and do not care to take up very much time, to test the sincerity of the majority side as to economy. We know that down at Sixth and B Streets——

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SEARS: Page 2, line 3, after the word "for," strike out the word "rent."

Mr. SEARS. As I was saying, down at Sixth and B Streets there are plenty of vacant offices that were built during the war. There are vacant offices all over the city owned by the Government. Until these offices are disposed of and torn down I do not see the necessity for paying out anything for rent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 5, noes 34.

So the amendment was rejected.

Mr. SEARS. Mr. Chairman, on page 2, line 5, I move to strike out the words "furniture, office equipment."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEARS: Page 2, line 5, strike out the words "furniture, office equipment."

Mr. SEARS. Mr. Chairman, I want to congratulate the House upon the careful consideration we are giving the most important bill which has ever come before Congress, one with which I am heartily in accord. I believe that it will accomplish great good. The vote just taken developed the fact that 39 Members present voted. Certainly, the country can feel assured. After the committee has refused to strike out law books, although only $500 a year is expended for that purpose, to be used by those who do not understand law, and after having refused to strike out a provision for rent, when we have plenty of buildings and no money should be expended for rent, I can but anticipate a similar fate for the amendment which I now offer. We know that the various departments are now offering for sale throughout the country handsome office furniture and fixtures. You can get them almost at your own price, and the various departments of the Government who bought these fixtures, because they were absolutely necessary during the war, are now trying to dispose of them. Yet with this economical measure before us, we expect to spend a large amount of money for office fixtures. Of course it is nicer to place your heels on a new walnut table than it is on the handsome tables that the Government already owns, but I have just been home and the people are complaining about high taxes. I do not blame them in the least. If the chairman is sincere, knowing as he does the situation, because he labors hard, knowing as he does what the situation is, because of his position as chairman of the Committee on Appropriations, realizing that we have all of the office fixtures and equipment absolutely necessary, then I think for once he will not oppose my amendment.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. BLANTON. The chairman of the Committee on Appropriations is all right if he could get his bunch to follow him, but when they crack the whip here and cut them loose from him, he can not get a following.

Mr. SEARS. I am not referring either to that or the other, for this is nonpolitical. I do seriously offer this amendment. The chairman of the committee the other day nearly convinced me with his earnest and eloquent appeal for economy that certain salaries should be cut from $5,000 to $4,000, and to-day he has nearly convinced me that a salary should remain at $10,000, and not lowered. Mr. Chairman, am I coming or going? Perhaps, however, this is because no broken-down, dilapidated college professors are involved; whereas the other day, according to his argument, broken-down, dilapidated college professors were involved and, therefore, the salaries should be cut. Professors and teachers need no defense at my hands. Their good work is too well known. I am sure, however, that the chairman, with his ability and winning ways, will argue in favor of a little economy instead of increasing our appropriations, in order that the taxpayers may get some relief.

Mr. GOOD. Mr. Chairman, this is a legislative bill. It is legislation that I believe will remain on the statute books for some years to come. It will no doubt require amendment, but the principle is sound. The gentleman intimates that this is an authorization, and that under it expensive furniture will be purchased. I want to call the attention of the gentleman to the fact that we now have acres of furniture belonging to the Government that is stored here in Washington, but no department can get a chair or a desk unless out of its appropriation it pays into the Treasury the value of the chair or that desk, and before it can get the money with which to buy it there must be authority for the appropriation. The gentleman would have the President, therefore, with a budget bureau without a chair for officials or clerks to sit on, without a desk to work over, and there would be no authority of law to buy it. That would be the condition in which we would find ourselves if his amendment should be adopted.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. SEARS. Is the gentleman speaking for the minority, and does he intend to convey to the country that, although we have acres and acres of desks and the finest furniture in the world, it is impossible for the minority to secure this furniture?

Mr. GOOD. What does the gentleman mean by the minority?

Mr. SEARS. The majority, I intended to say. Does he intend to say that the men on the majority, the minority cooperating with them, can not get the use of the furniture?

Mr. GOOD. No; I am talking about the Bureau of the Budget. I mean to say there is a statute passed, and the gentleman was in Congress when it was passed, to the effect that none of the departments can get this furniture owned by the Government unless payment is made for it.

Mr. SEARS. I know about that, but they got some for me the other day; they sent some down——

Mr. GOOD. That furniture was obtained through the Clerk of the House, and the Clerk of the House had to pay for it. If he got it from the department, he had to pay the department for it. But the gentleman would not have furniture that came from the War Department. He insisted like other Members, I suppose. I am not speaking personally, but I do know that several gentlemen did not want oak but wanted mahogany furniture, so we had to report out an appropriation for mahogany furniture.

Mr. SEARS. Will the gentleman yield? I have oak furniture and I have not complained.

Mr. GOOD. The gentleman has oak furniture?

Mr. SEARS. That which was sent me.

Mr. GOOD. Oh, no; the gentleman has mahogany furniture.

Mr. SEARS. I only have what has been there for years and years.

Mr. GOOD. That is mahogany.

Mr. SEARS. Yes; but the furniture I am referring to is that which was furnished me under the recent appropriation for additional clerical help, and that is oak, or imitation oak.

Mr. GOOD. Oh, no; all the desks in the House Office rooms are of a uniform character, and they are mahogany desks, roll-top desks.

Mr. SEARS. I am not speaking of desks; I am not chairman of a committee any longer, but the gentleman is chairman of the Committee on Appropriations, and if he will make me a visit to my office I will show him the furniture to which I refer, and then he can see whether it is oak or mahogany.

Mr. GOOD. There is probably a little oak stand that the gentleman got in recently, but the furniture is mahogany.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was rejected.

Mr. STEAGALL. Mr. Chairman, I offer an amendment to strike out all after the word "expenditures" in line 3, page 2, down to the end of line 5 and substitute the word "for" for the word "and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEAGALL: Page 2, line 3, after the word "expenditures" strike out all the remainder of lines 3, 4, and 5 down to and including the word "and" and insert the word "for."

Mr. STEAGALL. Mr. Chairman, if my amendment is adopted it will still leave in this paragraph a provision that the director of the bureau of the budget shall appoint and fix the compensation of its employees and make such expenditures for the necessary expenses of the office as may from time to time be provided for by Congress. Now, so far as I am concerned that goes far enough, even when viewed from the standpoint of one most friendly to this bill. When we give the director power to appoint his employees and fix their salaries, I think, then, we have gone far enough. I do not like the idea of empowering him to incur any other expenses. We know from ample observation the tendency to expend money unnecessarily when we give this blanket authority. Why, there is a provision here for periodicals, as if the man to be appointed to this job had to have the Government buy him something to read in order that he may inform himself of his duties.

Mr. SEARS. If the gentleman will permit, he takes it too seriously. This is not supposed to be for economy. This is to fool the people.

Mr. STEAGALL. Well, just to be frank about that, I do not know that I agree entirely with the statement made by the gentleman from Florida. I have no doubt that the gentlemen responsible for this bill expect good to come from it and expect it to work a reduction of public expenditures. But, as I have already stated to the committee, I have very little faith in the efficacy of this bill at that point. But, waiving all that, I am merely trying to strike from this paragraph the blanket authority that authorizes the director to go out and rent buildings and buy periodicals and books and stationery and law books, and, in a fashion, establish another spending machine not responsible to the Congress.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. STEAGALL. It carries the clause to authorize him to make whatever expenditures are authorized by Congress, and to fix compensation for his employees, and it seems to me that is enough.

I yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. I want to call the gentleman's attention to the fact that this is not an appropriation bill, but a bill creating and organizing this budget, and the bill expressly states on its face that these expenditures may be made when provided for by Congress. Now, he can not spend a dollar for rent, or a dollar for furniture, or a dollar for any of these purposes set forth, unless Congress gives him money with which to do it.

Mr. HASTINGS. And if you put that on an appropriation bill without its being authorized, it is subject to a point of order.

Mr. BYRNS of Tennessee. That is true.

Mr. STEAGALL. The gentleman, as a lawyer, can not object to my amendment, because my amendment leaves the paragraph to read that the director shall have the power to appoint and fix the compensation of his employees and make such expenditures for necessary expenses in the office as may from time to time be authorized by Congress. So, as amended, it does exactly what the gentleman from Tennessee states.

Mr. BYRNS of Tennessee. I think it would give greater latitude to the bill than the bill itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. STEAGALL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 5, noes 55.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That after June 30, 1920, no estimate or request for any appropriation, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress by any officer of the executive branch of the Government except the President, unless at the request of either House of Congress.

Mr. STEAGALL. Mr. Chairman, I move to strike out section 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEAGALL: Page 6, line 3, strike out all of section 7.

Mr. STEAGALL. Mr. Chairman, this section provides—

That after June 30, 1920, no estimate or request for any appropriation, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress by any officer of the executive branch of the Government except the President, unless at the request of either House of Congress.

Now, there may be some necessity for this that I do not see, but I can not understand why the various committees of the House, which, at least so far as anything we know at the present is concerned, are to continue to exist and function, should not have the right to the estimates and recommendations of the various departments of the Government just as they have had heretofore. I do not see what harm can come even if everything is done that has been suggested or contemplated in connection with this bill. Even if we have the supercommittee that effort is to be made to create, there is no reason to prohibit the submitting of these estimates to the various committees of the House.

Mr. BLANTON. Will the gentleman yield?

Mr. STEAGALL. And certainly so long as those committees are to continue as they are now and to perform the same duties they now perform, there is no reason why they should not have this informattion from the various departments in connection with which they serve.

Mr. BLANTON. Will the gentleman yield?

Mr. STEAGALL. In a minute I will yield.

And as this section is drawn the Committee on Naval Affairs would have no right to call upon the Navy Department or the Secretary of the Navy for these estimates or figures or recommendations, or any information; at least no right to require such reports to be submitted. The same as to the Committee on Military Affairs, or any other committee of this House. No committee will under this section be allowed to receive this information, or at least if they may receive it they will not have the right to require it, and the House will not have that information except at its own request or in response to a resolution of the whole House making such request. As I understand, this section would mean that nothing could be done until the House itself took action looking toward obtaining those recommendations and statements from these various departments.

Mr. MADDEN. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. MADDEN. The gentleman probably has overlooked the fact that the President under this bill is charged with the responsibility of reporting all the budget appropriations for every branch of the Government.

Mr. STEAGALL. Yes; that is true, that he is charged with such responsibility.

Mr. MADDEN. And if the President is not made the sole instrumentality through which these reports are to be made, we would have chaos worse than we ever had before.

Mr. STEAGALL. I understand thoroughly that the President is supposed to have the final say on all these matters, but I do not see why the various Members of this House should not still have the right to pursue their inquiries into every department as far as they please, in order to get all the information they can from the departments or from any other source. Unless these various appropriation committees are to be dispensed with, it seems to me no law should be passed preventing the executive heads of the departments from furnishing these estimates and recommendations or any information desired. But the paragraph reads that this "shall not" be done.

Mr. BLANTON. Mr. Chairman, will the gentleman yield now?

Mr. MADDEN. This does not take away from anybody any right of inquiry. It simply gives to the President exclusively the right to make estimates and requests for appropriations and imposes on him the duty of making recommendations as to revenue needs in the budget.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. BLANTON. I object.

Mr. GOOD. Mr. Chairman, the present law provides for the manner in which the estimates shall be submitted, and then it provides that all the supplementary estimates shall be transmitted to the Congress by the Secretary of the Treasury. Now, let us read very carefully section 7, to which the gentleman from Alabama objects. It provides—

That after June 30, 1920, no estimate or request for any appropriation, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress by any officer of the executive branch of the Government except the President, unless at the request of either House of Congress.

Mr. STEAGALL. Mr. Chairman, may I ask the gentleman a question?

Mr. GOOD. Certainly.

Mr. STEAGALL. Does it not say that no estimate or recommendation or request for any appropriation shall be submitted by any executive head except the President, unless Congress especially requires it?

Mr. GOOD. Absolutely, of course.

Mr. STEAGALL. Then how can we get it unless Congress itself as a body requests it, as distinguished from a committee of Congress as heretofore?

Mr. GOOD. The gentleman has based his argument on the fact that none of the executive officers could come before committees of Congress. This does not attempt in any way to control the executive departments so far as their appearing before committees for hearings is concerned. This determines the manner in which estimates are to come before the Congress, through the Speaker's desk, for appropriations. If you are going to have a budget and make the President responsible for it, you can not have every Tom, Dick, and Harry coming in every day, sending in requests through the Speaker's desk for an appropriation. The purpose of this bill is to make the President responsible for every request for money that comes to Congress. That is all this bill does. It simply provides that this provision of law that now obtains, which requires the Secretary of the Treasury to transmit estimates from the several departments to the Speaker or to the Vice President, shall be superseded by an act that requires the President himself to send it.

Mr. CANNON. Mr. Chairman, will the gentleman yield right there?

Mr. GOOD. Yes.

Mr. CANNON. It does not prevent Congress from putting an appropriation authorized by law on a bill, even though there is no estimate?

Mr. GOOD. Not at all.

Mr. STEAGALL. I ask the gentleman as a lawyer if this does not say that no estimate or request for an appropriation and no recommendation as to how the revenue needs should be met shall be submitted to Congress by the executive branch of the Government, except through the President, unless Congress requests it?

Mr. GOOD. Yes.

Mr. STEAGALL. None of these things shall be submitted to Congress?

Mr. GOOD. Yes.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. TEMPLE. Does not the existing law make exactly the same provision about estimates that are now sent through the Secretary of the Treasury?

Mr. GOOD. Yes.

Mr. TEMPLE. They must be sent in that way, and in no other way. This law will in no way interfere with the committees or Members than does the present law?

Mr. GOOD. No.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. RAMSEYER. This not only refers to requests for appropriations, but to recommendations as to how the revenue needs of the Government should be met?

Mr. GOOD. Yes.

Mr. RAMSEYER. Would that preclude the Tariff Commission from recommending to the Committee on Ways and Means methods of raising revenue?

Mr. GOOD. They have not that authority now. All that the Tariff Board has authority to do is to investigate as to the cost of production and things of that kind and to report to Congress. They have no power to make recommendations.

Mr. RAMSEYER. They are all experts. Suppose the committee wants them to make recommendations?

Mr. GOOD. No committee ought to ask them to do that. All the power they have now is to investigate and make findings of fact.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. ELSTON. Every executive officer is the mere agent of the Chief Executive, and this measure merely provides that every recommendation for expenditure should come from the Chief Executive and not through his agents. That is, you do not want his agents to do it, but the President himself?

Mr. GOOD. Yes.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I simply want to call the attention of the gentleman from Alabama [Mr. STEAGALL] to the fact that his fears are not well founded. This does not in any wise prevent any Member of Congress, either in the House or in the Senate, from making any inquiry that he may wish to make or acquiring any information that he may need for the proper discharge of his duties. It simply transfers the power of reporting estimates for appropriations from the Secretary of the Treasury to the President of the United States, and provides that the President shall make his reports; in other words, that the President shall furnish to the Congress of the United States a complete photograph of the annual needs of the Government in advance; and it does away with the piecemeal reports of items of appropriation in the various departments and makes the President supply the information complete as to the needs of the whole Nation.

Now, the question arises, do we want that? If we do not want it we ought to stand where we are. The purpose of this section is to do away with the present slipshod method of doing business and to institute a systematic, scientific mode of supplying information to the Congress, upon which Congress can base intelligent and economical action, and incidentally to supply to the American people information upon which the administration can base its claims for economy or extravagance, as the case may be. That is the whole story. There is no danger in this thing. There is nothing hidden in it. It simply goes to the American people with the statement that we are in favor of a reform that is likely in the long run to help to economize in public expenditures.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. STEAGALL].

The amendment was rejected.

The Clerk read as follows:

SEC. 8. That after June 30, 1920, special and additional estimates may be transmitted by the President to provide (a) for expenditures under any laws passed since the transmission of the regular estimates contained in the budget and (b) for appropriations which, in his judgment, are necessary for the public service, and he shall accompany such estimates with a statement of the reasons therefor.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. When I first came to Congress that able and distinguished jurist, my Democratic colleague, Mr. Fitzgerald, of New York, was urging upon Congress the necessity of passing a budget system. He worked hard for two years to have Congress do just what we are doing to-day. During the last two years the learned gentleman from Kentucky, Mr. Sherley, Democrat, was chairman of the Committee on Appropriations, and on that committee was the present chairman of the Appropriations Committee, the gentleman who is now leading the fight for this "Good" bill—I say that with all sincerity—made a hard fight to have a committee appointed in order that some budget system might be adopted. I understand that in a rider on one of the appropriation bills Mr. Sherley succeeded in having passed a resolution providing for a committee to report out a budget system somewhat similar to the present bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SEARS. I yield to the gentleman.

Mr. MADDEN. The thing that the gentleman from Kentucky, Mr. Sherley, did was to report out a provision on a a deficiency bill which provided for the appointment of a joint commission to study the question of a budget. Now, we have been able to do that, without a dollar of expense, by a committee of the House.

Mr. SEARS. I agree with the gentleman. He is absolutely right. It was for a joint commission to study the subject. But

the pioneers, Democrats though they were, had blazed the way, and, therefore, the task was made easier for the present committee. By this, far be it from me to take from the members of the present committee the credit due them. This House provided for a committee to study the subject. The committee has done its work well and has reported out a good bill, to some parts of which I have objected; but that is only human. The bill of the gentleman from Kentucky, Mr. Sherley, died in the Senate because of the famous filibuster of which we have heard so much.

I am glad that we are all seeing the light, and I sincerely trust that a wave of economy may really come, and that the taxpayers may be relieved of some of their burdens.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. I do so because I failed to give credit to the splendid work of the Select Committee on the Budget, whose members met day after day for two weeks, with every member at his post of duty every morning, and they stayed there until the hearings were concluded, after two weeks of hard work. When that work was done they sat down and commenced to go over the bills and resolutions before them. I never saw more conscientious work done by a body of men than by the men who were on that committee, and they worked in unison for the accomplishment of one thing, which was to correct what they believed to be evils in the statute and in the present system and reported a bill that they thought would correct in full measure all of those evils and present a system bottomed upon a sound and business-like foundation.

That committee worked without the expenditure of a single penny, except to send telegrams and letters to men who appeared before the committee. The clerk of that committee was the clerk of the Committee on Appropriations, Marcellus Shield, who volunteered his services without pay. [Applause.] That work was all accomplished, as I said before, without the expenditure of a single penny, except to send a few telegrams and for the printing of the hearings and the reports.

I want to say that I feel, as chairman of that committee, under many obligations for the manner in which every member of the committee, laying aside all political considerations, entering into the work with enthusiasm, and bringing to the work a fund of information that I did not believe was possible in the short length of time the committee had to prepare for the hearings. [Applause.]

Mr. FESS. Mr. Chairman, I move to strike out the last two words, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FESS. Gentlemen of the committee, the question of a budget for many years has been urgent in the minds of the business side of our nationality and has been pressed with more or less vigor by the business world upon Congress. We have had very many suggestions, many of them fugitive in character, coming from various sources, until finally the budget question came to a succinct head by a resolution having come to the Rules Committee looking to the appointment of a special committee to report to Congress a plan for consideration.

There had been a proposal to have a joint committee of the Senate and House. That did not meet with favor. There was a suggestion of a commission. That was the idea I had, speaking for myself. I thought the commission would be the better plan—to have a commission appointed, represented by a majority of experts and a minority by Members of Congress, so that the Members of Congress sitting with the experts in the preparation of a budget plan could make a report of the findings and press that report upon the floor of Congress. This was the plan adopted to secure a scheme of vocational education. However, that proposal did not meet with approval.

The proposal that met with the approbation of the Rules Committee, without a single negative vote, is the one that is now before us; that is, a special committee of this House. There was one concern about it when we were discussing it before the Rules Committee, and that was expedition in gathering the data and to report as soon as possible. There was fear that the committee plan might operate to delay it by way of the pigeonhole. That fear was immediately removed by the Rules Committee adopting an amendment to the resolution fixing the limit of time as March 1 of next year, within which this report must be made. I urged a limitation of time to give assurance to the public that action would be forthcoming. It was first thought that the 1st of January would be the limit, but it was feared by some Members that that might not be long enough. Everyone who appeared before the committee favored budget reform. There was a unanimity on the part of everyone who appeared before the Rules Committee that there was no objection to limiting the time for the report except that they wanted to take what time was necessary.

I simply rose at this time for the purpose of congratulating the country upon the assured success of this fiscal reform, and also to commend the committee upon bringing this report here in October when in the consideration of it it was thought it might not be able to be brought in before the first of the year. The Rules Committee fixed it as the 1st of March. Here in October, after continuous sittings of the committee, it brings in the report and we are about to adopt it six months before the time limit. I believe the recommendations when enacted into law will meet with the approval of the country at large.

As I analyze the bill—and I have tried to study it carefully as a student of the budget—this proposal provides for three things that are much needed. The first is fixing upon a plan which must be based on estimates. Heretofore our confusion was in our inability to know how much confidence we should give to the estimates. As the committee said a while ago, every department wants to appreciate its work and therefore will increase its estimates.

There is another item of human nature in it, and that is that every department is likely to ask for more than it needs in the belief that in order to get what it needs they must ask for more because it will be pared down. I remember that that was a fundamental principle of John Stuart Mill. He said you have to require more than can be gotten in order to get what you need. I think the departments have operated largely on that basis. There is one thing I have feared. I do not know whether it is removed here or not.

While the executive was held responsible for making the estimates, and it has been demonstrated that Congress has invariably reduced the expenditures below the estimates, the question with me is, If the executive heretofore was responsible, are we assured that by now placing the responsibility upon the executive department, and having relieved ourselves very much of responsibility, we can fasten it there with effectiveness? That will have to be worked out to see whether it will operate as we hope it will. I think that the plan to be based upon the estimates coming from the executive department provided in this bill is much better, and it will give us greater assurance of a good business transaction on the part of the Government than heretofore.

The second provision that I see is the examination and criticism of the estimates presented, and that is a function that belongs to us. In addition to this emphasis of responsibility I note that the country will have detailed facts, so that it may know what the budget is, as heretofore the country never has known. Even the Congress could scarcely know what the budget would be, it was so attenuated and broken up into so many different parts. We could not connect the outgo with the income as we did not have either. But the examining and criticizing function of Congress is preserved in this plan, and I think that is extremely important. It insures care on the part of the executive to stay within limits in the expenditure. Then here we provide for the independent audit, which is one of the most far-reaching reforms that could have been made. These three decisive provisions will insure a business administration of our fiscal policy.

I rise to congratulate the committee upon its expedition, and I think effectiveness is not lost because of that expedition. We are seeing a consensus of conviction and sound judgment growing out of a uniform demand throughout the country embodying itself now in legislation, and in a very short time, in my judgment, one of the greatest reforms that our country could work will have become a law. [Applause.]

The Clerk read as follows:

SEC. 9. That there is created a department to be known as the accounting department, which shall be an establishment of the Government independent of the executive departments and under the control and direction of the comptroller general of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1920. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the accounting department at their grades and salaries on July 1, 1920, and all books, records, documents, papers, furniture, office equipment, and other property of the office of the Comptroller of the Treasury shall become the property of the accounting department.

There shall be in the accounting department a comptroller general of the United States and an assistant comptroller general of the United States, who shall be appointed by the President, with the advice and consent of the Senate, and shall receive salaries of $10,000 and $7,500 a year, respectively. The assistant comptroller general shall perform such duties as may be assigned to him by the comptroller general, and during the absence or incapacity of the comptroller general, or during a vacancy in that office, shall act as comptroller general. The comptroller general and the assistant comptroller general shall hold office during good behavior, but may be removed at any time by concurrent resolution of Congress after notice and hearing, when, in their judgment, the comptroller general or assistant comptroller general has been inefficient, or guilty of neglect of duty, or of malfeasance in office, and for no other cause and in no other manner.

Any comptroller general or assistant comptroller general removed in the manner herein provided shall be ineligible for reappointment to that office.

When a comptroller general or assistant comptroller general attains the age of 70 years, he shall be retired from his office, and, if he has held the office from which he is retired during the 10 preceding consecutive years, he shall, during the remainder of his natural life, be entitled to one-half the salary he is receiving at the time of his retirement from the office which he then held.

The provisions of this act relating to the accounting department shall be effective on July 1, 1920.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9783, and had come to no resolution thereon.

OPERATION OF TRANSPORTATION SYSTEMS.

Mr. SANDERS of Indiana. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, and at the special request of the conferees, I call up the conference report upon bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of the transportation systems under Federal control, for their just compensation, and for other purposes." I do this for the purpose of asking unanimous consent that the bill be recommitted to the conferees. The necessity for that arises out of this situation: The conferees have agreed and the report has been made to each body but neither House has acted upon it. It is found on examination of a certain amendment put in by the House that it is desirable, in order to clarify it, to add to the amendment the words "by the President."

The SPEAKER. The gentleman from Indiana asks unanimous consent that the conference report upon the bill S. 641 be recommitted to the conferees. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that on Friday, October 24, after the reading of the Journal, I be privileged to address the House for 40 minutes.

The SPEAKER. Is there objection?

There was no objection.

ARMENIA.

The SPEAKER. The Chair has a communication from the Parliament of Armenia, which he lays before the House and refers to the Committee on Foreign Affairs.

LEAVES OF ABSENCE.

By unanimous consent leave of absence was granted:

To Mr. JOHN W. RAINEY, indefinitely, on account of a death requiring his return home.

To Mr. HICKS, for two weeks, on account of important business.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8624. An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, October 21, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SANFORD, from the Committee on Military Affairs, to which was referred the bill (H. R. 1216) to amend an act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended March 2, 1889, reported the same without amendment, accompanied by a report (No. 391), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRAGO: A bill (H. R. 10045) providing for the removal of the remains of certain soldiers, sailors, and marines to the United States; to the Committee on Military Affairs.

By Mr. GARD: A bill (H. R. 10046) to safeguard the health of the people living in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 10047) to establish and maintain a permanent force of United States policemen in the District of Columbia for the protection of the public squares and reservations in said district, including the White House grounds; to the Committee on Public Buildings and Grounds.

By Mr. MASON: Resolution (H. Res. 343) calling upon the Department of State for certain information as to origin and value of certain press reports relative to Russian conditions; to the Committee on Foreign Affairs.

By Mr. ASWELL: Resolution (H. Res. 344) to direct the Committee on Expenditures in the Navy Department to transmit to the House of Representatives certain facts; to the Committee on Rules.

Also, resolution (H. Res. 345) to direct the Select Committee on the United States Shipping Board and the United States Emergency Fleet Corporation to transmit to the House of Representatives certain facts; to the Committee on Rules.

Also, resolution (H. Res. 346) to direct the Select Committee on Expenditures in the War Department to transmit to the House of Representatives certain facts; to the Committee on Rules.

Also, resolution (H. Res. 347) to direct the Committee on Military Affairs to transmit to the House of Representatives certain facts; to the Committee on Rules.

Also, resolution (H. Res. 348) to direct the Committee on Expenditures in the Treasury Department to transmit to the House of Representatives certain facts; to the Committee on Rules.

Also, resolution (H. Res. 349) to direct the Water Power Select Committee to transmit to the House of Representatives certain facts; to the Committee on Rules.

Also, resolution (H. Res. 350) to direct the Merchant Marine and Fisheries Committee to transmit to the House of Representatives certain facts; to the Committee on Rules.

Also, resolution (H. Res. 351) to direct the Committee on Ways and Means to transmit to the House of Representatives certain facts; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 10048) granting a pension to Willis C. Stephens; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 10049) granting an increase of pension to Stanley L. Chapman; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10050) granting an increase of pension to Sylvester F. Wallace; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 10051) for the relief of James Bartram; to the Committee on Military Affairs.

By Mr. HERSMAN: A bill (H. R. 10052) granting a pension to Mary M. Gunsolus; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 10053) granting a pension to Maidora C. Parker; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 10054) granting an increase of pension to Robert Hill; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 10055) granting a pension to Harriet R. Palmer; to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 10056) for the relief of Charles Lucius Lasalle; to the Committee on the Public Lands.

By Mr. NOLAN: A bill (H. R. 10057) authorizing the Commissioner of Navigation to cause the foreign-built steamers *Hawk* and *Port Saunders* to be documented as vessels of the United States for certain purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: A bill (H. R. 10058) for the relief of John Jones; to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 10059) granting a pension to Ellen Bridge; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 10060) granting an increase of pension to Richard H. Virts; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10061) granting a pension to Mary L. Drake; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10062) granting a pension to Ferdinand Buhler; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 10063) granting a pension to William G. Rowland; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of A. Kalajan, of Union Hill, N. J., relating to the barbarian Turks in Armenia; to the Committee on Foreign Affairs.

By Mr. BARBOUR: Petition of the Stanislaus County Farm Bureau, representing 1,021 farmers of Stanislaus County, Calif., favoring a tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. BRIGGS: Petition of Local Camp No. 321, United Confederate Veterans, of Polk County, Tex., favoring the repayment of the taxes collected on cotton in the South during the Civil War; to the Committee on Claims.

By Mr. CASEY: Petition of Paul Rother and 25 other citizens of Wilkes-Barre, Pa., protesting against the Smith-Towner educational bill; to the Committee on Education.

By Mr. DALLINGER: Petition of board of aldermen of the city of Medford, favoring restoration of daylight-saving law; to the Committee on the Judiciary.

By Mr. DEWALT: Petition of sundry citizens of Pennsylvania, protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. ELSTON: Petition of Piedmont Parlor, No. 120, Native Sons of the Golden West, Oakland, Calif., urging rigorous measures to restrict oriental immigration and settlement; to the Committee on Immigration and Naturalization.

By Mr. HAMILTON: Petition of J. O. Wells and others, asking that the Coast Guard and Life-Saving Service be retained by and kept under the power and control of and made a part of the United States Navy Department; to the Committee on Naval Affairs.

By Mr. KAHN: Petition of San Francisco Parlor, No. 49, Native Sons of the Golden West, of San Francisco, Calif., in favor of the continued exclusion of Asiatic immigrants and recommending additional legislation to render our present exclusion laws more effective; to the Committee on the Judiciary.

Also, petition of Keith Parlor, No. 137, Native Daughters of the Golden West, of San Francisco, Calif., in favor of the continued exclusion of Asiatic immigrants and recommending additional legislation to render our present exclusion laws more effective; to the Committee on the Judiciary.

Also, petition of Lompoc Valley Chamber of Commerce and Lompoc Valley Bank, both of Lompoc, Calif., urging tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. O'CONNELL: Petition of sundry citizens of New York, favoring the immediate passage of a bill giving six months' pay to soldiers and sailors who participated in the great world conflict; to the Committee on Military Affairs.

Also, petition of Private Soldiers and Sailors' Legion, asking the Judiciary Committee for the immediate favorable report of the bill incorporating the legion organized by the privates; to the Committee on the Judiciary.

By Mr. SUMMERS of Washington: Petition of the Woman's Christian Temperance Union of Walla Walla, Wash., various churches, Sunday schools, and others of the same city, urging Congress to pass House bill 8063, a bill to punish violation of the eighteenth amendment to the Constitution by American citizens in foreign countries; to the Committee on the Judiciary.

SENATE.

TUESDAY, *October 21, 1919.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in this sacred moment, a moment that has the sanction of the custom of this Nation and the indorsement of the habit of a praying people, we pause to make mention of Thy name and worship Thee. Thou art the God of all the earth. Thou art our God. We commit our way into Thy hands and pray Thee to guide us to the fulfillment of Thine own purpose in us. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gerry	McKellar	Sherman
Bankhead	Hale	Nelson	Shields
Brandegee	Harding	New	Smith, Ga.
Capper	Harris	Newberry	Smith, S. C.
Chamberlain	Harrison	Norris	Smoot
Colt	Henderson	Nugent	Spencer
Cummins	Jones, Wash.	Overman	Sterling
Curtis	Kellogg	Page	Thomas
Dial	Kenyon	Penrose	Townsend
Dillingham	King	Phelan	Trammell
Edge	La Follette	Phipps	Walsh, Mass.
Elkins	Lenroot	Poindexter	Walsh, Mont.
Fletcher	Lodge	Pomerene	Warren
France	McCormick	Robinson	Watson
Frelinghuysen	McCumber	Sheppard	

Mr. FRANCE. I desire to announce the absence on official business of the Senator from New Hampshire [Mr. KEYES], the Senator from New York [Mr. WADSWORTH], and the Senator from Oregon [Mr. MCNARY].

Mr. KING. The senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Louisiana [Mr. GAY] are absent in attendance at a meeting of the Committee on Agriculture and Forestry. The Senator from Arizona [Mr. ASHURST], the Senator from Wyoming [Mr. KENDRICK], the Senator from Arkansas [Mr. KIRBY], and the Senator from North Carolina [Mr. SIMMONS] are detained on official business. The Senator from Delaware [Mr. WOLCOTT], the senior Senator from Kentucky [Mr. BECKHAM], the Senator from Missouri [Mr. REED], and the junior Senator from Kentucky [Mr. STANLEY] are detained from the Senate on public business. The Senator from South Dakota [Mr. JOHNSON] is detained from the Senate on account of illness in his family.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. NORRIS. Mr. President, I have here a resolution passed by the House of Representatives of the Nebraska Legislature, now in session, which I send to the desk and ask that it may be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolution as adopted by the House of Representatives of Nebraska October 17, 1919.

Resolved, That our Senators, Hon. G. M. HITCHCOCK and Hon. G. W. NORRIS, are hereby requested to do all in their power to defeat the league of nations as now pending before the United States Senate.

WILL F. HITCHCOCK,
Chief Clerk.

Mr. SHERMAN. I present a resolution of a local labor union at Duquoin, Ill., which I ask may be printed at length in the RECORD but not read. It is a very short resolution.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"Whereas our Government, the United States of America, is at war with Germany; and

"Whereas we, the peoples hereof, are fighting for the freedom of the whole world from autocratic tyranny; and

"Whereas the honor and virtue of our mothers and sisters are placed in peril by the barbaric methods of our enemies: Therefore be it

"*Resolved by Local Union No. 510 of the United Brotherhood of Carpenters and Joiners of America*, That we, the members thereof, tender our loyal support, both at home and abroad, toward the successful conclusion of the war; and be it further

"*Resolved*, That we most emphatically denounce the propaganda of the 'I. W. W.' (Industrial Workers of the World) as

being unpatriotic, un-American, and deserving of no place in the free institutions of our country.

"Signed with our official seal this 19th day of November, 1917.

"S. L. VOIGHT, *President.*

[SEAL.] "W. R. WRIGHT, *Secretary.*"

Mr. WALSH of Massachusetts. I have a communication in the nature of a petition from citizens of Wayland, in the Commonwealth of Massachusetts, urging the ratification of the league of nations covenant. The communication is brief, and I ask that it be printed in the RECORD, together with the signatures.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

To the honorable the Senate of the United States:

We, the undersigned men and women, citizens of Wayland, in the Commonwealth of Massachusetts, respectfully urge upon your honorable body the supreme importance for the United States of America and for the whole world of prompt ratification of the covenant of the league of nations.

It may not be perfect any more than the Constitution of the United States was perfect, but we believe that it will be the beginning of a better era for the world, as the Constitution was for the country. Like that, it can be amended, if necessary; but if rejected now we fear so good an opportunity to preserve peace in the world may not return in our lifetime.

Amy F. Haskins, David G. Haskins, jr., Jacob Reeves, Wm. H. Branigan, Eunice W. Branigan, Samuel Russell, Mary A. Heard, Israel A. Lupien, J. Charles Vincent, Henry J. W. Drew, Nathaniel R. Gerald, Warren L. Bishop, Lester R. Gerald, John B. Wight, Geo. Edward Dwight, Shelley Dwight, Amos I. Hadley, James Bolton, Mary Bolton, James Joseph Bolton, Sadie Bolton.

Mr. NEWBERRY presented a petition of sundry citizens of Alanson, Mich., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. PHIPPS presented a memorial of the Civic and Commercial Association of Denver, Colo., remonstrating against the enactment of legislation which confers upon any governmental department or bureau the power to regulate and restrain legitimate business, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a petition of the Near East Relief, in convention at New York City, N. Y., praying for the extension of aid to American relief workers, American property, and to the stricken people of Armenia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Alderman of Medford, Mass., praying for the restoration of the so-called daylight-saving law to the extent of making it effective and permanent in that portion of the country in the eastern time zone, which was referred to the Committee on Interstate Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3263) to authorize the construction of flood control and improvement works in Minnesota River and Big Stone Lake, between the States of Minnesota and South Dakota; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 3264) granting an increase of pension to Einer Bjarnson (with accompanying papers); and

A bill (S. 3265) granting an increase of pension to Fred Myers (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3266) granting a pension to Allie Bailey; to the Committee on Pensions.

By Mr. NEWBERRY:

A bill (S. 3267) for the relief of the Cornwell Co.; to the Committee on Claims.

By Mr. HARDING:

A bill (S. 3268) for the appointment of Commander Charles W. Moots to the permanent Medical Corps of the Navy; to the Committee on Naval Affairs.

By Mr. UNDERWOOD:

A bill (S. 3269) granting an increase of pension to Mary A. Crow; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3270) authorizing the superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, to consider, ascertain, adjust, and determine claims for damages occasioned by acts for which said survey is responsible in certain cases; to the Committee on Commerce.

By Mr. KENDRICK:

A bill (S. 3271) granting a pension to Annie F. Rountree (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment proposing to appropriate $496,000 for the purchase of a site and the erection of an archives building in the city of Washington, D. C., intended to be proposed by him to the first deficiency appropriation bill, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—ELIZABETH H. MILLS.

On motion of Mr. PHELAN, it was

Ordered, That the papers in the case of Senate bill No. 3420, Sixty-fifth Congress, second session, granting a pension to Elizabeth H. Mills, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CARE OF ARMY TRUCKS.

Mr. NORRIS. Mr. President, I have a letter in the way of a memorial written by the lieutenant governor of Nebraska, who at the time he wrote the letter was acting governor on account of the absence from the State of the governor, in relation to the automobile trucks that have been purchased by the Government and are permitted to stand out in the weather and be destroyed. I think we have all learned of thousands of such instances scattered around over the country, but I had no idea that there were some of them in my State. I send to the Secretary's desk a newspaper clipping from the Nebraska State Journal of October 18, and ask that the Secretary may read that part of the letter written to Representative REAVIS of the State of Nebraska that is not marked out.

The VICE PRESIDENT. Is there any objection? The Chair hears none and the Secretary will read.

The Secretary read as follows:

TRUCKS RUSTING IN RAIN—ACTING GOVERNOR POINTS OUT WHAT HE SAYS IS GOVERNMENT NEGLECT OF PROPERTY.

"DEAR MR. REAVIS: There exists a condition here which I wish to take up with you regarding some automobile trucks in charge of the Government, which are standing unprotected from the elements out on the fair grounds annex north of the city. These trucks are such as can be used by the State in our road-making program, but I am informed by the secretary of the department of public works that he has several times applied to the department at Washington for permission to use these trucks in road work, but can receive no answer to the communications sent.

"I went to the fair grounds this morning and investigated the condition of the trucks, after a man had inquired if it would be possible to purchase one of them for use on his farm. I found the trucks, 12 in number, standing out in a field with absolutely no protection over them. Not even the tops had been raised to protect the cushions on the seats and the engine and other parts, in most instances, rusting.

"I would like to ask if there is any way in which the trucks now standing open to the weather can be secured by the State or be purchased by private individuals, or if there is any system in which letters to the department at Washington having these trucks in charge can receive consideration. There are several mighty good stenographers in Washington from Nebraska whom I am sure would be glad to donate a little overtime service in order that they could see the letters from home receive some consideration, if the department is short of help.

"I would like to ask in conclusion if you know who has the authority to have these trucks looked after, or who can give permission for their use by the State or purchase by private individuals?

"Very sincerely, yours,

"P. A. BARROWS, *Acting Governor.*"

Mr. THOMAS. Mr. President, the reply to the query of this correspondent is very simple. The distribution of trucks has been prohibited by an act of Congress. The last deficiency bill, I think, contained a rider to that effect. We, and nobody else, therefore, are to blame.

Mr. NORRIS. May I ask the Senator, Has there been any act of Congress to prohibit the department from taking care of automobiles; from taking them out of the weather and putting up their tops?

Mr. THOMAS. Yes.

Mr. NORRIS. The Government officials are compelled to let them stand out in the open unprotected?

Mr. THOMAS. Yes. Now, let me elaborate——

Mr. NORRIS. I am glad to get that information.

Mr. THOMAS. I have given it to the Senator from Nebraska, but I must explain my answer. That condition is due to the rapid and enforced demobilization of the Army, which, of course, carries with it the discharge of thousands of officers who alone

under our laws can be made responsible for Government property, and who are, therefore, the only persons who can be given custody of it. That is the situation, as represented by officials of the War Department before the Committee on Military Affairs time and again, and it has not been followed by peace legislation to provide for the contingency. That, I think, answers the Senator's question.

Mr. NORRIS. I hope the Committee on Military Affairs will bring in a bill or resolution that will permit the War Department to have the tops of the automobiles raised when the officers go away and abandon them. I might say further to the Senator from Colorado that in other parts of the country I notice the Government is selling automobiles at auction.

Mr. THOMAS. Yes; the Government is selling some automobiles.

Mr. NORRIS. Is that being done in defiance of law?

Mr. THOMAS. No; the Senator knows very well that it is being done under the provisions of the law.

So far as raising the tops of machines is concerned in particular places, I do not know. Of course, there may be some local instances of negligence that are absolutely unpardonable, and they ought to be corrected.

Let me say before I take my seat that the Committee on Military Affairs is doing the best it can, and I think the Senate has passed a measure for the relief in that direction, but the other House has not as yet taken action.

INDUSTRIAL CONFERENCE.

Mr. SHERMAN. Mr. President, I ask that the statements made by Albert H. Gary and Samuel Gompers appearing in to-day's newspapers be printed in the RECORD. They are short statements, but they present the issues before the industrial conference.

I wish to preface the printing of those statements in the RECORD, if that shall be permitted, by saying that the "collective bargaining" which is in controversy, advocated by Mr. Gompers, is an alias for the "closed shop." There is in it no new question. It is vital; it is not a question of legislation nor of arbitration; it is not a principle that can be compromised. It affects the individual right of an American citizen either to earn a living in a union or out of it; in a "closed shop" or out of it. Those are the underlying principles involved in the pending controversy. For that reason I wish to preserve at length in the RECORD the statements of the two men who voice the conflicting principles.

There being no objection, the statements referred to were ordered to be printed in the RECORD, as follows:

GARY'S STATEMENT FOR CAPITAL; GOMPERS DELIVERS LABOR'S REPLY.

JUDGE GARY SAID.

"I desire to make a brief statement in relation to the question under discussion, as well as others submitted to this conference. Further explanation of any vote I may register will probably be unnecessary.

"Like other members of the conference, I recognize that the public interest must always be considered as of the first importance; that all private interest must be subordinated.

"I am heartily in accord with the desire of the President to firmly establish proper and satisfactory relations between all groups of citizens connected with industry, including, of course, what has been designated as capital and labor.

"I believe in conciliation, cooperation, and arbitration whenever practicable without sacrificing principle.

"I am of the fixed opinion that the pending strike against the steel industry of this country should not be arbitrated or compromised, nor any action taken by the conference which bears upon that subject.

"Also, that there should be maintained in actual practice, without interruption, the open shop as I understand it, namely, that every man, whether he does or does not belong to a labor union, shall have the opportunity to engage in any line of legitimate employment on terms and conditions agreed upon between employee and employer.

"I am opposed to a policy or practice which unnecessarily limits production, increases costs, deprives the workman from receiving the highest wage rates resulting from voluntary and reasonable effort, hinders promotion or advancement in accordance with merit, or otherwise interferes with the freedom of individual action.

"As unorganized labor, which embraces the vast majority of working people, has no special representation in this conference, I deem it appropriate to say that all labor should receive due consideration, and that it is the obligation and ought to be the pleasure of employers at all times and in every respect to treat, justly and liberally, all employees, whether unorganized or organized."

SAMUEL GOMPERS'S REPLY.

"If what has occurred in the United States in industrial labor lately has afforded no opportunity for reason, for a new understanding, then there is no reason for a vote in this conference on this question (collective bargaining).

"You can not improve the superstructure safely until you have strengthened the foundation. And the millions of toilers in the United States are the foundation upon whose shoulders rests the entire superstructure of our industrial building.

"The solicitude of the modern employer, who has that understanding of and that great sympathy for the unorganized worker—well, the unorganized workers know where to come when they are in great stress; they know. They know where they can get sympathy; they know where they can get encouragement; they know where their hope lies—and they come to us to be rid of the domination and injustices of arbitrary employers. They come to us and even though we can not help them, by God!—and I say it with all reverence—we will not hurt them."

Mr. STERLING. Mr. President, as is well known, the industrial conference in session in Washington is composed of the representatives of three groups—the employers' group, the labor group, and one group which is supposed to represent the general public. I have here an editorial from the Aberdeen (S. Dak.) News, which is entitled "Give farmer square deal." I ask that the editorial may be read, and I trust that it may receive the attention of Mr. Baruch, who is represented as the spokesman of the public group.

Mr. McCORMICK. Will the Senator yield for just a moment?

Mr. STERLING. Yes.

Mr. McCORMICK. Would not a "square deal" to the farmers be revolutionary in this epoch?

Mr. STERLING. I hardly think it would.

Mr. SHERMAN. Perhaps the Senator from South Dakota will permit me to make an inquiry?

Mr. STERLING. Certainly.

Mr. SHERMAN. Does the Senator have the idea that the gentlemen named to represent the public are in fact representing the public?

Mr. STERLING. I am not so sure about that, I will say to the Senator from Illinois.

Mr. SHERMAN. I want definite information. I have been subject to distressing doubts, and I want to be satisfied.

Mr. STERLING. I think, perhaps, I myself share the doubts expressed by the Senator from Illinois.

The VICE PRESIDENT. Is there objection to the reading of the editorial presented by the Senator from South Dakota? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"GIVE FARMER SQUARE DEAL.

"Henry Watterson, in his 'Looking Backward' article in the Saturday Evening Post of this week, tells of a debate he once had with William McKinley, in which the subject was which political party was doing the most for the workingman. In his discourse he claimed that it was advisable to discover first who is a workingman in the United States, and he insisted that every person, except the hobo and the 'dude,' the latter term now practically extinct in the vocabulary of Americans, is a workingman. He said the banker, the educator, the merchant, the farmer, the business man, the laborer, all were workingmen together.

"There was much sound sense in the contention of the old Democratic editor, and it applies as well to-day as it did when he had his debate with McKinley, although there is a tendency in some directions to recognize only a member of organized labor as really and truly a laboring man. This tendency is exemplified at the industrial conference at Washington, where of the 45 members 15 are allotted to labor (organized labor), 15 to employers, and 15 to the general public.

"Now, organized labor is but a very small part of the population compared to the farmer, yet of the whole 45 delegates at the conference but 3 are farmers. Farmers, justly, are complaining of this fact, and attribute it, with a considerable show of reason, to the fact that because organized labor has the strike weapon and exercises it, the President, in organizing the conference, gave union labor more consideration than he gave the farmer. There really is no reason in the world why the conference should not have been divided into four groups, with the farmers of the Nation represented by 15 delegates, as well as the labor unions, the employers, and the public. That would have been just, and would have helped the conference materially in arriving at a correct solution of existing problems.

"For the fact can not be gotten away from that the farmer, the first producer of everything the resident of the city eats or wears, was the first sufferer from the high cost of living, and is by way of becoming the first sufferer from the reduced

cost of living, when it comes. For instance, hogs have dropped materially on the live-stock markets within the past few weeks, but town people are paying nearly as much for fresh pork, bacon, and ham as they did before the drop. Corn has slumped on the market, so has barley and other grain. The farmer is the loser. And while farm products are showing a downward tendency, whatever the farmer has to buy persists in advancing. This is shown by the fact that farm hands in some parts of the State are demanding 10 cents a bushel for husking corn, and by the higher price the farmer has to pay for farm machinery, lumber with which he builds his barns, and other material he has to use in his business.

"The industrial conference should have had a larger farmer representation, and it will not accomplish its full purpose if it goes at a solution of the high cost of living, among its other problems, by starting at the farmers' end of the high-cost proposition and seeking to reduce the price of farm products while maintaining war-time profits for manufacturers, organized labor, and other branches of industry."

ADDRESS BY GILBERT H. MONTAGUE.

Mr. EDGE. Mr. President, I should like to request unanimous consent to have inserted in the RECORD without reading an address by Gilbert H. Montague, a well-known attorney of the New York bar, delivered before the annual convention of the American Manufacturers' Export Association on "Cooperative opportunities for the manufacturer under pending legislation." I may say that just at this time, as all Senators are probably aware, in Atlantic City there is being held a convention attended by representatives of commercial organizations from various countries of the world. The address made in New York is so pertinent to the present situation and to the problems of American export development that I feel it would be of considerable use to have it distributed, and I, therefore, ask unanimous consent to have it printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COOPERATIVE OPPORTUNITIES FOR THE MANUFACTURER UNDER PENDING LEGISLATION.

[An address delivered before the annual convention of the American Manufacturers' Export Association, Oct. 17, 1919 by Gilbert H. Montague, of the New York bar.]

"Cooperation has its uses, but it is no substitute for a sales organization or for marketing ability or for the singleness of purpose that is essential to successful sales promotion in foreign countries. Cooperative export corporations and associations organized under the Webb-Pomerene Act have, in a number of instances, been conspicuously successful; but they have succeeded only in so far as they have overcome the inherent disintegrating tendencies of cooperative enterprise, and by insistence upon adequate sales organization and experienced marketing ability have attained an efficiency in sales promotion equal to that of their single-headed competitors.

"The Edge bill, and the various other measures to assist the financing of our export trade, which are now pending in Congress, must be regarded, like the Webb-Pomerene Act, as merely machinery without power. Unless power, adequately supplied and above all wisely directed, be applied to this machinery by those attempting to operate it, the results will be disappointing and even disastrous.

"Whenever an American district has been desolated by fire or flood, rehabilitation, as a matter of course, has come through the assistance of every outside financial and commercial interest that has dealt, or thereafter hopes to deal, with the afflicted community. Outside manufacturing interests immediately and thoroughly canvass the financial, material, and moral resources of their customers and also of those whom they desire hereafter to be their customers in the afflicted region, and within the limits of sound commercial credit, these outside commercial interests, with the assistance of the outside banks that serve them, and of the local banks that serve the customers, grant extensions on old credits and open new ones. Outside financial houses, representing nonresident investors in the outstanding securities of governmental bodies or business enterprises that have been prostrated by the disaster, promptly and carefully investigate underlying conditions in the devastated area, and assist in extending or readjusting the existing indebtedness and in arranging new loans upon security which will appeal to an increased circle of outside investors. So swift and effective are these operations that within a space measured almost by months, new cities arise upon the ruins of the old, having financial, material, and moral resources far greater than the old, and joined to the outside financial and commercial interests that have come to their assistance by sentimental and business ties of the most enduring character.

"The present European problem is unfortunately far more complicated than that of any prostrated American district. Trained financial and banking ability of the highest technical order will be taxed to its utmost to reduce this problem to anything approaching the relative simplicity of the rehabilitation of a devastated American city. But after financiers and bankers have overcome the obstacles presented by differences in nationality, in credit forms, in depreciated currency, in foreign exchange, in balance of trade, and in European fiscal policies, there will still remain for every American manufacturer that heretofore has dealt, or hereafter hopes to deal, with Europe essentially the same work to do, only in thousandfold increased degree, as is required for the rehabilitation of any devastated American community.

"When inquiries come in from abroad for prices and terms, the American manufacturer appealed to must immediately and thoroughly canvass the financial, material, and moral resources of his prospective customers and within the limits of sound commercial credit, and with the assistance of the manufacturer's own banks and of the local banks which serve the customers, decide upon his terms of credit. Necessarily, the initial investigation must be made wholly from the American manufacturer's standpoint. In American territory, the manufacturer himself, through his own organization, conducts the investigation, with such assistance as he requires from his own banks and from local banks in the customer's territory. In the European situation, however, because of the obstacles already mentioned, much greater assistance from the banks is required. The American manufacturer's standpoint, however, must be maintained throughout. And only by cooperation either between the individual American manufacturer and the banks whom he consults, or between American manufacturers associated in groups and served by competent financial and banking assistance specially equipped for this particular service, can this standpoint be preserved.

"For the granting of short credits, for 30, 60, or 90 days, within the limits of sound commercial practice in export trade, there are already existing, or in sight, reasonably adequate facilities. This is particularly the business of the American banks, and is being effectively carried on by member banks of the Federal Reserve System, either directly or through their branches in foreign countries, or by corporations organized under State laws and engaged in international or foreign banking, in which member banks of the Federal Reserve System are authorized to invest not exceeding 10 per cent of their capital and surplus. Several member banks of the Federal Reserve System, during the past 18 months, have organized and invested in corporations of the class last mentioned.

"For the granting of long-time credits, however, running beyond 90 days and sometimes into periods of years, facilities are by no means so adequate; and the need for careful scrutiny of the foreign customer's resources, and for the proper carrying of the credits after they are granted, is far more serious.

"The Belgian Government, let us suppose, needs steel rails for its Government-owned railways, and can pay for them only with Government bonds maturing 10 years hence. The American manufacturer, to whom the Belgian Government appeals, must first investigate the Government's resources, to make sure that the interest upon its bonds will be met when due, and that the principal will be paid upon maturity. Even if the bonds are found to be safe, however, the American manufacturer himself can not carry them until maturity, for in doing so he would be depriving himself for 10 years of working capital which he requires in the conduct of his own business. For the same reason, neither the manufacturer's bank in America nor any bank in Belgium, or anywhere else, can afford to carry these bonds. Unless, therefore, they can, within a reasonably short period, be disposed of for cash by the American manufacturer, he can not afford to accept them, and must decline the Belgian Government's business.

"The problem is very similar to that of an American street railway which needs electrical equipment and can pay for it only with its corporate bonds maturing 10 years hence. For many years various electrical equipment manufacturers have maintained subsidiary companies which, in instances like these, have taken street railway bonds and deposited them, together with other bonds accepted from other customers in purchase of electrical equipment, with a trust company, under a trust agreement to secure an issue of the subsidiaries' own notes, which the subsidiaries have then sold to institutions and individuals for permanent investment. The money which the investing public has thus paid to the subsidiaries in exchange for the latter's notes has, in effect, returned through the subsidiaries to the electrical manufacturers to pay them for the electrical equipment which they have sold to the street railway.

Thus the street railway has bought on long-time credit, but this long-time credit has been carried by the investing public and not by the electrical manufacturers or their banks.

"Instead of themselves organizing subsidiary companies to finance sales to their foreign customers American manufacturers in some instances may best be served by leaving this work to be done by their banks, collectively and cooperatively. One hundred million dollars of purchases by the French Government from American manufacturers during the European war were thus successfully financed, and eventually fully paid for, by a credit operation which has now become history.

"On July 14, 1916, the American Foreign Securities Co. was incorporated in Delaware by a group of American bankers to acquire, by purchase or otherwise, and to hold or dispose of, stock, bonds, or obligations of any foreign or domestic government or corporation. On July 18, 1916, the company entered into a contract with the Government of the French Republic whereby the company made the French Republic a loan of $100,000,000, bearing interest from August 1, 1916, and payable July 31, 1919. Unlike the examples already considered, the company not only took the note of the French Government but also insisted that the French Government deposit collateral with the note. To secure the payment of principal and interest of the loan the French Republic pledged various securities with the company and authorized the company to rehypothecate these securities. The value of these securities was calculated to be $120,000,000, and the French Government agreed to pledge from time to time additional securities so that the calculated value of the collateral should always be 20 per cent in excess of the principal of the loan. The collateral pledged included obligations of the Governments of Argentina, Sweden, Norway, Denmark, Switzerland, Holland, Uruguay, Egypt, Brazil, Spain, Province of Quebec, Suez Canal, and various United States and Canadian corporations. Under its authority to rehypothecate these securities the company deposited $126,526,534 worth of them with the Bankers Trust Co., in New York, as trustee, under a trust agreement to secure $94,500,000 of the company's three-year 5 per cent gold notes, dated August 1, 1916, and payable August 1, 1919, which notes the company publicly offered for general sale in July, 1916, at 98 and interest. Throughout the war these notes maintained a high value and on August 1, 1919, they were paid in full. Meanwhile the company paid dividends averaging more than 8 per cent per annum upon its $10,000,000 of capital stock.

"Instead of individually organizing subsidiary companies like the electrical equipment manufacturers above described, or of leaving this work to be done by their banks upon the analogy of the American Foreign Securities Co. above described, American manufacturers in the same line of business may in some instances best finance their sales to foreign customers by collectively and cooperatively organizing and operating their own investment and financial corporation for that purpose. Such an institution, with a capitalization of upward of $100,000,000, is already under consideration, according to newspaper reports, by a group of American manufacturers of railway equipment, who, it is stated, will themselves take the leadership in the institution and will depend for expert financial and banking assistance and for the marketing of their securities when issued upon their affiliated banking connections and upon security-issuing houses associated with them in the enterprise.

"European bankers, somewhat more than American bankers, have more or less permanently invested their own funds in long-time credits, and have thus assimilated the standpoints of both the manufacturer and the banker which, excepting possibly in the public utility field and the electrical equipment field, and more recently in a few instances in the foreign field, have not often been combined in the United States. Danger is always possible, of course, in any departure from the banker's strict standards of credit. Inertia, however, is no less possible in the inelastic application to long-time credits of standards to which bankers are accustomed in the short-time credits which constitute their business. In the future financing of the American export trade neither the banker's standpoint nor the manufacturer's standpoint can be disregarded. The most fortunate results, it is believed, will be obtained by a policy which fairly reflects both points of view.

"How successful may be investment in financial institutions which have attained this golden mean appears from the history of some of the English, Scotch, and Swiss 'investment trust companies.' These are institutions for the acquisition, disposition, and rehypothecation of securities particularly in foreign trade and are operated substantially upon the plan of the electrical equipment subsidiaries above described, and began to be formed in Great Britain during the third quarter of the last century. Like our own American savings banks and insurance companies, these investment trust companies have pursued the policy of selecting their securities in various lines of trade and from all parts of the world. The Investment Trust Corporation (Ltd.), of London, for example, in its statement of 1917, shows 315 kinds of investments; the Second Edinburgh Investment Trust (Ltd.), of Edinburgh, Scotland, for the same year, showed 235, and the Metropolitan Trust Co., of London, showed 220. These investments included foreign government issues, municipal loans, mortgage bonds, preferred and common shares in railroads, public utilities, banking, commercial, and industrial corporations. The Investment Trust Co. (Ltd.), of London, is capitalized for $10,000,000, and has outstanding $10,000,000 in 4 per cent bonds, and during the 10 years expiring in 1917 paid dividends averaging about 12 per cent per annum upon its common stock. The Second Edinburgh Investment Trust (Ltd.), of Edinburgh, Scotland, is capitalized for $2,250,000, and has outstanding $1,950,000 in 4 per cent bonds and during the nine years expiring 1916 paid dividends averaging 12 per cent per annum upon its common stock. The Metropolitan Trust Co. (Ltd.), of London, is capitalized for $4,000,000, in 4 per cent bonds, and during the 10 years expiring 1918 paid an average of 12 per cent per annum upon its common stock. The Bank for Electrical Securities, of Zurich, Switzerland, which specializes in the securities of public utility companies, and the Franco-Swiss Co., of Geneva, Switzerland, which specializes in city and railroad bonds, have had almost as great a development.

"Heretofore no Federal law has provided for the organization of such investment and financial institutions as these, nor were member banks of the Federal Reserve System authorized to invest in them.

"To correct the first of these deficiencies, the Edge bill (which passed the Senate September 9, 1919, and is now pending in the House of Representatives) provides in effect that corporations for the granting of long-time investment credits as well as short-time commercial credits may be organized under the Federal reserve act, though not themselves entitled to membership in the Federal Reserve System, which shall be capitalized at $2,000,000 or over, of which capital at least one-fourth must be paid in before commencing business, which corporations may then engage in international or foreign banking 'or other financial operations' with power to invest not exceeding 15 per cent of their capital (subject to the approval of the Federal Reserve Board) in other corporations similarly organized, or in foreign corporations, provided such corporations transact only purely incidental business in the United States.

"The importance of the Edge bill to the export trade of the United States is emphasized by the Federal Reserve Board in a letter urging the passage of the bill which it officially addressed to the Senate Committee on Banking and Currency last July:

"The credit situation in Europe at the present time is such that in order to maintain a stable market for our exports it will be necessary not merely to grant short-time commercial credits * * * but also long-term investment credits. * * * To this end Senate bill 2472 (the Edge bill) provides for the organization of corporations which shall be permitted to engage both in the business of international or foreign commercial banking and in other financial operations as distinguished from commercial banking, such as shall be necessary to assist in the development and maintenance of the commerce of the United States. * * *

"The Federal Reserve Board earnestly indorses the proposed bill and suggests that its enactment is even more essential at this time than when its adoption was first recommended by the board. The board knows no one way in which the present European credit situation may be more effectively dealt with than by the incorporation of institutions of the kinds provided for in this bill, and anything that betters that situation assists not merely in the gigantic task of reconstruction in Europe, but also in providing a market for our own exports and in developing our foreign commerce in a most effective and satisfactory way.

"To correct the second deficiency, the McLean bill (which passed Congress Sept. 5, 1919) provides that until January 1, 1921, any member bank of the Federal Reserve System may invest not exceeding 5 per cent of its capital and surplus in any corporation or corporations of the class provided in the Edge bill, so long as the financial interest of such member bank in such corporation and in the establishment of branches in foreign countries does not exceed a total of 10 per cent of its capital and surplus.

"The Edge bill specially provides in effect that shares of corporations organized under it shall be owned, in the majority at least, by citizens of the United States and by corporations organized under State or Federal laws, or firms or corporations controlled by citizens of the United States, whether engaged in domestic competition or not. While the Edge bill forbids corporations organized under it to become members of the Federal Reserve System, nevertheless it specially provides that such corporations may constitute member banks of the Federal Reserve System as their agents, and specially permits such member banks of the Federal Reserve System, subject only to regu-

lations of the Federal Reserve Board, to place their facilities at the disposal of corporations organized under the Edge bill.

"The practical benefits which manufacturers throughout the United States, particularly manufacturers cooperating under the Webb Act, will derive from the Edge bill are explained by Senator EDGE in a recent statement, as follows:

"The procedure under the prospective laws is simplicity itself; it is merely the application to international trade of the accepted method by which John Doe sells his business to penniless Richard Roe and yet obtains actual cash payment in the transaction. The American exporter or manufacturer may sell his goods to an impoverished foreign purchaser—a foreign Government or a private concern. One of the proposed corporations then may accept collateral from the purchaser, acceptable to the Federal Reserve Board, and against this issue debentures to sell to investors, and the money so received will be paid to the American seller. Through the powers granted to these proposed corporations they may accept even mortgages on the plants or other real property of the purchasers—'to borrow and to lend money on real or personal property,' so reads the bill. Thus a foreign concern in need of raw materials may obtain it by giving a mortgage on its plants and eventually by turning this raw material into finished product will be able to redeem its collateral and to put aside a little profit besides.

"Of special value will this be to corporations or combinations organized under the Webb Act. For instance, a group of shoe men who have combined to sell their shoes abroad may combine to finance their own commercial operations with which they will be intimately familiar. So also with manufacturers and exporters in every other line, even agriculture, they will be able to keep all the reins in their own hands.

"From the foregoing it appears that the Edge bill, in brief, facilitates further investment by member banks of the Federal Reserve System in corporations organized for financing long-time credits in foreign trade, and adds the official encouragement of the Federal Government to a class of investment and financial institutions which have already abundantly justified such encouragement by successful operation in a number of pioneer instances in several European countries and in the United States under various State laws. Neither the Edge bill nor any institutions organized under it is other than a piece of quite familiar machinery. Wisely directed, with correct application of power, its results will be permanently beneficial to American export trade. It requires, however, the same thorough investigation of foreign customers to whom credit is granted and the same careful building up of good will among American investors to whom its securities must be sold that is required in the successful operation of any other investment and financial institution. To accomplish this cooperation is necessary; in some instances cooperation among American manufacturers in the same line of business, but in all instances cooperation between American manufacturers and the best financial and banking intelligence which they can consult. For the points of view of the manufacturer, the bank, the security-issuing house, and the investing public, together with the point of view of America's future position in the export trade of the world, must all be reflected in the conduct of the institutions to be organized under the Edge bill."

Mr. SPENCER. Mr. President, if there is no objection, I ask to have inserted in the RECORD without reading an article on the United States and the Shantung question by Mr. Thomas F. Millard, which has just reached me. It has been so helpful to me that I should be glad to have other Senators see it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND THE SHANTUNG QUESTION.

(By Thomas F. Millard, Oct. 17, 1919.)

"Efforts to rectify the so-called Shantung provisions of the treaty adopted at Paris have two major considerations and objects:

"(a) Protection of the interests of the United States.

"(b) Protection of China.

"In dealing with the question it is presumed that the American Senate gives primary place to the first (a) object, with a sincere desire also to secure the second object.

"No statements or arguments have been brought into the discussion by prominent Americans indicating that any branch of the American Government has thought of abandoning the traditional American policy toward China, as embodied in the Hay doctrine of the commercial open door for all nations and the preservation of the territorial integrity and administrative autonomy of China. The argument is about means to preserve that doctrine and policy in relation to the treaty and covenant adopted by the Paris conference. It is evident that a majority of the Senate and of the American people regard the treaty provisions concerning Shantung as unsatisfactory and as subversive of both of the above-named objects. Two methods of correcting the treaty and covenant are proposed, by amendment and by reservations.

"A distinction can be made between these methods, viz, amendment of the treaty and covenant attempt to reverse certain things that were done by the Paris conference; reservations attempt to deprive those acts of the conference of binding force upon the United States. Amendments attempt to react upon the past; reservations look more to the future. Both methods may have the same ultimate results. From the standpoint of the interest of America in the Shantung question they seem as well safeguarded either way.

THE INTEREST OF CHINA.

"There is no doubt that it would have been more satisfactory to China had the Paris conference adopted provisions regarding Shantung by which Germany's position and rights and property there were ceded to China instead of to Japan, especially if Japan had signed a treaty containing those provisions; and even if Japan had not signed such a treaty a powerful international force would have been formally aligned against her. It may be pointed out, however, that even if the treaty had awarded the German rights and position in Shantung to China, Japan still would have been actually in possession of those rights, and the task of enforcing the treaty would have remained a delicate and difficult one; in short, the problem of getting Japan out of Shantung and other parts of China would have been a very embarrassing question for the powers.

"In that connection, the matter of the so-called 'secret' agreements has an important bearing. These were private engagements made in February and March, 1917, whereby the British, French, Russian, and Italian Governments agreed, in substance, to support Japan at the peace conference in her claim to inherit the German rights and position in Shantung. An examination of the texts of those diplomatic engagements indicates that the four Governments mentioned did not commit themselves in those private agreements to support Japan beyond the peace conference. Therefore by supporting Japan at the conference those Governments fulfilled the letter of their engagements and the secret Shantung agreements were terminated by being paid in full. If, however, it was proposed to amend the treaty by reversing its articles relating to Shantung, and such an amendment was referred back to the conference, the secret Shantung agreements would be revived in their binding force on the British, French, and Italian Governments, and those Governments almost certainly would feel compelled to again support Japan's position. In these circumstances there is little prospect that the consent of the principal powers to a change in the Shantung clauses could be obtained.

"On the other hand, the position of the United States on the question can be made clear by an explicit reservation, leaving the American Government free hereafter to pursue its traditional policy toward China. By not reviving the secret agreements and leaving them extinguished by being satisfied the British and French Governments also are left free regarding a future policy toward China, provided those Governments have not already made or do not hereafter make other engagements with Japan binding their actions.

"From these circumstances it appears that any advantages that might be gained by attempting to amend the Shantung clauses of the treaty might be offset by reviving the secret Shantung agreements, thereby circumscribing the policies now and perhaps hereafter of the British, French, and Italian Governments.

"The acceptance of an amendment on Shantung by the conference at one time would probably have induced the Chinese Government to sign the treaty with Germany, but it hardly would have that result now, because the Chinese Government already has declared peace with Germany by resolution and will arrange the details by negotiation. By signing the treaty with Austria, China has become eligible for membership of a league of nations should one result from the Paris conference.

"China's interest is apt to be served now and hereafter by measures that will determine or influence the alignment of the principal powers on the broad issues of the Hay doctrine and on moves to induce Japan to restore Shantung and Manchuria and to abandon her policy of aggression in China.

HOW TO PRESERVE THE HAY DOCTRINE.

"China can be saved by saving the Hay doctrine and by converting its basic principles into international practice. On this purpose American diplomatic policy should be concentrated. These conditions are essential to the success of such a policy:

"(a) An alignment of Great Britain with the United States on this question, and if possible also of the other principal nations in Europe, especially France.

"(b) Knowledge by the American Government of all diplomatic agreements and understandings, private or open, between Great Britain and those other powers in Europe relating to China and Asia, and of those powers with Japan.

"(c) Prevention by the American Government, if possible, of any further agreements between those powers, or between any of those powers and Japan, or between any of those powers and China, which are antagonistic to or subversive of the prin-

ciples of the Hay doctrine, and the abrogation of existing agreements of that character.

"(d) A declaration by the American Government that it regards the political development of China and of eastern Asia on democratic lines, and free of the interference and oppression of the imperialistic policies of any nations, to be of fundamental importance to the United States and to American institutions.

"(e) A refusal by the United States to allow its capital wealth and other resources to be used either directly or indirectly through other nations to obstruct or impede the fruition of the American policy in eastern Asia, and the withholding of American financial and other assistance to nations that either directly or indirectly oppose or try to subvert the Hay doctrine.

"(f) The creation of the necessary facilities and agencies for extending and securing the American position in eastern Asia.

"(g) Establish a definite entente or alliance with Great Britain and France by which those powers will aid America in sustaining and putting into practice the Hay doctrine in China.

"It, of course, is true that the treatment of some of these matters lies outside of the prerogatives of the Senate in dealing with the present treaty and covenant, but it is in the power of the Senate to lay the foundations for them in its action relating to the treaty and covenant.

AN ANGLO-FRENCH-AMERICAN ENTENTE OR ALLIANCE.

"Interwoven with the treaty and covenant adopted at Paris, and as a supplement to them, the President has laid before the Senate for its consent a treaty whereby the United States engages, under certain conditions (of an 'unprovoked' attack on France by Germany), to come to the assistance of France with military and other forces. By reason of the fact that at the same time a similar treaty was arranged between France and Great Britain, the two treaties constitute, in effect, a tripartite defensive alliance.

"This proposed alliance is designed to secure to France safeguards not believed to be assured by the league of nations. Its territorial application is confined to Europe and to a single specified contingency. By becoming a party to it, the United States will be committed to obligations which entail great responsibility and expense and which involve this Nation in the whole corpus of European international politics. While the language of the proposed alliance treaty makes the condition of American participation an unprovoked attack by Germany upon France, the nature and causes of such provocation manifestly are not and plainly can not be confined strictly to issues that may arise directly between Germany and France. The treaties adopted at Paris reshape the political map of Europe and create conditions and relations which plant possible causes for provocations between Germany and France in every boundary and question arising in Europe, and even outside of Europe. If the United States enters upon this proposed alliance, every friction of nations in Europe or of European nations anywhere in the world will carry the possibility of eventually bringing this alliance into effect.

"In the terms of the proposed alliance the United States assumes heavy obligations in the interest of France; or, to broaden the application to its real content, to sustain a certain balance of power in Europe by backing up France.

"But the alliance as written contains no compensation for the United States. It provides for no defense or support of American territory or interests anywhere by France and Great Britain.

"In connection with the Far Eastern policy of the United States a clause in this proposed Anglo-French-American alliance treaty by which the French and British Governments again express adherence to and engage under certain conditions to aid America in defending or enforcing the Hay doctrine would clarify the attitudes of those powers vis-à-vis this question and aid greatly in establishing the future tranquillity of China and in averting a rupture of the peace about the Shantung and Manchuria questions. Such a clause will protect the interests and rights of China and safeguard the American policy toward China, as well as can be done now by diplomatic provision."

ESTATE OF THOMAS H. HALL.

Mr. FLETCHER. Mr. President, I should like to ask unanimous consent of the Senate for a little indulgence with reference to a bill on the calendar. It will not take five minutes to act on it, I am sure. It is a bill which once has been passed by the Senate; it has twice been favorably reported in the House and favorably reported in the Senate, and unless it is passed now it will be too late to give the relief intended. It is a very small item, only involving $544.73, which, of course, is a bagatelle so far as the Government is concerned, but it is of great importance to the widow of Mr. Hall, who is being sued for that amount under conditions which make it improper that she should be called upon to pay it. I repeat, the Senate has passed the bill once before, and, as I have said, unless it is passed now and goes to the House it will be too late to afford the relief, because the suit is now pending in the Federal court which it is intended to relieve. I am sure we can dispose of it in two minutes, and I therefore ask unanimous consent for the immediate consideration of the bill (S. 2716) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office.

Mr. SMOOT. I should like to have the bill read.

Mr. WARREN. I withhold objection until the bill has been read.

Mr. FLETCHER. A report has been filed with the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of the said Thomas H. Hall as such postmaster, be, and they are hereby, relieved of the payment of $544.73, together with the amount of the costs which may have accrued on account of the United States bringing an action to enforce the payment of said sum, the said sum being the amount of cash and funds held by the Post Office Department to be due from said Hall's estate to the United States for money misappropriated to his own use by a clerk in said office while the proffered resignation of said Hall was pending in the Post Office Department and while the said clerk was acting postmaster with the consent and acquiescence of the United States.

Mr. FLETCHER. That is the whole case.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being on objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIRST DEFICIENCY APPROPRIATION BILL.

Mr. WARREN. Is morning business closed?

The VICE PRESIDENT. Morning business is closed.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of House bill 9205, being the first deficiency appropriation bill for the fiscal year ending June 30, 1920.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, which had been reported from the Committee on Appropriations with amendment.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with and that the bill be read in full for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Wyoming?

Mr. KING. Mr. President, I understand the Senator does not want to ask that the reading be dispensed with at some period during the progress of the bill.

Mr. WARREN. The bill will be read entirely as we go along.

The VICE PRESIDENT. Without objection, the formal reading of the bill will be dispensed with, and the bill will be read for amendment, the committee amendments to be first considered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, at the top of page 2, to insert:

BUREAU OF EFFICIENCY.

With a view to facilitating the Bureau of Efficiency's investigation of duplication of work in the several executive departments and independent establishments as now authorized by law, it is hereby directed that before any Government department or independent establishment shall undertake any new activity, inquiry, or investigation, it shall inform the Bureau of Efficiency of (1) the character and scope of the activity, inquiry, or investigation, (2) the probable number of persons to be employed, the probable salaries to be paid, and the probale total cost of the activity, inquiry, or investigation, and (3) the appropriations out of which expenditures are to be made.

The Bureau of Efficiency is directed to investigate the methods of business of the Bureau of War Risk Insurance and to report to the Congress at the beginning of the next regular session, with such recommendations as it may deem proper to make. If only a partial report can be made at that time, a complete report shall be made as soon thereafter as practicable.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read as follows:

CIVIL SERVICE COMMISSION.

For temporary employees for the Civil Service Commission, $50,000: *Provided*, That not more than two persons shall be employed hereunder at a rate of compensation exceeding $1,400 per annum and no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether the appropriation made for the Civil Service Commission—as I recall, it was a very generous and a very liberal one—proved inadequate; and, if so, why? Has the Civil Service Commission been adding to its personnel or force without any authority of Congress?

Mr. WARREN. The Senator is alluding to this appropriation of $50,000 put in by the House?

Mr. KING. Yes.

The VICE PRESIDENT. This is not a committee amendment.

Mr. KING. I am aware of that.

Mr. WARREN. It is not a committee amendment, and it is hardly in order to take it up now.

Mr. KING. I was merely inquiring so as to save recurring to it. If the Senator prefers, however, I will defer my inquiry.

Mr. WARREN. It is a deficiency, and it was stated originally by the commission that unless the appropriations were made larger there probably would be a deficiency.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 3, to insert:

COMMITTEE ON PUBLIC INFORMATION.

For expenses of auditing and closing the accounts of the Committee on Public Information, to be expended under the direction and supervision of the Secretary of the Treasury, $32,000. All unexpended balances of appropriations for the Committee on Public Information, together with all proceeds from the sale of material and receipts from the activities of said committee, shall immediately be covered into the Treasury as miscellaneous receipts upon the passage of this act: *Provided*, That that part of the sundry civil appropriation act for the fiscal year 1919 which provides "that all moneys received through the motion-picture activities of the committee shall be paid into the Treasury to the credit of the appropriation and be available for the said activities" is hereby repealed.

Mr. McKELLAR. Mr. President, will the chairman of the Committee on Appropriations explain this item?

Mr. WARREN. It is for the purpose of closing up the expense accounts and effects of what remains of the Creel Bureau of so-called Public Information.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," on page 3, after line 15, to insert:

DISTRICT OF COLUMBIA.

SEWERS.

The unexpended balances of appropriations contained in the District of Columbia appropriation act for the fiscal year 1919 for main and pipe sewers and receiving basins, for suburban sewers, and for assessment and permit work, sewers, amounting in all to approximately $120,000, are hereby reappropriated and continued available during the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 3, after line 24, to insert:

Upper Potomac interceptor: For additional amount required for continuing the construction of the upper Potomac interceptor between Twenty-seventh and K Streets and the Chain Bridge, $19,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

PUBLIC SCHOOLS.

Community forums and civic centers: Not to exceed 50 per cent of the appropriation of $25,000 for the fiscal year 1920 for expenses of the community forums and civic centers in the public schools of the District of Columbia may be expended for payment of secretaries, teachers, organizers, and clerks.

Mr. KING. Mr. President, when the last appropriation bill was under consideration there was considerable debate over the appropriation for the civic forums; and, as I recall, the appropriation, though it was very liberal, was cut down from what some had desired. Is it the plan now to augment that appropriation?

Mr. WARREN. Not at all. If the Senator will read the amendment, it adds nothing to the former appropriation. It simply allows 50 per cent instead of 25 per cent to go for clerks and other employees, instead of going for rental and janitors, as they do not need the 75 per cent as it stood for the payment of janitors, rent, and expenses of that kind.

Mr. SMOOT. Mr. President, I desire to offer an amendment to the amendment, if it is in order. I move to strike out "50," in line 5, page 4, before the words "per cent," and insert "33⅓."

The reason why I propose that is this: The present law authorizes but 25 per cent of the appropriation for the fiscal year 1920 for expenses of the community forums and civic centers in the public schools of the District of Columbia to be expended for payment of secretaries, teachers, organizers, and clerks. Instead of using 25 per cent for these purposes, as Congress intended, and as has been the case in the past, they now want to take 50 per cent of the amount of the appropriation, in order that they may employ more secretaries, more teachers, more organizers, and more clerks. That is the effect of this amendment as reported. Perhaps it would be the part of wisdom to give them a little more than 25 per cent, but I can not see why we should give them 50 per cent for these specific purposes, although I know the object of it. The object of it is that the next time they ask for an appropriation it will be more than the present $25,000. I think that if we take one-third of the whole amount of the appropriation for the purpose of paying the secretaries, teachers, organizers, and clerks that is sufficient. Therefore I offer that amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 4 in the committee amendment, on line 5, it is proposed to strike out "50," before the words "per cent," and to insert in lieu thereof "33⅓."

Mr. WARREN. Mr. President, I hope that motion will not prevail, and that the matter may be allowed to go as it stands to the committee of conference.

The allusion to what has been done in the past can apply only to two appropriations, because it is a new matter; and the determination of the committee, if I may judge by expressions when we were considering this item, was that this probably would be the last appropriation. They asked for $65,000 for this purpose, if I remember correctly—either sixty or sixty-five thousand dollars—and we gave them $25,000, and we restricted the matter of teachers, and so forth, to 25 per cent. It would have been a matter of using the money for purposes that might not be necessary if it were left as it is, because the quarters can be provided without payment. It is a matter of evening meetings, and so forth, in the schoolhouses. The payment of janitors for attention, of course, has to go on, but the whole object of this is to impart knowledge to the young. In order to impart that knowledge, teachers are required; and, of course, the organizers and clerks come along, so that I think the committee in voting on this believed that it should go to conference as it stands.

I therefore hope the amendment to the amendment may not prevail.

Mr. SMOOT. Mr. President, just one more word.

I wish that I had the list of the activities that this community forum and civic center has mapped out. It goes into every conceivable activity of life, including the teaching of French, the teaching of the violin, the teaching of cooking, the teaching of a hundred different things, as enumerated in the list that they themselves have furnished members of the committee. I left the list over at my office, or I would put it in the RECORD in full. Allow me to say now that if the program is carried out the appropriation in years to come will not be $25,000, but it will be nearer $250,000, and we will not have a few teachers and organizers and clerks and secretaries, but we will have a horde of them in the District of Columbia, and we will be asked to furnish a building for them to occupy if the program as submitted is carried out.

I am perfectly willing that the Government shall pay the salaries of the necessary clerks and a limited number of teachers that are required in the District of Columbia for carrying on meetings to be held under the auspices of the community forums and civic centers, but I do not want established in the District of Columbia again a complete organization for instruction of every sort and every kind. As I say, my amendment would give them more than 25 per cent to pay for the secretaries, organizers, and clerks. I am perfectly willing that a third of the amount shall be devoted to that purpose; but, in my opinion, that is all that it should be, and I hope the amendment to the amendment will be agreed to.

Mr. WARREN. Mr. President, the Senator certainly knows that the Committee on Appropriations would not assent to any such appropriation as he states—$250,000. There is not the slightest intention nor the slightest hint from any quarter that the committee would do that. The committee amendment, of course, carries no additional appropriation. It really provides, in my judgment, for the reasonable expenditure of the present appropriation.

I have here a great amount of matter on this subject from the board of education, letters from the several members of the District government, a letter from Miss Margaret Wilson, and many others. I think as little as we can do in the case of the amount already appropriated—and which, as I said, is likely to be the last—is to let it be used in the direction of doing some good, rather than to tie it up so that it must be used in a direction where it would be of no particular account.

Mr. KING. Mr. President, will the Senator permit me to ask a question?

Mr. WARREN. Certainly.

Mr. KING. Why did the former Congress, in making this appropriation, limit the expenditure for this purpose to 25 per cent of the amount unless they intended that that was all that should be utilized for clerical and other services of that kind? Why should the committee now, in a deficiency bill, change the original purpose of the appropriation and divert the appropriation from the channel in which it was to be expended to some other? If the former Congress appropriated $25,000 and limited the amount to be expended for employees to 25 per cent. what right have we now to change that?

Mr. WARREN. We placed the percentage as low as we did because we believed at the time that they would have to pay more for rental, and so forth. But those matters have been so arranged that they have continued in the same rooms, and other help has been contributed. This is to make the money go further and do more good.

Mr. KING. If the Senator will permit me, if we save some part of the amount which it was contemplated would be spent for rental, why may it not be covered back into the Treasury? Certainly it would be refreshing to find one appropriation not fully exhausted.

Mr. WARREN. It is very refreshing if the Senator thinks that any part of that will go back into the Treasury.

Mr. SMOOT. Mr. President, when the first appropriation was asked for community forums and civic centers the amount asked for was $10,000, as I remember, and the committee was told that at no time would it ever amount to more than $10,000. We have it up to $25,000 now, and there was $65,000 asked for. Have we forgotten that when we established the Children's Bureau it was stated upon the floor of the Senate, not only by one Senator but by a number, that at no time in the history of this country would it require more than $25,000? To-day we appropriate around one-quarter of a million dollars.

Mr. President, we were told that if this community forum and civic center was established all that the Government of the United States would be asked to pay would be the actual expenses attendant upon it, and that public-spirited citizens would give their time freely for the purpose of directing its activities.

I suppose that many Senators were visited by the lady in charge of this work last year, and they will remember that she wanted the use of the grounds in front of the Capitol to give a pageant, and one of the reasons why she said she wanted to give it was that all the money that was appropriated had not been expended, and unless they gave the pageant the money would go back into the Treasury of the United States. The Senator from Colorado [Mr. THOMAS] suggests to me that that is a good reason for it. I know it is a reason that is followed by most of the departments of the Government.

I want the public-spirited citizens who wanted this forum and civic center created in the beginning to continue in the work they were so anxious to undertake and not throw this burden back upon the Congress of the United States. As far as I am concerned, I am perfectly willing to pay all of the expenses attached to it, and I am perfectly willing to pay the clerks who labor all the time to keep the accounts, but as far as anything else is concerned, Mr. President, if we undertake to carry out the program that is mapped out, I have not any doubt as to what the result will be in the end.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah [Mr. SMOOT] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRELINGHUYSEN. Mr. President, I notice that in one portion of the pending bill there is an appropriation for the International Industrial Congress, and in connection with that appropriation I wish to bring to the attention of the Senate what I believe to be one of the most important problems before the country to-day, the proposed bituminous-coal strike which menaces the country.

Mr. President, three weeks ago, on October 1, I made some remarks in the Senate regarding the threatened strike of the bituminous-coal miners. This was in connection with an informal report I made at the time concerning the work of a subcommittee of the Interstate Commerce Committee, of which I am chairman, which has been investigating the coal situation.

In view of the desperate situation which menaces us, I deem it my duty to make some further remarks at this time, in order that the country may be advised, through this body, what the outlook now is and what a serious state of affairs is threatened on and after November 1.

An industrial calamity seems to be imminent in the United States. The stage has been deliberately set for this disastrous event by 400,000 men, over one-third of whom are foreign born, who can not speak the English language, and who have no acquaintance or sympathy with our institutions.

On September 23, 1919, the United Mine Workers of America, in convention assembled at Cleveland, Ohio, adopted a proposed wage scale, whose terms were embraced in a notable document of 13 sections. These were all set forth in my former remarks upon this subject. I shall now mention 2 only of the 13 demands.

First. A 60 per cent increase in wages.

Second. Establishment of a six-hour day and a five-day working week.

Through a committee these demands were presented to a like committee representing the bituminous coal operators of the central competitive district. This conference of the operators' and miners' representatives took place in Buffalo. Subsequent meetings have been held in Philadelphia.

At these conferences the representatives of the United Mine Workers of America have presented the ironclad demands of their convention. They have admitted that they were without power to change the terms proposed or in any sense to play the rôle of negotiators. They were, in effect, messengers only, to convey certain demands, and in default of an acceptance of the same the inevitable result would be that set forth in the twelfth of the 13 "points," to wit:

> We recommend that in event a satisfactory wage agreement is not secured for the central competitive field before November 1, 1919, to replace the one now in effect, that the international officials be authorized to and are hereby instructed to call a general strike of all bituminous miners and mine workers throughout the United States, the same to become effective November 1, 1919.

In passing let me call attention to one remarkable phase of this controversy. The bituminous field of the United States is divided into four districts. The central competitive district comprises Illinois, Indiana, Ohio, and western Pennsylvania. The demand of the United Mine Workers has been presented only to the operators in that district. Nevertheless, in the event of the latter declining to accede to the demands of the miners a strike is to take place in all four districts, in spite of the fact that the operators in the other three districts have never had any demands or grievances presented to them.

I wish again to invite attention to the fact that the miners' representatives have presented certain drastic terms, which they apparently are without authority to alter or deviate from, while the representatives of the operators are vested with plenary power.

The United Mine Workers of America as an organization have achieved their present position in the world of labor through "collective bargaining." But where is there even a trace of "collective bargaining" in the proposal they have placed before the bituminous operators?

Mr. NORRIS. Mr. President, I wish the Senator would explain whether this demand for a 60 per cent increase, a six-hour day, and a five-day week applies only to that division where the complaint arises or does it apply to all the other three?

Mr. FRELINGHUYSEN. It applies as well to the other three. The demand is made for the entire field by the president of the United Mine Workers of America representing the entire group.

Mr. NORRIS. As I understand the Senator, there has been no demand with reference to wages or conditions in any of these groups except the one in which the demand has actually been presented and to which he is referring.

Mr. FRELINGHUYSEN. That is all.

Mr. KING. Mr. President, I did not quite hear the question of the Senator from Nebraska, but I understand if the strike should become effective it would spread throughout the United States, either directly or indirectly, through sympathetic striking or independent action upon the part of other organizations.

Mr. FRELINGHUYSEN. The contracts made between the miners and the operators relate to the several competitive fields. The demands are made by the president of the miners' union, controlling through the various locals all the competitive fields, and those demands, I understand, are made for all the fields in the United States.

Mr. SHERMAN. Mr. President, will the Senator permit an inquiry?

Mr. FRELINGHUYSEN. Certainly.

Mr. SHERMAN. This will result, will it not, directly in the cessation of mining in all the bituminous coal fields of the United States?

Mr. FRELINGHUYSEN. They will be entirely, absolutely, closed down except where there are nonunion mines, and those comprise about 25 per cent, I believe, of the entire production, which amounts to some 550,000,000 tons per year. I intend to point that out a little later in the course of my remarks.

The miners have come and have laid down their demands—their rigid, hard, and fast demands—and have said, "Here is what we demand; take it or leave it. Pay us a billion dollars a year more, trust in our ability to produce in a 30-hour week enough coal to keep your industries going and you from freezing, or we will close up the Nation as tight as a drum November 1."

Mr. McCORMICK. Mr. President, may I ask the Senator a question?

Mr. FRELINGHUYSEN. Certainly.

Mr. McCORMICK. The Senator speaks of a 30-hour week. The prevailing week has been how many hours?

Mr. FRELINGHUYSEN. Forty-eight.

Mr. KING. Forty-four hours in some places.

Mr. FRELINGHUYSEN. Yes; 44 in some places. Is that collective bargaining? To my mind the operators were right in refusing to grant these inordinate demands. What right have the coal producers of the country to saddle every man, woman, and child in the United States with a staggering tribute tax, such as the miners propose, and in addition gamble on the miners' ability to produce, in 30 hours a week, coal enough to keep American industries going and American houses from freezing?

Now, let us go back a little. Under the Lever Act of August 10, 1917, the United States Fuel Administration was organized. This act contained the following clause, being section 24:

> That the provisions of this act shall cease to be in effect when the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President; but the termination of this act shall not affect any act done, or any right or obligation accruing or accrued or any suit or proceeding had or commenced in any civil case before the said termination pursuant to this act; but all rights and liabilities under this act arising before its termination shall continue and may be enforced in the same manner as if the act had not terminated. Any offense committed and all penalties, forfeitures, or liabilities incurred prior to such termination may be prosecuted or punished in the same manner and with the same effect as if this act had not been terminated.

Both the letter and spirit of this act are very clear.

After the passage of the Lever Act and the creation of the United States Fuel Administration, acting under the inspiration of Dr. Garfield, an agreement was entered into between the bituminous-coal operators and their employees whereby the scale contract of April 1, 1916, was modified and extended "during the continuance of the war, and not to exceed two years from April 1, 1918."

I may point out that this was the second increase of wages granted under the Fuel Administration. The increase for the first six months previously amounted to approximately 15 per cent, I understand. Then when six months had gone by, during the continuation of the war, they came again, and, through the instigation of Dr. Garfield, the coal miners and coal operators got together and made a new wage scale. I have that wage scale here, but I will not read it. That increase amounted to approximately 30 per cent, and the miners agreed to operate the mines not less than two years beyond April 1, 1918, or during the continuance of the war.

Mr. THOMAS. That arrangement constitutes, does it not, what is generally known as collective bargaining?

Mr. FRELINGHUYSEN. I so understand.

Mr. THOMAS. Of what avail is collective bargaining if one party to the bargain may abandon it or repudiate it at pleasure?

Mr. FRELINGHUYSEN. Of no avail, I will say to the Senator from Colorado.

This language in the agreement should be carefully noted—"during the continuance of the war." The Department of Justice and the various Federal courts have repeatedly held that the war is not over, and will not be until the fact is duly proclaimed by the President, following a formal ratification of the treaty of peace. This has been universally held. The Lever Act, from which I have quoted, clearly sets forth this fact and this view of the law. Therefore the scale agreement referred to is in full force and will be until April 1, 1920, unless the President shall declare the state of war at an end following the ratification of the treaty of peace.

Now, this contract, entered into during the solemn days of actual hostilities, is to be tossed into the discard and treated, in true Kaiserian fashion, as a scrap of paper, unless the demands of the miners shall be acceded to.

The two chief demands, which I have already referred to, a 60 per cent increase in wages and the establishment of a six-hour work day and a five-day working week, together with certain auxiliary demands, would involve an increase of from $2 to $2.50 in the cost of each ton of bituminous coal delivered to the consumer. This would aggregate fully a billion dollars in the country as a whole.

Mr. POINDEXTER. What are the wages at present, if I may inquire?

Mr. FRELINGHUYSEN. Generally speaking, I understand they average from $1,200 to $1,500 per year for each miner. I think that is the average. I have the scale of wages here. It is approximately $1 an hour.

Mr. POINDEXTER. At present?

Mr. FRELINGHUYSEN. Yes. That statement was made to me last night by the president of one of the operating companies.

I hold in my hand a carefully prepared table, which I shall ask to have printed in the CONGRESSIONAL RECORD in connection with my remarks. Based upon the figures of the United States Geological Survey of the bituminous coal consumption during 1917, I am able to show to what extent the people of the several States, the consumers of bituminous coal, will be penalized if the demands of the miners are granted. This is the annual cost to the public of the wage demands of the United Mine Workers of America in bituminous coal only, using the 1917 consumption figures and estimating the increased cost of production at $2 per ton.

I should like to call attention of the chairman of the Committee on Interstate Commerce [Mr. CUMMINS], handling the very important railroad legislation, to the fact that the estimate of the Geological Survey of the increased cost to the railroads of the country on account of this demand of the United Mine Workers of America is $300,000,000 per annum.

I ask that the table to which I have referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Annual cost to the public of United Mine Workers of America wage demand, bituminous coal only, using 1917 consumption figures and estimating increased cost of production at $2 per ton.

State.	Used at mines for steam and heat.	Used in manufacture of beehive coke.	Used in manufacture of by-product coke.	Used in manufacture of coal gas.	Used by electrical utilities.	Used for domestic purposes.	Used for industrial purposes.	Total coal consumed.
Alabama	$1,283,466	$7,317,196	$7,960,486	$181,772	$599,932	$1,302,000	$4,262,980	$22,907,832
Arizona					5,270	130,000	88,730	224,000
Arkansas	150,134			2,660	216,232	600,000	829,910	1,798,936
California	480			560		700,000	1,070,348	1,781,388
Colorado	608,984	3,569,262		244,988	1,030,486	2,900,000	6,406,358	14,760,078
Delaware				2,018	285,084	40,000	905,234	1,232,336
District of Columbia				14,386	316,820	500,000	902,794	1,734,000
Florida				66,334	65,606	180,000	294,060	606,000
Georgia	14,400	145,378		157,754	390,776	1,742,000	2,782,038	5,232,346
Idaho				16,342	3,242	600,000	623,352	1,242,936
Illinois	4,478,500		6,467,338	551,194	8,465,114	19,442,000	46,122,770	85,796,916
Indiana	1,285,102		9,635,884	336,676	4,177,956	7,000,000	18,682,678	41,118,296
Iowa	452,783			124,534	2,047,002	5,824,000	10,443,798	18,892,122
Kansas	370,928			9,456	852,086	3,600,000	2,689,178	7,521,648
Kentucky	1,279,954	1,199,252	1,484,324	29,518	1,173,172	3,728,000	3,932,686	12,826,905
Louisiana				6,460	321,326	740,000	2,577,110	3,644,896
Maryland	117,820		1,466,368	21,952	723,492	704,000	5,570,404	8,604,033
Michigan	95,930		2,440,060	1,475,748	2,963,708	5,948,000	16,877,076	29,800,522
Minnesota			1,353,762	199,918	1,478,966	5,274,000	4,765,760	13,072,406
Mississippi				21,814	567,670	600,000	1,512,516	2,706,000
Missouri	303,562		703,510	1,129,728	2,043,578	6,000,000	13,842,808	24,023,186

Annual cost to the public of United Mine Workers of America wage demand, bituminous coal only, using 1917 consumption figures and estimating increased cost of production at $2 per ton—Continued.

State.	Used at mines for steam and heat.	Used in manufacture of beehive coke.	Used in manufacture of by-product coke.	Used in manufacture of coal gas.	Used by electrical utilities.	Used for domestic purposes.	Used for industrial purposes.	Total coal consumed.
Montana	$335,408			$24,074	$212,668	$1,770,000	$1,791,670	$4,133,820
Nebraska				2,178	1,022,728	2,850,000	3,048,778	6,923,684
Nevada					4,050	200,000	519,950	724,000
New England			$1,477,746	1,786,976	5,781,466	3,310,000	24,052,586	36,408,774
New Jersey			1,243,398	251,460	2,200,896	180,000	9,839,262	13,715,016
New Mexico	72,898	$1,872,822		3,606	86,906	350,000	505,762	2,891,994
New York			2,802,916	1,279,764	6,282,622	2,484,000	25,539,030	38,388,332
North Carolina				95,166	408,032	1,640,000	2,052,802	4,196,000
North Dakota	68,154			35,224	430,282	1,310,000	1,183,316	3,026,976
Ohio	1,522,064	449,904	10,282,092	61,330	7,213,786	9,800,000	46,689,936	76,019,112
Oklahoma	378,380			1,900	217,990	1,550,000	1,497,756	3,646,026
Oregon	11,008			7,922		450,000	747,626	1,216,556
Pennsylvania	6,999,454	73,189,126	11,432,442	521,486	4,972,572	3,672,000	60,440,140	161,227,220
South Carolina				11,860	354,276	960,000	1,026,864	2,356,000
South Dakota				4,680	371,224	1,140,000	658,102	2,174,006
Tennessee	329,396	1,391,682	127,586	142,256	805,650	2,422,000	3,745,466	8,564,036
Texas	98,710			30,136	829,790	1,300,000	2,730,498	4,989,134
Utah	172,256	1,340,984		70,662	19,150	1,630,000	1,193,892	4,426,944
Virginia	290,462	4,187,886		223,068	1,195,124	1,812,000	5,237,496	12,946,036
Washington	332,798	321,100	90,050	174,560	273,504	1,300,000	810,720	3,302,742
West Virginia	2,370,400	9,508,632	1,455,556	4,488	990,266	950,000	6,246,004	21,525,346
Wisconsin			2,588,000	573,794	1,644,738	5,064,000	7,253,004	17,123,536
Wyoming	540,882			5,982	340,206	500,000	120,720	1,507,790
Alaska							107,910	107,910
Miscellaneous—smithing							510,000	510,000
Total	24,234,318	104,493,224	63,011,518	9,919,394	63,385,444	114,208,000	352,731,878	731,983,776
Railroad fuel (in round figures)								300,000,000
Grand total	24,234,318	104,493,224	63,011,518	9,919,394	63,385,444	114,208,000	352,731,878	1,031,983,776

Mr. FRELINGHUYSEN. Mr. President, do the Senators from Alabama know that the people of their State would be taxed $22,000,000 to meet these demands? Do the Senators from Michigan comprehend that if the increase asked for were granted their constituents would have an enlargement of their coal bills to the extent of $29,000,000?

Mr. THOMAS. Does the Senator's estimate include anything more than the actual increase in cost of production added to this wage scale, or does it also include an added profit which the operator would probably add to the price to the consumer?

Mr. FRELINGHUYSEN. It does not include an added profit. It is based entirely upon the present cost of production under the present scale and the proposed advance in wages.

Mr. McCORMICK. What about reduction in hours and its influence?

Mr. FRELINGHUYSEN. That is taken into account. It also includes the increased cost by reason of the reduced production on account of a six-hour day.

Are the Senators from Missouri aware that the citizens of their State would be mulcted to the extent of $24,000,000 in the event that the mine workers have their way? Do the Senators from New England realize that their States would be called upon to pay $36,000,000 to the mine workers' union? Do the Senators from Ohio comprehend that the share their State would pay would be $76,000,000? Are the Senators from Illinois aware that the United Mine Workers are demanding an annual toll of $85,000,000 from the people of their State? And the Senators from Pennsylvania, are they cognizant of the fact that that Commonwealth will be called upon to contribute $161,000,000 to the same organization? My own State is much smaller than those cited and the extent to which my constituents would be mulcted would be considerably less, yet they would be called upon to contribute $13,700,000 to the coffers of the bituminous miners.

Are the people of the United States prepared to go down into their pockets and pay out $1,000,000,000 a year in order that the United Mine Workers may have a 60 per cent raise in pay, work six hours a day, and that for only five days a week?

Are the people of the United States prepared to place any industry on a six-hour basis? In response to an insistent demand of labor agitators an eight-hour day has been legalized. What more do labor organizations want? If any such concession be made to the miners, how long would it be before like demands would be made by representatives of other trades, and what would the final harvest be?

All thinking men, all economists, all students of trade and sociological conditions as well, are demanding the highest degree of productivity at this time. The Great War withdrew twenty-five or thirty millions of men—probably more—from the ordinary fields of production, industrial and agricultural, and the world, economically, is all awry and normal conditions will not prevail for many years. It may take a decade or even a generation to get back to healthy, rational conditions in our domestic economy.

Yet here we have nearly 400,000 men insisting that over two days shall be dropped from the industrial calendar each week, while idleness shall take the place of activity and inertness the place of production.

We all recall the great coal strike of 1902. Prior to that the miners worked 19 hours. Indeed, at one time they had a 12-hour day. The celebrated conciliation and arbitration board, presided over by Judge George Gray, of Delaware, reached the conclusion that the miners' day should be reduced to nine hours, that being deemed a reasonable and proper working-day period. That was promptly acquiesced in at that time. Next came the demand for an eight-hour day, which was granted through congressional enactment.

And now comes this final demand for a six-hour day. Where will it stop? Production would in due course of time entirely end, the wheels of production would cease to revolve, and we would have chaos and disaster throughout the land.

A demand for a 6-hour day—for a 30-hour week—involves a 37 per cent cut in present working time. To my mind this means a 37 per cent cut in bituminous-coal production. And that in turn means but one thing, a coal supply so insufficient to meet the country's needs that the closed factories, the idle mills, the crippled industries, the unheated homes of our people, would bring about a shortage infinitely worse than that of the winter of 1917–18.

It is out of the question for the miners' terms to be granted. The demanded decrease in working hours would result in industrial disaster. The demanded increase in wages would impose a financial burden upon the consumer that he can not afford to bear.

What is the alternative which the American mine workers present to the people of the United States through the operators? The country is to be plunged into industrial chaos two weeks hence. Not a pound of coal will be supplied thereafter. Our factories and mills will be closed. Our public utilities, our railroads, will cease to function. The homes of those compelled by reason of locality to use soft coal will be deprived of all fuel. Pneumonia and other diseases will become widespread. Hunger and suffering of all kinds will prevail in many communities. Industrial America will be brought to a standstill, and paralysis will take the place of activity at a time when the highest degree of productivity should prevail.

And who are the men who have precipitated this state of affairs? Are they American citizens? To a very large extent they are not. A vast majority were born on foreign soil, and, as I have said, do not speak our language and have nothing in common with the dyed-in-the-wool American. Some of them have been naturalized, but between one-third and one-half of the entire number are still aliens and utterly lacking in all the elements which go to make up the patriotic American citizen.

Is the United States ready to be dictated to by these men?

I have in my hand a letter written to me by the vice president of the National Coal Association. I asked him to give me the

percentage of aliens employed in the mines, and he writes me as follows:

NATIONAL COAL ASSOCIATION,
Washington, D. C., October 15, 1919.

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our conversation this morning, I take pleasure in placing before you below the result of a canvass of the nationality of the employees in bituminous coal industry made by the National Coal Association in July, 1918. This canvass covered approximately 2,000 operating companies in practically every producing field in the country, and in our judgment is representative of conditions prevailing in the industry to-day.

The canvass showed:

Nationality.	Total employees.	Per-centages.
Americans	283,340	63.40
Foreign born	163,516	36.60
Total	446,856	100.00

Foreign-born employees, by nationalities.

Nationality:	Number.
Austria-Hungarians, including Slovaks, Ruthenians, Magyars, and Hortats (Croats)	59,271
Bulgarians	545
Chinese	59
Danes	67
Dutch	105
Finns	1,060
French	4,478
German	5,548
Greek	3,088
Italian	44,869
Japanese	412
Lithuanians	3,767
Mexicans	820
Montenegrins	590
Polish	16,801
Portuguese	25
Roumanians	740
Russians	9,944
Servians	1,282
Spanish	850
Syrians	131
Swedish	1,167
Turks	200
Miscellaneous	7,697
Total	163,516

Very truly, yours,

J. D. F. MORROW,
Vice President.

The time has come to put an end to this situation.

Mr. WATSON. Mr. President, if the Senator will yield to me, I desire to ask how many employees are there working in the mines?

Mr. FRELINGHUYSEN. Four hundred and forty-six thousand eight hundred and fifty-six.

Mr. WATSON. That number includes both Americans and aliens?

Mr. FRELINGHUYSEN. Both Americans and aliens.

Mr. WATSON. Does it include both anthracite and bituminous coal miners?

Mr. FRELINGHUYSEN. No; the number has reference simply to bituminous coal miners. There are about 185,000 anthracite coal miners, I think.

Mr. WARREN. Mr. President, may I inquire what area the number of 446,000 referred to by the Senator from New Jersey covers?

Mr. FRELINGHUYSEN. That covers all of the bituminous coal mines located both in the East and the West.

Mr. WARREN. Then it covers altogether both the East and West?

Mr. FRELINGHUYSEN. Yes; the entire area.

Mr. WARREN. Will the Senator allow me to have read, if it will not interrupt his remarks, two telegrams which I have just received, coming from the largest coal corporations in Wyoming, which are mining vast quantities of bituminous coal?

Mr. FRELINGHUYSEN. I yield.

Mr. WARREN. I ask that the Secretary read the telegrams that I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

KIRBY, WYO., *October 20, 1919.*

Senator FRANCIS E. WARREN,
Washington, D. C.:

Wyoming coal operators have had no voice in wage controversy with miners. Please use your influence with Secretary of Labor Wilson so that negotiations will not be settled or adjourned without we are represented. As matter now stands, the negotiations have all been with eastern coal producers, and the western operators are being forced into a position without representation.

NORTHERN WYOMING COAL OPERATORS' ASSOCIATION,
C. A. BARNARD, *Secretary.*

CHEYENNE, WYO., *October 20, 1919.*

Senator F. E. WARREN,
Capitol Building, Washington, D. C.:

Please, if possible, see Secretary of Labor Wilson and advise him that southern Wyoming coal operators do not feel there is any justice in any settlement made in the East with coal miners to which we are made a party without representation. We stand ready to meet representatives of the miners from our district in conference to negotiate a wage scale at any time. Do not want to be tied or bound by any agreement made in the central competitive field.

P. J. QUEALY.
W. D. BRENNAN.

Mr. WARREN. I simply wish to say that information comes to me, not only from these dispatches but from other sources, that there is no controversy in the mines of Wyoming; and the miners there seem to have been excluded from participation in the conference in connection with the proposition made by certain representatives of labor in the eastern section of the country.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. FRELINGHUYSEN. I yield.

Mr. KENYON. I understood the list read by the Senator included the number of foreigners employed in this industry. Were they all unnaturalized?

Mr. FRELINGHUYSEN. Yes; the number indicated were unnaturalized aliens.

Mr. WATSON. Mr. President, I should like to ask the Senator if the threatened coal strike embraces also the anthracite fields or only the bituminous fields?

Mr. FRELINGHUYSEN. It does not embrace the anthracite fields. The anthracite miners and operators have settled their differences and their contract continues until the 31st of March, 1920.

Mr. THOMAS. Mr. President, I have received quite a number of telegrams of similar import to those placed in the RECORD by the Senator from Wyoming [Mr. WARREN] and coming from operators in my State. There has been since the troubles of 1914 no difficulty in the mines of Colorado, but they are involved in the present situation, and, whatever the result may be, they will be affected by the conditions that will prevail after the 1st of November, notwithstanding their nonparticipation either in the so-called demands of the miners or in the proposals of compromise.

Mr. FRELINGHUYSEN. Mr. President, that is one of the difficulties in the situation. The president of the union can order this strike and will order it in the fields where there are no differences between the operators and the employees.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. FRELINGHUYSEN. Certainly.

Mr. CHAMBERLAIN. The Senator has given the number of aliens who are now engaged in this industry. Can the Senator state what the relative proportion between Americans and foreigners was at the time of the strike of 1902 and whether there has been any considerable change in the relative proportions from that time until this?

Mr. FRELINGHUYSEN. I have the Gray report in my desk, but I have not read that portion of it, and I do not know. I know that the present radical influence which is being exerted in the union mine workers' organization comes principally from the foreign element.

Mr. NORRIS. Mr. President——

Mr. FRELINGHUYSEN. One moment, until I finish. I understand that the older mining men, the men with families and children, who have been employed in the mines for many years, are not the trouble makers; that they stay at home and are law-abiding citizens. When the local unions have their meetings the men that come are the foreign element, who are very radical and very pronounced in their demands. The old, conservative miner is retiring and naturally stays away from the meetings. That is what happened in the convention at Cleveland. I understand the radicals controlled it and presented these demands, which were in the nature of an ultimatum. I understand that there is to be no referendum, and although Secretary Wilson informed the Senate committee that there could be a referendum, I understand there is not and will not and can not be a referendum to the miners. I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I was impressed by what other Senators from coal-mining States have said, and also by what the Senator from New Jersey has said, that the difficulty comes only from one district. Now, the Senator is assuming all the time—and he may, of course, be right—that when the strike is called all the other districts in which there has been no dispute in regard to wages or any other question will strike the same as the miners in the district where the dispute has arisen.

Mr. FRELINGHUYSEN. Certainly; the order has gone out to strike.

Mr. NORRIS. Does the Senator think that the miners in other sections and States where there is no dispute will obey the order to strike?

Mr. FRELINGHUYSEN. I do.

Mr. THOMAS. There is no question about it. If the Senator from New Jersey will permit me, the Colorado Fuel & Iron Co. operates the largest steel mill west of the Mississippi River. They had no difficulty whatever with their men and conferences were granted as rapidly as they were asked. Not a single grievance was presented that was not met and considered. Notwithstanding that fact, when the call for the steel strike was issued, 6,500 men walked out; they are out yet; and, for the first time in 30 years, those great mills are absolutely silent, although the employees have no grievance and no difficulty whatever.

Mr. NORRIS. The Senator thinks, of course, from that that the same condition will be brought about in the event the coal strike takes place?

Mr. THOMAS. There is no question about it, in my judgment.

Mr. SHERMAN. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from Illinois.

Mr. SHERMAN. In Illinois there are approximately 100,000 bituminous-coal miners, and my information from that area is that practically all of them will go out on strike. When they will return, or how long they will stay out, no one can tell.

Mr. WARREN. Mr. President, my judgment is that the same thing may happen in Wyoming, because it has twice before happened. In one instance there was hardly a man employed by a concern numbering its employees by the hundreds, and in another case by the thousands, that did not go out. It amounts to this, that when an order goes out from labor headquarters to strike, the members of the union who refuse to obey the order are punished, being liable to a fine and, of course, to expulsion from their union.

Mr. TOWNSEND. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from Michigan.

Mr. TOWNSEND. I think another thing that ought to be understood by the public, if the Senator from New Jersey has not already made it clear, is that this coal strike was practically ordered before any attempt had been made to harmonize any existing difficulties between employers and employees. No demands had been made and no call for a conference had been asked. They met in convention, directed their representatives to make certain demands, and if those demands were denied to strike. That is the situation—a most unusual condition—and I think the country ought to understand it.

Mr. POMERENE. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from Ohio.

Mr. POMERENE. I regret that I was not able to hear the first part of the speech of the Senator from New Jersey [Mr. FRELINGHUYSEN], but I think every Senator is impressed with the importance of this subject. The remarks which have just been made by the Senator from Michigan [Mr. TOWNSEND] made me feel that, perhaps, I ought to call attention to this situation: I have been told, and I believe reliably, that when the delegates met in convention in Cleveland these demands were presented to the convention, a resolution was passed instructing their committee to present them, and they were directed to report back to the convention. Ordinarily in disputes between operators and miners, a referendum may be had at which the miners are privileged to cast a secret vote, but under the plan which was adopted by the delegates in this case the miners themselves will have no privilege of voting upon these demands. I have been informed that in my own State of Ohio there are 45,000 miners, and that if they were granted the privilege of a referendum vote these demands would be overwhelmingly defeated. I am constrained to believe—and I base this belief upon information which I think is reliable—that this is not a miners' strike, but is a strike by the officers and delegates of the miners.

This situation is so serious that it seems to me if there is any way by which the Congress of the United States can reasonably prevent the calamities which will befall the country in the event the strike takes place, Congress ought to act. In my own State alone, with a population of over 6,000,000 of people, where we have an abundant coal supply, though much of the coal which is used in our industries comes from Pennsylvania and West Virginia and Kentucky and Tennessee, it is appalling to think that 6,000,000 of people must be compelled to freeze, the wheels of industry stop, and transportation cease because these demands are made by the officers and the delegates to a convention, and the miners themselves have no opportunity to register their voice. That is the situation as I see it.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. FRELINGHUYSEN. I yield.

Mr. WATSON. The Senator from Ohio has very well expressed the alarming condition and the attendant circumstances. He says that if Congress can do anything to prevent that situation, Congress ought to act. What has the Senator in mind as preventive legislation?

Mr. POMERENE. Mr. President, I have nothing in mind. I am not a member of the subcommittee that has been studying this situation; but I have this in mind which the press and public men generally can do, and that is to call the attention of every man, woman, and child in the country to the peculiar situation, and I think we are safe in saying that this strike as ordered has not been authorized by the miners themselves, or if authorized they would not ratify the action of their delegates if they had an opportunity to vote upon it.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. FRELINGHUYSEN. I yield to the Senator from Pennsylvania.

Mr. KNOX. I should like to inquire of the Senator from Ohio what his opinion would be of a proposition of this sort: Could or could not Congress constitutionally make it a criminal offense to promote a strike that would interfere with commodities that pass through the channels of interstate commerce without first having a referendum to the men who are actually interested?

Mr. POMERENE. Mr. President, the Senator is a better constitutional lawyer than I am. I can see serious difficulties, as I think. I am disposed to think, since the Senator has suggested the question, that while we are legally at war there is perhaps some provision among the provisions of the fuel legislation which we passed a couple of years ago which might authorize the Federal Government for the time being to take control of the situation. I do not know. I have not studied that question sufficiently to say.

Mr. WARREN. Mr. President, will the Senator from New Jersey yield to me to ask the Senator from Ohio a question?

Mr. FRELINGHUYSEN. I am perfectly willing to yield.

Mr. POMERENE. I apologize to the Senator for taking so much of his time.

Mr. FRELINGHUYSEN. I do not want to interrupt this discussion, because this is the most important matter that this Congress can have before it, next to the treaty of peace; but I do want to finish pretty soon. I yield, however. I know how valuable this discussion is, and I yield to the Senator from Wyoming.

Mr. WARREN. I simply wanted to make this inquiry, and I hope this observation may be noted.

We have here in this appropriation bill the following item:

Enforcement of antitrust laws: For the enforcement of antitrust laws, $200,000.

As it came from the House, the item excludes from the operation of the antitrust laws labor unions and farmers. So far as the farmers are concerned, I do not understand that they ask for it; but I want to ask the Senator from Ohio, if he may be permitted to answer me "yes" or "no," whether he does not think that the present threat and the present situation as described by the Senator from New Jersey amount to a trust, a conspiracy in restraint of trade, and so forth? Shall we go on in every appropriation bill appropriating money for carrying out the trust laws and excepting certain classes of people, or shall we repeal the trust laws?

Mr. POMERENE. Mr. President, we have section 6 of the Clayton bill confronting us, and I never have made it a practice to give an offhand opinion on a legal problem. I do not think it avails very much; but I shall hope that out of this discussion will grow a solution of a very serious situation. I can not understand what humanitarian principles prompt a few men to say in the great Republic of the United States: "We have got you by the throat. We are going to make your wives and babies freeze unless you surrender." I do not believe in that kind of autocracy, and the country will not tolerate it.

Mr. FRELINGHUYSEN. Mr. President, the impending strike was considered by the subcommittee of the Interstate Commerce Committee investigating the production of coal. We held several meetings to decide whether or not we should call Mr. Lewis, the president of the bituminous mine workers, whether anything could be offered to the controversy in that way. The demands are so drastic, so impossible, that all we could do would be to point out to the president of this union

that it was his duty to keep the contract. However, we asked the Secretary of Labor to come to a conference of the committee, and he came. I think I am at liberty to state that he also agreed with us that there was a legal and binding contract, and that the demands were impossible. He stated to us that he intended, through certain powers of mediation which he has, to call before him the mine operators—and I understand that that includes all of them—and Mr. Lewis, and attempt to adjust the differences.

That meeting was convened at 11 o'clock this morning, and from information which I had previous to its assembling I very much despair that out of the conference will come any agreement. The mine operators are perfectly willing, upon recognition of this contract, to negotiate a new wage scale, but they are unwilling to grant a six-hour day or a five-day week or a 60 per cent advance. In a proper discussion of the differences in regard to the wage scale they are perfectly willing to enter into the question of the increased cost of living as compared with the increased wages paid their miners; and I understand that the Secretary of Labor has admitted that in the last wage scale granted by Dr. Garfield, which he now states is sufficient, and also states that that contract is binding to April 1, 1920, the Secretary of Labor admits that the wages had advanced beyond the increased cost of living.

Mr. POMERENE. Mr. President, if the Senator will pardon me, I think the statement just made is subject to this qualification, that this wage scale shall continue until April 1, 1920, unless peace is sooner declared.

Mr. FRELINGHUYSEN. Yes; during the continuance of the war. I have already mentioned that in my previous remarks.

Mr. President, I have here the invitation to Mr. Thomas T. Brewster, chairman of the coal operators, from the Secretary of Labor, asking him to meet with Mr. Lewis in order to see if these differences can not be composed. I will ask that it be printed in the RECORD, and not read.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, October 17, 1919.

Mr. THOMAS T. BREWSTER,
Chairman Coal Operators of the
Central Competitive Coal Field, Washington, D. C.

DEAR SIR: The impending labor dispute and possible strike in the bituminous coal fields of the United States is of vital importance to all of the people. As the executive officer of the Government intrusted with the function of mediation in such disputes, I feel that nothing should be left undone that may give hope of an amicable adjustment of the differences existing between the operators and miners. I realize the difficulties to be overcome and give full weight to the statement of the coal operators that certain assurances relative to carrying out of existing contracts, the rescinding of the strike order, and the withdrawal of a demand for a shorter workday must be given by the representatives of the miners before negotiations can be renewed, and the statement of the miners that there must be a disposition to really negotiate on the part of the operators before it would be worth while for them to go into conference. I am sure, however, that there can be no objection on the part of either side to meet with the Secretary of Labor for the purpose of discussing with him all of the matters involved in the dispute.

I would therefore invite, through you, the full scale committee of the coal operators of the central competitive coal field to meet with me at my office in Washington at 11 a. m., Tuesday, October 21, 1919, for this purpose. I am sending a similar invitation to the full scale committee of the miners through their acting president, Mr. John L. Lewis.

Trusting that you may find it possible to comply with this request, I am,

Respectfully, yours (Signed) W. B. WILSON,
Secretary of Labor.

Mr. FRELINGHUYSEN. I also have the reply of Mr. Brewster to the Secretary of Labor. I ask that the reply be read for the information of the Senate.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *October 17, 1919.*

Hon. W. B. WILSON,
Secretary of Labor, Washington, D. C.

DEAR SIR: As chairman of the coal operators of the central competitive field, I am instructed to make the following reply to your suggestions that negotiations between the miners and operators be resumed. The coal operators assure you that they are willing to comply with your request, but the resumption of such negotiations should be predicated upon the following:

First. The miners must indicate their willingness to carry out the existing contract, which contract H. A. Garfield, United States Fuel Administrator attests is still in effect, to its legal termination.

Second. To do so the present strike order, effective November 1, must be rescinded and work must be continued pending negotiations.

Third. In order to produce sufficient coal for the needs of the public at the lowest possible cost, we refuse to negotiate any reduction in the hours of labor below the present standard, eight hours per day, six days per week.

As pertinent to the questions involved, the operators deem it advisable to say that the coal operators of the central competitive field have adhered to the principles and practices of collective bargaining for 33 years with the largest body of organized labor in the United States, and it is our opinion that our scale negotiations have broken down and that our contract has been abrogated by the miners' union in their call for a strike November 1, because the present system of collective bargaining does not fix equal responsibility under the law upon the employer and the labor union.

Our experience teaches us that no set of employers should agree to a system of collective bargaining which does not make both parties to the contract equally liable and responsible for the observance of the terms of such contract.

Respectfully, THOS. T. BREWSTER, *Chairman.*

Mr. FRELINGHUYSEN. Mr. President, one of the claims of the president of the miners' union is that the war is practically over, that the mine operators have made extortionate profits, and he points to the statement of the Federal Trade Commission, based on costs for 1917–18, and states that the mine operators have been making 60 cents margin per ton profit. That is correct as far as it goes, but it does not take into account certain items which largely reduce the net to the operators. In Federal Trade Commission report, Bulletin No. 1, speaking of this margin, it is said:

This margin must not be confused with what is often called profit. Selling expense, interest, income, and excess-profits taxes, as well as other items, must be deducted from it before the net profit available for dividends or surplus can be determined. The margin necessary to a profitable operation varies greatly from operator to operator and from field to field. One operator may have a heavy investment in mining machinery and thus show a relatively low labor cost, while another operator may have a small investment but a high labor cost. In the case of the first operator the margin obtained should be larger in order to give an equal rate of remuneration on the larger amount of invested capital.

I understand that reference has been made to the western Pennsylvania field, and that the profits of the operators there were approximated to net about 10 to 15 cents per ton.

Speaking again of these demands, unless this intolerable condition can be rectified; unless some means can be found to prevent the imposition of such unthinkable demands and penalties; unless collective bargaining can be continued in an orderly manner and with due regard to the public welfare and comfort, a new remedy must be applied—the remedy of making labor amenable to the same extent as capital to the laws of the United States, hedged around by the same restrictions and subject to the same penalties.

I do not think the American people are opposed to trade-unions or to any kind of organization of workmen whose object is the betterment of their conditions.

The principle of collective bargaining is proper enough in the abstract, and also proper enough in the concrete, when applied to the employer and his employees. There should be no objection to the demand of the latter that they as a body, or through a committee, be called into consultation and conference regarding the question of wages and kindred matters.

But American employers should not be placed in subjection to any outside organization whose officers and dominating spirits are not identified with or in the service of the particular business concern in question. That is not democracy.

Allied to this is the open-shop proposition. While no employer should attempt to prevent his employees from joining any sort of an organization they please, they should never agree to close their shops to nonunion men. That, also, would be a repudiation of the essential principles of democracy.

In this connection, while speaking of the open shop, I take pleasure in quoting a very distinguished authority, none other than President Wilson, before his elevation to the White House, but then an eminent educator and historian.

Writing January 12, 1909, in reply to an invitation to speak at a banquet of antistrike and antiboycott advocates, he said:

I am a fierce partisan of the open shop and of everything that might be possible for me to contribute to the clarification of thinking and the formation of right purposes in matters of this kind.

That was a fine presentation of a fundamental proposition. Upon such a question the truly patriotic American can afford to be a "fierce partisan."

In collective bargaining it is pertinent to ask, Of what avail is a bargain if it is not enforceable at law? Of what avail is an agreement with men who break agreements? In the case of the printers' strike in New York strong local unions defied their officers. So, too, the boatmen tied up the whole food supply of New York in violation of their agreements. I read Mr. Gompers's letter, denouncing the breaking of contracts, addressed to the leader of the labor organization directly involved:

DEAR SIR AND BROTHER: Your telegram, in which you state members of your organization are on strike against an award of the National Adjustment Commission, received. The executive council in session in Washington considered this telegram and decided:

That it is not in the province of the executive council to inject itself into a strictly trade struggle between factions in a national or international union. The dispute should be solved by those who have the power to enforce its rules and decisions.

SACREDNESS OF CONTRACTS.

But on the question of adherence to contracts the American Federation of Labor has taken strong grounds. In 1904 the convention declared unanimously: "We wish in the strongest language possible to express our regret that any organization of workmen should fail to rigidly adhere to a contract entered into with employers of its members, and we believe it essential to urge upon trade-unionism the absolute necessity of holding contracts between them and their employers inviolate."

If the longshoremen agreed to abide by the award they have been striking in violation of one of the fundamental principles of the American Federation of Labor. The agreement to abide by the award was a sacred contract to accept it.

We therefore hope that, through laws of your international union, you will successfully induce the strikers to return to work, not only for their own honor and best interests but in the interest of the trade-union movement.

By order executive council, American Federation of Labor.

SAMUEL GOMPERS, *President.*

Note what Mr. Gompers says. He condemns in the severest terms the breaking of contracts and upholds the sacredness of contracts. Every right-minded American must be in accord with him in that proposition, but in the first part of his letter he states that the executive council decided—

That it is not in the province of the executive council to inject itself into a strictly trade struggle between factions in a national or international union. The dispute should be solved by those who have the power to enforce its rules and decisions.

A battle over fundamental principles of right and wrong, between agreement keepers and contract breakers, Mr. Gompers denominates a "struggle between factions," and he confesses himself and his organization powerless to right the existing wrong or to compel the recalcitrant strikers to keep their contracts.

This is the issue that we must face. We are forced to insist that collective bargaining shall be coupled with collective responsibility, legal and moral, and that when employers make a contract with their employees the powers of government shall be put behind that agreement with the same force and effect as it is put behind any agreement that is entered into for lawful purposes.

I noticed in the Washington Post this short article on collective bargaining:

COLLECTIVE AGREEMENT NOT BINDING, HAT MAKERS SAY.

NEW YORK, *October 18.*

A statement asserting that "collective agreements are nonoperative" was issued to-day by the Ladies' Hat Manufacturers Association in view of reports that the main question before the industrial conference at Washington is the collective agreement.

The statement asserted that for four years agreements which the association had made with the Cap and Hat Makers' Union of North America had been broken at will by their employees, and that the union leaders who signed the agreements asserted they had no control over the workers. A general strike is now in progress in the industry.

One of our ablest newspapers of the country, editorially speaking, the Philadelphia North American, in a recent issue said:

Three years ago a severe blow was adminstered to the principle of arbitration and also to the doctrine of the predominating rights of the public in industrial controversies. In the late summer of 1916, when the Nation was in the ominous shadow of approaching war, the four great railroad brotherhoods presented drastic demands and announced that they would be enforced, if necessary, by a Nation-wide strike. President Wilson, concerned for his campaign for reelection, intervened in the name of the public. But when the brotherhoods refused to withdraw their ultimatum he yielded and forced through Congress a bill embodying their demands, without any effective inquiry into the facts. The railway workers, as one of their leaders candidly avowed, had employed an adaptation of the ruthless methods of the cave men, and their victory over the Government was hailed by them as a justification for their policy.

I seriously object to the United States Government being forced into partnership with any class of our citizens. If we expect to survive and continue our career as the greatest Republic on the earth, we must adhere to the doctrine that all class alliances shall be prohibited; that this shall be a Government of the whole people, and not one in which any section or faction or industry or class shall exercise a dominating influence.

What was the situation when we entered the arena of war? Why were the railroads taken over by the Government? Because they had broken down? Nothing of the sort. Look back over the newspapers of the day and you will recall the threat of a Nation-wide strike by the trainmen—a threat which, if it had been carried into effect, would have paralyzed all our transportation facilities, plunged us into chaos, and made it utterly impossible to carry out any of our war plans.

When the railroads were taken over what was the first step? Rates were raised a billion dollars. What was the second step? Wages were raised a billion dollars. And who paid the bill? The question answers itself—the people, of course.

The demand of the trainmen was followed by that of the ship workers. Ten thousand struck in one yard. Fifteen thousand in another followed suit. With the Allies in dire peril and entirely dependent upon the speed with which we would come to their rescue, and all this contingent upon the vastly increased output in our shipping facilities, these men went on strike, thus imperiling the cause of democracy and civilization in its battle with the barbarous war lord and his diabolical henchmen.

Not until their demands were granted was work resumed in the shipyards and the work of tonnage production continued.

And thus it went on, one trade or industry after another making its demands for greatly increased pay and shorter hours, with never a thought of the consequences to this country or to the world at large and never an atom of sympathy with the splendid efforts of our soldiers in France to defeat the machinations of the despicable Huns.

What is the industrial and economic situation in America to-day? We have a state of semiparalysis in the steel industry, through the action chiefly of a lot of foreigners who saw fit to strike, although they already were receiving very high wages. Only a few days ago in Pittsburgh, if the newspapers give us correct information, certain of the malcontents themselves testified before Senator KENYON'S committee that from 50 to 75 per cent of the strikers were foreign born.

We have the strike of the longshoremen, which has held up practically all our shipping and brought almost to a standstill trade with foreign ports, involving an incredibly large pecuniary loss, not to mention a tremendous food loss in New York City. At the same time we had the strike of the pressmen already referred to, the result being, likewise, a serious financial loss in many quarters.

And so it goes. Where will the striking frenzy stop? What will the harvest be? Unless a halt is called we shall reach a state of anarchy infinitely worse than the autocracy which the German Junkers sought to impose upon the world, and for the defeat of which America entered the war.

I am not an alarmist. I have an abiding faith in the American people. But I try to be a student of history, and especially of current history. Furthermore, I am not blind. There is abroad in the world a spirit of evil—Bolshevism—which is the twin brother of autocracy, in that both are enemies of pure democracy. And this spirit is more deeply seated in America than most of us are aware.

Autocracy simply meant the assumption of large powers by an individual or a clique, with the welfare of the masses a subordinate consideration. That stifled democracy. Nevertheless, autocracy, for selfish reasons, perhaps, was oftentimes paternalistic to a degree that the interests of the populace were largely conserved and promoted.

Bolshevism, like autocracy, is the antithesis of democracy. Bolshevism, as practiced in Russia, is confined to the proletariat, only a minority of the population, but embracing the rolling-stone elements, the irresponsible citizens. These oppose not only the old, exceedingly small monarchic group, but that great mass of citizens known as the bourgeoise, embracing millions of the middle class—merchants, farmers, home owners, and well-to-do mechanics. These, according to the tenets of the Bolshevists, must be excluded from all participation in government, being deprived even of the right of suffrage.

This is class government, and not democracy. This tendency toward Bolshevism in some form, either closely following the original Russian model or developing milder symptoms, is found in every nation of the earth, and this evil force is a far greater menace to the perpetuity of democratic institutions than the average citizen imagines. It is rampant in Germany. It is powerful in France. It is untiringly at work in Italy. Its activity in Great Britain is pronounced.

He who thinks we do not face this great menace at our very doors is not a truly wide-awake American. He is a sleeping sentinel at the post of duty.

The danger in America to which I refer does not come, in the main, from the un-American elements in our population who have planned and executed bomb explosions and similar manifestations of the anarchists. That element is, unfortunately, too large, and has been given entirely too much latitude in the past. But these men can be located by the authorities and placed where they shall be harmless.

But there is a determined movement throughout the land to assume control of all the functions of government in behalf of a class. They would make this a class government committed to the enactment of class legislation.

But I protest against any class organization in America being taken into official partnership with the Government of the United States, such as has prevailed for the last few years in Washington, and especially since our entrance into the war. We have come to the parting of the ways.

To Americans as a whole let me say: Abhor and resent class organization which seeks to control government in the interest of that class. In self-defense you may be compelled to organize to protect yourselves from a state of affairs which means vas-

salage for you and all those not subservient to the leaders of the movement to which I refer.

The people of Great Britain have just faced a grueling experience of a like character, and they have come off victors in the struggle which ensued. The very foundations of society, of government, were threatened. Only by a hair's breadth was a revolution averted.

The railway men made demands which could not be recognized. As in the case of the threatened coal strike, the conflict in England was started precipitately and in violation of an agreement. One authority described it as "wanton war on society" and "an effort to starve the country into submission," "an unparalleled attempt to blackmail the nation."

Another authority said, "Whatever is done for the railway men must come out of the pockets of the people. Everyone should be paid a fair rate, but you can not continually pay men for what they do not do. In the present case they are demanding to be masters and to determine the fate not only of the Government but of the whole community."

Speaking last February, when the miners of Great Britain threatened to strike, Lloyd-George denounced in Parliament "demands which are put forward not to obtain fair conditions, but to overthrow the existing order, to destroy the Government," and declared that "the nation must fight Prussianism in the industrial world exactly as we fought it on the continent of Europe."

Speaking two or three weeks ago at the reception to Field Marshal Allenby, at the Mansion House, the British premier employed almost the same language when referring to the strike of the railway men. He said:

Prussianism in the industrial and economic world must not prevail. Great Britain has once more rendered a deep and lasting service to real freedom by defeating an effort to hold up the community and strangle it into submission. The nation means to be strong, firm, and just, but always master.

We can not afford to temporize or compromise with the forces of evil which are threatening to undermine the foundations of society and destroy the fundamental methods of our Government. We can not afford to submit to any partnership with a class. We must not allow any element or organization to assume any of the functions of government or to dictate to either Congress or the Executive.

There has been entirely too much of this in the past. Public men have shivered and shaken in their boots when agitators have issued their orders, and, in innumerable instances, have ignored their own sense of duty because of a fear of consequences. The time has now come for every red-blooded American to stand up and be counted.

So far as concerns this threatened strike of the bituminous coal miners, there is only one way to avert it. It can not be done by Executive decree nor can any action of Congress prevent the consummation of the conspiracy.

Public opinion, however, may bring the leaders of the movement to their senses and thus the calamity may be averted. To this end it is hoped that the patriotic newspapers of the country will at once speak, and in no uncertain terms. To a large extent the matter is in their hands. Already many of them have denounced the proposed strike. The press should not wait until the strike is upon us and the disaster at our gates before speaking.

Recently, following the inexcusable strike of the Boston police force, the papers of that city, almost without exception, denounced the action of the strikers in unmeasured terms. On this point the Springfield Union said editorially:

Our only criticism of these sound observations is that something in similar vein was not said when the policemen were most in need of advice and when Commissioner Curtis should have received the uncompromising support of public opinion. It was too long left to the Transcript alone to express with courage and clear understanding the honest thought of Boston and to uphold the correct public policy for which the police commission was contending.

Concerning this whole question the Philadelphia North American, which has always been a friend of organized labor and a champion of Mr. Gompers, has recently said editorially:

There is a perceptible and growing public antagonism to organized labor. The condition is known in every newspaper office in the country, but the aggressive and dictatorial attitude of union labor, upon which most newspapers must depend, has made publishers cautious in discussing labor problems. At the present time, however, when conflicts in industry are multiplying, the newspaper which resorts to silence or evasion fails in its duty to the public and does a distinct disservice to labor itself.

These are brave words and as true as they are brave.

It is a satisfaction to note that many other leading newspapers of the United States are denouncing in vigorous terms the attempts of certain unions to sandbag the country. The New York World has recently published several powerful editorials which contain words of warning to misguided labor leaders. In its issue of October 9 it said:

Before organized labor can hope to make further progress anywhere it must put its own house in order. The whole structure of collective bargaining rests upon the principle of collective responsibility and collective good faith. Once these are destroyed nothing remains.

While taking a firm stand itself editorially upon this supreme question, the World justly calls upon Government officials to be equally positive and determined in upholding popular rights and in demanding a proper consideration of the public welfare at the hands of labor leaders.

The World quotes from the speech of Secretary Wilson in opening the sessions of the industrial congress, who said:

We have found ways of regulating all the other relations of mankind. Surely human intelligence can devise some more acceptable method of adjusting the relationship between employer and employee.

And adds:

It might, but it does not, and it never will until the Government, under the pressure of public sentiment, takes the initiative and asserts some of the power that is inherent in it.

The press of the country should make it clear to these misguided men of the United Mine Workers that the people of America will never permit this burden to be saddled upon them, and that they will never submit to any such demands as they have made—demands which threaten the very foundations of our democratic institutions. This country is not ready to be dictated to by a horde of aliens in no sense Americanized nor in sympathy with our democratic institutions.

In this whole labor controversy one fact should be clearly borne in mind. We are not chiefly concerned regarding the interests of capitalists, the employers, the operators. Nor are we giving undue consideration to the welfare of the individual worker, the miner, or other laborer who is disposed to strike. But we are greatly interested in the material welfare of the vast body of our people, the middlemen, so to speak, the consumers—in other words, the men who "pay the freight"—upon whom falls the great burden resulting from the continual increase in wages. These men know perfectly well that this increase must be made up by an increase in commodity prices, and that it is the individual consumer who foots the bill in the final analysis. These men, nine-tenths of our population—one hundred millions—are disgusted, are incensed with the whole proposition, and are determined that the arbitrary demands imposing an unjust and intolerable burden on them shall not succeed.

A bit of verse in a local paper, the Washington Evening Star, properly diagnoses the situation, as follows:

THE PUBLIC.

Says capital to labor,
"We will talk it over, neighbor,
And the public shall admire the wisdom deep."
Says labor, "I am willing,
For my mind I have been filling
With some information far too good to keep."

They argued and expounded,
And each topic they surrounded
With a vast and indefatigable din.
Here and there they grabbed a missile
Silencing the factory whistle,
And the public murmured, "Where do I come in?"

Then the discord rising thickly
Turning the harmony right quickly
As the two exclaimed in a convincing way,
"Don't feel nervous or dejected,
You shall never be neglected—
You shall be the audience who has to pay."

The New York World phrases the same idea in stern prose, when it declares, editorially:

There are three parties to every strike, not two. The third party is the general public, whose rights and whose welfare are trampled under foot, which pays the ultimate cost of the conflict, and in addition is saddled with the expense of maintaining some semblance of law and order between the belligerents.

That is the situation in a nutshell. The great third party is the chief sufferer in these strikes.

The total cost of the British railway strikes is estimated at a quarter of a billion dollars. What an enormous loss these misguided men have inflicted upon their country, already suffering from underproduction and a stupendous war debt! They should profit in a single instance, at least, from the policy of their late German antagonists, who are now organizing and putting into force a 10-hour day program, in order to force production to a maximum limit, and thus hasten the day of liberation from the burdens and penalties resulting from war conditions.

We are threatened with an experience in this country similar to that of England. If all the strikes which scheming malcontents, largely of alien origin, are now hatching in the United States shall materialize, the loss in production and otherwise is likely to amount to billions of dollars. This, in view of the burdens we are already carrying, is piling Pelion upon Ossa to an unendurable degree. Those guilty of this dastardly act

are in no sense patriotic American citizens, nor should they be treated as such. Whatever they may be nominally, they are in spirit outlanders and enemies of democracy, and are deserving the contempt of all true patriots.

Throughout this whole controversy one compelling question looms up, overshadowing all others. Lloyd-George set it forth in the splendid words which I have already quoted, and which I shall quote again, paraphrased to fit the occasion:

Prussianism in the industrial and economic world must not prevail. The United States will render a deep and lasting service to real freedom by defeating any effort to hold up the community and strangle it into submission. The Nation means to be strong, firm, and just, but always master.

I call upon all patriotic Americans, in public life and out, to adhere to that principle with the utmost rigidity, and not seek to enter into any "entangling alliances" with forces whose primary concern is not the public welfare, forces seeking to advance causes antagonistic to the well-being of the people as a whole.

That citizen who seeks to advance the interests of himself and associates at the expense of the general public is not a patriotic citizen, or one to whom any considerable deference should be paid in the adjustment of economic or other problems. Sovietism means class rule. We can not permit that in America and still preserve our democratic institutions.

Labor unionism should be upheld for one primary principle, to obtain and maintain justice for the man who earns his bread by the sweat of his brow; but when the power of organization is employed to impose injustice against all other classes of society, the law of the land should be invoked to prevent the abuse of such power, or laws enacted that will do this.

When labor defies law and order through the power of its union it is sounding its own death knell and digging its own grave.

There are thousands of law-abiding citizens members of these unions, men of family, self-respecting citizens, who are satisfied with existing conditions, who do not desire to strike, but wish to continue at work. The terrorism spread by the radicals and lawless in these unions creates fear for the safety of their homes, their wives, and their children, and, indeed, for their own lives.

Is it not the Government's duty to throw around such in this land the strong protecting arm of the law, so that the liberty we all boast of may continue to exist?

The best thought of this Nation should always be expended in the interest of the man who works with his hands. He is the bone and sinew of the land. Otherwise the history of labor, indeed, would be the history of slavery. But in this land of opportunity labor has risen to a higher degree than in any other, but if, through improper influence and disloyal leadership, the labor group attempt to place its fetters upon an unoffending public, it must be dealt with accordingly.

The next amendment of the Committee on Appropriations was, on page 4, after line 9, to insert:

COURTHOUSE.

For the care and protection of the courthouse of the District of Columbia, under the direction of the United States marshal of the District of Columbia, namely: Ten charwomen, at $240 each per annum, from November 1, 1919, to June 30, 1920, both dates inclusive, $1,600, to be expended under the direction of the Attorney General.

Mr. KING. I suggest the absence of a quorum.

Mr. CURTIS. I hope the Senator will not do that. We should like to get through this bill by 2 o'clock, if possible.

Mr. KING. There are some Senators absent who are interested in some of the provisions of the bill and they desire to be advised.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harding	New	Simmons
Brandegee	Harris	Newberry	Smith, Ariz.
Capper	Harrison	Norris	Smith, Md.
Chamberlain	Johnson, Calif.	Nugent	Smith, S. C.
Colt	Jones, Wash.	Overman	Smoot
Curtis	Kendrick	Owen	Spencer
Dial	Kenyon	Page	Sutherland
Dillingham	Keyes	Penrose	Swanson
Elkins	King	Phelan	Thomas
Fall	Kirby	Phipps	Townsend
Fernald	La Follette	Pittman	Trammell
France	Lenroot	Pomerene	Wadsworth
Frelinghuysen	Lodge	Ransdell	Walsh, Mass.
Gay	McCormick	Sheppard	Warren
Gronna	McCumber	Sherman	Watson
Hale	McKellar	Shields	Wolcott

Mr. KING. The Senator from Arizona [Mr. ASHURST], the Senator from Rhode Island [Mr. GERRY], the Senator from Oklahoma [Mr. GORE], the Senator from Nevada [Mr. HENDERSON], and the Senator from Georgia [Mr. SMITH] are detained from the Senate on official business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the amendment reported by the committee which has been read.

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert:

COLUMBIA HOSPITAL AND LYING-IN ASYLUM.

Columbia Hospital and Lying-in Asylum: For general repairs and for additional construction, including labor and material for each and every item connected therewith, $2,900.

One-half of the foregoing amounts to meet deficiencies in appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

FEDERAL BOARD FOR VOCATIONAL EDUCATION.

Vocational rehabilitation: For an additional amount for carrying out the provisions of the act entitled "An act to provide for the vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended, including personal services in the District of Columbia and elsewhere, printing and binding to be done at the Government Printing Office, law books, books of reference, and periodicals, $5,000,000: *Provided*, That the salary limitations prescribed by the item of appropriation for vocational rehabilitation contained in the sundry civil act, approved July 19, 1919, shall apply to the appropriation hereby made.

Mr. KING. Mr. President, I think that may be deemed an independent amendment from that which follows. I should like to ask the chairman of the committee what is the occasion for this very large appropriation, the greater part of which, doubtless, will go to the personal expenses of employees of the Vocational Board. I want to say to the Senator that I have had many complaints about the lack of efficiency and the extravagance of the Vocational Board, and it seems that the charge of extravagance is supported if an additional $5,000,000 is now asked for. There has been a desire upon the part of Congress to appropriate whatever was needed by the soldiers and sailors for their rehabilitation and for vocational training, but there has been a feeling that the administration of the fund created for such purpose has been inefficient and wasteful.

Mr. WARREN. To what board does the Senator allude?

Mr. KING. The Federal Board for Vocational Education having to do with the vocational rehabilitation of soldiers.

Mr. WARREN. There are two different matters involved. The appropriation here is $5,000,000, and is made upon the basis of an estimate that it will take to carry on the work to the end of the fiscal year about $19,000,000. This will carry them along only until some time in the early part of the next session, when we shall be called upon again to appropriate for this purpose.

The Senator knows—or if he does not I shall tell him—that I was opposed to as liberal treatment as we originally provided for this board, not that I wished to oppose the rehabilitation of the wounded soldiers, because I heartily approve of that work, but I believed that they were traveling with too much steam on and with too many employees at too large salaries. If I remember aright, we had one bill vetoed because we did not provide properly, as it was thought, and we met opposition on the floor and we met some opposition in conference, but finally we put in an appropriation of about $14,000,000.

In the military bill, as I recall, there were $6,000,000 provided to take care of those in the Army. This item of $5,000,000 in this deficiency bill is to take care of soldiers that have been discharged from the Army who have been injured and now, succeeding demobilization, are applying to the board in large numbers. It is expected there will be very heavy expenses for about eight or nine months, as nine months is the usual term during which the men are under instruction. This item of $5,000,000 is appropriated, however, with strict adherence to what has already been settled upon by the Senate and by the House as to what salaries shall be paid and how many employees there may be.

I am sorry the Senator has not examined the report, for it contains a list of all the employees and the compensation received by them and each of them.

Mr. KING. I have not seen the report, but I shall be very glad to examine it. I should like to ask the Senator whether this amount is in addition to the appropriation which was carried in the last appropriation bill?

Mr. WARREN. It is in addition to about $14,000,000 that was appropriated. It will take, however, to carry the work through the present year from $34,000,000 to $40,000,000. This will be the heavy year, as we have reason to expect. More and more men are applying every day, and I believe the peak of the load will be reached toward the end of the year.

Mr. KING. Will the Senator indicate what part of this $5,000,000 goes for salaries of the multitude of employees who are connected with this board and the board which will be undoubtedly attached to it within a short time?

Mr. WARREN. At the time we organized this institution and provided the compensation, or very soon thereafter, the salaries were a trifle less than $1,000,000. As I recall now—I can not always remember the exact figures—we were able to reduce the amount paid for salaries to about $825,000. I should have to look at the figures to give the Senator the exact amount. The matter was before the committee and was considered by it.

Mr. KING. Mr. President, there is no question that whatever amount is required for the rehabilitation of wounded soldiers we ought gladly to appropriate.

Mr. WARREN. The money appropriated under this bill can not be used for any other purpose except to provide the machinery with which to carry on the work; that is, for the teachers and, of course, for rental to some extent, because they have branches in various States. There is one in Denver that takes care of soldiers from Utah, Wyoming, New Mexico, and Colorado.

There the highest salary is one man at $3,750, one at $3,500, two at $3,000, three at $2,750, three at $2,500, and seven at $2,400. That is the force of teachers or members of the staff. The clerical personnel consists of clerks at $2,300, $2,250, $2,200, $2,100, $2,000, and so on down, employees and teachers, aggregating 72 individuals. As I say, they care for the States of Colorado, New Mexico, Utah, and Wyoming. There is a rather larger personnel than in most of these establishments.

Mr. KING. If the Senator will permit me, I was about to observe a moment ago when the Senator interrupted me, that no Senator would refuse to appropriate whatever is required for the proper protection of the soldiers and for their rehabilitation, but the trouble is—and that complaint is constantly being made—that millions of dollars of appropriations made for the soldiers will be consumed in salaries, in needless expenditures made by extravagant and in some instances incompetent officials; and this appropriation, I think, is a partial justification of the view that there is extravagance and waste upon the part of the Vocational Board. There is a disposition to give positions to a number of broken-down individuals and to create too many positions. The overhead expenses are too great and too much of the appropriations made for the soldiers is expended in salaries, traveling expenses, and so forth. There is too large a personnel in the service of the Government in this particular work, as there is in so many other agencies and departments of the Government.

Mr. WARREN. The total number of employees of every nature is 2,529. Out of a requirement here of $34,000,000 and a little over, the salaries of the employees—that is, what they have expended and what they will expend during the year—would be three million forty-four thousand and some odd dollars.

Mr. KING. It seems to me an outrage that such a large part of the appropriation should be utilized for the expenses of administration. It merely illustrates that even where the Government undertakes the care and education of boys who have served their country in a heroic and splendid manner there are a lot of individuals who fasten themselves upon the Government and consume a large part of the amounts appropriated by Congress for such praiseworthy and laudable purposes. When the question of vocational training of soldiers was before the Senate for consideration at the last session of Congress it was apparent from the record before us that the expense of administration was wasteful, and that extravagance was justly charged against those in control of its activities.

Mr. WARREN. I want to say to the Senator, in answer to his inquiries, that the board started with 91 of these wounded soldiers. The number in September, prior to the 1st of October, was 29,667, and there are more who have applied and who are to be taken in. I do not understand that they expect to increase the salaries—in fact, they can not increase the salaries, because there is an inhibition against that in the former legislation, which is repeated here—but they expect that those soldier students will run probably to 30,000 and possibly more, and then from that time the number will recede; perhaps not in the same proportion as the number increased, but very nearly the same, as they are entitled under their present plan to about nine months each.

Mr. KING. I will say to the chairman of the committee that a number of letters which I have received from persons who have been importuned to accept the benefits of this act indicate that there is a determined plan upon the part of some of those connected with this board to make as great a showing as possible, and for that purpose and to that end they have solicited men who did not care to take advantage of the provisions of the act and who were not entitled to it, because their ailments were so unimportant as to not bring them under the provisions of the act, and complaints have been made that efforts were being put forth to induce people to claim benefits under this act when they were not entitled thereto.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, after line 15, to insert:

> The Secretary of War shall have authority to transfer to the Federal Board for Vocational Education, without compensation therefor, certain surplus machine tools and other equipment of the approximate value of $250,000 belonging to the War Department and now in possession of the Federal board and being used by that board as equipment in schools for vocational education controlled by the board. Property so transferred shall be dropped from the records of the War Department on the filing with the War Department of an itemized receipt for the articles thus transferred. The Federal Board for Vocational Education shall annually report to Congress the disposition and use of the articles the transfer of which is herein authorized.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 7, line 9, after "1920," to strike out "$100,000" and insert "$200,000," so as to make the clause read:

> Salaries: For additional officers and employees in the Department of State during the fiscal year 1920, $200,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceding $4,500 per annum.

Mr. FALL. Mr. President, in reference to that item the estimate made was for an appropriation of $300,000 for the department. It appears that the House only allowed $100,000, and the Senate committee has increased that amount to $200,000. The estimate also requested an appropriation of $242,500 additional for additional personnel for the department.

I have not only had my attention called to this matter by certain officials of the State Department, but I have had the necessity for these appropriations very seriously impressed upon me within the last two months and a half because of certain official business which I have been transacting upon two different committees, in the transaction of which I have been thrown very intimately with the State Department; and I may say that in both instances I have been cooperating, as the representative of one of the Senate committees, with the officials and with the personnel of the State Department. If the committee understood, as I think I more or less understand, the necessity for the appropriations which were asked in this estimate, I can not conceive that there would be any hesitation whatsoever in granting the appropriations.

I have read the testimony of the Secretary and others who appeared before the committee with reference to these items. As the presiding officer and the Members of the Senate know, the Secretary of State has been absent from this country for quite a period, and I am confident that he did not understand the details of the estimates, but simply the requirements of the service in general. I talked this matter over with the chairman of the Foreign Relations Committee, and I am making this statement at his request.

I think that to cut the appropriation to $200,000 and to leave out the appropriation for extra employees would be practically suicidal. The State Department is now taking over the business under peace conditions, and a large portion of that business has been transferred to the State Department from the War Departments and other departments of the Government. The report accompanying the estimate is a very instructive one, and from my personal knowledge and personal information I think I can say without hesitation that if the appropriations requested here are not made the State Department will be practically compelled to suspend business.

The Congress provided for the appointment of something like 411 additional temporary employees and made appropriations for them. These additional employees have been at work, and the service has broken down; that is, they have not been able recently to keep up with the business. If this appropriation is not allowed, or any part of it is cut off—in other words, if the $300,000 is not allowed—the force will be reduced from 411 to 186, and instead of being reduced it needs to be very largely increased. To cut it down by any amount from the estimate requested in this particular item of $300,000 means so to cripple the service that it would be impossible for the State Department to perform that duty which it is necessary to have performed by some department.

I want to call attention to the report from the Secretary of State made on June 5, 1919, in submitting the estimate:

> There are now 411 persons temporarily employed at an annual rate of expenditure of $449,281.68. To meet the anticipated deficiency in the existing appropriation an item has already been inserted in the pending deficiency bill to carry the existing personnel to June 30, 1919.

Therefore, unless Congress shall take prompt action and provide an additional amount for the fiscal year beginning July 1 next, it will be necessary to reduce the temporary force 55 per cent, or from 411 to 186 persons. The result will be that the department will be hopelessly handicapped and impotent to perform the important duties with which it is charged.

In a later part of the report the Secretary sympathizes with the Congress in its desire to curtail expenses, and states that he has no purpose at all to fix permanently in the service the 411 temporary employees, but that at the present time in the particular division in which they are employed the necessity exists for the continued employment of these 411 temporary employees, and that at the earliest possible moment.

Mr. WARREN. Has the Senator his amendment ready?

Mr. FALL. I move to strike out "200" and insert "300," making it "$300,000"; and I move an additional appropriation to be inserted immedately following this amendment of $242,500 for additional officers to aid in important drafting work. I will present the amendment.

Mr. WARREN. I know what it is.

Mr. FALL. It calls for $242,500.

Mr. WARREN. I wish to make a few observations to see whether the Senator wanted to do just that. I appreciate quite fully the situation, and I wish to say to the Senator that in the last deficiency appropriation act the committee did not give, in fact, anywhere near what the State Department wanted. I am aware of the extra work that comes in the clean-up in relations with foreign countries following the war.

Under the rules of the Senate, we have provided that hereafter the Diplomatic appropriation bill shall go to the Committee on Foreign Relations, presided over, as Senators know, by the able Senator from Massachusetts [Mr. LODGE]; but the deficiencies will continue, probably, to go to the Committee on Appropriations. The Senator from New Mexico is entirely within the estimates in his proposal. What occurred to the committee on the House side, I think, was that they did not want to create these statutory places in a deficiency bill, and I think it is a question of procedure. Therefore they put in one hundred thousand, by which they sought to cover the two items of three hundred thousand and two hundred and forty-two thousand five hundred. The question arises whether, in view of the attitude of the House, you want to put in two amendments to operate that way, or to offer one amendment covering the two, following the same procedure as that followed by the House, and increase the amount accordingly.

Mr. FALL. The difficulty is, Mr. President, that the appropriation of $300,000 asked is under the act of March 1, 1919, volume 40, page 1224, section 1. The appropriation asked is to cover the number of employees provided under that act, and the appropriation necessary for that particular purpose is $300,000.

The department states, and I know that they are correct in it, that it is necessary to give them an additional appropriation for the appointment of extra assistants in what they call generally the drafting department. The business in that department is increasing so enormously that it is entirely congested. The report of the department states that—

The Consular Service, involving a personnel of more than 2,000, and appropriations of more than $5,000,000 for the next fiscal year, is being administered by a director who has to assist him only two men receiving salaries greater than $1,800, and only three receiving as much as $1,800. The Diplomatic Service is being administered by the Assistant Secretary with little help other than his confidential clerk. The Russian division, specializing upon European and Asiatic Russia, one of the enormous political and commercial fields in the world, is administered by a chief and a few clerks. There ought to be at least five or six high-grade specialists in that division, men upon whose judgment the Secretary of State could rely. The result of this condition is that officers in responsible charge are compelled constantly to work overtime, and give their nights, Sundays, and holidays to their tasks.

Mr. President, that was one of the matters which was brought to my personal attention. As the chairman of one of the subcommittees of the Foreign Relations Committee, I myself have been at work with representatives of the State Department as late as 1 o'clock in the morning and half the day on Sundays; I have had my morning hours taken up; and I know that these representatives, in addition to their regular work at their desks, have been compelled to work overtime, as much as 18 to 20 hours out of the 24, because of the congestion. One of our ministers to a foreign country is doing work here which should be handled by solicitors and other expert officers in the department. I know that in one matter alone he is doing work that should be done by three or four on the regular staff in the office, and he has been retained here because it was impossible to detail anyone else to the work. The State Department simply have not the personnel. They want some additional help.

This report further states:

The Index Bureau, which receives and dispatches correspondence by mail and telegraph, employs 134 clerks, paid from the fund under consideration.

I only call attention to this to show how the work in the department has increased. If the $300,000 is not given for this particular work to which it is to be devoted, that force will be reduced from 134 to 60, instead of being increased.

The report further states:

During the month of May it received and sent out more than 1,800 mail communications a day, and in addition an average of 337 telegrams each day.

You will find on an examination, so I am told, that the work has increased from prewar times by from 200 to 500 per cent in each one of these bureaus, and now it is increasing by leaps and bounds as the peace settlement comes around, and the work which has formerly been handled by other departments devolves entirely upon the State Department.

They therefore have asked, in addition to the $300,000, for $242,500 for additional officers to aid in important drafting work. That does not mean drawing plans, Mr. President; it does not mean map making and work of that kind. It means getting up the diplomatic documents and notes, and handling work of that character, particularly work in the solicitor's department.

The Secretary refers, just incidentally, in his testimony to one of the difficulties, and I happened to be brought face to face with that myself. One of the experts of the department, who has not yet been replaced, who took up certain work with the committee at the request of the Secretary of State, who transacted a portion of that work and assisted in getting it started, failed to appear. My information was, upon asking the question, that he had been getting $3,500 a year, and he stepped out into private employment at $15,000. As the Secretary says, the difficulty is that you get a man at $3,500, $4,000, or $4,500 a year who is capable of transacting the very important business devolving upon him as solicitor or assistant solicitor or in the drafting department generally, and private individuals, exporting firms or importing firms, or those doing business with foreign countries are on the watch out for a competent man, and when they find him in the State Department they make it so interesting to him that he can not remain in the State Department at the salaries which we pay.

Mr. President, the amount which is asked here, $242,000, is for additional officers, as follows:

Eleven at $4,500 each; 25 at $4,000 each; 22 at $3,500 each; 2 at $3,000 each; and 4 at $2,500 each, to be appointed by the Secretary of State, all of whom may be appointed as chief of division of Far Eastern Division, Latin-American Division, Near Eastern Division, Division of Western European Affairs, or upon other work in connection with the foreign relations—

Under the act of March 1, 1919, the same act.

The Chief of the Division of Latin-American Affairs of the United States State Department draws the munificent salary of $4,500. For anything like the same amount of work any commercial establishment or any banking establishment in the United States would not think of offering a competent man less than $25,000 per annum, but in the State Department he can receive only $4,500. The consequence is that it is necessary to secure an inferior man or to appeal to the patriotism of some man who can afford to live on a salary of $4,500 because he has some additional revenue on the side. Yet they are not asking for an increase of salaries, but simply that they may be allowed an increase in the personnel.

Mr. WARREN. Mr. President, what the Senator from New Mexico says is entirely correct. The amendment is within the estimates. However, the estimates are made for 12 months, and, of course, we would have to confine the deficiency bill to the balance of the present fiscal year, which would be 8 months instead of 12 months.

Mr. FALL. That would be approximately three-quarters of the amount asked.

Mr. WARREN. It would be about $166,000.

Mr. FALL. Very well. If the Senator will allow it to go in at that figure, I will be willing to agree to it.

Mr. LODGE. Mr. President, I want to say a single word in support of what the Senator from New Mexico [Mr. FALL] has said. The Senator in charge of the bill has accepted the amendment; so I do not wish to consume time.

It is a matter of the utmost importance that the State Department should have money to the amount asked for. I can testify to the need of it from my knowledge of the work with which the committee has been brought in contact. The work is now so congested that it is extremely difficult to get anything done, and the proposed reduction of the House would absolutely cripple the department.

The Senator from New Mexico [Mr. FALL] has referred to some of the duties of the subcommittee of which he is chairman, with which I am familiar. In order to get that work done, in order to get the correspondence with the country with which we were in negotiation completed, the Senator from New Mexico and some of the principal officers of the State Depart-

ment had to work after midnight and far into the night, night after night, in the simple work of drafting and preparing the dispatches that were necessary. That ought not to be. We ought to have a sufficient force there. It is not an extravagant department, and I am extremely anxious, owing to my experience on the committee and from what I know of the situation, that these increases shall be made.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from New Mexico to the amendment of the committee, changing the amount from $100,000 to $300,000.

The amendment to the amendment was agreed to.

Mr. FALL. Now, let the vote be taken on the additional amendment to the amendment, as modified.

The PRESIDING OFFICER. The Secretary will read the additional amendment to the amendment offered by the Senator from New Mexico.

The SECRETARY. Add to the amendment the following:

Additional officers to aid in important drafting work, as follows: Eleven at $4,500 each, 25 at $4,000 each, 22 at $3,500 each, 2 at $3,000 each, 4 at $2,500 each, to be appointed by the Secretary of State, all of whom may be employed as chief of division of Far Eastern Division, Latin-American Division, Near Eastern Division, Division of Western European Affairs, or upon other work in connection with the foreign relations, $161,666.67.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Foreign intercourse," on page 7, after line 12, to insert:

Ambassador extraordinary and plenipotentiary to Belgium: Toward the payment of the salary of the ambassador extraordinary and plenipotentiary to Belgium as authorized by public resolution No. 16, approved September 29, 1919, at the rate of $5,500 per annum, from September 30, 1919, to June 30, 1920, both dates inclusive, $4,140.28, and the unexpended balance of the appropriation of $12,000 for the salary of an envoy extraordinary and minister plenipotentiary to Belgium for the fiscal year 1920, appropriated in the Diplomatic and Consular act approved March 4, 1919, is hereby made available to be applied to the salary of the ambassador extraordinary and plenipotentiary to Belgium.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word "peace," to strike out "$388,000" and insert "$588,000," so as to make the clause read:

To reimburse the appropriation "Emergencies arising in the Diplomatic and Consular Service, fiscal year 1920," on account of allotments made therefrom for expenses of the American mission to negotiate peace, $588,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," subhead "Office of the Secretary," on page 8, line 11, after the word "from," to strike out "October" and insert "November," and in line 14, after the words "in all," to strike out "$7,650" and insert "$6,800.02," so as to make the clause read:

Division of Bookkeeping and Warrants: For additional employees from November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Clerks—1 of class 4, 2 of class 3, 2 of class 2, 2 of class 1; in all, $6,800.02.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Auditor for Treasury Department," on page 8, line 16, after the word "from," to strike out "October" and insert "November," and in line 21, after the words "in all," to strike out "$29,535" and insert "$26,253.42," so as to make the clause read:

For additional employees from November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Clerks—7 of class 1, 13 at $1,000 each; 5 calculating-machine operators (nonapportioned) at $1,200 each; check assorters (nonapportioned)—4 at $720 each, 13 at $700 each; in all, $26,253.42.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Auditor for Navy Department," on page 8, line 23, after the word "from," to strike out "October" and insert "November," and on page 9, line 2, after the words "in all," to strike out "$46,890" and insert "$41,680.10," so as to make the clause read:

For additional employees from November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Clerks—10 of class 4, 10 of class 3, 10 of class 2, 10 of class 1; assistant messenger at $720; 2 laborers at $660 each; messenger boy at $480; in all, $41,680.10.

The amendment was agreed to.

The next amendment was, under the subhead "Office Auditor for State and Other Departments," on page 9, line 4, after the word "from," to strike out "October" and insert "November"; and in line 7, after the words "in all," to strike out "$5,850" and insert "$5,200.02," so as to make the clause read:

For additional employees from November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Clerks—one of class 4, two of class 3, two of class 2; in all, $5,200.02.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Comptroller of the Currency," on page 9, line 15, after the word "from," to strike out "October" and insert "November," and in line 16, after the word "inclusive," to strike out "$7,500" and insert "$6,666.70," so as to make the clause read:

National currency (reimbursable): For 10 money counters at the rate of $1,000 each per annum from November 1, 1919, to June 30, 1920, inclusive, $6,666.70.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 10, after line 8, to insert:

Repairs and preservation: The provision for the limitation of $16,000 for the Treasury, Treasury Annex, Arlington, Liberty Loan, Butler, Winder, and Auditors Buildings in the District of Columbia, expendable from the appropriation of $800,000 contained in the sundry civil act approved July 19, 1919, is hereby extended so that not exceeding $21,000 may be expended for repairs to those buildings.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

Mount Olive, N. C., post office: For continuation (site), $2,800.

The amendment was agreed to.

The next amendment was, on page 10, after line 17, to insert:

Nashville, Tenn., rent of buildings: For additional for rent of temporary quarters for the accommodation of Government officials, and moving expenses incident thereto, $3,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 21, to insert:

Newport, R. I., rent of buildings: For additional for rent of temporary quarters for the accommodation of Government officials, and moving expenses incident thereto, $1,500.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

Cape Charles, Va., quarantine station: For wharf, bulkhead, breakwater, and dredging of channel, $125,000: *Provided*, That all work authorized in this paragraph shall be performed under the supervision and direction of the Supervising Architect of the Treasury.

The amendment was agreed to.

The next amendment was, under the subhead "Secret Service Division," on page 12, line 1, after the words "United States," to strike out "$50,000" and insert "$75,000," and in line 7, after the word "courts," to insert:

Provided further, That no person shall be employed hereunder at a compensation greater than that allowed by law except not exceeding three persons who may be paid not exceeding $12 per day.

So as to make the clause read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign Governments, as well as the coins of the United States and of foreign Governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, and for the enforcement of section 18 of the War Finance Corporation act; hire and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for no other purpose whatever, except in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, $75,000: *Provided further*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts": *Provided further*, That no person shall be employed hereunder at a compensation greater than that allowed by law except not exceeding three persons who may be paid not exceeding $12 per day.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Treasurer," on page 12, after line 19, to insert:

National currency (reimbursable): For additional employees in redeeming Federal reserve and national currency, to be reimbursed by the Federal reserve and national banks, for the period November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Assistant superintendent, at $3,000; chief of money section, at $2,750; chief of accounting section, at $2,750; clerks—3 of class 4, 4 of class 3, 7 of class 2; expert counters—50 at $1,100 each, 60 at $1,000 each, 62 at $900 each; 2 messengers, at $840 each; 2 assistant messengers, at $720 each; 1 messenger boy, at $480; 3 charwomen, at $240 each; in all, $136,813.94.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of War Risk Insurance," on page 13, line 22, after the word "abroad," to insert "advertising, $1,000,000"; in line 23, after "$75,000," to insert "addressograph supplies, $161,536"; and

on page 14, line 4, after the words "in all," to strike out "$4,701,640" and insert "$5,863,176," so as to make the clause read:

For expenses of the Bureau of War Risk Insurance, as authorized by law; For salaries of the director and commissioners, and of such deputies, assistants, accountants, experts, clerks, and other employees in the District of Columbia, as the Secretary of the Treasury may deem necessary, $4,000,000; stationery and minor office supplies, $550,000; miscellaneous expenses, including telephones, telegrams, freight, express, foreign postage, not exceeding $100 for street car fares, not exceeding $500 for law books, books of reference, and periodicals, $60,000; not to exceed $800,000 of the appropriation for "salaries and expenses of employees engaged in field investigations and expenses of branch offices, fiscal year 1920," is made available for printing and binding, to be done at the Government Printing Office, and necessary printing of forms, etc., for use abroad may be done abroad; advertising, $1,000,000; furniture, equipment, and supplies, $75,000; addressograph supplies, $161,536; traveling expenses (exclusive of field investigations), $10,000; purchase, maintenance, and repair of a motor-propelled passenger vehicle, $1,000; for payment to the National Museum on account of repairs and other expenses made necessary by the occupancy of that building by the Bureau of War Risk Insurance, $5,640; in all, $5,863,176: *Provided*, That all employees appropriated for by this paragraph shall be engaged exclusively on the work of the Bureau of War Risk Insurance during the fiscal year 1920.

Mr. McKELLAR. Mr. President, I reserve a point of order against this amendment until the junior Senator from Utah [Mr. KING] returns to the Chamber. I ask that it be passed over until his return.

The PRESIDING OFFICER. Without objection, it will be passed over.

The next amendment was, on page 14, after line 8, to insert:

The Secretary of the Treasury and the Postmaster General shall formulate and promulgate such regulations as will enable persons insured under the provisions of the war-risk insurance act to make payments of premiums at such post offices or branches or stations of post offices as they may designate or to any city letter carrier or rural carrier while on duty. The Post Office Department is hereby authorized and directed to receive sums so tendered in payment of such premiums, and to receive and transmit to the Bureau of War Risk Insurance applications for the reinstatement of lapsed insurance.

Mr. McKELLAR. I also reserve a point of order against the amendment just read on page 14, lines 9 to 19.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. WARREN. It was passed over with the other, I understood. The Senator reserves a point of order against it?

Mr. McKELLAR. All right; I reserve a point of order, especially to lines 9 to 19 on page 14, until the junior Senator from Utah [Mr. KING] comes back.

The next amendment was, on page 14, after line 19, to insert:

COAST GUARD.

For all purposes of the appropriation mentioned under the following heading in sundry civil act approved July 19, 1919: For telephone lines and their maintenance, $31,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

CUSTOMS SERVICE.

For construction and installation of special automatic and recording scales for weighing merchandise, etc., in connection with imports at the various ports of entry under direction of the Secretary of the Treasury, $55,000; and the unexpended balance of the appropriation for these purposes for the fiscal year 1919 is hereby appropriated and made available for the fiscal year ending June 30, 1920.

The amendment was agreed to.

The next amendment was, under the subhead "American Printing House for the Blind," on page 15, line 10, after "$30,000," to insert:

Provided, That two copies of each of the publications printed by the American Printing House for the Blind shall be furnished free of charge to the National Library for the Blind located at 1729 H Street NW., Washington, D. C.

So as to make the clause read:

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the act approved August 4, 1919, $30,000: *Provided*, That two copies of each of the publications printed by the American Printing House for the Blind shall be furnished free of charge to the National Library for the Blind located at 1729 H Street NW., Washington, D. C.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to insert:

MISCELLANEOUS.

Credit in the accounts of C. G. Duganne: The accounting officers of the Treasury Department are hereby authorized and directed to credit in the accounts of C. G. Duganne, formerly disbursing officer, United States Reclamation Service, Denver, Colo., the sum of $147, representing amount paid by him to the Hendee Manufacturing Co. ($144) and overpayment to M. Killian ($3), the former having been disallowed by the accounting officers of the Treasury Department as having been paid in contravention of the provisions of section 3709, Revised Statutes, and the latter because of the item representing an overpayment to the payee named, $147.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to insert:

The accounting officers of the Treasury are directed to allow and credit in the accounts of Sydney E. Smith, disbursing clerk of the War Department, the sum of $550 expended by him from the appropriation for contingent expenses, War Department, for the fiscal year ending June 30, 1917, for the removal of certain partitions in the State, War, and Navy Building, and for this purpose the sum of $550 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WARREN. After line 4, there should be a subhead "Credit in the accounts of Sydney E. Smith."

The PRESIDING OFFICER. Without objection, the Secretary will make the correction.

The next amendment was, under the head of "War Department," subhead "Contingent expenses," on page 16, line 21, after the word "gas," to insert ", and heating apparatus for and repairs to buildings (outside of the State, War, and Navy Department Building) occupied by the War Department and its bureaus," so as to make the clause read:

For purchase of professional and scientific books, law books, including their exchange; books of reference, blank books, pamphlets, periodicals, newspapers, maps; typewriters and adding machines; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus for and repairs to buildings (outside of the State, War, and Navy Department Building) occupied by the War Department and its bureaus; maintenance, repair, and operation of motor trucks and motor cycles, and one motor-propelled, passenger-carrying vehicle, to be used only for official purposes; freight and express charges; street car fares, not exceeding $1,000; and other absolutely necessary expenses, including a per diem allowance not to exceed $4 in lieu of subsistence, $400,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 17, after line 13, to insert:

Aqueduct Bridge: For continuing the construction of the bridge authorized in section 1 of an act entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," approved May 18, 1916, one half to be payable out of the Treasury of the United States and the other half out of the revenues of the District of Columbia, $200,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 3, to strike out:

ORDNANCE DEPARTMENT.

Ordnance reservation civilian schools: Authority is granted for the expenditure during the fiscal year 1920 of not to exceed $64,000 from appropriations heretofore made for the "purchase, manufacture, and test of ammunition for mountain, field, and siege cannon," for the operation and maintenance on Ordnance reservations of schools for children of persons employed thereon, where public schools are not conveniently available for such children, including salaries, supplies, stationery, and industrial work, replacement and repair of books and equipment, and all incidental and necessary expenses in connection therewith.

The amendment was agreed to.

The next amendment was, on page 19, after line 19, to insert:

BRIDGE ACROSS THE MISSOURI RIVER AT FORT LEAVENWORTH, KANS.

For the purchase of bridge across Missouri River connecting the two portions of the United States military reservation at Fort Leavenworth, Kans., $35,000.

The amendment was agreed to.

The next amendment was, at the top of page 20, to insert:

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

Barracks and quarters: For completing payments to Chamber of Commerce, Anniston, Ala., under contract between said chamber of commerce and the United States dated March 16, 1917, and supplemental agreement thereto dated July 15, 1918, for purchase of the tract of land designated as Camp McClellan, title to which is now vested in the United States, the sum of $13,872, from the remaining unexpended balances of the appropriation "Barracks and quarters, 1918," is reappropriated and made available for said purpose for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to insert:

AIR SERVICE.

For the activities of the Air Service of the Army during the fiscal year ending June 30, 1920, the sum of $15,681,350 is hereby made available from the unexpended balance of funds appropriated for the fiscal year 1918, by the act approved July 24, 1917, entitled "An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, maintain, manufacture, repair, and operate airships and to make appropriations therefor, and for other purposes," and of the funds appropriated for the Air Service for the fiscal year 1919, by the act approved July 9, 1918, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919."

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

NAVY DEPARTMENT.

HYDROGRAPHIC OFFICE.

For an amount to increase the compensation of draftsmen and chiefs of sections directing their work, in no case to exceed 33⅓ per cent of the present basic compensation of any such employee, $15,244.45.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

For an amount to increase the compensation of engravers and chief of section directing their work, in no case to exceed 33⅓ per cent of the present basic compensation of any such employees, $6,444.45.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

OFFICE OF NAVAL RECORDS AND LIBRARY.

Authority is hereby given to purchase books, periodicals, photographs, maps, and other publications, documents, and pictorial records from the appropriation of $20,000 for the collection or copying and classification, with a view to publication, of the naval records of the war with the Central Powers of Europe, etc., made in the legislative, executive, and judicial appropriation act for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 22, after line 9, to insert:

Not exceeding $15,500 of the unexpended balance of the appropriation for the continuation for the fiscal years 1913 and 1914 of the publication of an edition of 11,000 copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, which were continued and made available until June 30, 1918, by the act approved September 8, 1916, are further continued and made available until June 30, 1921.

The amendment was agreed to.

The next amendment was, on page 22, after line 17, to insert:

RENT.

For the rental of additional quarters for the Navy Department, fiscal year 1919, $175.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

DAMAGE CLAIMS.

To pay the claims adjusted and determined by the Navy Department under the naval appropriation act for the fiscal year 1911 on account of damages occasioned to private property by collisions with vessels of the United States Navy, and for which naval vessels were responsible, certified to Congress in Senate Document No. 104 of this session, $6,289.94.

The amendment was agreed to.

The next amendment was, under the head of "Naval Establishment," on page 23, after line 4, to strike out:

The aggregate of the sums of $7,300,000 and $2,000,000, respectively, of the appropriations "Pay of the Navy" and "Provisions, Navy," contained in the naval appropriation act for the fiscal year 1920, may be transferred to the following naval appropriations for the fiscal year 1920 in the following amounts, respectively:

"Maintenance, Bureau of Yards and Docks," $2,500,000;

"Maintenance, Bureau of Supplies and Accounts," $1,050,000;

"Construction and repair of vessels, Bureau of Construction and Repair," $3,250,000;

"Engineering, Bureau of Steam Engineering," $2,500,000;

In all, $9,300,000: *Provided*, That no part of this sum shall be expended upon repairs to any vessel which is not to be retained permanently in the Navy: *Provided further*, That the Secretary of the Navy shall submit to Congress not later than February 1, 1920, a statement showing, for each navy yard and naval station, the total number of employees, by occupations, on December 31, 1919, and the proportion of such employees who are below a fair standard of efficiency.

Mr. CALDER. Mr. President, I rise to oppose the committee amendment. The Navy Department asked $18,000,000 for the purposes enumerated in the item stricken out. The Committee on Appropriations of the House refused to approve the recommendations of the Navy Department in that regard, and instead have provided for the transfer of certain funds of the Navy for the purposes covered in the House provision of the bill.

I have carefully examined the hearings before the Committee on Appropriations of both the Senate and the House. It seems to me that this transfer of funds is very necessary. An examination of the hearings would seem to indicate that the money appropriated during the last Congress for the repair and maintenance of naval vessels was insufficient to put them in proper condition; this applies particularly to the larger ships. All of these vessels have been in active service, and many of the dreadnaughts and superdreadnaughts, as well as the torpedo boats, have not been overhauled since the war began. Then, too, Mr. President, the hearings seem to indicate that we have to-day in the navy yards about 15 or 20 per cent fewer men than were employed in the war days. If we allow this transfer we will be able to keep the navy yards at the highest state of efficiency, to keep trained men, men accustomed to Government work, until next spring. The Secretary of the Navy suggests that even with the $9,000,000 provided for in this item he will be compelled to lay off 10 per cent on the 1st of March, 10 per cent more the 1st of April, and 10 per cent more the 1st of May, so that by the 1st of July next we will have gotten down to about 60 per cent of the number of men employed in the navy yards during the war. This number would be about 15 per cent more than before the war and they will be needed in view of our largely increased Navy.

I think perhaps Senators generally appreciate what it means to keep a Government or private plant in its highest state of efficiency, and for men to know that they are to be retained in their employment, particularly when the work is needed. This money is to be used only for the purpose of employing men on ships that are required for immediate service and not on emergency vessels that were brought into Navy for the period of the war. At least every year the machinery, hull, and ordnance of every naval vessel needs overhauling to be kept in the highest state of efficiency.

I believe, Mr. President, that failure to retain the House provision in the bill will prove most unfortunate. It is important, most important. I hope the Senate committee amendment will be defeated.

Mr. WARREN. Mr. President, of course, during the war we had to have thousands of men employed at various points in the Navy and Army and in the War and Navy Departments, and now that the war is over, and since the Navy itself has been cut down to but a fraction of the number of men to man these ships which are still in service, unless we are to begin to cut down the great amount of help that has been employed we shall never get it done. We have appropriated money enough at all times to keep these vessels up. It is true that during the active period of the war they were unable to get men enough to use the money that we appropriated, but they have men enough now and money enough now to bring these ships up on time for the service, and to bring them up even faster than they can man them with the forces to sail them and to arm them.

The only difference is that every department, so far as I can observe—I will not say every department, because the War Department has already reduced its help 38½ per cent—but there seems to be generally in the departments, first, the proposition on the part of the employees to remain forever, and, on the other hand, on the part of the heads of the divisions and bureaus, unfortunately all the way up, that they can not let go. They can not let go now. If we are to get back on a peace basis we have got to make a beginning. The Committee on Appropriations desires to follow the law, desires to keep inside of good, economical business lines; but Congress by frequent acts of legislation which require the appropriation of large amounts of money makes it impossible for the Committee on Appropriations to effect the economies we desire. We have an instance or two on this bill.

Now, in this proposed naval appropriation it is simply a matter of whether we shall keep a great horde of men to repair these ships within the next five or six months, or whether we shall repair them as fast as we may. They are in the service; we have more in the service now than we can man; vessels fit for service are tied up because the Government has not the men to man them. I think the amendment of the committee ought to be sustained.

Mr. CALDER. Mr. President, I want to read from the hearings of the committee the testimony of Admiral McKean on this point:

Admiral MCKEAN. The necessity for the appropriation, as the Secretary has explained, is for fitting the fighting ships. We had, as you know, all of our ships busily employed in training, in convoy work, and two divisions abroad. They were kept working for 24 hours a day. They were kept away from the navy yards just as long as they could run, and when sent to the yards the repairs made were just sufficient to enable them to go ahead on the next trip. The result has been not the normal amount of repairs, but they have been going down, going down, going down, until some of them stopped, and we had to take them off of the convoy of troops.

I have fallen in with the divisions that were over on the other side with the British fleet, where they were kept on from four to eight hours' notice all the time to get under way. Those officers and men worked very hard and very conscientiously in their efforts to keep the ships fit during that time, and when they came back they were very proud of their success in keeping the ships operating up to high efficiency and high speeds. Whenever they were called for they went. They came back and told us that self-maintenance, which we had preached as a theory in the Navy Department, was all right. They were convinced for the first time of its possibility. They had done it, they said, and the ships were all right.

I was then in charge of matériel. I told them: "I do not believe it. You are too enthusiastic. The matériel will talk for itself when you get it opened up." It does. All of those ships to-day are requiring from 50 to 100 per cent more repairs than the same ships would have required had we been able to take them out of the fleet, send them to the yards, and do the "stitch in time that saves nine."

Mr. President, I hesitate to disagree with the chairman of the Committee on Appropriations, but it seems to me, after a careful examination of the whole subject, that in the long run it would be most uneconomical if the Senate committee amendment is adopted. Our Navy has always prided itself on its efficiency, and this action will materially lessen our actual fighting force. I therefore hope that the committee amendment will be voted down.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of Supplies and Accounts," on page 24, line 5, after the words "sum of," to strike out

"$800,000" and insert "$500,000," so as to make the clause read:

The limitation on expenditures from the appropriation "Maintenance, Bureau of Supplies and Accounts, fiscal year 1920," for pay of classified employees is increased by the sum of $500,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 24, after line 10, to insert:

PUBLIC BUILDINGS.

Old Telephone Exchange Building: For repairs and improvements to Old Telephone Exchange Building, 23 B Street NW., to make it an annex to the Senate Folding Room, 21 B Street NW., and to connect up both buildings with heating plant of Maltby Building, $3,500, to be expended under the direction and supervision of the Superintendent of the Capitol Building and Grounds.

The amendment was agreed to.

The next amendment was, on page 25, after line 19, to insert:

GENERAL LAND OFFICE.

Protecting public lands, timber, etc.: To reimburse the appropriation "Protecting public lands, timber, etc.," fiscal year 1920, for expenditures for protecting timber on the public lands from forest fires, $160,000.

The amendment was agreed to.

The next amendment was, under the subhead "Patent Office," on page 26, line 8, after the word "from," to strike out "October" and insert "November"; and in line 12, after the words "in all," to strike out "$14,700" and insert "$13,066.99," so as to make the clause read:

For additional employees from November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Clerks—1 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 2 at $1,000 each, 2 at $900 each; 15 copy pullers, at $480 each; in all, $13,066.99.

The amendment was agreed to.

The next amendment was, on page 26, after line 13, to insert:

For additional employees to bring up to date the trade-mark work of the Patent Office from November 1, 1919, to June 30, 1920, both dates inclusive, at annual rates of compensation as follows: First assistant examiner of trade-marks, $2,400; 2 assistant examiners of trade-marks, at $1,800 each; 2 assistant examiners of trade-marks, at $1,500 each; and 2 clerks, at $1,000 each; in all, $7,333.34.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to insert:

TERRITORY OF ALASKA.

Alaskan Engineering Commission: For carrying out the provisions of the act approved March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," as amended, including expenses incident to conducting hearings and examining estimates for appropriations in Alaska, to be available until expended, $17,000,000.

The amendment was agreed to.

The next amendment was, under the head of "Postal Service," subhead "Out of the postal revenues," on page 27, after line 13, to insert:

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL.

For compensation to clerks and employees at first and second class post offices, $750,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Third Assistant Postmaster General," on page 27, line 22, after "1919," to strike out "$300,000" and insert "$700,000," so as to make the clause read:

For 1919, $700,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," subhead "Salaries," after line 4, to insert:

For additional compensation to the chief clerk for services as general administrative agent of the Department of Justice, at the rate of $1,000 per annum from November 1, 1919, to June 30, 1920, both dates inclusive, $666.67.

The amendment was agreed to.

The next amendment was, on page 28, after line 8, to insert:

For additional compensation to the private secretary and assistant to the Attorney General for special assistance to the Attorney General, at the rate of $1,000 per annum from November 1, 1919, to June 30, 1920, both dates inclusive, $666.67.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to insert:

For additional compensation to the attorney in charge of pardons, at the rate of $1,000 per annum from November 1, 1919, to June 30, 1920, both dates inclusive, $666.67.

The amendment was agreed to.

The next amendment was, on page 29, after line 2, to insert:

For official transportation, including the purchase (if possible, from the War Department) or exchange, the maintenance, repair, and operation, of a motor-driven passenger car, delivery truck, and motor cycle, to be used only for official purposes, and purchase and repair of bicycles, $5,000.

The amendment was agreed to.

Mr. WARREN. Mr. President, I ask that the next amendment, which is in reference to the enforcement of the antitrust law, be passed over for the present.

Mr. HARRISON. Mr. President, I should like to know what the request of the Senator from Wyoming is.

The PRESIDING OFFICER. It is to pass over the next committee amendment.

Mr. HARRISON. The amendment relating to the enforcement of the antitrust law?

The PRESIDING OFFICER. Yes. The Chair will state to the Senator from Mississippi that the amendment which will be passed over at the request of the Senator from Wyoming is under the heading "Miscellaneous—Enforcement of antitrust laws."

Mr. HARRISON. That is the amendment to which I desire to address myself.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 30, line 19, after the words "Attorney General," to insert "maintenance, purchase (if possible, from other Government services) and," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice or the Department of State as may be directed by the Attorney General, maintenance, purchase (if possible, from other Government services), and hire of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, to be expended under the direction of the Attorney General; in all, $1,000,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Agriculture," on page 34, line 20, after the word "expenses," to strike out "$25,000" and insert "$70,000," so as to make the clause read:

To enable the Secretary of Agriculture to meet the emergency caused by the recent and sudden spread of the Japanese beetle in the State of New Jersey and to provide means for the control and prevention of spread of this insect in that State and to other States, in cooperation with the State of New Jersey and other States concerned and with individuals affected, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $70,000.

The amendment was agreed to.

The next amendment was, under the subhead "Forest Service," on page 34, line 26, after "1920," to strike out "$2,500,000" and insert "$2,950,000," so as to make the clause read:

To enable the Secretary of Agriculture to meet the existing emergency and to pay expenses heretofore incurred or which may hereafter be incurred in fighting and preventing forest fires endangering the national forests during the fiscal year 1920, $2,950,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," on page 35, after line 1, to strike out:

BUREAU OF THE CENSUS.

Authority is granted for the expenditure of not to exceed $1,000 from the appropriation for the expenses of the Fourteenth Decennial Census, contained in the legislative, executive, and judicial appropriation act approved March 1, 1919, for the purchase, maintenance, and repair during the fiscal year 1920 of a motor-propelled passenger vehicle for official use of the Director of the Census.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 35, after line 10, to strike out:

Office force: For an amount to increase the compensation of topographic and hydrographic draftsmen and the engineer directing their work, in no case to exceed 33⅓ per cent of the present basic compensation of any such employee, $12,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 15, to strike out:

For additional topographic and hydrographic draftsmen from October 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Three at $2,000 each; three at $1,750 each; in all, $8,437.50.

The amendment was agreed to.

The next amendment was, on page 35, after line 19, to insert:

For additional topographic and hydrographic draftsmen from November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Three at $2,000 each; three at $1,750 each; in all, $7,500.03.

The amendment was agreed to.

The next amendment was, on page 35, after line 23, to strike out:

For an amount to increase the compensation of copper-plate engravers, in no case to exceed 33⅓ per cent of the present basic compensation of any such employee, $5,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to strike out:

For additional employees from October 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Watchmen, firemen, messengers, or laborers, seven at $840 each; plumber and steam fitter, $1,200; in all, $5,310.

The amendment was agreed to.

The next amendment was, on page 36, after line 7, to insert:

For additional employees from November 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Watchmen, firemen, messengers, or laborers, seven at $840 each; plumber and steam fitter, $1,200; in all, $4,720.

The amendment was agreed to.

The next amendment was, on page 36, after line 10, to insert:

For an amount to increase the compensation of topographic and hydrographic draftsmen and the engineer directing their work, astronomical, geodetic, tidal, and miscellaneous computers, copper-plate engravers, lithographers, lithographic draftsmen, transferrers, lithographic pressmen and their helpers, plate printers and their helpers, and other skilled laborers and the chief directing their work, and the disbursing clerk, in no case to exceed 33⅓ per cent of the present basic compensation of such employee, $35,622.23, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 42, after line 10, to insert:

INDUSTRIAL CONFERENCE.

For stenographic and other services and contingent and miscellaneous expenses, including printing, in connection with the approaching industrial conference, $35,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 14, to insert:

INTERNATIONAL CONFERENCE OF LABOR.

For salaries and expenses of the International Conference of Labor, as follows:

United States Government executive staff: For two and one-half months, at monthly compensation as follows: Assistant to the Secretary, $450; first assistant, $300; three executive assistants, at $200 each; two assistants at hotels, at $200 each; private secretary, $200; two stenographers, at $150 each; typist, $125; and two messengers, at $75 each; in all, $6,312.50.

Conference staff, for two months, at monthly compensation as follows: Two stenographers, at $150 each; two deputy secretaries, at $300 each; four subsecretaries (for commissions), at $200 each; four interpreters, at $200 each; three English-French translators, at $125 each; three French-English translators, at $125 each; six French stenographers at $83.33 each; six English stenographers, at $150 each; chief messenger, $125; eight messengers, at $75 each; expenses, at not exceeding $10 per diem for each person, $12,000; in all, $22,749.96.

Chief clerk's office, for two months, at monthly compensation as follows: Chief clerk, $200; assistant chief clerk, $150; and stenographers, $150; in all, $1,000.

Telegraph room, for two months at monthly compensation as follows: Day operator, $150; night operator, $175; in all, $650.

Expenses: For reporting proceedings, $20,000; printing proceedings, $10,000; paper, $2,500; expenses of moving departments to provide offices, $10,000; in all, $42,500.

Total, International Conference of Labor, $73,212.46: *Provided*, That all accounting in connection with the conference shall be done by the disbursing officer of the Department of Labor: *Provided further*, That no part of the money herein appropriated for the International Conference of Labor shall be available for the payment of an allowance for per diem expenses in lieu of subsistence to any person residing in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 44, after line 1, to insert:

Botanic Garden: For pay to the statutory employees of the Botanic Garden, at rates to be fixed by the superintendent, $2,150.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

SENATE.

For additional expenses of reporting and transcribing the debates and proceedings of the Senate and to equalize more nearly the amounts paid by the Senate and the House of Representatives for reporting their respective proceedings from June 1, 1919, to June 30, 1920, payable in equal monthly installments from October 1, 1919, $10,716.66.

The amendment was agreed to.

The next amendment was, on page 44, after line 11, to insert:

For pay to the chief telephone operator, office of the Sergeant at Arms of the Senate, $300.

The amendment was agreed to.

The next amendment was, on page 44, after line 13, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1 per printed page, $135,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 18, to insert:

For maintaining, exchanging, and equipping motor vehicles for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, fiscal year 1919, $1,033.85.

The amendment was agreed to.

The next amendment was, on page 44, after line 22, to insert:

For fuel, oil, cotton waste, and advertising, exclusive of labor, fiscal year 1919, $400.97.

The amendment was agreed to.

The next amendment was, on page 44, after line 24, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $10,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 5, to insert:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress during the present session by the Attorney General in Senate Document No. 100, and which have not been appealed, namely:

Under the War Department, $1,578.90;
Under the Navy Department, $7,725.05;
In all, $9,303.95, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 46, after line 19, to insert:

JUDGMENTS, COURT OF CLAIMS.

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in Senate Documents Nos. 102 and 125, namely:

Under the Treasury Department, $61,300.20;
Under the War Department, $26,038.60;
Under the Navy Department, $29,076.13;
Under the Interior Department, $215.76;
In all, $116,630.69.

None of the judgments contained herein shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, on page 47, after line 21, to insert:

SEC. 4. Public act No. 152, Sixty-fifth Congress, entitled "An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government," is hereby repealed.

Mr. OVERMAN. I make the point of order that the amendment is in contravention of Rule XVI, being new legislation and repealing an act now existing.

The PRESIDING OFFICER (Mr. KIRBY in the chair). What is the point of order?

Mr. OVERMAN. I raise the point of order that the amendment is new legislation and proposes on an appropriation bill to repeal a law now existing.

Mr. WARREN. Mr. President, I can not contest——

The PRESIDING OFFICER. Does the Senator from Wyoming desire to be heard on the point of order?

Mr. WARREN. I do not. I simply wish to say that I am sorry the Senator from North Carolina has made the point of order. The Senator from North Carolina knows more about the existing law than does anyone else, as he was its originator, and it has undoubtedly done a great deal of good, but at the present time it is a load upon the back of the Appropriations Committee. Congress hardly has possession of its own, and matters come to the Appropriations Committee for which provision must be made which have come about because of the existence of the law. I hope the condition requiring the law may soon end.

The PRESIDING OFFICER. If the point of order is insisted upon, it is well founded and must be sustained.

Mr. OVERMAN. Mr. President, I am aware that the Chair has ruled the amendment out of order, but in reply to the Senator from Wyoming I desire to put in the RECORD a letter from the Secretary of War in regard to this matter. The act referred to expires, in any event, six months after the declaration of peace, but the Secretary of War says that to repeal the act before some legislation is passed to take its place would be a calamity, and shows that he could not have won the war without the legislation.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, March 31, 1919.

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg leave to reply to your letter of March 10, 1919, in which you request information as to the use made by the War Department of the provisions of the Overman Act.

This act has very materially facilitated and expedited the task of the War Department in organizing, training, transporting, equipping, and maintaining the Army. It has permitted a centralization of control, a coordination of effort, a flexibility of organization to meet changing requirements and an increased efficiency in the procurement and distribution of material and supplies, including an elimination of competitive purchasing and a standardization of specifications and procedure, without which the military program which had been so successfully carried out by this country would have been impossible of realization.

Estimates of requirements and the purchase and distribution of all equipment and supplies, except that very highly technical, has been consolidated under the direction of the Purchase, Storage and Traffic Division of the General Staff. This has prevented duplication and a condition formerly frequently occurring, a shortage of supplies in one branch of the service while another had temporarily a surplus. The same result particularly as to avoiding duplication of equipment and effecting economy was obtained by the consolidation of all motor transportation under another branch of the General Staff.

The consolidation, under the Chemical Warfare Service, of the research work involved in the development of new and improved offensive and defensive chemical warfare material, and the reorganization of the Air Service, have been very potent factors in the result attained in these very important services.

In view of the marked economy and the increased efficiency that has been made practicable under the provisions of this act, I believe that it would be a misfortune if it were revoked before such time as new legislation of a permanent nature, based upon the experience of the war, may be enacted.

Below you will find specified the rearrangement of duties and responsibilities that have been effected within the bureaus of the War Department:

1. Assigned to the Purchase, Storage and Traffic Division of the General Staff: Requirements, purchase, storage, distribution, fiscal accounting and property accounting. Transferred from Ordnance Department, Quartermaster Corps, Signal Corps, Engineer Corps, and Medical Corps.

The duties transferred include:

(a) Office of the Director of Purchase, Storage and Traffic, General Staff. Duties: Responsibility for and authority over—

(1) Supply of the Army, including analysis and computation of requirements, purchase, production, inspection, acceptance, transportation, storage, issue within the United States, and embarkation.

(2) Relations with all other agencies, governmental and otherwise, in regard to Army supply, including representation of the War Department on the War Industries Board and business with representatives of the allied Governments.

(b) Facilities Department. Duties: Responsibility for and authority over procurement of real estate.

(c) Accounts Department. Duties: Responsibility for and authority over disbursements, fiscal accounting, preparation of estimates, and reports of accounts.

(d) Traffic Department. Duties: Responsibility for and authority over inland transportation.

(e) Embarkation Department. Duties: Responsibility for and authority over embarkation and ocean transportation.

The procurement of highly technical equipment and supplies not transferred—

(1) By the Corps of Engineers: Arc searchlights and gas-electric generators.

(2) By the Medical Corps: Vaccines and serums.

(3) By the Ordnance Department: Cartridge cloth, blast furnace and steel mill products, substantially all metals, coal tar, coal gas and water gas products, optical glass and optical instruments, acids, etc.

(4) By the Bureau of Aircraft Production: Aeroplanes, Liberty motors, barometers, clocks, watches, gauges, thermometers, compasses, etc.

(5) By the Chemical Warfare Service: All chemicals entering into the production of toxic gases, liquid chlorine, laminated glass, etc.

2. To the Bureau of Aircraft Production and the Division of Military Aeronautics: The production of airplanes, airplane engines and equipment and the duty of operating and maintaining or supervising the operation and maintenance of military aircraft, including balloons, airplanes, and all aircraft equipment. Transferred from the Signal Corps.

3. To the Motor Transport Corps, a section of the Operations Division, General Staff: The design, production, procurement, storage, maintenance and replacement of all motor vehicles and accounting for the same. Transferred from Quartermaster Corps, Ordnance Department, Engineer Corps, Medical Corps, and Signal Corps.

4. To the Chemical Warfare Service: The duty of operating and maintaining or supervising the operation and maintenance of all plants engaged in the investigation, manufacture, or production of toxic gases, gas-defense appliances, the filling of gas shells, and proving grounds utilized in connection therewith, and the necessary research connected with gas warfare. Transferred from the Ordnance Department, Sanitary Corps, Medical Corps, and the Experimental Station, American University.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 48, after line 2, to insert:

AUDITED CLAIMS.

SEC. 5. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1917 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 94, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For collecting the revenue from customs, 58 cents.
For freight, transportation, etc., Public Health Service, $243.06.
For care of seamen, etc., Public Health Service, $63.
For preventing the spread of epidemic diseases, $3.75.
For Quarantine Service, $2.78.
For refunding internal revenue collections, $5.
For miscellaneous expenses, Internal-Revenue Service, $7.18.
For refunding taxes illegally collected, $191,314.82.
For redemption of stamps, $3,287.29.
For payment of judgments against internal-revenue officers, $147,874.77.
For allowance or drawback, internal revenue, $5,314.56.
For Coast Guard, $4,683.73.
For pay of crews, miscellaneous expenses, etc., Life-Saving Service, 95 cents.
For materials and miscellaneous expenses, Bureau of Engraving and Printing, $3,441.35.
For contingent expenses, assay office at New York, 69 cents.
For operating supplies for public buildings, $15.41.
For furniture and repairs of same for public buildings, $259.61.
For repairs and preservation of public buildings, $12.82.
For mechanical equipment for public buildings, $2.45.
For general expenses of public buildings, $35.01.

Mr. WARREN. The section containing the amendment just stated by the Secretary will have to be numbered section 4. I ask that the Secretary may be allowed to renumber the sections, and that the bill may be printed accordingly.

The PRESIDING OFFICER. Without objection, the Secretary will be instructed to correct the section numbers. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 49, after line 18, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For contingencies of the Army, 1918, $5,000.
For Signal Service of the Army, $434.86.
For pay, etc., of the Army, $438,866.44.

Mr. KING. Mr. President, I should like to ask the chairman of the committee, inviting his attention to the bottom of page 49, as to the item of $438,866.44, how such a large deficit was permitted?

Mr. WARREN. I may say that this appropriation includes thousands of little items that have accumulated and are reported in a public document and sent to Congress. All these items are taken up before the proper officers and audited, and we put them in here, giving the number of the document, so that the Senators may see the document, the committee having established the correctness of the items before including the appropriations in the bill. They are simply debts owed by the Government which have been adjudicated, but the money is not in the Treasury for the purpose of meeting them. Some of these claims, in fact the larger portion of them, arise where we make appropriations that are not used up on the 1st of July, when the money goes back into the Treasury, although bills are on the way from the Philippines or from France or other distant points which are payable under the appropriations and should be paid, but can not be paid because of the money having gone back into the Treasury. Hence we have these audited claims provided for in this bill.

Mr. KING. It would not mean, then, that some of the officers of the War Department had made expenditures not authorized by law?

Mr. WARREN. No; nothing of that kind. In fact these items assume the same attitude as judgments of courts, so far as the exactness of the amounts is concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 50, to insert:

For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, $1,018.70.
For mileage to officers and contract surgeons, $121.12.
For supplies, services, and transportation, Quartermaster Corps, $29,629.48.
For transportation of the Army and its supplies, $39.54.
For barracks and quarters, $15,346.45.
For regular supplies, Quartermaster's Department, $56.67.
For roads, wharves, walks, and drainage, $2,541.01.
For quarters for hospital stewards, $5.
For transportation of rifle teams to national matches, $108.88.
For encampments and maneuvers, Organized Militia, $124.80.
For civilian military training camps, $828.44.
For medical and hospital department, $10.
For burial of indigent soldiers, $81.
For disposition of remains of officers, soldiers, and civil employees, $234.38.
For maintenance of channel, South Pass, Mississippi River, 1918, $900.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For contingent expenses, Navy Department, 1918, $16,271.73.
For contingent and miscellaneous expenses, Naval Observatory, 50 cents.
For pay, miscellaneous, $18.75.
For pay, Marine Corps, $228.80.

For contingent, Marine Corps, $837.20.
For maintenance, quartermaster's department, Marine Corps, $1,036.08.
For pay of the Navy, $1,779.59.
For freight, Bureau of Supplies and Accounts, $20.67.
For engineering, Bureau of Steam Engineering, $15.15.

The amendment was agreed to.

The next amendment was, on page 51, after line 14, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, 1918, $2,102.05.
For contingent expenses, Department of the Interior, $135.95.
For scientific library, Patent Office, $59.20.
For return of funds of patients, St. Elizabeths Hospital, $7.60.
For Capitol power plant, 1919, $10,000.
For surveying public lands, $554.
For Geological Survey, $8.38.
For investigating mine accidents, $92.47.
For books and publications, Bureau of Mines, $37.39.
For testing fuel, Bureau of Mines, $138.80.
For enforcement of the act to regulate explosives, Bureau of Mines, 1919, $25.05.
For fees of examining surgeons, pensions, $42.
For relieving distress and prevention, etc., of diseases among Indians, $6.60.
For Indian schools, support, $27.47.
For Indian school and agency buildings, $218.40.
For Indian school transportation, $11.58.
For purchase and transportation of Indian supplies, 1918, $15,617.62.
For purchase and transportation of Indian supplies, $786.80.
For telegraphing and telephoning, Indian Service, 1918, $231.93.
For telegraphing and telephoning, Indian Service, 19 cents.
For general expenses, Indian Service, $28.98.
For water supply, Papago Indian villages, Arizona, 1918, $69.45.
For Indian school, Fort Mojave, Ariz., repairs and improvements, 1918, $612.35.
For Indian school, Fort Bidwell, Calif., 1918, $2.90.
For support of nonreservation Indians in Nevada, 1918 and 1919, $1.87.
For Indian school, Chilocco, Okla., repairs and improvements, 1919, $22.23.
For Indian school, Carlisle, Pa., $88.33.
For support of Sioux of different tribes, subsistence and civilization, South Dakota, $26.07.
For Indian school, Rapid City, S. Dak., repairs and improvements, 1918, $69.33.
For education, Sioux Nation, South Dakota, $60.90.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For stationery, furniture, etc., Department of State, 1918, $5.40.
For transportation of diplomatic and consular officers, 1919, $1,267.14.
For transportation of diplomatic and consular officers, $1,786.45.
For contingent expenses, foreign missions, 1919, $6.632.
For contingent expenses, foreign missions, 1918, $52,620.95.
For contingent expenses, foreign missions, $10,229.33.
For salaries, Consular Service, $2,897.61.
For post allowances, to diplomatic and consular officers, $100.
For allowance for clerks at consulates, $415.20.
For contingent expenses, United States consulates, 1919, $43,229.61.
For contingent expenses, United States consulates, 1918, $96,859.54.
For contingent expenses, United States consulates, $466.50.
For relief and protection of American seamen, 1918, $2,359.68.
For relief of protection of American seamen, $251.27.
For Smithsonian Institution, preservation of collections, National Museum, $16.95.
For miscellaneous expenses, Supreme Court, District of Columbia, 1919, $354.06.
For support of convicts, District of Columbia, 1919, $24.039.
For general expenses, Bureau of Animal Industry, $44.73.
For meat inspection, Bureau of Animal Industry, $50.13.
For general expenses, Bureau of Plant Industry, 50 cents.
For general expenses, Forest Service, $1,404.20.
For enforcement of the food and drugs act, $22.84.
For general expenses, Bureau of Biological Survey, $3.45.
For general expenses, States Relations Service, $294.88.
For general expenses, Office of Markets and Rural Organization, $161.28.
For general expenses, Office of Public Roads and Rural Engineering, $25.25.
For general expenses, Weather Bureau, $10.
For library, department of agriculture, $16.10.
For general expenses, Lighthouse Service, $2,061.20.
For miscellaneous expenses, Bureau of Fisheries, $15.22.
For equipment, Bureau of Standards, $133.
For expenses of regulating immigration, $24.
For contingent expenses, Department of Justice, stationery, 1919, $81.
For contingent expenses, Department of Justice, transportation, 1919, $95.62.
For contingent expenses, Department of Justice, miscellaneous items, 1919, $270.94.
For contingent expenses, Department of Justice, miscellaneous items, $4.
For books for judicial officers, $11.50.
For inspection of prisons and prisoners, 1919, $358.38.
For salaries and expenses of district attorneys, United States courts, $157.80.
For fees of clerks, United States courts, 1918, $1,073.95.
For fees of clerks, United States courts, $63.50.
For fees of commissioners, United States courts, 1918, $1,113.91.
For fees of commissioners, United States courts, $9.85.
For fees of jurors, United States courts, $4.
For fees of witnesses, United States courts, $8.75.
For miscellaneous expenses, United States courts, $24.30.
For supplies for United States courts, 1918, $28.84.
For support of prisoners, United States courts, $20.

The amendment was agreed to.

The next amendment was, on page 56, after line 10, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST OFFICE DEPARTMENT.

For shipment of supplies, $22.43.
For freight on stamped paper and mail bags, $208.89.
For Star Route Service, special mail carriers, $47.92.
For indemnities, international registered mail, $996.25.
For railroad transportation, $2,943.63.
For Rural Delivery Service, $174.06.
For rent, light, and fuel, $845.49.
For Railway Mail Service, miscellaneous expenses, $6.73.
For village delivery service, $490.50.
For office appliances, $45.50.
For clerks, first and second class post offices, $43.75.
For city delivery, incidental expenses, $15.70.
For city-delivery carriers, $17.27.
For Railway Mail Service, salaries, $50.89.
For compensation to postmasters, $72.05.
For indemnities, domestic mail, $19.51.
Total, audited claims, section 5, $1,160,333.82.

The amendment was agreed to.

The next amendment was, on page 57, after line 5, to insert:

AUDITED CLAIMS.

SEC. 6. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1917 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 126, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For collecting the revenue from customs, $2.10.
For refunding internal-revenue collections, $20.
For refunding taxes illegally collected, $123,690.81.
For redemption of stamps, $496.41.
For allowance of drawback, $13.18.
For Coast Guard, $2,129.29.
For operating supplies for public buildings, $6.79.
For furniture and repairs of same for public buildings, $119.50.
For repairs and preservation of public buildings, $168.24.
For mechanical equipment for public buildings, $42.13.

The amendment was agreed to.

The next amendment was, on page 58, after line 6, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $508.76.
For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, $170.50.
For supplies, services, and transportation, Quartermaster Corps, $1,258.53.
For arming, equipping, and training the National Guard, $2.71.
For civilian military training camps, $29.17.
For headstones for graves of soldiers, 62 cents.
For disposition of remains of officers, soldiers, and civil employees, $60.96.

The amendment was agreed to.

The next amendment was, on page 58, after line 20, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For contingent, Marine Corps, $128.80.
For pay of the Navy, $1,130.25.

The amendment was agreed to.

The next amendment was, at the top of page 59, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, 25 cents.
For contingent expenses, Department of the Interior, 1918, $30.73.
For collecting statistics, Bureau of Education, $44.32.
For Columbia Hospital for Women and Lying-in Asylum, 1919, $1,040.20.
For Hawaii National Park, 1919, $1.85.
For protection of national monuments, 1919, $451.85.
For reproducing plats of surveys, General Land Office, 1919, $144.50.
For Geological Survey, $6.50.
For mineral mining investigations, Bureau of Mines, $1,729.70.
For investigations, petroleum and natural gas, Bureau of Mines, $5.11.
For inspecting mines in Alaska, $1.75.
For enforcement of the act to regulate explosives, Bureau of Mines, 1919, $1,410.80.
For relieving distress, and prevention, etc., of diseases among Indians, $8.99.
For Indian school and agency buildings, $61.70.
For purchase and transportation of Indian supplies, 1918, $655.58.
For pay of Indian police, $100.98.
For water supply, Navajo and Hopi Indians, Arizona (reimbursable), 1918 and 1919, $499.08.
For Indian school, Riverside, Calif., 1919, 109.28.
For Indian school, Lawrence, Kans., 1919, $53.57.
For Indian school, Cherokee, N. C., 1919, $1.02.
For Indian school, Bismarck, N. Dak., $11.55.
For Indian school, Wahpeton, N. Dak., 1919, $5.09.
For support of Chippewas of Lake Superior, Wis., 1919, $86.50.
For Indian school, Hayward, Wis., repairs and improvements, 1918, $17.94.

The amendment was agreed to.

The next amendment was, on page 60, after line 14, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For contingent expenses, Executive office, 50 cents.
For contingent expenses, Department of State, 1919, $383.25.
For stationery, furniture, etc., Department of State, 1919, $868.43.
For transportation of diplomatic and consular officers, $1.15.
For transportation of diplomatic and consular officers, 1919, $3,759.70.
For salaries of secretaries, Diplomatic Service, $1,968.75.
For contingent expenses, foreign missions, $269.70.

For contingent expenses, United States consulates, 1918, $8,411.07.
For contingent expenses, United States consulates, 1919, $13,310.14.
For relief and transportation of destitute American citizens in Mexico, $18.
For Board of Mediation and Conciliation, 31 cents.
For miscellaneous expenses, Supreme Court, District of Columbia, 1919, $592.37.
For general expenses, Bureau of Plant Industry, $8.57.
For general expenses, Weather Bureau, $4.27.
For equipment, Bureau of Standards, $131.55.
For general expenses, Bureau of Standards, $2.85.
For color standardization, Bureau of Standards, $13.11.
For equipping chemical laboratory building, Bureau of Standards, $70.
For radio research, Bureau of Standards, $61.87.
For testing miscellaneous materials, Bureau of Standards, $8.20.
For testing structural materials, Bureau of Standards, $10.05.
For general expenses, Lighthouse Service, $11,700.
For expenses of regulating immigration, $1,164.
For expenses of regulating immigration, 1917 and 1918, $47,028.35.
For general expenses, Children's Bureau, $7.78.
For detection and prosecution of crimes, $127.61.
For contingent expenses, Department of Justice, miscellaneous items, 1919, $596.84.
For contingent expenses, Department of Justice, transportation, 1919, $46.35.
For salaries, fees, and expenses of marshals, United States courts, $98.76.
For support of prisoners, United States courts, $80.85.
For salaries and expenses of district attorneys, United States courts, $39.
For fees of commissioners, United States courts, 1918, $65.60.

The amendment was agreed to.

The next amendment was, on page 62, after line 16, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST OFFICE DEPARTMENT.

For indemnities, international mail, $273.45.
For railroad transportation, $1,140.43.
For star route service, special mail carriers, $4.77.
For shipment of supplies, $20.18.
For Railway Mail Service, $2.40.
For equipment, City Delivery Service, $18.68.
For unusual conditions at post offices, $110.89.
For clerks, first and second class post offices, $202.01.
For clerks, third-class post offices, $37.50.
For city delivery carriers, $20.70.
For Rural Delivery Service, $3.33.
For Railway Mail Service, miscellaneous expenses, $1.72.
For foreign mail transportation, $124,777.87.
Total audited claims, section 6, $353,920.50.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WARREN. Now, Mr. President, I ask to return to the first amendment that was passed over.

The PRESIDING OFFICER. The Secretary will state the first amendment passed over.

The SECRETARY. The first amendment passed over is on page 13, line 22, after the word "abroad," where it is proposed to insert:

Advertising, $1,000,000.

Mr. McKELLAR. Mr. President, that particular amendment is to be considered in connection with the amendment on page 14, which provides as follows:

The Secretary of the Treasury and the Postmaster General shall formulate and promulgate such regulations as will enable persons insured under the provisions of the war-risk insurance act to make payments of premiums at such post offices or branches or stations of post offices as they may designate or to any city letter carrier or rural carrier while on duty. The Post Office Department is hereby authorized and directed to receive sums so tendered in payment of such premiums, and to receive and transmit to the Bureau of War Risk Insurance applications for the reinstatement of lapsed insurance.

Of course, there can be no question about the fact that this provision is new legislation and subject to a point of order. I really do not know that it is necessary to discuss the matter at all, because if there is no question about its being subject to the point of order I will merely make the point of order against the provision.

Mr. WARREN. I understand the Senator is referring to the amendment on page 14.

Mr. McKELLAR. I am referring to that part of the amendment which is on page 14. I take it the chairman of the committee admits that it is subject to a point of order.

Mr. WARREN. You mean lines 9 to 19?

Mr. McKELLAR. Lines 9 to 19 on page 14.

Mr. SMOOT. Mr. President, before the point of order is pressed by the Senator from Tennessee, I simply want to take time enough to let the Senate know really what is intended by this amendment.

It is well known by all Senators that there were some 4,700,000 insurance policies issued to the soldiers, sailors, and marines of the Army and Navy. To-day we find that there are less than 1,000,000 of them in force. If we are going to continue the War Risk Bureau, and if we are going to try to issue insurance for the soldiers, sailors, and marines of the Army and the Navy, we ought to provide the simplest and most inexpensive means for those soldiers, sailors, and marines to pay their monthly premiums. I know that the director of the bureau claims, whether it be true or not, that the great majority of the 3,700,000 lapses come about from the fact that the soldier does not know where to send his money, he is not prepared to write his letters every month, and there is no place where he can take his money and pay his monthly insurance dues, as would be the case if he were carrying insurance with a regular life insurance company.

Mr. President, there is only one agency and one organization that is in force to-day in the Government of the United States that can take care of this situation without much cost to the Government, and that is the Post Office Department. I am not discussing whether or not it is a good thing to maintain the War Risk Bureau, nor does this amendment have anything to do with that question. But as long as there are at least a million policies in force, and with the hope of the bureau officials that they will be increased threefold, the way to make it as convenient for the soldier to pay his premium as possible is to provide that the soldier has but to drop into any post office in any town or city in the United States designated to receive these premiums, pay his money, and get his receipt. He need send no letters, he receives no letters, he knows that his premium is paid, and there is no question of delay in carrying the mail from where he lives to Washington, passing through the hands of the bureau here, returning the letter to the soldier. Perhaps, he not being home, the receipt is lost in the mail, and other things could happen that would make it very inconvenient for the soldier.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to his colleague?

Mr. SMOOT. I yield.

Mr. KING. Does not my colleague think that before inaugurating a policy so radical as that contemplated by this amendment it is important for Congress to decide whether it purposes to continue this war-risk insurance activity longer? If the Senator will pardon me, I received the impression when we passed the war-risk insurance bill that upon the termination of the war a paid-up policy of insurance for a given amount—whatever would be right and just under the tables that obtain in insurance companies—would be given to each soldier and sailor, or that some arrangement would be made with one or more life insurance companies of the United States by which there would be transferred from the Government to such companies the various policies then in force and suitable arrangements would be made for the insurance companies to take the place of the Government, if necessary the Government to pay whatever would be fair for the increased cost that would be incident to the companies carrying and meeting the obligations under the policies. I certainly did not get the idea, and I am sure that many other Senators did not, that the Government was projecting itself into the life insurance business for an indefinite period, and that it purposed to continue to carry these four or five millions of policies as long as any of the persons holding the policies were alive.

It seems to me the first thing for Congress to do is to determine whether it is going to adhere to the plan then announced or whether the Government is to enter the general life insurance business for an indefinite period. Before I would be prepared to vote upon this proposition, which is concededly new legislation, and which, it seems to me, if enacted, would tend to fasten more firmly than ever the insurance business upon the Government, I should like to know what the policy of the Government is going to be.

Mr. SMOOT. I will say in answer to my colleague that the unfortunate thing was that the policy which the Senator has just outlined was not adopted by Congress. Some of us took the position at the time that that should be the policy of the Government, but that the Government should, for the extra risk assumed during the war, see that soldiers were given insurance at the regular insurance rate in peace times, but shortly after the war terminated that the activities of the Government in carrying insurance policies for its discharged soldiers, sailors, and marines would cease. But Congress took the other view and by the legislation has put the Government into the insurance business.

The law specifically provides that the present term insurance can be carried by the insured for a period of five years after peace is declared. Then it also provides that at the end of five years each of the insured has the right to transfer that insurance into forms of insurance carried to-day by the old-line insurance companies.

Mr. President, that is what Congress decided, and in order to change that there must be a repeal of the law. But as long as the law is upon the statute books it is our duty to make the payment of these premiums as convenient to the insured as possible.

Mr. President, I offered this amendment to the bill not only with the view of making it as convenient as possible for the insured, but to make it as inexpensive to the Government as possible. Of course, I recognize that this is general legislation upon an appropriation bill. I am not going to resist any question of its being such, and if the point of order is made against it I expect the Chair to sustain the point of order.

Mr. KING. Without expressing any opinion one way or the other, I ask my colleague whether he thinks that, notwithstanding the legislation to which he has just adverted, which perpetuates these policies for a period of five years, at the expiration of which time some change may then be made, the obligation rests upon the Government to spend a million dollars or more in advertisements setting forth inducements for the further payment of premiums upon lapsed or lapsing policies? Should the Government spend a million dollars or more and incur millions of dollars of expense annually in other directions for the purpose of inducing men to take out insurance or to continue the payment of their premiums from year to year? I express no opinion upon this question, because my information upon the matter is not sufficient to enable me to form an intelligent judgment. I can see some reasons why this should be done, and I can perceive some serious objections to this course. Should it not be a voluntary matter on their part, and should the Government be called upon to induce them to continue their insurance?

Mr. SMOOT. There is only one reason I can give my colleague for the Government of the United States doing it, and that is that if this insurance is carried as Congress intended it would be carried it would in a way prevent in the future our soldiers, our sailors, and our marines from applying for pensions from the Government. It is true that in that same legislation we provided allowances for soldiers who were wounded in service, and in connection with that Congress thought it wise to provide an insurance system, so that in case of death of the insured there would come to the beneficiary an amount which, if reasonably and safely handled, would be sufficient to assist in taking care of his or her absolute necessities of life.

If my colleague were here at that time he would remember that I stated to the Senate then, as my opinion now is, that no matter what the insurance might be, whether a million of them carried insurance or whether five million did so, the time would come when there would be applications made for pensions by the soldiers of the late World War.

The million-dollar advertising is, I think, for the purpose of carrying out a system of advertising following in part the plan adopted in our Liberty loan campaigns. I expect, if we give this appropriation, to see posters in the windows of public buildings, and on the fences along the roadside, advising the soldiers and sailors and marines of the last war to carry life insurance, to reinstate that which has already lapsed. There is no effort upon the part of the director of the bureau to hide the fact that the bureau is going to do everything it can, everything that is in its power, and spend every dollar that the Government will give it, to get all of the soldiers, sailors, and marines who have allowed their insurance to lapse to reinstate it.

Senators must know that the ruling of the Treasury Department made of late, granting the privilege of reinstating insurance allowed to lapse, and do not compel them to pay for the insurance during the months when not carried, but they can take up, at any time now within a given period, the amount of insurance that was originally taken and go on with it just the same as before they permitted the insurance to lapse.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. And every effort will be made to see that every soldier of the war carries the amount of insurance that he had during his service in the war. I yield to the Senator from Wyoming.

Mr. WARREN. My colleague upon the Committee on Appropriations [Mr. SMOOT] serves on other subcommittees than this one, and so did not get one part of the testimony of the War Risk Insurance Bureau Director. It is true, as the Senator says, that the Treasury Department has given out the length of time as, I think, a year within which these men may renew their insurance and take it all up again; but the director, in answer to advice given him by the committee that the Government did not intend to prolong the insurance business as such, and had no interest in undertaking to have men renew who wished to drop their insurance, assured the committee that from now on his only ambition would be, and his labors would only be, to reach everyone at least once, so that a man might know where to communicate his wishes and that he might get a reply. Hence the advertising matter that comes in appears to be useful, that these men may know where and when and how to dispose finally of this insurance matter—whether they will drop it; whether they will convert it into a different kind of policy; or whether they will renew the old policy and go on with that.

Mr. SMOOT. Mr. Cholmeley-Jones, the director of the bureau, has been in my office many times upon this question. Not only that, but the subcommittee of the Finance Committee has before it now a bill that was passed in the House amending the war-risk insurance act so as to extend its provisions to a larger range of beneficiaries. I am perfectly willing that the act should be amended in that regard. It also provides that in case of death insurance shall be paid in one lump sum or in 36 monthly payments. I want to say to the Senate, as was said here by many of the members of the committee not long ago, that the lump-sum payment plan was prohibited in the original act, for the reason that experience shows that wherever an insurance company pays to a beneficiary the full amount of the insurance in a lump sum that within three years' time 92 per cent of all of the beneficiaries are without a dollar of the money received. Congress provided for 240 monthly payments, covering a period of 20 years, during which the beneficiaries of the insured should at least have enough to assist in taking care of their necessary wants. The beneficiary of a soldier carrying insurance of $10,000 under the present act would receive from the Government of the United States $57.50 every month for 20 years. It is now proposed in the bill that has passed the House, and which is before the subcommittee of the Committee on Finance of the Senate, to change that whole system and provide that the full amount of the insurance shall be paid to the beneficiaries of the insured in a lump sum. The reason for that is given by Mr. Cholmeley-Jones, the director of the bureau, that they have to liberalize the act in order to compete with the insurance companies of the country. I know that many of the posts of the American Legion have already passed resolutions in which they indorse the principle of a lump-sum payment. I do not know whether Congress intends to change the policy or not, but I want to say this now, that if the policy is changed it may be of benefit to a very small percentage of the beneficiaries of the insured soldiers, but as to the great bulk of those beneficiaries it will be a decided disadvantage and they will find themselves in a few years after receiving the money with not a single cent of it left.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. May I ask the Senator what the aggregate sum of these payments will be if they are made in the lump sum?

Mr. SMOOT. Insurance policies run all the way from $2,000 up to $10,000. Ten thousand dollars was the limit under the law, but the average, I will say to the Senator, is about $8,750.

Mr. THOMAS. The Senator misunderstood my question. If we pay these amounts in one sum, practically, what will be the drain on the Treasury?

Mr. SMOOT. Yes, I misunderstood the Senator.

Mr. WARREN. Mr. President, here is the statement of the business of the War Risk Insurance Bureau, showing that we have estimated profits of over $17,000,000, and showing what has been done by the bureau, giving the amount of money received and expended. I think it ought to go into the RECORD.

Mr. SMOOT. Let it go in the RECORD at this point.

Mr. WARREN. I do not want to take the Senator from the floor to have this done, but I think it covers the point very fully.

The PRESIDING OFFICER. Without objection, the excerpt referred to by the Senator——.

Mr. SMOOT. That does not cover the point which the question of the Senator from Colorado implied.

Mr. WARREN. He wants to know what the drain is on the Treasury, how much has been paid out.

Mr. SMOOT. There has been no lump sum paid out.

Mr. THOMAS. As I understand the Senator from Utah, the House has passed a bill which is now before a committee of the Senate, which substitutes what is popularly called a lump-sum payment for these annual payments extending over a period of 20 years. If we are to pay these soldiers in that manner the aggregate drain upon the Treasury must be very large, and I wanted to get an approximate idea of the amount.

The PRESIDING OFFICER. The Chair will state to Senators that the discussion has taken rather a wide range on the point of order. The Chair understands that the point of order is still pending and that is the only matter now before the Senate.

Mr. SMOOT. Has any objection been made to a reading of the report as requested by the Senator from Wyoming?

The PRESIDING OFFICER. No. The Chair understands that has been included in the RECORD without objection.

Mr. WARREN. I ask to have it read at the desk. I should like the attention of all Senators to it, because I will confess that, as much as we have seen of our appropriations connected with it, it astonished me when I learned the amount of business they have done. It also covers, I think, to some extent, the inquiries which have been made.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT,
BUREAU OF WAR RISK INSURANCE,
Washington, October 9, 1919.

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Appreciating your keen interest in the war-risk insurance act and the carrying out of that act by the Bureau of War Risk Insurance, I think that you may like to have at this time a brief summary of our activities in order that you may be fully informed as to the present situation.

Other than the Members of Congress there are few people who realize the full scope of the war-risk insurance act, and little do they appreciate that within the bureau there are four of the largest businesses of their kind the world has ever known. Our records show, for instance:

A marine and seamen's insurance company—	
Doing a total business of	$2,390,080,236.54
With premiums collected amounting to	$47,592,510.61
Having issued policies to the number of	33,384
Paid claims to the extent of	$28,737,146.47
With a surplus over expenses and refunds of	$17,124,903.84
A stupendous banking business—	
For the dependents of men in the service making monthly payments of allotments and allowances on 2,057,842 awards during the period of a year and a half exceeding	$526,000,000.00
An employers' liability company—	
Now making payments each month on claims for compensation to the extent of	$2,410,271.91
Having paid burial expenses amounting to	$1,834,763.33
The largest insurance company in the world—	
Having written during the period of one year and a half 4,561,974 individual policies, representing a total amount of insurance of	$39,817,391,500.00
With premiums between Oct. 6, 1917, and Sept. 30, 1919, of approximately	$233,599,432.95
With claims payable to the extent of	$1,035,958,004.48

Up to June 30, 1919, the cost of administration of the bureau had been approximately $19,000,000, which, as you can see, has been almost entirely covered by the profit of approximately $17,000,000 on the business done under the marine and seamen's feature of the act.

Outsiders who are constantly making statements as to the great expense of maintaining the bureau and the carrying out of the provisions of the war-risk insurance act entirely ignore the fact that up to June 30 the net cost was approximately but $2,000,000.

Mr. SMOOT. Mr. President, I will say to the Senator from Colorado that I should not feel justified in even attempting to estimate what the cost would be. I know the Post Office Department is opposed to this amendment, and I am not going to take time to go into the details as to why they are opposed to it or why, in their judgment, it would be a mistake to adopt it.

I desire to say that the subcommittee of the Committee on Finance having the amendment to the existing war-risk insurance act under consideration has not considered the House bill, because there have been representatives from the American Legion, time and time again, who have called upon me, as chairman of that subcommittee, and asked that nothing be done with the bill until after the American Legion meets on November 11 next. I have received a number of letters, however, of late stating that the Secretary of the Treasury thinks that some amendments are quite vital and ought to be enacted into law as quickly as possible. The subcommittee has begun the consideration of that bill and we hope soon to report at least upon the questions as to which there is no particular dispute.

Mr. McKELLAR. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. McKELLAR. Why can not this provision be taken up at that time by the committee and be passed upon in connection with the various other provisions that must necessarily come before the committee in the consideration of the bill? It seems to me that this is a half-baked plan. It so appears on its face; for it provides that "the Secretary of the Treasury and the Postmaster General shall formulate and promulgate such regulations as will enable," and so forth; which means that the method of carrying out this provision is left to those two departments. If they do not agree, how are they going to get along? I think the Senator from Utah will agree with me that, however meritorious the proposition contained in the bill may be, as arranged here it is not as it should be. I should think that the Senator would prefer that the matter should come before his committee. I will ask him if that is not correct?

Mr. SMOOT. The subcommittee of the Committee on Finance could take it up and consider it in connection with the bill that is now before them; but I had in mind saving a little money for the Government of the United States. I know I am foolish in contemplating such an effort.

Mr. THOMAS. The Senator from Utah is not only foolish, but he will make himself very unpopular in this body.

Mr. SMOOT. The Senator from Utah is fully aware of that, because of the fact that the Senator from Colorado has already made himself unpopular in some quarters for trying to do the same thing.

Mr. McKELLAR. Will the Senator yield to me for just a moment, Mr. President?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. I yield.

Mr. McKELLAR. The Senator from Utah says that he desires to save the Government money?

Mr. SMOOT. Yes.

Mr. McKELLAR. This bill provides that the collection of insurance money shall be taken out of the hands of the War Risk Insurance Bureau. It does not provide for the lessening of the force of the War Risk Insurance Bureau at all, but requires the services of 53,000 postmasters, 35,000 letter carriers, and 41,000 rural carriers.

Mr. SMOOT. Oh, the Senator from Tennessee is mistaken about that.

Mr. McKELLAR. It says so on its face.

Mr. SMOOT. Not at all.

Mr. McKELLAR. And it will necessarily involve the creation of an additional accounting system by the Post Office Department. I say to the Senator from Utah that, instead of saving the Government money, this system, if adopted, will cost the Government many millions of dollars in instituting in a separate department of the Government a coordinate branch of the War Risk Insurance Bureau.

Mr. SMOOT. The Senator——

The PRESIDING OFFICER. The Chair thinks the discussion is entirely outside of the record.

Mr. McKELLAR. I make the point of order against the amendment.

Mr. SMOOT. I desire to say that the Senator from Tennessee [Mr. McKELLAR] has not carefully read the amendment or he would make no such statement as he has made. Not only that, but I desire to say that if the amendment should be adopted there would be no necessity of having 16,500 employees in the War Risk Insurance Bureau in Washington. I desire to say further that it would not cost a single solitary cent outside of the cost of printing of the slips used by the post offices in this country on which to give a receipt for the amount of money collected and the expense that might be incident to the little work that would be done by the postmaster in making out his monthly statement. That would be the expense and nothing more in the field. The Senator from Tennessee does not think for a minute that we intend to pay the postmaster additional compensation for giving six or seven receipts a month?

Mr. McKELLAR. Will the Senator yield?

Mr. SMOOT. I yield.

Mr. McKELLAR. I happen to be on a commission that is undertaking to deal with the readjustment of the postal salaries in this country, and I desire to say to the Senator from Utah that if this legislation passes there will be an application made before that commission to increase the salaries of every letter carrier and of every postmaster on account of the increased work of collecting the premiums on war-risk insurance. I am sure the Senator will agree with me that that will be done.

Mr. SMOOT. I guarantee, Mr. President, that there is hardly a rural carrier in any part of the country, outside of a large city—and I think the statement will apply to most of the city carriers—who would collect more than three or four premiums a month.

Mr. McKELLAR. But I would pay for that.

Mr. SMOOT. The Senator from Tennessee says he wants to pay for that; and I say to the Senator that there will be application for an increase of wages in any event. This provision will make no difference; such demands come regularly.

Mr. McKELLAR. Postal employees ought to have an increase of wages where their work is increased.

Mr. SMOOT. I desire to say in this connection, Mr. President, that of all the employees of the Government of the United States I think the rural carrier is the poorest paid.

Mr. McKELLAR. I agree with the Senator about that.

Mr. SMOOT. If there is anything they can do more than they are now doing which will justify them receiving a little more salary, I think we should provide it.

Mr. McKELLAR. If the Senator will yield, I desire to say that I think that we ought to pay them more salary and not impose more duties upon them.

The PRESIDING OFFICER. The Chair is going to rule that this discussion is all out of order; and is going to hold that the point of order is well taken and sustain it. So the amendment goes out.

Mr. KING. In the committee amendment on page 13, line 22, I move to strike out the figures "$1,000,000" and insert in lieu thereof "$500,000," so that it will read:

Advertising, $500,000.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 13, line 22, by striking out "$1,000,000" and inserting in lieu thereof "$500,000," so as to read:

Advertising, $500,000.

Mr. KING. Mr. President, if the chairman of the committee will accept the amendment, I shall not withdraw it, and move that the amount be reduced to $250,000.

Mr. WARREN. Mr. President, I simply desire to make an observation or two. As the Senator knows, this is a committee amendment, and he knows what it will have to go through before it becomes a law. I hope he will not insist upon his motion, but if he does—and I am not going to discuss it at any length—I hope it will be voted down; because, I repeat, the matter has got to go to conference and be considered there. Therefore, I hope that if it goes in at all, it may go in at $1,000,000, and I certainly want it to go in.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield to me, that I may ask the Senator from Wyoming a question?

Mr. KING. I yield.

Mr. McKELLAR. I wish to ask the Senator from Wyoming for what this amount is going to be expended? It says for "advertising"; but what kind of advertising? I am not in the fortunate position in which the Senator from Utah is; I do not understand it; and I should like to know what it means.

Mr. WARREN. The mode proposed by the amendment of reaching the men who have been injured seems to be far more economical than the present system of circularizing them.

Mr. McKELLAR. What mode is proposed here?

Mr. WARREN. It is proposed to advertise, under contract with various magazines and papers which reach the remotest quarters of the country, and in that way to convey the necessary information to all the men who may be interested. It is expected that on account of the large volume of such business low figures may be obtained and that it may be possible to cut down vastly the circularization business.

Mr. KING. Mr. President, I should be very glad, of course, to yield to my distinguished friend from Wyoming; but it seems to me that the amount of $500,000 for this purpose is ample, and that it will accomplish all he desires and designs shall be accomplished. I have no doubt that if we gave five million or ten million dollars it would be expended by the War Risk Insurance Bureau.

I listened to the reading of the laudatory report, written probably by some member——

Mr. WARREN. What was read was simply evidence before the committee prepared under the direction of the head of the bureau, of course.

Mr. KING. I withdraw my statement. It is a laudatory report made by some person in the bureau——

Mr. WARREN. Exactly.

Mr. KING. Desiring to exonerate the bureau from the charges of excessive extravagance and waste that have characterized the administration of the bureau. An an evidence of the fallacies that lie at the base of their calculations, reference is made to profits which were derived from a certain branch of insurance. They do not state what the facts are; that there are obligations to be paid out of that fund which has been accumulated. When those obligations are paid, instead of there being a surplus or profit there will be, of course, a deficit. That is the way that some of these departments and departmental heads and agencies of the Government do. When their profligacy is challenged, they tender figures for the purpose of justifying their extravagance, and misleading Congress and misleading the country. Everybody knows that the War Risk Insurance Bureau has been a scandal in its administration and has come in for the severest criticism at the hands of governmental officials who have investigated it, as well as those who are cognizant of its maladministration.

I wish to say, however, that the present director is attempting to remedy many of the defects, and I have no doubt if he had been in charge in the past, many of the evils of which we have been aware would have been avoided; but it is an extravagant branch of the Government. There has been the grossest kind of incompetency in the administration of the War Risk Insurance Bureau.

I insist upon the amendment, Mr. President.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on the amendment of the Senator from Utah to the amendment of the committee.

On a division the amendment to the amendment was rejected.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. KING. I reserve the right in the Senate to present this amendment again.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. On line 23, page 13, after the numerals "$75,000" and after the semicolon, the committee proposes to insert:

Addressograph supplies, $161,536.

The amendment was agreed to.

The SECRETARY. On page 14, line 4, the committee proposes to strike out "$4,701,640" and to insert "$5,863,176."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is found on page 29, where, after the numerals "$200,000," the committee proposes to strike out the following words:

Provided, however, That no part of this money shall be spent in the prosecution of any organization other than an organization of public officers or any individual other than a public officer for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. GRONNA. Mr. President, I dislike very much to disagree with my colleagues on the Committee on Appropriations, but I reserved the right in the committee to oppose this proposed amendment.

I believe at this particular time it would be very unfortunate to make the change which has been proposed by the Senate committee. I want to call the attention of the Senate to what this amendment is.

As the bill passed the House, the paragraph under consideration read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, $200,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization other than an organization of public officers or any individual other than a public officer for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

In the first place, let me call the attention of Senators to the fact that in the food bill which has just passed Congress, and which, I believe, is still in the hands of the Chief Executive, we incorporated this provision in Part I of the bill as it passed both Houses:

And provided further, That nothing in this act shall be construed to forbid or make unlawful collective bargaining by any cooperative association or other association of farmers, dairymen, gardeners, or other producers of farm products with respect to the farm products produced or raised by its members upon land owned, leased, or cultivated by them.

If we adopt this amendment in the form that it is proposed by the committee, we simply repeal that law.

Mr. WARREN. Mr. President, does the Senator think, on reflection, that he is justified in that assertion? Here is an old law—the antitrust act. There is a provision for the enforcement of the antitrust law. The Senator has spoken of a law which this provision does not repeal or obstruct. It is a straight matter of legislation favoring the people of whom he speaks. I think it is hardly supposable that the class of business covered there could by any ordinary construction of language be brought under the enforcement of the antitrust law as the law reads and as it should be construed.

Mr. GRONNA. May I ask the Senator from Wyoming what would the Attorney General of the United States be obliged to do if there were no provision here stating explicitly that none of this money shall be used for the prosecution of the industries to which I have referred? What would the Attorney General of the United States have to do? We have just passed a law

which contains a provision, which I have just read, exempting farm organizations.

Mr. WARREN. Does the Senator mean to say that he has constituted a trust? This appropriation is for the enforcement of the antitrust law. I do not understand that the Senator has created any trust of farmers in his legislation.

Mr. GRONNA. Oh, no; but that is a question which has been debated ever since the antitrust law was passed. We know that the only trusts that have been successfully prosecuted are these men who get together and form their little associations—dairymen, farmers, and labor men. I know that it applies to the farmers, because there are any number of cases over in the State of Illinois where the dairymen have been prosecuted, thrown into jail, and fined for what they call collective bargaining. The same is true of a number of cases over in the State of Ohio. I will say to the Senator from Wyoming that I know of no case where the Government of the United States has been successful in prosecuting the large trusts.

Mr. WARREN. The Senator is certainly mistaken about that.

Mr. GRONNA. I do not know about that.

Mr. WARREN. The Government does not succeed in its prosecution of all cases, but quite a large number of violators of the law have been sent to jail and fined heavily.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. GRONNA. Yes; I yield.

Mr. SMOOT. I want to call the Senator's attention to the fact that the adoption of this amendment as reported to the Senate by the committee will not repeal the law referred to by the Senator. This relates to an annual appropriation. If a dollar of this money is not spent between now and June 30, 1920, every cent of it will go back into the Treasury of the United States. Of course, I will say to the Senator, that will not happen; but it does not say what class of individuals or combination of individuals the antitrust law shall be applied against. It is a deficiency created in the department in regard to the enforcement of the antitrust laws.

Mr. GRONNA. Yes; exactly.

Mr. SMOOT. I will say to the Senator that it may be that if there are dairymen, as spoken of by the Senator, who are violating the antitrust laws, a part of this money may be used for their prosecution. It may be that every dollar of this money will be used for the prosecution of some other corporation for violating those laws. Even if the language stricken out were in here, however, it does not say that the money shall not be expended for the enforcement of the antitrust laws, but it would say that none of it should be used for the purpose of prosecuting farmers or those engaged in the lines of industry specified.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. GRONNA. Yes.

Mr. OVERMAN. We forget some of the provisions of what is known as the Clayton Act, and I think I should read part of it into the RECORD right here to show that there is no need for this amendment, because, as I understand, the Attorney General could not use this money for this purpose, anyway, under this section.

Mr. GRONNA. I shall be very glad to have the Senator do so.

Mr. OVERMAN. Section 6 of the Clayton Act says:

That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

Mr. GRONNA. Furthermore, it would be unfair to the Attorney General to adopt this amendment. I want to read just a sentence or two from the House hearings, on pages 449 and 450:

The CHAIRMAN. I note you are asking that the following language carried in the present appropriation act for this appropriation be eliminated:

"*Provided, however*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. PALMER. I have no objection to that being eliminated at all. I do not know why that is put in. We simply estimated for the enforcement of the antitrust law $200,000. We did not go into the question of repeating legislation on it. I assume that stays.

The CHAIRMAN. You carried all the provisions except those two provisos, and when that is done the estimate is marked as this estimate is marked for elimination.

Mr. STEWART. The department has never included that language. That legislation is inserted by the committee, and we assumed it would be each time.

The CHAIRMAN. You are not asking the elimination of it?

Mr. STEWART. No.

Mr. PALMER. No; I voted for it when I was in the House.

Mr. President, the Attorney General, as I understand, is in favor of this language as it is written into the bill by the House.

I have only referred to the farmer. I hold no brief particularly for labor organizations, but I believe that labor is entitled to fair dealing. I believe that if those who labor feel that it is for the interest of labor and in the interest of humanity that they shall form associations, they ought to have a perfect right to do so.

As long as these things are all being done in accordance with law, there is absolutely no reason why we should say that such associations shall not be permitted to organize; and I am very glad that the Senator from North Carolina [Mr. OVERMAN] has called the attention of the Senate to the Clayton Act. There is absolutely no need for striking out this language, because, as the Senator has said, in all probability it could not be used in any event.

Mr. WARREN. Then I ask the Senator, Why need it be put in, as the Clayton Act provides for it?

Mr. GRONNA. We want to make it plain, Mr. President.

Mr. WARREN. You want to make it plain that we pass a law and then reserve certain industries to which it can not be applied?

Mr. OVERMAN. The question is, Why put it in?

Mr. WARREN. That is what I say.

Mr. OVERMAN. Why strike it out?

Mr. WARREN. Why leave it in? I will tell you why, because it says, openly and aboveboard, that the Congress of the United States, when it passed the law, meant it to apply only to certain individuals and certain interests, and to exclude all the others. That is what it means.

Mr. OVERMAN. You want to make an appropriation for the enforcement of the antitrust law and appropriate $300,000?

Mr. WARREN. Yes; $200,000.

Mr. OVERMAN. Then you say that you ought to put that in, when you have the Clayton Act here before you?

Mr. WARREN. The Clayton Act is all right, and so is the act the Senator speaks of. But the idea, every time we pass a law, of having the necessity of making a reservation of that kind, does not seem to me to be good legislative practice.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. GRONNA. I yield.

Mr. HARRISON. I wanted to ask the Senator from Wyoming, as the chairman of the Appropriations Committee, if it is not a fact that in practically every appropriation bill a provision similar to this has been carried since 1913? Has not this proviso been written into it?

Mr. WARREN. It has at times, and at times it has not.

Mr. HARRISON. Practically speaking, the policy of Congress since 1913 in making appropriations has been to put this proviso in, has it not?

Mr. WARREN. I do not consider it a policy of Congress; no. It may pass it one year and not pass it another.

Mr. HARRISON. May I ask the Senator if it is not a fact that in the Sixty-second Congress a similar provision was passed by Congress, and Mr. Taft, who was then President, vetoed it, and both Houses passed it over the President's veto?

Mr. WARREN. That was quite different.

Mr. HARRISON. It was in the same language, was it not?

Mr. WARREN. I think not.

Mr. HARRISON. If the Senator from North Dakota will permit, I should like at this time to insert in the RECORD the exact wording of the proviso that President Taft vetoed.

Mr. KING. Will the Senator permit me to inquire if the Clayton Act was on the statute books at the time the President vetoed that bill?

Mr. HARRISON. No; the Clayton Act was passed about six months after President Taft vetoed that measure.

Mr. KING. There is a general act now that exempts these organizations from prosecution under the Sherman antitrust law.

Mr. HARRISON. Year by year since then a similar provision has been incorporated in appropriation bills. Here is the way the proviso read at that time:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of pro-

ducers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Both provisos are practically the same as the proviso in this appropriation bill, and that was passed over the President's veto.

Mr. WARREN. As the Senator says, the bill was vetoed, and afterwards the Clayton Act passed, which provides for all that should be provided for in that respect, I think.

Mr. HARRISON. I am not reading from the Clayton Act.

Mr. WARREN. I understand that. I understand what the Senator is reading. He is reading from the bill that was vetoed.

Mr. HARRISON. The bill that was vetoed and passed over the President's veto.

Mr. GRONNA. Mr. President, I do not care to further occupy the time of the Senate, but I simply want to say that this is no time to pass this kind of legislation. I believe that whatever legislation we enact ought to be made plain, not couched in ambiguous language, but in plain language. We know that there is considerable unrest in the country. We also know that these labor and farm organizations can not, by the very nature of things, become monopolies or trusts. I am not now defending either farm organizations or labor organizations when they violate the law. But they should have the right to form their associations to talk matters over, and that applies to labor as well as to farm organizations.

Mr. President, I was impressed with the statement made by a gentleman from Pennsylvania by the name of Miller, who, I believe, is chairman of the dairy association of that State. I do not wish to take the time of the Senate to read his statement, but I know that many of those associations to which he referred were being not only prosecuted but persecuted. Of course none of them were convicted, but they were put to a lot of trouble and unnecessary expense.

I want this language so plain that no man can have the right to point his finger at the Attorney General and say that he is not doing his duty, and unless we say, in plain language, that this money shall not be used for the prosecution of these associations; if the Attorney General receives complaints against farm associations, he might have to proceed and prosecute them if he knows that they are getting together and discussing prices, or if labor gets together and talks or discusses wages or advocates associations for the purpose of bettering their conditions, for the purpose of shortening hours or increasing wages, as I understand it, that might be construed to be a violation of the Sherman antitrust law.

Mr. President, I for one do not want that to be done, and I do not believe that a majority in the Senate wish that to be done.

Mr. CURTIS. Mr. President, I am in somewhat the same position as the Senator from North Dakota [Mr. GRONNA], being a member of the committee. I voted against this amendment in the committee, and reserved the right to oppose it on the floor of the Senate.

Notwithstanding the provision of the law read by the Senator from North Dakota, notwithstanding the provisions of the Clayton Act read by the Senator from North Carolina, and notwithstanding the provisions of the national defense act, which read as follows:

> That this section shall not apply to any farmer, gardener, cooperative association of farmers or gardeners, including live-stock farmers, or other persons with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer"—

And so forth; and notwithstanding the reading of the provisions of section 6—

> that any accumulating or withholding by any farmer or gardener, cooperative association of farmers or gardeners, including live-stock farmers, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this act.

The fact is that prosecutions have been brought against organizations of farmers.

I had a wire the other day advising me of a suit that had been brought, and called the matter to the attention of the Attorney General to get the facts upon which the suit had been based. He advised me that his office had not been informed and therefore could not give me the information. I do not know the facts in the case, but I do know that these organizations have been threatened with prosecution. They have been organized under the law. They must deal with large corporations. They must deal with millers and elevator men who have a monopoly of the trades in their neighborhoods, and they have organized all over Kansas, North and South Dakota, and other agricultural States, to protect themselves. They have organized under the law. They had a right to organize, and I claim that no part of this appropriation should be used to prosecute those men, and I hope this amendment may be defeated. They have not organized in restraint of trade, and they have no desire to create a monopoly; they have formed associations and organized in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. WARREN. May I ask the Senator if he does not, from his statement, believe that the trust law ought either to be repealed or amended so that we would not have to protect them in every item of appropriations, which, of course, should call for only money to carry the laws out as they stand on the statute books?

Mr. CURTIS. I think if the Clayton law were liberally construed there would be absolutely no necessity for such provisions as these. But, notwithstanding the Clayton Act, they are prosecuting these associations of farmers. What I want is that these men be protected; that the Attorney General be notified time and again, if necessary, that these men who have organized to protect themselves, as they must, shall not be prosecuted under this law.

Mr. KING. Mr. President, will the Senator permit me to ask the Senator from Kansas a question?

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. WARREN. Certainly.

Mr. KING. I did not hear all that the Senator from Kansas said; but for information, and in order to get the point of view of the Senator, I should like to know whether the Senator is contending that if farmers, or any other class of people, acting in their individual capacity or as corporations, should organize for the purpose of restraining trade and commerce and for the purpose of creating a monopoly, they ought to be exempt from prosecution?

Mr. CURTIS. No. But these people do not organize for that purpose. They are endeavoring to obtain fair and reasonable prices. But, notwithstanding that fact, they are prosecuted or are threatened with prosecution.

Mr. KING. I do not know, of course, to whom the Senator is referring.

Mr. CURTIS. I believe the people who do organize for the purpose of creating a monopoly and for the sole purpose of increasing prices should be prosecuted. But I believe the men who organize in small trading centers—farming communities, where there is little or no competition—to handle their own grain, to handle their own cream, and to handle their own butter, ought to be exempted from prosecution under this act or any other act.

Mr. KING. If I understand the Senator, I agree with his position. May I inquire of the Senator further, suppose a large number of communities organize for the purpose of creating a monopoly and then extend their operations so as to embrace a State, or a number of States, and they then fix the price of butter, or cheese, or other farm products, and do create a monopoly, and their organization is such as to constitute a restraint of trade. I am curious to know whether the Senator thinks that such combination would come under the Sherman antitrust law.

Mr. CURTIS. Of course, if they organize all over the country and created a monopoly, they would come under the antitrust law. But these are not large organizations. They only apply to small communities, where they have no competition. In some places the markets are not good, they have poor railroad facilities, there is only one organization there to buy their products, and that organization fixes the price, and the farmers are helpless. They must organize to protect themselves against those who have no competition and who buy and control the market, as they do in many communities. I know of cases in my own State where there was paid a difference of 10 to 20 cents a bushel for wheat at stations within 10 miles of each other. Should not the farmers there, when they were being robbed of 10 or 20 cents a bushel, be permitted to organize, build an elevator, and hold their wheat until they could get a fair and reasonable price for their products?

One farmer could not compete with a big elevator, but 5, 6, 10, 20, or 30 of them could.

Mr. KING. I was expressing no opinion. I was interested in finding out where the Senator would draw the line between a big trust and a little trust, a large combination in restraint of trade and a little combination in restraint of trade.

Mr. CURTIS. The farmers have not organized in restraint of trade. I might state, in further answer to the Senator's question, that the last two lines of the amendment read:

> And organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

This is all they ask, and they are entitled to this protection, and it is this amendment in behalf of the farmers that is pro-

posed to be stricken out. I hope the amendment may be defeated.

Mr. KING. The Senator knows, of course, that the Clayton Act contains a provision which legalizes all the organizations for which the Senator is contending, and prohibits any prosecution against them.

Mr. CURTIS. I know that is true. But I stated, in the opening of my remarks, that notwithstanding the Clayton Act, notwithstanding the national-defense act of August, 1917, notwithstanding the act read by the Senator from North Dakota, prosecutions are now pending. As I stated, I had a wire of a prosecution, called the matter to the attention of the Attorney General, and he was unable to give me the facts, because no report had been made to his department.

Mr. KING. If the Senator will permit the suggestion, perhaps those who initiated the prosecution thought they were going beyond the provisions of the Clayton Act; that they were charging more than a fair price; that their organization was not for the purpose of obtaining fair prices for their products, but was for the purpose of obtaining an unfair price for their products.

Mr. CURTIS. Then why should any Senator object to a provision in this bill which says they can only hold out for a fair and reasonable price?

Mr. KING. I am making no argument in respect to that. I am merely trying to find out what the views of the Senator were as to when an organization would become a monopoly and when it was not a monopoly. The thought also occurred to me that if there is a statute already upon the books which protects the organizations for which the Senator is speaking, as I understand him to admit that there is, how can that statute be affected by the measure which is now under consideration? It does not propose to repeal that law.

Mr. CURTIS. Up to date it does not seem to have protected it. That is the point I am making.

Mr. KING. Would it protect it any more by merely reaffirming the statute?

Mr. CURTIS. It shows a desire to prevent the use of any part of this money for the purpose of bringing a prosecution against farmers' organizations, which were organized solely for the purpose of obtaining fair and reasonable prices.

The Attorney General stated before the House committee that he would obey this provision if it were put in the act and we ask that the committee amendment be defeated so the provision may be retained in the act and that the associations of farmers may cooperate and organize, and in that way secure reasonable prices for their products.

Mr. OWEN. Mr. President, I merely want to express, on my own behalf, a complete approval of the views which are being expressed by the Senator from Kansas [Mr. CURTIS] and to say that I am altogether in sympathy with them. The big combinations are not really controlled by the antitrust law. They are flagrantly carrying out now their monopolistic plans throughout the country, and that contributes largely to the high cost of living. The big organization which can bring within its own hands the purchasing of products raised by the farmers can absolutely exercise control over those prices to the injury of those who produce and thereby discourage production in this country, just exactly as the American Tobacco Trust could, by setting such low prices on tobacco that at last they drove people into absolute revolution.

The thing that we ought to do in this country is to go far beyond what the Senator is now trying to do, to protect these little producers against injury and harm from failure of administration of some officer who does not know enough to draw a line of discrimination between the two. We have to go far beyond that. We have got to put a limitation upon these monopolies in this country as to the extent they can tax the people of the country under the powers which they are permitted to exercise under the laws as they exist. I think the Sherman antitrust law might as well be wiped off the statute books for all the good it does.

Mr. HARRISON. Mr. President, I notice that in the Sixty-second Congress, on March 4, 1914, when the veto message of the President came before the House for consideration and the passage of the bill over his veto, the present Attorney General was at that time a Member of the House, and that he voted to override the President's veto with this provision in the bill.

Mr. CURTIS. I understand that he made that statement in the hearings.

Mr. HARRISON. I call to the attention of the Senator also the fact that on this provision in the House there were only 30 votes against it and 201 for it.

Mr. THOMAS. Mr. President, some days ago, in discussing a proposition somewhat analogous to the one presented by this amendment, I inserted in the RECORD the veto message of President Taft to the first appearance of the proviso which is here under discussion and which has appeared in every appropriation bill since that time which makes appropriations for the enforcement of the antitrust laws. That message came to the Senate on the last day of the life of the Sixty-second Congress, and of course could not be acted upon here; hence the bill died with all other unfinished business of the Congress. It made its appearance at the special session which was called by President Wilson for April, when the appropriation bill, which had failed of passage, was renewed. It came from the House with this proviso and was here opposed by a very small minority of Senators under the leadership of the late lamented senior Senator from New Hampshire, Mr. Gallinger. President Wilson signed the bill and took occasion to state—I will not say that he said he regarded the proviso as unconstitutional, but while he regarded it as unlawful, he realized that unless he signed the bill it would again fail, and he therefore concluded to sign it, because there was plenty of money in the previous appropriation for the prosecution of violations of the antitrust law to make it practically ineffective. In other words, two Presidents of the United States, one a Republican and the other a Democrat, have officially voiced the opinion that the proviso was unconstitutional. I mention both these circumstances lest it might appear that the opposition to the appearance of this sort of legislation in a congressional enactment was based upon some partisan motive or purpose. Such is not the case.

I have objected, Mr. President, to this proviso wherever it has appeared, and because I have been unable to make that objection effective I have felt it to be my duty to vote against every measure containing it. My objection to it has nothing whatever to do with the classes which it affects, with the need for it, if need there be, or with the manner in which the antitrust laws have been executed.

If the exception related to any other class of people, if, instead of relating to classes, it were confined to sections, my objection would be the same. It consists in the fact that, under this sort of legislation, the general laws of the country are made to apply to only certain sections of the people, while other sections are expressly excluded from its operation.

Now, I contend that it is beyond the power of the Congress of the United States, however great its authority, to enact general legislation and make it applicable to only a part of the people of the country. It has been done a great many times; in fact, I think such legislation has disfigured the legislative history of the United States ever since the close of the Civil War. Privileges have been extended many times, and improperly, to corporate influences, combinations, and to vested interests. I shall not attempt to specify any particular ones at this time. Suffice it to say that I always condemned them long before I was honored with a seat in the Senate.

Fundamentally it is undemocratic and in practice it is a violation of the political cry, because that is all it now amounts to, of "Equal rights to all and special privileges to none." Class legislation disfigured the action of Congress in behalf of vested interests so long as vested interests were politically more powerful than any other. Class legislation has disfigured our action since vested interests ceased to be more powerful and other interests and combinations have taken their places. But the principle is vicious in either case, and it is one which in my judgment has more to do with the present unsatisfactory condition of the country than any other single element, with the exception of the effect of the war itself upon the human race.

Let me read this proviso:

> For the enforcement of antitrust laws, $200,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization other than an organization of public officers or any individual other than a public officer for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Let me say, Mr. President, at the outset that if any attempts were made to use or if any use were actually made of this appropriation for the purpose of prosecuting such organizations as are included in the proviso, it would be unlawfully used, since the character of organizations there cited is not and can not under any circumstaces constitute a violation of the antitrust law. Men have the right to associate, to combine, if you please, for the purpose of doing everything which is mentioned in the proviso, and by so doing they violate no law whatever, so far as I know, either State or National.

The difficulty with this proviso, Mr. President, is not in what it recites but in what it actually accomplishes. Section 6 of

the Clayton Act, which I opposed, is harmless as regards its phraseology, but under its operation have grown up enormous aggregations of men frequently engaged in conspiracies against trade, as exemplified by Nation-wide strikes, against which the Government can not lift a finger or does not lift a finger, because of the exemption from the Clayton law of these classes of society.

We are face to face with a threatened strike of the employees of all of the bituminous coal mines of the country. The senior Senator from New Jersey [Mr. FRELINGHUYSEN] took occasion this morning to address the Senate upon that all-important subject and very graphically outlined not only the probabilities of this Nation-wide calamity but its consequences. Needless to say, both of them are appalling, as both of them are un-American and unjust. There 446,000 men, engaged in a great basic industry, protected by the provisions of the Clayton anti-trust law, meet in convention, announce terms under which they will continue their employment, instruct their leaders to call a strike upon a day to be fixed; and they can do so, so far as regards any lawful remedy, with absolute impunity. In every other department of life, responsibility goes with power; amenability to law is the inevitable condition of the exercise of a business right or pursuit. We require capital to organize; we give it privileges of incorporation that are just as pernicious and have been the source of just as much abuse as any other privileges founded on legislation; but there is an element of responsibility, since if my business is ruined by a process that is forbidden by law I can summon my adversary into court, and, if I can prove my case, I can secure a judgment, and that judgment will be in whole or in part my reimbursement. But the suffering inflicted upon the members of my family by an organization which I have never injured, consequent upon the shortage in coal during the winter season, and which comes not only to mine but to every family in the United States, however serious it may be and however long continued, carries with it absolutely no remedy whatever, since, under the laws of our country, those engaged in that sort of a conspiracy against trade are not even required to incorporate.

So I say, Mr. President, it is not the phraseology of a proviso like this, but the construction that is placed upon it, and the things done under it, that make it formidable and which would require the repeal of both, by which I mean the proviso in this bill and the exemption found in the Clayton Act. I say again that associations of men designed to better their condition, to bring about "collective bargaining," if you please, can be formed, and all those activities of men, short of conspiracies against trade, can be exercised in this country, always have been and always will be.

It is the carving out of a class—I care not what that class may be—and making it immune from the operations of the general statute, I repeat, that has been the prolific source of industrial and social evils in this country for the last 50 years. The thing itself is what I oppose, whether the moving cause of the thing comes from the one or the other direction, whether it comes from the vested interests or from associations of men. In each instance the great public is the sufferer; in each instance the laws are brought into disrespect; and in each instance the impulse is furnished for further class legislation, either exempting other elements from the operation of general law or increasing the privileges already enjoyed by those who are so fortunate.

Mr. President, if this proviso should read that "no part of this money shall be spent in the prosecution of any organization in the States of North Dakota and Colorado," no Senator within the sound of my voice would hesitate for a moment in characterizing it as class legislation and in voting aganst it; but there is no more difference, in legal effect, between such an exemption and the one which is set forth in the proviso itself.

If we should enact a law against highway robbery—and perhaps the activities of the Federal Government will extend that far very soon—and then exempt from its operation all of the red-headed men and women of the country, no one for a moment would hesitate in pronouncing it class legislation, yet such a statute would differ not a whit from the one which now confronts us.

I do not want to see any small organization of any sort engaged in the very credible task of promoting the interests of its members subject to prosecution by the Attorney General or by anybody else; and if it be true, as stated by the Senator from Kansas, that such prosecutions now exist, then it is equally true that this proviso, if it be not stricken out, will not protect such organizations, for they are being prosecuted under statutes containing this proviso, thus showing that it is not operative.

I know that producers in this country have or have had a hard time; there is no question about that. I know that organizations of some kind are necessary for their well-being, because when one part of the community organizes for a certain purpose, aimed at the rest of the community, they also must organize as a counter-defense. Such local organizations should be encouraged along every legitimate line that will promote their welfare and, through such promotion, contribute to the general welfare. But, Mr. President, there are organizations and organizations. Those which were referred to by the Senator from North Dakota are those that should be encouraged; those which are immune and must be immune, regardless of this proviso, are those which will be prosecuted, as I have just stated, if they are to be prosecuted at all, whether this proviso is in the bill or not.

Only last week there was an announcement in the public press by some gentleman who declared that he represented an organization consisting of 40 per cent of all the farmers in the United States in which he outlined a national program. I read that program with a great deal of interest. While I may be mistaken, I am free to confess that if it is carried out it is apt to prove quite as objectionable to the consumers of this country—to the great mass of the people—as is the present steel strike. That is the sort of an organization, Mr. President, that should be but is not included in the Clayton Act; that is the sort of an organization that will escape under the practical application of provisos like this; while those with which Senators are concerned will, independently of the law, continue as they have before; in other words, the public construction given to these exceptions, the practical operation of affairs under them, is to give immunity to the huge organizations that are quite as apt to interfere with the normal flow of business and of ordinary affairs as are institutions which are known as combinations of capital. If 40 per cent of all the agriculturists of the United States lay down a national program which virtually demands the nationalization of what they call the national resources of the country—which, in my judgment, necessarily includes every farm in the United States—and then place the force of the organization behind it, and, by the power which that organization represents, virtually defy the antitrust laws of the country, then their success is absolutely certain, especially in view of the other consideration that there is no corresponding responsibility.

Mr. President, it has been said by one of the Senators who preceded me that this is no time to change laws; that this is not an occasion for interfering with or altering those conditions which have prevailed in the last few years. I wish I could agree with that view of things. My mind would be a great deal easier. My own view is that inasmuch as every day now brings us face to face with the consequences of our past legislation, inasmuch as the events of every week demonstrate the power of individual organizations, and bring forcibly to us, either by object lessons in existence or those which are sure to come, what they can accomplish, and propose to accomplish, under the special privileges and exemptions given to them by the statutes of the United States, now is the time of all times to wipe these excrescenses from our statute books, and get back to the good old level where all legislation was designed for the benefit or the punishment of every citizen, high and low, of every man and woman in the United States, of all classes and conditions of men.

Mr. President, the consumers, the noncombatants in this country, the men upon whose shoulders rests the burden of taxation, the people who have to pay for every rise in the cost of living, constitute 90 per cent of the people of the United States, and they are entitled to a little consideration at the hands of their representatives in the two Houses of Congress. They are not very well organized; they may never be; but their resources are not absolutely inexhaustible, and when they break the Nation breaks. When the burden becomes so great that they stagger under it and fall, the Nation falls, and all of these classes whose favor we so earnestly seek and whose votes we need so badly will cease to be classes, because the Nation itself will have undergone collapse.

The papers announced a day or two ago that the fares upon the traction lines of Washington were to be increased 40 per cent after the 1st of November—that is to say, from 5 to 7 cents. The 1st of November is getting to be the most attractive day in the calendar. All the coal mines are going to stop, and city fares are going to be raised 40 per cent. What else will happen I suppose will be announced in due season. The man riding to his business and back home, paying two fares per day, will have his general expense increased $14.60 every year. One of the companies is prosperous, paying dividends, I understand, and has asked for no increase, but it gets it just the same. The other seems to be a bankrupt concern, water-logged with over-issues of stock and bonds, trying to keep out of the hands of the receiver, and has appealed to the commission for help, and the commission has finally concluded to give it, but at the expense

of the consuming public. It is an outrage, and it is one of these outrages that are spread as thin as possible, and then spread over the whole community. The man who pays 2 cents additional pays but little attention to it at the time, but every day means an aggregate increase of revenue to these companies of thousands upon thousands of dollars. That is but one of the little things that are placed upon the broad backs of the consuming public, due to the increasing demands from these classes protected by our statutes from any of the consequences to which others are exposed.

I hope, Mr. President, that the Senate of the United States will have the courage to begin right here and strike out this legislation. I have no doubt that it is true, as stated by the Senator from North Dakota [Mr. GRONNA], that many violations of the antitrust law by some of the corporations of the country either have not been prosecuted, or have not been properly prosecuted. I think there is no doubt about that; but, Mr. President, that may be a fact and at the same time constitute a very poor argument. It is a fact, unquestionably, but I am unable to apply it to the consideration of this question. The remedy is not to continue an exception, thereby creating a favored class, but to ascertain why the law is not enforced against everybody, and if there be reasons why it is not so enforced which we can ascertain and remove, then that is the legislative course which the Senate and the House should pursue.

The House, Mr. President, when this question came before it, by a viva voce vote struck out this proviso, and then some one demanded a record vote. If there is anything that the average Senator or Congressman likes to dodge on anything of this sort, it is a record vote. Nobody takes account of the viva voce vote, but when a man's name is called he has either got to vote or run, and when the viva voce vote was called for upon it the amendment was overwhelmingly defeated in the House.

That, Mr. President, was not an entirely creditable performance. If the House were not a body of equal power and dignity with this, I should speak of it in more expressive terms. It is not only not a creditable performance, but it is not an unusual performance. It happens many times. I am told that when the Congress increased the salaries of its own Members, an arrangement was very carefully made whereby a record vote was avoided. Every Senator and Member wanted the extra $2,500, but he did not want to go on record as wanting it. Consequently refuge was taken in the viva voce vote. Now, that may be successful, but it is not manly. It may be politics, but it is not right. We either should do here what we are willing to face our constituencies with or not do it.

So far as I am concerned, I am not particular how the vote is taken upon this particular amendment, so long as it is successful. I have gone on record a number of times concerning it, and I am quite willing to go on record again. I repeat that it is the beginning or the effort to begin the right legislative course, and do away with this unfortunate practice of listening to special privilege whispering in our ears from all sources and becoming more and more successful as time passes.

Mr. TOWNSEND. Mr. President, it seems to me that the Committee on Appropriations has acted wisely in proposing this amendment to the pending bill. The House provision temporarily, so far as this appropriation is concerned, suspends our trust laws. It does indirectly what Congress ought to have the courage to do directly, if it is right to have class legislation. I will not consent with my vote to enforce laws against one class of the people and not against the others. The antitrust laws are good laws, and they should be either enforced impartially or repealed. Senators do not dare to repeal them, but seem not to hesitate to provide for a partial enforcement of them. It is proposed by the House provision to make an appropriation for enforcing the Sherman antitrust law and then to provide that the money shall not be used in enforcing it in certain cases. This procedure brings about a contempt for law. It is simply a recognition of class distinctions, and we are suffering to-day more from that fact than from almost any other.

I believe it is true that a great many of the organizations that are established by farmers are perfectly innocuous, are entirely helpful, and, in my judgment, do not violate any law; but if they do, then those laws ought to be amended, and it ought to be done directly. If the laws prevent desirable combinations by either farmers or laborers or manufacturers, then they should be amended so as to permit good combinations, and I know there are such, and they should be encouraged. I am ready to revise the trust laws, but am not willing to permit favoritism in their enforcement. But no Senator uninfluenced by political considerations, it seems to me, can stand in this Chamber and advocate a law for one class of the people which is not applicable to all of them. If you want to encourage class antagonism and class distinction you can encourage it no more than by this kind of legislation.

I have opposed this character of exceptional legislation ever since I have been in Congress, because it has seemed to me to be instrumental in creating the most serious wrongs and the greatest dangers. But this House provision is not intended to relieve the farmers of the country. They are put into this as a sop in an effort to make it more popular and respectable. I know that the farmers themselves do not want to do anything that is contrary to the public welfare. They are public-spirited, and if proper organizations are denied existence by the existing antitrust laws, I repeat that those laws should be amended. But I submit that it is an improper and a cowardly thing to do to exempt from a general law certain classes of our people and permit them, if that is what they are seeking—and I deny that is what farmers are seeking—to do things which would be unlawful for others to do.

Mr. EDGE. Will the Senator yield?

Mr. TOWNSEND. Certainly.

Mr. EDGE. Mr. President, does not that always form a direct invitation really to attempt to go in opposition to the Clayton Act when we specifically and directly exempt them? Is it not more or less by inference an invitation that they can go ahead without fear of prosecution?

Mr. TOWNSEND. I think it is. I have no doubt about it myself. Such exemptions as these in the past have not been of benefit to labor. I believe that they have been injurious to it, and I am sure that any special provision now for any class of our people will result in injury rather than benefit. The country is suffering from lawlessness. Why encourage the evil?

I have no doubt this amendment will be defeated if a vote is taken on it. Very many amendments of this character have been defeated, and I think Senators who have cast votes on similar provisions in the past have realized that an injury rather than a benefit was done, especially to the people as a whole. If a thing is wrong for one man to do, it is wrong for all men to do it, and honest men are not demanding special privileges.

Mr. President, I have understood that there were some bills being considered for the purpose of making a distinction between the efforts of people who are operating under the provisions that would be affected by the Sherman antitrust law, or the Clayton law, so as to classify combined activities and separate those which are clearly beneficial from those which ought to be prohibited. Will it be contended that any act which labor might do, or which farmers might do, however detrimental to the public welfare, would be perfectly lawful and ought to be exempted from the operations of the general law? I do not think the farmers themselves want any such provision adopted. I have not been notified by any of my farmer constituents that they want this exemption from a general statute. They want only their legitimate rights, and if any statute denies them these it should be repealed. When they want legislation they will ask for it, and we can consider it upon its merits and not sidetrack the issue by an exemption in an appropriation bill affecting a law which should be universal in its application.

So, Mr. President, I shall vote for the committee amendment, believing it is proper and consistent with an honest effort to serve all the people of the United States impartially. Many times have class legislation and partial enforcement of laws risen to plague the country. Can Congress afford to add to this trouble? If the people's representatives would serve their constituents with the same zeal that they employ in looking after their individual political fortunes the distance between capital and labor, between the masses and the classes, would be lessened and a greater respect for law would exist.

Mr. HARRISON. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The question is on agreeing to the committee amendment on page 29, on which the yeas and nays are requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. As he is absent, I withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUM-

BER] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. UNDERWOOD (when his name was called). I wish to announce that I have a pair with the junior Senator from Ohio [Mr. HARDING], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON], and in his absence I withhold my vote.

The roll call having been concluded,

Mr. UNDERWOOD. I desire to announce the absence of my colleague, the senior Senator from Alabama [Mr. BANKHEAD], who is absent on official business. He is paired with the junior Senator from West Virginia [Mr. ELKINS].

Mr. FLETCHER. I have a general pair with the junior Senator from Delaware [Mr. BALL], and in his absence I withhold my vote.

Mr. FRELINGHUYSEN. I have a pair with the junior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. PENROSE (after having voted in the affirmative). I observe that the senior Senator from Mississippi [Mr. WILLIAMS] has not voted. As I have had for many years a standing pair with that Senator, I will withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Virginia [Mr. MARTIN].

Mr. KING. The Senator from Louisiana [Mr. RANSDELL], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Arkansas [Mr. ROBINSON], the Senator from Arizona [Mr. SMITH], the Senator from Nevada [Mr. HENDERSON], the Senator from Arizona [Mr. ASHURST], the Senator from Tennessee [Mr. SHIELDS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Montana [Mr. WALSH] are detained from the Senate on official business.

Mr. MCKELLAR. The Senator from South Dakota [Mr. JOHNSON] is absent on account of illness in his family. The Senator from Oklahoma [Mr. GORE], the Senator from New Mexico [Mr. JONES], the Senator from Oklahoma [Mr. OWEN], the Senator from Missouri [Mr. REED], the senior Senator from Kentucky [Mr. BECKHAM], and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

The result was announced—yeas 28, nays 31, as follows:

YEAS—28.

Borah	Kellogg	New	Smoot
Calder	King	Page	Sterling
Chamberlain	Knox	Phipps	Thomas
Colt	Lodge	Poindexter	Townsend
Dillingham	McNary	Pomerene	Underwood
Edge	Myers	Sherman	Wadsworth
Frelinghuysen	Nelson	Smith, Md.	Warren

NAYS—31.

Brandegee	Gronna	La Follette	Simmons
Capper	Harris	Lenroot	Smith, Ga.
Cummins	Harrison	McKellar	Smith, S. C.
Curtis	Jones, Wash.	Norris	Spencer
Dial	Kendrick	Nugent	Swanson
Fall	Kenyon	Overman	Trammell
France	Keyes	Phelan	Walsh, Mass.
Gay	Kirby	Sheppard	

NOT VOTING—37.

Ashurst	Hale	Martin	Smith, Ariz.
Ball	Harding	Moses	Stanley
Bankhead	Henderson	Newberry	Sutherland
Beckham	Hitchcock	Owen	Walsh, Mont.
Culberson	Johnson, Calif.	Penrose	Watson
Elkins	Johnson, S. Dak.	Pittman	Williams
Fernald	Jones, N. Mex.	Ransdell	Wolcott
Fletcher	McCormick	Reed	
Gerry	McCumber	Robinson	
Gore	McLean	Shields	

So the amendment was rejected.

Mr. WARREN. Mr. President, I have an amendment, which I send to the desk. It is a slight matter. We will have to reconsider one amendment in order to insert the word "agent" in place of the word "clerk."

The VICE PRESIDENT. Without objection, the vote whereby the amendment was heretofore agreed to will be reconsidered. The Secretary will state the amendment of the Senator from Wyoming.

The SECRETARY. On page 36, in line 18, strike out the word "clerk" and insert in lieu thereof the word "agent."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MYERS. Mr. President, I offer an amendment and ask to have it read.

The SECRETARY. Add a new section, as follows:

SEC. 3. That no money, now, heretofore, or hereafter appropriated by the Congress for the pay, salaries, or maintenance of the Metropolitan police department of the Metropolitan police force of the District of Columbia, shall be paid to any member, officer, policeman, or patrolman of such force or such department of the District of Columbia who shall be a member of any organization of policemen or patrolmen which is affiliated, directly or indirectly, with any other labor organization or any branch or body of organized labor; and that the auditor of the District of Columbia and the Auditor of the Treasury Department and all other auditors and auditing officials of the United States Government be, and are hereby, ordered, directed, and commanded not to audit or approve any claims, warrants, or vouchers for services by any such member, officer, policeman, or patrolman under such circumstances; and that the Treasurer of the United States and all other officials are hereby ordered, directed, and commanded not to pay or cash any claim, warrant, or voucher of any such member, officer, policeman, or patrolman under such circumstances.

That all auditing and disbursing officials of the District of Columbia and of the United States Government shall be governed in the matters and orders herein set forth, made, and provided by such action in the premises as may be taken and such notice as may be given by the Board of Commissioners of the District of Columbia and it shall be the duty of such board to notify and keep informed all necessary auditing and disbursing officials of the District of Columbia and of the United States, from time to time, of the names of all such members, officers, policemen, and patrolmen of such police department or such police force as may be members of any such organization of policemen as is herein described and prescribed.

Mr. WARREN. Mr. President, I feel that it is my duty, as chairman of the committee, to make a point of order against the amendment, but I wish to say that I am entirely in sympathy with the object stated, and if it were on some bill that contained legislation I would not make the objection. It is not a matter that can be considered in a deficiency appropriation bill, and I am therefore compelled to make the point of order against it.

Mr. MYERS. Mr. President, I should like to say a word about the point of order.

Mr. WARREN. I withhold the point of order for that purpose.

Mr. MYERS. I have given that question some thought. It occurs to me that the amendment does not change existing law, but is merely a limitation upon the expenditure of money appropriated by Congress. I have always understood that it is permissible to put an amendment upon an appropriation bill which is merely a limitation upon the expenditures of moneys appropriated by Congress. That is my understanding of the rule, and I think this is merely a limitation upon the expenditure of money appropriated by Congress. For that reason I have been of the opinion that it would not be out of order.

The VICE PRESIDENT. Is there any appropriation in the bill providing pay for the Metropolitan police of the District of Columbia?

Mr. WARREN. I desire to say that that is the particular point on which I base my point of order.

The VICE PRESIDENT. There is no appropriation for the Metropolitan police?

Mr. WARREN. There is not. I renew my point of order.

The VICE PRESIDENT. The point of order is sustained. If there had been an appropriation for that purpose in the bill, the amendment would be in order.

Mr. POMERENE. I send to the desk the following amendment.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. Add a new section as follows:

DEPARTMENT OF THE INTERIOR.

Natural-gas supplies of the Northern Appalachian States: For the investigation of the stage of exhaustion, the amounts remaining available in the ground, and the probable life of the natural-gas fields tributary to the cities of Ohio, western New York, western Pennsylvania, West Virginia, and eastern Kentucky, there is hereby appropriated the sum of $15,000, to be expended under the direction of the Director of the United States Geological Survey.

Mr. WARREN. Mr. President, I should be glad to vote for a bill which carries that item, if it came as a separate measure, but I am compelled to make a point of order against the amendment.

Mr. POMERENE. Will not the Senator withhold the point of order for a moment?

Mr. WARREN. I will withhold it while the Senator addresses the Senate.

Mr. POMERENE. Mr. President, as everyone familiar with the subject knows, there is considerable gas territory in Ohio and West Virginia and western Pennsylvania. A large portion of our industrial cities are supplied with natural gas, not only for industrial purposes but for housekeeping purposes. Franchises are granted by the different municipalities to different companies. There has been a good deal of difference of opinion as to what price should be paid for the gas, and during the last 10 years, to my certain knowledge, there have been different representations as to the amount of natural-gas territory and

the supply which can be produced, not only at the present time but in future years. As a result, many of the cities are uncertain as to what ought to be done.

This proposed amendment simply asks for a preliminary survey. I have taken up the subject with the United States Geological Survey, and they advise me that they have no funds now whatever with which to have the survey made. Similar surveys have been made in the past in the Texas-Oklahoma territory and the Kansas territory, possibly in some others, and the information which they have gathered, while not mathematically certain, of course, has been of very great value to those communities.

I hope the Senator can see his way clear not to insist on the point of order. I hope he will consent to have the amendment adopted. It will no doubt go to conference; and if any reason occurs to Senators then why it should not be permitted to remain in the bill, of course I shall make no objection, but I make an appeal now to the good nature of the chairman of the committee and ask him to let it go in the bill under these circumstances.

Mr. WARREN. It is not a matter of good nature at all. It is a mere matter of a construction of the rules of the Senate. I have no pleasure but really have pain in insisting upon the point of order.

Mr. POMERENE. The Senator smiles when he says he has pain. I am very sorry he feels that he must make this objection.

The VICE PRESIDENT. The Chair must sustain the point of order if it is made. It is not estimated for.

Mr. POMERENE. I observe an expression of pain on the face of the Vice President at the same time.

Mr. CHAMBERLAIN. I desire to offer an amendment. On page 19, between lines 23 and 24, I move to insert the following:

For extra and special services performed by a United States district attorney, Clarence L. Reames, of Portland, Oreg., in the prosecution of certain cases in the northern district of California and in the western district of Washington, pursuant to the request of the Attorney General, during the years 1916 and 1917, $2,000.

Mr. WARREN. I wish to say to the Senator offering the amendment that that was considered in the committee, and there was some question whether it should go in or not. I am perfectly willing, if the Senator wishes, to let it go in the bill and go to conference.

Mr. CHAMBERLAIN. I should like to have it go to conference, because I am satisfied the Attorney General will recommend it, in view of statements that he has already made about it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESERVATIONS TO TREATY OF PEACE WITH GERMANY.

Mr. McCUMBER. Mr. President, I desire to have printed a number of suggested compromise reservations for the treaty of peace. These represent efforts of the different Senators to get together on some line of reservations on which a majority could agree.

As is well known, I think, no one claims to-day that the treaty can go through without reservations. It is necessary to secure 64 votes to put the treaty through. In order to secure those 64 votes it is necessary that some reservations be agreed upon. Those which I present, while not being reservations that have been agreed upon in every respect and in each detail, do represent the effort to agree of those who might be called mild reservationists and those who desire most radical reservations. I ask that they may be printed in the RECORD of the proceedings of to-day, so that we may have them before us during the consideration of this matter to-morrow.

Mr. OVERMAN. Mr. President, in addition to printing them in the RECORD, would it not be well to have them printed as bills are printed, and laid on the desks of Senators?

Mr. McCUMBER. I have no objection, if the Senator wishes that done.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The reservations will be printed.

Mr. UNDERWOOD. Mr. President, I ask that the reservations offered by the Senator from North Dakota may be read.

The PRESIDING OFFICER. Is there objection to the proposed reservations being read? The Chair hears none.

Mr. POINDEXTER. Mr. President, before that is done I should like to ask the Senator from North Dakota whether we are to understand from his statement that he is offering these reservations not only on his own behalf but on behalf of other Senators who have agreed to them?

Mr. McCUMBER. I will scarcely say that, Mr. President. Many of them we have agreed upon. To others there are some slight objections, I will say, upon my own part and some on the part of others. These represent rather the effort to get together, perhaps, as nearly as we shall be able to get together until we may decide the matter in the Committee on Foreign Relations. I have no objection to their being read.

The PRESIDING OFFICER. The Secretary will read the proposed reservations.

The Secretary read as follows:

SUGGESTED COMPROMISE RESERVATIONS.

CONCERNING WITHDRAWAL.

1. That the United States understands, and so construes article 1, that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled.

CONCERNING ARTICLE 10.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military and naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress which, under the Constitution, has the sole power to declare war or authorize the employment of the military and naval forces of the United States, shall, by act or joint resolution, so declare.

CONCERNING DOMESTIC QUESTIONS.

3. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating to its internal affairs, including immigration, coastwise traffic, the tariff, commerce, and all other domestic questions, are solely within the jurisdiction of the United States and are not, under this treaty, submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations or to the decision or recommendation of any other power.

CONCERNING THE MONROE DOCTRINE.

4. The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which, in the judgment of the United States, depends upon or involves its long-established policy commonly known as the Monroe doctrine. Said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations; and it is preserved unaffected by any provision in said treaty contained.

CONCERNING SHANTUNG.

5. The United States refrains from entering into any agreement on its part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto.

CONCERNING VOTE OF DOMINIONS (WHERE NEITHER PRINCIPAL COUNTRY NOR DOMINION IS PARTY TO DISPUTE).

6. The United States reserves the right, upon the submission of any dispute to the council or the assembly, to object to any member and its self-governing dominions, dependencies, or possessions having in the aggregate more than one vote; and in case such objection is made the United States assumes no obligation to be bound by any election, finding, or decision in which such member and its said dominions, dependencies, and possessions have in the aggregate cast more than one vote.

CONCERNING VOTES OF DOMINIONS (WHERE PRINCIPAL COUNTRY OR DOMINION IS PARTY TO DISPUTE).

7. That the United States understands and construes the words "dispute between members" and the words "dispute between parties," in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies; and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member, but also its dominions, colonies, and dependencies.

Mr. PITTMAN. Mr. President, so that these reservations that have been offered in the form of resolutions may all appear in the RECORD together, I ask unanimous consent that there be printed in the RECORD, following the proposed reservations, the reservations presented by the Senator from Massachusetts [Mr. LODGE] on behalf of the majority of the Foreign Relations Committee, the reservations heretofore offered by the Senator from North Dakota [Mr. McCUMBER] on September 15, the reservations and amendments suggested by the Senator from Pennsylvania [Mr. KNOX] on June 12, the reservations of the Senator from Missouri [Mr. SPENCER] under date of June 9, the reservations of the Senator from Georgia [Mr. SMITH] on October 2, and the reservations of the Senator from Nevada [Mr. PITTMAN] under date of August 20.

The PRESIDING OFFICER. Is there objection?

Mr. OVERMAN. I ask that all of these reservations be printed in one document and laid on the desks of Senators in the morning.

The PRESIDING OFFICER. Is there objection?

Mr. POMERENE. If it is the purpose of the Senate to reprint these reservations it seems to me that all of them should be reprinted.

Mr. OVERMAN. I think they ought to be reprinted together and laid upon the desks of Senators.

Mr. POMERENE. Some reservations were offered by the senior Senator from Colorado [Mr. THOMAS].

Mr. SMOOT. I will say to the Senator that they have already been printed.

Mr. POMERENE. I know; but it is proposed here to reprint them.

Mr. MCKELLAR. They ought to be printed in the RECORD also, and I do not understand that the Senator's request would exclude them.

Mr. OVERMAN. Not at all. They have already been ordered printed in the RECORD.

Mr. POMERENE. Also, certain reservations were presented by the Senator from Maine [Mr. HALE]. I think those were prepared, perhaps, by former Justice Hughes; and I think, as I now recall, that certain reservations were presented by the junior Senator from Minnesota [Mr. KELLOGG].

Mr. PITTMAN. Mr. President, I have here the reservations suggested by Mr. Hughes and presented by the Senator from Maine [Mr. HALE] under date of July 24. I present them to accompany the unanimous-consent request. I also present the reservations offered by the Senator from Colorado [Mr. THOMAS] under date of October 11, and ask that they take the same course.

Mr. CURTIS. Mr. President, if these reservations are to be printed, I ask that all the reservations which have been proposed and not merely a part of them be printed and laid on the desks of Senators.

The PRESIDING OFFICER. The Chair understands that the suggestion as first made was to have all these reservations printed in the RECORD. Now, there seems to be another suggestion, that they shall all be printed as one document and laid on the desks of Senators. Is that the idea?

Mr. CURTIS. My request applies to the document which is to be laid on the desks of Senators.

Mr. SMOOT. Mr. President, it seems to me that if we are going to put them all together as a document it would be sufficient for every Senator to have them all together in that form. All of them, I think, have been printed in the RECORD already. What the Senators want is to have them handy, so that they can get to them at once. If they are published in a document, that is the proper way and the best way for Senators to see all of the reservations.

The PRESIDING OFFICER. Does the Senator object to including these reservations in the RECORD?

Mr. SMOOT. I want to ask the Senator making the request if he will not change it so as to have them printed as a document?

Mr. PITTMAN. Mr. President, I thought they ought to be printed in both ways, for this reason: The document is only immediately available to Senators until it is mailed out, while anything that appears in the CONGRESSIONAL RECORD goes to the country, and gives everyone the benefit of the comparison of the various reservations. That was my object.

Mr. SMOOT. Of course I recognize that fact, and I will say to the Senator that I understand that all of them have already been printed in the RECORD; but if the Senator really thinks that it is necessary, and as we are paying no attention anyhow to what we put in the RECORD, I have not any objection if the Senator desires to have it done.

Mr. PITTMAN. I think at the present time it is becoming more important than it was at the time they were offered.

Mr. SMOOT. It is understood, then, that all of the reservations of every kind and character shall be printed not only in the RECORD but also in document form.

The PRESIDING OFFICER. All the reservations, and then that all the reservations shall not only be included in the RECORD, but that they shall be printed as one document and laid on the desks of Senators. Does the Chair hear any objection?

Mr. PITTMAN. Also in the RECORD and in this one document.

Mr. SMOOT. Yes.

The PRESIDING OFFICER. Shall this suggestion reach to printing these reservations as a public document—the Chair presumes, a Senate document? What is the pleasure of the Senate on that question?

Mr. SMOOT. I understood the Senator to request that they be printed as a Senate document.

Mr. OVERMAN. Mr. President, I requested that they be printed as a Senate document and laid on the desks of Senators, so that Senators can compare them and examine them without having to refer to the RECORD.

The PRESIDING OFFICER. The only difference seems to be that Senate documents are exclusively for the use of Senators, while public documents go out to the various libraries in the country.

Mr. OVERMAN. I only wanted them printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES of Washington. Mr. President, I desire to present and have printed and lie on the table to be printed with the other reservations in the document that was ordered printed this afternoon what is intended to be proposed by me as an additional paragraph to the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered. All reservations presented up to this time will be printed as a document and also in the RECORD.

The reservations are as follows (S. Doc. No. 139):

Senate resolution 76.

Mr. KNOX submitted the following resolution, which was referred to the Committee on Foreign Relations:

Whereas the Congress of the United States in declaring, pursuant to its exclusive authority under the Constitution, the existence of a state of war between the United States and the Imperial German Government, solemnly affirmed that the Imperial Government has so "committed repeated acts of war against the Government and the people of the United States" that a state of war had been thrust upon them by that Government, and thereupon formally pledged the whole military and national resources of the country "to bring the conflict to a successful termination"; and

Whereas the Senate of the United States, being a coequal part of the treaty-making power of this Government, and therefore coequally responsible for any treaty which is concluded and ratified, is deeply concerned over the draft treaty of peace negotiated at Versailles by which it is proposed to end our victorious war and is gravely impressed by the fact that its provisions appear calculated to force upon us undesirable and far-reaching covenants inimical to our free institutions under the penalty that failing to accept these we shall continue in a state of war while our cobelligerents shall be at peace and enjoying its blessings; that it is proposed to make us parties to a league of nations, under a plan as to which the people of the United States have had neither time to examine and consider nor opportunity to express regarding it a matured and deliberate judgment, whereas the treaty may be easily so drawn as to permit the making of immediate peace, leaving the question of the establishment of a league of nations for later determination; and that the treaty as drawn contains principles, guaranties, and undertakings obliterative of legitimate race and national aspirations, oppressive of weak nations and peoples, and destructive of human progress and liberty: Therefore be it

Resolved, That the Senate of the United States will regard as fully adequate for our national needs and as completely responsive to the duties and obligations we owe to our cobelligerents and to humanity a peace treaty which shall assure to the United States and its people the attainment of those ends for which we entered the war, and that it will look with disfavor upon all treaty provisions going beyond these ends.

2. That since the people of the United States have themselves determined and provided in their Constitution the only ways in which the Constitution may be amended, and since amendment by treaty stipulation is not one of the methods which the people have so prescribed, the treaty-making power of the United States has no authority to make a treaty which in effect amends the Constitution of the United States, and the Senate of the United States can not advise and consent to any treaty provision which would have such effect, if enforced.

3. That the Senate advises, in accordance with its constitutional right and duty, that the great paramount if not sole duty of the peace conference is quickly to bring all the belligerents a full and complete peace; that to this end the treaty shall be so drawn as to permit any nation to reserve without prejudice to itself for future separate and full consideration by its people the question of any league of nations; that neither such an article nor the exercise of the rights reserved thereunder, whether at the time of signature, the time of ratification, or at any other time, shall affect the substance of the obligations of Germany and its cobelligerents under the treaty, nor the validity of signature and ratification on their behalf; and that any indispensable participation by the United States in matters covered by the league covenant shall, pending the entry of the United States into the league, be accomplished through diplomatic commissions which shall be created with full power in the premises.

4. That this resolution indicates and gives notice of the limits of the present obligations against the United States in which the Senate of the United States is now prepared to acquiesce by consenting to the ratification of a treaty embodying peace conditions that may be found otherwise acceptable to its judgment, and that the adoption by the peace conference of the foregoing reasonable limitations and positions will facilitate the early acceptance of the treaty of peace by the Senate of the United States, will in nowise interfere with the league of nations as between these countries prepared to ratify the treaty without further consideration, and will afford such a manifestation of real respect for the wishes of a great people as can not fail more firmly to cement the friendship already existing between ourselves and our cobelligerents.

5. That, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

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Senate resolution 80.

Mr. SPENCER submitted the following resolution, which was ordered to lie over under the rule:

Resolved, That the Senate approaches the consideration of the league of nations with entire sympathy and in the earnest desire to cooperate as fully as it may in thus establishing and preserving the peace of the world.

That in the interest of a frank and full understanding with the other nations of the world, and particularly with the signatory nations to the covenant itself, candor and friendship alike require that the danger of future misunderstanding should as far as possible be eliminated, and to that end the following declarations should be clearly and definitely made:

First. That the Monroe doctrine is an essential national policy of the United States, and that the necessity and extent of its application and enforcement are matters to be determined alone by the United States as the occasion for interpretation may from time to time arise and without interference, direct or indirect, on the part of any other nation.

Second. That internal questions entirely domestic in character, such as immigration and tariff, notwithstanding certain international results that may from time to time naturally be connected therewith, are matters to be determined entirely by the country in which they arise, and are under no circumstances questions for settlement under the provisions of the league of nations.

Third. That inasmuch as the United States is governed by a written constitution, the provisions of which are supreme and controlling in this Republic over every act, legislative, executive, or judicial, and by such constitution it is expressly provided that the power either to declare war or to continue war for more than two years is vested exclusively in the Congress of the United States, it is apparent that the United States can not bind itself in advance to either make war in the future or to send its Army or Navy into other lands for purposes of control, which is an act of war, without the express authorization of Congress at the time, and, therefore, whether the United States, as the necessity for such action in the future may arise, shall by any military or naval force cooperate in maintaining any of the provisions of the league of nations is a matter which the Congress under the provisions of the Constitution of the United States is, and must be, entirely free to determine by what in its judgment is at the time consistent with the honor and interest and duty of the American people.

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Reservations by Mr. Hale.

The Senate of the United States of America advises and consents to the ratification of said treaty with the following reservations and understandings as to its interpretation and effect to be made a part of the instrument of ratification:

First. That whenever two years' notice of withdrawal from the league of nations shall have been given, as provided in article 1 of the covenant, the power giving the notice shall cease to be a member of the league, or subject to the obligations of the covenant of the league, at the time specified in the notice, notwithstanding any claim, charge, or finding of the nonfulfillment of any international obligation or of any obligation under said covenant: *Provided, however*, That such withdrawal shall not release the power from any debt or liability theretofore incurred.

Second. That questions relating to immigration, or the imposition of duties on imports, where such questions do not arise out of any international engagement, are questions of domestic policy, and these and any other questions which, according to international law, are solely within the domestic jurisdiction are not to be submitted for the consideration or action of the league of nations or of any of its agencies.

Third. That the meaning of article 21 of the covenant of the league of nations is that the United States of America does not relinquish its traditional attitude toward purely American questions, and is not required by said covenant to submit its policies regarding questions which it deems to be purely American questions to the league of nations or any of its agencies, and that the United States of America may oppose and prevent any acquisition by any non-American power by conquest, purchase, or in any other manner of any territory, possession, or control in the Western Hemisphere.

Fourth. That the meaning of article 10 of the covenant of the league of nations is that the members of the league are not under any obligation to act in pursuance of said article except as they may decide to act upon the advice of the council of the league. The United States of America assumes no obligation under said article to undertake any military expedition or to employ its armed forces on land or sea unless such action is authorized by the Congress of the United States of America, which has exclusive authority to declare war or to determine for the United States of America whether there is any obligation on its part under said article and the means or action by which any such obligation shall be fulfilled.

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Senate resolution 168.

Mr. PITTMAN submitted the following resolution, which was ordered to lie over under the rule:

Resolved, That when the Senate of the United States shall advise and consent to the ratification of the treaty of peace with Germany, signed at Versailles on the 28th day of June, 1919, now pending in the Senate, that it be done with and in consideration of the following understanding as to the present and future construction and interpretation to be given to the treaty:

1. That whenever the two years' notice of withdrawal from the league of nations shall have been given by any member of the league, as provided in article 1, the Government giving such notice shall be the sole judge whether all its international obligations and all its obligations under the covenant shall have been fulfilled at the time of withdrawal.

2. That the suggestions of the council of the league of nations as to the means of carrying into effect the obligations of article 10, the execution of which may require the use of military or naval forces or economical measures, can only be carried out through the voluntary separate action of each of the respective Governments, members of the league, and that the failure of any such Government to adopt the suggestions of the council of the league, or to provide such military or naval forces or economical measures, shall not constitute a moral or legal violation of the treaty.

3. That all domestic and political questions relating to the internal affairs of a Government which is a member of the league, including immigration, coastwise traffic, the tariff, and commerce, are solely within the jurisdiction of such Government, and are not by the covenant of the league of nations submitted in any way either to arbitration or to the consideration of the council or assembly of the league of nations or to the decision or recommendations of any other power. If a dispute arises between parties with regard to a question other than those which are herein specifically exempted as domestic questions, and it is claimed by one of the parties that such question is a domestic and political question, relating to its internal affairs, then the council shall not consider or make recommendations thereon, except upon the unanimous vote of the council, other than the representations of the disputants.

4. There shall not be submitted to arbitration or inquiry by the assembly or the council any question which, in the judgment of the United States, depends upon or involves its long-established policy, commonly known as the Monroe doctrine, and it is preserved unaffected by any provision of the said treaty.

Senate resolution 169.

Mr. OWEN submitted the following resolution, which was referred to the Committee on Foreign Relations:

Resolved, That the Senate of the United States in ratifying the treaty of peace wth Germany has done so with the understanding that the meaning and purpose of this instrument is as follows:

1. That there is nothing in the covenant establishing the league of nations capable of being interpreted as permitting the league of nations to interfere with any of the domestic affairs of the United States or of any other nation, such as matters relative to immigration, emigration, imports, or exports, coastwise traffic, or sovereignty within the 3-mile limit of its seacoast.

2. That nothing in the covenant can be construed as requiring the United States to use its military or naval forces except when the Congress of the United States within its own discretion may authorize it.

3. That if any member nation should see fit to withdraw from the league would not be precluded from doing so on the ground that it had not complied with its obligations.

4. That the covenant of the league will not in any degree impair the Monroe doctrine as heretofore interpreted by the Government of the United States.

5. That the league of nations is not authorized to interfere with the internal revolutions of any nation except in respect to the backward nations under a mandatory, nor to interfere with the readjustment of boundaries by agreement.

6. It is the opinion of the Senate that the reduction of armament should proceed as rapidly as the safety of the world shall permit.

7. It is the opinion of the Senate that the pledge contained in article 23 (b) that the members of the league "undertake to secure just treatment of the native inhabitants under their control" is a moral pledge of the highest international character, made in pursuance of the principles enunciated by the President of the United States January 8, 1917, and in his subsequent addresses, which were accepted by the allied Governments on November 5, 1918, in arranging a basis for a treaty of peace with the Government of Germany.

8. The Senate has ratified the treaty upon the express understanding that the Japanese Government will fully and speedily carry out the pledge made to the Chinese Government in May, 1915, with regard to the Shantung Peninsula and has every confidence of the faithful and early compliance with this pledge.

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Reservations reported by Mr. LODGE from the Committee on Foreign Relations to be made a part of the resolution of ratification of the treaty of peace with Germany when it is submitted, viz:

1. The United States reserves to itself the unconditional right to withdraw from the league of nations upon the notice provided in article 1 of said treaty of peace with Germany.

2. The United States declines to assume, under the provisions of article 10 or under any other article, any obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, members of the league or not, or to employ the military or naval forces of the United States in such controversies, or to adopt economic measures, for the protection of any other country, whether a member of the league or not, against external aggression, or for the purpose of coercing any other country, or for the purpose of intervention in the internal conflicts or other controversies which may arise in any other country; and no mandate shall be accepted by the United States under article 22, Part I, of the treaty of peace with Germany, except by action of the Congress of the United States.

3. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating to its affairs, including immigration, coastwise traffic, the tariff, commerce, and all other domestic questions, are solely within the jurisdiction of the United States, and are not under this treaty submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or to the decision or recommendation of any other power.

4. The United States declines to submit for arbitration or inquiry by the assembly or the council of the league of nations provided for in said treaty of peace any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone, and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

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Reservations intended to be proposed by Mr. MCCUMBER to be made a part of the resolution of ratification of the treaty of peace with Germany, viz:

1. That whenever the two years' notice of withdrawal from the league of nations shall have been given by the United States, as provided in article 1, the United States shall be the sole judge whether all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of withdrawal.

2. That the suggestions of the council of the league of nations as to the means of carrying the obligations of article 10 into effect are only advisory, and that any undertaking under the provisions of article 10, the execution of which may require the use of American military or naval forces or economic measures, can under the Constitution be carried out only by the action of the Congress, and that the failure of the Congress to adopt the suggestions of the council of the league, or to provide such military or naval forces or economic measures, shall not constitute a violation of the treaty.

3. The United States reserves to itself the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating to its internal affairs, including immigration, coastwise traffic, the tariff, commerce, and all other purely domestic questions are solely within the jurisdiction of the United States and are not by this covenant submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations or to the decision or recommendation of any other power.

4. The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which in the judgment of the United States depends upon or involves its long-established policy commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained.

5. That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests,

renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915.

6. That the United States understands and construes the words "dispute between members" and the words "dispute between parties" in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies; and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member but also its dominions, colonies, and dependencies.

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Reservations intended to be proposed by Mr. SMITH of Georgia to the pending treaty of peace with Germany, viz:

Resolved, That the Senate advises and consents to the ratification of the treaty with Germany with the following provisos, to be made a part of such ratification:

First. The United States understands and construes the words "dispute between members" and the words "dispute between parties," in article 15, to mean that a dispute with a principal member, self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein and with each of the other self-governing dominions, colonies, or dependencies thereof, and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover the dominant or principal member, its dominions, colonies, and dependencies.

Second. The United States understands that, as the covenant provides no tribunal to pass judgment upon the subject, whenever the two years' notice for withdrawal from the league of nations shall have been given by a member nation, as provided in article 1, the member nation shall be the sole judge whether all its international obligations and all its obligations under this covenant have been fulfilled, and notice of withdrawal by the United States can be given by a concurrent resolution of the Congress of the United States.

Third. The United States understands that the reference to the Monroe doctrine in the league covenant means that the long-established policy of the United States, commonly known as the Monroe doctrine, is preserved unaffected by the covenant, and that no question which depends upon or involves this policy is to be submitted to arbitration or inquiry by the assembly or the council of the league.

Fourth. The United States understands that under the league covenant no question can be raised either in the assembly or in the council of the league which will give either body the right to report or to make any recommendation or to take any action upon the policy of the United States or any other member nation with regard to domestic or political questions relating to its internal affairs, including immigration, coastwise traffic, the tariff, commerce, and all other purely domestic questions, but these questions, in whatever manner they may arise, are solely within the jurisdiction of each member nation, and are not by the covenant submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations, or to the decision or recommendation of any other power, and, in the case of the United States, they are reserved for action by the Congress of the United States.

Fifth. The United States understands that the advice which may be given by the council or the assembly of the league with regard to the employment of the military or naval forces by a member nation, or with regard to the use of economic measures for the protection of any other country, whether member of the league or not, or for the purpose of coercing any other country or for the purpose of intervention in the internal conflicts or other controversies which may arise in any other country, is to be regarded only as advice, and leaves each member nation free to exercise its own judgment as to whether it is wise or practicable to act upon that advice, and that the Congress must determine for the United States its course.

The United States can not assume, under the provisions of article 10, or any other article, any obligation to preserve the territorial integrity or political independence of any other country, or to interfere, under the provisions of article 16, in controversies between other nations, whether members of the league or not.

The authority for decisions in all matters referred to in this reservation is placed by the Constitution of the United States upon the Congress, and the failure of the Congress to adopt the suggestions of the assembly or the council of the league of nations or to take independent action shall not constitute a violation of the treaty, and no mandate shall be accepted by the United States, as provided in article 22, part 1, except by action of the Congress of the United States.

Sixth. The United States understands that the representatives of the other nations upon the reparations commission will interfere with exports from the United States to Germany or from Germany to the United States only when the United States also approves the interference.

Seventh. The United States understands that no one may represent the United States in any of the positions created by the treaty except when appointed by the President, with the advice and consent of the Senate, unless provision is hereafter made by the Congress for selections in a different manner; and the representative of the United States, either in the assembly or the council, shall have no authority to agree for the United States to any amendment to or change in the covenant of the league until the same has been first submitted to and ratified by the Senate of the United States as other treaties.

—

Reservation intended to be proposed by Mr. CURTIS to the reservations proposed by the Committee on Foreign Relations as a part of the resolution of ratification of the treaty of peace with Germany, viz:

5. The United States construes subdivision "C" of article 23 to mean that the league shall refuse to recognize agreements with regard to the traffic in women and children and that the league shall use every means possible to abolish and do away with such practice.

—

Amendment intended to be proposed by Mr. SHERMAN to the document (S. Doc. 85), treaty of peace with Germany, viz:

On page 17, line 10, before the word "agree," insert the following: "invoke the considerate judgment of mankind and the gracious favor of Almighty God and."

Reservations intended to be proposed by Mr. THOMAS to be made a part of the resolution of ratification of the treaty of peace with Germany, viz:

1. The United States declines to submit the credentials of its delegates and their advisers to the general conference to the determination of that body or to receive or act upon proposals of any conference from which its delegates and advisers or any of them have been excluded. And the United States understands and construes the Government delegates provided by article 389, and the 12 delegates representing governments upon the governing body of the international labor office and the person of independent standing to be nominated for the panel provided by article 412, to mean that both employers and workers are ineligible to selection or appointment to said positions or any of them. And the United States declines to submit the credentials or qualifications of any of its appointees under Part XIII of the treaty to any authority whatever.

2. The United States understands that the provisions of article 1, Part I, of the treaty, authorizing any member of the league to withdraw therefrom, mean that any such withdrawal, when made, is a withdrawal from the international organization created by Part XIII of the treaty. The United States also understands that amendments to Part XIII, under the provisions of article 422, shall not bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league.

3. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and that of the States respectively, and declares that all domestic and political questions relating to its affairs, including immigration, coastwise traffic, agriculture, the tariff, commerce, and all other domestic subjects, are not under Part XIII of this treaty submitted to the determination of the general conference, the governing body of the international labor union, or any other commission of inquiry to be chosen thereunder.

4. The United States reserves the right to decline to recognize the authority, except that of a member of the league, to file a complaint with the international labor office that it is not securing effective observance of any convention which both have ratified in accordance with the articles of Part XIII.

—

Mr. OWEN submitted the following resolution, which was referred to the Committee on Foreign Relations:

Resolved, That the United States in ratifying the covenant of the league of nations does not intend to be understood as modifying in any degree the obligations, entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1917, and in subsequent addresses, as a world agreement, binding on the great nations which entered into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

The protectorate which Germany recognizes in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

—

SUGGESTED COMPROMISE RESERVATIONS.

October 21.

CONCERNING WITHDRAWAL.

1. That the United States understands, and so construes article 1, that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled.

CONCERNING ARTICLE 10.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country, or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military and naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress which, under the Constitution, has the sole power to declare war or authorize the employment of the military and naval forces of the United States, shall, by act or joint resolution, so declare.

CONCERNING DOMESTIC QUESTIONS.

3. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating to its internal affairs, including immigration, coastwise traffic, the tariff, commerce, and all other domestic questions, are solely within the jurisdiction of the United States and are not, under this treaty, submitted in any way, either to arbitration or to the consideration of the council or the assembly of the league of nations, or to the decision or recommendation of any other power.

CONCERNING THE MONROE DOCTRINE.

4. The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which, in the judgment of the United States, depends upon or involves its long-established policy commonly known as the Monroe doctrine. Said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations; and it is preserved unaffected by any provision in said treaty contained.

CONCERNING SHANTUNG.

5. The United States refrains from entering into any agreement on its part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto.

CONCERNING VOTE OF DOMINIONS (WHERE NEITHER PRINCIPAL COUNTRY NOR DOMINION IS PARTY TO DISPUTE).

6. The United States reserves the right, upon the submission of any dispute to the council or the assembly, to object to any member and its self-governing dominions, dependencies, or possessions having in the

aggregate more than one vote; and in case such objection is made the United States assumes no obligation to be bound by any election, finding, or decision in which such member and its said dominions, dependencies, and possessions have in the aggregate cast more than one vote.

CONCERNING VOTES OF DOMINIONS (WHERE PRINCIPAL COUNTRY OR DOMINION IS PARTY TO DISPUTE).

7. That the United States understands and construes the words "dispute between members" and the words "dispute between parties" in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein, and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies; and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member, but also its dominions, colonies, and dependencies.

—

The following is proposed by Mr. JONES of Washington as an additional paragraph in the resolution of ratification:

Paragraph —. The United States hereby gives notice that it will withdraw from the league of nations at the end of two years from the date of the exchange of ratifications of this treaty unless by the end of that period—

(1) The sovereignty of China shall have been fully restored over and in Shantung;

(2) The relations of Ireland to the British Empire shall have been adjusted satisfactorily to the people of Ireland;

(3) The independence of Egypt shall be recognized and that country set up as a free, independent, and sovereign State; and

(4) Each member of the league shall have abolished through the duly constituted authority the policy of maintaining its regular military and naval forces in time of peace by conscription.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, October 22, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *October 21, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Speak to us, Father, that we go forward with the strength, the courage, the fortitude, to obey Thy commands; that whatsoever we put our hands to, in private or in public, we may prove ourselves worthy of Thy care and protection.

Give to us a clearer vision of the psychological and physical conditions which environ us. The time has come when our statesmen must reach the golden mean between paternalism and individualism. Guide them by thy counsels and:

"Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!"

Hear us, in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. BYRNES of South Carolina. Mr. Speaker, the Hon. EDWARD C. MANN has been elected from the seventh district of South Carolina to fill the vacancy caused by the resignation of the Hon. Asbury F. Lever. His credentials are in the hands of the Clerk of the House. Mr. MANN is present and I ask at this time that he be permitted to take the oath as a Member of this body.

The SPEAKER. The gentleman will come forward.

Mr. MANN of South Carolina appeared before the bar of the House and took the oath of office prescribed by law.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1194. An act for the relief of Elizabeth Marsh Watkins;

S. 126. An act conferring jurisdiction on the Court of Claims to permit the Yankton and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 33731), and to hear, determine, and render judgment in said action in claims of Yankton and Cuthead Bands of Sioux Indians against the United States;

S. 193. An act to cancel the allotment of Little Bear, deceased Indian of the Crow Reservation, Mont.;

S. 1329. An act to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project;

S. 3193. An act to authorize the Tennessee Bridge Co., a corporation chartered under the laws of the State of Tennessee, to construct a bridge across the Tennessee River near Loudon, Tenn.;

S. J. Res. 56. Joint resolution to enable the United States to participate in the work of the International Aircraft Standards Commission;

S. 2282. An act canceling Indian trust patents Nos. 307319 and 366449;

S. 2709. An act authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Wakea town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each township on said reservation for school purposes;

S. 2085. An act relating to the maintenance of actions for death on the high seas and other navigable waters; and

S. 2454. An act for the relief of certain members of the Flathead Nation of Indians, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 446) authorizing the Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the United States of America for the use of the Bureau of Entomology, Department of Agriculture.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below.

S. 3193. An act to authorize the Tennessee Bridge Co., a corporation chartered under the laws of the State of Tennessee, to construct a bridge across the Tennessee River near Loudon, Tenn.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 56. Joint resolution to enable the United States to participate in the work of International Aircraft Standards Commission; to the Committee on Military Affairs.

S. 126. An act conferring jurisdiction on the Court of Claims to permit the Yankton and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 33731), and to hear, determine, and render judgment in said action in claims of Yankton and Cuthead Bands of Sioux Indians against the United States; to the Committee on Indian Affairs.

S. 193. An act to cancel the allotment of Little Bear, deceased Indian of the Crow Reservation, Mont.; to the Committee on Indian Affairs.

S. 1329. An act to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project; to the Committee on Indian Affairs.

S. 2282. An act canceling Indian trust patent No. 307319 and to confirm patents issued to certain members of the Turtle Mountain band of Chippewa Indians, and for other purposes; to the Committee on Indian Affairs.

S. 2454. An act for the relief of certain members of the Flathead Nation of Indians, and for other purposes; to the Committee on Indian Affairs.

S. 2709. An act to amend the title so as to read: "A bill authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Wakea town site, Fort Peck Indian Reservation, Mont.; to the Committee on Indian Affairs.

S. 1194. An act for the relief of Elizabeth Marsh Watkins; to the Committee on Claims.

S. 2085. An act relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bill and joint resolution:

H. R. 8624. An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia; and

H. J. Res. 230. Joint resolution authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

THE BUDGET.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9783.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9783, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 9783, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

The CHAIRMAN. The Clerk will read the bill.

Mr. ANDREWS of Nebraska. Mr. Chairman, I submit the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ANDREWS of Nebraska: Page 8, strike out all of lines 1 to 7, inclusive.

Mr. ANDREWS of Nebraska. Mr. Chairman——

Mr. CLARK of Missouri. Where is that?

Mr. ANDREWS of Nebraska. Page 8, the first paragraph.

Mr. CLARK of Missouri. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask the Clerk to read the lines of the bill proposed to be stricken out by this amendment.

The CHAIRMAN. Without objection the Clerk will read.

There was no objection.

The Clerk read as follows:

Page 8, line 1:

"When a comptroller general or assistant comptroller general attains the age of 70 years, he shall be retired from his office, and, if he has held the office from which he is retired during the 10 preceding consecutive years, he shall, during the remainder of his natural life, be entitled to one-half the salary he is receiving at the time of his retirement from the office which he then held."

Mr. CLARK of Missouri. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Nebraska.

The CHAIRMAN. The gentleman from Nebraska has been recognized, but the substitute of the gentleman can be reported for the information of the committee.

The Clerk read as follows:

Substitute by Mr. CLARK of Missouri: On page 8, line 3, strike out all of the paragraph after the word "office," in line 3, down to the end of line 7.

Mr. ANDREWS of Nebraska. Mr. Chairman, this paragraph relates to the question of retirement upon half pay at the age of 70 years provided 10 years of service have been rendered. The whole paragraph relates to this subject of retirement with half pay, and the elimination of the entire paragraph to be followed by an amendment on page 7 will cover the question so as to leave the situation as it now stands. The comptroller and assistant comptroller under the present rule hold what are termed continuing commissions. They are not appointed for a series of years or a fixed period of time. Their commissions run now at the pleasure of the appointing power, the President of the United States. If this amendment should be stricken out the provisions of this bill would then leave the continuance of these officers in service according to the pleasure of Congress. The President would appoint and thereafter under the the terms of this bill lose the power of removal. The Congress would then have the power of removal, and if at any time Congress should see fit to make a change in these positions the way would be clear for it to do so, either before or after the retirement date. If this paragraph goes out and a man serving acceptably and efficiently had reached the age of 70 years, still in physical and mental vigor, could go on with the service here just as they go on with their service in the House and in the Senate. It will then be a question for Congress to determine whether the physical and intellectual condition of the comptroller general or the assistant comptroller general is such as to warrant continuance. They would serve at the pleasure of the Congress and no interruption would be occasioned by the cancellation of this entire paragraph.

The CHAIRMAN. Does any Member desire to be heard in opposition to the amendment?

Mr. GOOD. Mr. Chairman, I desire to close debate, and I desire to see whether there is any other gentleman on the committee who would like to speak in favor of the amendment of the gentleman from Nebraska. I take it that the question will first come on the substitute.

Mr. CLARK of Missouri. Mr. Chairman, I am going to withdraw the substitute for the present and offer it after this amendment is voted upon, provided the amendment of the gentleman from Nebraska is voted down.

Mr. GOOD. If there is no other gentleman desiring to speak in favor of the amendment I will ask that debate upon this amendment of the gentleman from Nebraska be closed in five minutes.

The CHAIRMAN. The gentleman from Iowa asks that debate on this amendment be closed in five minutes. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object——

Mr. GOOD. Does the gentleman desire to discuss it? I only desire to close whatever debate is had.

Mr. WALSH. I was wondering why the gentleman did not close right away.

Mr. BLANTON. Mr. Chairman, reserving the right to object, this will not close debate on the balance of the section because there are other amendments?

Mr. GOOD. Not at all; it is on this single amendment.

Mr. STEAGALL. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The question is on the amendment offered by the gentleman——

Mr. GOOD. The question is on the unanimous-consent request I have submitted to the House.

The CHAIRMAN. Objection has been made by the gentleman from Massachusetts [Mr. WALSH].

Mr. GOOD. I did not understand that the gentleman from Massachusetts made any objection.

The CHAIRMAN. Did the gentleman from Massachusetts object?

Mr. WALSH. No.

The CHAIRMAN. The question is on the request for unanimous consent made by the gentleman from Iowa [Mr. GOOD]. Is there objection?

Mr. STEAGALL. Mr. Chairman, I desire to offer a substitute to strike out this entire section, and I want to be heard for three or four minutes.

Mr. GOOD. My request will not preclude the gentleman from offering an amendment or speaking to his amendment. My request refers to the pending amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Chairman, the amendment offered by the gentleman from Nebraska [Mr. ANDREWS] strikes out the entire paragraph. The paragraph contains two provisions, first, that the comptroller general shall be retired at the age of 70 years. That stands by itself as a distinct provision. And then it provides for the retirement. Now, the gentleman from Missouri [Mr. CLARK] desires to offer a separate amendment, simply striking out the provision with regard to retirement, and I do not care particularly to speak on that provision now. But the entire provision is the present provision of law with regard to Federal judges. That provision with regard to Federal judges is:

That when any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation.

Now, Mr. Chairman, when the bill was originally introduced it did not contain this provision, but it became apparent as the committee heard the witnesses that this office ought to be entirely removed from politics. The office is a semi-judicial one, and it will require a man of high standing, a man who is a lawyer, and a man who is familiar with auditing accounts. In order to make him an official of the United States it is necessary under the Constitution of the United States to place the appointing power in the President. But the official is at all times subject to the will of Congress, and if he becomes inefficient in office he can be removed by a concurrent resolution. If he fails to do his duty, if he performs his duty in a corrupt way, he can be removed, and it seemed to the committee that when a man attains the age of 70 years or thereabouts he ought to retire.

It ought not to be left to Congress to pass a concurrent resolution to remove a man who is old, because the sentiment in Congress would be with a man who had performed valuable services. Congress would hesitate to oust a man because he was old. To strike out the whole provision would be a great mistake it seems to me. If it is the desire of the committee to strike out the provision with regard to retirement, that is a different proposition; but we ought to have a law that will compel him to resign or make him ineligible to hold the office

when he has become old, and who by reason of his old age would not be as alert to perform the duties of the office as a younger man. The provisions of law with regard to the judges has been found to be a very valuable safeguard in this respect. Therefore the committee accepted that principle as laid down in the law already on the statute books and which has been on the statute books for a great many years.

Mr. BEE. Will the gentleman yield for a question for information?

Mr. GOOD. I yield.

Mr. BEE. These appointments are made by the President with the advice and consent of the Senate. Will the gentleman be kind enough to explain to us on what theory Congress would have the right to control—I am asking for information—the tenure of office, by removal or otherwise?

Mr. GOOD. Well, the provision in the bill, as the gentleman is well aware, is——

Mr. BEE. I understand the provision is there, Mr. Chairman. I wanted to know about the constitutional power of Congress over an officer appointed by the President and confirmed by the Senate.

Mr. GOOD. I have not the time in five minutes to enter into that question now. I think the provision in this bill will meet the constitutional requirements.

Mr. MADDEN. The Constitution provides that we can fix the time.

Mr. GOOD. We fixed the tenure of office here by this law, and the tenure of office is only during the rendering of the kind of service required and during the good behavior provided for in the law.

The CHAIRMAN. The gentleman's time has expired. Did the gentleman from Missouri desire to withdraw his amendment?

Mr. CLARK of Missouri. Yes. If this amendment of the gentleman from Nebraska is voted down, then I shall offer this immediately.

The CHAIRMAN. Without objection, the amendment of the gentleman from Missouri is withdrawn.

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent to proceed for five minutes. This amendment deals with a most serious question. I believe every Member of this House, almost, will agree, at least so far as details are concerned.

Mr. GOOD. Mr. Chairman, debate is exhausted under the agreement, and I have no desire to extend the debate on the amendment.

The CHAIRMAN. Debate is closed.

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The Chair does not think he would be justified in submitting that unanimous-consent request.

Mr. STEAGALL. Mr. Chairman, I move to strike out the last word.

Mr. GOOD. Mr. Chairman, I make the point of order that the debate is closed.

The CHAIRMAN. The gentleman can not obtain the floor for debate under those circumstances. The question is on the amendment offered by the gentleman from Nebraska [Mr. ANDREWS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 49.

So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CLARK of Missouri: On page 8, line 3, strike out all of paragraph after the word "office," where it first occurs in line 3, down to end of line 7, and add a period after the said word "office."

Mr. CLARK of Missouri. Mr. Chairman, my amendment strikes out the provision to retire the comptroller general and assistant comptroller general on the retired list at half pay for life. I am in favor of the budget system, and I always have been ever since I first got the hang of things here. But this proposition to put these two men on the retired list at half pay is the first long step in establishing a retired list from the civilian forces of the Government. They work at it all the time. Everybody knows that. They are very estimable people. I have not any criticism of them, and I do not blame them for undertaking to fix a soft berth for themselves. But we are the trustees of the money of the people of the United States, and there is no reason on earth that can be assigned why a man who draws a $10,000 salary and the other one who draws the $7,500 after 10 years' service should be put on the retired list for life, one at $5,000 a year and the other at $3,750 per annum for life.

Now, you begin this once, and there is no end to it. There are, as I understand, about a million and a half Government employees, every one of them wanting his salary raised, or if it had occurred to them—which it had not, probably, when this bill was brought in here—to be retired on half pay. There is not a bit of reason why these men should be retired on half pay.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. CANNON. Bills are pending and sentiment is running to retire everybody in the civil service at a given age at half pay. I am against that.

Mr. CLARK of Missouri. So am I. [Applause.] So that there is nothing for us to quarrel about.

Mr. CANNON. No; nothing. But, being against that, I think maybe this would be a bad precedent.

Mr. CLARK of Missouri. I think so, too.

Mr. CANNON. If perchance the 70 years come and anything happens, then the Congress in being might make an exception. I do not know whether it would or not. But this is the nose of the camel.

Mr. CLARK of Missouri. Of course it is. I want somebody to straighten out that camel's nose business. [Laughter.] There have been several versions of it.

Mr. EVANS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. EVANS of Nevada. Who can tell the mental and physical condition of a man at 70? There is no uniform rule to go by. Some men at 80 are younger men than others at 50.

Mr. CLARK of Missouri. Yes. Clemenceau is 79.

Mr. EVANS of Nevada. A man might be incapacitated for a year or two and continued forward in order to retain that pension. It is a dangerous thing to try to start it.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. DUNBAR. The gentleman has informed the House concerning the ancient Clemenceau. Will he also inform the House of his own age and that of Uncle JOE CANNON?

Mr. CLARK of Missouri. Yes. Speaker CANNON's age is 83. Gen. SHERWOOD is 84. I am 69. The Speaker of the House is 68—right in the bloom of youth, just beginning to be Speaker. [Applause.] If he is Speaker as long as Speaker CANNON was——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. May I have five minutes more?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HULINGS rose.

Mr. CLARK of Missouri. Now, General.

Mr. HULINGS. Is the gentleman in favor of retiring at the age of 70 years these officers, the comptroller general and assistant?

Mr. CLARK of Missouri. No; I am not.

Mr. HULINGS. When the Democratic Party has arranged in its mind now to put a man in as President of the United States who is about 69?

Mr. CLARK of Missouri. They are running one that is 75.

Mr. HULINGS. But they are all looking forward to putting a 69-year-old youth in as President. [Applause.]

Mr. CLARK of Missouri. I understand that. I am much obliged. [Prolonged applause.] I will confess that when the general began I was not certain about the identity of the 69-year-old man. [Laughter.] Gladstone was premier of England at 83, and Palmerston as long as he lived. I think he was about 85 when he went out.

I do not care anything about the 70-year provision. I think maybe it is a bad one, but I am in dead earnest about this other thing, and I warn the House now that if they put these people on the retired list at half pay, the next time somebody wants to be put on the retired list at half pay or at full pay you can not with a straight face make objection to it. We have already two classes on the retired list. We have the United States judges, who retire on full pay when they have served 10 years and get to be 70, and you have the Army and Navy officers retiring on three-fourths pay, the Army at 64, and I believe they have raised the Navy to 64.

If the Spanish War had been postponed six months, Admiral Dewey never would have won the Battle of Manila Bay. He never would have been there, for he would have been on the retired list. I do not care so much about that, but I do care about

this other thing. People want these offices, all of them. You let a vacancy occur in one of them and there will be a dozen or two dozen applications for each one of them at the present salary. I am in favor of this and have been in favor of it for 10 or 15 years—to get up some kind of a system by which these Government employees will arrange a plan that a good actuary will say will save the Government from paying these pensions or salaries for civilians on the retired list, and whenever they do that I will vote for it. And I will go further than that. They say that these old ones will contribute nothing to the fund and the younger ones will have to pay it. If they will have that actuary work out a scheme by which the Government will be saved whole from paying these pensions afterwards I am willing to vote for one appropriation to take care of the old ones; that is, this generation of old ones, not the next generation. Let those of coming generations take care of themselves.

We talk much about economy. Here is the place to begin it. It is true it is only $5,000 in one case and half of $7,500 in the other. But this world is made up of little things. You have all sung that old song—

Little drops of water, little grains of sand—

And so forth, and if we can not make any big economies we surely can make some small ones. I am not a cheese-paring statesman. I think people should be paid wages tantamount to the work they do. I do not know who is going to be appointed comptroller general, and I do not care three straws; but if he gets $10,000 for 10 years, why can he not save a little of it? It is awfully hard to save any on $7,500 [laughter]; I have found that out by sad experience. But if we go on increasing every fellow's salary that wants it increased and retiring them this Government will get so topheavy that it will topple over. That is all I have got to say about it. [Applause.]

Mr. GOOD. Mr. Chairman, I should like to see if some agreement can be made about time on this amendment.

SEVERAL MEMBERS. Let us vote now.

Mr. GOOD. Mr. Chairman, I desire to use five minutes on this amendment, and I ask unanimous consent that the debate close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to close debate on this amendment in five minutes. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I have not had time to find out just when Congress placed the retirement provision on the statute books with regard to Federal judges. I find in the Revised Statutes of 1878, which was a revision of the Revised Statutes of 1869, that the provision which I have read was on the statute books at that time. Therefore more than 50 years ago Congress provided by law that Federal judges upon their retirement should be retired at full pay. That has been the law for more than 50 years, and there has been no other official to whom it has been applied.

Mr. WALSH and Mr. WELTY rose.

Mr. WELTY. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Massachusetts [Mr. WASLH].

Mr. WALSH. Is the gentleman in favor of retiring bank examiners and other Federal employees who get $10,000 and $12,000 a year?

Mr. GOOD. No.

Mr. WALSH. Then why is he in favor of this particular provision?

Mr. GOOD. Mr. Chairman, I will tell the gentleman why I am in favor of this. I think there are a great many good Federal judges upon the Federal bench to-day who would not be there if it were not for the retirement provision. They could make twice as much in the practice of the law, and if it was not for the fact that they will be retired at a certain age with pay the office would not attract them at all. They could not afford to accept it. I hope the salary of this great office will be attractive enough so that a man like John J. Fitzgerald or Swagar Sherley, men who to-day are receiving or making more than twice the amount of the salary of this official, would be attracted to the position, and that in this position, where the official will be called upon to pass upon billions of dollars per year, the man at the head of it will be of high character and high integrity, and that he will be able to conduct his office in such a manner that it will reflect credit not only upon him but upon the office itself.

Mr. GREEN of Iowa and Mr. WELTY rose.

Mr. WELTY. Will the gentleman yield now?

Mr. GOOD. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Has it not always been understood that the reason why this retirement provision was enacted with reference to Federal judges was because the Constitution provided that they should hold their office for life, and if some such provision was not enacted men who were really disabled by sickness or other cause would hang on to the office for years after they were incapacitated?

Mr. GOOD. I think that had something to do with it, and I think it was also done to make the office attractive to great lawyers. The gentleman from Missouri [Mr. CLARK] says that $10,000 is a big salary. The Speaker of this House receives $12,000 a year, and that has been the salary for a number of years, but I never heard either the Speaker or any ex-Speaker say that that salary was too large. I want to say that we must make this office attractive enough to invite the very best ability obtainable. I do not believe you will be able to get that kind of ability unless you place some retirement provision in the bill. I do not believe you are going to get that kind of a man unless you hold out some inducement of this sort. For more than 50 years we have had on the statute books a retirement provision for judges. I have said before that if this were the beginning of a retirement provision I would not offer it in the bill, because as a general proposition I am opposed to it, but I feel that this office is to be akin to that of a Federal judge, and if so I want to see it attractive enough so that we can get a man of high character and splendid attainments to occupy the position.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Missouri [Mr. CLARK].

The question being taken, on a division (demanded by Mr. GOOD) there were—ayes 57, noes 45.

Accordingly the amendment was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CLARK of Missouri: On page 7, line 18, after the word "time," insert the words "and who shall be removable at the pleasure of the President or."

Mr. CLARK of Missouri. Mr. Chairman, this amendment simply gives the President of the United States the right to remove these men whenever he gets ready. If these officers are going to be as important as the chairman of the committee [Mr. GOOD] makes out, then it would be both a calamity and an outrage to compel the President of the United States to keep these men in office after he came to doubt either their integrity, their capacity, or their friendliness toward either himself or his administration. There can not be any two opinions about that.

Mr. CANNON and Mr. BEE rose.

Mr. BEE. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Yes.

Mr. BEE. I want to ask the gentleman if there would not be danger in having a double control? In other words, the President will have the right to remove and the Congress will have the right to remove. Suppose the President did not want to remove a man, but Congress did remove him, would there not be a conflict, then, between the executive and the legislative branch?

Mr. CLARK of Missouri. I think not.

Mr. BEE. I would like to ask the gentleman this further question: What power is possessed by the Congress to remove from office by concurrent resolution a man who has been appointed by the President and confirmed by the Senate?

Mr. CLARK of Missouri. I do not believe there is any.

Mr. BEE. Then that ought to be stricken out.

Mr. CLARK of Missouri. Anybody else can make the motion who wants to.

Mr. STEVENSON. Will the gentleman yield?

Mr. CLARK of Missouri. I yield to the gentleman from South Carolina.

Mr. STEVENSON. I beg to call the gentleman's attention to the fact that the provision that they can be removed for no other cause and in no other manner is directly in conflict with section 4 of Article II of the Constitution, which says that civil officers of the United States shall be removed from office on impeachment for and conviction of certain things.

Mr. CLARK of Missouri. I was going to state that.

Mr. STEVENSON. This provision sweeps away the power of impeachment. I have an amendment to include impeachment.

Mr. CLARK of Missouri. There are several gentlemen here to-day who were not here yesterday, and I will state over again a case that might arise. If the President appoints a man of eminence and great ability, that man will have opinions of his own, which may come in conflict with those of the President. The President is responsible for his administration. It

would be a very curious condition to have the comptroller general and the President at loggerheads without any way of getting rid of the comptroller general except by this cumbersome congressional joint resolution.

President Johnson got crossways with Secretary of War Stanton. It is no use to discuss the question as to which of them was right and which of them was wrong. The President removed Secretary Stanton temporarily. In the meantime, as the gentleman from Ohio [Mr. FESS] states, Congress had passed the tenure of office act. The President had to submit his reasons to the Senate for suspending Stanton. The Senate refused to recognize his reasons as sufficient. In the meantime, while the Secretary of War was in suspense, Gen. Grant was appointed Secretary of War ad interim, and, as I stated yesterday, President Johnson and Gen. Grant fell out and came to be mortal enemies, so bitter that Johnson would not ride with Grant to the Capitol, and I do not suppose that any power on earth would have made him ride with him short of physical force. Anyhow, Stanton went back and took the office again.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. I would like five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Missouri. There is one case that illustrates what might happen, and it is the only case I know of, because, as I said yesterday, the Republicans repealed the act as soon as Grant was sworn in.

Mr. FESS. Will the gentleman from Missouri yield?

Mr. CLARK of Missouri. I will.

Mr. FESS. The office of Stanton was a constitutional office provided for in the Constitution and not the office of the head of a department.

Mr. CLARK of Missouri. That is true.

Mr. FESS. This is a statutory office and would not have the same force that it would have in the case of a constitutional office.

Mr. CLARK of Missouri. Congress is not under the slightest obligation to create a Cabinet office. Members of the Cabinet are simply head clerks; that is all they ever have been or ever will be. The gentleman from Iowa [Mr. GOOD] says that this comptroller general is going to have more power than any Cabinet officer, and probably more power than all the Cabinet officers put together. Suppose he and the President got at loggerheads, do not you think he should be fired?

Mr. FESS. If the law that created the office is to be for good behavior, it would appear to me that the President's power to remove would in that case be inhibitive.

Mr. CLARK of Missouri. If I was President and I had one of these statesmen under me and he did not do things to suit me he would be fired as sure as the world. [Laughter.]

Mr. FAIRFIELD. Will the gentleman yield?

Mr. CLARK of Missouri. I will.

Mr. FAIRFIELD. I would like to ask what function the comptroller general will have that would interfere or forward any difficulty between him and the President. In other words, what are the specific functions of the comptroller general?

Mr. CLARK of Missouri. To tell the gentleman the truth, nobody knows. [Laughter.] I will give you another illustration, cited by the gentleman from South Carolina [Mr. STEVENSON]. Right in the middle of Gen. Jackson's service, toward the beginning of his second administration, the Senate passed a resolution of censure on him for certain performances of his, removing the bank deposits, and so forth. Immediately after they voted the censure Senator Benton hopped up and notified the Senate that he was going to move to expunge the resolution. As the gentleman from South Carolina says, the only way to punish a President is by impeachment, and he is entirely correct.

Benton made a flaming speech; said he knew he was not going to get it expunged then, but he was making the speech for educational purposes to circulate throughout the country. They beat his resolution to expunge. At the next session he offered it again, coming a little nearer to expunging it. The sentiment in the country changed; every time an anti-Jackson Senator resigned or died they elected a Jackson Senator in his place. Finally, after five or six years, Senator Benton got it expunged, and it is one of the greatest curiosities in Washington. Col. Roosevelt said, in his Life of Benton, that it was all tomfoolery. Senator Vest said, in his speech on Benton, that it was all tomfoolery; but it was not; it went to establish what is the truth, that they have no right to punish a President except by impeachment.

Benton described the way that it should be expunged. Before that, when they offered to repeal it, he would not have it, but he directed the clerk to draw great black lines around the resolution and write on the face of it, "Expunged by the Senate" on a certain day.

If you people here think that the old-time statesmen did not know anything about playing tricks, you read his book on how he got that expunged. They did not have any saloons or eating houses on the Hill in those days. He forced an all-night session. He loaded up his committee room with everything good to eat and drink, and his supporters went out, two or three at a time, and loaded up with these good things. The anti-Jackson fellows did not have anything to eat or drink, and that was the way he accomplished it in 1837.

This clumsy arrangement of Congress removing the comptroller is all stuff. If the man was favored by the President, the entire administration would be here lobbying to keep him from being removed by a resolution of Congress; and, believe me, they have some influence when it comes to a vote. [Laughter and applause.]

Mr. MADDEN. Mr. Charman, if the amendment of the gentleman from Missouri is adopted it will devitalize the most important provision in the bill. The illustration given by the gentleman from Missouri is not analogous to the case before us. Stanton was a member of the Cabinet. This man we are providing for as comptroller auditor general of the United States is not a Cabinet officer.

Mr. CLARK of Missouri. Will the gentleman allow a question?

Mr. MADDEN. Certainly.

Mr. CLARK of Missouri. Does not the gentleman from Illinois think that this man is bigger than that of a Cabinet member or all of the Cabinet members put together?

Mr. MADDEN. Not at all; the amendment of the gentleman from Missouri giving power to the President of the United States to discharge this man whenever he pleases makes the office of the comptroller auditor general a political football.

That is what we are trying to avoid. We are trying in this bill to take away the power of the President of the United States to spend the money and at the same time audit his own expenditures. We are trying to give the power of audit to the people, and this provision of the bill reported by the committee does exactly that. The amendment of the gentleman from Missouri [Mr. CLARK] takes the power away from the people, takes away the safeguards that we are trying to throw around the expenditure of the people's money. The comptroller auditor general has no power to take away the discretion of a Cabinet officer as to what shall be done in the discharge of his duty, but he has the power only to pass upon the legal phases of the expenditure of the appropriations, and incidentally to report any delinquencies that may be found in any department in the course of the execution of the work of the department. Throw away the safeguards that this provision of the bill places around the expenditures and you make chaos worse confounded. What we are trying to do is to get away from politics. What the gentleman from Missouri [Mr. CLARK] is trying to do is to put us into politics. The man who is the comptroller general should be the instrument of the people, provided for by the Congress, and if you adopt the amendment suggested you destroy every vestige of the people's right to supervise and survey the expenditure of their own money.

I think I may safely leave the case with the committee, feeling assured that every man here, even including the gentleman who offered the amendment, wants this provision retained by the representatives of the people, and wants to do away with political chicanery that may follow the appointment and discharge of a man holding this high place by the President of the United States.

Mr. ANDREWS of Nebraska. Mr. Chairman, it has been suggested that no one knows the range of authority and jurisdiction of the comptroller. I hold in my hand a copy of the law that fixes that as it stands to-day, and I want to ask the chairman of the committee a question. To what extent, if any, would his bill modify existing law in relation to the accounting system, in the main?

Mr. GOOD. It gives him some additional power. It gives him the power to go into offices and to call for information that I do not believe the auditors now have.

Mr. ANDREWS of Nebraska. But, if I understand it correctly, it does not destroy any of the vital principles of the accounting system as it now stands?

Mr. GOOD. Oh, no; it strengthens them, and requires that he shall report to Congress.

Mr. MADDEN. Mr. Chairman, if the gentleman will permit, I do not quite agree with the chairman. What this bill does is this. In the matter of accounting it provides that instead of following the heads of appropriations as now, the accounting system shall follow the head of the budget as proposed, and it revolutionizes the accounting system to the extent of furnishing information in detail that it is not possible to obtain under the present law.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield further?

Mr. MADDEN. I have not the floor.

Mr. ANDREWS of Nebraska. I yield.

Mr. EVANS of Nebraska. I would like to have the gentleman from Illinois [Mr. MADDEN] explain in what way there would be an audit when an item is put in by the Congress which was not in the budget.

Mr. MADDEN. The audit is made after the expenditure, not before.

Mr. ANDREWS of Nebraska. Mr. Chairman, I am confident that any form the budget may assume will not materially modify the fundamental laws of the accounting system as it now stands. Neither the President of the United States, a member of his Cabinet, nor anyone that has a claim before the comptroller general, has any right to dictate to him what his decision shall be upon the law and the facts involved in the case. It is a judicial determination, just as clear and distinct as any question in court, and the chairman of this committee is absolutely right when he says that judicial powers reside here and must be exercised by the comptroller general. Beyond that the President can not go; beyond that a Cabinet officer can not go; beyond that a claimant can not go. There is a course of procedure, however, which may be adopted. Anyone who feels aggrieved by the decision, taking issue with the finding of the comptroller, may go to the Court of Claims and sue there to protect his rights, and may also go on to the Supreme Court of the United States. Here is a direct line of judicial procedure. If we should strike out this provision of the bill which would give to Congress the power to remove the comptroller general, we would destroy one of the most commendable features of the bill. The committee has made a very happy solution of this matter—appointment by the President and removal by the Congress, the comptroller to hold his position under a continuing commission in the future, as now.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Is the contention of the gentleman from South Carolina [Mr. STEVENSON] that the provision in the Constitution which provides for the removal by impeachment for malfeasance in office is nullified by this proposed law?

Mr. ANDREWS of Nebraska. I do not think so.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. CANNON. It takes a majority to impeach and two-thirds of the Senate to convict. This bill, if it passes, will make a majority of the House and a majority of the Senate all that is necessary to remove.

Mr. ANDREWS of Nebraska. Just as the President would exercise the power of removal, if it were left with him.

Mr. CANNON. So that there will never be any impeachment——

Mr. ANDREWS of Nebraska. In all probability not.

Mr. CANNON. There would be a readier—in fact, an immediate—opportunity to dispense with a dishonest man.

Mr. ANDREWS of Nebraska. In other words, if we discover wrongdoing we want to settle it at once, and this provides the way.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. STEVENSON. I have not contended that you could not remove them in this way. The part I am calling attention to is this, that they can be removed by concurrent resolution of the Congress, after notice and hearing, when in their judgment the comptroller general or the assistant comptroller general has been inefficient or guilty of neglect of duty or malfeasance in office, and for no other cause and in no other way. I call attention——

Mr. ANDREWS of Nebraska. Just one moment, Mr. Chairman; I can not yield further in connection with that unless I can have five minutes more, in which event I shall be glad to yield. There are other amendments which may be offered which will not affect the vital element in this section and this feature of the bill.

Mr. Chairman, let me call the attention of members of the committee to this fact. During the preceding years and under the system of accounting as it stands now when you call upon accounting officers to come here and disclose the record of facts, you are asking them to come and give testimony substantially against the men who hold their official lives in their hands. Under the arrangement here provided, if the House should call upon these officers, as it will have occasion to do, to come here and disclose contracts, vouchers, disclose the record in any question under investigation, they will be disclosing information to the body that has in its hands the power to insist upon a correct showing of facts. Hence there will be removed all tendency to withhold information or evade a statement of facts. If you destroy this provision of the bill you destroy a large portion of the benefits of an independent accounting system.

Mr. REAVIS. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I do.

Mr. REAVIS. The gentleman heard the statement of the gentleman from South Carolina, where this bill says, in lines 22 and 23, page 7, that his removal shall be for no other cause and in no other manner. Now, the Constitution provides the manner of impeachment. What does the gentleman think of the constitutionality of this provision that he can not be removed in the constitutional way?

Mr. ANDREWS of Nebraska. Mr. Chairman, I have two amendments, one proposing to strike out all of line 17, except the last two words, and another amendment to strike out all after the word "office," in line 22, and the word "manner," in line 23. That will remove that objection and clear the way absolutely, so far as any question concerning impeachment is concerned. Then we will have it upon clear ground.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, the adoption of the pending amendment, in my opinion, would destroy one of the most desirable and meritorious features of this bill. The comptroller general is not expected or intended to have any official relation with the President of the United States in so far as auditing accounts are concerned; and for my part, if there had been any way under the Constitution whereby we could have provided for his appointment by Congress I would have favored it. The comptroller general is expected to audit the accounts and the expenditures made by the various departments, whereas under the present system the spending departments of the Government audit their own accounts. Now, the comptroller general, when he audits those accounts, will be responsible to the body which makes the appropriation and not to the spending departments of the Government. He not only audits the accounts, but he passes upon the expenditures and construes the statutes passed by Congress relative to appropriations. So, I say, if we now undertook to permit the President of the United States to remove this official at his will and pleasure we would destroy the very object and very purpose of the committee in making this recommendation to the House. This bill provides that the comptroller general shall be appointed by the President and confirmed by the Senate, and then he can only be removed by a concurrent resolution of both Houses of Congress. This makes him responsible to Congress and not to the President. He is subject to the will of Congress and every committee in furnishing it information. He is expected to advise Congress as to improvements that may be made in the matter of expenditures.

Mr. ALEXANDER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. ALEXANDER. If we do not make this department or bureau independent of the executive departments of the Government why not let the law stay as it is now?

Mr. BYRNS of Tennessee. The gentleman from Missouri is clearly correct in that statement. Under the present law the Comptroller of the Treasury construes appropriation statutes, and under a recent departmental order he has charge of the auditing of the various expenditures; but if we are going to leave this official responsible to the President and not to Congress then there is no reason whatever for passing this particular provision, so I hope this amendment will not be adopted. Now, it has been suggested that we are undertaking by law to repeal a part of the Constitution relative to impeachment. Why, of course, we do not undertake to deny the right of impeachment guaranteed by the Constitution; but, as has been suggested, this concurrent resolution simply provides a readier and quicker way of getting rid of an incompetent and inefficient official by simply providing that a majority of both Houses may

pass a resolution and dispose of him. The right of impeachment still exists, and we could not disturb it if we would.

Mr. BLACK. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. BLACK. Does not the gentleman think that the language "has been inefficient or guilty of neglect of duty or malfeasance in office" is really surplussage, for when any future session of Congress adopts a simple resolution removing this official that Congress could do so, because that in effect would be a repeal of the requirement? In other words, Congress having the power to create the office would have the power to remove the official without alleging any cause, and it seems to me that it should just be a matter of removal at any time by concurrent resolution.

Mr. BYRNS of Tennessee. That may be true, Mr. Chairman, but it was the idea of the committee in making this recommendation to remove this official as far as we could from politics.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. The idea in adopting this provision was to take this official as far as possible out of politics and not make him subject to change of political administrations, and therefore we have expressly provided that he shall not be removed except in case of inefficiency or for neglect of duty or malfeasance in office. It will be persuasive and, I think, controlling, and it can not be changed by future Congresses except by a bill or joint resolution, which would require the approval of the President. I hope the amendment which has been offered will be voted down.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that debate on this section close at the end of 10 minutes. I understand the gentleman from South Carolina has another amendment——

Mr. STEVENSON. Yes, sir; my amendment is being discussed in connection with this.

Mr. GOOD. I will see that the gentleman gets time on his amendment.

Mr. CANDLER. Mr. Chairman, I would like to have five minutes.

Mr. GOOD. I will make it 15 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment close in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEAGALL. Mr. Chairman and gentlemen of the committee, as I construe the language of this section the Congress will be practically without any way by which the comptroller general or his assistant may be removed before he reaches the age of 70 years. I do not know whether a future Congress will be so afraid of itself that it would not like to have some right of removal with regard to these officials. But the power should be retained, and if they do not want it they will not be bound to exercise it. However, it seems to me that this Congress ought not to attempt to tie the hands of those who are to come after us by fastening officials of this sort upon the Government practically for life, or, at least, without any practical method by which the Congress may get rid of him.

Now, let us see how this statute will operate. It does not provide that the Congress may remove the comptroller general or his assistant at will. But the act limits the way in which he may be removed. One of the causes is "inefficiency," another is "neglect of duty," and the other is "malfeasance in office"; and the act provides specifically that neither the comptroller general nor his assistant shall be removed for any other cause.

Now, I take it that the purpose of this act is to put men in these positions who will use their brains and energies in the effort to inaugurate and maintain economy in the expenditures of the various departments of the Government. Well, my friends, the question of "malfeasance in office" would not have any relation to a man's tendency toward economy or extravagance. The same is true as to making "neglect of duty" the cause of removal and the same as to "inefficiency." A man might be ever so efficient according to any legal interpretation of the term, but he might be one of those men like our beloved friend Mr. CANNON mentioned a day or two ago. He might be a man with a vision, and the distinguished gentleman from Illinois said that a man with a vision is generally a visionary. He might be ever so efficient, but at the same time be one of those men who has no idea of practical economy in the matter of spending money for the public welfare. But yet when he gets in, what can the Congress do except to let him stay or bring him up here, after notice and hearings, and give him a trial on the question of whether or not he has been "inefficient" or "neglected his duty" or been "guilty of malfeasance" in office? He might be the most liberal-minded man in regard to the expenditures of money that was ever connected with the Government, but Congress would have no remedy, and he would be in office for life.

Mr. CLEARY. Will the gentleman yield?

Mr. STEAGALL. I will.

Mr. CLEARY. Does the President appoint any other official besides this whom he does not have the power to remove?

Mr. STEAGALL. The judges.

Mr. CLEARY. Regarding the matter of Congress being the judge of his capacity as to his malfeasance in office, do you not believe that if there was a hostile Congress they would easily charge these things, whether he was guilty or not, if they were fighting the President?

Mr. STEAGALL. That would be easily charged; but under this act he would have a right to be heard, and it would involve a regular trial before both Houses of Congress, and the Lord only knows how long it would take under the provisions of this act before they would ever be able to get rid of him. They do not retain the power to discharge or remove because of failure to economize, yet the enforcement of economy is the controlling purpose of this act. And if it passes—which I hope it will not, especially with the life-tenure provision which it now carries—certainly the Congress ought to strike out the hampering provisions of the act and retain the right to deal with these officials in case of failure on their part to take proper steps to enforce reforms and economy. [Applause.]

Mr. CANDLER. Mr. Chairman——

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. CANDLER. Mr. Chairman and gentlemen, the amendment offered by the distinguished gentleman from Missouri [Mr. CLARK], if adopted, would give the President of the United States power in his discretion to remove this officer—the proposed comptroller general—whenever he believed the interests of the Government required it. The gentleman from Tennessee, my distinguished friend Mr. BYRNS, says that that power ought not to be given to the President, because it is the purpose by the provisions of this bill to eliminate entirely from the control of the President of the United States anything in reference to this high and exalted position and the distinguished person who may be appointed to discharge its duties.

Now, gentlemen, the President of the United States takes a solemn oath, when he enters upon the discharge of his duties, to support the Constitution and to execute the laws of the land. The gentleman from Tennessee says that this officer under this bill would have the right to construe the laws, to make recommendations in reference to them, and to submit proposed matters of legislation relating to the receipts and disbursements of public funds and audit the accounts. The President of the United States is the servant of the people of this country. No matter how high a position a man may hold in this Republic, he is still the servant of the people and responsible to the people, and ought to be, because it is through the ballots of the people that he is placed in the position he occupies. [Applause.] Then when the President of these United States, in obedience to the call of the people expressed by their ballots, assumes the duties of his high and exalted position, the greatest office in the world, he is still responsible to them, and he is the head of this Government and is charged with the execution of the laws and with the enforcement of the Constitution.

Mr. BYRNS of Tennessee. The gentleman knows that now the Comptroller of the Treasury construes the statutes with reference to appropriations, and that there is no appeal whatever from his decision?

Mr. CANDLER. Yes; and the President of the United States has the right, in his discretion, to remove him. And I contend he ought to have a right to remove this officer if he fails to discharge the duties of his office acceptably to the President—the executive head of this Government who appoints him and is responsible for him.

Mr. BYRNS of Tennessee. It transfers the right of removal from the President to the Congress, the body that makes the appropriation, and we are charged with the responsibility to see that his duties are carried out.

Mr. CANDLER. Yes; and by doing so, instead of taking the position out of politics, it puts it in the hotbed of politics. If this amendment of the gentleman from Missouri is adopted, it will not only give the President the right to remove this officer, but the provision of the bill will also remain which gives the Congress the right to remove him by concurrent resolution, if they see proper to do so, and that will be a double security that he will be required to perform his duties faithfully and effi-

ciently and in the interest of the people and for the good of the country. We all know what difficulty there would be to secure his removal by the Congress of the United States, by joint action of both Houses. We know the difficulty always encountered in removing a Federal judge. The chairman of the committee [Mr. GOOD] states that this provision in reference to the tenure of office of this officer is taken from the statute authorizing the appointment of United States judges, fixing their tenure of office, and providing for their retirement. I have seen since I have been a Member of Congress the serious difficulty there is in removing a judge of the United States court, regardless of what his conduct may have been, and very few have ever been removed in the history of this Republic. And just as it is very difficult to remove a United States judge, it would be very much more intricate and difficult to remove this officer by the joint action of the two Houses of Congress. In the case of an effort to remove a United States judge the House of Representatives prefers articles of impeachment, and the Senate of the United States tries the case as a jury, and by their votes determine his guilt or innocence and whether he shall be removed or not. Under this bill you give the right to this officer to have a trial before both Houses of Congress, their verdict to be rendered and enforced by concurrent resolution, to be passed by both the House and the Senate, and in such a case you would have 435 jurors in this House and 96 jurors in the Senate, and to have a hearing and trial and decision by them would be a never-ending proceeding, saturated with politics, in all probability, of the most partisan character. You who have seen election cases tried here know something of the politics and bitterness which would get into a trial of a comptroller general if one was ever tried by Congress in an effort to remove him. You might get a comptroller general who was or might become inimical to the President or unreasonable and bitter toward his administration or who was corrupt or very extravagant and wasteful.

Even the President or anybody else sometimes makes mistakes in the appointment of officers, and if you should get that character of a man in this office he might so construe or administer the laws or be so extravagant or corrupt or unreasonable in his recommendations or become so partisan himself as to bring discredit on the President of the United States, who had sworn to execute the law and uphold the Constitution; and if you fail to adopt this amendment then you would say to the President under such a condition, "Your hands are tied hard and fast, and you can not take any action in reference to an officer of that kind, and you can not remove him, although you are responsible for him." You do not want to put any man who is big enough for the people to elect President in that kind of a situation, do you?

Then, again, the theory of this Government is opposed absolutely to a life tenure of office, and I am opposed to it. I am opposed to United States judges having a life tenure of office. [Applause.] I think it would be better to bring them closer to their responsibility to the people by giving them a reasonable tenure of office rather than a life tenure. If they faithfully and efficiently and with justice administered the duties of their office they could, and no doubt would, be reappointed, or if it could be left to the people they could be reelected. I believe the best government is a government by and of the people, and therefore I believe all officers ought to come before the people, as we come before them, at the end of a definite period of time and receive their approval or disapproval, for at last, in the final analysis, it is to the people in a Republic like ours that all the officers of the Government are and should be responsible. [Applause.] So much for that. Now, permit me just a few words as to the bill generally. You Members with whom I daily so pleasantly associate know that during my service as a Member here I have stood for economy. It is believed this bill will bring about economy—save money for the people. Therefore I shall vote for it on its final passage.

What we need to-day is real economy, economy in governmental affairs and economy in the business world and economy in the private affairs of the citizen. If strict economy was observed in Government, in business, and private affairs, it would contribute much to remedy the extravagant tendencies of the present times, which are at least to some extent responsible for the oft-repeated cry about the high cost of living. The cost of living is high, and it ought to be and I hope can and will be reduced; but the cost of "high living" is extravagantly high, and if these extravagances of "high living" could and would be eliminated that would tend considerably to reduce the "high cost of living." It is time to begin not only to preach but to practice economy in Government and economy in everyday life. In and out of Congress we hear appeals for economy in Government expenses. There is room for it. War-time expenditures were often on an extravagant basis because results had to be obtained regardless of the cost. All of us, Democrats and Republicans, voted for those appropriations, and both political parties are responsible for them. We did not have time to fully investigate. Our country, the security of our institutions, and the sanctity and protection of our homes were at stake. We could not know what amount of money was absolutely necessary, and we all voted for a plenty so as to be on the safe side and to be sure to furnish enough to meet every necessity required to win the war, and we won it. That money is spent and gone.

It will do no good to criticize and grumble and complain about it. That will not get any of the money back into the Treasury. Therefore the frequent effort of our Republican friends to criticize and blame the Democratic administration for expenditures of war times for which they voted will do no good and get none of the money back. The congressional junketing here and overseas, investigating for partisan and political purposes, will not get any money back. It only increases expenditures by the useless waste of many thousands of dollars more, thereby adding that much more to the cost incident to the war. We had as well quit looking backward and courageously meet the problems now before us. Let us as rapidly as possible get back to normal conditions, repeal all unnecessary laws, and reduce expenses. I am an old-fashioned, unfrilled Democrat. I do not believe any more taxes ought to be collected from the people than are necessary to pay the expenses of the Government economically administered. I want to see taxes reduced now just as soon as possible. You can not reduce taxes, however, unless you reduce expenditures, and you can not reduce expenditures unless you practice strict economy. What is needed in order that we may economize is a standardized, businesslike method of making appropriations. When appropriations are made, know in advance that the money is available to pay them; and, if it is not, know at least where it is to come from to meet the expenditures when authorized. This budget bill under consideration proposes a method by which an effort, at least, is to be made to do business according to business methods, and I shall vote for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. TEMPLE. Mr. Chairman, I wish to call attention to two points very briefly. The statement has been made that nobody knows what the powers of the comptroller general are. They are very definitely stated in sections 10 and 13 of this act. Section 10 declares—

> That all powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or upon the Auditor for the Treasury Department, the Auditor for the War Department, the Auditor for the Interior Department, the Auditor for the Navy Department, the Auditor for the State and Other Departments, or the Auditor for the Post Office Department shall, so far as not inconsistent with this act, be vested in and imposed upon the accounting department and be exercised without direction from any other officer, and the balances certified by the comptroller general shall be final and conclusive upon the executive branch of the Government.

Section 13 provides, in addition—

> That the comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to Congress, at the beginning of each regular session, a report in writing of the work of the accounting department.

That section covers additions to his powers beyond the powers now held by the Comptroller of the Treasury. His powers are very definite.

Now, as to the question of his removal by the President. The whole purpose of creating an accounting department outside of the Treasury Department, where the accounting department is now, is that we may have an independent audit, that the audit shall be made by an officer who shall not be subject to one of the spending agencies whose account he audits. The President as the Chief Executive has control of the administrative work and gives orders to the administrative officers. The Congress makes the appropriations which are spent by these administrative agents of the Government. The report of the comptroller general should be made to the power which makes the appropriations. The Constitution makes the House of Representatives particularly the originating power. We have control of the purse, and the Executive has no control of any money except moneys appropriated by Congress. The report should be made to the appropriating power; and the auditing power, it seems to me, with its judicial functions considered especially, should be as independent of the executive power as are other officers exercising judicial functions. The President of the United States has no right to remove a Justice of the Supreme Court or any other judge. Why should he have the right to remove the man who exercises judicial functions in interpreting the appropriating acts of Congress? The control should lie with

the appropriating power, and the passage of the amendment now pending would divide that control, would give the President power to remove and at the same time it would retain in Congress the power to remove.

Now, as to the question of impeachment.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield before he leaves that point?

Mr. TEMPLE. Just for a question.

Mr. REED of West Virginia. Will this law do away with these offices of auditors of the various departments?

Mr. TEMPLE. It will transfer them, so that they will go with the accounting department and be removed from the Treasury Department.

Mr. REED of West Virginia. In all the departments, including the Post Office Department?

Mr. TEMPLE. None of these auditors is in any department excepting the Treasury Department. The Auditor for the War Department and the Auditor for the Navy Department are not connected with the War and Navy Departments. They are connected with the Treasury Department only. So with the other auditors. They are not auditors in the department for which they audit. They are in the Treasury Department.

Mr. REED of West Virginia. The bill contemplates the transfer of those?

Mr. TEMPLE. Yes; taking them along with the comptroller general.

Now, as to the question of impeachment. That question never would arise. Congress, being able to remove the comptroller general by concurrent resolution, would never deny to itself the power to remove him by impeachment. If we can do it by a majority vote, Congress would not put up against that plan the plan of removing him by a two-thirds vote. There would be no quarrel within Congress on that point, although I do think that the gentleman's amendment would do absolutely no harm to the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. CLARK].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 13, noes 60.

Mr. BLANTON. Mr. Chairman, I demand tellers. The gentleman from Missouri has just stepped out of the Hall.

The CHAIRMAN. The gentleman from Texas demands tellers.

Mr. BLANTON. Mr. Chairman, I will withdraw the request.

The CHAIRMAN. The request is withdrawn.

So the amendment was rejected.

The CHAIRMAN. The gentleman from South Carolina [Mr. STEVENSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 7, line 23, after the word "manner," strike out the period and insert the words "except by impeachment."

Mr. GOOD. There is a period after the word "impeachment"?

Mr. STEVENSON. Yes, sir.

Mr. GOOD. I accept the amendment.

Mr. STEVENSON. Mr. Chairman, I do not desire to make any extended remarks on this amendment, but a good deal of criticism has been directed to the amendment by some of my colleagues here. There is no question but that Congress can create an office and create a method of removal from the office in pursuance of the provisions of the Constitution, but it can not create a method different from constitutional methods and say there shall be no other. That is the reason why I am offering this amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

Mr. GARD. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from South Carolina [Mr. STEVENSON].

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Nebraska: Page 7, line 17, strike out all of line 17 down to the word "may."

Mr. ANDREWS of Nebraska. Mr. Chairman, this amendment adopted, with those previously adopted, would leave the comptroller general in the same status that he has now, holding a continuing commission, running at the pleasure of the authority that might remove him from office. This covers the matter completely, so far as amendments may be concerned, to perpetuate this condition and leave the transfer on that basis. I have nothing further to add. I shall be glad to have a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

Mr. GARD. Mr. Chairman, I desire to offer an amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Ohio offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD as a substitute for the amendment offered by Mr. ANDREWS of Nebraska: Page 7, line 17, after the word "office," strike out "during good behavior" and insert "for a term of six years," and strike out all the rest of the language in lines 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26.

Mr. GARD. Mr. Chairman, in common with everyone who has given any study to our system of appropriations, I favor the inauguration of some budgetary system; but in that favor I would not create a body which could—

Bestride the narrow world like a Colossus.

Nor would I increase unduly the officers who hold their positions during their natural lives. As a general proposition I am opposed to creating any more positions to be held during good behavior, which is nearly always equivalent to saying during their natural lives, and then having them come in under some retirement bill, so that we not alone may have a system no more efficient than if elective or appointed for a term, but pay the officials, when they get to be a certain age, because they have become inefficient.

The amendment I have in mind changes the term "during good behavior" to the language "for a term of six years," it being my idea that these positions of comptroller general and assistant comptroller general of the budgetary system could be carried into best effect not by appointing somebody for life but for this period of six years. It has occurred to me that possibly we should get the best results from the chief magistracy of the Nation by making the term six years and providing that the President should be ineligible for reelection. But I am opposed to the creation of additional offices such as this for a life tenure, when the period of six years is certainly ample and sufficient to give this budgetary system the benefit of that which is the best in a man's make-up.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. GARD. Yes; I yield.

Mr. ANDREWS of Nebraska. Did I understand the gentleman correctly to say that we are creating a new position and thereby increasing the number of offices?

Mr. GARD. I did not say anything about that. I said I was opposed to the creation of new positions with life tenure. That is the idea I tried to convey to the gentleman.

Now, we all know that in the history of the great Appropriations Committee of the House a man whose memory we all hold in high esteem, the late Mr. Courts, held the clerkship of that committee for many years. And there would not be the slightest intention, I am sure, to take away the splendid service of the gentleman who has succeeded him. But these things go along because men prove their worth and do not continue because we invest the positions with a life tenure. When we say that the comptroller general and assistant comptroller general shall hold their positions for six years it seems to me we do what it is desirable to do. We take them out of politics. We give them a fixed and definite term. If they are good and efficient public servants the President of the United States—any President who has the best interests of the country at heart—may reappoint them.

Mr. HARDY of Texas. Will the gentleman yield for a question?

Mr. GARD. Surely.

Mr. HARDY of Texas. In making this a life-tenure office, do you not remove the strongest incentive that an appointee has to be efficient and faithful and fully effective as a public servant?

Mr. GARD. I think so. I think the more life-tenure positions we make the poorer will be our public service.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GOOD. I ask unanimous consent that debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on this amendment and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I do not believe that either of these amendments ought to prevail. I believe you must give a tenure to this office that will invite men of ability to accept it. The proposition offered by the gentleman from Ohio [Mr. GARD] to appoint the comptroller general for a period of six years without the right of removal, it seems to me can not be defended from any standpoint. By the creation of this department it is intended to make it thoroughly independent of the executive departments. The gentleman's amendment if adopted absolutely reverses the whole plan of the bill and instead of having a budgetary system with a comptroller general to audit and control the accounts of the Government fearlessly and to do his work efficiently, we substitute for that a man who would hold his office not because of his ability but because of his political service.

That is the plan we are trying to get away from, and that has been the evil in our present plan. Unless you throw around the comptroller general all the safeguards that will make him absolutely independent and make those whom he appoints independent and fearless, I fear we will find the same condition existing that inheres in the present system; that is, that your auditors and the comptroller general dare not criticize an executive official. They can not become independent in action. The provision here is that the comptroller general shall hold his office during good behavior. That provision was placed in the Constitution of the United States so far as it related to judicial positions under the United States. This position is in many respects similar to those judicial positions. It is semi-judicial, and we should throw around it all the safeguards that the Constitution guarantees to Federal judges; that is, that they shall hold their office during good behavior. Place that provision in the law and the comptroller general can hew to the mark. He can pass upon requests for appropriations in a fearless manner, just as a Federal judge passes upon questions of law that come before him.

Mr. BLAND of Missouri. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. BLAND of Missouri. Did not the committee contemplate that the comptroller general might not only be brought into conflict with the executive department and with the executive branches of the Government, but sometimes with one side or the other of the aisle in Congress, and possibly both sides, in the impartial discharge of his duties?

Mr. GOOD. Absolutely. That department ought to be independent and fearless to criticize wrong expenditures of money wherever it finds them. It ought to criticize inefficiency in every executive department where inefficiency exists, and one of the troubles with our present system is that the auditors dare not criticize. If they criticize, their political heads will come off.

Mr. Chairman, it seems to me that the provisions of the bill have been pretty clearly thought out along that line, and so far as the tenure of office is concerned it ought to remain as the committee has reported it.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Ohio [Mr. GARD].

The question was taken; and on a division (demanded by Mr. BLANTON) there were 9 ayes and 49 noes.

So the substitute to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Nebraska [Mr. ANDREWS].

The question was taken; and on a division (demanded by Mr. BLANTON) there were 8 ayes and 43 noes.

So the amendment was rejected.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 7, line 10, strike out the figures "$10,000" and insert the figures "$7,500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 4 ayes and 47 noes.

So the amendment was rejected.

Mr. BRIGGS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 22, after the word "office," insert "or of any crime or conduct involving moral turpitude."

Mr. BRIGGS. Mr. Chairman, this amendment only adds to the causes for removal, crime, and that conduct known generally as involving moral turpitude. I am in favor of the bill and in favor of the budget. I think it means a saving to the country of millions of dollars. It means economy in administration. This amendment provides that if the comptroller general or his assistant is guilty of a crime or conduct inimical or hostile to the best interests of the Government a concurrent resolution of Congress would reach and remove him. I understand the chairman of the committee has no objection to it.

Mr. GOOD. Mr. Chairman, I do not know whether the amendment would accomplish any good or not. I do not see how it would do any harm. I have no objection to it.

Mr. BRIGGS. The need for legislation of this character has long been apparent to those who have given thoughtful consideration to the best method of reducing waste, extravagance, and inefficiency in the administration of the Government. It is probably too much to hope that all loss from these causes can be entirely eliminated, but it is unquestionably true that it is possible for vast sums of money to be recklessly and extravagantly expended under the old, inadequate systems and which, under the budget plan, can be saved the taxpayers of the country. Both Democratic and Republican Parties have recognized the necessity for the budget and have both declared in their national platforms in favor of legislation providing for the same. The President has recommended it, and the public generally favor it. It is in response to this demand of the people and to the evident necessity for the creation of a proper system of checks and balances if economies demanded and required are to be effected that both the Democrats and Republicans of the House have advocated and united in the support of this bill.

The present measure, which has been unanimously reported out of the committee, contains the vital elements of a true budget plan; that is, it provides:

1. For the creation of a bureau of the budget in the office of the President.

2. Makes it the duty of such bureau to assist the President in the performance of the powers conferred upon him by the act.

3. Directs that the bureau shall also make a careful investigation of all provisions of law dealing in any way with the preparation and transmission to Congress of estimates and the preparation and submission to Congress of financial data of any character in order to determine what changes should be made in such provisions of law, to the end that all requirements in respect to the reporting to Congress of financial data and estimates shall be brought together in one place, coordinated, revised, and brought into harmony with an alternative budget which the President is also required to submit to Congress. The result of such investigation shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports, or any part thereof, with such recommendations regarding the action which in his opinion should be taken upon the matters conveyed by such report.

4. That on a date to be fixed by the President the heads of the several executive departments shall annually submit to the President their estimates of the needs of such departments.

5. On the first day of each regular session after the calendar year 1919 a document, to be known as the budget, shall be transmitted by the President to Congress, which document shall contain:

(a) Balanced statements of the revenues and expenditures of the Government for the preceding fiscal year, and of the resources and liabilities of the Treasury at the close of the year.

(b) His estimates of the revenues and expenditures of the Government for the current fiscal year, and of the resources and liabilities of the Treasury at the close of the year.

(c) His estimates of the revenues and expenditure needs of the Government for the ensuing fiscal year, and how, in his opinion, these needs should be met. The President shall also transmit with such budget such further data regarding the financial affairs of the Government and such recommendations as he may deem proper.

6. An alternative budget is also required to be submitted by the President in substantially the same form as the budget.

7. That after June 30, 1920, no estimate or request for any appropriation, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress by any officer of the executive branch of the Government, except the President, unless at the request of either House of Congress.

8. The bill further provides for an accounting department, which shall be an establishment of the Government independent of the executive department and under the control and direction of the comptroller general of the United States. The office of the Comptroller of the Treasury is abolished and all such employees transferred to the office of the comptroller general. It is provided that this official shall hold office during good behavior, but may be removed at any time by concurrent resolution of Congress, after notice and hearing, when, in its judgment, the comptroller general or his assistant has been inefficient or guilty of neglect of duty or of malfeasance in office or, with the amendment which I have offered, of any felony or conduct involving moral turpitude, as well as by impeachment. This practically gives the comptroller general the same independence and immunity from partisan political control as is now enjoyed by the employees of the Government in civil service, and will enable him to discharge the duties of his office without fear or favor in spite of incurring the displeasure in powerful quarters of those whose policies or desires for expenditures are limited by the restraints which he, under the law, must impose.

But notwithstanding the opportunity accorded to the comptroller general to exercise fearlessly and fully the power vested in him to supervise the expenditures of the Government, he is yet made answerable to Congress for failure to discharge his duties or for a wrongful exercise of any of his powers, as well as for an inefficient exercise of those powers and duties; and by the amendment which I have offered it is further provided that Congress may by a concurrent resolution remove him if he should become guilty of any felony or of any conduct involving moral turpitude.

There might arise instances of unfitness not serious enough to be classed as a felony, but which would be within the meaning of the language "conduct involving moral turpitude."

9. The comptroller general is vested with all the powers and duties now imposed by law upon the Comptroller of the Treasury or upon the auditors for the different executive departments, and the offices of such last-named officials are abolished.

It is also provided that the comptroller general shall investigate all matters relating to the receipt and disbursement of public funds and shall make to Congress, at the beginning of each regular session, a report in writing of the work of the accounting department, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public money as he may think advisable.

He is also granted the right to examine any books or other papers of any department or other Government agency.

Such, in substance, are the provisions of the bill.

Through its operation thus is:

1. A centralized responsibility imposed upon the Chief Executive of the Nation for the conduct of the administrative branch of the Government.

2. A statement furnished in complete form of all the revenues and expenditures for the preceding year, with also those for the current year and for the ensuing year, with a further statement of the resources and liabilities of the Treasury at the close of each such year.

3. And through the audit, investigation, supervision, and recommendations of the comptroller general, it ought to be possible to clearly present to Congress just in what branches of the Government duplication of work and effort, as well as waste and extravagance, exist, and the best methods of eliminating same.

Moreover, Congress will be more fully advised of the income of the Government, as well as of its needs, and will thereby be better enabled than it has ever been before to adjust the two and reduce taxation and expenditure where it can be done, avoiding in a great measure, if not completely, the deficiency appropriations which have for so long been the custom and practice in our Government.

At the present time the national debt of the United States amounts to the stupendous sum of approximately $25,000,000,000. A staggering debt, indeed, but not so great comparatively as the war debts of other countries who do not have the national wealth of $230,000,000,000 possessed by this Nation. But the debt is heavy enough, and so great that to pay the interest alone on it requires the enormous sum of more than $1,000,000,000.

It has been computed that for the period from April, 1917, when the United States entered the war, to April, 1919, a period of 25 months, the war cost this country about $22,000,000,000, or at the rate of $1,000,000 an hour, and making, on the average, a charge of $200 a person for the 110,000,000 people in the United States. This cost does not include the great sums given the Red Cross and other war-work agencies.

In addition, nearly $10,000,000,000 was loaned the allied nations. When this amount will be repaid no one now can say.

The war has practically ended, but war costs have not. Not only the people in their daily farming, industrial, and home life feel it, but the Government also is having to pay substantially the same relatively high costs for what it is compelled to have and do, and therefore, like the people, finds for the most part that the dollar now which it spends will scarcely go half as far as it did previous to the beginning of the war. This condition in turn has been reflected not only in the costs of materials, but in the necessities of employees of the Government, who are constantly presenting and urging upon Congress the need of increased salaries and wages to meet the alarming advance in the cost of living.

So that the appropriations for the conduct and operation of the Government are necessarily greater than they used to be for only the same return which it used to be possible to obtain for so much less.

Congress is making the greatest effort to check and reduce that cost, and has already adopted the most stringent measures to punish hoarders and profiteers, whose greed rises supreme above the welfare and, in some cases, to the very right to existence of their fellow countrymen. Such acts have been made offenses punishable by imprisonment in the penitentiary, and if grand juries and petit juries will indict and convict these profiteers some substantial relief from the practices of these offenders may speedily be afforded.

The continuance of the cost of the war, however, is not alone centered in the high cost of living, but must be recognized and further borne in the provision that must be made for the soldiers, sailors, and marines who gave and risked their lives that their countrymen and this Republic might continue to live and give to all mankind the example and security of a free people under the greatest constitutional and most enduring form of government. Already war-risk insurance, compensation, vocational education, and allowances to the soldiers, sailors, and marines and their dependents require the appropriation of many millions of dollars.

Notwithstanding a tremendous cutting down of appropriations for the current year and a reduction in appropriations of billions of dollars by reason of the signing of the armistice and the saving of vast amounts appropriated for carrying on the war, there is required for this year alone, according to the estimates of the chairman of the House Appropriations Committee, over ten and a half billion dollars, with only total revenues of about seven billion and a quarter with which to meet them. In other words, it appears necessary to raise in some way more than three billion and a half dollars addditional to meet the current requirements, unless they can be reduced in some way which has not yet been made apparent.

The war, of course, required tremendous expenditures, but it was won, and the price of victory will be ungrudgingly paid by the American people. It can not, however, but be felt for a long, long time. Congress should, however, make every effort to dispense with unnecessary expenditures and avail itself of every agency which will not only save the people from further burdens and taxation, but, wherever possible, contribute to the reduction of those that exist. This the budget system in some measure promises to accomplish; therefore its establishment should and will no doubt be welcomed by every taxpayer in the land.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 10. That all powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or upon the Auditor for the Treasury Department, the Auditor for the War Department, the Auditor for the Interior Department, the Auditor for the Navy Department, the Auditor for the State and Other Departments, or the Auditor for the Post Office Department shall, so far as not inconsistent with this act, be vested in and imposed upon the accounting department and be exercised without direction from any other officer, and the balances certified by the comptroller general shall be final and conclusive upon the executive branch of the Government. The revision by the comptroller general of settlements made by the six auditors referred to in this section shall be discontinued, except as to settlements made before July 1, 1920.

Section 236 of the Revised Statutes is hereby amended to read as follows:

"SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the accounting department."

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I shall support this bill. While I am not as sanguine about saving millions of dollars, or any very large sum, as some gentlemen who have spoken, yet I believe it will effect economy in some directions, do away with some abuses, and fix to some extent the responsibility for expenditures.

There has been, I think, more misunderstanding with reference to a budget system in the country at large than with reference to any other question that has been before Congress. That is largely due to the extensive propaganda that has been carried on endeavoring to show that Congress was not doing its duty, and had no system of supervising accounts in this Government worth mentioning. Most of the writers and many of the witnesses that came before the committee which prepared the bill, as will be shown by the hearings, seem to have the idea that the British system is highly successful and highly popular. As a matter of fact, it is neither successful nor is it popular in England. The system which now prevails in this country at the present time, with whatever defects it may have, is vastly better than the system that prevails in Great Britain, and it is so acknowledged.

In this connection I want to correct another prevailing belief, and that is that the budget system is a cure for all the financial evils that affect our Government. It is not. It will palliate those evils. It will tend to prevent waste, but it will not strike at the greatest source of expenditures.

The expenditures of a government depend principally upon its policies and the methods by which those policies are carried out. With neither of these questions does a budget deal, except incidentally, and it touches the efficiency of government management remotely if at all. For example, the expenses of our Army and Navy depend principally upon the policy which we adopt as to whether we will have a great Army and a great Navy or only one of moderate size. They also depend on whether the Army and Navy affairs are carried on efficiently and without waste. For example, we have great numbers of automobiles and automobile trucks rusting away and being ruined because the Government has taken no steps to sell them; in fact, has refused to sell them, although it has admitted that it never will use them. So also we have a large number of vessels in the Navy being operated which ought to be junked in the same manner as England junked 150 vessels in her navy, and made a great saving thereby. But the budget system does not touch a matter of this kind. The expenses of the Agricultural Department depend largely as to whether it shall have an army of agents in various parts of the country for various purposes or whether, on the other hand, its operations shall be restricted. With such matters the budget has nothing to do. In fact, the wildest extravagance may prevail under the best budget system, and some budget plans will, as I shall hereafter show, rather tend to increase expenses than to reduce them. A large number of States have adopted a budget system, but those who have adopted a budget system are not conspicuous for economy, as a rule, and some of them are noted for the extent of their expenditures. In some of these States it has been brought about in the same manner as much of our Federal governmental expense has been caused, namely, by a multiplication of boards and commissions, which brought about a multiplication of officials and clerks. We have at Washington far more clerks than is necessary. In some departments I am satisfied that the number could be reduced one-third if the management of these departments was conducted with any degree of efficiency. But this will not be corrected by the adoption of a budget system, as is abundantly shown by the experience of such countries as England.

I want to return for a moment to the much-heralded and much-approved budget system of England. A large number of writers on this subject, and especially the author of one book that has been much quoted, regard this system as a model. Many of the witnesses that appeared before the Budget Committee seemed to have the same opinion, thereby showing their utter ignorance of the subject upon which they thought themselves competent to give Congress advice. Yet the London Times has described this system as the "road to ruin" and the English papers are filled with articles on the extravagance of the Government under its budget system. Public indignation in England has risen to such an extent that the Government has been compelled to abandon some of its extravagant schemes and policies in order to quiet the universal clamor against its extravagance. The Government, in fact, under the English budget system, makes no pretense of matching its expenditures with its revenues; and the London Economist has said that its course would "ultimately land the country in insolvency."

What has caused the failure of the English system and what is it that the English people now want? The fact is that under the English system the budget is made up by the ministry. It has one good feature about it, and that is that it prescribes a limit to the expenditures, but unfortunately this limitation does not rest upon the ministry that prepares the budget, and consequently it may be as extravagant as it wishes without any check, for, as a matter of actual practice, Parliament can not reduce the expenditures below the amount of the budget prepared by the ministry. The various items of the budget are not gone over by separate committees which work upon them for months as in this country. The details are not scrutinized by special committees, and there is no open discussion worthy of the name of the budget, for the reason that the details are never considered in Parliament as they are in our Congress, where the appropriation bills are read paragraph by paragraph, discussed, and amended after the special committees have done their best to perfect them. Under the method adopted in England the items are not first subjected to the scrutiny of special committees, and under their form of government a refusal to approve the budget would mean the fall of the ministry, necessitating either the formation of a new ministry or a dissolution of Parliament and a new election. The result has been that in the last 25 years there has not been any material change in the budget made in Parliament, and to use the words of the gentleman from Oregon [Mr. HAWLEY], Parliament has become merely a rubber stamp by which approval might be given to the budget. At the same time not a single budget has ever been submitted but what contained items of expenditure which in some cases, particularly in the last year, involved immense sums which never would have been approved if examined by a proper committee, and never could have secured the approval of Parliament if a vote could be had thereon based upon the merits of the proposition alone. As a consequence, a select committee, which was appointed by Parliament for the purpose of budget reform in England, and the most eminent writers in that country who have considered the subject, are universally in favor of adopting the leading features of the American system, believing that their adoption would, without any doubt, greatly reduce the expenditures of Great Britain.

An extensive propaganda has been carried on in this country for the purpose of making the people at large believe that Congress was chargeable with the extravagance which has prevailed in our governmental affairs, and, unfortunately, this propaganda has been very successful. Nothing could be further from the real fact. Congress is constantly engaged in a struggle with the various departments to keep down expenses. Every department chief, no matter what his politics, desires to extend the activities of his department and to multiply the number of his subordinates. He considers his particular department as one of the most important and necessary of all the various divisions of our Government operations, and to a certain extent this is creditable to him, but it invariably results in increased demands upon the Public Treasury, and often in an increased personnel for which there is no necessity. The estimates brought in by the various heads of the departments as necessary for their operation are invariably greatly reduced by Congress. It is often said that larger estimates are brought in than is necessary, because the department heads feel that Congress will reduce them anyway. It is true, although contrary to public belief, that the usual tendency of Congress is toward economy, but the department heads always have a full opportunity to show through their experts just what they need, and are never satisfied with what is given them. They appeal from the decision of the House to the Senate, where, as a rule, they get the appropriations raised, although not to the extent that they desire. In many instances, as every Member of Congress knows, they have instituted a propaganda over the country in support of provisions which would allow them to engage in new activities and new expenditures, and have even gone so far as to attempt to build up a "back fire" among the people at home against Congressmen who were not inclined to grant what they wished. The long and short of the whole matter is that a budget framed by the spending departments, which in this country constitute the administration, will always be extravagant, and the extravagance of our present Government is largely owing to the fact that although Congress has endeavored to keep the expenditures down, the insistence of the departments and the administration has had its weight and effect.

At this point I wish to call your attention to one feature which I deem a weakness in the present bill. I would have much preferred that this budget should have been framed by Congress in the first instance and not by any budget bureau, as constituted by the bill, which I very much fear would be too much under the influence of the various heads of the departments and the administration in general. If in fact it should be controlled by them, the result will not make for economy but

for the reverse. It will be observed that the officers and heads of this system are to be appointed by the President in the first instance. True, the auditor created by this bill may be removed by Congress only, and to that extent he is independent of the administration, but there is a similar officer under the English system with equally extensive powers and it has been found that after all he is simply an accounting officer and does not undertake to do more than to pass upon the legality of the expenditures. I am unable to see how he will be in a position to do more. He is not given any authority to investigate, and although he may have under this bill the authority to criticize, I doubt very much his being able to definitely ascertain and prove the facts upon which such criticism should be based.

But while this bill does not in this respect meet my approval, I shall vote for it on account of its having been supported by the unanimous report of the Budget Committee, and I am willing to take it and look to the future for evidence of how it will work out. If it works well, the system will be preserved, but the committee which brought it before us practically concedes that it needs other legislation to supplement it in order to give the budget system the effect desired.

As a supplement to this bill the Budget Committee has reported a resolution which is intended to effectuate and carry out its objects. This resolution, I anticipate, will meet with more opposition than the bill which we are now considering. While it is not now before the House, it is worth while to give it some attention in advance, for unless the provisions of the present bill are supplemented by further action of Congress it will not, in my opinion, have any great effect.

This resolution provides for one single appropriating committee to take the place of all the appropriating committees which we now have, so far as their power to make appropriations is concerned. In my judgment the resolution ought not to be adopted without modifications. I do not believe it is possible for one appropriating committee to perform all the duties which are now performed by the 10 great committees which now make appropriations. I can not understand where or how they will get time to discuss estimates in detail or to master completely the various subjects that would be brought before it. I do not know how it could obtain the knowledge in detail which the members of these several committees now have with reference to the activities of the departments with which they are respectively concerned, and I am very sure that it would have no opportunity in the multitude of matters that would come before it to institute the inquiries and carry on the investigations necessary to obtain the information which such a committee ought to have to properly perform its duties. I think, however, that with an amendment to this resolution it might be made acceptable to the House and used with great benefit. When it is brought up for action thereon I shall offer an amendment providing in substance that instead of this large committee being in charge of all of the details of the appropriations it shall be simply an allocating and limiting committee with reference to the appropriations.

Its functions will be to fix the total amount which may be expended for all governmental purposes during the fiscal year and to allot the proportion thereof which may be appropriated by each committee. It would, in short, be a congressional budget committee, which revised the estimates of the budget bureau, both for the whole Government and for the separate departments. The details as to how these several amounts allocated to each committee should be expended would be left to the various appropriating committees, as now, who would be, in my judgment, better prepared and unquestionably would have far more time to devote to the details than if this one committee undertook to perform all this work. For the purpose of performing its work this budget committee of the House—for I would have it a budget committee and not an appropriating committee—would have before it all of the estimates and information furnished by the budget bureau, so that it could act quickly. Its failure, however, to act quickly would not prevent the appropriating committees from going on with their work in the usual manner.

This plan would have all of the benefits proposed by this resolution as it now stands, and it would have the immeasurable advantages of having every detail of the appropriation scanned in a manner which would be quite impossible if this duty was undertaken by a single committee, with still further opportunity for reductions in the appropriations, if possible.

The resolution providing for the appointment of a committee of 35 members to make all appropriations presents a far-reaching measure. It takes away from those who have hitherto spent months and in many cases years in familiarizing themselves with every phase of our appropriations in the past their most important powers, and all that would be left to them would be the power to authorize appropriations, not knowing whether they would be granted. The real determination of the policies of Congress would rest with this great appropriating committee, which would finally determine whether the appropriations authorized should be made.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CAMPBELL of Kansas. Is it not true that the committees familiar with the subject matters would authorize all of the appropriations and that the appropriations would be made by the appropriating committee, and the only power taken would be merely the matter of appropriations? Nothing could be appropriated unless authorized for the War Department, the Indian Department, the Navy Department, or any other department.

Mr. GREEN of Iowa. If the appropriating committee is to be simply a ratifying committee, approving the authorizations which are made, then I see no advantages in it. It would accomplish nothing but to go through a form. If, on the other hand, it prunes and selects the appropriations, the authorizations are mere suggestions.

Mr. CAMPBELL of Kansas. Authorization could be made for a specific work, but it would be for the appropriating committee to say how much should be appropriated.

Mr. HASTINGS. Then who would know best which was the proper amount, the committee who studied it and authorized it or the other committee that showed no familiarity at all with the subject?

Mr. GREEN of Iowa. I would say it is the committee that is made up of specialists who have studied with reference to the work of a particular department, men who have been familiar with that work for years, who have made continuous study of it ever since they have been in Congress and knew every detail.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. NEWTON of Minnesota. If, however, this large appropriation committee was composed of representatives from the appropriating committees of the House as now constituted, would it not meet the gentleman's objection?

Mr. GREEN of Iowa. No; it would not meet my objection, because if the work was carried on as the gentleman seems to expect, it would then put the work relating to a particular department in the hands of 2 or 3 instead of 21, as the committees are now constituted, because this big committee would necessarily be divided into subcommittees. There would be two or three who would fix the appropriations; the same for the Indian Affairs; the same for the Department of Agriculture and all of the other departments; instead of a full committee as now constituted.

Mr. NEWTON of Minnesota. I do not understand that the change in the rules calls for the appointment of a certain designated number from the committees, and it occurred to me that the rule should so provide.

Mr. GREEN of Iowa. I think that would be necessary in any event, and that it would be necessary to subdivide this big appropriating committee, so that there would be as many subcommittees as there are now appropriating.

Mr. NEWTON of Minnesota. Let me call the gentleman's attention to this fact, that there are some large committees to-day who do not have the power of appropriation. Take the Committee on Interstate and Foreign Commerce, for example. Their power has not been curtailed, it seems to me, to any great extent beyond the powers of committees that do have appropriating authority.

Mr. GREEN of Iowa. It is hardly necessary that that committee should have appropriating powers, as they deal with comparatively little connected with financial matters, except possibly to make up the deficit from the Government's running of the railroads.

Mr. NEWTON of Minnesota. Let me call the attention of the gentleman to the fact that the war-risk insurance act was reported out by the Committee on Interstate and Foreign Commerce, and that carried a large appropriation, larger than the whole appropriation for the Indian affairs.

Mr. GREEN of Iowa. I think the House has generally agreed that the war-risk insurance never ought to have been given to that committee. The Committee on Interstate Commerce is a great committee, with a distinguished chairman, but it has too much to do, it is overworked, and at times unavoidably delays the business of the House.

Mr. NEWTON of Minnesota. Be that as it may, the power of the Interstate Commerce Committee has not been curtailed because it did not have appropriating power.

Mr. GREEN of Iowa. It is curtailed, but in that particular case it would not make any difference, because any sum authorized to be expended by the War Risk must be expended and must be appropriated, but if this big committee is only to make absolutely necessary appropriations, it would not matter so much.

This appropriating committee, if limited as I propose, would not interfere with the several appropriating committees taking up in detail all of these measures and fixing the limit of expense. It would revise the budget system as it came from the director of the budget. It would determine how much the Government should expend in a single year as a total.

Mr. HASTINGS. I entirely agree, but I want to ask the gentleman, if it will not interfere with him, to discuss what these other 400 Members of Congress would do at the short session of Congress, when all the time during that session of Congress is consumed in making appropriations? What would the other 400 Members be doing?

Mr. GREEN of Iowa. They would wait mostly, although they would have some duties.

Mr. HASTINGS. There is no general legislation at that session, as everybody knows.

Mr. TILSON. At the present time there are only about 147 Members on these appropriating committees, to begin with. What do all the other members of the committee do? Are not the ordinary Members around them doing just as much work as anybody else? Now, why is it claimed we reduce these 147 men to complete impotence when we have a much larger number of men who have not been on such committees at all, who are very influential Members of this House and are doing good work all the time?

Mr. BLANTON. Where are they to-day?

Mr. GREEN of Iowa. I do not yield to the gentleman from Texas. The gentleman from Oklahoma, of course, did not speak in a literal sense of the meaning that these Members would have absolutely nothing to do, and there is a larger number on the appropriating committees than stated by the gentleman from Connecticut. They would have work to do, but not much, under the circumstances. Those on the other committees never do have the same amount of work. Did the gentleman from Illinois [Mr. CANNON] desire me to yield?

Mr. CANNON. I just want to ask a question. The gentleman is a member of the Committee on Ways and Means, the most important committee of this House, which requires an immense deal of work and constant study to report legislation to bring revenues into the Treasury. What would my friend say to a proposition that there should be several committees called by slightly different names, instead of the Committee on Ways and Means, one to deal with revenues to come from customs, another from direct taxes, and so on and so on? That would give all something to do.

Mr. GREEN of Iowa. Well, the gentleman is suggesting a proposition that nobody seems seriously to contemplate. The Ways and Means Committee, it is true, has a great amount of work on its hands, but it is unavoidable and its work can not be divided, because this committee in passing on one revenue bill must know how much all our other revenue acts would produce. If left to different committees, the total would be too much or too little. Besides, the methods of raising our revenues are so interwoven that each has a bearing on the other and they can not be separated. I could easily cite many examples. I would say also that the Ways and Means, while its work never ends, is concerned directly with the work of only one department—the Treasury. This proposed committee would deal with all departments and should be familiar with every detail in relation to them. Yet these appropriating committees as now constituted are, for the most part, considered so important and as requiring so much time from a Member who belongs to one of them that he is not permitted to be a member of any other committee.

Mr. Chairman, I trust that what I have said will not be taken as a criticism of the work of the Budget Committee. I have intended rather to assist them in their labors. The committee and its chairman are entitled to great credit for the work which they have done, and I hope that what I have said will not be taken as detracting in the least from the credit to which they are entitled. I have not entered this discussion for the purpose of criticism but rather in the hope that I might assist the committee and the House in the formation of this most important measure. If the modification which I have proposed is adopted it will, in my opinion, not only accomplish all that would be accomplished by the resolution as now drawn but would be likely to result in greater saving than the plan as now presented. The Appropriations Committee as now constituted is overworked. Its distinguished chairman, who introduced this bill, and many of the members of that committee are compelled to work night and day during the greater portion of the session. Yet their duties are only a small part of what would be cast upon this one big appropriating committee which is proposed, and it would be simply an impossibility for such a committee to give proper consideration to all of the thousands of items of our appropriation bills which now are divided among so many committees. The result would often be that not knowing and not having time to ascertain whether an appropriation, for example, for military or naval purposes could properly be reduced, it would be compelled to adopt the estimate furnished by the department, whereas the Military or Naval Committee, as the case might be, being familiar with every detail pertaining to the appropriation, is not obliged to accept the reasoning or conclusions which are presented by the departmental officials. I hope not only the Budget Committee but the whole House will give careful consideration to this modification proposed.

Mr. STEAGALL. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEAGALL: Page 8, beginning in line 10, strike out all of section 10.

Mr. STEAGALL. Mr. Chairman, I do not care to take up the time of the committee unnecessarily. I had intended to offer this amendment to the preceding section but was out of the Hall for a moment when that section was voted on. If my amendment is adopted, which I hardly anticipate, it is my purpose then to move to strike out the remaining sections and the section just adopted, leaving only the last section of the bill, which should be renumbered. I do this because I for one am opposed to the life-tenure proposition involved in the creation of this office of comptroller general, and I am also opposed to authorizing the head of any department to employ as many people as he sees fit and fix their salaries without let or hindrance from the Congress, the President, or anybody else.

Mr. TAYLOR of Colorado. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TAYLOR of Colorado. I rise to speak in opposition to the amendment. Mr. Chairman and gentlemen of the committee, from the nature of the amendments offered to this budget bill and the tone of the criticism of it, it seems to me that a few remarks under the heading of "Lest we forget" would be in order at this time. It seems to me that some of our good Democratic friends and Republican friends also ought to hark back to the last time we asked the people of the United States to elect a President of the United States. Let me refresh the memory of my Democratic friends by reading a plank in the last Democratic national platform for 1916, as follows:

ECONOMY AND THE BUDGET.

We demand careful economy in all expenditures for the support of the Government, and to that end favor a return by the House of Representatives to its former practice of initiating and preparing all appropriation bills through a single committee chosen by its membership, in order that responsibility may be centered, expenditures standardized and made uniform, and waste and duplication in the public service as much as possible avoided. We favor this as a practical step toward a budget system.

Let me also read a paragraph from President Wilson's address to Congress at the opening of our session on the first Monday in December, 1917——

Mr. STEAGALL. Will the gentleman permit a statement?

Mr. TAYLOR of Colorado. In just a moment. The President appealed to Congress in this language:

And I beg that the Members of the House of Representatives will permit me to express the opinion that it will be impossible to deal in any but a very wasteful and extravagant fashion with the enormous appropriations of the public money which must continue to be made if the war is to be properly sustained unless the House will consent to return to its former practice of initiating and preparing all appropriation bills through a single committee, in order that responsibility may be centered, expenditures standardized and made uniform, and waste and duplication as far as possible avoided.

Mr. STEAGALL. Will the gentleman permit an interruption now?

Mr. TAYLOR of Colorado. In just a moment. I want to put in one more quotation on this subject. Now, while the Republican national platform of that year—1916—contained a good deal of what might be called—well, I will not call it bunk——

Mr. WILLIAMS. Good reading matter.

Mr. TAYLOR of Colorado. Let me call my Republican friends' attention to a plank in their last national platform, because if it were not meant in good faith this is a good time for the country to know it. The language is as follows:

ECONOMY AND A NATIONAL BUDGET.

The increasing cost of the National Government and the need for the greatest economy of its resources in order to meet the growing demands of its people Government service call for the severest condemnation of the wasteful appropriations of this Democratic administration and of its shameless raid on the Treasury and of its opposition and rejection of President Taft's oft-repeated proposals and earnest efforts to secure economy and efficiency through the establishment of a simple, businesslike budget system—

[Applause on the Republican side.]

to which we pledge our support and which we hold to be necessary to effect any real reform in the administration of national finances.

Mr. MADDEN. Well, we are putting the recommendations of the Republican national platform into execution now.

Mr. STEAGALL. Will the gentleman permit an interruption now?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. I ask for two minutes' extension.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEAGALL. The gentleman is becoming interesting as a historian. I should not be surprised some time if he should possibly make reference to the Constitution of the United States or the Bible and possibly the Ten Commandments.

Do we understand the gentleman to say that the Republican platform was all bunk?

Mr. TAYLOR of Colorado. No; I did not say it was all bunk. But I do say if they do not carry out this provision in good faith that part of it at least would be.

Mr. STEAGALL. I understood the gentleman to say so, and I want him to produce the gentleman from Iowa [Mr. GOOD] to prove that the Democratic platform is all bunk, and then I wish to suggest that neither platform nor any platform of any party that ever held a convention ever declared for life tenure in office, or for any department of this Government having the right to appoint as many employees as it pleased.

Mr. TAYLOR of Colorado. I desire to say that the Select Committee on the Budget has heard some of the most able and distinguished people of the United States on this subject. There is not a line in this bill that has not had exhaustive consideration. And we have gone into this matter as intelligently, conscientiously, and thoroughly as any committee could. We have examined the systems of other countries and of our various State and city systems and the works of the most distinguished writers on the subject, and have come to the unanimous conclusion that these provisions, as embraced in this bill, are not only proper but necessary in order to carry out in good faith our party platform promises to the American people, and in order that we may honestly enact the pledges upon which we were elected to this Congress two years ago last fall and again last fall. Now, when our country is confronted with the frightful and appalling debt of over $26,000,000,000; when there is the most imperative need for economy in every direction; when every farseeing and patriotic citizen in this country is warning the country and Congress against waste and extravagance, and appealing for a retrenchment of expenditures in every possible way, I know that this Congress is not going to repudiate our promises to our country or to our constituents. In this dire financial situation of our Nation, I know this House will keep the faith and pass this bill substantially in the form in which the committee has brought it before the House.

Any Member of either this House or of the Senate who votes or works against this measure not only violates his party's platform but I prophesy that he will have a mighty hard time ever explaining his actions and that he will have occasion to regret it as long as he lives, and I am going to try to see that every Member of this House goes on record by a roll-call vote on this bill.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Alabama [Mr. STEAGALL].

The question was taken, and the amendment was rejected.

Mr. OSBORNE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. OSBORNE: Page 9, line 4, strike out the word "them" and insert the word "it"; page 9, line 5, strike out the word "are" and insert the word "is"; page 9, line 5, strike out the word "debtors" and insert the word "debtor"; page 9, line 6, strike out the word "creditors" and insert the word "creditor."

Mr. OSBORNE. Mr. Chairman, this section reads as follows:

SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the accounting department.

My amendment goes not only to the grammatical construction but to the fact. "United States" is singular and not plural. This matter was settled long ago, not only by the rules of grammar but by the rules of war. We fought four years to establish the fact that the United States is one country and not a collection of municipalities.

I submit my amendment for the consideration of the committee.

Mr. GOOD. Mr. Chairman, I will say to the gentleman from California and to the committee that our committee had nothing to do with the formulation of the language in this paragraph. The section is in all respects the present law except as we struck out the word "Treasury" in line 6 and put in the word "accounting." We have not attempted to change the language in a single particular, and when the gentleman says that we should use the word "is" instead of the word "are," and that "United States" is singular instead of plural, I call his attention to section 2 of Article III of the Constitution of the United States, where it would seem that the framers of the Constitution had about the same notion as the framers of the law which we have followed. Section 2 provides:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

Now, we use the word "them" here just as the framers of the Constitution used the word "their."

Mr. OSBORNE. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman.

Mr. OSBORNE. Is it not a fact that the Constitution in that regard was amended between 1861 and 1865?

Mr. GOOD. That provision has never been amended.

Mr. OSBORNE. It has been amended in fact.

Mr. GOOD. That provision stands as the framers of the Constitution made it.

Mr. CANNON. Will the gentleman yield? Are we not better to-day than they were?

Mr. GOOD. Well, they were pretty good. The framers of the Constitution were men of ripe scholarship; many of them had graduated in the best colleges of America, and a great many of them—31 I believe it was—had graduated from the large universities of the Old World, and they were trained in the school of statesmanship. And I have never yet, as far as I am personally concerned, been willing to quarrel with their grammar, and I am not now.

Mr. CANNON. Then the gentleman does not think that hypercriticism has any place?

Mr. OSBORNE. Will the gentleman from Iowa yield further?

Mr. GOOD. I will.

Mr. OSBORNE. Does not the gentleman think that in a matter of this kind, if there was an error in the first place, it should be changed in enacting a new section, and that the United States is, in fact, a Nation, and should not be designated as "them" or be mentioned in the plural form? I think so.

Mr. GOOD. I will say to the gentleman from California that the Congress that enacted this legislation followed the language in the Constitution. They referred here to the United States as "them," and, of course, if we use that, we must also use the plural all the way through.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on this amendment?

Mr. McLAUGHLIN of Michigan. I do. I wish to ask the gentleman a question as to what claims and demands this section relates to. It says:

All claims and demands whatever * * * shall be settled and adjusted in the accounting department.

Mr. GOOD. Of course, that has been construed a great many times by the comptroller. Those are claims and demands for the payment for which an appropriation has been made. Of course, it would have no relation to a claim or demand that necessarily had to go to the Court of Claims. It is only those that are authorized by law and for which an appropriation has been made and which can be settled under the decision of the comptroller to determine.

Mr. McLAUGHLIN of Michigan. Of course, the Congress itself passes upon claims and demands against the Government and often authorizes their payment. It would seem that this language as it stands would authorize the accounting department to determine the question of the legal or equitable liability of the Government in some cases.

Mr. GOOD. That judicial construction has never been given by the comptroller, and this language has been on the statute books for a long time; a similar provision was carried in the law as far back as 1817. Practically that language has been on

the statute books, and all we are changing now is to strike out the word "Treasury" and insert the word "accounting" instead.

Mr. McLAUGHLIN of Michigan. The construction may have been given, but certainly the language would justify another construction. Some other comptroller or some other official might change the construction.

Mr. GOOD. We accepted that for 100 years and more. It has been on the statute books that long, and it has received judicial construction and a department construction, and all we are here attempting to do is to confer that power which the Treasury Department now has to settle claims of this character on the accounting department.

Mr. McLAUGHLIN of Michigan. Well, I think in this bill some changes for the better have been made, and in the very framing of this bill the committee has properly disregarded precedents and departed from old customs. It seems to me the committee should have gone a little further and corrected the ambiguity and the patent mistakes in the law. I say that in connection with the amendment suggested by the gentleman from California [Mr. OSBORNE]. I think he is entirely right in suggesting the change of those words to make them singular instead of plural, and I would suggest some change in this section, so that no other construction but the one that has been given will be possible.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. ANDREWS of Nebraska. Mr. Chairman, the accounting officers have authority under the law to state two classes of accounts; one for which a lapsed appropriation has previously existed; the other a liability which had arisen under specific statute authorizing, for instance, the appointment of an officer, but no appropriation having been made therefor.

Mr. McLAUGHLIN of Michigan. But this section says "all claims and demands whatever."

Mr. ANDREWS of Nebraska. That is within the range of the accounting system. That would be the construction there.

Mr. SANDERS of Indiana and Mr. DOWELL rose.

The CHAIRMAN. Does the gentleman from Indiana desire recognition?

Mr. SANDERS of Indiana. Yes. I move to strike out the last word of the amendment.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. SANDERS of Indiana. Mr. Chairman, I think this budget bill is wise legislation. I think it follows along the lines of economy. In discussing the question of economy yesterday a statement was made on the floor criticizing in a mild way, but nevertheless criticizing, the demands of the bituminous coal miners for an increase in wages. I hold no brief for the United Mine Workers of America, Mr. Chairman, but I want to make a very brief statement about the underlying causes of the present dispute between the bituminous miners and operators.

In April, 1916, through their representatives the organized miners and the operators entered into a two-year contract. The wages paid labor in other industries soon went beyond the wages agreed upon in 1916, and the operators began to pay bonuses in order to attract labor to their mines and to keep up the output. The situation growing out of the payment of bonuses became so acute and unsatisfactory that the operators themselves were glad to make some arrangement by which the 1916 contract could be supplemented by a provision permitting the payment of a sufficient wage to attract labor. Hence in March, 1917, a supplementary agreement was entered into by which all contract miners were paid 10 cents per ton additional. Under this supplemental contract the machine men were advanced from 52 cents to 62 cents per ton, the men engaged in pick work were advanced from 64 cents to 74 cents per ton, and the day men were advanced from $2.98 to $3.60 per day. This contract continued in effect until November 1, 1917.

In October, 1917, the coal market was under the control of the Fuel Administration. The operators desired an increase in the price of their coal. The general wage level had rapidly risen, and Dr. H. A. Garfield, then Fuel Administrator, brought about an agreement by which the miners, effective November 1, 1917, had their wages advanced and the operators were permitted to advance the price of coal. This so-called Washington agreement made this advance: Contract miners were given 10 cents per ton additional. Thus machine men were increased from 62 cents to 72 cents per ton, pick men were increased from 74 cents to 84 cents per ton, and day men were increased so that their day wages amounted to $5 per day. Since then no further advance in wages has been made.

It will thus be seen that the total increase since April 1, 1916, more than a year before our entrance into the war, was only 20 cents per ton, or 29 per cent for pick men and 38.4 per cent for machine miners and that the day men have not been advanced beyond $5 per day, although in percentage that amounts to 68 per cent increase; the day men only include about 27 per cent of the total employees.

It is interesting in connection with these figures to know that while the advanced increase of labor was less than 44 per cent that the advanced retail sale price of coal was more than 110 per cent.

This Washington agreement contains this clause:

> This agreement is subject to and will become effective only on the condition that the selling price of coal shall be advanced by the United States Government sufficient to cover the increased cost in the different districts affected and will take effect on the first day of the pay period following the order advancing such increased prices.

The whole tenor of this Washington contract is that the coal miners should receive their proportion of the increased revenue obtained by the coal operator for the sale of his coal.

Many months ago Dr. Garfield deemed the war sufficiently over that he abandoned all restrictions upon the selling price of coal and disbanded the Fuel Administration and retired to private life. The coal operators are no longer bound by any war restrictions, and I am reliably informed that free coal is frequently sold at $2.75 per ton at the mouth of the mine and sometimes brings $4 per ton. This is in sharp contrast to the $2.35 per ton fixed at the time the Washington agreement was entered into.

The fourth clause of the Washington agreement provides that the mine workers' representatives agreed that the present contract be extended during the continuation of the war and not to exceed two years from April 1, 1918.

Actual hostilities ceased on November 11, 1918, and practically all of the bureaus organized during the war have long ago been disbanded, including the Fuel Administration. It certainly can not be contended that this agreement was meant to last until the war should technically be terminated by the exchange of peace treaties. If such be the case, it could be contended that it not only means that peace be concluded with Germany, but that it should continue until we made peace with Austria.

The United Mine Workers of America have steadfastly and faithfully observed the provisions of this contract and have waited until almost a year after the close of hostilities before asking an increase and long after the operators have ceased being hampered by governmental control.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. SANDERS of Indiana. I am sorry I can not. In a Terre Haute, Ind., newspaper of last week I find an advertisement by a coal operator for men to do pick work. In the same paper is an advertisement for plasterers at $1 per hour, and an advertisement for men to work at a creosoting plant for $5 to $8 per day.

It must be remembered that coal miners frequently only get to work two or three days per week, and in computing their wages this must be taken into consideration. If this is done, it is clear to the unbiased mind that the day laborer in the coal mine is not paid a wage commensurate with the carpenter, the plasterer, bricklayer, railroad engineer, shipworker, and many laborers in other industries.

He is engaged in a dangerous occupation. For over a quarter of a century the United Mine Workers of America have, by means of collective bargaining with the coal operators, made amicable agreements for the production of coal, fair and beneficial alike to the operators, miners, and the public.

The machinery for adjusting disputes, including the present one, is still intact. In the past they have bargained and compromised and used a good supply of common sense on both sides. I am not undertaking to say that all the demands of the miners should be granted, but I have recited the above facts in order to show that it is quite within the range of practicability for an adjustment to be made of the present controversy. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I move to strike out the section.

Mr. GOOD. There is an amendment pending. Let us perfect the amendment.

Mr. GRAHAM of Pennsylvania rose.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the amendment?

Mr. GRAHAM of Pennsylvania. Yes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, while there may be some difference of opinion as to the grammatical construction of this sentence, there ought to be no difference of opinion as to what the committee has done in placing this section in the law they are asking us to enact. The committee simply quote from the old law a paragraph for the purpose of changing a word and making that law harmonize with the budget bill which we are considering. In quoting it they ought to have quoted it as it was on the statute books. They are simply seeking to amend it to make it harmonize with the present legislation, and the question of the grammatical construction of the paragraph is not, and ought not to be, before the House.

Besides, this paragraph is taken out of its context for the purpose of making this amendment. Hence in only reading it we do not get the best idea of what it means. But when we read that paragraph in its place, which is in the legislation designed to create the Treasury Department and to regulate accounting, it is easily understood then what is meant by "all claims against the Government," made by the Government or against the Government, shall be settled in this department. It is simply a part of the mechanism by which accounts in the Treasury Department shall be settled, so that in the consideration of this measure we ought not to concern ourselves with the grammatical construction of the sentence but let us perfect it in order to make it harmonize with the scope and purpose of this bill.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. Yes, sir.

Mr. DOWELL. What is the necessity for inserting an accounting department instead of the Treasury Department?

Mr. GRAHAM of Pennsylvania. Why, the very purpose of this bill is to create an accounting department that shall be independent of all the executive departments of the Government. If these accounts are to be settled in the Treasury Department, it would maintain the old régime, whereas striking out the word "Treasury" and inserting the word "Accounting" would bring this law into harmony with the budget scheme.

Mr. DOWELL. But in this amendment do you not add to the accounting department another duty, aside from accounting? As I understand it, under the budget system you are establishing an accounting department that has for its purpose the accounting of all accounts of all the departments of the Government. In this you put the duty upon the accounting department of settling claims both for and against the United States, entirely a different duty. Who has the accounting of that department after it has been passed upon by the accounting department? Could it not be done by the Treasury Department as well as by the auditing department, to check it up?

Mr. GRAHAM of Pennsylvania. No. If the gentleman will refer to section 10 of this proposed measure, he will find the provision there, as follows:

All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or upon the Auditor for the Treasury Department—

Shall be exercised, and so forth.

Mr. DOWELL. I understand that.

Mr. GRAHAM of Pennsylvania. Now, you want to make this old law harmonious with that. Hence, you strike out the word "Treasury" and relieve them from this accounting and auditing, and put it where it belongs, in this general auditing department created under this budget bill.

Mr. GOOD. And the Comptroller of the Treasury is the man who has been functioning with regard to this provision of the statute all along.

Mr. DOWELL. That is true; but it is all done in the name of the Treasurer, and can it not be done in the same manner with this accounting department? And is there any difference now from the old system of the Treasurer making these settlements both for and against the Government, when they have the accounting department here to determine the exact amount of it? And is there any difference now in the plan, under this new controlling system and under the old?

Mr. GOOD. I ask for a vote on the amendment.

Mr. BLANTON. I move to strike out the last three words of the amendment.

The CHAIRMAN (Mr. CAMPBELL of Kansas). That would be an amendment in the third degree. The gentleman can get in on the next section. The question is on the amendment offered by the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was read, as follows:

Amendment by Mr. OSBORNE: Page 9, line 4, strike out the word "them" and insert the word "it"; page 9, line 5, strike out the word "are" and insert the word "is"; page 9, line 5, strike out the word "debtors" and insert the word "debtor"; page 9, line 6, strike out the word "creditors" and insert the word "creditor."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 11. That the offices of the six auditors enumerated in section 10 shall be abolished, to take effect July 1, 1920, but the then incumbents of those offices shall be transferred, at their present salaries, to become officers of the accounting department. All other officers and employees of these offices shall become officers and employees in the accounting department at their grades and salaries on July 1, 1920. All books, records, documents, papers, furniture, office equipment, and other property of these offices shall become the property of the accounting department. The accounting department shall occupy the rooms now occupied by the office of the Comptroller of the Treasury and the six auditors referred to in section 10 until otherwise provided.

Mr. BLANTON. Mr. Chairman, I move to strike out the section. I do this, however, to discuss another subject.

If I understood the remarks of the gentleman from Indiana [Mr. SANDERS], he was speaking in favor of the contention of the miners who are now threatening a Nation-wide strike on November 1. If I understood the first contention that was made by these men in their demands upon their employers, it was to decrease the hours of the workday, so that the work day should consist of only six hours. If that should be granted it would of itself decrease the production 25 per cent.

I understand further that the next contention was that the work week should be five days instead of six; in other words, that in working a week and receiving pay for a week, the men should work only five days, and should have two days off out of the week. If that had been granted by their employers, it of itself would have decreased the output and the production another 16⅔ per cent, making a total decrease in production of 41⅔ per cent. These contentions are expected to take effect, and if not granted the strike is to ensue, on the 1st day of November, when the cold weather has set in from one side of this country to the other.

Mr. DOWELL. I raise the point of order that the gentleman is not talking upon the amendment.

Mr. BLANTON. Oh, if the gentleman does not want to permit me to answer the remarks of the gentleman from Indiana [Mr. SANDERS], he has a right to hold me down to the pro forma amendment, but I hope he will permit me to speak on this subject for a few minutes.

Mr. DOWELL. I insist on the point of order.

Mr. BLANTON. The gentleman surely is not in favor of having women and little children freeze to death in this country during December, January, and February.

The CHAIRMAN. The gentleman is clearly out of order.

Mr. BLANTON. I hope the gentleman will withdraw his point of order.

Mr. DOWELL. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLANTON. I will try to hold myself within the scope of the pro forma amendment. This particular section, Mr. Chairman, is embraced within a new piece of legislation before the House proposed to reduce the expenses of the Government. If the committee are warranted in their assertion, it will save expense to this Government. I want to say that the first thing we must consider in saving expense to this Government is instead of decreasing production to increase production. That has been the trouble with this country, and that has been the trouble with Congress all along, that we have sat here in our seats supinely, month after month, and have permitted the production of the country to be decreased all the time, instead of taking steps, instead of lending our voices to a proposition that would bring about the maximum production in this country. You can not bring about maximum production by decreasing the hours of the workday from eight to six, and you can not bring about maximum production in this country by decreasing the work week from six days to five days.

Mr. DOWELL. Mr. Chairman, I renew my point of order.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDREWS of Nebraska: Page 9, line 11, after the word "at," strike out the words "their present," and after the word "salaries," in line 11, insert "of $4,000 each," so that as amended it will read:

"SEC. 11. That the offices of the six auditors enumerated in section 10 shall be abolished, to take effect July 1, 1920, but the then incumbents of those offices shall be transferred, at salaries of $4,000 each, to become officers of the accounting department."

Mr. ANDREWS of Nebraska. Mr. Chairman, four of the auditors at present receive $4,000 per annum. Two of them receive $5,000 per annum. Under the act of 1894 their salaries were uniform, and under the law prior to that time uniform salaries prevailed. Political exigency brought about an increase of the salary of the Auditor for the War Department $1,000 a year some years ago, so that since that time that auditor has been receiving $5,000. A like political exigency and personal favoritism brought about an increase of the salary of the Auditor for the Post Office Department from $4,000 to $5,000.

My amendment proposes to restore the uniform rule that had prevailed during the greater portion of the history of the country, and to make these salaries all alike at $4,000 per annum.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. ANDREWS].

The amendment was rejected.

The Clerk read as follows:

SEC. 12. That the comptroller general shall appoint, remove, and fix the compensation of such officers and employees in the department as may from time to time be provided for by Congress, and perform all other duties of a head of an independent Government establishment. All such appointments, except to positions carrying a salary of $5,000 a year, shall be made from lists of eligibles furnished by the Civil Service Commission and in accordance with the civil-service laws and regulations. No person appointed by the comptroller general shall be paid a salary in excess of $5,000 a year, and not more than three persons appointed by him shall be paid a salary at that rate. Until March 5, 1921, no person who at the time of the passage of this act holds office as one of the six auditors referred to in section 10, and who in pursuance of section 11 is transferred to the accounting department, shall be removed from office or have his compensation reduced, except for cause. All officers and employees of the department, whether transferred to the department in pursuance of section 11 or appointed by the comptroller general, shall perform such duties as may be assigned to them by the comptroller general. The comptroller general shall make such rules and regulations as may be necessary for carrying on the work of the department.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, line 21, after the word "appoint," insert the word "and"; after the word "remove," in line 22, strike out the words "and fix the compensation of."

Mr. BLANTON. Mr. Chairman, the object of this amendment is to prevent the comptroller general from fixing the salaries of the officers and employees in his department. I do not know why we Members of Congress should shift this function to the comptroller general. We do know that this power has been abused for years, and especially during the last two years. We find in one department of the Government where ordinary men of $1,200 a year capacity have been paid salaries by the Secretary of Labor ranging up to $10,000 a year.

Let me bring one illustration from another department to your attention. There is no man in this House who thinks more than I do of the gentleman from Kentucky, Mr. Sherley. There is no man in this House who has rendered more valuable work for his country as chairman of the great Committee on Appropriations than that gentleman from Kentucky. He did it on a salary of $7,500 a year. He sought in the last election to be permitted to continue that valuable service for his country on a salary of only $7,500 a year. If he had been reelected he would be in this House to-day rendering the same kind of valuable services to his country for only $7,500 a year.

And yet as soon as he went out of office he was placed immediately by Director General Hines in the railroad office down here and paid a salary of $25,000 a year. I want to say that we can not depend on our heads of departments to use good judgment in fixing salaries of officers and employees in their departments. If the distinguished and able gentleman from Kentucky, whom we all love, admire, and respect, was willing of his own accord, voluntarily, to offer his services to the Government for the coming two years at $7,500 a year—the very best service there was in him—why should he be paid for rendering no better service—because no man could render better service than Swagar Sherley rendered in the House last year—if he was willing to render the best service of which a man is capable for the coming two years at $7,500, why should he be paid out of the people's Treasury $25,000? Why should he be paid twice the salary of a Cabinet officer? No reason except that we failed to do our duty in retaining our proper function to fix salaries.

I want to say to my good friends on the other side of the aisle that if you mean what you say, that you want to retrench expenses, if you were sincere in your promise to the people that you would retrench and see that the expenses of the Government were decreased, why will you put into a measure you have brought in a provision leaving it in the comptroller general's power to fix salaries of his own employees and officers in his department?

I know there is a provision in the bill to the extent of fixing a maximum limit on it, but there is still power to fix the compensation, a function which this Congress should exercise, and only the Congress.

I want to say that the time should be here when we should quit passing the buck; we ought to assume the responsibilities of our own positions; and as one Member of Congress I am not yet ready to turn the power and responsibility that is in this Congress over to the head of some department. I hope this provision will be stricken out, though I am hoping in vain, as I realize that on same I will vote in a hopeless minority of probably one.

Mr. ANDREWS of Nebraska. Mr. Chairman, in reply to the argument of the gentleman from Texas in support of his amendment, I wish to state in opposition to it that the law already makes it impossible for the comptroller general to exercise any considerable range of discretion in fixing the salaries of clerks and employees in these offices. Nearly all the clerks and employees in these offices now have fixed statutory salaries. There is, perhaps, a very small number under the charge of the Auditor for the Post Office Department, in relation to a minor character of work, that do not have a fixed statutory salary. That is small, however, and hardly worthy of consideration.

After the transfer is made, as proposed in this bill, the statutory salaries will remain and the appropriations stand for those salaries. The comptroller will have the same authority and power then that the head of a department has now to promote from the lower grades in the office to higher statutory salaries, and he will have no power unless Congress abolishes the law fixing statutory salaries and give a lump sum, which I am very sure it will not do. The idea that there is danger here of a wrong exercise of power is misplaced because of the fact that the statutory salaries exist.

Mr. VAILE. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will yield to the gentleman from Colorado.

Mr. VAILE. If salaries are fixed by statute, why is it necessary here to provide in this act, line 22, that the comptroller general shall appoint, remove, and fix a compensation of such officers and employees, and so forth?

Mr. ANDREWS of Nebraska. He may appoint to the statutory salaries; he may promote a clerk from $1,200 to $1,400 or $1,500, and he can fix the salary within those limits when he does so. But unless Congress should give him a lump-sum appropriation, out of which he could fix salaries at his own discretion, he will not be able to exercise the power. He does not now have the appropriation to do anything of the kind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 1 aye and 59 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 13. That the comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to Congress, at the beginning of each regular session, a report in writing of the work of the accounting department, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The comptroller general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as the committee may request.

All departments, bureaus, boards, commissions, offices, agencies, or other establishments of the Government, except the legislative branch and the Supreme Court, shall furnish to the comptroller general such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the comptroller general, or any of his assistants or employees when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to exmaine any books, documents, papers, or records of any such department, bureau, board, commission, office, agency, or other establishment. The authority contained in this paragraph shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes of the United States.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. GRAHAM of Pennsylvania: Page 11, line 11, after the period in line 11, add "the comptroller general shall specially report to the House every expenditure or contract made by any head of a department in any year in excess of the appropriation to such department and in violation of law."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, this amendment is intended to effectuate the very purpose and object of a budget system. A budget system is intended to have the Government of the United States live carefully and economically within its estimated revenues. We have a law requiring that no department head shall exceed the appropriation made to the department in any of the expenditures of the department or in the making of contracts that would go beyond the appropriations. It is made an offense to do so. No one seems to pay much attention to it, however. Of course, during the war period we all passed it by without question, because the terrible exigency that confronted us required such treatment, and in every case of extreme condition like that the same treatment would in all probability be accorded. It does seem to me, however, there ought to be a requirement on the part of the comptroller general to lay before Congress every infraction of this existing law, so that Congress may take notice of it and act upon it or pass it by, as it deems proper.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Surely.

Mr. GARD. I am in thorough accord with the purpose of the gentleman's amendment. I call his attention to his amendment. It provides that the comptroller general shall make this report to the House. Does not the gentleman mean that he shall report to the Congress?

Mr. GRAHAM of Pennsylvania. Yes; the criticism is well taken. I ask unanimous consent, Mr. Chairman, to insert, instead of the word "House," the word "Congress."

The CHAIRMAN. Without objection, the modification will be made.

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am in sympathy with the purpose of the gentleman's amendment, but am wondering whether or not it would interfere with a practice the Congress has permitted some heads of departments, to divert money from one appropriation to another. In the framing of the bill for the Department of Agriculture it is usual to permit the Secretary under some conditions to divert 10 per cent of one fund to another use in his line of work. If the amendment of the gentleman from Pennsylvania [Mr. GRAHAM] should be adopted, would not such provisions be impossible? If it were made unlawful for the Secretary to exceed under any circumstances the amount of money appropriated for a particular use, would it not make impossible the giving of authority to divert a portion of one appropriation to another use?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GRAHAM of Pennsylvania. Is not a transfer required to be authorized before it can be made from one department to another?

Mr. McLAUGHLIN of Michigan. This is not a transfer from one department to another, but from one purpose to another in the same department, and appropriation bills themselves permit such transfer. My inquiry is, Would this amendment if adopted make such legislation as we have many times enacted be permitted?

Mr. GRAHAM of Pennsylvania. Would not the same reason and objection apply to that, and, therefore, that would not be an expenditure in excess of the appropriation and in violation of law.

Mr. McLAUGHLIN of Michigan. It would be in excess of the appropriation. The gentleman is aware that many of the appropriation bills are prepared by paragraphs, each one setting out a particular line of work to be carried on by the department, and the amount of money available for that particular purpose is stated in the paragraph. There are many of those, and the total amount carried by the bill is the footing of the amounts of the different paragraphs. Some of the appropriation bills carry authority to the Secretary under certain circumstances to take from one appropriation 10 per cent of its amount and use it for some other purpose. That is permitted by law. His use of money in that way would not be contrary to law, but it would be a use of money in excess of the appropriation made for the particular purpose. Under a narrow interpretation of the amendment offered by the gentleman, might not the Secretary find himself unable to take advantage of that ordinary provision?

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GOOD. I do not believe that construction would be placed upon it. After all, it is all done by authority of law. By authority of law the Secretary is permitted to transfer from one appropriation an amount not more than 10 per cent for some other service in his department.

Mr. McLAUGHLIN of Michigan. It is in excess of the amount of money appropriated for that purpose forbidden by the gentleman's amendment.

Mr. GOOD. It is not when you take the whole law together—that he could not only use the exact sum but 10 per cent of another sum for that purpose.

Mr. GRAHAM of Pennsylvania. Was not that done only for duration of the war and in one department?

Mr. McLAUGHLIN of Michigan. No; the Agricultural bills have carried that provision for a longer period than the gentleman thinks.

Mr. GRAHAM of Pennsylvania. It is only in the Agricultural Department that it does apply.

Mr. McLAUGHLIN of Michigan. I know of it in that department.

Mr. GOOD. It also obtains in the Reclamation Service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, may we have the amendment again reported as modified?

The CHAIRMAN. Without objection, the Clerk will again report the amendment as modified.

There was no objection, and the Clerk read as follows:

Page 11, line 11, after the period, in line 11, add:
"The comptroller general shall specially report to the Congress every expenditure or contract made by any head of a department in any year in excess of the appropriation to such department and in violation of law."

Mr. GOOD. Mr. Chairman, I can not believe that the construction referred to by the gentleman from Michigan [Mr. McLAUGHLIN] would be applied to this amendment. I think there is good in the amendment and I am inclined to accept it.

Mr. TAYLOR of Colorado. Mr. Chairman, I do not see any objection to the amendment offered, and I think it ought to be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. LUCE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 10, line 22, strike out the first "and" and insert after the word "disbursement" the words "and application"; page 11, line 3, strike out the word "and"; and in line 4, after the word "disbursement," insert the words "and application."

Mr. LUCE. Mr. Chairman, this is the first of a group of amendments I submit for the attention of the committee in the hope that if the measure as now written does not accomplish its purpose fully these amendments will contribute something thereto. I want to add my name to those recorded as expressing gratitude to the committee for the great service it has rendered to the Congress and to the Nation. The report of the hearings, to which I have devoted much time, strikes me as the most valuable contribution to political science that has of late come from any press, and I want to put into the RECORD this statement in order that students of political science may have their attention directed to it and may profit by the great mass of information and suggestion which it contains. Also, I want to express my personal gratitude to the gentlemen of the committee for bringing out so clearly in their questions and statements in those hearings the defense of Congress against the multifarious assaults of uninformed critics. It would be well worth the while of the House to have this defense segregated from the rest of the volume and by some skillful writer put into readable form. This judgment, I think, may assure the gentlemen of the committee of my complete sympathy with what they have attempted to accomplish. But after earnest study, after reading their bill again and again, I fail to find that they anywhere have expressed in it what they gave us to understand was its purpose. They told us that in here creating two new agencies, one a bureau of the budget and the other a comptroller general, they desired to secure study and criticism of the operations of government which would accrue to the common advantage. Let me cite for example the words of their chairman in his own report:

The comptroller could and would be expected to criticize extravagance, duplication, and inefficiency in executive departments.

We want the comptroller to do that. We are passing this law in order that he shall do that, but there is not one word in the bill which tells him to do that. There is not one word in the bill

which tells the budget bureau to do that. It may be that I am treading on dangerous ground, that there is some practical reason why this bill was written without anywhere giving a concrete and specific definition of the duties of these officers. Fools rush in where angels fear to tread, and possibly I am approaching something that the committee has considered and perhaps not thought wise to put into the bill. If its members will show me anywhere in it a clear statement of what these officers are to do in the way of criticism I will gladly withdraw my suggestions of amendment, suggestions offered not in hostility but for the purpose of illuminating what seem to me should be the very heart and center of this measure. Sir, the other day I referred on the floor of this House to my Sabine farm, and if my friend the chairman of the committee would go down there with me I would take him through the portals of my barn and would show him hanging on the wall a hoe and rake, a stub scythe—the same one I stuck in the hornet's nest—a pruning knife and pruning shears, and all the other instruments for getting rid of wasteful growth. Then if he were a candidate for work on my farm, what would you think if I turned my back on him and went out of the door without saying another word? An employer under those circumstances, after showing those instruments of work, would say, "Now go to it."

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUCE. I ask unanimous consent for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. LUCE. My desire is that we shall get into this bill a declaration to those men "to go to it," to exercise criticism. In his speech on this bill, a most admirable speech, which I hope will get into general circulation, the chairman stated:

> Men will be employed as auditors who will owe their positions to their training and ability and who do not secure their positions as reward for political services. They will be fearless in their examinations—

And so forth.

Yet nowhere does the bill itself say they are to be fearless in their examinations, or, indeed, that they are to make any examinations at all for critical purposes. In the course of the hearings a member of the committee [Mr. GARNER] said:

> I agree with you that that is what ought to be had. There should be in the executive branch of the Government some adverse agency to scrutinize every estimate that is made, with discretion to recommend to the President that the estimates be cut down.

There is not in the bill a single intimation that the bureau of the budget is to make any such recommendation. Everything to the effect that these things are to be done is a matter of inference and implication.

Mr. JUUL. Will the gentleman yield?

Mr. LUCE. I do.

Mr. JUUL. I would ask the gentleman if he does not think section 13 covers the subject matter, where, in line 20, it states:

> That the comptroller general shall investigate at the seat of Government or elsewhere all matters relating to the receipt and disbursement of public funds, and shall make the Congress, at the beginning of each regular session—

And so forth.

Mr. LUCE. I think that is entirely by indirection. There is nowhere any statement that he is to apply the results of his investigations. Let me point out further. This section begins by providing that the comptroller general is to investigate all matters relating to the receipt and disbursement of public funds. From time immemorial the word "disbursement" has in the popular significance implied a restriction to the paying out of money, a purely ministerial function with no exercise of judgment. I am reminded of the anecdote of the schoolboy who was writing an examination paper on physiology. He was told to state what he knew about brains, and he said, "Brains are the most precious part of the human anatomy, and therefore we ought to be exceedingly sparing in their use." [Laughter.]

The trouble with this section is that it does not require the use of brains in the way of exercising the critical faculty.

Mr. MADDEN. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. MADDEN. I think the gentleman must have overlooked the fact that we are taking over the duties of the comptroller and auditor's offices, under which they are operating to-day, and there is a law defining the duties of the comptroller and auditor already in existence, and there is no necessity for repeating it in this bill.

Mr. LUCE. Mr. Chairman, in the hearings on this subject there was frequent quotation from authorities upon the English system, and all the inference is that this system before you was borrowed from and modeled upon the English system.

Mr. MADDEN. That is not true, though. We did not model it on anything except the facts in the case.

Mr. LUCE. May I before going further—because I do not wish to take the time of the House uselessly—ask the chairman of the committee if it is his intention that the comptroller general shall criticize?

Mr. GOOD. It certainly is.

Mr. LUCE. That is just what the English comptroller general does. It is insured that he shall criticize. He is not a mere ministerial officer. As Mr. Collins told the committee, he inquires into questions of legality, regularity, extravagance. He is the critic and he represents the House of Commons.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Texas that the time of the gentleman from Massachusetts be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LUCE. Mr. Chairman, I had read from Mr. Collins's statement that in England the comptroller general is the critic; that is to say, the faultfinder, the man looking for trouble; but in this bill, according to the intimation of the gentleman from Illinois [Mr. MADDEN], it is not clear that he is to be a critic. The gentleman from Illinois says you are taking over certain functions that are now provided by law. Those functions have never been considered as including criticism. Are we to say that the gentleman from Iowa is right or the gentleman from Illinois is right? Is this official to criticize or not to criticize? And when you put a man in that position and he looks to the law for his guidance, where would he find any instruction that he is to criticize?

I speak advisedly in this matter, because experience in my own State fortifies me. Some years ago we provided a finance commission in the city of Boston. It stands outside of the city government. It is a censorious body, which makes its whole duty to find fault with what is done in administering the public affairs of the city of Boston. It worked so well that we created a similar body for the State of Massachusetts. At first that did not function usefully, and then we replaced it with a supervisor of administration, who now excellently performs the duties of a censor. It is his business to find fault, and he, with a large corps of assistants, spends the whole year in studying the departments in order to find fault and tell where money can be saved.

Now, that is what these gentlemen have assured us they meant to do, so far as we may follow the words of the chairman of the committee, and I accept his judgment in the matter. But I point out to you that this has not been done. For instantly the gentleman from Illinois [Mr. MADDEN] makes a statement raising a doubt as to whether we have conferred such duties on this official.

All I am asking is, if you mean to authorize this man to criticize, to study, and investigate for the purpose of securing economy, that the committee shall, if they do not approve my way of directing it, suggest some way of their own, so that no man when he goes into that office can rely upon the statute and say, "This law imposed on me but a purely ministerial function, made me a human adding machine, and my only duty is to total up the figures that are laid before me and to transmit them to the Congress."

Mr. BLANTON. Will the gentleman yield for a question?

Mr. LUCE. Certainly.

Mr. BLANTON. However valuable the gentleman's suggestions may be, do they not come too late, for after a measure is reported here to the Committee of the Whole House by one of the committees, is it not a good deal like the law of the Medes and Persians—unchangeable?

Mr. LUCE. Should I to-day or ever submit to this House a proposal that does not commend itself to a majority of the House and to at least a part of the committee, I shall feel that I have made a mistake and shall waive my own judgment. If I can not prove to the committee that the addition of a few words of injunction will make it clear beyond any question that they mean to create a censoring office, then I will withdraw these amendments and ask no further attention to them.

The first of these amendments contemplates adding to the present phraseology "receipt and disbursement," the word "application," so that we shall say that the comptroller general shall investigate the receipt and disbursement—that is, the ministerial act of paying out the money—and shall also investigate the application of the funds; in other words, make it clear to him that he is to examine how these funds are used. [Applause.]

Mr. GOOD. Mr. Chairman, I have listened to the gentleman's remarks with great interest, because I have a very high opinion of his ability and judgment. If by adding the words we are strengthening the arm of the comptroller general to make a more thorough examination, to search into an expenditure, and see whether or not money is being paid out in violation of law or uselessly expended, then I would have no objection, of course, to the adoption of the amendment. I am not real sure that I have any objection as it is. But let us see whether or not it really strengthens the provision in that respect. The law provides, Revised Statutes, section 3678:

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no other.

No executive has the power under that provision of the law to spend a single dollar of appropriation except for the purposes for which the appropriation is made. Now, keeping that provision in mind, let us read the provision found in section 13 of the bill:

That the comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to Congress—

And so forth.

Now, the gentleman would insert the words "and application," so that it will read, "The comptroller general shall investigate at the seat of government or elsewhere all matters relating to the receipt, disbursement, and application of public funds." I want to submit to the gentleman that the investigation of all matters relating to the receipt and disbursement of the public funds includes any application that shall be made of them.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. CANNON. Suppose the disbursements have been made in California, in Texas, and everywhere else. Are we to have an army of people to go down there or out there and see that the work was done? Is that what the gentleman means?

Mr. GOOD. No. The gentleman does not have reference to that particularly. It is the contention of the gentleman by this amendment simply, as I understand it, to give the comptroller more power in the way of criticizing expenditures that have been made. It is his point that the words we have employed, giving the comptroller the power to investigate matters relating to the receipt and disbursement, does not in itself imply the power to criticize and to make an investigation as a foundation for criticism.

Now, in referring to the dictionary I find the definition best fitted to the word "application" used here is "specific use," and I take it that is what the gentleman has in mind in offering the amendment here; that the comptroller general shall not only investigate the receipts and expenditures, but the specific use for which the expenditures have been made. That brings us again back to this section of the Revised Statutes that I read, that "sums appropriated for the various branches of expenditure in the public service shall be applied solely to the object for which they are respectively made, and no other"; and the comptroller general would not be worth his salt if he believed that moneys were used for a specific use not provided for in the appropriation and did not report it to Congress and hold that an expenditure under it could not be made at all. If he failed to do it he would be removable from office.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. LUCE].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LUCE. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Massachusetts demands a division.

The committee divided; and there were—ayes 33, noes 66.

So the amendment was rejected.

Mr. LUCE. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to offer another amendment?

Mr. LUCE. Yes. I have several amendments relating to the same subject.

The CHAIRMAN. The gentleman from Massachusetts offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 11, line 4, insert after the word "advisable" a new sentence as follows: "In such regular report or in special reports at any time when Congress is in session he shall make recommendations looking to greater economy or efficiency in public expenditure."

The CHAIRMAN. Does the gentleman desire recognition?

Mr. LUCE. Yes, Mr. Chairman. Even if every one of these amendments shall be voted down, I trust a service will have been rendered by putting into the RECORD a statement by gentlemen representing the committee regarding their purpose, in order that reference may be made to it in the performance of the duties of this new office, so that it may be very clear what the committee intended.

If you look at the bill you will find that its first section requires a report in writing with recommendations concerning legislation that the comptroller general may deem necessary to facilitate a proper and accurate rendition and settlement of accounts, and concerning such other matters relative to the receipt and disbursement of the public funds as he may think advisable. The critical function on the part of the comptroller is wholly covered by the words "such other matters," leaving it entirely to his own judgment as to whether he shall recommend in matters of economy and efficiency or not. It may be that the words "such other matters" adequately meet the exigency, but if they do not meet the exigency I respectfully suggest that the explanatory sentence which I have proposed will throw light upon what Congress expects from this law.

Mr. GOOD. Mr. Chairman, I have no objection to the amendment offered by the gentleman.

Mr. MADDEN. Mr. Chairman, I would like to have the amendment again reported, if the Chair please.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. LUCE. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Th Clerk read as follows:

Amendment offered by Mr. LUCE: Page 11, line 9, after the word "committee," insert the words "or the bureau of the budget." Page 11, line 10, after the word "committee," insert the words "or bureau." Page 11, line 11, after the word "committee," insert the words "or bureau."

Mr. LUCE. Mr. Chairman, as the bill now stands, I can discover no connection between the bureau of the budget and the comptroller general. Apparently the comptroller general is to deal directly with Congress, and there is nowhere that I can discover any provision that the ideas or discoveries of the comptroller general shall be put at the command of the bureau of the budget in order that the President may be assisted in shaping his recommendations. This complete separation of these two branches may not have been intended by the committee. If no fundamental objection presents itself for putting the comptroller general's office at the service of the bureau of the budget, I trust the committee will consent that the bureau of the budget may profit by the investigations, observations, studies, and criticisms of the comptroller general; and until I learn whether or not that seems objectionable to the chairman I will not comment further on the proposal.

Mr. GOOD. Mr. Chairman, it was the opinion, I think, of everyone who appeared before the committee that the ideal system of Government finance, so far as appropriations and expenditures go, embraces two distinct and separate functions. In the first place, it is the duty of the office that pays out the money to make an estimate of what its requirements will be. Congress acts upon that estimate. Then comes this separate and distinct office, semijudicial in character, which determines whether or not expenditures made are legal, and then audit the account. That department is intended as a check against extravagance. That department is intended to have a reflex influence upon the bureau of the budget. The bureau will know at all times that that department is watching it, and that for every appropriation that is made there will have to be a legitimate use.

Now, the gentleman's amendment brings in a new element. It would tie up these two separate things together. I do not believe there should be the closest relations between the two departments. I have found that when a man goes into a lawsuit it is just as well not to tell the opposite side what your testimony is before it is submitted to the jury. And so, in presenting the matter of the budget the President ought to be required at all times to present only a budget that he can justify, knowing that if he does not present a budget that he can justify in every particular Congress will attack it and that Congress will require the bureau of the budget to show how the expenditure of money asked for is necessary. It seems to me that with these checks and balances against estimates and

expenditures Congress will be placed in a position to judge as to the necessity for expenditures at all times. The amendment would give the Executive a power over the audit and control that it is not the intention or theory of the bill that the Executive shall have at all. If it is to be the office of criticism, of course it should be friendly criticism, intelligent criticism, but it ought not to be a mock trial. It ought to be upon real and substantial facts that are developed, and only in that way will it function in a healthy and economical manner, in my opinion.

Mr. LUCE. May I ask the gentleman a question?

Mr. GOOD. Certainly.

Mr. LUCE. We are getting just what I am seeking, a record of what the committee means. Now, let us put a concrete proposition. Supposing the comptroller general ascertains that in some one of these buildings down here, in some department, 100 employees are at work where 50 could do the job. Under his program nothing is to be done about that until report is made to Congress. Does the gentleman see any objection to informing the bureau of the budget of that fact, in order that the President may prune his estimates accordingly?

Mr. GOOD. I call the attention of the gentleman to the fact that the appropriation has already been made, and the next estimate will be pruned, because the comptroller general will call the attention of Congress to the matter in his report, and the comptroller general will go before the committee having jurisdiction of that appropriation and will point out the fact that there is an expenditure that is useless and worthless and that ought to be eliminated.

Mr. LUCE. But, Mr. Chairman, the report of the comptroller general is to come in here on the day that Congress opens, while the budget must be prepared weeks in advance. What is the objection to allowing the bureau of the budget to learn of the waste and extravagances and the opportunities for retrenchment that have come to the knowledge of the comptroller general?

Mr. GOOD. The bureau of the budget will learn that fact.

Mr. LUCE. How?

Mr. GOOD. Just a few examples of the kind that the gentleman has called attention to, when they are exploded on the floor of the House or by the report of the comptroller general, will make the bureau of the budget more efficient, and unless you have that power to enforce efficiency I do not believe you will get efficiency. Besides, the fiscal year will only have about six months to run after the report of the comptroller is made.

Mr. LUCE. May I ask one question more?

Mr. GOOD. Certainly.

Mr. LUCE. Do I understand that you contemplate that the bureau of the budget shall be a criticizing body?

Mr. GOOD. No; the bureau of the budget is the body that initiates the estimates. It may be that it will criticize certain departments and expenditures to the President, but not so far as its published reports or public criticism are concerned. I do not see how that can be its function.

Mr. LUCE. The gentleman brings it out very clearly that the bureau of the budget is not to criticize. The comptroller general is to criticize, but the criticisms made by the comptroller general are not to be put at the command of the bureau of the budget, and therefore will not affect the estimates laid before them, but are to be retained for the information of Congress.

Mr. GOOD. Of course, if the bureau of the budget is worth anything at all, it will have to indulge in a great deal of criticism that goes to the President at all times, but the bureau of the budget does not make reports, except a request for appropriations through the President. That is not a criticism, but a request for the appropriation of money, and in that request for appropriation there is no place for criticism, because the President will submit what he thinks is an ideal plan and an estimate of appropriation for only those things that are absolutely necessary.

Mr. KITCHIN. I suggest that under the provision on page 3 the bureau of the budget, the director and the assistant can confer and consult with or get any information they desire from the comptroller general, and the comptroller general will have to give it to them.

Mr. LUCE. Mr. Chairman, that did not escape my attention; but if the gentleman will read subsection (b) he will find that the power of the bureau of the budget in that particular is restricted to the operation of the department itself. He may investigate the way the comptroller general is doing the work.

Mr. KITCHIN. He must investigate and give any information concerning it which he has.

Mr. LUCE. Will the gentleman show me that point?

Mr. KITCHIN. I think the gentleman will see it for himself if he will read it.

Mr. LUCE. I have read it, but I do not see what the gentleman says.

Mr. KITCHIN. It says:

(b) All departments, bureaus, boards, commissions, offices, agencies, or other establishments of the Government, except the legislative branch and the Supreme Court, shall furnish to the President such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may from time to time require of them.

Could not the President require of the comptroller general any information regarding his duties? And if he finds that there are 100 offices down here that should be dispensed with, can not the President get that information from him, and would he not give that information to the President, and then could not the President authorize the bureau of the budget to check all of that information? The succeeding lines say:

And the director of the bureau of the budget, or any of his assistants or employees, when duly authorized by the President shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, bureau, board, commission, office, agency, or other establishment.

Mr. LUCE. My own study of the section does not lead me to the conclusion that they can do what the gentleman thinks they can do.

Mr. KITCHIN. Could they not do it?

Mr. LUCE. I do not believe it can be honestly twisted to that purpose.

Mr. KITCHIN. Whether that is the purpose or not, under that language could they not get any information from the comptroller general that he had, and would it not be for the President to call upon the comptroller general or for the director of the budget to call on the comptroller general for any information that he had, and would it not be the duty of the comptroller general under that language to give it to them?

Mr. LUCE. If that was done, the comptroller general would do the very thing that the gentleman from Iowa says he does not want done. We can not have in both fish and fowl. It must be one thing or the other.

Mr. KITCHIN. I am trying to show the gentleman what the act says he must do. I think the gentleman will find that language, if he reads it very carefully, covers his proposition.

Mr. LUCE. I have read it several times.

Mr. KITCHIN. I have no objection to the gentleman's amendment, because I think it would be in harmony with section 3, but I do not think it is necessary while section 3 remains in the bill.

Mr. GOOD. Mr. Chairman, I did not intend to say by my answer that I would not have the comptroller advance any decision when requested. He does that every day and will continue to do it. The proposition of the gentleman is that the comptroller general shall, at the request of the bureau of the budget, send all his force there, if necessary, to direct assistants, to furnish it with information at any time. I think that would disorganize the comptroller's office.

Mr. MADDEN. Mr. Chairman, I want to call attention to the fact that the bureau of the budget is simply a clerical force placed at the disposal of the President of the United States to furnish him with information as to how he shall make up the estimates for expenditures to be required for the conduct of the Government for any given year. There is no reason why the clerical force of the President for that purpose should be authorized to require the Comptroller and the Auditor of the Treasury to furnish it with information. The purpose of the clerical force of the President is to acquire what information it can by study of the departments. I apprehend that it will be the purpose of such a bureau as is to be furnished to the President to require of every bureau in the Government every particle of information that can be obtained to tell what the needs of the bureau may be.

On the other hand, it will be the function of the comptroller and auditor to supply the Congress, that is to be the critic of the administrative branch of the Government under this law, with such information as will enable it to intelligently criticize the acts of the administration.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. CHINDBLOM. The President could at any time get the information.

Mr. MADDEN. Undoubtedly he could get it without asking for it, because section 3 of the bill provides amply for furnishing such information as is provided for in the amendment of the gentleman from Massachusetts.

There is no disposition on the part of the committee to prevent the administrative branch of the Government from getting

information. But the purpose is to separate the comptroller and auditor from the executive branch of the Government and leave it free as an instrumentality through which the legislative branch of the Government can get information which it has not been able to get heretofore, and thus leave the people's representatives to criticize any waste or extravagance of the administration by whomever it may be presided over.

And so I say that the amendment of the gentleman from Massachusetts [Mr. LUCE] is not only unnecessary, but I think it will be unwise to adopt it. It is unnecessary because the law already contemplates that the information shall be furnished by the comptroller and auditor in section 3, but it would be unwise to adopt it because it ties the executive and the legislative hand and foot through the comptroller and the auditor, and that is exactly what we want to avoid.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. LUCE. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 11, line 11, after the word "request," insert a new sentence, as follows: "On a date to be fixed by the President he shall annually make a report to the bureau of the budget pointing out where appropriations may be reduced without injury to the public service, or where expenditure may be incurred for the sake of ultimate gain in economy or efficiency."

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Is it not true that the committee has already adopted an amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM] at this place?

The CHAIRMAN. The Chair can not remember whether the language is the same, but the Chair's recollection is that the amendments are very similar.

Mr. GARD. The amendment of the gentleman from Massachusetts should follow the amendment of the gentleman from Pennsylvania [Mr. GRAHAM].

The CHAIRMAN. The Chair thinks that the gentleman from Massachusetts is entitled to have his amendment submitted, although it is almost in the same language. Does the gentleman from Massachusetts desire to press his amendment?

Mr. LUCE. I do, Mr. Chairman. I desire to press the amendment in order that I may still further insure that the Congress contemplates doing the thing which it was advised not to do by the specialists who appeared before the committee. Mr. Collins pointed out to the committee that the first of the three weaknesses of the British audit system is that the comptroller does not report contemporaneously with the discovery of irregularity. The attempt to separate the comptroller general from the bureau of budget is strictly contrary to the experience of England. It also is directly contrary to what was recommended to the committee by Gov. Lowden, of Illinois, who appeared before the committee and pointed out the value of the Illinois system. It is contrary to the experience of Massachusetts. It seems to me unfortunate that the committee should thus hamper the attempt to put at the command of the Executive as well as of Congress all the benefits of studies, investigations, and criticisms. Of course I expect that the amendment will be rejected, but in order that at some future occasion we may look back upon this amendment and determine which of us was right I present the amendment, still wishing that the committee would permit the President to know regularly and promptly all the discoveries and opinions of the comptroller general.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. GOOD. The gentleman, I think, forgets or overlooks the fact that the comptroller general is required to make his report to Congress. The President has that report, and the bureau of the budget has that report.

Mr. LUCE. Pardon me, but does the President have it before he puts in his budget?

Mr. GOOD. Oh, no. He has it at the same time that the President puts in his report.

Mr. LUCE. Then how does that help him make up his budget?

Mr. GOOD. The President is supposed to have a competent force to make up his budget. If we are going to take a part of this office to help the President make up his budget, I greatly fear that we are going to confuse the two, and instead of having the checks and balances we have been talking about, we will have neither a check nor a balance. I can not see the value of the gentleman's suggestion, nor do I see where the provisions of the bill in this instance are in conflict with suggestions made by a single person who appeared before the committee.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. TEMPLE. Does not the existing law provide that the Comptroller of the Treasury shall make preliminary rulings whenever a question of that sort is brought to his attention, and does not this bill provide that the power now held by the Comptroller of the Treasury shall be conferred upon the comptroller general of the United States?

Mr. LUCE. I have not so read the bill. If that is the case, I shall be glad to have it go into the RECORD.

Mr. TEMPLE. It is in the existing law, which section 10 provides shall continue in the powers of the comptroller general.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. NELSON of Wisconsin. Mr. Chairman, I move to strike out the last word. I shall vote for the pending bill because I believe in a national budget system and an independent audit of Government accounts. Budget systems have been instituted in at least 42 of our several States, and always with the most salutary results. It is the business way of doing the business of both the State and the Federal Government.

This legislation is one of the most important pieces of constructive legislation presented to Congress in the last quarter of a century, and the committee is to be congratulated upon the splendid bill it has presented for consideration. It is not, of course, a perfect bill, but lays the foundation for a constructive policy in national legislation that will mean much for the future welfare of our great Nation—a policy that will mean larger economy and greater efficiency. The taxpayers of our country are looking to Congress for relief in our enormous tax burdens which have evolved as a result of our Great World War. We must meet every emergency and every legitimate need, but must eliminate all waste and extravagance in every bureau and department of our Government. Bureaus and departments instituted to aid the Great War program and no longer needed should be quickly eliminated. The budget system as outlined in this bill will, in my judgment, help to fix the responsibility of our estimates and give to Congress a clearer conception of the real needs of our Government, and to meet these needs with an intelligent appreciation of our real duty. Our national expenses have increased with leaps and bounds until now they are simply enormous. We are told by reliable statisticians that the aggregate expenses of our Government from the days of the Declaration of Independence to the opening of the Great World War was approximately $26,000,000,000, while Mr. GOOD, chairman of the Appropriations Committee, has just stated on the floor of the House that the expenses of the Government for the fiscal year of 1920 will probably be between five and six billions of dollars. Such an enormous expense placed upon the taxpayers of our country demands that it be instituted and carried out along the lines of the most approved business methods, and it is well known that every well-organized business concern to-day is run on the budget system. It clearly outlines its needs and makes a thorough estimate of what its income would be, and arranges the lines of activities accordingly. While it is true that a government will not be able to hew the lines as closely as business concerns, and we do not anticipate that it will, yet in a large sense the Government ought to have a clear conception of what its resources are and what its legitimate needs are, and then apply in an intelligent way the ways and means to provide for that need. The American public demands of Congress that it shall do its business along business lines, and a budget system is the one long step in this direction.

Let us, therefore, not only institute the budget system, but let us curtail expenses wherever possible without decreasing too much our efficiency. Indeed, let the American people feel that Congress is sympathetic with the tremendous burdens that they are now carrying in the taxing line. As I understand this bill, it does not in any way depreciate the importance or efficiency of the several committees in determining the various appropriations for governmental needs, but rather emphasizes the obtaining of the very best possible estimate from responsible sources for the determination of their legislation, and would therefore help these various committees in their difficult deliberations and final determination of the facts. This bill, as I understand it, will help to remove the large amount of duplication which is now so apparent in the activities of our Government. There is no question to-day but what the Government is taxing itself millions of dollars in duplication of work and efforts which should be promptly removed, and which no doubt would be removed to a very large degree through a system such as this bill would institute. This one element alone would be sufficient justification for passing this bill unanimously by Congress.

The independent audits provided for in this bill are, in my judgment, of tremendous importance, and are a distinct advance in the determination of our expenditures, and to ascertain cor-

rectly how our large appropriations should be expended, and will help us to eliminate the tremendous waste and extravagance which are so liable to creep in under a system of expenditures such as our Government has had in the past. As a whole, it is a piece of legislation which the country has demanded and which our Government needs, and which the people will appreciate, and which our Congress in years to come can be proud that it has this day initiated. It should have the unanimous support of the House and be speedily enacted into law. [Applause.]

The Clerk concluded the reading of the bill.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the amendments will be put en grosse. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. Is the gentleman from Texas opposed to the bill?

Mr. BLANTON. I am not opposed to the principles of the bill.

The SPEAKER. Does any gentleman who is opposed to the bill desire to offer a motion to recommit? If not, the Clerk will report the motion of the gentleman from Texas.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Select Committee on the Budget with instructions to report the same back to the House forthwith, with the following amendment: On page 7, line 17, after the word "office," insert the words "for six years," and on page 8, strike out lines 1 to 7, inclusive, and on page 9, line 21, after the word "appoint," strike out the comma and insert the word "and," and on line 22, page 9, after the word "remove," strike out the comma and the words "and fix the compensation of."

Mr. GOOD. Mr. Chairman, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division, and pending that I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair is of opinion that there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to recommit.

The question was taken; and there were—yeas 21, nays 258, answered "present" 2, not voting 150, as follows:

YEAS—21.

Almon	Collier	McDuffie	Steagall
Bankhead	Dickinson, Mo.	McKeown	Upshaw
Blackmon	Gard	Oliver	Wingo
Blanton	Hardy, Tex.	Parrish	
Caraway	Huddleston	Quin	
Clark, Mo.	Jones, Tex.	Rubey	

NAYS—258.

Alexander	Bell	Browne	Carter
Anderson	Benham	Browning	Casey
Andrews, Md.	Benson	Buchanan	Chindblom
Andrews, Nebr.	Black	Burroughs	Christopherson
Anthony	Bland, Mo.	Butler	Classon
Ashbrook	Bland, Va.	Byrnes, S. C.	Cleary
Aswell	Boies	Byrns, Tenn.	Coady
Ayres	Bowers	Caldwell	Connally
Babka	Box	Campbell, Kans.	Cooper
Baer	Briggs	Campbell, Pa.	Crago
Barbour	Brooks, Ill.	Cannon	Crisp
Bee	Brooks, Pa.	Carss	Crowther
Currie, Mich.	Howard	Minahan, N. J.	Smith, Ill.
Curry, Calif.	Hudspeth	Monahan, Wis.	Smith, Mich.
Dale	Hulings	Mondell	Smithwick
Dallinger	Hull, Iowa	Mooney	Stedman
Darrow	Hull, Tenn.	Moore, Ohio	Steele
Davis, Minn.	Humphreys	Morgan	Steenerson
Davis, Tenn.	Hutchinson	Mudd	Stephens, Ohio
Denison	Igoe	Murphy	Stevenson
Dickinson, Iowa	Jacoway	Neely	Stiness
Dominick	James	Nelson, Mo.	Strong, Kans.
Doughton	Johnson, S. Dak.	Nelson, Wis.	Strong, Pa.
Dowell	Johnson, Wash.	Newton, Minn.	Summers, Wash.
Dunbar	Jones, Pa.	Nichols, Mich.	Sumners, Tex.
Dupré	Juul	Nolan	Sweet
Dyer	Kearns	O'Connell	Taylor, Colo.
Echols	Keller	O'Connor	Taylor, Tenn.
Edmonds	Kelly, Pa.	Oldfield	Temple
Elliott	Kettner	Olney	Thompson
Elston	King	Osborne	Tillman
Emerson	Kinkaid	Overstreet	Tilson
Evans, Nebr.	Kitchin	Paige	Timberlake
Evans, Nev.	Kleczka	Park	Tinkham
Fairfield	Knutson	Phelan	Towner
Ferris	Kraus	Platt	Vaile
Fess	Lampert	Purnell	Vare
Fisher	Lanham	Radcliffe	Venable
Fitzgerald	Lankford	Rainey, Ala.	Vestal
Focht	Larsen	Raker	Vinson
Fordney	Layton	Ramseyer	Voigt
Foster	Lazaro	Randall, Calif.	Volstead
Freeman	Lea, Calif.	Randall, Wis.	Walsh
French	Lehlbach	Reavis	Ward
Gallagher	Linthicum	Reber	Wason
Glynn	Lonergan	Reed, W. Va.	Watkins
Good	Longworth	Rhodes	Watson, Pa.
Graham, Pa.	Luce	Ricketts	Watson, Va.
Green, Iowa.	Lufkin	Riddick	Weaver
Greene, Mass.	Luhring	Rogers	Webb
Greene, Vt.	McArthur	Romjue	Webster
Griest	McLaughlin, Mich.	Rouse	Welty
Hadley	McPherson	Rowe	Whaley
Hardy, Colo.	MacGregor	Rucker	White, Kans.
Hastings	Madden	Sanders, Ind.	White, Me.
Hawley	Magee	Sanders, N. Y.	Williams
Hayden	Major	Sanford	Wilson, La.
Hays	Mansfield	Scott	Wilson, Pa.
Hernandez	Mapes	Sears	Woods, Va.
Hersey	Mason	Sherwood	Woodyard
Hersman	Mays	Shreve	Wright
Hickey	Mead	Sinclair	Young, N. Dak.
Hoch	Merritt	Sinnott	Young, Tex.
Holland	Michener	Slemp	
Houghton	Miller	Smith, Idaho	

ANSWERED "PRESENT"—2.

Candler	Frear

NOT VOTING—150.

Ackerman	Gallivan	Lee, Ga.	Reed, N. Y.
Bacharach	Gandy	Lesher	Riordan
Barkley	Ganly	Little	Robinson, N. C.
Begg	Garland	McAndrews	Robsion, Ky.
Bland, Ind.	Garner	McClintic	Rodenberg
Booher	Garrett	McCulloch	Rose
Brand	Godwin, N. C.	McFadden	Rowan
Brinson	Goldfogle	McGlennon	Sabath
Britten	Goodall	McKenzie	Sanders, La.
Brumbaugh	Goodwin, Ark.	McKinley	Saunders, Va.
Burdick	Goodykoontz	McKinley	Schall
Burke	Gould	McLane	Scully
Cantrill	Graham, Ill.	McLaughlin, Nebr.	Sells
Carew	Griffin	MacCrate	Siegel
Clark, Fla.	Hamill	Maher	Sims
Cole	Hamilton	Mann, Ill.	Sisson
Copley	Harrison	Mann, S. C.	Small
Costello	Haskell	Martin	Smith, N. Y.
Cramton	Haugen	Montague	Snell
Cullen	Heflin	Moon	Snyder
Davey	Hicks	Moore, Pa.	Stephens, Miss.
Dempsey	Hill	Moore, Va.	Sullivan
Dent	Husted	Moores, Ind.	Swope
Dewalt	Ireland	Morin	Taylor, Ark.
Donovan	Jefferis	Mott	Thomas
Dooling	Johnson, Ky.	Newton, Mo.	Tincher
Doremus	Johnson, Miss.	Nicholls, S. C.	Treadway
Drane	Johnston, N. Y.	Ogden	Walters
Dunn	Kahn	Padgett	Welling
Eagan	Kelley, Mich.	Parker	Wheeler
Eagle	Kendall	Pell	Wilson, Ill.
Ellsworth	Kennedy, Iowa	Peters	Winslow
Esch	Kennedy, R. I.	Porter	Wise
Evans, Mont.	Kiess	Pou	Wood, Ind.
Fields	Kincheloe	Rainey, H. T.	Yates
Flood	Kreider	Rainey, J. W.	Zihlman
Fuller, Ill.	LaGuardia	Ramsey	
Fuller, Mass.	Langley	Rayburn	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. FULLER of Massachusetts with Mr. THOMAS.

Mr. WOOD of Indiana with Mr. SMALL.

Mr. ROBSION of Kentucky with Mr. NICHOLLS of South Carolina.

Mr. LANGLEY with Mr. FIELDS.

Mr. TINCHER with Mr. JOHNSON of Mississippi.

Mr. TREADWAY with Mr. BOOHER.

Mr. ACKERMAN with Mr. MCLANE.

Mr. WHEELER with Mr. DRANE.

Mr. KAHN with Mr. DENT.

Mr. BACHARACH with Mr. MOON.
Mr. FREAR with Mr. GOODWIN of Arkansas.
Mr. CRAMTON with Mr. JOHN W. RAINEY.
Mr. GOODYKOONTZ with Mr. RAYBURN.
Mr. MOTT with Mr. FLOOD.
Mr. NEWTON of Missouri with Mr. EVANS of Montana.
Mr. OGDEN with Mr. EAGAN.
Mr. PARKER with Mr. EAGLE.
Mr. PORTER with Mr. DOREMUS.
Mr. KIESS with Mr. LEE of Georgia.
Mr. KREIDER with Mr. JOHNSTON of New York.
Mr. LAGUARDIA with Mr. JOHNSON of Kentucky.
Mr. LITTLE with Mr. HEFLIN.
Mr. MCCULLOCH with Mr. HARRISON.
Mr. MCFADDEN with Mr. HAMILL.
Mr. GOULD with Mr. HENRY T. RAINEY.
Mr. GRAHAM of Illinois with Mr. PELL.
Mr. HAMILTON with Mr. PADGETT.
Mr. HASKELL with Mr. MOORE of Virginia.
Mr. MCKENZIE with Mr. GRIFFIN.
Mr. ZIHLMAN with Mr. BARKLEY.
Mr. HAUGEN with Mr. MONTAGUE.
Mr. HICKS with Mr. MARTIN.
Mr. RAMSEY with Mr. DOOLING.
Mr. BLAND of Indiana with Mr. WELLING.
Mr. RODENBERG with Mr. DONOVAN.
Mr. ROSE with Mr. DEWALT.
Mr. SCHALL with Mr. DAVEY.
Mr. BRITTEN with Mr. TAYLOR of Arkansas.
Mr. SELLS with Mr. CULLEN.
Mr. SIEGEL with Mr. CLARK of Florida.
Mr. BURDICK with Mr. SULLIVAN.
Mr. BURKE with Mr. SMITH of New York.
Mr. COLE with Mr. SISSON.
Mr. HUSTED with Mr. MANN of South Carolina.
Mr. IRELAND with Mr. MAHER.
Mr. MCKINLEY with Mr. GOLDFOGLE.
Mr. MCLAUGHLIN of Nebraska with Mr. GODWIN of North Carolina.
Mr. MACCRATE with Mr. GARRETT.
Mr. COPLEY with Mr. SIMS.
Mr. COSTELLO with Mr. SCULLY.
Mr. DEMPSEY with Mr. SAUNDERS of Virginia.
Mr. KELLEY of Michigan with Mr. MCKINIRY.
Mr. KENDALL with Mr. MCGLENNON.
Mr. KENNEDY of Iowa with Mr. MCCLINTIC.
Mr. MOORE of Pennsylvania with Mr. GANLY.
Mr. MOORES of Indiana with Mr. GANDY.
Mr. KENNEDY of Rhode Island with Mr. MCANDREWS.
Mr. SWOPE with Mr. CAREW.
Mr. DUNN with Mr. SANDERS of Louisiana.
Mr. ELLSWORTH with Mr. SABATH.
Mr. FULLER of Illinois with Mr. ROWAN.
Mr. GARLAND with Mr. ROBINSON of North Carolina.
Mr. GOODALL with Mr. RIORDAN.
Mr. WALTERS with Mr. CANTRILL.
Mr. WILSON of Illinois with Mr. BRUMBAUGH.
Mr. WINSLOW with Mr. BRINSON.
Mr. YATES with Mr. BRAND.
Mr. MORIN with Mr. GALLIVAN.
Mr. BEGG with Mr. WISE.
General:
Mr. SNYDER with Mr. GARNER.

Mr. FREAR. Mr. Speaker, I desire to vote "no," unless I am paired.

The SPEAKER. The gentleman is paired.

Mr. FREAR. Then I desire to answer "present."

Mr. CANDLER. Mr. Speaker, I am paired on this vote and therefore I answered "present" on the roll call. Mr. Speaker, permit me further to say that I am authorized by Mr. JOHN W. RAINEY to say that he would vote for this budget bill if he were present. He is away at home on account of a death.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will unlock the doors. The question is on the passage of the bill.

Mr. TAYLOR of Colorado. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 3, not voting 143, as follows:

YEAS—285.

Alexander	Andrews, Nebr.	Ayres	Barbour
Almon	Anthony	Babka	Bee
Anderson	Ashbrook	Baer	Bell
Andrews, Md.	Aswell	Bankhead	Benham
Benson	Fess	Luhring	Sanders, Ind.
Black	Fisher	McAndrews	Sanders, La.
Bland, Ind.	Fitzgerald	McArthur	Sanders, N. Y.
Bland, Mo.	Focht	McCulloch	Sanford
Bland, Va.	Fordney	McDuffie	Scott
Blanton	Foster	McKenzie	Sears
Boies	Frear	McKeown	Sherwood
Bowers	French	McLaughlin, Mich.	Shreve
Box	Gallagher	McPherson	Sinclair
Briggs	Gard	MacGregor	Sinnott
Brooks, Ill.	Glynn	Madden	Slemp
Brooks, Pa.	Good	Magee	Smith, Idaho
Browne	Goodall	Major	Smith, Ill.
Browning	Graham, Pa.	Mann, S. C.	Smith, Mich.
Brumbaugh	Green, Iowa	Mansfield	Smithwick
Buchanan	Greene, Mass.	Mapes	Stedman
Burroughs	Greene, Vt.	Martin	Steele
Butler	Griest	Mason	Steenerson
Byrnes, S. C.	Hadley	Mays	Stephens, Ohio
Byrns, Tenn.	Hardy, Colo.	Mead	Stevenson
Caldwell	Hardy, Tex.	Merritt	Stiness
Campbell, Kans.	Hastings	Michener	Strong, Kans.
Campbell, Pa.	Hawley	Miller	Strong, Pa.
Candler	Hayden	Minahan, N. J.	Summers, Wash.
Cannon	Hays	Monahan, Wis.	Sumners, Tex.
Caraway	Hernandez	Mondell	Sweet
Carss	Hersman	Mooney	Taylor, Colo.
Carter	Hickey	Moore, Ohio	Taylor, Tenn.
Casey	Hoch	Morgan	Temple
Chindblom	Holland	Mudd	Thompson
Christopherson	Houghton	Murphy	Tillman
Clark, Mo.	Howard	Neely	Tilson
Classon	Huddleston	Nelson, Mo.	Timberlake
Cleary	Hudspeth	Nelson, Wis.	Tinkham
Coady	Hulings	Newton, Minn.	Towner
Collier	Hull, Iowa	Nichols, Mich.	Upshaw
Connally	Hull, Tenn.	Nolan	Vaile
Cooper	Humphreys	O'Connell	Vare
Crago	Hutchinson	O'Connor	Venable
Crisp	Igoe	Oldfield	Vestal
Crowther	Jacoway	Oliver	Vinson
Currie, Mich.	James	Olney	Voigt
Curry, Calif.	Johnson, S. Dak.	Osborne	Volstead
Dale	Johnson, Wash.	Overstreet	Walsh
Dallinger	Jones, Pa.	Paige	Ward
Darrow	Jones, Tex.	Park	Wason
Davey	Juul	Parrish	Watkins
Davis, Minn.	Kearns	Phelan	Watson, Pa.
Davis, Tenn.	Keller	Platt	Watson, Va.
Denison	Kelly, Pa.	Purnell	Weaver
Dickinson, Mo.	Kettner	Quin	Webb
Dickinson, Iowa	Kitchin	Radcliffe	Webster
Dominick	Kleczka	Rainey, Ala.	Welty
Doremus	Knutson	Raker	Whaley
Doughton	Kraus	Ramseyer	White, Kans.
Dowell	Lampert	Randall, Calif.	White, Me.
Dunbar	Lanham	Randall, Wis.	Williams
Dupré	Lankford	Reavis	Wilson, La.
Dyer	Larsen	Reber	Wilson, Pa.
Echols	Layton	Reed, W. Va.	Wingo
Edmonds	Lazaro	Rhodes	Woods, Va.
Elliott	Lea, Calif.	Ricketts	Woodyard
Elston	Lehlbach	Rogers	Wright
Emerson	Linthicum	Romjue	Young, N. Dak.
Evans, Nebr.	Lonergan	Rouse	Young, Tex.
Evans, Nev.	Longworth	Rowe	
Fairfield	Luce	Rubey	
Ferris	Lufkin	Rucker	

NAYS—3.

Blackmon	Moon	Steagall

NOT VOTING—143.

Ackerman	Gandy	Kreider	Riddick
Bacharach	Ganly	LaGuardia	Riordan
Barkley	Garland	Langley	Robinson, N. C.
Begg	Garner	Lee, Ga.	Robsion, Ky.
Booher	Garrett	Lesher	Rodenberg
Brand	Godwin, N. C.	Little	Rose
Brinson	Goldfogle	McClintic	Rowan
Britten	Goodwin, Ark.	McFadden	Sabath
Burdick	Goodykoontz	McGlennon	Saunders, Va.
Burke	Gould	McKinley	Schall
Cantrill	Graham, Ill.	McKinley	Scully
Carew	Griffin	McLane	Sells
Clark, Fla.	Hamill	McLaughlin, Nebr.	Siegel
Cole	Hamilton	MacCrate	Sims
Copley	Harrison	Maher	Sisson
Costello	Haskell	Mann, Ill.	Small
Cramton	Haugen	Montague	Smith, N. Y.
Cullen	Heflin	Moore, Pa.	Snell
Dempsey	Hersey	Moore, Va.	Snyder
Dent	Hicks	Moores, Ind.	Stephens, Miss.
Dewalt	Hill	Morin	Sullivan
Donovan	Husted	Mott	Swope
Dooling	Ireland	Newton, Mo.	Taylor, Ark.
Drane	Jefferis	Nicholls, S. C.	Thomas
Dunn	Johnson, Ky.	Ogden	Tincher
Eagan	Johnson, Miss.	Padgett	Treadway
Eagle	Johnston, N. Y.	Parker	Walters
Ellsworth	Kahn	Pell	Welling
Esch	Kelley, Mich.	Peters	Wheeler
Evans, Mont.	Kendall	Porter	Wilson, Ill.
Fields	Kennedy, Iowa	Pou	Winslow
Flood	Kennedy, R. I.	Rainey, H. T.	Wise
Freeman	Kiess	Rainey, J. W.	Wood, Ind.
Fuller, Ill.	Kincheloe	Ramsey	Yates
Fuller, Mass.	King	Rayburn	Zihlman
Gallivan	Kinkaid	Reed, N. Y.	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BURKE with Mr. SMITH of New York.

Mr. COLE with Mr. SISSON.
Mr. BRITTEN with Mr. TAYLOR of Arkansas.
Mr. KENDALL with Mr. MCGLENNON.
Mr. KENNEDY of Iowa with Mr. MCCLINTIC.
Mr. KIESS with Mr. LEE of Georgia.
Mr. KREIDER with Mr. JOHNSTON of New York.
Mr. LAGUARDIA with Mr. JOHNSON of Kentucky.
Mr. FULLER of Massachusetts with Mr. THOMAS.
Mr. WOOD of Indiana with Mr. SMALL.
Mr. ROBSION of Kentucky with Mr. NICHOLLS of South Carolina.
Mr. GARLAND with Mr. ROBINSON of North Carolina.
Mr. GOODYKOONTZ with Mr. RAYBURN.
Mr. GOULD with Mr. HENRY T. RAINEY.
Mr. GRAHAM of Illinois with Mr. PELL.
Mr. HAMILTON with Mr. PADGETT.
Mr. HASKELL with Mr. MOORE of Virginia.
Mr. MORIN with Mr. GALLIVAN.
Mr. MOTT with Mr. FLOOD.
Mr. NEWTON of Missouri with Mr. EVANS of Montana.
Mr. LANGLEY with Mr. FIELDS.
Mr. LITTLE with Mr. HEFLIN.
Mr. MCFADDEN with Mr. HAMILL.
Mr. MCKINLEY with Mr. GOLDFOGLE.
Mr. HAUGEN with Mr. MONTAGUE.
Mr. HICKS with Mr. MARTIN.
Mr. MCLAUGHLIN of Nebraska with Mr. GODWIN of North Carolina.
Mr. MACCRATE with Mr. GARRETT.
Mr. OGDEN with Mr. EAGAN.
Mr. PARKER with Mr. EAGLE.
Mr. RAMSEY with Mr. DOOLING.
Mr. TINCHER with Mr. JOHNSON of Mississippi.
Mr. MOORE of Pennsylvania with Mr. GANLY.
Mr. IRELAND with Mr. MAHER.
Mr. KELLEY of Michigan with Mr. MCKINIRY.
Mr. MOORES of Indiana with Mr. GANDY.
Mr. TREADWAY with Mr. BOOHER.
Mr. ACKERMAN with Mr. MCLANE.
Mr. WHEELER with Mr. DRANE.
Mr. RODENBERG with Mr. DONOVAN.
Mr. ROSE with Mr. DEWALT.
Mr. SELLS with Mr. CULLEN.
Mr. SIEGEL with Mr. CLARK of Florida.
Mr. SWOPE with Mr. CAREW.
Mr. WALTERS with Mr. CANTRILL.
Mr. WINSLOW with Mr. BRINSON.
Mr. YATES with Mr. BRAND.
Mr. ZIHLMAN with Mr. BARKLEY.
Mr. SNELL with Mr. WELLING.
Mr. HUSTED with Mr. RIORDAN.
Mr. JEFFERIS with Mr. HARRISON.
Mr. KING with Mr. GRIFFIN.
Mr. KAHN with Mr. DENT.
Mr. BACHARACH with Mr. GOODWIN of Arkansas.
Mr. SNYDER with Mr. GARNER.
Mr. BEGG with Mr. WISE.
Mr. COPLEY with Mr. SIMS.
Mr. COSTELLO with Mr. SCULLY.
Mr. BURDICK with Mr. SULLIVAN.
Mr. CRAMTON with Mr. JOHN W. RAINEY.
Mr. DEMPSEY with Mr. SAUNDERS of Virginia.
Mr. ELLSWORTH with Mr. SABATH.
Mr. FULLER of Illinois with Mr. ROWAN.

The result of the vote was announced as above recorded.

On motion of Mr. GOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. WINGO. Mr. Speaker, my colleague, Mr. GOODWIN, is sick, and in his behalf I ask leave of absence for him for the day on account of illness. I am authorized to state that if he were present, he would vote "aye."

Mr. MAGEE. Mr. Speaker, I desire to state that Representative SNYDER, of New York, is unavoidably absent. If he were present, he would have voted for the bill.

EXTENSION OF REMARKS.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that all Members of the House may have three legislative days in which to insert their own remarks on the budget system in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members of the House may have three legislative days in which to insert their remarks on this bill. Is there objection?

Mr. GOOD. The request is that they may insert their own remarks——

Mr. CLARK of Missouri. On the bill?

Mr. GOOD. Yes.

The SPEAKER. That they may insert their own remarks on the bill. Is there objection?

There was no objection.

Mr. MCCULLOCH. Mr. Speaker, I ask unanimous consent to extend my remarks by publishing a letter that I have received from a major in the Army containing valuable information, as I view it, in regard to war-risk insurance.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting a letter from an officer in the Army relative to war-risk insurance. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an editorial from the Arkansas Methodist, of Little Rock, Ark., edited by Dr. A. C. Miller, in regard to Americanism.

The SPEAKER. Is there objection to the gentleman's request?

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects.

CONFERENCE ON INTERNATIONAL COMMUNICATION.

Mr. CONNALLY. Mr. Speaker, I ask unanimous consent to file the minority views from the Committee on Foreign Affairs on the bill (H. R. 9822) authorizing a conference on international communication.

The SPEAKER. The gentleman from Texas asks unanimous consent to file minority views of the Committee on Foreign Affairs on the bill (H. R. 9822) authorizing a conference on international communication. Is there objection?

Mr. ROGERS. Reserving the right to object, I want to ask the gentleman if he is filing that this afternoon?

Mr. CONNALLY. Yes; right now.

The SPEAKER. The Chair hears no objection.

Mr. CONNALLY. Mr. Speaker, I also ask unanimous consent to have the report printed in the RECORD for the information of the Members, because there is some doubt if we can get the printed report back by to-morrow, and the bill may come up to-morrow.

Mr. ROGERS. I shall have to object.

The SPEAKER. Objection is made.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Wednesday, October 22, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATION, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting a tentative draft of a bill to provide for the payment of the bonus and travel pay to enlisted men of the naval service who have been or may hereafter be discharged for the purpose of reenlisting therein, as provided for the Regular Army in the act of September 29, 1919 (H. Doc. No. 268), was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COADY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3190) to authorize the construction of a bridge across the Pocomoke River at Pocomoke City, Md., reported the same without amendment, accompanied by a report (No. 392), which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 352) for the immediate consideration of the House committee substitute for S. 2775, reported the same without amendment, accompanied by a report (No. 393), which said resolution and report were referred to the House Calendar.

Mr. MERRITT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9850) granting the consent of Congress to the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River between Windsor Locks and East Windsor, at Warehouse Point, in said county and State, reported the same without amend-

ment, accompanied by a report (No. 394), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3159) to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, reported the same without amendment, accompanied by a report (No. 395), which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 336) directing the Secretary of War to report to the House of Representatives the amount of sugar in the possession of the War Department, reported the same without amendment, accompanied by a report (No. 396), which said resolution and report were referred to the House Calendar.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (S. 2775) to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, reported the same with amendments, accompanied by a report (No. 398), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 70) relating to the induction of registrants who applied and who were accepted for induction and assigned to educational institutions for special and technical training under the provisions of the act approved August 31, 1918, but whose induction without fault of their own was not completed, reported the same with amendment, accompanied by a report (No. 399), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 8272) to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry, reported the same without amendment, accompanied by a report (No. 397), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9815) granting a pension to Hulda Flatt, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MINAHAN of New Jersey: A bill (H. R. 10064) to increase the limit of cost of the public building to be erected at East Orange, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: A bill (H. R. 10065) authorizing the superintendent of the Coast and Geodetic Survey to adjust certain claims; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: A bill (H. R. 10066) to prevent certain aliens from availing themselves of the provisions of the law relating to the disposition of the unappropriated public lands of the United States; to the Committee on Immigration and Naturalization.

By Mr. MINAHAN of New Jersey: A bill (H. R. 10067) authorizing the Secretary of War to donate to the city of East Orange, N. J., three German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 10068) authorizing the Secretary of War to donate to the city of Newark, N. J., five German cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 10069) authorizing the Secretary of War to donate to the city of Orange, N. J., three German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 10070) authorizing the Secretary of War to donate to the city of Buffalo, N. Y., three German cannon or fieldpiece with their accompaniments; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 10071) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes; to the Committee on Ways and Means.

By Mr. VOLSTEAD: A bill (H. R. 10072) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: A bill (H. R. 10073) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

By Mr. VOLSTEAD: A bill (H. R. 10074) to enlarge the jurisdiction of the municipal court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 10075) to fix the mileage to be paid officers of the Army, active and retired, including members of the Officers' Reserve Corps, contract surgeons, expert accountant of the Inspector General's Department, and others connected with the Army, and also providing for reimbursement for actual expenses of travel and a flat per diem in lieu thereof; to the Committee on Military Affairs.

By Mr. SINNOTT: Resolution (H. Res. 352) for the immediate consideration of House committee substitute for Senate bill 2775; to the Committee on Rules.

By Mr. MAPES: Resolution (H. Res. 353) to increase the salary of the superintendent of the press gallery $400 per annum; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 10076) granting an increase of pension to Martin McDermott; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 10077) granting a pension to Eli Hayes; to the Committee on Pensions.

Also, a bill (H. R. 10078) granting an increase of pension to William A. Beer; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 10079) granting a pension to Mary Busher; to the Committee on Invalid Pensions.

By Mr. BLACK: A bill (H. R. 10080) granting an increase of pension to John W. Cornell; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 10081) for the relief of Rose S. Emke; to the Committee on Claims.

Also, a bill (H. R. 10082) for the relief of Rose H. Knell; to the Committee on Claims.

By Mr. CURRIE of Michigan: A bill (H. R. 10083) granting an increase of pension to Jay Cobb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10084) granting an increase of pension to David Sedore; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 10085) for the relief of Joe T. White; to the Committee on Claims.

By Mr. FREEMAN: A bill (H. R. 10086) granting a pension to Mary A. Kimball; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 10087) granting a pension to Otis H. Shurtliff; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 10088) granting a pension to Isaac M. Stroud; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 10089) granting an increase of pension to William S. Rowe; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 10090) granting a pension to Albert M. Kuppel; to the Committee on Pensions.

Also, a bill (H. R. 10091) granting a pension to Bridget J. Snody; to the Committee on Pensions.

Also, a bill (H. R. 10092) granting a pension to Christina Pabst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting a pension to Oscar W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting a pension to Margaret A. Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10095) granting a pension to Mary L. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10096) granting a pension to Edith H. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10097) granting an increase of pension to Peter Kankiewicz; to the Committee on Pensions.

By Mr. MINAHAN of New Jersey: A bill (H. R. 10098) granting a pension to Mary M. Shepard; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 10099) granting an increase of pension to Charles Leathers; to the Committee on Invalid Pensions.

By Mr. RANDALL of California: A bill (H. R. 10100) granting a pension to Elizabeth Van Pelt; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 10101) granting a pension to Mary E. Gould; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 10102) for the relief of A. H. Holloway; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Grand Army of the Republic, favoring an additional appropriation of a sum not exceeding $50,000 to be added to the $32,000 unexpended surplus fund reappropriated by act of Congress approved July 11, 1919, for the erection and completion of the national memorial archway at Vicksburg National Military Park; to the Committee on Appropriations.

By Mr. CURRY of California: Petition of S. B. Peart, J. B. Errecart, and Western Sheep Co., of Stockton, Calif., and A. L. Beal, of San Francisco, Calif., favoring the protection of the sheep industry in the United States; to the Committee on Ways and Means.

Also, petition of Lompoc Valley Bank and the Lompoc Valley Chamber of Commerce, of Lompoc, Calif., in favor of an adequate tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. DONOVAN: Petition of Michael Davitt Branch, Friends of Irish Freedom, requesting Congress of the United States to recognize the Irish republic; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of National Editorial Association, protesting against the repeal of the zone postage law; to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of Roxbury Council, No. 123, Knights of Columbus, of Boston, Mass., protesting against the delay and lack of attention shown by the Government in its handling of the cases of many of its disabled soldiers who have been discharged from service with promises of compensation; to the Committee on Military Affairs.

By Mr. MACGREGOR: Petition of Industrial Traffic Club, of Buffalo, N. Y., protesting against the passage of the Cummins bill (S. 2906); to the Committee on Interstate and Foreign Commerce.

Also, petition of Buffalo Chamber of Commerce, protesting against many of the provisions of the Senate subcommittee bill (S. 2906); to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: Petition of sundry citizens of the State of New York, protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

Also, petition of sundry citizens of Buffalo, N. Y., protesting against the passage of the so-called Siegel bill (H. R. 8315); to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Letter from the Pasadena Ice Co., of Pasadena, Calif., protesting against the bill introduced by Representative SIEGEL providing that the cost mark be placed on all merchandise when offered for sale; to the Committee on Agriculture.

Also, letter from the California Sugar & White Pine Co., of San Francisco, Calif., protesting against the bill introduced by Representative SIEGEL known as the cost-mark bill; to the Committee on Agriculture.

Also, letter from the California Sugar & White Pine Co., of San Francisco, protesting against a bill introduced by Representative JEFFERIS which prohibits the exporting of lumber from the United States; to the Committee on Ways and Means.

By Mr. SANDERS of Indiana: Petition of J. L. Short and other residents of Brazil, Ind., favoring the passage of House bill 8157, known as Plumb plan; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *October 22, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we look to Thee for Thy guidance to-day. We pray for the grace of patriotism—a patriotism founded upon regard for Thy law and reverence for Thy name and a supreme concern for Thy will. We pray that our Nation, established in righteousness, may continue to accomplish the will of God and may receive from day to day the blessing and direction of the great God of righteousness and truth. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture transmitting, in response to a resolution of the 1st instant, a statement regarding foreign marketing work of the Bureau of Markets, which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CURTIS. I present a resolution of the letter carriers of Emporia, Kans., which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution adopted by the Rural Letter Carriers' Association of the fourth congressional district at their meeting held in Emporia September 1, 1919.

EMPORIA, KANS., *September 1, 1919.*

DEAR SIRS: We, the rural letter carriers of the fourth congressional district of the State of Kansas, now in session, beg leave to have you make this statement in Congress: "That the rural letter carriers are subjected to such an increased cost of living and equipment and upkeep of same that we are in dire need of immediate help, and must have it if we are to be able to keep up with the present cost, and that we ought to have at least 40 per cent increase on the salary now received."

T. D. LITTLE,
C. C. PHELPS,
A. W. REED,
Committee.

Mr. SMITH of South Carolina. I ask unanimous consent to have printed in the RECORD a resolution from Old Hickory (Thirtieth Division) Association, favoring immediate ratification of the treaty of peace with Germany.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

OLD HICKORY (THIRTIETH DIVISION) ASSOCIATION.

Resolution favoring immediate ratification of the treaty of peace with Germany.

Whereas it was the high honor of the Thirtieth Division, American Expeditionary Forces, to play an important part in bringing the long and terrible war with Germany and her allies to a successful close; and

Whereas we believe it is necessary to the future peace and welfare of the United States and of the world that the treaty of peace with Germany, including the league of nations covenant, be ratified by the United States without further delay, leaving all imperfections or imagined errors therein to be corrected hereafter by the use of the adequate machinery provided therein for that purpose: Be it

Resolved, First, that it is the sentiment of this association that the treaty of peace with Germany, including the league of nations covenant, should be immediately ratified in its present form without amendment or reservation, and the Senate of the United States is respectfully urged to do its part to that end, in order that the spiritual and material blessings of peace may once more be restored to the world, in order that the danger of future wars may be lessened and in order that we as a nation may live up to the high purposes for which we entered the war and for which so many members of our division gave their lives upon the battle fields of France and Belgium.

Second, that copies of this resolution be sent to the President of the United States, the President of the United States Senate, the United States Senators from North Carolina, South Carolina, and Tennessee, and copies be given to the press.

Mr. WARREN presented a petition of the Retail Grocers and Butchers' Association, of Cheyenne, Wyo., praying for the enactment of legislation to decrease the high cost of living, which was referred to the Committee on the Judiciary.

Mr. FRELINGHUYSEN presented a petition of the National Association for the Advancement of Colored People, of Newark, N. J., praying for the passage of Senate Resolution 189 for the protection of the colored race, which was referred to the Committee on the Judiciary.

Mr. NEWBERRY presented a telegram in the nature of a petition from the Michigan Baptist Ministers' Association, of Flint, Mich., and a petition of the Association of Congregational Churches, of Saginaw, Mich., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Detroit, Mich., remonstrating against the establishment of a department of education, which were referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of the city council of Minneapolis, Minn., praying for Federal regulation of the manufacture and distribution of sugar, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN presented a petition of sundry citizens of Berkeley, Calif., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Woodston, Kans., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a memorial of Subordinate Lodge No. 292, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, of Parsons, Kans., remonstrating against the passage of the so-called Cummins bill for the operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Rural Letter Carriers' Association of the Fourth Congressional District of Kansas, praying for an increase in salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

STEPHEN A. WINCHELL.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 1374) for the relief of Stephen A. Winchell, reported it without amendment and submitted a report (No. 274) thereon.

EXTENSION OF PASSPORT CONTROL.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably, with an amendment, the bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The bill is of great importance, and I think there is no objection to it. The committee was unanimous in reporting it favorably. It passed the House of Representatives by a vote of 284 to 1, I believe, and its passage is recommended by the State Department and by the President. The purpose of the bill is to extend the present passport arrangements until suitable legislation in reference to immigration is perfected and passed by the two Houses, which ought to be done as soon as possible, but it will take some time to enact such legislation. I ask unanimous consent for the present consideration of the bill.

Mr. MYERS. I will ask the Senator from Massachusetts if the consideration and passage of the bill will require much time?

Mr. LODGE. I have just reported the bill from the Committee on Foreign Relations. I do not think it will take more than a few moments to pass it.

Mr. POINDEXTER. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport into the United States another person with knowledge or reasonable cause to believe that the entry of such other person is forbidden by this act;

(c) For any person knowingly to make any false statement in an application for a passport or other permission to enter the United States with intent to induce or secure the granting of such permission, either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a viséed passport or other permit or evidence of permission to enter, not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any viséed passport or other permit or evidence of permission to enter not issued and designed for his use:

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any passport, visé, or other permit or evidence of permission to enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered passport, permit, or evidence of permission, or any passport, permit, or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

SEC. 3. That the term "United States" as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

SEC. 4. That in order to carry out the purposes and provisions of this act the sum of $600,000 is hereby appropriated.

SEC. 5. That this act shall take effect upon the date when the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and shall continue in force and effect for a period of one year thereafter.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment, in section 5, page 5, line 3, after the word "operative," to strike out "and shall continue in force and effect for a period of one year thereafter."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. LODGE. I ask to have printed in connection with the bill the report of the House committee, which took some testimony and presented an excellent report. I also ask that the message of the President, the letter of the Secretary of State to the President, and the paraphrase of telegrams from our ambassadors relating to the bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[House Report No. 382, Sixty-sixth Congress, first session.]

The Committee on Foreign Affairs, to which was referred the bill (H. R. 9782) to regulate further the entry of aliens into the United States, having had the same under consideration, reports it back to the House with certain amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The amendments are as follows:

Page 3, line 7, strike out "$10,000" and insert "$5,000."

Page 3, line 8, strike out "twenty" and insert "five."

Your committee, in considering legislation of this character, has had the benefit of the testimony of the Secretary of State, of Hon. Wilbur J. Carr, Director of the Consular Service, and of R. W. Flournoy, jr., Chief of the Division of Passport Control of the State Department. Hon. ALBERT JOHNSON, of Washington, the author of House joint resolution 205, for which the present bill is in the nature of a substitute, also appeared before the committee in behalf of legislation of this character.

The act of Congress entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918, established a strict system of passport control for all travelers to and from the United States, whether American citizens or not. By its terms, this act ceases to be operative with the termination of the present war. The recommendation of the Secretary of State is to the effect that so far as persons entering the United States, whether American citizens or aliens, are concerned, the act should, for the national welfare, be extended for a period of one year beyond the termination of the war. Your committee, after careful consideration, has decided that, in spite of certain administrative difficulties, it is wiser not to extend the act in so far as the controlling of American citizens is concerned. On the other hand, your committee has been fully convinced that urgent considerations of public welfare make desirable the extension of the act so far as incoming aliens are concerned for the period of at least one year.

It will be noted that the existing act is applicable to four classes of persons: (1) Outgoing Americans, (2) outgoing aliens, (3) incoming Americans and (4) incoming aliens.

The recommendation of the State Department, as previously stated, was that control over the first two classes should cease with the promulgation of the treaty of peace. Your committee agrees with this conclusion, but goes further and recommends that the third class—incoming Americans—be also freed from restraint or control when the present war technically comes to an end.

The Secretary of State testified that for some time—probably for some years—the other great Governments of the world would doubtless continue in effect the very rigid passport requirements which have prevailed since 1914. This being true, it is quite probable that American travelers abroad will, as a matter of common precaution, and as a practical matter, need passports after the present law lapses; but your committee, while fully recognizing this fact, felt that so far as our own legislation was concerned, the control of the movements of American citizens desiring to travel abroad should again become unhampered and unembarrassed at the earliest possible moment.

The bill recommended by your committee follows almost verbatim the language of the present act. The only changes of consequence are the following:

(1) Whereas the present act imposes a penalty for violation of not more than $10,000 fine, or not more than 20 years' imprisonment, your committee recommends a maximum of $5,000 fine and 5 years' imprisonment. This recommendation is upon the theory that the very drastic penalties provided in the present act were made to meet war conditions and war emergencies, and that as the proposed bill becomes operative only with the arrival of peace, the original penalties may safely and properly be greatly reduced.

(2) Section 2 of the original act, which dealt wtih the movements of American citizens, is altogether eliminated for reasons above indicated.

(3) Section 4 of the proposed bill appropriates the sum of $600,000 to meet the necessary expenses of carrying out the provisions of the bill for the remainder of the present fiscal year.

(4) Section 5 of the bill provides that it shall take effect when the provisions of the present act cease to be operative and shall continue in force and effect for one year thereafter.

The first section of the bill provides that it may cease to become operative within the year, if so ordered either by the President or by Congress.

The reasons for continuing passport control in the case of incoming aliens for at least one year seem to your committee to be numerous and compelling. As stated by Secretary Lansing, it is recommended

by the Department of State "because of the great unrest and disorder throughout Europe at the present time, and the fact that many persons are seeking admission to the United States, of whom a large number seem to be unsuitable for future citizenship or else are engaged in very radical propaganda against our institutions."

The State Department has obtained from our representatives abroad their opinion as to the importance of continuing the legislation. Herewith are appended statements of Ambassador Davis, at London; Ambassador Wallace, at Paris; Minister Garrett, at The Hague; Minister Schmedeman, at Christiania, Norway; Minister Stovall, at Berne, Switzerland; and others:

[Paraphrase of telegram from London embassy.]

MAY 24, 1919.

SECRETARY OF STATE,
Washington, D. C.:

Under present circumstances I recommend strongly that present visé requirements and verifications of passports of American citizens returning to the United States continue until situation becomes more normal. The consul general concurs fully.

It is understood British authorities still retain certain control over persons leaving England, and if question of validity of American passports were left to the British port authorities much inconvenience might result for the bearers. Furthermore, existing system of thorough interrogation of applicant and inspection of passports by consular officers necessarily must discourage presentation of false papers. Department already aware that the Bolshevik authorities in Russia are acquiring genuine American passports, intending to use them to send their agents to the United States and elsewhere; some of these passports undoubtedly will appear here.

DAVIS.

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[Paraphrase of telegram from Paris.]

JUNE 7, 1919.

SECRETARY OF STATE,
Washington, D. C..

Referring particularly circular telegraphic instruction 324, March 7: I believe not advisable at present discontinue alien visés and relax control of aliens traveling to United States, because such course would promote immigration which is undesirable, at least until demobilization American Army and adjustment labor conditions. After conclusion of peace, therefore, visés should be maintained, but verifications completely abolished. However, foreign Governments will probably require for some time that passports be presented as documents of identity. In this respect note that many new form passports are presented for renewal more than 30 days after expiration, holders explaining that more punctual personal application not feasible. In order that more urgent matters might receive prompt attention, would it not be well to grant such extensions upon satisfactory explanation of delay, rather than to incur the additional clerical work by requiring that applications for emergency passports be made point of interrogation?

WALLACE.

—

[Paraphrase of telegram from minister at The Hague.]

JUNE 4.

SECRETARY OF STATE,
Washington:

The department's circular instruction of May 22 acknowledged. A summary of opinions of consuls and attachés with regard to visé requirements for aliens traveling to the United States after conclusion of peace follows:

The consul general at Rotterdam: The present requirements should remain in force at least until far stricter immigration laws have been enacted by Congress, as thousands of persons of all nationalities will endeavor to emigrate to the United States, and unless examined for visé great numbers of undesirables will undoubtedly obtain admission. Moreover, unless strict control is observed, Bolsheviki elements of enemy countries will swarm into the United States and endanger the country's welfare. Enemy subjects should not be permitted, except in special cases, to enter for a considerable period.

The consul at Amsterdam: All aliens proceeding to the United States should obtain American visé for as long a time after the conclusion of peace as danger exists from Bolshevism and other forms of agitation and revolution detrimental to the welfare of America.

The military attaché: Aliens proceeding to the United States should be bearers of passports with American visé for one year after the definite conclusion of peace, because of immense exodus of population from Germany and other central European countries, since it is obvious that a majority of these people will attempt to proceed to the United States by way of the Netherlands. It is safe to assume that a large percentage of the people from Germany and central countries, as well as from southern parts of Russia, will be undesirable, many of them for political reasons.

The naval attaché: At least for the near future, all aliens proceeding to the United States should be bearers of passports with the American visé. At present there is too much Bolshevism and other agitation to warrant dispensing with this control. There may be a great wave of emigration to America after the conclusion of peace. In such case the viséing of passports would give great opportunity so to restrict emigration to America as to keep out the dregs of Europe.

End of summary.

The minister at The Hague entirely concurs with the above consensus of opinion. He believes that agitators, Bolsheviki, and propagandists will continue actively and factiously at work. It is likely that other countries will try to get rid of these persons and that the worst of them will go to the country to which the entry is easiest and where there is the least to explain. American control organizations have been built up during the war and have at their disposal voluminous suspect lists and facilities for identifying undesirables and dangerous persons. The visé control would, therefore, seem to present the most ready as well as the least objectionable method of meeting the after-the-war problems of emigration to the United States and it need in no wise keep out persons who are desirable.

However, it is obvious that the value of the control will depend not only on its efficiency but on the uniformity with which it is carried out. A good control in one country or one part of a country will be entirely nullified by looser control elsewhere. The concentration of control in each country and an immediate and speedy interchange of information between the controls should be worked out by the department, and especially instructed men without other and irrelevant duties should be put in charge of the work.

GARRETT.

[Paraphrase of telegram received from the American legation at Copenhagen.]

MAY 28, 1919.

I agree fully with the military and naval attachés that the visé passports of foreigners going to United States should be continued for a very considerable period after the conclusion of peace: (A) To exclude Bolshevist and German propagandist. (B) To protect further American labor after demobilization. (C) Because control at port of entry can not be so efficient. (D) Statistics gathered by investigation of applicants here are of great value. (E) It affords unusual opportunity to inquire into many business activities which would not be possible otherwise. Furthermore, we are of opinion that the abolition of seamen control is unfortunate, in that it affords comparatively easy means for undesirables to reach our shores. Whatever it may cost the Government, it is our opinion that return would far outweigh expenditure.

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[Paraphrase of telegram received from the American consul, Archangel.]

MAY 29, 1919.

We are all strongly of opinion that aliens going to the United States after conclusion of peace should be required to have passports viséed. It is regarded as certain that a large number of aliens will try to enter the United states from this part of the world to spread Bolshevik propaganda. Consuls are decidedly in the best position to distinguish these from desirable emigrants or travelers.

POOLE.

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[Paraphrase of telegram from consul at Christiania.]

MAY 26, 1919.

SECRETARY OF STATE,
Washington:

Military attaché, consul general, and I recommend aliens going to the United States be required to have passports viséed, in order that they may be examined in their native lands and undesirables more effectively eliminated than possible for immigration authorities in ports of United States. We regard it most important that funds for investigation be continued. The military attaché recommends that they be placed entirely in the hands of the consul general.

SCHMEDEMAN.

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[Paraphrase of telegram received from the American Legation, Switzerland.]

MAY 24, 1919.

Recommend that passports for aliens be strictly supervised after peace. The peril of Germans and Bolsheviki will not cease for at least a year. Vitally necessary, because of rumors of rapprochement between Germans and possible future enemies of United States.

STOVALL.

The Secretary of State asserts positively that it will be the policy of the department, if the law is extended, to exclude only those aliens whose admission to the United States the department believes would prove prejudicial to the best interests of our country. There would be no attempt or desire to regulate the amount of immigration and the number of immigrants by this means. Upon this important point it may be well to quote the testimony before the committee of the Secretary of State:

"The CHAIRMAN. * * * Assuming that this act is limited to incoming aliens, what would be the policy of the department, if you are prepared to indicate, as to dealing with immigrants who apply for visés from the various parts of Europe? Would you expect to grant a visé to everyone who could prove himself not dangerous to public morals or society, or what would be the scheme by which visés would be granted or withheld?

"Secretary LANSING. Of course, so far as the Department of State is concerned, it would be, as far as could be determined, the character of the individual and whether he was a proper one to admit to entry into this country.

"The CHAIRMAN. His political character or his personal character?

"Secretary LANSING. Well, it might be both. For example, if I were considering an anarchist it would be his political character, or if I were considering the case of a criminal, that would be his personal character. So both enter into the problem.

"The CHAIRMAN. And the State Department would deal with both?

"Secretary LANSING. As far as possible. But, of course, the immigration authorities would have the ultimate say when he reached this country.

"The CHAIRMAN. Would you attempt to exercise that control as part of a general policy indicating how much immigration should come to the United States?

"Secretary LANSING. Not at all, unless we had a request from the immigration authorities. I assume, so far as that is concerned, we would adopt, in general, their rules.

"The CHAIRMAN. Of course, this law would give you the power to choke immigration off completely if you chose to exercise it?

"Secretary LANSING. Of course; and that is the very thing I wanted to point out, that that is a matter for Congress and not a matter for the Department of State, and we would adopt very closely the immigration rules, I think.

"The CHAIRMAN. In other words, you would simply aim to exclude the unfit?

"Secretary LANSING. Yes, sir; the unfit.

"The CHAIRMAN. You will not try to regulate the rise and fall of the immigration tide through the medium of this act?

"Secretary LANSING. Not at all."

Testimony before the committee indicates that there is a very large number of aliens in Germany, Russia, and other unsettled countries who are planning to come to the United States at the earliest possible moment. Many of them, your committee believes, would be undesirable additions to our population at this time. Many of them could probably not be effectively excluded under the immigration laws. The only way to check them is to stop them before they start, by means of the passport-control system. Your committee feels strongly the importance of watching very carefully the character of immigration which shall be permitted to come to our shores during the crucial year which will follow the coming of peace. Within that year Congress can, and probably will, determine its future policy with respect to the admission or exclusion of applicants for admission to the United States. The bill recommended, therefore, is primarily to preserve the status quo while Congress is considering its permanent program of regulation.

Scarcely less important than the retention of the passport control is the provision of funds to make that control effective. The work is delicate, difficult, and expensive. To perform it properly will require the services of at least 225 special employees of the Department of State, scattered in accordance with the needs of the service over the great ports of the world from which the tide of immigration flows to the United States. Seventy-five of these special employees will be employed at $3,000 per annum, and 150 of them at $2,500 per annum. Their salaries, together with their traveling expenses, contingent expenses, and a small sum for additional employees within the department itself to administer the act, involve an expense of about $75,000 a month. Your committee in recommending a $600,000 appropriation, therefore, is reckoning upon the expenses necessary for the period of eight months from November 1 to June 30, the close of the fiscal year.

While the exact expenses of administering the present act and the receipts accruing therefrom can not be segregated with accuracy owing, in part, to the fact that our diplomatic and consular officers have divided their time between this work and their other duties, it seems reasonably clear that the expenses of administering the act have been substantially balanced by the receipts therefrom. In other words, the service has been substantially self-supporting. There is every reason to assume that this condition will continue during the extension period. Thus the appropriation recommended probably entails not the slightest actual financial burden to the Government.

Finally, your committee is satisfied that, by eliminating from the provisions of the proposal all American citizens and all aliens within the United States who desire to return to their own country, the law will operate without hardship to any, but, on the contrary, most beneficently to our national welfare. Everyone knows the danger to our institutions which may result if the extreme radical or "Red" element of Europe is allowed to come without let or hindrance to the United States. The State Department tells us frankly that it will not administer the law so as to regulate immigration as such; rather will it withhold its permission only in the case of those who by character or otherwise can not safely be allowed to form a part of our population.

For the foregoing reasons, your committee believes that this legislation should be promptly enacted.

Appended herewith as a part of this report are a message from the President of the United States recommending legislation, and a letter from the Secretary of State to the President to the same effect:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, suggesting that the passport-control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the Central Powers of Europe, and that ample appropriation be made for an effcient execution of that act and the regulations made under it during the remainder of the fiscal year.

This recommendation brings up for your consideration a very important question of policy which has an intimate relation to the welfare of the country. Information from the agents of the Government in foreign countries indicates that as soon as the existing restrictions upon travel are removed many persons will seek admission to this country, and that among the number are not only persons undesirable from the point of view of becoming future citizens, but persons whose origin and affiliations make it inadvisable that they should be permitted to enter the United States. The act of May 22, 1918, which makes possible the prevention of undesirable individuals from departing for the United States will automatically cease to be operative upon the establishment of a condition of peace. Individuals will then be free to come here for whatever purpose they choose, and many will come for purposes which we can not approve and which may, indeed, be dangerous to the country and to its institutions.

The immigration officials enforcing the immigration laws at the ports of the United States will not be able successfully to prevent the entry of all improper and dangerous persons because of the impracticability of developing a system of intelligence and investigation abroad to work in sufficiently close relationship to the immigration organization in the United States to be thoroughly effective in distinguishing between those individuals whose right to admission should not be questioned and those whose admission would be injurious to the country. The experience gained during the war shows that an efficient system of passport control, administered by the Department of State through the diplomatic and consular officers in foreign countries, can be depended upon to exclude practically all persons whose admission to the United States would be dangerous or contrary to the public interest. If the Congress concur in the view that the national welfare requires that the class of persons to which I have alluded should not enter this country, it is my belief that the simplest and most effective method that can be adopted would be to continue the system of control now being carried on by the Department of State, working in close cooperation with the Commissioner General of Immigration.

It is obvious that effectiveness of control can only be obtained through supplementing the regular diplomatic and consular personnel with a sufficient number of reliable and capable men, and such men as would be useful can be had only through the payment of adequate compensation. The Secretary of State estimates the expenditure required for the remainder of the current fiscal year at $750.000, including a number of additional employees in the Department of State who would be charged to supplement the administrative organization now maintained there. I quite agree with the view that it is entirely useless to make any outlay upon this work unless sufficient money is provided with which to make control effective. It would be most unwise to permit the public to rest under the impression that an effective control was being exerted over persons seeking admission to this country when, in fact, owing to inadequate personnel and an inefficient administration of the law, dangerous persons were freely crossing our boundaries.

It is important that I should add that the increase in the number of persons desiring to come to the United States has already almost overwhelmed the existing organization abroad, and that it is very doubtful whether the system of control can be kept in operation for more than a few weeks longer without additional appropriation.

With the relaxation of restrictions upon transportation which are gradually taking place, the burden of examining applicants for passport visés will become so great as to be entirely beyond the capacity of the number of officers whose employment existing appropriations make possible. Therefore it is of the utmost importance that if the Congress should decide, as I hope it may, that the public interest requires that the existing system of control should be maintained and extended, it will enact the necessary legislation preferably by joint resolution and make ample appropriation at the earliest possible moment.

WOODROW WILSON.

THE WHITE HOUSE,
25 August, 1919.

DEPARTMENT OF STATE,
Washington, August 20, 1919.

DEAR MR. PRESIDENT: In pursuance of the act approved May 22, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," there was built up under the direction of the Secretary of State, and in close cooperation with the immigration authorities of the Department of Labor, and the appropriate officers of the Departments of the Treasury, Justice, War, and Navy, a system of passport control with respect to aliens entering the United States. Under this system all aliens desiring to proceed from any foreign country to the United States have been required to obtain a visé of the American consular officer at the port of departure upon their passport. Aliens have not been permitted to enter the United States, even if by chance they might reach any of its ports, unless a properly viséed passport could be produced.

The act mentioned provides for passport control only during the period when the United States is at war. Consequently the question now arises whether it would be consistent with the best interests of this country to discontinue the system described. With a view of determining upon a recommendation to be made to Congress, I have sought the views of the heads of the American diplomatic missions abroad and inclose, for your information, paraphrases of telegrams embodying their opinions.

As will be noted, all of the diplomatic missions so far heard from recommend the continuance of the visé regulations. It is believed that during the continuance of the war large numbers of undesirable and dangerous persons have been kept out of the United States through the enforcement of the visé regulations. The elements of unrest and disorder, which have always existed to a certain degree, but have been kept more or less under subjection, have in the unsettled conditions arising from the war broken their bounds in various quarters, particularly in Russia and central Europe, and there is every reason to believe that large numbers of aliens who do not believe in the form of government now existing in the United States may attempt to come to this country, many of them for the express purpose of carrying on anarchistic agitation. Reports indicate that anarchistic organizations in foreign lands are engaged in a propaganda which extends beyond the limits of their own country and includes the United States, and there is no doubt that they are attempting to send agents to this country to spread their propaganda.

After considering the reports of the representatives of this country abroad and conferring with some of our ministers on this subject, I do not believe that the time for abandoning the safeguard afforded by the passport-control system has yet arrived or that it will arrive immediately upon the conclusion of peace. It furnishes valuable assistance in preventing undesirable people from coming to this country and is effective not only because it is more feasible for officers stationed in the country from which individuals seek to emigrate to obtain information concerning their antecedents, character, and objects than it is for officers in the United States to obtain such information, but also in cases which appear suspicious it is much easier to refuse a visé than to deny admittance to the suspected person after he has arrived at a port of entry of the United States.

I do not wish to be understood as holding that the visé system could or should supplant the exclusion provisions of the immigration law, but I am convinced from the operation of the system during the war that it can be for some time in the future, until conditions shall have become more settled, a very valuable adjunct in preventing the admission of agitators and other dangerous persons. In any continuance of the passport-control system the cooperation of the Bureau of Immigration of the Department of Labor, which has been so freely extended to this department, must necessarily be continued.

Two things are necessary to the continuance of the passport-control system: (1) The extension by special act or joint resolution of the act of May 22, 1918, and (2) the appropriation of a sum sufficient to pay the salaries of such additional employees as may be needed for the efficient carrying on of the work, both here and abroad, and paying the other expenses incident to the enforcement of the act. With reference to the first point it is suggested that it might be wise to extend the provisions of the act of May 22, 1918, for a period of one year after peace has been concluded with the Central Powers in Europe. If at the end of that time a further extension should be found necessary, the matter can again be submitted for the consideration of Congress.

With reference to the second point, Congress appropriated the sum of $75,000 "for carrying out the provisions of the act" mentioned, "including contingent and miscellaneous expenses and personal services and rent in the District of Columbia and elsewhere." This appropriation not only ceased to be available on June 30, 1919, but was never more than a small item of the cost of the enforcement of the law, inasmuch as consular and immigration, military and naval officers were utilized in connection with the other duties pertaining to the war which they were discharging. It is not possible, however, to continue this longer without further appropriation, for the expense is too heavy a charge upon the regular appropriations to permit of a continuance of the work. The work here and abroad has already developed beyond the capacity of the existing organization to deal with. A careful examination of the needs, both in this department and in the Diplomatic and Consular Service abroad, convinces me that an appropriation of not less than $750 000 will be necessary if the system of control be extended after the ratification of the treaty of peace through the existing fiscal year. The extent to which the work may be developed will be readily apparent when it is considered that the total number of immigrants admitted to this country during the fiscal year 1919 was 141,132, while the total number admitted in the year preceding the beginning of the war was 1,218,480, or more than nine times the number being admitted at the present time. It is thought, however, that some time will elapse before immigration and travel reach their prewar condition, hence the estimated expense is much less than it would be were it to be based upon even half the prewar immigration. An itemized estimate of the probable expenditure both here and abroad is inclosed. It may be plainly pointed out that it is useless to attempt to continue the system unless ample provision is made for its efficient enforcement. Regulations of the importance of those of passport control inefficiently executed or not executed at all are not only useless but, in the existing situation, may be dangerous.

The above observations relate principally to the question of continuing the visé system after the conclusion of peace. It is a serious question whether it can be continued until the conclusion of peace. Several of the diplomatic and consular offices in places from which there is a large emigration have telegraphed to the department that it is impossible for them to carry on the work properly with their present personnel. They are in immediate need of assistants, but this department has no available funds from which they can be paid. Unless funds are obtained for this purpose in the near future it will be necessary to drop the visé work altogether, even before the conclusion of peace. Judging by reports received from diplomatic and consular officers, it is believed that this would be most unfortunate.

It is proper to observe that the visé work brings a considerable revenue into the Treasury. Under the tariff of consular fees, a fee of $1 is required for the execution of each visé application and an additional fee of $1 for each visé. During the six months ended June 30 it appears that fees to the amount of about $200,000 were collected under the provisions just mentioned. As the numbers of immigrants coming to the United States have been constantly increasing since the first of the year, it is believed that visé fees are now being collected at the rate of $500,000 per annum. When immigration reaches normal proportions, the amount of the fees collected will, of course, greatly exceed the amount just mentioned. The work connected with the issuance of passports to American citizens also brings in a considerable revenue. At the rate at which this work is now proceeding it is estimated that fees to the amount of $277,500 are now being collected annually for the issuance of passports by the department and the diplomatic and consular officers abroad and the execution of passport applications. Thus it appears that the Treasury is now annually receiving in connection with the passport work fees to the amount of about $777,500.

I recommend that, if you approve, this matter be laid before Congress at the earliest possible moment, in order that it may determine whether the existing system shall be continued and, if so, make provisions for its efficient execution.

ROBERT LANSING.

THE PRESIDENT,
The White House.

[Public, No. 154, Sixty-fifth Congress, H. R. 10264.]

An act to prevent in time of war departure from or entry into the United States contrary to the public safety.

Be it enacted, etc., That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe.

(b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this act.

(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another.

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use.

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use.

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States.

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

SEC. 3. That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than 20 years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

SEC. 4. That the term "United States," as used in this act, includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

Approved, May 22, 1918.

[Senate Document No. 79, Sixty-sixth Congress, first session.]

Message from the President of the United States transmitting a communication from the Secretary of State suggesting that the passport-control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the central powers of Europe.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State suggesting that the passport-control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the central powers of Europe, and that ample appropriation be made for an efficient execution of that act and the regulations made under it during the remainder of the fiscal year.

This recommendation brings up for your consideration a very important question of policy, which has an intimate relation to the welfare of the country. Information from the agents of the Government in foreign countries indicates that as soon as the existing restrictions upon travel are removed many persons will seek admission to this country, and that among the number are not only persons undesirable from the point of view of becoming future citizens but persons whose origin and affiliations make it inadvisable that they should be permitted to enter the United States. The act of May 22, 1918, which makes possible the prevention of undesirable individuals from departing for the United States, will automatically cease to be operative upon the establishment of a condition of peace Individuals will then be free to come here for whatever purpose they choose, and many will come for purposes which we can not approve and which may, indeed, be dangerous to the country and to its institutions.

The immigration officials enforcing the immigration laws at the ports of the United States will not be able successfully to prevent the entry of all improper and dangerous persons, because of the impracticability of developing a system of intelligence and investigation abroad to work in sufficiently close relationship to the immigration organization in the United States to be thoroughly effective in distinguishing between those individuals whose right to admission should not be questioned and those whose admission would be injurious to the country. The experience gained during the war shows that an efficient system of passport control administered by the Department of State, through the diplomatic and consular officers in foreign countries, can be depended upon to exclude practically all persons whose admission to the United States would be dangerous or contrary to the public interest. If the Congress concur in the view that the national welfare requires that the class of persons to which I have alluded should not enter this country, it is my belief that the simplest and most effective method that can be adopted would be to continue the system of control now being carried on by the Department of State, working in close cooperation with the Commissioner General of Immigration.

It is obvious that effectiveness of control can only be obtained through supplementing the regular diplomatic and consular personnel with a sufficient number of reliable and capable men, and such men as would be useful can be had only through the payment of adequate compensation. The Secretary of State estimates the expenditure required for the remainder of the current fiscal year at $750,000, including a number of additional employees in the Department of State who would be charged to supplement the administrative organization now maintained there. I quite agree with the view that it is entirely useless to make any outlay upon this work unless sufficient money is provided with which to make control effective. It would be most unwise to permit the public to rest under the impression that an effective control was being exerted over persons seeking admission to this country when, in fact, owing to inadequate personnel and an inefficient administration of the law, dangerous persons were freely crossing our boundaries.

It is important that I should add that the increase in the number of persons desiring to come to the United States has already almost overwhelmed the existing organization abroad, and that it is very doubtful whether the system of control can be kept in operation for more than a few weeks longer without additional appropriation.

With the relaxation of restrictions upon transportation which are gradually taking place, the burden of examining applicants for passport visés will become so great as to be entirely beyond the capacity of the number of officers whose employment existing appropriations make possible. Therefore it is of the utmost importance that if the Congress should decide, as I hope it may, that the public interest requires that the existing system of control should be maintained and extended, it will enact the necessary legislation preferably by joint resolution and make ample appropriation at the earliest possible moment.

WOODROW WILSON.

THE WHITE HOUSE,
25 August, 1919.

DEPARTMENT OF STATE,
Washington, August 20, 1919.

DEAR MR. PRESIDENT: In pursuance of the act approved May 22, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," there was built up under the direction of the Secretary of State, and in close cooperation with the immigration authorities of the Department of Labor, and the appropriate officers of the Departments of the Treasury, Justice, War and Navy, a system of passport control with respect to aliens entering the United States. Under this system all aliens desiring to proceed from any foreign country to the United States have been required to obtain a visé of the American consular officer at the port of departure upon their passport. Aliens have not been permitted to enter the United States, even if by chance they might reach any of its ports, unless a properly viséd passport could be produced.

The act mentioned provides for passport control only during the period when the United States is at war. Consequently the question now arises whether it would be consistent with the best interests of this country to discontinue the system described. With a view of determining upon a recommendation to be made to Congress, I have sought the views of the heads of the American diplomatic missions abroad, and inclose for your information paraphrases of telegrams embodying their opinions.

As will be noted, all of the diplomatic missions so far heard from recommend the continuance of the visé regulations. It is believed that during the continuance of the war large numbers of undesirable and dangerous persons have been kept out of the United States through the enforcement of the visé regulations. The elements of unrest and disorder, which have always existed to a certain degree, but have been kept more or less under subjection, have in the unsettled conditions arising from the war broken their bounds in various quarters, particularly in Russia and Central Europe, and there is every reason to believe that large numbers of aliens, who do not believe in the form of Government now existing in the United States, may attempt to come to this country, many of them for the express purpose of carrying on anarchistic agitation. Reports indicate that anarchistic organizations in foreign lands are engaged in a propaganda which extends beyond the limits of their own country and includes the United States, and there is no doubt that they are attempting to send agents to this country to spread their propaganda.

After considering the reports of the representatives of this country abroad and conferring with some of our ministers on this subject, I do not believe that the time for abandoning the safeguard afforded by the passport-control system has yet arrived or that it will arrive immediately upon the conclusion of peace. It furnishes valuable assistance in preventing undesirable people from coming to this country, and is effective not only because it is more feasible for officers stationed in the country from which individuals seek to emigrate to obtain information concerning their antecedents, character, and objects than it is for officers in the United States to obtain such information, but also in cases which appear suspicious it is much easier to refuse a visé than to deny admittance to the suspected person after he has arrived at a port of entry of the United States.

I do not wish to be understood as holding that the visé system could or should supplant the exclusion provisions of the immigration law, but I am convinced from the operation of the system during the war that it can be for some time in the future, until conditions shall have become more settled, a very valuable adjunct in preventing the admission of agitators and other dangerous persons. In any continuance of the passport-control system the cooperation of the Bureau of Immigration of the Department of Labor, which has been so freely extended to this department, must necessarily be continued.

Two things are necessary to the continuance of the passport-control system: (1) The extension by special act or joint resolution of the act of May 22, 1918, and (2) the appropriation of a sum sufficient to pay the salaries of such additional employees as may be needed for the efficient carrying on of the work, both here and abroad, and paying the other expenses incident to the enforcement of the act. With reference to the first point it is suggested that it might be wise to exend the provisions of the act of May 22, 1918, for a period of one year after peace has been concluded with the Central Powers in Europe. If at the end of that time a further extension should be found necessary, the matter can again be submitted for the consideration of Congress.

With reference to the second point, Congress appropriated the sum of $75,000 "for carrying out the provisions of the act" mentioned, "including contingent and miscellaneous expenses and personal services and rent in the District of Columbia and elsewhere." This appropriation not only ceased to be available on June 30, 1919, but was never more than a small item of the cost of the enforcement of the law, inasmuch as consular and immigration, military and naval officers were utilized in connection with the other duties pertaining to the war which they were discharging. It is not possible, however, to continue this longer without further appropriation, for the expense is too heavy a charge upon the regular appropriations to permit of a continuance of the work. The work here and abroad has already developed beyond the capacity of the existing organization to deal with. A careful examination of the needs, both in this department and in the Diplomatic and Consular Service abroad, convinces me that an appropriation of not less than $750,000 will be necessary if the system of control be extended after the ratification of the treaty of peace through the existing fiscal year. The extent to which the work may be developed will be readily apparent when it is considered that the total number of immigrants admitted to this country during the fiscal year 1919 was 141,132, while the total number admitted in the year preceding the beginning of the war was 1,218,480, or more than nine times the number being admitted at the present time. It is thought, however, that some time will elapse before immigration and travel reach their prewar condition, hence the estimated expense is much less than it would be were it to be based upon even half the prewar immigration. An itemized estimate of the probable expenditure both here and abroad is inclosed. It may be plainly pointed out that it is useless to attempt to continue the system unless ample provision is made for its efficient enforcement. Regulations of the importance of those of passport control inefficiently executed or not executed at all are not only useless but, in the existing situation, may be dangerous.

The above observations relate principally to the question of continuing the visé system after the conclusion of peace. It is a serious question whether it can be continued until the conclusion of peace. Several of the diplomatic and consular offices in places from which there is a large emigration have telegraphed to the department that it is impossible for them to carry on the work properly with their present personnel. They are in immediate need of assistants, but this department has no available funds from which they can be paid. Unless funds are obtained for this purpose in the near future, it will be necessary to drop the visé work altogether, even before the conclusion of peace. Judging by reports received from diplomatic and consular officers it is believed that this would be most unfortunate.

It is proper to observe that the visé work brings a considerable revenue into the Treasury. Under the tariff of consular fees, a fee of $1 is required for the execution of each visé application and an additional fee of $1 for each visé. During the six months ended June 30, it appears that fees to the amount of about $200,000 were collected under the provisions just mentioned. As the numbers of immigrants coming to the United States have been constantly increasing since the first of the year, it is believed that visé fees are now being collected at the rate of $500,000 per annum. When immigration reaches normal proportions the amount of the fees collected will, of course, greatly exceed the amount just mentioned. The work connected with the issuance of passports to American citizens also brings in a considerable revenue. At the rate at which this work is now proceeding it is estimated that fees to the amount of $277,500 are now being collected annually for the issuance of passports by the department and the diplomatic and consular officers abroad and the execution of passport applications. Thus it appears that the Treasury is now annually receiving in connection with the passport work fees to the amount of about $777,500.

I recommend that, if you approve, this matter be laid before Congress at the earliest possible moment, in order that it may determine whether the existing system shall be continued, and, if so, make provisions for its efficient execution.

Faithfully, yours,

ROBERT LANSING.

THE PRESIDENT,
The White House.

Be it enacted, etc., That the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," are, so far as they relate to entry into the United States, continued for one year after peace has been concluded with the Central Powers of Europe.

Estimate of proposed expenditure for continuance of passport control for the fiscal year ending June 30, 1920.

Personnel and expenses abroad:		
75 special employees, at $3,000 per annum		$225,000
150 special employees, at $2,500 per annum		375,000
Actual and necessary traveling expenses of employees to and from posts of duty and when traveling under orders		155,000
Contingent expenses, United States consulates, additional for fiscal year ending June 30, 1920		100,000
Personnel and expenses in Washington:		
Additional employees, Department of State—		
1 at $3,000 per annum	$3,000	
2 at $2,500 per annum	5,000	
2 at $1,800 per annum	3,600	
2 at $1,600 per annum	3,200	
4 at $1,400 per annum	5,600	
8 at $1,200 per annum	9,600	
		30,000
Total for 12 months		885,000
Total for 10 months, approximately		750,000

[Paraphrase of telegram from London embassy.]

MAY 24, 1919.

SECRETARY OF STATE,
Washington, D. C.:

Under present circumstances I recommend strongly that present visa requirements and verifications of passports of American citizens returning to the United States continue until situation becomes more normal. The consul general concurs fully.

It is understood British authorities still retain certain control over persons leaving England, and if question of validity of American passports were left to the British port authorities, much inconvenience might result for the bearers. Furthermore, existing system of thorough interrogation of applicant and inspection of passports by consular officers necessarily must discourage presentation of false papers. Department already aware that the Bolshevik authorities in Russia are acquiring genuine American passports, intending to use them to send their agents to the United States and elsewhere; some of these passports undoubtedly will appear here.

DAVIS.

[Paraphrase of telegram from Paris.]

JUNE 7, 1919.

SECRETARY OF STATE,
Washington, D. C.:

Referring particularly circular telegraphic instruction 324, March 7: I believe not advisable at present discontinue alien visas and relax control of aliens traveling to United States, because such course would promote immigration which is undesirable, at least until demobilization American Army and adjustment labor conditions. After conclusion of peace, therefore, visas should be mantained, but verifications completely abolished. However, foreign governments will probably require for some time that passports be presented as documents of identity. In this respect, note that many new-form passports are presented for renewal more than 30 days after expiration, holders explaining that more punctual personal application not feasible. In order that more urgent matters might receive prompt attention, would it not be well to grant such extensions upon satisfactory explanation of delay, rather than to incur the additional clerical work by requiring that applications for emergency passports be made point of interrogation?

WALLACE.

[Paraphrase of telegram from minister at The Hague.]

JUNE 4.

SECRETARY OF STATE,
Washington:

The department's circular instruction of May 22 acknowledged. A summary of opinions of consuls and attachés with regard to visa requirements for aliens traveling to the United States after conclusion of peace follows:

The consul general at Rotterdam: The present requirements should remain in force at least until far stricter immigration laws have been enacted by Congress, as thousands of persons of all nationalities will endeavor to emigrate to the United States, and unless examined for visa great numbers of undesirables will undoubtedly obtain admission. Moreover, unless strict control is observed, Bolsheviki elements of enemy countries will swarm into the United States and endanger the country's welfare. Enemy subjects should not be permitted, except in special cases, to enter for a considerable period.

The consul at Amsterdam: All aliens proceeding to the United States should obtain American visa for as long a time after the conclusion of peace, as danger exists from Bolshevism and other forms of agitation and revolution detrimental to the welfare of America.

The military attaché: Aliens proceeding to the United States should be bearers of passports with American visa for one year after the definite conclusion of peace because of immense exodus of population from Germany and other central European countries, since it is obvious that a majority of these people will attempt to proceed to the United States by way of the Netherlands. It is safe to assume that a large percentage of the people from Germany and central countries as well as from southern parts of Russia will be undesirable, many of them for political reasons.

The naval attaché: At least for the near future all aliens proceeding to the United States should be bearers of passports with the American visa. At present there is too much Bolshevism and other agitation to warrant dispensing with this control. There may be a great wave of emigration to America after the conclusion of peace. In such case the visaing of passports would give great opportunity so to restrict emigration to America as to keep out the dregs of Europe.

End of summary.

The minister at The Hague entirely concurs with the above consensus of opinion. He believes that agitators, Bolsheviki, and propagandists will continue actively and factiously at work. It is likely that other countries will try to get rid of these persons and that the worst of them will go to the country to which the entry is

easiest and where there is the least to explain. American control organizations have been built up during the war and have at their disposal voluminous suspect lists and facilities for identifying undesirables and dangerous persons. The visa control would therefore seem to present the most ready as well as the least objectionable method of meeting the after-the-war problems of emigration to the United States and it need in no wise keep out persons who are desirable.

However, it is obvious that the value of the control will depend not only on its efficiency but on the uniformity with which it is carried out. A good control in one country or one part of a country will be entirely nullified by looser control elsewhere. The concentration of control in each country and an immediate and speedy interchange of information between the controls should be worked out by the department, and specially instructed men without other and irrelevant duties should be put in charge of the work.

GARRETT.

—

[Paraphrase of telegram received from the American Legation at Copenhagen.]

MAY 28, 1919.

I agree fully with the military and naval attachés that the visé passports of foreigners going to United States should be continued for a very considerable period after the conclusion of peace: (A) To exclude Bolshevist and German propagandists. (B) To protect further American labor after demobilization. (C) Because control at port of entry can not be so efficient. (D) Statistics gathered by investigation of applicants here are of great value. (E) It affords unusual opportunity to inquire into many business activities which would not be possible otherwise. Furthermore, we are of opinion that the abolition of seamen control is unfortunate in that it affords comparatively easy means for undesirables to reach our shores. Whatever it may cost the Government, it is our opinion that return would far outweigh expenditure.

—

[Paraphrase of telegram received from the American consul, Archangel].

MAY 29, 1919.

We are all strongly of opinion that aliens going to the United States after conclusion of peace should be required to have passports viséed. It is regarded as certain that a large number of aliens will try to enter the United States from this part of the world to spread Bolshevik propaganda. Consuls are decidedly in the best position to distinguish these from desirable emigrants or travelers.

POOLE.

—

[Paraphrase of telegram from consul at Christiania.]

MAY 26, 1919.

SECRETARY OF STATE,
Washington:

Military attaché, consul general, and I recommend aliens going to the United States be required to have passports viséed in order that they may be examined in their native lands, and undesirables more effectively eliminated than possible for immigration authorities in ports of United States. We regard it most important that funds for investigation be continued. The military attaché recommends that they be placed entirely in the hands of the consul general.

SCHMEDEMAN.

—

[Paraphrase of telegram received from the American legation, Switzerland.]

MAY 24, 1919.

Recommend that passports for aliens be strictly supervised after peace. The peril of Germans and Bolsheviki will not cease for at least a year. Vitally necessary, because of rumors of rapprochement between Germans and possible future enemies of the United States.

STOVALL.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3272) authorizing any land-grant railroad company or its successors to convey for public-road purposes certain parts of its right of way; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 3273) for the relief of Clarence Chambers; to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 3274) to increase the limit of cost for the construction of the United States post-office building at St. Johnsbury, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD:

A bill (S. 3275) for the relief of the Greenwood Bros. Café; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 3276) for the relief of J. G. Swinney; to the Committee on Claims.

By Mr. FRELINGHUYSEN:

A bill (S. 3277) granting a pension to James D. Ash; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3278) to insure greater safety for life and property during transportation on railroads, to make investments of money in railroads more secure and profitable, to reduce the costs of transportation on railroads, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 3279) granting an increase of pension to Albert N. Raymond; and

A bill (S. 3280) granting a pension to Robert Clark; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3281) granting an increase of pension to Mary S. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3282) for the relief of Alvin Harder; to the Committee on Military Affairs.

By Mr. DIAL:

A bill (S. 3283) to make the rate of postage on all mail matter of the first class within the limits of any post-office delivery district 1 cent for each ounce or fraction thereof; to the Committee on Post Offices and Post Roads.

TREATY OF PEACE WITH GERMANY.

Mr. CALDER. Mr. President, on Friday of last week I obtained unanimous consent to have published in the RECORD an analysis of the labor provisions of the treaty with Germany. At that time I also submitted a few observations in connection with this analysis.

I have here, Mr. President, a telegram addressed to Lewis E. Pierson, of 93 Eighth Avenue, Brooklyn. With the permission of the Senate I shall read it.

NEW YORK, *October 16, 1919.*

Mr. LEWIS E. PIERSON,
93 Eighth Avenue, Brooklyn, N. Y.:

In this moral and political crisis the League to Enforce Peace, William Howard Taft, president, A. Lawrence Lowell, chairman, has great and necessary responsibility of leading and securing expression of public demand for prompt ratification of the peace treaty and league of nations covenant without amendments and without reservations that would require resubmission to Paris conference or separate peace with Germany. Business uncertainty and industrial unrest will continue throughout the world until ratification starts life again in normal channels. Will you join others in contributing $1,000 toward expenses of campaign?

HERBERT HOUSTON,
Treasurer.
GEORGE WICKERSHAM,
VANCE MCCORMICK,
CLEVELAND DODGE,
OSCAR STRAUS,
Finance Committee,
Bush Terminal Sales Building, New York.

Mr. President, as an evidence of just how a telegram of this character affected the gentleman to whom it was addressed—and, by the way, he is the chairman of the board of directors of one of the leading commercial banks of New York City and a prominent official of the United States Chamber of Commerce—I propose to read his answer to the telegram, dated October 20, 1919:

OCTOBER 20, 1919.

Mr. HERBERT HOUSTON,
Treasurer League to Enforce Peace,
Bush Terminal Sales Building, New York.

SIR: Responding to your circular telegram, I decline to subscribe $1,000 for propaganda to coerce United States Senators to reach a hasty and insufficiently considered vote on the league of nations provisions of the peace treaty.

I can not believe that the people of this country, or even the membership of your league, will sanction such pressure on patriotic Senators sworn to the faithful performance of their constitutional duty, when it is realized that no debate has yet revealed the menace to the country contained in the labor provisions of the treaty.

These provisions clearly provide for an irresistible force to secure enactment into international law within 18 months by all nations in the league of every pronouncement of the labor conference created by the peace treaty.

Under the treaty the labor conference is specifically required to set up machinery for world propaganda in favor of its pronouncements, to be supported by funds contributed by all nation members of the league. The labor conference also is required to create a court of inquiry, charged with the duty of ascertaining the reasons why any nation delays in enacting the international laws the labor conference proposes.

The United States will be one out of over 40 nation members proposed for the conference, and will have 4 out of over 160 votes. With nearly every other nation in the world either committed or strongly inclined to advanced and even radical socialism openly advocating the elimination of property rights, the danger

to our institutions is obvious. It is clear that our representatives will be out-voted and our Nation, whatever its intentions, will continually be involved in domestic, as well as international, strife with radicals, even Bolshevists, at home and abroad, just when we need and should expect peace.

It is not the ideals underlying the league of nations that are opposed, but rather the logical effects of the operations of the specific league proposed. I am confident that the Senators clearly understand that with unanimous consent required but few, if any, changes in league provisions can be secured after the treaty is ratified.

I believe that instead of coercion the Senators should receive commendation for their patriotic stand for a full opportunity for thorough study and understanding of their duty at this time.

I am forwarding a copy of your telegram and of this response to the Senators from my State.

Very truly, yours,

LEWIS E. PIERSON.

Mr. President, I commend this telegram and Mr. Pierson's answer to the careful study of the Senate.

SUGAR SUPPLY.

Mr. PHIPPS. Mr. President, I have received a telegram bearing upon the question of the sugar supply, which is short and I believe it will be of interest to Senators. Therefore I send it to the desk and request that it be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

NEW YORK, N. Y., *October 21, 1919.*

Hon. LAWRENCE C. PHIPPS,
United States Senate, Washington, D. C.:

In reply to the published telegrams of Attorney General Palmer, I beg to state that the beet-sugar manufacturers are not and have never been profiteering. On the contrary, we are disposing of our sugars voluntarily as rapidly as produced at prices far less than we could command in the open market had we desired to take advantage of the present crisis in the demand for sugar. I send this after conference with the president of the American Beet Sugar Co.

HENRY T. OXNARD.

Mr. SMOOT. Mr. President, in this connection I will say that I have received a number of telegrams from the beet-sugar manufacturers of the West, and I want now to protest in the name of the beet-sugar manufacturers of the country against the Attorney General's attempt to make the people of the United States believe that the beet-sugar manufacturers of the West are profiteers. They are perfectly willing to agree with the Government of the United States on the price at which sugar shall be sold. They are not holding their sugar back as charged. In fact, the first intermountain sugar plant began manufacturing sugar on the 6th day of this month, and it ill becomes any official of the Government, in my opinion, to attempt to make it appear that the beet-sugar industry is trying to profiteer in any way, shape, or form in the selling of its products. On the contrary, the industry is against unjust prices, even though the conditions in our country and the world would justify greatly increased prices.

Mr. KING. Mr. President, I wish to indorse what has been stated by my colleague and to supplement the statement by a few further observations.

One of the representatives of the beet-sugar manufacturers called on me some time ago and urged that everything be done possible by Congress to induce the President or some executive agency of the Government to purchase as much as possible of the Cuban sugar crop in order that the prices for sugar in the United States be brought down to the lowest possible figure. I know that that representative of the beet-sugar organization was anxious to have the Government fix as low a price as it cared to, and he said that the representatives of the beet-sugar companies would be perfectly willing to sell now, as they had been during the war, at such prices as the Government might deem necessary for the public welfare.

SOCIALISTIC ACTIVITIES.

Mr. KENYON. Mr. President, a few days ago the second gas bomb in the attack of the packers was exploded on the floor of the Senate, and a number of gentlemen were accused of being socialists and reds. I think a resolution was at that time submitted which provided for investigation. I hope that an investigation may be made and made speedily. Some of these gentlement have no chance to reply to the attacks made upon them on this floor at the instigation, I believe, of the packers. Mr. Basil Manly, one of the gentlemen attacked, has written me a letter concerning it, and I think it is fair that the letter should be read to the Senate. No man has done more patriotic work in this war than Mr. Manly.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

THE SCRIPPS ECONOMIC BUREAU,
Washington, D. C., October 21, 1919.

Hon. WILLIAM S. KENYON,
United States Senate, Washington, D. C.

MY DEAR SENATOR KENYON: I have just seen in this morning's papers the account of Senator WATSON's attack upon the so-called reds in the Federal Trade Commission.

This is, of course, nothing more nor less than an attempt to block the passage of the Kenyon bill for limiting the predatory activities of the packers.

If Senator WATSON is as inaccurate in his statements in reference to others as he is in his detailed account of my alleged activities, he is grossly misinformed.

I never attended a meeting of the Fabian Club, either during my connection with the investigation of the packers or at any other time. During my employment with the Federal Trade Commission Stuart Chase was in the employ of the Food Administration, and I was only in his office on two occasions, both of which were on important business for the Federal Trade Commission.

During my work in Chicago as an investigator for the Federal Trade Commission I attended only one meeting, in company with Francis J Heney and one or two others, which I recall very distinctly was a huge patriotic mass meeting under the auspices of the National Security League in the interest of the Liberty loan.

I am not a socialist and have never been a member of any socialist organization. It is true that for many years I have been engaged in exposing what I considered to be wrongs against the public interest, and have thus incurred the enmity of certain very powerful interests. However, I do not yield to Senator WATSON or to anyone else in my desire to preserve this Nation as a democracy of, by, and for the people for the purposes set forth in the Declaration of Independence and proclaimed in the Constitution.

Yours, very sincerely,

BASIL MANLY.

LONGSHOREMEN'S STRIKE IN NEW YORK.

Mr. SHERMAN. Mr. President, on my own responsibility, I present a letter from a gentleman in New York City, in relation to a member of the conciliation commission to settle the longshoremen's strike in New York and vicinity. I ask that the letter be read.

The VICE PRESIDENT. Is there objection? There being no objection, the Secretary will read as requested.

The Secretary read as follows:

NEW YORK, *October 20, 1919.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR: As you possibly may know, all shipping in the port of New York is now tied up by a strike of the longshoremen and freight handlers, so that thousands of tons of perishable food are spoiling on the wharves, to say nothing of immense quantities of merchandise ready for shipment to foreign and domestic ports.

Secretary of Labor Wilson has just appointed a conciliation commission of three members to try to settle this strike, and one of these members is a man named F. Paul Vaccarelli, about whom I wish to give you the following information:

Vaccarelli, under the name of Paul Kelley, has been known for several years in this city as a leader of a notorious gang of thieves and thugs, and if you will take the trouble to ask Mr. William E. Flynn, now of the Department of Justice Secret Service, and at one time a deputy police commissioner of New York City, you will find that Paul Kelley has a most elaborate and unsavory police record, including, I think, charges in which he has been more or less implicated in almost every known crime, including murder.

This Paul Kelley gang hung out for years in the notorious Mandarin Club, on Doyers Street, in the Chinese district of this city, only a short distance from Third Avenue, where murders, robberies, and other crimes were openly planned and freely discussed with any visitors who were properly introduced.

Vaccarelli's gang were largely used by Tammany politicians in terrorizing their opponents in certain districts, especially about election time, which probably is the reason why he is not in the penitentiary at the present time.

Mayor Mitchel, now dead, who preceded the present Mayor Hylan, through the police department, practically broke up this Paul Kelley gang, who thereupon removed to a saloon on the corner of Forty-third Street and Seventh Avenue, of this city,

only a block away from the Hotel Astor, where they were apparently under police protection.

Vaccarelli was the adviser and confidant of his gang, sharing in their plunder and aiding them to get out of their scrapes by giving bail and securing the services of pliant attorneys, who appeared for them in court when arrested. Later he became connected with the Longshoremen's Union, which embraced the roustabouts and freight handlers on the water front, comprising about as tough and lawless body of men as can be found in this great city. He became an officer of this union, and as such politically useful to Tammany Hall even more than before. Unless I am very much mistaken, I think there are several untried indictments against Vaccarelli still pigeonholed in the New York City district attorney's office here, which is now controlled by Tammany influences.

It is an outrage on all decent people for a thug and gangster like Vaccarelli, who is responsible for many murders, robberies, and assaults upon innocent people, to be thus selected and honored by the United States Secretary of Labor. Can you beat it?

Yours, very truly,

WM. HALL ALLEN.

P. S.—The inclosed clippings from to-day's New York Times, page 1, may interest you in this connection.

Mr. SHERMAN. I send to the desk and ask to have printed without reading the news dispatch referred to in the letter.

The VICE PRESIDENT. Without objection, it is so ordered.

The dispatch is as follows:

[From the New York Times, Oct. 20, 1919.]

"The conciliation commission appointed on Saturday night by Secretary of Labor William B. Wilson to try to settle the longshoremen's strike got down to work early yesterday morning.

"COMMISSION MEETS TO-DAY.

"The first meeting of the full commission will be held at 10 o'clock this morning at the mayor's office, F. Paul Vaccarelli, the third member, being absent from the hearing yesterday. He said last night that he had not been officially notified of his appointment in time for the session yesterday.

"Replying to the attacks made upon him by T. V. O'Connor and Joseph Ryan, president and vice president, respectively, of the International Longshoremen's Association, and John F. Riley, strike chairman, who have protested his appointment on the commission, Mr. Vaccarelli said that the indorsement of these officials of the association would be considered a liability, and the strikers would show no more confidence in him than they have in the efforts of the officials to get them back to work.

"Speakers at the hearing yesterday protested against Mr. Vaccarelli as a member of the commission. He is president of the Harbor Boatmen's Union, and was formerly an official of the International Longshoremen's Association. When the strike was first called he was accused of having a hand in it, but he made emphatic denial of any connection with the longshoremen."

THE IRISH QUESTION.

Mr. PHELAN. Mr. President, I ask permission by unanimous consent to have printed in the RECORD a letter from Michael J. O'Brien, the historiographer of the American Irish Historical Society of New York in answer to the Senator from Mississippi [Mr. WILLIAMS].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN IRISH HISTORICAL SOCIETY,
New York City.

HON. JOHN SHARP WILLIAMS,
United States Senator from Mississippi,
Washington, D. C.

DEAR SIR: If the reports of your speech in the Senate in this morning's papers are correct, it is clear that you are entirely without knowledge of the facts of your subject, and it is for the purpose of informing you of a few of those facts that I am writing you this letter.

I regret to learn that you have received "threatening letters" because of your attitude on the question of Ireland, and that you assume they came from Irish sources. Most people will be surprised at this, since it is not in the Celtic nature thus to threaten an honorable opponent, however ignorant of his facts or however ungenerous he himself may be, and I can assure you with perfect confidence that if any Irishmen are responsible for such threats they do not represent genuine Irish feeling. But, doubtless you have heard before of "the devil dressing himself in the livery of heaven" so as to strike his opponents in the dark, and I recommend for your consideration the probability that these anonymous letters originated with an entirely different source than that to which you have attributed them.

The burden of your speech is upon what the Irish did or did not do in the Revolutionary War. You profess to believe they had no part in that struggle; that there were so very few Irish in this country at the time that their cooperation was utterly negligible. As one who has given many years of research to this subject, I am willing to admit that heretofore there has been much doubt and confusion as to the actual facts, and I admit also that some exaggerations have been indulged in by Irishmen whose enthusiasm was greater than their knowledge of the facts.

But let me tell you, sir, that there is no longer room for doubt on this subject, and in order that you may satisfy yourself on that point I am sending you a copy of a recent publication entitled "A Hidden Phase of American History." Almost without exception the critics agree that this book is a fair and impartial study of the case, and you will not find one statement within its covers where the authority is not fully shown. It stands as a challenge to every opponent of the principle that America is much indebted to Ireland; and, furthermore, you will find absolute proof in this book that America owes more to Ireland for the part played by her sons in the struggle for our independence than she does to any other country on earth.

In your opinion, statements such as this are only "part of the braggart nature of the Irish," who are "always contending that they have done everything, everywhere, at every time." I have never known, and I am certain no living person has ever known, that the Irish have made any such ridiculous contentions. * * *

Since you regard as incredulous anything that the Irish may say on this matter, suppose we cast aside every statement on the subject from an Irish source and find out what our enemies at the time of the Revolution had to say on the subject. Doubtless you regard English opinion worthy of credence, and it is English testimony I shall quote here.

(1) Let us first put on the witness stand the most competent of all English witnesses of the time, no less a person than Gen. Sir Henry Clinton, commander in chief of the English armies in America. On the 8th of March, 1778, Lord George Germain, secretary of war, wrote Clinton, directing him "to draw off from the American Army the number of Europeans which constituted its principal force." On the 23d of October, 1778, Clinton replied to this letter, relating the difficulties of carrying out these instructions, and in referring to the Continental Army Clinton said: "The emigrants from Ireland are, in general, to be looked upon as our most serious antagonists." This document is in the English archives at the public record office in London, and, as I have no doubt you have sufficient influence with "the powers that be" to secure a copy, I suggest that you send for it, since it is a rare historical document. But, as you may not wish to go to that trouble, I am sending you a photographic reproduction of the page from Clinton's letter in which this remarkable statement appears.

(2) Let us consult the testimony of Ambrose Serle, confidential agent of the British cabinet, who was sent to this country in 1776 by Lord Dartmouth, secretary of state, with instructions to determine and report upon "the strength, character, and personnel of the Rebel Army." Serle's letters to Lord Dartmouth indicate that he was an astute and observant official, and one in whose statements perfect reliance could be placed. In his very first letter to the home government, dated New York, September 25, 1776, Serle said: "Great numbers of emigrants, particularly Irish, are in the Rebel Army * * * and here they do Great Britain much injury by bringing over numbers and trades, and so adding strength, already too great, to the force of America against her." This document is among the records in the Tower of London, and, so as to save you the trouble of sending some one to that unsavory place to secure a copy, I am also sending you a photograph of Serle's written statement.

(3) You impugn as unworthy of consideration the statements of Galloway and Robertson that "one-half the Revolutionary troops were Irish." You do this in such a way as to make it clear that you believe no such testimony was ever given, and it is evidently your intention to create the impression throughout the country that this assertion emanates solely from "the braggart nature of the Irish." Now, while I myself believe that this estimate was exaggerated, I will prove to you that the testimony was actually given * * *. This testimony was given under oath before a committee of the lords and commons

in the year 1779; Galloway's statement was printed in the Royal Gazette of October 17, 1779, and Robertson's in the Parliamentary Register, or Proceedings of the House of Commons, and you will find photographs of both statements in A Hidden Phase of American History, at pages 78 and 90, respectively. In face of this you will no longer dare to assert, will you, Senator WILLIAMS, that this testimony was never given?

But as to what weight should be given to this testimony there may be some doubt. I have tried to verify it, but without success. I examined every available muster roll of the Revolutionary Army; I took down the total number of men and the number of Irish in each and every unit, and on the most careful and conservative computation, and casting aside all predilections in favor of the Irish, I found that at least 38 per cent of the American Army of Liberty were of Irish birth or of Irish descent. You can see for yourself how this proportion was arrived at, if you care to trouble yourself about the facts.

You say "there were 10 Irishmen in the British Army to every one in the American Revolutionary Army." That, sir, is an absolutely false assertion, and you have no warrant or authority whatever for it, since not even the worst enemy of the Irish has ever dared to make such a statement. It is perfectly true there were Irishmen in the British Army, as unfortunately there have been at all times, but that you may know with what reluctance these men fought against the colonists, I quote from the Pennsylvania Packet of November 27, 1775, a letter from Cork, Ireland, detailing the failure of the recruiting officers to fill up the regiments destined for the American service: "Many of the drafts that have come here to fill up the regiments ordered abroad swear they will never draw a trigger against the Americans, amongst whom they all have relations." The same writer prophesied wholesale desertions of Irish soldiers from the British regiments, and I have found abundant evidence to show that the Irish soldiers took every opportunity of "deserting to the rebels." See Force's American Archives (4th series, vol. 3), the New York Historical Society Collections for 1875, and the Royal Gazette for October 18, 1780.

Another of your statements is that "two-thirds of the Irish in America (in Revolutionary times) were Scotch-Irish and English-Irish from Ulster." That is another falsehood, as is amply proven by the records quoted in A Hidden Phase of American History. If it were so, how do you account for the preponderance of Irish names on the muster rolls, over and above those of supposed Scotch and English origin? How do you account for the great number of Revolutionary soldiers bearing the oldest names known to Irish family nomenclature? Let me illustrate by a few of these names and the number of Revolutionary soldiers of each name whom I have found on the rolls: Kelly, 695; Murphy, 494; Connor; O'Connor, 327; McCarthy, 331; Ryan, 332; Reilly, 286; Sullivan, 266, Dougherty, 248; Connolly, 243; Burke, 221; O'Brien, 230; O'Neill, 178; Fitzgerald, 184; Donnelly, 155.

Of 100 surnames of as ancient Irish origin as these, I have counted on the rolls a total of 12,293, and when the fact is considered that numerous other Irish names are represented on the rolls, I leave it to your own imagination to conclude what a gross injustice you have done to the Irish who fought and bled that this country of ours may be freed from foreign yoke.

I call your particular attention to the list of officers of Irish blood in the Revolutionary Army and Navy—nearly 1,500 in all—and to the further fact that Washington selected as his personal secretaries and aides such men as Reed and Carey, sons of Irish immigrants, and Moylan, McHenry, and Fitzgerald, natives of Ireland. Were these men, as well as Sullivan and Barry, O'Brien and Butler, and the many other trusted officers of the patriot army and navy your "Scotch-Irish" and "English-Irish"?

From A Hidden Phase of American History you may acquaint yourself with these and a thousand other facts concerning the Irish in the Revolution, and after you have read the book I assume you will not be unwilling to make the amende honorable and retract your previous statement. By your intemperate utterances as a public man, you have greviously injured the finest feelings of millions of people who have stood by their country in all the wars in which America has been engaged, and since even the commander of the English armies admitted that "the Irish emigrants" who enlisted in the "rebel" forces were his "most serious antagonists," surely it will not be incompatible with the dignity of even a Senator of the United States to admit that he was wrong.

Very respectfully, MICHAEL J. O'BRIEN.

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HOUSE BILL REFERRED.

H. R. 9783. An act to provide a national budget system and an independent audit of Government accounts, and for other purposes, was read twice by its title.

The VICE PRESIDENT. As the Senate has appointed a special committee to devise a plan for a budget system, the bill will be referred to that committee.

SOCIALISTIC ACTIVITIES—FEDERAL TRADE COMMISSION.

Mr. HARRIS. Mr. President, I ask unanimous consent that I may make a brief statement relative to the resolution introduced on the 20th instant by the Senator from Indiana [Mr. WATSON] and referred to in the letter sent to the desk by the Senator from Iowa [Mr. KENYON].

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, we on this side of the Chamber could not hear the request of the Senator from Georgia.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent to make a brief statement touching the remarks of the Senator from Indiana [Mr. WATSON] on the subject of "red" activities in the Federal Trade Commission. Is there objection? The Chair hears none, and the Senator from Georgia will proceed.

Mr. HARRIS. Mr. President, I shall heartily support the resolution of the Senator from Indiana [Mr. WATSON] to investigate charges against employees of the Federal Trade Commission. I do more than that; I urge that it be reported without delay. The speech of the Senator, in my judgment, will do more harm to efforts to reduce the high cost of living than anything that has occurred since I have been a Member of the Senate. The Federal Trade Commission has made known certain facts in regard to the methods of the five meat packers which are being considered by the Senate Agricultural Committee. The facts can not be contradicted, and an attack on a few minor employees will not deceive the public or prevent the consideration of these facts on their merit.

Mr. President, I was appointed by the President as a member of the Federal Trade Commission when it was first organized. The commission took over all employees of the old Bureau of Corporations, which was a part of the Department of Commerce, and was organized, I think, by Mr. Frank Hitchcock, then Assistant Secretary of Commerce, who was afterwards chairman of the Republican National Committee and Postmaster General. Most of these employees are still there; they were placed under the civil service, and nearly all are Republicans. Mr. Walter Durand, one of the economists who was condemned by the Senator, is a brother of Mr. E. Dana Durand, former Director of the Census, and before that connected with the Bureau of Corporations. Mr. Dana Durand was employed by the packers while his brother was engaged in this investigation.

I do not remember the other employees of the commission referred to by the Senator. The administrative part of the commission, under a resolution which I offered while a member, was placed entirely under the secretary of the body, and the commissioners did not come in contact with the minor employees. I did not know their views; but if the charges of the Senator from Indiana are true, they should be discharged at once, not only in the commission, but in all other Government agencies.

When the investigation of the packers began, Mr. Edward N. Hurley was chairman. He was afterwards chairman of the United States Shipping Board, and did as much as any man in this country to help win the war. I have never known an abler man or one who was more anxious to do constructive work for the benefit of the people of this country. Mr. Hurley has made a great success in business. The Federal Trade Commission is composed at present of former Gov. Fort, of New Jersey; Mr. William B. Colver, of Minnesota; Mr. Victor Murdock, of Kansas; and Mr. Houston Thompson, of Colorado. I served with the first three members for several months, and while we did not agree at all times on all matters, I found them to be conscientious and able men, with only one thing in view—to serve their country. Gov. Fort, a Republican, had been governor of his State and a member of the supreme court of New Jersey. Mr. Colver is a very able man, and whatever else may be said of him, no one charges that he is not the friend of the consuming public. Mr. Murdock was for many years in Congress, a leading Republican and Progressive—a man who has the confidence and respect of everyone who knows him. Mr. Houston Thompson had been Assistant Attorney General, where he rendered most able service. He has been a Republican in politics, but, I understand, voted for President Wilson. There is no politics in the commission, so far as I know. The commission's

work in cost accounting during the war saved this country hundreds of millions of dollars in Government purchases. The chief economist is Dr. Francis Walker, a son of Gen. Walker, of Massachusetts, who was Director of the Census Bureau just after the Civil War and a man of ability and character. Mr. Roberson, who, with Dr. Walker, planned the investigation of the meat packers, was with the old Bureau of Corporations through several Republican administrations. He is a man of ability and is one of the most useful men I have met in the Government service. The administrative office of the commission during my service there was in the entire charge of Mr. Leonidas Brackens, who is from the Senator's own State. He had full charge of the employees and directed investigations. He is a man of ability, education, and integrity. There may be a few exceptions; but, taking them as a whole, there are no more efficient or honorable employees in this Government than those of the Federal Trade Commission.

There are very few employees of the commission from my section of the country and there is no commissioner from the South.

Mr. President, I have been greatly surprised at statements made on the floor of the Senate about efficient and honorable employees of the Government who can not defend themselves. I am glad to say that the first statement I made in the Senate was in the defense of the members of the Tariff Commission, with whom I had been officially associated. I knew them to be honorable, upright, and able men. The men I defended were Republicans, but my association with them and the Government agencies with which they were connected convinced me that a great injustice had been done them. For my part, I think the injury done to the man who is stabbed in the dark is no greater than the injury inflicted upon the character of efficient public employees by charges in Congress which investigation beforehand would show to be groundless. I shall always be guarded in my remarks in criticizing public officials.

Lawyers, when they have a poor case and can not controvert the facts, resort to denouncing and ridiculing the attorney and plaintiff on the other side, and the Senator's effort to discredit the Federal Trade Commission will hinder but will not deter those who are trying to bring some constructive legislation that will protect the consuming public. The combination of the meat packers is doing more to prevent the reduction of the high cost of living than any other monopoly in this country. They are spending millions in lobbying, advertising, and in other directions in their propaganda to prevent legislation that will curb their power. If they would reduce their profits and give the people the benefit of the millions they are spending in this way, there would be no necessity for such legislation; but they have resorted to the plan which wrought havoc to the railroads by trying to defy the Government and prevent needed legislation through lobbying and paid advertisements. In some papers the press report giving facts about the packers' methods is placed underneath the criticism and attacks of the five packers on the Federal Trade Commission and its members. The Federal Trade Commission stands between the consuming public and the monopolies of this country. If you discredit the commission by charges against its employees and the commissioners or otherwise, it will do more to perpetuate the monopolies and continue the high cost of living than anything that can be done.

Mr. President, there has never been a lobby in this country so powerful as that of the packers. One of the greatest lobbies ever before Congress was when the packers were powerful enough to secure legislation allowing them to control their private cars, which, like the pipe lines of the Standard Oil companies, enabled them more than any other thing to prevent competition and perpetuate monopoly. The packers have not only hired agents but they are spending millions of dollars in advertising and other ways in trying to influence the public. Their lobby to prevent the passage of the Borland resolution to investigate the packers has never been surpassed. The packers have tried to employ men who had influence with Members of Congress or the Government agencies. They have not stopped at anything in their propaganda. They have sent their employees to cities and towns and by distorting the facts have had resolutions passed by civic bodies and other organizations. They have forged telegrams that were never signed. The organization of the packers is so great and the combination so complete that they can put out of business any wholesale or retail grocer in any part of the country. There is no individual in the State of Indiana or in the country whose living expenses are not made higher by reason of the monopoly of the packers. The prices of all of the hogs and cattle raised by the farmers in Indiana and the entire country are fixed by this combination of packers.

If the Senator from Indiana does not know, many others do, that the packers are good friends when it comes to contributions for campaign funds, but enemies of the public when it comes to reducing the cost of living.

Mr. President, I think every man who is writing or speaking against our form of government should be sent out of this country, and for my part I am opposed to any immigration into this country for some time because of the large foreign element in sections of the United States who do not understand our form of government. I favor the deportation of all Bolshevists, anarchists, and such people, and I am proud to say that in my section we have none of that class. I regret that they are such a menace to other sections of our country.

I agree with all the Senator has said about Bolshevists, anarchists, and socialists, and I shall join him in every effort to get rid of such people in the Government service and the country. However, if the Senator discredits the Federal Trade Commission, destroys its usefulness, and the legislation to regulate the packers is defeated, then I fear the Senator will have aided the cause of socialism and Bolshevism a thousand times more than all the Government employees he has mentioned. But I hope that while we are ridding the Government of this undesirable class the distinguished Senator from Indiana will join with other Senators who are trying to enact constructive legislation to regulate the packers, prevent them from continuing to make the cost of living high, help defeat the object of their campaign to discredit this legislation, and protect the people from this monopoly.

The Senator began his remarks by saying, "What I say in support of this legislation is in no wise a defense of the packers." The packers are now spending millions of dollars to discredit and destroy the Federal Trade Commission, but none of their efforts have been as effective as those of the Senator from Indiana. If the Senator can discredit the commission in this investigation he has accomplished more for the packers than they could for themselves with all of their millions spent in lobbying and propaganda. He will also advance the aims of Bolshevism and socialism if he causes the people of our country to lose confidence in their public officials.

Mr. WATSON. Mr. President, I have been very much interested in the remarks of the Senator from Georgia. The speech that he has delivered is in the nature of confession and avoidance. He has said that he is in favor of the adoption of the resolution introduced on Monday.

Mr. HARRIS. Mr. President, I am in favor of the resolution, because an investigation of the employees of the Federal Trade Commission will show that they are faithful, honorable, and patriotic employees of this Government, with perhaps a few exceptions.

Mr. WATSON. The Senator reiterates, Mr. President, that he is in favor of the resolution, and therefore he and I are together on that fundamental proposition. The statement I made had no reference whatever to the Federal Trade Commission as such. I distinctly stated that I was not seeking by this resolution at this time to involve the members of the Federal Trade Commission as such. As to what may develop in the course of an investigation I do not know; but I did state on my responsibility as a Senator that I had carefully investigated the matter to which I referred in my remarks and that I had every reason to believe, after a faithful investigation, that the charges I made were true. All I ask is an investigation in order to prove the truthfulness of these propositions.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. I yield.

Mr. KENYON. I should like to ask the Senator if he personally investigated the charges which he made against Mr. Basil Manly, and if he has heard the letter of Mr. Basil Manly read this morning?

Mr. WATSON. I heard a part of the letter of Mr. Manly read.

Mr. KENYON. Does the Senator say that he personally investigated the charges against Mr. Manly before he made his speech?

Mr. WATSON. I do.

Mr. KENYON. And that the charges are correct?

Mr. WATSON. Yes.

Mr. KENYON. Would the Senator object to giving us the sources of his information as to Mr. Manly?

Mr. WATSON. When that committee meets I will give the source of my information.

Mr. KENYON. Will the Senator say that those sources of information did not come from the packers or their representatives in this city or anywhere else?

Mr. WATSON. I say that they did not. I do not know a packer, one of the big five; I never met one.

Mr. KENYON. Did the Senator meet any of their lobby in the city of Washington before he prepared his speech?

Mr. WATSON. I did not. I have had communication with but one man in any wise connected with the big packers.

Mr. KENYON. Will the Senator say that none of his information as to these men came from the representatives of the packers?

Mr. WATSON. I say that.

Mr. KENYON. It did not?

Mr. WATSON. It did not. In other words, my information about the Federal Trade Commission came from the inside of the Federal Trade Commission itself. That is where I got it, and after I got it I hunted out one man in this town and asked him whether or not he had information along the same line.

Mr. KENYON. Mr. President, does the Senator then charge that the refutation of Mr. Manly—who had no chance to reply to the attack except by this letter—is untrue?

Mr. WATSON. I will say to the Senator from Iowa that I did not hear all the letter read because I was interrupted, but the part I heard I think I can disprove. In other words, I want to say to the Senator from Iowa that if we have this investigation for which I have asked I expect to substantiate every statement I made with reference to these men and their socialistic activities.

Mr. KENYON. The Senator has heard no opposition to the resolution, has he?

Mr. WATSON. No; not that I know of.

Mr. KENYON. Everyone favors it. Where is the resolution now? Why is it not presented and passed?

Mr. WATSON. It is before the Committee to Audit and Control the Contingent Expenses of the Senate; and the Senator from New York [Mr. CALDER], who is the chairman of that committee, has been absent until this morning, and I had no opportunity to take up the matter with him.

Mr. KENYON. Does the Senator expect the resolution to be reported out of that committee?

Mr. WATSON. Yes.

Mr. KENYON. If it can be reported out now, it can be passed. There is no one opposed to it that I know of.

Mr. WATSON. The only point about it is that it is necessary for the committee to make an estimate of the cost, and then it must be brought into the Senate. The committee has not met for that purpose.

Mr. CALDER. Mr. President, our committee having been brought into this matter, I may say that we have not had a meeting. I have not read the resolution. I have no knowledge of it except what I have seen in the newspapers and what has been said this morning. We will have a meeting in due time and pass upon it, and undoubtedly will report it.

Mr. WATSON. I called the attention of the Senator from New York this morning to the resolution when I learned that he had returned.

Mr. CALDER. Mr. President, I might add that the Senator from Indiana called on me this morning and said that it was his purpose to bring the resolution to my attention further during the day and ask for consideration of it.

Mr. WATSON. Now, Mr. President, all I want to say is this: This thing can not be thrashed out on the floor of the Senate. It can be determined by the members of the Interstate Commerce Committee if this resolution is passed, and all I want is the opportunity to prove the truthfulness of my assertions.

My friend the Senator from Georgia has made two statements that are wide apart from the issue involved. The first is a defense of the Federal Trade Commission, which has not been assailed. The second is the charge——

Mr. HARRIS. Mr. President, I should like to say to the Senator that the Associated Press carried his entire speech, and the headlines in the papers that I have seen from the South all refer to the attack made on the Federal Trade Commission and its employees.

Mr. WATSON. I am not responsible for what any press report carries. My speech speaks for itself, and my charge was directed against the employees of the Federal Trade Commission during the time they were occupied in investigating the packers in the city of Chicago. Now, I want to ask my friend from Iowa a question. I want to ask him whether or not he denies the socialistic activities of these gentlemen whose names I gave?

Mr. KENYON. Mr. President, I have said nothing about anyone except Mr. Manly. I do not know the other men. If they are guilty of the things the Senator claims—that is, that they are "reds"—they should be fired out of the commission just as quickly as they can be fired.

Mr. WATSON. Precisely.

Mr. KENYON. I am with the Senator on that. I want to know, however, whether that is the real purpose of the resolution, or whether the purpose is to injure the bills that are pending here for the control of the packers?

Mr. WATSON. Mr. President, I distinctly stated, and I reiterate, that I have no desire in the world to interfere with the investigation that is being conducted by the committee of which the Senator from Iowa is chairman.

Mr. KENYON. No; the Senator is entirely mistaken about that. I am not the chairman of it. That matter is before the Committee on Agriculture and Forestry.

Mr. WATSON. Before the Committee on Agriculture and Forestry; yes. I have not read one line of that testimony.

Mr. KENYON. But is it not a little strange, when these gentlemen have been employed there for years, that this question has never been raised until we get to the consideration of the packers' bill? That is what arouses a person's curiosity as to these attacks.

Mr. WATSON. Mr. President, for many weeks I have been investigating the activities of socialists in the departments in Washington, not only in this department but in other departments; and I will say to the Senator that I propose from time to time to bring up these other departments, and to give the names of men who are employed, and to give the socialistic activities of these other men.

Mr. KENYON. Mr. President, I hope the Senator will do it at the earliest possible moment, and he will find a most cordial cooperation among the Members of this body; but how does it happen that at this time, when we are considering the packers' bill, we simply get this one, which the Senator must realize would have a very bad effect upon the consideration of that bill? It would discredit the report of the Federal Trade Commission. The Federal Trade Commission never was attacked until it had the nerve and the courage to tell the American people some of the facts about the Packing Trust.

Mr. WATSON. Mr. President, if the Federal Trade Commission has told the country the facts, those facts are not going to be overturned by the character of the men who made the investigation.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

Mr. WATSON. Yes.

Mr. PENROSE. The Senator from Iowa says the Federal Trade Commission never was attacked until the packers' legislation came along. I can hardly let that statement pass without challenge. I have been overwhelmed for several years with complaints from business men concerning the Federal Trade Commission for its inefficiency, incompetence, and inability to discharge the public business. It is notoriously so.

Mr. KENYON. I think that correction is well taken as to my remarks. I should have said it never was attacked as to its socialistic or "red" tendencies.

Mr. PENROSE. I have hardly heard an epithet of condemnation in the English language that has not been visited upon every individual member of the Federal Trade Commission.

Mr. KENYON. Well, I suspect that is no more true than it is of the condemnation that is visited upon Members of Congress and Members of the Senate.

Mr. PENROSE. That may be.

Mr. KENYON. But I say they never have been charged with being disloyal and socialistic and anarchistic in their tendencies, except possibly by some big business concerns that they might be investigating.

Mr. PENROSE. I am glad the Senator from Iowa concedes, then, that this is not the only time the Federal Trade Commission has been attacked.

Mr. KENYON. Does the Senator say they have been attacked before as socialistic and anarchistic?

Mr. PENROSE. I have heard almost every epithet, charge, and designation, mostly unfit to print, applied to the Federal Trade Commission.

Mr. KENYON. The Senator has heard things that I have not, then. He has had information that I have not.

Mr. THOMAS. Mr. President, I have heard a good many hard things and a great many epithets regarding the senior Senator from Pennsylvania, but I have not given them any credit.

Mr. PENROSE. Mr. President, that may be. In the rough and tumble of party politics we hear those things; but here is a semijudicial body that is absolutely condemned—I know of no exception—by the business men who have been unfortunate enough to come before it for its incompetence and its inability to discharge any function that I have been able to ascertain.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON. I yield to the Senator from Georgia.

Mr. HARRIS. I am familiar with some of the investigations made, and I recall that from the Senator's State, the State of Pennsylvania, a number of business men were before the Trade Commission, and about 200 in that section of the East, some from Pennsylvania, plead guilty to the complaints made against them. I will cite an instance to show the work the Trade Commission is doing, and of course they will always be abused by big business that is not trying to do a legitimate business.

There was a man in San Francisco selling poles. The Western Electric Co. was a competitor. He did not know that. They not only destroyed his business but they actually bought the business of this poor man—everything in the world he had. The Federal Trade Commission investigated it, and the General Electric Co. paid this man $30,000, I believe, and gave him back his property, when the Trade Commission investigation showed what had been done.

Men like this, Mr. President, will always be denouncing the Federal Trade Commission. Men who believe that big business should do as they please, and not let little business get along and get a start, just as they did, will always be denouncing the Federal Trade Commission. If the Senator from Pennsylvania will remember the men who denounced the Federal Trade Commission, and will give a list of them to the Federal Trade Commission, he will probably find that they have been investigated by the commission for unfair practices in commerce.

Mr. WATSON. The statement the Senator makes is wide of the mark so far as the purpose of this resolution is concerned.

This resolution charges that certain men employed by the Federal Trade Commission are socialists, that some of them are anarchists, and the question that I want investigated is whether or not that is true. If that be true, both Senators say that these men should be ousted from their present positions. The question as to whether the packers are guilty or not guilty has not a thing in the world to do with the question involved. All agree that if my resolution charges the truth, these men should be ousted from their present positions. All I want is an investigation, and then, if I do not show the truthfulness of every charge I have made, I will honorably say so on the floor of this body. My information is entirely reliable and entirely trustworthy, and I propose, if this investigation is ordered, to prove the truthfulness of the charges I have made. If I do that to the satisfaction of my friend from Iowa [Mr. KENYON] and the Senator from Georgia [Mr. HARRIS] I have no doubt that both of them will agree that these men, and all of like character, should be ousted from public position in this and every other department of the Government service. That is the only object I have in view.

Now, I want to make response to one statement made by the Senator from Georgia. I know that he did not mean it in a personal way, but I do not think I should permit it to pass without being noticed. He says that if the Senator from Indiana does not know, other Senators know, and other people know, that the packers are large contributors to campaign funds. Mr. President, no packer every contributed one dollar to any campaign fund of which I have any knowledge. If the packers ever gave one dollar to anyone for political purposes in the State of Indiana I do not know it. Certainly, if the Senator had any reference to me personally, I would repel it as an outrage.

Mr. HARRIS. I want to state to the Senator that I had no reference to him personally; I have the very highest regard for him; but I state, and I state with a knowledge of the facts, that they have contributed largely to campaign funds, and it is generally known by men in public life.

Mr. PENROSE. Mr. President, will the Senator from Indiana permit me on that point?

Mr. WATSON. Certainly.

Mr. PENROSE. I am a little astonished at this disclosure of sensitiveness on campaign contributions. There is not a prominent man connected with the present administration, in a position of authority, who did not get his original recognition by reason of the size of his campaign contributions to the Democratic Party—every ambassador, every man connected with the peace conference in Paris; I do not want to mention names, but notorious Wall Street gamblers; men regardless of how they made their money as long as they were lavish enough to the Democratic Party. I am surprised that the Senator develops this fine sensitiveness about campaign contributions at this late date. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries are paying no attention to the rules of the Senate, and the doorkeepers are paying no attention to the orders of the Senate.

Mr. HARRIS. I am sorry the Senators are so sensitive about campaign contributions. I want to say to the Senator that I had no reference to them or to the Republican Party or any other party. The packers are interested in legislation and are spending fabulous sums in a propaganda to defeat legislation at this time. They do not care any more about one party than they do another. I had no reference whatever to the Republican Party or to any party.

Mr. PENROSE. Mr. President, I have no doubt that certain groups of the packers have been very liberal to the Democratic Party.

Mr. HARRIS. I do not know about that, Mr. President. The Senator is higher up in the party council than I am.

Mr. PENROSE. The Senator seemed so familiar with the other facts that I supposed he was an expert on the subject of campaign contributions.

Mr. WATSON. Mr. President, the other proposition involved is that several of these employees, as stated by the Senator from Georgia [Mr. HARRIS], are Republicans. I know nothing about that. If the Republican Party has within its fold men of the character of those I described the other day, and those men are Republicans, then I am not a Republican. If I had my way about it no man who believes in the things that those men believe in and have practiced and worked for should ever be recognized in the councils of the Republican Party. Certainly the Republicanism in which I believe, and in which I have believed and for which I have labored all my life, is not that kind of Republicanism, because the Republican Party has never believed in any of these socialistic ideas, but on the contrary has always believed in constitutional government, representative in character, with the right of individual initiative and individual endeavor, and with the right of ownership and use and enjoyment of private property.

Mr. KENYON. I did not have the pleasure of hearing the Senator's speech, nor have I yet had time to read it. But I understood the Senator had described these men not only as socialists but virtually as anarchists and as attending meetings of the "reds."

Mr. WATSON. Yes, sir.

Mr. KENYON. That is what I mean when I say that if the Senator proves that they should be expelled at once from Government service. But the Senator now says that if he should show they were socialists they ought to be at once expelled. Does the Senator mean that no socialist should be in any way employed by the Government? I do not want to go to that extent.

Mr. WATSON. Mr. President, if I were to enter here upon a dissertation on the subject of socialism, it would take me two hours to give my views upon that subject.

Mr. KENYON. The Senator said he believed they should be expelled. I go to the point of agreeing with that view if the Senator shows they are "reds" and anarchists.

Mr. WATSON. That is what I will prove.

Mr. KENYON. But I do not want to go to the extent of saying that they should be expelled if they might happen to be socialists.

Mr. WATSON. There are at least 49 varieties of socialism; 57 varieties, my friend from Colorado [Mr. THOMAS] suggests. Of course, Mr. President, I would not go to the extent of saying that every man who entertained any of the mild views that some socialists entertain should be kept from public position. But I do mean that I do not believe that men who believe in the fundamental principles of socialism—and fundamentally socialism and Bolshevism are the same, as I could prove beyond a doubt if I cared to go into it—men of that stamp of character who are opposed to all government, ought to be permitted to work for any government. I do not believe that the men who believe that business should be taken away from the men who have made it and the men who own it and given to the Government should be sent out to investigate business of any character. They are against all business, and are therefore in no frame of mind or mental attitude to investigate any business. I do not believe that a man who is opposed to the fundamental principles of this Republic ought ever to be employed in any official capacity by this Republic, and that is the thing I have in mind. And I will say to the Senator from Iowa [Mr. KENYON] that I think I shall show to his satisfaction that these men are guilty of the very things I have charged.

Mr. SMOOT. Mr. President, from the statement made by the Senator from Georgia [Mr. HARRIS] I take it for granted that he is very deeply interested in the question of reducing the high cost of living. Evidently he thinks that the Federal Trade Commission is the body that is going to bring about that reduction. I want him, as the personal defender of the commission upon this floor, to call the attention of the commission to the report of

a subcommittee of the Agricultural Committee of this body. Senator BALL was chairman of the subcommittee, and I want at this point to call attention to a part of the subcommittee report. The subcommittee reported that—

Frequently retail prices are from 200 to 300 per cent in excess of the wholesale prices. It would seem that the retail meat dealers receive a greater per cent of profit than the farmer, live-stock raiser, buyer, railroads, commission men, and cold-storage houses and packers combined.

I think, Mr. President, that is a fruitful field for the Federal Trade Commission to investigate, but I doubt whether an investigation will be made, because there are too many voters involved, and it is not popular at this time to attack a business, even though making two or three hundred per cent, if many votes are involved. It is admitted by everyone that the packers make only 2 per cent on their turnover, the smallest of any line of business in all the world; but they have few votes. This is a splendid place for the investigation of the Federal Trade Commission to begin, Mr. President, to see how the high cost of living can be reduced. It was shown—and I know it to be true—that to-day the wholesale price of beef in the District of Columbia is $16.44 a hundred. That includes every dollar that is paid to the man who raises the steer, all the expenses attached in raising it, the expense of purchasing it, the expense of shipping it to market, and the expense of the packer from the time he receives the steer until the beef is put in the retailer's hands here in the District of Columbia. I doubt very much whether $16.44 a hundred, for which that beef is sold by the packer to the retailer in the District of Columbia, will cover the difference between the wholesale price and the price that the consumer is compelled to pay in this city.

LIVE-STOCK INDUSTRY OF THE WEST.

Mr. CAPPER. Mr. President, I have here a communication from the Kansas State Live Stock Association, one of the strongest and largest associations of producers in the West, which I would like to have read by the Secretary, and then, if I may have the unanimous consent of the Senate for a few minutes, I would like to have the indulgence of the Senate for a brief comment on the subject.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: The executive committee of the Kansas State Live Stock Association have requested us to appeal to you and other Members of Congress and to the various departments of the Federal Government in behalf of the live-stock industry of the West, which is now threatened with disaster.

We have the anomalous situation at this time of complaint from consumers all over the country that meat prices are high, while at the same time the producer is losing money on every animal he markets at present prices.

We believe that from the supply and demand standpoint there is no legitimate cause for the radical decline of 25 per cent in live-stock values in the last 90 days. But, nevertheless, every animal marketed to-day loses the cattle feeder from $30 to $50. The loss to live-stock raisers in Kansas alone amounts to millions of dollars in the last few weeks. There will be a great falling off in number of cattle and hogs fed in the Southwest the coming season, and production greatly curtailed, if conditions do not improve.

Legislation that will assist in opening up the foreign markets, establish a system of credit advances for foreign buyers, stabilize the home markets, and reestablish normal business conditions at the earliest possible moment will be of great assistance to us. There should also be a reduction in ocean rates on meat products to European markets.

We believe the situation should have the best attention of the Federal Government.

Very respectfully,

W. R. STUBBS, *Chairman.*
J. H. MERCER, *Secretary.*

Mr. CAPPER. Mr. President, I call the attention of the Senate especially to this memorial because it has direct bearing upon the relation of the producer to the problem that is uppermost now in the minds of all the people of this country, and which really is at the base of the inquiry that is now being conducted in this city by the industrial conference.

A subject that is engrossing the attention of the whole Nation at this time is the matter of the cost of living. On every hand it confronts us. It touches every person in our land. The industrial conference now in session at the call of the President has at its base, as I said, this same vexing problem. In our efforts to get rid of the high-cost-of-living disease I fear we are in some danger of dying of the remedy. As a result of Washington's effort to reduce high prices by bearing down entirely on the cost of food, we have the remarkable spectacle of a rise of 1 per cent in the cost of living coincident with market drops that are putting live-stock raisers out of business and causing serious losses to other producers.

Mr. President, for many years I have been in touch with farming and with the needs and aspirations of farmers. We do not need the statistics—which, if required, might be produced in abundance—to convince us of the patriotism of the farmers of the Nation in responding to all war needs, whether in increased production, in subscribing to war charities and war loans, or in giving their sons to the Army and Navy and their wives and daughters to replace them in the field. We know full well of the nature and degree of the farmer's response to every call made upon him. But when the call went out summoning this great industrial conference to meet in Washington, the farmers of the Nation, constituting almost half of our producing population, were accorded but three representatives. Agriculture, the greatest of all industries and the basic industry of the country, finds itself playing a minor part, so far as number of representatives is concerned, in a conference which, if it succeeds in its purposes, will have a vital effect on the future industrial life of the Nation.

In this agriculture is acting a not unusual rôle. It is unfortunate, but it is true, Mr. President, that agriculture never has received recognition in proportion to its vital importance in this country. Always it has been called upon to serve, rarely to participate in making the rules of service.

During the war and since the war, in whatever has been done to meet emergencies, it is the consumers' best friend, the producer, who has invariably been hit. He has been the one who chiefly has borne the brunt of it. When the control of the Food Administration was lifted last winter from flour, shorts, and bran, these products almost doubled in price immediately. Many dairymen were compelled to go out of business because they could not buy mill feed. But grain made little or no advance.

Then came dollar-an-hour wages, which would require about $3 wheat for the average winter-wheat grower to break even. And this has now been followed by a decline in the market price of all farm products incidental to an otherwise resultless campaign against profiteering which has left the producer in a position where he is getting decidedly the worst of it.

Farmers were urged during the war to produce wheat and were rewarded by an appreciative Government with a guaranteed price—nearly a dollar a bushel below what was being received in the open market. And the great United States Government profited $23,000,000 at the expense of the farmer in 1918. Then, early this year, the war having closed, the Government guaranteed the farmers a price for their wheat, and the Congress appropriated a billion dollars to back up the guaranty, but the farmer has been accepting anything from 20 to 70 cents less than the guaranteed price. The Government not only has the billion dollars saved, but the United States Grain Corporation, by means of an embargo on wheat and wheat products to Europe, probably will be able to report an equally large profit for the year 1919. The situation of the live-stock farmer is even more deplorable. Urged by the Government at the beginning of the war to produce an increasing amount of pork and mutton and beef, he responded as did the wheat farmer. In 1918, with the war on, he made a satisfactory profit, though nothing in comparison with the profits made by manufacturers in practically every line. It takes three years, Mr. President, to produce a steer for market. This year, with the war ended, with the Government out of the market, with the European markets closed by reason of prohibitive foreign exchange rates and lack of credit, with the Government making its first essay into the cost of living problems by a demand for a lowering of price of farm products, the live-stock man to-day finds himself confronted with a demoralized market, and a loss amounting sometimes to as high as $60 a steer on the very live stock that the Government induced him to produce. The result has been complete financial failure of many live-stock men and immense losses to all who had herds when this year's enormous slumps in prices occurred.

Farmers are selling their grain-fed beeves and hogs for less than it costs to produce them, but the consumer finds little or no change in the price of meat.

While everything a farmer must buy demands the high dollar, the price of his commodities, the cheapest in the market, are held down by a foreign embargo and a Government guaranty.

In 1917, when the Government set the price on wheat, Kansas farmers were selling it for $2.45 to $2.60 a bushel. Everything, including labor, has since doubled in price, but farmers are compelled to sell these same grades of wheat to-day for $1.80 to $2.04 a bushel. In Kansas the wheat area has been reduced two to three million acres as a consequence.

Without visibly helping the consumer, we have brought about a crisis in our most fundamental and vital industry by forcing the producer to accept prices at which he can not continue to produce.

We can not continue to take away from the producer the comparatively small profit he makes and expect him to go on producing and increasing his output. Such a policy leads inevitably to a lessened food supply and to more instead of less privation.

The policy, Mr. President, of fostering all industries except one, and neglecting that one, the most vital of all, is to-day driving many farmers out of business. In every big town in the Middle West you will find to-day many men working for day wages who will tell you they are retired farmers. The truth is they either failed to make a real living as tenant farmers, or, if, they owned the land, found it far more profitable to sell out than to continue farming.

The country is constantly and rapidly losing men possessing valuable knowledge and skill as farmers to the city, where they are by no means as useful. There can be no doubt about it that the extremely high price of land, the comparatively high wages paid labor, the hazards of farming, and our organized packer-controlled markets undoubtedly are greatly increasing the drift to the cities.

I know, Mr. President, that it is perfectly natural for city people, facing the burdensome cost of living, to jump at once to the conclusion that the first step in reducing such cost is to bear down the price of production. It seems logical, yet, under modern conditions of trade, there was never a greater error. It has been my fortune, Mr. President, during my brief service in the Senate to have opportunity to examine into the consumer's side of the cost of living, and I have been forced to the conclusion that the chief contributing element in high-living costs is our complicated and intricate distribution system. While the wheat farmer has been forced to accept much less than the Government guaranteed price for his wheat, and while the live-stock producers have incurred immense losses, and in many instances financial bankruptcy, because of a slump of 35 per cent in prices for live stock, the consumer has paid the same or higher prices for all food products except four. According to figures prepared by the Bureau of Labor Statistics in the Department of Labor, and given to the public last week, the only food items in which there have been reductions during this year are: Navy beans, 30 per cent decline; plate beef, 9 per cent decline; chuck roasts, 5 per cent decline; corn meal, 3 per cent decline. In contrast with these declines all other commodities in the list of staple foods showed increases ranging from 1 per cent for round steak, rib roast, and bread, to 28 per cent for lard and 85 per cent for onions. Butter showed an increase of 19 per cent; lard substitutes, 29 per cent, or 1 per cent more than lard itself; and fresh milk, 14 per cent. I shall not weary you with further statistics, except to say that while the bottom fell out of the hog market, declining 8 cents per pound in 60 days, bacon went up 11 per cent above the war prices of last year. Surely nothing further is required to show that the consumer is not reaping the benefit from the losses suffered by the producer, and surely these facts should help disabuse the public mind of the generally prevalent opinion that the farmer is rolling in wealth and prospering beyond all reason.

Indeed, Mr. President, the exact contrary is the case. Falling live-stock markets have in a few weeks cost Central West cattle and swine raisers $80,000,000. The drop on one Kansas man's steers amounted to $17 a head in just two days. A Nebraska farmer who owned a fat hog August 26 awoke next morning to find it worth $3 less. Three days later it was worth $12 to $15 less. When a farmer's entire capital is invested in a herd of hogs or cattle, it means a loss that not infrequently spells bankruptcy for him, for it must be borne in mind that not always—in fact, in a majority of cases—does the farmer own the land he farms.

Cut the farmer's price in two and the consumer hardly knows the difference, as has been shown, thanks to the long and increasing line of profit takers between producer and consumer; but when the farm prices get below the cost of production, as has been the case with cattle and hogs this year, and in many cases likewise with wheat, the producer has to stop. Mr. President, there is where the farmer's present dilemma is, and should be a matter of concern to the whole country, and must be if agricultural production shall not fall below the danger line in this country.

The farmer does not control the supply nor fix the price, and never has. He has to take what is given him. The profiteering is done further along the line. While speculator and gambler and gouger still get away with the swag, legitimate business suffers and the producer suffers.

Six and seven cent milk at the farm sells for 15 and 16 cents a quart in town. I am quoting Kansas prices now. The figures are much higher and the disparity much greater here in Washington.

The price of a single pair of shoes will keep one person in bread for a whole year, but a farmer can get only $5.10 for the hide of a year and a half old steer, which possibly would supply the leather for 8 or 10 pairs of $12 shoes. A pair of calfskin shoes costs more than the farmer gets for the calf. Somebody in between gets what is paid for the veal, while the calfskin makes many pairs of shoes.

It takes four and a half bushels of wheat to make a barrel of flour. The wheat raiser gets about $8.37 for the wheat, the miller $12.70, the baker $58.70, and the hotel keeper here in Washington, as it is doled out in thin slices, $587.

And the trouble is, Mr. President, that in many cases these extortionate profits of the middlemen come right back on the farmer. Although live-stock markets are demoralized and grain markets are down, the cost of mill feeds and oil meals soars higher. Farm wages have doubled. Everything the farmer buys has advanced from 50 to 300 per cent.

Needing some extra feed for his cows, a Kansas farmer writes me, he sent his daughter to town for 100 pounds. The price was $4.45. A few days later he needed another sack, and this time he had to pay $4.85 to get it. Yet everything that went into its production had gone down in price.

The other day seven Ohio farmers who were selling milk—and it developed that they were obtaining less than the cost of production, their investment considered—were thrown into jail at Cleveland. Their offense was "collective bargaining." They were officers and salesmen of a farmers' cooperative company. Their arrest was caused, of course, by commission merchants, who sought to drive them from the field of distribution. The excuse was that they were combining in restraint of trade. Yet what these men were attempting to do, if it became the general practice, would probably solve the problem of providing better prices for the producer and lower prices for the consumer by cutting out the army of middlemen that thrive off the industry of both. If it is to be the practice of the Government to prosecute farmers who seek a more economical method of supplying their products to the consumer, the inevitable results will be to drive more and more farm-bred boys and girls and even their parents to the city, with a consequent permanent injury to the farming industry.

Indeed, Mr. President, that is what is taking place in this country right now. In my own State more than half of the 25,157 increase in population in the last year was in the four largest cities, according to a statement made only last week by our State board of agriculture. The population in towns and cities of more than 2,500 increased 35,422, a net loss to the farming community of the State of 10,000.

At the risk of wearying the Senate, Mr. President, I desire to quote from some genuine letters from real farmers received in the last week.

Here is one from Oscar Miller, a farmer near Oxford, Kans.:

> I write in regard to smashing the high cost of living and the relation of the reduction to the cost production. It seems that cost of production is absolutely forgotten or ignored by the administration forces. The campaign is aimed at but one object, and that is the meat producer. Study of costs, such as feed, labor, is not considered by Palmer and his associates. The producer has no organization as yet, and can not concentrate his energies in strike and make himself feared. In this dilemma he is perfectly powerless. Our Department of Agriculture has been boasting of greatly increased production to save the world, and pays us for our pains by helping the administration send the price of hogs down $7 per hundred pounds. If this continues much longer, and the producers do become organized, they may use the same weapons as the labor unions, and as justly, for a Nation-wide railroad strike would be as brutal as a meat or grain producers' strike.

Another correspondent, J. J. Miller, Karvel, Colo., writes:

> The quickest and surest way to reduce the high cost of living is more production (this goes for manufacturing as well as farm production) and smaller armies, fewer Government jobs, smaller cities and towns. Every other farm in my vicinity is idle or rented to some poor cuss that had to stay here during the war like myself. Last year I farmed 230 acres alone, renting two half sections. This year I farmed 170 acres, renting one half section. Next year I will farm only 80 acres, renting none, and will work only eight hours a day. I am just as important as any union man, if I don't have a union card and pay dues.

Of course, this farmer will not keep his promise to himself, but will work from sun to sun, as do all of his kind.

I quote from a letter from S. C. Landis, a friend and neighbor in my home county, as good a farmer and as good a citizen as there is in America. He says:

> We are the most submissive of any industrial class. We take what we get for our products and have no price-fixing authority of our own, and when we want to buy anything some one else fixes the price for it. We never go on a strike and stop producing, and now, while nearly all other industrial classes are striking and restless, we are going on preparing our wheat ground for another crop * * * with lower prices staring us in the face on account of the great cry against the high cost of living.

I am glad to acknowledge, Mr. President, that the President could not have chosen better in selecting the three men who do represent the farming class in this great conference. In this connection I desire to quote briefly from the statement of Mr. Charles S. Barrett, president of the National Farmers' Union, one of the delegates representing agriculture, made at the

industrial conference on October 8. Touching on this point of inadequate recognition of agriculture, Mr. Barrett used this language, which I most heartily indorse:

I am among those who believe that the farmers have not been dealt with in a fair, open manner. They have not been treated as an integral, important, and necessary part of industry. The fact that agriculture is basic, fundamental, and essential to the life of the world has either been ignored or given scant notice. The attitude of government toward agriculture is that of an irate parent toward a naughty, irresponsible boy.

Agriculture has been treated by the Government as something that ought to be governed rigidly, but should never have any part in government. Other groups have behaved as though agriculture were a side issue having no rights that should be fully regarded and not entitled to be consulted on the mighty issues of the day. Government has urged it to produce food and cotton and other essentials, but it has never apparently given thought, or at least serious thought, to the reward that it should receive for its investment of money and manual energy.

When will the other two great members of what ought to be a governing triumvirate recognize the fact that agriculture is the most important of all; that nothing can be settled without the assent of agriculture; that nothing can be made permanent for the permanent good of humanity without the active cooperation of agriculture. To attempt to settle the grave questions now agitating us without the assistance of the farmer is like trying to put Hamlet on the stage with the hero left out.

It is not my desire to be hypercritical or cry wolf until I at least see the tracks of the animal in the snow. But I would like to ask, Why has agriculture been given such scant notice in connection with a conference fundamentally so important? Why were only three men as representatives of the greatest industry in the world invited to participate in these momentous deliberations? What is responsible for the fact that agriculture is not given a place commensurate with its importance and on a footing of equality with the other two members of the mighty triumvirate?

Is it because we have been comparatively quiescent? Is it because we have not gone into the highways and byways campaigning for them? Is it because there is a suspicion in certain responsible minds that we are not organized and consequently are incapable of exerting the influence which can be exercised only when we march as a solid phalanx?

It can not be that anybody is so blissfully innocent as to believe that the immense questions before this conference can be settled without the aid of the farmer. And can anybody honestly suppose that if an agreement between capital and labor is reached in which agriculture has no effective vote that agreement will be permitted to stand.

Don't, gentlemen, allow yourselves to be deluded into the false idea that agriculture can not kick; that it will be forever quiescent; that it will continue to be exploited and made the football of other great national interests. Uncle Reuben is waking up. He realizes that he has not had a square deal. He is by nature conservative. He hates Bolshevism. He despises all means that aim to the subversion of the American Constitution, and would fight to the last ditch to save the country from red infamy and I. W. W. diabolism.

But do you think that the man who would fight I. W. W.ism, who has a holy contempt for Bolshevism, would not also fight for his own rights? He is conservative, but that doesn't mean that he is ready to be walked over, to be trampled upon, to be made the cat's-paw of the scheming politician on the one hand and the victim of the profiteer on the other.

Mr. President, Mr. Barrett is not alone in his opinion of the dignity and importance of agriculture in our industrial structure. Another American, a very great American, to my mind the greatest American of our time, the late Col. Theodore Roosevelt, shortly before his much lamented death, gave utterance to these words in the last magazine article written by him:

The farmer, the workingman, and the business man are, of course, the three people upon whose welfare the welfare of all the rest of us and of the country depends. With the farmers what is especially needed is that we shall accept their own best leadership and best thought about telling us what to do. * * * What we need is to have men of this stamp set forth the farmers' viewpoint, and the rest of us must intelligently appreciate this viewpoint, and so far as possible embody in legislation what men of this stamp regard as the salient needs. * * * The farmer is emphatically the producer. He has not had a square deal. He has not been put in the position to which he is entitled.

So much, Mr. President, for the importance of agriculture and its right to adequate representation in an industrial conference that assumes to be the chief factor in industrial reconstruction following the Great War. I do not know how much we may hope from this conference. Certainly every man concerned for the welfare of the country hopes for far-reaching beneficial results from its activities, but I am convinced, Mr. President, that there is much that the Government may do, both in its executive and legislative branches, to encourage agricultural production in this country and to give reasonable hope of material rewards for such industrial activity.

First, the departments of the Federal Government should cease the propaganda which tends to bear down the prices of farm products, and should direct governmental energies to curbing the profiteering going on along the line between the producer and the consumer. I am not advocating a system which would guarantee abnormally high prices to the farmer indefinitely, but I say we are very much in need of a system which will stabilize prices of farm products. It is the violent fluctuations which do the greatest damage. Emphasis should also be placed on the generally disregarded fact that in the list of items making up high living costs food products really cut but slight figure. A far larger share of the worker's wage goes for rents, fuel, shoes, and clothing at profiteering prices.

Instead of trying to force down improperly the prices of farm products, the executive departments should seek by every means at their command to open wider markets to the farmer by lifting the embargo on wheat and wheat flour to Europe, by extending credits to European Governments, so that they may come back into the market for American meats, and by lowering ocean freight rates and thus making it easier for Americans to compete with other nations for such foreign trade. The present ocean freight rate to Europe on American meats is now $4.50, as compared with 60 cents before the war. These rates should be radically lowered, even if it be impossible, because of rising costs of ships and labor, to reach the prewar level.

Such activities by the executive departments should be supplemented by the Congress by the enactment of legislation that will free the live-stock producer from the control of the packer, and that will enable the farmer to have some part, through the formation of cooperative selling agencies, in making the prices of farm products. Price making in necessities of life, like meat, wheat, flour, and fuel, should never again be left to the gamblers of the exchanges or to corporation monopoly. The Wall Street stock-jobbing pirates have thrived in the last year as never before. Glib-tongued salesmen have unloaded billions of worthless stocks in the last year, all of which has contributed to the high cost of living. There should be a way to end it.

Mr. President, if in this glance at the great industrial problems that confront us I have emphasized the farmer's side of the case, it is because I feel that he has not been sufficiently considered heretofore, and because I am firmly of the opinion that agriculture lies at the base of all prosperity in this country. Unless the farmer can continue to thrive, we all must suffer. In the reconstruction problems before us it is important that we start right. We must act broadly and with decision. But what I wish to emphasize particularly is that it will not do to seek to pacify and satisfy capital and labor, employer and employee, and leave out of the accounting the great basic industry of farming.

I fear Washington, Mr. President, has seen only the consumer side of the cost-of-living problem. It has held farm production down close to a cost margin for three years while it has let every other form of production soar. Apparently it can not be made to see the farmer has any difficulties. For six months the farmers of the United States have appealed in vain for the reform of the grading and discount system established under Government rules, which swindles the average farmer out of 15 cents a bushel on his grain. Washington does not realize how many farmers are getting little or no profit or are even losing money on their low-yield wheat crops. It does not foresee that many farmers may decide they can not afford to raise any more wheat and may quit planting it, or may quit farming entirely and go to town, where, as one farmer, writing me under date of October 11, says, "I can make more getting these big wages than I can paying them."

Factories and corporations, Mr. President, are required to pay a return on the capital invested and their watered stock over and above the expenses of doing business or go into bankruptcy. Whereas if every farmer had to do as well or fail, the agricultural industry would have to be taken over by the Government to keep it alive, and the cost would make the big railroad deficits look like a handful of copper cents.

It is my deepest conviction, Mr. President, that what Washington and the country need most to realize is that the surest guarantee of an enduring national life is a permanent, prosperous, and progressive agriculture. Also that until farming is made as profitable as any other business requiring the same amount of capital, skill, ability, and hard work we shall not attain this condition nor truly solve our cost-of-living problem.

If I have dwelt at some length on the disadvantages under which agriculture is laboring, I would not have it thought I am in the least degree pessimistic. I am not. I have faith that we shall meet the problems with such clear vision and in such broad spirit of toleration that we shall be able to find the correct solutions. I am indeed an optimist in spite of the present lowering clouds.

Mr. President, we must all unite to win the right conditions in peace times, just as we united to win the war. Then this great national readjustment will be accomplished without hardship, and the Nation will not feel the strain, which otherwise will be heavy, possibly to the breaking point.

We need more of the spirit of fair play as between man and man. It is a poor time for strikes and for strife. The great and imperative need is production at maximum speed. Greater industry, harder work, more rigid economy in public and private expenditures, cutting out of all luxuries, and, above everything else, increased production, are to-day as solemn a duty upon

all alike as they were during the crisis of the war. We can each do our part by refusing to get excited, by keeping as busy and as cheerful as possible, and plugging away.

I have faith in the common sense and steadfast patience of the American people, the common sense and the patience that was typified and deified in Lincoln. Nor do I believe that we shall any of us be willing to hazard or to waste or destroy or injure the land that those 50,000 gallant American boys who marched down the long, long trail never to return died in a foreign land to perpetuate and save.

It is a time when partisanship must be put aside and every man in Washington cooperate to the utmost of his ability. I hope to see the peace treaty ratified at the earliest possible moment, and then let this Congress take up the great problems that are pressing for solution. American initiative, American pluck, American inventive genius, a thoroughgoing American policy, and the real American spirit must be backed up as never before with true American statesmanship. I have entire confidence that the Congress of the United States will meet the issues in a way that befits America and her destiny.

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed.

Mr. SMOOT. If no Senator desires to speak, I wish to make a request for unanimous consent. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar under Rule VIII, beginning with Order of Business No. 183.

Mr. SMITH of Georgia. That is where we stopped on Monday last?

Mr. SMOOT. That is where we stopped on last Monday.

Mr. NUGENT. To what does that order of business refer?

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar under Rule VIII, beginning with Order of Business No. 183, the bill the Senate had under consideration on last Monday, and that the Senate proceed from there on.

Mr. NUGENT. I would prefer, if the Senator please, that that bill be postponed at this juncture, as I should like to make some personal investigation with respect to an amendment which I caused to be incorporated in the bill in the committee.

Mr. SMOOT. I will say that all the Senator will have to do will be to object to the consideration of the bill, and then we could go right on with the calendar.

Mr. SMITH of Georgia. But it will be necessary, first, to secure the consent that the Senator from Utah asks in order to begin at that point and proceed with the calendar.

Mr. WALSH of Montana. If that is the situation, I am going to object to the request for unanimous consent. I have not the slightest objection to going on with the calendar and commencing where we left off on Monday last with the bill which was then under discussion; but I am not going to give consent to go on with the calendar and then have that bill objected to.

Mr. NORRIS. Of course that bill will have to take its chances like any other bill on the calendar.

Mr. WALSH of Montana. Yes; except, as the Senator understands, that a Senator has already indicated that he will object to that particular bill.

Mr. NORRIS. Yes; I understand that.

Mr. WALSH of Montana. That is the bill that was under consideration when we last considered the calendar.

Mr. NORRIS. But the Senator can not expect the Senate to proceed with the calendar with the understanding that some particular bill will not have the rule enforced against it the same as in the case of any other bill on the calendar.

Mr. WALSH of Montana. Of course; it is exactly the same, except that it was under consideration when we last considered the calendar.

Mr. NORRIS. I am not going to object to the bill, I will say to the Senator; I have no objection to its present consideration; but it seems to me that the Senator is adopting a narrow view if he will not let the calendar be considered because some particular bill is going to be objected to.

Mr. CURTIS. Mr. President, I think the Senator from Idaho [Mr. NUGENT] will withdraw his objection.

The VICE PRESIDENT. There was not any necessity for the Senator from Utah making the request. This is the plain rule of the Senate:

RULE VIII.

ORDER OF BUSINESS.

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions and continue such consideration until 2 o'clock.

Mr. WALSH of Montana. I desire to say, however, that if the Senator from Utah had not made the request I should have moved to proceed to the consideration of Senate resolution 215; but I give way to the Senator.

The VICE PRESIDENT. The Senator from Montana would have a right to make that motion.

Mr. SMOOT. The idea I had was to take up and consider only bills to which there is no objection, but I did not put that in the original request; and if the calendar is coming up in regular order, let it come up at this time.

The VICE PRESIDENT. There is no unfinished business. Order of Business No. 183, Senate bill 2890, is before the Senate.

CROW INDIAN RESERVATION LANDS.

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes.

Mr. CURTIS. Mr. President, when we concluded the consideration of the calendar on Monday last, Senate bill 2890 being under consideration, the amendment offered by the Senator from Montana [Mr. MYERS] was pending. I hope that the amendment will be defeated. The bill as presented was asked for by the tribe, and they were consulted about the matter to which the amendment refers. That being true, they surely should be considered about water-power sites on their land. That is all I desire to say on the subject at this time.

Mr. MYERS. Mr. President, I have said all I care to say, and will ask for a vote. I shall vote for the amendment, but shall not take the time of the Senate any further on the subject.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF SURPLUS MOTOR-PROPELLED VEHICLES.

The bill (S. 3037) to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments on page 2, line 21, before the word "hereby," to insert "also"; and on page 4, after line 15, to insert a new section, as follows:

SEC. 5. That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental, which shall not be less than the cost of maintenance and repair of said vehicles and equipment. The title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to same transferred to any individual, company, or corporation.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, in his discretion, to transfer, free of charge, such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment, as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes": *Provided, however*, That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this act, shall be transferred to the Department of Agriculture for the purposes named in section 7 of said act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer, (b) the Post Office Department for use in the transmission of mails, (c) the Navy Department upon the request of the Secretary of the Navy and with the approval of the Secretary of War, and (d) the Treasury Department for the use of the Public Health Service under the provisions of section 3 of the act approved March 3, 1919, entitled, "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines."

SEC. 2. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes," for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit: Road rollers, graders, and oilers; sprinkling wagons; concrete mixers;

derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated-bridge materials; wagons and similar equipment and supplies such as are used directly for road-building purposes.

SEC. 3. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, for the use of the Forest Service, any telephone supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes.

SEC. 4. That freight charges incurred in the transfer of the property provided for in this act shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed the War Department by the department to which the property is transferred by an adjustment of the appropriations of the two departments: *Provided, however,* That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, reimburse the Department of Agriculture for all amounts paid by that department to the War Department in reimbursement of loading charges upon said property.

SEC. 5. That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in his discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental, which shall not be less than the cost of maintenance and repair of said vehicles and equipment. The title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to same transferred to any individual, company, or corporation.

SEC. 6. That the provisions of the act of July 16, 1914 (38 Stat., p. 454), prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles, in the absence of specific statutory authority shall not apply to vehicles transferred or hereafter to be transferred by the Secretary of War to the Department of Agriculture for the use of the department under the provisions of this act or under the provisions of section 7 of the act of February 28, 1919, referred to in section 1 hereof: *Provided, however,* That nothing in this act contained shall be held or construed to modify, amend, or repeal the provisions of the last proviso under the item entitled "Contingencies of the Army," as contained in the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, I should like to inquire of the Chair what disposition was made of Order of Business 184, Senate bill 3037.

The VICE PRESIDENT. It was passed.

Mr. KING. I regret that I was not in the Chamber when that matter came up for consideration.

SALE OF SURPLUS MACHINE TOOLS.

The bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at 20 per cent of their cost, to trade and technical schools and universities and other recognized educational institutions, such machine tools as are suitable for their use which are now owned by the United States of America and are under the control of the War Department, and are not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses incident to distribution of the tools, and the balance shall be turned in to the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GRANT OF CITIZENSHIP TO CERTAIN INDIANS.

The bill (H. R. 5007) granting citizenship to certain Indians was considered as in Committee of the Whole. It proposes that every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, indvidual or tribal, of any such Indian or his interest in tribal or other Indian property.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUITS IN ADMIRALTY AGAINST THE UNITED STATES.

The bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like to ask the chairman of the Committee on Commerce what change, if any, this bill makes in existing law. It seems to me that this measure ought to have gone to the Committee on the Judiciary. That committee is now considering a bill extending the jurisdiction of the district courts to hear causes of action against the Government of the United States, and it seems to me that this is legislation of the same character as that which is being considered by the Judiciary Committee.

Mr. JONES of Washington. Mr. President, I will say to the Senator that the purpose of the measure is this: Under the language of the shipping act the Supreme Court has held, in a recent case, that the ships of the Emergency Fleet Corporation, for example, are subject to the application of the same remedies for damages that private ships are, and therefore if one of these Emergency Fleet Corporation ships, a ship of the United States, causes damage and is libeled, the ship is attached and held until bond is given. It seems that the officers of the ships have no authority to give bonds, and so the Government's ships are put to a great deal of delay and the Government is put to a great deal of inconvenience and loss. The purpose of this bill is to avoid that by simply providing that persons having claims growing out of the action of these ships, instead of having a suit in rem against the ship, as they have against private ships, shall have a suit in personam against the United States, which everybody, of course, recognizes is perfectly good. That allows the ship, then, to go on about its business. That is really the purpose of this bill, and while the bill is rather long and has to be in order to meet various situations, yet that is the principal purpose of it. It gives the consent of the Government to a suit in personam against it.

Mr. KING. Is there any limitation upon the amount for which suit may be brought?

Mr. JONES of Washington. No.

Mr. SMITH of Georgia. Mr. President, would the Senator object to the bill going over for a day, so that we can compare it with the bill that we are working on in the Judiciary Committee?

Mr. JONES of Washington. I am glad attention has been called to the matter. Of course, the bill is rather long, and I did not know whether or not there might be objection to its being considered now. I shall be glad to have it go over, as requested.

Mr. SMITH of Georgia. I do not like to object, but if the Senator does not object to that course being taken I should be glad to have it go over, so that we can compare it with the bill now pending before the Judiciary Committee.

Mr. JONES of Washington. I shall be glad to have it passed over, and am glad to have the opportunity to explain the real purpose of the bill, and shall be glad to have Senators look into it, because I recognize the force of the suggestion of the Senator from Utah as to whether this subject might properly be considered by the Judiciary Committee. It does partake very largely of judicial questions, and yet it also affects the matter of commerce, and that probably was the reason why it was referred to the Committee on Commerce.

Mr. KING. I think I can say that the Judiciary Committee will not feel slighted because this bill was not referred to it; but there is a feeling upon the part of a number of the members of the committee that these claims against the Government, so far as possible, ought to be handled by the Court of Claims, whereas other members of the committee feel that the district courts of the United States ought to be the forum in which actions may be brought by individuals against the Government.

It is a very serious question whether or not there ought to be so much latitude in bringing suits against the sovereign. For myself, I think we are letting down the bars too much and that the Government of the United States will have suits brought against it in various parts of the United States under

conditions and circumstances where the evidence will not be available and the Government in the end will be subjected to a great deal of annoyance and a great many suits which are perhaps without merit.

Mr. JONES of Washington. I will say to the Senator that the Committee on Commerce had hearings with reference to the measure and heard officials of the War Department and the Department of Justice; and, in fact, this bill was prepared in the department.

Mr. SMITH of Georgia. I understand that the Senator from Washington agrees that the bill may go over.

Mr. JONES of Washington. Oh, yes; but I do hope Senators will look into it very carefully, because we are confronted with a very serious situation. I want to say that the Attorney General's office called me up day before yesterday, I think, and stated that there was a ship down in New Orleans that had been libeled and the court there refused to allow it to go. They have no way in which they can furnish bond unless they go out and arrange it in a roundabout way, as an accommodation for the Government on the part of somebody to furnish a bond so that this ship may go into commerce. That condition of things ought not to exist, of course, and we are trying to avoid it in the future.

Mr. KING. Mr. President, speaking for myself at least, I shall be very glad to have the Senator ask unanimous consent to take up the matter to-morrow, and I think in the meantime the members of the Judiciary Committee will examine it.

Mr. JONES of Washington. I hope they will, so that when we have an opportunity again we can take up the measure, because it is very important and urgent.

The VICE PRESIDENT. The bill will be passed over.

NORMAN LEE MOLZAHN.

The bill (H. R. 333) providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia, and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CALDER. Mr. President, I ask unanimous consent that Order of Business 76, Senate bill 1369, which is identical with the bill just objected to, be indefinitely postponed, so that later on we may take up the House bill.

The VICE PRESIDENT. The question is on the motion of the Senator from New York to postpone indefinitely Senate bill 1369.

The motion to postpone indefinitely was agreed to.

SUSIE CURRIER.

The bill (H. R. 753) for the relief of Susie Currier was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Susie Currier, of Old Town, Me., out of any money in the Treasury not otherwise appropriated, the sum of $100, being full compensation for accident and injuries with resulting loss of time and expense while working as charwoman in the United States post office at Old Town, Me., December 14, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. CAREY.

The bill (H. R. 2452) for the relief of Charles A. Carey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles A. Carey, of Lowell, Mass., the sum of $132.57, out of any money in the Treasury not otherwise appropriated, for loss of pay on account of injury sustained while in the performance of his duty as a letter carrier at Lowell, Mass., on the 11th day of February, in the year 1913.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETHEL PROCTOR.

The bill (S. 2773) for the relief of Ethel Proctor was announced as next in order.

Mr. SMOOT. Mr. President, that bill was introduced by the Senator from Michigan [Mr. NEWBERRY], and I wanted to ask the Senator, before objecting to the bill, if the death of Mr. Proctor was due to the performance of his regular duties as an employee of the Government on the Panama Canal? If so, this would be in the shape of a pension for a private citizen employed by the Government.

Mr. KING. Mr. President, if my colleague will yield, I shall object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2207) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy hospitals was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care of drug addicts, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases in order to determine their cause and methods of prevention was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

DELLA JAMES.

The bill (H. R. 3844) for the relief of Della James was announced as next in order.

Mr. SMITH of Georgia. Mr. President, just one word before the bill is read. I have just had a letter from Augusta, and this woman will be obliged to put four of her children in the poorhouse unless this bill is passed within the next few days. The Senator from Indiana [Mr. NEW] has charge of it.

Mr. NEW. Mr. President, as the member of the committee who reported this bill, I would like to make a brief statement about it. The claim is by the widow of this man Jones, who was killed in his own dooryard by a stray shot from a United States testing ground. He was working in his garden, when a shot fired on the testing ground at Fort Hancock killed him. He left a widow and eight children.

Mr. SMITH of Georgia. Nine children; the youngest 4 months old, the oldest 16 years.

Mr. NEW. The bill proposed to give the widow $60 a month for 10 years. The committee amended it to make it read $57.50, to accord with the war risk, and to place this man on an equality with a soldier; but I think the committee overlooked the fact that he could not have been taken as a soldier at all. A man with nine children dependent on him for support certainly could not have been taken, under any theory of law, as a soldier. I think the beneficiary should have had $60. The bill provides $57.50, and she will have to send her children to the poor farm unless she gets this relief.

Mr. SMITH of Georgia. Does not the Senator really think that the Senate would sustain the bill just as it came from the House, and let it go through carrying $60 a month?

Mr. NEW. I think it should do so.

Mr. SMITH of Georgia. I think it is the general view that the reduction should not be made, and that the Senator from Indiana is exactly right. This was a tenant farmer, who worked on a piece of ground quite a distance from the camp. The officers found that the officer handling the gun was negligent. A court-martial was recommended of the officer who improvidently fired the gun that killed this man. The widow and children are to be allowed the money for only 10 years. There are nine children, ranging from 4 months old to 16 years old; and, as I stated, I have received a letter to-day stating that unless she can receive this pension at once she will have to put some of her children in the poorhouse; that she can not struggle on any longer without this help.

Mr. SMOOT. Mr. President, this is a very pitiable case, but I have never known the Senate to pass a bill of this kind. If the man had been working for the Government of the United States we would have given the widow a year's salary. That is the amount given in such a case.

Mr. SMITH of Georgia. No, Mr. President, if the Senator will permit me. When a person working for the Government of the United States is injured or killed by the negligence of the United States, we give his estate vastly more, and have always done so.

Mr. SMOOT. The rule is that the family are paid a year's salary.

Mr. NEW. Mr. President, will the Senator permit me?

Mr. SMOOT. Certainly.

Mr. NEW. The man was not working for the United States.

Mr. SMOOT. I am aware of that.

Mr. NEW. He was working at the time in his own garden, on his own little place, and was not in the employ of the Government. He was simply killed by a stray shot fired from the testing ground.

Mr. SMOOT. I have not denied that fact at all. The only question in my mind is whether we should pay in the case of a person killed by the Government of the United States, not in the employ of the Government, two or three times the amount that we would pay in the case of a man who was working for the Government and happened to be killed. The bill sets the precedent that a man who is not working for the Government and is killed by an accident, on account of the negligence of an employee of the Government, shall receive at least three times the amount that would be given if he had been employed by the Government. This means the payment of $6,900. I can not call to mind any amount like that being paid in the case of an accidental death caused by the Government. I recognize all that the Senator from Georgia has said in relation to the widow's condition.

Mr. SMITH of Georgia. I only mentioned that as a reason for speed. I consider the United States Government absolutely liable, and I do not think there is any possible basis upon which it can decline to pay the sum named.

Mr. SMOOT. I am not stating that the Government of the United States should not give the widow some amount.

Mr. KING. Will my colleague yield to me?

Mr. SMOOT. Certainly.

Mr. KING. I should like to inquire of the Senator from Georgia whether he thinks that the Government ought to be responsible for the torts of its officers or agents?

Mr. SMITH of Georgia. I do.

Mr. KING. The Senator knows that municipalities are not, that counties are not, and that States are not.

Mr. SMITH of Georgia. Counties are——

Mr. KING. They may be in the Senator's State.

Mr. SMITH of Georgia. And municipalities are, as a rule, but not for the act of a police officer in making an improvident arrest. That is the exception.

Mr. KING. I am not speaking of police officers or officers of that character, but for the torts of the officers of the State, the State would not be responsible. If some officer of the State guard at the penitentiary or a member of the militia should commit a tort upon some private person, as I understand the rule, the State would not be responsible any more than a municipality is responsible if some policeman exceeds his authority or makes some assault, willful or otherwise, upon some individual. The rule is that the municipality is not responsible for the tort of its officials.

Mr. SMITH of Georgia. There is a certain character of tort, however, that grows out of the work of a policeman in making false arrests, but in cases of this character I have never known an instance in which the liability has not been recognized and compensated for.

Mr. KING. If my colleague will still permit me, suppose that among the thousands and millions of employees and soldiers of the United States there should be a large number of torts committed, assaults upon individuals, thefts of property, arson, and so on, does the Senator think the Government would be responsible?

Mr. SMITH of Georgia. I think there is a distinction between that class of cases and this one. Here the officers, in the regular discharge of their duties, were training men in the use of artillery, and in the training for the use of artillery, in the actual line of their duty, the necessary work in preparation for the war, by carelessness they killed a private citizen. I think that occupies an entirely different position from the ordinary tort to which the Senator referred.

Mr. SMOOT. The Senator does not say he was killed by bullets shot from a gun?

Mr. SMITH of Georgia. He was killed by the discharge of a gun.

Mr. SMOOT. The bill says, "Through the explosion of a certain shell used in target practice." I do not know how far he was away, or whether he was upon the ground on which the practice was taking place, but his death was caused by the explosion of a shell.

Mr. SMITH of Georgia. The shell was used in target practice, and exploded and a piece of it killed this man. He was quite a distance away. The Senator from Indiana can probably tell the distance. I think he was half a mile, at least, from the testing grounds.

Mr. NEW. Yes, Mr. President; the man was killed off the range, which had been laid out by the officers of the Government. He was where he had a perfect right to be. An account of the persons on the farm, as also of the persons on other farms, had been taken when the range was laid out. A board of officers, a court of inquiry, was convened, which went into the case, and their official verdict as set forth in the report which accompanies the bill shows that the officers in charge were wholly responsible for the death of this man. It was due to their negligence, and a court-martial was recommended by Gen. Greble and the other officers who sat as members of the court.

Mr. SMOOT. I notice the charge against the officer was based upon "criminal negligence and not taking proper precautions to safeguard life." I have not any question but that the man was killed, and I have not any question of the negligence on the part of the soldiers of the United States. The only question in my mind is whether this is a proper amount to pay, based upon the claims that we pay for men who in the service of the Government suffer from such unfortunate accidents.

Mr. NEW. Mr. President, in reply to what the Senator from Utah says, I will state that if the man had been in the Army, in the uniform of the United States, he would have gotten, under the law, just what the bill gives him.

Mr. SMOOT. He would provided he had carried $10,000 of insurance, and paid every month so much for that insurance. Then his family would have received $57.50.

Mr. NEW. That is true.

Mr. POINDEXTER. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. POINDEXTER. The Senator from Utah [Mr. KING] says that such an act committed by an officer of a municipality would not render the municipality liable. I think the Senator from Utah is mistaken in regard to that. He compares this to the case of a tort committed by an individual. This is a tort, but a tort committed by an official in the line of his duty.

Mr. KING. Mr. President, will the Senator yield?

Mr. POINDEXTER. There is not very much distinction, if the Senator will just permit me a moment, between the liability of a municipality and the liability of a private individual or a private corporation. I remember cases where the question of the liability of a railroad for a personal assault committed by a conductor on a passenger was in issue, and it was held that the railroad company was not liable, because it was not in the line of the conductor's duty; that they did not employ him to commit assaults on passengers, and he did not have any right to do that at all. But where an official injures some one by the negligent performance of a duty which he was employed to perform, any municipality is liable, and that is the case that is stated here. Of course, the question of the right to recover enters into a case against the Government of the United States, but that is a matter entirely under the control of the Government itself.

Mr. KING. Of course, I do not like to question the learning and legal knowledge of the Senator, but I feel sure that an examination of the authorities will support the position which I announced, namely, that municipalities are not liable for the torts of their officers; that a marshal or a policeman may make arrests in virtue of a warrant or otherwise, and if he commits a tort there the municipality is not liable. There are many cases of that character, cases where municipal authorities have negligently permitted a building to be torn down and some unfortunate man was killed and the municipality was held to be free from liability.

Mr. POINDEXTER. The Senator is undoubtedly right in regard to a certain class of cases. The only question is whether or not the case described here is within that class or an entirely different set of cases. If a municipal employee, engaged in building a street, sets off a blast and kills people who live in the vicinity of the place where the blast is set off, the city is liable for negligence. There is no question about it.

Mr. SMOOT. Mr. President, it is now 2 o'clock. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

Mr. SPENCER. Will the Senator withhold the motion while I ask his colleague a question?

Mr. SMOOT. Very well.

Mr. SPENCER. I should like to ask the junior Senator from Utah [Mr. KING], if I may have his attention for a moment, whether he does not agree with me that when a municipality acts in a governmental sense the municipality is not then liable, but when the municipality acts in an administrative sense, then the municipality is liable for whatever damage it does.

Mr. KING. I think that is the distinction which the authorities make.

Mr. SPENCER. Certainly the shooting of a gun is not a governmental function. It is an administrative action.

Mr. KING. That is a matter upon which there might be a diversity of opinion.

TREATY OF PEACE WITH GERMANY.

Mr. SMOOT. I ask that the question be put on my motion.

The PRESIDING OFFICER (Mr. OVERMAN in the chair.) The Senator from Utah moves that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session. The motion was agreed to, and the Senate, as in Committee of the Whole, in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	McKellar	Smith, Ga.
Ball	Gronna	McNary	Smith, Md.
Bankhead	Hale	Myers	Smith, S. C.
Borah	Harding	New	Smoot
Brandegee	Harris	Newberry	Spencer
Calder	Harrison	Norris	Sterling
Capper	Hitchcock	Nugent	Sutherland
Chamberlain	Johnson, Calif.	Overman	Swanson
Colt	Jones, Wash.	Page	Thomas
Culberson	Kellogg	Penrose	Townsend
Cummins	Kendrick	Phelan	Trammell
Curtis	Kenyon	Phipps	Underwood
Dial	Keyes	Pittman	Wadsworth
Dillingham	King	Poindexter	Walsh, Mass.
Elkins	Kirby	Pomerene	Walsh, Mont.
Fall	Knox	Sheppard	Warren
Fernald	La Follette	Sherman	Watson
Fletcher	Lenroot	Shields	Williams
France	Lodge	Simmons	Wolcott
Frelinghuysen	McCumber	Smith, Ariz.	

Mr. McKELLAR. The Senator from Arkansas [Mr. ROBINSON], the Senator from Mississippi [Mr. HARRISON], the Senator from Nevada [Mr. HENDERSON], the Senator from New Mexico [Mr. JONES], and the Senator from Louisiana [Mr. RANSDELL] are absent on official business.

Mr. KING. The Senator from South Dakota [Mr. JOHNSON] is absent on account of illness in his family. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], the Senator from Missouri [Mr. REED], and the Senator from Rhode Island [Mr. GERRY] are detained from the Senate on public business.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, the British Empire is one of the great institutions of the world. In its structure it is unique among all governmental institutions of the present time or which have ever existed. It is the product of time, of experience, and of the statesmanship of a long line of some of the most illustrious leaders in all history. It is composed of widely separated peoples, and, locally, of different forms of government, but brought together in such manner as always to insure, in every great emergency, unity of action among all the different parts of the Empire. Men may speculate as to the separate interests of Canada from those of England, or of Australia from some other dominion of the British Empire, and speculate as to what, under certain emergencies and conditions, this or that dominion might do; but history warrants us in assuming, certainly for the purpose of action on this treaty, that in all vital affairs and in matters of great emergency the British Empire act as one when interests dictate action as a unit, and act separately when interest dictates otherwise. I do not say this in criticism of the British Empire. I am simply stating an historic fact concerning which there can be no successful dispute.

In other words, it is a league of itself, the most perfect, best-tested, and tried league which has yet been in any way inaugurated among men for the purpose of governing affairs, and in all great concerns, in all matters of great moment they always act together, as the momentous period of 1914–15 so conclusively disclosed. Therefore, while composed of different dominions and having their local different interests, in matters in which we would be concerned we might expect them to act in unity.

The covenant of the league of nations, as it is now presented to the Senate, provides for six votes upon the part of the British Empire in the assembly to one vote upon the part of the United States. We claim, through our desire of having this remedied, that this gives to the British Empire a distinct advantage for which there is no reason and no just necessity, an advantage consisting not alone of the mere number of votes cast, but an advantage of prestige and power in the direction and domination of the affairs of the league generally.

It is now conceded throughout the English dominion, so far as I have been able to trace the literature upon the subject, that it does give the British Empire a distinct advantage. The only place that I have heard that it was not an advantage to the British Empire has been in the United States, and principally in the Senate. No English journal dealing with the subject, no Canadian spokesman upon the subject, no Australian advocate of the proposition has ever contended that it does not give the British Empire an advantage. Some undertake to contend that although an advantage they are entitled to it. Others apologize for it and have gone so far as to say the British Empire should not seek to have this advantage and should waive it. But so far as my investigation goes, and I have made some effort to ascertain the views of those representing the British Empire in its different parts, no one contends that it is not a distinct advantage and, many have well said, otherwise it would not have been so earnestly sought. Indeed, the British statesmen and British diplomatists do not spend much time upon immaterial and inconsequential affairs, and they would not have sought so earnestly to secure this had they not deemed it an advantage, and they very frankly now confess that it is an advantage.

Perhaps the most ambitious argument which has been made in favor of the league upon this particular subject was the extended speech of the Senator from North Dakota [Mr. MCCUMBER]. Holding a high regard for his views, I think it may be just as well to organize my observations around the contention made by the Senator. He has stated the matter as fully as it has been stated by those who are in favor of maintaining the covenant as it now is. In his remarks some days ago in the Senate he said:

> I purpose to demonstrate not only the lack of necessity for such amendments to balance any supposed inequality in the voting strength of any power but also the great injustice, the gross wrong such proposed amendments would do to Canada, Australia, New Zealand, and South Africa.

As to the Senator's purpose to demonstrate that there is no necessity for the amendment in order "to balance any supposed inequality," I will deal with that as I proceed; but let me say here, in the beginning, that I know of no amendment which seeks to deprive Canada or Australia or New Zealand of representation in the assembly or of a vote. The amendment offered by the able Senator from California [Mr. JOHNSON] does not seek to modify their power or their influence as it is now in the league. We are not endeavoring to exclude our neighbor upon the north from participation in the assembly; neither are we endeavoring to exclude New Zealand or Australia; but we are seeking simply to equalize in so far as we may the power which the British Empire will have, by reason of exercising this right, by increasing the prestige and the power and the vote of our Republic. I do not think that the Senator is justified in opening his address with the statement that we are seeking by this amendment to do an injustice to our neighbor upon the north or to any one of the British dominions or colonies.

If I had my way about it, I should prefer, if either had to drop its vote, that England rather than Canada should drop her vote, for the simple reason that Canada is here upon the Western Continent; she breathes the western atmosphere and is not so calculated to be moved and controlled by the intrigues of Europe or by the European system.

Furthermore, the Senator from North Dakota said:

> Of all the many false declarations that have been made concerning the league of nations, none has been so persistently indulged in as the one concerning the voting power of Great Britain.

It is coming to be, Mr. President, rather a familiar method upon the part of those who are advocating impossible things in connection with the proposed league of nations to contend that the mere statement of a naked fact concerning the league is a misrepresentation, and the Senator from North Dakota indulges in that quite as often as anyone else, with, perhaps, the least justification of anybody for doing so, viewing his own statements concerning what is in the league covenant. No Senator has misstated a fact concerning this matter. The statement is made that the British Empire has six votes in the assembly to the one vote of the United States. What is there false about that? Where is the misrepresentation? Does anybody deny it? One may draw a different conclusion from another as to the effect of their having six votes to our one, but the fact upon which the argument is based is indisputable and can not be sincerely charged to be misrepresentation in any sense of the word.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. The President of the United States, according to reports of his speech at Salt Lake City, stated that the British Empire did not have six votes in the league.

Mr. BORAH. My own remembrance is that the President stated that our vote of one was equal to their vote of six, by

reason of the requirement of a unanimous vote, which I will come to in a few moments.

Mr. POINDEXTER. Just to make clear what my statement is, I desire to say that the report was that, while the President said explicitly that the British Empire did not have six votes in the league, he afterwards in the same speech stated that she did have six votes in the league; but, of course, both statements could not be true. However, the President went on to qualify the first statement by saying that the six votes of Great Britain were of no more weight than our one vote.

Mr. BORAH. Precisely; I understand that to have been the position of the President; while stating the proposition that they had six votes, that that fact was neutralized by the fact that the vote had to be unanimous. That proposition, however, I will deal with later.

The Senator from North Dakota also made the statement:

> And from the letters I have received and the press reports I have read, these unfounded assertions concerning this voting power have taken a deeper root in the mind of the public than any other criticism aimed at the league.

That is perhaps true. The statement that Great Britain or the British Empire has six votes in the assembly to our one has taken a deep hold upon the American mind. The very statement affronts their sense of equality, their sense of justice, and their conception of the dignity of our country. The Senator from North Dakota and others, being expert mathematicians, may argue that it has this effect or that it has not this effect; but the people understand that here is an assembly which may become the conclave of the world, in which matters of tremendous concern are to be taken up and considered, and they see that in that assembly an entity known as the British Empire has six votes to the one of the United States. Naturally it has taken a deep hold; and, undoubtedly, from the statement of the able Senator, he has heard from the people upon that question.

Generally speaking, Americans are a very intelligent people; but they are not all expert mathematicians like the Senator from North Dakota. They have not reached the point where they can demonstrate to a certainty that one is equal to six; they are unable to see, as the Senator from North Dakota so quickly sees, that while apparently upon its face there is an inequality, in view of the fact that one equals six votes in influence and voting power, it really amounts to nothing.

I have always had great respect for the able Senator from North Dakota as a legislator, but after reading his speech I concluded that I had not fully appreciated his varied attainments, and that he is also the greatest mathematician since Sir Isaac Newton.

Mr. President, the Senator organizes his speech around three propositions. If these propositions should chance to be false I think it would be conceded that his speech would fall to the ground. I do not mean false in the sense of a willful misstatement of facts, but false in the sense of a wholly erroneous construction of the covenant. His first proposition, stated over and over again, is that while the British Empire has six votes in the assembly, no member of the British Empire other than Great Britain, with one vote, can ever be a member of the council. Around that proposition the Senator assembles his entire argument. The assembly, he contends, is to a marked extent a powerless body, that the council is the dominating and controlling power, and as no dominion or colony can ever have a vote in the council, we need not become disturbed over the fact that they are more fully represented in the assembly.

In the first place, upon what theory can it be argued that the dominions can not have representation in the council? Is there any provision in the league covenant which inhibits it? Is there any clause or phrase in the covenant itself which says that Canada, if she can secure the votes, is not entitled to representation on the council, just as any other nation may become a member of the council if she can secure the votes? Is there any obstacle to Canada becoming a member of the council that does not exist with reference to every other signer of the treaty? Is there any obstacle to Australia becoming a member of the council if she can secure the votes, any more than in the case of Belgium? There is not a clause in the covenant which inhibits either becoming a member. They are signatories to the treaty; they are members of the league; they have a separate entity; they are recognized for the purpose of the league as a separate entity; and they have all the rights and privileges under the league that any other nation has. Standing as signers of the treaty and of the covenant the same as other powers, how can it be argued that they are not permitted to enjoy all the rights of the covenant the same as other powers? When we look for the inhibition we do not find it, and without it such contention must fail.

Mr. President, let us pursue this question of the right of the dominions or colonies to have membership in the council.

When Mr. Borden left Canada during the time that the war was in progress to attend for the first time, upon invitation, the council at Paris, which had to do with the directing of the war, he immediately took the position that the dominions and colonies of Great Britain should have their separate representation in that great council; and when the league of nations came to be formed, the fight which Mr. Borden made and the fight which he won was that the dominions and the colonies should have all the rights under the league that any other separate nation had—not only the right to sit in the assembly and to participate in the so-called debating society, but he was very careful to include the right to sit in the council, supposed to be the source of power of this league. Mr. Borden contends that he was successful in his contention, and I do not think there can be very much doubt about it, in view of his statement and the letter which was signed by M. Clemenceau, the President of the United States, and Lloyd-George.

I read a paragraph from a statement made by Mr. Borden a short time ago in regard to this matter:

> The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations' commission, while inclined to accept this in principle, did not at the outset accept all its implications, as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The dominions' case was pressed, and in the final form as amended and incorporated in the treaty of peace with Germany, the status of the dominions as to membership and representation in the assembly and council was fully recognized.

That was the contention of Mr. Borden—that they should not only accept the statement as a matter of principle, but they should accept it in all its implications, to wit: That Canada should enjoy the same rights under the league as Serbia, Belgium, or any other self-governing independent nation or power; and he is particular to include in that not only representation in the assembly but representation in the council. When the ex-President of the United States proposed a reservation which would exclude them from membership in the council, it immediately became a matter of criticism in Canada and was seriously objected to, and, so far as I know, has been dropped.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. Could Canada or any other self-governing dominion or any other nation be elected a member of the council without the vote of the United States?

Mr. BORAH. Mr. President, I will come to that in just a few minutes, and will then deal with it.

Mr. HITCHCOCK. I should like to have the Senator come to it right now, because it is a critical matter, and if it can not be his whole argument falls to the ground.

Mr. BORAH. The Senator from Nebraska will permit the Senator from Idaho to pursue his subject in his own feeble way. If, when I get through, I have left untouched any of these subjects, I shall be glad to take the rest of the afternoon, in company with my genial friend, to discuss them; but I have an idea of logic in the presentation here, and while I do not propose to omit anything, I prefer to follow the course I have outlined, in order that there may be some continuity of presentation.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Delaware?

Mr. BORAH. I yield.

Mr. WOLCOTT. I desire to ask the Senator if anyone has seriously contended that the British dominions or self-governing colonies would not be eligible to membership in the council, provided, of course, they could get the votes?

Mr. BORAH. Why, Mr. President, if the Senator will read the address of the able Senator from North Dakota [Mr. McCUMBER], he will observe that he stated twice over that they could not become members of the council. The Senator from Mississippi [Mr. WILLIAMS] and the President have taken a similar view.

Mr. WOLCOTT. I have read parts of that address of the Senator from North Dakota, but I had not observed that portion of it.

Mr. BORAH. I think I shall have occasion to enlighten the Senator from the statement of the Senator from North Dakota himself in a few minutes.

> The recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British prime minister and his colleagues.

A great deal has been said, Mr. President, to the effect that Great Britain did not want these votes, that they were tendered as a matter of graciousness for the service which the dominions had rendered during the war. The fact is that a long, persistent contest was waged inside of that secret chamber, where the intelligence of the world has not been permitted to penetrate, for the purpose of securing this right, and it was led by the prime minister of England, supported by the great men from every part of the globe representing the British Empire. It is a fine illustration of what will happen time and time again in the assembly, and possibly in the council—that Mother England, with her great leaders, will be surrounded and aided and abetted by her able men from all parts of the world in accomplishing her purposes, and will accomplish them through influence and persuasion and power as they accomplished them at Versailles.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. McCORMICK. I simply wanted to ask the Senator if, in reading that debate, he had noted the remark of Sir Robert Borden, that every one of the great powers had opposed the admission of the dominions during those secret deliberations, but, nevertheless, they were overcome?

Mr. BORAH. Yes; I thank the Senator. I will come to that.

> The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources, and population, no more complete in their sovereignty, and far less conspicuous in their sacrifice.

In other words, Mr. President, Mr. Borden understands clearly and definitely that both as to the council and as to the assembly, while the British Empire is linked together by common interests and common aspirations, when it comes to the question of votes they have as separate an entity as the other nations which have signed this treaty; and that is the position that the British Empire occupies—that while they are one for their common interest, they occupy a voting capacity based upon the principle of separate and distinct nations.

What do the three gentlemen who presided over the destinies of the world at Versailles say in regard to that?

Mr. Borden, I take it, is a very far-seeing, capable leader, and he was not willing to leave this question of the position or status of the dominions and colonies to future guessing, and therefore he required of those who made the instrument a construction of it, and required that that construction be deposited cotemporaneously with the instrument itself.

They say:

> The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt, it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

That is the only possible construction which could inhibit them, and even that could not, from being members of the council—a most narrow, strained, and technical construction. But this letter, in the first place, states that there is no doubt that Mr. Borden's view is correct; and, secondly, if there were any doubt about it, it would be supported by the proposition that this league is to be construed in a broad and a most generous way.

A few days ago the able Senator from Minnesota [Mr. NELSON], an enthusiastic supporter of the league, introduced into the RECORD an article by Mr. Alfred H. Bright, stated by the Senator to be a distinguished lawyer of Minneapolis. I assume that that is correct, not only from the statement of the Senator, but from the fact that in looking up the record I see that Mr. Bright is general attorney for the Soo Railway, located at Minneapolis. Therefore I quote his statement with some degree of satisfaction upon this particular question. He not only is an able lawyer, but he would be likely to know the Canadian view, in view of his position.

> Mr. Wilson was right when he said the dominions were eligible because four of them could be chosen to take the place of Belgium, Brazil, Greece, and Spain, and the fifth might be represented if the number of league members having the right to representation on the council were enlarged as provided in article 4 of the covenant. If, then, everything was done as provided by the covenant to the end that Great Britain and the dominions should all be represented on the council they would be.

In other words, so far as the terms of the covenant itself are concerned, they occupy no different position than any other nation and they are just as much entitled to a position upon the council as any other power.

The able Senator from Nebraska [Mr. HITCHCOCK] asked, Could they secure a position upon the council without the unanimous consent of the members of the council?

Let me assume, to start with, that the implication of his question is absolutely correct—that it would require unanimous consent of the council. What I am contending for is that they occupy precisely the same position under the covenant that every other nation does. While they, we will assume, must have unanimous consent, so must Belgium, so must Brazil, so must any other nation. In other words, Great Britain has six members who have the same rights under the covenant as any other nation has, and if they can secure the votes they must secure them in the same way that Greece or Brazil would secure them. They must pass under the same surveillance as Brazil or Greece must pass—no different at all—and tell me why the United States should consent that under the terms of the league itself one entity or one great empire should have the right to have five times the vote in the council and six times the vote in the assembly that this Republic would have?

Mr. President, these facts are thoroughly supported by the plain terms of the league itself, and I want to ask this: Suppose a question arose as to the election of an additional member to the council. It is true, we will assume, that the United States by its single vote could veto the election of Canada as a member of the council. But we having agreed in advance to a covenant which gives Canada all the rights and privileges of any other nation, upon what theory could we stand there and reject her from being a member of the council? If we are to limit, we must limit in the covenant, for autocratically to say that "You shall not enjoy the right which the covenant insures" is to place upon us an arbitrary and unconscionable power which no nation would desire to use.

If Canada understands that she has just the same right to enter this council as any other nation, what will be the relationship between Canada and the United States if we say, "Yes; you have the same right as every other power and any other power, but we will not consent to it, because we have the unquestioned power to prevent it"? If Canada is notified in advance that she can not enjoy that power, and is notified by the terms of the league itself, the onus, the disagreeable onus, is not placed upon the United States of violating the implications of the league by the arbitrary power of her right to refuse her.

So, Mr. President, we do not propose to deny Canada admission to the council. We simply say that the voting power of this Republic shall at all times be equal to that of the British Empire. We are perfectly willing that the British Empire, in its peculiar structure, shall retain its integrity. We have no desire to interfere with the internal workings of that great institution. But, our Republic being vitally concerned, we have a right to say that, "You having organized your institutions as you have, we are entitled, in a world league, to sit with you with equal privileges and equal power in the running of the world's affairs." That is the sum and substance of this amendment, and nothing more.

The able Senator from North Dakota [Mr. MCCUMBER], in discussing this, says:

> But you say Canada might be added to the council. Mr. President, that is an impossibility under any reasonable construction of this compact.

The able Senator from Delaware [Mr. WOLCOTT], who asked the question a few moments ago, will observe the language of the Senator—

> That is an impossibility under any reasonable construction of this compact.

Not upon the theory that they can not get the votes, but upon the theory that the compact does not permit it. That is the position of the Senator from North Dakota. He says further:

> The power to admit new members to the council is contained in the second paragraph of article 4, which reads:
> "With the approval of the majority of the assembly, the council may name additional members of the league"—
> Keep that in mind—
> "whose representatives shall always be members of the council; the council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council."

The comment of the Senator is:

> I call special attention to the fact that the countries whose representatives shall be so selected by members of the council are to be "additional members of the league." As these self-governing dominions are, by the terms of the instrument itself, already made members of the league, they could not be included in the phrase "additional members of the league." Therefore, neither Canada nor any other British dominion could, by any possibility, be made members of the council.

And thus he reasoned to such masterly conclusion that from the compact itself they could not be made members of the league, because they are now members of the league, and they could not be additional members of the league, the only kind which could

be added to the council. But while the Senator was denouncing those who were opposing this provision in the covenant for misrepresentation he left out of his review an entire paragraph which covered the subject he was dealing with and which permitted the addition of four or five members to the council.

I call the attention of the Senate to article 4, paragraph 1, which reads:

> The council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the assembly—representatives of Belgium, Brazil, Spain, and Greece shall be members of the council.

Now, as the lawyer, Mr. Bright, says in his statement, they would have a perfect right, so far as the terms of the league are concerned, to elect four members of the British Empire to positions upon that council.

I do not say, Mr. President, that such election of four members would be a practical proposition in its full import, but they have a right under the league to do it. There is no inhibition against it. They may take the places of these four powers and fill them with members of the British Empire if they see fit to do so.

But they say it will take a unanimous vote to get Brazil and Greece and these other powers out of the council. I do not think that that is the construction which is to be placed upon it. Bear in mind, "These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representative of the four members of the league first selected by the assembly," these other powers shall sit in the council.

It says "until." When the assembly elects the other four members, the term of office of the four members of the council now there expires. They do not have to be ejected. They are elected, and remain until a reelection takes place, and the term of office expires the moment that the election takes place.

So, sirs, so far as the terms of the covenant itself are concerned, the assembly could elect four members of the council representing the dominions and Great Britain to sit with the British Empire with her one vote in the council.

You say that it is an impractical proposition. It may be as to the four, not an impossible proposition, not an inhibited proposition, and not any more of an absurd proposition than the concession that Great Britain should have six votes to this Republic having one.

But I do not concede the proposition that there must be a unanimous vote in the assembly to elect new members to the council. It is by no means clear that article 5 applies to such a proceeding. It will be observed that article 4, which provides for the election of the new members of the league, permits a majority vote with reference to the number of members of the league and election of additional members of the league whose representatives shall be members of the council, and permits a majority vote for the increase in the number of members of the league to be selected by the assembly for representation on the council. Article 5 says that all "decisions" shall require the agreement of all members. But in view of the fact that it is article 4 which deals with this question of the election of members of the league and that the election may not necessarily mean a "decision," I am of the opinion that the ultimate construction which will be placed upon this covenant will permit a majority of the assembly to elect new members of the council. And it is also to be borne in mind that if that construction is to be placed upon it there is no one to review the construction. They construe their own powers, and there is no court of appeal, no review, one of the absurd and dangerous features of the league scheme.

The second proposition of the Senator was that in a dispute between Great Britain and any other nation the dominions would have to stand aside and would have no vote; in other words, that Great Britain would vote as a unit, that the British Empire would be represented as a diplomatic unit. In the first place, Mr. President, there is no provision in the league or the covenant expressing that view. There is no term or phrase which leads to that construction. What is there against that construction? There is against that construction the fact that each one of these dominions signs the league separately, is recognized as a separate and distinct entity, a nation with nationhood of its own, and therefore presumably entitled to act separately from any other power. That is exactly, mind you, the contention which Mr. Borden and Mr. Hughes and Gen. Smuts made from the beginning of this fight. They did not propose that England should represent the dominions even in the signing of the treaty. They did not propose that England should ever again have the right to draw them into war without their individual action, and they said so. They stated plainly that there were conditions which they would have a right to deal with separately and distinctly, and to that end they fought out the question of having their separate signatures, their separate relationship, and their separate nationhood as members of the league.

But you will bear in mind the correspondence which took place between Mr. Milner and Mr. Borden with reference to the signing of the treaty, Milner calling Borden's attention to the fact that they could put a clause in the treaty itself which would authorize the binding of the colonies and dominions by the act of the British Empire itself. Mr. Borden communicated to Mr. Milner that that would not be acceptable; not only that it would not be acceptable, but that if it was urged it would lead to trouble of a serious nature in the dominions. He said in this interview which I have quoted that the fight was for a separate and distinct nationhood, so far as the colonies or the dominions were concerned; that they had interests which they were not willing to have bound by the action of the British Empire itself, and that is the understanding now of the Canadian Government, of the Australian Government, and, I presume, of the other dominions, although I have not seen their expressions. So, Mr. President, we must conclude that the understanding upon the part of the dominions is that they would have a right to sit in a matter where they were not primarily concerned, although the British Government might be directly and primarily interested. I believe that is the fair and reasonable construction of this nebulous instrument. It is the construction which the dominions now insist upon and which they will insist upon. Who doubts it is the construction which will obtain?

The third proposition, Mr. President, is this, that the dominions are not permitted, says the Senator, to vote upon anything of importance; that they are, to use a popular expression, mere members of a debating assembly; that all they can do is to make up a report, or help make up a report; and that they exercise no real power.

I thought I could detect an inconsistency in the able Senator's argument, because with great effect he argued that these separate colonies had made such sacrifices in the war that it was nothing less than a wrong for us to deny them all the rights of other members of the league. But he finally concluded his argument by saying that the sacrifices which they made, the loss of their men, the fight which they made for the civilization of the world, will be satisfied by a position in an assembly without power, and where they can do nothing but debate.

Mr. President, that is not a correct position to take with reference to the assembly, even if they could not be a member of the council, which I do not concede. What is it that this assembly does, in the first place? The assembly is the source of all power under this league, so far as control of the membership, and thereby the directing of the league itself, is concerned. I need not say to a body of men who have had some experience in politics anything about the influence of a powerful delegation in the way of moral prestige and intellectual power in dealing with a question in an assembly or in a convention, even where they are limited in vote. If the British Empire were confined to but 1 vote and still had 18 members of that assembly, think of the tremendous, controlling, dominating influence of 18 powerful men, bound together by common interest, sitting in an assembly against a nation which has 1 vote and 3 delegates.

But this report is something more than the report which the Senator seems to have in mind. What is the object of this report which comes from the council and finally from the assembly? If a controversy arises between two nations which they are not willing to arbitrate, it may be sent to the council. If the council desires, it may send it to the assembly. If any dissatisfied member desires, it may send it to the assembly. So any question which arises under articles 12 and 13 may, under paragraph 9 of article 15, finally lodge in the assembly.

The assembly is the great supreme court, as it were, of all the controversies which may arise under the league of nations. True, as the Senator says, it does not definitely decide as a court or board of arbitration, but it does that upon which the President of the United States bases his belief that we can prevent war. It does the same thing that the council does; it has all the power that the council has. It makes its report, and upon that report it is expected to control the public opinion of the world. Upon that report it is expected that you will prevent war. Upon that report it is expected that you will put some nation at a disadvantage in the public opinion of the world.

Could there be anything more vital, more controlling, or more important than the power to make up this report which, if it is to have the effect the league organizers think, is to control the peace of the world? It makes its findings of fact,

they are published to the world, and by them the world is supposed to be controlled. Does anybody deny that in making up that report, in which the interests of the United States and her honor might be involved, the British Empire has 18 delegates and 6 votes? Does anybody deny that in making up that report, which is a matter of procedure, they may act by a majority and not by unanimous consent?

Every particle of power for controlling the public opinion of the world centers finally in the assembly, and in making it up and shaping it the United States stands there with one vote and three delegates. Against her may be arrayed the British Empire with 6 votes and 18 delegates.

Mr. REED. Mr. President, may I interrupt the Senator? I do not wish to interrupt him if it will disconcert him at all.

Mr. BORAH. I yield to the Senator from Missouri.

Mr. REED. As I understand the proposition, if there is a unanimous report by the council it absolutely binds the nations. If there is a unanimous report by the members of the council sitting on the assembly, plus a majority of the noncouncil members of the assembly, the effect is exactly the same as a unanimous report by the council; it is binding. In both those instances the party to the dispute does not sit. If we have a dispute with Great Britain, we do not sit on the council if it is there decided, neither do we sit in the assembly if it is there decided. So the effect of a unanimous decision of the council barring the members parties to the dispute, or a decision by the assembly barring the members parties to the dispute, is absolutely binding. Any nation which does not comply comes within the provisions of article 16, which I read:

> Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.
>
> It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.
>
> The members of the league agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league.

So if they get a unanimous decision by the council minus the parties, or if they get a decision of the assembly, which is made up of the unanimous vote of the members of the council, minus the parties, and a majority of the noncouncil members of the assembly, and we disregard it, the whole league goes to war with us.

Now, sitting in that assembly, with the full right of a vote, are all the British colonies and dependencies that are named, even though the British Empire and the United States have a dispute.

Mr. BORAH. The Senator from Missouri is presenting another angle of the proposition.

Mr. REED. I beg the Senator's pardon.

Mr. BORAH. I thank the Senator for the interjection, but I was presenting the phase of it where the action was had without unanimous vote.

I call attention now to paragraph 2 of article 5:

> All matters of procedure at meetings of the assembly or of the council, including the appointment of committees to investigate particular matters, shall be regulated by the assembly or by the council, and may be decided by a majority of the members of the league represented at the meeting.

All matters of procedure, the appointing of committees, and that power which brings before the league, by reason of the report of the committees, are decided by a majority and not by unanimous vote.

Mr. President, to show how this thing, in its windings and meanderings, gathers up power as it goes along, and to illustrate the far-reaching insight of English diplomacy—of which I do not complain; I admire it—let us look at the labor organization.

Every member of the league is a member of the labor organization. This gives the British Empire six members and the United States one member in the labor organization. There is no camouflage about that. The assembly has nothing to do with that. That is not a debating society. That is the labor organization, and our laboring men would be sitting there with one-sixth of the power of the British Empire, and the United States would have precisely the same power as India. I know now upon reflection that it will be flattering to Mr. Gompers, in his advocacy of the league of nations, that this great Republic, which has been building up the status and dominancy of the laboring people of the United States for the last hundred years, should immediately descend to the common level of having the same power in the assembly as India, where they work for about one-fortieth the amount that laborers of the United States get per day.

That is found in article 387. The general conference of the labor organization is composed of four delegates from each State. This would give Great Britain 24 delegates, the United States 4, and if we count Hedjaz and Persia, it would give Great Britain 32 and the United States 4 in the labor organization.

These delegates are distributed, two Government delegates, one labor delegate, and one employer delegate, so that Great Britain would have six labor delegates and the United States one, Great Britain six employer delegates and the United States one.

The governing body of it will be composed of 24 persons. Twelve of those persons represent the Government, 6 the employers, and 6 the workers; 8 of the 12 representing the Government are to be selected by members which represent the chief industrial nations. Then the other 4 are to be nominated by the Government delegates to the conference, excluding the delegates of the 8 members mentioned above. Assuming, therefore, that the United States should be one of the eight chief industrial nations and the United Kingdom of Great Britain and Ireland another, the delegates from New Zealand, Canada, Australia, India, and South Africa would remain on hand to help select the other four. In the selection of the four neither the United Kingdom nor the United States would have a vote, being one of the eight. The five members of the British Empire would have a vote in selecting the other four members. Then the six members who represent the employers and the six members who represent labor are to be selected by the delegates representing the employers and workers, respectively, from the different countries. So that in the selection of these two sets of delegates, employers and workers, the British Empire would have six times as many votes as the United States.

But, Mr. President, to consider this question from the viewpoint merely of the number of votes cast by a nation is to consider only a part of the subject, and by no means the most vital and commanding part. Let us consider it in its wider, deeper significance—that of moral prestige, of acknowledged leadership, of the conceded greater dignity which this provision accords to the one great commercial rival we now have in the business world, a rivalship, sir, which the British Empire has augmented with unusual activity and foresight every hour since the war closed. The skill and energy, the boldness and persistency with which she has been reaching out for trade and for commercial dominion, for raw material and for business advantage since the hour of the armistice has no parallel. This we had a right to expect and of this we have no right to complain. It is in perfect accord with her proud and puissant past; it is in harmony with her intense nationalism; it is the spirit which has made the history of England the most marvelous, in many respects, in the world. For myself, I do not complain of it; I frankly confess I admire it. There is only one thing in the world more contemptible than a nation without national spirit, and that is an individual without national pride. But as Americans let us not ignore these facts, and as prudent and patriotic men let us in all reasonable and honorable ways hold to every fair advantage in the great rivalry which is inevitably to continue. Let us therefore consider this particular question in the light of this unmistakable situation. For these six or eight votes which the British Empire is to have is a definite and preconceived part of her scheme for world dominion. Dominancy of the seas, article 10, and a vote for every colony or dominion which she has or may carve out of her vast holdings washed by the seven seas—this is the most sublime and masterly scheme for the leadership of the world ever contrived by the wit or ambition of man.

What, then, is the situation, viewed in its larger aspect? We are forming a league of nations. Within this league of nations is another league—old and tested and tried—the league of the British Empire. It touches every clime; it encompasses all races, colors, religions, and creeds; it has its coaling stations and armed forts in every part of the world; its guns are trained across every strategical pathway of the sea. There is no article of commerce essential to the wants of man, no luxury which his fancy covets, but the union jack commands. There she is, a world-wide, a world-dominant power, in comparison with which Rome at the height of her glory pales into insignificance.

And under article 10 we guarantee that this condition shall be eternal. We first concede the dominancy of the sea and then we pledge that our children and our children's children shall stand guard over her far-flung possessions. Not one foot of her territory shall be taken from her without her consent or without our surrender.

Now, under these conditions a conclave of the nations is called under the league. Some world policy of vast concern is to be considered, hammered into form, announced, and forever afterwards adhered to. Sitting within the league of nations is the league of the British Empire. All nations, great and small, are affected by her power, her influence, for there is no nation, great or small, but must be beholden to her for commercial favors, and all, therefore, naturally pay homage. But in addition to this, sitting about her leaders from mother England, cooperating and advising, scheming, managing, are her representatives from every part of the world, her able men from every quarter of the globe. Such men as Smuts, soldier and statesman from South Africa; the able and indomitable Hughes, from Australia; the vigilant and gifted Borden, from Canada; and men of equal power and acumen from New Zealand and India. Consider their influence upon that gathering—their power, their sheer intellectual and moral force to dominate every policy and shape every move. Then add to that the commercial and business alliances that may be tightened, or for favors granted, extended. Here you have a league within a league complete, dominant, and unchallengable.

Let us consider, now, the position of our own country. In that conclave under the league she would have but one set of delegates—one vote in the council, one vote in the assembly. We yielded on the freedom of the seas at England's command. We yielded on the secret treaties and permitted them all, vicious and unconscionable as they were, to be interwoven into the treaty and underwritten by the league. We yielded on the protectorate of Egypt and surrendered in the matter of Ireland. Then, in the council and the assembly, the amphictyonic council of the world, we take a subordinate, a secondary position—yield our equality of prestige, equality of moral and intellectual power, equality of dignity and honor. We lower the Stars and Stripes even in matters of place and dignity to the union jack. When did obsequiousness become a characteristic of the American people? I would demand equality for my country in place and numbers in any assembly, whatever the function of the assembly. Much more would I demand it in an arena where the subtle forces are to be set in motion which may not only settle world policies but which may determine the life and death of nations. If this league of nations is a thing of reality, then it is a betrayal of our country to enter it upon any secondary basis whatsoever. Do you contend with me that unanimous voting is sufficient? Think of the shame of Shantung—the dishonor, the burning dishonor of Shantung. Think of that "damned spot" which all the perfumes of rhetoric can not guild or conceal. Did it come about of mere count of votes? Had that been so I venture to say that it would have been killed. It was agreed to before a vote was permitted to be taken. The immoral deal was made before the vote was recorded, and therefore it was a unanimous vote. The combined strategy, the intellectual domination of many men conspired and combined against one, broke him down, and he yielded; yielded, I have no doubt, in bitterness and humiliation, and grievously, in my judgment, has he suffered for it. But he yielded. It was unanimous. Why send into this world congress, where all the passions and ambitions of men are to be centered, one man as representative of this Republic to combat against such odds? Will not the European system at best be arrayed against the American? Why place, therefore, the representative of this Republic in those great conflicts at such disadvantage or at any disadvantage at all? Let us demand and stand firm until the demand is acceded to not only equality of votes but equality of prestige, dignity, and honor.

What fatuous dreamers we are. While we talk of a new day, yield up our most vital interests in the cause of a new era in which passion and greed are to give way to benevolence and brotherly love, our partners are taking possession of the earth. Sir Auckland Geddes declared a few days ago, "Every nation is short something that Great Britain can supply. American rivalry is a bugbear. She is not well placed in the world for trade." Think of this hard-headed, clear-headed, far-sighted Englishman talking such sacrilege, even before the unseasoned messiahs of the new kingdom can draw their phylacteries about them and escape from the contagion. While we were denouncing Germany as a thing too vile to enter into business with, England within a fortnight after the armistice reestablished complete business connections and has been in full business blast with her ever since. Enmities have never been permitted to dull the edge of husbandry in that land of practical statesmen. While the wise men sat at Versailles discussing whereabouts in the heavens the star, token of a new dispensation, would likely appear, Great Britain stepped behind the curtain and closed a deal with Persia which gave her command of the highways of the Far East and placed under her control the last virgin fields of the world's oil supply. When the job was complete a report was made for the benefit of the English eye, stating, "We have stolen a serious march on our American competitors. All the known oils outside of the United States are now under British control. In 10 years America will be importing 500,000,000 barrels a year, for which she will be paying us a billion dollars a year."

In the imperial preferential tariff bill placed before Parliament in the month of August under the name of a preferential tariff, there is to be thrown around all the possessions of the British Empire what is in effect a protective tariff. Of course, this is well within their right if not exactly in accord with their late teachings. But it was interesting to observe that in this bill the territories for which the British Empire receives a mandate from the league of nations are included as a part of the British possessions for the purposes of this preferential tariff, which, among other things, discloses how thin and gauzy is the covering of true ownership under these so-called mandates. But in these different ways Great Britain moves with alertness to build up, extend, and protect British interests. I repeat it is not a subject of criticism but it ought to serve as a warning that the day of rivalry, of business competition, between these countries is by no means at an end. I recall it that it may serve as an inducement to vigilance upon our part, and to assist us in fairly and honorably protecting our interests in all matters. Great Britain will do as she has always done, leave no effort unasserted to augment her political and material power.

Idealists, yes—humanitarians, yes; but that wonderful people in whose blood tingles the fever of world supremacy, whose national spirit finds itself incarnate in such men as Rhodes and Geddes will sit in the council, will fill that assembly which you are creating, and the men who decline to arm the representatives of this Republic with every possible weapon of legitimate warfare, consciously or unconsciously, are bartering away the happiness, the prosperity, the dignity, and honor of the American people. When our markets are crippled, our mills are slowing down, and our workmen out of employment; when our representatives of the league come back compromised, outgeneraled, as in the case of Shantung and Egypt, and outmaneuvered, as in the case of Persia, we shall realize that while generosity has its place in this world it, too, is a thing which needs intelligence and prudence if it is not to end in shameless disaster. "The wise shall inherit glory, but shame shall be the promotion of fools."

What right, what possible right, has Great Britain to demand this advantage, and what right have we as temporary representatives of the people of this country to grant it? We were first told that Great Britain did not demand it—that it was frankly and quickly conceded as a gracious favor because of the services rendered by the dominions. We certainly do not challenge the service rendered by the dominions, but they rendered it as a part of the British Empire. Did not New York and Massachusetts render service as a part of the Republic? But it is now made plain by Premier Borden that this was not quickly granted. There was much opposition to it, and we are told that the premier of England valiantly fought for it. Do you think it was fought for as a toy, as an empty favor or an inexpensive courtesy? It was fought for because it was regarded as a matter of great worth to the Empire, as every reflecting man must know. It is a thing of advantage, otherwise it would not have been demanded. And why should the United States be placed at a disadvantage in this league? Did she not enter the war without bargain and end the war without gain? Did she claim any territory or reparation? Her dead are hostages to the liberty of the world. What is there in her record that she should be second to any sovereign on earth even, if you please, sir, in a debating society? By precept and example, by counsel, and by arms we have stood for liberty, for humanity. If this is a league for liberty, for humanity, why should not our place be among the first, why should not our voice be as mighty as that of any people, her place of vantage as great as that of any power?

Mr. KELLOGG obtained the floor.

Mr. LODGE. Mr. President, will the Senator from Minnesota allow me to make a request?

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. KELLOGG. I yield.

Mr. LODGE. Mr. President, it is necessary for the Committee on Foreign Relations to meet and continue their work at 4 o'clock this afternoon. Therefore I shall be obliged to leave the floor at that time; and I wish now to ask that at the conclusion of the remarks of the Senator from Minnesota the Senate take a recess until to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. Is there objection to the procedure suggested? The Chair hears none, and it is so ordered.

Mr. KELLOGG. Mr. President, I desire to state briefly why I can not vote for the amendment of the distinguished Senator from California [Mr. JOHNSON]. I do not claim that the British Empire should have six votes in the assembly or more than one representative in the council; I shall not defend the action of the President in granting the demands of the British Empire in this respect. I do not think the President stood for all he should have, nor did he demand all he should have for his country at Versailles. I do not disagree in the main from the eloquent Senator from Idaho [Mr. BORAH]; but I do not think the amendment accomplishes what he claims. It does not accomplish any of the things which he seeks to remedy. If he proposes to decrease the influence of Great Britain in the assembly of the nations of the world, he must either take from Great Britain her six votes, which he does not propose to do, or he must give every other nation in the world the same vote under all circumstances and all conditions, which he does not propose to do.

Mr. President, I do not propose to minimize the great services performed by Great Britain during this war. I realize that the British Empire, as a whole, at the most critical moment of the world's history, at the hour of the greatest danger to the self-governing peoples, stood like a wall of rock, as she stood 100 years ago against the ambitions of Napoleon. I do not minimize her splendid services in this regard to the world; but, Mr. President, Germany was thundering at her gates as the Saracens were thundering at the gates of Europe twelve hundred years ago. She had no choice. If Great Britain had not come to the rescue of France, the British Empire must have fallen, as it would have a hundred years ago but for the memorable Battle of Waterloo.

Mr. President, I think we performed an equally great service to the world, as great a sacrifice to self-governing peoples, as great a service to humanity and to civilization as did Great Britain or any of the other great nations engaged in this momentous struggle.

I do not deny that it was the duty of this country to enter the war. We might have done so before. We should have raised a warning hand when Germany ruthlessly invaded Belgium. Had we prepared then, as we should have done, and entered the war, we could have ended it with much less sacrifice of blood and treasure and very much less suffering. I realize, however, that we were separated by 3,000 miles of land and water. If Germany had been victorious, she would have attacked the United States next. She committed crimes against us which we could not, as a self-respecting Nation, overlook, and when the time did come and we finally entered the war, we exerted an influence and power which Germany could not resist. Such an example as ours has never been recorded in all the troubled pages of history, where a nation marshaled millions of men, all her resources, and crossed the sea to help crush an ambitious enemy of all the world.

I am not here to claim for Great Britain a preponderant vote in the assembly. I am here to stand for American rights, American interests, American honor, and American civilization, but in doing so I can not overlook the rights of other nations.

I know it is said that this amendment is the test of Americanism. I am willing to answer for my Americanism before my people or the people of the United States. I may disagree with Senators, but not on that proposition. I do not claim that they are not as patriotic or their motives as high as mine; but when I have considered a matter and have made up my mind as to what I should do, I am responsible for my actions, and I am willing to answer for them.

The distinguished Senator from Idaho [Mr. BORAH] said, "We do not propose to take from the British Empire any of her votes, but to equalize her votes." He does propose to leave her to wield the power derived from her six votes, and I shall ask the attention of the Senate while I try to demonstrate that proposition.

The distinguished Senator says that this can not be measured alone by the number of votes or the questions upon which the members can vote, but in the larger aspect by their influence in the assembly, the council of the world; but he does not propose by this amendment to equalize that representation or to give us the same number of representatives, but only the same number of votes when we can use those votes, and at no other time.

Mr. President, I can best illustrate the matter by stating certain questions which are the principal questions to be decided by the league or by the council of the league. Let me state the following cases: A case where we have a dispute with the British Empire; a case where we have a dispute with another member, for instance, say, Mexico; and a case of dispute between two outside members to which we are not a party. In none of these cases would this amendment give us six votes on any possible question. Now, if that be true, is this the best way to equalize our influence and our power in the league of nations?

Let me further illustrate. Take the first case, where we have a dispute with the British Empire. We would have no vote at all; the British Empire would not have a vote; but according to the construction of the distinguished Senator—which may be correct—the colonies and self-governing countries belonging to Great Britain would each have a vote, and I am willing by a reservation to deny them that vote.

Now, let us take the next case—where we have a dispute with another member, for instance, with Mexico. Great Britain might cast her six votes either with Mexico or against her, and we would have no vote at all. The only remedy is to provide that the British Empire shall have but one vote; and that the distinguished Senator says he is not willing to do, because he does not wish to take from Canada, Australia, or New Zealand their right to vote in the assembly. The amendment is as follows:

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

But in the case of a dispute between the United States and the British Empire or any of her possessions, or a dispute between us and the Republic of Mexico, we would have no vote, and this amendment would not give us any vote, but would still leave Great Britain free to cast her six votes against us if she saw fit.

Suppose we had a dispute with Mexico, and she should ask under the provisions of the league to take that dispute to the assembly. No party to a controversy has any votes in the assembly or in the council, and therefore this amendment would still leave Great Britain to exert that influence which the Senator deplores in the event of any contest between the United States and Mexico, exactly as she would under the covenant as it is drawn. There is but one remedy, either deny her all votes but one as the British Empire or put every member upon the same footing and foundation. This amendment does not propose to do it.

Now, let me take the third case, the case of a dispute between two outside countries.

Mr. CURTIS. Mr. President, before the Senator reaches that point——

Mr. KELLOGG. Unless the Senator wishes to make some announcement I would rather not be interrupted.

Mr. CURTIS. I wanted to ask the Senator a question, but if he declines to yield it is all right.

The PRESIDING OFFICER (Mr. HALE in the chair). Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. KELLOGG. I yield.

Mr. CURTIS. I withdraw my question.

Mr. KELLOGG. No; I yield to the Senator.

Mr. CURTIS. I want to ask the Senator this question: In case of a dispute between Great Britain and the United States, if for any reason Great Britain had an idea that the council would be unanimous for the United States and removed that dispute to the assembly under the provision of the covenant as it is drawn, would not Great Britain have five votes in the assembly while the United States would have none?

Mr. KELLOGG. No; because neither Great Britain nor this country could vote in the assembly. They are excluded.

Mr. CURTIS. Yes; but the colonies could.

Mr. KELLOGG. This amendment does not remedy the inequality, because in no event would we have six votes; and if the colonies could vote, the amendment proposed by the distinguished Senator from California [Mr. JOHNSON] does not remedy it. That is the point I make. The only remedy is by a reservation, which I am in favor of, declaring that in case

of any dispute between a member having self-governing colonies and our own country, the self-governing colonies shall have no vote; the vote of the principal member shall be the only vote they are entitled to. But this particular amendment does not reach that.

Mr. CURTIS. I am afraid the Senator's construction of that amendment is too narrow.

Mr. KELLOGG. Which amendment is the Senator speaking of?

Mr. CURTIS. The amendment offered by the Senator from California [Mr. JOHNSON].

Mr. KELLOGG. It does not touch that point.

Mr. CURTIS. His amendment says that in any controversy in which we are concerned we shall have the same number of votes that Great Britain has.

Mr. KELLOGG. But we would have no vote in a controversy in which we were concerned.

Mr. CURTIS. But we want to be given the vote. That is what we are insisting upon.

Mr. KELLOGG. The answer to the Senator's proposition is this: The amendment of the Senator from California does not propose, in a dispute between this country and the British Empire, to give us an equal number of votes with that country. It is for that reason I am in favor of a reservation that where there is a dispute between this country and any member having self-governing colonies, neither the parent country nor the self-governing colonies can vote.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from California?

Mr. KELLOGG. I yield.

Mr. JOHNSON of California. I simply want to correct the Senator in one particular, that is all; not to interrupt him. There is a corollary of this amendment which the Senator will find in the form of an amendment to article 15.

Mr. KELLOGG. I am going to speak of that.

Mr. JOHNSON of California. And in that corollary the exact thing that the Senator inveighs against is accomplished.

Mr. KELLOGG. I shall come to that amendment in a moment. The Senator from California is entirely right. The amendment which the Senator refers to is not the amendment offered by him, but the amendment offered, as I understand, by another Senator, Mr. MOSES, from New Hampshire.

Mr. JOHNSON of California. The two were offered together, and they relate to the same subject matter.

Mr. KELLOGG. I will admit that. I do not wish to avoid that in the slightest degree. But the amendment referred to is found on page 31, and I will come to that in a moment. It provides:

> Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

That amendment would prevent the colonies of the British Empire from voting when we have a dispute with the British Empire, and I am in favor of the principle of that amendment, declared in a reservation, which will amply protect this country. I believe that may be the proper construction of the covenant, in any event.

But I realize that in many respects it is very indefinite, it is subject to different constructions by equally honest minds, and I am perfectly willing to make it clear by a reservation that she should not have such vote.

Mr. JOHNSON of California. Mr. President, will the Senator yield for just one question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from California?

Mr. KELLOGG. I yield.

Mr. JOHNSON of California. Do I understand the Senator to say that his construction is, under the covenant as it now stands, that the colonies of Great Britain could not vote in a dispute between one of the colonies of Great Britain and ourselves or another country?

Mr. KELLOGG. I say that that construction has been placed upon it by very able gentlemen.

Mr. JOHNSON of California. Does the Senator place that construction upon it?

Mr. KELLOGG. I hold that that construction might honestly and fairly be placed upon it by men of fair minds. I do not say that that is the proper construction.

Mr. JOHNSON of California. May I ask what the Senator's construction of it is?

Mr. KELLOGG. I will come to that in a moment.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. No; I decline to be interrupted further.

The PRESIDING OFFICER. The Senator from Minnesota declines to be interrupted.

Mr. KELLOGG. I will take but a few moments, as I understand the Senate is to recess at 4 o'clock, and I hope Senators will permit me to proceed with my argument.

The third case which I suggested is a case of a dispute between two outside members of the league, say Mexico and Colombia, or any two members. I do not think that this amendment would give us 6 votes in such a case. If a party to the dispute demands that it go to the assembly, it will be sent there under article 15, which provides as follows:

> The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.

Then the section proceeds, and this is the provision to which I invite the Senate's attention:

> In any case referred to the assembly all the provisions of this article and of article 12 relating to the action of the council shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Note the language:

> Provided that a report made by the assembly, if concurred in by * * * the council and a majority of the other members.

This country is a member of the council in such a dispute between Mexico and Colombia, and as such member of the council has a vote. But those voting in the assembly are nations which are not represented in the council, and therefore we would have no vote to make up that majority. In other words, the council must be unanimous in order that we can vote. Then it must be concurred in by a majority of the other members of the league who are not members of the council.

Mr. President, I have given three of the principal cases where there could arise a dispute between the United States and the British Empire, between the United States and any other member of the league, or between two members of the league other than the British Empire and the United States. In none of those cases, as I read this amendment, would it grant the relief which is demanded by the distinguished Senator from Idaho [Mr. BORAH].

I believe that my country is entitled to the same representation as any other country in the world, and I am willing that every other country should have the same representation as this country has. There is only one solution, and that is to provide that Great Britain, or the British Empire, shall have one vote, and only one vote.

Mr. President, I am not going to discuss the question raised by the Senator from North Dakota [Mr. MCCUMBER] and so ably discussed by the Senator from Idaho [Mr. BORAH], whether the British colonies are entitled to a place upon the council. If they are, the amendment of the distinguished Senator from California [Mr. JOHNSON] and the amendment proposed by the Senator from New Hampshire [Mr. MOSES] do not cure this defect. I do not believe that the British Empire, which is a party to this treaty, as a whole ought to have more than one representative upon the council, and I am willing to vote for a reservation that provides that that is the proper construction of the covenant. I am quite aware that the President, Messrs. Lloyd-George, and M. Clemenceau joined in a letter to Mr. Borden stating that Canada was entitled, if she could be elected, to a place upon the council; and I am quite aware of the arguments of the Senator from North Dakota [Mr. MCCUMBER] that, as the council is made up of representatives of the principal allied and associated powers, and as the principal allied and associated powers are the British Empire—not Great Britain—the United States, France, Italy, and Japan, the greater includes the less, and that when the British Empire is represented upon the council it necessarily, by implication, excludes the colonies of the British Empire. It will be noted that in the first provision of the treaty the principal allied and associated powers are defined as the United States of America, the British Empire, France, Italy, and Japan, these powers being described in the present treaty as "the principal allied and associated powers."

As the Senator from North Dakota [Mr. MCCUMBER] says, the council is made up of representatives of the principal allied and associated powers, which include the British Empire, not

Great Britain, and he does not think the colonies of the British Empire are entitled to representation upon the council.

The distinguished authorities—the President, Mr. Lloyd-George, and M. Clemenceau—hold the opposite view, and I must admit that since these gentlemen framed the instrument their judgment is entitled to great weight. However, it is immaterial, because these amendments do not seek to remedy that situation at all.

As I said before, it has been proposed that this situation be corrected in the resolution of ratification by a reservation. Such a reservation, I am told, is before the Committee on Foreign Relations, and I shall read that reservation into the RECORD for the benefit of the Senators. It is as follows:

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, have cast more than one vote; or in case of any dispute between the United States and any member of the league in which such member or any self-governing dominion, colony, empire, or part of empire, united with it politically, shall have voted.

This covers both the amendment offered by the Senator from California [Mr. JOHNSON] and the amendment proposed by the Senator from New Hampshire [Mr. MOSES]. In other words, the distinguished Senator from Idaho [Mr. BORAH] says, "We do not propose to say that Canada, New Zealand, and India should not vote, but we propose to give the United States an equal vote." But the amendments do not accomplish that in any dispute.

This reservation would simply serve notice upon the British Empire that we decline to be bound by an award or decision in which any member and its self-governing colonies cast more than one vote.

It may be that in disputes we should not object to the votes of Canada and the other countries. I understand it to be the theory of the Senator from Idaho that they should vote, but I do think that it is entirely consistent for us to say, "If you propose to give them six votes, we shall not be bound in any dispute where that right is exercised to our disadvantage, if we object to it."

The second part of this reservation covers the amendment of the Senator from New Hampshire [Mr. MOSES]. It provides that we shall not be bound—

* * * in case of any dispute between the United States and any member of the league in which such member or any self-governing dominion, colony, empire, or part of empire united with it politically shall have voted.

Mr. President, I heard the argument of the distinguished Senator from North Dakota [Mr. MCCUMBER] that in a dispute between us and the British Empire the colonies could not vote, but would be excluded. I shall not analyze that argument, for I realize the equity of his position. If we were construing an ordinary instrument, I realize that it could be well said that where the British Empire had a dispute with us it was a dispute with all the British Empire, which would include her colonies. Her colonies have no foreign relations. A dispute with Canada is a dispute with the British Empire.

I am willing, for the purposes of the argument, to concede the position of the Senator from Idaho, but I state unequivocally that no amendment is necessary to construe this covenant, so that no member in dispute with this country can control the vote of its colonies, self-governing dominions, or parts of empire in that dispute. This can be accomplished, however, by a reservation, for which I shall vote.

I wish to confine the limitation to this country. I do not wish to intermeddle in the affairs of the other signatory powers. If France, Italy, or Japan, or any other country desires that as between itself and the British Empire the latter may cast or have its colonies cast votes when the British Empire is interested it does not concern me. Therefore I wish that this reservation shall be confined to this country alone.

Referring again to the amendment, it provides:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

In my opinion, if the treaty is returned with that amendment in it, it must be agreed to by all the other powers as between themselves, and France and Italy could not agree that the British Empire should have her colonies vote in a dispute with them. Under this reservation, however, we are not meddling in their affairs, and I am not concerned with their decision. I shall be satisfied when we have placed a reservation upon this instrument which prevents the colonies of a member from voting in a dispute between us and the parent government.

Mr. President, I do not see why we should seek to amend the treaty as between France, Great Britain, Italy, or any other members of the league when we can make a reservation apply to this country alone, which they may then accept and which will protect the United States.

Mr. President, through all this long contest I have constantly kept in mind that it is the bounden duty of the Senate to see that the honor, rights, and interests of this country are protected. I yield to no man in that desire. If we can accomplish that as between the United States and the other nations, I am willing that France, Italy, and the other powers shall do as they please, and I shall not ask them to change the treaty as between themselves.

I do not sympathize with the sentiment expressed by some that the Senate should simply adopt the treaty as it was written in Paris, and that we should not exercise our judgment upon these great vital issues so important to the honor, the stability, and the progress of this Nation. While I am willing to concede that Great Britain has done much to encourage democratic government over the face of the earth, I believe that we took a step in advance and that we have given to the world a Constitution which, as a model, has been copied by many nations in the last 100 years. I believe it is of the utmost importance that this country should maintain her institutions unimpaired, without the meddlesome interference of any other nation, for in that regard I am not an internationalist. But when I have voted for reservations which, in my judgment, protect the institutions and the future of this Nation, I am not willing to go further and urge that the other countries accept them as between themselves as the proper interpretation of the covenant. That is my position. I may be wrong; but I am willing to answer for it in the great court of public opinion, where we must all answer.

Mr. KING. Mr. President, I should like to ask the Senator just one question before he resumes his seat.

Mr. KELLOGG. What is the question?

Mr. KING. The Senator has indicated that the reservations to which he calls attention would, in his opinion, fully protect the United States. I refer to the reservation with respect to voting in the assembly. How does the Senator think the reservation would protect the United States in the international labor conference? I regard the labor provision as a very important one, one of the vital provisions of the treaty, and I am not quite sure that the discussion of the Senator illuminates the question as to the protection which our Government would have in the labor conference.

Mr. KELLOGG. The Senator from Idaho stated that the same representation would exist in the labor conference as existed in the league; and if that is true no decision of the labor conference, in which the British Empire and her self-governing colonies had more than one vote, would bind us in any respect. I have not given particular attention to the effect of it, but if this reservation does not cover it, of course, it can be made to cover it.

Mr. THOMAS. Mr. President——

Mr. KELLOGG. I yield to the Senator from Colorado.

Mr. THOMAS. There is this further difference between the two. The so-called Johnson amendment attacks a part of the league where unanimity of action by the council is required. The representation in part 13 of the treaty, which is the labor part, contains no provision for unanimity. There a two-thirds vote is all that is necessary, and if this amendment is needed here it is much more needed in part 13, to which it does not apply at all.

Mr. KELLOGG. That is quite true.

Mr. LENROOT. Mr. President——

Mr. KELLOGG. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask if there is not this distinction, that as to part 13 the labor conference can take no action which binds the United States, under the terms of the treaty, without subsequent action by the United States.

Mr. THOMAS. That is true.

Mr. LENROOT. But that is not true of the league covenant.

Mr. THOMAS. That is true as it now stands. It will not be true very long after it goes into effect.

RECESS.

The PRESIDING OFFICER. The Senator from Minnesota having concluded his remarks, under the unanimous-consent agreement the Senate will stand in recess until 11 o'clock to-morrow morning.

Thereupon (at 4 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Thursday, October 23, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 22, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of life and love, justice and mercy, strength and purity, impart unto us of these inestimable gifts abundantly, that the trend of our lives may be Godward and all men come into the oneness in thought and intent with Thee; that selfishness, greed, profiteering, may pass away, and the ruling passion of men may be to help, exalt, purify; that the simpler life may be ours and all men live together in peace and happiness, inspired by the world's great Exemplar, our Lord and Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Committee on Foreign Affairs was called.

INTERNATIONAL COMMUNICATION.

Mr. ROGERS. Mr. Speaker, by direction of the Committee on Foreign Affairs I call up the bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication.

The SPEAKER. The gentleman calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, I raise the question of consideration on this measure.

Mr. ROGERS. Mr. Speaker, I make the point of order that that question is not in order at this time.

The SPEAKER. There has been a ruling on that, that on Calendar Wednesday that question should be raised in the committee and not in the House. Speaker CLARK ruled that in the last Congress.

Mr. BLANTON. This bill is not on the calendar, is it?

Mr. ROGERS. It certainly is on the Union Calendar.

The SPEAKER. It is on the Union Calendar.

Mr. ROGERS. Mr. Speaker, we automatically go into the Committee of the Whole House on the state of the Union.

Mr. BLANTON. Mr. Speaker, I think we ought to have a quorum here before we pass on this matter, and I make the point of no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum present. The Chair thinks no quorum is present.

Mr. MONDELL. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Edmonds	Kennedy, R. I.	Riordan
Anthony	Ellsworth	Kiess	Robinson, N. C.
Bacharach	Fess	Kincheloe	Robsion, Ky.
Bankhead	Fields	Kraus	Rodenberg
Barbour	Fisher	Kreider	Rowan
Barkley	Fitzgerald	LaGuardia	Sabath
Begg	Foster	Langley	Sanders, La.
Bell	Frear	Lankford	Sanford
Benson	Fuller, Ill.	Lazaro	Saunders, Va.
Booher	Fuller, Mass.	Lee, Ga.	Schall
Brand	Gandy	Little	Scully
Brinson	Ganly	McClintic	Sells
Britten	Garner	McGlennon	Siegel
Brumbaugh	Garrett	McKenzie	Sisson
Burdick	Godwin, N. C.	McKeown	Slemp
Burke	Goldfogle	McKinley	Smith, Ill.
Butler	Goodall	McKinley	Smith, N. Y.
Byrnes, S. C.	Goodwin, Ark.	McLane	Snyder
Campbell, Kans.	Goodykoontz	McLaughlin, Nebr.	Steele
Cantrill	Graham, Ill.	MacCrate	Steenerson
Carew	Greene, Vt.	Maher	Stephens, Miss.
Carter	Hamill	Mann, Ill.	Stephens, Ohio
Christopherson	Harrison	Mansfield	Stevenson
Clark, Fla.	Haskell	Mays	Sullivan
Cole	Hastings	Mead	Swope
Copley	Hays	Moore, Pa.	Taylor, Ark.
Costello	Heflin	Moores, Ind.	Thomas
Cramton	Hicks	Morin	Tincher
Cullen	Hill	Mott	Tinkham
Curry, Calif.	Hull, Iowa	Mudd	Treadway
Davis, Tenn.	Ireland	Newton, Mo.	Vare
Dempsey	Jefferis	Nicholls, S. C.	Vinson
Dent	Johnson, Ky.	Ogden	Ward
Dewalt	Johnson, Miss.	Olney	Wheeler
Donovan	Johnson, S. Dak.	Pell	White, Kans.
Dooling	Johnston, N. Y.	Rainey, H. T.	Wise
Doremus	Kelley, Mich.	Rainey, J. W.	Woodyard
Drane	Kendall	Reed, N. Y.	Yates
Eagle	Kennedy, Iowa	Riddick	Young, N. Dak.

The SPEAKER. On this call 274 Members have answered to their names, a quorum.

Mr. ROGERS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk reported. The gentleman from Missouri [Mr. DYER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DYER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 9822, which the Clerk will report.

The Clerk read the bill by title.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. WINGO and Mr. BLANTON objected.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized in the name of the Government of the United States to call, in his discretion, an international conference to assemble in Washington, and to appoint representatives to participate therein, to consider all international aspects of communication by telegraph, telephone, cable, wireless, telepnone, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis.

SEC. 2. That the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State for expenses incidental to the conference.

With the following committee amendment:

On page 1, line 6, after the word "appoint," insert "by and with the advice and consent of the Senate."

Mr. ROGERS. Mr. Chairman, this bill is to provide the necessary authorization for the holding at Washington of an international conference to take up all questions relating to international communication. The only question at issue between the majority of the Committee on Foreign Affairs and the minority of the committee is whether the President shall be required to submit for confirmation by the Senate the names of the representatives of the United States to that conference. The minority of the committee bases its objection to the bill solely upon that point. Before I deal specifically with it I want to call to the attention of the House some of the considerations which lead me to believe that this conference is of very great importance to the country.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. ROGERS. Not now. This conference will take up, among other things, the question of the disposition of the captured German cables. Under the agreement of the Paris conference these German cables—which are quite numerous and of great importance to the commercial world—were given to the five great powers, each of which at present owns a one-fifth undivided interest in them. What shall be the ultimate disposition of them? I do not need to emphasize the great importance of a wise answer to that question.

Another question will be the general one of how the rights of property in submarine cables in peace and in war shall be maintained and preserved. It was developed at the peace conference and during the war that there was practically no body of authority as to the rights of property in submarine cables in peace and in war.

As an illustration of the length to which Governments went, Great Britain cut one end of the New York-German cable and towed that end into Halifax; she cut the other end of the cable in the English Channel and towed that into Land's End. So that instead of there being a German-American cable, the result of that action was that there was a Great Britain-Canada cable.

The United States protested, but because there was no international law on the subject, absolutely no result was obtained and no redress secured. All these questions will be considered by a conference of this kind.

Then innumerable questions which relate to radio operations, both in peace and war, will come before this conference—communication between vessels at sea, communication between vessels in distress and the shore, questions relating to the regulations of wave lengths for wireless purposes, and so forth. Questions involving the international use of telegraphs and telephones will also be dealt with.

Mr. JUUL. Will the gentleman yield for a question?
Mr. ROGERS. For a brief question.
Mr. JUUL. I want to ask the gentleman if the cutting off of this trans-Atlantic cable of which he speaks was done by England before we entered the war or after?
Mr. ROGERS. Oh, before we entered the war.
Mr. JUUL. That is different.
Mr. MILLER. Will the gentleman yield?
Mr. ROGERS. I will.
Mr. MILLER. What are the five powers among which the German cables were divided?
Mr. ROGERS. Great Britain, France, Italy, the United States, and Japan.
Mr. MILLER. Japan shares one-fifth?
Mr. ROGERS. Japan has an undivided fifth part in the cables.
It is very important for this country, very important for the civilized world, that these questions should be settled wisely and explicitly and as nearly as possible for all time.
Mr. WALSH. Will the gentleman yield?
Mr. ROGERS. I will yield to the gentleman.
Mr. WALSH. Will the gentleman state whether it is necessary to have legislation enacted to authorize the President to call this conference? Does he not have authority now to call a conference?
Mr. ROGERS. By the act of March 4, 1913, it was provided that no such conference shall be called unless the consent of Congress shall first be obtained.
Mr. WALSH. This involves the negotiation of a treaty, and he would have authority to appoint commissioners for that purpose to consider all these matters.
Mr. ROGERS. The precedents indicate that the President has ample authority to appoint representatives to negotiate a treaty; but while the line may sometimes be a narrow one there is a distinction between the negotiators of a treaty and gentlemen who come together to form an international conference.
Mr. WALSH. Eventually will not these matters subject to the conference have to be determined by a treaty?
Mr. ROGERS. This conference will fail of its purpose if it does not succeed in drafting some sort of an instrument that will ultimately be the basis of a treaty. It is for that very reason that the majority of the Committee on Foreign Affairs feels that it is extremely important to have confirmed by the Senate the nominations of the President.
Mr. RAMSEYER. Will the gentleman yield?
Mr. ROGERS. Certainly.
Mr. RAMSEYER. More important than the rights in the German cables now divided among the five great powers, it seems to me, is the matter of more adequate facilities in the way of cables for communication. I understand that the commercial world is handicapped by the inadequacy of international communication.
Mr. ROGERS. That is true, and one reason for that fact is that the rights of property are not protected now. If men who wish to invest money in a cable company were sure their rights of property therein would be taken care of in time of war they would be more interested in undertaking such an enterprise.
Mr. RAMSEYER. That is one of the problems to be considered?
Mr. ROGERS. That is one of the problems to be considered at this conference.
Mr. DENISON. Will the gentleman yield?
Mr. ROGERS. I will yield to the gentleman from Illinois.
Mr. DENISON. I would like to ask who is to participate in the conference?
Mr. ROGERS. All of the Entente powers. At this stage only the Entente powers will be invited.
Mr. DENISON. Why?
Mr. ROGERS. I suppose for the same reasons that have influenced the action of the commissioners at Paris. They are not prepared at the present time to take the hostile powers into the full community of nations.
Mr. TEMPLE. Mr. Chairman, will the gentleman yield?
Mr. ROGERS. Yes.
Mr. TEMPLE. Have diplomatic relations been resumed between the Entente powers and the powers with whom we are technically still at war?
Mr. ROGERS. They have not been resumed with either Germany or Austria-Hungary.
Mr. DENISON. Mr. Chairman, will the gentleman yield?
Mr. ROGERS. Yes.
Mr. DENISON. I did not have in mind the enemy nations, but I had in mind the great neutral nations not involved in the war.
Mr. ROGERS. I think I was mistaken in my previous answer. The neutral nations are, I understand, to be included in this invitation.
Mr. DENISON. Could not this question be handled by the league of nations, which is coming into power pretty soon?
Mr. ROGERS. I am frank to say that I believe it would be better handled by this conference than by the league of nations.
Mr. DENISON. I would like to know why, but I shall not take the gentleman's time.
Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?
Mr. ROGERS. Yes.
Mr. WHITE of Maine. In connection with the question as to whom the invitation may be extended to attend this conference, that is a matter wholly within the discretion of the President.
Mr. ROGERS. Yes.
Mr. WHITE of Maine. Is there any reason why he can not also, if he sees fit, invite the powers with whom we have been at war?
Mr. ROGERS. Under this resolution he can invite whatever powers he sees fit to invite, but my understanding is that he intends to exclude the Central Powers.
I have been trying to emphasize the importance of this conference, because it seems to me that on that element of importance depends to a considerable extent the propriety of the amendment of the committee requiring confirmation by the Senate. Of course, gentlemen are familiar in this House with the extent to which confirmations by the Senate are necessary. For example, there are 10,825 post offices in the United States, nominations of postmasters to which must be confirmed by the Senate. Among these great post offices which are included in that enumeration are the post office at Riverdale, a few miles to the northeast, carrying a salary of $1,000 a year; the post office at Kensington, beyond Chevy Chase, with a salary of $1,200 a year; Mount Rainier, in the northeast, with a salary of $1,100 a year; Forest Glen, where the girls' school is, with a salary of $1,600 a year; Hyattsville, with a salary of $1,700 a year; Gaithersburg, with a salary of $1,600 a year; and Silver Spring, with a salary of $1,400.
Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?
Mr. ROGERS. May I go on for just a moment?
Mr. RAMSEYER. I just want to ask the gentleman about this phrase here. I want to know whether that is an innovation in bills of that kind?
Mr. ROGERS. I will deal fully with that in a moment. I have not been able to get the exact number of appointments certified to the Senate for confirmation since President Wilson took office in 1913; but in the Sixty-third Congress there were over 10,000 such appointments, in the Sixty-fourth Congress there were over 12,000 such appointments, and the best estimate that I can make for the Sixty-fifth Congress is that there were something like 25,000 such appointments.
Mr. FLOOD. Mr. Chairman——
Mr. ROGERS. I can not yield just now. They include postmasters of the first, second, and third class; they include Army officers from second lieutenant up to a four-star general; they include naval officers from ensign up to an admiral; they include consuls of the eighth class and secretaries of the fourth class.
Mr. FLOOD. Mr. Chairman, will the gentleman yield?
Mr. ROGERS. Yes.
Mr. FLOOD. Is it not a fact that the Constitution——
Mr. ROGERS. I am coming to the Constitution in a moment.
Mr. FLOOD. But I want to ask the gentleman a question.
Mr. ROGERS. I want to show what the facts are. I have in my hand a book showing the nominations from the Treasury Department which must be confirmed by the Senate, another book showing nominations from the Department of Justice, many of which must be confirmed by the Senate, and a thick volume submitted to this Congress in 1913 by the Civil Service Commission showing the officers of the Government who must be confirmed by the Senate. This book contains something like 120 pages of the finest possible type, though it excludes all Army and Navy officers. In other words, there are tens of thousands of positions under the Government which to fill lawfully the President must have the confirmation of the Senate.
Mr. FLOOD. Mr. Chairman, will the gentleman permit me to ask him a question there?
Mr. ROGERS. I can not yield just now.
Mr. FLOOD. But the gentleman has an hour.
Mr. ROGERS. I will yield a little later. I want to read from the Constitution of the United States itself.

Article II, section 2, of the Constitution of the United States provides that the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

In other words, the presumption is that every officer under the United States shall be appointed by the President and shall be confirmed by the Senate, but in the case of inferior officers and at the pleasure of Congress the authority may be conferred upon the President to make such appointments alone.

The majority of the committee regard this forthcoming international-communication conference as a very important one. We are not willing to belittle the character of the officers who shall represent the United States at that conference by saying that the President alone may appoint them. We do not regard them as "inferior officers." Therefore we want to have them confirmed by the Senate. We believe that such a requirement will result in additional prestige to them; we believe also that it is of great importance, in view of the magnitude and diversity of questions coming up at that conference, that the very best men to be found in the United States shall be appointed. We think that this amendment will encourage the selection of the very best men.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. TILSON. Has the Congress by law ever authorized the appointment of a class of officers that would permit the appointment to be made without the confirmation of the Senate?

Mr. ROGERS. Yes.

Mr. TILSON. Has there been any specific law passed by Congress authorizing such officers to be appointed without confirmation by the Senate?

Mr. ROGERS. I will cite such a law in a moment.

Mr. TILSON. Then, if it should be determined that these are inferior officers, who should not have the approval of the Senate, should not we, in this act at least, specify that they may be appointed without the confirmation of the Senate?

Mr. ROGERS. I think that is a very strong point. Such a situation was illustrated in the matter of post-office appointments. From the foundation of the Government until 1872 every postmaster was subject to confirmation by the Senate. Then in 1872 the Congress passed a law providing that thereafter fourth and fifth class postmasters, who were deemed by Congress to be inferior officers within the language of the Constitution, might be appointed by the President alone, but continuing the requirement that first, second, and third class postmasters must be confirmed by the Senate.

Mr. TILSON. And in the case of appointment of officers in the late war was it not specifically provided by law that those officers might be appointed without the confirmation of the Senate?

Mr. ROGERS. That is true; and that is another illustration of just the same situation.

Mr. FLOOD. Will the gentleman now yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. FLOOD. I would like to ask the gentleman how many instances he has come across of acts of Congress requiring the President to submit nominations for appointment of delegates to an international conference to the Senate for confirmation?

Mr. ROGERS. I have read the report of the gentleman from Virginia which was submitted yesterday, and the gentleman has very fully and, I think, very accurately set forth the facts in that regard. I think since the beginning of the Government there have been something like 32 cases or 35 cases which have been confirmed by the Senate and several hundred cases which have not been confirmed by the Senate.

Mr. FLOOD. The gentleman did not catch my question. I asked him how many acts of Congress he had discovered that required the President to submit his nominations to the Senate, not how many times the President had acted——

Mr. ROGERS. It is the provision of the Constitution itself that requires confirmation by the Senate, unless Congress explicitly relieves the President from the necessity. Such a law is, therefore, unnecessary.

Now, the question is, gentlemen, whether these men ought to be regarded as inferior officers. Both the Secretary of State and his expert on this question testified that something like a treaty was likely to result and ought to result from the deliberations of the conference. The Secretary of State testified that these representatives of the United States would probably be paid. He said he did not believe in voluntary service; that he believed in paying men, so that you could keep a tight rein upon them. So these men are going to be paid, and they are going to represent the United States for an indeterminate period—probably for several months. I submit that for these reasons and in view of the magnitude of the interests at stake and of the importance of the United States of the issues to be taken up it is not fair to the country not to require that these representatives on the part of the United States should be confirmed by the Senate. I am willing to go further, gentlemen. I am willing to say that whenever we authorize in Congress an international conference the representatives to that conference ought to be confirmed by the Senate. There is no disposition on my part and, I think, no disposition on the part of my colleagues on the committee to nag or hamper or harass the President. I am willing to put this issue on the very broad ground that when matters of fundamental importance to the Nation, involving our policy for years to come, are going to be presented at an international conference, it is right and proper that the legislative branch of the Government should have a hand in saying who the representatives of the country should be to negotiate with the delegates of the other nations of the world. So, gentlemen, let us put it on that broad ground.

Congress since 1913 has said the legislative branch has an interest, and a direct interest, in determining what international conferences shall be held. Up to 1913 the President could call international conferences as he saw fit. Since 1913, as I say, it has been necessary for Congress to authorize the call before he could even issue the invitation. Having thus indicated our viewpoint, why should not we all the more indicate our interest in the character of the personnel of our representatives to that conference?

Mr. JUUL. Will the gentleman yield just briefly?

Mr. ROGERS. I will yield for a question.

Mr. JUUL. I want to ask the gentleman from Massachusetts to what extent did the legislative branch of the Government have anything to do with the selection of the men who sat with the other nations in Paris?

Mr. ROGERS. They had absolutely nothing to do with it. Mr. Chairman, I think that Congress ought to pass a statute if it is necessary—though I do not believe that under the Constitution it is necessary—requiring the President, whether he is a Republican President or a Democratic President, to submit his representatives to negotiate treaties to the Senate before they can go forth. [Applause.] If we appoint a third-class postmaster or a second lieutenant or an ensign only after confirmation by the Senate, I submit that issues affecting the future and welfare of the world, such as those passed upon by our five commissioners at Paris, ought to have some preliminary consideration by the Senate of the United States. The Senate should at least have had a voice in the selection of our ministers to negotiate the peace of Paris. [Applause.] Let us see whether it is not a wise time for the Congress to assert its own prerogatives. [Applause.] In war days, gentlemen, this House, regardless of party loyalty, gave unprecedented powers to the President of the United States. I have no fault to find with that course of procedure. I participated in that policy. I approved of that policy. But now the days of peace have come, are we going to continue to give the President every power and gradually subtract from the power which we under the Constitution ought to exert?

I submit that that very issue is linked up in the half dozen words of the committee amendment. It is true that in the past appointments by the President to negotiate treaties have not generally been confirmed by the Senate. On the other hand, it is also true that our delegates to purchase Louisiana, that our delegates to negotiate the Treaty of Ghent, which closed the War of 1812, that our delegates to represent the United States in settling the Alabama claims, were all confirmed by the Senate. And it is also true that President Washington, President Adams, the elder, President Jefferson, President Madison, President John Quincy Adams, and President Grant all thought that it was worth while to have the sanction and approval of the Senate of the United States before they sent men forth to negotiate treaties of peace. Whether or not the right be in the President, I believe a President should welcome, and probably would welcome, the assistance of the Senate. It strengthens his own hands; it makes his position stronger.

Referring to the question of the gentleman from Illinois [Mr. JUUL], I firmly believe that from the President's own standpoint it was one of the most grievous mistakes he ever made not to submit to the Senate the names of the commissioners to negotiate the Paris treaty. [Applause on the Republican side.] I believe that he would have been in an infinitely stronger position if he had done that. I believe that that

treaty would now have been ratified if that procedure had been followed. And so, gentlemen, I am perfectly willing, as I say, to put this question on broad grounds. Let us say to-day that we will not only authorize the holding of an international conference hereafter, but we will also have a voice in this Capitol, if not in this Chamber, as to who shall be the representatives of the United States at that conference.

Mr. Chairman, I reserve the balance of my time. [Applause.]

The CHAIRMAN. The gentleman from Massachusetts has used 28 minutes and reserves the balance of his hour. The gentleman from Virginia [Mr. FLOOD] is recognized for an hour. [Applause.]

Mr. FLOOD. Mr. Chairman, there are many features of this bill that commend themselves to me. It carries quite a large appropriation for a matter of this kind, but as Republicans are in the habit of making large appropriations, I do not know that an attempt should be made to amend it in that particular, as such an attempt could not succeed in this House.

There are many features of this bill that will commend themselves to the consideration of those interested in the future progress and development of this country. The bill as introduced by the gentleman from Massachusetts [Mr. ROGERS] contains all those features. I do not think the bill itself is sufficiently well drawn to carry out the ideas and purpose that the bill aims at, and I believe if the bill does pass without some additional amendments other than those put upon it by the Committee on Foreign Affairs the appropriation will fail to carry out the purposes which the State Department has in view.

But I think, Mr. Chairman, that this bill is obnoxious to every fair-minded American, whatever be his politics, by reason of the amendment which the committee put in it. That amendment is a requirement that the President shall appoint delegates to this international conference only by and with the advice and consent of the Senate. It is unusual. It will result in no good purpose; no good can come from it. It springs from nothing but partisan politics. [Applause on the Democratic side.] It violates the Constitution, which Members of this House are sworn to uphold and maintain.

Mr. KNUTSON. What particular section?

Mr. FLOOD. I will tell you after a while if you will wait. There is lots in the Constitution you never dreamed of.

But the gentleman from Massachusetts [Mr. ROGERS], in answer to my question, or in attempting to answer it, evaded the real issue. I asked him if he could put his fingers upon an instance where the laws of Congress had required the President to submit, for the advice and consent of the Senate, the names of the gentlemen he had appointed to conferences of this kind. He could not do it, and he can not do it, because in all the history of this Congress, from its first organization down to this time, it has never attempted to that extent to invade the prerogative of the Executive. [Applause on the Democratic side.]

The gentleman says there are precedents for this. I say there are no precedents for it. This is an act of Congress requiring the President, if it goes through, to submit his nominations to the Senate. Presidents in the past have done so and they have not done so; they have acted according to their judgment, according to their wishes in the matter, and without compulsion or attempted compulsion on the part of Congress. Can not gentlemen see the distinction? Washington named some commissioners and sent their names to the Senate for confirmation, but he named numbers and numbers of commissioners whose names he did not send to the Senate for confirmation. [Applause on the Democratic side.]

Mr. KNUTSON. Will the gentleman yield?

Mr. FLOOD. Yes; I yield.

Mr. KNUTSON. I wish to ask the gentleman if peace commissions had ever been appointed prior to this last one without having been confirmed by the Senate?

Mr. FLOOD. I see there is something besides the Constitution the gentleman does not know. In only one instance in the history of this country has a peace commission been sent to the Senate for confirmation by that body. [Applause on the Democratic side.] In every other single instance our commissioners appointed to negotiate peace after war have been appointed by the President without the advice and consent of the Senate.

I suppose that President McKinley and his course and his judgment and his patriotism would appeal to the majority whip. He appointed a peace commission to negotiate peace between this country and Spain in 1898, and he did not send it to the Senate for confirmation. [Applause on the Democratic side.] In 1848, when we negotiated peace with Mexico, the names of the peace commissioners were not sent to the Senate for confirmation. Only in one instance were the names of commissioners to negotiate peace treaties sent to the Senate for confirmation; President Madison did send the names of his commissioners appointed to the Ghent peace conference to the Senate for confirmation. But that is the only time, and it simply demonstrates the point that I was making—that the Constitution has left this matter with the President.

If the President, as the gentleman from Massachusetts [Mr. ROGERS] says, would welcome the advice of the Senate, the President can get it by sending the names of his appointees to the Senate for their advice and consent. But there never has been a case in the history of this Government in which Congress has undertaken by law to require the President to send the names of such appointees to the Senate for confirmation or rejection.

Mr. ROGERS. The Constitution requires it, as I explained.

Mr. FLOOD. The gentleman knows that the constitutional idea he advanced here has been exploded in this country for nearly a hundred years. [Applause on the Democratic side.] The gentleman knows he would not ordinarily undertake to maintain such a proposition, and he knows that the Constitution of the United States vests executive functions in the President, and he exercises all of them without restriction except where the Constitution itself restrains him. The Constitution vests in the President absolutely the uncontrolled and uncontrollable authority to appoint all agents of every kind to deal with our international relations, except that ambassadors, public ministers, and consuls must be appointed by and with the advice and consent of the Senate. No one will contend that the delegates to the international conference which this bill provides for are either ambassadors, public ministers, or consuls, and therefore no one should contend for a power in Congress to control his discretion in the naming of such delegates. [Applause on the Democratic side.]

The Constitution requires the President to submit treaties to the Senate, which are ratified by a vote of two-thirds of the Senate. It requires the President, in dealing with our foreign relations, to submit to the Senate for their confirmation the nominations of ambassadors, public ministers, and consuls; and outside of that the President's power over our international relations is uncontrolled and uncontrollable by any other body in this Government.

I believe the gentleman from Pennsylvania [Mr. TEMPLE], a distinguished member of this committee, a distinguished professor on political science, will agree with me about that. The gentleman from Massachusetts [Mr. ROGERS] attempts to compare these delegates with third and second and first class postmasters. The Constitution requires the nomination of an officer to be submitted to the Senate unless the law declares them minor officers and stipulates that they need not be so submitted. But these delegates are not officers. Since the foundation of the Government there have been over 600 sets of such delegates appointed, and no one has ever suggested that they were officers in the meaning of Article II, section 2, of the Constitution. No one has been found willing to stand for such a proposition until it was advanced here to-day. So it must be clear to Members that there is absolutely no constitutional authority justifying this amendment.

Now, let us see about the precedent that the gentleman from Massachusetts [Mr. ROGERS] has referred to. Some of the Presidents have sent the names of commissioners to the Senate for ratification. Many of them did it, but very many more did not. There have been in the history of this country 35 instances in which these nominations for appointment have been sent by Presidents to the Senate for confirmation. There have been between 500 and 600 cases in which the appointments have been made without reference to the Senate.

Mr. JUUL. Mr. Chairman, will the gentleman yield briefly?

Mr. FLOOD. Yes; very briefly.

Mr. JUUL. I want to ask the gentleman if it is not his opinion that it would have been for the best interests of this country if the legislative branch of the Government and the President had worked more closely together than has been the case for the past couple of years?

Mr. FLOOD. I do not agree with the gentleman that the legislative and executive branches of this Government have not acted together in the last couple of years, at least prior to May 19 last. It may have been if the President had flattered the vanity of some of the Republican Senators [applause on the Democratic side] by putting them upon the peace commission that treaty which the world desires and which America desires would have been ratified before now. [Applause on the Democratic side.]

But I say you are doing a thing that is partisan, and nothing but partisan. It has no other purpose. It can accomplish no

good. It violates the Constitution, and it is simply an affront, and not a dignified and brave affront, to the great President of the United States. [Applause on the Democratic side.]

I do not believe the Senate will for a moment think of voting this measure through. But to get back to what the gentleman from Massachusetts [Mr. ROGERS] called precedents. All the Presidents who sent appointments to the Senate for confirmation have also made appointments without confirmation. Washington did it, Adams did it, Jefferson did it, Madison did it, Monroe did it, the younger Adams did it in 22 cases, and never sent but one to the Senate for its approval.

But I will name some later Presidents whose actions and whose patriotism may appeal more strongly to gentlemen on the other side of the House than the great fathers of the Republic do. The immortal Lincoln during his term of office appointed 18 such commissions. Not a single one was sent to the Senate for ratification. Surely gentlemen on that side will not by their votes condemn a practice that Lincoln approved. Grant, the great general who won the War between the States, and whose memory is honored by the people I represent, because in the hour of victory he acted like a soldier and a man, appointed 55 such commissions and did not send the names of the delegates on a single one of these commissions to the Senate. [Applause.]

The gentleman from Massachusetts [Mr. ROGERS] says the appointments of the American commissioners in the Alabama arbitration case were sent to the Senate for ratification. The gentleman is mistaken. The names of the representatives who negotiated for us in the Alabama case were not sent to the Senate for confirmation. Hayes sent but two, Garfield none, Arthur one or two, Harrison one or two, and McKinley—ah, the gentleman from Illinois [Mr. JUUL] says it would have been better if the President of the United States had let the Senate pass upon the nomination of his peace commissioners—McKinley did not do it; and what is more, out of a great number of appointments of commissioners to make treaties and to attend just such conferences as this, McKinley never referred a single one to the Senate. [Applause on the Democratic side.]

Mr. MASON. Mr. Chairman, if the gentleman will yield just a moment for an interruption——

Mr. FLOOD. No; I can not yield just a moment. Let the gentleman get time from the gentleman from Massachusetts [Mr. ROGERS].

Mr. MASON. It was just a question. I will get time from Mr. ROGERS.

Mr. FLOOD. Oh, they say they want to get the President closer to Congress. They want to hold the big stick over the President. President Roosevelt made a great number of these appointments and never sent a single one of them to the Senate. [Applause on the Democratic side.] Taft did the same thing. He appointed my friend from Virginia [Mr. MONTAGUE] to two South American conferences of great importance. He never sent any of them to the Senate, and not since the year 1891 has a single one of the appointments by Presidents of the United States to positions of this kind been sent to the Senate for confirmation.

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOOD. I will.

Mr. GOOD. I have just been looking over the gentleman's report. I do not claim to have very much information in regard to the subject, and that is the reason why I want to ask the gentleman a question.

Mr. FLOOD. Yes.

Mr. GOOD. I notice on page 6 of the report the gentleman states that John Jay and Thomas Pinkney and Rufus King and John Quincy Adams and C. C. Pinkney and John Marshall and James Monroe and Robert R. Livingston and Albert Gallatin and many others were appointed by the United States to conduct negotiations between 1789 and 1888, and those that I have named, with a number of others, were confirmed by the Senate.

Mr. FLOOD. Yes.

Mr. GOOD. Why was that?

Mr. FLOOD. That was because, for some reason satisfactory to himself, the President saw fit to send those names to the Senate. In some instances they characterized them by names to indicate that they were public ministers, and sometimes not; but in every instance every President who sent appointments to the Senate also named commissioners without sending them to the Senate. [Applause on the Democratic side.] Not a single President from Washington down to Wilson has ever failed to do that.

Mr. GOOD. Can the gentleman inform the House why a distinction was made in some cases?

Mr. FLOOD. I say it was simply the wish of the President, thinking he would accomplish something by that method. There is no compulsion of law; there is no compulsion of the Constitution. There can be no compulsion by statute. It was simply the voluntary act of the President.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. CANNON. I merely wanted to ask the gentleman a question. I was not here when the gentleman who preceded him [Mr. ROGERS] spoke, and the gentleman was talking when I came in.

If I understand him aright—and that is the only question I want to ask—there are precedents both ways, but the gentleman says that the weight of precedent is with his contention.

Mr. FLOOD. No, sir; I do not say that. I say there is absolutely no precedent for this amendment; that there is no case where by act of Congress, such as this would be, the President has been required to send to the Senate for confirmation the names of delegates who should deal with international relations. I say there have been a number of cases where the President of his own volition has sent such names to the Senate, but a vastly greater number of cases where he did not do it.

Mr. CANNON. They are both ways.

Mr. FLOOD. The President can do it. He can do it now if he wants to. He can do it in this case if he wants to, but there is no precedent for Congress requiring him to do it. It seems to me that ought to be plain. There have been 35 cases where Presidents have sent such names to the Senate for confirmation, but in nearly 600 cases they have not done it.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied 38 minutes.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. No; I can not yield. I have not the time. I hope there will be enough members in this committee who will vote down this proposition, to enable us to take it up and pass the bill upon its merits. I can see nothing but partisanship in this proposition.

If we want to establish a policy, let us bring in a law to fix it for all such cases and not one particular case as an insult to the President. If you undertake to pass a general law applicable to all cases, you will show your faith in your constitutional power and your sincerity and courage, but tacking this amendment on here is partisan politics. I believe in partisanship. I believe in the virile kind of partisanship of ex-Speaker CLARK and ex-Speaker CANNON, who will do everything in their power honorably and justly, in this House and out of it, to place the men and measures of their political faith in control of this Government. [Applause.] I believe in the partisanship of the Speaker of this House, who always sympathizes with members of his party, but who always decides questions raised here fairly and honestly and without reference to party advantage. [Applause.] It has been partisans who in all ages of the world, in every field of human progress, have led the way. Wherever conflicts of opinion have determined the thoughts and actions of men there the well-equipped partisan has been the guiding power and controlling force for good; but our international affairs are no place for even wholesome partisanship. In these affairs Americans should stand together. During the war this House did not indulge in partisanship. In the trying days of reconstruction let us follow a similar rule, and it will be for the good and the glory of the country. [Applause.] I appeal to gentlemen on that side not to vote for this amendment simply because it was reported by a Republican committee. You can point out no purpose except a discourtesy to our great President. He is a great President, self-poised and courageous, honest and able, brilliant and patriotic in guarding every interest of America and of humanity; he has won his way into the hearts of the people not only of this country, but of the entire world [applause], and to-day everywhere he is looked upon as the foremost man and the wisest statesman of his day and generation. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. FLOOD. I reserve the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON took the chair as Speaker pro tempore.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2716. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child Norman Lee Molzahn from the temporary burial site in the District of Columbia to a permanent burial place;

H. R. 5007. An act granting citizenship to certain Indians;

H. R. 2452. An act for the relief of Charles A. Carey; and

H. R. 753. An act for the relief of Susie Currier.

The message also announced that the Senate had passed with amendments the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior years, and for other purposes, in which the concurrence of the House of Representatives was requested.

CONFERENCE ON INTERNATIONAL COMMUNICATION.

The committee resumed its session.

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MASON]. [Applause.]

Mr. MASON. Mr. Chairman, I did not intend to take any part in this discussion, although I voted for the amendment. I rose simply to explain what my distinguished colleague on the committee [Mr. FLOOD] seemed to think a very material thing, that President McKinley did not send the names of the Spanish War peace commissioners to the Senate for ratification. I happened to be a Member of the Senate at that time, before I was promoted to this House, and I happen to know something about what was done at that time, and I assume that other Presidents acted in the same way. It will be remembered that President McKinley appointed men who under the rules of the Senate would need no confirmation. There is a rule there which covers that. The President of the United States appointed Mr. Frye, of Maine; Cushman K. Davis, who, as I remember, was chairman of the Committee on Foreign Relations of the Senate; and Senator, now Justice, Gray, of Delaware, a Democrat. Every man in the Senate knew who was to be appointed, and every man, under the rules of the Senate, would naturally vote for his confirmation. In other words, while President McKinley did not ask for the consent, he did ask for the advice of the Senate.

I call the attention of the gentleman from Virginia [Mr. FLOOD] to the fact that on the 4th of March, 1913, in the last act signed by President Taft, when this desire of the Executive to usurp the power of Congress had been growing so much, Congress demanded that hereafter in the appointment of these commissions it should be done only by authority of law. That is the only reason this bill is here, because we are giving authority of law. We are asking to have these men confirmed by the Senate. Just think of it. They are to lay the foundation for a treaty which involves a course of conduct not only between the Allies of the Entente, but eventually to make a treaty for all of these great powers.

Is it not fair that the legislative branch should be consulted? You say it is without a precedent. Even if it is, the gentleman at the White House is also without a precedent. He is the only President who ever appointed himself on a commission. He is the only man who ever assumed to act for himself on a commission. He is the only man who ever appointed himself on a peace commission and turned down the legislative branch and turned down every other branch of Government and every man of every political faith who did not agree with him in the conference at Paris. It is printed in the record that when the question came up and it was proposed that the parliaments of the several countries, including Great Britain and all the Allies, as well as our own Congress, should be consulted and have something to say about the appointment of the delegates to the assembly and to the council of the league of nations, the President of the United States opposed it, leaving it entirely for the Crowns and the President to make those appointments, and his opposition defeated the right of the legislative branch of the Governments to be consulted, although two members of the commission spoke openly in favor of it. In other words, new conditions impose new duties, and the new condition here is that you have a gentleman in the White House who assumes to act entirely without precedent, just as he has acted in the peace commission; and we are simply saying now that in the selection of these commissioners who are to go out and formulate great political plans and policies of the Government of the United States, involving not only our own country but every other country, the bureau which passes up these names to the President shall have their action reviewed by the Senate of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman and fellow members of the committee, in considering this bill I am not troubled about the constitutional question that has been raised and which was so ably argued by the gentleman from Virginia [Mr. FLOOD]. If this were the negotiation of a treaty, there would be great force in the position which he has stated, but as I have read this bill it is a bill intended to gather information upon great subjects, which information may become the basis upon which a treaty may be negotiated. There is not a word in this bill providing for this conference as to the making of a treaty. But we are confronted at this day with great and grave questions as to communication through the air and through the sea, and how they shall be regulated to best promote the interests of all nations.

Surely the Congress of the United States may by an act provide a commission that will gather this information, which will become a basis upon which treaties may be negotiated by the President in the appointment of commissioners for that purpose. Read the first section of the act, it is very short:

That the President of the United States be, and he is hereby, requested and authorized in the name of the Government of the United States to call, in his discretion, an international conference to assemble in Washington, and to appoint, by and with the advice and consent of the Senate, representatives to participate therein, to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis.

Wherein is a single prerogative of the President of the United States invaded by the enactment of that law? Has not Congress the right to gather information in whatever manner it may choose to exercise its power? Is not the subject a big enough one and sufficiently pressing at this time to cause Congress to act and call attention to this subject and ask the President to do what? Why, request the President—most respectfully done—authorize the President—most respectfully worded—in his discretion, to convene this conference in Washington for the purpose of considering this great measure. Surely no man can say that any constitutional right or prerogative is invaded by the adoption of such a law as this. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman and gentlemen of the committee, the point to which attention has been so forcibly called by my colleague from Pennsylvania [Mr. GRAHAM] is one that is well worthy of our consideration. This conference is either for the preparation of material on which to base a treaty or it is not. If it has nothing to do with international affairs or with the preparation of a treaty, it has something to do with the internal affairs. Of course, however, no one will seriously contend that it has nothing to do with international affairs. Its sole purpose is to consider international communication, whether by wireless, submarine cable, or otherwise, and involving perhaps the use of land telegraphs wholly within the jurisdiction of one Government if they are used in connection with international communication by wireless or cable.

Congress passed a law in 1913 which provided that the Executive shall not extend or accept any invitation to participate in any international conference or congress without first having specific authority of law to do so.

Mr. RAMSEYER. Will the gentleman yield?

Mr. TEMPLE. For a question.

Mr. RAMSEYER. Before that law was passed the President could appoint commissioners of any kind.

Mr. TEMPLE. Presidents had been doing so.

Mr. RAMSEYER. Can the gentleman give the reason why that law was passed, why the President's power was curtailed?

Mr. TEMPLE. One of the reasons was that frequently such conferences or congresses were called, and if they were to meet in this country the question arose whether it was not our duty to incur some expense in hospitably entertaining the foreign delegates who accepted the invitation, and also, in sending our own representatives abroad, whether we ought not to pay their expenses or salaries. So it did happen sometimes that invitations extended without authority pretty nearly required Congress to pass appropriations. That was all done previous to the administration of the man who is now President. March 4, 1913, was the day he came in. It was the experience of Congress previous to that time, not in any one administration or in two but in many, that suggested the idea of having Congress assume the authority for such conventions before they were called.

Mr. WELTY. Would it interrupt the gentleman if I asked him a question?

Mr. TEMPLE. No; I will yield to the gentleman.

Mr. WELTY. Did Congress ever have reason to protest against any appointments of delegates to conferences made by a President other than the fact that expenses were incurred?

Mr. TEMPLE. I have not in mind every case that happened. There were several hundred appointments made. But I do know that the question had arisen whether the President had the right to make such appointments without sending the names of the appointees to the Senate for confirmation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ROGERS. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. TEMPLE. The President has recognized the authority of Congress to place this restriction on the calling of these conventions. The Secretary of State called the attention of the President to the law, which, of course, the President knew very well, on September 4, 1919, as follows:

The PRESIDENT:

During the course of the discussions in the council of five, regarding the disposition to be made of German cables, the following agreement was reached:

"The principal and allied and associated powers shall as soon as possible arrange for the convoking of an international congress to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy, and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis."

I learn that the four principal Allies, namely, Great Britain, France, Italy, and Japan, have accepted, in principle, the suggestion to meet in Washington during October next, or at such later date as may be convenient to them, for the purpose of making a study of the entire communications problem in all its aspects, which would include a consideration of the broader activities of the international telegraph and radiotelegraph unions of the interallied radio commission. I am convinced that the proposed conference offers a rare opportunity not only to provide the entire world with adequate facilities of this nature on a fair and equitable basis, but to promote world peace, mutual understanding and fellowship arising from a communications system free from special privileges and placing each part of the world in immediate contact with every other part.

The Executive being prohibited by a provision of the deficiency act approved March 4, 1913, from extending an invitation of this nature without specific authority of law, I have the honor to request that, should you approve, this matter be laid before Congress for its decision as to whether it will authorize the extension of the formal invitation and will provide the appropriation of $75,000, which it is thought will be required for United States representation in this international conference.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, September 4, 1919.

On September 10, 1919, the President sent the following communication to Congress:

To the Senate and House of Representatives:

In view of the provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so," I transmit herewith for the consideration of Congress and for its determination whether it will authorize the extension of the invitation, and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State with reference to the proposed international conference to be held in Washington during October next, or at such later date as may be convenient to the powers concerned, to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis.

WOODROW WILSON.

THE WHITE HOUSE,
September 10, 1919.

The President in this letter to the House and Senate asked for the passage of this act.

If we have the right to pass the act, we have the right to refuse to pass it. No man is bound to vote "aye"; he may vote "nay." If we have the right to vote to grant or deny the President's request, then we have the right to put conditions on the granting of that request, whether it has ever been done before or not.

Passing from that point, the question arises as to the authority of the President to appoint persons who are to negotiate treaties or to do work which may be preliminary to the negotiating of treaties. It is true that the minority report as well as the majority report recognizes that there are precedents on both sides of that question.

I think everyone who has examined the matter knows that far more representatives of the United States have been appointed by the President without confirmation by the Senate than have been sent to the Senate for confirmation. That is unquestionably true. Previous to 1815 the opposite was the truth. More had been sent to the Senate for confirmation than had been appointed without the confirmation of the Senate. But in 1815 precedent seemed to strike off in a new direction, but even since that time there have been instances, particularly in 1871, when President Grant sent to the Senate for confirmation the names of our representatives who negotiated the treaty by which the Alabama claims were settled. Also in 1880 President Hayes sent to the Senate for confirmation the names of the plenipotentiaries whom he wished to appoint to negotiate a treaty with China. I wish to call particular attention to a very interesting evidence of controversy between the Senate and the President on the point now under discussion. This controversy occurred when a Republican President was in office. It arose in connection with the treaty of May 22, 1882, between the United States of America and Korea. The treaty was ratified and several reservations were written into the ratifying resolution. The ratifying resolution was adopted January 9, 1883, and contains the following:

Resolved further, That the Senate in advising and consenting to the treaty mentioned in the foregoing resolutions does not admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power, unless such person shall have been appointed for such purpose, or clothed with such power, by and with the advice and consent of the Senate, except in the case of the Secretary of State or diplomatic officer appointed by the President to fill a vacancy occurring during the recess of the Senate, and it makes the declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

Mr. FLOOD. What is the date of that?

Mr. TEMPLE. May 22, 1882, the treaty between the United States and Korea. It is a very interesting precedent, and it seems to me is exactly in point.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. LINTHICUM. The gentleman from Virginia [Mr. FLOOD] says that there has never been an act passed by which the President was required to have these appointments confirmed by the Senate. It has been done in certain instances, but he has never been required to do it by Congress.

Mr. TEMPLE. No act of this kind was ever passed previous to March 4, 1913, because there was no provision of law forbidding the President to call such conferences without the consent of Congress. Since March 4, 1913, a few such acts have been passed authorizing the President to call such conferences, and I believe the gentleman is right when he says that no precedents exist for this particular act; but we have not had much opportunity for precedents. We are still in the formative stage, making precedents. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, the bill before us, H. R. 9822, introduced by Mr. ROGERS, to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communications, is a most important bill. It is one which should redound to the benefit of our Government by giving them more adequate use and control over the cables to the various countries, and their connecting land wires.

From this conference should come, and I believe will come, recommendations which will be embodied in an agreement by which the United States will receive equal benefits. It is a conference which should lead to the establishment of quicker, more direct, and economical communications from the various sections of our country to the cities of the world. It will, no doubt, be attended by experts, men who are highly qualified in telegraph and radio matters, and whose work will be of inestimable benefit to the entire service.

They are to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and make recommendations. This very expression informs us of the magnitude of their undertaking and of the wonderful benefits which should be derived therefrom. It places the nations of the world upon an equal basis in these connections, and will give each equal facilities.

I mention these facts to show you the importance of the measure and why it should not be subject to division among the Members of this House, and particularly among the members of the Foreign Affairs Committee. The amendment inserting "by and with the advice and consent of the Senate," which is proposed to the bill, introduces into what should be purely a business matter politics foreign entirely to the bill, and should not be considered for one moment by this House.

I rise particularly to deplore the fact that the Foreign Affairs Committee, which during my membership thereof for the past nine years, under the administrations of President Taft and of President Wilson, has always eschewed politics in its deliberations, that we should at this time endeavor to reflect upon the appointing power of the Nation in these matters, when we are just emerging from the greatest war which the world has ever known. It is bad enough to consider matters from a political standpoint upon the floor of this House when it is essential to do so or beneficial to the respective political parties

to do so, but the voters will not approve of it in international matters, and it will prove a boomerang to you Republicans.

It is highly undesirable and dangerous to legislation, a reflection upon the administration, and a check to that international progress which we should make when all the world is more or less unsettled. The people are awaiting the establishment of business relations so that they may again proceed with their usual avocations and that commerce and business may again attain its normal condition and progress and prosperity prevail.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield there?

Mr. LINTHICUM. Yes.

Mr. RAMSEYER. Talking about politics, was it not politics to curtail the right of the President to participate in conferences of this kind without authorization from Congress? If this is politics, was not the act of March 4, 1913, much more politics, when you had a Democratic Congress which passed that act?

Mr. LINTHICUM. The gentleman from Pennsylvania [Mr. TEMPLE] has told you just why that act was passed. The act was passed because certain commissions had been appointed, not by this administration, because this administration came in only at that time, but by previous administrations, and no provision had been made for the expenses of these appointees. Therefore Congress, as a good host, felt, even though appropriations had not been made for them, it should take care of the expense.

Mr. FLOOD. That was simply a warning by Congress that they would not make appropriations unless this was done.

Mr. RAMSEYER. The Presidents before that time had abused that power by calling this sort of conferences.

Mr. LINTHICUM. I do not agree with the gentleman. I think the reason was just as I have told you: That while Congress had not provided for these commissions, yet they had been appointed, and people coming from foreign countries at the invitation of this country felt that certain of their expenses should be paid. Therefore the Congress thought that it would be best to legislate that no appointments should be made without the consent of Congress and thus correct these misunderstandings.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BEE. These men who are appointed on these commissions are not charged with any governmental responsibility? It is merely a complimentary and courtesy appointment by one Government to another?

Mr. LINTHICUM. Certainly; to talk over these matters and bring in experts and to advise with them and make ready for a treaty upon the subject.

Mr. BEE. But when they are appointed by and with the consent and advice of the Senate they are Government officers; at least, they were before this sort of measure was introduced.

Mr. LINTHICUM. No; they do not become Government officers, though that requirement would naturally lead one to suppose so.

The people of this country are growing very tired, indeed, of the manufacture of campaign material. They want this Congress to proceed with legislation beneficial to business and leading as quickly as possible to the wonderful advantages which our country can procure when once again settled down to its usual routine. While our allies are proceeding with the establishment of business relations with our opponents and their agents are spreading throughout those countries establishing business connections, here in America we have been squabbling for lo these many months over the question of ratification of the treaty. What the people want is action. They are demanding less politics and more speed.

Throughout this broad land of ours there is unrest, unsettled conditions; money interests, business interests, and labor interests are wondering when we shall again reach a peaceful basis in fact as well as in law. Here in this House upon the least provocation you intrude political questions. You take a political view of matters which should be dealt with solely from a business and reconstruction standpoint. You delay action by long debates upon questions of which the people are well informed while the conditions of the country demand action.

I remember distinctly when the Speaker of this House argued that the President should call an extra session of Congress by April 1 for the solution of weighty problems upon which will depend our industrial prosperity. He is from an industrial section and knew whereof he spoke. He said the factories of the United States are halting because of the uncertainty of the future and to revive that condition would be the first task of the new Congress. He said, "I believe it will be done with wisdom and fearlessness and that its results will command the approval and confidence of the American people." Our floor leader, Mr. MONDELL, announced on March 4 that the Republicans were ready for the extra session; that appropriations would first be taken up; then would come railroad and shipping legislation; that water power, coal, and oil leasing, and a variety of other measures for the industrial life of the Nation would be enacted.

I ask you to-day, Where, oh, where is this railroad legislation upon which the President asked action by Congress about a year ago? Where are those measures which were to be made with "wisdom and fearlessness and receive the commendation of the American people"? Where is the shipping legislation or the water power, coal, and oil leasing bills? We have spent a very considerable time upon investigations of this, that, and the other; what benefit has been derived from it except to establish in the minds of the American people that through the lavish expenditure of money and the forcing of war work we reached Europe in time with two millions of men to save the war for the Allies?

The budget bill has just been passed, when it could easily have been done early in the extra session, and, before this, been passed by the Senate and approved by the President, thereby giving us its benefits for the next fiscal year.

The food-control bill asked for months ago was passed finally and went to the President only 10 days ago, weeks after it should have reached him, and assisted in the relief of the high-cost conditions of food products.

It was only by the presidential veto that enough funds were obtained for the vocational training and education of disabled soldiers and sailors because of the curtailment by the Republicans.

And thus it is ever delay and politics by the majority in this House because of your antagonism to the President, who is acclaimed by the world one of the greatest men of the world to-day.

I say these things, Mr. Speaker, to show you and to demonstrate the fact that Congress has abundance of work to perform, both in the House and Senate; that the Senate is overcrowded and will find it difficult to take on further operations. To add to the political harangue of this House and additional work to the Senate, it is proposed by the Committee on Foreign Affairs that we shall, by the amendment submitted, direct that the appointment of the members of this international conference should be ratified by the Senate. The appointment of such commissioners has almost universally been left to the Executive, where the Constitution vested it. Never in the history of our country has a Congress demanded that appointments of this nature first receive the sanction of the Senate. Presidents have in some instances voluntarily submitted them to the Senate, but never has Congress required it to be done.

It has been well said that the common practice has been to make such appointments without the advice and consent of the Senate. Of the 438 appointments of this nature, and usually of greater importance and of far more reaching effect upon the destinies of the Nation, 3 have been appointed by the Secretary of State, 32 have been appointed by the President with the advice and consent of the Senate, and the remainder have been appointed solely by the President.

For 53 years, from 1827 to 1880, the President did not ask consent of the Senate to any such appointments, and since that time it has been quite the practice for the President to make these appointments without consulting the Senate.

James Monroe and William Pinckney, men who stand out in the history of the country, were appointed in 1806 without consent of the Senate to settle all matters between the United States and Great Britain.

John Quincy Adams was appointed by the President in 1820 to conclude with Spain treaty of concession, navigation, commerce, and settlement between the two countries.

In 1821 he was appointed for the same purpose by the President to deal with France.

In 1823 High Nelson was appointed to conclude a treaty with Spain without advice of the Senate.

Henry Clay was appointed in 1825 to conclude a treaty with the Central Republics of America on commerce and navigation by the President.

In 1826 Albert Gallatin was appointed by the President to conclude treaty with Great Britain relative to commerce and boundaries.

In 1827 Henry Clay was appointed by the President to conclude a treaty with the Hanseatic Republics, and again in 1828 to conclude treaty of peace and friendship with Prussia.

In 1828 William Henry Harrison was appointed by the President to conclude treaty of commerce and claims with Colombia.

In 1829 Louis McLane, of Maryland, was appointed by the President to conclude treaty of commerce and navigation with Great Britain.

In 1830 John Randolph, of Roanoke, was appointed by the President to conclude treaty with Russia relative to maritime, war, neutrality, and commerce.

In 1831 Martin Van Buren was appointed by the President to conclude treaty with Great Britain.

In 1836 Louis Cass was appointed by the President to conclude a treaty of commerce with France.

In 1842 Washington Irving was appointed by the President to conclude treaty of commerce and navigation with Spain.

In 1842 Daniel Webster was appointed by the President to conclude treaty of peace, friendship, and commerce with Texas, and likewise in the same year to conclude treaty between United States and Great Britain.

In 1844 John C. Calhoun was appointed by the President to conclude treaty for the annexation of Texas.

In 1853 Edward Everett was appointed by the President to conclude copyright conventions with Great Britain and France.

In 1853 James Gadsden was appointed by the President to conclude extradition treaty with Mexico.

In 1854 August Belmont was appointed by the President to conclude a consular convention with the Netherlands.

In 1861 William H. Seward was appointed by the President to conclude an additional article relative to the desertion of seamen with Denmark. He was again appointed in 1867 to conclude a claims convention with Prussia, and in the same year to conclude a treaty with Russia for cession of territory.

Hamilton Fish was appointed in 1869 by the President to conclude a trade-marks convention with France, and in the same year to extend the ratification of the treaty with Denmark.

In 1870 Daniel E. Sickles was appointed by the President to conclude a claims convention with Spain.

In 1883 Gen. Grant and Trescott were appointed to conclude a treaty of commerce with Mexico, and in 1884 John W. Foster to conclude a treaty of commerce with Spain.

In 1885 Thomas F. Bayard was appointed to conclude an additional article to the convention with Mexico, and again in 1887 to conclude an extradition treaty with Russia.

I merely mention the names of these particular gentlemen as having been appointed by the President without the advice and consent of the Senate, because they are well known by Members of this House and the people of our country, and for the further purpose to show that the matters with which they were to deal were of vast importance and yet were not referred to the Senate for approval.

Since 1887 there have been only three occasions when they were submitted to the Senate, namely:

First international conference on American States. Act of May 4, 1888. (The second, third, and fourth were appointed without the advice and consent of the Senate.)

Conference on Samoan Islands—Berlin. (Convention of Mar. 1, 1889.)

Commission for establishment of international coin or coins. (Commission appointed Jan. 24, 1891.)

Since 1891 there have been no confirmations by the Senate and no question has been asked or raised.

It is manifest, therefore, that it is not only useless but against the general practice—almost the universal practice—not to submit to the Senate, and never by legislation required to be confirmed by the Senate. The public can not but believe that it is merely to further harass the President, and to demonstrate to him that you gentlemen on this side of the House—Republicans—are merely playing politics, even in matters of international affairs.

This conference can be of inestimable benefit. It does not apply solely to our country, but to our Allies, and eventually to the other countries as well, and certainly in matters of conventions of the nations we should not inject the politics of our country.

I sincerely hope this House will rise to the occasion and defeat the proposition, not only for now, but to give a warning that though we may play politics somewhat in matters pertaining to ourselves, we will not extend them to international matters. I hope the amendment will be defeated.

Mr. Chairman, I yield back the remainder of my time and ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman yields back one minute. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Chairman, how does the time now stand?

The CHAIRMAN. The gentleman from Massachusetts has 15 minutes remaining.

Mr. ROGERS. How much has the gentleman from Virginia?

The CHAIRMAN. The gentleman from Virginia has 26 minutes remaining.

Mr. ROGERS. I suggest that the gentleman from Virginia consume some of his time now. The gentleman has considerable more time unused than I have.

Mr. FLOOD. Mr. Chairman, I yield nine minutes to the gentleman from North Carolina [Mr. STEDMAN]. [Applause.]

Mr. STEDMAN. Mr. Chairman, with my decided convictions I should fail in my duty if I neglected to record my protest against the amendment made to this bill by the majority members of the Committee on Foreign Affairs.

Profoundly impressed with the discourtesy to the Chief Magistrate of the Republic which the amendment carries with it, whether so intended or otherwise, I have endeavored to ascertain in the brief space of time at my disposal what has been the rule and custom as to such appointments. I think there is no doubt whatever that the advice and consent of the Senate is unnecessary. The President can consult the Senate if he chooses, but it is not incumbent on him to do so. These appointments belong exclusively to the President, and to attempt by legislation to deprive the Executive of the power to make them is entirely without justification.

As has already been stated and as appears from the minority reports from 1792 to 1888, the President without the consent and advice of the Senate made 438 appointments of agents to negotiate and conclude conventions, agreements, and treaties. Three such appointments were made by the Secretary of State and 32 were made by the President with the advice and consent of the Senate. For a long period of time no President sought the advice and consent of the Senate in making such appointments.

The appointments provided for in this bill are clearly not of the dignity of those made for the purpose of negotiating treaties, and it is entirely manifest that the consent of the Senate is not required.

Chateaubriand said, "That if the cocked hat and surtout of Napoleon were placed on a stick on the shores of Brest it would cause Europe to run to arms from one end to the other."

It may be said with equal truth that the mention of the name of Woodrow Wilson ever carries terror and affright to many Republicans. Some swear, some curse, some run, and some do all three at the same time. I am at a loss to characterize the sentiment by which they are actuated and controlled. It may be likened to a strange malady or disease which is both contagious and infectious. Many Republican Senators have become its victims. Their long-continued fight upon the league of nations has had a disastrous effect upon the interests of our country. Business enterprises of vast magnitude have been held up and are being paralyzed.

They say this measure, so fraught with importance to the world, is the offspring of the mind of Woodrow Wilson. It would seem that this is the chief reason for their uncompromising hostility to the league of nations. [Applause on the Democratic side.]

I trust that the amendment to this bill was not dictated by partisan malice or a desire to minimize the President of the United States.

However, whether so intended or not, the amendment can be fairly and justly construed as a gross discourtesy to him and an infringement upon his executive rights.

If really intended to detract from his great reputation, it will be a disastrous failure.

It is not my purpose here to-day to deliver a eulogy upon the character of Woodrow Wilson.

The record of his life will be his highest and best eulogy.

The influence of exalted thought, of high and humane conceptions never passes away. The words spoken by Woodrow Wilson and his work in behalf not only of our Republic but of weaker nations throughout the world will be transmitted from age to age to generations yet unborn. [Applause on the Democratic side.]

When the days of party strife have been forgotten, when the fear and jealousy of an illustrious man have perished forever and the events of the epoch in which we live have been recorded by the historian his pages will be enriched by the achievements of Woodrow Wilson, whose name, by the common consent of mankind, will be in the very front rank of those who have preserved civilization for all humanity in the mighty struggle recently brought to an end.

The amendment should be stricken from the bill by the unanimous vote of this House. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield seven minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, a Democratic Congress passed the law, which took effect on the 4th of March, 1913, in which it declared that the policy

of this Government was that the President should not be allowed to hold or even to participate in any international convention without the authorization of Congress.

Mr. FLOOD. Will the gentleman yield?

Mr BROWNE. Wait until I finish my sentence. The reason for that law, I presume—and I am not criticizing it; I think it is one of the best laws the Democrats at that session of Congress passed—was to curtail to some extent the jurisdiction of the President in calling and participating in these conventions which had for their subject matter the discussion of international rights.

Mr. FLOOD rose.

Mr. BROWNE. Not now. Wait until I finish and I will then yield. The President, under the law, as Secretary Lansing says in his letter found in the majority report, can not call this conference without the consent of Congress. Now, I submit that if he must come before the Congress and get the consent of the Congress that Congress has the right to impose a fair and reasonable condition, which is in this case that the delegates to this very important convention shall be confirmed by the Senate. No one objects to the law compelling the confirmation by the Senate of third-class postmasters and many other officers of this kind.

Now, what good reason is there in this case for not saying to the President that before these delegates to this very important convention shall act their appointments shall be confirmed by the United States Senate? In the minority report our friends argue that they are afraid the legislative branch of the Government is going to usurp the power of the Executive. That has not been the tendency under this administration, certainly, and it never has been the tendency in the history of the world. Legislative bodies do not usurp power. Where you find autocracy you find it concentrated in the hands of one man and not in the hands of the many, and you find in countries that have an autocratic form of government that the ruler usurps practically all of the rights of the legislative body.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. BROWNE. Yes.

Mr. CALDWELL. Does the gentleman think that his statement is borne out by the history of the British Empire?

Mr. BROWNE. Yes; I think that it is.

Mr. CALDWELL. Has not the House of Commons usurped all the functions of the King of England?

Mr. BROWNE. The example which the gentleman cites, of England and the King losing his powers, of course, goes back to the time of King John, when practically all the powers were taken away from the King, not by the House of Commons but by compelling him to sign the Magna Charta, a bill of rights to the people. I hope it will be the same in all these countries that have Kings for rulers. But in any government that pretends to have a legitimate branch elected by the people we find the usurpation always comes from the executive part of the government.

Now, in this case, if the President nominates these men, if they are good representative men they will be confirmed. The 436 precedents quoted in the minority report, where the consent or confirmation of the Senate was not required, all of those cases were in matters of this kind before this law was passed. And to-day, if it was not for the law of March 4, 1913, the President could call this convention and appoint the delegates without coming before Congress and asking permission. But, as I say, by that act of Congress, the act of the 4th of March, 1913, Congress intended to curtail the right of the Executive in calling these conferences, and it certainly has the right, if it has the right to curtail the power of the President in calling the convention, to say whether or not such a convention shall impose reasonable conditions regarding the appointment of delegates. I think this condition that the Senate confirm the appointment of these representatives to this international conference is a very reasonable condition.

Now, I also believe that these delegates appointed to this convention, if they have back of their appointment the other treaty-making branch of the Government, the United States Senate, their position as representatives will be a more dignified one and carry more weight than it would be with just simply the appointment of the Executive alone. I believe if the President instead of having over a thousand people go to Paris, as his advisers, all of his own selection, had called upon the Senate of the United States and allowed it to have been represented at that great conference, we would have had a different proposed league of nations. The President would not have come back with his pocket full of the secret treaties that were promulgated before our entrance into the war as a league covenant, but he would have come back with more of the original 14 points that he had started out with embodied in his league of nations covenant.

Mr. FLOOD. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am one Member of this House who is going to vote against this resolution, because I am not willing to vote $75,000 out of the Treasury to settle a little dispute over our one-fifth interest in a German cable. Our actions, to the country, speak louder than our words. And there is not a day but that from the floor of this House you hear preachments of economy and retrenchment, and yet when it comes to carrying those words into acts we find nothing in the way of retrenchment, nothing in the way of economy, but extravagant expenditure of public money continued. Surely our Department of State, with its diplomatic corps, with its army of employees, with its hosts of experts, could settle this matter in the usual diplomatic way, without the necessity of wasting this $75,000. Surely our State Department could take these matters of dispute in these questions, which are embraced within the purview of this bill, up with the other countries involved and reach a proper settlement and proper conclusion.

If we had a question involving $50,000 worth of property, I honestly believe you would find a resolution coming to the floor of this House seeking to appropriate $100,000 to settle it. And I think the time has come when we must use good judgment. How are we going to spend $75,000 in this matter and spend it properly? I want to say to this House that if you mean anything by your preachment of economy, let us practice it; and now is the time to begin. I intend at the proper time to offer an amendment to reduce this amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

The CHAIRMAN. The gentleman from Texas is recognized for 18 minutes.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, the acting chairman of the Committee on Foreign Affairs, the gentleman from Massachusetts [Mr. ROGERS], labored very greatly in the remarks which he made to the committee in an endeavor to demonstrate to you how very important it is that the amendment proposed by the committee be adopted because of the very serious and the very grave matters which this conference will be called upon to consider. I call the attention of the committee to the fact that the chairman did not entertain views of that kind when he introduced his bill into the House. If you will look at the bill you will note that, as originally introduced by the gentleman from Massachusetts, it contained no provision whatever seeking to place any limitation upon the power of the President to appoint agents or representatives to represent him in the proposed conference, whether its purpose is to make a treaty with foreign powers or simply to carry on negotiations with foreign governments, with regard to international communication.

Mr. BROWNE. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. BROWNE. I would like to ask the gentleman if it is not a fact that this bill came from the department and was drawn up in the department?

Mr. CONNALLY. Ask the gentleman from Massachusetts [Mr. ROGERS]. He is the gentleman who introduced the bill. I do not know who gave it to him.

Mr. FLOOD. It came from the department, but not as it is introduced.

Mr. CONNALLY. In other words, the gentleman from Massachusetts [Mr. ROGERS], although he realizes the importance of this matter, did not see fit to put it into this bill until he conferred with somebody on that side of the Chamber, and then all at once they became unduly exercised about the appointments which the President would be called upon to make in case this act should become a law. And the gentleman from Massachusetts, I believe it was—if I am in error, I beg his pardon—stated that in the matter of the treaty which has been concluded between the Allies and Germany in the present war, if the President had submitted the names of the representatives to the peace conference to the Senate for confirmation, the peace treaty would already have been ratified. I am surprised that the gentleman from Massachusetts [Mr. ROGERS], who gives evidence of ability and astuteness, should publicly admit on the floor of this House that the reason to-day why the treaty has not been ratified by the Senate is because a partisan Senate was not allowed to dictate the names of those who should be representatives of the United States at the peace conference in Paris; and the gentleman from Wisconsin [Mr. BROWNE] made a statement a moment ago somewhat to the same effect, that if the President in carrying on his negotiations with Germany and Austria had permitted the Senate, mind you, to name and pick out some distinguished

men to represent the United States at that conference the treaty would have already been ratified.

Mr. BROWNE. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. BROWNE. Did I not qualify that by saying the President would not have come back with secret treaties in his pocket, but would have come back with the 14 points intact? [Applause on the Republican side.]

Mr. CONNALLY. I grant you that if the President had allowed the Senate or allowed the Republican side of the House to name Will H. Hays, chairman of the Republican national committee [applause on the Democratic side], and had allowed them to select the gentleman from Ohio [Mr. FESS], the chairman of the Republican campaign committee, and Senator POINDEXTER, from Pennsylvania, and the gentleman from Wisconsin [Mr. KNUTSON], to represent this country at the peace conference at Paris, he would have had the treaty at least supported by the majority of the Senate, which consists of Republicans. [Laughter.]

Now, gentlemen of the House, I want to call the attention of the committee to this fact, that under the Constitution the President of the United States is empowered——

Mr. TEMPLE. Mr. Chairman, will the gentleman yield for a question?

Mr. CONNALLY. Not at present.

Mr. TEMPLE. Just to correct a misstatement which the gentleman made. The gentleman said that Senator POINDEXTER was from Pennsylvania. Both Senator POINDEXTER and the State of Pennsylvania would be better satisfied, no doubt, to have the RECORD made clear on that.

Mr. CONNALLY. I meant Senator PENROSE. I take it that the gentleman from Pennsylvania [Mr. TEMPLE] had hardly any doubt as to whom I had in mind.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. NEWTON of Minnesota. The gentleman mentioned Mr. KNUTSON as of Wisconsin. He is from Minnesota, and Minnesota is very proud to claim him. [Applause.]

Mr. RANDALL of Wisconsin. I suggest the propriety of substituting the name of Mr. NEWTON for Mr. KNUTSON. [Laughter.]

Mr. CONNALLY. If you will read Article II, section 2, of the Constitution, a copy of which is contained in the report of the majority, you will find the authority of the President with reference to foreign affairs. I make the assertion, Mr. Chairman and gentlemen of the committee, that in dealing with foreign governments the President of the United States has absolute power either to negotiate treaties or to carry on any other negotiations looking to treaties by virtue of his own right under the Constitution and absolutely apart and separate from the Senate. The only power that the Constitution vests in the Senate of the United States with reference to treaties is that those treaties must be made with and by the advice and consent of the Senate. But so far as the negotiation of a treaty is concerned, the absolute power rests with the President of the United States; not in Woodrow Wilson, but the President of the United States, whoever he may be. The trouble with gentlemen on the Republican side of this Chamber is that they seem to think that Woodrow Wilson is to be President forever, it would seem. [Laughter.]

Mr. WASON. Are you sure he will not? [Laughter.]

Mr. CONNALLY. He will not, in my opinion, again be a candidate. The trouble about the gentlemen is that they can not distinguish the office from the individual who occupies it, and they constantly criticize and berate him for every act of himself or his administration, but when he turns upon them they run quivering to cover. [Laughter on the Democratic side.] I am no idolater of President Wilson; but I admire and respect his great ability and respect the high office which he occupies. The committee amendment is a palpable affront to the President, and such is its intent and design. It was conceived in bitterness.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield for a question?

Mr. CONNALLY. Yes.

Mr. MONTAGUE. Does not the amendment confine it directly to the present President? It is not a general law?

Mr. CONNALLY. No; it is not a general law, I will say to the gentleman.

Mr. MONTAGUE. It is confined to this particular conference, the delegates to which in all probability must be appointed by the present President?

Mr. CONNALLY. If this conference is put into effect at all, it will be by the present President of the United States.

Mr. MONTAGUE. It is probably aimed at the present President's power?

Mr. CONNALLY. That is obvious. The legislation proposed by the committee is simply aimed as a direct thrust at the present President of the United States. It is not a permanent piece of legislation that would refer to all future conferences of this character. It is simply an assertion, "Oh, yes; the President may call the conference, provided, in the face of all precedents, he shall be required to submit all nominations thereto to the Senate."

The gentleman from Pennsylvania [Mr. TEMPLE] admitted a few moments ago on the floor of this House that there is absolutely no precedent whatever for this action by reason of it nowhere ever having been required by law that the President should submit such appointments to the Senate for confirmation. I want to call the attention of the House to some authority which in one day and time had some weight with gentlemen of Republican persuasion. A moment ago I made the assertion that the President in negotiating and initiating treaties was not acting as the agent of the Senate, but acting in his own constitutional right. It is unquestioned.

The Senator from Massachusetts, Senator LODGE, if I have been properly informed, concurs in the view that the President, if he may so desire, in negotiating treaties or carrying on negotiations looking to the ultimate bringing into being of treaties, may personally conduct the negotiations if he sees fit. That proposition will not be denied and can not be successfully denied. If the President can personally conduct negotiations with foreign powers, he may do so through agents of his own choosing. If the Senate has the power to prohibit him, by failure or refusal to confirm his appointees, from performing that function through an agent or agents, he would necessarily be restricted to carrying on those negotiations in person. To require such a course would place a limitation on his power under the Constitution. Senator Spooner, in the Senate of the United States—and, by the way, the shoe was on the other foot then—at the time the Algeciras conference in Spain was under discussion, in setting forth his views of the President's power under the Constitution with reference to this matter, said:

> The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty and are well translated by the word "ratification" popularly used in this connection. The President negotiates the treaty, to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. He may vary them from day to day. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I use that word advisedly in order to illustrate what all men who have studied the subject are willing to concede—that under the Constitution the absolute power of negotiation is in the President and the means of negotiation subject wholly to his will and his judgment. (CONGRESSIONAL RECORD, July 6, 1906, p. 2125.)

Senator Spooner further said:

> From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And, Mr. President, he does not exercise that constitutional power, nor can he be made to do it, under the tutelage or guardianship of the Senate or the House or of the Senate and House combined. (Id., p. 2125.)
>
> Mr. President, I do not stop at this moment to cite authorities in support of the proposition that so far as the conduct of our foreign relations is concerned, excluding only the Senate's participation in the making of treaties, the President has the absolute and uncontrolled and uncontrollable authority. (Id., p. 2125.)
>
> Mr. President, it all comes to an entire corroboration by the Senator of the proposition which I made the other day, and which I supposed he had spent some time in attacking, that in the last analysis, so far as the question of constitutional power and constitutional duty is concerned, it is absolutely in the President. He is the sole organ of communication by this Government with foreign governments. At his option he may consult the Senate in advance or he may not. At his option he may send information requested or he may not.
>
> The Senator is mistaken when he says that all there is upon that subject in the Constitution is that line of the sentence which gives the President the power, by and with the advice and consent of the Senate, to make treaties. That is not all there is in the Constitution upon which I rely to sustain the proposition that under our system the President is the sole organ of negotiation and of communication between this country and foreign governments. Under the Confederation the Congress was the sole organ; the Congress negotiated treaties and ratified treaties; the Congress received ambassadors and ministers, and the Congress practically sent ambassadors and ministers.
>
> That was all changed when the Constitution was adopted. (Id., p. 2142.)
>
> Mr. SPOONER. Could the framers of the Constitution any more clearly have made the President the sole organ of communication between this Government and foreign Governments than they did? Of course, the power to receive an ambassador or a foreign minister implies necessarily the power to determine whether the Government or country from which he comes is independent and entitled to send an ambassador or a minister. So the President is authorized to determine, and he must

determine, when he sends an ambassador or a minister to some other country, whether that country is an independent country, a member of the family of nations, entitled to be represented by an ambassador or minister here and entitled to receive an accredited ambassador or minister from this country. When the ambassador or the minister has any communication to make in relation to foreign affairs, he does not make it to the Senate. If it be in the negotiation of a treaty—and most treaties are negotiated here—he has no communication with the Senate. We will not tolerate that ambassadors or ministers or diplomatic agents from other countries shall communicate in any way with the Senate or with the committees of the Senate. (Id., p. 2143.)

There is no possibility of a discussion over the meaning of the word "negotiation." You "negotiate" a contract. Everybody understands what that means. "One of the definitions of the word 'negotiate' is to conclude by bargain, treaty, or agreement" (72 Mass., 423; 22 Ky., Law Reporter, 877; Anderson's Law Dictionary, 706). You negotiate a treaty. That is easily understood. Now, what has the Senate to do with the negotiations of a treaty, including the drafting of a treaty?

It would be nonsense, Mr. President, to talk of the President negotiating a treaty and yet of his not having the absolute power to reduce to writing the terms agreed upon at the end of his negotiation. He must have something to lay before the Senate. Is the signing of the treaty a matter that the Senate has anything to do with? Until the President is through the Senate's function does not begin. (Id., p. 2143.)

But I have a few sentences here from Mr. Jefferson. I do not know whether it will be any "light" to the Senator from South Carolina, but in Mr. Jefferson's Opinion on the Powers of the Senate, a very celebrated document, which he gave at the request of the President, this language was used:

"The transaction of business with foreign nations is executive altogether."

I will read that again:

"The transaction of business," that covers the negotiation of treaties, I should suppose, "the transaction of business with foreign nations is executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are especially submitted to the Senate. Exceptions are to be construed strictly." (Id., p. 2145.)

Senator Spooner was regarded as one of the ablest exponents of the Constitution of Republican faith who ever sat in the Senate in recent times.

Mr. MONTAGUE. Does not the gentleman from Texas also know that the distinguished Senator from Massachusetts [Mr. LODGE] has concurred most heartily in the exposition of the Constitution as given by Senator Spooner?

Mr. CONNALLY. I thank the gentleman from Virginia for interrupting me by making that suggestion. As I stated a moment ago, I understood that the views expressed by Senator Spooner have been concurred in by Senator LODGE repeatedly.

Gentlemen of the House, the Senate of the United States, under the Constitution, has no function to perform nor any concern with regard to a treaty until it is laid before the Senate for ratification or rejection.

Article II, section 2, of the Constitution provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Under the above language of the Constitution, even were it true that the conference should propose to draft a treaty, the President would have authority to appoint agents or representatives of his own choosing to represent the Executive in initiating the treaty; since its ratification would depend upon the action of the Senate that body's constitutional function would not be abridged.

If, as has already been pointed out, he may act directly and personally, why can he not perform the same function through his agents or representatives? Indeed it would seem from the very nature of things highly desirable, at least in some instances, that the President be enabled to exercise the greatest freedom in the matter of the choice of his agents. The delicate and confidential nature of negotiations sometimes attending the initiation of treaties would suggest that wisdom of the highest type would not hamper the President in his selection of representatives. Until a treaty is laid before the Senate for its action, it is the work of the President alone. If personally negotiated by him, the last statement can not be gainsaid. In the case of a treaty negotiated by commissioners or plenipotentiaries, it is still the document or instrument of the President. For, when the commissioners or plenipotentiaries report to the President, if he disapprove of the draft he may reject it and decline to submit it to the Senate. On the other hand, if its terms meet his wishes he may adopt the work of his agents and representatives as his own and lay the completed instrument before the Senate. The Constitution nowhere authorizes the making of treaties by commissioners or plenipotentiaries—only the President is authorized so to do, by and with the advice and consent of the Senate. Commissioners and plenipotentiaries whenever they act perform their duties for and in behalf of the President in his treaty-making capacity and not as agents of the Senate. An instrument negotiated by plenipotentiaries or commissioners is in no sense a treaty until it is approved by the President. If such an instrument were a treaty before its express approval and adoption by the President and subject to validity upon ratification by the Senate, the President could be denied the exercise of his powers with reference to treaty making altogether. Even after submission to the Senate, if ratified by the Senate with an amendment, it is invalid until such amendment shall have been approved by the President (14 Diamond Rings *v.* U. S., 183 U. S.).

These remarks have been submitted in view of the majority's assumption that the proposed conference may draft a convention or treaty. This assumption is held to be unwarranted, as I shall later point out.

But the gentleman from Massachusetts [Mr. ROGERS] asserts that the commissioners who will attend this conference will be officers of the United States. I am surprised that the gentleman should have made any such contention. They will simply be delegates to the conference. The avowed purpose of the conference, as you will see if you will read the minority report, is not to draft a treaty, but ultimately it is possible that the results of this conference may form the basis of negotiations looking to future treaties.

The following dialogue occurred in the committee hearings between the chairman [Mr. ROGERS] and a witness:

The CHAIRMAN. It is not contemplated that this conference shall have any power of decision, I take it?

Mr. WALTER S. ROGERS. Oh, no.

The CHAIRMAN. It will simply be a conference to get together and exchange views and make recommendations?

Mr. WALTER S. ROGERS. They will probably draft something that would look like a convention, and that would come back for discussion.

The following excerpt from a letter of the Secretary of State to the acting chairman of the committee [Mr. ROGERS], found on page 9 of the majority report, is quite pertinent:

With reference to your inquiry as to whether delegates should be confirmed by the Senate, I would suggest that it is not customary to stipulate that delegates to the conference shall be appointed with the advice and consent of the Senate, and I think it would be wise to omit that stipulation. Even if we expected to negotiate a treaty, it would not, in my opinion, be customary or desirable that the delegates should be appointed by and with the advice and consent of the Senate, but it is not the purpose to have the delegates to the International Telegraphic Conference negotiate a treaty, but, rather, by a consideration of the subjects of communication in all its phases in relation to the views held by other Governments, to develop a basis upon which negotiations for an international convention may be undertaken by the regularly constituted agencies of the Government, provided the international regulation of communications shall ultimately be deemed desirable and practicable.

In view of the fact that the majority of the committee bases its contention that it is intended that the conference shall draft a treaty or convention on the testimony of the Secretary of State and Mr. Walter S. Rogers before the Committee on Foreign Affairs, it is believed that the direct and unequivocal denial of such purpose on the part of the Secretary of State and the equally clear denial on the part of Mr. Walter S. Rogers should be sufficient evidence to completely negative the contention of the majority.

For the purposes of this discussion it is immaterial whether the purpose of the conference is to draft a treaty or simply to discuss these matters in a preliminary way. The power of the President in dealing with foreign powers is absolute, except that the treaties which he may conclude, in order to be of validity, must be ratified and confirmed by the Senate.

But this is a conference of whom? It is a conference of representatives of the nations of the world. It is therefore a conference in which the United States will deal with representatives of foreign nations. But in dealing with foreign governments the United States acts through the President. It is therefore apparent that the function the commissioners or representatives to that conference are to exercise is one that belongs solely and unequivocally to the President of the United States. If it is the function of the President alone he should be permitted to perform that function through his own agents. If the conference should, contrary to expectation, draft a treaty it would first have to be submitted to the President, and be by him approved before its submission to the Senate. The Senate's ratification is still required to make it a treaty. The Senate is the final arbiter, and unless two-thirds consent the instrument is no treaty at all, only a "scrap of paper."

The Senate is not concerned with the personality of the men who negotiate the instrument any more than it is concerned with the personality of the typists or draftsmen who perform the physical work of putting it into form. The Senate is only concerned with the substance of the document, not with "who

wrote it," but with "what is written there." Its only concern is to determine whether or not the proposed treaty is such a one as promotes the interests of the United States or its citizens and whose obligations may be safely assumed by this Government.

Allow me to call the attention of the committee to the minority report, where will be found a compilation of the precedents in cases of appointments by the President of the United States of commissioners or representatives to negotiate treaties or international agreements. This table covers all of the appointments of that character made from 1792 to 1888.

The total number of persons appointed by the President during this period of time without the concurrence or advice of the Senate or without the express authority of Congress as agents to negotiate and conclude treaties is 438. During the same time 3 were appointed by the Secretary of State. During this entire period there were appointed with the advice and consent of the Senate only 32 such representatives. Even in the 32 cases of such appointments in no instance, so far as I have been able to find, was there any requirement of law that the President should submit his nominations to the Senate. The present bill furnishes the first example in the history of the country where it is sought by law to compel the submission of such nominations to the Senate.

From the table referred to it appears that from 1827 to 1880 no President at any time asked the consent of the Senate to any such appointment. It will be noted that at no time did any of the following Presidents submit to the Senate nominations of this character, to wit: Jackson, Van Buren, Harrison, Tyler, Polk, Taylor, Filmore, Pierce, Buchanan, Lincoln, Johnson, nor Grant.

It may be said that since 1888 the practice has been the same as it was prior to that time. In a very few instances the President has seen fit to ask the advice and consent of the Senate in the selection of commissioners, but in the vast majority of cases these appointments have been made without the advice and consent of the Senate; in fact, in every instance except three, and there have been a great many of such conferences during that time.

But, gentlemen of this committee, it ought to be apparent already that this amendment is proposed by the committee purely for a partisan purpose. I do not believe the gentlemen on the committee on the Republican side of this House will deny that statement, save in public. From the time this session of Congress convened the Republican side of this House has been busy playing politics. Although during the war they paraded these halls and, wrapping the flag about themselves, took pride in the fact that "we are following the President; oh, we are following the President," since the moment that the war ceased they have been criticizing, they have been whining, and they have been objecting to every act of the President, and evidence of that fact has cropped out in this debate.

It cropped out in this debate that this particular bill is not in the minds of the majority of this committee. In several instances here gentlemen of the majority on the floor of the House have adverted to the league of nations. Well, what in the name of common sense has the league of nations to do with the question whether or not we should enact this measure and have this conference? But the Republicans on that side of the Chamber are boiling with wrath. They are angry, and they can not let the opportunity escape them to do something, whether seemly or whether unseemly, to exhibit their resentment and their spite and fear of the President of the United States—President Wilson.

It is asserted that the act of March 4, 1913, was passed by a Democratic Congress, and therefore was a partisan act. My information is that the Senate at that time was Republican. The Senate was not required to pass that measure, and most assuredly would not have passed it had it been designed by the Democratic House as an affront to a Republican President of the United States. Allow me to call your attention to the fact that the President who was then about to come into office was a Democrat and not a Republican, and a Democratic Congress would not likely seek thus to embarrass him without any cause or excuse whatever. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Massachusetts [Mr. ROGERS] has eight minutes remaining.

Mr. ROGERS. I yield the remaining time to the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, this Government of ours is based upon a Constitution providing for three branches of the Government. It certainly was the intention of the fathers who framed the Constitution that there should be cooperation among these different subdivisions of the Government.

Under the Constitution the treaty-making power is vested in the President and one branch of the legislative department, namely, the Senate. Clearly there should be the heartiest cooperation in reference to matters which are under the jurisdiction of the treaty-making power. Yet, when such a measure as this is proposed which seeks to provide such cooperation, the gentlemen on the Democratic side create a great hue and cry about partisanship and the playing of politics. Mr. Chairman, if this be partisanship, I say "make the most of it." Some gentlemen seem to be of the opinion that there ought not to be any partisan lines drawn on any question relating to our foreign relations. In considerable measure this is true, but that does not apply in every instance. A question may arise any time as to a difference in policy affecting our foreign relations. Upon this question men may very easily honestly differ. If men may differ, so may organizations and political parties differ about the wisdom of any policy about to be embarked upon.

The gentleman from Texas [Mr. CONNALLY], who has just closed the debate for the other side, made the statement that the Republicans seem to be apprehensive lest the present occupant of the White House is made the permanent President of the United States. The gentleman is mistaken. Let me remind him that a suggestion to that effect was made upon the floor of this House some weeks ago, but that it did not emanate from this side of the aisle. It did come, however, from another gentleman from Texas. Be that as it may, let me inform the gentleman that the people of the United States speaking in no uncertain terms will take proper and appropriate steps in the year 1920 to prevent any such possibility that the gentleman has suggested. [Applause.]

Mr. CONNALLY. The gentleman does not mean that I made that suggestion.

Mr. NEWTON of Minnesota. No. I said another gentleman from Texas.

Now, as to the bill in question. The war brought home to us more than ever before the worth and value of international cable and radio communication. The countries controlling these means of communication not only enjoy increased trade advantages but in addition to that they enjoy the right to control the news that comes over those cables and informs their own nationals of the affairs of the world. Evidence was submitted to the committee that this right and power was used, or rather misused, at times to color events and their significance and also to withhold the publishing of events of significance.

There are four international news agencies that control the gathering and dissemination, so to speak, of the world's news. By a sort of mutual understanding the world is divided into four districts, one district being allotted to each news agency. These agencies use the cable almost exclusively in their work; at least they did so up to the period of the war when radio communication was greatly perfected. These agencies and their territory are as follows:

Associated Press (American): United States and Canada.
Wolff (German): Germany, Scandinavia, and Russia.
Reuter (English): Great Britain and Asia.
Havas (French): Latin Europe, Central and South America.

The control of the German Government over the Wolff agencies was used by them in helping mold public opinion. Undoubtedly some of the other powers did likewise. Some authorities even state that this control had more than a little to do with making possible a great World War.

Whether that is true or not, with the practice in the past before us we now know how important the whole question of international communication is, which is sufficient reason in itself for the calling of this conference.

Germany previous to the war controlled five international cables. All of these were cut by the British Navy, even those running from one neutral nation to another, thereby raising a new international question which up to this time has not yet been covered by international law or treaty.

The peace conference has turned over these five cables to Great Britain, France, Italy, Japan, and America, the so-called "Big Five." These powers now hold and control them jointly. It is my understanding that this proposed conference will sit and determine what, in its judgment, should be done in reference to the permanent disposition and control of these cables. It is the plan to have the recommendations of this conference embodied eventually in a convention or treaty. In a somewhat similar manner the Postal Union was brought about upon the initiation of this country.

The bill provides for a small appropriation to pay for the salaries of delegates, experts, clerical help, and other incidental expenses. With the magnitude of the problem involved the conference may last weeks, and possibly months.

It would seem, therefore, there is no question about the wisdom of the United States participating in such a conference, to be called by the President at his discretion. Yet my good Democratic friends are objecting because we have provided that the representatives or delegates of the United States to this conference shall be appointed by the President "by and with the advice and consent of the Senate." They object to the clause providing for confirmation by the Senate and urge that the proviso is unconstitutional, as it encroaches upon the constitutional powers of the Chief Executive.

Let us see. Article II, section 2, of the Constitution provides:

He shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the departments.

In the early history of our country it was quite common for the President to nominate treaty commissioners and send them to the Senate for confirmation. The commissioners representing the United States in the treaty of Ghent were so nominated and confirmed. The gentleman from Virginia mentions this as the only instance where peace commissioners were confirmed by the Senate. That is true. Yet it must be considered that after the adoption of the Constitution there have only been three or four instances where we have required peace commissioners. He refers to the Spanish-American War and the treaty of peace following it, and President McKinley's failure to submit the commissioners for confirmation. In that connection, it must be borne in mind that President McKinley was always in close touch and communication with the Senate and that he appointed on that commission two Senators. There are, therefore, only three instances, one of which refers to the present war and the treaty of Paris.

Following the disputes with Great Britain growing out of our Civil War, resulting in the so-called "*Alabama* claims" and the treaty of Geneva, it will be remembered that President Grant submitted the names of his commissioners to the Senate for confirmation.

There would seem, therefore, to be ample precedents.

Mr. BEE. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. I will.

Mr. BEE. Are these men who are to be appointed to these functions in any way officers of the Government of the United States? Is the Government of the United States bound by what they do? If not, what has the Senate got to do with any advice and consent as to their appointment unless they are officers?

Mr. NEWTON of Minnesota. I do not know whether they have the power legally to bind the United States or not.

Mr. BEE. The gentleman knows they have no such power.

Mr. NEWTON of Minnesota. Let me answer the gentleman. I do know this, that gentlemen who sit in an international conference, who represent the United States in an important proceeding, have the power to commit the United States to a course of procedure to such an extent that after we have been so committed in good faith and morals it is difficult to get back to the point from whence we started. I will say to the gentleman that my authority for this is none other than the President of the United States. I quote from his book entitled "Constitutional Government in the United States," being a series of lectures delivered to the students of Princeton University in the year 1908:

One of the greatest of the President's powers I have not yet spoken of at all; his control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs which the President possesses, without any restriction whatever, is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be maintained. He need to disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

The President herein admits that constitutionally the Senate has coordinate power with the Executive in treaty making, but he says that by the Executive so using his power as the initiative he can thereby prevent the Senate from performing its constitutional function. Of course, that it true. The House of Representatives, with a similar disregard of the rights of other branches of the Government, can absolutely compel other branches to cease from functioning by withholding appropriations, but certainly no Member of this House would ever advocate the doing of any such thing.

The President, however, has put into force and effect the very principles which as a professor he enunciated.

Gentlemen, in that way the representatives of this conference can commit the United States, and if for no other reason than that I say to you that the appointees to this most important conference should be confirmed by the Senate.

Mr. BEE. Will the gentleman yield for another question?

Mr. NEWTON of Minnesota. For a short question.

Mr. BEE. Is it not true that your chairman stated in the committee, on page 2 of the report, that it is not contemplated that this conference shall have any power of decision whatever? Then why are you talking about this binding anybody?

Mr. NEWTON of Minnesota. I am talking about the representatives to this conference so dealing with the rights of the nations of the earth that they can in important critical situations really commit that conference and our representatives to ideas that the rest of the people of the United States do not share.

Mr. CONNALLY. Will the gentleman yield?

Mr. NEWTON of Minnesota. I can not; I have not the time.

At the close of the Great War there were great questions to be settled requiring the best thought of the Nation. Did the President follow the example of Washington, John Adams, Jefferson, Madison, John Quincy Adams, Grant, and McKinley? No; he did not seek the advice and consent of the Senate relating to the appointment of peace commissioners.

Upon his return to this country with the draft of the league of nations covenant, and immediately preceding his going abroad the second time, he sought to put into practice this alleged arbitrary power of the Executive as to foreign relations. He found differences of opinion as to the wisdom of the league of nations covenant among Members of the Senate and among his countrymen.

He said that those who questioned the wisdom of certain provisions displayed "comprehensive ignorance of the state of the world," and that it was the duty of such persons to accept the obligations put upon the United States in the treaty "without counting the cost." To those who suggested separating the covenant from the treaty of peace he said, in substance, that when he returned with the treaty the league of nations covenant would be so closely interwoven with the treaty of peace that the two would be inseparable.

He went back to Europe, and as the "initiative," "guided diplomacy," disclosing "no step of the negotiations until it was completed," and "virtually committed" the country.

It would seem, therefore, that with the present Executive having this conception of his powers it is a wise precaution to provide for confirmation as the committee has suggested.

Then there should be coordination between these two treaty-making bodies. In the same work that I have just quoted from the President in that connection, in referring to the powers of the Senate, says——

Mr. LONGWORTH. If the gentleman will pardon me, let me say that the statute of limitations has run against that monumental work. [Laughter on the Republican side.]

Mr. NEWTON of Minnesota. The author had no idea of becoming President when he wrote those lines.

There can be little doubt in the mind of anyone who has carefully studied the plans and opinions of the Constitutional Convention of 1787 that the relations of the President and the Senate were intended to be very much more intimate than they have been; that it was expected that the Senate would give the President its advice and consent in respect of appointments and treaties in the spirit of an executive council associated with him upon terms of confidential cooperation rather than in the spirit of an independent branch of the Government, jealous lest he should in the least particular attempt to govern its judgment or infringe upon its prerogative.

* * * * * * *

But there is another course which the President may follow, and which one or two Presidents of unusual political sagacity have followed, with the satisfactory results that were to have been expected. He may himself be less stiff and offish, may himself act in the true spirit of the Constitution and establish intimate relations of confidence with the Senate on his own initiative, not carrying his plans to completion, and then laying them in final form before the Senate to be accepted or rejected, but keeping himself in confidential communication with the leaders of the Senate while his plans are in course, when their advice will be of service to him, and his information of the greatest service to them, in order that there may be veritable counsel and a real accommodation of views instead of a final challenge and contest. The policy which has made rivals of the President and Senate has shown itself in the President as often as in the Senate, and if the Constitution did, indeed, intend that the Senate should in such matters be an executive council it is not only the privilege of the President to treat it as such, it is also his best policy and his plain duty. As it is now, the President and the Senate are apt to deal with each other with the formality and punctilio of powers united by no common tie except the vague common tie of public interest, but it is within their choice to change the whole temper of affairs in such matters and to exhibit the true spirit of the Constitution by coming into intimate relations of mutual confidence, by a change of attitude which can perhaps be effected more easily upon the initiative of the President than upon the initiative of the Senate.

The adoption of the committee amendment "by and with the advice and consent of the Senate" will work for that harmony that the author has referred to as so desirable. Furthermore, we can feel certain that if such a practice is followed out in the future men like Dr. Herron and Lincoln Steffens may receive nominations to represent the United States in Russia or elsewhere, but they can not get confirmation so as to proceed on their duties. But to sum it all up, the President's own conception of his powers is reason enough for supporting the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired; all time has expired, and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized in the name of the Government of the United States to call, in his discretion, an international conference to assemble in Washington, and to appoint representatives to participate therein, to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis.

Mr. ROGERS. Mr. Chairman, I offer the committee amendment, which is at the Clerk's desk.

Mr. BLANTON. Mr. Chairman, I offer a preferential amendment.

The CHAIRMAN. The question is first on the committee amendment.

Mr. BLANTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is not an amendment seeking to strike out all of the bill after the enacting clause a preferential amendment which comes in before every other amendment?

The CHAIRMAN. It is not in order at this time.

Mr. BLANTON. It has been so held by numerous Chairmen.

The CHAIRMAN. The question is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, after the word "appoint," insert the words "by and with the advice and consent of the Senate."

Mr. ROGERS. Mr. Chairman, in view of the fact that the entire general debate has been focused on this amendment I do not care to consume any further time, and I will yield the floor.

Mr. BLANTON. Mr. Chairman, I offer a preferential amendment.

Mr. LONGWORTH. I make the point of order that the amendment is not preferential; that perfecting amendments will come in first.

Mr. BLANTON. My amendment seeks to strike out all after the enacting clause. I submit to the Chair that under the holdings of various Chairmen it has been held to be preferential.

The CHAIRMAN. The Chair will hold that the gentleman's amendment is not in order at this time until the perfecting amendments have been considered. The question is on the committee amendment.

Mr. TILSON. Mr. Chairman, just a few words in support of the committee amendment. One gentleman in referring to the remarks of the gentleman from Pennsylvania [Mr. TEMPLE] said that that gentleman had admitted that there was no law requiring the confirmation of such nominees. If the gentleman will substitute the word "statute" for "law," I believe he will have quoted the gentleman from Pennsylvania substantially correct.

The gentleman from Pennsylvania did admit that there was no statute requiring the confirmation of such appointments. Why is there no statute? Because we have a higher law covering the same subject matter. Subsection 2 of section 2 of Article II of the Constitution, defining the powers of the President, provides:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Are these appointees to be officers of the United States? If they are not, then why are we considering the matter here? They are representatives of the Government in a very important matter; they are to be appointed by the President under a law that we are now considering, and it seems to me that unless some other provision of law has been made, they should be confirmed by the Senate. No statute is required if the President should send in their names. The Constitution itself provides for it if they are officers.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Not now. It is true there has been a line of precedents by which such representatives have been appointed and not confirmed by the Senate. That is not denied, but the Constitution has never been amended in that respect, and stands to-day as the fundamental law of the land.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield now?

Mr. TILSON. Not now. The constitutional requirement is that officers appointed by the President shall be confirmed by the Senate, unless otherwise provided by law, and it is agreed that these appointees have not been otherwise provided for by law. I yield to the gentleman from Arkansas.

Mr. CARAWAY. If that is true, and the Constitution makes it necessary for them to be confirmed by the Senate, why write this statute? It is not higher than the Constitution. Why do you want to pass a law which requires the President to do a thing which you say the Constitution requires him to do?

Mr. TILSON. Because there has been a long line of precedents——

Mr. CARAWAY. But they do not abrogate the Constitution.

Mr. TILSON. In which appointments have been made without confirmation, on the theory that they were not officers, and then there have been instances where Presidents themselves have taken very liberal views of what is permitted under the Constitution.

Regardless of whether there have been precedents since the law of March 4, 1913, was enacted, requiring that conferences of this kind shall be provided for by law before the President may call them, we should now make a precedent by enacting a law consonant with the provisions of the Constitution requiring that such officers shall be confirmed by the Senate.

Mr. RAMSEYER. And there was no precedent for the law of March 4, 1913, either, was there?

Mr. TILSON. No; and we do not need a precedent now. We need to make precedents sometimes, and this is one of those occasions. All this talk about its being for partisan reasons is piffle. What this amendment provides should be the law all of the time, and I for one am willing to write it into the statute law of the land, so that it shall hereafter bind Presidents, whether they be Democratic or Republican.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 30 minutes, 15 minutes to be controlled by myself and 15 minutes by the gentleman from Virginia [Mr. FLOOD].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate upon this section and all amendments thereto close in 30 minutes, 15 minutes to be controlled by himself and 15 minutes by the gentleman from Virginia [Mr. FLOOD]. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman and gentlemen of the committee, I think we have here an opportunity for the legislative department to assert itself and its proper functions in Government. I am not enamored, as I think many Members of the House are not, of the personnel of many of the commissions that have been appointed. I shall not enter into detail, but unfortunately the personnel of some of the agents that represented us in very difficult and sensitive situations in Europe in that socialistic conference do not reflect much credit upon the appointing power. I undertake to say that many of those men, if their appointment had been sent to the Senate and a thorough investigation of the principles that they had previously advocated been had, together with a thorough analysis of their life history, they never could have gotten by. Many of those appointments are a standing disgrace to the moral integrity of representative men.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. I can not yield.

Mr. RUBEY. For just one question?

Mr. FAIRFIELD. I can not yield. As a matter of fact, in another body attention has been called to the fact that men with utterly visionary and dangerous principles have been appointed upon one of the most important commissions in this country. I have no doubt but that charge will be sustained, and why any man should object here to the Senate acting as a censor on the fitness of men who are to represent the Government of the United States in foreign affairs I can not understand. It will not be long until a Republican President will have to make these appointments [applause on Republican side], and whether Republican or Democratic, there has been much talk in this body with

regard to the Legislature assuming its proper functions. Now and here is an excellent opportunity for men to assert themselves upon that point. Indeed, I am constrained to believe that, as much as in any other possible situation, the determining factors in setting us toward certain definite currents are the appointment of men upon these various commissions. Of course, if a man believes that whoever may be elected President, because of his high office and because of the confidence that the people have expressed in him, he should be trusted to the uttermost, that his wisdom and the wisdom of those who advise him is superior to that of the body of men elected in the Senate, then I can see how he might vote against this provision.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY]. [Applause.]

Mr. CARAWAY. Mr. Chairman, the best way to determine whether one is sincere in advocating this measure or whether he is playing politics, I take it, is to read the amendment itself. The gentleman who has just left the floor expressed the belief that after awhile a Republican President would be making these nominations, and that this would govern him also. Well, I never knew the gentleman to pose as a wit before, but I judge he said that as a witticism. [Applause on the Democratic side.] And to show you they do not intend to let this amendment hamper a Republican President—should the people be so unwise as to elect one—they do not say hereafter these appointments shall be made "by and with the consent of the Senate," but they limit it to this delegation that is to be appointed under this particular act. Therefore, when you pretend you are wanting to limit the appointive power of some future Republican President—if the country should be so unfortunate as ever to have one—you know you are not doing it by this act; and, to say the least of it, you are not entirely candid in pretending this act will bind future Presidents. And the gentleman from Connecticut [Mr. TILSON] said you did not need an act of this kind for that purpose, because the Constitution itself requires this class of appointees to be confirmed by the Senate. Well, I want to say this in all seriousness: While I am not surprised at anything a Republican does, unless it is something patriotic—and I have not been so very often surprised by his doing that—I am surprised to hear a Republican in this Chamber say he wants to pass an act of Congress to strengthen the Constitution. That may be good reasoning in Connecticut. It would not pass as such anywhere else in the world. To say that the Constitution requires the President to submit these appointees for confirmation by the Senate, yet in order that he shall abide by the Constitution we will by act of Congress call his attention to it is an absurdity. [Laughter on the Democratic side.] Another gentleman cited the President's book on Congressional Government, and quoted Mr. Wilson as having said that under certain circumstances the President and the Senate should be in the closest confidential relations. That was some time ago.

Why, I remember the most distinguished Republican that has been elected President of these United States since I can remember said not a great while ago he "would not trust the Constitution overnight" with this very body you now want to confirm these nominations. [Applause on the Democratic side.] And he knew them. He had been President when some of them were new then in the Senate.

I understood the distinguished gentleman from Indiana [Mr. FAIRFIELD] to be complaining about the representatives this Government recently sent to Russia. He said their selection was so bad that if their lives had been inquired into they would not have been sent. Why, bless your soul, an ex-Secretary of State appointed by a former Republican President of the United States, was this representative. If there is anything so bad in his life, he ought not to have been appointed by a Republican President to any office. I think people are going to inquire into the lives of Republicans—not their private life but public acts and utterances on questions that now concern not only this Government but all the peoples of the earth—and then are not going "to appoint" them to any office next November year. If the gentleman refers not to the special representative of this Government who was sent by the President—Mr. Root—he must refer to the other men who were sent—of the Trade Commission—because there were only two sent, and those from the Trade Commission were confirmed by the Senate.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. CARAWAY. Yes, I will yield; I will do what the gentleman would not do for others; I will yield.

Mr. FAIRFIELD. I said the associates sent——

Mr. CARAWAY. The gentleman did not say associates. The gentleman said representatives, whatever the gentleman meant to say——

Mr. FAIRFIELD. They were representatives of the Government, appointed by the President——

Mr. CARAWAY. What are their names?

Mr. FAIRFIELD. Appointed by the President.

Mr. CARAWAY. Who was it?

Mr. FAIRFIELD. Dr. Herndon—some one here suggested Herron—no, Dr. Herron.

Mr. CARAWAY. Oh, the gentleman came mighty near it, however.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. CARAWAY. Oh, of course; yes.

Mr. FAIRFIELD. The appointment smells so overnight; and I do not wonder the gentleman wanted to indicate to this Congress that I meant Mr. Root.

Mr. CARAWAY. Oh, I did not want to indicate the gentleman meant anything. I think the gentleman's speech was made without any thought on any question, and I think everybody knew that. [Applause on the Democratic side.]

Mr. FLOOD. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I have sent to get a document from which I desire to read, and as soon as it comes I will be ready; but I am not prepared now.

Mr. ROGERS. Will the gentleman from Virginia proceed?

Mr. FLOOD. I yield five minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY. Mr. Chairman and gentlemen, the gentleman from Connecticut [Mr. TILSON] contended that under the Constitution the President is required to submit these nominations to the Senate. Well, of course, as suggested by the gentleman from Arkansas, if that is true, then it is child's play to put an act of Congress on the statute books in an attempt to strengthen the Constitution. The fact of the business is this: These commissioners and represenatives of the President in dealing with foreign governments or in negotiating treaties are not officers under the Constitution at all. They are not officers within the meaning of the Constitution, section 2, article 2—they are simply representatives of the President; they are his agents and servants for the purpose of conducting a negotiation with foreign powers.

Mr. TILSON. Will the gentleman yield?

Mr. CONNALLY. I do.

Mr. TILSON. Does not the gentleman draw a distinction between a representative to negotiate a treaty, which I agree with the gentleman, and appointments of this kind, which are not to negotiate a treaty at all and are given no power to negotiate a treaty?

Mr. CONNALLY. The gentleman from Connecticut [Mr. TILSON] has not read the minority report.

Mr. TILSON. The gentleman will.

Mr. CONNALLY. The gentleman from Massachusetts [Mr. ROGERS] contends that that is the very purpose. We deny it. The gentleman from Massachusetts contends that the real importance of this matter is that this conference will perhaps draft a treaty. It does not make any difference whether they draft a treaty or not. It is a conference in which the United States confers with foreign governments, and when it does so it is bound to act through the Executive, who under the Constitution is empowered to carry on such negotiations.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. I yield.

Mr. WALSH. Are these items of such importance that the President is required to have authority from Congress to make them?

Mr. CONNALLY. None whatever, except by the act of March 13.

Mr. FLOOD. That did not require it.

Mr. CONNALLY. I know it did not. The President could have appointed them heretofore and could have called this conference without any legislative act. But the act of March 13 was passed, which said he should not call any of these conferences without the will of the Congress, but even the act of 1913 did not undertake to dictate to the President how he should appoint his representatives. In all the history of the Republic the President, under the Constitution, has had the power to appoint delegates to conferences of this character and of other character without referring the matter to the Senate at all.

The gentleman refers to the appointment of Mr. Root to Russia. He is a distinguished ex-Secretary of State, and I am surprised that the gentleman from Indiana [Mr. FAIRFIELD] should have complained about that matter. It is not the fault of the President that Mr. Root failed in his Russian mission. The President appointed another distinguished Republican to the conference at Paris, Mr. Henry White, a distinguished ex-diplomat of the United States, but after he got to Paris it would have taken a detective and a microscope to find him.

Mr. WALSH. If these are not such appointments as require the authority of Congress to make, what is the necessity of passing an act for them?

Mr. CONNALLY. Because the bill contains an appropriation to pay the expenses of these delegates. I will say to the gentleman from Massachusetts that a great many appropriations we are passing here in this Republican House are excessive, but the majority of this committee thinks this bill ought to pass and the minority thinks it ought not to pass, with the committee amendment. Of course, if the bill is passed there will be some expense.

Mr. MADDEN. Will the gentleman yield?

Mr. SUMMERS of Washington. Will the gentleman please name some more distinguished Republicans the President has appointed on some of these important commissions?

Mr. CONNALLY. I can name three Assistant Secretaries of War that the President has appointed during the conduct of the war, and yet ever since the war has ended this House has been making charges and accusations against the War Department, which has been administered, as I understand it, under the direction of the Secretary of War, by three Republican Assistant Secretaries of War.

Mr. SUMMERS of Washington. Do the Assistant Secretaries or the Secretary usually determine the policy?

Mr. CONNALLY. Oh, well, the policy was to whip Germany, and the Secretary of War determines that. The gentleman knows that the Assistant Secretaries carry out the details, and that the details are what you gentlemen have been complaining and quarreling and fussing about—the details of the administration, and not the great, overshadowing policy of the administration in conducting the war. It was because the Secretary of War did not sell this or that article of property the War Department had on hand; or, if he had sold property, he did not sell it as he should have sold it. Like garrulous and gossiping old women or rheumatic old men, you have found fault and fretted about this and that and the other detail of administration of the department when those very details were matters which the Republican Assistant Secretaries of War were charged with administering. There has been and can be no complaint of the larger policy of winning the war.

Mr. ROGERS. Mr. Chairman, I yield two minutes to the gentleman from Delaware [Mr. LAYTON].

The CHAIRMAN. The gentleman from Delaware is recognized for two minutes.

Mr. LAYTON. Mr. Chairman and gentlemen of the House, I object, in the first place, to a gentleman attempting to put me in the category of insulting the President of the United States. My word was "criticism," and what I wanted to say to him when he would not yield the floor to me was this, that the President of the United States is one man, and that 110,000,000 of American people at the last election criticized him by putting a Republican Congress in this body. [Applause on the Republican side.]

I want to go further. I have not said much in this House, but I can "speak my piece" if I want to. The President of the United States is the servant of the people, and he is no master; and every man in this House not only has the right, but it is his bounden duty, to criticize the President or any other official of this Government——

Mr. KNUTSON. When they need it——

Mr. LAYTON. When they need it. Now, so far as this bill is concerned. I submit that the judgment of this country is to-day that we have a President in the White House who has absolutely assumed more arbitrary power and has infringed more upon the Constitution, deliberately, than any President we ever had. [Applause on the Republican side.] I say that the Constitution of the United States says to him, "You shall take the advice and consent of the Senate in respect to international obligations." It is his duty. And yet in the most momentous crisis that this country ever had, in which we are about to be entangled in a world-wide treaty, with unknown consequences, the President of the United States not only would not advise and consult with the Senate, but insulted them by calling them "pigmy minds." [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. FLOOD. Mr. Chairman, I rise to a question of personal privilege. I would like the RECORD to show what did take place between the gentleman and myself. I used the word "insulting," and the gentleman said "That is what we intend."

The CHAIRMAN. What is the request of the gentleman from Virginia?

Mr. FLOOD. I want the colloquy between the gentleman from Delaware and myself read.

The CHAIRMAN. The RECORD will show. The Chair will state to the gentleman from Virginia that it is now too late to have the words taken down.

Mr. FLOOD. I asked for it as soon as I could. The gentleman got up and denied that he referred to the word "insulting," and I got up as soon as he sat down and asked to have those words read.

The CHAIRMAN. The Chair thinks the gentleman is too late.

Mr. ROGERS. Mr. Chairman, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for three minutes.

Mr. MONDELL. Mr. Chairman, I am not particularly interested in what the past practice of the country has been relative to having confirmed by the Senate American delegates to international conferences upon matters that may lead to agreements and treaties. It may not have been our usual practice in the past. If it has not been, this is a good time to establish that practice. The very great importance of having the Senate confirm the American delegates to any conference, international in character, that may bind or attempt to bind the people of this United States—of permitting the Senate to have some voice and influence in the matter—has been tremendously emphasized by our experience in the last few months. If the Democratic side desires to take the position of centralization, if it desires to take the position of attempting to increase and augment the powers of the Executive as against those of the legislative branch of the Government, well and good. But in the light of the experience of the past few months the Republican side is satisfied and convinced that in the future, whether or no we have done it in the past, every delegate appointed to an international conference to discuss or pass upon matters that may be the subject of negotiation or treaty should be confirmed by the Senate of the United States. It is time we took that position on behalf of the legislative branch of the Government and, through them, on behalf of the American people who elect them. There is nothing in the Constitution bringing in question our right or authority to take this action, and it is not only in harmony to our theory of the balance of authority, it is conducive to wise and harmonious action in connection with our foreign affairs and relations. [Applause on the Republican side.]

Mr. ROGERS. Mr. Chairman I yield the remainder of my time to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman and gentleman of the committee, section 2 of Article II of the Constitution provides:

> The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone.

Now, the question is, Has the Congress the power to exercise the right to say that the appointment of the delegates to this international convention shall be by and with the advice and consent and approval of the Senate?

Undoubtedly it has that power and that right. There can be no question about that. It does not matter what the precedents in the past may have been. Every question that comes before us for consideration must be dealt with on its merits at the time. Congress may enact a law authorizing the President to make appointments without the approval of the Senate. It may enact a law to require the President of the United States to obtain the approval of the Senate. That is what we are doing now. The gentleman from Virginia [Mr. FLOOD] says that the amendment is not for any good purpose. I deny that statement. The amendment is for the best purpose. It is for the purpose of seeing that men who are qualified and worthy are appointed as delegates to this important international conference. The men so appointed ought to be men of high technical training. They are to deal with a technical subject. It will not do to say that any person would be qualified to fill such a place. No one should be appointed who is not technically trained for the work for which the convention is to be convened.

The gentleman from Virginia [Mr. FLOOD] says the amendment is not one that we can constitutionally justify. Why, I have just read the provision of the Constitution that justifies it. No one can deny that the Congress can justify the exercise of a power laid down in section 2 of Article II of the Constitution, which makes the Congress the judge of whether the President shall appoint without the consent of the Senate or

by and with the consent and approval of the Senate. If the President had the power to make the appointment of these delegates, this bill would not now be before us for consideration. The law of 1913 intervenes, and the fact that that law was passed indicates that the Congress has the power to say to the President, "You shall not make such appointments unless by authority of Congress." That is the authority that the President comes here to seek to-day, and I maintain that it is within the strict letter of the law and the Constitution that we shall exercise such discretion in granting the power to the President to make the appointment as we may think proper under the circumstances. There can be no doubt that in each case the merits of the proposition before us are to be decided upon, and that we can say now that we will require confirmation by the Senate, whereas in the next bill authorizing the President to make appointments we may refuse to say that. That is strictly within our rights, and in exercising our rights to-day we demand that no appointment shall be made except by and with the advice and consent of the Senate. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is upon the amendment.

The question being taken, on a division (demanded by Mr. FLOOD) there were—ayes 132, noes 89.

Mr. FLOOD. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. ROGERS and Mr. FLOOD.

The committee again divided; and the tellers reported—ayes 113, noes 94.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State for expenses incidental to the conference.

Mr. FLOOD. Mr. Chairman, I offer an amendment. I would like to add after the word "conference" the words "including personal services and rents in the District of Columbia notwithstanding the provisions of any other act."

Mr. ROGERS. Mr. Chairman, I will accept the amendment if the words "and rents" are omitted.

Mr. WALSH. The amendment ought to be reported, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: Page 2, line 9, after the word "conference," strike out the period, insert a comma, and add the following language: "including personal services and rents in the District of Columbia notwithstanding the provisions of any other act."

Mr. FLOOD. Mr. Chairman, my reason for offering this amendment is the fact that there are some laws on the statute books which would prohibit the employment of personal services in the District of Columbia without special authorization of Congress and the renting of any buildings for the purpose of holding this conference without such special authorization in this particular act.

Mr. ROGERS. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. ROGERS. It was suggested by the Secretary of State in the hearings that probably the Pan American Building could be utilized rent free for the purpose of the conference. As I said a moment ago, I shall be glad to accept the gentleman's amendment if the words "and rents" are omitted therefrom.

Mr. FLOOD. Then, Mr. Chairman, I modify my amendment by striking out the words "and rents," so that the amendment will read "including personal services in the District of Columbia notwithstanding the provisions of any other act."

Mr. SEARS. Reserving the right to object——

Mr. WALSH. The amendment ought to be reported.

The CHAIRMAN. The gentleman from Massachusetts asks to have the amendment reported as modified. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment offered my Mr. FLOOD: Page 2, line 9, after the word "conference," strike out the period, insert a comma, and add the following language: "including personal services in the District of Columbia notwithstanding the provisions of any other act."

Mr. SEARS. Reserving the right to object——

Mr. ROGERS. It does not require unanimous consent.

Mr. SEARS. Oh, yes; it does. I should like to ask the gentleman from Massachusetts why he has changed his attitude from that assumed by the majority the other day when I endeavored to strike out the words "and rents" and the majority side voted to put in the words "and rents"?

Mr. FLOOD. If I understand——

Mr. SEARS. I withdraw my objection.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Certainly.

Mr. WALSH. Will the gentleman state what is the character of the personal services that will be required to be performed in the District of Columbia under the provisions of this act?

Mr. FLOOD. I understand that the most important personal services that will be performed at this conference by the American representatives will not be performed by the delegates necessarily, but by experts in matters of international communication. For instance, we had one of them, a Mr. Rogers, before the committee. I take it, from the vast knowledge he displayed of questions of international communication, that he will have some connection with the conference.

Mr. WALSH. And he expects to be paid for whatever connection he has?

Mr. FLOOD. The experts will be paid, of course. The delegates will probably be paid nothing except their expenses.

Mr. WALSH. Is it expected that the delegates to this conference, which I understand will be assembled in Washington—that is, the delegates representing the United States—will not receive any compensation or salary?

Mr. FLOOD. The Secretary of State said they would receive no salary or very little salary. It has been the custom only to pay their expenses, and I take it that will be the case here; but there will probably be some high-priced experts connected with the conference.

Mr. WALSH. That is, they will be employed by the United States delegates and not by the conference?

Mr. FLOOD. Employed either by the Secretary of State or by the United States delegates—I take it, by the Secretary of State—and paid out of this fund.

Mr. WALSH. And the other nations will pay their own experts?

Mr. FLOOD. Certainly.

Mr. GOOD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GOOD. Have we not experts in the State Department so that it will not be necessary to go outside and employ more experts?

Mr. FLOOD. I doubt if we have any in the State Department as efficient as the gentleman I have mentioned. He seemed to have absolute knowledge of the whole situation of international communication. I do not know that they will employ him.

Mr. GOOD. They must have a great many of these experts at the State Department.

Mr. FLOOD. I do not know that Mr. Rogers will be employed.

Mr. GOOD. Outside of the employment of Mr. Rogers, have not they experts in the State Department on international communication; and if so, what is the use, when we have experts, paying them an annual salary, of employing some one else outside and paying them $200 or $300 a day?

Mr. FLOOD. I doubt if there are many experts in the State Department.

Mr. BLANTON. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. BLANTON. Is Mr. Rogers employed by the Government at this time?

Mr. FLOOD. I think not.

Mr. BLANTON. Does he get any salary from the Government?

Mr. FLOOD. I think not. He was connected with the peace conference; that is, he was rendering service there.

Mr. WALSH. I would like to ask the gentleman from Virginia if he understands that the entire expense of the United States for the participation in this conference will not exceed $75,000?

Mr. FLOOD. I will ask the chairman of the committee; I was not present in committee when that matter was considered.

Mr. WALSH. I wanted the gentleman's idea—if he had any information.

Mr. FLOOD. My information is that $75,000 will pay the expenses; they may have asked for more.

Mr. WALSH. This will not pay many salaries.

Mr. FLOOD. Yes; it will pay the expenses of the conference, the expenses of the delegates, and the expenses of the experts that are employed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 2, line 4, strike out "$75,000" and insert in lieu thereof "$20,000."

Mr. BLANTON. Mr. Chairman, I will not take any time in discussing this amendment. If Members of the House want to retrench, they have the opportunity. If they want to keep on in the extravagant expenditure of our money, let them vote down the amendment.

Mr. GOOD. Mr. Chairman, I do not rise to question this expenditure, but I observe in the conference held in 1912 there was an expenditure of $18,850 for entertainment, medals, and badges. It does seem to me that that is an expenditure that during these times ought to be prohibited. I want to ask the gentleman from Massachusetts in charge of the bill if he would have any objection to putting in a provision that no part of this appropriation shall be used for entertainment or the purchase of medals or badges.

Mr. ROGERS. As far as I am concerned, I should be very glad to accept that amendment.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer the amendment which I send to the desk, to follow the amendment which was offered by the gentleman from Virginia [Mr. FLOOD] and adopted.

The Clerk read as follows:

At the end of the amendment just adopted insert: "*Provided*, That no part of this sum shall be used for entertainment or for the purchase of medals or badges."

Mr. JUUL. Mr. Chairman, I desire to ask the gentleman from Iowa a question.

Mr. GOOD. I may not know anything about it.

Mr. JUUL. If we vote for the amendment submitted by the gentleman, that will mean that they can not send an automobile to the station for the delegates, or take them to the hotel, or pay for a meal in the name of the United States.

Mr. GOOD. This is entertainment in the way the State Department sometimes entertains. The department has its own automobiles, as have other departments.

Mr. WALSH. Has not the State Department a fund out of which it can entertain visitors and delegates to any convention?

Mr. GOOD. Yes.

Mr. BEE. Do I understand that if we desire to buy badges for Members to wear that that would be prohibited by this amendment.

Mr. GOOD. It would be.

Mr. SEARS was recognized.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. SEARS. Mr. Chairman, I do not believe for one moment that I can defeat the amendment, for the majority is in control, but I felt some one should congratulate the Committee on Appropriations for the wonderful economical system that that side has started out on, as shown by the amendment just offered. [Laughter on the Democratic side.] The other day we refused to cut down appropriations which I believe should have been lowered because the taxpayers are getting tired. I think this great Congress—that is, the majority—ought to put the other nations of the world on notice that when we go there we will expect and get entertainment, but when they come here they may expect nothing at your hands.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. SEARS. I hope that this economical spirit will continue to grow, but in a different way, and in the few minutes allowed me I desire to call the attention of the majority to the fact that the Capital Traction Co. is now about to charge—that is, beginning on the 1st of November—will charge 7 cents for street car fare. I trust the majority will follow up this system of economy and not permit this, and thus save to the people, the employees of the Government, the newspaper reporters, and the thousands of visitors who come to the Capitol, this 2 cents extra in the ride down town and the 2 cents back, and in this connection I ask unanimous consent to have printed in the RECORD, because I think it is a very valuable report, the report of Mr. Gardiner, one of the Commissioners of the District, clearly setting out his reasons why this should not be permitted.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. MADDEN. Mr. Chairman, I object.

Mr. SEARS. Mr. Chairman, in the few minutes I have remaining, I want to say that I expected some Republican would object to the printing of this valuable report. Of course, it is not very important to the Members who are drawing $7,500 per year and who ride around in fine automobiles, but it is of vital importance to the thousands of Government employees and others residing in the District.

Mr. MADDEN. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment.

Mr. SEARS. I am talking on economy.

The CHAIRMAN. The point of order is made that the gentleman from Florida is not speaking to the amendment. The Chair is of opinion that the point of order is well taken.

Mr. SEARS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SEARS. Mr. Chairman, what I say is absolutely germane, because these delegates may want to ride on the street car.

Mr. MADDEN. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. SEARS. They may not care to walk.

Mr. MADDEN. I am making the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida will proceed in order.

Mr. SEARS. Is the point of order sustained?

The CHAIRMAN. The Chair rules that the gentleman was not speaking to the amendment and sustains the point of order. The gentleman will proceed in order.

Mr. SEARS. Then, Mr. Chairman, I trust that the amendment will not be adopted, because if it should be adopted, these people who will be invited here will be put to this extra expense, and certainly we should make some appropriation to relieve them of that burden, even though the majority does not care anything about the people of the District of Columbia and of the United States.

Mr. KING. Mr. Chairman, I make the point of order.

Mr. SEARS. Oh, I yield to my genial friend from Illinois.

Mr. KING. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KING. The gentleman is not talking to the amendment. He is talking through his hat.

The CHAIRMAN. The Chair is of the opinion that the gentleman is speaking to the amendment and that the point of order is not well taken.

Mr. SEARS. The Chair rules that I am speaking to the amendment. Mr. Chairman, that statement might be expected, coming from the gentleman from Illinois [Mr. KING]; but not having a hat on, I could not possibly speak through my hat.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. CALDWELL. Mr. Chairman, I ask that the words of the gentleman from Illinois be taken down in which he referred to my colleague as speaking through his hat.

The CHAIRMAN. The request of the gentleman from New York comes too late.

Mr. SEARS. Mr. Chairman, I do not take this seriously. I know that my friends on that side are not economical. I know they care nothing about the extra 2 cents that the people of Washington will have to pay; and in conclusion I want to assure my good friend from Illinois [Mr. KING] that I am not permitted by the rules of the House to wear my hat in the House, and I would not do so, if permitted, because there are ladies in the gallery. Therefore, I am not speaking through my hat, but evidently over the heads of those on the other side, especially as I am making a just appeal on behalf of the people of the District.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BANKHEAD. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. There is already an amendment pending. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken; and on a division (demanded by Mr. GOOD and Mr. BLANTON) there were—ayes 86, noes 41.

So the amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I offer to amend, on page 2, line 4, by striking out the figures "$75,000" and inserting in lieu thereof the figures "$50,000."

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BANKHEAD: Page 2, line 4, strike out "$75,000" and insert "$50,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 22, noes 65.

So the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9822 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ROGERS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. FLOOD. Mr. Speaker, I demand a separate vote on the committee amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en grosse.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the committee amendment, on which a separate vote is demanded, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, after the word "appoint," insert the words "by and with the advice and consent of the Senate."

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 125, answered "present" 3, not voting 142, as follows:

YEAS—161.

Anderson	Foster	McArthur	Sanders, Ind.
Andrews, Md.	Gallivan	McCulloch	Sanders, N. Y.
Andrews, Nebr.	Garland	McFadden	Sanford
Anthony	Glynn	McKenzie	Scott
Baer	Good	McLaughlin, Mich.	Shreve
Barbour	Goodall	McPherson	Sinclair
Benham	Gould	MacCrate	Sinnott
Bland, Ind.	Green, Iowa	MacGregor	Smith, Mich.
Boies	Greene, Mass.	Madden	Snell
Bowers	Greene, Vt.	Magee	Steenerson
Brooks, Pa.	Griest	Mapes	Stephens, Ohio
Browne	Hadley	Mason	Stiness
Browning	Hardy, Colo.	Merritt	Strong, Kans.
Burroughs	Hawley	Michener	Strong, Pa.
Cannon	Hays	Miller	Summers, Wash.
Chindblom	Hernandez	Monahan, Wis.	Sweet
Christopherson	Hersey	Mondell	Taylor, Tenn.
Classon	Hickey	Moore, Ohio	Temple
Cooper	Hoch	Morgan	Thompson
Crago	Houghton	Murphy	Tilson
Crowther	Hull, Iowa	Nelson, Wis.	Timberlake
Currie, Mich.	Husted	Newton, Minn.	Tinkham
Curry, Calif.	Hutchinson	Nichols, Mich.	Towner
Dale	James	Nolan	Vaile
Dallinger	Johnson, Wash.	Osborne	Vestal
Darrow	Jones, Pa.	Paige	Voigt
Davis, Minn.	Juul	Parker	Volstead
Denison	Kahn	Platt	Walsh
Dickinson, Iowa	Keller	Purnell	Ward
Dowell	Kelly, Pa.	Radcliffe	Wason
Dunbar	King	Ramseyer	Watson, Pa.
Dunn	Kinkaid	Randall, Calif.	Webster
Dyer	Kleczka	Randall, Wis.	White, Kans.
Echols	Knutson	Reavis	White, Me.
Edmonds	Kraus	Reber	Williams
Elliott	Lampert	Reed, W. Va.	Wilson, Ill.
Elston	Layton	Rhodes	Young, N. Dak.
Evans, Nebr.	Longworth	Ricketts	Zihlman
Fairfield	Luce	Rogers	
Focht	Lufkin	Rose	
Fordney	Luhring	Rowe	

NAYS—125.

Alexander	Carter	Howard	Mooney
Almon	Casey	Huddleston	Moore, Va.
Ashbrook	Clark, Fla.	Hudspeth	Neely
Aswell	Clark, Mo.	Hull, Tenn.	Nelson, Mo.
Ayres	Cleary	Humphreys	O'Connell
Bixler	Coady	Igoe	O'Connor
Bankhead	Collier	Jacoway	Oldfield
Bee	Connally	Jones, Tex.	Oliver
Bell	Crisp	Kitchin	Olney
Benson	Davey	Lanham	Overstreet
Black	Davis, Tenn.	Lankford	Padgett
Blackmon	Dickinson, Mo.	Larsen	Park
Bland, Mo.	Dominick	Lea, Calif.	Parrish
Bland, Va.	Doughton	Lesher	Phelan
Blanton	Dupré	Linthicum	Pou
Box	Evans, Mont.	Lonergan	Quin
Briggs	Evans, Nev.	McDuffie	Rainey, Ala.
Buchanan	Fisher	Major	Raker
Byrnes, S. C.	Fitzgerald	Mann, S. C.	Rayburn
Byrns, Tenn.	Flood	Mansfield	Riordan
Caldwell	Gallagher	Mays	Romjue
Campbell, Pa.	Hardy, Tex.	Mead	Rouse
Candler	Hastings	Minahan, N. J.	Rubey
Caraway	Hayden	Montague	Rucker
Carss	Holland	Moon	Sanders, La.
Sears	Taylor, Colo.	Weaver	Wingo
Sherwood	Tillman	Webb	Woods, Va.
Small	Upshaw	Welling	Wright
Smithwick	Venable	Welty	Young, Tex.
Steagall	Vinson	Whaley	
Stedman	Watkins	Wilson, La.	
Sumners, Tex.	Watson, Va.	Wilson, Pa.	

ANSWERED "PRESENT"—3.

Butler	Frear	Gard

NOT VOTING—142.

Ackerman	French	Kiess	Robinson, N. C.
Bacharach	Fuller, Ill.	Kincheloe	Robsion, Ky.
Barkley	Fuller, Mass.	Kreider	Rodenberg
Begg	Gandy	LaGuardia	Rowan
Booher	Ganly	Langley	Sabath
Brand	Garner	Lazaro	Saunders, Va.
Brinson	Garrett	Lee, Ga.	Schall
Britten	Godwin, N. C.	Lehlbach	Scully
Brooks, Ill.	Goldfogle	Little	Sells
Brumbaugh	Goodwin, Ark.	McAndrews	Siegel
Burdick	Goodykoontz	McClintic	Sims
Burke	Graham, Pa.	McGlennon	Sisson
Campbell, Kans.	Graham, Ill.	McKeown	Slemp
Cantrill	Griffin	McKiniry	Smith, Idaho
Carew	Hamill	McKinley	Smith, Ill.
Cole	Hamilton	McLane	Smith, N. Y.
Copley	Harrison	McLaughlin, Nebr.	Snyder
Costello	Haskell	Maher	Steele
Cramton	Haugen	Mann, Ill.	Stephens, Miss.
Cullen	Heflin	Martin	Stevenson
Dempsey	Hersman	Moore, Pa.	Sullivan
Dent	Hicks	Moores, Ind.	Swope
Dewalt	Hill	Morin	Taylor, Ark.
Donovan	Hulings	Mott	Thomas
Dooling	Ireland	Mudd	Tincher
Doremus	Jefferis	Newton, Mo.	Treadway
Drane	Johnson, Ky.	Nicholls, S. C.	Vare
Eagan	Johnson, Miss.	Ogden	Walters
Eagle	Johnson, S. Dak.	Pell	Wheeler
Ellsworth	Johnston, N. Y.	Peters	Winslow
Emerson	Kearns	Porter	Wise
Esch	Kelley, Mich.	Rainey, H. T.	Wood, Ind.
Ferris	Kendall	Rainey, J. W.	Woodyard
Fess	Kennedy, Iowa	Ramsey	Yates
Fields	Kennedy, R. I.	Reed, N. Y.	
Freeman	Kettner	Riddick	

So the committee amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. GRAHAM of Pennsylvania (for) with Mr. GARD (against).

Until further notice:

Mr. ROBSION of Kentucky with Mr. NICHOLLS of South Carolina.

Mr. FULLER of Massachusetts with Mr. THOMAS.

Mr. LANGLEY with Mr. FIELDS.

Mr. TREADWAY with Mr. BOOHER.

Mr. TINCHER with Mr. JOHNSON of Mississippi.

Mr. ACKERMAN with Mr. MCKANE.

Mr. WHEELER with Mr. DRANE.

Mr. CRAMTON with Mr. JOHN W. RAINEY.

Mr. FREAR with Mr. GANDY.

Mr. BUTLER with Mr. STEELE.

Mr. MOTT with Mr. BRINSON.

Mr. MUDD with Mr. GARRETT.

Mr. BACHARACH with Mr. WISE.

Mr. BEGG with Mr. TAYLOR of Arkansas.

Mr. BRITTEN with Mr. SULLIVAN.

Mr. BROOKS of Illinois with Mr. STEVENSON.

Mr. BURDICK with Mr. STEPHENS of Mississippi.

Mr. BURKE with Mr. SMITHWICK.

Mr. JEFFERIS with Mr. LAZARO.

Mr. KELLEY of Michigan with Mr. KETTNER.

Mr. KENNEDY of Iowa with Mr. JOHNSTON of New York.

Mr. KENNEDY of Rhode Island with Mr. JOHNSON of Kentucky.

Mr. KIESS with Mr. HERSMAN.

Mr. KREIDER with Mr. HEFLIN.

Mr. NEWTON of Minnesota with Mr. GARNER.

Mr. ESCH with Mr. SABATH.

Mr. OGDEN with Mr. GANLY.

Mr. FESS with Mr. ROWAN.

Mr. PETERS with Mr. FERRIS.

Mr. CAMPBELL of Kansas with Mr. SMITH of New York.

Mr. LAGUARDIA with Mr. HARRISON.

Mr. FULLER of Illinois with Mr. HENRY T. RAINEY.

Mr. GOODYKOONTZ with Mr. PELL.

Mr. PORTER with Mr. EAGLE.

Mr. REED of New York with Mr. EAGAN.

Mr. RODENBERG with Mr. DOREMUS.

Mr. GRAHAM of Illinois with Mr. MARTIN.

Mr. HAMILTON with Mr. MCKINIRY.

Mr. SIEGEL with Mr. DOOLING.

Mr. SMITH of Illinois with Mr. DONOVAN.

Mr. SNYDER with Mr. DEWALT.

Mr. VARE with Mr. DENT.
Mr. MCLAUGHLIN of Nebraska with Mr. HAMILL.
Mr. MANN of Illinois with Mr. GRIFFIN.
Mr. MOORE of Pennsylvania with Mr. GOODWIN of Arkansas.
Mr. WOOD of Indiana with Mr. CULLEN.
Mr. COLE with Mr. SISSON.
Mr. COPLEY with Mr. SIMS.
Mr. HASKELL with Mr. MCKEOWN.
Mr. HAUGEN with Mr. MCGLENNON.
Mr. WOODYARD with Mr. CAREW.
Mr. DEMPSEY with Mr. SCULLY.
Mr. EMERSON with Mr. SAUNDERS of Virginia.
Mr. HICKS with Mr. MCCLINTIC.
Mr. YATES with Mr. CANTRILL.
Mr. HULINGS with Mr. MCANDREWS.
Mr. IRELAND with Mr. LEE of Georgia.
Mr. RAMSEY with Mr. BRUMBAUGH.
Mr. MOORES of Indiana with Mr. GOLDFOGLE.
Mr. MORIN with Mr. GODWIN of North Carolina.

Mr. BUTLER. Mr. Speaker, I have a general pair with Mr. STEELE. He did not vote. I voted "yea," and I would like to withdraw it and answer "present."

Mr. GARD. Mr. Speaker, I have a pair for the day with the gentleman from Pennsylvania, Mr. GRAHAM. I voted "nay." I wish to withdraw that vote and answer "present."

Mr. FREAR. Mr. Speaker, I wish to announce myself as being present. I have a pair. I would vote "yea" if I were to vote.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment: Page 2, line 4, strike out "$75,000" and insert in lieu thereof "$25,000."

Mr. ROGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-one members are present, a quorum.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend and revise his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROWNE. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Wisconsin makes the same request. Is there objection? [After a pause.] The Chair hears none.

COMPENSATION FOR EMPLOYEES OF THE POSTAL SERVICE.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, submitted a conference report on House joint resolution 151, to provide additional compensation for employees of the Postal Service and making appropriation therefor, which was ordered printed under the rule.

Mr. BLANTON. Mr. Speaker, I reserve all points of order on it.

Mr. CLARK of Missouri. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. Points of order can be reserved at any time after the report is read.

Mr. CLARK of Missouri. I know, but I ask it now.

EXTENSION OF REMARKS.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

EXCHANGE OF LEGATION PROPERTY AT BANGKOK, SIAM.

Mr. ROGERS. Mr. Speaker, by direction of the Committee on Foreign Affairs I call up the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States at Bangkok, Siam.

The SPEAKER. The gentleman from Massachusetts, from the Committee on Foreign Affairs, calls up the bill S. 2250. The bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2250, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2250, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States at Bangkok, Siam.

Mr. ROGERS. Mr. Chairman, the bill is short. Let it be read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam.

Be it enacted, etc., That the Secretary of State, acting as the agent of the Government of the United States, is hereby authorized and directed to transfer to the Government of Siam all title to and interest in that parcel of land located in the city of Bangkok, Siam, on the river Menam Chao Phya, together with the buildings and other appurtenances appertaining thereto, which His Majesty the King of Siam in 1884 presented to the Government of the United States for legation purposes, and to receive in exchange therefor from the Government of Siam title to all that parcel of land and the buildings and other appurtenances appertaining thereto situated on the Klong Poh Yome, in the city of Bangkok, Siam, which the Government of the United States now rents and occupies for legation purposes, together with a certain parcel of land contiguous thereto, the said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

Mr. ROGERS. Mr. Chairman, I hope to detain the committee only a very few moments for the consideration of this bill, because I think that the propriety of the measure and its usefulness to the United States will quickly become apparent.

In 1884 the Government of Siam presented to the United States a tract of land along the river front of Bangkok for legation purposes. At that time the only means of approaching and leaving Bangkok for commerce and travel was by the river, and consequently the location on the river front was extremely desirable for our legation. Since that time Bangkok has been connected with the sea by railroad and by electric trolley, and therefore the same reason for being on the river front does not now exist.

In 1884 and for some time thereafter all the other legations of foreign Governments were located on the river front. Since that time almost all of them have moved away to higher ground and to a more salubrious climate in other parts of the city. The United States and one or two other Governments are practically the only ones still left on the river front. Our property has gradually worn away by erosion and the building itself has suffered very materially from the inroads of the river.

The result of the change in the neighborhood and of the gradual decay of the property was that in 1913 the legation found it impracticable and perhaps unsafe to occupy the property any longer; so in that year we, too, moved up to the residential neighborhood in the center of the city. But since 1913 we have retained the old property along the river front, first and primarily, because it was a gift from the Government of Siam which we could not in courtesy dispose of, and second, because the question of title entered in and the suggestion was made that we could not give a clear title to any purchaser.

This last year the Government of Siam, seeing our embarrassment and the awkwardness of the situation, agreed to take back that 1884 property, which it could use advantageously for customs purposes, and give us instead the property in the residential quarter of the town which we were already occupying

and near where the legations of the other countries were located. The new lot thus proffered is rather more than twice the size of the old lot and in a better locality. The building is better; the property is worth more. We save the rental that we have been paying on it since 1913. We save the expense of keeping a custodian at the old property, which has been necessary since we vacated it six years ago.

Mr. WALSH. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to his colleague?

Mr. ROGERS. Certainly.

Mr. WALSH. Will the gentleman state what the language in lines 7, 8, and 9 on page 2 means: "Until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam"? We do not ordinarily speak of making a title. I wondered just what that was intended to mean. Has the title been made?

Mr. ROGERS. I think that is very inartistic language.

Mr. WALSH. It is not only inartistic, but I think it is doubtful whether it means anything.

Mr. ROGERS. I do not think there is very much doubt that the intent of the language would be deemed to be accomplished by the word used.

Mr. WALSH. What is that, if I may ask?

Mr. ROGERS. The intent of the language, I take it, is that the title in the new property shall be vested in the United States before we let go to the title to the old property.

Mr. WALSH. It says:

The said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

I assume that it means "conveyed."

Mr. ROGERS. I shall offer an amendment, if the gentleman does not care to, striking out the word "made" and substituting the word "conveyed."

Mr. Chairman, if there are no other questions, I will reserve the balance of my time; and if there is no more debate I ask for the reading of the bill.

The CHAIRMAN. Does the gentleman from Virginia, the ranking member of the minority, desire recognition on the bill?

Mr. FLOOD. I think not, Mr. Chairman.

The CHAIRMAN. Then the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of State, acting as the agent of the Government of the United States, is hereby authorized and directed to transfer to the Government of Siam all title to and interest in that parcel of land located in the city of Bangkok, Siam, on the River Menam Chao Phya, together with the buildings and other appurtenances appertaining thereto, which His Majesty the King of Siam, in 1884, presented to the Government of the United States for legation purposes; and to receive in exchange therefor from the Government of Siam title to all that parcel of land and the buildings and other appurtenances appertaining thereto situated on the Klong Poh Yome, in the city of Bangkok, Siam, which the Government of the United States now rents and occupies for legation purposes, together with a certain parcel of land contiguous thereto, the said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

Mr. ROGERS. Mr. Chairman, I move to amend by striking out the word "made," in line 8 of page 2, and substituting in lieu thereof the word "conveyed."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 2, line 8, after the word "been," strike out the word "made" and insert in lieu thereof the word "conveyed."

Mr. GARD. Mr. Chairman, has the gentleman thought how the language would appear in the amendment—"until satisfactory title to the property to be acquired by the Government of the United States has been conveyed by the Government of Siam"?

Mr. ROGERS. I think that is satisfactory. I ask for a vote on it, Mr. Chairman.

Mr. GARD. It seems to me the language is better in the first place, providing for the making of a title and the exchange of property. You do not often hear of conveying a title. You hear of a title you have made good after investigation. The making of the title is that it is made satisfactory to the parties to the conveyance, but the conveyance is the actual deed itself. I assume they have deeds to land in Siam?

Mr. ROGERS. Oh, yes.

Mr. BLAND of Missouri. Suppose you insert the words "until the conveyance of a satisfactory title has been made."

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. TEMPLE. Is not the word "made" used in the sense of creating a title? The owner can transfer, but the State makes the title.

Mr. GARD. I do not know. I think in Siam the first property we got was from His Majesty the King of Siam, in 1884.

Now, we have a title conveyed by the Government of Siam. I think the suggestion of the gentleman from Missouri [Mr. BLAND] covers the case better than any language that has heretofore been mentioned.

Mr. ROGERS. I ask for a vote on the amendment.

Mr. BLAND of Missouri. I offer as a substitute to insert the words "conveyance of."

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Missouri as a substitute for the amendment offered by Mr. ROGERS: Page 2, line 7, after the word "until" insert "conveyance of."

Mr. WALSH. Mr. Chairman, I doubt if that is the proper language to put in here. Of course, the transfer can not be made until conveyance of title has been made. The only question which arose in my mind was whether the word "made" was proper phraseology to be employed. It would seem to me that the transfer should not be made until satisfactory title to the property to be acquired by the Government has been conveyed by the Government of Siam. Of course, you can convey a title. We speak of it ordinarily as conveying title to property, or deeding title to property.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BLAND of Missouri. It will then read—

Until conveyance of satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

Mr. WALSH. Of course, you can not make a transfer until you convey the property.

Mr. BLAND of Missouri. That is true, and that would be a conveyance of sufficient title. That is all you intend.

Mr. ROGERS. I think it is pretty clear that the word which is customarily used among lawyers and among laymen is the word "transfer." Therefore, I am inclined to think that the original suggestion of my colleague [Mr. WALSH] is the right one, and that my amendment is the one that ought to prevail.

Mr. ALMON. Will the gentleman yield for a suggestion?

Mr. ROGERS. Certainly.

Mr. ALMON. How would it do to make it read?—

The said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been found satisfactory by the Government of Siam.

Mr. ROGERS. That would just reverse the meaning of the provision.

Mr. WALSH. It is the Government of the United States that has to be satisfied.

Mr. ROGERS. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Missouri [Mr. BLAND].

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. ROGERS].

The amendment was agreed to.

Mr. ROGERS. I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ROGERS. Mr. Speaker, I move the previous question on the bill and amendment to the final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment reported from the Committee of the Whole.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE FIRST DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9205, the first deficiency bill, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 9205, the first deficiency bill, disagree to all Senate amendments, and ask for a conference. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from Iowa, who seeks to have the bill sent to conference, if the House can have any assurance that when the conference report is presented some of these exorbitant increases made in the other branch may perhaps not appear in the report.

Mr. BLANTON. I want to ask the gentleman from Massachusetts a question. Were these exorbitant increases put on the bill by a Democratic Senate or a Republican Senate?

Mr. MONDELL. They were asked for by a Democratic administration. [Applause on the Republican side.]

Mr. BLANTON. Well, it is time that a Republican House should sit down on them when they ask for extravagant estimates.

Mr. GOOD. Mr. Speaker, I will say to the gentleman from Massachusetts that when the conference report is presented I do not believe he will find in the bill any of these very large appropriations put on by the Senate. I am satisfied that the House would never agree to many of these large appropriations which have been put on by the Senate by way of amendment. If it means failure of the deficiency bill to agree to those, I am afraid there will be no deficiency bill.

Mr. WALSH. Of course, some are clearly not deficiencies.

Mr. GOOD. The gentleman is right; they have no place in a deficiency bill, and I do not believe for a minute that the conferees will seriously ask that they shall be retained in the bill.

The SPEAKER. Is there objection?

Mr. GALLIVAN. Reserving the right to object, can the chairman give any idea as to how soon the conferees might agree?

Mr. GOOD. I will say to the gentleman from Massachusetts that I have not met with the Senators who will be managers on the part of the Senate, and I do not know what their attitude is. I am only anxious that the conferees may get to work at the earliest possible moment, and I assure the gentleman that we will not delay the conference any longer than is necessary.

Mr. MONDELL. Reserving the right to object, and I shall not object, for I have such confidence in the conferees who will be appointed on the part of the House that I do not desire them to give any assurances in advance. I think they ought to go into the conference without instructions. I feel confident, however, that the House expects that the Senate additions to this bill will in a very great measure disappear from it when the conference report is presented. One of the largest items is not a deficiency item at all and has no business on a deficiency bill. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, everybody who has been here any considerable length of time knows that the House for some unaccountable reason thinks it is under obligation to vote for the previous question on bills, and also to vote for conference reports. Therefore there ought to be some assurance or arrangement by which Members can get a chance to vote on what they consider objectionable items in conference reports; and until Members get out of the delusion that they must vote for every conference report it ought to be the rule to permit the House to have ample time to vote on items and segregate them.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2716. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office; to the Committee on Claims.

ADJOURNMENT.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Thursday, October 23, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 78) authorizing the giving of credit for service in the junior and senior divisions of the Reserve Officers' Training Corps, reported the same without amendment, accompanied by a report (No. 400), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 176) providing for placing certain surplus Army medical supplies at the disposal of the American Red Cross, reported the same without amendment, accompanied by a report (No. 401), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8440) to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Calif., and Klamath County, Oreg., and for other purposes, reported the same with an amendment, accompanied by a report (No. 402), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 10107) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 403), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes, reported the same with amendments, accompanied by a report (No. 405), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7227) granting a pension to B. F. Poe; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10103) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: A bill (H. R. 10104) to renew patent No. 25909, the badge of the United States Daughters of 1912; to the Committee on Patents.

By Mr. HASTINGS: A bill (H. R. 10105) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. GOULD: A bill (H. R. 10106) authorizing the Secretary of War to donate to the village of Port Gibson, N. Y., a German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: A bill (H. R. 10107) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. KAHN: A bill (H. R. 10108) for the establishment of an aeronautical experimental development and engineering plant for the Air Service; to the Committee on Military Affairs.

By Mr. GARLAND: A bill (H. R. 10109) increasing the tax on improved and unimproved land in the District of Columbia, and reducing the tax on improvements on such land; to the Committee on the District of Columbia.

By Mr. HOLLAND: Joint resolution (H. J. Res. 237) authorizing the establishment of a "free port," or "foreign-trade zone," at Norfolk, Va.; to the Committee on Ways and Means.

By Mr. HASTINGS: Joint resolution (H. J. Res. 238) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 10110) for the relief of Shelby Medical College, of Nashville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 10111) for the relief of Davidson County, Tenn., and the city of Nashville, Tenn.; to the Committee on War Claims.

By Mr. COPLEY: A bill (H. R. 10112) granting an increase of pension to Clara M. Z. Moore; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 10113) granting an increase of pension to James Dushane; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 10114) granting a pension to Philip White; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10115) for the relief of Harvey R. Butcher; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 10116) granting an increase of pension to Samuel McAdams; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 10117) for the relief of Mrs. John Hanlon; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 10118) granting an increase of pension to George B. Yocum; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 10119) granting an increase of pension to Margaret Osborn; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10120) granting an increase of pension to Joseph R. McKeever; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10121) granting a pension to Georgianna J. King; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10122) granting an increase of pension to Albert D. Clark; to the Committee on Pensions.

By Mr. LAYTON: A bill (H. R. 10123) granting a pension to Harry F. Hastings; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 10124) for the relief of Patrick Kennedy; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 10125) granting an increase of pension to William Wheatley; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 10126) granting an increase of pension to Emily Anderdonk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10127) for the relief of Alvah Clement; to the Committee on Military Affairs.

By Mr. RAMSEY: A bill (H. R. 10128) granting a pension to Lillian S. Dodds; to the Committee on Invalid Pensions.

By Mr. RANDALL of Wisconsin: A bill (H. R. 10129) for the relief of Hans Peter Guttormsen; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the National Editorial Association, indorsing the principle of zone postage on newspapers and urging Congress to continue the present zone postage law in operation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of First Presbyterian Church of Mansfield, Ohio, protesting against the treatment of the Koreans by the Japanese; to the Committee on Foreign Affairs.

By Mr. FOCHT: Papers to accompany H. R. 9680, granting an increase of pension to Joseph R. Montgomery; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of Boston Council, No. 68, Knights of Columbus, of Boston, Mass., protesting against the ruling of the War Department that on and after November 1, 1919, the various war-work agencies must cease their work on behalf of our soldiers and sailors, and that such work is to be undertaken by the military authorities; to the Committee on Military Affairs.

By Mr. KEARNS: Petition of the Gilbert Grocery Co., of Portsmouth, Ohio, relating to House bill 5123; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Resolutions adopted by the Placer Chapter of the Native Daughters of the Golden West, of Lincoln, Calif., urging the prohibition of immigration from the oriental countries and submitting a set of propositions to bring about this desired result; to the Committee on Immigration and Naturalization.

Also, letter from Hascalls, of San Jose, Calif., requesting that the tax on candy, ice cream, and soft drinks be repealed; to the Committee on Ways and Means.

Also, letter from the Normandy Sea Food Co., of San Diego, Calif., indorsing H. R. 8422, recording of mortgages on vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROWAN: Petition of Thomas P. Cummings, of New York, favoring the passage of House bills 6577 and 6659; to the Committee on Ways and Means.

Also, petition of J. F. Hemenway, of Irvington, N. J., favoring the passage of House bills 5011, 5012, and 7010, relating to patents; to the Committee on Patents.

Also, petition of Foster-Milburn Co., of New York, protesting against the passage of House bill 5123; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of United States Customs Inspectors, of New York, favoring the passage of House bill 6577; to the Committee on Ways and Means.

Also, petition of J. P O'Connor, secretary Michael Davitt Branch, Friends of Irish Freedom, of New York, N. Y., requesting the Congress of the United States to recognize the Irish republic; to the Committee on Foreign Affairs.

Also, petition of R. W. White, chief yeoman, United States Navy, favoring legislation increasing petty officers' pay; to the Committee on Naval Affairs.

Also, petition of George T. Taylor, of New York, favoring the passage of House bills 4987 and 6688; to the Committee on Military Affairs.

Also, petition of Sara L. Rhodes, of New York, favoring the passage of the Smith-Towner educational bill; to the Committee on Education.

Also, petition of the National Editorial Association, urging Congress to continue the present zone postage law in operation; to the Committee on the Post Office and Post Roads.

Also, petition of Bernhard Ulmann Co. (Inc.), of New York, favoring the passage of House bill 8078; to the Committee on Ways and Means.

By Mr. SINCLAIR: Resolution of mass meeting of railway employees of all crafts at Mandan, N. Dak., unanimously indorsing the Plumb plan for railroad ownership and control and condemning the Cummins bill and like measures as tending to drive liberty-loving Americans to desperation by reducing them to slavery; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local System Federation, of Mandan, N. Dak., protesting against proposed bills to make slaves of railroad employees and declaring the Plumb plan the only solution to the railroad problem; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *October 23, 1919*

(Legislative day of Wednesday, October 22, 1919).

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Johnson, Calif.	Moses	Robinson
Capper	Kendrick	New	Sheppard
Colt	Keyes	Newberry	Sherman
Curtis	Kirby	Norris	Smoot
Dial	Knox	Nugent	Spencer
Dillingham	Lenroot	Overman	Sutherland
Fletcher	Lodge	Penrose	Thomas
Frelinghuysen	McCumber	Phipps	Walsh, Mont.
Hale	McNary	Poindexter	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. FRANCE, Mr. HITCHCOCK, Mr. McLEAN, Mr. MYERS, Mr. POMERENE, Mr. SMITH of Georgia, Mr. SMITH of South Caro-

lina, Mr. TOWNSEND, Mr. UNDERWOOD, and Mr. WALSH of Massachusetts answered to their names when called.

Mr. FERNALD entered the Chamber and answered to his name.

Mr. FERNALD. Mr. President, I report the following Senators absent on business of the Senate: The Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. EDGE], the Senator from Ohio [Mr. HARDING], the Senator from Minnesota [Mr. NELSON], the Senator from Louisiana [Mr. RANSDELL], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Washington [Mr. JONES].

Mr. HARRISON, Mr. MCCORMICK, Mr. GERRY, Mr. CULBERSON, Mr. FRELINGHUYSEN, Mr. EDGE, Mr. BORAH, Mr. HENDERSON, Mr. CUMMINS, Mr. ELKINS, Mr. KELLOGG, Mr. LA FOLLETTE, Mr. LENROOT, Mr. WATSON, Mr. HARDING, Mr. WADSWORTH, Mr. SWANSON, Mr. KING, and Mr. REED entered the Chamber and answered to their names.

Mr. LENROOT. I wish to announce the absence on official business of the Senator from Wyoming [Mr. WARREN] and the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. KIRBY. I announce the absence, as members of the Joint Committee on Post Offices and Post Roads, of the Senator from Alabama [Mr. BANKHEAD], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Louisiana [Mr. GAY]. I wish also to announce that the Senator from Oklahoma [Mr. OWEN], the Senator from Florida [Mr. TRAMMELL], the Senator from Arizona [Mr. SMITH] and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

Mr. CURTIS. I wish to announce that the Senator from South Dakota [Mr. STERLING] is detained from the Senate on account of illness. He has a general pair with the Senator from South Carolina [Mr. SMITH].

Mr. SHEPPARD. The Senator from South Dakota [Mr. JOHNSON] is absent on account of illness in his family. The Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Maryland [Mr. SMITH], the Senator from Oklahoma [Mr. GORE], the Senator from California [Mr. PHELAN], and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

ARMENIAN MANDATE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a communication from the House of Bishops of the Protestant Episcopal Church, which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communication is as follows:

HOUSE OF BISHOPS,
Detroit, October 18, 1919.

To the PRESIDING OFFICER OF THE UNITED STATES SENATE.

SIR: I have the honor to inform you that the following is a true copy of a resolution adopted by the House of Bishops on October 18, 1919:

"*Resolved*, That the House of Bishops of the Protestant Episcopal Church assembled in the city of Detroit, respectfully urges upon the President and Senate of the United States the acceptance of a mandate for Armenia, if it be offered this country, as an opportunity for unselfish service in the restoration of the peace of the world, and that the members of this house be urged to press upon their Senators the high privilege of this hard and most necessary task."

Very respectfully, yours,

GEORGE F. NELSON, *Secretary.*

ROBERT A. MINOR (S. DOC. NO. 141).

The VICE PRESIDENT. The Chair lays before the Senate a response from the Secretary of War to the Senate resolution with reference to Robert A. Minor, which will be printed in the RECORD.

The communication is as follows:

WAR DEPARTMENT,
Washington, October 22, 1919.

SIR: I have the honor to acknowledge the receipt of a resolution, dated October 10, 1919, by the United States Senate, relative to one Robert A. Minor, referring to a previous resolution, dated July 31, 1919, and stating that the Secretary of War had made no report to the Senate on said resolution dated July 31, 1919.

The records of the War Department show that under date of August 14, 1919, a reply was addressed to Hon. George A. Sanderson, Secretary, United States Senate, Washington, D. C., signed by Gen. Peyton C. March, Acting Secretary of War.

This reply quoted a cablegram from Gen. Pershing, dated August 12, 1919, as follows:

"Robert A. Minor arrested in Paris by French authorities because of request British Intelligence Army of the Rhine. Subsequently turned over by the French to American authorities at Coblenz, who investigated his case with a view to trial by military commission. Minor charged with preparing and attempting to circulate a leaflet among American troops in Germany designated to create dissatisfaction. Released without trial for lack of evidence to substantiate charges. Was never accredited correspondent to the American Expeditionary Forces."

The original of this letter was duly mailed from the office of the Chief of Staff on August 14, 1919.

The circumstances incident to Minor's detention in Coblenz were as follows:

Early in February, 1919, a noncommissioned officer attached to the Intelligence Section (G–2), Advanced General Headquarters, American Expeditionary Forces, was sent from Treves to make an investigation of the activities of the German Spartacist group in Dusseldorf, reported to be planning to spread Bolshevik propaganda among the troops of the army of occupation. Representing himself as an American deserter who wished to do all he could for communism, the officer called at the Spartacist office, No. 39 Immermannstrasse, and after a long conversation with the secretary he was accepted as a comrade, though kept under observation for two days. It was explained to him that the main ideal of the Spartacists, like that of their Russian comrades, the Bolshevists, was to bring about a world revolution and the dictatorship of the proletariat, and he was urged to return to the Army and do propaganda work among the Americans. He attended several meetings, at one of which it was decided that he should go back and carry on the work of distributing among the Americans pamphlets which the Spartacists would send over from Dusseldorf. At one of these meetings he met two representatives, an Englishman and American, who introduced themselves as Philip Price and Robert Minor, respectively. Minor stated that he was a cartoonist by profession, formerly on the staff of the New York Call, and that in 1915 and 1916 he had made himself conspicuous through his writings about Russia and other European countries, and in 1917 participated in a publicity campaign in favor of Thomas Mooney and took part in San Francisco in organizing antidraft demonstrations.

At another meeting Minor and Price stated that they had been working together in Russia, printing an English newspaper for the Bolshevik cause, which they had distributed among the British and American troops by aviators.

At a later meeting in the office of Seidel, a Spartacist leader, Minor volunteered, at the request of Meta Filip, a woman at the head of the propaganda work, to prepare a pamphlet for distribution among American troops, and asked informant the following questions:

"Do the American troops still have to drill, and how many hours a day?" "Are the American troops allowed to associate with the German civilian population?" "Do the American soldiers who are being sent home easily get back their old jobs?"

These questions were answered to the effect that soldiers still had to drill five hours a day; that they were not allowed to associate with German civilian population; and that, according to the press, American soldiers were getting back their old jobs, but were not well paid. Minor wrote down the answers and said that he had enough material for a good pamphlet. At the next meeting he presented a typewritten document dealing with these questions, which was read by informant and then given to Meta Filip, who had it printed. Later informant was given about 6,000 copies for distribution among American troops. This pamphlet was entitled "Why American soldiers are in Europe." Minor warned informant to be very careful, as the American Army might have intelligence men in Dusseldorf.

About the 15th of April Minor went to Paris, and was reported to the British intelligence as being active in connection with French socialists interested in the transportation strike then taking place, notably Loriot. The chief of the intelligence section of the British Army on the Rhine went to Paris, and, after consultation with an officer of the American Commission to Negotiate Peace, requested the French to arrest Minor. He was taken into custody by the French on June 8 and sent directly to Coblenz under French guard.

Minor made to the French police authorities a long statement constituting a sort of general denial, but refused to sign his name to it, except in the presence of a lawyer or a friend who understood French. The statement taken under the "proces verbal" is accordingly signed only by the police commissioner.

Although Minor was arrested by the French at the instigation of the British, he was given into the custody of the commanding general of the Third Army at Coblenz, and it was suggested by the British on June 14 that he might be tried by an American court, as his offense was directed more against the American than the British Army.

On June 11 Minor was identified by the noncommissioned officer who had made confidential investigations of the Spartacists as the American journalist whom he had met in Dusseldorf.

On June 18, 1919, the assistant chief of staff, G–2, Third Army, American Expeditionary Forces, presented all the facts in Minor's case to the judge advocate, Third Army, and to the officer in charge of civilian affairs. The judge advocate was instructed to prepare charges, and a commission was appointed for his trial by order dated June 20.

The charges served upon Robert Minor as violation of the laws of war contain specifications briefly summarized, as follows:

"1. As an American and a private citizen, he engaged in a campaign of propaganda of and for the purpose of weakening the military power and force of the United States Army and the armies of the Allies, and prepared documents with the object of weakening the morale and fighting efficiency of said forces.

"2. At or near Dusseldorf, Germany, in February, 1919, he composed a certain document and caused 60,000 copies thereof, in the form of a handbill, to be printed and turned over to a member of the Army of the United States for distribution among the soldiers of said Army then within the territory of the German Empire."

Minor was given all possible privileges consistent with his safe custody. Newspapers were allowed him and all mail and telegrams were delivered to him. He was also advised that he might see any person with whom he might desire to talk, and no person was allowed to see him against his will.

On June 23 a telegram was received from the chief of staff, general headquarters, American Expeditionary Force, directing that action be suspended pending further orders. Nothing further was done toward bringing the case to trial, except that a copy of the proposed charges was served upon Minor by the judge advocate, Third Army, June 28. In the meantime the judge advocate, American Expeditionary Forces, and an assistant came to Coblenz to make an investigation of the case, under instructions from the commander in chief, American Expeditionary Forces.

On June 28 the judge advocate, American Expeditionary Forces, submitted a report of his investigations in the form of a memorandum for the commander in chief, American Expeditionary Forces. His con-

clusions and recommendations are set forth in the following extracts from the report referred to:

"The case against Minor at present amounts to this: He is charged with as serious an offense as a man can commit, but there is only one witness against him—Siegfried. Every effort is being made by the Third Army authorities and by the British at Cologne to obtain corroborating witnesses. There are three persons in the hands of the British and American authorities who, it is believed, can corroborate, more or less, the testimony of Siegfried as to the activities of Minor at Dusseldorf, though it has been impossible as yet to get them to do so. One of them is among the seven undergoing trial by military commission at Cologne, and efforts will be made to get him to tell what he knows as soon as his trial is finished, which will be this week.

I have interviewed Siegfried, the officers of the G–2, and the judge advocate's department at the headquarters of the Third Army, and have, with Col. Mayes, visited the military commission sitting at Cologne, etc. I thoroughly believe Minor to be guilty, but if I were sitting on a court I would not vote guilty on the evidence now available—the testimony of one man only, and that man acting in the character of a detective and informer. If his testimony were substantially corroborated by other witnesses I believe a conviction would be justified. It is desirable, of course, if the man is to be convicted, that the case against him be as strong as possible. An offense that is so serious should, in order to justify conviction by a court and approval by the confirming and reviewing authority, be supported by the strongest proof, and since this is a case in which a dangerous element in the United States has the greatest interest, it had better not be tried at all unless there is proof which fully warrants conviction. An acquittal, a disapproved conviction, or an approved conviction on any thing short of conclusive evidence would be injurious to the cause of good government. It should be known within a week or 10 days at the furthest, I think, whether substantial corroboration of Siegfried's testimony can be had, and if it can I think Minor should be tried. If corroboration can not be had I think it would be better to dismiss the case."

No corroborating evidence having been submitted, on July 5, under orders from general headquarters, American Expeditionary Forces, the assistant chief of staff, G–2, Third Army, American Expeditionary Forces, sent Minor to Paris in charge of an officer, who conducted him from the military prison in Coblenz to the Gare de l'Est in Paris and then gave him the papers which he had received from the assistant chief of staff. This officer was unaware of the identity of his charge or of the nature of the case. This constituted his release.

Shortly after Minor was released important additional information was obtained as to his connection with the propaganda pamphlet in question. The day following his release Meta Filip entered the English occupied zone en route to Coblenz to testify as to Minor's authorship of this pamphlet. In addition to this an intelligence agent sent to Dusseldorf from Coblenz was told by the head of the concern who actually printed these pamphlets that Robert Minor was the man who brought the copy to him, obtained estimates for the printing of same, and who actually directed they be printed. This information was corroborated by another German in the office of the printing establishment. In the month of March an intelligence agent who was stationed in Berlin and was supposed to be a Spartacist was told by Robert Minor that the time was ripe for the spreading of Spartacist propaganda among the American troops of occupation.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

The PRESIDENT OF THE SENATE,
Washington, D. C.

Mr. KING. I ask that the communication from the Secretary of War, just handed down by the Vice President, be printed and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

RAILROADS IN ALASKA (S. DOC. NO. 142).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a supplemental estimate of appropriation in the sum of $17,000,000 required by the Alaskan Engineering Commission for construction and equipment of the railroad between Seward and Fairbanks, Alaska, fiscal year 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN. I send to the desk a telegram and ask that it may be read for the information of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

SEATTLE, WASH., *October 22, 1919.*

Hon. J. S. FRELINGHUYSEN,
United States Senate, Washington, D. C.:

We have noted with approval your comments as reported in the press on the demands of the coal miners and that you are quoted as stating that the demands would result in an increase in prices to consumers of from $2 to $2.50 per ton. It may interest you to know that the increases in western Washington would amount to from $3.50 to $5, and probably more, per ton. We have in the western part of the State the deepest mines and the most difficult mining conditions in the United States, likewise the highest wage scale. Present costs in western Washington mines run from $3.50 to $5 per ton at the mine. If miners' demands acceded to in full the present cost of production will be doubled in single-shift mines and probably nearly trebled in double-shift mines. Inasmuch as the principal mines are double-shift mines, the physical limitations of which would not permit of increased production on single shift through employment of additional men, the increase in western Washington would undoubtedly average close to $5 per ton and the State's production would be cut from around four and one-half to probably less than 3,000,000 tons per year. Our production, while nominal in comparison with that of the rest of the country, is extremely important to the communities and industries of this State. The demands, if acceded to, would make the cost of coal so high as to be prohibitive, and the result would not only be the closing of important mines but would be disastrous to the State's prosperity. Our contract with district No. 10 of United Mine Workers, which comprise the State of Washington, provides that it will continue for the duration of the war, the same as eastern contracts, but it also contains a clause providing that six weeks prior to the expiration of the contract both parties shall meet to negotiate a new one. The district has not notified us of its intention to consider the present contract as terminating, neither has it asked us to negotiate a new agreement, but this district and its local unions have been ordered by the national to cease work on October 31, and they doubtless intend to do so, irrespective of these provisions of the existing contract. It is such failures on the part of organized labor to fulfill its contract obligations which, as we view it, creates distrust in the minds of employers and leads them to question whether the form of collective bargaining now indorsed by organized labor is the one which will bring industrial peace. Our secretary is now in Washington, and we have asked him to call on you and supply any further information concerning our situation here which may be of value or assistance.

WASHINGTON COAL OPERATORS' ASSOCIATION.

Mr. FRELINGHUYSEN. I ask unanimous consent to have another short telegram, which I send to the desk, read for the further information of the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

DANVILLE, ILL., *October 22, 1919.*

Senator FRELINGHUYSEN,
United States Senate, Washington, D. C.:

Miners in this district practically unanimous against strike. The demands advanced by their officials are not supported by the membership of the unions. Thirty hours per week working time would materially reduce the net income of the miners, and for that reason they are opposed to that program. The only individuals that approve of such a program are the wild theorists, who want to reduce working hours without reference to conditions governing the industry. What the miners actually want is the same hours and conditions of employment, with perhaps a slight advance on their wage rate. All other demands have no support among the membership and are made for trading purposes only. Everyone in the industry deeply appreciates your efforts to bring the truth about this question to public attention.

F. E. BUTCHER,
Manager Electric Coal Co.

Mr. ELKINS presented a resolution adopted by the congregation of the Trinity Methodist Episcopal Church, of Fairmont, W. Va., favoring an investigation into recent race riots and mob violence in the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Grant and Pendleton Counties, in the State of West Virginia, praying for Federal control of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chamber of Commerce of the State of New York, remonstrating against placing the New York Barge Canal under the jurisdiction of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCNARY:

A bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ELKINS:

A bill (S. 3285) granting an increase of pension to Harry B. Robb; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3286) for an examination to determine location of safe and adequate harbor facilities on Texas coast con-

tiguous to Corpus Christi, Aransas Pass, Port Aransas, and Rockport; and

A bill (S. 3287) for rebuilding of the causeway in Corpus Christi Bay; to the Committee on Commerce.

By Mr. HARRISON:

A bill (S. 3289) to authorize the issue to States and Territories and the District of Columbia of rifles, pistols, machine guns, and other property for the equipment of home guards; to the Committee on Military Affairs.

By Mr. SMOOT:

A joint resolution (S. J. Res. 118) to amend a joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919, approved August 15, 1919; to the Committee on Mines and Mining.

By Mr. SPENCER:

A joint resolution (S. J. Res. 119) granting to honorably discharged student nurses the $60 bonus allowed by the Government; to the Committee on Military Affairs.

PROTECTION OF PUBLIC HEALTH.

Mr. FRANCE submitted the following concurrent resolution (S. Con. Res. 14), which was referred to the Committee to Audit and Control the Contingent Expenses:

Resolved by the Senate (the House of Representatives concurring), That a joint committee be, and is hereby, created, consisting of three Members of the United States Senate and three Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House, respectively, to make a survey of and report on those activities of the several departments, divisions, bureaus, offices, and agencies of the Government of the United States which relates to the protection and promotion of the public health, sanitation, care of the sick and injured, and the collection and dissemination of information relating thereto.

SEC. 2. That such committee is directed and empowered to report to the Congress not later than March 1, 1920—

(a) The statutory powers and duties conferred by the Congress on any department, division, bureau, office, or agency of the United States Government to carry on any work pertaining to the conservation and improvement of the public health, together with any rules and regulations authorized or promulgated thereunder;

(b) The organizations now existing in the Federal Government for the purpose of carrying out these powers and duties, together with the personnel of, appropriations for, and expenditures by each department, division, bureau, office, and agency during the fiscal year ending June 30, 1919;

(c) The coordination now existing between said departments, divisions, bureaus, offices, and agencies together with any conflicts, overlapping or duplication of powers, duties, functions, organization, and activities;

(d) The cooperation and coordination now existing between the Government of the United States and the government of the several States or extragovernmental agencies for the conservation or improvement of the public health;

(e) Such further information as such committee may deem proper;

(f) Such recommendations as such committee may deem advisable to offer for the improvement of the public health work of the United States Government.

SEC. 3. That such committee be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ experts, deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1 per printed page; the expenses involved in carrying out the provisions of this resolution, one half to be paid out of the contingent fund of the Senate and the other half out of the contingent fund of the House; and that such committee may sit during the sessions or recesses of the Congress.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. SPENCER submitted the following resolution (S. Res. 218), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate resolution No. 42, agreed to June 6, 1919, authorizing the Committee on Claims of the United States Senate to employ an assistant clerk during the present session of Congress be, and the same hereby is, extended and continued in full force and effect during the remainder of the Sixty-sixth Congress.

FIRST DEFICIENCY APPROPRIATION.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insists upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 9822. An act to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication was read twice by its title and referred to the Committee on Foreign Relations.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The VICE PRESIDENT. The pending question is on amendment numbered 1 reported from the Committee on Foreign Relations on page 19 of the treaty. It will be read.

The SECRETARY. On page 19 insert the following proviso at the end of article 3:

(1): *Provided*, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

Mr. JOHNSON of California. Mr. President, with an innocence which does infinite discredit to my experience in this august body, I originally introduced the pending amendment believing it would be acceptable to everybody; that it would find an answering echo in every Senator's bosom; and that, with a unanimity seldom accorded any proposition, it would at once be adopted enthusiastically and with acclaim. I am sorry, indeed, that I so mistook the situation. I fondly believed that in this particular conjuncture an amendment of this character, asserting only a national right, appealing only to the nationalism presumably inherent in every American heart, would spontaneously ignite the fires of common sense; that our normality for a brief period would return to us; and we could see the situation now confronting us and the world exactly as it is.

Perhaps I have wholly mistaken the present situation. I am sure I have mistaken the attitude of some of my brethren. Nevertheless, because originally I offered this amendment, I desire to present very briefly some of the arguments which seem to me all controlling upon the question, and those which should in the American Senate give to the amendment an overwhelming majority.

The design of the amendment is known to all. Its design is simply to give to the Republic of the United States a representation or a vote in the assembly and the council of the league of nations equal to the representation or the vote of Great Britain. It is a design, Mr. President, which I should imagine, under ordinary circumstances and without an irrational international emotionalism, would appeal to every American citizen and particularly to every American Senator.

The design, it was asserted last night in the closing speech upon this subject, was not fully accomplished by the amendment. I listened with great attention to the learned Senator from Minnesota [Mr. KELLOGG] in presenting his objections. I observed that, apparently, in the first part of his address his objection was because there was insufficient vitality to the amendment, but as he proceeded I observed that his objection to the amendment was because it had any vitality at all. I fear that that is the situation with very many of my brethren; that those who declaim loudest against the amendment are not opposed to it because it does not in every aspect accomplish its design, but are opposed to it because it accomplishes any part of the design and any of its purpose at all.

In order that we may sequentially follow the argument let me read the amendment and the corollary of the amendment which was presented by the Senator from New Hampshire [Mr. MOSES]. The amendment is, after article 3, to insert:

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

I turn now to the corollary of this amendment, found on page 31 of the printed copy of the treaty, which was offered by the Senator from New Hampshire. The two are but part of the same design:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies or parts of empire shall have a vote upon any phase of the question.

The purpose of the two amendments, of course, was, as far as we could, to give equal representation to the United States in this league with Great Britain, and to make it impossible in questions which might arise between one of the British colonies and the United States for the other members of the British Empire to vote upon any such question. We sought, as I say, so far as we were able, to accomplish these results.

There were various ways in which it was suggested our purpose might be wrought. It was insisted by some that we might by reducing the votes of the British Empire and by according to the British Empire but one vote, that is, one vote for the empire and for all its colonies, accomplish our design; but there were to this particular method objections which seemed to have inherent justice. Particularly in view of the manner in which the league has been fashioned, and of the fact that the status of the colonies had already been fixed, not only by the members of the league but by our President himself to endeavor to eliminate the colonies from the status which has thus been accorded to them and for which they have fought so long, and in which fight they had been successful, might seem to do an injustice to those who had been part of the war, part of the great struggle through which we have just passed, and who have been admitted finally to a particular status within the league, presumably with our consent because under the written declaration of our President.

The argument which has been made by some of the Members of the Senate and by others reduces itself to an absurdity when carried to its logical extent. It has been repeatedly said, not only by Members of the Senate, but I think repeatedly stated in the discussion which has been going on in the country, that it is a matter of no consequence that this voting power, this disproportionableness of the membership in the assembly has been accorded to Great Britain, because after all there is little or nothing that can be done either by the council or by the assembly. It is asserted, on the one hand, that the council has little power and the assembly has none, and that by reason of these facts the vote of Great Britain, six times as great as ours, has no importance in the ultimate deliberations of the league and in its final consummation; but this argument, Mr. President, proves too much. If it is true that there is nothing that can be done by either the council or the assembly, that the vote is of no consequence because it can never be used efficaciously, it follows as a logical conclusion that the league has no vitality and no efficacy, and that we have then a mere pact here which is without power, without vitality, without the ability to accomplish anything of any kind whatsoever.

If that argument, which has been so often made by some who are in this body and some who are without, that the voting power is of no consequence because it can accomplish nothing, is sound, it leads to the irrational and ridiculous conclusion that the league is of no consequence and has no efficacy; and from that you may argue that the league before us is of so little consequence and of no importance and no value.

So we may pass the first of the arguments made against this amendment.

It has been insisted by the Senator from North Dakota [Mr. MCCUMBER], in a speech which he made I think upon the 6th day of October, that this amendment would deprive the self-governing colonies of Great Britain of their right in the assembly and of their right in the league; and he delivered an eloquent apostrophe to the sacrifices which had been made by Canada and by the other colonies of Great Britain, and asked whether we desired to take from Canada and from the other self-governing colonies the position which they had earned by their tremendous sacrifices and valiant stand in behalf of humanity and for the life of civilization.

Of course there might be force in the argument of the Senator from North Dakota if there were any foundation for it; but his argument proceeds upon mistake, misapprehension, and misunderstanding. I will not designate it misrepresentation at all, because I do not believe that he or any other Member of this body would indulge in misrepresentation concerning any amendment or concerning any fact within the jurisdiction of the Senate. When he asserts that we would deprive Canada and the self-governing colonies of Great Britain of the high position which they had won through their sacrifices in the war he asserts that which is entirely without foundation, because this amendment preserves to Canada, South Africa, New Zealand, Australia, and even to India, every position acquired by them by virtue of the war and every single attribute that is accorded them under the league of nations. It takes nothing from any colony of Great Britain. It adds to the voting power of the United States to make the voting power of the United States, so far as we are able, equal to the combined voting power of the British Empire and the British Empire's colonies.

It is asserted as well that we have a veto power, and that this veto power of ours will enable us, in any action which hereafter may be taken by the assembly, to protect ourselves and forever to prevent any one of the English-speaking colonies that owe allegiance to Great Britain from acting with a preponderance of power or authority over us. Upon this I will touch in a moment or two; but because of the constant misstatement and the constant misapprehension and the repeated misunderstanding—I do not say misrepresentation—concerning the status of the English colonies, I want to establish beyond the peradventure of a doubt just what that status is; and when we know that status, and that that status is as was asserted by the Senator from Idaho [Mr. BORAH] last night, we may then determine whether we wish to minimize the votes of the British colonies or whether we desire to make our vote equal to that of any other nation on the face of the earth.

In the beginning, Mr. President, I am unable to understand why it is that the twin specters, doubt and fear, accompany us in our desire here to remedy defects in this league of nations, and why it is that there is timidity, hesitation, and halting whenever we seek to do that which we ought to do in behalf of our country. To-day I appeal to a national spirit, it is true. I frankly admit that in standing here upon this amendment I am making what appeal I can to the Senate as a nationalist, as an American, if you please. I am making that appeal, first, because it is my right; secondly, because it is the appeal that has been made in every nation upon the face of the earth to-day in behalf of that particular nation.

Look abroad at every country that is involved in this great scheme. England views it from the standpoint of England's national interest, England's national power, England's national glory, England's national future. France views it from the standpoint of France's progress and France's prosperity and France's greatness. Every nation on the face of the earth, through its statesmen and its representatives, is looking at this great pact with which we are involved and upon this great peace treaty from the nationalistic standpoint. Is it possible that only here in the United States Senate we are denied the right that is conceded to every other nation on earth, that we are denied the viewpoint that every other statesman on the face of the earth has to-day; that we, and we alone, in the United States of America, can not look at this particular treaty and at this pact, the league of nations, and at this amendment, from our standpoint, the standpoint of our Republic; that we can not look at it as Americans alone?

Whence come these times upon which we have fallen to-day, when we must look abroad alone, and, with a mental farsightedness, view all the ills and all the difficulties, all the troubles and all the wars and all the controversies upon the face of the earth, beyond our borders, and that we are denied the right in the United States Senate or in the United States of America to look upon our own Nation and upon our own Nation's honor and its dignity, its position, and its power?

It is from the standpoint alone of our national dignity, our national prestige, our national progress, our national power, our American glory, and our American rights that I am making the appeal to-day in behalf of an amendment that would not have been opposed three years ago when we were mentally normal, and which three years hence, when we have recovered our mental normality again, would never be questioned for a moment either upon the floor of the Senate or in any other part of the United States of America.

I ask for myself and for the Senate just that which is taken by every other nation on earth, that which has been adopted by every man speaking for every other nation on earth. I ask the right to consider this pact and this document and this treaty from our standpoint, our future, and our destiny.

That is what I am seeking. I am seeking only what every other nation on earth has sought and obtained. I am asking only what has been granted every o her nation on earth, and which we, the representatives of this the most powerful nation on earth, are about to deny to the United States of America. I ask only that in this matter we consider this country; that we here, just as France and as England and as Italy and Japan and every other nation on God's footstool have done, considering it from the standpoint of our own country, do what we know to be right concerning the voting power and representation in this league, and that we amend, so far as we are able, the injustice which has been done to our Nation.

Now I desire, for a moment or two, to fix the status of the British colonies. That status was fixed yesterday in the very eloquent address of the Senator from Idaho, but there are one or two additions which I think may be made, and I wish that the RECORD may show clearly just what that status is.

It becomes important not alone to ascertain the position accorded by the peace conference to the colonies of Great Britain, but it becomes important as well in order that we may settle once for all the question whether, in a dispute between a colony of Great Britain and any other country, the other colonies of Great Britain, its remaining votes, will act in the assembly upon that dispute.

I lay it down as an undoubted proposition from the documents in the case and from the evidence at hand, first, that the status of the colonies of Great Britain, fixed by the peace conference, acquiesced in by our country through its President, affirmatively determined, that that status was exactly like that of independent sovereign States, and that, just like separate entities, independent sovereign States, they take their place in the league of nations, and vote exactly as separate entities and independent sovereign States. Secondly, I lay it down as an undoubted proposition flowing from the former and from the determination of the peace conference at Paris, that when it comes to a question of determination in the assembly and the league of nations, every part of the British Empire will vote upon any question there occurring. Only the part, the single fraction, which may be a disputant, will stand aside if interested. All other parts and fractions vote, and thus have a controlling interest, by reason of their preponderance in the voting of the assembly.

Yesterday reference was made to the remarks of Mr. Borden in the Canadian Parliament. I wish to place in the RECORD, not again to weary you with reading, just what transpired in the House of Commons of Canada on the days of September 2 and September 8. I do this in order that we may have chronologically a record of what has transpired in the neighboring country to us, which conclusively establishes the facts for which I contend, and which makes the record one which none can dispute.

I ask leave, without reading, Mr. President, to place in the RECORD, the first and second columns of page 22 of the House of Commons Debates, Official Report, Ottawa, Tuesday, September 2, 1919, for the purpose of establishing the status of the colonies as I have suggested.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

It is desirable to note an important development in constitutional practice respecting the signature of the various treaties concluded at the conference. Hitherto it has been the practice to insert an article or reservation providing for the adhesion of the Dominions. In view of the new position that had been secured and of the part played by Dominion representatives at the peace table we thought this method inappropriate and undesirable in connection with the peace treaty. Accordingly, I proposed that the assent of the King as high contracting party to the various treaties should, in respect of the Dominions, be signified by the signature of the Dominion plenipotentiaries, and that the preamble and other formal parts of the treaties should be drafted accordingly. This proposal was adopted in the form of a memorandum by all the Dominion prime ministers at a meeting which I summoned, and was put forward by me on their behalf to the British Empire delegation, by whom it was accepted. The proposal was subsequently adopted by the conference and the various treaties have been drawn up accordingly so that the Dominions appear therein as signatories, and their concurrence in the treaties is thus given in the same manner as that of other nations.

This important constitutional development involved the issuance by the King, as high contracting party, of full powers to the various Dominion plenipotentiary delegates. In order that such powers issued to the Canadian plenipotentiaries might be based upon formal action of the Canadian Government, an order in council was passed on April 10, 1919, granting the necessary authority. Accordingly I addressed a communication to the prime minister of the United Kingdom requesting that necessary and appropriate steps should be taken to establish the connection between this order in council and the issuance of the full powers by his majesty so that it might formally appear of record that they were issued on the responsibility of the Government of Canada.

The new and definite status of the Dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the Dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations' commission, while inclined to accept this in principle, did not at the outset accept all its implications as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The Dominions' case was pressed, and in the final form as amended and incorporated in the treaty of peace with Germany, the status of the Dominions as to membership and representation in the assembly and council was fully recognized. They are to become members as signatories of the treaty, and the terms of the document make no distinction between them and other signatory members. An official statement as to the true intent and meaning of the provisions of the covenant in that regard was secured by me and is of record in the archives of the peace conference.

* * * * *

So that the Britannic Commonwealth is in itself a community or league of nations, which may serve as an exemplar to that world-wide league of nations which was founded in Paris on the 28th of last June.

Mr. JOHNSON of California. Those are the words of the Premier of Canada, Sir Robert Borden. In addition to that I desire to call attention to the House of Commons Debates of September 8, 1919, and to the remarks of Mr. Sifton, a member of the Government, concerning the labor convention, and containing the letter which has been referred to so often, signed by Messrs. Clemenceau, Wilson, and George. I ask leave to insert a portion of the first column on page 89 and the first column on page 90 of these debates.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

The leader of the opposition contends that we can take no part in the league of nations. Let me say that Mr. Clemenceau, President Woodrow Wilson, and Mr. Lloyd-George disagree absolutely with the honorable gentleman in that contention. I quote the following:

"The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view, that upon the true construction of the first and second paragraphs of that article, representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles of the covenant are not subject to a narrow or technical construction.

"G. CLEMENCEAU.
"WOODROW WILSON.
"D. LLOYD-GEORGE.

"Dated at the Quai d'Orsay, Paris, the 6th day of May, 1919."

Mr. JOHNSON of California. I will not stop to read again the letter of the President, Mr. Clemenceau, and Mr. George, but I want to read just a word concerning the labor situation. Mr. Sifton says:

I may say, Mr. Speaker, that for the first time perhaps in my life while I was overseas I assumed the duties of the minister of labor in his absence and took a special interest in this matter. I did this the first day that I saw the report of the International Labor Convention, which was prepared for the purpose of being submitted, without change, to the peace conference. I found that so far as that convention was concerned the gentleman who drafted it thoroughly agreed with the leader of the opposition—they thought that the delegates of the British Government could better look after the labor interests of the Dominion of Canada than we could; and it contained a special clause to the effect that the self-governing dominions should only have certain representation upon that governing body, and under no circumstances could there be any other. So far as I was concerned, Mr. Speaker, although I would have been willing to sacrifice many things in connection with the matter, I said that that was not in the interests of the Dominion of Canada, and that the fight would be kept up until the last minute before I would ever consent to a document of that kind under which the labor men of Canada, who were so proud of their international union, would have to go to the city of Washington on a footing inferior to that of the negroes of Liberia. I kept up the fight, and Sir Robert Borden kept up the fight and made it stronger perhaps, and finally, only the day before the peace treaty was signed, those clauses were struck out and the Dominion received exactly the same recognition in regard to that International Labor Convention that was accorded to any of the 32 allied and associated powers.

It is perfectly plain from these statements of Mr. Sifton and the Premier of Canada, and from the letter of the President, which has been read again and again in evidence here, that the status of the colonies was fixed at the peace conference, and that that status was fixed only after weeks of debate, consideration, discussion, and probably contest, and that when finally it was fixed, the status of the colonies of Great Britain was fixed for the purposes of the league as separate and as independent, sovereign States, with all the rights, the duties, the powers and the obligations appertaining to them that appertain to separate, distinct, and sovereign States.

Not only have we the testimony thus afforded us from Canada, but we have as well Gen. Smuts's statement made to the South African Parliament. I now read a dispatch appearing in the Montreal Daily Star on September 13, and this I wish our friends would follow, for it has been asserted with positiveness and with epithets upon this floor that the British Empire constitutes a whole, and that only as a whole may it vote in this league. It is astounding that such statements should be made with the evidence at hand demonstrating the contrary. I am unable to comprehend that sort of misunderstanding and that sort of misinterpretation. This dispatch is as follows:

In replying to the Nationalists in the House of Assembly, Premier Smuts made a notably important statement on the constitutional relationship of Great Britain and the Dominion, as modified by events of the war period and the decisions of the Versailles conference.

Until last year, he said, Britain ministers had signed all documents and dealt with all matters affecting the Dominions. A change had come in Paris when the Dominion representatives had, on behalf of the King, for the first time signed a great document, the peace treaty. The change was that in the future the representatives of the Dominions would act for the Dominions. The precedent is now laid down for all time.

Premier Smuts said the change was a far-reaching one which would alter the whole base of the British Empire.

Regarding the league of nations it was incorrect to say that in the league the British Empire was a unit. The Empire was a group, but South Africa had exactly the same rights and voice as the United Kingdom. Though the United Kingdom was a permanent member of the central council, South Africa could be elected to that council.

Of course, this is exactly what was determined by the President, Mr. Clemenceau, and Mr. George in their letter to Premier Borden of Canada, and of course if the colonies of Great Britain can be members of the inner council, as well as members of the assembly, then the disproportion in the membership and voting is so obvious and apparent that any man, no matter what may be his viewpoint or the motives actuating him concerning this amendment, can not misunderstand the power thus given to

Great Britain and the little power proportionately that is thus given to our own country.

All of those in power and authority now agree that the self-governing colonies of Great Britain have a status in the league of nations equal to that of independent, sovereign States. Not only that, but that they do not constitute a group, but each separate and individual fraction constitutes a separate and independent voting force, with the right, as a separate and independent voting force, to be heard upon any question, to vote upon any question, to act upon any matter in which it and it alone is not interested and is not one of the disputants.

To say, therefore, that it is a matter of no consequence that Great Britain shall have six votes and the United States shall have one is to deny the very facts; is in the face of the admissions that have been made by every government that is concerned in the matter; is in the teeth of the very statement of our President himself; is to insist that that exists which does not exist.

Suppose, Mr. President, that we were sitting here to-day making a league of nations. Suppose that there had been thus far no voting power accorded to any particular country. Assume, for the purposes of the argument, that we were sitting here without over us the terrible pall of internationalism, and without behind us the specter of fear concerning countries beyond the sea. Suppose that we sat here to-day just as Americans, forming a league of nations with all the rest of the world, and some over-zealous friend of Great Britain arose and said, "I move, Mr. President, that India be made a member with exactly the same power in this league as the United States of America."

What would Senators say? Is there any man upon this floor who has the temerity to assert that he would enthusiastically, or at all, adopt the suggestion that India, in the first instance, should be admitted as a member of the league of nations with exactly the same power and the same voting strength in this league that the United States of America has? All the apologies for the power of Great Britain in this league, Mr. President, every argument made, omits India. India does not come at all within the definition of self-governing dominions and colonies as provided in the pact.

India has no more right to be a member of this league than you have to set up an individual in the center of Patagonia and there and then say that he shall be a member of the league. There is nothing in the league itself that permits it for a single instant. There is nothing in reason or in logic that would tolerate it for a single instant. How far have we strayed from the paths of logic, how far have we gone from the path of justice, how obscure is our vision when, to-day, representing this great Nation, we view not only with equanimity but with a tremendous enthusiasm the admission of India into the league of nations with an equal voting power and an equal strength with the United States of America? This instance alone should bring home to us so clearly, unless our mentality has been distorted by the psychological reflex of war, the enormity of the present proposition that argument upon it should be wholly unnecessary.

But assume we go further, and as we sit here as Americans trying to do what is right, endeavoring to do what is just, to all peoples on the face of the earth and all countries, suppose some other individual should arise after we dispose of India, and that we would dispose of India instanter as a member of the league under those circumstances I think no one will question—suppose another arose and said, "Canada, New Zealand, South Africa, Australia have played the man's part, the valiant and the brave part, in this war—Canada, New Zealand, South Africa, and Australia, after all, represent Anglo-Saxon hopes and Anglo-Saxon aspirations; they should be admitted to this league."

You and I would sit and think for a moment. We perhaps would see the justice of it, and say, "Yes, they have done their part; they have done it well; they have made their sacrifices; yes, they may be admitted to the league." But what would you say about their power after they were admitted, even if you determined on the justice of their admission? You would say, "Admit them. Yes, admit them, yes." But being parts of this great empire, being fractions of this country whose drumbeat is heard around the world, who boasts to-day of the annexation of 800,000 square miles as a result of this war, owing their allegiance to their mother country, you would say, "Yes, admit them, but as fractions of this great empire."

In the formation of a league, if there were none of this peculiar pall that hangs over us now as a result of the war, and as a result of what we have seen in the last few months, and what perhaps from propaganda and a political terrorism we have felt, perhaps you would say, "Admit them." But there is not a man upon this floor but would say, "When you admit them, give them altogether with their single allegiance no more power, no greater representation, no higher vote, no more exalted place in this world's forum, than you give to our own country, the United States of America."

Would you not say that in the beginning, even though your sympathies went out to those colonies, and to those colonies you accorded this right? I think that no man will question that if we were standing here forming our league of nations to-day, first we would instanter dispose of India and never permit her to be a member of the league under the circumstances now existing; and, secondly, if we did permit the colonies of Great Britain to become members of the league, there would not be a dissenting voice in this whole Chamber, if we were forming the league, to saying that the United States of America should have a power and a representation and a voting strength in the league equal to the aggregate of the British Empire and its colonies and dominions.

What is it that has changed this viewpoint? If this we had in the beginning, what is it to-day that makes us shrink from doing the same thing now? What is it that holds us back, makes us timid and makes us fear to touch what is a national problem, and to do what we know is a national justice? What, I ask you, is it? Is it a fear of saying to some other country beyond the seas, "We are as great, we are as powerful, we demand equal representation with you"? Is it that? I can not believe it, Mr. President, at all. I can not believe that there is any man in America to-day who will hang his head and place himself voluntarily in a position of subordination, put his nation voluntarily upon a plane lower than that of any other nation on the face of the earth. What is this unholy thing that frightens us now and makes us fear to take for our country what we know is its due?

I appeal to you gentlemen upon this floor, if, in the first instance, you would deal with this pact by making equal representation for the United States with any other country, to-day will you not deal with it in exactly the same fashion, in order that our country may be adequately represented and that we may preserve its prestige, its position, its honor, and its dignity? I ask that to-day we do what we would do in the original instance. I do not think there would be the slightest objection from any nation on the face of the earth, not one. I do not think that from Canada, for whom eloquent appeals are made upon this floor while America is forgotten, would come an objection to this sort of voting power and this kind of representation on behalf of our Nation. In order that you may understand a little of the Canadian public sentiment, I read from an article recently appearing in one of the Canadian papers. Reprinted in the Literary Digest in a late number is this excerpt from the London (Ontario) Free Press:

> The London (Ontario) Free Press mentions a proposal that in order to offset the preponderance of British voting power in the council of the league, the United States should have an equal number of votes, and it avers:
>
> "There ought to be no difficulty in the matter. Obviously, America is entitled to as large a voice in the league as is the British Empire."

There is only one place on earth where that is denied. It is not denied in Canada, it is not denied in Great Britain, it is not denied in Europe. It is only denied in the United States Senate, and in the United States Senate alone.

This Canadian newspaper asserts:

> Obviously, America is entitled to as large a voice in the league as the British Empire. We want no advantage in the voting strength. Responsibility and voting power go hand in hand. If Washington accepts equal responsibility with Britain, then Washington must have an equal voice in determining the policy and practices of the league. There must be the utmost recognition of national rights in the conduct of the league or it can not continue to exist. Great Britain will not be jealous of any increase in the number of United States votes.

Great Britain will not be jealous of any increase; it is only the United States Senate that is jealous of any increase in the votes of the United States.

Mr. HARDING. Mr. President, will the Senator permit an interruption?

Mr. JOHNSON of California. Certainly.

Mr. HARDING. I wonder if the Senator wants to be recorded as saying that only in the Senate is the denial made? I have rather gathered the impression that there are other eminent authorities making the same denial.

Mr. JOHNSON of California. I am speaking generically, not of individuals, not of personalities. I am speaking within the legitimate limits of a forensic discussion entirely. Of course, I presume the Senator refers to the position occupied by the President. I have no doubt the President takes the position that the Senator from Ohio suggests, but I have no desire in this discussion to indulge in any criticism of individuals. I am speaking generically in all that I say, and I want to make that very, very plain.

It is true that there is another source in this country that wants just this thing. It was a source that I did not intend to speak of and a source to which I did not intend to refer, but there is a propaganda in this country, sir—and I am not speaking of the propaganda of the League to Enforce Peace particularly. There is a propaganda in this country from a certain part of the press that would club and bludgeon Americans to-day into doing exactly what Great Britain and Japan would desire, and that would club and bludgeon them from doing their American duty to-day. Were I to stand here and deliver a panegyric upon these votes of Great Britain, were I to stand here to-day and make an argument as best I could in behalf of the preponderance of voting power of Great Britain, were I to stand here to-day and say that it was a noble thing and a just, a marvelous, a rather remarkable thing, and the only thing that could be tolerated, that the United States should be given one vote and Great Britain six, there is a certain part of the press, the Anglo-Japanese press of this country, that would fill its columns with eulogiums of that which I said. What I say to-day in behalf of Americanism and in behalf of the rights of our country, its national justice and right—that sort of thing finds neither answering echo nor applause in this part of the press of the United States that has devoted itself exclusively in the last few months to propaganda in behalf of Great Britain and Japan.

We may pass that, however. It is a matter of little consequence. With that part of the press, it is a reproach to be an American to-day. With that part of the press, no longer can a man stand here, speaking solely from his heart, for all those things that he thinks should be American and in behalf of America alone, without meeting with abuse and vilification and denunciation from them. That is a part of their present game. This Hall has rung in the past with lofty patriotism. The voices may be stilled of those who have stood in this Chamber in years gone by and spoken for America, but to-day, Mr. President, there should be in this Chamber those who place American nationality first and who speak as they see American national rights to be, who should, notwithstanding an Anglo-Japanese press in this country, notwithstanding any consequences which may flow from their acts, still be American and still voice American sentiment, still stand, as they see it, for American rights and for the justice of America under a league of nations or in any voting trust or voting power, with any other nation on the face of the earth.

I have been fond of using an expression, and I used it a moment ago. Suppose three years ago when, untouched by the anguish of war, some man had come among us and said we should form a partnership with a foreign nation, and that the nation abroad should have six times the voting power and six times the strength of membership that we have in that partnership. For an instant you would not listen to him. If the same thing were to occur three years hence, when we have become normal again mentally, and any man would stand in this Chamber and insist that we should join in a covenant that would give to a foreign nation six times the voting power and strength that we have, you would not permit, for a single instant, his words to have weight with you.

To-day what is there that changes this situation? The bald statement of the proposition none would consent to. If one were to come to you and suggest that in any new arrangement six votes should be given to any foreign country and one to us, you would not listen for a moment. None, I am sure, will gainsay this. What is there that has happened that has lowered our prestige and our dignity and our position and our rights? What is it that has occurred that has taken from us the justice of our high position and has made us subordinate and subject to any other nation in any partnership or in any pact or in any treaty or in any league?

I have read to you the utterances of Canadian and of South African statesmen. The French statesman, M. Leon Bourgeois, who I understand will be a representative of France in the league of nations, recently said:

> We hope that as Great Britain has obtained representation for its dominions and colonies in the assembly, we will obtain the same right. Our colonies were not like her dominions, represented in the conference; they had no voice. But France will obtain in the assembly, we do not doubt, the total representation to which it has every legitimate right.

Thus France will equalize the voting power, and France has not only the league of nations but a separate alliance for her protection.

I could read to you the utterances of Borden concerning the Empire of Great Britain and the empire within the league. He uses exactly the statement—I do not know whether the Senator from Idaho was aware of it or not—that yesterday was used by that Senator. He says in so many words, and here they are in the debates of the House of Commons of Canada, that there will be two leagues, that there will be the league of nations and within it the league of the British Empire. Two leagues under your league of nations, the Premier of Canada says—the league of nations and the league of Great Britain within the league of nations.

Now I am not objecting to that; some of my colleagues certainly do not object to it; but if there be two leagues, the second being the league of Great Britain within the league of nations, upon what theory will you give it the power to split itself into fractions in the ultimate voting upon any question, and say to us that we shall have less power in the league?

There are three distinct reasons why this amendment should be adopted. First, it is right and it is just; secondly, the very self-respect of America demands it; and, thirdly, pride and patriotism command it. All three of these reasons give to us this amendment and should permit us an equal voting power. Do not soothe a perturbed conscience with the idea of a reservation which will adopt in the first instance a wrong and then reserve a protest against the wrong.

You are not going to cure this defect, if defect it be, by reservations to the league covenant and to the treaty. You can not give these six votes to Great Britain, this enormous power to the British Empire, and then, after assenting to it and giving it to Great Britain, by a reservation give yourselves equal power and equal right. The reservation which was submitted, I think, by the Senator from Minnesota [Mr. KELLOGG] yesterday does not reach the case and does not at all meet the exigencies of the league and the voting preponderance given unto Britain. The only way you can reach it is to give equal power to the United States, so far as you are able to give that equal power to the United States.

I recognize some inherent defects in the amendment which has been proposed, but those inherent defects are not those which make it more drastic or render it unjust at all. Those inherent defects are those which prevent it from going as far as it ought to go. If any Senator upon this floor who objects to the form of the amendment or who says that it does not go to the extent to which it ought to go will vote for the amendment with an amendment correcting what he says is the defect, I will be very glad, for one, to propose such an amendment and to endeavor to have the particular amendment of mine perfected by its addition; but when Senators argue that this amendment does not go far enough, what they mean is that it goes too far for them, and, even if it were amended and went the whole distance that they insist it should go, they would not then be in its favor and would not then vote for it.

The Senator from Nebraska [Mr. HITCHCOCK] yesterday stated that the whole argument fell because of the requirement of unanimity in action by the council. All now admit what was not admitted until it was developed, I think, by the Senator from Missouri [Mr. REED] upon this floor, that the British colonies may be members of the council, the only body having any vitality according to the proponents of the league; but he says that, though they might be members of the league, there is a veto power existing in the United States concerning their admission, and, therefore, the right that is thus given of eligibility upon the council is a mere naked right and of no consequence at all.

The singular ethics of those who argue for this league, Mr. President, is past my understanding. First, it is said to Canada, for instance, "You may become a member of the league; that is your right; you have gotten it after two months of struggle and of difficulty and of fighting over in Paris; the United States of America grants it to you now." Then, in the next breath, the argument is made that, having granted the right, you can without justice arbitrarily deny it. What kind of ethics is this of the proponents of this great idealistic instrument—the ethics which says, "Yes, it is your right; the circumstances are appropriate; the time is propitious; it is your right to be in the council; and yet without any justice whatever and arbitrarily we are going to deny the right"? No nation on earth could afford to do such a thing any more than an individual could afford to do it. So when the circumstances are appropriate, Canada, South Africa, New Zealand, and Australia will be admitted to the council of the league of nations. They will be admitted because it is their right—their right under the decision of the league at Paris over the very signature of our own President.

Oh, what a reflection there is, my friends, in the fact—how, indeed, it does gall some of us—that, after all, we have had to learn these facts not from our representatives, not, as is our right to know them, in the Foreign Relations Committee of the Senate, but we have had to learn these facts, not as you would imagine in a democracy the facts would be disclosed, but we have had to learn them from the parliamentary debates of

Canada and from Gen. Smuts's statement to the South African Parliament! Oh, what times are these! You can only imagine how this sort of thing can be done without protest, and can be done even with the assent of our people, when you realize our people can contemplate, for even a second, the idea that any other nation in any pact or any agreement has six votes and we have but one. What a sad commentary, Mr. President, it is upon a once great body—with all its past and with all its traditions—upon a once great body that has stood its ground for a century or more for America and for democracy, when to-day it can only learn of what has transpired, that intimately concerns it and that deals with its destiny, through the Canadian Parliament and the proceedings at Cape Town of the South African Union! This is the exact situation now confronting us.

No man in this Nation, apparently, publicly knew anything about the letter sent by the "Big Three" to Borden at Paris concerning the status of the English colonies; nobody in this country, at least publicly, knew anything about the proceedings over there which gave to the British colonies the independent, sovereign rights of separate States to vote in the league of nations. We asked for this information, Mr. President, for you will recall the resolution that went through the Committee on Foreign Relations asking the data and the proceedings at Paris of our representatives and of the peace conference. They were denied to us. We do not now know what transpired there. There is not a Senator upon this floor who has the slightest conception of the commitment in the future of the treasure and the blood of this Nation. There is not a man in the United States, at least publicly declaring it, who has any conception of what is in store for us from treaties yet to come; and in this league of nations, where our sacrifices are greater than those of any other nation, where we, the only one nonprofiting nation out of this war, where we, the unspent democracy from this cataclysm, have pledged our future for the benefit of the world, we to-day are without the knowledge of what transpired at Paris in reference to the pact; we to-day know nothing of the debates or the transactions over there upon which decisions were rendered and upon which our fate may have been sealed.

Oh, it is a sad, sad thing to contemplate, Mr. President, that this body finally is in that condition where it must derive its information upon important subjects and matters dealing with its destiny from the Parliament of Canada and from the Parliament of the Union of South Africa.

Again, Mr. President, not only could we not in good faith arbitrarily and unjustly deny Canada and the colonies of the British Empire a position upon the council, but, in addition to that, as was demonstrated by the Senator from Idaho yesterday, the true construction of the particular provision relating to the four temporary members is that those four temporary members shall be selected by the assembly in accordance with the league covenant and selected by a majority of the assembly. These four temporary members, if you will recall the reading of the pact, are to be chosen from time to time in the discretion of the assembly. It is asserted that the decision that would thus be rendered would require unanimous consent; on the other hand, it was claimed by some that it might be a method of procedure and would not require unanimous consent; but if it is asserted that the selection of these four temporary members will require unanimous consent, then there can never be a selection at all, and the provision that the selection shall be made from time to time in the discretion of the assembly is a mere nugatory provision without any vitality or without any force of any character.

We have learned from the President's letter that this document is to be liberally construed. It could not have been the intent of its framers that these four temporary members of the council who are to be selected from time to time in the discretion of the assembly should be ever permanent, although it is quite possible in the minds of exponents of the league that temporary equals permanent, just as they demonstrated by mental gymnastics and a mathematical paradox that six equals one; and it is possible, Mr. President, that in construing the league covenant the temporary members of the council, the four who are to be selected from time to time in the discretion of the assembly, are permanent members instead of, as described in the document, temporary. Such a construction of course would not surprise us in view of the amazing constructions which have been made concerning 6 equaling 1, and 1 equaling 32, and the like. The Senator from Idaho, however, demonstrated yesterday, and I will not weary you with repetition of his able presentation, that in the first instance these four "temporary" members may be chosen by a majority of the assembly.

But, Mr. President, this question goes further than the mere right or the mere justice of it. Its logic can not be denied; the right of it can not be questioned; its justice can not be gainsaid; and, as a matter of right and as a matter of justice, we should, so far as we are able to accomplish the purpose by amendment, have equal voting power and equal representation with any other country on the face of the earth.

But there is something beyond that, Mr. President. God put in every man's breast something beside a mere internationalism or a mere world vision far beyond his country's confines. I may cherish my neighbor, but my love after all is in my little home with my family. I may, indeed, have an admiration and an enthusiasm for another country, but after all God put in my heart, just as he put in the hearts of most men, a love for my native land. This question, Mr. President, far transcends in importance any mere justice, any mere right, any mere voting power or voting strength in this league; it goes far beyond that and touches the very dearest sensibilities that God has implanted in every man's heart. This question touches our pride; it touches our patriotism; it touches our self-respect. You can not, as you did the other day on the Shantung matter, break down the moral fiber of a nation upon a purely moral question and expect it to be in the future what it has been in the past. You can not take a Nation such as ours that has grown to greatness and to power; that to-day is the one great Nation in all this world—you can not take this Nation and permit its representatives to make it subordinate to any nation upon the face of the earth without touching the God-given attribute that is in every man's bosom concerning his native land.

What I appeal for, Mr. President, is not alone the justice, not alone the right, not alone the logic of the position which is here presented; but what I appeal for is that this country which we all love, this country which is ours after all—I do not care where it shall be placed or in what league it shall be put—that this country, America, shall stand before the world in every pact the equal of every other country upon the face of the earth, not in subordination to any other country in all this world. It is that, Mr. President, for which I appeal to the Senate to-day. It is not the question merely of votes; it is the question of the dignity, the prestige, the position, the honor, the love of country that I appeal to in this debate. All ye who would not permit under any other circumstances this sort of thing to be done to your land, how in the days to come will you explain your action to yourselves, how will you answer to yourselves for the country that is yours and that you now represent in the Senate why it was that on this day when finally the question confronted you of whether your country is equal to the Empire of Great Britain you decided it in the negative?

There was once a Democratic President who faced a similar situation and who faced it bravely and as an American. I wish to read to you the concluding part of his message on the Venezuelan question lest ye upon the other side forget and lest ye have forgotten all that that man, that brave man, did in that crisis of our Nation. I read you the closing paragraph of Grover Cleveland's message on Venezuela:

> In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow. I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice, and the subsequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

And to-day, Mr. President, I say to you, behind this question stand the national position, the national dignity, the national prestige, aye, the international honor of the United States of America. To-day, you and I are the trustees for future generations of that national prestige and that national dignity. To-day, you and I, for those who follow us, are the trustees of this which is most dear in our national life. Most of us here have passed the meridian, Mr. President. Our race of life is almost run. Most of us here have responded as best we knew how to that which has come to us in public life. But in the few years remaining to us, Mr. President, in this great crisis in our Nation's history, I appeal to-day to those men who have held aloft the standard of America, the old Stars and Stripes, America's prestige, America's honor, America's position, to stand firm and valiant for America.

Mr. LENROOT. Mr. President, before addressing myself to the pending amendment, I desire to call attention to the statement in this morning's Washington Post attributed to the Senator from Nebraska [Mr. HITCHCOCK] concerning the preamble that it is reported was adopted yesterday by the Committee on Foreign Relations. I quote:

> Senator HITCHCOCK, administration leader, stated yesterday that the preamble would operate exactly as an amendment and would send the treaty back for consideration by other powers.

I can not believe that the Senator from Nebraska is correctly quoted in that statement, nor can I believe that that is possibly the Senator's position, for I am sure that the Senator can not hold any such opinion as that. The matter in controversy over which this statement arises is whether there shall be incorporated in the resolution of ratification a requirement that three of the principal allied powers shall assent to our conditional ratification before it becomes effective or whether the resolution of ratification shall be silent upon that subject.

In either case I think it is admitted by everyone that there must be consent, either implied or expressed; and if reservations are adopted this treaty will not go back anywhere. It will not go to the Paris conference. The peace conferees will have nothing to do with it. If reservations be adopted to the treaty—and they are going to be adopted, of course, or the treaty will fail—the assent of these nations will be obtained through the usual diplomatic channels.

I speak of this matter this morning because I believe it is in the interest of the adoption of this treaty that the express consent of these three powers shall be required. If, before we deposit our ratification, the consent of Great Britain, France, and Italy is expressly given, there is no possibility, in my judgment, of any other nation objecting; and if there were any doubt of it, it will insure securing the assent of all other nations after these three powers have assented to it.

I merely wished to refer to this because I am sure the Senator from Nebraska would not have the country understand that his position is correctly quoted in the press.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. KNOX in the chair). Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I do.

Mr. HITCHCOCK. I supposed the Senator had yielded the floor.

Mr. LENROOT. No; I have not.

Mr. BORAH. Mr. President, before the Senator leaves that subject may I ask him a question? I confess very frankly that it has been somewhat difficult for me to understand the position which has been taken with reference to amendments and reservations. If an amendment were put in the treaty, could not that be accepted by the different nations through diplomatic channels, the same as a reservation?

Mr. LENROOT. Possibly.

Mr. BORAH. Then what is the particular attitude of the Senator from Nebraska?

Mr. LENROOT. The difference is that if we propose an amendment it changes the text. We propose to the other nations that the text of this treaty shall be changed. The natural order would be for this amendment to go back to the peace conference and open up the entire treaty——

Mr. BORAH. No.

Mr. LENROOT. While in the case of a reservation we say to the other nations: "We are willing to enter into this treaty upon these conditions. Take us or leave us." That is the difference.

Mr. BORAH. But the difference is no difference to me. Here is the proposition: Suppose we should strike the Shantung provision out of this treaty entirely, and then the Executive department, through the Secretary of State, should see fit to communicate that to the different nations and ask them if they accepted or acceded to that proposition. Would it be any different from a proposition of reservation?

Mr. LENROOT. In that particular case it certainly would, because if we strike out the Shantung provisions from this treaty by way of amendment we strike them out not only for ourselves but for every other nation. By a reservation, however, we say that we do not assent to the provisions concerning Shantung. The other nations may continue to be bound by those provisions if they so desire. It is no concern of ours.

Mr. BORAH. Precisely so; but in any event you must have, either by silence and acquiescence or by affirmative action, the assent of the other nations, whether it is a reservation or an amendment.

Mr. LENROOT. Certainly. I agree to that.

Mr. BORAH. You can have that assent through diplomatic channels or you can have it by sending it back to the conference at Versailles; either one.

Mr. LENROOT. I want to ask the Senator this question, because he is one of the most learned Senators here upon international relations, next to the Senator from Massachusetts [Mr. LODGE].

Mr. BORAH. I do not know whether the Senator is sarcastic or not.

Mr. LENROOT. No; I am not. I am entirely in earnest, because the Senator has made a very profound study of international relations. That is merely a preface to what I was about to say.

Mr. BORAH. But I want to say that I am asking in the utmost sincerity, because I have been wholly unable to understand the distinction which has been drawn here between amendments and reservations with reference to requiring action from other Governments, and I am asking this in the utmost good faith.

Mr. LENROOT. I do not question that; and I want to ask the Senator this question: Whether, in all his study, he has ever found a case where one nation has amended a treaty and it has become effective without affirmative action, either reopening it at the peace conference, if it happened to be a treaty of peace, or otherwise? Has he found a case where an amendment to a treaty has been accepted by silent acquiescence?

Mr. BORAH. I am frank to say that I do not recall any particular case of that kind now; but that does not change the proposition that there can be no possible doubt that if a contract is submitted to me as an individual, and I strike out a clause of the contract, and the other party who had signed the contract acts under that contract, whether he does it by affirmative act or whether he simply proceeds to live up to it, he is bound by it with the clause stricken out; and that is true with reference to a reservation or an amendment just the same in one instance as in the other.

For instance, we put on a reservation here with reference to article 10 that a reservation, in order to bind the other nations, must be accepted either by affirmative action or by such silence as can be considered to constitute affirmative action. That is just the same. That would be true if we should strike out article 10. You may take it up through diplomatic channels and settle it in one instance just the same as in the other. If the peace conference at Versailles were at an end, if it were closed and forgotten, you could take this up and close it with every nation in the world by diplomatic communication.

Mr. LENROOT. That is possible, of course.

Mr. BORAH. Well, then, I do not see the difference.

Mr. LENROOT. I think the Senator from Idaho will at once see the difference. A reservation, as ordinarily made, does not attempt to interfere with the terms of a treaty or change the obligations of the other parties to the treaty. It affects only the obligations of the parties making the reservation, leaving the treaty intact as to all of the other parties. Now, I admit that we might have an amendment in form that was in effect a reservation.

Mr. BORAH. Or a reservation in form which was in effect an amendment.

Mr. LENROOT. No; I think not. I do not agree that we could make a reservation that was in effect an amendment. For instance, I do not think we could say, by reservation, that Shantung shall be transferred to China instead of to Japan.

Mr. BORAH. Why, yes; we could; and Japan could accept it through diplomatic channels just as well as she could at Versailles.

Mr. LENROOT. Well, it is not a reservation; that is the point I am making. A reservation, under the whole course of diplomatic relations, is one nation agreeing to provisions of a treaty and reserving or declining to be bound by some provisions of the treaty. The Senator, in all his study of all the treaties, can not find a case where a nation by reservation has undertaken to change the text of the treaty.

Mr. BORAH. I will not interfere with the Senator further; but I ask this question because I know the Senator has given a great deal of time to the consideration of the distinction between amendments and reservations, and at some future time I hope, either privately or publicly, to have some sort of a discussion with the Senator on the subject.

Mr. LENROOT. Very well.

Mr. FALL. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LENROOT. I do.

Mr. FALL. Mr. President, of course, we are all interested in this discussion. Does not the Senator differentiate between the character of amendments to what is ordinarily called the text of the treaty and reservations? Is there no difference in the mind of the Senator with reference to the character of the amendment itself?

Mr. LENROOT. Yes; there is. As I stated, I think an amendment may be in effect a reservation.

Mr. FALL. An amendment, in other words, may not change the obligations of the parties?

Mr. LENROOT. I agree with that.

Mr. FALL. It was upon that theory that the Foreign Relations Committee reported out certain amendments, some thirty-odd in

number, to the treaty. The amendment striking out the participation by the United States, through a commissioner, in a certain commission, was, in fact, merely a declination upon the part of the United States to be bound by the provision of the article prescribing and laying down the duties of the commission; it was simply that the United States itself would take no part in the discharge of those duties. What is the difference between that and a reservation?

Mr. LENROOT. I think there is a difference, and it is just this: Even in the case of an amendment, that is in fact a reservation, such as the Senator suggests, I think it would require the express assent of every nation party to the treaty. Let me follow that up for just a moment. Take this very treaty and suppose these reservations that the Senate will very soon discuss were in the form of amendments, but in exactly the same wording as they will appear as reservations, and the treaty is finally in full force and effect not only as to the three nations that have now ratified it, but the United States as well. How will the text of the treaty appear? Will it appear with the amendments made by the United States without all the other parties having expressly assented to them? I think not. I think it would require their express assent at least, if not a meeting of the peace conference, to make changes, even though they were in effect reservations. But if they are put in merely as a ratification with reservations the text of the treaty, when published, will not be changed in the slightest particular, but the ratification of the United States, following the treaty itself, will contain the reservations, and any nation that has not expressly objected to it is bound by it through acquiescence.

Mr. FALL. Mr. President——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Wisconsin yield further to the Senator from New Mexico?

Mr. LENROOT. I yield.

Mr. FALL. I will not detain the Senate nor interfere with the Senator further. I will not take up the time now to give the reasons for my dissent from his proposition.

Mr. LENROOT. Mr. President, I wish to very briefly discuss the distinction, to my mind, between amendments to the covenant of the league of nations and amendments to the balance of the treaty. A week or two ago I stated the distinction, as I saw it; but in view of the pending amendment, I wish to very briefly restate it this morning.

It has been repeatedly charged upon the other side of the aisle, and especially by the Senator from Montana [Mr. WALSH], that any amendments to this treaty, or any amendments to the covenant of the league of nations, would have to be submitted to Germany before they could be accepted. I agree as to amendments to all portions of the treaty other than the covenant of the league of nations. But it is not true, Mr. President, that amendments to the portion of the treaty that we are now considering will require submission to Germany, or necessarily, as the conditions now exist, to any powers other than those to whom, by the preamble in the resolution of ratification, the treaty must be submitted.

The provision of the treaty with reference to the time when the treaty goes into effect has been read so many times I hesitate to read it again, but it is provided that—

> A first procès-verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers, on the other hand.

Then it provides for the taking effect of the treaty. The treaty has been ratified by Great Britain, by France, and by Italy. It will come into effect perhaps any day now. It will come into effect as soon as this procès-verbal is issued. Under the terms of the covenant of the league of nations, the members constituting the league of nations at the time this treaty comes into effect have the power to amend the league of nations. The league of nations, therefore, will come into being the moment that this peace treaty becomes effective against Germany, but the league of nations at that time will consist of the representatives of the nations who have ratified the treaty. The league of nations, therefore, in the first instance, will consist of the British Empire, of Italy, and of France, and any of the other smaller nations that may have ratified. I think Belgium has ratified. They then constitute the league of nations. It will be within their power to entirely revise this covenant of the league of nations the very next day after it has come into being; and Germany has consented to that. It provides that amendments to the covenant will take effect when ratified by members of the league whose representatives compose the council, and by a majority of the league whose representatives compose the assembly. When the treaty first comes into force, the British Empire, France, and Italy will compose the council, and they will also compose a majority of the members of the league, and they could just as readily write into the league covenant the amendments that we desire, so that the covenant will read as we want it to read before we deposit our ratification, as they could expressly assent to the ratification. There is this difference——

Mr. KING. Mr. President——

Mr. LENROOT. I yield to the Senator from Utah.

Mr. KING. Does not the Senator do violence to the letter and to the spirit of the treaty in contending for the construction which he is now placing upon the treaty? As I recall, article 26 provides as the Senator has stated, but does not the Senator think that it should be read in order to be interpreted correctly, as if it should say, "Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council, to wit, the United States of America, Great Britain, France, Japan, and Italy?" Does not the Senator think that amendments are not contemplated to be made to the league until after all the representatives there indicated have come into the league, and the league in virtue of their presence in the organization, begins to function? In other words, does not the Senator think that Germany had a right, when she signed this treaty, to reckon upon the United States being a member of the league?

I can readily conceive that Germany might be perfectly willing to come into a league of nations if the United States were a member of that league, and would not want to join a league of nations if the United States were not a member of the league, and that she would be willing to take her chances about amendments to the league after the United States had come in and the league had functioned with the United States being a member of the league.

It seems to me the Senator's construction of the provision of the article might work disadvantageously to Germany, might induce Germany to believe that a fraud had been perpetrated upon her, and that a limping, incomplete, halting organization was forced upon her and upon all the members of the league before the league as contemplated by Germany when she signed the treaty had been called into existence.

Mr. LENROOT. In the first place, Mr. President, the Senator argues as to what Germany's deliberations may have been, or her considerations were, in signing the treaty. But the Senator knows quite as well as I do that from the very meager information that we were permitted to receive from the peace conference Germany was not permitted to consider a single paragraph of the peace treaty in any negotiable way. She was told, "Sign here," and she did.

Mr. KING. Mr. President, conceding that what the Senator has said is true, nevertheless, when we presented the treaty to Germany there were provisions in it which contemplated that the organization of the league should consist of a council, and that the United States of America should be one of the nations represented upon that council; and notwithstanding the fact that Germany admitted in the treaty that amendments might be made to the covenant of the league, yet she had a right to believe that amendments would not be made until the United States of America was a member of the league and participated in those amendments.

I can readily understand that notwithstanding the treaty was forced upon Germany, Germany might have been more reluctant to sign, might have made more objections, and they might have been effectual if she had known that amendments could be made textually to the league without the United States being a party to the amendment, and I can readily understand that she would have been brought to the signing of the treaty with a greater celerity and with less difficulty if she knew that we were going to be a member of the league than if she had known that we were not to be a member of the league.

Mr. LENROOT. Mr. President, I am very sorry, indeed, that the Senator from Utah has made the argument that he has just made, because by the very same process of reasoning the time may come when Germany, using the Senator's own words, will say that she is not bound by the provisions of the treaty because, following the Senator's reasoning just one step further, if the United States rejects the peace treaty there can be no league of nations at all; that if the United States rejects this treaty there can be no treaty of peace; that the treaty can not stand in any of its parts, notwithstanding the express provision that upon being ratified by three of the principal allied and associated powers it shall become effective.

If the Senator's argument has any standing Germany is out of this treaty to-day and will not be bound by it, because China is named in the treaty as one of the contracting powers. Yet China has not signed it and is out of it now, and proposes to remain out of it. Does the Senator say that the league of nations can not function because China is not a member of it? Does the

Senator say that there will be no league of nations if the United States does not ratify this treaty?

Mr. KING. Mr. President——

Mr. LENROOT. Just a moment. If that be true, what becomes of the provision in the treaty with reference to the right of withdrawal? It provides that the league of nations, on the Saar Basin, shall exercise sovereign control for 15 years. Suppose two years hence the United States withdraws from the league of nations, as it is given a right to do. The Senator's argument, then, could be used by Germany to the effect that "when we agreed to this the United States was a party to it, and, the United States having withdrawn from the league of nations, we are no longer bound by the provisions with reference to the Saar Basin."

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. Certainly.

Mr. REED. I wish to ask if there is anybody here in the American Senate who wants to hesitate about protecting the rights of America because, forsooth, it might not please Germany, or Germany might feel badly about it, or Germany might actually have to be brought to the table again and required to consent to it?

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. I do; because the question seems to be directed to the Senator from Utah.

Mr. REED. The Senator from Utah does not look at it from that point; but that is the legitimate consequence of his argument.

Mr. KING. Will the Senator from Wisconsin yield?

Mr. LENROOT. Just for a brief statement.

Mr. KING. The question of the Senator from Missouri, I submit, with all due respect to him, is a very unfair question and was not warranted by the statement which I made in reply to the distinguished Senator from Wisconsin. I will say to the Senator from Missouri that I do not care what the feelings of the Senator or myself or any Senator may be toward Germany, we will deal fairly and justly with Germany, and if a contract has been entered into that does give some favor to Germany we will live up to that contract, though by breaking it it might be of some advantage to the United States.

Mr. REED. Mr. President, that is the very point—"if a contract has been entered into." If we make a contract with Germany we will keep it; but we have not made any contract yet. We are in the act of making one or refusing to make one. I want to know if anybody will hesitate to do what he thinks ought to be done for the protection of the United States simply because Germany has signed a contract and passed it over to us and we have not yet signed it? Are we so tender of Germany as that?

Mr. LENROOT. Mr. President, I simply wish to say, in further response to the Senator from Utah [Mr. KING], that if this language is not to receive its ordinary construction, if the league of nations does not come into being at the time that Germany agrees that the peace treaty becomes effective, then I say to the Senator from Utah that there is not only 1 paragraph but there are 50 paragraphs in the treaty that would permit Germany to escape from its provisions. But it does, and I have not before heard anyone question it except the Senator from Utah.

Now, there is this difference, and I want to be entirely frank and fair about it. If a reservation is proposed and these three nations assent to it, silence upon the part of others gives acquiescence, while if an amendment to the covenant portion of the treaty is made it will require the express action by these three; and if Japan, for instance, shall have ratified the treaty before we come to the deposit of the ratification, it will require the express action of Japan as well, because all of the members of the council must be unanimous in order to secure an amendment of the treaty, and for that reason I prefer reservations wherever reservations can accomplish the purpose.

That brings me, Mr. President, to a discussion of the pending amendment. I have heard the very eloquent speech of the Senator from California [Mr. JOHNSON] and his desire to protect American rights and American interests and safeguard the glory of our great country. We all agree with the sentiment expressed by the Senator from California, and I yield not to him or anyone else in my determination, in so far as one Senator can assist, to secure equality between the United States and the British Empire in all matters affecting the interests of the United States. But I undertake to say, Mr. President, and I think I will be able to demonstrate before I conclude, that the amendment proposed by the Senator from California does not protect a single American right or safeguard a single American interest. It does do this, and I am in accord with it—it does, upon matters that do not concern us directly, give us a larger participation in world affairs in an advisory capacity. It does give us a voice in the election of new members. It does give us a larger voice in the procedure merely of the assembly and the council. But that is all.

Now, I shall undertake to demonstrate the proposition that I have made that it does not protect any American rights or safeguard any American interests. Whether this amendment be adopted or defeated, a reservation will be necessary to protect America, because the Senator's amendment does not do it, and I shall come to that a little later.

First, as to the amendment, I want to call attention to not only its language but its relation to the text of the treaty and to what language it is a proviso. The treaty reads that:

> At meetings of the assembly each member of the league shall have one vote, and may not have more than three representatives.

That is the text. The pending amendment adds the proviso:

> *Provided*, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governed dominions and colonies and parts of empire in the council or assembly of the league.

That is, it modifies the text of the treaty so that where it says a member shall have one vote, it gives to the United States as large a number of votes as, in effect, the British Empire and its self-governing colonies and dominions have, where it has a vote; but it does not undertake to and does not increase the voting power of the United States one iota except in cases where, under the text of the treaty, the United States has one vote.

Let us take the first proposition. The amendment, therefore, does not protect the United States in the case of a dispute between the United States and any member of the British Empire. I concede now—for I think without a reservation that would be the construction—that in a dispute with Great Britain all of her self-governing dominions and colonies would have the right to vote, but this amendment would not give us the right to vote in that case, because we would be one of the parties to the dispute, and the language of the treaty is that neither party to a dispute shall have a vote at all.

Mr. JOHNSON of California. Mr. President, may I ask the Senator a question, if it will not interrupt the course of his remarks?

Mr. LENROOT. I am very glad to yield to the Senator?

Mr. JOHNSON of California. I want to call attention to the corollary of this amendment, and, as I said in the beginning of my remarks this morning, they should both be read together as a part of the same plan. If this amendment be adopted and the subsequent amendment be adopted, is not the case stated by the Senator met?

Mr. LENROOT. Then I want to ask the Senator if he concedes that where we are a party to the dispute we do not have any vote?

Mr. JOHNSON of California. Oh, there is no question about that.

Mr. LENROOT. Very well.

Mr. JOHNSON of California. Let me ask further, does not the adoption of the second amendment meet the situation suggested?

Mr. LENROOT. It does so far as a dispute with the British Empire is concerned.

Mr. JOHNSON of California. The two go together, and what is the use of criticizing? The two are part of the same plan, the same amendment.

Mr. LENROOT. I was not criticizing. I propose to lead up to and discuss every possible dispute that the United States might have of which the league of nations or the council could take jurisdiction, and I propose to show that in no single case would the Senator's amendment protect the United States, and I took that as the first one.

I am very frank to say that that can be cured, and I assume will be cured, either by reservation or amendment; so I pass on to the next.

Mr. JOHNSON of California. But it is cured by the amendment of the Senator from New Hampshire [Mr. MOSES], which is a part of this same plan.

Mr. LENROOT. Oh, yes; and there are other things that will be cured. I sincerely hope that the defect in the Senator's amendment in failing to protect the interests of the United States will be cured subsequently by reservation.

Let us go on to the next character of dispute. I have now established—admitted by the Senator from California—that wherever the United States is engaged in a dispute we have

no vote, and his amendment will not affect that situation. Then suppose, Mr. President, that we have a dispute with Japan. We are a party to the dispute. It goes to the council. To bind us against making war the council must be unanimous, and we may fear that the council will be unanimously against our contention in that dispute with Japan, and therefore we remove the dispute to the assembly. That will be the only reason that could possibly exist for our ever taking the initiative in removing a dispute from the council to the assembly, in the hope that in the assembly we could secure a majority of the other members of the league who would not sustain the unanimous action of the council. Otherwise there could be no possible object in our taking the dispute out of the hands of the council and putting it into the hands of the assembly.

But what, then, would be our position? The Senator from California admitted a few minutes ago that wherever we were a party to a dispute we had no vote; therefore his amendment could not affect that situation in the slightest degree. Nevertheless, with this amendment adopted, in that dispute, removed by us to the assembly, Great Britain would have her six votes; she would have her five votes in the assembly to sustain her action as a member of the council.

I will undertake now to demonstrate—and I think I can demonstrate—that the adoption of this amendment will not give the United States an equal number of votes with the British Empire wherever a dispute between any nations is referred to the assembly. Article 15 reads:

In any case referred to the assembly all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly: *Provided*, That a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Now, let us see whether this amendment would have the slightest application in the case of a dispute between two countries, neither of whom is the British Empire or ourselves. Suppose a dispute between Greece and Bulgaria comes to the council and one or the other of the parties, believing that the council will be unanimously against it, removes the dispute to the assembly in the hope that a majority of the assembly can be secured to veto the action of the council, will we have six votes there? The British Empire will; there is no doubt about that; but under the amendment now pending, purporting to give the United States equality with the British Empire, we shall have but one vote in the assembly. Note the language:

Provided, That a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and a majority of the other members of the league—

We are on the council in that dispute between Greece and Bulgaria; but we are not, and this amendment does not make us, one of "the other members of the league" that have a vote.

So that in the event of a dispute between those two countries being transferred from the council to the assembly we would have no vote in making that majority, whether this amendment would purport to give us 6 votes or 600 votes. Mr. President, there can be no doubt about that construction, for note the language with reference to certain other provisions of the treaty—for instance, in relation to amendments of the covenant:

Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

In that case the members of the council help to make up the majority required in the assembly; that is clear. So, too, with reference to amendments to the labor provisions:

Amendments to this part of the present treaty which are adopted by the conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified by the States whose representatives compose the council of the league of nations and by three-fourths of the members.

There again the vote of the nation that is represented on the council is also counted in the assembly to secure the majority, but not so in the case of a dispute, for there, Mr. President, is the little word "other"—"and of a majority of the other members of the league." Is it not entirely clear, therefore, that although this amendment be adopted we shall not have six votes upon any matter in dispute between any nations, irrespective of whether or not we are a party to the dispute?

Mr. THOMAS and Mr. KING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield first to the Senator from Colorado.

Mr. THOMAS. Mr. President, at this juncture, if it will not disturb the harmony of the Senator's argument, I want to inquire whether under the provisions of the first amendment it would not operate to give the United States six votes in the council?

Mr. LENROOT. I think not, because the British Empire would have only one vote in the council.

Mr. THOMAS. The language is ambiguous.

Mr. LENROOT. I will say that if Canada should ever be admitted to the council it would give the British Empire two votes in the council.

Mr. THOMAS. That is the intention; but as drawn it would seem to be sufficiently broad to have the effect of increasing our vote in the council.

Mr. LENROOT. I yield to the Senator from Utah.

Mr. KING. I am not sure that I quite understood the contention of the Senator from Wisconsin, but if I did understand his position it was that whenever there was any controversy submitted to the assembly, being a member of the council, we would have no vote in the assembly?

Mr. LENROOT. That is true.

Mr. KING. Applying the same rule, Great Britain, then, would have no vote in the assembly?

Mr. LENROOT. Great Britain would not, but her five colonies would.

Mr. KING. Yes; the Senator thinks that her five colonies would have a vote, but that Great Britain herself would not?

Mr. LENROOT. She would have five votes in the assembly to our none.

Mr. KING. I wanted to understand the Senator's position.

Mr. LENROOT. But Great Britain herself would be excluded from the assembly as we are excluded from the assembly because we are a member of the council.

Mr. President, I feel very certain that upon reflection every Senator must agree to this construction and agree that this amendment does not protect any vital interest of the United States. Therefore, whether this amendment be adopted or defeated, a reservation will be absolutely necessary if the United States is to be protected against inequality in voting.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I yield.

Mr. NORRIS. I wish to ask the Senator if I am correct in my conclusion that it is the judgment of the Senator that the adoption of this amendment will have no effect whatever?

Mr. LENROOT. Oh, no; I am coming to that. It has no effect whatever upon any matter affecting directly the vital interests of the United States. I say that absolutely and without qualification. The United States ought to be protected in that regard. There ought not to be this inequality between the British Empire and the United States upon matters affecting the vital interests of the United States. So, Mr. President, I have proposed to the Committee on Foreign Relations a reservation upon this subject, which I ask to have read at the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

That the United States assumes no obligation to be bound by any election, decision, or finding of the council or assembly in which any member and its self-governing dominions, colonies, or parts of empire, in the aggregate, have had more than one vote; or in case of any dispute between the United States and any member in which such member or any self-governing dominion, colony, empire, or part of empire united with it politically shall have voted.

The PRESIDING OFFICER. The proposed reservation will be referred to the Committee on Foreign Relations.

Mr. LENROOT. I ask that it simply lie upon the table, as the Committee on Foreign Relations are already considering it.

The effect of that reservation, Mr. President, is to protect the interests of the United States against this inequality of voting, because under it we assume no obligation to be bound wherever Great Britain with her colonies and dominions have cast more than one vote; nor are we bound in case of a dispute either with Great Britain or any of her colonies or dominions where they have voted at all. That gives us equality so far as protecting our vital interests is concerned.

Now it is said that Canada, our neighbor—for whose sacrifices in the late war too much praise can not be given—ought to have the fullest recognition as a nation in the league of nations. Mr. President, I have no objection to Canada becoming a member of the league of nations; I have no objection to Canada having a vote of an advisory character in any matter; but I do object to the British Empire having six votes to bind us while we have only one vote to bind them.

If Canada—and I say it in no spirit of criticism or reflection upon her—wants to enter the sisterhood of nations, with all the sovereign powers of a nation, let Canada declare her

independence and secure her full sovereignty. Why, Mr. President, if Canada at the conclusion of this war had declared that she desired her independence from Great Britain, who is there that thinks it would not have been granted, because Canada could have maintained that position if it had not been freely granted? She did not see fit to make such a declaration. Canada desires to retain the protection and the privileges of being a portion of the British Empire, and that is her business, not ours. If she desires to remain a part of the British Empire, if she desires to remain in the condition she now is, where we as a Nation can have no communication officially with the Canadian Government except through the British Empire, if she desires to continue that relationship, that is her business and not ours; but she has not the right in the same breath to demand all of the privileges of a sovereign nation and the right to bind us by her vote when in all her foreign relations she is absolutely under the control of the mother country.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I do.

Mr. NORRIS. I want to preface my question with the statement that I most heartily concur in what the Senator has just said in regard to Canada. It seems to me that his statement is perfectly logical and is not susceptible to any question.

The question I wanted to ask the Senator was in regard to his proposed reservation, which I do not criticize either. But suppose that we adopt this reservation and approve the treaty with it as a part of the resolution of approval. Does not the Senator think that it goes much further in its legal effect on the treaty than any amendment that has heretofore been proposed? And if objection is made, for instance, to the Shantung amendment because it will have to go back, as some claim—which I do not admit—but assuming that to be true, does it not follow that this reservation which the Senator has proposed will make the approval of the treaty, at least by Great Britain and her colonies, an absolute impossibility?

Mr. LENROOT. Not at all. I think the Senator will plainly see the distinction between this reservation and the Shantung amendment, for instance. The Shantung amendment proposed to rewrite that portion of the treaty and change the name of the grantee from Japan to China. It not only would have changed the formal text of the treaty, but it would have changed one of the very material parts of the treaty. This reservation changes nothing. We do not in this reservation deny to the British Empire six votes. They may cast their six votes in any matter that they choose, but in that event we assume no obligation to be bound by the action there taken.

Mr. NORRIS. That applies whether we are in the dispute or not, according to this reservation.

Mr. LENROOT. Absolutely; and it ought to.

Mr. NORRIS. I agree with the Senator on that. I am not criticizing his reservation, but I am trying to get at the legal effect of it. To my mind it absolutely in effect, although it is done in the form of a reservation, will take away from Canada, from New Zealand, from Australia, and all other dependent colonies of that kind who are members of the league the absolute power that they have under the league as it now stands. In other words, no dispute could arise in which these self-governing dominions voted where the decision would, for instance, bind the United States. If we are going into a league of nations with a provision attached that we will not be bound in any case unless we want to, where these self-governing colonies vote, we make it absolutely ineffective, it seems to me.

Mr. LENROOT. I think not.

Mr. NORRIS. It seems to me, in the first place, that England and her self-governing colonies, if each of them wanted to have—as I assume they do—the same powers as any other member of the league, could not under any conditions accept this reservation.

Mr. LENROOT. Why not?

Mr. NORRIS. Because it destroys that power absolutely. I think it is the right principle. I do not think they ought each one to have a vote. I agree with the Senator there fully.

Mr. LENROOT. Let us see. In case they desire to bind the United States, they must content themselves with one vote; that is all. If they are indifferent as to whether the United States is bound or not—which may well be the case, for instance, in the illustration that I gave between Greece and Bulgaria—they may exercise and probably would exercise their right to cast six votes; but in any case where we are a party to the dispute we say we are not bound by the action if they cast more than one vote.

Mr. NORRIS. But this applies to any dispute, whether we are a party to it or not.

Mr. LENROOT. Certainly.

Mr. NORRIS. And its adoption would result in giving to each one of these component parts one-sixth of a vote.

Mr. LENROOT. However they chose to arrange it between themselves.

Mr. NORRIS. Yes.

Mr. LENROOT. The effect of this, to be very frank about it, is that in any case, if they want to bind us, they must content themselves with one vote.

Mr. NORRIS. Can the Senator conceive, in the business that will come before the assembly and the council, of such a reckless method of doing business? We would have some decisions that would be binding, and some that would not be binding. If some other country did the same thing that the United States does, by means of a reservation similar to this one, and they undertook to cast their entire six votes, I can hardly conceive how they would be able to accomplish anything, because there would be continually part of the nations that would be bound and part of the nations that would not be bound in practically everything that might come before them.

Mr. LENROOT. I think the Senator has forgotten the very material proposition that nearly all of the obligations that are imposed by this treaty are imposed by the treaty itself, and are several obligations of each nation; that there are very few cases, indeed, where the league or the council is given any jurisdiction to make any decision that is binding upon anybody; and the only one that now comes to my mind is the one with reference to arbitration and inquiry. So far as disputes between other nations are concerned, I am not very particular as to whether they cast their votes there or not; but wherever we have a dispute with any nation I do not want the British Empire to have six votes to our none, and, when they are engaged in disputes, I do not want us to have only one vote to their none.

Mr. NORRIS. I can hardly conceive of anything that might come up officially before the council or the assembly to which we were not parties, even, where we would not be interested in the result of the decision.

Mr. LENROOT. Oh, interested, certainly.

Mr. NORRIS. We would be vitally interested in practically everything, I think. That would have been true if we had had a league before this war, and Germany had undertaken to go across Belgium as she did. We would not have been a party to it, probably, but we were just as much interested as anybody who would have been a party to it; and I should think that would apply to the great bulk of the business that would come before either the league or the council. I can not conceive of an exception.

Mr. LENROOT. I again state that except in the case of disputes I do not now call to mind anything in the treaty that would create a binding obligation upon the United States by action of the assembly or council.

Mr. NORRIS. Yes; that is probably true. The treaty binds the various nations to do and not to do certain things, independent of disputes; but the real, vital thing, if the league is effective to maintain the peace of the world, is going to be that it will settle satisfactorily the disputes that arise. We do not care anything about anything that does not amount to a dispute; but when we get into a dispute we are interested in it, because it is out of the disputes, the disagreements, and the misunderstandings that wars come.

Mr. LENROOT. I am surprised to hear the Senator's statement. Does he think that if this league comes into being, and we become a party to it, the nations will generally, under the procedure defined in the league covenant, make decisions that are binding upon anybody?

Mr. NORRIS. Why, Mr. President, if the decisions are not going to be binding, there is not any use in having any decisions. I do not mean by that that any nation could not defy them and have an international revolution, probably, or anything of that kind; but I mean to say that if the disputes that arise in the future between the nations of the world are settled, they must be settled because the various nations, whether directly interested or not, are bound by the settlement that is made; and machinery that does not bring that about will not accomplish anything.

Mr. LENROOT. Mr. President, I am very much surprised at the confidence that the Senator seems to express in this league covenant, for, while I am for it, with proper reservations, I want to say very frankly that I never have believed that it would be possible very often to secure a unanimous decision of the nine members of the council and a majority of the other members of the league upon any dispute between any two great

nations. If I thought that was the beneficial part of the league, I would have very little confidence, indeed, in it. I believe that the beneficial portions of this league covenant are, first, article 11, whereby all the members will agree to discuss international matters affecting the peace of the world, not attempting to make binding decisions upon anyone, but bringing the moral influence of the nations of the world to bear upon a nation committing wrong.

Mr. WATSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LENROOT. Yes.

Mr. WATSON. How does the Senator construe the other part of that article?

Mr. LENROOT. Where it says "take such action"?

Mr. WATSON. Yes; "take such action as they deem necessary to preserve the peace of the world," or that is the substance of it.

Mr. LENROOT. I construe that to mean that the only action they can take is by way of recommendation.

Mr. WATSON. The Senator from New Mexico [Mr. FALL], who is more familiar with these articles than I, says that the language is that they "shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Mr. LENROOT. Yes.

Mr. WATSON. What does that mean?

Mr. LENROOT. That means, in my judgment, merely that they may express their opinions, they may make recommendations to the various members as to what action they think the members ought to take to safeguard the peace of the world; but no jurisdiction is vested anywhere in this league of nations to enforce any of its decisions, and, in the absence of that, there is no power, military or naval, contemplated to be placed at the disposal of the league, and there is no coercive power except under article 16 for a violation of the covenants with reference to arbitration and inquiry. There are no other penalties; and so, in the light of an explicit grant of jurisdiction, it does not seem to me that one is warranted in saying that this league has any power to enforce in any way any findings that it may make or any recommendations in which it may concur.

Mr. FALL. Mr. President, what has the Senator to say about subsection (c) of article 23?

Mr. LENROOT. It reads:

> Will intrust the league with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs.

The Senator desires to know my construction of that?

Mr. FALL. Yes. What authority has the league under that?

Mr. LENROOT. None, independently. My construction of that language is that the members undertake by subsequent action to explicitly provide for the supervision to be exercised by the league, but according to my construction they could not exercise any powers independently of this substantive grant.

Mr. FALL. No; but there is already a series of international agreements, particularly one with reference to the traffic mentioned, to which Germany and other nations are parties. Under this provision are you turning it over to the league?

Mr. LENROOT. It is "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon." To my mind that simply means that if we had in the past an international convention, with some bureau exercising supervision over it, that that supervision is transferred to the league.

Mr. FALL. Oh, no; you enter into a general agreement, as you have done by the present agreement, and each nation itself supervises and executes the provision which it obligates itself to. But under subsection (c) you are now delegating that power, as I understand it, to the league.

Mr. LENROOT. Certainly not to the extent of this league having any independent power of enforcement, any more than you may say we have entered into a treaty and it has the force of law, but with no force provided to make it effective, and that, of course, is behind all law. None is provided in this league of nations, and in the absence of it the most that could be said, if a nation fails to carry out such a promise as is implied by the Senator, would be that it was a breaking of the covenant by that nation.

Mr. FALL. May I ask the Senator another question?

Mr. LENROOT. Certainly.

Mr. FALL. Under part 13 of this treaty, which is a part of the league itself, there is a provision for the meeting of the labor council, and set forth in the article itself is the agenda for that first meeting. In the agenda of that first labor meeting is the consideration of child-labor laws. The Congress of the United States has already passed child-labor laws, and the Supreme Court of the United States has upon two occasions declared them unconstitutional. As I read the provisions of part 13, which go back to and have back of them for their enforcement the league provisions to which the Senator is now referring, if two-thirds of the nations adopt the agenda proposed—that is, if they adopt in words the child-labor law passed by the Congress of the United States, and the Congress of the United States again agrees to it—the Supreme Court of the United States has lost its jurisdiction, and it becomes a law by delegation to the league of nations and to the league of labor. It gives the league power to enforce its decision. I am merely suggesting this because of the line of argument the Senator is making that the league can not enforce anything. So we are confronted with the situation, in the face of a decision of the Supreme Court of the United States, if the Congress of the United States again passes a child-labor law which has been recommended by the council of the labor unions of the world, it will become the duty of the league, as well as of the league council, to enforce that law, despite the decision of the Supreme Court of the United States.

Mr. LENROOT. I will say, in reply to that, that in the first place no delegation of power can be granted in this or any other treaty for any representatives or to anybody to perform any act in violation of our Constitution.

Mr. FALL. There the Senator and myself are in thorough accord. I have taken that position from the beginning. But I am simply calling the attention of the Senator to my construction of an attempt, at any rate, to violate the Constitution of the United States by a delegation of power.

Mr. LENROOT. I do not think there can be any doubt about it.

Mr. FALL. That it would be unconstitutional?

Mr. LENROOT. Yes.

Mr. FALL. If I may trespass further upon the Senator's time, I have listened with a great deal of interest to the argument of the Senator, not only that which he is making now but that which I have heard him make before in reference to the voting and the effect of the Johnson amendment. The Senator, as I understand it, takes the position that by virtue of the fact that the United States is a member of the council, under article 15 it would have only one vote, at any rate, and that with regard to the Johnson amendment, providing that in a vote either in the council or in the assembly the United States should always have as many votes as Great Britain and her self-governing colonies, the Senator takes the position, I understand, that by virtue of our being represented on the council, under the Johnson amendment we would not be entitled to the total of six votes.

Mr. LENROOT. Not under the Johnson amendment or the original text, either.

Mr. FALL. Is it not the proper construction, that in the assembly, under article 15, where the matter goes either automatically or by request of the parties to the assembly, in the instance that the Senator has been citing in the assembly the nations vote by groups? They are simply grouped for voting. In the assembly there are so many votes, and in the assembly to-day Great Britain has six and the United States has one. They are in the assembly.

Mr. LENROOT. They are in the assembly for certain purposes.

Mr. FALL. For certain purposes, but they vote by groups, and it is provided that the vote of one group shall be unanimous, and the vote of the other group by a majority, shortly speaking. Yet the Senator says that under the Johnson amendment we would have only one vote and Great Britain six. I can not understand that.

Mr. LENROOT. Certainly, because we belong in one group where we have one vote.

Mr. FALL. But we are voting in the assembly, and the voting is by groups only in the assembly.

Mr. LENROOT. Yes; but it takes the two groups, and it says in one group there must be unanimous action.

Mr. FALL. Certainly.

Mr. LENROOT. Then, there must be a majority of the other groups.

Mr. FALL. Precisely.

Mr. LENROOT. And we are not in that other group.

Mr. FALL. Oh, yes; we are in the assembly, and the assembly is composed of a total of two groups. Great Britain has one vote in one of the groups and five in the other. The Johnson amendment gives the United States its one vote in one and five in the other.

Mr. LENROOT. How do we get in the other?

Mr. FALL. We are in there by virtue of being in the assembly.

Mr. LENROOT. No; here are two groups in the assembly. In which group are we? We are not in both.

Mr. FALL. We are in both under the Johnson amendment.

Mr. LENROOT. We certainly are not.

Mr. FALL. We certainly are.

Mr. LENROOT. Let us see. Does the Senator say that in the absence of the Johnson amendment we would have one vote in one group and one in the other?

Mr. FALL. We would have the one vote in the assembly.

Mr. LENROOT. Would we have two votes in the assembly?

Mr. FALL. If we cast the one vote against the other eight members of the council group, then the council vote would not be unanimous; but our vote would be a vote in the assembly and not a vote in the council.

Mr. LENROOT. Let me read the language:

> At meetings of the assembly each member of the league shall have one vote, and may not have more than one representative.

How many votes, under the text of the treaty, will we have in the assembly—one or two?

Mr. FALL. If you say that Great Britain has six, despite that wording, then I say that under the Johnson amendment we have six.

Mr. LENROOT. Great Britain has five.

Mr. FALL. A total of six.

Mr. LENROOT. Five in this group of the assembly, that is required to make up the majority.

Mr. FALL. The Senator makes the mistake, in my judgment, of undertaking to say that because you vote by groups you do not vote in the assembly.

Mr. LENROOT. I have to pay some attention, Mr. President, to the language of the treaty. What definition or construction does the Senator give to the words "a majority of the other members of the assembly"?

Mr. FALL. Exactly what was intended by Great Britain, in my judgment, was that if she voted with the other nine she could veto the action of her self-governing colonies, possibly, in the assembly.

Mr. LENROOT. Very well. Then they are only "other members of the league" who are included in the majority. We can not be a member of one group and also a member of the other group.

Mr. FALL. We can under the Johnson amendment. We can not under your insistence.

Mr. LENROOT. The Johnson amendment has nothing to do with increasing membership. It has only to do with increasing the votes of one member.

Mr. FALL. The Johnson amendment distinctly provides that we shall have in the council and assembly an aggregate vote equal to that of any other nation with all of her self-governing colonies.

Mr. LENROOT. Is that the construction the Senator gives to it?

Mr. FALL. Yes, sir.

Mr. LENROOT. If that is true, we have five votes in the assembly where we are a party to the dispute. Is that the Senator's construction?

Mr. FALL. No, sir.

Mr. LENROOT. Then if we do not have five votes in that case, why not?

Mr. FALL. The Senator's construction gives Great Britain five votes in the assembly.

Mr. LENROOT. Because they are different members of the league. That is a complete answer.

Mr. FALL. That is a complete answer in the Senator's conception of it. A complete answer to the Senator's position is that it would be very much better for the United States to adopt the amendment and exclude herself forever from the council. Then she would have six votes.

Mr. LENROOT. But I shall not repeat my argument on that, Mr. President. I think it is entirely clear that throughout this treaty the representatives who constitute the council vote in the assembly where they together constitute a majority. It says that. But in this particular case the language is "the other members of the assembly," and that very clearly excludes the United States.

Mr. President, I have made this argument not in opposition to the amendment but because there has been so much said about it as protecting American rights and American interests that I think the country ought to know that this amendment does not give the protection the United States is entitled to have, and it is for that reason only that I have gone into this matter as fully as I have. There is, Mr. President, one character of action by the league that this amendment will apply to, and to my mind in a very beneficial way, and that is under article 11, where it is provided that the league may take jurisdiction of matters affecting the peace of the world; but there it is not provided that the league can take any action that is binding upon anybody. Under the Johnson amendment, in meetings of the league or assembly, under article 11, it is true that we would have six votes with the six votes of the British Empire, but only in an advisory way. It is true that we would only have six votes, Mr. President, in participation in world affairs not directly affecting us or concerning us. I am rather surprised, Mr. President, that some of the advocates of this amendment, when the only substantial effect of it is to give the United States a larger participation in the affairs of the world, are supporting it so strenuously, when, if I understand the position of some of them, they are against the United States participating even in an advisory capacity in any affairs in the world that do not directly affect America.

I am not one of those who hold that position. I believe that the United States ought to take an interest in the affairs of the world, and throughout this controversy my position has been that I have not been willing by my vote to have the United States assume obligations under this treaty that would destroy the free will and the free judgment of the people of the United States. But in a meeting of the nations of the world to discuss the peace of the world, without the right to make binding obligations upon us or upon anybody else, I think there ought to be an equality in an advisory way between the United States and the British Empire. That being the only effect, in my judgment, of this amendment, I see no harm at least in adopting it.

But, Mr. President, I must call attention to the fact that while some Senators are so eloquently declaiming that the United States shall protect its glory and its honor, if I understand their position, when the final vote comes upon the treaty they will vote, some of them at least, not that the United States shall have six votes to the British Empire's six, not even that the United States shall have one to the British Empire's six, but when it comes to the final act they will vote that the British Empire, so far as they are concerned, may have six votes in the league of nations having to do with the peace of the world, but they do not want the United States of America to have any vote there, even in an advisory way. With that conclusion I can not concur.

Mr. COLT. Mr. President, I desire in a very few words to state why I am opposed to the Johnson amendment. I am in favor of some remedy for curing the inequality which the Johnson amendment seeks to cure, but I do not think the inequality can be cured by means of that amendment. I think the amendment, as applied to the covenant, is unworkable and impracticable.

In framing the league of nations three courses were open. The league might have been framed upon the principle that each sovereign nation was a member and had a single vote. It might have been framed upon the principle that each sovereign nation was a member and had a single vote, and that the self-governing colonies and dominions were also members but without any voting power. In either of those cases the Johnson amendment, or any similar provision, would not have been necessary. But the league was not framed on either of these principles. It was framed on the third principle, namely, of giving every sovereign nation a single vote as a member of the league, and giving every self-governing colony or dominion a single vote as a member of the league. Therefore, we have sovereign States members of the league, each entitled to a single vote, and we have self-governing colonies and dominions members of the league, each entitled to a single vote. In other words, self-governing colonies or dominions are put upon an absolute equality with sovereign States, and each member has a single vote.

Now, it is very difficult to meet this principle of inequality which arises from the fact that each of the self-governing colonies or dominions has a vote. I do not believe, however, that it can be remedied by the Johnson amendment.

Suppose the assembly of the league were gathered together in this Chamber, and the question before the assembly was the admission of a new member to the league. There are 32 members present, each entitled to a single vote. Thirty-one members vote. There are 31 votes cast, one by each member. The thirty-second member, which is the United States, is called upon to vote, and casts six votes. Five of those members who have voted are self-governing colonies or dominions. Twenty-seven of them are sovereign States, several of them world-empire States, and yet the United States casts a vote equal to the votes of six of the largest States or nations.

Suppose we admitted the 15 neutral countries to the league, as now contemplated. We then have 45 members of the league; and, the question before the assembly being the admission of a

new State to the league, the voting proceeds. Forty-four members, nations as well as self-governing colonies and dominions, vote, each casting a single vote. The forty-fifth nation, the United States, is called upon to vote and casts six votes. Thirty-nine of those members who have cast their votes represent sovereign nations. Is the United States entitled to six votes to the one vote each of those sovereign nations? Is that curing the principle of inequality?

But suppose, as the covenant contemplates, the league embraces the world. Suppose Germany, Austria, and other nations have been admitted, so that the league comprises 50 members, and the members are gathered together in the assembly to vote upon the question of an amendment to the covenant. Forty-nine of those members cast a single vote each, and when the United States is called it casts six votes. Is that curing the principle of inequality?

Mr. President, the framework of the league is founded upon membership voting, each member having one vote, and when you disturb that principle of membership voting you have got to reconstruct the league covenant from beginning to end. Let us see. The first function of the assembly—and I am paying particular attention to the assembly, is to elect new members. New members are admitted, if the admission is agreed to, by two-thirds of the assembly—that is, two-thirds of the members of the assembly. How are you going to apply the Johnson amendment to that provision? You must certainly change the text in order to apply it. In the covenant as now framed it is the members who vote, and when you change it by giving the United States 6 votes it is a good deal as if 95 members of the United States Senate each had a single vote and the ninety-sixth member, the Senator from California, for example, had 6 votes. Is that a workable form of voting?

In a corporation there are two methods of voting, as applied respectively to the directors and to the stockholders. The directors vote as members of the board, and each member has one vote. As for the stockholders, the vote of each stockholder is measured by the number of shares of stock he owns. In the Johnson amendment it seems to me that in principle you are undertaking to combine these two inconsistent forms of voting. At least this can not be done without you reconstruct the covenant, and I do not believe you can reconstruct the covenant so as to combine membership voting with a plurality of votes given to one member.

As to the provision with regard to electing new members by the vote of two-thirds of the assembly or two-thirds of the members of the assembly, you will have to change the text there, and I am unable to see how you can change the text to make it conform to the Johnson amendment.

The second function of the assembly is to make rules of procedure. How are they made? They are made by a majority of the members of the league represented at the meeting of the assembly. Mind you, all through it is the league and the members of the league represented in the assembly who vote, each having one vote. How are you going to apply the Johnson amendment there? I do not know.

Again, if we turn to article 15, where provision is made to refer a dispute to the assembly, you will find that the assembly then votes in two groups, one group comprising the council, where the vote must be unanimous, and the other comprising the remaining members of the assembly, where the vote must be by a majority. And here, again, I ask, How are you going to adjust the Johnson amendment to these provisions? To do this you must certainly change the method of voting in these provisions. That is the third function of the assembly.

The fourth function relates to amendments. Article 26 provides:

> Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

Now, it is apparent that you can not apply the Johnson amendment to this provision without reconstruction.

From these illustrations it is manifest that if you are going to undertake to apply the Johnson amendment to the text of the covenant, you have got to reconstruct the whole covenant and insert in different provisions appropriate language to make it clear that these provisions cover the Johnson amendment. For these reasons I think the Johnson amendment is impracticable and will not accomplish the object it seeks.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Rhode Island yield to the Senator from Missouri?

Mr. COLT. I should prefer not to yield just at this point. I am about through. Instead of attempting to destroy the covenant, I think the best way to cure this inequality is by the reservation suggested by the junior Senator from Wisconsin [Mr. LENROOT]. This reservation provides in substance that in any case in which we feel that this inequality has worked an injustice to us we shall not be bound; in other words, that we shall not hold ourselves under obligation to be bound by any decision, report, election, or finding of either the assembly or the council in which a member and its self-governing colonies or dominions have more than one vote. I believe that is the most practical suggestion that has been made, and that it is the only way that we can meet this question of inequality.

So far as the Moses amendment is concerned, the difficulty can be easily met. It can be met by the reservation of the Senator from North Dakota [Mr. MCCUMBER]; it can be met by the Lenroot reservation. It is perfectly easy to meet that proposition; and let me tell you why.

Under the covenant the parties in interest are excluded from voting in a dispute, and we want the word "parties" or "party" to include the member and its self-governing colonies and dominions; and it is perfectly easy to do this by a reservation. I do not want to vote for the Johnson amendment, because I do not believe in any amendment to the treaty which calls for a resubmission to the other signatories; and, further, because I believe that this inequality can be met by a reservation.

Mr. EDGE. Mr. President, while I favor the adoption of reservations rather than textual amendments, and have, I believe, consistently followed that course and policy, still at the outset of the short statement I propose to make, I wish to say that I see no reasonable objection to the suggestion which has been made that if the treaty is finally ratified with reservations individual acquiescence on the part of three of the major nations should be required. I say that for this reason: If the reservations finally adopted by the Senate are unsatisfactory to other members of the proposed league, most assuredly they propose to say so; they must enter their objections. If, on the other hand, the reservations we make are satisfactory to them, or at least they feel that they should not enter formal objection because of many matters incidental thereto, then, presumably, there is no reason in the world, as I analyze the situation, why likewise they should not say so? So I can see no reason why, if the treaty is ratified with reservations, whatever the reservations may be, we should not insist on having them agreed to or acquiesced in by three of the nations, and that fact clearly stated.

In a speech I delivered in this Chamber a few weeks ago, I endeavored to make clear that, while I was in full sympathy with the objects sought by practically all of the amendments that have been offered, I felt convinced that they could be better attained by including strong, unmistakable reservations in our resolution of ratification, covering every one of these questions from the American standpoint, rather than by making textual amendments to the document. The former at least gives promise of a much earlier disposition of the whole matter, and all must admit that the latter means more delay.

Most naturally and properly, the intent of the amendment under consideration has been generally approved. Were I not convinced that a reservation to be later offered would provide even greater protection, or if I believed the question could not be covered by a reservation, I would without hesitation vote for the pending amendment. But, in my judgment, even this amendment would not protect America in a practical way to the extent that the reservations covering the same subject are designed to do. For instance, the treaty clearly provides that parties to a dispute will not be permitted to vote; I have been greatly impressed with the contention that, if America became involved in a dispute—say, with Japan—it would not make any difference whether America had 6 votes or 60 votes, she would be barred from voting. The passage of this amendment would in no way help that situation. The reservation which will undoubtedly be adopted, if the treaty is to be finally ratified, provides that in just such a case as cited no other country could cast, in effect, more than one vote, thus precluding Great Britain from using her 6 votes. If the reservation be not adopted, but the pending amendment be adopted, Great Britain's 6 votes would count, but America's 6 would be excluded from voting in any such hypothetical case as I have cited.

Which is more beneficial, a vote for temporary political expediency, because it touches a popular chord, or a vote for the lasting protection of American interests?

As stated, if there were no other way to correct this glaring inequality, I would unhesitatingly vote for the pending amendment, but I feel absolutely convinced that the method of reservation I have discussed protects America even more positively and completely and will accelerate action, which we certainly agree should be in great part the essence of our efforts.

It seems to me only reasonable to assume that textual amendments to the document mean necessarily a reconsideration on the part of the powers abroad collectively, just as amendments to any pending measure mean in any legislative or deliberative body. While, on the other hand, reservations, as I view them, and which view seems to be acquiesced in by high legal authority, simply present the terms upon which America agrees to or ratifies the treaty, and in our making reservations we in no way deny other countries the same privilege. True, in effect, these reservations may, and I grant it, amount to amendments, but precedents seem to establish that the method of consideration of reservations versus amendments is more simple, and probably will not require joint meetings of the parties involved, with their attendant discussions and disputes. If we adopt this amendment, is it not reasonable to assume that other nations would demand a like consideration? I am impressed with the view that our object is more practically accomplished by, in effect, reducing Great Britain's voting strength, rather than by increasing our own, which purpose I am confident will be accomplished by reservations to be later considered. If other countries demand similar understandings, we can have no objection.

When voting against this amendment, I want it to be clearly and emphatically understood that I propose to vote for reservations covering the same subject, and which, in my judgment, will protect America even to a greater extent than does this amendment. If the other countries, either individually or collectively, are not satisfied with the reservations we make, then the "scrapping" of the treaty is entirely up to them.

I further want it emphatically understood that if reservations are not included in our resolution of ratification which, in my judgment, will fully, completely, and unmistakably protect the independence and sovereignty of America, then I shall refuse to vote for ratification. Therefore there should be no question in the minds of the public as to the determination to protect this country fully and unequivocally on the part of those who believe that reservations are the most practical method to pursue.

I have always taken the position that the duty of the United States Senate was not to attempt to rewrite the treaty with the meager information at hand, but to protect the country we represent. The covenant as presented to the Senate is far from being a perfect instrument. Grave injustice has been done to some peoples, notably to China in the Shantung action, but the responsibility and censure for such wrongs will be placed by history exactly where they belong. While deploring such wrongs, however, I am interested, first, in the welfare and independence and sovereignty of the United States. I will support any and every reservation, no matter how strong the drastic, which I believe necessary to protect the United States. But beyond that I am satisfied to leave the rectification of others' wrongs to the future.

The adoption of amendments means more parleying and delay—delay and procrastination which will injure the United States tremendously. Business hesitates, restrained by the apprehension of uncertainty, and through this delay America is losing its advantageous position in the race for world markets and world trade. By the adoption of reservations which will specify explicitly the positive, concrete terms on which the United States ratifies the treaty and covenant, this precious time may be saved, and the sovereignty of the United States will be protected and preserved. What more can we ask?

I do believe, however, as we evaded no responsibility in time of war, we should evade none in time of peace, and that we should be a part of a league of nations with the protection I have briefly discussed fully determined. The league provides for consideration of threatened international disputes and dissensions, and such consideration entails no hardship and might prevent war. So, therefore, I am entirely ready for our country to contribute its moral influence, its moral power, and moral aggressiveness in cooperation with other countries of the world in endeavoring to maintain peace, but I am determined in so doing she will retain that control of her own destiny, which policy has made her great and will continue to maintain her power and influence for good, for peace, and for world tranquillity.

Mr. McCUMBER. Mr. President, other Senators have presented the impracticability of the so-called Johnson amendments. I want to point out infirmities beyond their mere impracticability. I wish to present to the Senate the gross inequalities of amendments that are proposed to prevent inequalities.

The first Johnson amendment reads—and I invite Senators' attention to the language of that amendment—

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

The object of this amendment, Mr. President, says the Senator from California, is to equalize the voting power of the countries; but the effect of the amendment is to make thrice unequal any inequality which by any possibility can be claimed to exist.

Now, let us analyze this amendment. The amendment does not modify in any way the previous clause of article 3 to which it is added except in the case of the self-governing British dominions or colonies. This previous clause reads:

At meetings of the assembly each member of the league shall have one vote.

But, of course, this is modified by article 15 of the league covenant, which provides that the parties to the dispute are excluded in the findings by the assembly. Now, I shall give but two instances of the gross inequality created by this proposed amendment.

There is no question but that Canada, Australia, New Zealand, South Africa, and India have one vote each in the assembly, separate and apart from that of the mother country, on every question except where the British Empire or any of its parts is a party to the dispute. Under the terms of this amendment the right of the United States to cast six votes is not dependent upon whether the British colonies can or can not vote on any subject in the assembly; but, because of the fact that they are merely members of the assembly, the United States can at all times and on all subjects cast six votes.

In other words, the United States can cast six votes on every subject except in a dispute to which the United States is a party. Then she can cast no vote. Neither can Great Britain nor her dependencies, under the just construction of this covenant, cast any vote when either Great Britain or any one of her self-governing dominions is a party to the dispute.

Suppose, for instance, that there is a dispute between the British Empire and Spain. Every member of the British Empire is excluded from voting. I know it is said that because these colonies are made members and given voting powers in the assembly they are therefore in some way separated from the mother country and are not parties to the dispute; but that will not stand the test of inquiry. In such dispute France will cast one vote, Italy one vote, Belgium one vote, Brazil one vote, and the United States will cast six votes, under the Johnson amendment. Now, do you suppose that France and Italy and Belgium and Brazil would for one moment consent to such an inequality?

But, for further elucidation, let us take a case where the British Empire is not a party to the dispute, where it and all of its colonies and dependencies would be entitled to vote. Suppose there is a quarrel between Sweden and Denmark concerning fishing rights in the Baltic Sea. These countries fail to settle their dispute diplomatically. One country brings the matter into the council. It is then transferred from the council to the assembly; and it is only in the assembly, of course, that the British colonies can vote. The assembly first attempts to effectuate a settlement of the difficulty. We will suppose that it fails to do so. Thereupon it proceeds, as it must, to ascertain what the true facts in the case are. The representative of Canada makes his finding. The representative of Australia makes a different finding, because these two representatives are not governed by the home country in their findings in any way whatever. The representative of New Zealand makes still another finding. Now, a compromise agreement as to the facts must be made before the conclusion has any binding force; and on the final determination of what the facts are we have Canada voting one way, because Canada casts her own individual vote without any control by Great Britain or any other country; we may have Australia voting with her, New Zealand voting against her, and South Africa voting against her, each voting its own separate conviction and itself casting its own vote. Then comes France, and she casts also one vote, which may be with Canada or against her. Then Italy casts one vote, which may be in accordance with the Canadian view, or it may be against it, and then the representative of the United States comes in and casts six votes. The United States' six votes would all be cast en bloc, because they would all be cast by one member.

So the United States, as a single entity, in every instance would have six votes as against every other country or every other colony represented in the assembly.

Thus, Mr. President, we are asked to give to the United States as a single entity a vote six times as great as that of any other

power. I say six times as great as that of any other power, because Great Britain can not cast the vote of Canada or any other of its dominions, while the United States would cast its full six votes.

Mr. President, I want to take up now another matter to make clear the position that it is absolutely unnecessary, so far as a dispute between nations is concerned—in which case the nations are excluded by the terms of the covenant—to have an amendment that we shall have six votes to equal the six votes which are excluded. I know that some Senators have disagreed with the assertion that in a dispute with a country having dominions or possessions represented in the assembly all such representatives are excluded in any finding or decision, but those Senators who have disagreed can find no logical foundation for their disagreement.

The question was presented at our conference with the President about like this:

If we should have a quarrel with Great Britain, could Canada or Australia or New Zealand vote upon that dispute?

The President answered, in substance, no; because it is all one country, and the whole Empire is a party to the dispute; that a dispute with a part is necessarily a dispute with the whole, and a dispute with a dominant country is necessarily a dispute with all the dependencies and possessions of that country. The President not only declared that that was his understanding, but also declared that it was the understanding of the conferees, and it is borne out by every syllable in the covenant itself.

Before proceeding with that, Mr. President, I want to answer one innuendo that has been shot into the Senate and upon every platform in the United States. I am always willing to concede that anyone may differ with me materially, absolutely, unconditionally, upon every feature of this league of nations, and he may be just as true and just as much a red-blooded American as I am. All I ask of him is that he accord to me the same qualities of Americanism, even though my views differ radically from his.

I am not questioning the red-blooded Americanism of the Senator from California [Mr. JOHNSON], of the Senator from Missouri [Mr. REED], of the Senator from New Hampshire [Mr. MOSES], or of any Senator who disagrees entirely with me. But, Mr. President, I am getting a little bit tired of Senators swelling themselves to a bursting condition, thumping their breasts, and declaring that they are the only true, red-blooded Americans, and that anybody who disagrees with them is necessarily a traitor to the cause of America. Mr. President, there are too many great and good and intelligent men in the United States supporting this league, heart and soul, for anyone to challenge either their intelligence or their Americanism.

Red-blooded Americanism? Do I cease to be a good American because I believe that America has a conscience bigger than a flea? Do I fail to recognize American sentiment and true Americanism when I believe that America has in its red blood sympathy for other nations of the world? Does Americanism mean selfishness? Does true Americanism call for the attitude of a bully toward all who are inferior in power? A bully is ordinarily a coward, and America is not a coward.

Does Americanism mean the same as amphibianism, neither hot-blooded nor cold-blooded? Does Americanism mean that this country should go along with a chip on its shoulder, defying every other country on the face of the earth? If that is true, then I admit that I fail to recognize what is true Americanism.

I have always felt, Mr. President, that the best American is the American whose sympathy was the broadest, whose kindliness toward all the world was the greatest, and whose generosity was without measure. It is not true that the only way that I can be an American, a red-blooded American, is to be so everlastingly selfish, so everlastingly hoggish, that I can not look beyond the borders of the great American Continent and extend a sentiment of kindliness or sympathy or helpfulness to my brothers across the ocean. They were our ancestors, Mr. President. We are blood of their blood and bone of their bone. We can not damn them without damning ourselves. We can not accuse them of selfishness, of all the selfishness and lack of honor, devoid of any nobility of purpose, as we have been accusing them on this floor day after day, without accusing ourselves, their children, because we must have inherited some of those qualities from them. I love my own country best, but that does not necessarily mean that I have to hate every other country and become suspicious of every other country in order that I may be a red-blooded American. I have confidence in the intelligence of the great American people that they will be able to hold their own in any contest, mental or physical, with any power or number of powers of the Old World. I am not afraid that we will be outwitted and that we will be outvoted in all of our contests with the nations of the Old World. I can not recall a single instance in which we have gotten the worst of it in any matter we have ever submitted for arbitration or international settlement.

Mr. President, I hope that each one of us can have an honest view upon this question of the league of nations or against the league of nations without the imputation that the opponent of our views must necessarily be un-American.

I want to get now right down to the provisions of this league of nations. The Senator from California [Mr. JOHNSON] in his discussion this morning said, in substance, that in my argument I did not intend to give a wrong construction, but that I have done so. Mr. President, I have not done so, and I can establish, beyond any possibility of doubt, that my construction of this league of nations is absolutely correct.

No matter how often one quotes the clear, unequivocal language of the league provisions, we find Senators who will still persist in making broad declarations that can find no warrant whatever in the wording of the covenant.

Senators still persist in the assertion that the council and the assembly created by this treaty have the powers of a court of arbitration, and that they will decide questions of international disputes as a court of arbitration or a court of justice; that Great Britain in such decisions will have six votes and the United States but one. Both propositions are contrary to any fair construction of the instrument.

Mr. President, I assert these general principles that have no exceptions or modifications in the covenant whatever, namely:

First. Neither the council nor the assembly can ever sit as a court of justice or as a court of arbitration in the settlement of international disputes.

Second. The only question of international dispute which can be submitted, either to the council or to the assembly, is the determination of what the true facts are in respect to any dispute and in suggesting a proper means of settlement.

Third. Mr. President—and this bears directly upon the pending amendment—in any dispute in which the British Empire or any one of its self-governing dominions is a party, all representatives of the dominant and the dependent countries are excluded from voting. Therefore, if any dispute in which the British Empire is a party arises, such empire not only does not have six votes but it has no vote whatsoever.

Fourth. The only case in which the self-governing dominions could have a vote would be a case in which the only question in dispute is between two other nations, and an investigation in that case would be merely to ascertain what are the true facts concerning the dispute.

Suppose there was a dispute between Serbia and Bulgaria and the dispute was brought to the council. In the council, of course, the British dominions outside of the dominant country, Great Britain, would have no vote, because the dominions are not members of the council. But if the dispute should be transferred to the assembly, then each one of those dominions would have a vote in determining what the true facts of the dispute were and recommending a basis of settlement.

We are, therefore, called upon to decide by these amendments, first, whether Canada, by reason of her entering into the war of her own volition, by reason of her four years of carnage to uphold the great principles for which we were battling, by reason of her mighty sacrifices in blood and treasure has earned the right which she demands to be heard in this lower body, this assembly, when neither she nor Great Britain is a party to the dispute, in investigating and passing judgment upon what the true facts are in reference to any dispute; and, secondly, whether there is any danger to the United States in allowing Canada a voice in the determination of such facts.

Mr. President, I proceed to analyze the covenant now to show that these declarations are supported by every line and every letter of the covenant. The first question is this: Has the council or the assembly any authority to act as a board of arbitration or to render any judgment binding in any degree upon any member? Section 11 has often been quoted for the purpose of bolstering up the suggestion and argument that the council or the assembly can pass a binding judgment on any question that may be brought before it. Nothing could be further from the truth. No one questions the fact that any member of the league may bring before the council or the assembly any circumstance or fact which such member thinks may threaten or disturb the peace or good understanding between nations. The door is wide open to present any circumstance, just the same as under our Constitution the door is wide open to the public to present any kind of a petition to Congress to petition Congress, for instance, to do that which, under the Constitution, Congress could not possibly do. We can not exclude a petition because it requests us to do that which is pro-

hibited by the Constitution; but nevertheless our powers under the Constitution are quite clearly defined and limited.

So, Mr. President, the authority of the council or the assembly to act upon the circumstances presented is also clearly defined. The limitation to its action is clear and definite. What is it that the members who adopt the league are obligated to do? Article 12 sets out the only thing which they agree to submit to either the council or to the assembly and how they agree to submit it so far as relates to disputes. Article 12 reads:

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or to inquiry by the council.

Mark you now, Mr. President, they do not agree to submit the matter to arbitration by the council, but simply to submit their dispute to an arbitration outside of the council or to an inquiry inside of the council as to the facts. That is made doubly clear by the succeeding article 13, which reads:

The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy they will submit the whole subject matter to arbitration.

But the question arises, Submit it to whom or to what? That question is answered in the third paragraph of this article, which reads:

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

In other words, this matter of arbitration is to be settled entirely outside of the council and outside of the assembly. In the case of the United States we have already provided by covenant with many nations how our court of arbitration shall be constituted. That ought to settle once and for all this everlasting assertion that the council or assembly actually decides disputes.

The Senator from California [Mr. JOHNSON] seems to insist that they must arbitrate these questions or else there is nothing to the league of nations whatever. That does not follow. The Senator may think there is no power back of the league of nations unless the league has the power to decide absolutely what this nation or that nation shall do. The real power of the league of nations is the persuasive power which will be found in public sentiment when that public can rely upon the facts that have been found by the league to be the true facts in any dispute. In other words, if the people of any country know that their country is wrong they will not allow their country to wage a war for such wrongful purpose.

Then follows article 15, which relates to the cases which have not been submitted to arbitration outside of the council or the assembly, and that article reads:

If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13—

That is, submitted to arbitration outside of the league—

the members of the league agree that they will submit the matter to the council.

And again the question, Shall submit to the council for what purpose? It has been argued again and again that if they submit it to the council, they must submit it for either arbitration or the decision of the council upon the merits. But that is not the way the covenant of the league reads.

The first purpose is immediately answered by the third paragraph of article 15, as follows:

The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the council may deem appropriate.

In other words, the moment the matter comes to the council, the council endeavors to effect a settlement. It exercises its good offices, advises and suggests in the effort to induce the disputants to come to some agreement. It may even, under this authority, go far enough to suggest what the council thinks ought to be done by the one or the other party to the dispute, but so far the only power to be exercised is the power of persuasion.

But, Mr. President, suppose that these efforts also fail to bring about a settlement. Then what is to be done? The very next paragraph answers the second inquiry. It is this:

If the dispute is not thus settled—

That is, by persuasion—

the council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Now, Mr. President, that is the full authority and the limitations of the council when any dispute is presented to it. If the good offices of the council fail to bring about a settlement, then the council investigates the facts and makes a recommendation in regard thereto. If the dispute is removed from the council to the assembly, which must be done within 14 days after the dispute has been submitted to the council, if removed at all, when it reaches the assembly it is dealt with exactly the same as though it had remained in the council by the express provisions of the league—

Provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

The only binding decision that can possibly be made in the assembly, as in the council, is the final conclusion as to what the facts in any given case are.

Now, you will look in vain, Mr. President, throughout the entire provisions of the covenant, from article 1 to article 26, inclusive, to find a single word or sentence that gives to either the council or assembly the right to do more than exercise its good offices, and, if that fails, to find the facts and make a recommendation with reference to any dispute.

Therefore the only question that our neighbor, Canada, could vote upon would be a question of what the facts of any dispute are. For my part, Mr. President, I have confidence in her integrity, confidence in her judgment in such an investigation, and, I might add, confidence in the fact that these two great North American countries, with the same laws, the same history, the same ideals, the same moral and religious sentiment, will never be found to be very far apart in their conclusions upon a set of facts and their views concerning a just and righteous settlement.

Mr. President, we now come directly to the question whether Canada or Australia can vote in a dispute between the United States and the British Empire or between that Empire and any other country. No one questions that Canada, Australia, South Africa, and New Zealand are parts of the British Empire. It has been stated that inasmuch as we give them separate votes we recognize them as wholly independent nations. We can not and we do not recognize that which is not true and which we know can not be made true. They were given separate votes, not because they were not members of the British Empire, but because they were so sufficiently self-governing that they voted themselves into the war, that their sacrifices were protionally equal to those of France, of Great Britain, of Italy, and that inasmuch as this conference accorded a vote to every nation which had made a paper declaration of war against Germany, and which had not expended a single dollar nor furnished a single soldier in the great battle, it could not consistently deny an equal voting power to Canada, Australia, South Africa, and New Zealand, which had fought so valiantly and sacrificed so greatly to save the world from slavery, upon the simple question of the foundation of the facts in dispute.

Mr. President, I want to read a statement from Sir Robert Borden, premier of Canada, as to how and why Canada was accorded a vote independently of the vote of the British Empire. This is what he states:

In the end I proposed that there should be a distinctive representation for each dominion similar to that accorded to the smaller allied powers, and, in addition, that the British Empire representation of five delegates should be selected from day to day from a panel made up of the representatives of the United Kingdom and the dominions. The proposal was adopted by the imperial war cabinet.

These are the reasons, as he states, why Canada was accorded a vote.

On behalf of my country I stood firmly upon this solid ground: That in this, the greatest of all wars, in which the world's liberty, the world's justice—in short, the world's future destiny—were at stake, Canada had led the democracies of both the American Continents. Her resolve had given inspiration, her sacrifice had been conspicuous, her effort was unabated to the end. The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations, or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources and population, no more complete in their sovereignty, and far less conspicuous in their sacrifice.

That was the theory on which Canada secured her right. Great Britain never asked that that right be accorded to Canada; she was perfectly willing to assume the responsibility of casting the vote for all of her dominions; but Canada and Australia refused to accept a position secondary to black Haiti, to blacker Liberia, to Uruguay, to Hedjaz, and to 20 other nations that never turned their hands over in the great world struggle.

Mr. President, giving them this vote, however, does not make them any the less members of the British Empire. Of course, Canada and Australia can not vote in the council, because they are not members of the council.

The ninth paragraph of article 15—and this is a graph upon which I base my argument—provides that ever pend-ency of Great Britain is excluded, as well as Great Br a her-self, in any dispute either with the mother country with any dependency, possession, or self-governing dominion. The ninth paragraph reads:

In any case referred to the assembly all the provisions of this article and of article 12, relating to the action and powers of the council, shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league—

Now, mark the words—

exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof—

Mark again—

other than the representatives of one or more of the parties to the dispute.

In order, therefore, to give any effect whatever to the finding of the assembly, the report must be concurred in by the representatives of those members of the league represented in the council; and I might add here that that concurrence must be by unanimous vote of the council, excluding the parties to the dispute, and, in addition, by a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute. In both instances it will be observed that there are eliminated both parties to the dispute, whether in the council or in the assembly.

This brings us right up to the major question: Can there be a dispute with a part that is not a dispute with the whole? That is all there is to this proposition. Can we have a dispute with a part of the British Empire unless there is a dispute with the whole British Empire? Have we ever had a dispute or a misunderstanding with Canada that we did not settle through the mother country?

Did we ever settle a dispute with Canada herself? Senators know well enough that we never did, and we never can, because Canada and Australia have no ambassador, minister, or other diplomatic representative in the United States; they are represented by the Empire itself; they are not represented, mark you, as separate entities, but are represented by the British Empire, of which they are a part. So, too, it is equally certain that when we have a dispute with England we are having a dispute with Scotland; we are having a dispute with Canada, Australia, Wales, and New Zealand. The dispute is with the power that represents the whole, not with each one separately. The question was asked the President at our meeting at the White House—I do not remember at which one—whether that was the view taken at the conference, and he answered in substance that it was; that we could not have a dispute with a dominion that was not a dispute with the Empire.

Mr. President, I do not doubt for a single moment that every nation represented in the Paris conference took that same view, the reasonable view, the only view, to my mind. I want those Senators who are present to stop a moment and ponder upon that proposition. I wish to say to them that France was represented at that conference by one of the wisest and one of the strongest men in Europe, M. Clemenceau. Does anyone believe for a moment that this great statesman, the old "Tiger of France," remembering how often in past centuries his country had been engaged in deadly conflict with the British Empire, regarded it as possible that Great Britain should have six votes to one accorded to France, or if France had a dispute with Great Britain, that Canada, Australia, New Zealand, South Africa, and India would be left free to outvote the interests of France 5 to 1? Such a conclusion, to my mind, would be an insult to the intelligence as well as to the patriotism of the great representatives of France, Italy, and every other country parties to the conference. None of them voted to give Great Britain that superior power, because every one of them understands clearly that any dispute with any member of the British Empire was a dispute with the entire Empire, and excluded that Empire and all its parts from any vote whatever in the controversy.

Mr. President, we have been laboring to meet not only every legitimate objection but every illegitimate objection to this treaty as well; and the assertion regarding the voting power of Great Britain has been so often published to the American people that I think we are justified in adopting a reservation which will place this question beyond cavil. For that reason some time ago I submitted a reservation which I still think should be adopted as the principal reservation in determining this question and placing it beyond any possibility of doubt. That proposed reservation is as follows:

That the United States understands and construes the words "dispute between members" and the words "dispute between parties" in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies; and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member but also its dominions, colonies, and dependencies.

That is what the President says is the true meaning of this article. That is what every nation that was engaged in it understands to be the true meaning; and the only people that have ever doubted it have been some Members of the Senate and those of the country who have been misled by their broad and unqualified statements. To meet that misleading view, I believe we should adopt this reservation.

But, Mr. President, it is alleged that by some kind of legerdemain these British colonies can also be made members of the council; and on this point I shall be glad to have the attention of the Senator from Indiana [Mr. WATSON], who has taken a different view.

Even if they could be made members of the council, they would still be excluded in every case in which Great Britain or any of her dependencies might be a party; but, Mr. President, they could not in any event become members of the council. I not only find nothing to justify any conclusion that they could be made members of the council, but, on the contrary, I find that such possibility is carefully guarded against by the very wording of the instrument.

It will be observed that Canada and Australia and these other British Dominions are by the provisions of the league of nations covenant made members thereof. They are present members, and I want Senators to remember that. They are not prospective members, but they are members to-day as much as Great Britain and France and Italy. They are not in the list of those who are invited into its membership, but by the very terms of the instrument they are original members of this league of nations, and they can not therefore be included in those members who may be added. When you are already in a league you cannot be added to the league afterwards. "Added" means something outside that is brought in to swell the total number.

Mr. WATSON. Mr. President, will the Senator let me ask him a question?

Mr. McCUMBER. Just a minute, until I finish the sentence. They can not be added to the league, and thus they do not come in the category of those whose representatives, so added, may become members of the council.

Now I will listen to the Senator.

Mr. WATSON. Does the Senator mean to say that if Newfoundland, for instance, which is a British colony, should hereafter be admitted to the league it could become a member of the council by proper action, and that Canada, New Zealand, or Australia never could be?

Mr. McCUMBER. Canada takes in all to-day; but whether or not you consider that Canada has such a broad, general sovereignty from ocean to ocean as would include Newfoundland in Canada, certainly Canada is a part of the league to-day, or will be when the league covenant is ratified. If Newfoundland could come in as a separate entity afterwards, and the United States and everyone else should vote to put her in, of course then she could be added to the league, because that would be an addition; but that would be an impossibility, a thing they never would do.

Mr. WATSON. Well, I know, but I am talking about the thing that might happen. The Senator's theory, then, is that Newfoundland, after being admitted to the league under those conditions, thereby becomes eligible to a position in the council. Is that right?

Mr. McCUMBER. If a country not a member, one that is not now a member of the league, one that is not one of the original members of the league, shall be voted into the league for a specific purpose, namely, for the purpose of being placed upon one of these classes in the council, then it could be done by the unanimous vote of the council, and by some of the members of the council voting themselves out. That, of course, would be within the realm of possibility. What I have been discussing is the question whether it is possible to add Canada or Australia or New Zealand or any one of these five dominions and make them a part of the council; and I am trying to make that so clear that there can be no question in the mind of any Senator in regard to it.

Mr. WATSON. I understand the Senator's position perfectly, because he and I have argued it a great many times.

His position, as I understand it, is that Canada, because she is a present member of the league, can not be eligible to a position on the council—never at any time in the future—but that if Persia, for instance, shall become a member of the league under proper conditions, Persia might become a member of the council.

Mr. McCUMBER. Yes.

Mr. WATSON. So that the present self-governing colonies of Great Britain that are members of the assembly never can become members of the council, and Persia, practically another colony of Great Britain—at least, Great Britain has control of Persia—may become a member of the council, so that the Senator discriminates between the different colonies of Great Britain.

Mr. McCUMBER. The Senator certainly does not regard Persia as a colony of Great Britain.

Mr. WATSON. Well, I will not call it a colony, but she has control of Persia.

Mr. McCUMBER. I do not think she has any more control of Persia than we have of Cuba, and I never have regarded Cuba as a part of the United States.

Mr. WATSON. I disagree entirely with the Senator. I think Great Britain has control of Persia—in fact, I think more control than she exercises over Canada.

Mr. McCUMBER. In any event, Persia is not a part of the British Empire. Nobody has ever claimed that it was a part of the British Empire. Nobody ever will claim that it is a part of the British Empire. We are but playing with wild suppositions in presenting a case of that kind.

Now, Mr. President, I want Senators to read article 4, which declares that the council shall consist of representatives of the United States, the British Empire, France, Italy, and Japan, together with representatives of four other members of the league, to be selected by the assembly from time to time; and until the appointment of the representatives of these other four members is made, Belgium, Brazil, Greece, and Spain shall furnish such representatives to this council.

I want Senators to distinguish, also, between members of the council and members of the league. The league members are not members of the council. The council is made up of the representatives of the members of the league, nine of them, and not the league members themselves.

Now, how can you add to this membership? How can you increase the number of the council? The second paragraph of article 4 answers that question. Let me read it:

With the approval of the majority of the assembly, the council may name—

And I want you to note the words—

The council may name additional members of the league—

Not additional members of the council, but—

Additional members of the league, whose representatives shall always be members of the council.

I want Senators also especially to notice that this second provision does not say that with the approval of the majority of the assembly the council may name members of the league whose representatives shall always be members of the council, but that the council may name additional members of the league. "Additional" means in adddition to the present members of the league. If it had been intended to allow representatives of any member of the league, either present or future, a seat in the council, the words "additional members of the league" would not have been used at all.

The second clause of the second paragraph carries out the same idea. It reads:

The council, with like approval, may increase the number of members of the league.

Not increase the members of the council who are representatives, but "may increase the number of members of the league." Now, you can not increase the number of members of the league by taking a present member and putting him in a position here or there. You have the same number in your league. You can only increase a number of members by taking in new members. I refer to those to be selected by the assembly for representatives of the council. Now, remember again that in this second clause the power is given to increase the number of members of the league. "To increase" means, again, the same as "add to"; and here I want Senators to stop and ask themselves what the purpose of this was. The purpose of providing that only additional members of the league could have a right to representation in the council, as is well known, was that Germany and Russia might in time become members of this league and be given a permanent representation upon the council. That was its purpose, and by the very terms of the provision it excludes the present members of the league from selecting representatives to become either permanent or temporary members of the council; and that, therefore, excludes all these British dominions which are at present members of the league of nations from ever becoming members of the council unless there is an amendment made to the very constitution of the league itself.

Mr. President, it is claimed that officials of other members of the league have written letters giving a different construction. I do not know all that politicians may have said to appease their constituencies, but I do know the way this covenant reads; and I further know that the letter which was quoted to the Senate as signed by Clemenceau, Wilson, and Lloyd-George, and sent to Sir Robert Borden, premier of Canada, does not say at all what it was claimed in the arguments before the Senate it did say. It does not say that Canada, as a separate entity, can become a member of the council, although that is the claim that has been made on the floor of the Senate.

The letter from Mr. Wilson, Mr. Lloyd-George, and M. Clemenceau, dated May 6, to Sir Robert Borden, premier of Canada, reads:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that, upon the true construction of the first and second paragraphs of that article, representatives—

Not Canada nor Australia nor New Zealand but—

representatives of the self-governing Dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

Now, stop and think. There is no statement that Canada could be made a member of the council, but that the British Empire could select a representative from Canada, or she could select her representative from Australia—she could select her representative from anywhere within the confines of the British Empire—she could select Mr. Borden instead of Mr. Balfour. It is the British Empire that is represented as a whole, as an entity, in the council, and her representative can be selected as well from Canada, from Australia, from Scotland, from Wales, or from old England herself. That, Mr. President, is all that is stated in this letter. You can not construe it into anything else.

Mr. President, I have not had an opportunity to read the argument that was made by the Senator from Idaho [Mr. BORAH] yesterday. It was my intention to reply to it to-day. I have not been able to reply to it because it has not yet been printed in the RECORD, and I was absent upon other duties during the greater part of that argument. But I think I have made clear and definite the assertion that I started out to make, namely, that in any dispute between any country and any member of the British Empire no representative of either a dominion or of the home country can have a vote. Secondly, that the only thing which either the council or the assembly can decide in any dispute between nations referred to either is the question of the true facts upon which the dispute is based.

As there can be no vote by any party to the dispute, we do not need to increase our vote. As the only question upon which these dominions could vote would be upon an investigation of facts in disputes where neither they or the mother country are parties, such vote could never injure us.

As in legislative session,

Mr. WATSON obtained the floor.

INCREASED PAY OF POSTAL EMPLOYEES (S. DOC. NO. 140).

Mr. TOWNSEND. I submit the conference report on the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making appropriations therefor. I ask that the conference report and statement accompanying it be printed and lie on the table, and that the report be printed in the RECORD.

The PRESIDING OFFICER (Mr. GRONNA in the chair). Without objection, it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making appropriations therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That because of the unusual conditions which now exist, the compensation provided for in the act entitled 'An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, the following classes of employees shall be increased as follows for such fiscal year only:

"(a) Postmasters at offices of the third class; assistant postmasters, and clerks, including clerks at division headquarters of post-office inspectors, special clerks, finance clerks, bookkeepers, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and other employees of offices of the first and second class; letter carriers in the City Delivery Service; employees in Government-owned automobile service; supervisory officials, inspectors, railway postal clerks, including substitutes, superintendents, requisition fillers, packers, and laborers; the agent in charge, clerks and messengers at the United States Stamped Envelope Agency, Dayton, Ohio; and employees of the mail equipment shop who receive compensation at the rate per annum of—

"(1) Not less than $1,000 nor more than $1,200, to be increased $200;

"(2) More than $1,200 and not more than $1,600, to be increased $150;

"(3) More than $1,600 and not more than $2,000, to be increased $125;

"(4) More than $2,000 and not more than $2,500, to be increased $100:

"*Provided*, That no third-class postmaster shall receive more than $2,000 per annum.

"(b) Carriers in the village delivery service, and other employees paid from lump-sum appropriations, receiving compensation at the rate of less than $1,000 per annum, to be increased 20 per cent of their present compensation.

"(c) Rural letter carriers on daily routes and rural letter carriers on two triweekly routes whose routes are—

"(1) Eleven miles or less in length, to be increased $75;

"(2) Over 11 miles and under 20 miles in length, to be increased $100;

"(3) Twenty miles and under 24 miles in length, to be increased $150;

"(4) Twenty-four miles or over in length, to be increased $200;

"(d) Rural letter carriers on triweekly routes of—

"(1) Eleven miles or less in length, to be increased $37.50;

"(2) Over 11 miles and under 20 miles in length, to be increased $50;

"(3) Twenty miles and under 24 miles in length, to be increased $75;

"(4) Twenty-four miles or over in length, to be increased $100;

"(e) Postmasters at offices of the fourth class to be increased by an amount equal to 15 per cent of their present compensation.

"(f) Substitute, temporary and auxiliary clerks at first and second class post offices, and substitute, temporary and auxiliary letter carriers in the City Delivery Service shall receive after the passage of this act for the remainder of the fiscal year ending June 30, 1920, in lieu of their present compensation, a compensation of 60 cents per hour for each hour of service performed.

"SEC. 2. That the above-mentioned increases in compensation shall apply to officers and employees in the Postal Service at the time of the passage of this act, and be effective as of July 1, 1919, or as of such subsequent date when such officers or employees entered the Postal Service: *Provided*, That as to substitute, temporary and auxiliary employees, and employees paid from lump-sum appropriations, the increases shall be effective from and after the date of the passage of this act: *And provided further*, That none of the increases provided herein shall be applicable to officers and employees who have received an increase in their compensation of more than $300 per annum during the current fiscal year.

"SEC. 3. That no post office shall be advanced to the next higher class as a result of the increases in compensation of postmasters herein provided.

"SEC. 4. That in order to provide for the increased compensation herein authorized, so much as is necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for the various classes of employees herein mentioned, in the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919."

And the Senate agree to the same.

CHARLES E. TOWNSEND,
THOMAS STERLING,
J. H. BANKHEAD,
Managers on the part of the Senate.

H. STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
T. M. BELL,
Managers on the part of the House.

LEGATION BUILDINGS AT BANGKOK, SIAM.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam, which was, on page 2, line 5, strike out "made" and insert "conveyed."

Mr. LODGE. I move that the Senate concur in the amendment of the House. It is only the change of a single word.

The motion was agreed to.

RAILROAD CONTROL.

Mr. CUMMINS. I ask unanimous consent out of order to introduce a bill.

The PRESIDING OFFICER. Without objection the bill will be received.

Mr. CUMMINS. Mr. President, the bill I am about to introduce is the railroad bill presented by the Committee on Interstate Commerce. I am directed by that committee to introduce the bill and ask that it be read twice and referred to the Committee on Interstate Commerce. After that is done I have another suggestion or report to make.

The bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. CUMMINS. The Committee on Interstate Commerce has authorized and directed me to report favorably without amendment the bill just referred to the committee, and I ask that it be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. CUMMINS. In connection with the report that I have just made I desire to present a letter written to me by the Director General of Railroads, Mr. Walker D. Hines. The individual letter to me reads as follows:

DEAR SENATOR CUMMINS: I am sending the attached without thought of making it public, although it will be agreeable to me for you to make it public if you think it will be helpful in securing expedition.

The letter to which I refer was written on the 7th of October to Mr. ESCH, the chairman of the Committee on Interstate and Foreign Commerce of the House, and to me, as chairman of the Committee on Interstate Commerce of the Senate. If it will not unduly delay the remarks of the Senator from Indiana [Mr. WATSON], I ask that the letter be read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, October 7, 1919.

To Hon. JOHN J. ESCH, *House of Representatives,*
Hon. ALBERT B. CUMMINS, *United States Senate,*
Washington, D. C.

GENTLEMEN: I know that you are exceedingly anxious to press the railroad legislation to the earliest possible conclusion. It occurs to me that you may naturally find that there are legislators that have not followed the subject as closely as you have and who may not have an equal appreciation of the reasons why the public interest necessitates the earliest possible solution. I therefore write this letter to point out that delay in legislation will seriously impair the public service by virtually suspending improvements and the acquisition of equipment and by seriously imperiling the morale of the railroad organization.

The difficulties I point out could not be obviated by the Government remaining in control of the railroads from week to week pending adoption of the legislation, because the suspension of the improvement and equipment program and the impairment of morale could not be remedied by such a course.

Pending the passage of railroad legislation uncertainty naturally exists. Such uncertainty makes it impossible for the Government to plan or carry forward necessary additions and betterments and to acquire essential new equipment. And such uncertainty likewise makes it impossible for the railroad companies to make such preparations.

In order to keep abreast of the growth of business in this country it is indispensable that the railroads should continue to spend large sums in the acquisition of new equipment, the enlargement and unification of terminals, and the construction of additional and the enlargement of existing shops, engine houses, turntables, etc., and in the carrying forward of normal programs for the revision of grades, construction of additional main tracks, longer and more numerous passing tracks, etc.

In the year or two prior to the beginning of Federal control this work was largely arrested by the difficulties of securing materials and labor and also by the difficulty of securing new capital. During the year 1918 this work was largely restricted to things which could be promptly done and which would have a relation to winning the war, and also restricted by the scarcity of materials. The result was that comprehensive programs for developing the railroads were largely interrupted. During the calendar year 1919 there has been unavoidably an almost complete stoppage of all these matters because of the prospect of early termination of Federal control and the resulting indisposition on the part of Congress to make appropriations large enough to provide for extensive improvement programs to be carried on with Government funds under the direction of the Railroad Administration.

Hence a vast amount of work now remains to be done which the intervention of the war has necessarily delayed and accumulated, and the result is that during the year 1920 very large capital expenditures ought to be made to make up for the interruptions inevitably due to the war and to prepare the railroads to serve adequately the increased traffic throughout the country. This is particularly true as to equipment, as it seems to be reasonably certain that in the fall of 1920 there will be need for materially more freight cars than will be available if the corporations are not able promptly to make plans for the additional equipment which the Government has been without provision to acquire.

In order to make the necessary preparations for additions and betterments, including equipment, it is obvious that considerable time must be allowed for planning the improvements and for raising the money. Even the physical planning for the improvements can not be successfully made until the legislation shall be determined upon, and the improvements can not be entered upon without knowledge as to how the money can be raised to pay for them; and the raising of the money will, of course, be dependent upon the fact and character of the legislation. Even 30 days' delay in the ability to make plans means a probably much greater delay in carrying the plans into effect; and if legislation should be so delayed as to prevent the definite making of plans until well along in the spring, the probability is that the plans could not be carried out at all in time to meet the railroad traffic requirements in the latter part of the summer and fall of 1920.

What I have said above with regard to capital expenditures, of course, does not affect the situation as to maintenance work on the railroads. The Federal control act and the contracts which the Government has made with the majority of the railroad corporations imposes an obligation to return the railroads to their owners in substantially the same condition as they were in when they were taken over, and the Railroad Administration is carrying on its maintenance work on this basis.

A different and entirely distinct element of great importance is the question of morale of the railroad forces. Undoubtedly uncertainty and suspense can not improve morale, and serious prolongation of uncertainty and suspense would very greatly impair morale. So far I feel both the railroad officials and the railroad employees are withstanding in a splendid way the injurious influences of uncertainty and suspense, but I am sure that it will become more and more difficult for both officials and employees to concentrate upon the present performance of their work rather than dwell upon the future condition of the railroad business and their relation thereto. This is an inevitable manifestation of human nature which is not subject to any criticism. But it is a fact, and the sooner legislation can be completed the sooner can a favorable influence take the place of the unfavorable influence which the uncertainty is bound to breed.

While I believe that you personally are fully alive to the importance of these factors, it has occurred to me that it might be helpful to you to have my views in regard to them.

Sincerely, yours,

WALKER D. HINES.

Mr. CUMMINS. Mr. President, on the 9th day of October following the receipt of the letter just read, I replied, and I ask that the Secretary may read my reply.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

OCTOBER 9, 1919.

Hon. WALKER D. HINES,
Director General of Railroads, Washington, D. C.

MY DEAR MR. HINES: I have yours of the 7th instant referring to the reasons for the speedy passage of whatever legislation is to be adopted preliminary to the return of the railroad properties to their owners. I think the letter is very timely, and while I shall not make use of it for the next few days, I will make it public at the proper time.

I have realized from the beginning that it is impossible to secure consideration for railroad legislation until the German treaty has been disposed of, but I have been hoping that our committee would be able to present a bill to the Senate not later than the disposition of the treaty, and it is now fairly certain that this will be accomplished. I believe we will be able to make a report about Thursday of next week. It is my intention to do everything in my power to bring the bill forward for consideration by the Senate the moment the Senate is free from the present involving subject, and proceed with it just as rapidly as possible.

There is a movement not yet well defined or very strong for an adjournment about November 1, but I intend to oppose it with all the influence I can command. I think substantially every member of the committee is of like mind. It has seemed to me that two full weeks of steady work ought to secure a final vote on the bill. Your letter will be very helpful in bringing about steady work upon the bill, and it is my present purpose to put it before the Senate at the time we begin consideration.

Yours, cordially,

ALBERT B. CUMMINS.

Mr. CUMMINS. Mr. President, the reasons stated by Mr. Hines, in the letter which has just been read, for a speedy disposition of this great problem are conclusive. I agree with him entirely that the Congress of the United States ought to give its consideration to it to the exclusion of every other measure that may be before Congress, for there is nothing so vital at this time as a proper, adequate solution of these great questions that are pressing upon us so severely for answer.

Mr. President, I have brought this letter to the attention of the Senate in order that every Member of the Senate may be advised that just so soon as the treaty is disposed of I shall bring forward the railroad bill, and whatever I can do, aided, I am sure, by every member of the committee, and concurred in, I am equally sure, by every Member of the Senate, I shall do to bring about a consideration of the subject until it is concluded.

I thought I ought to make these observations, because there is a feeling, and a very natural one, that we ought to get away early in November. I do not think that is possible. I believe that if the Senate were to adjourn before it has disposed of this question it would be subject to the condemnation of every right-minded man in America, for there is nothing that would be so disastrous to the commerce of America as a long delay in establishing a policy respecting the return of these vast properties to their owners.

I will only add that in addition to the verbal favorable report which I have made upon the bill, in order that it may find its place upon the calendar, I shall within a few days and before we can possibly reach a consideration of the bill, present a written report, reviewing as carefully as I can the provisions of the bill and their application to our affairs as they are now. It is quite likely that there will be a minority report which will be filed at the same time.

SUGAR SHORTAGE.

Mr. WATSON. I promised to yield to the Senator from Louisiana [Mr. GAY] for a moment.

Mr. GAY. Mr. President, a subcommittee of the Committee on Agriculture and Forestry have been holding hearings on the question of the sugar shortage. I have here a statement from a committee of Louisiana sugar producers, prepared for the Committee on Agriculture and Forestry. I ask permission that the statement may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM COMMITTEE OF LOUISIANA SUGAR PRODUCERS.

"During the war the Food Administration has prevailed upon all sugar producers supplying the American market to base their price upon cost of production plus a fair profit.

"Each time that the delegates of Louisiana sugar industry have appeared before the Food Commission or the Equalization

Board they have been confronted with the statement that the public demands justified no greater price for sugar than was represented by the cost of production plus the fair profit mentioned.

"One year ago, in line with this ruling of the Food Commission, we, representing the sugar producers of the State of Louisiana, appeared before the Food Commission and presented tabulated cost sheets. Working from these cost sheets, the Food Commission settled upon a price of 8.82 delivered New Orleans per hundred pounds as the price of plantation granulated sugars. After the harvest season, which was a most trying one on account of excessive and almost continuous rain, the said price was proven by the balance sheets of many sugar producers in Louisiana to have been entirely inadequate. Nevertheless, the price was set and the majority of Louisiana sugar producers thereunder made a meager profit and many registered a considerable loss.

"We are now asked the question: 'What is a fair price for Louisiana to receive this year for its sugar and what our cost sheets would indicate?' We can answer this question in what we believe will be a perfectly satisfactory manner to your committee and in just a few words.

"The Government authorities have repeatedly and continually made the statement that the Louisiana sugar crop of this year is less than 50 per cent of a normal crop; that is to say, less than 50 per cent of last year's crop. During the course of the year all costs entering into the production of sugar in Louisiana have increased. This being interpreted means that by comparison with last year, when we made a meager profit or loss, we have expended on an acre of sugar land much more than last year, and from the Government reports, with which we entirely agree, we will harvest from the said acre less than half of last year's tonnage. Therefore the natural conclusion is that a fair price for this year's Louisiana crop would be a price far in excess of the present fixed price.

"We only desire, however, such a price as will avoid disaster and one that will encourage the cane producers to continue in the business and not further curtail their output. The Louisiana sugar producer does not desire to be placed in the position of being misunderstood by the sugar consumer in the marketing of this crop. The chairman of the Equalization Board, Mr. Zabriskie, on page 67 of the hearings before the subcommittee of which Senator McNARY is chairman, has made the following statements in answer to questions of Congressman MARTIN:

"Mr. MARTIN. In testifying before the Senate committee that investigated sugar Mr. Hoover made this statement in reference to contracts: 'Supposing that we had made no agreement with him (that is, the producer), during this shortage he would probably have sold his sugar at 25 or 30 cents a pound.' Do you agree with that statement?

"Mr. ZABRISKIE. I think it would bring 25 or 30 cents a pound.

"Mr. MARTIN. Then, by virtue of that contract, the consumers saved that amount and the producers lost that amount?

"Mr. ZABRISKIE. Yes, sir.

"Mr. GLASGOW. The producers lost what they might have made.

"Mr. MARTIN. As a matter of fact, you had no trouble entering into the contracts with the producers?

"Mr. ZABRISKIE. They are all voluntary and they all lived up to their agreements.

"Mr. MARTIN. Now, you said something about the Louisiana crop; do you know how short that crop will be this year?

"Mr. ZABRISKIE. Well, our advice would indicate that they would not have more than half of what they raised a year ago.

"Mr. MARTIN. As a matter of fact, there are a great many factories there that will not turn a wheel.

"Mr. ZABRISKIE. Probably.

"Mr. MARTIN. Many will have to use this year's crop for the planting of next year's crop?

"Mr. ZABRISKIE. Yes.

"Mr. MARTIN. That being the case, even if they got 15 cents a pound, many of them will lose money.

"Mr. ZABRISKIE. I think they would, Congressman.

"Mr. MARTIN. It is a question how much they will lose. Is this short crop due to causes beyond their control, or is there any way for them to make a better crop?

"Mr. ZABRISKIE. Why, I think they exerted every effort to make a big crop.

"Mr. MARTIN. And it is due to shortage of labor and bad weather?

"Mr. ZABRISKIE. That is what out reports are.

"Mr. MARTIN. And upon a very material increase, also, in all the articles that go into the production of sugar?

"Mr. ZABRISKIE. Yes; that is true.

"Mr. MARTIN. Over last year?

"Mr. ZABRISKIE. Yes.

"This statement will unquestionably prevent the Louisiana sugar producer from being classed as a profiteer, and we believe no higher authority will be needed to safeguard us from being put in the class of profiteers, as Mr. Zabriskie has so correctly expressed the situation that prevails in Louisiana this year. Nevertheless, we realize fully that the average purchaser of sugar may not be thoroughly acquainted with these facts, and when such consumer is confronted with the situation of a sugar market in New York, say, 9 cents and a Chicago sugar market of 10 or 10½ cents and a Louisiana sugar market of a very much higher price he will be prone to believe that he is being unfairly dealt with by the sugar producer of Louisiana.

"The sugar producers of Louisiana have throughout the period of the war complied with every ruling of the Food Commission and have for patriotic reasons, like other sugar producers, sacrificed profit for the good of the Nation and have accepted a price which has netted them, we believe, for the two past seasons less than the average of a 10-year period, and this too at a time when they might have sold sugar at a price which would have made the industry secure for many decades against a period of lean years.

"Now that the war is over we are unalterably opposed to a continuation of the control of prices and the licensing system, and we believe that the untrammeled operation of the law of supply and demand should no longer be interfered with. Louisiana refuses to be put in the attitude of assuming the responsibility for either the scarcity or the high price of sugar for the approaching year, but we can not agree that the price of sugar be placed at such a figure as will mean ruin and disaster to the sugar producers of our State.

"In a spirit of fairness, and with the view of so adjusting prices and the marketing of the Louisiana crop, we have met and conferred with members of the Sugar Equalization Board, who freely admit that the Louisiana producers must sell their product at a very much increased price over last year in order to avert disaster, but take the position that without additional legislation they do not see their way clear to purchase the Cuban crop. This is a matter of which the Equalization Board is perhaps the best judge. We do not oppose the purchasing of the Cuban crop, but as the Sugar Equalization Board insist that they must have the additional power of license both for the domestic refiners and producers, we do not believe that the necessity of such purchase will justify the enactment of a law continuing for another year the power of licensing and price fixing.

"R. E. MILLING.
"E. F. DICKINSON.
"E. A. PHARR.
"J. C. LEBOURGEOIS.
"R. O. YOUNG."

PERSONAL EXPLANATION—FEDERAL TRADE COMMISSION.

Mr. WATSON. Mr. President, I have refrained up to this time from obtruding myself upon the deliberations of the Senate this afternoon to make a personal explanation, because I did not care to interfere with the orderly discussion of the Johnson amendment, and I do so now only because of the fact that it arises out of a question which I have hitherto presented to the Senate.

I had not intended to make any observations whatever respecting this question until the Committee to Audit and Control the Contingent Expenses of the Senate had reported upon the resolution, but yesterday the Federal Trade Commission issued a statement, going out under the name of the Federal Trade Commission as such, and therefore official in character. I shall not read all of the statement, but only those portions of it which have reference to me. The first charge—and I call it a charge—is this:

The bona fide of these charges is open to question when it is remembered that Senator WATSON was a lobbyist in 1909, as was shown in the report of the House of Representatives committee December 9, 1913, entitled "Charges against Members of the House and lobby activities," Sixty-second Congress, second session, Report 113.

Mr. President, this is a personal, direct charge against me. It has nothing whatever to do with the question at issue. It is entirely outside of problems legitimately to be discussed in the Senate or involved in the resolution. But, inasmuch as the charge has been made, and inasmuch as it is against me as an individual, now a Member of the Senate, I feel that I owe it to myself to say that this charge is 10 years old; that over and over again the charge was made against me in the State of Indiana, published in every newspaper, discussed by orators and speakers on both sides of the political controversies in my State; that when I ran for Senator it was everywhere debated and everywhere discussed, and the result of it all was a triumphant election to the Senate of the United States. This is old straw thrashed over until it is dust, and I would pay no attention to it here except to throw back into the teeth of the men who made it the answer of my people in the State of Indiana.

Mr. President, two committees were appointed, one in the Senate and one in the House, to discuss and deliberate upon those charges. To those deliberations I shall not refer, save to say that after weeks of hearings by the committee in the Senate they thought so little of the man that made the charges and so little of the charges that he made that the committee never even reported to the Senate. Over on the House side they did report,

and they exonerated me, save to say that it was doubtful whether anyone who had had the influence that I had in the House of Representatives should afterwards use that influence for the purpose of obtaining fees even in a good cause; and that was the sum and the substance of their findings against me.

As I have said, this is old in my part of the country; old, in fact, in the country everywhere. Mr. President, these charges were made by Mulhall, who afterwards died in a poorhouse in the city of Chicago, unattended and alone, with none so poor as to do him reverence; Mulhall, who lies to-day buried in the potter's field, unknown, unhonored, and unsung; and while he lay in that hospital, desolate and unattended, a man who had done so much to traduce and vilify me, and all without cause, at that very time the people of Indiana were giving their answer to his charges by electing me to the Senate of the United States. That is my vindication from that charge, and upon that I am content to rest.

The other proposition is this:

His relations—

That is, my relations—

with the Chicago packers are shown by certain correspondence which is here quoted.

Then it quotes from a telegram sent to John C. Eversman, 808 Riggs Building, Washington, D. C. I call attention to this telegram:

FEBRUARY 1, 1918.

Test vote before Senate Interstate Commerce Committee 2 o'clock to-day regarding Interstate Commerce Commission retaining jurisdiction over rate matters. It is of the highest importance to see Senator WATSON, who is on this committee, urging retention of such authority by the commission. Please see him before committee meets.

(Signed) E. P. SKIPWORTH.

He represented, as I am told, the Wilson Packing Co.

Senators, Mr. Eversman called to see me in accordance with the instruction here given, and talked to me about the situation before my committee, which I explained to him. He asked me about my position with reference to this, and I told him I was diametrically opposed to the views which the Wilson people took. Subsequently I voted, and if anyone cares enough to investigate the record vote in my committee he will find that I voted to take the rate-making power away from the Interstate Commerce Commission and vest it in the President. Then, afterwards, when I made a speech in this Chamber on the 18th day of February, 1918, I took very advanced ground, in as vigorous language as I could form and in as strong argument as I could fashion, diametrically opposite to what the Wilson people or the other packers wanted, so far as I have information.

And yet the commission says:

His relations with the Chicago packers are shown by certain correspondence which is here quoted.

That is what they say of my relationship to the packers when I voted diametrically opposite to the thing they wanted done and to the very request they had made at the time; and that is the thing the Federal Trade Commission, as an official body, charges establishes my relations with the packers of Chicago.

Senators, I do not believe, after a Senator in honest fashion and in good faith makes charges like those made by me in the Senate of the United States, that he ought to be hounded by anybody for those charges made on his responsibility as a Senator. I did not charge that the Federal Trade Commission was guilty of anything. They say "the charges made against the Federal Trade Commission by Senator WATSON." Senators will bear in mind and will remember that I made no charge against the Federal Trade Commission. They will remember that I stated specifically, if they remember it at all, that the members of the Federal Trade Commission and the great body of their employees were not either anarchists or socialists, and that the terms I applied to those I specifically named applied to them alone of all the men in their employment. I specifically picked out the men whose names I gave, in order that all the employees of the Federal Trade Commission might not rest under this imputation, and yet because I was specific I am to be charged now with something years old and with something that has no relation whatever to the question at issue.

How much better it would have been if the commission had said, "We challenge Senator WATSON to prove his assertions. If his assertions be true, these men are not fit to be employed by the Federal Trade Commission." Why did they not proceed in that fashion instead of trying to obscure the issue by charging me with things that have no foundation in fact and which constitute no basis of argument against the charge I have made or any answer to the protestations I have uttered?

Senators, that is all there is to this proposition. The true vindication of the Federal Trade Commission will be obtained in the trial of these charges. If the charges I have made be true, no amount of mud slinging will override their truthfulness. If the charges I have made be false, then anything they say about me personally can have no possible bearing on the issue involved. Therefore, as a Senator standing on this floor asserting my rights, all I ask is fair treatment and fair dealing by the Federal Trade Commission, which I have the right to demand, and by my fellow Senators, who some day may be placed in the same position in which I have voluntarily placed myself.

I may say that I knew that I would be thus charged. I even said to my secretary before I made the speech last Monday, "Now, listen to them howl about Mulhall." I knew somebody would do it, but that did not deter me. I believed that these people ought to be pointed out; I believed that this evil ought to be eradicated; I believed that if there are socialists and anarchists and "reds" in the public service the people ought to know it, and that we ought to use all the power at our command for the purpose of ousting them from office.

Mr. TOWNSEND. Mr. President, does the Senator from Indiana recall how many Senators and prominent Members of the other House escaped Mulhall's condemnation in that investigation? My recollection is that the then Speaker of the House of Representatives, Mr. CLARK of Missouri, and many other Members of that House and many Members of the Senate were mentioned in certain letters which were put in evidence at that time as being connected with lobbying activities, all of which was disproved.

Mr. WATSON. Yes. He had the habit of writing letters, running into the thousands, in which he gave alleged conversations with Senators and Representatives that had never occurred; and the Senators and Representatives went on the stand and testified that they had never met him, had never seen the man. That was his way of showing his diligence to his employers and of standing in with those who sent him here. I do not care to discuss him; he is dead; he has gone to his reward. It is not for me to say where he has gone, although I have a just suspicion. [Laughter.]

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. WATSON. I yield.

Mr. GRONNA. Mr. President, I think it is generally known that on the floor of this body and when I was a Member of the other House I have on various occasions taken the opportunity of criticizing the industry to which the Senator from Indiana refers, that of the packers.

I now desire to say to the Senator from Indiana and to the other Members of this body that for more than a month during the last session of Congress and for more than a month during the present session the Committee on Agriculture and Forestry, of which I happen to have the honor of being chairman, have examined and considered documents which have been taken from the files of the packers, and nowhere can it be shown and at no time has it been charged that the Senator from Indiana has done anything to favor the packers or which in any way could reflect upon him.

I simply desire to make this statement because I think the statement made as appearing in the newspapers is unfair to the Senator from Indiana.

Mr. WATSON. Mr. President, I am very grateful to the Senator from North Dakota for his very just remark. As I have stated here, I never had any relations with the packers—I do not know them, never met one of them, and, of course, never had anything to do with any of them personally or politically. The only charge I made was that certain employees of the Federal Trade Commission were guilty of socialistic activities; and there is no use to throw mud, there is no use to fill the air with dust on a proposition of that kind. The question is, Is it true? And the only way to determine its truth is to investigate it. If it be true, anything that they may say against me can not injure the case or help those who may be convicted; if it be not true, then there is no use to throw mud, because the result will be the vindication of these men and of the Federal Trade Commission, which has employed them.

Senators, with me the question of socialism has been a lifelong study. I have perhaps made more speeches against socialism than any other man of my age who has not regularly been in the Chautauqua business in this country, and even on the Chautauqua platform over and over again I have inveighed in the most vigorous fashion against socialism and the socialistic tendencies of the time. At this particular juncture, when we are threatened with a coal strike, when, in fact, we are

threatened with a universal strike of all labor, when off yonder in the distance, like a great, ominous cloud hovers the threat of a railroad strike, and when there is actually in progress a steel strike, it occurred to me that now is the time to sort out the socialist from the man who believes in American citizenship, in constitutional government, and in dealing with the great problems that confront and perplex us as a people in a sane and sober fashion. My firm belief is that the great body of American labor everywhere, wheresoever employed, is absolutely honest and absolutely patriotic; but there is the walking delegate, there is the socialist, there is the anarchist, there is the Bolshevist, there is the man who would overturn all of these institutions, built up at such great sacrifice, and convert this Government into a Russian soviet. Against that I direct my face, and I intend to continue in that course so long as I remain in this body.

I have no other ambition except to serve as a Senator of and for my people, and while I am a Member here I propose to hit socialism and anarchy whenever and wherever these hydra-headed monsters raise themselves, and no mud slinging can deter me from that course.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, October 24, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *October 23, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be graciously near to us, Almighty God our Heavenly Father, as we thus pursue the journey of life through another day. Quicken our perceptions, broaden our views, uphold, sustain and guide us in all the duties Thou hast laid upon us, that we may prove ourselves worthy of such preferment. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

HAZING IN THE NAVAL ACADEMY.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to publish in the RECORD the reply made by the Secretary of the Navy and the Superintendent of the Naval Academy to House resolution 326, introduced by my colleague from Pennsylvania, Mr. KELLY. Inasmuch as this information will be useful to many Members who have made similar inquiries, I make this request. I have consulted with my colleague, Mr. KELLY, and he is satisfied.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to publish in the RECORD the response of the Secretary of the Navy and the Superintendent of the Naval Academy to House resolution 326, as stated. Is there objection?

There was no objection.

The response is as follows:

THE SECRETARY OF THE NAVY,
Washington, October 17, 1919.

Hon. T. S. BUTLER,
Chairman House Naval Affairs Committee,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying to your letter inclosing resolution introduced by Representative KELLY of Pennsylvania, H. R. 326, the matter was brought to the attention of Admiral Scales, superintendent of the academy, and I am inclosing you herewith his letter and accompanying documents requested in said resolution.

Sincerely, yours, JOSEPHUS DANIELS.

—

IN THE HOUSE OF REPRESENTATIVES,
October 8, 1919.

Resolved, That the Secretary of the Navy be directed to furnish to the House the following information:

(1) Whether or not published accounts of the recent attempted suicide of two midshipmen in attendance at the United States Naval Academy at Annapolis are true, and if true, complete details in connection therewith.

(2) The extent of "hazing" in the Naval Academy, and the practices pursued in such hazing.

(3) The number of midshipmen who have resigned from the Academy during the past year and the reason therefor.

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., October 16, 1919.

MY DEAR MR. SECRETARY: Replying to your letter of the 10th of October, inclosing one from Representative M. CLYDE KELLY of Pennsylvania, I have to inform you as follows:

1. Midshipman Philip H. Seltzer, of Pennsylvania, attempted to commit suicide on Sunday, the 5th of October. He cut himself with a pocket knife and drank a quantity of ink. The Permanent Medical Examining Board states that he was suffering from phychosis, manic, depressive, and that the underlying neuropathy existed prior to entrance to the Naval Academy. Midshipman Seltzer has stated explicitly that his act was not due in any manner to hazing or running. A copy of his statements is attached hereto.

Midshipman Henry Clay Wetherstine drank a small quantity of iodine on Tuesday, October 7. It is not believed that this was a bona fide attempt upon his life, and there is lack of anything to base the belief that it was due to any ill treatment of any kind. He has made the explicit statement that it was not due to hazing or running. A copy of his statement is also attached. These are the only two reported attempts on the part of midshipmen to attempt suicide.

2. Since the occurrences noted above, every effort possible has been made to ascertain the extent of hazing practices at the academy. Several letters have been received which have alleged that hazing practices existed. Not in one of these cases has anything been advanced in the nature of a clue to assist the superintendent in determining the true state of affairs. No one has given any names, any dates, any facts, or stated any definite form that this alleged hazing has taken. The superintendent has examined closely into every complaint, no matter how indefinite, and has found not one bit of evidence to show that hazing exists at the Naval Academy. He has from the admissions of Midshipmen Seltzer and Wetherstine been led to believe that a mild form of running does exist, but neither Seltzer nor Wetherstine nor anyone else will disclose a single name, date, or definite fact. The superintendent reiterates his absolute disapproval of and aversion to any form of hazing or running, no matter how mild, and again states that he has used and will use every possible means to bring any offender to punishment.

3. The answer as to the number of resignations during the past year and the reasons therefor is appended. The reasons given in the appendix are those stated on the face of the resignation, which are believed to be in no sense exhaustive, but to state the writer's general state of mind. It is believed that the reasons may be summed up as follows: First, the signing of the armistice took away the incentive to remain in the naval service, as the necessity for them to do their part in the war ceased with the armistice; second, after a short trial many midshipmen realize that they are not suited to a naval career and very sensibly wish to resign; third, many find the course of study, the drills, the athletics, and the necessary discipline harder than they expected and not suited to their inclinations; fourth, the fact that the papers have so widely advertised of late the high cost of living and the difficulty a naval officer has to live upon his pay, creates a spirit of unrest among the midshipmen, and leads them to ask why they should undergo a four-year course of strenuous training to gain in the end a position with not enough pay to meet their necessities; fifth, for some unknown reason a rumor has lately persisted among the midshipmen that Congress intended to pass an act which would require them to remain in the service for at least 20 years after graduation; sixth, stories that many naval officers have desired to resign and could not do so have affected some midshipmen with a desire to leave the Naval Academy before graduation; seventh, there is a spirit of unrest at the Naval Academy with no adequate underlying foundation, just as there is in the rest of the country, and the "release fever," which swept over both the Army and Navy immediately after the close of the war, has had a marked effect upon the regiment of midshipmen.

Very respectfully,

A. H. SCALES.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy,
Navy Department, Washington, D. C.

—

UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 7, 1919.

From: Midshipman Philip H. Seltzer, fourth class.
To: Commandant of midshipmen.
Via: Commanding officer and superintendent, United States Naval Academy.
Subject: Statement requested.

1. In compliance with verbal orders, I hereby submit the statement requested concerning the act which I committed on the afternoon of October 5, 1919.

2. At about 4.30 p. m. on the afternoon of October 5, 1919, I attempted to end my life while in my room, aided with a jackknife, ink, and a small bottle of iodine.

3. When I came in I did not like the service very much. However, I got along all right in drills until about one week ago, when the upper classmen came back. After that I was pretty far behind in every drill, and I just couldn't keep up with my work. I then began brooding over my grades in class, and this led to discouragement and worry. I was hazed a little.

4. As soon as the academic year begun our rooms were changed. Although my roommate was a pretty nice sort of a chap, whom I liked, I still was troubled, worried, and despondent, for the reason that I feared I would bilge, and did not have the courage to face the criticism of my people back home if I were dismissed.

P. H. SELTZER.

[1st indorsement.]

UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 7, 1919.

To: Commandant of midshipmen.
Via: Superintendent.
1. Forwarded.

JAMES G. FIELD.

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UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 8, 1919.

From: Midshipman Philip H. Seltzer, fourth class.
To: Commandant of Midshipmen, via aide to commandant.
Subject: Additional statement re attempted suicide.

1. As I said in my former statement, I was behind in everything and was worried and discouraged, and was anxious to get out because I was behind in everything, studies and drills.

2. In regard to hazing, it added a little, but if it had not been for the worry about studies, the little hazing would not have caused me to do it. This hazing was not real hazing but just running. Some upper classmen came into my room and made me stand attention. I always did this before they made me. They asked me questions such as "Where are you from?" "What is your name?" "How old are you?" etc., but none that I didn't want to answer. It wasn't really hazing.

3. I don't know the names of the upper classmen, but I might know some of them by sight.

(Signed) P. H. SELTZER.

UNITED STATES NAVAL HOSPITAL,
Annapolis, Md., October 9, 1919.

From: Midshipman H. C. Wetherstine, fourth class, United States Navy.
To: Commandant of Midshipmen, via aide to commandant.
Subject: Statement in regard to attempted suicide.

1. I drank the iodine hurriedly and without thinking, on the impulse of the moment. I didn't stop to pour it out, but just grabbed the bottle and drank it.

2. I didn't want to come to the Academy, and my mother didn't want me to come, but my father did. I didn't like it from the beginning, but stayed through the summer, not to disappoint my father and to give it a test. When the academic year opened I got behind in studies and didn't like the atmosphere of the whole place.

3. I was not subjected to any hazing. I was run, like the rest and no more than others of my class, such as standing at attention, doing stoop falling, answering questions, etc. It wasn't the running, it was just that I couldn't stand the whole place. I could never get along here, and that made it hard. I asked my father to let me resign, and he didn't want me to. I thought I could never get along here, and that made it hard, and I wanted to get out. I don't blame it on any running or hazing or any particular thing.

4. There was no immediate reason or particular thing which caused me to drink it. Nothing unusual had happened just before it. I had just got back from drill and was discouraged and depressed. I don't know what made me do it.

(Signed) HENRY CLAY WETHERSTINE.

Number of resignations from Oct. 1, 1918, to and including Oct. 16, 1919 (including acceptances pending on last mentioned date).

RECAPITULATION.

	Voluntary.				Physically disqualified.				Deficient in studies.				Recommended for dismissal but resignation accepted in lieu thereof; or required to resign for some reason other than the foregoing; or resignation accepted "for the good of the service."				Total.
Classes	First.	Second.	Third.	Fourth.	First.	Second.	Third.	Fourth.	First.	Second.	Third.	Fourth.	First.	Second.	Third.	Fourth.	
October, 1918	1		1	9				4									15
November, 1918				12													12
December, 1918	1		3	19				4					1				28
January, 1919	1			9													10
February, 1919			3	7					1		4	35	1				51
March, 1919			2	4							1						7
April, 1919	1		3	5								2					11
May, 1919	1		5	10					1		9	19	1				46
June, 1919				1	6			10			8	4					29
July, 1919			1	2		1	1										5
August, 1919	1	1	6	6	1		1										16
September, 1919		1	10	2													13
October, 1919		[1]2	[2]15	[3]9			[4]1										27
Total	6	4	49	95	7	1	3	18	2		22	60	3				270

[1] Second class, 1 acceptance pending. [2] Third class, 5 acceptances pending. [3] Fourth class, 4 acceptances pending. [4] Acceptance pending.

First class	18
Second class	5
Third class	74
Fourth class	173
Grand total	270

Resignations—Reasons.

FIRST CLASS.

Number.
3 Physically disqualified, required to resign upon graduation.
4 Physically disqualified, required to resign.
5 Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to his physical condition or on account of his inability to cope with the course, or because he desired to begin or resume college studies, or to enter Army for more active service.)
1 Recommended to be dismissed, but resignation was accepted.
2 Required to resign; deficient in studies.
2 Recommended to be dismissed, but resignation was accepted for the "good of the service."
1 Voluntary; dissatisfied.

Total 18

SECOND CLASS.

1 Physically disqualified; required to resign.
1 Voluntary; physically disqualified; requested permission to resign.
1 Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to his physical condition or on account of his inability to cope with the course, or because he desired to begin or resume college studies, or to enter Army for more active service.)
1 Voluntary; dissatisfied; father wanted him to enter business with him.
1 Voluntary; dislike for service; submitted statement that resignation is not due to "discipline, new régime, or morals of the regiment." (Acceptance pending.)

Total 5

THIRD CLASS.

1 Voluntary; "dissatisfied with life at academy * * *; dissatisfaction is not result of any disagreeable treatment at academy, for as a fourth classman * * * I was not hazed or run."
3 Required to resign; physically disqualified. (Acceptance of one pending.)
22 Required to resign; deficient in studies.
27 Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to his physical condition or on account of his inability to cope with the course or because he desired to begin or resume college studies or to enter Army for more active service.)
1 Voluntary; unsatisfactory in studies.
1 Voluntary; unsatisfactory in studies and "the fact that he is addicted to certain habits which affect his mental and physical condition."
1 Voluntary; stated he had been discriminated against in the assignment of marks and studies; after careful consideration it was found no discrimination had been shown.
4 Voluntary; physical disability.
1 Voluntary; resigned on account of having been turned back.
3 Voluntary; support needed at home.
1 Voluntary; sought appointment against parents' wishes, who later requested him to resign.
1 Voluntary; financial prospects not sufficient to justify continuance as assistance needed at home.
1 Voluntary; desired to attend college near home on account of mother's physical condition.
1 Voluntary; incapable of continuing.
1 Voluntary; inherited business requires personal attention.
2 Voluntary; no reason given, but separate statement submitted indicates resignation is not due to hazing, food conditions, or internal disturbances in the regiment. (Two acceptances pending.)
1 Voluntary; states resignation is due to father's desire that he leave the service. Further states resignation is not due to "discipline, morals, or customs of the regiment." (Acceptance pending.)
2 Voluntary; dislike for service. State resignation not due to hazing or because of any recent occurrences at the Naval Academy. (Acceptances pending.)

Total 74

FOURTH CLASS.

60 Required to resign; deficient in studies.
2 Voluntary; desired to pursue another profession.
1 Voluntary; unsatisfactory in studies and discontented.

Number.	
44	Voluntary; dislike for service. (Embracing all those cases where merely dislike for the service was given, as well as those cases where, in addition to dislike for the service, the midshipman stated that his resignation was due to physical condition, or on account of his inability to cope with the course, or because he desired to begin or resume college studies or to enter Army for more active service.)
18	Required to resign; physically disqualified.
16	Voluntary; unsatisfactory in studies or considered incapable of continuing.
5	Voluntary; services needed at home.
12	Voluntary; physical disability.
1	Voluntary; tendered resignation because he had been turned back (turned back for hazing); resignation accepted for "good of service."
1	Voluntary; considered himself "temperamentally unsuited" for the service.
1	Voluntary; but reasons not known.
1	Voluntary; parents requested him to resign; had entered against their wishes.
1	Voluntary; no reason given, but submitted separate statement in which he states resignation is not due to hazing, food conditions, or internal disturbances. (Acceptance pending.)
1	Voluntary; resigned because he was not advanced to third class.
4	Voluntary; dissatisfaction or dislike for service. (Embracing those cases where the midshipmen concerned submitted statements to the effect that their resignations were in no way due to hazing or running or to strict discipline or food conditions.) (Two acceptances pending.)
1	Voluntary; does not like service; entered at parents' request.
2	Voluntary; "dissatisfied."
1	Voluntary; had used unfair means on entrance examinations.
1	Voluntary; unable to keep up with "rigidness and exactness of N. A."; but resignation not due to hazing, running, or immoral treatment. (Acceptance pending.)
Total--- 173	

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2890. An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes; and

S. 3037. An act to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment the bill (H. R. 9782) to regulate further the entry of aliens into the United States, in which the concurrence of the House of Representatives was requested.

TITLE TO MINERAL LANDS IN UTAH.

Mr. WELLING. Mr. Speaker, I ask unanimous consent to print in the RECORD, without reading, a joint memorial from the Legislature of the State of Utah, passed at a special session last week, respecting the question of title to mineral lands granted to the State under the enabling act approved July 16, 1894.

The SPEAKER. The gentleman from Utah asks unanimous consent to print in the RECORD certain resolutions passed by the Legislature of the State of Utah. Is there objection?

There was no objection.

The memorial referred to is as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

This is to certify that the document hereto attached is a true copy of senate joint memorial No. 1, passed by the Legislature of the State of Utah at a special session convened on the 29th day of September and adjourned on the 6th day of October, 1919, petitioning the Congress of the United States to pass necessary legislation to determine the question of title to mineral lands included in sections of public lands granted to the State under the enabling act, approved July 16, 1894, and for other purposes, as the same now appears of record in said office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah at Salt Lake City, in said State, this 17th day of October, 1919.

[SEAL.]

HARDEN BENNION,
Secretary of State.
By JERROLD R. LETCHER,
Deputy.

Senate joint memorial 1.

Petitioning the Congress of the United States to pass necessary legislation to determine the question of title to mineral lands included in sections of public lands granted to the State under the enabling act, approved July 16, 1894, and entitled "An act to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States."

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the governor and the Legislature of the State of Utah, respectfully represent that:

Whereas the United States, by section 6 of an act approved July 16, 1894, entitled "An act to enable the people of Utah to form a constitution and State government and be admitted into the Union on an equal footing with the original States," granted to the State of Utah for the support of common schools certain sections of every township in said State, to wit, sections 2, 16, 32, and 36, and provided for lands in lieu thereof where said named sections or any part thereof in any township were unavailable; and

Whereas in said same act it was provided that certain public lands were to be granted to the State upon its admission into the Union for the purpose of constructing public buildings and for the university and agricultural college, and for the purpose of building permanent water reservoirs for irrigating purposes, and for the establishment and maintenance of an insane asylum, and for the establishment and maintenance of a school of mines, and for the establishment and maintenance of a deaf and dumb asylum, and for the establishment and maintenance of a reform school, and for the establishment of a State normal school, and for the establishment and maintenance of an institution for the blind, and for a miners' hospital for disabled miners; and

Whereas the State of Utah has sold and disposed of large parts of said lands so granted by the United States under the impression and with the understanding that it had full title thereto regardless of whether said lands were mineral or otherwise; and

Whereas said grantees purchased said lands under the impression and understanding that the title in said lands was in the State; and

Whereas it was the understanding and impression of the executive officers dealing with said lands, and of the State of Utah, that said lands were granted by said enabling act to the State of Utah with all mineral rights included; and

Whereas the Supreme Court of the United States, in the case of the United States against Sweet, administrator of Sweet, has held that the school section granted, contained in the enabling act and known as section 6 of said act, was not intended to embrace the land known to be valuable for coal, and has further held that lands known to be mineral at the time of the taking effect of said grant were reserved to the United States; and

Whereas said decision has worked a hardship on those purchasers who purchased school lands under the impression and with the understanding that they obtained full title from the State; and

Whereas the State of Utah is unable to determine in any case just what lands were known to be mineral at the time of the taking effect of said grant, and is thus unable to determine just what lands the State of Utah has title to and what it has not title to, and is unable to assure purchasers or prospective purchasers as to the title to such lands; and

Whereas lands which are now found to contain minerals or thought to be mineral lands upon investigation by the Department of the Interior, and which were included in the sections conveyed by the United States to the State of Utah and sold by the State of Utah to purchasers for the purposes designated in the enabling act, are being disposed of or attempted to be disposed of by the Department of the Interior as property of the United States; and

Whereas in each case where said attempted disposition is made by the United States a contest between the State and the United States, or between a purchaser of the United States and the State, or between a purchaser of the State and the United States, is entailed; and

Whereas there have been a great many of such contests, and under the present state of affairs a likelihood of many more contests of like nature will take place, leading to the unsettlement of titles and supposed rights, and will tend to confusion; and

Whereas the State of Utah is unable to determine in many cases just exactly what land it owns, and therefore what it may sell, to the great detriment of the common-school funds and the purposes for which said lands were granted; and

Whereas it is deemed that said state of affairs should be remedied by proper legislation of Congress: Now, therefore

The governor and the Legislature of the State of Utah respectfully petition that necessary legislation be enacted by the Congress of the United States whereby it may be determined what sections granted by the enabling act to the State of Utah for the purposes therein mentioned belong to the State of Utah, and that some certain and workable method be instituted for determining without contest in each particular case what lands sold by the State to purchasers really belong to the said purchasers or belong to the United States.

Passed October 4, 1919.
Approved October 8, 1919.

EXTENSION OF REMARKS—LEAGUE OF NATIONS.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CONTESTED-ELECTION CASE—TAGUE AGAINST FITZGERALD.

The SPEAKER. The Chair recognizes the gentleman from Maine [Mr. GOODALL].

Mr. WALSH. Mr. Speaker, this is an important matter, involving some of the highest privileges of the House, and I think there ought to be a larger attendance here to hear the discussion. Therefore I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not.

Mr. WALSH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fuller, Mass.	Lee, Ga.	Rouse
Andrews, Md.	Gandy	Little	Rowan
Anthony	Ganly	McClintic	Sabath
Barkley	Garner	McCulloch	Saunders, Va.
Bell	Garrett	McKinley	Schall
Benson	Godwin, N. C.	McKinley	Scully
Boies	Goldfogle	McLane	Sells
Booher	Goodwin, Ark.	McLaughlin, Nebr.	Siegel
Brand	Goodykoontz	Maher	Sinclair
Britten	Gould	Mann, Ill.	Sisson
Brumbaugh	Graham, Pa.	Moon	Smith, Ill.
Burdick	Graham, Ill.	Moore, Pa.	Smith, N. Y.
Burke	Greene, Vt.	Moores, Ind.	Smithwick
Campbell, Kans.	Hamill	Mott	Snyder
Cantrill	Haskell	Mudd	Steele
Carew	Heflin	Newton, Mo.	Steenerson
Clark, Fla.	Hersman	Nicholls, S. C.	Stephens, Miss.
Copley	Hicks	Nichols, Mich.	Stevenson
Costello	Hill	Nolan	Sullivan
Cramton	Howard	O'Connor	Sumners, Tex.
Cullen	Hulings	Ogden	Swope
Davis, Minn.	Ireland	Parker	Taylor, Ark.
Dempsey	Jefferis	Pell	Taylor, Tenn.
Dent	Johnson, Ky.	Peters	Thomas
Donovan	Johnson, Miss.	Phelan	Tincher
Dooling	Johnson, S. Dak.	Porter	Upshaw
Drane	Johnston, N. Y.	Pou	Vare
Eagan	Kahn	Rainey, Henry T.	Vinson
Eagle	Kelley, Mich.	Rainey, John W.	Wheeler
Ellsworth	Kendall	Randall, Calif.	Wingo
Emerson	Kennedy, Iowa	Reed, N. Y.	Wise
Ferris	Kiess	Riddick	Woodyard
Fess	Kincheloe	Riordan	Zihlman
Fields	Kreider	Robinson, N. C.	
Fordney	LaGuardia	Robsion, Ky.	
Frear	Langley	Rodenberg	

The SPEAKER. Two hundred and ninety Members have answered to their names, a quorum.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. GOODALL. Mr. Speaker, by direction of the Committee on Elections No. 2, I call up the contested-election case of Tague versus Fitzgerald, and pending that I desire to make an arrangement upon time for debate. I ask unanimous consent that debate be confined in time to four hours and a half, that the chairman of the committee have control of 1 hour and 45 minutes of that time, that the gentleman from Georgia [Mr. OVERSTREET] have control of 2 hours, and the gentleman from Massachusetts [Mr. LUCE] have control of 45 minutes; that at the conclusion of debate the previous question shall be considered as ordered on the resolution of the committee and two substitutes, one to be offered by the gentleman from Georgia [Mr. OVERSTREET] and one by the gentleman from Massachusetts [Mr. LUCE]; and that the chairman of the committee be permitted to yield time to the contestant.

The SPEAKER. The gentleman from Maine, chairman of the Committee on Elections No. 2, calls up the contested-election case of Tague versus Fitzgerald, and asks unanimous consent that there be four hours and a half of debate, one hour and three-quarters of that time to be controlled by himself, 2 hours by the gentleman from Georgia [Mr. OVERSTREET], 45 minutes by the gentleman from Massachusetts [Mr. LUCE]; that at the end of that time the previous question shall be considered as ordered on the resolution of the committee and on one substitute to be offered by the gentleman from Georgia [Mr. OVERSTREET] and one to be offered by the gentleman from Massachusetts [Mr. LUCE]; and further, that the chairman of the committee shall be permitted to yield time to the contestant. Is there objection?

There was no objection.

Mr. GOODALL. Mr. Speaker, your committee has held many meetings and carefully studied the voluminous testimony taken in Boston before notaries public given by sworn witnesses in the contested-election case of Tague against Fitzgerald. This testimony gave overwhelming evidence of the illegal registration of voters in ward 5 in Boston, particularly in precincts 4, 8, and 9. The contestee introduced no evidence to refute these charges. It is the opinion of seven out of nine of the committee that in order to punish the perpetrators of this fraud that the contestee, Mr. Fitzgerald, should be unseated. The gentleman from Massachusetts [Mr. LUCE] agrees with the majority of your committee as to the fact that there was a wholesale illegal registration in that ward, but does not agree as to the proper remedy. The other six of your committee are of the opinion that on acccount of this illegal registration in these precincts the entire vote of precincts 4, 8, and 9 of ward 5 should be thrown out, for which action there are innumerable precedents in the reports of contested congressional election cases. The gentleman from Massachusetts [Mr. LUCE] favors a new election. This, in the opinion of the majority of your committee, would be very unfair and unjust to the contestant, inasmuch as the principal fraud and illegal registration claimed existed primarily in these three precincts, and so far as the evidence shows, the vote of the remainder of the congressional district remained apparently pure. Provided, however, that there should be a new election, it is but fair to presume that Mr. Martin Lomasney, the so-called political boss of ward 5 in Boston, would pursue his usual illegal practices, which have admittedly been in vogue for 20 or more years; in fact, he has been at this game for so long that it has practically become a habit. "A leopard can not change his spots." The minority views claim that the contestant, Mr. Tague, does not come into court with clean hands, inasmuch as he was formerly elected to Congress under these illegal practices, and so received the benefit of them. I contend that he did not receive any benefit from these illegal practices in his prior election, for if all of the ballots in ward 5 had been thrown out, he would still have had a plurality of about 2,000. In the present case the ballots cast in ward 5, on the face of the returns, showed that the contestee, Mr. Fitzgerald, was elected by a plurality of less than the ballots of these three precincts, and consequently he benefited by this illegal registration. Therefore the two cases are not parallel.

It is the opinion of the majority of your committee that the contestee, Mr. Fitzgerald, be unseated, and that the contestant, Mr. Tague, be seated, thus teaching Mr. Lomasney and his willing tools, while they have been able to put this fraud over the people of Boston for a good many years, that they can not ride Congress in the same manner. [Applause.]

Mr. Speaker, I wish to reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker——

Mr. GALLIVAN. May I ask how much time the gentleman used?

The SPEAKER. Five minutes. The gentleman from Georgia is recognized for two hours.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. A moment ago when I was discussing this matter as to its disposal with the chairman of the committee I understood that Mr. LEHLBACH was to follow.

Mr. LEHLBACH. Mr. Speaker, I make the point of order the gentleman has not the floor.

Mr. GALLIVAN. He is making a parliamentary inquiry.

Mr. LEHLBACH. That is not a parliamentary inquiry.

Mr. GALLIVAN. That is for the Chair to decide.

Mr. FITZGERALD. Mr. Speaker, I wanted the House to understand there was some misunderstanding. And I think the gentleman from New Jersey should be courteous enough to this side of the House to permit my statement to be made in all honor.

Mr. OVERSTREET. Mr. Speaker, in an ejectment suit at common law the plaintiff must recover on the strength of his own title and not upon the weakness of defendant's title. The contestant, Mr. Peter F. Tague, has attacked the title to the office now held by the contestee, Mr. Fitzgerald, and the law of the land and the precedents adopted by Congress cast upon Mr. Tague the burden of proving the charges he has made in order for you to unseat the contestee.

Mr. Speaker, I confess I went into the investigation of this case with my mind inclined toward the side of the genial and affable gentleman, the contestant. We are all human beings, and none of us are perfect. I had heard the story from one Member and another of how the contestant had been defrauded

in the election, and unconsciously my mind had become inclined toward contestant's side of the case before I had ever read the record or given it any study. I repeat that when I undertook to investigate the merits of this controversy I was just a little bit prejudiced against the contestee, because no one had spoken to me about his side of the question, and unconsciously I found myself leaning against him. Possibly some of you gentlemen can appreciate my position. You have served with Mr. Tague in this House for the past four years. You have learned to like him, as he has a cordial handshake and a pleasant smile for everyone, and I know you must have been impressed with the story you heard concerning the wrongs he suffered at the hands of Mr. Fitzgerald and Martin Lomasney, the alleged political boss of ward 5 in the city of Boston. I shall ask you to lay aside any bias or prejudice that may be resting on your minds either for or against the parties so deeply interested in the result of this contest, and follow me while I undertake to show you how I reached the conclusions set forth in the minority views filed by myself and Mr. JOHNSTON of New York. When you are called upon to pass on the title of the office of one of your fellow Members you are asked to discharge a very sacred and solemn duty. You should approach the trial of this case with the same feeling of responsibility that an impartial jury entertains when it is empaneled to decide questions submitted to it for its consideration.

I have no personal interest in the case. I am a member of the Committee on Elections to which the contest was referred, and I am simply trying to discharge my duty as a member by giving to you the reasons that impelled me to dissent from the majority report.

A number of charges are made by contestant, but the committee found no evidence to sustain the charges of bribery, coercion, and intimidation. The majority of the committee, however, were of the opinion that fraud existed to such an extent in ward 5 that they were authorized to throw out the three election precincts in that ward, which would give the election to Mr. Tague. I dissented from this view, and before I shall conclude my argument I shall endeavor to convince you that my position is correct.

Mr. Tague stated before the committee and also in his brief that there were several hundred ballots cast for him with stickers thereon without a cross, and if these ballots were counted for him there would be more than enough of such ballots to overcome contestee's plurality. Under the laws of the State of Massachusetts a vote for a candidate can not be counted unless the voter makes a cross mark on the ballot opposite the name of the person he intends to vote for. The contestant was defeated in the Democratic primary and ran as an independent candidate. He demanded a recount of the ballots in the primary election, and contends that owing to the delay incident to the recount he was unable to have his name printed on the regular ballot and was forced to use stickers or pasters, on which his name was printed. These stickers were mailed by Mr. Tague and his friends to the voters of the district, with instructions how to use them; but when the election was over it was discovered that a number of these ballots, with the name of Peter F. Tague on them, were without a cross, as required by law, and were not counted by the election officials. Mr. Tague laid great stress on the fact that if these ballots which I have described were counted in his favor he would be elected. The committee unanimously agreed that these contested ballots should be brought before us, and accordingly we sent for them. One by one we carefully examined these ballots, and every ballot with the name of Peter F. Tague, John F. Tague, William H. Tague, or simply Tague, although it had no cross, as required by the Massachusetts law, was counted for Mr. Tague.

The committee decided that if the voter went to the trouble to paste a sticker on the ballot with Mr. Tague's name on it, even though the ballot did not have the cross, it clearly showed that the intention of the voter was to vote for Mr. Tague, and, as I have stated, every one of such ballots was counted for Mr. Tague, and Mr. Fitzgerald is still ahead by several votes. The committee even went further than that. There were among the contested ballots 10 blank ballots that were not counted by the election officials for anyone. These ballots had on them the name of Mr. Fitzgerald and the name of the Republican candidate for Congress, but there was no cross opposite either of these names, and as it was impossible to ascertain for whom the voters intended to vote, these ballots were not counted for anyone, but, as I have stated, the committee counted these 10 blank ballots for Mr. Tague, for the reason the majority of the committee contended there was a cross below the names on the ballot opposite a blank space, and the presumption was that at one time stickers had been pasted on them and had dropped off, but there was no evidence before the committee to this effect, and no stickers were found among the ballots. As the case stood after an examination of the ballots, when the committee gave Mr. Tague everything he claimed, contestee had a plurality of 10 votes. To overcome these 10 votes so that contestant could win it was only necessary to prove 11 cases of illegal registration.

Mr. BLANTON. Will the gentleman yield right there? Will the distinguished gentleman from Georgia yield for a question?

Mr. OVERSTREET. Certainly.

Mr. BLANTON. If I understand the gentleman, Mr. Tague ran against Mr. Fitzgerald in the Democratic primary and was defeated?

Mr. OVERSTREET. That is correct.

Mr. BLANTON. And that he did not abide by the decision of the primary, and he then, after being defeated in the Democratic primary, ran as an independent candidate and was again defeated.

Mr. OVERSTREET. The gentleman from Texas is correct, and now he brings his contest to this House. He comes before the House and says he is defrauded out of the election, and I would like to ask you gentlemen of the House if it is not usually the case in a close election that charges of fraud and corruption are made?

Mr. SHERWOOD. How many votes was Mr. Tague defeated by in the primary?

Mr. OVERSTREET. Fifty votes. I shall be glad to answer any questions, because I have carefully studied this case with a view to ascertaining the truth.

Mr. JUUL. I would like to ask the gentleman from Georgia what was the result of the primary contest in which Mr. Tague failed to win? In other words, what was the verdict of his party in the matter of votes? What was the difference?

Mr. OVERSTREET. As I stated a few minutes ago, Mr. Tague was defeated by 50 votes in the Democratic primary.

Mr. JUUL. Will the gentleman answer me further?

Mr. OVERSTREET. I will try to do so.

Mr. JUUL. Did Mr. Tague allege fraud in the primary election?

Mr. OVERSTREET. Yes; he alleged fraud in the primary, but this committee did not undertake to find out whether there was fraud in the primary or not. We went thoroughly into all the questions of fraud in the election. The contestant charged that there was bribery, coercion, intimidation, bossism, and fraud, but this committee found that none of these charges were sustained, except that a majority decided there was sufficient evidence of colonization in ward 5 as to authorize them to throw out the three election precincts in that ward.

Mr. HUDSPETH. Will the gentleman yield?

Mr. OVERSTREET. Yes, sir.

Mr. HUDSPETH. I would like to ask the gentleman a question. I have understood there were some voters that did not spell Mr. Tague's name correctly. Were those votes counted for Mr. Tague?

Mr. OVERSTREET. Yes; every one of such votes as you mention was counted for Mr. Tague, whether his name was correctly or incorrectly spelled.

Mr. HARDY of Texas. And still he did not have enough?

Mr. OVERSTREET. No; Mr. Tague still lacked a sufficient number of votes to elect him after all these ballots were counted for him, as I have just explained.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. RICKETTS. I understand the committee gave him the benefit of these votes. But you gave it to him because you felt it was the intention of the voter to vote for him?

Mr. OVERSTREET. Exactly.

Mr. RICKETTS. You did not give him any favor, but simply tried to carry out the intention of the voter?

Mr. OVERSTREET. Exactly so. We knew that we were disregarding the election laws of the State of Massachusetts, but we thought we had a right to see that the voters' intention was carried out if that intention could be ascertained.

Mr. VENABLE. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. VENABLE. I have read the report. I have not had an opportunity to read the hearings. It seems that both the majority and minority of the entire committee agreed on the proposition that the gentleman has been discussing.

Mr. OVERSTREET. Yes.

Mr. VENABLE. After taking all the votes that were cast, and resolving every doubt in favor of Mr. Tague, Mr. Fitzgerald is still elected?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. The majority report, however, proceeds on the theory—and that is the only basis of the majority re-

port—that there was certain illegal registration and voting in certain precincts, and a majority of the committee takes the view that the law requires that these precincts shall be disregarded altogether?

Mr. OVERSTREET. Exactly.

Mr. VENABLE. And reached the conclusion that Mr. Tague is elected by casting out these precincts?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. So that it seems to me that the only material questions in this case before the House are these: First, what is the proof developed at the hearings, if any, that there was illegal registration and voting? And second, if that is established, what is the proper law to apply?

Mr. OVERSTREET. I think the gentleman is stating the proposition correctly.

Mr. VENABLE. I would like to ask another question for my own benefit, because I think that is the thing that my own decision will turn upon. What is the proof that there was illegal registration and voting?

Mr. OVERSTREET. I am going to get to that directly.

Mr. VENABLE. That is the only question at issue, in my opinion.

Mr. OVERSTREET. I did not intend to explain this matter until I got further on in my statement, but I will answer it right here if the gentleman desires.

Mr. VENABLE. I do not want to interfere with the order of the gentleman's speech, but that is the only question in my mind.

Mr. OVERSTREET. You are exactly right. The charges of intimidation, vote buying, and coercion were not sustained.

Mr. HARDY of Texas. How about registration?

Mr. OVERSTREET. I am going to answer that question now. There were in ward 5 of the city of Boston, over 22,000 male citizens on the 1st of April, 1918, six months before the election, yet but only 4,800 of these 22,000 possible voters were registered on election day in November. Could any stronger answer be made to Mr. Tague's charge of colonization? All of the witnesses stated that they were listed and registered in ward 5 where they live, and nowhere else. Now, if these men lived there, intending that it was their domicile, they can not be listed elsewhere, and without listing them they would not be entitled to vote elsewhere. Every man must have a domicile. It is undisputed that he has a right to choose his domicile. In the case of a man having more than one home, he has the right to select either place as his domicile. In the case of men moving from place to place, it is clearly their right to choose their domicile, and the question of "domicile" is a question of intent. Contestant attacks the right of many persons to vote where listed and registered in ward 5, claiming that they have no legal domicile there. There is not one case of illegal registration conclusively proven. There was no proof that a single illegal vote was cast for Fitzgerald. The evidence shows that there are in ward 5 a great many places where men live only for a short while, and who move from place to place. There are many unfortunate men who are compelled by force of circumstances to live in cheap places and to move about continually, but such men undoubtedly have the right to a domicile and the right to vote. These men can not be disfranchised because they happen to live in a different house or on a different street on election day than they did at the time they were listed by the police. In Boston, in order to vote, men must be listed where they reside the 1st day of April. If they are so listed, they have a right to vote from such residence if qualified and registered. All of the witnesses state that they were listed and registered in ward 5 and nowhere else, as I have previously stated.

Mr. VENABLE. Mr. Speaker, will the gentleman yield for another question?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. I understand from the gentleman's report that this district lies in the business part of the city of Boston?

Mr. OVERSTREET. Yes, sir.

Mr. VENABLE. The gentleman says in his report that there are a good many men in the city of Boston who resided at one time in this district whose work carries them into different places?

Mr. OVERSTREET. One minute, please. Mr. Speaker, do these interruptions come out of my time?

The SPEAKER. The Chair ought to state to the gentleman that if he yields any time, he yields his own time.

Mr. OVERSTREET. I want to answer all questions, but I desire to conserve my time as much as possible. Will the gentleman please make his questions short?

Mr. VENABLE. The gentleman contends that these men, because of the registration laws of Boston, because their work carries them around to different parts of the city or the surrounding country, must locate some place as their domicile in order to have their names turned in and in order to qualify to vote under the Massachusetts statute?

Mr. OVERSTREET. You are correct.

Mr. VENABLE. Is there any proof as to these men who have their names given out as voting in those places for fraudulent purposes? Is the proof there? I am assuming that it may be necessary under the statutes of Massachusetts for a man to have had a place as his permanent domicile for voting purposes, although his business necessitated his being elsewhere. Is there any proof that any of these men had their names given out as being domiciled at these various boarding houses and hotels with the fraudulent purpose to vote in that district, when, as a matter of fact, they were domiciled for voting purposes elsewhere, and entitled to vote somewhere else, and hence not entitled to vote in this particular precinct?

Mr. OVERSTREET. I will answer the gentleman's question. I want to say this, however, that I will be glad to answer all questions if I can, provided it does not take up too much time, but I have got to hurry along, as all my time has nearly expired. I will state to the gentleman that the majority of the committee is of the opinion that a number of the voters in this election were fraudulently registered, and that they were not bona fide residents of the district in which they voted. I desire to state, however, that I differ with the majority of the committee on this point, because I do not think that the allegations of fraudulent registration, as made by Mr. Tague, have been proven.

Mr. FITZGERALD. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. FITZGERALD. Does not the evidence show that the name of each one of these men registered from these precincts was given to the police officer who came around for that purpose?

Mr. OVERSTREET. I was going to refer to that. Here is what the record shows. Under the Massachusetts law, when you have registered one time, you are registered for all time, provided you keep your taxes paid, and are properly listed on the 1st day of April each year. The record shows that these men had given their names to the listing officers, as was required by the Massachusetts law, and their names were on the registration list. Some of these men have been voting for several years from the same place. When Mr. Tague was first elected to Congress some of these same men whom he is endeavoring to disfranchise supported him.

Mr. Lomasney, referred to as "Boss Lomasney," was Mr. Tague's strongest supporter at that time, but afterwards he saw fit to support Mr. Fitzgerald, and Mr. Tague now charges that he is a corrupt politician. I take the position that all these men whom Mr. Tague is endeavoring to disfranchise had the right to vote under the evidence before our committee. They were citizens of Boston. They were regularly registered, as required by law. They had not voted at any other election precinct, and proof before the committee utterly failed, in my opinion, to show that there was fraudulent registration.

Mr. JUUL. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. I do not think I can, as I have not the time.

Mr. JUUL. I will make it very brief. I want to ask the gentleman——

Mr. GALLIVAN. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. Just for a minute.

Mr. GALLIVAN. I suggest to the gentleman from Illinois that I am going to talk for a half hour, and he can ask me and I will answer his question.

Mr. JUUL. All right.

Mr. HUDSPETH. Was it shown that any of these gentlemen were not qualified voters or American citizens?

Mr. OVERSTREET. No, sir. On the other hand——

Mr. RANDALL of Wisconsin. What does the evidence show as to the residence of the contestant and contestee? Do they both live in the district?

Mr. OVERSTREET. The evidence is that the contestee lives in an adjoining district.

Mr. RANDALL of Wisconsin. He does not live in that district?

Mr. OVERSTREET. No, sir; I believe that is conceded.

Mr. Speaker, several gentlemen on the floor of the House have asked me concerning the two years' salary that Mr. Fitzgerald offered Mr. Tague if he would retire from the contest. The only evidence there is in the record concerning this matter is the statement of Mr. Tague himself, who said that Martin Lomas-

ney told him that probably Mr. Fitzgerald would be willing to yield to him the salary for two years if he would withdraw his contest. Mr. Lomasney himself denied the statement, and Mr. Fitzgerald testified that he made no such statement to Mr. Tague nor authorized Lomasney or anyone else to make such a proposition to Mr. Tague. Mr. Tague contends that this man Lomasney told him some time during the year 1917, soon after he voted for conscription, that he intended to defeat him for Congress at the next election. Mr. Tague says that from the time he cast that vote in the House, Mr. Lomasney began to fight him and continued the fight until the date of the election, and yet, in March, 1918, judging from a letter written by Mr. Tague to Lomasney, one would conclude that their relations were the most friendly, and in writing the letter to Mr. Lomasney, Mr. Tague addressed him very familiarly as "Dear Martin," and signed himself as "Yours, Pete."

In order to declare him elected, the contestant would have you throw out three election precincts, which would be a very dangerous precedent for this Congress to adopt, and especially in view of the fact the records show that the only evidence pointing to fraudulent registration was given by Mr. Tague himself, who got his information from investigators hired by him to ascertain whether certain voters resided in the district, and Mr. Tague himself testified to what these men told him. This testimony was hearsay, and would have been inadmissible in any court in this country.

I respectfully submit that contestant has not carried the burden successfully, and has not made out his case. This is not a case in which partisan bias or prejudice can take any part, because both gentlemen are Democrats. You are not bound to be governed by the majority report. While it is true that only two members of the committee signed the minority views, I, nevertheless, feel that these views are correct. Being in the minority is no reason why we are wrong. I ask you gentlemen to consider this case carefully. I have no interest in it, except that right shall prevail. I have not covered the ground as I would have liked to do, because my time was limited.

I thank you for your attention, gentlemen. [Applause.]

Mr. GOODALL. Mr. Speaker, how much time has the gentleman used?

The SPEAKER. The gentleman from Georgia has consumed 43 minutes.

Mr. GOODALL. I yield 20 minutes to the gentleman from Missouri [Mr. RHODES].

Mr. RHODES. Mr. Speaker and gentlemen of the House, before beginning what I shall have to say in regard to the merits of this case, I want to call your attention to a few things that have been mentioned by the distinguished gentleman who has just preceded me. Immediately after the convening of the present session of Congress, and after the commencement of the contest, I was informed that there was an election-contest case between Peter F. Tague as contestant and Mr. John F. Fitzgerald as contestee from the tenth congressional district of Massachusetts. I want to say that from that day until Elections Committee No. 2, of which I have the honor to be a member, convened on the 29th day of August of this year, I never heard the case mentioned.

I am a little surprised that my friend who has just spoken had found out so much about the merits of this case that he had even been constrained to make up his mind before the case was considered as to whom was entitled to the seat. I want to say, gentlemen of the House, that I approach the consideration of this case without any personal knowledge of the facts, without a personal acquaintance with either the contestant or the contestee. I maintained that position, gentlemen, from the time the hearings began until this good hour. I want to assure you, and I assure both contestant and the contestee, that I endeavored to qualify as a juror would qualify in the trial of an important case. I have no personal interest in the result of this controversy.

One of the surprising things that attracted my attention was that this is a contest between two Democrats. Mr. Fitzgerald, the sitting Member, and Mr. Tague, the contestant in this case, were Democratic candidates before the Democratic primary in the city of Boston. Mr. Tague, according to the testimony, was defeated by a few votes. The testimony shows, gentlemen of the House, that Mr. Tague complained of the result of the treatment he received in the primary, that he took the case into the court, and before the matter was decided it was too late for him to get his name on the official ballot.

Mr. GALLIVAN. Will the gentleman yield?

Mr. RHODES. I can not.

Mr. GALLIVAN. The gentleman is making a misstatement.

Mr. RHODES. The gentleman will have an opportunity to correct it.

Mr. GALLIVAN. I will correct it.

Mr. RHODES. I have only 20 minutes, and I feel that I can not yield. I was about to say, when interrupted by the gentleman from Massachusetts, that the only means by which Mr. Tague had to get his name on the official ballot was to have it placed there by the voters on election day, which they did in surprisingly large numbers.

And I want to say, Mr. Speaker, that a man whose name was not printed upon the official ballot, a man who could, through his friends upon election day, by means of attaching stickers on the ballots and by means of writing his name thereon, make the race that Peter Tague did certainly accomplished a remarkable feat.

The testimony in this case shows that on the face of the returns Mr. Fitzgerald received a plurality of 238 votes. The further testimony in the case shows that 1,304 votes were challenged. The further proof is that out of 1,304 votes there were 14 challenged votes, and there were 6 soldier votes. The facts in the case further show that the committee asked an order on the part of this House directing the election commissioners to bring these contested ballots before the committee. In due time these votes came, and they were laid before the committee, as the gentleman from Georgia [Mr. OVERSTREET] has stated. The committee went through these ballots one by one, and whenever it occurred that the name of Peter Tague was there written in pencil, in ink, or appeared in the form of a sticker your committee decided that that was the highest evidence of the intention of the voters, and therefore counted the vote for Mr. Tague.

Mr. JACOWAY. Mr. Speaker, will the gentleman yield for a short question there?

Mr. RHODES. Yes.

Mr. JACOWAY. The question I want to ask is this: On the face of the returns what did they show Mr. Fitzgerald was elected by?

Mr. RHODES. By 238 plurality. Enough of these ballots bearing the stickers on which the name of Peter Tague appeared and on which the name of Peter Tague had been written were found to reduce the plurality to a bare margin of 10 votes, and I want to say to the gentlemen of the House that in this view the gentleman from Georgia [Mr. OVERSTREET] concurred with the majority of this committee, and the gentleman from Massachusetts [Mr. LUCE], who has filed a separate dissenting opinion, also concurred.

Mr. FITZGERALD. Mr. Speaker, may I ask the gentleman a question there?

Mr. RHODES. If it is short.

Mr. FITZGERALD. Does that include the six votes given to me by the soldiers, which came in late?

Mr. RHODES. That did not include the six votes, five of which had been counted for Mr. Fitzgerald, to which he refers. Neither did it include the 14 ballots which had been challenged and which had been challenged as fraudulent.

Mr. FITZGERALD. Twelve of those votes were for me, and were not counted.

Mr. RHODES. Mr. Speaker, I have requested the gentleman to please not interrupt me further, because I have only 20 minutes of time. I wish to reinforce what I said a moment ago, that I approach this case without any bias, without any prejudice, without any personal or partisan feeling, and without any interest in the result. I am just endeavoring to give you a fair, square statement of the facts in the case, as they revealed themselves to the committee during the investigation. I might say at this time that this is a remarkable case, not only because it comes from the great city of Boston but it is remarkable because it presents itself to this body in three separate reports—a majority report, acquiesced in by six members of the committee, a separate dissenting opinion by Mr. LUCE, from the State of Massachusetts, and a second separate dissenting opinion supported by the gentleman from Georgia, Mr. OVERSTREET, and the gentleman from New York, Mr. JOHNSTON. I wish to say that the committee was in accord until we reached the point of the consideration of the fraudulent votes in ward 5 of that city. My friend Mr. OVERSTREET did not answer a very pertinent question, which I think the facts warrant. The question was asked Mr. OVERSTREET by the gentleman from Mississippi if the committee had evidence of fraud having been committed in ward 5 of the city of Boston. I say that the record is teeming with evidence of fraud. It is of that peculiar quality and kind that it strikes at the very foundation of this Republic, if permitted to continue in force. The gentleman from Georgia——

Mr. GALLIVAN. Will the gentleman mention the fraud?

The SPEAKER. Does the gentleman yield?

Mr. GALLIVAN. Just mention the fraud.

The SPEAKER. Does the gentleman yield?

Mr. RHODES. I decline to yield, and I hope the gentleman understands this to be my declination. I was about to say, and perhaps the gentleman does not like to hear it, that the fraud

that was laid bare in this case is of that peculiar and far-reaching character that it strikes at the very foundations of this Republic. The gentleman from Georgia [Mr. OVERSTREET] deplores the situation from a personal standpoint. I want to say to you, gentlemen, that the Congress of the United States has an interest in the result of the election in every congressional district of the United States, and I say that if the conditions prevail in the city of Boston that are contained in the testimony in this case, then there is no question but that the majority of this committee did the right thing in returning this report.

Answering the gentleman's question specifically, there is abundant proof showing that men were maintaining a sort of dual residence in the city of Boston, such as I have never heard of anywhere else in the United States. Men by the score were maintaining temporary residences in precincts 4, 8, and 9, of ward 5, whose families resided without the corporate limits of the city. Will any gentleman contend that the law of his State or that the law of my State contemplates such a condition of residence for the purpose of exercising the right of suffrage? Further answering the gentleman's question, the record shows that there were 187 cases where men had been charged with fraudulent registration, for whom subpœnas had been issued by the court and placed in the hands of officers of the court, and according to the returns upon the process these men could not be found. I want to say in conclusion upon this point that the admission of the distinguished gentleman from Massachusetts [Mr. LUCE], a gentleman for whom I have the highest personal regard, a gentleman who has done himself everlasting credit in the preparation of his splendid report, admits fraud in ward 5, and says this House should declare the seat vacant. With all due regard to the opinion of the distinguished gentleman, Mr. LUCE has announced a very curious doctrine. His report is fearfully and wonderfully made. He invokes the ancient and honored rule of equity, which says that he who seeks equity must come into court with clean hands. I agree with the gentleman as to the correctness of the rule, but he has made a misapplication of it in this case. I would answer both Mr. OVERSTREET and Mr. LUCE at the same time upon this proposition. These gentlemen forget when they charge that the contestant was a beneficiary under the fraudulent operations of Martin Lomasney on prior occasions that under the Constitution of the United States this Congress is a law unto itself. They forget that the Sixty-sixth Congress is a distinct entity when taken into consideration in connection with any preceding Congress. In other words, each Congress is, as it were, a tub standing on its own bottom, and it is immaterial for the purposes of this case whether Peter F. Tague was the recipient of favors at the hands of this marvelous man, Martin Lomasney, on former occasions or not.

The fact remains that what took place at the election preceding the Sixty-fifth Congress and at which Mr. Tague was a candidate, and what may have taken place in the election preceding the Sixty-fourth Congress, can not be charged against him in this case. I want to say, gentlemen, as a disinterested Member, except to the extent I stand in the performance of an official duty, I want Mr. Tague to understand that as far as I am concerned I am not only willing to vote that he be seated, but I am willing that my vote be understood to be a vote of confidence in him as a man being able to resist the influence of such a man as Martin Lomasney. Reference has been made to Martin Lomasney as a sort of a powerful political tyrant and autocrat. You gentlemen talk about fighting in the recent war to make the world safe for democracy. I want to remind you gentlemen that if what Mr. LUCE admits is true, if what the record proves is true in this case, you have a system of political autocracy in the city of Boston, of which I have no personal knowledge, you would do well to get rid of at the earliest possible opportunity. [Applause.] And my humble judgment is that this House will do well to purge that city of the influence of this remarkable man, Mr. Lomasney. As a new Member of Congress and a new member of the committee I remember asking counsel in this case, when the argument came before the committee and reference was first made to Martin Lomasney, how it was that he withdrew his influence from Mr. Tague and gave it to Mr. Fitzgerald. The evidence in the case, beyond a reasonable doubt, indicated that this man Lomasney is a man of great wealth and great political influence, and that he is a man without visible occupation. I asked the question myself during the course of the hearing, "In what business is Mr. Lomasney engaged?" The answer was that he has no visible occupation, which justifies the conclusion that the business in which he is engaged does not meet the approval of the best citizens of Boston. Summing the matter up, this House has abundant precedents to support the position taken by the majority of the committee. I want to say, Mr. Speaker, for a hundred years cases have been brought before this body grounded upon fraud, and in a large number of cases ousted the sitting Member and seated the contestant where fraud was charged and proven. I say not only are there ancient decisions supporting the position of this committee, but I say there are recent decisions, numbers of them, on which the committee relies. I want to say, gentlemen of the House, that another very remarkable condition exists in the tenth district in the city of Boston. The testimony shows that Mr. Tague——

The SPEAKER. The time of the gentleman has expired.

Mr. RHODES. May I have two minutes more?

Mr. GOODALL. I yield the gentleman two additional minutes.

Mr. RHODES. I was about to say that another very remarkable thing developed during the course of this hearing, which was that this extraordinary man, Martin Lomasney, was so situated upon his political throne and surrounded by his political followers that he was not only able to control the destinies of the politicians of his own ward but in this case he saw fit to stretch forth his strong hand and invade another part of the city of Boston by bringing from another district, into the tenth district, John F. Fitzgerald and run him for Congress. I say, gentlemen of the House, without knowing the facts, I was surprised when I found out that Mr. Fitzgerald was not even a resident of the tenth district which he professes to represent in this body, and my further guess is that while the Constitution of the United States does not expressly prohibit a man representing a district in which he does not reside that Mr. Fitzgerald is the only Member residing out of his district. This is certainly a very curious and unusual thing. And in conclusion my opinion is that John F. Fitzgerald is the only man sitting in this House who is not a bona fide resident of the district which he professes to represent——

Mr. GALLIVAN. There are a half dozen.

Mr. RHODES. Then, gentlemen, I am mistaken——

The SPEAKER. Gentlemen must not interrupt a speaker without asking leave.

Mr. RHODES. Mr. Speaker, then I am mistaken when I said there was not one. The gentleman from Massachusetts says there are six. I say out of a total membership of 435 that constitutes a very small per cent of the membership, and is a remarkable exception to the rule. I ask the gentleman to name them.

The SPEAKER. The time of the gentleman has expired.

Mr. RHODES. Gentlemen, I thank you. [Applause.]

Mr. FITZGERALD. Mr. Speaker, we have taken, I understand, 43 minutes, and I ask the courtesy from the other side that they present another speaker now.

Mr. GOODALL. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. ELSTON]. [Applause.]

Mr. ELSTON. Mr. Speaker, the chairman has given me very little time, because I have not prepared to make any extended statement. I believe to Mr. LEHLBACH, of New Jersey, has been delegated the presentation of the main argument for the majority of the committee. With the exception of the gentleman from Georgia [Mr. OVERSTREET], all members of the committee came substantially to the same conclusion. In general the testimony showed that the lodging house, saloon, and tenement district of Boston was under the control of a boss, and that boss was Martin Lomasney. Martin Lomasney controlled the machinery of the elections; and ward 5, which constitutes the backbone of the congressional district, and located, as I have said, in this thickly settled part of the business district of Boston, was under his absolute control. The testimony showed that he could swing it almost as a unit either one way or the other. Sometimes he would swing it to a Republican and sometimes he would swing it to a Democrat. All the evidence showed that it was his own little pocket borough. The evidence shows further that for reasons of his own, Mr. Lomasney broke with Mr. Tague and concluded that he would no longer support him, and one reason assigned was that Mr. Tague's course in the war Congress did not satisfy him, the complaint being that Mr. Tague did not get up on the floor of the House and make certain inquiries of the President of the United States of a nature which would be disparaging to a certain extent to America's cause in the war. Suffice it to say that Mr. Lomasney concluded finally that he would import from another district of the city another candidate, and he selected Mr. Fitzgerald. Mr. Fitzgerald was brought into the district and put into the race. And then every bit of Mr. Lomasney's force, all of his influence, all of the power that he had of manipulation of that district politically, were put behind Mr. Fitzgerald. Mr. Tague had not the privilege of running as a regular candidate on the ticket. He was compelled at the election to go in as an independent. He had no place on the ticket.

There was only a blank space left on which his friends could place stickers, or in which they could write his name. Sufficient of his friends either put on those stickers, involving labor and attention, or wrote in his name, so that the final result showed by the canvass of the election commissioners that Mr. Fitzgerald gained a majority of only two hundred and some odd out of a total vote of about 15,000.

Mr. LONGWORTH. Will the gentleman yield at that point?

Mr. ELSTON. Yes.

Mr. LONGWORTH. I know nothing of the facts in this case except what I have heard to-day, but if there was supposed to be a large immigration into ward 5, how does the gentleman account for the fact that there were only 15,000 votes cast in that district altogether, while in the district represented by Mr. GALLIVAN more than 25,000 votes were cast?

Mr. ELSTON. I do not believe the evidence shows there were any importations or that the charge of colonization included the ordinary importation of outside floaters into the district for the purpose of voting. I have not very much time, but I will come to that.

Mr. LONGWORTH. It seems to me it was a remarkably small vote in a district of that sort.

Mr. ELSTON. I think that question will be reached. The charge of colonization——

The SPEAKER. The time of the gentleman has expired.

Mr. GOODALL. I yield five minutes more to the gentleman.

Mr. ELSTON. A number of the ballots that had been disputed on either side were certified to the committee. They numbered something like 1,300. The committee went over those ballots and found that something over 200 of them were unmistakably voted for Mr. Tague, and the committee so found. Now, those ballots, aggregating over 200, had either stickers upon them labeled "Peter F. Tague for Congress" or they had Peter F. Tague's name written in. At any rate, the committee found upon evidence on the face of the ballots sufficient in every particular that Mr. Tague had some two hundred and odd ballots more that should have been counted for him and were not counted for him by the canvassing officers, so that the disparity between the two contestants, after we counted those 1,300 ballots, was under 20 votes.

Now, having finished that part of their work, the committee addressed itself to six or seven specifications—fraud, duress, intimidation, and so forth—as applying to the whole district, and in that particular the committee finally centered its findings down to the charges of colonization.

With regard to colonization, the committee found there was unmistakable evidence that at least a third of the voters in three precincts of ward 5 were fraudulent voters, and fraudulent in this respect, that they did not dwell or have their homes in those particular precincts. And as to that finding of the committee, that these voters, approximating one-third of the voters in these three precincts, were fraudulent, the committee was unanimous in their finding except for the gentleman from Georgia [Mr. OVERSTREET]. Even the gentleman from Massachusetts [Mr. LUCE] not only agreed with the committee as to its findings but agreed with the committee as to its application of the law on the facts, and the gentleman from Massachusetts concluded with us that the law of Massachusetts was such that on the facts disclosed in the record these voters were fraudulent, inasmuch as their registration was not a legal registration, that they had their dwelling places and homes at other places, and that they were registered for the fraudulent purpose of voting in this ward or to serve the political ends of Martin Lomasney.

Mr. REAVIS. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. REAVIS. Do I understand the gentleman that the finding of the committee, with one exception, was unanimous as to the fraudulent character of these votes?

Mr. ELSTON. It was. I do not have to go on presumption or deduction as to that with respect to the attitude of the gentleman from Massachusetts [Mr. LUCE], because the gentleman from Massachusetts agrees as to the facts found by the committee as to illegal registration and agrees with us that the vote in these three precincts should be disregarded, but he applies a different rule of law as to what should be done. He wishes to throw the vote out and declare the seat vacant rather than to seat Mr. Tague. This would contravene the law as established by the precedents for 50 years.

Mr. HUSTED. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. HUSTED. Will the gentleman state what evidence there was, if any, that Mr. Fitzgerald benefited by these alleged frauds?

Mr. ELSTON. The evidence was of a character showing that the Hendricks Club and Mr. Lomasney operated in these three precincts politically; that the registration was largely under their control; that the politicians and saloon keepers and bartenders, and municipal workers who had registered there were political associates of Mr. Lomasney; that all these political elements, to a large extent, were under the control of Mr. Lomasney; that Mr. Fitzgerald was Mr. Lomasney's choice; and it was a proper presumption for the committee to make that any political manipulation down there in the way of colonization was under the direction of Mr. Lomasney and for the benefit of Mr. Fitzgerald. The decisions, however, do not require any proof as to how the illegal registrants voted. It is only necessary to show extensive fraud sufficient to throw doubt as to the result, whereupon the decisions hold that the precincts tainted with fraud shall be eliminated from the count.

Mr. HUSTED. Were any of these illegal registrants identified as political followers of this boss?

Mr. ELSTON. They were. A number of them came up in a procession before the election commissioners, with Mr. Lomasney at their head. I have already said, however, that it is not necessary to prove for whom the illegal registrants voted.

The SPEAKER. The time of the gentleman from California has expired.

Mr. HUMPHREYS. Will the gentleman yield to me for a question?

Mr. ELSTON. Yes.

The SPEAKER. The gentleman's time has expired.

Mr. GOODALL. Mr. Speaker, I yield to the gentleman two minutes more.

The SPEAKER. The gentleman is recognized for two minutes.

Mr. HUMPHREYS. The gentleman claimed that there were stickers without any glue on them provided by this board. Is there any evidence to show that in the ballot boxes there were any of these unattached stickers in the box?

Mr. ELSTON. There was very slight evidence as to that; and the committee in its findings disregards the charge that these phony stickers were used or introduced into the election by Mr. Fitzgerald or Mr. Lomasney. That was not a material factor in the decision of the committee. The committee in its deliberations brought the issue down to within 10 votes between the two contestants, and then, addressing its attention to the colonization feature and applying the rules of law to that, it found that fraud interpenetrated those three precincts to the extent that you could not tell what the result would have been. There was evidence to indicate that a large part of the colonized votes were cast for Mr. Fitzgerald, because they were cast under the direction of Mr. Lomasney and under his control; and it was obviously a proper presumption that Mr. Fitzgerald got the benefit of them.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. KELLER. What does the evidence show with regard to the vote in the precincts? Who received a majority in those precincts? Was not the majority very large?

Mr. ELSTON. It was quite preponderant.

Mr. LEHLBACH. One hundred and twenty.

Mr. ELSTON. It was preponderantly in favor of Mr. Fitzgerald in those precincts.

Mr. FITZGERALD. Mr. Speaker, I yield 25 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER. The gentleman from Massachusetts is recognized for 25 minutes.

Mr. GALLIVAN. Mr. Speaker, I would like to be advised when I have used 20 minutes.

Mr. Speaker, so many misstatements have been made that it has been hard for me to hold my seat. I never knew before that there was so much ignorance in Congress. I never knew that the committee which has apparently sat on this case several weeks knows so little about it. [Laughter.]

I want to open my statement by saying that in the primary my heart and my hope were with Peter Tague. It is true that Mr. Fitzgerald does not live in his district. He is a constituent of mine. [Laughter.] And I was up against the same kind of a fight that Tague was up against; a man who did not live in my district, my predecessor in this Hall, was running against me, with a mountain of money. But I beat his head off. [Laughter.]

Now, I do not want to be interrupted for 15 minutes. Then I will answer whatever questions I am able to, and in order to let this audience know what thought I have given to this case I have prepared my opening, and I am going to read it, and I want you to believe that every word I say to you is the truth, nothing but the truth, so help me God. [Applause.] The truth is sometimes heard in these Halls.

It is no easy task for a Member of Congress who has friendships, deep and long lasting, with both contestant and contestee,

to rise in this discussion and take an open stand on one side as against the other. My position is my own, uninfluenced by either side and unawed by threat or promise. While this contest has been pending my lips have been sealed. I have refused to discuss it with Members of both political parties here in this House, and I have fervently hoped that when the committee reported its report would be a unanimous one. Long weeks ago I advised the contestant that if the committee was unanimously against him, he would be foolish to fight its report. At about the same time I told the sitting Member the same story. I said to each of them that with a unanimous report from the committee I would stand with the committee. In those days I believed that the committee was preparing to sit as a judicial and not a political body, ready and willing to go after the evidence, and unready and unwilling to be influenced by political leaders or heelers, high or low, in Washington or in Massachusetts.

Gentlemen of the House, I was mistaken. The House knows now, from a committee split three ways, that politics has entered into the result from this committee, and that the good of the State and the good of the citizen has been lost sight of. I had intended, even when the committee made its report, to take no part in the discussion until I read the report of a majority of the membership, which recommends the unseating of Mr. Fitzgerald and the seating of Mr. Tague, and even then I had not decided to open my mouth until I read so many false, misleading, absurd, and far-fetched statements, winding up with the recommendation that 1,000 of my fellow citizens in Boston be disfranchised, no matter who or what they might be.

I have given the matter long and serious consideration, and I have decided, Mr. Speaker, that if I sat in this Chamber under such conditions, with my voiced hushed and my tongue tied, I would be ashamed of the great city which sent me here as one of its Representatives, and worthy to be disowned by the good people from whom I sprung.

There is neither method nor madness in my attitude to-day. I have known Mr. Fitzgerald from childhood. He and I went to school together. I have supported him in some of his political contests in my city, and I have been his bitter opponent—probably his most bitter opponent—in others. Twenty-one years ago I fought him at the polls as an independent candidate for Congress. He beat me badly. For years I did not speak to him for doing it. [Laughter.]

I have served in the Massachusetts Legislature with Peter Tague, and I have had a lifelong friendship with him and a personal fondness for him second to that of no other man in Massachusetts politics. You will understand, therefore, Mr. Speaker, that my position is absolutely impartial and is in accord with what I believe to be solely the square deal in Congress.

Now, for some interesting history. Months ago, after the contest for this seat had been filed and the evidence taken, and when all Boston was watching for the creation of the various election committees, it was an open boast—an open boast—from one of the political camps that it would be all one way just as soon as Congress got down to business. The committees were selected, and curiosity was keen and active in Boston as to the committee to which this contest would be sent. When it finally reached Election Committee No. 2 betting was lively in Boston, 2 to 1, 3 to 1, "Fitzgerald will be kicked out." Of course I paid no attention to the rumors of the day, because I thought I knew the Congress of the United States, and I still believe I know the Congress of the United States. I have said to you that I intended taking no part in this discussion until I read the majority report, and when I read that, my mind went back to the day when I heard the gamblers talk, and I wondered where they got the early tips.

Now, let it not be forgotten that this is a contest between two Democrats, one of them active in the public life of New England for over 25 years, having been a Member of this House as the sole Democrat from New England 25 years ago, a mere youth. In every big campaign during that quarter of a century up in my country his services have always been solicited, and he might be known in the parlance of the day as a headliner among the Democratic spellbinders of Massachusetts. You will recall, all of you gentlemen, with what interest the country watches the result from the State of Maine, which is the first northern State to hold its elections. They seem to get a guide from the result in Maine as to what is going to happen in the rest of the country. But now that the great West has come into its own that is all over. For 25 years Congressman Fitzgerald has been at the beck and call of the Democratic Party of the State of Maine.

Mr. HERSEY. Will the gentleman yield?

Mr. GALLIVAN. I asked not to be interrupted, but I have such a high regard for my good friend that I will gladly yield.

Mr. HERSEY. Is the gentleman from Massachusetts aware that in the last election the gentleman from Massachusetts [Mr. FITZGERALD] went down into Maine and opposed the election of WALLACE H. WHITE, and that WALLACE H. WHITE was reelected by an increased majority?

Mr. GALLIVAN. I was not aware of that, but it shows whence comes the animus I spoke of. [Laughter.] For 25 years Congressman Fitzgerald has been at the beck and call of the Democratic Party of the State of Maine, as every good Republican on this side of the House, if invited to come to Maine by his party gladly comes. My friend [Mr. HERSEY] refers to one speech. I wish to say that Mr. Fitzgerald has probably spoken dozens of times in every congressional district in that State during those years.

Just as soon as we found that the Committee on Elections was headed by the distinguished gentleman from Maine [Mr. GOODALL], for whom I have the highest personal regard, again my mind went back to the days when I heard "Fitzy has been framed. He has not got a look-in." But I did not believe it. I have too much and too high regard for the gentleman who occupies that chair as Speaker, and for the gentleman who is the presiding officer of the committee, to believe it. I have read the majority report, however, and I find that the committee have not only given the contestant every possible vote—and I hoped that they would—but then being unable to beat Fitzgerald they indict the citizenship of my city by asking you intelligent Representatives to throw to the winds three entire precincts, 1,000 American voters, in order that if "Fitzy had been framed," Fitzy would be framed.

Thinking it over this week, it has made my blood boil, and I decided that I would be a craven coward under the circumstances if I kept quiet and allowed what looks like a prepared program to slip through this House without the House knowing the inside story.

I want to say this much about the taking of the evidence in Boston before the notaries nominated by each of the parties to this contest. To me it was the most farcical proceeding that has ever happened in the political history of this country. None of it is worth reading and none of it has made the slightest impression on me. Each notary was a politician, one a Fitzgerald partisan, the other a Tague partisan, and to me their decisions were uproariously funny. Yet the majority report refers to the evidence more or less frequently, when, in my judgment, it should be passed by in its entirety. People in Boston believed in but one witness who appeared at that hearing, and that is the man whose name you have heard here so often to-day, Martin M. Lomasney.

Gentlemen, we have just recently adjourned a constitutional convention in Massachusetts, its membership having been made up of the biggest and brainiest men in our beloved Commonwealth. It has sat all summer for three summers. At its adjournment a former leader in this House, a former beloved governor of Massachusetts, Samuel W. McCall, was interviewed by the Boston press, and he was asked, "Mr. McCall, who was the outstanding figure of our constitutional convention?" You remember Sam McCall when he was here. Without hesitation he said, "Martin Lomasney was head and shoulders above all of us in constructive suggestions." That is the terrible boss, the awful man whom one or two of these strangers to our city have tried to depict here.

The SPEAKER pro tempore (Mr. YATES). The gentleman from Massachusetts asked to be notified when he had used 20 minutes.

Mr. GALLIVAN. Yes.

The SPEAKER pro tempore. The gentleman has used that much time.

Mr. GALLIVAN. I ask to be notified at the end of five minutes more.

Martin M. Lomasney never took a drink of liquor in his life. He never smoked a cigar in his life. He encourages total abstinence among the young men of his neighborhood. Instead of being the friend of the liquor dealer—and I served in both branches of the legislature with him—he has been unalterably opposed to liquor dealers sticking their fingers in Boston politics, and is the one leader, Democrat or Republican, in Massachusetts who has pushed the liquor dealer away from his door.

Mr. TREADWAY. Will the gentleman yield to me?

Mr. GALLIVAN. Yes.

Mr. TREADWAY. May I ask the gentleman if it is not a well-known fact among those who have served in the Legislature of Massachusetts, both Republicans and Democrats, that everyone who has any business with Mr. Lomasney, either political or otherwise, knows that his word will be carried out to the very letter, and that his word is taken instead of his bond?

Mr. GALLIVAN. Absolutely so. My excellent colleague was president of the Senate of Massachusetts, and he knows Mr. Lomasney as well as I know him. God knows I owe the distinguished leader of ward 5 little. I would have been mayor of Boston if he had been with me. [Laughter.] But he selected another former Member of Congress, more able than I, more distinguished than I, the former Assistant Secretary of the Treasury, Andrew J. Peters. [Applause.] And he gave him his support, and Mr. Peters is now mayor of Boston. Mr. Lomasney was trying to get rid of a bad man who was mayor, and he did not think that I was quite strong enough to do the job, and he thought Andrew J. Peters was strong enough to do the job, and he threw the great strength of his wonderful presence into Mr. Peters's fight, and saved the good name of Boston by electing my opponent, who is at least a clean man. [Applause.] So, gentlemen, take no stock in that liquor-dealer stuff. Mr. Lomasney has never taken orders from them. I repeat that he is the one leader, Democrat or Republican, who does not allow them to dictate for the shadow of a moment, and he makes no attempt to dictate to them, because, between you and me, he has no use for them. Somebody wanted to know, what does he do? He does good 18 working hours of the day. He does not have to do anything now. He has made his money. Why is he a power? Because every child, every man, every woman in his district who has ever seen want, who has needed help, has had to make but one appeal to Martin Lomasney. When one word of the story is told to Martin Lomasney, it is all over. [Applause.] And when Peter Tague appealed to him four years ago or five years ago and said he wanted to come to Congress, Martin listened to his story. Martin at the time wanted to lick the man who was running against Peter Tague, and he listened to Peter's story and he said, "Peter, I will send you there." The men who have come from that district, not only Mr. Fitzgerald, who has been paraded here to-day, but Mr. Tague and Mr. Tague's predecessor, and his predecessor, and, to use a favorite expression of former Speaker CLARK, until the memory of man runneth not to the contrary, every one of those men who has come from that district has come from there because Martin Lomasney sent him here.

The SPEAKER pro tempore. The gentleman has used 25 minutes.

Mr. GALLIVAN. I wish I had somebody in my district like Martin M. Lomasney. I reserve the remainder of my time. [Applause.]

Mr. GOODALL. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. MCGLENNON].

Mr. MCGLENNON. Mr. Speaker and Members of the House, it is most embarrassing for a new Member at any time to rise and make his maiden speech, but I think this particular moment, when the Speaker has to rap his gavel at great length, has made my introduction more embarrassing.

However, the question of the committee's report I feel is one of great importance, and being the only Democrat who has signed the majority report, I feel, in extenuation of the remarks of the previous speaker, the most genial and affable Democrat from Massachusetts [Mr. GALLIVAN], that I can still say without contradiction that there was no politics in making up the committee's decision. To my knowledge and to my mind the committee, after careful study and discussion of every detail of the case, in the hope that in the end justice would be done either to the contestant or to the contestee, made this report.

The committee, as I said, gave careful consideration to all the details, and we hoped that we might have concluded this election case by the counting of the votes. After giving both the contestee and the contestant due credit on these ballots, as seen in the light of the intention of the voter, we found that we were unable to reach a decision as to the charges presented.

Then the committee had to enter a wider field, that of fraud, which this report so clearly distinguishes. As a Democrat, I want to say that I have given very careful consideration in this particular case to the advantages that would necessarily accrue to a Democratic Member. I feel that as between Mr. Tague and Mr. Fitzgerald the Democratic Party would be safe in the selection of either. I feel that the committee has been careful and painstaking in its investigation, and I have every reason to believe that the committee's action will be sustained. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. FITZGERALD. Mr. Speaker, I would like to ask how much time has been used by the respective sides?

The SPEAKER. The gentleman from Georgia [Mr. OVERSTREET] has 52 minutes remaining, the gentleman from Maine [Mr. GOODALL] has 62 minutes, and the gentleman from Massachusetts [Mr. LUCE] 45 minutes.

Mr. FITZGERALD. I would like to have the other side use some of their time.

Mr. GOODALL. Mr. Speaker, I have only one more speech, and I think it would be in order for the gentleman from Massachusetts [Mr. LUCE] to use some of his time.

Mr. FITZGERALD. Mr. Speaker, I see that the gentleman from Massachusetts [Mr. PHELAN] is here, and I yield five minutes to him.

Mr. PHELAN. Mr. Speaker, for some reason, before I came actually face to face with this case, I admit of considerable embarrassment. That was because, in part at least, I am of the same party as both contesting parties in this case and I have been on terms of the warmest personal friendship with each gentleman and have had affection for both. As we came face to face with the case I found that I was embarrassed, as men so often are by little things, but had overlooked temporarily the big things. To-day and yesterday and the day before, in spite of the fact that no man likes to vote against his friend, there is still only one embarrassment which I have been suffering, and that is the embarrassment of a judge sitting to pass upon not only the rights of individual men seeking a seat in this honorable body, but passing upon what is more important, the rights of the people who cast their votes in this district.

I say, in thinking about my embarrassment as to friends, I forgot that friendship does not enter into the case; it is simply and solely the rights of the people of the congressional district in Boston to have the Representative here whom they chose.

Like my colleague, Mr. GALLIVAN, it was my intention to abide by the determination of this committee. I certainly did not intend to speak, but because of two things I felt, as a representative of the good people of Massachusetts, to say a few words here on this election case, regretting I have not the time and opportunity to go into the details of the case which are all important.

I want to say right here that I am not in any way a representative of the city of Boston. The district I have the honor to represent covers no part of the city of Boston. I am entirely outside of Boston. The two things to which I refer are these: There has been so much said about corruption and dishonest elections and dishonest procedure and all that sort of thing that I feel that I ought to say one word in justice to the Commonwealth of Massachusetts. Massachusetts has as good election laws as any State in the United States and, I believe, with all due respect to other Commonwealths, better than many. In justice to the men who have been attacked, I feel that I ought to say a word in explanation—I do not want to use the word "defense," but in explanation. As to the board of elections which has been attacked by one of the parties in this case, I want to say that I do not know a member of the present board of elections, but I have known members in the past, and I was a legal colleague of one man who served for many years on that board.

I have always believed and have always had every reason to believe that that board is composed of honorable, upright, and just men. The law has taken every means possible to provide that they shall be that kind and that they shall not be partisan in their determination, because the law requires that the mayor of Boston, in appointing those men, shall apportion the four members among the two parties dominant in Massachusetts—the Republican and the Democratic Parties. I can not speak personally of those men, because I do not know them.

The ballot commission of the Commonwealth of Massachusetts has been charged with not giving one of these parties a square deal. I want to say that I know two members of that commission. The third member I do not know, and I know in a fairly intimate way particularly the chairman of the board, Mr. Henry V. Cunningham. There is not a man, not alone in Massachusetts but there is not a man in the whole United States, who has a regard for his public duty than has Henry Cunningham, chairman of that board. He is an honest, decent, upright, respected citizen of the Commonwealth of Massachusetts.

To get down now to one other individual who has been attacked in this case, I want first to say that I found in talking to Members about this case—and the Members, particularly on my side of the House, will know that I have not tried to influence a single Member, have not given an opinion to a single Member until this very morning, as to how I felt in this case—that I have found from the talk going around that they think this whole case is surrounded by the worst kind——

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. PHELAN. Mr. Speaker, will the gentleman grant me five minutes more?

Mr. FITZGERALD. I yield five minutes more to the gentleman.

Mr. PHELAN. They think that this case is surrounded by the very worst kind of trickery and everything that is bad, and one man in particular has been singled out as the arch criminal of all this wrongdoing in the city of Boston, namely, Mr. Martin M. Lomasney. I am not an intimate of Mr. Lomasney. To the best of my knowledge I have never asked nor received from him a favor in all my life, but I served in the legislature with him. I was there when he came back after an absence of 10 years in 1905.

I know that when he came into that legislature Republicans—and I am not partisan in this—looked upon him as the kind of man that many Members of this House now think he is. I give you my solemn word that some of the best members in that legislature, not alone on the Democratic side but on the Republican side, came to know Martin Lomasney and came to respect him, came to believe before they left in that one single term that he was a man who deserved respect, a man who could be trusted; that he was a man of powerful intellect and a valuable legislator. Just let me read something which is aside from my own testimony. I have in my hand a newspaper clipping. Rev. Herbert S. Johnson is pastor of one of the largest of the Baptist churches in the city of Boston—the Warren Street Church. He formerly lived in my city, and lived within a stone's throw of my house. I know him to be an upright man, a man interested in civic matters, being especially interested in good government, as everybody in the city of Boston knows. Here is a statement that the Rev. Mr. Johnson made about this man, about whom a whole case here is tried to be built. I quote from the newspaper clipping:

In reviewing the work of Mr. Lomasney, Dr. Johnson said:
"Martin Lomasney is the one man I never understood until now. When I came to this city 19 years ago I heard of him as the boss of ward 8—'a rotten boss.' But soon after that I began to change my opinion, and I now believe he is a bold, fearless, and honest type of politician. I wonder if he isn't a second Moses who has come to lead the people of Boston to the promised land of affairs."

Again, I want to quote from an article from the Boston Traveler, a Republican newspaper—and I say that with no partisan intent, but I mention it because it would not naturally be favorably inclined toward Mr. Lomasney. This is from an editorial from the Boston Traveler of October 26, 1917. Speaking about the mayoralty contest in Boston this paper says:

This newspaper suggested some time ago that Martin Lomasney, a plain and practical politician, could and would make a splendid mayor. That suggestion has been echoed by other newspapers. Mr. Lomasney, if he would consent to be a candidate, could be elected.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. I have not the time to yield, I am sorry to say. I simply have brought that in for this purpose: Every place in this Chamber I find it brought up that this so-called boss has controlled the situation, and I know from the way that Members have talked with me that they have been influenced by a misconceived prejudice against Mr. Lomasney, when the whole question is not what Mr. Lomasney is or what he is not but whom the people of this district have elected.

I come down now to that question. Let me call this to your attention. The reason I am going to vote for Mr. Fitzgerald and not for Mr. Tague is this: I sat on election committees for four years and cases were brought before me. I remember particularly the Gaylord case, from Milwaukee, where charges of bribery were made. I am frank to say in this House that there was enough evidence there so that we could draw our own conclusions and surmise as to the kind of elections they were holding in the city of Milwaukee at that time, but there was nothing proven, and there was not one substantive fact on which we could base our conclusions, and no matter what our suspicions might be we were obliged to come in and say that the sitting Member had a right to his seat.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. PHELAN. Mr. Speaker, will the gentleman grant me three minutes more?

Mr. FITZGERALD. I yield three minutes more to the gentleman.

Mr. PHELAN. I sat in other cases, and one of the first principles I learned on that committee was that you have got to prove your case or this House can not stand back of the committee. I submit on all of the evidence that this committee has not brought in a proven case, to put it at its best, and I believe they have not the material with which to prove a case. Here is the whole point involved. They acknowledge that they have counted every single vote for the contestant, Mr. Tague, that could possibly be voted. They have given him the benefit of every doubt, and still Mr. Fitzgerald leads by 10 votes. There is only one way in which Mr. Tague can be seated, and that is through the method taken by this committee of finding that there has been illegal registration and throwing out those votes, and in throwing out those votes they have thrown out the votes of almost a thousand citizens of the city of Boston, many of whom are honest, admittedly so, many of whom admittedly had the right to vote, and as to the others there has been nothing proven, and I doubt if anything can be proven in this case. On the evidence submitted I can not vote to disfranchise 1,000 voters. In Massachusetts we have a law which allows the intent of the voter to determine where his residence is. That is the all-determining factor—the intent. All that is necessary to prove that intent is some evidence, some extraneous evidence, that there was that intent.

It is simply and solely a matter of intention. The committee rests their case entirely on this. They say because certain men, in many cases single men, or the testimony indicated certain single men, were found living some place else, that therefore they were not entitled to residence in ward 5. They have said the same thing about married men, and rested their case largely on the fact that when subpœnaes were sent out men registering in certain places on the 1st of April did not respond. I told a colleague in the cloak room to-day that I could find men in my city, or any other city, 25 men who registered in April, honestly and legally, who could not be found at a later date; that they were shoe workers who, when business got dull in the State of Massachusetts, went away to Cincinnati, or St. Louis, or Auburn, N. Y., to engage in the same business. A man has a right to change his residence, has a right to go outside of the State if he wants to do so, and his residence in Massachusetts is determined by his domicile on the 1st of April. Now, this committee has no evidence to show that these men were not properly under the Massachusetts law domiciled within the State of Massachusetts.

Mr. SHERWOOD. Were there any floaters?

Mr. PHELAN. I do not believe there has been a single man proved to be a floater. My friends, let us not forget in determining this case they are not charging wholesale repeating; they are not charging that the men registering in ward 5 were registered elsewhere; they are not charging that the men undertook to vote elsewhere; they are simply saying that because these men stopped at hotels, perhaps only a night or a week, that thereby they are deprived of having an opportunity to vote in the places they wanted to vote, which is ward 5 in the city of Boston. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Speaker, I would like to find out how the time stands again, if the Speaker pleases.

The SPEAKER. The gentleman from Georgia has 29 minutes, and the gentleman from Maine has 63 minutes, and the gentleman from Massachusetts [Mr. LUCE] has 45 minutes.

Mr. FITZGERALD. How much time has the gentleman from Georgia?

The SPEAKER. Twenty-nine minutes.

Mr. FITZGERALD. I think more than that, Mr. Speaker.

The SPEAKER. Thirty-nine minutes; the gentleman from Massachusetts [Mr. GALLIVAN] has 10.

Mr. FITZGERALD. As we have only got 29 minutes left on this side, it is up to the other side to do some talking.

Mr. GOODALL. Mr. Speaker, there is only one more speech on the side of the majority report, and we think the gentleman from Massachusetts [Mr. LUCE] should come in at this time with his speech.

Mr. LUCE. Mr. Speaker [applause], if time permits at the close of my remarks I shall welcome questions. First, let me present the motion I desire to have put at the close of the debate according to the agreement.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. LUCE, of Massachusetts, moves to amend the resolution recommended to the House by the Committee on Elections No. 2 in the contested-election case of Peter F. Tague *v.* John F. Fitzgerald, by striking out all after the word "*Resolved*," and substitute therefor the following: "That neither Peter F. Tague nor John F. Fitzgerald was duly elected a Member of this House from the tenth congressional district of Massachusetts on the 5th day of November, 1918, and that the seat now occupied by the said John F. Fitzgerald be declared vacant.

Mr. LONGWORTH. If the gentleman will yield before he begins his argument, will the gentleman state what the vote was in the primary? I do not find it.

Mr. LUCE. The vote at the primary was Fitzgerald, 5,022; Tague, 4,972; Fitzgerald winning by 50 votes.

Mr. OVERSTREET. Mr. Speaker, I make the point of order of no quorum. Mr. Speaker, I will withdraw that. I desire to explain to the Members that my only purpose was to get a good attendance; that is all.

Mr. LUCE. Mr. Speaker, the Committee on Elections No. 2 has this afternoon its brief period of glory and then will vanish from the stage. It may console itself for the brevity of its grandeur by reflecting that at any rate it is better off than those committees which like the moon never shine except by reflected light.

> The rose that lives its little hour
> Is prized beyond the sculptured flower.

We living our little hour crave your attention to this our only opportunity to impress you with our importance.

Sir, speaking more seriously, it may be well understood that the unkind fate which made me a member of this committee brought to me much embarrassment. Not alone have I been on amicable terms with the two gentlemen whose fortunes are involved, but also with counsel on either side my relations in legislative service have been intimate. Under these conditions there was nothing for a man attempting to do his duty but to remember that justice wears a bandage, and if I could but persuade you for these few minutes to bandage your eyes and not look upon the personality of either man involved, then I might have some hope that you would follow me in my conclusions.

Let me, if I can, lift this discussion out of the realm of personal politics and bring it to that plane where alone a contested-election case may engage the attention of the House with propriety. I must indeed for a moment and but briefly, for the matter has already been touched upon, make personal reference, for in part my case is based upon the contention that Mr. Tague ought to come into this court of equity with clean hands. I feel justified in calling to your attention the fact that twice he received the bounty of Martin Lomasney, and that it was when on a third occasion he sought for this bounty and failing to receive it he protested against the authority of the leader and his methods. It has been intimated that he did not largely profit by this bounty. I recall to you, sir, that when he first ran for Congress in the primaries he was opposed by Mr. Kelliher, and he defeated Mr. Kelliher by help from the very ward which he now denounces and the very leader whom he now denounces.

So dismissing these personal affairs, let me ask you to consider matters more important, to consider higher things as they have to do with political science and the welfare of the Nation. Let me ask you to look with me at a problem that has vexed the politics of this land now for more than half a century. When it began to be serious it was far from new. Go back to the year 1792 and you will find that John Jay was deprived of the governorship of the State of New York because his friends followed the advice of a capable lawyer, Mr. King, who said that when a sheriff had recently retired from office and none other had been appointed to succeed him, he nevertheless might properly, as the de facto official, convey to the capitol the 400 votes of a certain county. Aaron Burr, with characteristic shrewdness, said that would vitiate the votes. They were thrown out, the county was disfranchised, and the election went to George Clinton, Jay refusing to contest.

At the same time, in the Second Congress, this question which you must once again face came in the contested-election case of Gen. James Jackson against Gen. Anthony Wayne, the hare-brained hero of the Revolution. Jackson was not far behind Wayne in eccentricity.

It is said when he addressed the House—and Fisher Ames is responsible for this reminiscence—Jackson bellowed so loudly that it was necessary for the Senate to shut the window in order to keep out the din. In the case of the eccentric Wayne against the mercurial Jackson the House was confronted by the very same problem you have before you to-day. In passing I may wish for both these contestants a future equaling that which followed this famous contest, for in the next year Gen. Wayne was made General of the Army of the United States and departed for the memorable campaign against the Indians of the Northwest, and Gen. Jackson became the governor of his State and United States Senator. And so if we treat both these gentlemen as the Congress treated Gen. Jackson and Gen. Wayne, perhaps the same happy future may follow them.

What happened? By unanimous vote they unseated Wayne. A long debate followed in which Jackson urged that the votes of certain counties should be rejected. On the question of seating Jackson the Speaker's vote made a tie, and the seat was declared vacant. I ask you to follow to-day the very first congressional precedent in this regard.

If any of you have done me the honor to read my minority views, you will find there the history of this matter in greater detail than I must now attempt to give it. You will find that in the following year the question arose again, and there, too, it was decided as I now advise you to decide this. Not long afterwards, in McFarland versus Culpepper, almost the same class of irregularities was cited, and again the rejection of entire polls was refused. In the case of Easton versus Scott, although the committee desired a decision by rejecting a poll, the House directed the committee to get evidence out in the Missouri Territory. Traveling was bad and costly in that day, and so the committee balked. In the end the seat was declared vacant. For 70 years, invariably, the House refused such advice as that which the majority of the committee now gives you. Invariably they said they would not decide elections by throwing out single polls.

Before I come to a change in the landscape, permit me to tell you why this is the very nub of the question. It has been settled, accepted by all the authorities, that there is a difference between fraud committed by election officers and fraud otherwise committed. Mr. McCrary, in his Law of Elections, says that—

> There is a difference between a fraud committed by officers or with their knowledge and connivance and a fraud committed by other persons, in this: The former is ordinarily fatal to the return, while the latter is not fatal, unless it appear that it has changed or rendered doubtful the result. If an officer of the election is detected in a willful and deliberate fraud upon the ballot box, the better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result. The reason of this rule is that an officer who betrays his trust in one instance is shown to be capable of the infamy of defrauding the electors, and his certificate is therefore good for nothing.

There began about 70 years ago a series of precedents upon which my friends of the majority rely, and which very likely they will comment upon later, in cases very largely consisting of frauds by officers. Let me point out to you that it has generally been held that fraud by officers may justify the exclusion of polls. On the other hand, what is the doctrine in regard to other kinds of fraud? Let me read to you a decision in my own State which has been held a leading authority in the matter, the case of First Parish, and so forth, *v.* Stearns (21 Pick., 148). Mr. Justice Morton—a name illustrious in our judicial history—said:

> It is no objection to an election that illegal votes were received, unless the illegal votes changed the majority. The mere fact of their existence never voids an election. This is so plain a proposition that it needs no authority to support it. It is the principle adopted and acted upon in all cases of contested elections, whether in the British Parliament, the Congress of the United States, the legislature of this or any other of the United States.

Therefore it is held—and this directly bears on the situation here—the mere fact that illegal votes were received does not warrant changing the majority.

I ask you to take with me the ground that there was some measure of illegal registration and colonization in the Massachusetts district now in question. We need not dispute over its extent. The margin of votes in the election was very small. A very little illegal registration and colonization would suffice to make the result of this election doubtful, and that far I go with the majority of the committee. I concede, I confess, I contend, that there was enough illegal registration and colonization to make the result doubtful. I do not desire to take the time to discuss whether there was so much colonization as to warrant the extreme to which the other party went, for I desire to stop right there before going on to the next——

Mr. LONGWORTH. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. LONGWORTH. One thing that disturbs me about my vote on this question is that, assuming that there was some fraud or colonization or importation, it seems to me rather remarkable that in a district with a population of some 217,000, with an organization so strong as the organization credited to Mr. Lomasney, with fraud, colonization, and the expenditure of a large amount of money, it was found impossible to secure more than seven thousand two hundred and odd votes for the contestee in this case. That seems to me to be a very remarkable fact, if there was fraud or colonization.

Mr. LUCE. Mr. Speaker, if there was great fraud and colonization it would be truly remarkable, and that is why I do not desire to argue that aspect of it. But it has been commonly known for a generation that in this the heart of the business center of Boston there have been two classes of voters whose right to vote might be contested and ought to be contested; one made up of well-to-do residents of the suburbs, who, for the sake of business, social, or political considerations, pretend to have a residence in certain Boston hotels; and, secondly, a considerable number of men who sleep in lodging houses and who disappear very quickly after registration.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for another question?

Mr. LUCE. Certainly.

Mr. LONGWORTH. Is it not a fact that the total vote at this election was smaller than usual in this district?

Mr. LUCE. Mr. Speaker, I have not examined that phase of the case.

Mr. LONGWORTH. I have attempted to go back in the directories, but I find it is impossible to be accurate, because the district has not been exactly the same. But two years before a larger total vote was cast in that district than in the last election, and if this was a district in which there was a large amount of money spent and colonization and fraud, it seems to me a remarkable circumstance.

Mr. LUCE. The fact is, in my judgment, that there was no greater amount of fraudulent voting and registration and colonization in this ward than there had been for many years. Sixteen years ago it so happened that I, as house chairman of the Massachusetts committee on election laws, was compelled to lead a fight in the legislature to attempt a remedy for precisely the same situation, and I could read to you from the Massachusetts case of Splaine against McGahey, which took place nearly 20 years earlier, evidence showing that this same state of affairs existed even then. The situation has been notorious for more than a generation.

Now, if I may pursue the tenuous thread of my remarks—for I fear it is but a gossamer thread and may easily be broken off completely——

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. GARD. I am interested in the legal aspects of this question, and I wish the gentleman to inform me, as well as the House, upon what facts the gentlemen of the committee threw out the three election precincts of Boston and thus deprived approximately 1,000 voters of an opportunity to exercise their right of suffrage at the election?

Mr. LUCE. It was the allegation that the greater part of the men who were charged with illegal registration were registered in those three precincts, to which the committee gave particular consideration. As a matter of fact the contestant had alleged that the same state of affairs existed in another ward, but he brought in no scintilla of evidence in proof of that. He abandoned the contention and confined his evidence to these three precincts, summoning from them witnesses who in large numbers could not be found or else who evaded the summons and refused to assist the Congress of the United States in reaching an honest and a wise conclusion.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there for information?

Mr. LUCE. I will.

Mr. BLANTON. Does the gentleman mean to tell the House that this committee decided this important question upon allegations, not upon evidence? Does he contend that it was merely the allegations of the contestant, and not evidence that he produced in support of his allegations, upon which they brought in this majority report?

Mr. LUCE. If I did not supplement the word "allegation," as applied to the three precincts in question, with the words "and the evidence relating thereto," I ought to have so done. I am justified in using the word by itself in relation to the other ward, because he produced no evidence from that other ward to back up the charge in his brief.

Mr. WILSON of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. WILSON of Louisiana. The majority report says that in this ward 5 the result of investigation showed that 316 persons had voted, and there was prima facie evidence that these votes were fraudulent. Of course, that would indicate that they found evidence upon which at least 316 votes had been rejected. What has the gentleman to say as to that evidence?

Mr. LUCE. I will say this, Mr. Speaker, that I have some ground for averring it is not my business to support the majority report.

Mr. WILSON of Louisiana. I did not ask the gentleman that question. I asked him if there was any evidence to sustain the action of the committee as to these 316 votes, according to the gentleman's opinion of it.

Mr. LUCE. I would prefer that the gentleman ask the question of the gentleman from New Jersey [Mr. LEHLBACH], who in behalf of the committee will follow me. I want to use my own time in supporting my own contentions and not his.

Mr. WILSON of Louisiana. What are your contentions?

Mr. LUCE. My contentions, sir, are that there was some fraud in this district; that the margin is very narrow; that a reasonable man is warranted from a study of the testimony in reaching the conclusion that it is impossible to say which man was elected.

Mr. WILSON of Louisiana. Of course, the whole thing hinges upon these votes.

Mr. LUCE. May I ask, Mr. Speaker, that the gentleman will discuss the matter with the gentleman from New Jersey, with whom he may have a quarrel, and not with me?

The SPEAKER. The gentleman has control of his own time. He is not obliged to yield.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CANDLER. I want to ask how many votes are shown by this report to have been polled in those three wards?

Mr. LUCE. About 956.

Mr. CANDLER. About 956?

Mr. LUCE. Yes.

Mr. CANDLER. There are over 300 in the three precincts?

Mr. LUCE. There are 316 in the three precincts—4, 8, and 9.

Mr. CANDLER. There are 316 that are attacked as fraudulent registrations?

Mr. LUCE. By the majority.

Mr. CANDLER. Then is there any evidence to show for whom these 316 voted, whether for Mr. Fitzgerald or Mr. Tague?

Mr. LUCE. No. That is the point.

I want to take up my argument again. I have shown you, gentlemen, that, according to all the precedents and authorities, it is necessary to prove, in order to change the result in this fashion, either that there was fraud on the part of officials—and no contention of that is made here—or that other fraud was sufficient to change the majority. The courts have repeatedly held in the course of nearly a century that this ought to be proved before a precinct is rejected.

Let me emphasize, as one of the landmarks of my journey, that this ought to be proved before we reject the vote of these precincts.

Next, if I had the time at my disposal I could give you enough citations to satisfy you of the contention that the poll of a precinct should not be rejected if it is possible to ascertain the number of fraudulent votes. Was it possible in this case to ascertain the number of fraudulent votes? It was not, in my judgment. Since these early rulings were made by the courts the Australian ballot system has been perfected. It is a matter of doubt whether a man can be forced to testify how he voted under the Australian ballot. There are those who contend that if he voted fraudulently he can be compelled to testify, but his testimony in any case would be of no value. Such testimony can not be supported. It is the uncorroborated statement of a man who has the motive to tell an untruth. Therefore testimony by the voter himself does not help. Fifty years ago testimony could be secured aliunde, as the lawyers say, from the surrounding circumstances, from the man's declarations, and other things, but to-day, with our modern system of voting, it is impossible to find out how men vote. Unless these men could have been summoned before our committee and inquiry made of them, even the attempt to ascertain these facts would not have been achieved. But not even the attempt was made. In my judgment it was impracticable under the circumstances of the case. Therefore I contend that it was impracticable to comply with the requirements which the judgments of the courts say are imperative before the poll of a precinct may be rejected because of fraud other than that of officials.

Returning to the historical phase of the problem, let me recall that soon after the middle of the last century there came into the politics of the country an exceedingly pernicious and baneful theory. There is profit sometimes in tracing a judicial or legislative doctrine to its very source. You may find it in some pellucid spring where the water gushes out of the rock amid the mosses and the overhanging boughs with complete purity. You may find it oozing out of some dank and loathsome swamp, unfit to drink, nauseous to the smell, horrible in all its aspects. I will not say that this doctrine originated in such a foul source, but I will point out to you that its origin brings to us no guaranty of purity. It originated in its modern applications by the courts in that most unfortunate of quarrels, a church row. It originated in the case of Juker *v.* The Commonwealth (20 Pa. State, 484) in 1853, where a church election had been held partly in a school yard and partly in the schoolhouse, and the court threw out the votes cast in the yard.

That was taken advantage of four years later for a dictum by the courts in the case of Mann against Cassidy, when the court said that under certain circumstances they would have been bound to throw out all the votes in certain precincts.

Upon the decision in this church quarrel and the dictum in Mann against Cassidy the courts in Pennsylvania established a

long line of decisions in contested-election cases of the next 15 years. There were men strong enough to protest. You will find in the minority report dissenting opinions of various justices of the court. Particularly would I emphasize the words of Chief Justice Thompson, who said:

I maintain that there is nothing which will justify the striking out of entire divisions but an inability to decipher the returns or by showing that not a single vote was polled or that no election was legally held. If anything short of this is to have effect, the right of every elector is at the mercy of the election officers.

Nevertheless this pernicious doctrine prevailed so extensively in Pennsylvania that it was very readily brought into the practice of Congress.

Before the Civil War bitter partisanship had begun to smirch the records of election contests. In 1860 and in subsequent years again and again there was resort to this partisan device of throwing out certain precincts. So it is quite natural when we come to the memorable contest between the two great parties over the election struggle between Hayes and Tilden that we should find there, down at the core of the dispute, this same dubious question. Years have passed. Partisanship no longer flames with such bitterness as then marked political strife. To-day, looking back with some attempt at impartiality, we may say that both sides were guilty of offenses against law and decency, and both sides established records of which in later years they could have been proud only on the assumption that their purpose warranted their method.

For example, in the city of New Orleans one poll was thrown out because the commissioners of election had written the figures "249" so that the figure "9" was doubtful. You could not tell whether it was a "9" or a "7." Because of that they threw out not alone the vote for the presidential elector concerned, but they threw out the vote of the precinct for all the electors.

There were more than 20 parishes in Louisiana which were thrown out on one pretext or another. The same sort of thing took place in Florida. I feel warranted in saying that in the contest of 1876 this doctrine showed its dangers, its pernicious possibilities, to a degree that ought to make it forever reprehensible in the consideration of election cases.

It was resorted to repeatedly thereafter, and my friend who is to follow me can truly tell you there is much precedent for his contention that it is proper, in view of the decisions he will doubtless name, to throw out isolated precincts. Yet such are the dangers of the practice, such are its inequities, such are its iniquities, that I take this opportunity to protest against it and to implore the House of Representatives to eliminate from the public life of our land, so far as it can be done by the precedent established to-day, the theory that in order to make one side or the other prevail, in order to advance the interest whether of a political party or of an individual, you may disfranchise by the wholesale American citizens who have honestly cast their votes. [Applause.]

Mr. HUSTED. Will the gentleman yield?

Mr. LUCE. I have but 10 minutes more. I do not know whether I shall have time to yield or not. I desire to round out my argument, if I may. What are the further objections to this practice? In the first place, that it puts the electorate at the mercy of rogues and rascals, who by vitiating the conduct of an election may accomplish purposes which are often venal in their origin and never unselfish and patriotic. Secondly, you punish innocent candidates who may have had no share whatever in the corruption and the irregularities that are charged. Thirdly, you punish innocent voters of the whole district, not alone those of the precincts that you reject but the voters of the rest of the district, whose will would have prevailed except for this exclusion. Then, fourthly, you punish the people, because the purpose of an election is to ascertain the will of the majority. What primarily concerns you here is not the seating of Mr. Fitzgerald or Mr. Tague, but what primarily concerns you here is the right of more than 300,000 human beings in a congressional district to have such representation in Congress as a majority of them desire.

I will tax the patience of the House but a few minutes longer. I would not have talked at this length had it not seemed to me that a question of principle is underneath the proposition before you which is greater by far than any question of personality. It is not alone a question that may on some future occasion affect your political future or my own. It is a question that may affect the destinies of the whole land. For our American civilization is founded on the belief that the majority shall rule. You may say that this is a conventional doctrine, you may assail it from the viewpoint of the political philosopher, and argue that it has no sanction or authority in itself. Nevertheless it is the very corner stone of democracy. Ever since Anglo-Saxon civilization rose out of the murk of the Middle Ages, to gain power throughout all the world, its political achievements have been based upon the acceptance of the doctrine that the majority shall prevail. Nothing can be more important than to maintain and protect this doctrine. Nothing is more vitally necessary to the safety of the people in these serious times, or will be in those even more serious that are soon to follow, than to let every man know that he is the equal politically of every other man, and that his vote shall count equally with that of every other man. He should be assured that whether rich or poor, learned or ignorant, whether schooled in colleges or only in the study of mankind itself, every man in this country shall be on a level of equality with every other man to express his belief as to what shall be the course of government. That it is which has made suffrage the most important of all the questions that ever perplexed a legislative body.

As a member of a legislative committee dealing with this subject for many years I found there were those who thought it was of small importance, and desired to pass on to what they conceived to be greater things. And yet I firmly believe that this is of all political topics the greatest. It is the one thing that underlies everything else.

The proudest fact, the kingliest act
Of freedom, is the freeman's vote.

If to-day you declare that by reason of the charges of corruption made in a small part of a congressional district the will of that district ought to be thwarted, if you say the corruption perpetrated by any one man or group of men shall discredit the suffrage of a thousand men qualified to vote, you will by so much increase the fear on the part of the masses of our people that their rights shall be taken away from them, their object interfered with by a legislative body or by some other power profiting by its example.

So I have tried to bring this question out of its atmosphere of personal complication. I have tried to lay before you my conclusion, reached after the most patient study of this case, that there has been enough fraud to make it impossible to say who was elected. I have tried to make it clear to you that under these circumstances we should say to these men, "A plague o' both your houses." Let us send this controversy back to the people, that they may tell us clearly what they want. Thus we may incite the Legislature of Massachusetts to remedy such defects as there may be in their election laws. Thus we may incite the people of this district to higher standards of political morality than have there prevailed. Thus we may advance the welfare of the people themselves by telling them that the Congress of the United States will not undertake to decide election contests on personal considerations; that it will not undertake to follow precedents that have proven to be inimical to the welfare of the people, but that from now on it will by establishing this precedent to-day declare that whenever it is impossible to ascertain the will of the people in the customary fashion the election shall be held once more; that there may be every opportunity for the majority to rule.

Mr. YATES. Does the gentleman say that there is no evidence of fraud?

Mr. LUCE. Not at all. There was evidence of fraud. There was enough evidence of fraud to make it impossible to determine which man received the plurality of votes duly and legally cast.

Mr. CONNALLY Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CONNALLY. I believe the gentleman said there was no more evidence that there was fraud in this precinct than there had been in elections for a number of years in the past. Did not the gentleman make that statement?

Mr. LUCE. To the best of my belief I am justified in that statement.

Mr. CONNALLY. What assurance has the gentleman that if they have another election that practice which has been going on for a number of years would not occur again?

Mr. LUCE. Mr. Speaker, at the time to which I refer, in 1903, we were able in the Legislature of Massachusetts, in the controversy of which I have spoken, to improve some of the laws governing these matters. Since then students of the subject have discovered other means by which it may be possible to make more certain the expression of the electors' will, and I am in hopes that if we thus teach this district the importance of enacting that legislation it will cooperate with the legislature in perfecting the laws.

Mr. KINKAID. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. KINKAID. Do they have official challengers at the polls on election day?

Mr. LUCE. We do not.

Mr. KINKAID. Does the gentleman not think that system would improve the administration of elections very much?

Mr. LUCE. I am not acquainted with the system, and so I could not answer.

Mr. HUSTED. Mr. Speaker, in view of the gentleman's position that in this case it is impossible to fairly determine which candidate was the choice of the people, I would be very much interested in getting the gentleman's reason for rejecting what has been generally considered a rule in these cases, that where the result is in doubt, the sitting Member is entitled to the benefit of the doubt, or, in other words, that the burden of proof is upon the contestant to show his right to the seat.

Mr. LUCE. Mr. Speaker, it was proved to the satisfaction of a majority of the committee that there has been enough irregularity and fraud in this district to make it impossible to ascertain who was elected. There were within the committee itself some differences as to the extent to which that might be carried, but, for my own part, I was quite certain that in view of the closeness of the vote there has been at least enough fraud proved to make it impossible to determine who was elected.

Mr. GARD. Mr. Speaker, would the gentleman state what that fraud was?

Mr. LUCE. The fraud was of two classes——

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. Summarily it may be described as illegal registration.

Mr. OVERSTREET. Mr. Speaker, I would like to ask the gentleman a question, and in order to do so I yield him one minute of my time. Does the gentleman say that there was a single illegal vote cast for Mr. Fitzgerald? Can the gentleman point to the record and show that there was a single illegal vote cast for Mr. Fitzgerald in that ward?

Mr. LUCE. Mr. Speaker, I do not dare answer that question. Although I spent many, many hours reading the evidence, I should not want to be specific as the gentleman asked me to be. If there was any evidence, there was very little of it, and there was no evidence that a single one of these voters whose right to vote is now challenged did vote for either of the two candidates here concerned.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. GOODALL. Mr. Speaker, I yield 30 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, there is not a statement of fact incorporated in the report of the majority of this committee, there is not a finding of fact that is not based upon the evidence taken in this case and based upon the uncontradicted evidence in the case, because throughout the defense there has been no testimony introduced to rebut a single allegation upon which your committee has based its findings. The committee has approached the question with an open mind and with great painstaking in the examination of the voluminous testimony that was taken in the case. There are many allegations of fraud and irregularities which the committee has found some evidence to sustain, but the committee has not incorporated such findings in its report, because it rested its case solely on the unquestioned fraudulent and illegal registration which was prevalent in the three precincts named in this report—the fourth, eighth, and ninth precincts of ward 5. The evidence in the case, which everybody who desires to read the testimony can find for himself, is that there were investigations made and it was found by inquiry at the residences given of voters who were registered and who had voted in this election that these particular voters did not in fact live in the places from which they registered and voted. There are in this testimony at least 300 or more specific instances of names and addresses of voters given who, the testimony shows, did not live where they voted from, and they had no right to vote in the election in the precincts in which they did vote.

Mr. BURROUGHS. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BURROUGHS. Was there any evidence before the committee as to how those three hundred or more gentlemen voted in this election?

Mr. LEHLBACH. Not directly; but in view of the fact that your committee finds that over three hundred fraudulent votes were cast in these precincts, and in view of the fact that one hundred and twenty votes only were cast for Peter Tague in all those precincts, we know that at least the difference between three hundred and more and one hundred and twenty were illegal votes cast for the contestee.

Mr. LONGWORTH. Mr. Speaker, will the gentleman restate those figures?

Mr. LEHLBACH. I say that this committee finds as a fact upon the evidence in the case, on the sworn testimony and not upon hearsay or rumors, but upon the facts proved in the case, that considerably over 300 illegal votes were cast in these three precincts, and that the total vote cast for Peter Tague in those precincts was only 120.

Mr. LONGWORTH. How many votes were cast in ward 5 altogether?

Mr. LEHLBACH. I have not the figures for ward 5; but the total votes cast for Congress in those precincts was 906, of which Mr. Tague received 120, and at least one-third, your committee found, were fraudulent votes cast by people who did not live in that district.

Mr. LONGWORTH. I find that two years ago the total votes cast in that district were 16,834.

Now, last year there were 15,293. In other words, considerably more than half the votes cast two years ago more than this year, although——

Mr. LEHLBACH. Those fifteen thousand two hundred and odd votes were cast for Members of Congress. The total number of votes in the congressional district was over 16,000, approximately the same as in the election of two years ago. In that election, the gentleman will remember, it was a presidential election, in which from 15 to 20 per cent greater vote is cast in every congressional district where the vote is free and they can come to the polls, and the small number of votes cast is due to the fact that there is a great unnaturalized foreign population in this ward.

Mr. LONGWORTH. That is the reason I asked the gentleman what was the total vote in ward 5—what the respective candidates received in ward 5. Has the gentleman those figures?

Mr. LEHLBACH. I have not where I can handily refer to them. They are in the report and my compilation which I have made for the sake of argument refers to the three precincts over which the controversy is brought.

Mr. KINKAID. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. KINKAID. Will the gentleman advise the House as to whether there is any evidence adduced tending to show at whose instance, if it be anybody, or any manager or any boss, that the supposed illegal votes were cast?

Mr. LEHLBACH. I will answer that. Both at the primary evidence of gross illegal registration of fraudulent votes existed, and in view of the fact that the same condition obtained in the election based on the election returns, your committee did not report the findings on the primary in its report. But in the primaries there was an appeal to the Boston election commission and appeal to the ballot-law commission of Massachusetts, and subpœnaes were issued in due course to those men who were alleged to be illegal voters. Some were found and refused to obey the subpœna, and others could not be found to obey the subpœna in this primary contest——

Mr. RAKER. Will the gentleman yield?

Mr. LEHLBACH. I want to answer this question first. It was suggested at the hearing before the ballot-law commission that the case of the contestee would be prejudiced by the persistent refusal to obey the subpœna on the part of these voters, and Mr. Martin Lomasney, the head of the organization which had charge of the contestee's election in this ward, marched into the place where the ballot-law commission was sitting at the head of 45 of these men who were alleged to be the men upon whose names votes had been cast. He admitted he brought them in. He admitted the organization brought them in, because he thought there was some misapprehension, and at the congressional hearing they asked him to bring in a list of the Hendricks Club, which was the organization through which he worked, of these men whose right to vote was challenged, and who it was admitted were under his control, and yet he said, "I will not do it."

Mr. RAKER. Now, will the gentleman permit a question?

Mr. LEHLBACH. Yes.

Mr. RAKER. In ward 5, precincts 4, 8, and 9, how many votes were cast for Mr. Fitzgerald? Does the gentleman know?

Mr. LEHLBACH. Six hundred and some odd votes.

Mr. RAKER. Just in those three precincts?

Mr. LEHLBACH. Six hundred and seventy-four were cast for Mr. Fitzgerald.

Mr. RAKER. How much for the contestant?

Mr. LEHLBACH. One hundred and twenty for Tague.

Mr. RAKER. Now, one further question: I understand the committee found there were 316 voters illegally registered and of that number 188 failed to appear when subpœnaed?

Mr. LEHLBACH. Yes.

Mr. RAKER. One hundred and eighty-eight could not be found, or practically refused to appear. Were any of those who did appear examined as to who they voted for?

Mr. LEHLBACH. They were. I have here a compilation of the names of the witnesses who appeared and whose right to vote was challenged, and with the exception of a few every one of those by the testimony out of their own mouths were shown to have no right to vote where they did in this election.

Mr. RAKER. Just one question. I would like to develop further——

Mr. LEHLBACH. One more question, and then I must decline to yield further.

Mr. RAKER. Were the witnesses examined as for whom they voted? For instance, if they were legal voters, you could compel them to state how they voted. Were they asked for whom they voted?

Mr. LEHLBACH. No; they were not.

Mr. RAKER. On neither side?

Mr. LEHLBACH. They were not.

Mr. WILSON of Louisiana. Will the gentleman yield for one question?

Mr. LEHLBACH. For a question.

Mr. WILSON of Louisiana. I understand when the committee counted these votes that there was a difference of 10?

Mr. LEHLBACH. Yes.

Mr. WILSON of Louisiana. In those three precincts, ward 5, there were 906 votes cast?

Mr. LEHLBACH. Yes.

Mr. WILSON of Louisiana. And a majority of the committee says that 316 were fraudulent?

Mr. LEHLBACH. Yes.

Mr. WILSON of Louisiana. I want to know on what kind of evidence the committee based that statement that 316 of them were fraudulent votes?

Mr. LEHLBACH. Why, by the testimony of witnesses who had made personal investigation at the places where these men alleged they lived and found they did not reside there, and that supplemented by subpœnas of witnesses from places where they alleged they lived and where in truth they did live. It was proved in a large majority of cases they did not live where they claimed to live and vote, and the others could not be found in the district at all.

Mr. WILSON of Louisiana. If you had taken the 316 votes as being fraudulent and made a proportionate calculation, what would have been the result?

Mr. LEHLBACH. These 316 votes were taken to be the sum total of the fraudulent votes in these three precincts, and if they had been distributed over the 677 that Mr. Fitzgerald had and those that Mr. Tague had, Mr. Tague would have had a plurality of the votes. That ought to settle the question. Your committee did not feel justified in bringing in a finding that Mr. Fitzgerald was not elected and Mr. Tague was elected on that basis and rest there, because the committee believes from all the evidence that 316 votes were not by any means the sum total of the fraudulent votes. And in the second place——

Mr. REAVIS. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. REAVIS. As to the 316 fraudulent votes which the committee found, were those made up of the total of the men concerning whose residences witnesses testified did not live within the precinct, plus those men whom you could not find by subpœna?

Mr. LEHLBACH. No, sir. Every one of these 316 is based on testimony that they did not reside in the district, and is supplemented either by the absence of those who did not appear and could not be found, and whom it was shown by women and relatives who testified that they lived in some place entirely different, and of those who were known and were in the district and could be found, but refused to obey the subpœnas, knowing that their votes were challenged in the place where they did vote, yet who did not come in, though being in Boston, and served by the United States marshal, to testify as to the votes they cast.

Mr. REAVIS. As I understand the gentleman, there was testimony that 316 of these voters did not live where the registration represented them to have lived?

Mr. LEHLBACH. That is correct.

Mr. REAVIS. Now, was that testimony disputed?

Mr. LEHLBACH. That testimony was not disputed by a single bit of evidence.

Mr. REAVIS. It is in this record without dispute that 316 of these voters did not live in that district?

Mr. LEHLBACH. The record does not dispute the evidence in that respect.

Mr. ELSTON. Will the gentleman yield a moment? Some question has been made here as to whether it is shown by the record how these illegal registrants voted, whether for Fitzgerald or Tague, the presumption being, on that account, that it must be shown they voted for Fitzgerald. Will the gentleman discuss the law of the proposition as to the right to throw out precincts where fraud is alleged, and it is not shown how the parties voted, whether for contestee or contestant?

Mr. LEHLBACH. I will a little later.

Now, the gentleman from Massachusetts [Mr. PHELAN] has stated here on the floor in a casual way that there exists a law in Massachusetts which allows a man to live with his family in one place and for the purpose of voting maintain a residence somewhere else. There is no law like that in Massachusetts at all. The law as to the right to vote is embedded in the constitution of the State of Massachusetts, and this is what the constitution of the State of Massachusetts, as originally drawn and adopted by that Commonwealth, and as it still exists to-day, says:

Chapter II, section 2: And to remove all doubt concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State in that town, district, or plantation where he dwelleth and hath his home.

That is what a voting residence means under the law of the State of Massachusetts; and your committee has not got such long ears that it will sit around a table and listen to such testimony as this, that a man lives with his wife and three or four little children in the town of Dorchester, that he goes to church there, that he entertains his friends there, that he sends his children to school in Dorchester, but that on the 1st of April he goes to some lodging house in the fifth ward to sleep overnight for the purpose of voting, that that man lives and dwells and has his home in the fifth ward of Boston. That is the testimony in hundreds of cases. We show in these three precincts that the registration is padded to the extent of at least one-third of the total number of votes there, and presumably to a greater extent than that.

Mr. REAVIS. Did the contestee, Mr. Fitzgerald, testify in this case?

Mr. LEHLBACH. He did not.

Mr. REAVIS. Was he invited to testify?

Mr. LEHLBACH. He was, repeatedly.

Mr. FITZGERALD. Mr. Speaker, by whom?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Massachusetts?

Mr. LEHLBACH. I do not. It is in the record that before the conclusion of your case, on several occasions, it was suggested that you testify. That can be read in the record.

Mr. FITZGERALD. It may have been suggested; but I was never invited and never testified, and I was around the courthouse all the time. There was no reason why I should prove the contestant's case.

Mr. LEHLBACH. Now, Mr. Speaker, there are two classes of these illegal voters. One class is the "mattress" voter. That term was injected in this case by Martin M. Lomasney. It means a man who lives somewhere else and goes to a lodging house in order to be registered on the 1st day of April, and who votes from there. He so informed the committee in his testimony. That was one class of illegal voters that existed. These men were bartenders, porters, lodging-house keepers, and so forth. There is another large class that was registered from lodging houses. Thirty-two votes were registered from one room in a place in Causeway Street, which Mr. GALLIVAN and other gentlemen from Boston call the "louse" house. These men can not be found at all, and, in fact, were probably never there.

When these people were summoned to appear and bring their hotel registers, with one exception, it was found that every single one of the 13 had destroyed their registers before Congress could examine them. That is evidence of the way the thing was worked.

Now, as to this class of voters, let me read at random from the testimony of one witness who did appear—Mr. Abraham Finkelstein. I read:

Q. What is your name, Mr. Finkelstein?—A. Abraham Finkelstein.
Q. How old are you, Mr. Finkelstein?—A. Thirty-six.
Q. Where do you live?—A. 77 Savin Street, Roxbury.
Q. That's in ward 16?—A. I couldn't tell you what ward it is in.
Q. But it is in Roxbury?—A. Yes, sir.
Q. And 3 or 4 miles away from ward 5?—A. Oh, I believe so.
Q. And where do you vote from?—A. Down at a lodging house, 75 Causeway Street.

That is down in this territory.

Q. And why do you vote from a lodging house, 75 Causeway Street?—A. I have always voted in the West End all my life. I don't suppose that's any hindrance.

Q. How did you happen to do it that way?—A. The people ask me to vote there, and put your name on the list; something like that.
Q. By "people" you mean whom?—A. Well, half a dozen in particular. When it comes certain times, they ask you if you are still going to vote; they simply take care of you.
Q. Who are they?—A. I don't believe I know any of them by name, to call them by name.
Q. Members of the Hendricks Club?—A. I suppose they are.
Q. They took care of you that way?—A. Yes, sir.
Q. As a matter of fact, you have lived out there with your mother 10 years?—A. Ten years.
Q. And this is the practice; you have continued your name in this place all this time?—A. Yes. I go down there and they tell me where they will put me. I don't go disputing about it or bothering about it.

That is the practice. Then, on cross-examination:

Q. What I am trying to get at, you sleep when you go home in Roxbury; where do you consider your voting residence to be, Mr. Finkelstein?—A. 75 Causeway Street.
Q. And you ask people there to preserve that as your voting residence?—A. I don't believe I ever asked them; I don't believe I did ask them. They simply say they will put you here or put you there, and that's all there is to it.

All he has got to do is to vote. And there are hundreds of such cases in these three precincts. [Applause.] These three precincts are just saturated with that kind of thing.

Mr. BROOKS of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BROOKS of Pennsylvania. So much weight has been placed upon the illegal registering of voters that I wish to ask the gentleman if these men had not voted in the places where they did vote, would they not still have voted in the same congressional district?

Mr. LEHLBACH. Oh, no.

Mr. BROOKS of Pennsylvania. Are you sure about that?

Mr. LEHLBACH. Yes. This congressional district comprises the first six wards of the city of Boston, and the places where the mattress voters come from are the suburban towns.

Mr. BROOKS of Pennsylvania. That is only a part of the district?

Mr. LEHLBACH. Yes. If we confine our findings to the 316 cases and deduct them pro rata, Peter Tague is elected. But why should we deduct pro rata these crooked votes when we know that the registration lists were padded under the direction of the boss, who was supporting contestee? When you inquire into those districts you find that they are 33⅓ per cent crooked. We say we can not consider them in canvassing the result of the election; but that is no reason why 16,000 voters in this congressional district should be deprived of their right to vote for whom they want. And, setting aside these three crooked precincts which were overwhelmingly for Fitzgerald, and where any considerable number of crooked votes could not possibly have been cast for Peter Tague, we say that Mr. Tague was duly elected from the district by a handsome plurality, either when considered on the original returns or on the corrected returns.

Mr. BENSON. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BENSON. Were not these names on the registration books for years? Were they not there when you voted for governor?

Mr. LEHLBACH. Well, we have shown conclusively, I believe, that this was not an innovation, but had existed for a number of years.

Mr. BENSON. These men had been on the books for years?

Mr. LEHLBACH. They had.

Mr. BENSON. And they had attempted to vote elsewhere in Massachusetts, where they had a regular residence?

Mr. LEHLBACH. I do not know. There is no evidence that any of these votes were cast by men who voted elsewhere. That is simply an assertion made on behalf of the contestee.

Mr. BENSON. There is no evidence that these men voted in two places in Massachusetts?

Mr. LEHLBACH. There is no evidence that they voted in two places in Massachusetts, and there is no evidence to show that some of them voted at all, because 188 of them can not be found at all.

Mr. BABKA. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BABKA. Did the committee make any investigation to ascertain whether or not these 316 men were on the poll books two years ago?

Mr. LEHLBACH. They did not.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. TREADWAY. I understood the gentleman to say that the committee did not believe in disfranchising 16,000 legal voters in the district because there was corruption in three precincts. Is that correct?

Mr. LEHLBACH. That is correct.

Mr. TREADWAY. On what ground does the gentleman justify the disfranchising of these other precincts, where he admits there was no illegal voting?

Mr. LEHLBACH. Because there can be no reasonable result arrived at by any other human device in those cases than by throwing out such precincts as are permeated by fraud. From the case of Wayne against Jackson up to the present time that doctrine has obtained. It was not applied to that particular case because three counties were involved that composed a substantial proportion of the entire district, so that the remainder could not fairly be considered to have held a determining election for the whole district, and in one or two cases where an entire city or county was involved, or where the majority of an entire district was involved, Congress has not applied the doctrine. But in every other instance where the case was proved Congress has applied the doctrine to throw out those districts that are so permeated with fraud that no honest return can be predicated upon the result and so satisfactorily decide the election.

Mr. TREADWAY. Why does the gentleman limit it to the precinct? Why not carry it to the ward or to the district, if his argument is logical?

Mr. LEHLBACH. Because precincts 4 and 8 and 9 are the places where this fraud occurred, with the exception of a very few cases. That is where it was entirely confined. There is no evidence of any illegal registration in any ward except ward 5, and there is evidence in the case showing that there are only 18 cases in ward 5, outside of these three precincts, so that they are all confined to those three precincts which form a compact territory in the heart of the city of Boston.

Mr. TREADWAY. The gentleman does say that the committee thereby disfranchises two-thirds of the legal voters in those precincts. That is the conclusion, is it not?

Mr. LEHLBACH. The committee do not say that, because, as men judging evidence on the reasonableness of the case, they do not admit that the fraudulent voting was confined to the actual number of cases specifically proven.

Mr. EAGAN. Can the gentleman say whether there is personal registration in Massachusetts every year?

Mr. LEHLBACH. There is not.

Mr. EAGAN. What is the method?

Mr. LEHLBACH. The police come around on the 1st day of April.

The SPEAKER. The time of the gentleman has expired.

Mr. LEHLBACH. May I have three minutes more?

Mr. GOODALL. I yield to the gentleman three minutes.

Mr. GALLIVAN. Will the gentleman ask me that question?

Mr. LEHLBACH. I can not yield.

Concerning the remedy to be applied, the Second Congress and the Fourteenth Congress discussed this doctrine, not with any question of disavowing it but as to whether it was to be applied in those particular cases. This is the doctrine that has been applied throughout the entire history of contested congressional election cases. It is the only doctrine which after mature consideration has been found to work substantial justice. To throw this case back and allow a new election to be held would do an injustice to the great majority of the voters of the district, depriving them of representation for possibly a year or more and depriving the contestant of his undoubted right to the seat, because under the evidence there is no question that he received a clear plurality of the honest votes that were cast. If you allow a new election after the proof in this case, it will be like saying that after you catch a man cheating there shall be a new deal and that we will commence all over again. The rule that common sense dictates is that when you catch a man cheating you deprive him of that for which he cheated and let the result be as it will after the cheater has been deprived of that which he wrongfully gained. That is the theory that underlies this doctrine and that has the precedents of the House behind it.

But even if you should only throw out the votes actually proved fraudulent and deduct them pro rata, then Peter Tague is elected, anyhow. Whichever view you want to take of the case theoretically, if you follow the evidence as found by your committee, you have got to seat Peter Tague and unseat John F. Fitzgerald.

Mr. GALLIVAN. Mr. Speaker, I will use the balance of my time.

The SPEAKER. The gentleman has 10 minutes.

Mr. GALLIVAN. I would not bother the House with any further word, but for the wild expressions of the last speaker. You have heard now from two members of the committee, the

excitable gentleman from New Jersey [Mr. LEHLBACH] and the calm, judicial, fair-minded Republican from Massachusetts [Mr. LUCE].

I said a moment ago that the record of the testimony in this case is not worth the paper on which it is printed. It was taken before two notaries, both of them rotten partisans. Counsel on each side might enter objection after objection, only to be overruled, and the stuff in that book of testimony was the laughingstock of Boston. Yet the gentleman who preceded me [Mr. LEHLBACH] quoted from that book. He calls it evidence. We in Massachusetts know it to be junk, and while those hearings were on we stopped reading the funny papers. [Laughter.] If you want to read a story of the twentieth century Ananiases, bother yourself with that book and then burn it up. [Laughter.]

I do not like to say anything personal about anybody. I tried to get the last speaker [Mr. LEHLBACH] to yield to me. I find on looking up his election that he was elected to this House by only 587 votes, and on looking over the files I find that there were certain allegations made by his opponent the day after election. I find also that a Democrat from New Jersey, who signed the majority report, was elected by only 299 votes, and they both come from the same city, and I have been told for months that the two votes from that city would be against Fitzgerald. If you read the evidence before the committee, you will find that the counsel who appeared for the contestee never had a fair show from the gentleman who has just taken his seat. His statements were challenged, sometimes ridiculed, and partisanship was shown by the previous speaker in every question he asked. I hate to say that.

They say that it was too late for Mr. Tague, after appealing from the various boards, to file papers. Why, they do not know what they are talking about. Under the law in my State, if you want to be an independent candidate you have to give notice before the primary. Does any one dispute that fact?

They talk about a liquor dealer having to live in the neighborhood of his liquor store. That is mere junk. There is not the shadow of truth in it. My friend from New Jersey wanted to know if we had an annual registration in Massachusetts. We do not have such a thing, but we have an annual visitation from the police in our city on the 1st of April, and we respect the police in Boston [laughter]—when we have a police force. They go from door to door, and they ask, "Who of voting age is living here?" And the good housewife has to answer the man in blue and brass every year. If the same names appear as appeared on the voting list of the year before, the election commission, under the law of the State, carry the names along from year to year.

The gentleman from New Jersey got very, very much excited. I think to any fair-minded man he showed bias. You heard what the Republican member of this committee from Massachusetts [Mr. LUCE] had to say in a calm, decent, argumentative way. I am going to vote for the Luce proposition, which will declare the seat vacant and give the people of the city another chance. I am going to do that because you have convinced me that there is some doubt as to who won. [Laughter.] I do not know why the gentleman laughs. He knows more than I do about crooked political methods, and perhaps that is why he laughs.

My friend referred to something that he said Mr. GALLIVAN knew about as the "louse house" in Boston. I never heard of it until it came from his lips. I have heard that in Newark they have many "scratch houses," and I presume he is familiar with them. There are none such in my district. Thank God I represent a residential, law-abiding people, where we never have contests of this kind. But that does not close my mouth to the fact that there is an attempt to take the ballot away from a thousand of my fellow citizens, and, as I said in my opening words, I would be ashamed of myself if I kept quiet when that attempt is being made in this Congress.

Mr. Speaker, let me call the attention of the Republican Members of the House to this point: If conditions in this ward were so wrong, a few years ago DAVID I. WALSH was elected governor of Massachusetts over Samuel W. McCall by a margin of 11,815, in a total vote of over 450,000. The Republicans were in full control at the statehouse. They had all the power and prestige that went with the governorship of Massachusetts. This ward rolled up a bigger vote for DAVID I. WALSH against Samuel W. McCall than it did for John F. Fitzgerald against Peter F. Tague.

When Gov. WALSH was inaugurated the Republican power and prestige to which I have referred went out of doors at the statehouse without a whisper from the great Republican leaders of my State, who know how to take a licking. Do you intelligent gentlemen believe that if what has been said on this floor to-day about Martin Lomasney and this ward is true that the Republican leaders in my State would have quietly assented to the inauguration of Gov. WALSH and his continuation in office without a contest? Of course not. They knew conditions up home, and they know that the vote of this ward when polled is honestly polled. Gov. WALSH served his term without the slightest objection from these Republican leaders and made such an excellent record that he was reelected governor. A year ago this distinguished Democrat was a candidate for the United States Senate against one of the Republican leaders in that body, a most lovable man, Hon. John W. Weeks. His margin was apparently limited, and Mr. Lomasney's ward gave him a tremendous margin over Senator Weeks. Did Senator Weeks squeal? Not he. He took his licking like a man, although it was a great disappointment to him, and Senator WALSH to-day is the junior Senator from my State, and is making the excellent record for himself and for the Commonwealth that we all knew he would make. These brief references tell the story, and that ought to be convincing to you gentlemen that what has been said about this particular contest by those who favor the unseating of Mr. Fitzgerald are either false or grossly overstated.

I said a moment ago that I had no intention to inject myself into this discussion until I learned that it was the intention of the committee to disfranchise 1,000 of my fellow citizens. When the vote is taken to-night, no matter what the result, I shall be proud and happy that I have said in the House of Representatives what I have said, and I will not change a word or blot out a sentence.

Mr. OVERSTREET and Mr. PHELAN were given leave to extend their remarks in the RECORD.

Mr. GOODALL. Mr. Speaker, how does the time now stand?

The SPEAKER. The gentleman from Maine has 31 minutes and the gentleman from Georgia [Mr. OVERSTREET] has 28 minutes.

Mr. GOODALL. Mr. Speaker, I yield the remainder of my time to the contestant, the gentleman from Massachusetts, Mr. Tague.

Mr. TAGUE. Mr. Speaker and gentlemen of the House, I realize that I am here because the membership of this House has given me permission to present my case and because you seem to think that I have a case. I do not intend to deal in personalities of any kind. No matter what situation may arise, I am going to keep myself within bounds in this case, and I will address myself to the case just as it is set forth in the evidence which the preceding speaker [Mr. GALLIVAN] has recklessly declared is not worth the paper it is printed on. Let us bear in mind that this evidence produced by me was given under oath by every witness that came into court, and not one syllable of that evidence has ever been denied by the gentleman from Massachusetts [Mr. Fitzgerald]. Not one word of the evidence has been denied in any way, shape, or manner. Yet they come in here and ask you to disregard it. The gentleman from Massachusetts [Mr. GALLIVAN], responding to the lash of his boss, Mr. Lomasney, comes in here and speaks and acts as he has to-day because the leader orders that he must do it. The gentleman from Massachusetts [Mr. LUCE] urges the passage of his amendment; but let me remind you that if you pass this resolution you will be doing just what Mr. Lomasney wishes and playing right into his hands.

I want my friends to realize that the gentleman from Massachusetts [Mr. GALLIVAN] spoke the truth when he said that the contestee, Mr. Fitzgerald, does not live in this district that he wishes to represent. The evidence in this case given by Martin M. Lomasney states that he went out of the district to get Mr. Fitzgerald, because he could not find a man in the district who could defeat me. He went out to Mr. GALLIVAN's district and brought in this man whom he said was the most powerful factor in Boston politics. He brought him into the district to defeat me. Why? Because, as your colleague for four years, as a representative of my people for four years, I refused to answer the beck and call of Martin M. Lomasney. [Applause.]

It is only a short time ago when every Member of this House was called upon to act upon the question of war. There was not a man in this House who wanted to vote for war. There was not a man in the Nation who wanted to see war, but we all had to take our position on that question. The testimony shows that Mr. Lomasney demanded that when the President stood delivering his message to Congress, that I, as the representative of the people of Massachusetts, should insult the President of the United States, insult the people of Massachusetts, by interrupting the President and ask, "Mr. President, with all due respect to your exalted position, what is going to be the attitude of England toward Ireland?" This I refused to do. That is why I am being punished to-day by this man Lomasney, although I yield to no man in my desire to see Ireland a free independ-

ent nation. I was compelled to run on stickers; I was obliged to do this because of the manner in which the primary election was conducted. The report shows that with 14 votes still in question the gentleman from Massachusetts defeated me by 10 votes. Without my name on the ballot, when every man voting for me had to go in, take the ballot, wet the sticker, put it on the ballot at a particular place in order to vote for me; with the machine of Boston threatening every employee of the city and their friends, attempting to deny them the right to come in and cast their ballot, I was elected, my friends, by the people of that district by a greater vote than ever was given to a man in that district. And in the ward of this great Lomasney, this man who said, "Don't you dare to vote for war; don't you dare to vote for conscription; don't you dare in any way, shape, or manner to cast a vote that will help England to win," because he was so entangled with his pro-German proposition—that is all in the evidence. Every word of it is in the evidence, and everything I say to you is from evidence under oath.

Congress lays down the manner in which the evidence shall be taken. It says that there shall be 90 days to take the evidence and it regulates how it shall be taken before the notaries or a judge of the district. In 90 days we took the evidence, but we never could get the gentleman from Massachusetts [Mr. Fitzgerald] to come into court and give evidence. Notwithstanding that, Mr. Feeny, his lawyer, and Mr. Callahan, his other lawyer, promised us on several occasions that Mr. Fitzgerald would come into court. When the case started we tried to find the gentleman from Massachusetts [Mr. Fitzgerald], but he had gone to Palm Beach, and he never came back until our case was closed.

Mr. Fitzgerald is not a resident of the district, and when he talks of disfranchising people I want to know if it is not a greater disfranchisement of the rights of the people for one man to come into a district, where he has no moral right to go, and against the desires of the people, and claim the right to represent that district. I want to say to you that he had his opportunity to present his case in court. I stood for seven long days on the witness stand, with both of his lawyers hurling questions at me, and they never for one moment found one single bit of evidence that could be contradicted or show that I had been guilty of any wrongdoing in any way, shape, or manner.

The gentleman from Massachusetts [Mr. LUCE] in his report says that I benefited by Lomasney. Let me give you what Lomasney himself said as to whether or not I was benefited by his support. Four years ago we had a bitter contest for Congress and there were seven candidates. One of them was a former Member of this House, Hon. John A. Keliher. The contest narrowed down to two or three men. Lomasney had put a candidate named Brennan in my ward, and tried to defeat me in that district, but the people of the district showed that I was their choice. The Sunday afternoon before Tuesday, election day, Lomasney decided to support me because, as he says in his testimony:

> Not that I wanted Tague, but that I wanted to lick Keliher; I wanted to kill Keliher—not that I wanted Tague.

Did I benefit by it? Let us see. The present ward 5 in those days was wards 6, 7, and 8 of the city. The vote in 1914 in ward 5 as now constituted was—Tague, 1,618; Keliher, 1,572 votes. I carried that ward by 46 votes. Let us see what the vote was a year ago when this contest was on. Fitzgerald, 2,570; Tague, 572. Is there any evidence of colonization there? Was there any control of the ward there? Was anything there that would lead you to believe that this entire district of ward 5 was in the hands of this political boss and leader? The gentleman from Ohio [Mr. LONGWORTH] asks a question why so few votes were cast. The answer is plain. This is the greatest cosmopolitan district of the eastern part of this country. Almost every foreigner who lands in Boston takes up his residence in this district. There are over 200,000 people in the district, and yet there are only 26,000 who vote, because the great population are not naturalized. In this election we cast 21,000 of those votes, which is a big proportion when you figure that many thousand were absent engaged in the war.

The gentleman says that we have proven no fraud. I do not know how you are going to prove fraud if we have not proven it. Let me go into the case briefly, for my time is limited. At the closing hours of the last session many of you Members will remember that I came before the House and said that I was trying to take evidence in the contest which would come before this Congress, but that I was being defeated in my every effort, because the witnesses refused to come into the court, because the leader, Mr. Fitzgerald, had refused to go into the court, and the boss had undoubtedly said to them, "You must not go there." Now, let us see what took place in Boston last fall. I went home from here, as you all did, right previous to your primaries. Mr. Lomasney testifies that he had not seen me but once since April, when I went into his office in August. I asked Lomasney what his ward was going to do in the contest, and he said to me: "I want you to get out; the people don't want you any more; the people don't believe you have represented them by your votes on war and other things." I said, "Who have you got?" and he said, "I am going to run Fitzgerald, the ex-mayor of Boston, against you, and I want you to get out." I said, "What for?" He said, "We need a big man in Congress; we need a big man in Congress," and I said, "Can't you get one in the district?" He said, "No; I want a big man down there; I want him to go down there and come back and be mayor of Boston again." Then I said to him that I did not think I ought to retire, and he said, "Fitzgerald is a wealthy man; he will give you the two years' salary if you will retire, and we will have you appointed fire commissioner of the city of Boston for four years." I refused it. Then I met Mr. Fitzgerald in his hotel, the Quincy House. It was the first time that I had talked with him since he sat there in this House in July and told me that I was not going to have any contest.

I asked Mr. Fitzgerald why he was in the contest. He had sent for me and wanted to talk with me, and in company with Judge Sullivan, of my district, I went to see him. I asked him why he was a candidate, and he said, "Because Martin Lomasney wants me to be a candidate"; and then he, too, told me that the salary was nothing to him, that I could have the salary, and they would take care of me with a good job. I refused him, and I told him that I would go out and fight him, and I did. [Applause.]

The fight took place, and when the returns were coming in on election night—and the newspapers had said that I had been elected over Lomasney and Fitzgerald—Lomasney had cunningly kept out four of his precincts, right around the city hall, within a stone's throw of the building. Those precincts were held out, and while the papers were declaring that I had been elected by 92 votes, the returns showed that Lomasney had changed the tide by holding out the four precincts, and I was defeated by 100 votes. The next day I petitioned for a recount, and on the recount I asked that all of the ballots be seen, both the used and unused ballots, because I knew that the ballots had been tampered with. I asked, further, that the ballots be put on one table, so that I could see them; and six days after my petition the election commissioners called a recount, but instead of letting me see the ballots they spread them out over the room on tables where I could not see what was going on, and with all that against me they then declared that I had been defeated by 50 votes. But let us see. When counting up this ward 5, precinct 5, when the clerks counted the ballots they discovered 50 ballots missing. Where did they go to and who took them? We asked the commissioners to let us know, and to this minute those 50 ballots that would have elected me have never put in their appearance. In precinct 4, of ward 5—the same notorious precinct 4—the election commissioners sent down two ballot boxes, a registering box and an emergency box to be used in case of accident. The men counting the votes in that precinct took this emergency box, which is nothing but a slide box, where a man can put his hand into it, and from 6 o'clock in the morning until 10 o'clock that day, when the police officers went into the voting booth, they had been using that box, and at 10 o'clock the police officers stopped them from using it. They said they could not find the key to the box.

The police officer went out and telephoned headquarters, and in less than 10 minutes, when they returned, over 250 ballots had been taken out of the small box and rammed in the canceling machine box. The night of the close of the recount we asked the election commissioners if they would show us those 50 votes. They told us they would do so in the morning. They said we could see them in the morning. We went there in the morning and they adjourned and said we could see them in the afternoon. Tuesday afternoon we went again, and Wednesday morning and Wednesday afternoon we went again, and Thursday morning we went again, and they refused to let us see the ballots. Then, with my counsel, I went to the mayor and asked him to remove the election commissioners for malfeasance in office. The mayor sent for them and for the corporation counsel, and he advised them I was within my rights in asking to see the votes, and instructed him to let me see them. The next morning we were sent for, and we went there at 10 o'clock, and immediately upon entering the room the election commissioners were in executive session, and stayed there until 1 o'clock and refused to come out, and at 1 o'clock we went to the chief justice of the municipal court and asked for

an inquest for ward 5. I went, together with my attorneys, and Chief Justice Bolster told us that on account of the condition of the public health, with the influenza raging, he had had to adjourn the courts, but that he would take it up for action after the court had come into session again. The case was not called up and I appealed. But these gentlemen love to stand up here and tell you what great men some of these men are. The election commission chairman was appointed by the gentleman when he was mayor of the city of Boston. Election Commissioner Murphy traveled around in Fitzgerald's automobile before the primary betting a lot of money that Fitzgerald would be elected. I then petitioned the ballot law commission for a hearing, and the hearing was granted. I summoned over 100 men, and I paid the sergeant at arms for summoning them, and those men refused to come into court.

They refused to come into court until Mr. Cunningham said he was not pleased with the situation, and then Boss Lomasney marched at the head of 40 men into court. They came into court and we were not permitted to ask a single question, notwithstanding the fact that I had summoned them and paid them the summons fee. Let me illustrate to you the questions which were put to these men. Nobody knew who the man was. "Is your name Mr. John Jones?" "Yes." "Do you live at Hotel Lucern?" "Yes." "Did you vote on the 24th of September?" "Yes." Those are the questions they asked of men who were on trial to say whether they had the right to vote or not. When one man was called my attorney said: "I know this man is Joseph C. Walsh, an inspector in the city of Boston, and he lives at 5 Rockdale Park with his wife and five children, and still he is permitted to say that he lives down at the Merrill House, Cambridge Street." In that hearing 22 men testified that their names had been voted on and they never voted. I brought into court testimony from the War and Navy Department to show that the names of 17 boys serving their country under the colors were voted on, and that one of the boys whose name was voted had died in France even before the primaries, and yet his name was voted on. I would not stain my name or my reputation by taking a nomination that was won with the blood of boys who were fighting for their country. [Applause.] Now, Mr. Fitzgerald said Tague is talking about my boys; that I insulted his sons who served their country's cause. Do not believe it, my friends. I have never done so, and I have denied this charge on so many occasions I wonder his object in repeating it. But his reason for repeating it is this: They want to hide the sin they committed by voting on dead soldiers' names even as they voted on election day on another dead soldier's name.

You ask, my friends, how I know for whom they voted. Let me tell you. This Hendricks Club is presided over by Lomasney, who has control of that ward, not only the Democratic politics but the Republican politics. He controls the Republican committee as well as the Democratic committee. He names the precinct officers on the Republican side just as he does the Democratic officers, and the gentleman [Mr. LUCE] who wants this election thrown out was the recipient of the Republican votes of that ward when he ran for lieutenant-governor. Mr. Lomasney has a club, as I have said, called the Hendricks Club. The president of that club is James Friel, or he was up to the time of this contest, when they changed officers. The financial secretary then was, and is now, James Graham. Mr. Graham and Mr. Friel were in charge of this precinct 4 of ward 5 on primary day, and on that day the name of James Friel, jr., and James Graham, sons of the president and secretary of the Hendricks Club, were voted on in the precincts where their fathers had control. Whom did they vote for? You know. No man can go in there with a blackjack and gun and vote unless they say so.

SEVERAL MEMBERS. Where were the boys?

Mr. TAGUE. They were in France. The ballot law commissioners made us close our case on Friday. We presented to the ballot law commission 20 more witnesses that we pleaded with them to summon, and the commissioners told us they had lost the summonses. On Friday they closed the hearings, and we never got a decision from the ballot law commission until Tuesday afternoon before election at half past 2.

If that decision had come on Saturday, I could have gone to the courts of my State and I would have had the name of that man, Mr. Fitzgerald, thrown off the voting list. But it was then too late, and I was obliged to run on stickers, and I did run on stickers. I had to have stickers printed, and I had to have sample ballots printed. I had to go to considerable expense in order to win the cause for which I was fighting. Here is the sample ballot [exhibiting]. I had this printed and sent through my district, and here are the stickers. On election day we found that with cunning and astuteness they had caused to be printed a sticker without any mucilage on it [laughter], and those stickers were distributed around the district by his lieutenant in Boston, Representative O'Hern, who, by the way, was defeated for election because this charge was put against him.

We had our contest and the return said I was defeated by 350 votes. We had our recount, and in the recount I gained over 100 votes. But after the recount it was plain that I could not get a square show from the election commissioners, who were subservient to the will of Fitzgerald and Lomasney. One of these commissioners who testified before the ballot commission said to Lomasney after he had testified, "Did my testimony satisfy you, Mr. Lomasney?" [Laughter.]

I love to hear them tell about their great man. He is great to those who are great to him, but cross him and you are gone.

We had our election and our recount, and I had sufficient votes, notwithstanding they will tell you I had not, to be elected. It was not until 11 o'clock on the day of the recount that we found these irregularities, and then we challenged the votes that were being counted, but previous to that time over 500 votes had been passed on, and if these 500 ballots had been brought down here with the rest of the ballots and counted by your committee I would have won this election by over 200 votes.

We had our hearing before the notaries. The gentleman from Massachusetts [Mr. GALLIVAN], my former colleague, says it was a joke. Yes; it was a joke. It was a joke because we summoned 500 witnesses in that district; it was a joke because the summonses were served by the United States marshal, and I paid the United States marshal for serving the summonses; it was a joke because the witnesses were told not to come into court, and they ignored the law of Congress and said they would not come, and they did not come. But we went out and got the evidence. One gentleman says, "What evidence have you to prove that these 316 votes were illegal?" Let me tell you. The gentleman's—Mr. Fitzgerald's—own brother, a police officer in the city of Boston, was summoned to appear in court, and he did not come. We proved that he lived in the town of Winthrop, outside of Boston, with his wife and five children. We took Lomasney's lieutenant, Patrick J. McNulty, and we proved he lived outside the district, in Revere. We took the evidence of 400 of them, and that evidence is undenied; not a single case was denied, not one of them denied the evidence; and that is what you want to settle this case by—the evidence that has been presented under oath and undenied. We proved conclusively that over 500 men were illegal voters in those three precincts that they plead with you not to throw out. Who made them so? Who disfranchised them? The man whose name is challenged and who refuses to come into court when summoned surrenders his right before the court. These men surrendered theirs, and if there is any disfranchisement they are the ones who disfranchised themselves. During the hearings we had our witnesses. I wish I had time to go into all their testimony. Mr. Lomasney appeared. He came into the United States court, pulled off his coat and vest, and put on an old gray sweater and said, "Now, come on." And he defied everybody.

He abused everybody. He even abused the great leader of this House, JAMES R. MANN [applause], who had nothing to do with this contest. He even abused that good old champion of the people, our good Uncle JOE CANNON [applause], who had nothing to do with the contest. He abused former Congressman O'Connell, my attorney, and everybody whose name was mentioned, including the gentleman from Massachusetts [Mr. Fitzgerald], whom he said was "a slimy eel." [Laughter.]

That is the evidence Mr. Lomasney put into court. That is in the evidence, and to-day he pleads with you, this same Martin M. Lomasney pleads with you, to send the case back to the people, so that he can have one more fling at the people of the district. Are you going to debauch the people of that district by doing it? Are you going to say to the people of Boston that Mr. Lomasney is bigger than the Congress of the United States?

Oh, they tell us I received his support two years. I did not. There was not anybody a candidate against me. I never received his support until he had to give it to me. [Prolonged applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. FITZGERALD. Mr. Speaker, how much time is left?

The SPEAKER. The gentleman from Georgia has 28 minutes.

Mr. OVERSTREET. Mr. Speaker, I yield my time to the gentleman from Massachusetts, Mr. Fitzgerald.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. FITZGERALD. Mr. Speaker, if any part of what the gentleman who has just taken his seat, Mr. Tague, has said

is true, of course I ought not to be a Member of this House, and I would not attempt for a moment to take up the time of this House to argue my claim. But what he has said upon the floor of this House is what he has said during the past year in Boston, in Washington, and everywhere, and it is not true. He has abused and vilified everybody who has had any connection with this case—the election commission officials of Boston, the State ballot law commissioners of the Commonwealth of Massachusetts, the secretary of state, the governor of the Commonwealth, and the supervisors that were appointed by the governor to supervise the election. The crowning act, which will, of course, amuse the Members from Massachusetts, is that he now charges that Martin M. Lomasney delivered ward 5 for ROBERT LUCE for lieutenant governor.

It seems incredible that a man could repeat these lying charges when they are so well contradicted in the reports, and I am not going to attempt to follow him in all the mendacious statements he has uttered here, because time does not permit. If he mentioned the election commissioners once in his speech he mentioned them half a dozen times, and yet this is what a majority of the committee who report for his seating find:

It is but just to state that in its review of these ballots the committee found the work of the board of election commissioners of the city of Boston to be fair, impartial, and accurate, the difference in its determination and those of the committee being substantially due to the fact that the Boston commission was guided by an opinion of the Attorney General rendered 20 years ago.

And yet upon this floor within the past 20 minutes he has accused them of every conceivable crime in election annals. Yet you have just heard the evidence of the committee which favors his election. Mr. PHELAN, who has been an honored Member of this House for a good many years, a close friend of Mr. Tague, has told you that Mr. Cunningham, chairman of the ballot law commission, who has been appointed by Republican and Democratic governors for 20 years, is a man of spotless integrity and of the highest honor, and yet this man stands upon the floor and calls him a "crook" and wants you to believe it.

This so-called evidence, Mr. Speaker and friends, is Mr. Tague's own statements; that is all. There is not any evidence to substantiate any of the things that he has said on the floor of the House or in his brief. In his argument he made these same charges, all of which have been proved untrue, the gentleman from New Jersey [Mr. LEHLBACH] and everyone admitting it. He says that if the said election board had counted these hundreds of votes which are available in the exhibits and which have been marked, and which should have been counted for the contestant, that your contestant would have a majority of over 300 votes. He speaks of the flagrant refusal by election commission and ballot commission to comply with the law in determining questions arising from such fraud, and the fraud of ballot commission in withholding their decision. He says the election officials did not credit him with several hundred votes that were cast for him, and that illegal practices were indulged in throughout ward 5 in Boston, consisting of fraudulent registration, voting for the contestee, coercion, intimidation, bribery, and other irregularities. He says that fraud and intimidation were perpetrated upon the voter in distribution of pseudo pasters, whereby many voters were deprived of their right to register their proper choice for Congressman. And in no single instance, Mr. Speaker and gentlemen, is any one of these charges sustained by any of the committee, either the majority or the minority.

Mr. Speaker, you heard him talk about pasteless stickers. The committee say they did not find evidence of one pasteless sticker. Though they looked at the ballots with a microscope, not one pasteless sticker was found. Not in one case was there an illegal vote found that was cast for me. Not in one case was there an arrest made in that district that day, and they have not proven one case of illegal registration. If the chairman of the committee will say that they have, I will cease now and move that Mr. Tague be admitted unanimously to this House. There is not a single case, not a bit of evidence except his own testimony read from notes submitted to him by people whose evidence was merely hearsay.

Whatever the result of this contest shall be, I hope that the situation with reference to the taking of testimony will be corrected. The evidence was heard before notaries, and, as Mr. GALLIVAN says, Mr. Tague selected his notary and I selected my notary, and Mr. Tague's notary, having the first 40 days, shut out everything that could be used in my favor, and when my notary was appointed he did the same thing, and that is the evidence, and that is all the evidence.

There was not an arrest made; there was not a single case of illegal voting. There was not a man who has been found guilty of illegal registration; and, as Mr. LUCE has said, those names which are to be thrown off were on the list all the time that Mr. Tague was a Member of this body. I do not know where he gets the figures that he read here a moment ago about the vote in ward 5 when he was nominated for Congress, but I ask him in all seriousness if he means to say that he was nominated against Mr. Kelliher without the vote of ward 5? Is the gentleman here? Does he mean to say that he could have been nominated without the ward 5 vote? Where is he? I can not believe his figures. Here are the official figures: He was defeated by Mr. Kelliher by more than 100 votes until he came into ward 5, and it was the overwhelming vote given him in ward 5 that made his nomination over Mr. Kelliher possible.

Mr. TAGUE. I will answer the gentleman's question and say that in the primary contest the name of Martin M. Lomasney got into the contest; and if it had not been for that, I would have beaten Mr. Kelliher by a bigger vote.

Mr. FITZGERALD. I asked you, yes or no, whether you did not win your nomination by the vote of old ward 8, which is now part of ward 5?

Mr. TAGUE. No.

Mr. FITZGERALD. You were not nominated by old ward 8, now ward 5?

Mr. TAGUE. No.

Mr. FITZGERALD. Then I stop here. If the gentleman was not nominated by old ward 8, now ward 5, I will ask that he be admitted unanimously as a Member of the House. Mr. LUCE has just used these figures. They are the official figures of the election commission of Boston. What do you think of a man who will deny the official election figures of the State of Massachusetts? I will not use the ugly word, but I brand him as misrepresenting the vote in this ward and shows himself unfit to sit in this House. Mr. Tague, these figures are from the official election returns in Boston, and you know they are correct. You received 1,108 votes in ward 5 and Mr. Kelliher received 406 votes in ward 5, and without ward 5 you had 5,092 and Mr. Kelliher 5,168; and if it was not for the votes that were given by Mr. Lomasney to Mr. Tague he would never be in this House. He says my statements are false. I can not prove them other than give you my guaranty that the figures quoted above are official, but whether I am a Member of this House or not, I will see that the official figures of this contest are inserted in the CONGRESSIONAL RECORD and the Members will have the chance to see for themselves who is telling the truth.

The gentleman speaks about the illegal registration of voters. He talks about disfranchising a thousand legal voters in ward 5 because they are illegally registered; and what do you think of this situation which was shown to exist in his own home. He has fathered the system he condemns on this floor right in his own home. Here is the official record. Here is Mr. Tague's testimony, on page 447, in regard to Capt. Goggin, of the Boston fire department, in which he admitted that Goggin registered from his house. Asked whether Goggin was married or not, he said he did not know, although he had registered from there for five years. Then the question goes on: "Did he use the right of voting from your house?" He answered, "Never." Then he was asked, "Then, in the last four years he has not voted at all?" "No, sir." "Are you sure?" "Positively."

He states that Capt. Goggin never voted from his house, and yet the record of the Boston election commissioners shows that Goggin voted in 1914, 1915, 1916, and 1917 from 21 Monument Square, where no other family but Tague's lived, although at the same time Goggin had a family in Somerville—a wife and four children—with his wife's name in the telephone book. I ask the gentleman whether that statement is true or not?

Mr. TAGUE. Will the gentleman let me answer?

Mr. FITZGERALD. Yes.

Mr. TAGUE. Goggin appeared and testified under oath. He made this statement: "I did not take any part in either the primary or the election, and did not vote. I did not vote in 1917 or 1918." And the election commissioners' record shows that Goggin did not vote in either the primary election in this contest, or for two years. [Applause.]

Mr. FITZGERALD. I did not say that Goggin voted in 1918; but I repeat that Mr. Tague appeared and gave testimony—and, gentlemen, do not let him camouflage——

A MEMBER. Read it.

Mr. FITZGERALD. I am going to read it. He was asked in his testimony:

Did he use the right to vote from your house?
No.
So, in the last four years he had not voted at all?
No, sir.
Are you sure?
Positively.

And yet this man Goggin admits that he voted from Tague's house in 1914, 1915, 1916, and 1917. I did not say he voted in 1918. Tague would not let him, with this row on, but he did vote in these other years, though Mr. Tague denies it.

Martin Turnbull votes from his mother's house. Martin Turnbull lived in Somerville. His wife lived in Somerville, and his child lived in Somerville, yet he voted from Tague's mother's house. There, my friends, are two concrete instances in Tague's own household of illegal registration, yet he has the audacity to stand up here and charge fraud for the same thing done in ward 5. His counsel, Mr. O'Connell, admitted that while he lived in Brookline he was elected from Dorchester, and yet they have the effrontery to come before this House without any evidence excepting hearsay evidence and ask that a thousand men be thrown out of the list.

Mr. Speaker and gentlemen, the majority of the committee say I was elected but by 10 votes. They say that on prima facie evidence there are 316 illegal residents. Why disfranchise a thousand men of their birthright if I was elected by but 10 votes and you have prima facie evidence of 316 illegal registrations? Why not throw 11 of these illegal registrants off and I am defeated? Why, because there is no evidence but hearsay of 316 illegally registered votes. We are in a very serious contest in Massachusetts now, and I appeal to the Republican side of this House to give consideration to this thought, and I ask the Democratic side of the House as well. Mr. Long, the Democratic candidate, came within a few thousand votes last year of defeating the Republican candidate.

Senator WALSH, a Democrat, won last year and occupies a seat in the Senate with Senator LODGE. The State is as close as that. What is the condition of ward 5 voting list this year? Mr. Speaker and gentlemen, with this fierce contest on, with the house and senate in Massachusetts dominated by the Republican Party, the ward 5 voting list, according to the official count a week ago, shows 280 votes more than were on the list last year.

Is it possible that the Republican Party is so stupid that though it has full charge of the election machinery in Massachusetts, with the State practically 50-50, that it allows hundreds of fraudulent Democratic voters to remain on the list? Is Mr. DALLINGER, who is the chairman of one of the election committees of the House; is Mr. TREADWAY, is Mr. TINKHAM, is Mr. WALSH, of New Bedford, all these bright, brainy Republicans of Massachusetts, are they cognizant of the fact that there are hundreds of illegal Democratic votes on the list in ward 5, and they have not taken a single bit of interest to see that those votes are removed from the voting list this year? Why should this House disfranchise 1,000 men in Massachusetts when the committee did not go outside of its own door to consider the evidence? Do you think we are so bereft of fairness, do you think we are so careless of the rights of citizenship that in Massachusetts conditions such as have been described on this floor can get no proper relief under our laws? Shame on Boston and Massachusetts if that could be true. These names never were contested in Massachusetts from the hour that I received the nomination until the present hour.

He says he was cheated in the primaries. The primaries antedated the election by seven weeks. Mr. LUCE knows, Mr. TINKHAM knows, that the Boston board of election commissioners is open eight hours a day to receive complaints about illegal registrants. This man, though a year has elapsed, has never darkened the door of the election commission to present a bit of the evidence that he has presented here to-day, for if he did those men would be sent for. The law requires that they be sent for and appear, and if they do not prove that their names are entitled to go upon that list they are dropped off. This question rises away above the personality of Mr. Tague and myself. For the United States House of Representatives, out of a clear sky, without any evidence that a single illegal vote was cast for me, without any evidence that there was an illegal registrant, to deny to me an election is the greatest outrage that has been perpetrated upon the people of Massachusetts. It is an insult to their intelligence and an indictment of their institutions. He speaks about the soldier boys. Gentlemen, imagine it. My own boy in France at that hour, my three girls in the Red Cross, and he is dastardly enough to stand upon this floor and intimate that myself or my friends are responsible for voting on soldiers' names. There is not a single bit of evidence that the name of one absent soldier was voted on at this election, and he knows it; yet he stands before this House and uses falsely dead soldiers to win his fight. Shame upon such methods.

It is a fact that Mr. Tague, when he was defeated for the nomination, set on by big financial interests that were behind the Fish Trust which I fought, was told by them to go for this job, and they said, "Tague, we will seat you down at Washington," and Tague went after the job in that way. As I said before, he never has appealed to the election commissioners of Massachusetts, he has never appealed to the courts. Read the papers now about the Newberry contest with Mr. Ford, and you will find that out in Michigan the fraud is being investigated by the grand jury, and that is where this contest should be first fought out, but up to the present hour nobody in Massachusetts has been asked to investigate a single charge that has been made by this man. He says that I offered him the two years' salary. It is his own lying statement. He accused Lomasney of saying so. His own lying statement. As Mr. LUCE said to me the other day, there were not 20 pages in this whole testimony that would be admitted in any court. Ninety per cent is allegation by Mr. Tague without proof.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RHODES. What does the gentleman say about that?

Mr. FITZGERALD. Say about what?

Mr. RHODES. The gentleman says that Mr. Tague gave his word that you offered him the salary.

Mr. FITZGERALD. Why, of course, I say it is a pure invention, and on my honor I say that I never said it. There is not a single bit of evidence to prove this any more than the rest of his charges and you know it, Mr. RHODES.

Mr. RHODES. Why did not you go on the stand and deny it?

Mr. FITZGERALD. Why was I under the necessity of going and proving Mr. Tague's case? I challenge you, Mr. RHODES, to name one statement made by Mr. Tague that has been proved.

If I were to attempt to follow him, as his statements here to-day show, in mendacity, I would be kept at it all of the time. It seems impossible for him to talk two minutes without falsifying. Was not the gentleman himself present with other members of the committee when Mr. Tague, in the final summing up, asked that the committee settle this matter quickly, and turned to his counsel, Mr. Harrington, and said, "This counsel of mine has been down here at big expense to myself for the last six weeks, and I think the case ought to be settled"? Was not the gentleman from Missouri [Mr. RHODES] there at that time? I knew that Harrington was working for the Government, and when I got through with the hearing I called up the Treasury Department and asked them if Arthur Harrington was on the pay roll, and they said, yes; that he was on the pay roll down in the Internal Revenue Office at $1,800 a year with $240 bonus. Yet this man, in the presence of six members of the committee, turned to them and said, "This man is down here at big expense to myself." This is but another of the lies that he has told from the very hour he started after this seat.

Mr. Speaker and gentlemen of the committee, to indicate the character of this man, listen to this: He was a candidate for the mayoralty of Boston in December, 1917. Get his character from this incident. He was a Member of this House in December, 1917. His term did not expire until March 4, 1919. The sworn returns of his campaign expenditure when he ran for mayor of Boston show that he accepted, or his agent did for him—the treasurer of his campaign committee—$500 from the treasurer of the Pneumatic Tube Co., $500 from Mr. Buckley, the counsel for the Pneumatic Tube Co., and $200 from the vice president of the Pneumatic Tube Co., which in that very Congress, of which he was a Member, sought a franchise from this body.

Mr. GALLIVAN. How many votes did he get?

Mr. FITZGERALD. Can you imagine it? One thousand six hundred in all. In that campaign, when Mr. Gallivan, Mr. Curley, and Mr. Peters ran, Mr. Curley and Mr. Gallivan and Mr. Peters received from 25,000 to 45,000 votes, and this man in all Boston received but 1,600 votes. There is on file in the evidence copy of a letter which he does not deny, in which he expresses a wish to get in with some contractor on war work. Here is the letter to Mr. Lomasney, then his friend but who now gets his execration. And in passing let me say that I agree with Gov. McCall's estimate of the man, that he was the biggest man in brains in the Massachusetts constitutional convention.

(Peter F. Tague, tenth district, Massachusetts, Joseph F. Kane, secretary.)

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1918.

Hon. MARTIN M. LOMASNEY,
11-A Green Street, Boston, Mass.

DEAR MARTIN: Last week I wrote you a note asking you to give me at once the name of the contractor who I could use on this building, which is about to begin. When I was in Boston, you told me that you would get the same and send it to me at once, and as the building of

all the cantonments and housing propositions are under way, and I have an opportunity of getting in on them, I would be pleased if you would give me this at once.

With best wishes, I am,
Very sincerely, yours,
"PETER."

Why, either one of these incidents brands him unfit to associate with the Members of this House, and if they were probed to the bottom he would never be given the privileges of this floor.

I appeal to you gentlemen, in conclusion, that you consider the fundamental rights of American citizens. It was in this very district that you intend to disfranchise that were born and cradled the liberties held dear by every American. Sam Adams was born in this district, John Hancock was born and lived in this district, Benjamin Franklin was born and lived in this district. Faneuil Hall is there. The old statehouse is there, and the old South Church, and its whole atmosphere for more than 100 years has spelled sacrifice for the very principles you are asked now to subvert. Do not do it. I was told more than once that the Republicans were going to frame me. I never believed it. I always felt with ROBERT LUCE as a member of that committee I would get justice, and I believe I will get justice. And I say to you, Mr. Tague, the question now at stake is the honor of that district. The honor of that district can not be properly protected by taking away a thousand of its voters, and I appeal to you as a man to protect the honor of the district which sent you to Congress for four years, to back up the Luce report and both of us appeal to the district, so then no injustice may be done.

Are you man enough to do it? I await your answer. [Loud applause.]

The SPEAKER. The time of the gentleman has expired; all time has expired. Under the rule of the House by unanimous consent it is agreed that the previous question should be considered as ordered on the resolution to be offered by the gentleman from Maine and substitutes by the gentleman from Georgia and the gentleman from Massachusetts [Mr. LUCE]. The Clerk will first report the resolution offered by the chairman of the committee.

The Clerk read as follows:

Resolved, That John F. Fitzgerald was not elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is not entitled to retain a seat herein.

2. That Peter F. Tague was duly elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is entitled to a seat herein.

The SPEAKER. Does the gentleman from Georgia present a substitute?

Mr. OVERSTREET. Mr. Speaker, I desire to withdraw the substitute with the permission of the House.

The SPEAKER. The Clerk will read the substitute offered by the gentleman from Massachusetts.

The Clerk read as follows:

Resolved, That neither Peter F. Tague nor John F. Fitzgerald was duly elected a Member of this House from the tenth congressional district of Massachusetts on the 5th day of November, 1918, and that the seat now occupied by the said John F. Fitzgerald be declared vacant.

Mr. GALLIVAN. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. May I ask whose motion that is?

The SPEAKER. It is a motion by the gentleman from Massachusetts [Mr. LUCE].

Mr. FITZGERALD. Mr. Speaker, may I ask the indulgence of the House to ask that the resolution be read again?

The SPEAKER. Without objection, the resolution will be again reported.

There was no objection.

The resolution was again reported.

Mr. FITZGERALD. As the gentleman from Georgia [Mr. OVERSTREET] is not to present the resolution declaring me to be entitled to a seat, I intend to support the resolution offered by the gentleman from Massachusetts [Mr. LUCE].

The SPEAKER. The gentleman can not debate. The question is on agreeing to the resolution offered by the gentleman from Massachusetts.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. FITZGERALD. Division, Mr. Speaker.

The SPEAKER proceeded to count.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Does not the gentleman wish to wait until the count is completed?

Mr. BLANTON. Since the Speaker has started. [Laughter.]

The question was taken; and there were—yeas 46, nays 167.

Mr. LUCE. Mr. Speaker, I ask for a verification of the vote by a call of the yeas and nays.

The SPEAKER. The gentleman from Massachusetts asks for the yeas and nays. Nineteen gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

So the substitute was rejected.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Maine.

Mr. ANDERSON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas seemed to have it——

Mr. ANDERSON. Mr. Speaker, I ask for a division of the question. [Cries of "Too late!"]

The SPEAKER. The Chair did not hear the gentleman.

Mr. ANDERSON. I was on the floor addressing the Speaker at the time the vote was taken.

The SPEAKER. The Chair will recognize the gentleman. The gentleman demands a division of the question. Of course, it clearly raises two separate questions, and the question is first on the first half of the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That John F. Fitzgerald was not elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is not entitled to retain a seat herein.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Clerk will report the second section.

The Clerk read as follows:

Resolved, That Peter F. Tague was duly elected a Member of the House of Representatives from the tenth congressional district of the State of Massachusetts in this Congress and is entitled to a seat herein.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GALLIVAN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

Mr. GALLIVAN. Mr. Speaker, I ask for the other side.

The SPEAKER. There is no other side.

So the resolution was agreed to.

SWEARING IN OF A MEMBER.

The SPEAKER. Does the gentleman from Massachusetts, Mr. TAGUE, wish to be sworn?

Mr. TAGUE appeared at the bar of the House and took the oath of office administered by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNING, for 10 days, on account of business.

To Mr. HUTCHINSON, for 10 days, on account of business.

To Mr. CULLEN (at the request of Mr. O'CONNELL), for 10 days, on account of illness.

PASSPORT REGULATIONS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9782, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 9782, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The SPEAKER. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, I understand from the title that this is the passport extension bill for the extension of the war passport provisions. The House the other day by an almost unanimous vote—I believe there was only one vote in opposition—passed the legislation. The other body has made it permanent rather than a one-year extension, and I sincerely hope that the conferees on the part of the House, if they are selected, will give due regard to the vote by which the bill was passed in the House, and that before we decide to make it permanent legislation the House will have a chance to vote on the matter.

Mr. RAKER. Further reserving the right to object——

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is, Is there objection to the request?

Mr. RAKER. I would like to reserve the right to object for the purpose of asking a question. I think we would save time.

Mr. BLANTON. I insist on the regular order.

The SPEAKER. If the gentleman from Texas insists on the regular order——

Mr. RAKER. Under the present circumstances, if I can not get opportunity to ask the gentleman a question to-night, I will object.

The SPEAKER. Objection is heard.

Mr. BLANTON. I withdraw it, Mr. Speaker, to permit the gentleman to ask one question.

Mr. RAKER. I would like to know whether or not if we would send it to the committee that would expedite it, or had we better disagree to the amendment and let it go to the conference?

Mr. ROGERS. I think it would be better to let the bill go to conference. I will say to the House it is my own impression that we ought not to make the law permanent until the House has an opportunity to express its will and indicate what is its pleasure. And rather than to be bound by instructions at this time, I expect to bring this back to the House before I acquiesce in an amendment making it permanent.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. ROGERS, Mr. TEMPLE, and Mr. FLOOD.

REPRINT OF BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 8954, the amendment to the pure-food act.

The SPEAKER. The gentleman asks unanimous consent for a reprint of the bill which he has cited. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO FILE MINORITY VIEWS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for five days to file minority views on the bill S. 2775.

The SPEAKER. The gentleman from California asks unanimous consent for five days in which to file minority views on the bill to which he has referred. Is there objection?

Mr. SINNOTT. Reserving the right to object, could not the gentleman get his report in to-night?

Mr. RAKER. I will state to the gentleman that if this matter comes up any time on Monday or Tuesday, I will be on hand.

Mr. SINNOTT. It will possibly come up sooner than that.

Mr. RAKER. If it does, the time granted to me will not affect in any way the bringing up of the bill.

Mr. SINNOTT. Not in any way jeopardize the consideration of the bill?

Mr. RAKER. Oh, no. My views on some amendments is all that I desire to present to the House.

Mr. HASTINGS. Mr. Speaker, it is late in the evening, and not many Members present, and a good many members of this committee are not present, so for the time being I object.

The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 2452. An act for the relief of Charles A. Carey;

H. R. 753. An act for the relief of Susie Currier; and

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place.

ADJOURNMENT.

Mr. GOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until Friday, October 24, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting tentative draft of a bill for the relief of Lieut. D. A. Neumann, Pay Corps, United States Naval Reserve Force (H. Doc. No. 270), was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (H. R. 3706) amending the Articles of War, reported the same without amendment, accompanied by a report (No. 406), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 354) for the immediate consideration of Senate bill 2775, reported the same without amendment, accompanied by a report (No. 407), which said resolution and report were referred to the House Calendar.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, reported the same with amendments, accompanied by a report (No. 408), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULINGS (by request): A bill (H. R. 10130) to provide for the establishment of the Bureau of Production and Distribution in the Department of Agriculture to aid in the production of cattle, sheep, hogs, milk cows, and chickens, and for the preparation for market of same and the distribution of these products, together with all other food and food products; to the Committee on Agriculture.

Also, a bill (H. R. 10131) authorizing the Secretary of War to donate to the city of Sharon, county of Mercer, State of Pennsylvania, three German cannon or fieldpieces, to be placed in the public park and Grand Army of the Republic Cemetery as a soldiers' memorial; to the Committee on Military Affairs.

By Mr. BEE: A bill (H. R. 10132) adding $500,000 to allotment for post roads for the State of Texas to rebuild causeway between Nueces and San Patricio Counties, Tex.; to the Committee on Roads.

Also, a bill (H. R. 10133) authorizing the loan of $5,000,000 to the city of Corpus Christi and county of Nueces, in Texas, for the erection of a sea wall; to the Committee on Roads.

By Mr. HUDSPETH: A bill (H. R. 10134) to authorize the acquisition of a site and the erection thereon of a Federal building at Kerrville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL of Wisconsin: A bill (H. R. 10135) for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 10136) authorizing the Secretary of War to donate to the village of Central Islip, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes; to the Committee on the District of Columbia.

By Mr. BLACK: A bill (H. R. 10138) to amend an act approved March 21, 1918, known as "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," by adding thereto a new section to be known as section 11a; to the Committee on Interstate and Foreign Commerce.

By Mr. BEE: A bill (H. R. 10139) authorizing the Secretary of War to appoint a special board of engineers to make immediate examination and report of harbor facilities on the Texas coast; to the Committee on Rivers and Harbors.

By Mr. SUMMERS of Washington: A bill (H. R. 10140) authorizing the Secretary of War to donate to the Washington State College and the Ellensburg State Normal School captured German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. CAMPBELL of Kansas: Resolution (H. Res. 354) for the immediate consideration of Senate bill 2775; to the Committee of the Whole House.

By Mr. KAHN (by request): Joint resolution (H. J. Res. 239) to provide certain metal for the making of a national memorial carillon; to the Committee on Military Affairs.

By Mr. SLEMP (by request): Concurrent resolution (H. Con. Res. 34) favoring the election of Gen. Maximo B. Roselas to office of President of Honduras; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 10141) granting a pension to John C. Kulpman; to the Committee on Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 10142) to provide for an honorable discharge from the United States Army of John Sponseller; to the Committee on Military Affairs.

Also, a bill (H. R. 10143) granting a pension to Maude C. Cooper; to the Committee on Pensions.

By Mr. ECHOLS: A bill (H. R. 10144) granting an increase of pension to Mary A. Johnston; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10145) granting a pension to Irving Bunce; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 10146) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 10147) granting an increase of pension to Elizabeth A. Hinman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10148) granting an increase of pension to Cordelia D. Maynard; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 10149) granting an increase of pension to Catherine E. Brinkmann; to the Committee on Pensions.

By Mr. RANDALL of California: A bill (H. R. 10150) granting a pension to Sarah A. Dow; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10151) making appropriation to compensate the Carolina Provision Co. for wood furnished the United States Government during the war; to the Committee on Claims.

Also, a bill (H. R. 10152) granting a pension to Cornelia Deal; to the Committee on Pensions.

Also, a bill (H. R. 10153) granting a pension to Lewis A. Boone; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10154) granting an increase of pension to James Scott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABKA: Petition of Local No. 51, American Federation of Railroad Workers, of Cleveland, Ohio, protesting against the passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ELSTON: Petition of Metal Trades Council of Alameda and Contra Costa Counties, Calif., relative to the industrial strike in the shipbuilding and metal trades industry; to the Committee on the Judiciary.

By Mr. FESS: Petition of 10 citizens of Springfield, Ohio, protesting against mob violence; to the Committee on the Judiciary.

By Mr. KIESS: Papers to accompany House bill 9507, granting a pension to Charles I. Meck; to the Committee on Pensions.

By Mr. LINTHICUM: Petition of R. Walter Graham, of Baltimore, Md., favoring legislation which will give the railroads a square deal; to the Committee on Interstate and Foreign Commerce.

Also, petition of John H. Dockman & Son, per James M. Smith, of Baltimore, Md., favoring the passage of Senator CALDER'S bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United States customs inspectors of the port of Baltimore, Md., favoring the passage of House bill 6577; to the Committee on Ways and Means.

By Mr. McGLENNON: Petition of J. P. O'Connor, secretary Michael Davitt Branch, Friends of Irish Freedom, relative to the Irish Republic; to the Committee on Foreign Affairs.

By Mr. MEAD: Petition of Plimpton-Cowan Co., of Buffalo, N. Y., protesting against the passage of the Steenerson bill, House bill 5123; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: Petition of Smith & Hemenway Co. (Inc.), of Irvington, N. J., favoring the passage of House bills 5011, 5012, and 7010, relating to patents; to the Committee on Patents.

By Mr. THOMPSON: Petition of sundry citizens of Ohio, asking consideration of the Cummins bill now before Congress, which takes away individual initiative, and asking that fair and wise treatment be given the railroad security holders in order to promote the development and prosperity of the United States; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *October 24, 1919.*

(Legislative day of Wednesday, October 22, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I ask to have a number of telegrams printed in the RECORD. I should like to have the one I send to the desk read.

The PRESIDENT pro tempore. The Secretary will read, if there be no objection.

The Secretary read as follows:

GRAND RAPIDS, MICH., *October 22.*

Senator HITCHCOCK,
Washington, D. C.:

Resolved, That the National Council of Congregational Churches, now in session at Grand Rapids, Mich., voices its gratitude to Almighty God for the triumph of right over might and the return of peace. The council favors the ratification and adoption of the peace treaty and the covenant of the league of nations without amendments and with only such reservations as shall strengthen the moral influence of the United States. While not indifferent to imperfections, and anticipating adjustments under the test of actual operation, the council regards the league as substituting reliance on moral principles effectively organized for dependence on military policy subject to the balance of power. The council supports the covenant as the only political instrument now available by which the spirit of Jesus Christ may find wider scope in practical application to the affairs of nations. Through this covenant the conscience of mankind registers its determination to renounce aggressive warfare, and the United States assumes responsibility in promoting freedom and justice among the peoples of the earth.

Resolved, That a copy of these resolutions be sent by telegraph to the Committee on Foreign Relations of the United States Senate.

By order of the council. W. E. LOUGEE, *Secretary.*

Mr. HITCHCOCK. I also ask to have printed in the RECORD, without reading, resolutions unanimously adopted after full discussion in Chicago by the Baptist Ministers' Conference of Chicago and vicinity, in support of the league of nations.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

BAPTIST MINISTERS' CONFERENCE OF CHICAGO, ILL.,
Chicago, Ill., October 14, 1919.

The Hon. G. M. HITCHCOCK,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to inclose herewith and forward to you a resolution which was presented at and, after full discussion, unanimously adopted by the Baptist Ministers' Conference of Chicago and vicinity, in regular session, Monday, October 13, 1919.

Very respectfully, yours, C. T. HOLMAN,
Secretary.

Whereas the loss of millions of lives and the wastage of billions of treasure in the World War most impressively admonish us to provide against another such war; and

Whereas America's part in the late war has given our Nation a commanding position in world affairs and this influence should be used to help organize the nations against war; and

Whereas the covenant for a league of nations is part of the peace treaty, and if agreed to by the nations of the earth will make another great war almost an impossibility; and

Whereas this covenant for a league of nations is not a legal, but a high moral bond and is made in the spirit so native to Baptists, being a spiritual organization that will hold the nations together for common ends; and

Whereas the Northern Baptist Convention, under date of June 2, 1919, passed the following resolution:

"*Resolved*, That we express our gratitude to God for the return of peace; that we recognize in the Paris covenant for the league of nations a great step in the advance of Christian civilization; and that we urge our people to use their utmost influence to secure its ratification"; and

Whereas the following religious bodies have expressed themselves in much the same manner in favor of the proposed league of nations:

The Methodist Episcopal, July 4, 1919;

General Assembly of the Presbyterian Church in the United States of America, May 15, 1919;

The Board of Bishops of the United Brethren Church;

Sections of the Congregational body;

Many bishops and other religious leaders for their groups;

The Federal Council of the Churches of Christ in America, in the following plea at Cleveland, Ohio, May 6, 7, 8, 1919:

"That we express our gratitude for the establishment of the league of nations as agreed upon by the Paris peace conference, and pledge our support in securing its ratification by the Senate of the United States, and our devotion to make it a success": Therefore be it

Resolved by the Baptist Ministers' Conference of Chicago and vicinity in regular meeting this Monday morning, October 13, 1919, First. That we express our great joy in the thought of the world being leagued together against war and for peace in international relations.

Second. That the covenant for a league of nations as part of the peace treaty is the beginning of a new and powerful fellowship of the nations, which will bind the earth together for peace and mutual good will.

Third. That we urgently request the Senators from Illinois and their fellow Members of the United States Senate to agree to this new covenant as part of the peace treaty and to do so without amendment or reservation, which would make it necessary to resubmit the treaty of peace to the peace conference, and thus dangerously delay the making of peace among the nations.

Fourth. That we are not opposed to such interpretations of the various provisions of the treaty and the covenant as shall make clear our own understanding of the obligations we thus assume, and that these interpretations become a part of the record of ratification.

Fifth. That we urge our Baptist people to use every proper effort to bring our Senate to an early vote on ratification of the peace treaty and the consequent creation of the league of nations. We believe that the ratification of peace awaits only the vote of our National Senate.

Sixth. That copies of this resolution be given our Baptist newspapers, furnished to the daily press, sent to the United Senators from Illinois, filed as a petition to the Senate, and spread upon our own records.

(Signed) CARL D. CASE, *President*,
C. T. HOLMAN, *Secretary*,
Baptist Ministers' Conference of Chicago and Vicinity.

Mr. HITCHCOCK. Also resolutions unanimously adopted by the Second District California Congress of Mothers and Parent-Teacher Associations, representing 5,000 mothers in northern California, in favor of the league of nations.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

CALIFORNIA CONGRESS OF MOTHERS AND PARENT-TEACHER ASSOCIATIONS,
Los Angeles, October 11, 1919.

Senator HITCHCOCK,
Senate Office Building, Washington, D. C.

DEAR SENATOR HITCHCOCK: The Second District, California Congress of Mothers and Parent-Teacher Associations, representative of 5,000 mothers in northern California unanimously adopted the following resolutions:

"Whereas the late war was fought by the allied peoples to end war, as the great statesmen have testified, not once but many times; and

"Whereas the peace conference at Paris has drawn up a constitution of the league of nations designed to achieve peace; and

"Whereas we, the members of the Second District, California Congress of Mothers and Parent-Teacher Associations, representing 5,000 women in seven northern counties in California, desire an end of wars, and believe that the league of nations will make for peace: Therefore be it

"*Resolved*, That we heartily indorse the league of nations; that we urge our fellow-citizens to support it; that we call upon our representatives in the Senate to ratify it; that we send copies of these resolutions to President Wilson, Secretary Lansing, Senators JAMES D. PHELAN and HIRAM JOHNSON, and to our Representatives; and that we give copies of the same to the press."

We, as a Nation, must think constructively—not destructively. "America's participation in the war was to make the world safe for democracy," and we believe the league of nations, without reservation or amendment, is a step of progress.

The opportunity has come to finish the task undertaken for the benefit of mankind. Let us accept the responsibility, realizing the magnitude of power for good America has, and let us show the generations to come that true democracy never dies.

Cordially,

Mrs. L. P. BOYCE,
Secretary, Women's League for the Peace Treaty.

Mr. HITCHCOCK. Also a letter from Mr. Hamilton Holt, editor of the Independent, giving the result of a postal-card vote among returned soldiers and sailors from France, representing 554 for the league of nations as against 12 who were opposed and 5 who wanted reservations.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE INDEPENDENT,
New York, October 20, 1919.

Senator G. M. HITCHCOCK,
United States Senate, Washington, D. C.

MY DEAR SENATOR HITCHCOCK: I wrote to Mr. Frank Andrews, who is the chairman of the League to Enforce Peace, in Fall River, and who was presiding officer when I had my debate there, for the information concerning which I spoke to you, and I have received the inclosed letter. He told me that they originally sent out 2,500 questionnaires to returned soldiers in their neighborhood, and these are the replies that he got. I think it will be very interesting when some one says the soldiers are against the league of nations.

Very truly, yours, HAMILTON HOLT,
Editor.

FALL RIVER, MASS., *October 16, 1919.*

Mr. HAMILTON HOLT,
Independent Corporation, 119 West Fortieth Street, New York City.

MY DEAR MR. HOLT: Yours of the 14th instant at hand. The result of the poll among the returned soldiers and sailors was 554 for the league of nations, 5 wanted reservations, and 12 were opposed.

Very truly, yours,
FRANK L. ANDREWS.

Mr. HITCHCOCK. Also a number of communications from California, representing protests against the attitude of the Senator from California [Mr. JOHNSON].

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

LOS ANGELES, CALIF., *October 21, 1919.*

Hon. GILBERT HITCHCOCK,
United States Senate, Washington, D. C.:

On October 5 the Los Angeles branch of the League to Enforce Peace conveyed to the United States Senate through you certain facts to convince them that the people of the State of California were not in harmony with the views and stand expressed and taken by Senator JOHNSON on the peace treaty and the covenant.

We are now conveying to you additional facts which conclusively prove that our former stand was correct, and that the people of this State, if given an opportunity at the polls, would overwhelmingly repudiate the Senator and his stand upon the covenant.

During the last few weeks there has been a tremendous wave of sentiment in favor of the ratification of the covenant of the league, which has no parallel in the history of this State.

In a very recent letter written by former Senator Prescott F. Cogswell, now supervisor of the first district in Los Angeles County, concerning Senator JOHNSON'S attitude, he said:

"During the six years that Senator JOHNSON was governor of California as a member of the California Senate I gave him undivided support, but I regret to say that in his present attitude upon this question he does not represent either the people of California or the Republican Party of this State. At a meeting recently at which was present a man who was candidate for governor of this State on the Republican ticket six years ago; a man who was a candidate for United States Senator on the Republican ticket eight years ago, and who is being seriously considered as a candidate a year hence; the chairman of the county Republican central committee; and a number of the most prominent members of the Republican State central committee, it appeared to be the unanimous opinion of all that if the ratification of the peace treaty and league of nations were left to a vote of the Republicans of the State of California entirely eliminating the Democratic Party it would be ratified by a majority of ten to one."

The sentiment of California is clearly expressed in a resolution passed at San Bernardino by the conference of the Methodist Episcopal Church South, as follows:

"Whereas there has been much confusion in the minds of some of our citizens with reference to the league of nations, which confusion has been encouraged and increased by certain petty politicians and radical newspapers, some of which had doubtful tendencies with regard to their patriotism: Therefore be it

"*Resolved by the Los Angeles annual conference of the Methodist Church South, meeting in San Bernardino on October 16, 1919:*

"First, That any man who endeavors to inject a spirit of bitterness and controversy into the present international situation is not only a traitor to his country but a traitor to the world.

"Second, That we favor the adoption of the league of nations without amendments or reservations.

"Third, That we request our Senators from Arizona and California to support and vote for the same."

Our organization has received since our last report resolutions from organizations and groups of people from all southern California asking for the immediate ratification of the covenant without amendment, including the Los Angeles High School Teachers' Association, representing eleven hundred teachers; the faculty of the University of Southern California; the Glendale Union High School; Pomona College; and innumerable other educational institutions. Many women's clubs have adopted similar resolutions. Orange County League to Enforce Peace, composed of former supporters of Senator JOHNSON, has sent communications demanding the Senator's support of the covenant of the league. The California Teachers' Association in Oakland last week, twenty-three hundred in attendance, indorsed the covenant without amendment. In addition to the general church federation, different denominational church unions and individual churches throughout southern California have indorsed the league. In fact, the churches and educational institutions of our State stand almost unanimously in favor of the adoption of the league covenant without amendment. Nearly every county in southern California has sent petitions to our headquarters signed by superior court judges, business men, city officials, and private citizens, indorsing and urging the approval of the league. An actual vote taken in southern California from many commercial, financial, and industrial concerns, churches, and lodges shows a vote of 16,710 for adoption of the covenant, as against 1,692 against adoption.

The following communication received by the league speaks for itself:

"We, the undersigned, former supporters of Senator JOHNSON, have considered the pleas which he made in this State in opposition to the league of nations. He advanced no new arguments, and, in fact, in his speech at Shrine Auditorium he did not quote a single line of the covenant. He placed a wrong interpretation on the provisions of the cove-

nant and made corresponding statements concerning its effect. He based his appeal upon national hatred and racial prejudice. We especially deplore his attack upon the motives of the countries who are our allies and hundreds of thousands of whose sons lie dead beneath the fields of Belgium and France. His speeches reveal his hostility to the entire treaty and any league of nations with the United States as a party. He preached a false Americanism that can only properly be characterized by the word "jingoism." In this great crisis we had a right to expect the Senator to state his cause from a standpoint of reason and intelligence and not from passion and prejudice. We express our deep disappointment because of his failure to meet this great issue from a standpoint worthy of the great office in which the people of this State had confidence to place him in.

"Harlan G. Palmer, president Young Men's Johnson-for-Senator Club; Clyde C. Johnson, secretary Young Men's Johnson-for-Senator Club; Arthur W. Eckman, secretary southern division Republican State central committee, Johnson campaign; Thomas Hughes, executive committee of Republican State central committee, 1918; Charles Farwell Edson; Theo. Martin; George H. Dunlop."

Senator JOHNSON'S trip to California has clearly shown the people of this State that his sole object is to defeat the covenant of the league rather than to amend it. In his Los Angeles speech he said: "I consider that the league of nations at present is entirely useless." Hon. Herbert Hoover says: "If the league is to break down, we must at once prepare to fight. If we believe we can see our neighbors return to a 30 years' war through the breakdown of this treaty and we still maintain our progress it is the egotism of insanity. I am convinced that if we attempt now to revise the treaty we shall tread a road through European chaos." Mr. Hoover voices the belief, sentiment, and conviction of 90 per cent of the people of the State of California, and they will overwhelmingly repudiate the sentiment expressed by Senator JOHNSON at the earliest possible opportunity.

League to Enforce Peace for Southern California, by William M. Bowen, president; Roy Malcolm, secretary; Mrs. Herbert A. Cable, vice chairman, League to Enforce Peace.

Mr. HITCHCOCK. Also, telegrams indicating the drafting of petitions with hundreds of signatures forwarded to the Senator from California [Mr. JOHNSON] against his position in the Senate.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *October 17, 1919.*

Senator GILBERT M. HITCHCOCK,
Senate Office Building, Washington, D. C.:

To-day mailed 829 names on petition to JOHNSON. Congratulations on Shantung vote.

WOMAN'S LEAGUE FOR PEACE TREATY.
MRS. RAY LYMAN WILBUR, *President.*
MRS. L. T. BOYCE, *Secretary.*

SAN FRANCISCO, CALIF., *October 20, 1919.*

Senator GILBERT M. HITCHCOCK,
Senate Office Building, Washington, D. C.:

To-day mailed 499 names on petition to Senator JOHNSON.

WOMAN'S LEAGUE FOR PEACE TREATY.
MRS. RAY LYMAN WILBUR, *President.*
MRS. L. P. BOYCE, *Secretary.*

Mr. HITCHCOCK. Also a brief article by Chief Justice Frank M. Angellotti, of the Supreme Court of California, on the subject of the vote of the British Empire compared with the vote of other nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE "SIX TO ONE VOTE" OBJECTION TO THE TREATY.

[By Frank M. Angellotti, Chief Justice of the Supreme Court of California.]

"Much of the opposition to the ratification of the treaty is based on the claim that the British Empire is given by the provisions of the covenant of the league of nations six votes to the one vote of the United States of America. This claim rests on the fact that Canada, Australia, South Africa, New Zealand, and India are all members of the league. It is, of course, impossible to conceive of any effective league without the participation of such self-governing dominions as Canada, Australia, New Zealand, and South Africa. At the same time all of the five are, in a sense, integral parts of the British Empire, and if it were true that by reason of the vote they are given as separate units, the interests of America may be substantially prejudiced, no real American could approve the proposed compact as it stands.

"Careful consideration of the provisions of the covenant, however, demonstrates that there is no possible prejudice to America therein.

"The functions of the league are to be exercised by the council and the assembly.

"It is only in the assembly, where each member of the league has one vote, that any of these dominions or colonies of the British Empire has a vote, or ever can have a vote without the consent of the United States of America. No one of them is now entitled to a vote in the council, which will consist solely of representatives of the principal allied and associated powers (the United States of America, the British Empire, France, Italy, and Japan), and, until other selections by the assembly, the representatives of Belgium, Brazil, Spain, and Greece, each nation being entitled to one vote only (art. 4, covenant). In place of any of the last four named nations the assembly may from time to time select other members of the league for representation in the council, but a unanimous vote of the assembly is essential to any such selection. This is so because article 5 of the covenant provides that except where otherwise expressly provided in the covenant or by the terms of the treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting. It is not otherwise provided as to such selections. The United States is a member of and has a vote in the assembly, and consequently there can be no such selection without her consent. Again, with the approval of the majority of the assembly, the council may name additional members of the league whose representatives shall always be members of the council. This must be done by the council by unanimous vote. Obviously America's consent is here essential. Again, the council may increase, with the approval of the majority of the assembly, the number of members of the league to be selected by the assembly for representation on the council. Here, too, the selection by the assembly must be by unanimous vote. (See art. 4, covenant.) These are all the provisions as to membership in the council. It is perfectly plain that without the consent of America neither Canada, Australia, New Zealand, South Africa, nor India, nor indeed any member of the league other than the nine now specified in article 4, can ever be represented in the council, except as the five just named are represented by the British Empire with its one vote.

"We come, then, to a consideration of how we can be prejudiced by these votes in the assembly. Here, again, it is obvious that in all matters in which a unanimous vote is required we can not be injured, as our one vote therein amounts to an effectual veto of action. What may the assembly do by less than a unanimous vote?

"1. By a two-thirds vote it may admit to membership in the league any fully self-governing state, dominion, or colony giving effective guaranties of its sincere intention to observe its international obligations, and accepting such regulations as may be prescribed by the league in regard to armaments, etc. (art. 1). It is evident that the addition of a new member even against our vote, a most improbable contingency, could not prejudice us, if by the vote of such member, when in, nothing of importance can yet be done, unless we by our own vote consent thereto.

"2. By a majority vote it may regulate all matters of procedure at its meetings, including the appointment of committees to investigate particular matters. (Art. 5.) These matters are manifestly unimportant.

"3. As already noted, it may, by a majority vote, approve the unanimous selection by the council of additional members of the league, whose representatives shall always be members of the council; and by majority vote may approve unanimous action by the council increasing the number of members of the league to be unanimously selected by the assembly for representation on the council. Obviously our vote is required for any action.

"4. By a majority vote it may indicate its necessary approval of the unanimous selection by the council of any successor to the person named in the covenant as the first secretary general of the league, or any subsequent incumbent of that office. The secretaries and staff of the secretariat are appointed by the secretary general with the unanimous approval of the council. (Art. 6.) Here again our vote is required.

"5. By a majority vote it may ratify such proposed amendments to the covenant as are unanimously ratified by the members of the league whose representatives composed the council. (Art. 26.) Again our vote is required.

"If there be anything in any of these matters by which we may be prejudiced by the votes of Canada, Australia, New Zealand, South Africa, and India, it certainly is not apparent.

"In only one other instance can the assembly do anything by less than a unanimous vote. In the event of a dispute between members of the league likely to lead to a rupture, which is not settled and as to which the parties do not agree to a submission to arbitration, to a tribunal agreed upon by them, as they undertake to do by the terms of the covenant wherever the dispute is of such a nature as to be suitable for submission to arbitration, and as to which the council, to which the matter may then be submitted for consideration, either on its own motion or at the timely request of either party, makes a reference to the assembly, the assembly may, with the concurrence of the representatives of all the members of the league represented on the council and of a majority of the other members of the league, 'exclusive in each case of the representatives of the parties to the dispute,' make and publish a report containing a

statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto. (Art. 15.) The same thing is true as to a dispute between a member of the league and a State not a member of the league, and between States not members of the league. As to the immediate question under consideration, it is manifest that where we are not a party to the dispute, being a member of the league represented on the council, our concurrence is essential to any report of the assembly, for it is so expressly provided. And if Canada, Australia, New Zealand, South Africa, and India are parts of the British Empire, as is conceded, wherever one of them or the British Empire itself is a party to the dispute, it would seem that all of them are necessarily parties to the dispute, and that none of them can have a vote in the matter of such report, for the language excludes 'the representatives of the parties to the dispute.' This certainly is a plain, common-sense construction of the provisions of the covenant, and the one all the members of the league will doubtless insist on in any possible dispute with the British Empire or any of its dominions or colonies. So that in any possible dispute between us and the British Empire or any of its integral parts which may finally be referred to the assembly for a report, while our vote is excluded, so likewise are the six votes of the British Empire and its five constituencies. It may safely be assumed, I take it, that as to any dispute between us and some other member than these, which may be so referred for a report, there can be nothing other than advantage to us in the participation as separate voting entities of Canada, Australia, South Africa, and New Zealand. In any event it would seem that a complete answer to any objection based on the existence of these so-called extra votes in the assembly in the matter of the report to be made, is to be found in the fact that, regardless of who are the parties to the dispute, the report of the assembly to be effective for any purpose must be concurred in by the representatives of every one of the members of the league represented on the council, exclusive of the parties to the dispute, exactly as in the case of a report of the council.

"Moreover, it is most unlikely that any dispute to which we may be a party will ever be referred to the assembly for a report. The first obligation imposed by the covenant in case of such a dispute is to seek a settlement by arbitration, the agreement of all the members being to submit the subject matter to arbitration by a court of arbitration, agreed on by the parties or stipulated in any convention existing between them. In this connection the establishment of a permanent court of international justice is provided for, and to this court or any other tribunal agreed upon by the parties the matter may be submitted. It is only in the event that a submission to arbitration is not agreed upon that the matter is to be submitted to the council of the league. Such a submission is effected by any party to the dispute giving notice of the existence of the dispute to the secretary general. When it is so submitted the first duty of the council is to endeavor to effect a settlement of the dispute. If it succeeds in doing this, of course, the matter is ended. If not so settled, the council may make a report, which to be effective for any purpose whatever must be unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, or it may refer the dispute to the assembly; and it must so refer it when either party to the dispute so requests within 14 days after the submission of the dispute to the council.

"Furthermore and most important: The only effect of an effective report by either council or assembly is as follows: The report must contain a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto. 'The members of the league (including, of course, the disputants) agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.' (Art. 15.) Should any member of the league resort to war in disregard of its obligations in this behalf it will be deemed to have committed an act of war against all other members of the league, who undertake to then proceed in the manner provided in article 16. Only if the disputant resorts to war with another party which has complied with the recommendations of the report is there any action against it by the other members of the league based on the report.

"In the light of these facts, does it not seem that the objection we have discussed is entirely without substantial merit, and that it affords no good ground for the rejection of the treaty as it now stands, as is in effect proposed by an attempted amendment favorably reported by a majorty of the Senate Committee on Foreign Relations?"

Mr. ROBINSON. I present a resolution adopted by Centerville Camp, No. 14439, Master Woodmen of America, of Hope, Ark., touching the ratification of the league of nations, which I ask may be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, it will be so referred.

RAILROAD CONTROL.

Mr. LA FOLLETTE. Mr. President, on yesterday, as appears by the RECORD this morning, the chairman of the Committee on Interstate Commerce reported the bill for the return of the railroads to private interests, and stated that he was authorized by the committee to make the report. As there was no morning hour I had no notice of the fact that the report was to be presented on yesterday. Otherwise I would have been present, and would have stated that the report was not a unanimous one from the committee; that I dissent from the report; and that I shall at such time as the written report is filed by the chairman of the committee ask leave to file as a minority my views in dissent. I shall at the appropriate time present a substitute proposition to that reported by the committee.

The PRESIDENT pro tempore. The Chair ought to state that the present occupant of the chair as chairman of the Interstate Commerce Committee in presenting the bill stated that later there would be both a majority and a minority report.

Mr. PHELAN. I have a telegram from railroad interests in California affecting the railroad bill before the Senate which I desire to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LOS ANGELES, CALIF., *October 15, 1919.*

Hon. JAMES D. PHELAN,
Senate, Washington, D. C.:

Electric railways in California are unanimous and very earnest in conclusion that legislation related to return of steam railroads to private control should not include interurban and street railway system in any manner, even though some of them may, as incidental to their other business, be engaged in interstate traffic. We, of course, as connections of steam roads expect to be controlled with respect to interstate rates and safety-appliance acts, as we are now, but national legislation as otherwise proposed will not help and is apt to harm us greatly. Our revenues, whether we do interstate business or not, are dependent to the extent of 90 per cent or more upon traffic purely local to our lines, and in many cases 100 per cent. So dependent rates, upon which we live without exception, are dependent upon local conditions, including motor-vehicles competition, franchise obligations, State and city control, and attitude of public; and while you can not help us in such matters by national legislation, you may harm greatly through other measures in your bill. A highly important industry, already finding it difficult to live, the conditions on the electric lines that have interstate business are apt, in large measure, to control conditions on those that do not, and so we feel we have one common interest in asking that all interurban and street railways be excluded.

Bakersfield & Kern Electric Railway; Central California Traction Co.; Fresno Traction Co.; Glendale & Montrose Railway; Humboldt Transit Co.; Los Angeles Railway Corporation; Sacramento Northern Railroad; Oakland Antioch & Eastern Railway; Pacific Coast Railway; Pacific Electric Railway Co.; Pacific Gas & Electric Co.; Peninsular Railway; Petaluma & Santa Rosa Railway; San Diego & Arizona Railroad; San Diego Electric Railway; San Francisco, Napa & Calistoga Railway; San Francisco-Oakland Terminal Railways; San Jose Railroads; Santa Barbara & Suburban Railway; Stockton Electric Railroad; Union Traction Co.; United Railroads of San Francisco; Visalia Electric Railroad. (Twelve California electric railway associations.)

JAPANESE IMMIGRATION.

Mr. PHELAN. I also present a resolution of the Native Sons of the Golden West, Colusa Parlor No. 69, of Colusa, Calif., protesting against the present conditions of the immigration of Japanese to this country, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"Whereas we are deeply and vitally interested in the advancement of the State of California and the welfare of the people; and

"Whereas the Japanese and Hindu population in California is increasing rapidly; and

"Whereas these people will always remain in our midst an alien element, unassimilated and unassimilable; and

"Whereas their presence here lays the foundation for a race problem more serious than any that ever confronted us and may lead to armed conflict, which may again involve the world, since at least one of these races will be backed by a proud and war-like nation; and

"Whereas the only way to solve a race problem is to stop it before it begins; and

"Whereas the most feasible way to stop it is the prohibition of immigration from oriental countries: Now therefore be it

"*Resolved by Colusa Parlor, No. 69, Native Sons of the Golden West,* That our Senators, HIRAM W. JOHNSON and JAMES D. PHELAN, and our Representative, CLARENCE F. LEA, be asked to use their best and utmost endeavors in favor of the following proposition, to wit:

"1. Cancellation of the 'gentlemen's agreement.'
"2. Exclusion of 'picture brides.'
"3. Rigorous exclusion of Japanese as immigrants.
"4. Confirmation and legalization of the policy that Asiatics shall be forever barred from American citizenship.
"5. Amendment to section 1 of Article XIV of the Federal Constitution providing that no child born in the United States of foreign parents shall be considered an American citizen unless both parents are of a race that is eligible to citizenship.
"*Be it further resolved*, That a copy of this resolution be sent to each of said Members of Congress.

[SEAL.] "NATIVE SONS OF THE GOLDEN WEST,
"COLUSA PARLOR, No. 69.

"Attest:

"W. G. DANSON, *Recording Secretary*."

THREATENED COAL STRIKE.

Mr. THOMAS. I have been requested to ask permission to have inserted in the RECORD three telegrams from my State relating to the present coal strike.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

DENVER, COLO., *October 20, 1919.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.:

The demand of the coal miners for a 60 per cent increase in wages and a reduction in working hours at the mines from 48 to 30 hours per week will mean a heavy increase in cost of coal to the consumers and industries which they can ill afford, and the reduced production of coal due to fewer hours worked will cause a shortage of coal that will result in suffering to every community in the country There is not enough coal produced now to take care of the present demand. With the entire winter before us, we sincerely trust you will use your good offices in trying to prevent such a calamity by vigorously opposing a strike, opposing any increase in wages to the men at the mines, or any decrease in the present working hours.

THE UNITED STATES PORTLAND CEMENT CO.

—

DENVER, COLO., *October 20, 1919.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.:

The threatened coal strike will mean nation-wide suffering, and the demands made by coal miners for a 30-hour week and 60 per cent increase in wages will increase the cost of coal to a figure that will curtail industry seriously and will increase the cost of necessities enormously. Can you use your influence to avert strike, especially in view of the fact that present wages for mine labor are now way above the value of the returns to society? It would seem that it is time to control the labor skates who are responsible for unwarranted propaganda as to the horrible condition of the laborer and the absolute unfairness of the employer. Compel the union to incorporate before dealing with them, and thereby create responsibility under the laws the same as other bodies.

WESTERN CHEMICAL MFG. CO.

—

DENVER, COLO., *October 21, 1919.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.:

The threatened coal strike will mean nation-wide suffering and closing down of all industries. The demands made by coal miners for a 30-hour week and 60 per cent increase in wages will raise the price of coal to a figure that will be prohibitive and at the same time curtail the production of many million tons annually. There is not enough coal produced now under eight hours per day worked at the mines to take care of the present demand. With the entire winter before us, every individual and industry is vitally interested, for the result will be an enormous increase in the cost of all the necessities of life. We sincerely trust you will use your influence to avert strike and to oppose any settlement that would result in an increased cost of coal to the consumer or any change in present working hours at the mines, in view of the fact that present wages for mine labor are commensurate with present living costs and the eight-hour day is a very reasonable workday.

THE DENVER MFRS. ASSN.

Mr. WARREN. I ask to have one telegram of five lines read and the signatures of several others given that refer to the same subject.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read.

The Secretary read as follows:

CASPER, WYO. *October 23, 1919.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

As business men of Wyoming and in the interests of commercial life of America we urge and earnestly bespeak your influence to avert threatened coal strike as we feel that the consequences of such strike would only spell ruin to business. We are short 3,000 tons now.

NATRONA FUEL CO.

Mr. WARREN. I have differently worded telegrams but referring to the same subject from the Casper Coal & Coke Co., a large operator named W. R. Johnson, the Natrona Power Co., the Natrona Fuel Co., the National Supply Co., and an individual coal owner by the name of George Stilphen, and also from the Bennett Oil Co. and the Leidecker Tool Co., which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CASPER, WYO., *October 23, 1919.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

As citizens and business men of Wyoming and in the interests of the commercial and social life of America, we urge and earnestly bespeak your influence to avert the threatened coal strike, as we feel that the consequences of such a strike would spell ruin to business.

CASPER COAL & COKE CO.

—

CASPER, WYO., *October 23, 1919.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

As citizens and business men of Wyoming and in the interests of the commercial and social life of America, we urge and earnestly bespeak your influence to avert the threatened coal strike, as we feel that the consequences of such a strike would only spell ruin to business.

W. R. JOHNSON.

—

CASPER, WYO., *October 23, 1919.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

As citizens and business men of Wyoming and in the interests of the commercial and social life of America, we urge and earnestly bespeak your influence to avert the threatened coal strike, as we feel that the consequences of such a strike would only spell ruin to business.

NATRONA POWER CO.

—

CASPER, WYO., *October 23, 1919.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

As citizens and business men of Wyoming and in the interests of the commercial and social life of America, we urge and earnestly bespeak your influence to avert the threatened coal strike, as we feel that the consequences of such a strike would only spell ruin to business.

NATIONAL SUPPLY CO.

—

CASPER, WYO., *October 23, 1919.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

As citizens and business men of Wyoming and in the interests of the commercial and social life of America, we urge and earnestly bespeak your influence to avert the threatened coal strike, as we feel that the consequences of such a strike would only spell ruin to business.

GEO. STILPHEN.

—

CASPER, WYO., *October 23, 1919.*

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.:

In behalf of the people of the State of Wyoming, we respectfully request that you exert your influence toward effecting a settlement between the coal miners and operators, to the end that the impending strike and consequent suffering may be averted.

BENNET OIL CO.

—

CASPER, WYO., *October 23, 1919.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

As citizens and business men of Wyoming and in the interests of the commercial and social life of America, we urge and earnestly bespeak your influence to avert the threatened coal strike, as we feel that the consequences of such a strike would only spell ruin to business.

LEIDECKER TOOL CO.

UNITED STATES PATENT OFFICE.

Mr. ROBINSON. I desire to have printed in the RECORD a letter which I have received from George P. Kimmel, a patent attorney residing in the city of Washington, relating to the condition of the business in the Patent Office. I call the attention of the chairman of the Committee on Patents to the contents of this communication. I will not ask that it be read, but I do ask that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *October 23, 1919.*

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.

DEAR SIR: I write you about a matter that is of vital importance to the country as a whole and to many of your constituents in particular. As an attorney having a large practice before the United States Patent Office, I am in a position to know whereof I speak. When I say that conditions in the Patent Office are simply terrible and constantly growing worse, I am not stating the facts too strongly.

This is a matter over which the Commissioner of Patents certainly has no control, but it is something that must be put squarely up to Congress. It is something that patent attorneys, inventors, and manufacturers throughout the United States are even more vitally interested in than the Commissioner of Patents and the employees in that branch of the Government service.

Because a committee of Congress fails to realize the vital importance of this branch of the service is no reason why the matter should be dropped there. The situation plainly is that some of the very best men in the Patent Office have resigned and others will resign to accept positions which will amply compensate them for the use of their extraordinary knowledge and experience. I am sure that the details of the lamentable situation that this is creating in the Patent Office can be obtained from the proper officials thereof. Taking one instance alone, that of the division which issues certified copies of patents, and they are seven months behind with their work. This means, in a great many cases, that inventors filing applications in Great Britain are compelled to pay a fine of $11 because of their inability to file certified copies of their patent with the foreign application within the time limit prescribed by the British patent laws, while others may lose their foreign rights entirely by reason of this delay. The matter of procuring copies of patents cited in connection with searches or pending applications is absolutely exasperating to attorneys who must practice before the Patent Office. The other branches of the service are equally handi-

capped simply because Congress fails to appreciate the situation and meet it promptly and in an effective manner.

Something must be done! That something must be done immediately! In the interest of your constituents—attorneys, inventors, and manufacturers—won't you please lend your aid in this direction?

Very respectfully,

GEO. P. KIMMEL.

CONFIRMATION OF ADMIRAL ROBERT E. COONTZ.

Mr. POINDEXTER. I ask unanimous consent to submit a report from the Committee on Naval Affairs as in executive session. I report favorably the nomination of Robert E. Coontz, to be Chief of Naval Operations in the Department of the Navy. I ask unanimous consent for its immediate consideration and confirmation and that the President be notified.

The PRESIDENT pro tempore. Is there objection? Without objection, the report will be received. The Secretary will state it.

The Secretary read as follows:

Rear Admiral Robert E. Coontz, United States Navy, to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral, for the term of four years.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed and the President will be notified.

SEDITIOUS UTTERANCES BY STRIKERS.

Mr. HARDING. I send to the desk for printing in the RECORD a series of resolutions adopted by the Youngstown (Ohio) Chamber of Commerce, calling the attention of the Department of Justice to certain inflammatory revolutionary utterances made among the steel strikers of Youngstown without any governmental interference or restriction whatsoever. With the resolutions are certain quotations from these utterances which I think ought to be made a matter of record.

The PRESIDENT pro tempore. Without objection, the matter will be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Whereas certain meetings have been held in the city of Youngstown recently consisting of alleged radical elements; and

Whereas such meetings have been addressed by openly avowed Bolsheviki representatives; and

Whereas the spreading of Bolsheviki propaganda by such addresses is to develop a dangerous condition in the already inflamed minds of the particular element likely to attend such meetings; and

Whereas in view of the existing steel strike it is regarded as detrimental to the interests of the community as a whole to have such meetings occur with speakers repeatedly spreading the violent Bolsheviki propaganda: Therefore be it

Resolved, That the Department of Justice of the United States be urged to take immediate cognizance of this condition and to have its representatives at Youngstown attend meetings of this character and to suppress all further possibilities through prosecution of speakers publicly preaching the Bolsheviki doctrines, which are openly and without equivocation of the most violent and seditious nature.

THE YOUNGSTOWN CHAMBER OF COMMERCE,
PAUL J. JONES, *Vice President*.
FRED A. LABELLE, *Secretary*.

EXTRACTS OF SPEECHES MADE AT RESCH'S HALL, WEST FEDERAL STREET, OCTOBER 9 AND 15, 1919.

The object of these meetings, according to the assertions of the speakers, is to organize the workingmen for the purpose of taking forcible possession of the industries of the country and overthrowing the Government. The following extracts from speeches made at these meetings are submitted as proof of their intentions:

"With the flame of the steel strike burning we will soon have fresh fuel added to our red fire by the coal miners' strike and then the railroad workingmen will strike and help to keep the fires burning."

"Socialism is dead. This is a revolutionary organization. This movement is spreading all over the world, and we are going to overthrow all capitalistic governments."

"I am glad that they look upon me as a Bolshevik. I am looking for something to burst in the American Federation of Labor, and then Samuel Gompers will be sent the way of all kings and others who have betrayed the working class."

"When the time comes we are going to march into these mills and take possession of them, and we will run them to suit ourselves."

"The people are now receiving their pay for their loyalty and patriotism to the United States Government during the war. At Gary, Ind., they are putting the people into stockades with barbed wire on top. Your pay day will come in Youngstown when they send in the soldiers and plant machine guns on the corners of the streets."

THE HOUSING PROBLEM.

Mr. WADSWORTH. Mr. President, I ask that an address delivered by my colleague, Senator CALDER, at the sixteenth annual convention of the Real Estate Association of New York State on Saturday morning, October 18, be printed in the RECORD. This address has to do with a most important problem, namely, the housing problem, which my colleague has studied very carefully and it contains an excellent résumé of the situation. I ask that my colleague's address be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be printed in the RECORD.

Senator CALDER'S address is as follows:

ADDRESS OF SENATOR CALDER AT THE SIXTEENTH ANNUAL CONVENTION, REAL ESTATE ASSOCIATION OF NEW YORK STATE, HOTEL MCALPIN, NEW YORK CITY, ON THE MORNING OF SATURDAY, OCTOBER 18, 1919.

THE HOUSING PROBLEM.

"In discussing the housing problem as it affects the United States, we must note that 'it is a condition, not a theory, that confronts us.'

"This condition, stated in the simplest and most direct terms, is that the United States lacks approximately 1,000,000 dwellings to meet the normal needs of the population; that abnormal conditions in business, due in a large part to the war and governmental interference with the natural course of trade and business, has turned from the building industries the money usually invested therein, the result being growing congestion of population, increasing taxation, and higher rents, with no relief in sight through any of the usual agencies of business.

"In addressing the United States Senate on August 9, 1919, I stated the situation, as I saw it, in the following language:

"During the war the policy of the Government was to divide its work among the different concerns in the same line in proportion to their capacity to perform. There was a fixed price and a fixed profit. There was little or no competition. It was, as the President has put it in dealing with our labor troubles, a matter of collective bargaining. The prices of a given article were practically the same, no matter from where or by whom quoted. To-day one must pay practically the same price for what he buys, no matter who sells it to him.

"During the war we abolished the economic law of competition and in its place have created a system of cooperation, where men in every line of industry are assured a profit on their output. This is all very fine in theory, but what about the ultimate consumer? The man who builds houses to-day not only competes with other men who have old houses for sale, houses built when prices for the material and labor that went into them were little over half what they are at present, and while this era of high prices has made large profits for those who were wise enough to purchase houses under old-price conditions, the man who builds houses to-day runs a great risk of having difficulty in disposing of them unless they are unusually attractive and different in type from those built in prewar times.

"Referring to my remarks on the subject in the Senate during the year previous, I also stated as follows:

"I pointed out then that the action of the Treasury Department and the Federal Reserve Board in discouraging the loaning of money for building purposes would bring on a situation that by this year would be exceedingly difficult. Building was also discouraged by the War Industries Board; in fact, that board, over my protest, issued an order, which was generally obeyed, prohibiting building of every character without a permit from that board. Their object was, of course, to utilize the funds that would ordinarily go into building construction for the purchase of Liberty bonds and other war purposes. The War Industries Board also insisted that the material necessary for the construction of houses could not be spared and that the labor necessary for the same could be better utilized in manufacturing material for the Army and Navy abroad. I insisted that while every possible effort should be put forth to obtain for the Nation everything needed to carry out the war program, it was entirely unnecessary for us to break down the whole fabric of the building industry to carry out this purpose. I called the Senate's attention to this condition in detail, and I advised the War Industries Board that the complete destruction of our building organization would undoubtedly work havoc in the future. The results indicate that the statements I then made were entirely correct, for when the war was over and those who had been engaged in building pursuits resumed their operations they were compelled to organize from the ground up. As a result we have had inefficient help in many of these plants during the present year.

"Because of these governmental acts to-day's housing situation was inevitable. Man, in his wisdom, makes the attempt to interfere with the laws of trade. He has never been successful, no matter how often or in what fields he makes the endeavor. Neither does he learn by his experience; and so it comes about that in the first quarter of the twentieth century we find man setting out to contravene the law of supply and demand, with the usual results of throwing the business world into convulsions, entailing a long period of readjustment, with its trouble and suffering.

"At the time of the Civil War statesmen of the day thought it possible to escape the difficulties due to the scarcity of coin by the legal-tender act, which, after having been once declared unconstitutional by the Supreme Court, was afterwards given a legal standing by what is now generally conceded to have been a forced construction of our fundamental law. Future generations will pass their verdict upon the action of governmental authority during our recent war, and while they may not find any contravention of the laws set forth in the statutes they will decide what they did might have been done with less disturbance and upsetting of business and trade.

"Are statistics needed to substantiate the claim that there is a scarcity of dwelling construction? If so, take the figures showing the amount of money spent for dwellings in the three largest boroughs of Greater New York. It can be shown that even so late as the year 1916 the money spent for dwelling houses in the boroughs of Manhattan, Brooklyn, and The Bronx amounted to more than $76,000,000. As is well known, even that expenditure failed at that time to meet fully the increasing

demand, so it must be evident that the failure was greater during 1917 and 1918, when the expenditure for the two years combined was about $29,000,000. Of this comparatively small sum about $10,000,000 was spent in 1918, so that when the armistice was signed New York was spending $10 for new dwelling houses where, in 1916, it was spending $76.

"With this tremendous diminution in accommodations for shelter, there is an increase in the population, thus producing an enormous strain upon the existing accommodations, creating a contest among occupants for the needed space which would of itself produce a rise in rent. In addition to this the costs of administration, paid chiefly through taxes on real estate, have also increased. To meet these increased charges additional taxes had to be laid on old buildings, which addition the landlord passes on to the tenant in the form of higher rent, and as a consequence we have such spectacles as are seen almost every day in the great metropolis—rent riots.

"A momentary consideration of the figures available shows that it is probable that the yearly expenditures during normal years for real estate improvements throughout the country approximates $3,500,000,000. If, as seems to be the case, the expenditures for last year for new construction were less than $300,000,000, it does not take much of an accountant to figure the gross loss and to show the increasing pressure upon existing accommodations.

"Statistics are available as to the number and amount of real estate mortgages placed upon New York property during the war years. From these it appears that from 1905 to 1914, inclusive, the average number of mortgages each year was 42,960, whereas the average number during the four years, 1915, 1916, 1917, and 1918, was 5,461; or about 12¼ per cent of the average for the value of real estate mortgages placed in the boroughs of Manhattan, Brooklyn, and The Bronx, was $471,978,874, while the average value of the mortgages for the years 1915, 1916, 1917, and 1918 was $44,831,550, less than 9 per cent of the average for the prewar years indicated.

"But consider the problem from any angle you please, we can not get away from the fact that there is a phenomenal scarcity of housing accommodations; that capital is not being attracted to this manner of investment in anything like normal measure; and that, unless something is done to change this tendency, we of this country are in a fair way of finding ourselves in the condition now said to exist in England, where people, unable to find other shelter, are living in caravans, house boats, tents, and in any kind of structure that can be erected with odds and ends of waste material. So serious is the situation there, the Government acts as if in panic, and is promising to make, and is making, strenuous efforts to meet the situation that are contrary to all the laws of supply and demand, and are laying the foundation for future trouble. The authorities are erecting dwellings without regard to their cost, which they propose to rent to tenants at any price the latter will pay, expecting to make up the ensuing deficiency by laying heavier taxes on the few who will have any property to be taxed.

"The trained business mind would find the correction for this difficulty with speed and certainty. A good business manager would tell his directors that they must immediately stimulate and encourage new business. He would not imitate the ostrich and, sticking his head into the sand, endeavor to blind himself to the situation as it is. Those of us who would try to correct the difficulty can not stand still. We have for years depended on the yearly increase in the amount of money spent in the building industry, and the only way to get it back again into the usual channels is to stimulate building activity now, so that a few years hence we will have doubled or tripled the usual income.

"For years builders have depended on banks and other loaning agencies for the money needed to carry on their functions, but now the banks, as well as other investors, find what they consider better methods of investing their money, so that much of the capital once depended upon for the building trades has been withdrawn and withheld from building loans and mortgages and put into other income-yielding activities. How extensive is this withdrawal and withholding is evidenced by the fact that if to-day the banks had invested in mortgage loans the same percentage of their resources as they did in 1913 we would have had placed in building operations one and one-half billion dollars more than was used for this purpose from 1913 until 1918.

"To make the investment in building loans and mortgages more attractive to investors and thus produce some of the funds which may be used to meet the housing needs of the Nation is the object of the proposed amendment to the income-tax law, provided by Senate bill 8094, which I have introduced, by which investment in mortgage loans to the extent of $40,000 are exempted from the provisions of the law.

"Technically speaking, the Government is not giving anything if it makes the offer of the remission of taxes as provided in the bill. It is merely delaying their assessment. On the other hand, the investor is giving something to the State and the Nation in that he is adding at once to the general wealth billions of dollars worth of real property, and the Government is doing a stroke of good business, because, within a year or two, it will have an income of double or triple the amount of the remitted taxes when taxes upon rentals and new real estate begin to flow into the treasuries of the Nation and State.

"That there is an absolute necessity for encouragement of this kind is apparent when one considers the amount of taxation that is now placed upon real estate. It is claimed that at the present time nearly nine-twentieths of the total income from real estate investments is taken up by taxation, and when in addition to this certain drain is added the uncertainties of business conditions and possible changes in prices and wages, it is not to be wondered at that former lenders of money on real estate securities are putting their money into other channels. They are uncertain and afraid; they find themselves facing new problems; they say labor and wages may drop in prices and cause depreciation in values, and that they may have to lose 20 or 30 per cent of the present cost, and perhaps be left high and dry with a partly completed building.

"During the period of advancing costs many a mortgage lender has had the unsatisfactory experience of being obliged to step in and complete a project at greatly increased costs, and naturally he is not going to run the chance of experiencing the same difficulty again. He knows that if he does not advance money enough the project will fail, and he will have a partly completed building on his hands, and that if he advances a sufficient amount a drop in prices of material, labor, and so forth, would quickly place him in a position of holding a 100 per cent mortgage.

"Too many people whose duty it should be to consider the problems we are discussing, and the proper methods for solving the difficulties which present themselves, are inclined to assume a policy of watchful waiting. They say, 'Just let us wait until we have reached a normal level of prices; let us keep our hands off natural processes and allow the laws of trade and commerce to assert themselves and bring about an equilibrium.' There is in this attitude an assumption that prices will fall to something approaching the prewar level. This prospect is to some a hope; to others, a dread; to all, an uncertainty. But a study of the situation shows beyond a doubt that, so far as we can be guided by the history of the past, we are now on a new level of prices which, if there is no economic cataclysm, will endure for many years.

"During the war we called on 'professors' to help us out of our difficulties. Let us listen to what one of them says in relation to the question of decreasing costs. Prof. Irving Fisher, of Yale, is probably the most competent authority that America holds to-day, and his conclusion is this:

"Prices are not going to fall much, if at all.

"We are on a permanently higher price level, and business men should go ahead on that basis. * * *

"There is little likelihood of a fall in prices in the United States. The gold reserve, which is now the basis of our currency, is not likely to leave the banks and return to general circulation, since this is contrary to monetary experience. No great outflow of gold is to be expected through international trade, since our exports are likely to exceed our imports in the reconstruction period, and we no longer will have large interest and freight payments to make to Europe. Prices are higher to-day in Europe than in the United States, and hence for the present at least no influx of cheap goods is to be expected. Further issues of bonds or Treasury certificates by our Government and loans placed by European countries in this country will tend to further increase our present credit structure. Against any considerable reduction in bank credits the whole business community would rise in arms.

"Business men of the United States need not hesitate to plan for an immediate period of business prosperity. No period of depression and no collapse of values need be feared. The man who goes full speed ahead will gain an advantage over his procrastinating competitor which will far outweigh any possible slight decline in the costs of production.

"From the above quotations it is evident that the many leaders of thought and industry in the United States have no fear for future trouble based upon the decline of values.

"Persons who find it to their interest to oppose the provisions of the tax-exemption bill make the claim that the proposed bill is a measure of State paternalism, and that we are forcing the Government to perform a function that would better be left to the initiative of the individual. In general, we are opposed to the interference of the Government in matters of this kind, but because it has interfered in times past and by this interference created the condition by which we are to-day confronted we feel that the State is bound to interfere yet again in an effort to correct the difficulties it has created. By the imposition of discriminatory freight rates on building materials, by preferential restrictions on delivery, and by removing the balance wheel of competition through guaranteed profits it has made the produc-

tion and transportation of building materials abnormally costly and in some cases practically impossible. Through the loans called for by the necessity of meeting the war expenses and by the exemptions from taxation granted to some of the bonds that represent these loans it has turned money that should naturally seek investment in building construction away from its natural course to channels where the returns are quicker and larger than they promise to be on a long-term mortgage loan.

"The object of the proposed amendment to the income-tax law is intended to remove some of the penalties attached to mortgage loans and to place such investments more nearly on a parity with the money that is seeking investment in Government loans and securities, and, in so far as the Government is asked to grant this concession, so far is it allowable that it interferes with the ordinary and natural courses of business.

"Congress is also asked to give its sanction to what is known as 'the home-loan bill,' which I have introduced. The object of this proposed legislation is to allow building and loan associations to use as property the enormous sums now tied up in first-class real estate mortgages. The limitation of the services rendered by these building and loan associations is due to the lack of liquid capital behind them, and this lack is likely to grow greater rather than less for the same reasons that prevent money going into other real estate investments. It is interesting to note that during the 40 years of their service to the home builders of the United States who had no capital except an earning power, they have had practically negligible losses and have built up an enormously potential capital in their mortgages, which, because of their inability to discount at a reasonable rate, amounts to the sequestration of about $2,000,000,000. It is the object of the home-loan bill to remove the prohibition of discounting and to turn this locked-up capital into industrial property.

"So far the emphasis has been placed upon the economic advantages to be secured through the passage of the two bills which I have mentioned. Important as these economic advantages are, they are, after all, the smaller part of the good that will accrue to the people and to the country through the assured stability of our political institutions. The main object of this proposed legislation is to enable the workingman to secure a home of his own. It is a truism of political economy that the land or home owner is the foundation on which the political stability of the Nation is founded. The most pessimistic thinker, as he looks over the world to-day, foresees political disaster for Great Britain, Germany, Italy, the United States, and, in fact, the whole world except France; and the one thing that gives the pessimist, as well as the fair-minded observer, assurance as to the future of France is the fact that nearly 80 per cent of its population is interested in the land as owners thereof. There are four families out of five living in their own homes, from which nothing, even the ravages of war, can separate them permanently. Were the United States in a similar condition we might smile at, or feel contempt for, all the disturbing and noisy elements that seem at the moment to threaten our social well-being. Bolshevism is a weed that will not flourish in communities of home owners. Where most of the people own their own homes, there you will find a refreshing spirit of common interest in the community, and a real, wholesome, patriotic, and zealous support of American traditions and ideals.

"It has been pointed out that the United States has been at war on an average of once in 20 years since the Constitution was adopted, and that the object of each of these wars has been, in the last analysis, to preserve the home. Yet we find that to the majority of people in this country 'home' means little more than a dwelling for which they are paying rent. This situation is bad enough, but what is worse in the situation is that the percentage of these rent payers is growing with each enumeration. In 1890 we were advised that 52 per cent of the people in America lived under the rental system; that in 1910 the percentage had increased to 55; and that probably the census of 1920 will show that fully 60 per cent of the people will be classed as tenants. If it is the case to-day that but 40 people out of a hundred live in their own homes, and that the increase, small as it is, will continue, it is fair to conclude that 25 years hence less than one-third of the population of the United States will be outside of the tenant class. A common interest in the Nation's wealth and the widest distribution of real property are absolutely essential to our national well-being, and these essentials are not to be looked for among a population three-quarters of whom are at the mercy of landlords. Tenantry is a poor substitute for the real home, as it leads neither toward independence and responsibility nor toward community association, which is as necessary for the poise and development of the adult as it is for that of the child.

"Normal home and community life best assures the health, recreation, development, and independence of the family, and, while the figures show that the normal or usual life of the family is spent in a hired home, it is understood by everybody who thinks that such a condition is abnormal. The tenant, no matter how long he remains on the land or in a community, is losing the 'unearned increment.' He is living in surroundings marred and depreciated by others. By changing from one community to another he deprives himself and his family of permanent acquaintances and friendships. This brings about an unsettled and discontented state of mind, induces unproductiveness, leads to waning power and lower wages, and a gradual descent in the social scale, all of which would be avoided if the family lived in its own home, 'Be it ever so humble.'

"The agencies that are striving for moral uplift along the lines of Christian missionary work recognize the folly of preaching religion to a hungry, homeless man. The first move is to feed him and then get him placed in one spot where he can be reached for further effort. It is equally foolish and useless to preach economy, prudence, and the obligation of citizenship to the workingman if he belongs nowhere and is not permanently attached to the community by ownership of the home in which he lives. Unless he is so attached he can not be said to really belong there, no matter how good may be his financial condition. In the long run a 'poor' home owner is a better asset to a community than a rich and transient tenant.

"If the object of government is to do the greatest good to the greatest number, is there any effort that promises greater results than in providing that it should be within the power of every man who is able to earn a day's wage and who wants to own his home, that he should be able to own his own home, that he may become an important factor in his community, so that the growth and development of the community shall be his aim because its well-being will redound to his own profit and benefit?

"The United States, like France, must either develop a home-owning instinct or a housing movement like England. This home-owning instinct may be helped forward through governmental aid, through preferential freight rates, through banking legislation and bills such as I have described, and encouragement of standardization of building materials. These governmental aids at this time will produce increased homes whose value will more than offset their cost.

"Or the Government may, on the other hand, wait for the situation to become worse and eventually be obliged to follow the example of England and provide housing at normal rentals, with the corresponding demoralization and pauperization of its people. The best way to help a man is to help him to help himself. This is the sentiment of the man who will make the best citizen, and in providing such help the Government can depend upon the support and applause of the best element of American citizenship."

SACCHARIN IN FOOD.

Mr. GAY. Mr. President, in the Washington Post this morning there is a half-page advertisement on the use of saccharin in food. Recently before the Senate Committee on Agriculture and Forestry Dr. Carl L. Alsberg, chief of the Bureau of Chemistry, Department of Agriculture, made a statement with respect to the use of saccharin. I have also a letter from Dr. Alsberg on this subject and a further article taken from the Washington Herald, which I ask, together with the statement and the advertisement to which I have referred, may be placed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., October 23, 1919.

Hon. EDWARD J. GAY,
United States Senate.

DEAR SENATOR GAY: In compliance with the request of your secretary over the telephone, I beg to transmit herewith food-inspection decisions Nos. 135 and 142, issued by the Department of Agriculture in 1911 and 1912. Saccharin is a coal-tar drug. As you will see from the decisions, the department regards its use in food as a menace to health. This is the position of the department to-day, as it was in 1911. There has been no scientific evidence adduced, of which I am aware, on the basis of which the department would be justified in any manner in altering its position. Indeed, the department has evidence in confirmation of the position taken in 1911, which was not then available.

The department regards food to which saccharin has been added as adulterated in two respects. It regards it as adulterated since a substance has been added to the food which may render it deleterious to health. It regards it as adulterated in that a substance of no food value whatever has been substituted

for sugar, a very valuable food. The department now has pending a criminal prosecution against the Monsanto Chemical Co., which will be brought to speedy trial for the shipment interstate of a parcel of saccharin labeled as harmless. The department, moreover, has prosecuted, in all cases sucessfully, a number of manufacturers of food products for the substitution of saccharin for sugar. The food and drugs act does not contemplate the restriction of the traffic of any drug, however harmful, if unadulterated and properly labeled. It furthermore has no jurisdiction over representations that may be made in various types of advertising.

Furthermore, I beg to point out that a majority of the States prohibit the use of saccharin in food, either by statute or by regulation.

Aside from any question of deleteriousness, I believe the unrestricted use of saccharin to be contrary to public interest. Its use is not, as is frequently urged, a measure of economy. Its use is really extravagance. Sugar is a food, but saccharin has no food value. If one does without sugar and spends part of the money thus saved for saccharin, one will eventually have to spend the remainder, and possibly more, for some other food, to make up for the lack created by the absence of sugar, a concentrated food. If one considers that a not inconsiderable proportion of the people are forced to live continuously close to the starvation line, one must realize that no part of their essential diet can be decreased with safety. To encourage them to waste any portion of their inadequate resources upon an adulterated food of no food value is an economic fallacy.

Therefore, the substitution of a flavoring drug for a valuable food is not only contrary to the public interest, because it is uneconomical, but also because of the inroad it may make upon the health of the Nation. Finally, there are to-day available upon the market a considerable number of sugar substitutes equal in food value to sugar and quite unobjectionable. I refer to the various types of malt sirup and other sirups that are being placed, in ever-increasing quantity, upon the market.

Respectfully,

C. L. ALSBERG, *Chief.*

Inclosures: F. I. D. Nos. 135 and 142.

[F. I. D. 135. Issued Apr. 29, 1911. United States Department of Agriculture, office of the Secretary. Food inspection decision 135.]

SACCHARIN IN FOOD.

At the request of the Secretary of Agriculture, the Referee Board of Consulting Scientific Experts has conducted an investigation as to the effect on health of the use of saccharin. The investigation has been concluded, and the referee board reports that the continued use of saccharin for a long time in quantities over three-tenths of a gram per day is liable to impair digestion; and that the addition of saccharin as a substitute for cane sugar or other forms of sugar reduces the food value of the sweetened product and hence lowers its quality.

Saccharin has been used as a substitute for sugar in over 30 classes of foods in which sugar is commonly recognized as a normal and valuable ingredient. If the use of saccharin be continued it is evident that amounts of saccharin may readily be consumed which will, through continual use, produce digestive disturbances. In every food in which saccharin is used some other sweetening agent known to be harmless to health can be substituted, and there is not even a pretense that saccharin is a necessity in the manufacture of food products. Under the food and drugs act articles of food are adulterated if they contain added poisonous or other added deleterious ingredients which may render them injurious to health. Articles of food are also adulterated within the meaning of the act if substances have been mixed and packed with the foods so as to reduce or lower or injuriously affect their quality or strength. The findings of the referee board show that saccharin in food is such an added poisonous or other added deleterious ingredient as is contemplated by the act, and also that the substitution of saccharin for sugar in foods reduces and lowers their quality.

The Secretary of Agriculture, therefore, will regard as adulterated under the food and drugs act foods containing saccharin which, on and after July 1, 1911, are manufactured or offered for sale in the District of Columbia or the Territories, or shipped in interstate or foreign commerce, or offered for importation into the United States.

FRANKLIN MACVEAGH,
Secretary of the Treasury.
JAMES WILSON,
Secretary of Agriculture.
CHARLES NAGEL,
Secretary of Commerce and Labor.

WASHINGTON, D. C., *April 26, 1911.*

[F. I. D. 142. Issued Mar. 11, 1912. United States Department of Agriculture, office of the Secretary. Food inspection decision 142.]

SACCHARIN IN FOOD.

The following decision which relates to the use of saccharin in food will not go into effect until the 1st of April, 1912, the month of March being given to interested parties so as to arrange their business and take such steps as they may deem proper.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 1, 1912.*

After full consideration of the representations made in behalf of the manufacturers of saccharin at the hearing before us and of the briefs filed by their attorneys, as well as the briefs filed, at our request, by officers of the Department of Agriculture, we conclude that the use of saccharin in normal foods, within the jurisdiction of the food and drugs act, is a violation of the law and will be prosecuted.

It is true that the referee board did not find that the use in foods of saccharin in small quantities (up to 0.3 gram daily) is injurious to health. However, the referee board did find that saccharin used in quantities over 0.3 gram per day for a considerable period is liable to disturb digestion, and the food and drugs act provides that articles of food are adulterated which contain any added poisonous or other added deleterious ingredient which may render them injurious to health.

The Bureau of Chemistry of the Department of Agriculture reports that saccharin has been found in more than 50 kinds of foods in common use. It is argued, therefore, that if the use of saccharin in foods be allowed the consumer may very easily ingest day by day over 0.3 gram, the quantity which, according to the findings of the referee board, is liable to produce disturbances of digestion. On the other hand, it is claimed by the manufacturers that the sweetening power of saccharin is so great that in a normal dietary the amount of saccharin ingested daily would not exceed 0.3 gram, the amount found to be harmless by the referee board.

However this may be, it is plain from the finding of the referee board that the substitution of saccharin for sugar lowers the quality of the food. The only use of saccharin in foods is as a sweetener, and when it is so used it inevitably displaces the sugar of an equivalent sweetening power. Sugar has a food value and saccharin has none. It appears, therefore, that normal foods sweetened with saccharin are adulterated under the law.

In making this decision we are not unmindful of the fact that persons suffering from certain diseases may be directed by their physicians to abstain from the use of sugar. In cases of this kind saccharin is often prescribed as a substitute sweetening agent. This decision will not in any manner interfere with such a use of saccharin. The food and drugs act provides that any substance which is intended to be used for the prevention, cure, or mitigation of disease is a drug, and a product containing saccharin and plainly labeled to show that the mixture is intended for the use of those persons who, on account of disease, must abstain from the use of sugar, falls within the class of drugs and is not affected by this decision.

The Secretary of the Treasury dissents.

JAMES WILSON,
Secretary of Agriculture,
CHARLES NAGEL,
Secretary of Commerce and Labor.

WASHINGTON, D. C., *February 29, 1912.*

[From the Washington Herald, Oct. 23, 1919.]

NO SACCHARIN UNDER DRUG ACT—MANUFACTURERS AND BAKERS CAN NOT USE SUGAR SUBSTITUTE.

Washington housewives who had pinned their hopes to saccharin as a relief from the growing sugar shortage will be disappointed to know that the District Health Department yesterday frowned on efforts being made to introduce the substitute for general household use.

Dr. John L. Norris, acting health officer, announced his intention of prosecuting violators of the law restricting the use of saccharin under the food and drug law.

The regulations provide that no saccharin shall be used by manufacturers of foods or drinks. Infringement of these laws by soda establishments, delicatessens, bakeries, candy makers, and the like will be vigorously prosecuted, said Dr. Norris.

Housewives who care to make use of the substitute at their own risk are privileged to do so, he said, as the law does not apply to private consumers.

However, Dr. Norris said, continued use of large quantities of saccharin is injurious to the health of the individual. "Three-tenths of a gram of saccharin a day is the limit of safety determined by a special investigation board of college experts appointed by the Department of Agriculture," he asserted. Dr. Norris said that this amount was about equal to a tenth of a teaspoonful.

Saccharin is a sugar-like substance derived from coal tar. It is far sweeter than sugar.

SACCHARIN—THE PUREST OF ALL SWEETENERS—IS RELIEVING THE SUGAR SITUATION.

Think of saccharin and ease your alarm over the present sugar shortage.

There is not a family or a member of a family who can not again enjoy sweetened coffee or tea or other beverages, as well as sweetened foods.

Saccharin has a sweetening strength five hundred times greater than that of suger. It is a healthful, harmless, sweetening agent.

It is excellent for use in coffee, tea, and wherever sweetness, not food value, is needed.

Go to a store to-day and buy saccharin tablets in boxes of 100. Use one tablet instead of a lump or teaspoonful of sugar in all your home beverages.

Sugar is scarce and costly. Saccharin is plentiful and cheap. By using it now as a sweetener instead of or as an auxiliary to sugar the present scarcity of sugar will be relieved with actual saving of money.

Saccharin will prove itself a useful aid to American health and economy.

Give saccharin a trial now in your coffee or tea.

JOHN F. QUEENEY,
Chairman of the Board,
Monsanto Chemical Works (Established 1901).

NOTE.—This advertisement is inserted by Monsanto Chemical Works, the world's most important manufacturers of saccharin.

STATEMENT OF DR. CARL L. ALSBERG, CHIEF BUREAU OF CHEMISTRY, DEPARTMENT OF AGRICULTURE, WASHINGTON, D. C.

"Senator MCNARY. Dr. Alsberg, you have heard the statements made by Mr. Cooke and Dr. Du Bois concerning the desire on their part to have the ruling of the Department of Agriculture changed with respect to the use of saccharin. As a representative of the Bureau of Chemistry the committee would like to have you make such statement on the subject as you desire.

"Dr. ALSBERG. I have not very much to say, Mr. Chairman, except that we feel this particular matter is one which should properly be settled in court. A case has been pending for a couple of years. The reason why the department was not able to press it to trial during the war was that some of the Government's important witnesses were fighting in the Army in France and were not available. They are available now, and the Attorney General has been notified by the Department of Agriculture that the department is ready to go ahead at any time. And on that point all I would like to say is that it seems to me the proper place for the settlement of this particular question is in the courts.

"Also, I would like to point out, Mr. Chairman, if I may, that Mr. Cooke brought out that there is no prohibition on the shipment of saccharin as such. Anybody who wants to buy a tablet of saccharin to sweeten coffee with can go into any drug store in the United States and buy it at small cost and use it. The only prohibition there is is the expression of opinion on the part of the Department of Agriculture that saccharin is deleterious to health and that saccharin substituted for sugar may injuriously affect the quality of food. It follows that there is no prohibition against saccharin as such. Anybody may buy it and use it on his table and in his own cooking if he or she sees fit. But where the article is used in the manufacture of a compound food, such as soda pop, jam, jelly, or anything of that kind or any other kind, the department holds that it may be a deleterious ingredient added to the food, and that the addition of such deleterious ingredient is in violation of the law.

"Now, gentlemen of the committee, the Department of Agriculture still holds, and I still hold, that the question of the effect of saccharin is not clear and free from doubt, as has been represented here. I believe there is very considerable evidence that it may be deleterious to health. That evidence will be presented in court in due time. I believe also that the use of saccharin will lead to endless debasement of the country's food supply and result in endless fraud of one kind or another.

"It is very easy to argue that soda water is not food. But that is all nonsense. You can not take anything into your system which is capable of being used as food and after you have swallowed it control what your system shall do with it. You may will that the sugar in soda water is not going to be used as food. You may not be conscious that you are taking it as food, but it is food; and if you take an ounce of sugar in your diet in the form of soda water, your system has an automatic governor or regulator so that your appetite at your next meal is correspondingly less, and you will take a correspondingly less quantity of some other food. If you spend your money, as they want you to do, for an article that tickles your palate but is of no food value whatever, you have thrown that amount of money away and you have got to spend a correspondingly additional sum of money to get the amount of energy you would have gotten if you had gotten sugar. In my judgment, to permit the unrestricted use of saccharin would be contrary to public interest from any angle that you may look at the subject. It is deleterious to health, and it will debase the food supply of the country as a whole. The best evidence of that is that it will actually reduce the per capita consumption of sugar.

"If the war showed one thing, it showed this, that the average person in any country does not eat to excess. That is an honest figment of some food faddist; but we eat, the most of us, to the point we need, and not very much in excess of that. Now, if we are going to eliminate 100,000 tons or 100,000 pounds of sugar from the food value of the country, the people who have been eating that sugar must eat something else, and that will result in an increased expenditure for the food supply of the country.

"I can not see any argument at this time or any other time for an unrestricted use of saccharin. The only argument is a business argument, that for the time being, for a few weeks, certain industries will be hampered. We are not in the condition in which they were in Europe, where they could not get enough of any kind of food. The situation is different here.

"Senator MCNARY. Now, Dr. Alsberg, is there any Federal law that will prevent the manufacture of soda pop or ginger ale by the use of saccharin?

"Dr. ALSBERG. Well, there is no law against it, but the food and drugs act defines adulteration. It defines food as being adulterated if it contains any added deleterious ingredients. If saccharin, as the Department of Agriculture has held, is an added deleterious ingredient, then such soda water is adulterated, and can not be shipped in interstate commerce, because it contains an added deleterious ingredient.

"There is another definition of adulteration, and that is if in a food a substance has been substituted for a normal ingredient of food in such manner as to injuriously affect its quality and strength. So that it may be held that if soda water, which normally has always been made of sugar or some similar material, is made by the use of saccharin as a substitute, which saccharin has no food value, then that article is adulterated, in that a valuable ingredient has been substituted by an ingredient with no value. So we hold at the present time that soda water made by the use of saccharin instead of sugar and shipped in interstate commerce would not be legal.

"Senator RANSDELL. Suppose it is not shipped in interstate commerce?

"Dr. ALSBERG. Then we would have no jurisdiction over it whatever.

"Senator MCNARY. Supposing I am a manufacturer and bottler in a State where there is no local prohibitory law. Say I buy saccharin from the manufacturer in St. Louis, Mo., and ship it into New Jersey, where there is no State law. Is there any departmental restriction or order to prevent me from manufacturing soda water and selling it to the people of New Jersey?

"Dr. ALSBERG. The Department of Agriculture has no authority whatever to interfere in a case of that kind.

"Representative MARTIN of Louisiana. That is a matter for State law?

"Dr. ALSBERG. Yes, sir. But the chairman is assuming that there is no State law or regulation.

"Senator MCNARY. Can you assure this committee that there will be no further delays in the trial of your case, which is to be a test case?

"Dr. ALSBERG. There will be no future delays so fas as the Bureau of Chemistry, Department of Agriculture, is concerned. What delays may ensue due to the action of the court or due to some matter over which we have no jurisdiction, I can not say.

"Senator RANSDELL. Do you know how many States prohibit the use of saccharin?

"Dr. ALSBERG. I do not, sir; but I have the data on file in my office, and if this committee wishes I can easily have it inserted in the record.

"Senator RANSDELL. I would like to have it go along with your testimony.

"Dr. ALSBERG. I will make a note to furnish you a memorandum on that subject for insertion in the record.

"(The data subsequently furnished by the witness is here printed in full in the record, as follows:)

"UNITED STATES DEPARTMENT OF AGRICULTURE,
"BUREAU OF CHEMISTRY,
"Washington, D. C., October 14, 1919.

"Hon. CHARLES L. MCNARY,
"United States Senate, Washington, D. C.

"DEAR SENATOR MCNARY: In keeping with my promise made to you at the hearings on saccharin this morning, I beg to transmit herewith information concerning the prohibition on the addition of saccharin to food in various States for inclusion in the record of the hearings held to-day:

"The addition of saccharin to food is prohibited by law in Iowa, Minnesota, Mississippi, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, and Wisconsin.

"The addition of sweetening agents other than sugar to soda waters is prohibited by law in Alabama.

"The addition of saccharin to nonalcoholic beverages is prohibited by law in Nebraska and New Jersey.

"Nothing but cane sugar can be used as the sweetening agent in pickles and fruit sauces according to the law of Oregon.

"The addition of saccharin to cider and vinegar is prohibited by law in Arkansas.

"The addition of saccharin to food is prohibited by the rules and regulations of the food and drug commissioners of all the other States, except Delaware, Missouri, New Mexico, and Texas. There are no organizations for the enforcement of food and drug laws in Delaware and New Mexico.

"Very truly, yours,

"C. L. ALSBERG, *Chief.*

"UNITED STATES DEPARTMENT OF AGRICULTURE,
"BUREAU OF CHEMISTRY,
"*Washington, D. C., October 29, 1919.*

"Hon. CHARLES L. MCNARY,
"*United States Senate, Washington, D. C.*

"DEAR SENATOR MCNARY: The Bureau of Chemistry has done considerable work on providing substitutes other than saccharin for sugar in soft drinks. This work was done during the war for the purpose of conserving sugar. The substitutes recommended will not only replace part of the sugar, but will provide valuable food material, which saccharin does not.

"I am attaching a statement of this work and a number of the formulæ which have been used generally by the soft-drink industry with highly satisfactory results. If you consider it advisable, I would be very glad to have this statement inserted as a part of my remarks before the subcommittee of the Committee on Agriculture and Forestry on October 14.

"Very truly, yours, C. L. ALSBERG, *Chief.*"

"STATEMENT OF EXPERIMENTAL WORK OF THE BUREAU OF CHEMISTRY TO PROVIDE SUBSTITUTES FOR SUGAR IN THE MANUFACTURE OF SOFT DRINKS.

"In the manufacture of beverages, especially that class known as 'soft drinks,' the use of sweetening materials other than refined white sugar is entirely practicable, as shown by the experimental work of the Bureau of Chemistry during the year 1918. Starch or 'corn' sirup, starch sugar, maltose sirup, and refiners' sirup may all be used to replace a part, at least, of the usual quantity of sugar. The quantity of starch sirup (glucose) which it is possible to produce is almost unlimited. Maltose sirup of a grade suited to the use of bottlers is only produced in limited quantity, but an active demand would induce the purification of the crude maltose sirup in quantity. The large anticipated surplus of barley due to the reduction of brewing would seem to indicate that a supply of maltose sirup could be made available to meet the demand. It should be remembered that the cost of production of soft drinks with sugar substitutes of equivalent sweetness has been in the past greater than with pure white sugar selling at 7 to 9 cents per pound, but if the sugar is not available, the substitutes are satisfactory from both a sweetening and a food-value standpoint.

"It is believed that the production of maltose, glucose, and starch sugar can be expanded to meet any legitimate demand, since the raw materials are available in great abundance.

"The formulæ as recommended to the soft-drink industry follow.

"QUANTITY OF SWEETENING INGREDIENT IN BOTTLED SOFT DRINKS.

"The quantity of sweetening ingredient to be used in bottled soft drinks depends upon the personal preference of the consumer, which is influenced by the acidity of the beverage. The acid beverages, such as ginger ale, cherry, raspberry, strawberry, pineapple, lemon, orangeade, grape, and other sodas, require more sweetening than do the nonacid beverages, such as root beer, sarsaparilla, birch beer, cream, chocolate, etc. Some consumers, especially children, prefer a sweeter product than do others. Consequently, from the standpoint of sweetness, soft drinks may be divided into 'sweet' products and 'dry' products, and since a 'sweet' acid drink requires more sweetening than does a 'sweet' nonacid drink, soft drinks may be further subdivided as indicated in Table 1, which shows the average quantity of sugar heretofore used in beverages.

"TABLE 1.—*Normal quantity of sugar in soft drinks (based on analyses made in the Bureau of Chemistry).*

	Ounces per half pint bottle.
Nonacid group (sarsaparilla, root beer, etc.):	
In "sweet" products	3/4
In "dry" products	1/2
Acid group (lemon, grape, phosphates, etc.):	
In "sweet" products	1 to 1 1/2
In "dry" products	3/4

"PRINCIPAL SWEETENING SUBSTITUTES.

"The principal sweetening ingredients proposed for replacing a part of the sugar in bottled soft drinks are corn sirup (ordinary glucose), corn sugar, maltose sirup, honey, and high-grade refiners' sirup. After testing these products in various combinations with many different flavors the Walter Laboratory has found that:

"(1) None of these products can be used to replace all of the sugar.

"(2) Each of these proposed sweetening ingredients possesses a characteristic flavor which may affect the palatability of the beverage unless it is used judiciously in the proper combination with ordinary sugar.

"(3) The keeping quality of these products when made up into sirups is not so high as that of ordinary sugar sirup, but if the new sirups are filtered, boiled, and used immediately the keeping quality of the finished beverage is satisfactory, as observed over a period of six weeks.

"(4) The relative sweetness of the products mentioned (except refiners' sirup) is as follows: Ordinary sugar, 100; honey (44° Baumé), 75; corn sugar, 45; maltose sirup (42° Baumé), 30; corn sirup (45° Baumé), 20.

"(5) These products can be used to replace one-fourth to one-half the amount of sugar ordinarily used, thereby effecting a saving of approximately 50,000 tons of sugar a year.

"FORMULAS.

"As a result of the experimental work conducted in the Bureau of Chemistry the quantities of sugar, corn sirup, and refiners' sirup given in Formulas I to VI are suggested for the different types of soft drinks.

"FORMULA I. SUGAR AND CORN SIRUP (COMMERCIAL GLUCOSE).

"To be used for a sweet root beer, sarsaparilla, birch beer, cream, chocolate, or for a dry lemon, orangeade, and the following beverages made with imitative flavors: Cherry, raspberry, strawberry, pineapple, or grape.

"Dissolve 100 pounds of granulated sugar and 200 pounds of corn sirup (45° Baumé) in 27 gallons of pure water. The solution obtained will measure about 50 gallons. Filter, boil, and use immediately. Add 1½ fluid ounces of this sirup to each half-pint bottle. Each 1½ fluid ounces of this sirup will contain three-eighths ounce sugar and three-fourths ounce corn sirup (45° Baumé).

"FORMULA II. SUGAR AND CORN SIRUP (COMMERCIAL GLUCOSE).

"To be used for a dry root beer, sarsaparilla, birch beer, cream, chocolate, or ginger ale.

"Same formula as Formula I. Add 1 fluid ounce sirup to each half-pint bottle. Each ounce of the sirup made according to Formula I will contain one-fourth ounce sugar and one-half ounce corn sirup (45° Baumé).

"FORMULA III. SUGAR AND CORN SIRUP (COMMERCIAL GLUCOSE).

"To be used for a sweet ginger ale, lemon, orangeade, or the following beverages made with imitation flavors: Cherry, raspberry, strawberry, pineapple, or grape, or for dry true fruit, blackberry, wild cherry, pineapple, strawberry, raspberry, or grape.

"Dissolve 114 2/7 pounds of granulated sugar and 171 3/7 pounds of corn sirup (45° Baumé) in 28.6 gallons of pure water. The solution obtained will measure about 50 gallons. Filter, boil, and use immediately. Add 1¾ fluid ounces sirup to each half-pint bottle. Each 1¾ fluid ounces of this sirup will contain one-half ounce sugar and three-fourths ounce corn sirup (45° Baumé).

"If it is desired to use a less concentrated sirup than the one given and to increase the quantity per half-pint bottle, the following formula may be employed:

"Dissolve 100 pounds of granulated sugar and 150 pounds of corn sirup (45° Baumé) in 31.3 gallons of pure water. The solution obtained will measure about 50 gallons. Filter, boil, and use immediately. Add 2 fluid ounces of this sirup to each half-pint bottle. Each 2 fluid ounces of this sirup will contain one-half ounce sugar and three-fourths ounce corn sirup (45° Baumé).

"FORMULA IV. SUGAR AND CORN SIRUP (COMMERCIAL GLUCOSE).

"To be used for a sweet true fruit, blackberry, wild cherry, pineapple, strawberry, raspberry, or grape.

"Dissolve 125 pounds of granulated sugar and 200 pounds of corn sirup (45° Baumé) in 25.6 gallons of pure water. The solution obtained will measure about 50 gallons. Add 2 fluid ounces of this sirup to each half-pint bottle. Each 2 fluid ounces of this sirup will contain five-eighths ounce sugar and 1 ounce corn sirup (45° Baumé).

"FORMULA V. SUGAR AND REFINERS' SIRUP.

"To be used for a sweet sarsaparilla or other heavy-flavored, nonacid beverages, for sweet beverages containing extract of cola, and for low-grade sweet ginger ale, or for a low-grade dry lemon, or other low-grade dry beverages of the acid group.

"Dissolve 200 pounds of ordinary sugar and 100 pounds of high-grade refiners' sirup (40° to 44° Baumé) in 27½ gallons of pure water. The solution obtained will measure about 50 gallons. Filter, if not clear, and use immediately. Add 1 fluid ounce to each half-pint bottle. Each fluid ounce of this sirup will contain one-half ounce ordinary sugar and one-fourth ounce refiners' sirup.

"FORMULA VI. SUGAR AND REFINERS' SIRUP.

"To be used for a dry sarsaparilla or other heavy-flavored, nonacid, dry beverages, for beverages containing extract of cola, and low-grade dry ginger ale.

"Add one-half fluid ounce of the sirup made according to Formula V to each half-pint bottle. Each one-half fluid ounce of this sirup will contain one-fourth ounce sugar and one-eighth ounce refiners' sirup.

"EXCEPTIONS.

"A cream soda made with three-eighths ounce sugar and three-fourths ounce corn sirup is less sweet than the other beverages of the same group, and a chocolate made with one-fourth ounce sugar and one-half ounce corn sirup is not quite sweet enough, even for a 'dry' product. On the contrary, ginger ale made with one-half ounce sugar and three-fourths ounce corn sirup will be too sweet even for a 'sweet' product, the combination one-half ounce sugar and one-eighth ounce or one-fourth ounce corn sirup being preferable. For a 'dry' ginger ale, one-fourth ounce sugar and one-half ounce corn sirup gave satisfactory results. One-half ounce sugar and three-fourths ounce corn sirup will make a 'dry' grape beverage, but more sugar will be required to make a 'sweet' product.

"Formula III can be used to make dry true fruit, blackberry, wild cherry, pineapple, strawberry, raspberry, and grape beverages, but for sweet products of this nature it will be necessary to increase the sweetening 30 per cent over that specified in Formula III.

"With the exceptions noted, Formulas I to VI can be used as a general guide for preparing beverages.

"MALTOSE SIRUP.

"If desired, the same quantity of maltose sirup (42° Baumé) may be used in place of the corn sirup in Formulas I, II, III, and IV. In the case of maltose sirup, care should be taken to purchase only a high-grade product which is low in protein; otherwise the keeping quality of the finished beverage will not be satisfactory.

"CORN SUGAR.

"If it is desired to use corn sugar or honey in place of corn sirup, it will be necessary to use only about one-half as much, since these products generally are sweeter than corn sirup. The corn sugar used in these experiments was slightly off flavor. It is suggested that corn sugar be used only in beverages with heavy flavors, such as sarsaparilla and root beer, in which the slight, not altogether unpleasant, bitterness is masked. It is suggested also that when corn sirup, corn sugar, etc., are used the normal quantity of acid be reduced to two-thirds of the usual amount and that the normal quantity of flavor be increased by one-half.

"HONEY.

"Honey, when used in soft drinks, must be clarified; otherwise, with some beverages the coloring matter will be precipitated as a sediment, making the product unmarketable. The commercial liquid honey is made into a sirup, about 1 ounce of kaolin (china clay) is added per gallon, the solution well mixed and filtered through paper. It is necessary to return to the filter the first runnings which are not clear. The filtration proceeds rather slowly, and it is probable that a filter press could be used to hasten the process when conducted on a commercial scale.

"REFINERS' SIRUP.

"Refiners' sirups which are being offered to the bottling trade vary greatly in quality and in price. The cost per gallon is not always a criterion of the quality. The strong molasses flavor and saline taste of even the best grades of refiners' sirup appear to limit its use largely to

the nonacid and the cola beverages. It is believed, however, that bottlers will find it profitable to test thoroughly Formulas V and VI, which suggest the use of small percentages of refiners' sirups.

"COLA BEVERAGES.

"Beverages containing extract of cola, etc., can be manufactured with good results, using any of the substitutes mentioned except honey. The quantities and proportions are practically the same as those used for 'sweet' and 'dry' sarsaparilla.

"LIMITING PRODUCTION.

"Bottlers are urged, in the interests of sugar conservation, to limit the production of beverages such as grape, phosphates, and other acid drinks which require a large amount of sweetening to render them palatable. By curtailing the output of this type of beverage and by making use of the formulas here given, it is believed that the normal production of bottled soft drinks need not be greatly reduced and yet the supply of sugar will be conserved.

"SACCHARIN.

"Saccharin, which some bottlers have proposed to use during the period of the war, has no food value, and is considered to be deleterious to health. Its use is prohibited by the laws or regulations of 14 States, and is believed by the Department of Agriculture to be within the inhibition of the Federal food and drugs act (Food Inspection Decisions 135, 142); consequently, it is not classed with such products as corn sirup and maltose sirup.

"LABELING SOFT DRINKS.

"The Federal food and drugs act places no restriction on the use in soft drinks of corn sirup, maltose sirup, honey, corn sugar, and refiners' sirup. Their presence should be declared, however, on the label.

"FOUNTAIN SIRUPS.

"The application of these formulas to the preparation of fountain sirups has not been experimentally determined, but it is believed that they can be satisfactorily employed provided slightly more of the sirup is used than is ordinarily employed in bottled beverages and care is exercised to observe strictly the suggestions regarding the keeping quality of the sirups.

"REPORT OF RESULTS.

"The bureau will appreciate it if bottlers using these formulas will report the results obtained, especially any difficulties experienced in their application.

"SIRUP TABLES.

"In the manufacture of simple sirups, it is convenient to know the final volume, degrees Baumé, percentage sugar, etc., of the sirup obtained when a given weight of sugar or other sweetening ingredient is added to a given volume of water. Such data are not always available to the bottler, nor is it a simple matter to deduce them from the data which the average bottler can conveniently obtain. For this reason it was thought worth while to make the calculations contained in Table 2.

"TABLE 2.—*Sirup table for the bottler.*

Pounds sugar to each gallon water.	Gallons sirup obtained.	Ounces sugar to each fluid ounce of sirup.	Percentage sugar in sirup by weight.	Specific gravity, at a temperature of 17.5° C.	Degrees Baumé (new).
4	1.296	0.386	32.43	1.1414	18.2
5	1.371	.455	37.50	1.1667	21.0
6	1.446	.519	41.86	1.1891	23.4
7	1.521	.575	45.65	1.2091	25.4
8	1.595	.627	48.98	1.2272	27.2
9	1.672	.673	51.92	1.2434	28.7
10	1.717	.716	54.54	1.2582	30.1
11	1.823	.751	56.90	1.2718	31.4
12	1.899	.790	59.01	1.2841	32.5
13	1.974	.823	60.94	1.2954	33.45
14	2.051	.853	62.68	1.3053	34.4
15	2.126	.882	64.28	1.3155	35.2

"CAUTION.

"In many instances, as little as one-eighth ounce additional sugar to the half-pint bottle will raise the grade of a soft drink from an unmarketable product to a medium or high-grade product. Now, in a 10-*pound* sirup (i. e., 10 pounds sugar to each gallon of water taken), one-eighth ounce sugar is contained in 0.17 fluid ounce. If a machine is presumed to deliver 1 fluid ounce of sirup, but actually delivers only three-fourths fluid ounce, this would, therefore, in many cases affect the marketability of the product. Consequently, while it is always advisable to so adjust the machine to measure accurately the quantity of sirup delivered, it is particularly necessary if sugar substitute sirups are used. Serious errors may occur in making up the sirups, due to inaccurate measurement of the sweetening ingredients and of the water used. Especial care should be taken to make up the sirups of known strength, and in doing this, good use can be made of Table 2, in which the volume relations have been worked out accurately. The water should be measured at a temperature approximately 17.5° C. (63.5° F.), although a difference of 10° F. will not seriously affect the result. More serious errors are likely to result from the process of filtering and heating.

"Senator RANSDELL. Do the people in your profession agree on how much sugar the human system ought to take in order to get the very best results?

"Dr. ALSBERG. Well, I do not think anybody has ever considered it from that standpoint. Sugar is a source of energy in the human frame, and so are all fats, and so are all starchy materials, and we know that the average man requires enough fuel-furnishing food—that is, fats, or oils, or starches, or sugars—to furnish him a certain amount of energy, which the physicist figures out in heat units. A person needs so much a day. A person needs so much if he is lying in bed, and a larger quantity if moving around. You need more in winter than in summer. If you are chopping wood or doing very hard physical labor, you need an additional quantity. Of course, a small man will need relatively more than a large man, because the small man loses more heat from his body for the reason that more heat radiates from his body, and he loses more.

"Senator KEYES. You mean the other way, don't you?

"Dr. ALSBERG. Per unit of weight, the small man needs more than the large man; per pound of body weight, the small man needs more than the large one, because the amount of his body surface is greater, and a thin man needs more than the fat man, because the fat man has the better insulation.

"Representative MARTIN. Dr. Alsberg, what about prohibition? Do you think that is one cause of the demand for sugar?

"Dr. ALSBERG. I think it will increase the consumption of sugar.

"Senator RANSDELL. Why?

"Dr. ALSBERG. Because of the large quantity of sugar that is being used in beverages and will be continued in various beverages of all kinds.

"Senator RANSDELL. Is that the sole reason, or does the man who has been accustomed to intoxicating drinks get any beneficial effect; or at least imagine that he gets a beneficial effect from an intoxicating point of view from the use of sugar?

"Dr. ALSBERG. He will not get any intoxicating effect, but there is this to be said, that sugar is the most quickly available form of food that you can take into the system. When I used to talk to students before I came into the department, I used to use this metaphor: That the sugar you take into your body is like the loose change you carry around in your pocket—available very easily; that the starch you take into your body is like the bills that you carry in your billfold—you have to unbutton your coat in order to get to them; and that the fats that you take into your body are like your bank account—you have to draw a check and go to the bank or somewhere else and get it cashed, being the least available of the three.

"It is a well-known fact that it helps an athlete at the beginning of a race or just before any great effort to take a few lumps of sugar, because that sugar is immediately available. Starch has to be broken down into glucose first, and fats have to be burned to yield energy very slowly. A man requires so much energy a day, according to size, and weight, and shape, and the life he follows. He can get that energy mainly from starches or sugar, or mainly from fats, or mainly from nitrogenous materials, according to circumstances. So we can not really say what a man's sugar requirements during the year are. You can say what the total requirements in his diet are, and he can get that by varying the three ingredients.

"Senator MCNARY. Following Senator RANSDELL's questions, isn't it true that a man having alcohol denied him craves sweets?

"Dr. ALSBERG. That is generally so stated, but I do not know that it is correct.

"Senator RANSDELL. I know that is the opinion, but does science agree to that?

"Dr. ALSBERG. Well, that is my observation, too, but why it should be I do not know.

"Representative MARTIN. It is not a stimulant, then?

"Dr. ALSBERG. Sugar is not a stimulant in the sense that alcohol is. Scientifically speaking, alcohol is not a stimulant; it is a depressant. It seems to be a stimulant because it paralyzes the highest centers and removes the inhibitions. In other words, a man who is brave when he is drunk is brave in fact because he does not care; his inhibitions have been removed. Alcohol stimulates, apparently, but actually it paralyzes, the paralysis beginning with the highest intellectual centers and going progressively downward until a man gets dead drunk. So that what appears to begin with stimulation is in fact the beginning of the paralysis. That is the scientific view of the effect of alcohol. Sugar does not have and can not possibly have any effect of that kind. The nearest approach to it that it might have is that it is a source of energy immediately and rapidly available, so that if a man has sudden and great efforts to make if he has a little extra sugar that can be absorbed into the blood and so into the system it helps just that much.

"Senator RANSDELL. Isn't it true that people who perform very hard manual labor have a craving for sugar and will eat more sugar than those doing mental work?

"Dr. ALSBERG. That is true; and they have to eat more food generally. It is just the same proposition as in the case of a machine. There are two elements in food; one is fuel and the other is repair parts. The nitrogenous materials which we take in our food are repair parts. They repair the machine. The sugar, fats, and starch are just fuel. If a man does hard manual labor he has to have more fuel, the same as an automobile which runs 100 miles has to have more fuel than the automobile which runs 10 miles. That craving of the man who is at

work for starch and sweet food is simply his expression of greater requirements for fuel.

"Senator RANSDELL. Not especially for sweets, but for more fuel?

"Dr. ALSBERG. Yes, sir; that is it, for more fuel.

"Senator MCNARY. Does not the human system generate alcohol in its daily functioning?

"Dr. ALSBERG. Yes, sir; in small amounts.

"Senator MCNARY. Isn't sugar one of the very strong ingredients that bring about that condition?

"Dr. ALSBERG. Senator, that is true, apparently, but we do not know the details, unfortunately. Sugar goes to the muscle and in the muscle it is burned just the same as you burn it by putting a match to it. The difference in the burning is that instead of burning it up all at once it is gradually broken down step by step, and it is believed that a part of the sugar in one of those steps of oxidation may be transformed somewhat into alcohol.

"Senator MCNARY. Any other questions?

"Mr. COOKE. May I ask a question or two?

"Senator MCNARY. Certainly.

"Mr. COOKE. In the case of a sugar shortage, Dr. Alsberg, which makes the normal ration, whatever it may be, unavailable, would you consider it preferable to have the sugar that goes into soda water used on the table or in the production of any true foods?

"Dr. ALSBERG. I do not think so far as the well-being of the country is concerned it makes much difference where the sugar ration is used. It is going to be used as food whether it goes into the stomach—whether it is used to sweeten coffee or in foods. You can not take it into your mouth and swallow it whether in the form of the sugar itself or when added to food without using it, so that the sum total of the sugar is the same, although the distribution may be different.

"Mr. COOKE. If the housewife can find no sugar at her store on a given morning and wants sugar for her children's oatmeal, would you say failing that she should go to the drug store and get a drink of sweetened water?

"Dr. ALSBERG. No; and I shouldn't say that she should go to the drug store and buy saccharin to put on her oatmeal either.

"Mr. COOKE. No; but if saccharin were used in soda water and sugar on oatmeal it would be preferable from a dietetic standpoint.

"Dr. ALSBERG. I do not think that makes any difference.

"Mr. COOKE. The young woman who eats a full dinner and then eats a pound of candy while sitting on the lounge afterwards would not get a balanced ration, would you say? Is that candied sugar necessary to her?

"Dr. ALSBERG. No; but you will find she does not eat as much supper, so it becomes the same thing.

"Mr. COOKE. But she eats the candy after eating a full dinner?

"Dr. ALSBERG. Yes; but she will not eat so much supper thereafter.

"Mr. COOKE. Do you think that the use of saccharin in soda water would have a deleterious effect upon people?

"Dr. ALSBERG. Yes, sir.

"Mr. COOKE. Have you heard about the opinion of Dr. W. E. Burge, of the physiological laboratory at the University of Illinois?

"Dr. ALSBERG. Yes, sir.

"Mr. COOKE. Here is his conclusion——

"Dr. ALSBERG. Yes; I have had it repeated. We have never been able to corroborate it in any respect.

"Mr. COOKE. We know nothing of this ourselves.

"Dr. ALSBERG. I know; you had nothing to do with it. When I saw that I believed it necessary to have it repeated by a man of higher standing than he has, and he could not corroborate it.

"Mr. COOKE. May I put this in the record, because it is interesting?

"Senator MCNARY. Yes.

"Mr. COOKE. It is as follows:

"The conclusion is drawn that in addition to being a sweetening agent, saccharin, although not oxidized itself, serves to facilitate the oxidation of the other food materials by stimulating the liver to an increased output of catalase, the enzyme in the body principally responsible for oxidation. Hence it would seem that saccharin should be positively helpful in the diet, instead of harmful, as some have claimed, particularly in a disease such as diabetes, where the principal trouble is defective oxidation.

"Senator RANSDELL. Before you leave, Dr. Alsberg, how does sugar compare with other food products in food-producing value, do you know?

"Dr. ALSBERG. One part of sugar will produce four units of energy in the system, in round numbers. One part of fat or oil will produce nine units of energy in the system. One part of protein or nitrogenous material will produce about the same number of units as sugar, four units of energy. Of course, nitrogenous material has an advantage over the fats and over sugar in that you have to repair your tissues with it and it becomes available as a repair material.

"Senator RANSDELL. Sugar is a very valuable food product?

"Dr. ALSBERG. Oh, yes; very valuable.

"Senator MCNARY. Any other questions, Mr. Cooke?

"Mr. COOKE. Conceding that sugar is valuable as a food product, is it possible for a citizen to overindulge in sugar?

"Dr. ALSBERG. It is possible to indulge too much in any ingredient.

"Mr. COOKE. And sugar is a deleterious thing if too much is used?

"Dr. ALSBERG. Well, that depends upon circumstances. You can get a deleterious effect from the excessive use of anything.

"Mr. COOKE. In other words, you can use too much sugar, and you can use too much beef, and you can use too much salt?

"Dr. ALSBERG. You can make a pig of yourself in the use of any ingredient.

"Mr. COOKE. And possibly you could use too much saccharin.

"Dr. ALSBERG. I think it altogether likely that you could.

"Mr. COOKE. That is all.

"Senator MCNARY. I wish to thank you on behalf of the committee, Dr. Alsberg, for your attendance here. Dr. Du Bois, have you anything further to say?

"Dr. DU BOIS. My only suggestion is to conclude, from our standpoint, with the statement that I am sorry the controversial aspect has taken so much time. If there could be a relaxation of the regulation with reference to saccharin there is no question but what there would be a better distribution of sugar, and if saccharin could be used where it may be used, it would be absolutely harmless. You could release 100,000 pounds of sugar at least for the table and food products."

PETITIONS AND MEMORIALS.

Mr. KING. I present a joint memorial of the Legislature of the State of Utah, which I ask to have printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

This is to certify that the document hereto attached is a true copy of senate joint memorial No. 1, passed by the Legislature of the State of Utah at a special session, convened on the 29th day of September and adjourned on the 6th day of October, 1919, petitioning the Congress of the United States to pass necessary legislation to determine the question of title to mineral lands included in sections of public lands granted to the State under the enabling act, approved July 16, 1894, and for other purposes, as the same now appears of record in said office

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah, at Salt Lake City, in said State, this 17th day of October, 1919.

[SEAL.]

HARDEN BENNION, *Secretary of State,*
By JERROLD R. LETCHER, *Deputy.*

Senate joint memorial 1.

Petitioning the Congress of the United States to pass necessary legislation to determine the question of title to mineral lands included in sections of public lands granted to the State under the enabling act, approved July 16, 1894, and entitled "An act to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States."

To the Senate and the House of Representatives of the United States in Congress assembled:

Your memorialists, the governor and the Legislature of the State of Utah, respectfully represent that—

Whereas the United States, by section 6 of an act approved July 16, 1894, entitled "An act to enable the people of Utah to form a constitution and State government and be admitted into the Union on an equal footing with the original States," granted to the State of Utah for the support of common schools certain sections of every township in said State, to wit: Sections 2, 16, 32, and 36, and provided for lands in lieu thereof where said-named sections or any part thereof in any township were unavailable; and

Whereas in said same act it was provided that certain public lands were to be granted to the State upon its admission into the Union for the purpose of constructing public buildings and for the University and Agricultural College, and for the purpose of building permanent water reservoirs for irrigating purposes, and for the establishment and maintenance of an insane asylum and for the establishment and maintenance of a school of mines, and for the establishment and maintenance of a deaf and dumb asylum, and for the establishment and maintenance of a reform school, and for the establishment of a State normal school, and for the establishment and maintenance of an institution for the blind, and for a miners' hospital for disabled miners; and

Whereas the State of Utah has sold and disposed of large parts of said lands so granted by the United States under the impression and with the understanding that it had full title thereto, regardless of whether said lands were mineral or otherwise; and

Whereas said grantees purchased said lands under the impression and understanding that the title in said lands was in the State; and

Whereas it was the understanding and impression of the executive officers dealing with said lands, and of the State of Utah, that said lands were granted by said enabling act to the State of Utah with all mineral rights included; and

Whereas the Supreme Court of the United States, in the case of the United States *v.* Sweet, administrator of Sweet, has held that the school section grant contained in the enabling act and known as section 6 of said act was not intended to embrace the land known to be valuable

for coal, and has further held that lands known to be mineral at the time of the taking effect of said grant were reserved to the United States; and

Whereas said decision has worked a hardship on those purchasers who purchased school lands under the impression and with the understanding that they obtained full title from the State; and

Whereas the State of Utah is unable to determine in any case just what lands were known to be mineral at the time of the taking effect of said grant, and is thus unable to determine just what lands the State of Utah has title to, and what it has not title to, and is unable to assure purchasers or prospective purchasers as to the title to such lands; and

Whereas lands which are now found to contain minerals or thought to be mineral lands upon investigation by the Department of the Interior, and which were included in the sections conveyed by the United States to the State of Utah and sold by the State of Utah to purchasers for the purposes designated in the enabling act, are being disposed of or attempted to be disposed of by the Department of the Interior as property of the United States; and

Whereas in each case where said attempted disposition is made by the United States a contest between the State and the United States, or between a purchaser of the United States and the State, or between a purchaser of the State and the United States, is entailed; and

Whereas there have been a great many of such contests and under the present state of affairs a likelihood of many more contests of like nature will take place, leading to the unsettlement of titles and supposed rights, and will tend to confusion; and

Whereas the State of Utah is unable to determine in many cases just exactly what land it owns, and therefore what it may sell, to the great detriment of the common-school funds and the purposes for which said lands were granted; and

Whereas it is deemed that said state of affairs should be remedied by proper legislation of Congress:

Now, therefore, the governor and the Legislature of the State of Utah respectfully petition that necessary legislation be enacted by the Congress of the United States whereby it may be determined what sections granted by the enabling act to the State of Utah for the purposes therein mentioned belong to the State of Utah, and that some certain and workable method be instituted for determining without contest in each particular case what lands sold by the State to purchasers really belong to the said purchasers or belong to the United States.

Passed October 4, 1919.

Approved October 8, 1919.

Mr. TOWNSEND presented petitions of the congregation of the Free Baptist Church of Branch County, of the Association of Congregational Churches of Saginaw, and of sundry citizens of Alanson, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of Hiram Lodge, No. 1, Free and Accepted Masons, of Detroit, Mich., praying for an investigation into the recent race riots and mob violence in the United States, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a memorial of Local Lodge No. 867, Brotherhood of Railway Carmen of America, of Hutchinson, Kans., remonstrating against the passage of the so-called Cummins bill for the operation and control of railroads, which was ordered to lie on the table.

DETACHED SERVICE OF ARMY OFFICERS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3238) relating to detached service of officers of the Regular Army, reported it without amendment and submitted a report (No. 275) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 3290) to authorize the Secretary of War to transfer free of charge to the Federal Board for Vocational Education certain machines, appliances, tools, equipment, and other supplies under the control of the War Department; and

A bill (S. 3291) to fix the mileage to be paid to officers of the Army, active and retired, including members of the Officers' Reserve Corps, contract surgeons, expert accountants of the Inspector General's Department, and others connected with the Army, and also providing for reimbursement for actual expenses of travel and a flat per diem in lieu thereof; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 3292) for the relief of Davidson County, Tenn., and the city of Nashville, Tenn.; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3293) for the relief of the owner of the derrick *Capitol;*

A bill (S. 3294) for the relief of the owner of the derrick *Concord;* and

A bill (S. 3295) for the relief of the Moran Towing & Transportation Co.; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 3296) regarding the education and naturalization of aliens and the children of aliens, and for other purposes; to the Committee on Education and Labor.

A bill (S. 3297) to punish conspiracy against organized government; to the Committee on the Judiciary.

By Mr. PHELAN:

A bill (S. 3298) granting a pension to August Garich (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3299) providing for the purchase of certain inventions, designs, and methods of aircraft, aircraft parts, and aviation technique of Edwin Fairfax Naulty and Leslie Fairfax Naulty, of New York; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3300) to subject Indian lands to condemnation under the eminent domain of the several States for waterways and highways; to the Committee on Indian Affairs.

FEDERAL TRADE COMMISSION.

Mr. JONES of Washington. I ask leave to present a Senate resolution of inquiry, and I ask for its immediate consideration. If it leads to any discussion I will withdraw the request for consideration, but I do not think that it will.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 219), as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, directed to give to the Senate the following information in regard to the public statement dated October 22, 1919, purporting to be issued by the Federal Trade Commission with reference to Senator JAMES E. WATSON, a Senator from the State of Indiana, to wit:

1. Who directed and authorized the preparation of said public statement?
2. Who prepared it?
3. How many copies were prepared?
4. How many copies were distributed?
5. To whom and to what publications and organizations were they sent?
6. Who paid for their preparation and distribution?
7. If paid for with Government money, out of what fund was it taken?
8. How members of the commission approved the preparation and distribution of this document, and if not all of them, give the names of those who did.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. McCUMBER. Until at least the Senator from Indiana [Mr. WATSON] can be heard on the resolution, I think it ought to go over.

Mr. JONES of Washington. The Senator from Indiana has been conferred with about it.

Mr. McCUMBER. If it is satisfactory to the Senator from Indiana, I have no objection, but it relates to an address which he made a few days ago.

Mr. JONES of Washington. It is satisfactory to him.

Mr. McCUMBER. I think he should be heard with reference to any such matter.

Mr. WATSON. It is entirely satisfactory to me to have the resolution passed.

The PRESIDENT pro tempore. Objection is made, and the resolution goes over.

Mr. McCUMBER subsequently said: Mr. President, there seems to have been a misunderstanding in regard to my having objected to the consideration of the resolution offered by the Senator from Washington [Mr. JONES]. I did not object to the present consideration of the resolution, provided it was satisfactory to the Senator from Indiana [Mr. WATSON], who was not in the Chamber. That Senator, however, is now present.

The PRESIDENT pro tempore. The Senator from North Dakota withdraws his objection to the present consideration of the resolution?

Mr. McCUMBER. Yes; if my intervention was understood to have been an objection, I withdraw it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution offered by the Senator from Washington?

The resolution was considered by unanimous consent and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROGERS, Mr. TEMPLE, and Mr. FLOOD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from

the temporary burial site in the District of Columbia to a permanent burial place;

H. R. 446. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6 of Naylor's addition, Forest Grove, Oreg., to the United States of America for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 753. An act for the relief of Susie Currier;

H. R. 2452. An act for the relief of Charles A. Carey; and

H. R. 5007. An act granting citizenship to certain Indians.

UNITED STATES GRAIN CORPORATION.

The VICE PRESIDENT. The Chair lays before the Senate a statement from the United States Grain Corporation, which will be inserted in the RECORD.

The communication is as follows:

UNITED STATES WHEAT DIRECTOR,
Washington, D. C., October 23, 1919.

To the CONGRESS OF THE UNITED STATES:

Pursuant to instructions from Julius H. Barnes, United States Wheat Director, I herewith file with the Secretary of the Senate and the Clerk of the House of Representatives, as required by section 9 of the act of Congress approved March 4, 1919, entitled "An act to enable the President to carry out the price guaranties made to producers of wheat of the crops of 1918 and 1919 and to protect the United States against undue enhancement of its liabilities thereunder," an itemized statement covering all receipts and disbursements by the United States Grain Corporation for the month ending September 30, 1919, together with copy of a letter of transmittal from the officers of the United States Grain Corporation.

This statement embraces the activities of the United States Grain Corporation from September 1 to September 30, 1919, inclusive, showing on page 1 thereof the receipts from sales of the various products handled by the United States Grain Corporation and from other sources and disbursements for purchases of those commodities and on account of the other designated items; and also showing on page 2 thereof the itemized schedule of operating expenses for the month ending September 30, 1919.

Respectfully,

UNITED STATES WHEAT DIRECTOR.
By WM. W. EATON, *Division of Licenses.*

—

UNITED STATES GRAIN CORPORATION,
GENERAL OFFICE,
New York City, October 14, 1919.

WHEAT DIRECTOR, *Washington, D. C.*

(Attention Mr. Wm. W. Eaton.)

DEAR SIR: We herewith transmit, in triplicate, itemized statement of receipts and disbursements of the United States Grain Corporation, with schedule of expenses for month ending September 30, 1919.

The correctness of this statement is certified to by Leslie, Banks & Co., chartered accountants, and is vouched for by the officers of the Grain Corporation, whose signatures are hereto appended.

Very truly, yours,

UNITED STATES GRAIN CORPORATION.
(Signed) WATSON S. MOORE, *Second Vice President.*
(Signed) W. A. FRICK, *Secretary.*
(Signed) WM. BEATTY, *Comptroller.*

—

UNITED STATES GRAIN CORPORATION,
ACCOUNTING DEPARTMENT.

Statement of receipts and disbursements for month ending Sept. 30, 1919.

RECEIPTS.

Sales:	
Beans	$10,640.45
Flour	18,017,496.23
Peas	1,615.42
Rice	3,423.59
Wheat	125,254,228.32
Miscellaneous commodities, European relief	373,533.06
Other receipts:	
Capital-stock subscriptions	50,000,000.00
European operations	12,052,039.71
Accounts payable	179,686.37
Food Administration Grain Corporation, operating account	162,631.21
Guarantee and operating expense fund	619,415.05
Interest	195,822.92
Reserve for marine insurance	29,977.12
Miscellaneous earnings	450,758.72
Total receipts	207,351,268.17
Cash balance from preceding month	413,131,957.66
	620,483,225.83

DISBURSEMENTS.

Purchases:	
Flour	28,473,524.51
Wheat	178,015,614.41
Miscellaneous commodities, European relief	213,129.83
Other disbursements:	
Furniture and equipment	2,204.26
Interest on notes payable	10,409.46
Accounts receivable	2,728,869.87
Miscellaneous reserves	3,118,765.88
Handling and storage	91,724.15
Operating expense (per schedule attached)	284,567.66
Total disbursements	212,938,810.03
Cash balance to succeeding month	407,544,415.80
	620,483,225.83

AUDITORS' CERTIFICATE.

We have examined the books and accounts of the general office of the United States Grain Corporation, and we hereby certify that the above statement of receipts and disbursements prepared therefrom is correct and properly vouched.

LESLIE, BANKS CO.,
Chartered Accountants.

NEW YORK, *October 21, 1919.*

Schedule of operating expense for month ending Sept. 30, 1919.

	General office.	Agencies and departments.	Total.
Advertising		$7,583.83	$7,583.83
Auditing	$2,147.08	3,750.00	5,897.08
Collection fees		2,862.06	2,862.06
Exchange		1,850.93	1,850.93
Insurance	725.00	887.10	1,612.10
Legal	141.42	150.00	291.42
Market reports, news service, and periodicals	328.83	139.29	468.12
Office supplies	1,290.21	1,928.27	3,218.48
Postage	246.05	141.87	387.92
Rent and light	3,530.38	7,592.68	11,123.06
Repairs and alterations	142.76	299.98	442.74
Salaries	74,419.52	120,597.66	195,017.18
Sampling		212.00	212.00
Stationery and printing	4,365.57	15,083.31	19,448.88
Sundries	1,017.92	2,045.03	3,062.95
Telephone and telegrams	7,229.69	10,832.76	18,062.45
Traveling	4,057.28	9,869.18	13,026.46
Total	99,641.71	184,925.95	284,567.66

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. GRONNA obtained the floor.

Mr. LODGE. Mr. President, the Senator from North Dakota has kindly yielded to me for a moment to report from the Committee on Foreign Relations a new draft of the reservations already reported, together with certain additional reservations. I ask that these may be printed in the RECORD without reading, and also printed as a document for the use of the Senate.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Massachusetts is granted.

The reservations this day reported by Mr. LODGE are as follows:

"The committee also report the following reservations and understandings to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said following reservations and understandings have been accepted as a part and a condition of said instrument of ratification by at least three of the four principal allied and associated powers, to wit: Great Britain, France, Italy, and Japan.

"1. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

"2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

"3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

"4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

"5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

"6. The United States withholds its assent to articles 156, 157, and 158 and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

"7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof, and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives so defined, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences, except with the approval of the Senate of the United States.

"8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

"9. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

"10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

"11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in the countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

"12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

"13. The United States declines to accept any interest as trustee or in her own right, or any responsibility for the government or disposition of the overseas possessions of Germany, her rights and titles to which Germany renounces to the principal allied and associated powers under articles 119 to 127, inclusive.

"14. The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests, and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof, or to the decision or recommendation of any other power."

THE LEAGUE COVENANT AND THE TREATY OF PEACE.

Mr. GRONNA. Mr. President, I was very glad to have the Senator *from* Nebraska [Mr. HITCHCOCK] this morning introduce petitions and resolutions adopted by certain religious organizations throughout the United States. I shall refer to some of those matters in the course of my address. I believe if there are any organizations which have great responsibilities to meet they are organizations composed of ministers of the gospel, who profess to preach the teachings of the Immaculate Master. I have not examined as carefully as I should like to do the history which I am about to rehearse, but it has been stated by one Sherman Pettigrew that during the entire known history of the world preachers have advocated war and that during the same period there have been 2,358 years of war and only 227 years of peace. Approximately 90 per cent of the leaders in the recent war were professed Christians and the other 10 per cent were Buddhists and Mohammedans. That being the case, I believe that the preachers should not only be interested but that they ought to feel that they have some responsibilities to meet in this matter.

Mr. President, in connection with this covenant, which proposes an international organization, invested, as it is, with what I believe to be arbitrary and almost unlimited power, I feel that we should carefully look into the subject and ascertain what has been done by the Governments which are to be our partners in this colossal enterprise.

In looking at it from an absolutely unprejudiced standpoint so far as it may affect foreign nations, but naturally with a keen interest on behalf of my own country, it appears to me that before we enter into this world business on this tremendous scale it is the right as well as the duty of those of us who are representatives of the American people most carefully to scrutinize and investigate the affairs of our business partners. I shall, therefore, be compelled to refer to what has happened in the past, but in referring to what has been done by certain administrations of the various governments of the world I shall only give such as are known to be historical facts.

I hope that I may not be understood as favoring the people of any foreign nation as against the people of any other foreign nation, for such is absolutely not the case. I hope that the remarks that I am about to make will not lead to the conclusion that I owe any allegiance to any country under the sun except to the United States of America. Neither do I want to be understood as entertaining any hatred whatever for the people of foreign lands, and especially the British people or people of British descent. I consider it wholly unnecessary for me to make an effort to eulogize the English-speaking race, for American history is an illustration so complete of what the English-speaking people did to establish this Government that any fulsome praise coming from me would add nothing to the glory of their splendid achievements.

Mr. President, there is now pending in this body for our consideration a document denominated as the covenant for a league of nations combined with a treaty of peace between the allied nations and Germany.

This is the first time in our history as a nation, and so far as I know it is the first time in the history of civilization, that the people of any nation have been forced to consider and urged to adopt as one document a treaty of peace which necessarily involves the settlement of claims, of boundaries, and indemnities, together with a covenant which prescribes rules of conduct, and both legal and moral obligations of the contracting parties, to be administered by an executive council or by a supergovernment.

If this double-headed contract only provided for specific obligations and performances, setting forth in plain, unmistakable terms what the obligations are, we might overlook the novelty of this scheme. But the most unfortunate and objectionable features of the covenant are its provisions setting up a supergovernment with unlimited powers defined in vague and indefinite language.

I think it is only fair to say that the American people are very much divided on the question of what this supergovernment can and can not do. Some of us honestly believe that it would be a surrender of our American sovereignty, of our Monroe doctrine, and of control of questions affecting our vital interests to adopt this covenant in its present form. Others say that we would not surrender our sovereignty, our Monroe doctrine, and the control of questions affecting our vital interests by adopting it; but, at best, we stand divided as to the meaning of some of the provisions, and especially as to some of the most important provisions of the covenant.

Some people seem to believe that this covenant embodies a new theory of promoting peace, but it does not, because in theory as well as in practice the making of peace treaties and alliances is as old as the world itself. They may be found and are referred to in the Old Testament; they are recorded on the monuments of Egypt and Assyria, and many of them will be found in the histories of Greece and Rome.

These treaties and alliances may be classed as political, as treaties of peace, of cession, of boundary, of neutralization, of guaranty, but I know of no treaties or alliances subscribed to by any nation or nations in which there have not been specific

provisions to safeguard and protect most carefully the sovereignty of the nations or parties in interest.

It has been the common practice among the people to enter into agreements for the submission of controversies to an arbitral tribunal, or the objects may have been commercial and relating to conventions. We have had treaties with reference to the slave trade, and navigation treaties. During the last 3,000 years there have been an innumerable number of treaties and conventions relating to civil justice, and there have been confederations for special social objects. More than 500 years before the birth of Christ the celebrated treaty was made between Rome and Carthage.

In making a treaty the first consideration in importance is the object sought and the validity of the treaty. It must be made between competent parties, sovereign States. A treaty made between the United States of America and Great Britain can rightfully be called a valid treaty, because both are competent to act; they are sovereign nations. But a treaty between British India and the United States is not a valid treaty, nor would a treaty between Egypt and British India be a valid treaty, because the foreign nations named are not sovereign States.

At one time, since the beginning of the Christian era, it was held that a treaty between an infidel and a Christian State was not a valid contract or treaty. Treaties of peace and guaranty were made between Great Britain and Portugal and other European nations as far back as 1373.

This is not the first time that an effort has been made to unite the nations of the earth, to form an alliance and agree to a covenant for the promotion of peace, but it is the first time that an effort has been made to establish a supergovernment to rule every nation on the face of the earth. For centuries it has been the common practice among the nations of the earth when tired and sick of war to enter into alliances which would assure the parties to such an agreement that they would not be disturbed as long as the agreement entered into was in good faith carried out, but these agreements have too often been violated and broken. They have, nevertheless, been the means of temporarily delaying war. But never has any nation been asked, as we are now asked, to surrender its sovereignty, involving its domestic and vital interests, nor have the people of any nation been asked to send their soldiers across the sea, a distance of 3,000 miles, to police any other nation, and thus guarantee the territorial integrity of foreign nations.

As a rule, these treaties have commenced with the following words:

"In the name of the Most Holy and Indivisible Trinity" or "In the name of Almighty God."

I believe it is safe to say that all former peace treaties between nations which have been of any great importance have at the outset referred to and recognized the existence of a supreme being; but, contrary to this old custom, this treaty seems to ignore the existence of Almighty God; at any rate, it does not refer to nor recognize in any form the existence of a supreme being.

The Holy Alliance, ratified by Alexander I, Emperor of Russia, Francis I, Emperor of Austria, and Frederick William III, King of Prussia, on the 26th of September, 1815, if compared with the proposed league covenant, will be found to be in better form, and is as much superior, both in spirit and in form, to this proposed covenant as is the Master's Sermon on the Mount to the Book of Talmud or the Koran. This so-called Holy Alliance, which was a general treaty, was based upon exalted Christian principles, but still it never became effective as a diplomatic instrument. But at that time Europe had gone through ceaseless wars for more than a quarter of a century, and the people were war-torn, tired, and sick of wars, as the people now are tired and sick of wars. The people were then, as we are now, praying for wars to end and for the promotion of peace among all the peoples of the earth.

If the Holy Alliance of 1815, based as it was on the most beautiful declaration of principles to which any Christian could subscribe, was not regarded as a treaty, was not effective and lived up to, how can we expect that an unholy alliance such as is proposed at this time will promote peace? This proposed covenant sets up and establishes a supergovernment and authorizes an executive council consisting of nine men to dictate the business, the terms, and the policies of every nation on the earth with reference to both peace and war; and the people of the United States of America must take their chances with one representative on this executive council and with one vote in the assembly. This council consists of the representatives of the principal allied and associated powers, together with four other representatives of the league, and we have only one vote in the assembly as against the 32 original members of the league signatories of the treaty, and the possible 45 members of the league if the States which have been invited accede to the covenant. How can we expect that the smaller and less powerful nations of the world will be satisfied, even though they subscribe to this autocratic and despotic constitution and covenant such as is proposed?

Fortunately, or unfortunately, some people have been blessed with a great vocabulary and a superabundance of ingenuity and skill to prepare and use phrases which are very, very pleasing to the ear, but which are as meaningless as a sounding brass or a tinkling cymbal, and which are as impossible of execution as was the Holy Alliance of 1815.

Anxious as we are, and glad as we all would be if it were possible, to reach an agreement and have an understanding with the peoples of the earth that no more wars should be fought, that no more human lives should be sacrificed on the field of battle, we must, nevertheless, not forget that the renaissance of the people among the nations of the earth is not yet complete. Some of us, at least, fear that there still linger in the hearts and minds of men selfish and unworthy motives, and we refuse to believe that it is possible for all humanity to do to others as they would others should do unto them. So let us face the situation as it actually exists, and let us deal with it in an honest, upright, and practical way. Some of us refuse to believe that the peoples of the earth have become perfect; and we need not go to foreign lands to be convinced that mortal man still possesses a desire for wealth and power, and is not altogether careful how he may obtain it. The millennium has not been reached; a state of perfection is as much of an uncertainty to-day as it was in the days when former treaties and covenants were made and broken.

So let us not attempt the impossible, but let us proceed in a sane and practical manner; let us protect our own people first—the people of the United States—with confidence and full assurance and belief that we shall in the future as we have in the past, to the utmost of our ability, assist the helpless, defend the defenseless, assist and protect the oppressed, and to the best of our ability aid and support the people of the nations which may suffer injustice. But I believe that the people of the United States will resent the idea, and will take it as an insult, to be told by a council composed mostly of aliens that we must do thus and so. Whatever we do in the future should be done with the sanction and approval of our own people, and not at the command of some autocratic or despotic foreign power which would say "Go" and we must go, and "Come" and we must come. It should be left to the free will of the American people; it must be approved or disapproved through the representatives of the people of the United States of America.

It is not necessary for me to point out what it has cost our people to make this a free and independent Nation. It is not necessary to call attention to the battles fought by the heroes of the Revolutionary days, commencing at Lexington on April 19, 1775, and ending at Yorktown on the 19th of October, 1781. It is not necessary to call attention to the War of 1812, when we were fighting for the freedom of the seas, or to the Civil War, when we had our internecine strife to perpetuate this Union. It is hardly necessary to call attention to what the brave boys did who fought in the Spanish-American War; and I am sure that no one has forgotten the heroic deeds of our American boys during this war—a war so costly in blood and treasure, a war so stupendous that no writer will ever be able to fully describe the sufferings and the losses to the entire human race. At any rate, let it not be said that these stupendous sacrifices which we have made shall be treated lightly; that the services which these young brave heroes of the United States have performed have already been forgotten by us, and that the sorrows and the tears of the mothers and other relatives and friends shall so soon be forgotten.

We know that thousands of them have sacrificed their precious blood, and for what? Was it to protect the territorial integrity of foreign nations? Was it to extend the boundary lines of aggressive European powers who wish to control the earth? Must it be said that we are ready or willing to turn over the affairs of government, the principles for which our boys believed they fought, to an executive council composed largely of aliens, and that from now on the several nationalities, many of whom are found among the nations of Europe, and also in Asia and Africa, shall be denied the right of self-determination and must submit to the mandate of this council or this league, regardless of how brutally they may be oppressed or how just their cause for freedom and liberty may be?

The most cruel war in the history of the world has hardly ended; millions of men have been killed, more have been wounded, and billions of dollars of wealth have been squandered. We have hardly withdrawn from the conflict and ceased fighting,

and yet we are asked to give up that which has always been the most cherished ideal of the human race, the opportunity of independent and separate nationalities who love liberty and freedom to establish governments fit for free people to live in.

I shall not go into the alleged causes which led us into this war, because in reading the statements made by prominent officials of the administration before the war and the statements that are being made now they differ somewhat; and listening to the debates in the Senate, it is evident that all do not agree as to the real causes, although the declaration of war itself is presumed to give the best reason for our entry into the terrible conflict.

If I may be pardoned for digressing for a moment from the consideration of this proposed treaty, I wish to make a few observations with reference to conditions as I saw them for at least two years previous to our entry into the war. But before I enter into any discussion as to what provoked or caused the unfriendly relations, and ultimately war, between the United States and Germany, I wish to say that no one could more severely condemn the wrongs and the injustices perpetrated upon the people of Belgium and France by the German army than I did, and on many occasions I said that the entry of the German army into those countries meant the ultimate defeat of the German army, and more than that, it meant the destruction of the German Government, and that the people of Germany would for generations to come have to bear the burdens and pay the penalties for the gross violations committed against the people of Belgium and France.

It is a well-known fact that we all poured out our treasure and our sympathy, and helped in every way we could the people of Belgium and the people of France before our entry into the war, and it was our plain duty to do so.

When on the 7th day of May, 1915, the *Lusitania* was sunk by a German submarine, I received from the metropolitan press of New York a telegram asking me to state my position with reference to what should be done by the United States, and the files of at least one of those papers will show that I stated very plainly that although I was opposed to war I considered that the sinking of the *Lusitania* was an assault upon our Government and an insult to our flag and our people; that it was a gross violation of international law, and unless the German Imperial Government should immediately make reparation and cease its murderous operations against the American people it was a cause for war against them by our Government.

I know that my telegram was printed in at least one of the New York papers, because it was reprinted in some of the western newspapers, which criticized me for the position I then took, and I was reminded of the fact that it was a mistake for any Member of this body to make such a frank declaration, because our President was committed to a policy of peace, and we had declared our intention to remain neutral and keep out of the European war.

An election was subsequently held, and the people of my State and of the United States indorsed the position of President Wilson in keeping this country out of war. It was nearly two years from the time the *Lusitania* was sunk until our declaration of war was made against the Imperial Government of Germany. I believed then, sir, and I believe now, that if a *firm stand* had been taken by the administration against the invasion of Belgium and France by the German army, and against the murder of American people regardless of whether they were on foreign ships or not; if we had made it known in unmistakable language and terms that immediate reparation must be made for the insult to our flag, and the gross violation of killing our people by sinking the *Lusitania*, and that submarine warfare must immediately stop or we would be compelled to resort to war, as we did two years later—I say if we had at that time taken such a firm stand and asserted our rights as a great government, I believe, sir, that there would have been no war between the United States and the Central Powers of Europe. If we had taken the position that the German army must withdraw from Belgium and France or face the inevitable, if we had used more *firmness* instead of a *shilly-shallying policy*, there is every reason to believe that the German Government would have known that they would meet with an ignominious and disastrous defeat, because it would not take a military genius to know that Germany would have to surrender, as she could not hope to be successful against her European enemies and against the United States.

I am not mentioning this as a criticism of the administration because I have stated that President Wilson's policy for peace was indorsed at the election of 1916. I know, because I personally participated in that campaign, and any argument that might be advanced against President Wilson's administration would immediately be met by his supporters with the assertion that he must be reelected in order that our beloved country should be kept out of European wars. That is what reelected President Wilson in 1916 to the high position which he now holds. I am not relating this as a matter of criticism against the administration; I am simply reciting an historical fact. But after the election, what happened? Conditions seemed to change. The war clouds which had been visible only upon the horizon soon spread their gloomy darkness over our entire land; and it now became apparent that the sinking of the *Lusitania* was a violation of international law, a violation of American rights and decency; and the friends of the administration who formerly had pictured the horrors of war, and who had promised the American people that we would keep out of it, now changed from angels of peace to advocates of war.

All these changes took place suddenly; it all happened, so to speak, over night. But no one was permitted to discuss it. The freedom of speech was not only limited, but denied and prohibited; and, unless you were in a position and willing to say "So sayeth the king," you were denominated a pro-German and a traitor; and even before the war was declared it was treason to express an honest opinion. No one was permitted to ask for information as to what had been done or what had happened to cause this sudden change, and history already reveals that much misinformation was given to the people of this country.

The Angel of Peace had now vanished, and the country became inflamed with the spirit of war, and if any Member of this or the other body of Congress should take a very limited portion of time to discuss the question, he was at once consigned to be guillotined, or to face a firing squad.

As one member of this body, I felt that sufficient information was not given by the administration to warrant this sudden change; without at least some discussion upon a resolution which meant so much to America and to the American people, involving, as it did, the lives of millions of our people and the expenditure of untold sums of treasure. On this fateful day, the 4th day of April, 1917, I was one of the six Senators who voted against this resolution. I do not wish to take up the time of the Senate to go over the brief statement which I then made, but I ask unanimous consent to insert at the conclusion of my remarks the statement which I then made.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. GRONNA. Mr. President, I believe now, as I did then, that we had as much right to oppose the resolution as any other Member had to speak and vote for it. I well remember how some of you, who are now clamoring for this covenant which you say will give an immediate peace, were then acting as demons of war—nothing could be discussed, no information could be obtained even by a Member of Congress, we had to take orders from our Chief Executive, and regardless of whether we saw honest mistakes made or not, no one would be allowed to correct them. But you say now that you hate war, and you believe in peace. You know as well as I do that this covenant will not be a promoter of lasting peace; you know as well as I do that no covenant can be made to promote a lasting peace unless it is based upon the *fundamental principles* of *justice and equality*. You need not be alarmed and you must not console yourselves with the false hope that the people of the country have so soon forgotten this horrible conflict, so costly to them, a war which robbed them of so many of their loved ones, and which placed upon them the burdens of taxation which it will take generations to overcome. You need not console yourselves with the idea that they will so soon forget the sudden change and the hasty action which you then took.

The citizens of the United States unanimously supported the administration during the war. It was their patriotic duty to do so after war was declared; to have done otherwise would have been disobedience to law, and disloyalty to our country. Undoubtedly there were many honest, well-meaning, and law-abiding citizens who were at a loss to understand what compelling force caused our entry into the war so suddenly after President Wilson's second inauguration. Most of the people did not know that the revolutionary outbreak in Russia to a large extent changed the European conditions. Had the Russian armies continued to fight the armies of Germany and Austria-Hungary, the war would undoubtedly have ended much sooner than it did; there would also have been less demand for American troops, because Germany would have been defeated if Russia with her once powerful armies had been able to carry on a vigorous fight. Nevertheless, a great number of loyal American citizens believed that we should either have entered the war at an earlier time or else stayed out altogether. That was honest opinion.

I made the statement that if war should be declared I would do my full duty. Mr. President, I can truthfully assert that my

promise has been made good, as four young men bearing my name, and of my nearest kin, participated in the horrible conflict on the battle fields of France, three of whom were in the trenches as doughboys and the fourth one served in the heavy Artillery until the day the armistice was signed. All of these boys were under age and not subject to conscription. None of them sought a swivel-chair position, but fought on the battle fields of France and elsewhere in the trenches and on the fields until the armistice was signed. We contributed in a most substantial way in every way that we could to the support of our Army, and no red-blooded American could afford to do less after our declaration of war than to aid to the extent of his ability to help furnish food, supplies, and money to successfully prosecute the war.

Of course I am not saying this boastfully, but I want to remind the character assassins and detractors of the past that the success of the war so far as America is concerned can not be attributed to those who spoke longest and loudest and did the shouting. Throughout this entire land the patriotic men and women, regardless of party or creed, regardless of nationality or descent, most loyally contributed in every way possible, and it was but natural for them to do so, because their sons were in the struggle; they were doing the fighting, and were the most potential in winning the war.

I have called attention to this because very naturally the question will be asked, Why are those who opposed the declaration of war now against this covenant and this treaty?

Mr. President, we are not opposing the treaty of peace. If the Shantung robbery were not included in the provisions of the treaty, I should not oppose the treaty; but I am opposing the covenant, which in all fairness ought to be considered as a separate document by this body and by the Chief Executive of our land.

Answering for myself only, I wish to say that there never was presented to the American people a document so replete with inconsistencies and with provisions so dangerous and full of pitfalls as the proposed covenant. There never was in the history of our country presented to this legislative body a document so inimical to the best interests of our country and our people, and it really seems to me that every provision affecting American interests must have been conceived in iniquity and born in sin. In the first place, it is established on the basis of inequality and injustice, and it adds to the power of the stronger nations as against the weaker nations, and worst of all it takes from the people of dependencies, of empires, and kingdoms the God-given right to rebel against tyranny and injustice.

If we ratify this covenant as proposed, we bind ourselves and our posterity to support the dominant powers of every nation that belongs to this league, and to participate in their wars, their struggles, and their troubles; and the question of self-determination will have been completely defeated and destroyed. If we ratify this treaty, we, as members of the league, must live up to all its provisions, both moral and legal. If we do not intend to do so, let us not obligate ourselves to do so. If we approve this treaty we would have nothing to say as to which side of the question we shall make our fight, because that would be determined by the council or by the league. This covenant in its present form sets up an autocracy with powers unrivaled or unheard of among the family of man. It would take from the American people their sovereign rights; it would involve them in the wars of Europe, Asia, and Africa whenever the members of the league might see fit to demand our service; and as to our representation in the league, it discriminates against us.

The senior Senator from New York [Mr. WADSWORTH] the other day called attention to the fact that the American Nation is composed of peoples from many foreign lands. America has been an asylum for the oppressed and the poor; it has brought to our shores virile men and women, men and women possessing the very best and strongest minds, all of whom loved freedom and independence more than they respected the emperors, kings, and rulers of Europe. Most of these men and women have come to our shores to obtain for themselves their own freedom and liberty; they were anxious to become citizens of the United States because they knew that they would share the blessings and the liberties of the natural-born citizens of our land; they were anxious to renounce all their allegiance to the rulers of the lands from whence they came. They have been obedient to law, and while their hearts may throb with friendly feelings toward the land of their birth—and it is only natural that they should feel friendly toward their own kin—they have always been mindful of the responsibilities and the obligations which they owe to their adopted country. There may be exceptions to this rule, but I am glad to say that there are mighty few who have disgraced themselves and their ancestors by showing disobedience to law and disloyalty to their adopted land. This is now their country, and they are in soul and spirit loyal to America; the Stars and Stripes is their banner and they have manifested their loyalty and their eagerness to defend our flag, because thousands, yes, hundreds of thousands, of these young men have offered to sacrifice, and thousands have sacrificed, their all on the fields of battle. These men know that men of foreign birth can pay the greatest tribute to their ancestors and to the country from whence they or their ancestors came, by becoming loyal, patriotic, and law-abiding citizens. *And let me say right now that no man of foreign birth who comes to this country to better his condition, who advocates the destruction of government, who refuses to be obedient to law, or who looks upon citizenship as an empty honor or an informal ceremony, has any right whatever to ask to become a citizen of the United States and share the blessings of liberty, freedom, and justice; and such men should not be permitted to live in the United States, but they should be sent back to the country from whence they came.*

Mr. President, I am aware that a few foreigners who had the opportunity to land on American soil have been unfaithful to the promises they made when they were permitted to enter our shores. Some of them have not become citizens of this country. For such men I shall make no apology, because I believe that the man who asks to share our blessings should also assume his share of our burdens and responsibilities.

But I am not defending or speaking for individuals. I am calling attention to the different nationalities in our country. It is of the patriotism of nationalities I speak and not of individuals.

Speaking of our heroic soldiers and their ancestry, is it possible that anyone will dare to question the loyalty and the valor of the American soldier of Irish or British blood, of Scandinavian, of French, of Italian, of Finnish, of Russian, or even of German, or any other blood or ancestry? To do so would be a malignant falsehood, because millions of American boys, descendants of citizens of foreign birth, went to the field of battle with only one purpose in view, and that was to win a glorious victory for the United States of America. Who will challenge the Americanism of these patriotic heroes, all of whom stood ready to sacrifice their all upon the battle fields of France and elsewhere for the protection of the Stars and Stripes, and for the honor and the glory of America?

It is true that we are called a representative democracy, and this is one of the fundamental principles which the American soldier had in mind; that the administration of our Government shall be in the hands of the many and not of the few; that nobility and rank shall not be recognized, but that our citizens when distinguished shall be preferred to public service upon merit and honor, and, first of all, because of loyalty to America and to American institutions and ideals. If excellence and honor are recognized, let it be based upon meritorious service, so that we shall always have laws which secure equal justice to all alike in their private disputes, and let this principle extend to public and international disputes. If we do so, it will not be necessary for us to copy from our neighbors; it will not be necessary for us to enter into any rivalry with the institutions of others, because we shall prove to the world that the fundamental principles enunciated by the fathers still live, and that America shall, in the future as in the past, exemplify in deed as will as in word the teachings of Washington, Jefferson, the Adamses, Monroe, Lincoln, and other great heroic statesmen, who through their love for the people of America served for the promotion of justice, liberty, and freedom.

Mr. President, I now come to the covenant which I shall briefly discuss.

ARTICLE 1.

In the very first paragraph of article 1 of the covenant we find this provision:

> The original members of the league of nations shall be those of the signatories which are named in the annex to this covenant, and also such of those other States named in the annex as shall accede without reservation to this covenant.

Why was it necessary in order to become an original member of the league to provide that the covenant must be agreed to without reservations, which might mean without explanation, and also without the right of any of the signatories to place a definite construction upon the language or provisions of the covenant?

In the second paragraph of article 1 we find this provision:

> Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly, provided that it shall give effective

guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the league in regard to its military, naval, and air forces and armaments.

In the first place, this paragraph makes clear that the league is not a mere debating society as has been contended by the President of the United States; secondly, it means that any dominion or colony may become a member of the league if agreed to by two-thirds of the assembly.

The self-governing dominions or colonies under the control of Great Britain being recognized as original members of the league of nations and as signatories to the treaty of peace, it will become more difficult in the future for any other dominion or colony to be recognized in like manner as a member of the league.

A great deal has been said with reference to the privilege granted a member of the league to withdraw from the league.

We find in the third paragraph of article 1 this language:

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Under this provision it might become not only difficult, but absolutely impossible for any nation to withdraw from the league, because it would be easy for the council or the league to impose international or other obligations which would estop the applicant from withdrawing, because the requirements might be of such a nature as would be impossible of fulfillment.

ARTICLE 2.

Article 2 provides that the action of the league under this covenant shall be effected through the instrumentality of an assembly and of a council, with a permanent secretariat. This is a very simple and plain provision, and can not easily be misconstrued.

If we analyze this article we must conclude that what is possible to be done under the authorities granted this league may be done under the exertion of power or force, or under the agency, activity, or operation of the council or of the league. I think we shall all agree that whatever shall be done or executed through this organization will be done through the instrumentality of the assembly and of the council. We must come to the conclusion that it means that the action, operation, or whatever is being done, is effected, executed, performed, enforced, accomplished, or fulfilled through the operation of the assembly and the council.

ARTICLE 3.

The first paragraph of article 3 reads as follows:

The assembly shall consist of representatives of the members of the league.

The second paragraph reads:

The assembly shall meet at stated intervals and from time to time as occasion may require at the seat of the league or at such other place as may be decided upon.

Both of these paragraphs are plain, and can not easily be misconstrued.

The third paragraph, however, is one that is not so easily understood because it deals in the broadest sense with all matters within the sphere of action of the league or affecting the peace of the world. Quoting the whole paragraph, it reads:

The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

There never was, nor do I believe that there ever will be, any man possessing the wisdom fully to realize the scope, the full interpretation and meaning of this paragraph. Who can say what may be affecting, or what may not be affecting, the peace of the world? Any and every exertion or performance of any human being may to a greater or lesser degree affect the peace of the world. Any and all things done by a government will to a greater or smaller degree affect the peace of the world. So that we may easily inquire, What is there to prohibit, or what vital question may arise which does not come under the jurisdiction of this league? It may be a financial or an economic question, it may be a religious or moral question, or it may be a question of government; and it seems to me that this body of men must necessarily be possessed with more wisdom than was possessed by Solomon in order to meet the responsibilities devolved upon them.

Is it good statesmanship to trust our vital interest to be decided by this council consisting of one American only as against all the other members, most of whom are aliens; to trust them to decide our questions of vital interest such as education, immigration, and other questions most vitally affecting the people of our Nation?

ARTICLE 4.

Article 4 provides that the council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league. This means that Great Britain, Japan, France, Italy, and the United States shall be permanent members of the council, and that four other members of the league shall be selected by the assembly from time to time in its discretion; and until the appointment of the representatives of the four members of the league, Belgium, Brazil, Spain, and Greece are named as members. It also provides that with the approval of a majority of the assembly the council may name additional members of the league, whose representatives shall always be members of the council. The council, with like approval may increase the number of members of the league, to be selected by the assembly for representation on the council.

It will be observed that the four members to be selected by the assembly may be so selected from time to time in its discretion. It is fair to presume that there will be no change in the membership of the council unless the countries which are dominating the league shall desire that such a change be made. It is also fair to presume that the membership of the council will not be increased unless Great Britain and her allies should desire that it be increased, as it is plain to us all that the same countries which control the assembly will also control the council.

In this article it is provided that the council may deal at its meetings with any matter within the sphere of action of the league, or affecting the peace of the world.

In article 3 it is provided that the assembly may deal at its meetings with any matter within the sphere of action of the league, or affecting the peace of the world. It is obvious, therefore, that both the assembly and the council have jurisdiction and may deal at its meetings with any matter within the sphere of action of the league or of the council, affecting the peace of the world.

It has been argued by the President and his supporters that Great Britain does not have six votes. Technically that may be true, but it is quite certain that upon any and every question affecting the welfare of Great Britain or any of her colonies, she will have six votes, and the United States will have only one vote. It has also been argued that Canada can not become a member of the council. It may be true that she will not become a member of the council, because, as I have said, in all probability no change whatever will be made, but if a change is desired—and that change can only be made by Great Britain and her allies, as she will be in control—there is absolutely no reason why Canada can not become a member of the council.

I desire to read from the speech of the Senator from Missouri [Mr. REED] made on September 22, 1919, on page 5710 of the CONGRESSIONAL RECORD:

On September 3, Sir Robert Borden, premier of Canada, in addressing the Canadian Parliament, declared, in answering the inquiry, "What are the powers and what is the standing of Canada in the league?"

"The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations commission, while inclined to accept this in principle, did not at the outset accept all its implications, as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The dominions' case was pressed, and in the final form, as amended and incorporated in the treaty of peace with Germany, the status of the dominions as to membership and representation in the assembly and the council was fully recognized. They are to become members signatories of the treaty, and the terms of the document make no distinction between them and other signatory members"—

Now, get this, for I am coming back to it—

"An official statement as to the true intent and meaning of the provisions of the covenant in that regard was secured by me, and is on record in the archives of the peace conference."

The British premier goes on to state that a similar question arose in respect to the constitution of the international labor organization and in substance declares that the representatives of the dominions and colonies forced its revision so as to recognize their status in that organization as it had been recognized in the league covenant. He then declared:

"I hope the House will realize that the recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British prime minister and his colleagues."

Further on he discusses the future of the British Empire, and in substance declares that the colonies are to be recognized as nations in their dealings with the British Empire itself, held together, however, by what he says is a British league of nations.

Referring back to the statement just quoted, I call attention to the clause in the statement of Sir Robert Borden:

"An official statement as to the true intent and meaning of the provisions of the covenant in that regard (the status as to membership of the dominions and colonies) was secured by me and is on record in the archives of the peace conference."

That official statement filed in the archives of the peace conference was undoubtedly disclosed in the House of Commons of Canada on September 9 by Hon. Arthur Lewis Sifton, minister of public works, and one of the representatives of Canada at the Versailles conference, and one of the plenipotentiaries who signed the treaty for the Dominion.

After concurring generally in the statement made by Sir Robert Borden as to the struggles of the Dominion's statesmen to secure the full right to take part in the peace conference, he said:

"And, undoubtedly, they did work—

The Canadian representatives—

"in conjunction with the permanent officials of the British Government * * * for the purpose of assisting in the formation of the treaty that would be of great advantage to Great Britain, to the advantage of the British Empire, and, as far as possible, a fair and honorable treaty for the world at large."

That is the British view. It is a photograph of the British soul. I do not say that with unkindness for Great Britain; she is not a monster, but she is a great power that first secures great advantage to herself and then, as far as possible, a fair and honorable treaty for the other fellow. I continue reading; I should not have broken the thread of my discourse. I read on:

"That work—

That is, the work of securing this recognition—

"was performed in connection with what I may call the peace treaty proper."

I continue reading:

"The leader of the opposition contends that we can not take any part in the league of nations.

"The President of the United States contends that they can not take any part in the league of nations; that they are only members of the council; that they have not any authority; that they are just admitted to a debating society. Let us see what these Canadians say:

"'The leader of the opposition contends that we can not take any part in the league of nations. Let me say that Clemenceau, President Wilson, and Lloyd-George disagreed absolutely with the honorable gentleman in that contention.'

"In proof of this he submitted the following letter signed by Clemenceau, Wilson, and George:

"'The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

"'(Signed) G. CLEMENCEAU.
WOODROW WILSON.
D. LLOYD-GEORGE.

"'Dated at the Quai D'Orsay, Paris, the 6th day of May, 1919.'"

I suppose that is sufficient proof that Canada's representatives can become members of the council if it is decided to make a change. Of course, as I said in the first place, if it is deemed best to leave matters in statu quo, there will be no change; but if the change is made it must be plain to every Senator here or to any man who has carefully read this document that Canada may become a member of the council as well as a member of the league, because it is agreed that she is one of the signatories and original members of the league.

ARTICLE 5.

This article provides as follows:

Except where otherwise expressly provided in this covenant or by the terms of the present treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

It is clear that in any and all business of any great importance it will be held that the decision at any meeting of the assembly or of the council must be unanimous. It would be argued that this is in the interest of the United States, which has only one vote. Let us see from a practical standpoint how it would work out. If the United States were one of the parties to a controversy, she would not, according to one of the paragraphs of article 15, be entitled to vote, because that paragraph reads:

If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

This clearly indicates that if the parties which are not parties to the dispute shall agree, it will not be necessary to submit the matter to arbitration. But the question may be decided by unanimous vote, leaving out the countries of the parties which are the parties in dispute.

I have heard it stated so often on this floor that this council will have no important work to perform. I have heard that argued by lawyers who have made themselves famous as students of law. I ask, in all seriousness, how can any right-thinking man who can read either the English language or the French language or both stand upon this floor and assert that no important function can be transacted by this council in the face of that language?

ARTICLE 6.

This article only provides for the modes of procedure by the league, and also how the secretaries, etc., shall be appointed.

ARTICLE 7.

This article provides where the seat of the league shall be established, and who may attend. It also provides that representatives or members of the league and officials of the league engaged in business of the league shall enjoy diplomatic privileges and immunities.

ARTICLE 8.

This article is a significant one. It demonstrates that those who framed this covenant, to a small extent, at least, recognized that on the maintenance of peace depends the reduction of national armaments to the lowest point consistent with national safety, etc., but it leaves it to the council to decide what the reduction of armaments shall be.

Quoting the second paragraph of this article, which reads:

The council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

The brief paragraph following provides that "Such plans shall be subject to reconsideration and revision at least every 10 years."

The fourth paragraph provides:

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.

And yet you say the council does not perform any important function, when, as a matter of fact, the council has it in its power to say what each nation shall have as a matter of armaments, of standing armies and of navies.

To anyone who understands the English language or the French language it must be apparent that the executive council of the league dictates the policy of its members with reference to armaments.

The fifth paragraph of this article is not only significant, but alarming. It provides that:

The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the league which are not able to manufacture the munitions and implements of war necessary for their safety.

While the delegates to this convention recognized that it was necessary in order to maintain the peace of the world to reduce armaments, yet they proceeded on the theory that it will be necessary for all the members of the league to be provided with armaments, so it is provided that due regard shall be paid to such States as are unable to manufacture for themselves munitions and implements of war.

In the last paragraph of this article it is provided that all the members of the league must furnish full and frank information as to the amount of armaments as well as their military, naval, and air programs, and such of their industries as are adaptable to warlike purposes. Let us see, now, what that means. That means, of course, that the question of production as well as the enterprise of munitions and implements of war must be reported to the league. In other words, this supergovernment will have the authority to demand full and frank reports with reference to the condition of the industries of its membership, whether food products or munitions and implements of war, and for this purpose there is provided in article 9 a permanent commission which shall advise the council on the execution of the provisions of articles 1 and 8 on military, naval, and air questions generally.

ARTICLE 10.

We now come to the celebrated article 10, which, I think, is one of the most objectionable in the entire proposed covenant:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

I seriously doubt if any two members of this body or any two citizens anywhere would agree upon the construction and the meaning of this article. I may be entirely mistaken in my analysis and my conclusions, but I interpret it to mean that the members of the league agree to preserve and protect the territorial integrity and the existing political independence of all the members of the league. I construe the last sentence of this paragraph to mean that in case of any aggression or assault, or in case of any threat against any member of the league, the council shall advise what steps are to be taken and what means are to be employed in order that the obligations entered into shall be fulfilled.

The proponents of this league argue that this article does not mean that the United States or any other member of this league shall be compelled to go to war or to assist in maintaining the territorial integrity or the political independence of any foreign nation unless it be so directed by the legal authorities of the government of any member of the league. I wish I could believe that, Mr. President. In other words, if the United States should become a member of this league she would not be compelled to send her boys across the sea to wage war against any nation unless Congress should so direct.

In all probability the people of the United States would likely do what the friends of this measure say they must do, but it is very clear to me that if the executive council should command that the United States send her soldiers abroad to protect some European, Asiatic, or African nationality, and if the United States should refuse until Congress had so declared, we would have violated article 10, because the language is so plain and so clear that it can not be misunderstood by anyone.

If we join this league we are both morally and legally bound to abide by all the provisions of it, and article 10 provides in unmistakable language that if the council directs that war shall be declared against some nation because of some violation of the territorial integrity and the existing political independence of such nation, the council shall advise upon the means by which this obligation shall be fulfilled, and certainly it would do so.

How any red-blooded American who loves American liberty and American independence can subscribe to a proposition of this sort is beyond my comprehension. With the existing inequalities and the discriminations prevailing if this covenant is adopted it seems to me unthinkable that any real American should be willing to agree to a provision so eminently unfair and so dangerous and destructive of our American Government.

ARTICLE 11.

Article 11 provides that:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the secretary general shall on the request of any member of the league forthwith summon a meeting of the council.

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

This article makes it possible for any member of the league to summon a meeting of the council, and to interfere with any war or threat of war, whether it affects any of the members of the league or not. In other words, this supergovernment undertakes to dictate and regulate the affairs of every nation on the face of the globe. Can it be possible that such a policy would promote peace? And does anyone believe that it would be possible for the dominant powers of the league at any time in the future to reduce armaments to a minimum? Is it not reasonable to believe that munitions and armaments must be increased on a tremendously large scale, so that peace may be enforced by war, and that no small nation will at any time in the future have the right to demand reform, regardless of how oppressed, or of how brutal the treatment of its people may be by the dominant nation which may happen to be a member of the league?

In other words, if any of the European, Asiatic, or African peoples shall be threatened with war, our boys must again cross the ocean to police the boundary lines of Europe, Asia, and Africa, possibly to extend boundary lines. If you want them to do that, vote for it. I for one am not in favor of it. This is limitless autocracy and oligarchy complete; self-determination will forever be a thing of the past. Peoples who want to be freed from the oppression and brutality of the rulers of the dominant powers would never, as long as this league is in existence, enjoy their inherent right to withdraw and become a separate government dominated by any certain nationality.

I wonder what has become of the idealistic 14 points; the freedom of the seas; of the right of the people to self-determination, to rule themselves in accordance with their own views? The executive council of the league of nations might just as well adopt the slogan used by that distinguished autocrat, Louis XIV, who said, "I am the State," because it would be the State; it would be the controlling factor; the men composing this executive council would indicate and control the policy of every nation on the globe.

The last paragraph of this article provides:

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

To use an old time-worn phrase, "that may embrace and constitute a multitude of sins." It may affect the economic affairs of this Nation, as well as international trade and other matters affecting international transactions.

ARTICLE 12.

In this article we agree, if we become a member of this league, that if there should arise between us any dispute likely to lead to a rupture we will submit the matter either to arbitration or to inquiry by the council; and we agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

In the second paragraph it provides:

In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute.

Standing alone there could be no objection to this article; but in the article which follows, article 13, the members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration, and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration, and so forth.

If there is a dispute in interpretation of the treaty—

As to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

In article 12 the members of the league agree that if there should arise any dispute which would lead to a rupture, they would submit the matter either to arbitration or to inquiry by the council. And in article 13 it is provided that in case of any such dispute the court of arbitration to which the case is referred shall be a court agreed upon by the parties to the dispute.

The provision is very indefinite, and the only choice is to have the matter left either to arbitration or to inquiry by the council. Then it is agreed that in no case will either party resort to war until three months after the award by the arbitrators or of the report of the council.

ARTICLE 13.

This article is to some extent similar to the preceding one in that it refers to arbitration. Under the first paragraph of this article it is agreed that whenever any dispute shall arise between the members which they recognize to be suitable for submission to arbitration, and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Paragraph 2 submits for arbitration any question with reference to the interpretation of any question of international law or with reference to any fact which if established would constitute a breach of any international obligation, also as to the damages which may be assessed or the reparation to be made for any such breach.

ARTICLE 14.

Article 14 provides for the establishment of a permanent court of international justice, which court shall be competent to hear and determine any dispute of international character which the parties thereto submit to it. It might also give an advisory opinion upon any dispute or question referred to it either by the council or by the assembly.

ARTICLE 15.

This article clothes the council with great authority and power in that it provides:

If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the secretary general, who will make all necessary arrangements for a full investigation and consideration thereof.

In case the council shall fail to effect a settlement of the dispute, the article provides that a statement shall be made up, giving the facts regarding the dispute, and also the terms of settlement thereof as the council may deem appropriate. If the dispute is not settled, the council shall either unanimously, or by a majority vote, publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto. In other words, the council is authorized to decide the case by a majority vote by declaring what it deems as just and proper. On the other hand, if the council fails to reach a report unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. In other words, the league may, if it sees fit, make its decision and enforce such penalties as "it" may deem to be right and just.

It is claimed by the friends of this measure that in no case shall the council or the league interfere with any domestic question, but the eighth paragraph of this article provides:

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

That means, in my judgment, that the council shall be the judge and shall decide whether or not the question is a domes-

tic one; so it is not fair to say that the United States or any other country which shall become a member of this league can decide for itself what is or is not a purely domestic question.

In the next paragraph we find that the council has the authority, and it may in any case under article 15 refer the dispute to the assembly. This may be done at the request of either party to the dispute; so it will not do to say that the league is a mere "debating society" because it has the power and authority, and may have to decide some of the most important questions affecting the nations which are parties to the dispute.

The last paragraph of this article provides:

In any case referred to the assembly, all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

But it is argued by the proponents of this covenant that neither the council nor the assembly renders any verdict or award. Such arguments are not warranted by the facts if we are to assume that the assembly or the council will use the authority and the power granted to it under article 15 as well as under article 12.

ARTICLE 16.

This article in very plain language provides that:

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league.

How can any Senator, in view of this language, argue that neither the council nor the assembly has the authority to render a verdict or an award when it is declared that in the case of a disregard for that which may have been done by either the council or the assembly shall of itself be deemed as an act of war against all members of the league? I can not see how anyone can justify his position by using the argument that neither the council nor the assembly has any power. I do not know by what mode of reasoning anyone can come to any other conclusion than that both the assembly and the council have almost plenary powers in the matter of settlements between members as well as between those who might not be members of the league. The authority and the powers of the council are authorized to the extent of recommending to the several governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The other day I listened to a speech of the able Senator from Illinois [Mr. SHERMAN], and I heard the Senator from Nebraska [Mr. HITCHCOCK], in questioning the statement of the Senator from Illinois as to what extent the burdens of military, naval, or air forces may be imposed upon the Government of the United States, state specifically that the expense would be borne in proportion or in accordance with the proportionment of the expenses of the International Bureau of the Universal Postal Union. I do not believe that any such provisions can be found in this covenant. That reference and provision which is found in section 6 has reference only to the expenses of the secretariat or to the expenses of the office of the secretary.

It would be not only possible, but probable, that in the case of a dispute which could not be settled under the provisions of article 12 or under article 15, that the United States would be assessed to the very extreme, and that the main burdens would fall upon our country both as to the men required to enter the war as well as the armaments required. *So that the United States would become the pack horse for the Governments of Europe, Asia, and Africa;* not only would we have to sacrifice our men in the settlement of these disputes, but we would have to pay the bills. I think that this language is so plain that it can be easily understood by anyone who can read either the French or the English language, or both, or who wants to understand it.

ARTICLE 17.

If this covenant has been written for the sole purpose of doing justice and promoting peace, why was it necessary to set up an autocratic standard such as is provided for in article 17, where it refers to a dispute between a member of the league and a State which is not a member of the league, or between States not members of the league? Why not use the same yardstick in the measuring of justice to be dealt out to all the nations of the earth if we are proceeding upon the theory that this measure is complete and replete in its provisions for its dealings not only with the members of the league, but in meting out justice and righteousness to humanity wherever it may be found?

Anyone who has seriously studied this measure from an unbiased and unprejudiced standpoint can not help but be convinced that it is autocratic in the extreme, and drastic in its provisions, and untold misery may be imposed upon the weaker nations under the domination of this supergovernment.

I am not going to take the time to analyze the provisions of every article of this covenant, but I want to briefly refer to article 21, which reads as follows:

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

This, as has been so ably argued by those who are opposed to this treaty, is said to be intended to protect our Monroe doctrine. The Monroe doctrine, as I understand it and as has been said, is not an international agreement; it is an American doctrine, promulgated and enforced by the American Government without any understanding whatsoever with any European, Asiatic, or African nation. It is wholly an American doctrine, and with which we want no European interference or agreement. I think that most any citizen who is capable of reading and writing the English language could have written a provision which would have more clearly interpreted the intent and the purpose of the Monroe doctrine.

ARTICLE 22.

Mr. President, this article was so well explained in a recent editorial in the Washington Post that I have taken the liberty of using that editorial. This article was there very ably analyzed. I ask that the editorial be printed in the RECORD without reading.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, it is so ordered.

The editorial referred to is as follows:

[From the Washington Post, Monday, Oct. 20, 1919.]

DEFINING FUTURE OBLIGATIONS.

From the expressions of individual Senators on both sides of the Chamber and from the drift of the voting upon proposed amendments it is now quite certain that the outcome of the long discussion of the peace treaty will be ratification of the text without amendment in a resolution making such reservations as will thoroughly safeguard the vital interests, honor, and independence of the United States.

The reservations that have been tentatively agreed upon by a majority of the Senate will not only keep the United States safe, but will furnish such valuable suggestions to other nations as will cause them, without doubt, to make similar reservations. The result will be a league of nations incomparably better fitted for the maintenance of the world's peace than the league that would have been evolved from the covenant adopted at Paris. A simple illustration will emphasize this point. The reservation which will provide that Congress shall determine when and how this Government shall intervene in behalf of another nation under article 10 will be infinitely more potent than the original provision, because American intervention under the reservation will be made only in response to the combined will of the American people, constituting an action which no other nation, however ambitious or powerful, would care to resist. Without the reservation, however, the action of the United States might be merely a diplomatic move, similar to some of those made by the American delegates to the Paris conference, which might or might not earn the fear and respect of other powers.

The nature and effect of the reservations tacitly agreed upon are now well known and are generally believed to be adequate. We believe, however, another reservation should be made which heretofore has received little attention. This reservation should provide that no commitments or undertakings of any kind tending toward the acceptance by the United States of a mandate over any foreign territory or people should be valid without the express consent of Congress.

The truth is that the Senate is still in the dark concerning the matters dealt with in article 22 of the covenant. There are ambiguities and hidden meanings in this article which may be of immense consequence to the United States, not only in the dispatch of American troops to various parts of the world, but in the amicable relations of this Government with four other great powers. If there is anything in the covenant which the Senate and people should understand in every implication before committing themselves to it it is the article relating to mandatories. Yet almost nothing is known to the Senate, and absolutely nothing is known to the public. If there is nothing to know, as is sometimes asserted by advocates of the covenant, then the Senate should guard against future deadly surprises by providing that the United States shall not be committed in any way except by consent of Congress.

The little that is known by the Senate indicates that immediately upon ratification of the treaty the United States will be found to have incurred a "moral obligation"—a binding obligation, in other words—to send armed forces to pacify and govern the territory loosely described as "Armenia." This region is of indefinite boundaries, but is usually understood to be a portion of the late Turkish Empire, consisting of vilayets stretching from the Black Sea to the Mediterranean, between Anatolia and Persia, and inhabited largely by Armenians, but also by Kurds, Tartars, and other turbulent and uncivilized tribes. There is a mixture of races and religions in that backward region which makes for murders and wars as long as the population exists.

But the pacification of Armenia would be only one phase of difficulty. What about the disposition of Armenia after having taken over the mandate? How could the United States get rid of the country? It could not turn it adrift, nor could it turn it back to the league, which has no machinery for administering a colony. If it should attempt to turn it over to some other power a quarrel would almost surely ensue, such as now threatens the good relations of France, Italy, England, and Japan in various directions. On the other hand, the powers may take mandates over other regions, and administer them in a

manner contrary to the interests of the United States, and in violation of the spirit of the covenant. In that case violent disputes might develop in spite of the efforts of the league council.

The inevitable tendency of article 22 is to embroil the United States in foreign quarrels. Therefore the Senate should make specific reservations concerning it.

Mr. GRONNA. Mr. President, on January 8, 1918, President Wilson made an address to the Congress of the United States, which, to my mind, is the most memorable of all the addresses made by the President during the war. In this address are embodied the so-called "14 points," and I might say that if the provisions of the proposed covenant were in accord with the principles laid down by the President at that time, this treaty would meet with my approval.

In this address, President Wilson lays down certain basic and fundamental principles without which no nation can long endure; at any rate, it is quite certain that no nation, great or small, can escape the horrors of war and other difficulties unless the basic principles laid down by the President are put into practice.

In this speech the President advocated the following:

1. Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

Mr. President, that sounds well to any citizen who is at all interested in the welfare of mankind, and had this declaration impressed itself upon the minds of the members of the peace conference, there would have been no condonation of the Shantung robbery committed by the military powers of Germany during the Boxer War. If the secret treaties which were perfected during this war had been taken into consideration, we would not be confronted to-day with a treaty which proposes to take from one of our friendliest and most loyal allies and give to another ally a portion of the territory of China taken from her at a time when the Chinese people were unable to defend themselves.

You say China is weak. Of course, she is weak in militarism and warfare. China has lived up to the doctrine of Confucius, whose teachings are still fresh in the memories of the Chinese people, whose dust still rests in the bosom of the earth in the K'une Cemetery outside of the city of K'uih-fow, and who, as we are told, in the fourth month of the year 478 B. C. passed away from among men.

Almost 24 centuries have passed since this sage and reformer died, and while dynasties have vanished and governments have crumbled the words of this great reformer still live, and tributes are paid to his memory as much so as we pay our tributes to the memory of the Father of his Country. Yet we are about to take from this peaceful race of people this hallowed ground where lie the remains of this wise and once powerful man who exercised his influence for the relief of his people and for the betterment of humanity. It was Confucius who said to his disciples, of which we are told he had more than 3,000, "Remember this, my children, oppressive government is fiercer and more to be feared than a tiger." This statement was made upon the occasion of meeting a woman who was weeping and wailing at a grave. The sage stopped and sent one of his followers to ask the reason of her grief. He was told that her husband's father and her husband and also her son were killed in this particular place by a tiger. Being asked why she did not leave so fatal a spot, where there was so much danger of being devoured by carniverous animals, what was her reply? She responded that there was no oppressive government at that place. She preferred to face those wild animals rather than to live in a country where the people were being oppressed.

Millions of Chinese people still worship the memory of this reformer, and as I have said, although it is almost 2,400 years since his remains were laid at rest, millions of Chinese people meet at least once a year upon this hallowed spot, there to worship in their own way their god and to pay a tribute to the memory of Confucius. Yet we are proposing to condone the wrong done in 1898 and approve the secret treaty made by Japan during the recent war when she threatened to overpower the Chinese people unless these concessions were made. We are now approving this robbery and this theft.

The Chinese are an honest and industrious class of people, most of whom live by cultivating the soil. They religiously follow the principle and doctrine of minding their own business. China is a peaceful nation. For centuries her people have been taught to believe and to practice the doctrines of peaceful relations with all the nations of the earth. Shall it now be said because the people of China believe in peace that she must be dismembered; that part of her most sacred territory shall be taken away from her people because she does not happen to be a military nation?

I may not be able to comprehend this philosophy, but to me it seems a cold-blooded, cruel, and wicked procedure. To take Shantung from China is a crime against the people of China; it is a violation of the fundamental laws of society; it is a crime against civilization and against the highest standards of morality. We can not afford at this time, or at any time, to take from this friendly ally this most valued portion of her territory and give it to her most dangerous opponent and enemy; and it shall not be done with my vote.

I am no more pro-Chinese than I am pro-Japanese, but it is not a question of whether we favor China or Japan; it is a question of doing even-handed justice, and this treaty will be but a rope of sand if enacted into law in its present form, with all its imperfections, with all its discriminations which will breed dissension and war, and can not promote the principles of peace.

Let me tell you that the Christian principles of peace can not be enforced with the cannon or the sword, or by the use of force or armaments of any kind; they can not be established and promoted without the principles of equality and justice. Yet we are asked to ratify this treaty in this form, when every proponent of it has admitted that to take Shantung from China is not in accordance with the principles of justice and morality. Most of those who are for the treaty have already admitted that it is a wrongful act.

The time to right this wrong is now; the time to correct this mistake is right now, and not at some future time.

I almost get impatient with men who have been sent here to represent 110,000,000 people standing upon this floor and arguing that we must not do anything which would have the effect of sending this document back for further consideration. I lose my patience with statesmen of that caliber. It might just as well be said that the men who represented the nations at the peace conference are superior to God Almighty. You have admitted that robberies and thefts have been committed; you are condoning those robberies and thefts when you say you do not want the treaty to go back with an amendment. What a pitiful exhibition when men of high character, representing more than a hundred million people, care more for the opinion of 40 men who sat at Versailles and who made this imperfect document than they do for right and justice.

There is not a Member of the Senate who will say that this is a perfect treaty; there is not one Senator on the floor who will dare to say to the American people that it has been framed upon the broad principles of humanity, of equality, and of justice; but "So saith the king," and we must follow him.

I listened with a great deal of interest to the speech of the able Senator from Nebraska [Mr. NORRIS] with reference to the persecution of the people of Korea by the Japanese, and I would advise every minister of the gospel in this broad land to read the great speech made by the statesman from Nebraska, who stated that he did not belong to any church. He may not belong to any church, but from what I know about Christianity, God Almighty has implanted in his heart the fundamental ideas upon which Christianity is based, and I advise and ask you preachers and ministers of the gospel to read the speech of the Senator from Nebraska.

It is of very little use for any of us to lift our eyes to heaven, invoke the blessings and the power of God, and ask that something shall be done which we know is contrary to Christian and moral principles. It is worse than sacrilege to invoke the aid of an omnipotent God to do something which we ourselves have acknowledged to be wrong and unjust. By doing so we acknowledge that we have adopted the doctrine of Kaiser Bill, and our prayers will not be heeded or heard, but ignored, as his prayers were ignored.

Those who oppose this treaty are not only criticized but denominated as advocates of war and the enemies of peace. The opponents of this measure are also charged with stirring up race prejudices; they are called pro-German and friendly to Germany, as advocates of Bolshevism, and friends of the hyphenated Americans.

It must be clear to anyone who is a sincere lover of peace and a firm believer in the Christian faith that the criticism does not come from men who have been converted either to peace or to the Christian faith and religion. Anyone who is fully committed to a righteous plan must concede something to his enemies as well as to his friends. Anyone who is a lover of and a believer in the doctrines of peace must not discriminate against the Irish any more than the English, or against any nationality, not even the German people or citizens of German descent. If you do, you are proceeding upon a false doctrine, and your advocacy of a peace measure will be as impotent and as meaningless as were the prayers of the scribes and the Pharisees in the days of centuries ago.

To be consistent, we can not claim that we advocate peace and at the same time do the things which we know will provoke war. We are either in favor of peace or we are in favor of war. We can not serve two masters. We are either believers in the teachings of Christ or we are dissenters.

I find in St. Matthew, twenty-second chapter, beginning with the twenty-fourth verse, the following:

But when the Pharisees had heard that he had put the Sadducees to silence, they were gathered together. Then one of them, which was a lawyer—

It seems there were lawyers in those days, too. I am glad we have them now—

asked Him a question, tempting Him, and saying, Master, which is the great commandment in the law?

Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind.

This is the first and great commandment and the second is like unto it. Thou shalt love thy neighbor as thyself.

On these two commandments hang all the law and the prophets.

The question will naturally be raised, Who is our neighbor? According to the teachings of this same Christ, all men are our neighbors.

So I say I do not believe that many who have spoken so often and so eloquently in favor of this covenant are preaching the true gospel of Christ, nor the basic principles of the fundamental laws which promote peace.

The second paragraph of the President's 14 points reads:

Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

Will some Senator who may have given this treaty more careful study than I have point out any provision in this covenant or in the treaty which embodies this principle laid down by President Wilson, and which is conceded by us all to be of more than ordinary importance? This paragraph, like the first one, has either been forgotten or rejected.

In paragraph 4 the President touches upon one of the most fundamental principles absolutely necessary to the promotion of peace and the elimination of wars.

The fourth point, or paragraph 4, reads:

Adequate guaranties given and taken that national armaments will be reduced to the lowest point consistent with the domestic safety.

The first paragraph of article 8 of the covenant provides:

The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

This is the only place in this proposed covenant where reference is made to the reduction of armaments.

In the President's fourteen points it is proposed that adequate guaranties shall be given that national armaments will be reduced to the lowest point consistent with domestic safety. In the covenant it is mentioned that the members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations—quite a different proposition from that advocated by the President in his address on January 8, 1918.

Anyone having studied this covenant and who wishes to place an honest interpretation upon its provisions, must conclude that the questions which I have raised with reference to the President's fourteen points are not embodied in this covenant, and unless it shall be argued that all the President's addresses made during the war—the fourteen points included—shall ipso facto become a portion of the covenant or the treaty, you must admit that the humane principles advocated by the President have been overlooked or rejected.

There is one important matter which the peace conference overlooked, and that is the fundamental principles of Nature's God, which can not be violated.

Some four thousand years ago, when there was but one language in the world, and the earth was of one speech, the generations of Noah undertook to perpetuate this condition, and in order to do so they attempted on the plain in the land of Shinar to construct a great building in the form of a tower. Undoubtedly this was done with the very best of intentions, as it may be with the best of intentions that this league is advocated by its proponents, who profess that it will promote peace. The people of that day wanted to build a monument so high that it might reach unto heaven. They wanted to assume a certain name lest they be scattered abroad upon the face of the whole earth; but we are also told that the Lord came down to see the city and the tower which the children of men builded, and the Lord said—

Behold the people is one—

He recognized that they were one—

and they have one language, and this they begin to do, and now nothing will be restrained from them which they have imagined to do.

Go to, let us go down, and there confound their language, that they may not understand one another's speech.

So the language of these people was confounded so that they could not understand each other, and they were much confused; and ever since that day the people of this earth have been scattered upon the face of all the earth. It seems that some mighty power deemed it unwise to have but one people and one language, and so their language was confounded and the people were confused and scattered broadcast over the earth.

It is evident to me from the reading of the history of this event that this omnipotent power did not desire that man's individuality should forever be lost, and so the people were scattered, and many differing languages came into use, all for the purpose of establishing individualism among the family of man.

I think we all realize that a larger amount of good might be accomplished if all the people of the world would unite upon some altruistic and Utopian principle, but we also agree that such a thing is impossible, and that it would be just as bad for all the people to unite on something which in itself is destructive of that which is good, and so through this individualism man's power has been reduced to a minimum to accomplish that which is either good or bad.

There are hundreds, yes, thousands, of nationalities in the world to-day, and in my judgment it would be just as difficult and just as impossible to unite them all, as it was in the days when the people of Noah had in their minds the idea of constructing the Tower of Babel. So let us keep these nationalities separate, and let them work out their own form of government so long as they do not interfere with us and peoples of other governments.

This league consisting of a few men would be exactly what the men composing it would make it. If they should happen to be high-minded men, men of altruistic and Utopian ideas, the league might become a power for good. On the other hand, if its membership should happen to consist of weak and selfish men, the league would become just as powerful and effective in the administration and practice of injustice and oppression, and it might result in endless wars—wars which could not cease until this supergovernment was destroyed.

President Wilson, in one of his points, in speaking of all of the Russian territory and her people, lays down a principle which is fundamental not only to the people of Russia but to every nationality on the face of the globe.

VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

The President's reference to the people of Russia might well apply to the people of Ireland, to the people of India, of Finland, or to any nationality that feels oppressed and is capable of setting up its own form of government, where people may enjoy to the fullest extent freedom and liberty. The inherent right of nationalities to set up their own form of government could easily be denied under the provisions of this covenant. Self-determination would become a forlorn hope, and this to me is one of the most objectionable features of this covenant.

Let us suppose that Ireland, whose population has been reduced since 1841 from more than 8,000,000 of people to nearly half that number, should insist on becoming a free and independent people. But you say it is none of our business to interfere with Ireland or with England, and I agree with you. We refuse to be bound by an international agreement setting up a superstate, and which establishes a principle of status quo in every kingdom and monarchy, and no matter how much oppression there might be, the people who are oppressed would have no right to protest, and could, of course, have no hope of becoming a free and independent people. I think we all agree to that. So I say that I agree with you that we should mind our own business and not interfere with the affairs of foreign nations unless it is for the purpose of assisting the weak and the oppressed.

Why should we in America with our 110,000,000 of people, a larger portion of which consists of a foreign population; when we take into consideration that from 1820 to 1918 more than 33,000,000 foreigners came to our shores and settled on American soil; more than 8,000,000 have come from Great Britain and

Ireland, almost 3,500,000 from Russia, more than 4,000,000 from Italy, 500,000 from France, 5,500,000 from Germany, 2,250,000 from the Scandinavian countries, and since 1861 more than 4,000,000 have emigrated from Austria-Hungary, millions of people have come from a great many of the other nations, most of whom have come from Europe, a very few have come from Asia, less than 300,000 from China, and only a little more than 200,000 from Japan—with this condition, why do we wish to interfere with European affairs?

It is absolutely true that a large proportion of these aliens have become thoroughly Americanized; it is also true that nearly all, if not all of them, are loyal to America, but naturally they would have a more friendly feeling for the land of their birth than they would have for some other nation in Europe or in Asia. But, regardless of this fact, we undertake to meddle in the affairs of every nation on the face of the globe. For America to meddle in all European and Asiatic squabbles is unwise, and would lead to many an unnecessary conflict and war. The people of Ireland, like the people of Scandinavia, Great Britain, Germany, or France, who come here to make this their home, have sworn allegiance to our flag; they have manifested their willingness on many occasions to sacrifice their all for the honor of our flag and for the glory of our people.

No member of this body can more earnestly desire the adoption of a world plan that would stop wars and promote peace than I do, and while there may be great doubts as to the possibility of perfecting such a plan I most earnestly desire to help in any way that I can to arrive at some practical plan which will help to reduce standing armies and armaments to a minimum, so that instead of building up a military machine we may set up a more perfect plan, one in which all the people of the respective nations shall be the deciding factors whether or not we shall have another war.

To adopt this proposed covenant would be to give the lie to the principles for which we said we fought. We were told by the leaders of Great Britain, of France, of Italy, of Japan, as well as by the leaders of this Government, that this war was waged in the interest of humanity and democracy, in the interest of self-determination of oppressed people. How can we at this moment, before this horrible war has completely ended, before peace has been officially declared, how can we look any liberty-loving human being in the face and say that we are carrying out our pledges in good faith, when as a matter of fact this treaty provides for the creation of a superstate, of government by a very few? And while it may not be the purpose that it shall be autocratic and despotic, it surely must be conceded that there is a possibility, and a probability, that the administration of this supergovernment would become the most autocratic, and possibly the most despotic of any organization the world has ever known.

Mr. President, I was born on American soil, but my parents both came from the little Kingdom of Norway, and I am not ashamed of being a descendant of people of that splendid race. It is true that they are not rich in material wealth, but the people of that little kingdom compare favorably with the people of any other nation on the face of the earth in morality, in obedience to law, in education and in art, in music and in literature. It can not be truthfully said that the people of Norway consist of an inferior race. They love liberty and freedom more than their own lives. Ever since the dawn of civilization the Scandinavian people have been looked upon as a class of intelligent, intellectual, and law-abiding people, people who love liberty and justice, and who love peace.

I assume that none of you are interested in the history of the Scandinavian Peninsula, but I am going to outline briefly some of the historical events of the three little kingdoms, which are now separate, but which at one time composed one kingdom.

At one time the three Scandinavian Kingdoms were all under the administration of one government. There is very little difference in their language, their customs, and their ideals. The people of Denmark have the same language as the people of Norway, and the people of the three Kingdoms all fully understand the language of each other. So we may truly say that they are a homogenous people. They are people with the same habits, the same customs, the same love for liberty and justice. They all believe in religious liberty and they all belong to the same denomination.

Denmark's history dates back to the dim twilight of the Sagas, out of which shines the figures of her heroes, their brave deeds, as well as their daring voyages. I want you who are not ashamed of acknowledging that you are of Celtic descent to pay a little attention to this history, because I assure you it is correct. It was here that the Celts first had their home, and from these shores the Angles and the Saxons sailed in the fifth century to conquer England, and in their place the Danes of Zeeland, a little island north of Denmark, settled on the deserted lands.

We are told that the missionary Ansgar baptized a Danish king in the year 826, but even in that day, I am sorry to admit, Christianity did not hinder the Danes from making their usual inroads into the territory of the Franks or check the piratical voyages of the famous vikings. The islands were first united by Gorm the Old, one of the old viking pirates. At that time the mainland, under one ruler, opposed Christianity, but Gorm had a grandson named Canute who became the conqueror of England, who was a zealous friend of Christianity. But as time went on the nobles grew powerful by means of the adoption of the feudal system. In this country to-day we do not have the feudal system, but we have a system which in many ways is just as inimical to the best interests of American ideals and American Government as the feudal system was to the Danes and to the Scandinavians at that time. The nobles in those days took advantage of their fellowmen and ground down the once free people to mere serfs.

Waldemar I (1157–1182) conquered Norway, while Waldemar II conquered German and other lands, which were lost under his successors. Under the humane rule of that splendid queen, Marguerite, who ruled Denmark, Norway, and Sweden from 1375 until 1412, the three rival Scandinavian kingdoms lived together quietly and peaceably.

I have often been asked by the good ladies who champion the cause of votes for women why it was that the Scandinavian countries were in favor of woman suffrage. I have always told them that I wished they would not ask me that question, because it indicated to me that they had failed to read Scandinavian history.

But following the reign of Marguerite, Christian I—1448–1481—founded what is known as the Oldenberg line of kings, and these were maintained on the throne until 1863. But, mark you, up to this time the kings were chosen by the people; but Christian II, who ruled from 1513 to 1523, was such a tyrant that he lost his throne and his kingdom. He was recalled by the Danes, who chose his uncle, Frederick I, to be their king.

That is why people of Scandinavian descent have always been in favor of what you denominate radical laws, such as laws for the referendum and for the recall of men who do not carry out the wishes of the people who elected them. The Scandinavian people get that idea from the early history of their country.

At this time Sweden was forever separated from Denmark. From this time on, democracy lost its sway, the people lost their power, nobility was so firmly established that it became the controlling factor, and it was not until the early part of the eighteenth century that the peasants became free from serfdom and more liberal laws were enacted.

It is a peculiar coincidence, Mr. President, that nobility and democracy never travel the same road. They do not go together.

We find in 1801 that Copenhagen was bombarded by the British under Nelson, and the second bombardment took place in 1807, when the Danish people had to surrender. From 1807 to 1813 Denmark was in the hands of Napoleon. It was then that Denmark was forced to relinquish Norway, and from that time on Norway and Sweden became united.

I have very briefly, and I might say incoherently, recited this bit of history relating to the Scandinavian peninsula, not only for the purpose of paying a tribute to these peoples, but to show that even in a land where the people may be of the same race and the same religion, the same customs and the same ideals, differences will arise. The climatic conditions of these three little kingdoms differ, and the temperament of the people is not altogether the same. At any rate, the difference in the make-up of these people was sufficient to divide them into three separate and distinct classes, so that they became three separate independent governments.

If a league of nations such as is here proposed had been in existence during the struggles of these people, there would not be the tranquillity and the cemented friendship which now exists between these three nations, because it might have been impossible for them to separate.

The Scandinavian people are not a cowardly people, neither do they love war, as was shown in 1905, when, on the 7th day of June, Norway declared its independence from Sweden, and became a separate kingdom, ruled by one king; and all this was done without shedding a single drop of blood. Sweden, who at that time had more than twice and almost three times as many people as Norway, yielded.

But it was not altogether because these people differed somewhat temperamentally that strifes and wars were carried on between these peoples of practically the same kin and blood. The real issue causing the troubles was of an economic nature. For almost a century the people of Norway protested against the

injustice of refusing them their own consuls, of being able to do their business in their own way. All exports and imports had to be sent through the consulate of Sweden, and very naturally the people of Norway were unwilling to pay into the treasury of Sweden an extra profit. They demanded the right to appoint their own consuls and to transact their own business.

Now, those of you who find fault with the people of Ireland because they are protesting against British rule, let me say to you that the condition which existed between Norway and Sweden also exists between England and Ireland. I can find no fault with the people of Ireland for protesting against the injustice of compelling Ireland to conduct her national business through the consulate of Great Britain. Ireland has more people and is larger in area than many of the small nations of Europe. It has a larger population than Norway, Denmark, and Switzerland; it has a larger area than Belgium, Holland, Denmark, and Switzerland. Ireland has an area of 32,531 square miles, and claims a population of 4,392,219.

Mr. President, I said at the outset of my remarks that I have no hatred for any European people. I respect the people of one nationality as much as those of another, but let me call attention to the fact that Ireland, which has an area of little more than 32,000 square miles, and which has slightly more than 4,000,000 people, did a business last year of more than $820,000,000, and more than 95 per cent of that was done with England, only 5 per cent of it being done outside of England. Serbia did a business of $47,500,000; Greece, $61,500,000; Bulgaria, $75,000,000; Portugal, $115,000,000 Roumania, $205,000,000; Norway, $210,000,000; Denmark, $325,000,000; Sweden, $375,000,000.

Mr. President, I hold no brief for the Irish people, and I would not even mention or refer to the business of any nationality were it not for the fact that you are compelling us to go into partnership with these people, you are compelling us to take in as an equal partner Great Britain, with her six votes, and you are satisfied with but one vote. Is that satisfactory to you? You will also receive the blessing that will come in the course of time. Do not expect that any curses will come, because we have reached that Utopian stage where we are perfect and we can not commit any wrong, of course. It would be sacrilegious to say that people from now on will never commit any wrong, and I am not here to make that definite statement.

I repeat what I have just stated, that Sweden yielded to the demands of the people of Norway without resorting to war. The Swedish people did not surrender because they were a cowardly people. The noble and humane King Oscar, a philosopher as well as a great statesman, who loved peace more than war, knew too well the history of his country; the history of the great Gustavus Adolphus and that of Charles XII, as well as he knew the history of his own administration. He knew that Gustavus Adolphus, who reigned from 1611 to 1632, became famous, and was adorned by one of the great writers as the father of Swedish poetry and as a man who loved humanity, and that Charles XII was among the great generals and military leaders of his day, and I say that he is to-day recognized by students of history as one of the greatest leaders and greatest generals.

He knew what happened to Stockholm when invaded by the Danes in 1389, and what happened when captured by Christian of Denmark in 1520, when the terrible massacre followed, known as the "blood bath of Stockholm." He had studied the warlike career of the gifted but reckless King Charles XII, who reigned from 1697 to 1718, who humbled Frederick IV of Denmark; and Peter the Great of Russia who defeated Augustus of Poland and nearly ruined his country. No greater general can be found in the annals of history than Charles XII, but King Oscar had more love for peace and humanity than he had for fame and war, and so he yielded to the demands of the ministers of the cabinet of Norway, and on that historic day, June 7, 1905, Norway, like Sweden, became a free, independent Government.

To my mind, this beautiful lesson taught us by this great King should be printed in our textbooks and taught the children in our schools.

There are only two roads to follow: Either follow the military road to war, or follow the road to peace and prosperity.

King Oscar was a real lover of peace; he was a humanitarian; he laid down and followed the Golden Rule as announced by the Master in His Sermon on the Mount.

I call the attention of some of these advocates who are so earnest in their prayer for the adoption of these provisions without the crossing of a "t" or the dotting of an "i" that none of these things must be written in the textbook which the children of to-day read. Those men advocate militarism and war. I have listened to them upon many occasions. The two do not go together; you may be sure of that. You can not harmonize them. They will not mix any more than water will mix with oil. You are either for militarism and war or you are for peace. You can not be for both. Just remember that.

Charles XII, on the other hand, chose to follow his inclination as a military genius. He humiliated monarchs, destroyed governments, and captured armies, but ultimately he failed as others have failed, and as others will fail who choose the method of murder and destruction rather than the path of righteousness and peace.

On the question of peace and war there can only be two classes; and to be consistent we must either recognize the necessity of a military government or we must follow in the path of the noble King of Sweden, and promote peace by righteous and just dealings rather than to enforce peace by the sword.

This proposed treaty provides for the enforcement of peace by force, by the sword, by waging war, and it takes from the peoples of every nation on the face of the globe the right to have a voice in the matter. So in this matter, so important to the welfare of the human family, you are setting up a supergovernment ruled by what we hope may be a few benevolent despots; but, if we miss our guess, so that instead of directing their energies in the interest of benevolence, justice, and peace, if they desire to become autocrats, there is absolutely nothing to prevent them from becoming the greatest tyrants the world has ever known; and yet you call this a league to establish peace.

Perhaps I am unable to understand the meaning of the words which this covenant and this treaty contain; but understanding it as I do to be a breeder of troubles and war and not a covenant for the promotion of peace, I must follow the dictates of my own conscience; and believing as I do that some of the provisions of this covenant are in direct contravention of the Constitution, I must again follow the dictates of my own conscience, as I do not want to violate the oath to which I have subscribed to "support and defend the Constitution of the United States against all enemies, foreign and domestic," to "bear true faith and allegiance to the same," to "take this obligation freely without any mental reservation or purpose of evasion," and to "well and faithfully discharge the duties of the office."

I have spoken of the early history, and referred to the traditions of the Scandinavian people, simply for the purpose of illustrating how difficult it is for peoples who differ temperamentally, although they may be of the same race and the same religion, to agree on all issues without dissension and troubles which may lead to war. You may then ask, Why is not this true of America? Happily, it does not apply to America, because every man who comes to America for the purpose of becoming one of its citizens relinquishes all that which may be inimical to American citizenship, and he becomes a full-fledged American. Let me say right here that any man who asks for citizenship in any other way is not worthy of the splendid opportunity of becoming a citizen of this great land—"the land of the free and the home of the brave."

Any man of foreign birth who is not willing to subscribe to that oath, and to live up to it, is not worthy of citizenship in this country. Now, think you, because I have spoken feelingly and friendly of the people whose descendant I am, that I would yield any of America's sovereignty in the interest of the peoples of that land? If you do, you are sadly mistaken.

I heard the able Senator from Massachusetts [Mr. WALSH] say a few days ago, with reference to the great Irish race, that rather than to yield American rights or American sovereignty he would prefer to see that splendid country sink into the sea than to do anything which would interfere with their citizenship or take from us our rights or our sovereignty. I confess that this is my feeling with reference to the land from whence my people came. I hope and believe that the time will never come that these people will ask America or ask American citizens to surrender American sovereignty or to disobey American laws and dishonor the American flag. I hope and believe that such shall never happen, but if it should, with me America is first and America last. The Stars and Stripes is my only banner, and I shall protect that banner wherever it may be found against any and all enemies, no matter what the cost may be. I shall as cheerfully give up life itself, as I would be willing to part with and give up what little treasure I might possess, in the defense of this unsullied emblem and in the defense of the United States of America.

We have been told that we should hate our late enemies. A big man will hate and resent insults, and he will also fight when he has to fight, but when he sees before him his conquered foe prostrate and helpless, begging for mercy, and promising to

make reparation so far as he is able to make it, the victor's hate is transformed into a spirit of commiseration and sympathy, and while still firm in his demands for justice from his conquered foe, he turns his face to the future and demands from his opponent only a just and equitable settlement, and if such agreement is carried out, the parties to the combat again become friends.

It is the small man with a small mind who loves to hate and continually quarrels and fights.

We hated the English during the Revolutionary War; we hated them in 1812, when they stopped our ships and kidnapped our sailors; and we especially hated them when Admiral Cockburn, on August 24, 1814, seated himself in the Speaker's chair in this Capitol and asked his fellow Englishmen, "Shall this harbor of Yankee democracy be burned? All for it will say "aye.'" And a general shout of ayes settled the question. The torch was applied not only to this Capitol Building, but to the President's house and other public buildings.

But we do not now hate the British people; we have long ago forgiven them for this wrongful act. We have years ago turned that hate into amity and friendship. A really civilized man never continues to hate his opponent if that opponent makes an effort to correct his mistakes. It is the uncivilized, heathen barbarian who continually hates, and, like Satan himself, never loves anybody or anything, but always hates.

We hated the Germans during this war. It was only natural for us to do so. They were killing our soldiers and destroying our property whenever the opportunity afforded. We still hate and we always shall hate their wrongdoings, but we shall not always continue to hate the German people any more than our hatred continued for the British people. It was the unlawful acts of the British which we hated; it is the unlawful acts and the wrongdoing of the Germans that we hate and which we shall always hate.

The German autocracy and the German Government have been destroyed; the German people must now see to it that a real representative form of government is established. The German people must accept the inevitable. The burdens placed upon them by their autocratic and military government must be patiently endured by the German people. Militarism destroyed Germany; it was not the people of Germany who destroyed it.

Mr. President, I realize that accompanying all wars waged by the sword is an intellectual warfare where great minds, like great armies, clash, and where the one does its best to outdo the other. Yes, greater even than the clash of swords is the opposition of great minds, more confusing even than the roar of guns, and ultimately more effective than explosive shells is the mass of skilled and ingenious arguments. The cannon is fired and the roar and detonation soon subsides, but the words spoken here in the Senate and recorded in the RECORD, and the thoughts which they clothe, go much further than any cannon shot, and while their effects may not be apparent to all, they surely will in time to come become an instrumentality in fashioning governments, and if the arguments used and the words spoken are wrong and misleading, they are more destructive of liberty and freedom and human welfare than the shells fired are to the soldiers upon the field of battle.

A year has passed since the armistice was signed, yet we are facing an intellectual warfare as fierce, desperate, cruel, cunning, and unrelenting as the bayonet assaults in the trenches.

CONCLUSION.

We say the war is over; we are not complaining so much about our expended treasure which reached such an enormous amount during this horrible conflict; we are willing to share the burden of taxation if the principles for which we said we fought are put into operation throughout the world.

Our soldier boys who crossed the sea to fight on the fields of Europe in the greatest and most destructive war in the annals of history, and who through the providence of God have returned to their homeland, are not complaining that they went and fought and suffered; their sacrifices were great, but if the principles for which they so gallantly fought are put into practice, they will not complain. But what shall we say of those who have not returned, and who never will return to see their loved ones? What shall we say of the fifty thousand or more whose lives were snuffed out on the battle fields of France? They have sacrificed their all for the United States of America. How can we pay a fitting tribute to their memory and commemorate their deeds and achievements? If they were here, and if this covenant and treaty were left with them, what would they do? Are we *not safe* in believing that the first thing they would do would be to safeguard America and American interests? Are we paying a tribute to the honor of their memory unless we really live up to the fundamental principles for which they fought? What a beautiful and unselfish example these heroes, the living and the dead, have furnished, having fought on the battle fields of a foreign land to make men throughout the world free, but first of all to honor and protect the United States of America.

Believing that these were the uppermost thoughts in the American soldiers' minds, should we not with the greatest reverence and respect carry out the principles for which they all fought and for which so many sacrificed their precious blood? What shall we say to the 50,000 mothers and fathers, and to the thousands of brothers and sisters and widowed mothers, to the widows, sons, and daughters of the heroes who have sacrificed their all? These men who gave up their lives to protect our land from a foreign foe would at least expect that this great Government of ours shall in a more substantial way than by mere words of praise assist the parents, the widows, and the orphans who need assistance. Can we do less than to aid substantially those who are financially oppressed because they have lost those upon whom they depended for support? Thousands of these heroes now rest in unmarked graves. To be remembered they need no costly monuments; their deeds will always be fresh in the minds and memories of their relatives and friends.

If we believe that these heroes made this great sacrifice for any other purpose than that I have named; if we believe that the acquisition of territory, the changing of the boundary lines of the nations of Europe or elsewhere, or guaranteeing the territorial integrity of all the nations of the earth were the principles for which these men fought, we may vote for this proposed covenant. But if we believe that first and foremost they fought for our nationality, for the protection of America, for the liberation and freedom of oppressed peoples, no matter where found, then surely we can not support this covenant in its present form.

Wednesday, April 4, 1917.

[The Senate, as in Committee of the Whole, had under consideration the joint resolution (S. J. Res. 1) declaring that a state of war exists between the Imperial German Government and the Government and the people of the United States, and making provision to prosecute the same.]

Mr. GRONNA. Mr. President, I had intended to take some time in calling to the attention of the Senate and the country some of the things which happened during the closing hours of the last Congress, and also, with reference to the European war, some of the facts which I believe have been overlooked or which have not been disclosed so far as I know. But after listening to the speeches of some of my colleagues, and especially to the wise and patriotic words of the distinguished Senator from Missouri [Mr. Stone], I have concluded to occupy only a few minutes, because I agree with what the Senator from Missouri has said—that we ought not at this time to enter into any controversy among ourselves. I shall, therefore, waste neither time nor words; but the question of peace or war is so momentous a question and so serious that I feel that I would not do my full duty should I remain silent. This resolution declaring war is too grave a question to be decided passionately.

Senators, we are intrusted with and are holding the power vested in 100,000,000 of American people. I would, therefore, agree that we proceed to argue this question impassionately, in a friendly spirit; not in a light spirit, nor with minds clouded by passion.

The members of this Congress and the President of the United States are holding in their hands the destiny of 100,000,000 of people. May God give us wisdom and strength to discharge the responsibility with which we have been intrusted, in obedience to Christian principles, rights, and justice.

Senators, I do not presume to point out to any one of you the course you should pursue. Each one of us must take this momentous problem into the judgment chamber of our own hearts and decide it according to our own judgment and the dictation of our own conscience. Those of you who have made up your minds to plunge this country into a bloody war have no right to criticize any one who sincerely and patriotically believes in peace. Those of you who believe that the only way in which we can protect our national honor is to declare war, and in that way manifest your patriotism, I ask you in all sincerity, Have you reckoned the cost of the dreadful conflict that will ensue?

I shall not now argue whether the majority of the American people desire war. No man knows, without first submitting it to a vote of the American people, what their decision might be. The American people will not have that opportunity. But while I believe that the majority of the American people are for peace, I can not with any certainty assert that it is so. I do

know, however, the sentiment of the people of my own State, and I do assert that a very small minority are in favor of war. We criticize European monarchies for forcing their subjects into war against their will, but we refuse to ascertain by a referendum vote of the American people whether they desire peace or war.

Mr. President, this is a fateful hour, and the Senate is about to decide one of the most momentous problems in the history of our country. Let me remind the Senate that we are not the Government; let me remind you that Congress is not the Government; let me remind you that the President of the United States is not the Government; but the 100,000,000 of people are the sovereign power of this country. Why do we refuse to submit for their decision a question so important to the future welfare of our people? Why do we ignore their petitions, which we have by the hundreds of thousands, asking us to avert war? Why do we ignore the pleadings and the petitions of the millions of mothers of this country, whose hearts are bleeding in sadness and whose minds are disturbed over the possible loss of lives dear to them and the future welfare of their beloved ones?

Mr. President, I have before me the petitions of thousands of patriotic American citizens asking me to oppose a declaration of war with any of the nations of Europe. Shall I regard their pleading prayers as noisy clamor or shall I respect their constitutional right of petition? This question will not be decided until it is decided right. It will not meet with the approval of the American people unless it is based upon the principles of right, justice, and equality.

Mr. President, the European countries are to-day regretting that they precipitated a war. Their people are sick to death and are wishing that they could find a way to end it. Selfishness was the cause of beginning this cruel and bloody war in Europe; false national pride prevents the ending of it.

Mr. President, speaking for the people whom I in part represent, we are as jealous of our national honor as any loyal American can possibly be. We are as devoted to the flag and would as quickly resent any insult as would those who are now clamoring for war. But we believe, sir, that there is a possibility of averting war without the killing of the millions of our youth and the sacrifice of our national honor.

I shall therefore vote against this resolution declaring war against the Imperial Government of Germany. I would under similar circumstances vote against war with any of the nations of Europe. I shall vote against war because I believe it would have been possible to maintain an honorable peace with all the nations of the earth. While I believe it will be a tremendous mistake and an unpardonable blunder and error to plunge our country into war at a time when we ought to be at peace with all the nations of the earth, if war shall be declared—as I fear it will be—there will be but one course for every loyal American citizen to pursue, and that course will be to do our full duty in defense of our flag.

Mr. President, I am opposed to war because war means destruction, misery, and poverty to the toiling millions of our country for generations to come; *but if it shall come I shall do my full duty.*

Mr. SHIELDS. Mr. President, the amendments proposed to give the United States equal representation in the council and in the assembly of the proposed league of nations with the British Empire and five of its dominions and colonies or political divisions, or to reduce the representation of the British Empire to the equality of the other members of those bodies, are now before the Senate; and I desire to bring to the attention of the Senate some facts which I think are important and should be considered in the disposition of these amendments and to make some observations upon them.

Mr. President, the British Empire, by the express provisions of the proposed league of nations, is one of the five permanent members of the council of the league with one vote in all its decisions, and the Empire, in its sovereign and collective capacity, and five of its overseas dominions or colonies—Canada, Australia, New Zealand, Union of South Africa, and India—integral parts of the Empire, are made members of the assembly with the right to one vote and to be represented by three delegates each in the assembly of the league, thus giving to the Empire 6 votes and 18 delegates in that body.

The United States, France, Italy, and Japan are also made permanent members of the council with one vote each, and members of the assembly with the right, respectively, to three delegates and one vote.

Those Governments, not members of the council, 27 in number, original members of the league of nations and those who may hereafter become members, are allowed three delegates and one vote each, and any of them has the potential possibility of being elected to become one of the four temporary members of the council subject to removal. They are also eligible to permanent and temporary membership if increased in number.

That this is a correct statement of the original organization of the proposed league of nations can not be controverted, and I do not understand that it is now denied by anyone who understands the terms of the covenant.

There was a controversy as to whether or not Canada, Australia, New Zealand, Union of South Africa, and India could be elected to membership in the council; but this was abandoned, as I understand, when the Senator from Missouri [Mr. REED], in a recent address, read the letter of President Wilson, M. Clemenceau, and Mr. Lloyd-George to the premier of the Dominion of Canada.

That there may be no mistake as to the contents of that letter I will reread it:

> The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

Mr. President, the proposition has been advanced that, notwithstanding the British Empire and five of its subordinate political divisions are given this preponderance of power over any one nation in the assembly and the possibility of further representation in the council, the United States and perhaps other members of the league have no grounds to fear that their rights and interests will be prejudiced in the deliberations and decisions of the council or the assembly, that there is no assurance that the subordinate divisions or governments of the British Empire will always favor the Imperial Government in its contentions, and that we could reasonably expect them, especially Canada, to side with the United States.

There never was, in my opinion, a more groundless suggestion. While the British Empire is geographically and physically widely separated, its dominions lying in both the Eastern and Western Hemispheres, in the Continents of Europe, Asia, Africa, and North and South America, and innumerable islands in the Atlantic, Pacific, Indian, Arctic, and Antarctic Oceans, and the Mediterranean and Caribbean Seas, it is politically the most thoroughly organized, united, and compact Government whose existence history records.

The Imperial Government dominating all these far-flung dominions is styled "The Kingdom of Great Britain and Ireland," and has its seat and capital at London, England. It is composed of England, Scotland, Wales, Ireland, the Isle of Man, and the islands lying adjacent in the British and Irish Channels and the North Sea.

The chief executive of the Empire at this time is George V, whose title as conferred by Parliament is "George V, by the Grace of God, King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Defender of the Faith, Emperor of India." His imperial office is hereditary and his government a limited monarchy.

The supreme legislative power of the Empire is vested in a Parliament, sitting at London, composed of the House of Lords, whose offices are hereditary, and a House of Commons, the members of which are elected by the people of Great Britain and Ireland.

Canada, Australia, Union of South Africa, New Zealand, and India are overseas dominions, and the most important of the Empire in wealth and population. These and the other dependencies of the Empire enjoy a limited local self-government, granted them in the form of charters or patents, as they are styled, by the King and Parliament of Great Britain, and subject to amendment and repeal by the granting power.

The chief executives of Canada and New Zealand, Australia, and Union of South Africa are styled governors general; and that of India, governor general or viceroy. They are appointed by the King and Emperor, with the advice and assistance of his ministers, with tenure of office subject to his will or for brief terms of years. They are the representatives of the King and Emperor, and derive all of their authority from him, and act in his name and for him. They have no other authority than that conferred upon them by the King and the acts of the British Parliament.

These political divisions have parliaments, which may enact laws for their government in regard to local concerns and affairs as authorized and empowered in the acts of the British Parliament providing for them, consisting of an upper and a lower house; the members of the first being in part, at least, appointed by the King through his representative, the governor general, and those of the latter elected by the people of the colony or

dominion. There is also a well-organized judicial system for each of the local governments, with broad jurisdiction and powers. The King has the veto power upon much of the legislation; and appeals, with some limitations, lie from the courts of last resort to the King in council in England.

These local governments are largely self-governing in local affairs, but not so much as the several States of the United States in many particulars.

The colonies and dominions of the Kingdom of Great Britain are subordinate political divisions and dependencies of the Empire.

The Commonwealths and States composing the United States are sovereign and independent governments, save in Federal affairs as fixed by the Constitution.

The chief executives of the dominions and colonies are appointed by the King and Emperor, and are responsible to him, and not to the people.

The governors of the States are elected by their people, and responsible alone to them.

The legislative power is vested in the general assemblies of the States, elected by the people, and the power vested in them, when not involving a Federal matter, is unlimited, save by their local constitutions, which they have the power to amend or abrogate at pleasure.

The Federal Government has no control over these matters.

There is no appeal from their courts of last resort, except in questions involving the Constitution and laws of the Federal Government.

The governors general, members of Parliament, and other officials of the colonies and dominions owe and swear allegiance to their King.

The governors and other officials of the several States swear to support the constitutions of their States in State matters and the Constitution of the United States in Federal matters.

I make this comparison that the political corporate entity of the dominions and colonies and their want of that independent sovereignty necessary to constitute an independent nation entitled under the laws of nations to absolute equality with the other nations of the world in national affairs may fully appear, and that the incongruity—yes, the injustice—of giving these colonies and dominions a position and membership in the league of nations equal to the United States may be clear beyond question.

The acts of the Parliament of Great Britain granting the charters and patents of local self-government to the dominions and colonies are too voluminous for me to read them in full.

"The British North America act," applicable to the Dominion of Canada, was enacted in 1867 (30 and 31 Victoria) and amended in 1871 (34 Victoria) and 1875 (39 Victoria).

The act applicable to Australia was enacted in 1900 (63 and 64 Victoria).

The act for New Zealand was enacted in 1852 (15 and 16 Victoria), supplemented by an order in council made September 9, 1907.

The South African act for the Union of South Africa was passed in 1909 (9 Edward VII).

The present form of the government of the Indian Empire was established by various acts of the British Parliament, consolidated in the Government of India act, 1915 (5 and 6 George V).

Those who desire to examine them can do so, and I think they will find my statement substantially correct.

I will, however, read from Parliamentary Government in the British Colonies, by Alpheus Todd, LL. D., C. M. G., author of Parliamentary Government in England, a recognized authority upon British colonial government.

I read concerning the general authority of the Imperial Government over its colonies from pages 29, 39, 40:

The mother country, however, still retains the right to interpose—either by advice, remonstrance, or, if need be, by active measures of control—whenever the powers of self-government are attempted to be exercised by any colony in an unlawful, unconstitutional, or oppressive manner. "The whole question of the relations of the imperial authority to the representative colonies is one of great difficulty and delicacy. It requires consummate prudence and statesmanship to reconcile the metropolitan supremacy with the worthy spirit of colonial independence. As a matter of abstract right, the mother country has never parted with the claim of ultimate, supreme authority for the imperial legislature. If it did so, it would dissolve the imperial tie and convert the colonies into foreign and independent states."

Throughout the British Empire—even in colonies where self-government has been conceded to the fullest extent compatible with the maintenance of imperial supremacy—there is a reservation of the paramount authority of Parliament, and of the right of every British subject, to appeal to that tribunal. But while the ultimate control, alike over colonial and imperial administration, is vested by the constitution in the Imperial Parliament, which is at all times ready to listen to complaints of an undue exercise of power on the part of any minister of the Crown, that supreme authority may be constitutionally invoked only in extreme cases, and enforced only when it is indispensably necessary to maintain the integrity of the Empire.

Moreover, certain prerogatives of the Crown are suitably reserved in every colony to the direct and immediate expression of the royal pleasure thereon. The powers so reserved differ according to the position and circumstances of the particular colony, but they invariably include the abstract right of dealing with all colonial legislation, and of disallowing such acts as may be deemed objectionable or in direct opposition to imperial policy. Sometimes colonial laws which, for defect in form or substance, might otherwise need to be disallowed, are remitted to the colony wherein they were enacted, accompanied by a dispatch from the secretary of state for the colonies, suggesting their modification or repeal. The judicial prerogative of the Crown or the right of determining in the last resort all controversies between subjects in every part of the empire, has been universally reserved as being one of the most stable safeguards, and most beneficial acts of sovereign power.

Concerning the power of the King and Emperor through his representative, the governor general, I read from pages 34, 35, 36, and 37:

In every British colony of adequate extent and importance the personal authority of the Crown is represented and monarchial functions discharged by a governor, who is nominated to his office by the sovereign in council and appointed by letters patent under the great seal; his jurisdiction and powers being defined by the terms of his commission, and by the royal instructions which accompany the same.

A governor so appointed is empowered by his commission "to do and execute all things that shall belong" to his office and be appropriate to the trust confided to him by the royal instructions, then or afterwards to be communicated to him through one of Her Majesty's principal secretaries of state, who is the constitutional mouthpiece of the Crown.

He is authorized to exercise the lawful powers and prerogatives of the Crown in assembling, proroguing, and dissolving the colonial parliament; to give or withhold the royal assent to bills passed by the parliament; or to reserve them for the signification of the royal pleasure, pursuant to his instructions from the Crown. He is empowered to appoint to office all ministers of state and other public officers in the colony, and upon sufficient cause to suspend or remove them from office. He is authorized, under certain restrictions, to administer the prerogative of mercy, by the reprieve or pardon of criminal offenders within his jurisdiction; and to remit fines and penalties due to the Crown. All moneys to be expended for the public service are issued from the treasury under the governor's warrant. And furthermore it is expressly declared that "if anything should happen which may be for the advantage or security of the colony, and is not provided for in the governor's commission and instructions, he may take order for the present therein."

It is true that the governor of a colony is not a viceroy and that unlimited sovereign authority is not delegated to him. He can not exercise all the prerogatives of the Crown, but only such as are expressly or impliedly included within the scope of his commission. The lawful extent of a governor's powers has in repeated instances been ascertained and determined by courts of law. Nevertheless, there is a general devolution to every colonial governor of so much of the authority of the Crown as may be necessary for the purpose of administering the government of the colony over which he is placed by the sovereign, whose office and authority he represents. Pursuant to his commission and the accompanying instructions he becomes within the limits assigned to him the embodiment and expression of the monarchial element in the colonial polity, so far as that element can find a constitutional channel for its exercise under parliamentary government. The office of governor is as much a constituent part of the constitution in every colony as is that of either of the other branches of the local legislature. A constitutional governor is not merely the source and warrant of all executive authority within his jurisdiction; he is also the pledge and safeguard against all abuse of power, by whomsoever it may be proposed or manifested; and to this end he is intrusted with the maintenance of certain rights and the performance of certain duties which are essential to the welfare of the whole community. And while he may not encroach upon the rights and privileges of other portions of the body politic, he is equally bound to preserve inviolate those which appertain to his own office, for they are a trust which he holds in the name and on the behalf of the Crown for the benefit of the people.

Should a governor exceed his rightful powers or commit any act to which exception could be justly taken, an appeal is always open to the sovereign, through the secretary of state, and to the Imperial Parliament, which is the grand inquest of the nation for the redress of all grievances.

And from pages 155 and 156, under the head "Imperial dominion exercisable over self-governing colonies in matters of local legislation":

The right of the Crown, as the supreme executive authority of the Empire, to control all legislation which is enacted in the name of the crown in any part of the Queen's dominions is self-evident and unquestionable.

In the mother country the personal and direct exercise of this prerogative has fallen into disuse. But eminent statesmen, irrespective of party, and who represent the ideas of our own day, have concurred in asserting that "it is a fundamental error to suppose that the power of the Crown to reject laws has consequently ceased to exist." The authority of the Crown, as a constituent part of the legislative body, still remains, although since the establishment of parliamentary government the prerogative has been constitutionally exercised in a different way.

But, in respect to the colonies, the royal veto upon legislation has always been an active and not a dormant power. The reason of this is obvious. A colony is but a part of the Empire, occupying a subordinate position in the realm. No colonial legislative body is competent to pass a law which is at variance with, or repugnant to, any imperial statute which extends, in its operation, to the particular colony. Neither may a colonial legislature exceed the bounds of its assigned jurisdiction or limited powers. Should such an excess of authority be assumed, it becomes the duty of the Crown to veto, or disallow, the illegal or unconstitutional enactment. This duty should be fulfilled by the Crown without reference to the conclusions arrived at, in respect to the legality of a particular enactment, by any legal tribunal. It would be no adequate protection to the public against erroneous and unlawful legislation on the part of a colonial legislature that a decision of a court of law had pronounced the same to be ultra vires. An appeal might be taken against this decision and the question carried to a higher court. Pending its ultimate determination the public interests might suffer. Therefore, whenever it is clear to the advisers of the Crown that there has been an unlawful exercise of power by a legislative body, it be-

comes their duty to recommend that the royal prerogative should be invoked to annul the same.

The Crown, moreover, is the chief executive authority of the Empire, and the instrument for giving effect to the national will, as the same has been embodied in acts of the Imperial Parliament, or sanctioned by Parliament, upon the advice of responsible ministers. It is the proper function of the Crown, therefore, to uphold and enforce the national policy throughout the realm, save only in so far as rights of local self-government may have been conceded to any portion thereof.

This is said of the supreme judicial power retained and exercised over the colonies, page 301:

Legislation by the Imperial Parliament, as has been already pointed out, is not subject to be reviewed and annulled by any court of law within the realm. Parliament itself, in its collective capacity, is the highest court in the Kingdom, and is necessarily the supreme judge of the proper limits of its own jurisdiction and powers; and it is not either constitutional or lawful for an inferior court to question the propriety or the discretion of any act done or passed by the Imperial Parliament.

Within the limits of every colony or Province having representative institutions the local legislature is invested with a similar supreme authority and jurisdiction, subject, of course, to the discretion of the Crown in assenting to or disallowing colonial enactments; and subject, moreover, to the determination of the question, whether the legislature has exceeded its competency and the lawful bounds of its prescribed powers on any given occasion. For the powers of every colonial legislature—in contradistinction to those of the Imperial Parliament—are defined and limited, and are practically prescribed by a constitution which is written.

And on page 305 it is said:

The sovereign, as the fountain of justice, is constitutionally empowered to receive petitions and appeals from all her colonies and possessions abroad upon whatever regulations and conditions may be defined and imposed by the authority of the Crown in council.

Such petitions or appeals are referred to the consideration either of the judicial committee of the privy council or of some other committee of that body, upon whose report the decision of the sovereign is pronounced. The reference may be made either upon an appeal from an inferior colonial court or on a petition or claim of right or on a petition praying for the redress of a grievance that is not within the prescribed jurisdiction of other courts or departments of state, but which the Crown is willing to entertain. It is not the duty of the governor of a colony to transmit to the secretary of state an application of this description from parties in a private suit, but the same should be brought before the lords of the council by a professional agent in the customary way.

The King of Great Britain, under the unwritten constitution and form of government of that Kingdom, has for centuries exercised the absolute power to declare war, make peace, and negotiate and ratify treaties with foreign nations. The power over all foreign relations is vested in him and is one of the exclusive prerogatives of the Crown.

There has been of late years a number of treaties submitted to the Parliament for its approval, but this was a concession upon the part of the King and not a right which the Parliament could demand. The acts of Parliament, which constitute the organic law of the self-governing dominions and colonies, do not undertake to interfere with this prerogative of the Crown or to confer any jurisdiction over foreign relations upon these dependencies.

There seems to be no controversy but what they are bound in all such matters by the Imperial Government, and can only take such part in negotiating treaties applicable to the particular dominion or colony as the King may consent and authorize, and as his representatives.

I desire to read from the same authority from which I have quoted upon this subject, page 41:

Finally, all questions which involve the relations of British dependencies, and consequently of the United Kingdom itself, with foreign States—the formation of treaties and alliances; the naturalization of aliens; the declaration of war or peace, and, by consequence, all regulations affecting the disposition or control of imperial military forces—are invariably, and for obvious reasons, reserved for the direction and control of the parent State.

And, again, on page 388, it is said:

In affairs of peace and war, which are essentially of Imperial concern, the supremacy of the Crown must be everywhere maintained inviolate. The governor in every colony is the representative of the sovereign in the administration of this prerogative; but he himself must be careful that he acts in such matters in obedience to his instructions from Her Majesty's Government. For example, upon the breaking out of hostilities between Russia and Turkey, in 1877, the secretary of state for the colonies addressed a circular dispatch to governors, with rules for the guidance of colonies in the observance of neutrality toward the belligerent powers.

Mr. President, it has been said that the demand for representation in the league of nations by these dominions and colonies came from them and that the British Empire did not really favor it. Whatever the representatives of the empire may have said upon the subject, I can not believe that they looked with disfavor upon the prospect of having five additional votes for their Government.

I can readily see British diplomacy and shrewdness in allowing the colonies to make the demand as in their own interest, and I fear that those who believe the parent country was not behind them are not fully informed of the aggressive foreign policy of the British statesmen and diplomats to obtain every political and commercial advantage possible in all treaties entered into by them and that their guile is "childlike and bland."

I attach little weight to the argument advanced that those overseas dominions, especially Canada, would probably favor the United States in a controversy with the empire. They are not only bound to the parent country by the strongest political ties and look to it for political favors and commercial advantages, but they rely upon its great navy to protect them in their exposed geographical positions from aggressions of predatory nations. Their political and national interests are with the parent country against all the world, and they have so manifested it upon every occasion which required them to speak or act.

Canada, in the War of 1812, strongly supported Great Britain, and in the Civil War between the States, when Great Britain was secretly favoring the South in order to disrupt the Union, Canada was an asylum and safe refuge to all those in sympathy with the Confederate States. It also furnished troops in the Boer War.

Further, when the great World War, through which we have just passed, broke out and Great Britain became involved a wave of loyal enthusiasm swept over those dominions and they rallied to the support of their King and Emperor, sending money, munitions, supplies, ships, and armies to its defense without a parallel in the annals of history. Indeed, they furnished of their magnificent citizenship the flower and most effective part of the British Army in France.

Canada furnished 418,052 officers and men and the total Canadian casualties were 213,586, including 51,022 dead and 7,988 presumed dead, missing, and prisoners.

Australia, out of a volunteer enlistment of 417,000, accepted and sent to France 330,000, and her casualties were 54,890 dead and 158,099 wounded.

The Union of South Africa furnished for service in France and in expeditions against German African possessions 144,000 officers and men, and its casualties were 6,320 killed and 11,661 wounded.

New Zealand, out of its total population of 1,099,449, sent to France 99,650 officers and men, and its casualties of all kinds exceeded 52,000.

India, from the outbreak of the war to September 30, 1918, furnished, at her own expense, 219,534 British and 953,374 Indians, nearly all of whom saw active service.

The majority of the soldiers furnished by Canada and New Zealand and all of those in the other dominions were volunteers.

Can we say that the sovereign States of our own country responded to the call of the Federal Government more promptly and more loyally under the compelling force of conscription?

These brave colonials fought side by side with the soldiers from Great Britain and Ireland, and their blood flowed freely together, and all that is mortal of thousands of them lie united in death and in glorious history in the same cemeteries and often in the same graves upon the plains of France, and there they receive, as the brave sons of one people, one country, and one Empire the reverence and devotion of a common country.

Mr. FALL. I call the Senator's attention to the manner in which the disposition of the oil lands in Canada has been provided for, not leaving it even to the English Parliament to pass acts, or to the local Canadian Parliament or Government to dispose of them, but by an oil directory named by the King of England, directing how the disposition of such lands should be effected.

Mr. SHIELDS. Mr. President, I understand that is true; and it is only an evidence of the complete control that the parent country yet exercises over all its dominions. There can be no doubt of it; and there is no necessity to cite instances when one reads the various charters granted by the Parliament to the dominions, constituting their organic law.

Mr. President, it takes no argument to convince anyone that the people of Great Britain and her colonies are now united more closely, strongly, and permanently than ever before; that friends of one are the friends of all, and that the foe of any one of them is the common enemy. Can you conceive a case wherein it is possible that one of these dominions would take sides against the parent country or one of their sisters in favor of any other country of the world? The very suggestion of such a possibility is, to my mind, absurd.

Mr. President, there is no sound reason, moral or legal, why the dominions and colonies of the British Empire should be recognized in the league of nations and not the sovereign States of the United States. There are many of our States and Commonwealths greater in wealth and population than all those colonies, and their people are just as brave and patriotic and contributed as much to the winning of the World War. We are

as much entitled to 48 votes in the league of nations for our sovereign States as Great Britain is to 5 votes for its colonies; and if one is allowed, common justice and national equality require that the other should be allowed.

The Empire State of New York, with its immense wealth and 11,000,000 people, is certainly entitled to the same consideration as Australia with 5,000,000; and Tennessee, the great volunteer State, with her 2,300,000 brave, free, and enlightened people, the equal of any in the world, has more right to be recognized among the nations of the world than far-off New Zealand with her population of 1,000,000. I could make similar comparisons for other States of our great country, but it is unnecessary to do so.

Mr. President, we are gravely told that the British dominions and colonies have representation in the assembly of the league of nations only and that that body is without power—a mere "debating society"—and therefore the five additional votes give the British Empire no material advantage over the other members of the league. If this were true, it would be the most cruel joke of all history. It would be a disappointment and a delusion to all the nations that have been invited to come in and accept membership in the proposed league of nations. But it is not true. The second paragraph of article 1 provides that—

> Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its submission is agreed to by two-thirds of the assembly, provided that it shall give effective guaranties of its sincere intention to observe its international obligations and shall accept such regulations as may be prescribed by the league in regard to its military and naval forces and armaments.

This vests in the assembly the power and control over the admission of new members, including that to prescribe conditions under which they may be admitted.

There are half of the white people of the world, including the great nations of Russia, Germany, and Austria, on the outside. Is the power to exclude some 300,000,000 civilized people from the society of nations and thus deny them a voice in controlling the affairs of the world in their own interest and the advancement of civilization immaterial? I will not argue such an obviously unsound proposition.

In article 4 the power to elect the four temporary members of the council from time to time, in its discretion, is conferred upon the assembly.

In the same article the approval of the majority of the assembly is required to authorize the council to increase the number of its permanent and temporary members. Is not the membership in number and personnel of the great governing body of the league of some importance? Give me the power to name the members of a political council or convention and to increase the membership at my pleasure and I will not fear any adverse action from its deliberations and decisions.

Will anyone be so guileless as to believe that the great and experienced diplomats of the British Empire will fail to take advantage of their greater representation in the assembly to see that the new members of the council are not unfriendly to its interests, or that the council will or will not be increased by the election of permanent or temporary members who are friendly or unfriendly to it? And it must be remembered that any or all of these dominions or colonies are eligible to membership in the council.

In article 6, while the council is authorized to appoint the secretary general, the assembly by a majority vote may veto its appointment. Surely the control over the chief executive officer of the league is of some importance.

All matters of procedure, including the appointment of committees to investigate particular matters by the assembly, shall be decided by a majority of its members represented at the meeting. The power to control organization and appoint committees is obviously important and often controls the action of the body and reports of committees. The member that controls six votes certainly has greater influence in such matters than the member who has only one vote.

The broad jurisdiction of the assembly is declared in article 3 in these words:

> The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

The like jurisdiction, conferred upon the council, is set forth in article 4 in the same identical words save "council" is substituted for "assembly." What else can this mean but to consider, decide, and dispose of all matters within the purpose and jurisdiction of the league of nations?

How it is to be done is not here definitely declared, but surely the great men who drafted this instrument, after deliberating for six months, did not intend that these most important clauses conferring jurisdiction upon both the assembly and the council should be inoperative, null, and void, mere sounding brass and tinkling cymbal.

Was it purposely left in this way in order that these great governing bodies might in the future, as emergencies confronted them and exigencies of nations required, put their own construction upon their powers and jurisdiction? They certainly have that power, because the clause must be construed and interpreted by some one, and the authority to do so is not to be found in any other article or clause of the covenant.

Diplomatic language is generally left open for liberal construction, and in this connection Talleyrand, the great French diplomat, said "words were invented to conceal ideas." President Wilson, Mr. Clemenceau, and Mr. Lloyd-George, in their letter to the Canadian premier, said:

> That these articles are not subject to a narrow and technical construction.

A familiar canon of constitutional and statutory construction is that such instruments must be so construed as to make them valid and effectual for the purpose for which they were intended, and not one to nullify and destroy them. These clauses were certainly intended to give the league power.

There is here the vestiture of great power to be used by the assembly in its broad and unlimited discretion.

Article 11 declares:

> It is also declared to be the fundamental right to each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends.

This is authority for a member of the assembly to, in substance, hale any member of the league before that body or before the council, to answer any charge which such member may believe affects international relations or threatens the peace or the good understanding between nations.

Surely this power to harass nations and to consume the time of the assembly or the council means something and is of some importance. It must have been intended that the assembly and the council in such cases shall take some action.

The jurisdiction in this case, it will be seen, is not confined to members of the league, but, at the instance of any of its members, these governing bodies may intermeddle and concern themselves with the affairs of any nation in the world.

Was there ever such a scheme for stirring up discord and bringing on wars conceived by the mind of man; and yet it is said to be a provision for keeping the peace.

Article 14 authorizes the council to formulate plans for the establishment of a court of international justice, and when created this court is authorized to give an advisory opinion upon any dispute or question referred to it by the council or the assembly. Here again is a provision for the assembly to engage in disturbing the peace.

Article 15 provides that if there should arise between the members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration, it shall be submitted to the council, and that the council may in any case, under this article, refer the dispute to the assembly or it shall be referred at the request of either party, and that the assembly acting under the rules prescribed for the council shall take jurisdiction; and if its action is concurred in by the representatives of the members of the league in the council and a majority of the other members of the assembly, exclusive in each case of the representatives of the parties to the dispute, it shall have the same force as the action of the council.

This most important jurisdiction is conferred upon the assembly at the instance of the council, or of the parties to all disputes likely to lead to a rupture between members of the league, and a majority, with the concurrence of the members of the council, not including parties to the dispute, will control. The decision may affect the whole world and may lead to war.

Will not the fact that five of the self-governing dominions and colonies of Great Britain have votes in the assembly and will be counted in making a majority be of importance to the British Empire in a dispute between it and the United States or any other member of the league? Is it denied that there is force in numbers and votes in political assemblies?

Surely no elaborate argument is necessary to show that membership in the assembly of these dominions and colonies is of material advantage to the parent Government.

The assembly, by section 19, is authorized from time to time to advise the reconsideration by members of the league of treaties which have become inapplicable and the consideration of international affairs whose conditions might endanger the peace of the world.

Diplomatic language used between nations is courteous and generally there lurks under the veil of courtesy of such words as "advise" and "recommend," order and command. These words appearing in this treaty must be given such force. It is to be remembered that all these articles are intended to mean

something and be operative and "are not subject to narrow or technical construction."

Article 26 provides for amendments of the covenant and that they must be ratified by not only the members of the league whose representatives compose the council but by a majority of the members of the assembly. Here again there is power in the number of votes any one nation can control.

The treaty with Germany contains numerous provisions conferring power and authority on the league of nations, without saying by what body it is to be exercised. The presumption is that the popular body, the body in which all the members of the league have a right to a voice and a vote, is there meant; and here again the number of votes a Government can control is of a great advantage.

The great powers vested in the council are not to be overlooked and disregarded in considering the power of the members of the assembly. That body will practically control the commerce, the armies and navies, and the peace of the world. There never was such vast power for good or evil vested in any nine men before in all history.

It is a political body, and the members are the political representatives of the Governments appointing them and controlling their tenure of office. Can we believe that its deliberations and decisions will be free from barter, bargaining, intrigue, swapping votes, and every other trick and device known to "practical politics," in the light of the methods practiced by European nations in political affairs, as evidenced by the secret treaties between England, Japan, Italy, and France for the disposition of territories and peoples in Europe, Asia, and Africa, and the consummation of them at Paris over the protest, in some instances, of the representatives of the United States?

The members of the assembly, we have seen, elect the four temporary members of this great and powerful council and have the power concurrently with the council to increase the membership of the latter. And yet, in the light of all these things, it is said that the great British Empire has no advantage in having five of its dependencies in the assembly, eligible to membership in the council, to vote for it in these bodies in all these matters. The provision for unanimity of action does not afford the United States any protection, for whenever a member is a party to a dispute such member can not vote.

Mr. President, aside from material advantages or possible prejudice, can the United States consent that in a society of nations an empire, however powerful and however broad its dominions may be, shall take precedence over it and have a greater representation than it?

Can we maintain our national honor and our pride in the sovereignty and independence of our great Government and its glorious history and agree that international law, guaranteeing to all sovereign nations absolute equality, be violated and our country reduced to the equality of colonial dependencies?

I shall never assent by my voice to such a proposition. The American people will never approve a thing so unpatriotic and so degrading and humiliating.

I have great admiration for the English people, but I can not admit that they are superior to Americans and shall have precedence over them even in a matter of form or ceremony.

Mr. President, the very proposition is revolting to the American people, every one of whom is a sovereign in his own right and yields superiority and allegiance to no man. Would you have them admit that they are not equal to the subjects of a king or emperor?

President Cleveland in his message upon the Venezuelan matter well said:

> There is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor beneath which are shielded and defended a people's safety and greatness.

Mr. President, there may be some Senators who will hesitate to vote for the amendment offered by the Senator from California [Mr. JOHNSON] to cure this great injustice and indignity to the people of the United States upon the theory that it is an amendment and will cause delay in the final ratification of the treaty and conclusion of peace.

It has been suggested that the same end can be reached by a reservation applicable to disputes which the United States might have with the British Empire or any of its dominions, and I think there is merit in the suggestion. It would be fairer to provide that the British Empire collectively should have but one vote.

These contentions, however, have troubled me but little.

When I became convinced that the treaty allowing this great advantage to the British Empire was a discrimination against the United States and an affront to the honor and dignity of the American people, I resolved to support whatever measure was necessary to remedy the wrong and injustice proposed. I prefer that it be done so as to create as little delay and friction as possible, but it must be done.

The maintenance of national integrity and national honor is infinitely more important to the American people than the inconvenience resulting from a few weeks' or months' delay, which is all that could possibly happen from either an amendment or a reservation.

It would be better to destroy the league of nations than to degrade the United States before the world and humiliate her people for all time.

If it requires an amendment to make the necessary changes, I will vote for it without the slightest hesitation.

The league of nations is not sacred or hedged around with divinity. It was not thundered down from Mount Sinai mid convulsions of nature, like the laws of Moses.

It is not profane for the United States Senate in the discharge of its constitutional duty to consider, dissect, and, if necessary, amend it in the interest of the American Government and the American people.

It is a British document. The original draft or foundation was prepared by Gen. Smuts, a British subject, and the superstructure was largely the work of Lord Robert Cecil, an hereditary aristocrat and adviser of the King of Great Britain.

It must be Americanized and made to conform to American constitutional liberty and free institutions. If this is not done in some proper and effective way, it should not be ratified.

The chief argument advanced against amendments is that the treaty will have to be submitted to the other signatory powers for their acquiescence and thus cause delay in the final conclusion of peace—an argument not against the soundness of the amendments, but one of expedience, which should have no weight when the independence of our country and liberties and safety of our people are concerned.

There will not be, in my opinion, any appreciable or prejudicial delay caused by amendment.

The treaty amended would first be submitted to the other four principal allied and associated powers—the British Empire, Japan, France, and Italy—and to Germany and to whatever they do the other members of the league will readily assent. They will have no alternative. They were not consulted and had no voice in the construction of the league, and why will it be necessary to consult them about amendments?

CONTROLLING NATIONS WILL CONSENT.

The British Empire will unquestionably consent to the amendments. That Empire gets a lion's share of commercial advantages and territorial annexations under the treaty and has the integrity of its territories lying in every quarter of the globe and peculiarly open to foreign aggression guaranteed by the wealth and power of the United States.

The Earl of Curzon, when the treaty was presented to the House of Lords, July 3 last, said:

> "But it is permissible, perhaps, to point out in a sentence that Great Britain has gained in this war all, and, indeed, much more than all, she set out to win. Our navy remains at the end of the war intact and unassailed. The principle of freedom of the seas, which is the basis of our national existence, stands unimpaired and unimpugned. The British protectorate of Egypt is provided for in one of the clauses of this treaty. We are demobilizing our forces, but we can not lay down our arms; we can not disband them altogether. We must still be able to fight for what we have won, and be sure that it is not taken from us after we have won it."

Col. Hilder, in the House of Commons, in discussing the treaty, July 21 last, said:

> "The outstanding feature of the peace treaty is that it puts the British Empire at the highest point that it has ever reached as regards territory and world influence. Largely by force of circumstances and the leading part which our navy and army took in either breaking down or destroying the enemy, we have been left with far greater territory and power than at any other period of our race's history."

And Mr. Bottomley, in the same debate, said:

> "May I compliment the prime minister on the great acumen he showed when he secured Britain as the mandatory of the ex-German colonies, because I believe that before we get on very far with the ex-German colonies the league of nations will come to an untimely end, as every experiment of that kind has done. The same thing was tried in ancient Greece and failed, and what happened then will happen now. No power will enforce their verdict. The noble lord, the member for Hitchin (Lord R. Cecil), says that public opinion will solve it. He said that it is possible that when we have spent a lot of money and had a few little wars we shall come out with the German ex-colonies to our credit. At present we owe America £1,000,000,000. Let her take over some of the obligations of Russia to ourselves. Let us see some sincerity in these high principles enunciated so freely on the other side of the water."

These British statesmen show how highly they value the stipulation in the treaty in favor of the Empire, and is it reasonable to assume—it is hardly conceivable—that they would fail to agree to our reasonable and just amendments in order to preserve and retain those advantages? Indeed, that they would do so seems certain.

Mr. A. G. Gardiner, editor of the London Daily News, referring to the pending amendment, and evidently voicing the apprehension of the British people that the United States might reject the treaty, made certain statements which I ask may be printed as a part of my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

"If asked to accept such an amendment, I am sure the British people willingly would do so," Gardiner said.

"The spirit of the covenant certainly contemplates the British Empire as a unit. But it fails to specify this, probably because the omission never came to the attention of the peace conferees. Now that the issue had been raised, however, it will not be difficult to make the wording conform to the spirit and to eliminate America's cause for fear. Perhaps the wording could be changed without resubmitting the covenant to the nations concerned if Great Britain, as the interested party, would request the change.

"Although the intention of the conferees obviously was not to give the British Empire more votes than the United States, the text of the covenant justifies Senator REED'S assertion. He believes that in case of a dispute between the United States and one section of the empire the other sections would be sitting in judgment on the matter. Personally, I think it is debatable how much the scales would be loaded; it is conceivable that Canada's or South Africa's interests might be opposed to those of the empire or even allied with America's. But I readily understand the American concern in the matter and recognize it as a real objection which should be met. Perhaps the best way would be to insert a ruling in the covenant specifically covering this exigency.

"I am convinced the English sentiment would support such a move, for we do not want an unfair advantage.

"Just now, of course, President Wilson's answer to this criticism may well be that the veto power protects the United States. Undoubtedly this clause has the most practical bearing on the question of power. There exists in the covenant an absolute safeguard, a guarantee that nothing injurious can be done to any power. I don't like the idea of settling affairs on that basis, however; there is a better way out of the dilemma, and I think that eventually the unanimity and veto clause will be modified, anyway."

Mr. SHIELDS. Another Englishman some time since published an article in the Round Table Series, volume 1, which is very informing in this connection; and I ask that an extract from his article be printed as a part of my remarks without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

This is not the place in which to inquire whether the strength derived from the unconscious processes of organic growth is ideally preferable to the conscious forcefulness of organization and discipline. It is sufficient for the moment to notice that in virtue of its very nature our static empire is vitally interested in the maintenance of the status quo of the world. It is not a fighting machine.

It is inconceivable that its powers should ever be used for any aggression except such as is necessary for self-defense. But it is idle to hope that it can continue on its chosen road of peaceful progress and development without making collision with the interests or the pride of other political organizations. So vast a Colossus can not bestride the seas without creating a sense of oppression in those whom it overshadows. Its mere presence on the world's stage, often in apparent inertness, inevitably helps to shape the course and to decide the issue of every diplomatic dispute. There is not a progressive power whose ambition it does not seem to stifle, whose development it does not seem to check. In every quarter of the globe its mere subsistence is a standing challenge to rivalry in the arts of peace or of war. There is hardly a spot on the earth of which it can be said, "Here the British Empire has no interest to further or to protect."

Mr. SHIELDS. Mr. President, France will certainly consent to the amendments. It needs the protection of the United States under the special treaty for that purpose negotiated by the President and now before the Senate for approval.

In the International Trade Conference now in session at Atlantic City the French financial experts estimated that their commodity purchases during 1920 would total between $600,000,000 and $700,000,000.

Julian Potin, of the French mission, stated that France must purchase $145,540,000 worth of foodstuffs from January 1 to October 1, 1920, including 1,000,000 tons of wheat, 2,000,000 tons of oats, 100,000 tons of sugar, 600,000 cases of condensed milk, and 25,000 tons of salted meats.

Italy must have money, coal, food, and other essentials of life from the United States, and will do almost anything to keep on terms of peace and amity.

The Italian mission at the International Trade Conference recommended to the American commission on credit and finance that a long-term credit, at reasonable rates, of $500,000,000 to $600,000,000 be granted to permit purchase in the United States in 1920 of $300,000,000 worth of food and $200,000,000 to $300,000,000 worth of raw materials and machinery.

Japan, gorged with Shantung, with its population of 30,000,000, will undoubtedly accept the amendment when it acts upon the treaty.

Germany is not a party to the league, but there is in my mind no doubt about her acceptance.

The treaty, practically ratified by the British Empire, France, and Italy, will be effective against Germany without our approval, and all the drastic provisions against Germany will be enforced by those nations. That country lies prone in the dust, without an army and without a navy, needing food and raw material, which it can only get from the United States.

Our Navy could at any time, by blockade, compel acceptance on the part of Germany if force were required.

Again, Germany is not very materially interested in the proposed amendments and reservations, and will hardly withhold her assent, considering her necessitous condition.

There is but little trouble with the treaty proper, in so far as the conclusion of peace is concerned, the main objections being found in the proposed league of nations, a distinct, separate, and foreign matter never before attempted to be fastened upon a treaty to conclude peace and restore normal conditions.

I have always favored peace at home and abroad, and I will support any measure reasonably calculated to prevent war in any country in the world, provided it does not involve the surrender of the sovereignty of our country or the safety of our people.

I regret that peace has not long since been concluded and our people allowed to return to their usual vocations and the pursuit of happiness. It would have been well if the effort to create a world government, to abolish war—an iridescent dream of centuries—had been deferred until the great civic convulsions created by the World War had quieted, until nations had once more reasserted conservatism, established organized governments, and arrived at a condition calmly to consider a proposition of such tremendous importance and far-reaching consequences. It would have been well if the attempt to organize a league had been postponed until all the great civilized nations of the world and all civilized peoples could have been consulted and given a voice in its construction and included in a lasting society of nations formed by them.

It requires great faith to believe that peace will be promoted by a supergovernment or league planned by the representatives of the British Empire, the most powerful Empire in the world, the Empire of Japan, the Prussia of the Orient, the King of Italy, and the Republics of France and the United States, five only of the nations of the world, under a constitution which enables them arbitrarily to control it for all time, and which all other nations are arbitrarily commanded to accept. It seems to me that it will be productive of wars.

President Wilson, among other things, in his address on March 3, 1917, said:

The essential of peace is the actual equality of nations in all matters of right or principle.

And in his war message of April 2, 1917, he declared:

A steadfast concert for peace can never be maintained except by a partnership of democratic nations. * * * It must be a league of honor, a partnership of opinion. Intrigue would eat its vitals away; the plottings of inner circles, who could plan what they would and render account to no one, would be a corruption seated at its very heart.

How does the league covenant square with these sound and just pronouncements?

The nations that conceived and formulated the proposed league and are the permanent dominating members consist of two Empires, a Kingdom, and two Republics, and of the nine members of the council six are monarchies.

The work was done behind closed doors, all other nations of the world being excluded. The representation and power of members was not made equal. There was no previous agreement, no consultation. There was plotting in the inner circle. Only a portion of the nations of the world were admitted to membership, and these were ordered to accept it as presented to them. They were given no choice. Three hundred millions of white people were excluded in the organization and only given a remote chance of membership in the future, a two-thirds vote of the assembly being required to admit them.

This is what is called a partnership of democratic nations.

It is, in fact, an autocratic oligarchy dominated by empires and kingdoms, responsible to no one, and imposed upon the world without consultation or consent and proposing to rule those in and out of the league alike.

It is bound by no code of procedure or laws; it establishes a government of men. There is no semblance of democracy or of the principle of government by the consent of the governed to be found within its four corners.

If this is the promised safe place for democracy, God save the Republic.

Mr. HALE. Mr. President, the Johnson amendment has been heralded throughout the country as a test of Americanism. As such a test, it should hold water. That it does not hold water I think I can show. Perhaps it is fair to state here, even if it did hold water, I should not vote for it. I have already given my reasons for voting for reservations instead of amendments to the treaty.

Under the covenant of the league of nations action may be taken either by the council or by the assembly, or in certain cases by both together.

Article 5 provides:

Except where otherwise expressly provided in this covenant or by the terms of the present treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

In all cases where the council acts, therefore, such action requires a unanimous vote of the council except under paragraph 6 of article 15, where it is provided that—

If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

Action by the assembly may be taken only in the following cases:

Article 1, paragraph 2: Where new members of the league are admitted on a two-thirds vote of the assembly.

Article 3, paragraph 3: Where the assembly may deal at its meetings with any matters within the sphere of action of the league or affecting the peace of the world; a unanimous vote is here required.

Article 4, paragraph 1: Referring to the selection of four permanent members of the council not included in the original five; a unanimous vote is here required.

Article 4, paragraph 2: Referring to the naming of additional members of the league whose representatives shall always be members of the council and to an increase in the size of the council, and here the assembly acts by a majority vote in conjunction with the council, where the vote, of course, must be unanimous.

Article 5, paragraph 2: Referring to the question of procedure at meetings of the assembly; in this case a majority vote decides.

Article 11, paragraph 2: Referring to the friendly right of each member of the league to bring to the attention of the assembly any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends. I do not think that any action can be taken under the provisions of this article, which, as Senators have said, provides merely a general world debating society. In any event, no action could be taken except by unanimous vote.

Article 15, paragraph 10: Where a dispute has been referred from the council to the assembly. In this case the assembly acts on a majority vote of its members, exclusive of those who are on the council, and must in conjunction have the unanimous vote of those of its members who are on the council, with the exception of the parties to the dispute.

Article 19: Where the assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world. Here the action must be unanimous.

In only six cases does the assembly act without the council. In four of these six cases the assembly must act unanimously. In only two cases—article 1, referring to the election of new members of the league, and article 5, referring to the procedure at its own meetings—does the assembly act alone and by less than a unanimous vote.

In only one case—article 15, paragraphs 6 and 10—are the parties to a dispute prevented from voting in the assembly or in the council.

Wherever in the council or in the assembly a unanimous vote is required, or wherever under the provisions of the league joint action is required necessitating a unanimous vote by either the council or the assembly, the interests of the United States are manifestly taken care of, since we must ourselves be a party to any action taken, and on a unanimous vote one vote is as valuable as six.

This narrows the question down to article 1, paragraph 2, where the assembly elects new members by a two-thirds vote; article 5, paragraph 2, where the assembly regulates the procedure at its own meetings; article 15, paragraph 6, where the council acts unanimously on a dispute referred to it, exclusive of one or more of the parties to the dispute; and paragraph 10 of the same article, where a dispute has been referred to the assembly and action can only be taken where the report made by the assembly is concurred in by the representatives of the members of the league represented on the council and a majority of the other members of the league, exclusive, in each case, of the representatives of the parties to the dispute.

The question is, Does the Johnson amendment protect the United States in these particular cases?

In all other cases the vote of the United States could definitely defeat any action to be taken, either by the council or by the assembly, or both jointly, and bring to naught the numerical advantage lying with Great Britain through her colonies having membership in the league.

The Johnson amendment reads as follows:

(1) *Provided*, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

With it, although by no means a part of it, should also be associated the so-called Moses amendment to paragraph 9 of article 15:

(2) Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

I shall hereafter refer to the two amendments together as the Johnson amendment. The amendment would undoubtedly apply to article 1, paragraph 2, which provides for the election of new members by a two-thirds vote of the assembly, and in such election we should have the same number of votes in the assembly as Great Britain and her colonies combined. It would also apply to article 5, paragraph 2, which regulates the procedure at meetings of the assembly.

Mr. McCORMICK. Mr. President, I do not want to interrupt the Senator's argument. If he prefers, I will wait until he gets through.

Mr. HALE. I wish the Senator would wait until I conclude what I have to say.

Mr. McCORMICK. Certainly.

Mr. HALE. Article 15, paragraph 6, provides that if a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendation of the report.

I do not claim, as some of my colleagues have claimed, that the colonies would not have a right to representation upon the council should they be elected so to serve. I believe that as members of the league they have the same privileges and rights as all the other members of the league. They can not, however, be so elected under the first provision of article 4 of the covenant without the unanimous consent of the assembly, which will include ourselves, or, under the second provision, without the unanimous consent of the council, which will also include ourselves. It is inconceivable to me that the United States should ever consent to allow a sovereign State and one or more of its dependencies to serve at the same time on the council. In any event, should it do so, under paragraph 9 of article 15, the dispute may be referred, at the request of either party to the dispute, to the assembly. There are three sorts of disputes under article 15 where the interests of the United States might be affected: First, a dispute between the United States and Great Britain; second, a dispute between the United States and some country other than Great Britain; third, a dispute between two countries other than Great Britain or the United States. I am assuming that we can have no dispute with one of the colonies of Great Britain that would not be a dispute with Great Britain.

In the first case, under paragraphs 6 and 10 of article 15, neither the United States nor Great Britain could take part in the proceedings of the council or assembly because both are parties to the dispute. The British colonies could conceivably take part as outside members not parties to the dispute. The amendment would cure this difficulty.

In the second case, where, for instance, the United States had a dispute with Spain, the United States in any event would be debarred as being a party to the dispute, and no matter how many votes it had in the council or assembly it could not use such votes. The Johnson amendment would not apply. Great Britain, as well as her colonies, could take part.

In the third case a dispute between two members, where the United States and Great Britain were not included, the amendment would give us the same vote in the council as Great Britain, but would not apply to a dispute referred to the assembly, because while the United States could take part as a member of the council, and Great Britain could take part as a member of the council, the additional votes that the United States would

have could not be used because of the provisions of paragraph 10, providing for the concurrence by the representatives of those members of the assembly represented on the council and of a majority of the other members of the assembly, exclusive in each case of the representatives of countries that are parties to the dispute.

The British colonies could take part as a part of the majority of the other members of the assembly, but the votes of the United States could not be so used, since our only status would be that of a member represented on the council. The Johnson amendment, therefore, would only apply to the election of new members, to the regulation of the procedure of the assembly at its own meetings, and to the participation by the colonies in votes of the council or assembly where the United States and Great Britain were both parties to a dispute.

The following reservation has been drawn by the Senator from Wisconsin [Mr. LENROOT] and is now in the hands of the Committee on Foreign Relations:

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have more than one vote, or in case of any dispute between the United States and any member of the league in which such member or any self-governing dominion, colony, empire, or part of empire, united with it politically, shall have voted.

The reservation applies to every act in the covenant where Great Britain and its colonies in the aggregate have cast more than one vote. It takes care of paragraph 2 of article 1 and makes void, as far as the United States is concerned, any election of new members where Great Britain and her colonies have in the aggregate cast more than one vote.

In the same way it takes care of the procedure at the meetings of the assembly. It takes care of paragraph 6 of article 15 and of paragraph 10 of article 15, and not only of the case where we have a dispute with Great Britain, but of the two other cases above referred to under this article where we have a dispute with a country other than Great Britain or where a dispute arises in which neither we nor Great Britain are concerned. It renders void, as far as we are concerned, any action taken under the provisions of these paragraphs where Great Britain and her colonies have in the aggregate cast more than one vote. It meets, as the Johnson amendment does not, the objections raised on account of the preponderating British vote, and as a test of Americanism it meets the situation, as I claim the Johnson amendment does not.

Let me say to the Senator from California that I am just as much against the provision in the treaty allowing Great Britain and her dependencies six votes to our one as he is, but I believe in meeting the difficulty with a reservation that will cure it rather than with an amendment that will not.

The Senator has stated that three years ago no Senator in this Chamber would have for a moment considered voting against his amendment. Let me say to the Senator, Mr. President, that my reason, and I believe the reason of most of the Senators in this Chamber who believe as I do in voting against his amendment, aside from the fact that we prefer reservations to amendments, is that his amendment is not a good amendment and does not answer the purposes for which it was drawn. I am very certain that the same fault which we now find with his amendment would have been found by the Senate of three years ago and that his amendment would then have met the same fate which I firmly believe it will meet when we vote upon it to-day or to-morrow.

The motives of the Senators who will vote against the amendment of the Senator from California are every bit as high as the motives of the Senator from California and every bit as pro-American. The only difference is that we believe in a provision that will safeguard the interests of the United States while he believes in his own amendment, which, as has been clearly demonstrated by other Senators in this Chamber, will not have that effect.

Mr. JOHNSON of California. Mr. President, just one word in response to the Senator from Maine.

The Senator from Maine is at some pains to demonstrate that the amendment proposed by me, that is now the subject of discussion, does not meet the situation. He is at pains to indulge in that demonstration in order that, as he says, the situation may be met by a reservation.

Let us assume for the purposes of the argument, Mr. President, that the entire situation is not met by the amendment presented by me. At least, according to what he says, the amendment meets a part of the situation, while, in my opinion, the reservation to which he adverts does not meet the situation at all. Since this amendment meets a part of the situation, if the Senator from Maine has the very great desire which he expresses to accomplish the same purpose as I, at least he might agree to go part of the way with the amendment; and then, if he desires, he can go any other part of the way with the reservation to which he adverts.

My view of the situation is such that I am for the amendment. If the reservation will add to it, I am for the reservation, too; but they are two distinct and different propositions entirely. One seeks, the amendment, as its very language imports, to give to the United States the same voting power that Great Britain has.

The Senator from Maine [Mr. HALE] says he wishes to do that very thing. A reservation does not purport in any degree to give the same voting power on any question to the United States that Great Britain has, and if the Senator from Maine has exactly the same purpose that I have, as I understand his language to imply, then the Senator from Maine will give to the United States in those instances where it can be given, even though it may not give it in all instances, as he asserts, the same voting power to the United States that Great Britain is given in this very instrument.

If he believes, as I do, that it is unjust and unfair to America that Britain should be given six votes to the United States one, if he has exactly the same purpose in view that I have in regard to our actions concerning either amendment or reservation, he will go with me in giving where he can by amendment. If this is not wholly appropriate, I will see that the Senator from Maine and the other Senators are furnished with an amendment which will be appropriate before we conclude, and I hope he will go with me just as far as we can by amendment in seeing that the United States has six votes, as well as Great Britain, in this league of nations.

That is the point. The point is not that you may give an option by a reservation to the United States subsequently to disavow some action which may be taken by the league. That is not the idea of the amendment, nor the thought that was in my mind in its original presentation. The idea was to say that my country shall have just exactly what this league covenant gives to Great Britain. If I have not wholly accomplished the purpose, I promise the gentlemen who find fault with the amendment that they will have an opportunity with an amendment which goes the full distance to vote before we conclude this debate and before we conclude action upon this instrument.

The difficulty is that the gentlemen—whose motives, of course, I do not question at all—are endeavoring by a reservation to accomplish a purpose perfectly legitimate in itself, which is their purpose; but it is a purpose which is not my purpose, nor the purpose of this amendment. The purpose of this amendment and its cognate amendment, offered by the Senator from New Hampshire [Mr. MOSES], is to give, as far as we may, equal voting power—ultimately, I hope, equal representation—to the United States of America with Great Britain in this league. That is the idea.

The Senator says frankly that he would not vote for the amendment even if it went the whole way; that he would not stand for this amendment even if it did all that he says it does not do. Then what is the use of arguing the proposition, Mr. President? If no amendment could be drawn which would give America equal representation and equal voting power with Great Britain in this league, why spend our time arguing whether this amendment goes the full distance, or three-fourths or four-fifths or half or a quarter of the distance we are trying to cover by its presentation to this body? Why spend our time arguing that it is not sufficient except in some particulars when, if it were sufficient in all particulars, the Senator from Maine frankly says he would not vote for it anyway?

The difficulty with the amendment, Mr. President, is not that it does not go all the way; the difficulty with the amendment is not that it has not sufficient vitality; the difficulty with the amendment is that it goes part of the way anyway, and that it has any vitality at all. That is the difficulty; and the difference between the Senator from Maine and myself regarding this situation rises from two diverse views, the one being, on my part, that America shall have exactly the same representation as Great Britain in this league, and the Senator's view being that by a reservation he will give us the option to determine after action shall have been taken by the league.

There is the difference in viewpoint. He is against the proposition, by his own statement to-day, that we should have equal representation, by amendment at least, with Great Britain in the league, though he would give us the power to annul action subsequently taken. There is the test. Call it what you will. You may call it of one sort or you may call it of another. It is my test of Americanism. I question no other man's Americanism. That is not the point. I am questioning the Ameri-

canism of neither the Senator from Maine nor of any other man. To me the test of Americanism is that my country shall be as great, and as powerful, and as big, and have the same representation exactly in any league that Great Britain has.

Mr. McCUMBER and Mr. HALE addressed the Chair.

The PRESIDING OFFICER (Mr. KNOX in the chair). The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I yield to the Senator from Maine in view of the course the debate has taken.

Mr. HALE. Mr. President, I am glad to hear that the Senator from California states that his test of Americanism is his amendment to the treaty. I can not, however, accept it as my test of Americanism.

The Senator has said that I am trying to reach the same result that he is, and to give this country the same number of votes in the assembly and council that Great Britain has. I have never tried to reach that result. I do not claim that the reservation reaches that result. I have believed from the first that this treaty could be taken care of, and American interests and rights safeguarded, by reservations instead of by amendments, and I have consistently held to that course.

As far as the pending matter is concerned, I am very certain, in my own mind, that the case is amply taken care of by the reservation of the Senator from Wisconsin, and far better than it is by the amendment of the Senator from California. If the Senator has any question about my patriotism, or the patriotism of anyone else who believes as I do and who will vote as I do, he is welcome to it.

Mr. JOHNSON of California. No, Mr. President, let there be no misunderstanding about this. I said that my test of Americanism, for myself, was that my country should have equal representation in any league, in any body, in any confederation, or in any partnership with any other nation on the face of the earth. I asperse no other man's patriotism or Americanism at all. I have my own test for myself. I have made that test.

Mr. HALE. The Senator is welcome to it.

Mr. JOHNSON of California. And I am welcome to it, of course, just as the Senator from Maine is welcome to his test, with which I am not quarreling at all. My test is the right of representation and membership and equal power in this or any other league for my country, with any country, I do not care what it is. In this instance it happens to be Great Britain.

Mr. HALE. And I have endeavored, Mr. President, in my humble way, to show that we shall have equal power under the reservation.

Mr. JOHNSON of California. I think it is demonstrated quite to the contrary.

Mr. McCUMBER. Mr. President, it was my intention to proceed and discuss a certain feature of the treaty, especially in relation to the address made by the Senator from Idaho [Mr. BORAH] the other day and some of the remarks he made in that address concerning my own position. I sometimes find it a little difficult to obtain the floor in these close times, and therefore I simply desired to obtain it this evening that I might go on in the morning. I will now yield to the Senator from Indiana [Mr. WATSON], who, I understand, desires to move a recess.

ENTRY OF ALIENS.

The PRESIDING OFFICER, as in legislative session, laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LODGE. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. LODGE, Mr. McCUMBER, and Mr. HITCHCOCK conferees on the part of the Senate.

VICE PRESIDENT MARSHALL'S VIEW OF INDUSTRIAL UNREST.

Mr. THOMAS. Will the Senator from Indiana yield to me for a moment?

Mr. WATSON. Certainly.

Mr. THOMAS. I ask unanimous consent to have inserted in the RECORD certain remarks of the Vice President concerning the present labor situation, which were published in this morning's Washington Post.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

LOVE AND COMPASSION, NOT LAWS, WILL SOLVE INDUSTRIAL UNREST, SAYS VICE PRESIDENT MARSHALL—MANUFACTURERS MUST SEE SOMETHING MORE IN BUSINESS THAN DIVIDENDS AND LOOK UPON EMPLOYEES AS BROTHERS IN THE REPUBLIC AND NOT COGS IN A MACHINE TO PRODUCE PEACE, HE WRITES.

[By Thomas R. Marshall, Vice President of the United States.]

"Just so long as capital and labor stand and glare at each other we may expect everlasting turmoil and a nation-wide cataclysm.

"The Congress of the United States is a kind of doctor that treats symptoms and does not treat disease.

"No legislative remedy that I know of can be found to produce peace and quietude and good order—unless the manufacturers see something more in business than dividends and look upon the employees as brothers in the Republic and not as cogs in the machine or as numbers on a pay roll. It is hopeless from their standpoint; and unless the laboring men have some higher incentive to do their work than the mere wage which comes from the doing of it; if they put in their time finding how little they can do and how much more they can get for the doing of it, it is hopeless from their standpoint.

CAN NOT BOOST ONE, BOOT ANOTHER.

"It is no part of government to boost one man and to boot another.

"It is hopeless if the mad passions of men are to hammer at legislative halls for their final and just settlements. A government of discretion dies.

"The only government in business life that can hope to live is a government of love and compassion.

"What the economic life of America needs is not a lawgiver, but an evangelist.

"The country needs a rebaptism of peace patriotism such as it had of war patriotism.

LAMB AND LION TOGETHER.

"There never will be perfect justice in the world until the lion and the lamb can lie down together, and not as they do now, with the lamb inside of the lion.

"Just now we need a body of citizens who are content to do a day's work for a day's wage; who are willing to pay a day's wage for a day's work; who believe more in the common good than in the larger good.

"Since the world began, business and wealth have had no such opportunity for the angel of the Lord to write their names down beside that of Abou Ben Adhem as they have just now.

"The trumpet call of conscience is not only to the meek and lowly, but to the high and mighty, and when dividends and wages are measurably forgotten in the love of service for our Christian country, if there is any hope at all, passion, personal preferment, and personal success must all be put in the background and the capitalists and the laborers must realize that the consumer is also entitled to admission into the brotherhood and business must be conducted and work must be done primarily for the love of promoting a contented and a happy people.

DIVIDENDS MUST BE SECONDARY.

"Dividends and wages must be secondary. This is a problem for solution by men who believe in the fatherhood of God and the brotherhood of man.

"It calls on every man of every creed to solve it; not for one person, nor for one class, but in the interests of the whole people.

"Is it not to be hoped that soon again the Nazarene shall walk through field and factory, through palace and hovel, leaving behind Him everywhere the only solution for every great problem, the healing influence of His golden rule.

"I am in favor of any alleviating measure for the time that would adjust these troubles, but I have no confidence in the proposed settlement of these difficulties. This offers no new solution, and I only say it in the hope that men of every creed may realize how futile has been our theology when we have imagined that we could go to church on Sunday and love God whom we have not seen without the rest of the week loving our fellow men whom we have seen."

SUITS FOR SALVAGE SERVICES.

Mr. JONES of Washington. Mr. President, a day or two ago when the calendar was up we reached the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdiction, and for other purposes. The bill was read at considerable length, although I do not think entirely, and it went over at the suggestion of the Senator from Utah [Mr. KING]. The Senator from Utah has examined the bill, and I think not only is perfectly satisfied to withdraw his ob-

jection but thinks that the bill ought to pass. It is a very urgent matter, and I hope it may be passed. I think there will be no objection to it.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States, and any corporation in which the United States owns not less than a majority of the capital stock, may be sued in personam in the district courts of the United States, in admiralty, for any cause of action of which said courts ordinarily have cognizance in their admiralty and maritime jurisdictions, arising, since April 6, 1917, out of, or in connection with, the possession, operation, or ownership by the United States, or such corporation, of any merchant vessel, or the possession, carriage, or ownership by the United States, or such corporation, of any cargo, in those cases where, if the United States were suable as a private party a suit in personam could be maintained, or where, if the vessel or cargo were privately owned or possessed, a suit in rem could be maintained and the vessel or cargo could be arrested or attached at the time of the commencement of suit. Any such suit shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found, or in the district in or nearest which the cause of action arises, or in any district in which the Attorney General, or other duly authorized law officer, may agree to appear. In case the United States, or such corporation, shall file a libel in rem, or in personam, in any district, a cross libel in personam may be filed, or a set-off claimed against the United States, or such corporation, with the same force and effect as if the libel had been filed by a private party. Such district court is hereby authorized to hear and determine any such suit upon the principles of liability, and in accordance with the practice, obtaining in like cases between private parties in suits in admiralty, and, in a proper case, to enter a decree for or against the United States, or such corporation, with costs, and if for a money judgment, together with interest at the rate of 4 per cent per annum until paid, unless the suit involves a contract stipulating a higher rate of interest, in which event interest shall be allowed in accordance with the contract, and all interest shall run as ordered by the court. Appeal from the decree of the district court in any case brought under this act shall lie to the Circuit Court of Appeals and to the Supreme Court, and the decision of the Circuit Court of Appeals shall be reviewable by the Supreme Court, as now provided in other cases of admiralty and maritime jurisdiction.

SEC. 2. That no suit in rem shall be brought against, nor any warrant of arrest or attachment levied upon, any vessel owned or operated by, or demised to, or in the possession of, the United States, or such aforesaid corporation, nor against nor upon any cargo owned and in the possession of the United States, or of such corporation, but any suit brought hereunder shall, if the libelant so elects in his libel, proceed in accordance with the principles of suits in rem in all cases wherein maritime liens exist and where, if the vessel or cargo with respect to which the action arises were privately owned and possessed a suit in rem could be maintained and the vessel or cargo arrested or attached at the time of the commencement of suit; but election to proceed as aforesaid as in rem shall not preclude the libelant in a proper case from also seeking relief in personam in the same suit.

SEC. 3. That the United States, and such aforesaid corporation, shall be entitled to the benefits of all exemptions from, and all limitations of, liability accorded by the statutes of the United States, and of the several States and Territories, and by the maritime law, to the owners, charterers, operators, and agents of vessels.

SEC. 4. That neither the United States, nor such aforesaid corporation, shall be required to give any bond or admiralty stipulation in any suit brought hereunder, either in the court of original jurisdiction or in any appellate court.

SEC. 5. That in the event of any privately owned vessel, out of the possession of the United States, being arrested in any suit in rem, or attached in any suit in personam, such vessel shall be immediately released without bond or stipulation being required therefor upon the United States, through the Attorney General, or any other officer duly authorized by him intervening and assuming responsibility for all liability arising in such suit, and upon such intervention said cause shall proceed against the United States in accordance with the provisions of section 2.

SEC. 6. That jurisdiction be, and hereby is, conferred upon the several courts of the United States for the purposes herein specified.

SEC. 7. That in any suit brought hereunder, the libelant shall file his libel, duly verified, with the clerk of the district court having jurisdiction of the cause, and shall forthwith serve a copy thereof on the United States attorney for such district, and mail a copy thereof, by registered mail, to the Attorney General of the United States, and shall file with the clerk of said district court an affidavit of such service and mailing. Such service and mailing shall constitute a valid service on the United States.

SEC. 8. That suits herein authorized may be brought within one year after the approval of this act, with respect to any of the aforesaid causes of action arising prior to such approval; and all other suits hereunder shall be brought within two years after the cause of action arises.

SEC. 9. That if any vessel or cargo within the purview of sections 1 and 5 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel, for any cause of action arising out of, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States, in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may, in the event of such arrest, attachment, or seizure of any such vessel, direct the United States consul residing at or nearest the place at which such action is commenced to claim such vessel or cargo and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such aforesaid corporation, for the release of such vessel or cargo from such arrest, attachment, or seizure, as by said court required, and, if an appeal shall thereafter intervene, to execute such agreement, undertaking, bond, or stipulation as shall be required for the prosecution of said appeal, or may, in the event of such suit against the master of any such vessel, direct the United States consul residing at or nearest the place of such action is commenced to enter the appearance of the United States, or of the United States Shipping Board, or of such aforesaid corporation, in such action, and to pledge the credit thereof to the payment of any judgment and costs that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States for the allowance and payment of such judgment: *Provided, however*, That where the status of any vessel within the purview of this section so warrants, nothing in this act shall be held to prejudice or preclude a claim of the immunity of such vessel from foreign jurisdiction, or prevent a settlement of the case through diplomatic negotiations.

SEC. 10. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 5 and 9 of this act, and any arbitration award or settlement had and agreed to under the provisions of section 11 of this act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment, or award, or settlement.

SEC. 11. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such aforesaid corporation, having control of the possession or operation of any merchant vessel, are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 1, 5, 9, and 12 of this act.

SEC. 12. That the United States, and the crew of any merchant vessel owned or operated by the United States, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the possession or operation of such vessel.

SEC. 13. That all moneys recovered in any suit brought by the United States on any cause of action arising out of, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

SEC. 14. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgments shall have been rendered against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

SEC. 15. That the provisions of all other acts inconsistent herewith are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. WATSON. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Saturday, October 25, 1919, at 11 o'clock a. m.

CONFIRMATION.

Executive nomination confirmed by the Senate October 24 (legislative day of October 22), 1919.

CHIEF OF NAVAL OPERATIONS.

Rear Admiral Robert E. Coontz to be Chief of Naval Operations in the Department of the Navy with the rank of admiral.

HOUSE OF REPRESENTATIVES.

FRIDAY, *October 24, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal Father, author of life and all that makes it dear to our hearts, we draw near to Thee for inspiration. Illumine our minds, purify our hearts, quicken within every noble impulse, that our service may be acceptable unto Thee and bring peace, joy, and happiness to our souls. This in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. By special order, the gentleman from Ohio [Mr. SHERWOOD] has 40 minutes.

Mr. STEENERSON. Mr. Speaker, that is after the disposition of the business on the Speaker's table, which, of course, includes conference reports. If the gentleman desires to proceed before that, very well.

The SPEAKER. The Chair presumes that the gentleman from Ohio will prefer to have these matters disposed of first. Does the gentleman from Minnesota wish to call up the conference report on the joint resolution first?

Mr. STEENERSON. Mr. Speaker, I call up the conference report on House joint resolution 151, to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

Mr. CLARK of Missouri. Will that interfere with Gen. SHERWOOD making his speech?

Mr. STEENERSON. No. If the general desires, I will yield to him.

Mr. CLARK of Missouri. I think we ought to have a quorum here.

Mr. STEENERSON. Does the gentleman from Ohio desire to proceed now?

Mr. CLARK of Missouri. Yes. I would like to have the general have his chance.

Mr. STEENERSON. Very well.

A QUORUM—CALL OF THE HOUSE.

Mr. CLARK of Missouri. I make the point, Mr. Speaker, that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant of Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fields	Kincheloe	Rogers
Andrews, Md.	Flood	Kreider	Rowan
Anthony	Fordney	LaGuardia	Rowe
Bankhead	Frear	Langley	Sabath
Barkley	Gandy	Layton	Sanders, N. Y.
Bland, Va.	Ganly	Lee, Ga.	Saunders, Va.
Boies	Garner	Little	Scully
Booher	Garrett	Lonergan	Sells
Bowers	Godwin, N. C.	McClintic	Shreve
Brand	Goldfogle	McCulloch	Siegel
Britten	Good	McKinley	Sisson
Browning	Goodall	McKinley	Slemp
Brumbaugh	Goodykoontz	McLane	Smith, Ill.
Burdick	Graham, Pa.	McLaughlin, Nebr.	Smith, N. Y.
Burke	Graham, Ill.	Maher	Snyder
Burroughs	Greene, Mass.	Mann, Ill.	Steele
Byrnes, S. C.	Greene, Vt.	Montague	Stephens, Miss.
Cantrill	Hadley	Moore, Pa.	Stevenson
Casey	Hamill	Moores, Ind.	Sullivan
Chindblom	Hamilton	Mudd	Sumners, Tex.
Collier	Haskell	Nelson, Wis.	Swope
Costello	Hayden	Newton, Mo.	Thomas
Cramton	Heflin	Nicholls, S. C.	Tincher
Crowther	Hersman	Nichols, Mich.	Vare
Cullen	Hicks	O'Connor	Vestal
Curry, Calif.	Hill	Ogden	Vinson
Davey	Husted	Pell	Voigt
Dempsey	Hutchinson	Peters	Whaley
Dickinson, Mo.	Ireland	Porter	Wheeler
Donovan	Jefferis	Pou	White, Me.
Dooling	Johnson, Ky.	Rainey, Henry T.	Wilson, Ill.
Drane	Johnson, Miss.	Rainey, John W.	Wilson, Pa.
Dunbar	Johnson, S. Dak.	Reavis	Wise
Dunn	Johnston, N. Y.	Reed, N. Y.	Woodyard
Eagle	Kelley, Mich.	Riddick	Young, N. Dak.
Edmonds	Kendall	Riordan	Zihlman
Ellsworth	Kennedy, Iowa	Robsion, Ky.	
Fess	Kiess	Rodenberg	

The SPEAKER. Two hundred and eighty-one Members have answered to their names. A quorum is present. The Doorkeeper will open the doors. Without objection, further proceedings under the call will be dispensed with.

There was no objection.

LEAVE OF ABSENCE.

Mr. SEARS. Mr. Speaker, the gentleman from Iowa, Judge BOIES, is unavoidably absent on account of the serious illness of his wife. It is entirely possible that he will be unable to attend the sessions for some time. With three exceptions, I have given a general pair to him. It is hoped that he will soon be able to sit with us again.

The SPEAKER. The gentleman from Florida asks indefinite leave of absence in behalf of Judge BOIES, of Iowa. Is there objection?

Mr. WALSH. What was the request, Mr. Speaker?

The SPEAKER. The gentleman from Florida asks indefinite leave for the gentleman from Iowa [Mr. BOIES].

Mr. SEARS. There was no specific request, Mr. Speaker. I announced that I had a pair with him.

The SPEAKER. Under the order adopted, the gentleman from Ohio [Mr. SHERWOOD] is entitled to 40 minutes. [Applause.]

Mr. SHERWOOD. Mr. Speaker and gentlemen of the House, I am glad to speak to a full house, but it is much easier to address vacant chairs, because they do not criticize or kick. I am to speak about the world-wide war, with some reference to Gen. Pershing, who has been attacked on this floor by the Member from Minnesota [Mr. SCHALL]. I am going to call attention to the fact, however, that our style of fighting, which is entirely different from the fighting in the Civil War of half a century ago, calls for the same presence of the generals at the front as it did during that war.

Quite recently this Congress by official action proclaimed Gen. Pershing the hero of this great World War and endowed him with as high rank as was ever accorded any general in any of our wars. The occasion was marked by earnest enthusiasm, and eloquent and glowing tributes were paid to the general who commanded successfully our victorious armies. I had the pleasure and the honor of quietly participating in these remarkable tributes. Later a capable and honored Member of this body, the gentleman from Minnesota [Mr. SCHALL], of the same political faith as Gen. Pershing, made a carefully prepared speech on this floor that both surprised and startled me. Let me quote a paragraph:

> This parlor soldier might be asked to point out just one instance where he ever exposed himself to any danger, hardship, or suffering. After the war was over he did see some battle fields and put in a good deal of time laying wreaths on soldiers' graves and visiting hospitals in Paris. He might be requested to reconcile the tears that the ever-faithful and ever-present reporter sees glistening in his eyes at sight of the wounded soldiers with his condoning the barbaric treatment of the wounded boys in prison camps.

In another part of Congressman SCHALL'S speech I find another equally startling statement:

> As a member of the Rules Committee, I voted for the rule to bring the matter before the House, that Members might have opportunity to express themselves. But as a Member of this House, on behalf of the brave officers and men, dead and living, who fought this war, I felt it an obligation to enter their protest. I have talked with men who had intimate chance to observe Pershing in the Philippines; I have talked with officers and men who accompanied him on the ill-conducted fiasco, the trail of the lone bandit in Mexico; I talked with hundreds of soldiers in the recent war, and their opinion, officers and men, was unanimous that he has not the elements so mixed in him to stand before them a man and a soldier in whose elevation they would feel honored.

These charges are very grave, and, if true, I shall regret that I voted to elevate Gen. Pershing to the highest rank in our great patriotic Army. I voted for the bill elevating and glorifying Gen. Pershing because he was the commander in chief of our victorious Army and because the bill was approved by our strong Military Committee, in which I have implicit confidence. And I hope that every Member on this floor will unite in the request to have this important committee tell the House and the country when and where Gen. Pershing was at the front during any of the great conflicts of this World War. I think that is due to the Congress and to the country.

I recently attended a convention of World War soldiers in Ohio, where four posts of the American Legion were organized, and I have talked with a goodly number of these overseas soldiers. Without exception they have declared to me that they never saw or heard of Gen. Pershing at the front. Congressman SCHALL'S remarkable address has gone into the permanent RECORD of Congress. It can not be answered by silence. It may be claimed that since the advent of long-range cannon the style of fighting is entirely different from the Civil War or the Spanish-American War. This is true. But in case of a break in any part of a battle line it is just as necessary now as ever for the near presence of the general in chief to promptly order forward the reserves. If a battle line is broken or the integrity of any part of the line is threatened, all students of military strategy agree that the emergency calls for the immediate presence of the commander in chief. Furthermore, in all wars the men behind the guns are always encouraged and enthused by the presence of their commanding general. Gen. Shafter, of Michigan, was selected as commander in chief of our Army in the war for free Cuba. And he commanded a victorious Army. But Congress did not grant him the supreme rank or hail him as a hero, because when the battle was on he was 6 miles in the rear. Congress and the country made a hero and a President of Theodore Roosevelt, who was only a lieutenant colonel at Santiago, but who was always at the front. [Applause.] Perhaps it is now the prevailing style to adopt the street car motto, "Safety first." But I am a little old-fashioned, and "safety first" for a war hero does not appeal to me. [Applause.]

In Webster's voluminous dictionary, which every Member of Congress should read carefully [laughter], I find the follow-

ing definition of a hero: "A man of distinguished valor in danger." I have not that subtleness of intellect to recognize a hero, either a physical or moral hero, who shirks danger. Every great cause has had both physical and moral heroes. The courageous men who signed the Declaration of Independence were both moral and physical heroes, because if their new and untried manhood creed had failed their lives would have been imperiled.

Congressman SCHALL also charges that Gen. Pershing was guilty of brutal conduct toward private soldiers. Again I quote:

After the armistice was signed, Gen. Pershing issued the order to the troops on their march into Germany that everyone who fell out should be counted as deserters. Why these strenuous marches, where the officers were ordered not to allow anyone to take care of the boys who fell by the wayside through exhaustion? These courageous young Americans, 16, 17, 18, 19 years old, who would rather die than give up, trudged on under heavy packs until they fell from exhaustion. When doctors loaded them into ambulances orders from headquarters hauled them out and forced them to trudge on or get on as best they could. Many of them, unable to go farther, fell in their tracks, and when doctors, who, after camp had been made for the night, unable to stand for this inhuman régime, had secured ambulances and lanterns and sneaked back to look for the lost of their flock, they found them frozen to the ground, covered with snow, many beyond help, and others dead.

This is a terrible arraignment, but it is in the CONGRESSIONAL RECORD and is from a responsible source. It can not be answered by a sneer.

Mr. SCHALL was one of the visiting Congressmen who went overseas to investigate conditions in our Army. On page 10 of his address he mentions the fact that Gen. Pershing refused to testify before the congressional committee. Here I quote from Mr. SCHALL'S speech:

The news might have got back before his generalship was a reality how he allowed $1,000,000 worth of planes to be burned at Colombe-les-Belles and wholesale destruction by fire of clothes and food, ammunition and equipment, and he might not want to be questioned about the million-dollar dugout it was commonly rumored in Paris he had constructed for his own safety in case the enemy should succeed in breaking through so far to the rear.

The statement made in an address on the floor of the House that Gen. Pershing had constructed a dugout 60 miles in the rear is too much for my credulity; that a million dollars' worth of planes were burned with Gen. Pershing's approval is a very serious and startling charge; and I am unable to comprehend the animus of such ruthless waste and outlawry. I repeat, therefore, that there is due all those who voted for the bill to endow Gen. Pershing as the supreme hero of this great World War that these grave and incriminating charges against him be refuted without delay. The country wants to know the facts.

There is much prejudice among the soldiers who served overseas against their officers. I believe much of this prejudice has been engendered by a too-severe system of training and discipline inaugurated by the War Board, for which the officers were not responsible. I believe we have a splendid body of officers of the line and field. I would be the last man on this floor to discredit their behavior, their patriotism, or their valor. I believe the prejudice of the private soldiers against the officers is principally due to two causes: First, the large number of courts-martial of private soldiers, with severe penalties for trivial offenses, and, second, the creation of a distinct class of officers by drill and military training and placing them in command over the rank and file. This gave the men behind the guns, who do the perilous work of war, no chance to earn a promotion in the crucible of battle.

It comes to me in a way I can not ignore that Gen. Pershing has been guilty of cruelty to the soldiers of the rank and file. In our Civil War, when we had from first to last some 2,212,742 soldiers enlisted, we had only some hundred courts-martial. Now we are told there have been over 350,000. I hear of two soldiers who from sheer exhaustion were found asleep on guard duty, were tried and condemned to die, and their execution was approved by Gen. Pershing. On an appeal to President Wilson their sentence was set aside. Afterwards one was killed in battle and the other wounded in battle. Cruelty and lack of human sympathy are not the shining attributes of a great general.

THE BATTLE OF FRANKLIN.

Now, as to the question of our style of fighting in the Civil War. There stands to-day, as it stood over half a century ago, in front of the town of Franklin, Tenn., on the highest point of the ridge, a large linden tree. It was half past 3 in the afternoon of November 30, 1864, when Gen. Hood, commanding 75,000 veteran soldiers, rode unattended to that tree, threw the stump of the leg that was shot off at Chickamauga over the pommel of the saddle, drew out his field glass, and sat looking across the valley to the position of the Union Army. It was the silence that always precedes a great battle. Presently the silence was broken by the soft strains of music which floated up from the town below. It was the Federal band playing "Just before the battle, mother." The men in gray on the hill and the men in blue in the valley below listened. There were tears in many eyes, as the pathetic words were well remembered—

Just before the battle, mother,
I am thinking most of you.

I was at Franklin, on the Union side, and I saw and heard it all from an advanced position near the center of the Federal line. I saw and heard it all—all that a soldier can see and hear amid the glare, the thunderous roar, the stiffling battle smoke, the yells of the victors, the agonizing groans of the wounded and dying. I remember the scene just before the battle. I see it now, as I saw it then, a lovely valley basking in the mellow glory of November sunshine. I see the little town of Franklin, quiet yet restless, just inside the circle of the Federal lines. These lines extended from river to river. There were patches of woodland in the rich foliage of the autumn leaves, in scarlet, gold, and green, tinged with the early frosts to gladden and glorify their fall.

I was speaking of Gen. Hood, the commanding general, who sat on his horse under the linden tree taking a survey of the Federal lines. Suddenly he closed his field glass, wheeled his horse, and rode back to Gen. Stewart with the command, "General, we will charge the Federal line in front." Stewart formed his corps on the right. Gen. Cheatham formed his corps on the left, and on the extreme right, on the Harpeth River, rested Gen. Forrest's cavalry. A cannon on the ridge sounded the signal for the charge. With bayonets fixed the heavy columns, all veterans, marched with a steady and even tread down the slope. The fiercest and bloodiest battle of the centuries was on. I say that because it is a fact that more men were lost in that battle in proportion to the number of troops engaged than in any battle that was ever fought on either continent. Hood's losses were over 40 per cent.

In 1874 a southern soldier, who was in that battle line with Gen. Cleburne, wrote a valuable article on this marvelous charge in the Southern Magazine, then edited by Gen. Basil Duke, of Louisville. I quote a paragraph:

The hottest part of the line was a black-locust thicket just at the right of the Columbia Pike.

This is correct. I was at that part of the line. I have a distinct recollection of that locust thicket, and I can see now, as I saw then, that waving line of shining bayonets as it rushed to the works with that defiant rebel yell, and the mad and murderous conflict that followed. My horse, Firefly, a coal black that I had ridden in many fierce conflicts from Rocky Face to Atlanta, was shot. He fell with a deadening thud. I never knew how many bullets pierced his quivering body. But I was young and spry then and was at the front to witness the culmination of the charge. [Applause.]

On the left of my command the Federal lines gave way. And this is something historical, on which historians have disagreed. Horace Greeley; the Count de Paris; Gov. Cox, of Ohio; Gen. Banks, of Mississippi; Gen. Basil Duke; and John Trotwood Moore, of Tennessee, have written conflicting accounts. I am going to clear that up. On the left of my command the Federal lines gave way. Gen. Cleburne was abreast of that charging line. He fell just at the left of my brigade. As the Confederates rushed on the Federal line of battle a gray figure on a chestnut horse rode diagonally across the front of the charging column. The horse went down within 50 yards of the breastworks. The rider arose, waved his sword, and led his men on foot to the ramparts; then his brave form staggered and fell against the Federal line, pierced with minie balls. His corps was swept back under a terrific fire of musketry, nearly one-half either killed or wounded. This was Gen. Pat Cleburne. [Applause.]

A few yards on the Confederate right Gen. George W. Gordon, of Tennessee, who was also abreast of the charging line, fell just under the fresh earth of the breastworks. He was wounded and captured, as he refused to fall back. Near this spot Gen. John Adams also fell. He stood upon the parapet and was fatally shot, his horse falling across the breastworks. My old friend, Gen. Jack Casement, of Ohio, was commanding a Union brigade where Gen. Adams fell. Deeply touched with his splendid courage, Gen. Casement had cotton brought from the old ginhouse and placed under the dying soldier's head. "You are too brave a man to die," said Casement, "and I wish I could save you." [Applause.] Gen. Carter fell mortally wounded before reaching the Federal battle line. Gen. Strahl reached the ditch; he stood on the bodies of the dead and gave commands and rallied his men. Just in front of my lines, facing the locust thicket, Gen. Cockrell, of Missouri, was wounded, but not fatally. Not a hundred yards away lay Gen. Granbury dead. He died leading the brave Texans to the works. A minute more and Gen. Strahl fell, mortally wounded. Gen. Walthall, of Mississippi, afterwards United States Senator, had two horses shot under him. Twelve Confederate generals were

either dead or wounded. Colonels were commanding divisions, captains were commanding brigades.

I am indebted to John Trotwood Moore, of Nashville, Tenn., the well-known poet, historian, and book writer, and author of that great little book "The Bishop of Cottontown," who visited the battle field the day following the battle, for several interesting incidents which I have quoted. More generals were killed in that eight hours' struggle in front of that little Tennessee town than were killed in the two days' fight at Chickamauga or the three days' fight at Gettysburg, where three times as many soldiers were in battle. And let me emphasize this with the statement that more brigadier and major generals were killed at Franklin in that eight hours' fight than in the whole World War of four years and over where nearly 18,000,000 soldiers were in the hell of battle. [Applause.]

The struggle closed at midnight. Our dead lay across and inside the breastworks from river to river. Outside the breastworks, in a wider and thicker line, lay the Confederate dead. Amid the smoke and grime of battle, the dun clouds hiding the stars, the Blue and the Gray looked alike to me. [Applause.] I stood upon the parapet just before midnight and saw all that could be seen. I saw and heard all that my eyes could see or my rent soul could contemplate in such an awful environment.

It was a spectacle to appall the stoutest heart.

A Nashville poet wrote:

Ten thousand men, when the warfare was o'er,
Lay on the battle field crimsoned in gore.

The wounded, shivering in the chilled November air, the heartrending cries of the desperately wounded, and the prayers of the dying filled me with an anguish that no language can describe. From that hour to this I have hated war. [Applause.]

I was colonel, commanding the One hundred and eleventh Ohio, just to the right of the old cotton gin, and just in front of a grove of black locusts. Early in the fight Col. Lowrey, of the One hundred and seventh Illinois, and Col. Leroy Clark, of the One hundred and eighty-third Ohio, were killed, which left me the ranking officer of the battle line of the brigade, which I commanded to the end of the struggle. My regiment suffered, both in officers and men, the largest casualty list of any regiment in the Union Army. [Applause.] I had only 8 officers alive and not wounded in 10 companies. A half century and five years has elapsed since that battle, but I have never even mentioned in any public address the official order of Gen. Orlando H. Moore, of the Second Brigade, issued in camp at Nashville three days after the Battle of Franklin. As my time on earth is but a span, and over half a century has elapsed since this official war order was issued, I feel I will not be accused of egoism in printing a vital extract:

[Extract.]

SECOND BRIGADE, SECOND DIVISION,
TWENTY-THIRD ARMY CORPS,
Nashville, Tenn., December 3, 1864.

The repeated desperate and determined charges of the enemy were every time successfully met, and with a heroism unsurpassed in the annals of war. They advanced but to be driven back with terrible slaughter—they advanced upon a line of steel. The heroic spirit which inspired the whole command was forcibly illustrated by the gallant One hundred and eleventh Regiment of Ohio Infantry (Col. SHERWOOD commanding) on the left flank of the brigade.

When the enemy carried the works on their left, they stood firm and crossed bayonets with them, holding them in check.

(Signed) ORLANDO H. MOORE,
Commanding General.

[Applause, the Members rising.]

During my four years' service I was compelled to witness the agonizing aftermath of over 40 battle fields. I saw the brave and intrepid Gen. Harker go undaunted to his death in the charge on Kenesaw Mountain. Gen. Harker was the idol of his soldiers. I saw that splendid Ohio soldier, Gen. McPherson, the handsomest mounted general in our Army, brought on a stretcher to the left of my command at the Howard House in the Battle of Atlanta, just as his great soul had departed to the unknown world. These many heartrending sights and environments have saddened my life, and I have never voted to involve my beloved country in war when peace with honor was possible and never will. [Applause.] But when the Congress votes war, I shall always be for war, by word and deed, earnestly and with unflagging zeal to the bitter end. [Applause.]

In any crisis or critical time in a battle I hold it is just as vital now as during any previous war that the commanding general be near the front. Gen. Sherman was the commander in chief of the Union Army in the memorable Atlanta campaign. I commanded the brigade skirmishers the day of the Atlanta battle of July 22, 1864, and established a front skirmish line in easy view of the Confederate breastworks. Gen. Sherman came to my outpost and, standing in front of a tree, took out his field glass to survey the Confederate lines. Just then a sharpshooter concealed in the foliage of a tree made a line shot at Gen. Sherman, the bullet piercing the tree about 2 feet above his head. But he never took down his field glass. [Applause.] I called his attention to the fact that the Confederates who were strengthening the earthworks were evidently militia, as they wore white shirts. Gen. Sherman from that vantage point immediately concluded that Confederate Gen. Hood had vacated the trenches and was contemplating some flank attack. He suddenly mounted his horse and rode way. Only a few minutes later the roar of artillery and infantry was heard on our left. Gen. McPherson was killed; our left flank was doubled up in confusion. Gen. John A. Logan, mounted on his war horse, Black Jack, rode to the front, rallied our staggering battalions, and saved our Army. [Applause.]

Again, at Chicamauga, another gallant and intrepid general saved our Army. Maj. Gen. James B. Steadman, of Ohio, came to the front with a division of volunteers in the most critical period of the conflict. Gen. Steadman rode abreast the front of his charging battalions. He snatched the flag of an Illinois regiment, which was wavering under the tremendous fire, and ordered an about face and "follow your general." His horse was shot dead in that hell of fire, and he was thrown over his head and severely stunned. Binding up his bleeding hands he mounted another horse and saved his battle lines. [Applause.]

It will be remembered that Gen. Albert Sidney Johnston, commander in chief of the Confederate Army in the fierce battle of Shiloh April 6, 1862, was shot and mortally wounded riding his war horse and rallying the battle lines.

I commanded the brigade skirmish line the day of the battle of Pine Mountain, at the right of Kenesaw, June 14, 1864. I saw the cannon shot fired that killed Lieut. Gen. Leonidas Polk. He was standing close to the Confederate front.

That great Virginian, Maj. Gen. George H. Thomas, the idol of the boys behind the guns, appeared, amid wild applause, along the battle lines just before the final charge December 16, 1864, in the three days' battle of Nashville. Sixty pieces of artillery were thundering on our right for three terrible hours. Just before sunset, with long lines of Infantry in line, with bayonets fixed, the grand charge was ordered. When the brigade bugles sounded the advance I looked back to the hill in easy range of the Confederate cannon and saw the heroic figure of our beloved commander sitting calmly on his war horse. I can see him now as I saw him then. The foam hangs from the lips of his tired horse, and his wet limbs are slashed with the bloody slime of the battle field, but around that brow that the gods must have formed a proud Army were wreathing a chaplet of immortality. [Applause.]

In the Battle of Resaca I saw Gen. Joe Hooker in the full uniform of a major general—yellow sash and all the plumes—riding at the extreme front, almost abreast of our advance line. He was mounted on a powerful high-headed bay stallion, red-nostrilled and furious, the most daring and inspiring figure I ever saw on a battle field. [Applause.]

In the Battle of Burnt Hickory, Ga., I saw Maj. Gen. O. O. Howard, the maimed soldier who lost his good right arm in the Battle of Fair Oaks, ride the battle line in the hottest moment of the conflict, enthusing and encouraging the men behind the guns.

I give these heroic incidents to emphasize the contention that a commanding general should always be in the near presence of his army when a battle is on. [Applause.]

In the Meuse-Argonne Battle, in which 1,250,000 American soldiers were engaged, the greatest battle ever fought on either continent, lasting 47 days, with a casualty list of 120,000 killed, wounded, and missing, we did not lose a single general. We had 478 generals in uniform in this great World War, but a benign Providence saved them all for our home and love without a scratch. [Laughter and applause.]

The theory of this remarkable promotion appears to be that while the private soldiers, who did all the fighting, are to have no recognition, the general officers are to have all the glory.

In the Civil War, from '61 to '65, we lost—killed in battle and died of wounds—129 general officers. Of this number 83 were Confederate generals and 46 were Union generals. We lost 12 major generals and the Confederates lost 7. We lost 34 brigadier generals and the Confederates 72.

Their loss was greater than ours because of this fact, that Secretary of War Stanton, instead of making generals commanders of brigades, took the ranking colonel. This was true in all the campaigns in which I participated; and if you will get the fatality lists of colonels you will find that the losses on both sides were about equal. The Confederates lost one general—Albert Sidney Johnston—and three lieutenant generals—Ambrose P. Hill, Thomas J. Jackson (Stonewall Jackson), and Leonidas Polk. I am indebted to Gen. James D. McBride, a care-

ful student of Civil War history, for a detailed list of fatalities among the generals of our armies, which I ask to print with my remarks. It should prove illuminating and interesting to all students of war history.

[The list appears as an appendix.]

As I read history all the great generals in the past won their stars at the battle front. I have some firm convictions, born in the school of sad experience, as to the shining attributes of a war hero. It would seem, however, that I am out of tone with the times. But I am willing to be judged and shall not quake over captious criticism. I venture the opinion that the successor to such great soldiers and generals as Grant, Sherman, Sheridan, and Nelson A. Miles, our greatest living soldier to-day, should be a general recognized everywhere as a brave leader, a nonexploiting patriot, and a great American. [Applause.]

Napoleon, the greatest conquering general of either Europe or Asia, had 17 horses shot under him in battle—the world's record. His favorite war horse was Marengo, an Arab stallion, captured from a Mameluke chief during Napoleon's Egyptian campaign. He was seven times wounded in battle; at Marengo, Austerlitz, Wagram, Jena, twice in the disastrous Russian campaign, and last at Waterloo, when he was wounded in the left hip.

The Duke of Wellington rode his famous war horse Copenhagen in winning Waterloo. The Iron Duke was in the saddle riding the battle lines for 18 hours. At 4 o'clock on June 18, 1815, the Iron Duke dismounted and held his historic interview with the Prussian field marshal, Blucher.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

The SPEAKER. The gentleman from Ohio asks unanimous consent that his colleague be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. SHERWOOD. We have made 11 soldiers and generals President of the United States; all generals but two, McKinley and Roosevelt.

George Washington, the first President, was our first commanding general. He had four horses shot under him, always at the front of battles, with many bullet holes in his uniform—four in one battle. [Applause.] When he left Mount Vernon June 30, 1775, to take command of the Continental Army at Cambridge, Mass., he took with him five horses of his own breeding. Afterwards he acquired by gift or purchase seven other war horses. When Gen. Washington first appeared before the ragged Continentals at Cambridge, splendidly mounted, he rode his favorite charger, Fairfax, a 16-hands Virginia thoroughbred, that both enthused the Army and the motley throng of Revolutionary patriots gathered there to see for the first time the hero of the epoch. Fairfax was shot in the Battle of Trenton. Blue Skin, a pure white horse presented to Gen. Washington by Gov. Livingston, of New Jersey, died from exhaustion as Washington rode the battle lines on June 28, 1778, in the Battle of Monmouth.

Our soldier Presidents all had solid battle records—Gen. Washington elected in 1788, Gen. Jackson in 1828, Gen. William H. Harrison in 1840, Gen. Zachary Taylor in 1848, Gen. Franklin Pierce in 1852 (who was twice wounded in the Mexican War), Gen. U. S. Grant in 1868, Gen. Rutherford B. Hayes in 1876, Gen. James A. Garfield in 1880, Gen. Benjamin Harrison in 1888, Maj. William McKinley in 1896, and Col. Theodore Roosevelt in 1900—all had war records—all had served in the battle's front. [Applause.]

I venture the opinion that it would have been more satisfactory to the great body of our overseas soldiers, and to all justice-loving and patriotic American citizens, if the Congress had waited for a calmer period than the present, when public opinion is everywhere in agitation and discussion, before creating a hero and a war idol by national law.

It may be developed later, when the prevailing animosities have calmed and the sunlight of an uncensored publicity illumines those gory battle fields of France, that other heroes may be seen who are entitled to share with Gen. Pershing the tributes of a grateful Nation, even if they did not wear stars. [Applause.] I believe that Congress should, before creating an idol, see to it that this idol is endowed with that democratic spirit of fraternity; of humane comradeship; of that love of equality of manhood, which are the shining qualities in a victorious democracy. [Applause.]

I know the times are full of trouble, that a dominating element in our Government is predicting revolution and havoc. I know there are dun clouds deepening to crimson athwart the sky. I know that the map of the world has been changed, and that we are in the midst of the most momentous epoch of all history. But I believe the future is safe; that democracy under our flag is safe. I believe in the great, brave, patient people. But we need no military idols to make liberty a vibrant quality or democracy a vitalizing force in our national life. [Prolonged applause, the Members rising.]

APPENDIX.

GENERAL OFFICERS OF THE UNITED STATES ARMY KILLED OR DIED OF WOUNDS RECEIVED IN ACTION DURING THE CIVIL WAR BETWEEN APRIL 15, 1861, AND JUNE 1, 1865.

This list of fatalities was obtained from official records by Gen. James D. McBride. It is valuable as an aid in the study of war history.

The Confederate Army lost thirty-eight brigadier generals more than the Union Army, which was due to the policy of Secretary of War Stanton making the ranking colonels commanders of brigades.

[This (*) indicates that the officer graduated at the United States Military Academy.]

The roll of fatalities—46.

Killed in action: Eight major generals, 19 brigadier generals.
Died of wounds: Four major generals, 15 brigadier generals.

Major generals.

KILLED.

Baker, Edward D., October 21, 1861, at Balls Bluff, Va.
Berry, Hiram G., May 3, 1863, at Chancellorsville, Va.
Kearny, Philip, September 1, 1862, at Chantilly, Va.
* McPherson, James B., July 22, 1864, near Atlanta, Ga.
* Reno, Jesse L., September 14, 1862, at South Mountain, Md.
* Reynolds, John F., July 1, 1863, at Gettysburg, Pa.
* Sedgwick John, May 9, 1864, at Spottsylvania, Va.
* Stevens, Isaac I., September 1, 1862, at Chantilly, Va.

DIED OF WOUNDS.

* Mansfield, Joseph K. F., September 18, 1862, of wounds received at Antietam, Md.
* Richardson, Israel B., November 3, 1862, of wounds received at Antietam, Md.
* Strong, George C., July 30, 1863, of wounds received at Fort Wagner, S. C.
* Whipple, Amiel W., May 7, 1863, of wounds received at Chancellorsville, Va.

Brigadier generals.

KILLED.

* Bayard, George D., December 14, 1862, at Fredericksburg, Va.
Bidwell, Daniel D., October 19, 1864, at Cedar Creek, Va.
Bohlen, Henry, August 22, 1862, at Freemans Ford, Va.
Burnham, Hiram, September 30, 1864, at Chapins Farm, Va.
Chapin, Edward P., May 27, 1863, at Port Hudson, La.
Farnsworth, Elon J., July 3, 1863, at Gettysburg, Pa.
Hackleman, Pleasant A., October 3, 1862, at Corinth, Miss.
* Harker, Charles G., June 27, 1864, at Kenesaw Mountain, Ga.
* Hays, Alexander, May 5, 1864, at the Wilderness, Va.
Jackson, Conrad F., December 13, 1862, at Fredericksburg, Va.
Jackson, James S., October 8, 1862, at Perryville, Ky.
*Lyon, Nathanial, August 10, 1861, at Wilsons Creek, Mo.
Rice, James C., May 10, 1864, at Spottsylvania, Va.
Russell, David A., September 19, 1864, at Winchester, Va.
*Sill, Joshua W., December 31, 1862, at Stone River, Tenn.
Stephenson, Thomas G., May 10, 1864, at Spottsylvania, Va.
*Terrill, William R., October 8, 1862, at Perryville, Ky.
*Weed, Stephen H., July 2, 1863, at Gettysburg, Pa.
*Williams, Thomas, August 5, 1862, at Baton Rouge, La.

DIED OF WOUNDS.

*Kirby, Edmund, May 28, 1863, of wounds received at Chancellorsville, Va.
Kirk, Edward N., July 29, 1863, of wounds received at Stone River, Tenn.
Lowell, Charles R., October 20, 1864, of wounds received at Middletown, Va.
Lytle, William H., September 20, 1863, of wounds received at Chickamauga, Ga.
McCook, Daniel, July 17, 1864, of wounds received at Kenesaw Mountain, Ga.
McCook, Robert L., August 6, 1862, from wounds received from guerrillas while en route to Decherd, Tenn.
Rice, Samuel A., July 6, 1864, of wounds received at Jenkins Ferry, Ark.
Rodman, Isaac P., September 30, 1862, of wounds received at Antietam, Md.
Sanders, William P., November 19, 1863, of wounds received at Knoxville, Tenn.
Smyth, Thomas A., April 9, 1865, of wounds received at Farmville, Va.
Taylor, George W., August 31, 1862, of wounds received at Bull Run, Va.
Vincent, Strong, July 7, 1863, of wounds received at Gettysburg, Pa.
Wadsworth, James S., May 8, 1864, of wounds received at the Wilderness, Va.
Wallace, William H. L., April 10, 1862, of wounds received at Shilo, Tenn.
Zook, Samuel K., July 3, 1863, of wounds received at Gettysburg, Pa.

GENERAL OFFICERS OF THE CONFEDERATE ARMY KILLED OR DIED OF WOUNDS RECEIVED IN ACTION DURING THE CIVIL WAR BETWEEN APRIL 15, 1861, AND JUNE 1, 1865.

[This (*) indicates that the officer graduated at the United States Military Academy.]

The roll of fatalities—83.

Killed in action: 1 general, 2 lieutenant generals, 3 major generals, 62 brigadier generals.
Died of wounds: 1 lieutenant general, 4 major generals, 10 brigadier generals.

General.

KILLED.

* Johnston, Albert Sidney, April 6, 1862, at Shiloh, Tenn.

Lieutenant generals.

KILLED.

* Hill, Ambrose Powell, April 2, 1865, before Petersburg, Va.
* Polk, Leonidas, June 14, 1864, at Kenesaw Mountain, Ga.

DIED OF WOUNDS.

* Jackson, Thomas Jonathan, "Stonewall Jackson," May 10, 1863, of wounds received May 2, 1863, at the Battle of Chancellorsville, Va.

Major generals.

KILLED.

Cleburne, Patrick R., November 30, 1864, at Franklin, Tenn.
Rodes, Robert E., September 19, 1864, at Winchester, Va.
* Walker, William H. T., July 22, 1864, at Atlanta, Ga.

DIED OF WOUNDS.

* Pegram, John, February 6, 1865, of wounds received at Hatchers Run, Va.
* Pender, William D., July 18, 1863, of wounds received at Gettysburg, Pa.
* Ramseur, Stephen D., October 20, 1864, of wounds received at Cedar Creek, Va.
* Stuart, James E. B., May 12, 1864, of wounds received at Yellow Tavern, Va.

Brigadier generals.

KILLED.

* Adams, John, November 30, 1864, at Franklin, Tenn.
* Armstead, Lewis A., July 3, 1863, at Gettysburg, Pa.
Ashby, Turner, June 6, 1862, near Harrisonburg, Va.
Barksdale, William, July 2, 1863, at Gettysburg, Pa.
Bartow, Francis S., July 21, 1861, at Bull Run, Va.
* Bee, Barnard E., July 21, 1861, at Bull Run, Va.
Branch, Lawrence O'B., September 17, 1862, at Antietam, Md.
* Chambliss, John R., jr., August 16, 1864, at Deep Bottom, Va.
Cobb, Thomas R., December 13, 1862, at Fredericksburg, Va.
* Daniel, Junius, May 12, 1864, at Spottsylvania, Va.
Dearing, James, April 6, 1865, at High Bridge, Va.
* Deshler, James, September 20, 1863, at Chickamauga, Ga.
Doles, George, May 30, 1864, at Bethesda Church, Va.
Duncvant, John, October 1, 1864, at Vaughan Road, Va.
Garland, Samuel, September 14, 1862, at South Mountain, Md.
* Garnett, Richard B., July 3, 1863, at Gettysburg, Pa.
* Garnett, Robert S., July 13, 1861, at Carricks Ford, Va.
Garrott, Isham W., June 17, 1863, at Vicksburg, Miss.
Girardey, Victor J. B., August 16, 1864, at Deep Bottom, Va.
Gist, States R., November 30, 1864, at Franklin, Tenn.
Gladden, Adley H., September 6, 1862, at Shiloh, Tenn.
Godwin, Archibald C., September 19, 1864, at Winchester, Va.
Gordon, James B., May 11, 1864, at Yellow Tavern, Va.
* Gracie, Archibald, jr., December 2, 1864, at Petersburg, Va.
Granbury, Hiram B., November 30, 1864, at Franklin, Tenn.
Green, Martin E., June 27, 1863, at Vicksburg, Miss.
Green, Thomas, April 12, 1864, at Mansfield, La.
Gregg, John, October 7, 1864, at Darbytown Road, Va.
Gregg, Maxcy, December 13, 1862, at Fredericksburg, Va.
Hanson, Roger W., December 30, 1862, at Stone River, Tenn.
Hatton, Robert, June 1, 1862, at Fair Oaks, Va.
* Helm, Benjamin H., September 20, 1863, at Chickamauga, Ga.
Jenkins, Albert G., May 9, 1864, at Cloyd's Mountain (or farm), W. Va.
Jenkins, Micah M., May 6, 1864, at the Wilderness, Va.
* Jones, John M., May 10, 1864, at Spottsylvania, Va.
* Jones, William E., June 5, 1864, at Piedmont, Va.
Kelley, John H., August 20, 1864, near Franklin, Tenn.
* Little, Lewis Henry, September 19, 1862, at Iuka, Miss.
* McCulloch, Benjamin, March 7, 1862, at Pea Ridge, Ark.
McCulloch, Benjamin, May 7, 1862, at Elk Horn, Ky.
* McIntosh, James M., May 7, 1862, at Pea Ridge, Ark.
Marshall, John, June 27, 1862, at Gaines Mill, Va.
Morgan, John H., September 4, 1864, at Greenville, Tenn.
* Mouton, J. J. Alfred, April 8, 1864, at Mansfield, La.
Paxton, Elisha F., May 3, 1863, at Chancellorsville, Va.
Pegram, John, February 5, 1865, at Hatcher's Run, Va.
* Perrin, Abner M., May 12, 1864, at Spottsylvania, Va.
Rains, James E., December 31, 1862, at Stone River, Tenn.
* Randal, Horace, April 30, 1864, at Jenkins Ferry, Ark.
Sanders, John C. C., August 21, 1864, at Weldon R. R., Va.
Scurry, William R., April 30, 1864, at Jenkins Ferry, Ark.
Smith, Preston, September 20, 1863, at Chickamauga, Ga.
Starke, William E., September 17, 1862, at Antietam, Md.
Stevens, Clement H., July 20, 1864, at Atlanta, Ga.
Strahl, Oscar F., November 30, 1864, at Franklin, Tenn.
Terrill, James B., May 30, 1864, at Bethesda Church, Va.
* Tilghman, Lloyd, May 16, 1863, at Champion Hills, Miss.
Tracy, Edward D., May 1, 1863, at Port Gibson, Miss.
Tyler, Robert C., April 16, 1865, at West Point, Ga.
Willis, Edward, May 31, 1864, at Mechanicsville, Va.
* Winder, Charles S., August 9, 1862, at Cedar Run, Va.
Zollicoffer, Felix K., January 19, 1862, at Mill Springs, Ky.

DIED OF WOUNDS.

* Anderson, George B., October 16, 1862, of wounds received at Antietam, Md.
Benton, Samuel, July 29, 1864, of wounds received at Atlanta, Ga.
Carter, John C., November 30, 1864, at Franklin, Tenn.
Gladden, Adley H., April 11, 1862, of wounds received at Shiloh, Tenn.
Griffith, Richard, June 30, 1862, of wounds received at Savage Station, Va.
Pettigrew, James J., July 17, 1863, of wounds received at Falling Waters, Md.
Posey, Carnot, November 13, 1863, of wounds received at Gettysburg, Pa.
Semmes, Paul J., July 10, 1863, of wounds received at Gettysburg, Pa.
Slack, George W. Y., March 8, 1862, of wounds received at Pea Ridge, Ark.
Stafford, Le Roy A., May 11, 1864, of wounds received at the Wilderness, Va.

LOAN OF MACHINE TOOLS, ETC., TO SCHOOLS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3143) to provide for further educational facilities by requiring the War Department to loan certain machine tools and scientific instruments not in use for Government purposes to trade and technical schools and universities, and for other purposes, to disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from California asks to take from the Speaker's table a bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The gentleman asks to disagree to the Senate amendment and asks for a conference. Is there objection?

Mr. WALSH. Reserving the right to object, will the gentleman state whether the Senate amendment was one striking out all after the enacting clause?

Mr. KAHN. It was.

Mr. WALSH. One amendment?

Mr. KAHN. One amendment.

The SPEAKER. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. KAHN, Mr. MCKENZIE, and Mr. CALDWELL.

ADDITIONAL COMPENSATION FOR POSTAL EMPLOYEES—CONFERENCE REPORT.

Mr. STEENERSON. Mr. Speaker, I call up the conference report on House joint resolution 151, to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The SPEAKER. The gentleman from Minnesota calls up the conference report on House joint resolution 151, which the Clerk will report by title.

The Clerk read the title of the joint resolution.

The SPEAKER. Does the gentleman wish to have the report read?

Mr. STEENERSON. I think the Clerk had better read both the report and the statement. They are short.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report and statement of the House conferees, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making appropriations therefor having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That because of the unusual conditions which now exist, the compensation provided for in the act entitled 'An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, the following classes of employees shall be increased as follows for such fiscal year only:

"(a) Postmasters at offices of the third class; assistant postmasters and clerks, including clerks at division headquarters of post-office inspectors, special clerks, finance clerks, bookkeepers, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and other employees of offices of the first and second class; letter carriers in the City Delivery Service; employees in Government-owned automobile service; supervisory officials, inspectors, railway postal clerks, including substitutes, superintendents, requisition fillers, packers, and laborers; the agent in charge, clerks, and messengers at the United States Stamped Envelope Agency, Dayton, Ohio; and employees of the mail equipment shop who receive compensation at the rate per annum of—

"(1) Not less than $1,000 nor more than $1,200, to be increased $200.

"(2) More than $1,200 and not more than $1,600, to be increased $150.

"(3) More than $1,600 and not more than $2,000, to be increased $125.

"(4) More than $2,000 and not more than $2,500, to be increased $100.

"Provided, That no third-class postmaster shall receive more than $2,000 per annum.

"(b) Carriers in the village delivery service, and other employees paid from lump-sum appropriations, receiving compensation at the rate of less than $1,000 per annum, to be increased 20 per centum of their present compensation.

"(c) Rural letter carriers on daily routes and rural letter carriers on two triweekly routes whose routes are—

"(1) Eleven miles or less in length, to be increased $75.

"(2) Over 11 miles and under 20 miles in length, to be increased $100.

"(3) Twenty miles and under 24 miles in length, to be increased $150.

"(4) Twenty-four miles or over in length, to be increased $200.

"(d) Rural letter carriers on triweekly routes of—

"(1) Eleven miles or less in length, to be increased $37.50.

"(2) Over 11 miles and under 20 miles in length, to be increased $50.

"(3) Twenty miles and under 24 miles in length, to be increased $75.

"(4) Twenty-four miles or over in length, to be increased $100.

"(e) Postmasters at offices of the fourth class to be increased by an amount equal to 15 per cent of their present compensation.

"(f) Substitute, temporary, and auxiliary clerks at first and second class post offices, and substitute, temporary, and auxiliary letter carriers in the City Delivery Service, shall receive after the passage of this act, for the remainder of the fiscal year ending June 30, 1920, in lieu of their present compensation, a compensation of 60 cents per hour for each hour of service performed.

"SEC. 2. That the above-mentioned increases in compensation shall apply to officers and employees in the Postal Service at the time of the passage of this act, and be effective as of July 1, 1919, or as of such subsequent date when such officers or employees entered the Postal Service: *Provided*, That as to substitute, temporary, and auxiliary employees, and employees paid from lump-sum appropriations, the increases shall be effective from and after the date of the passage of this act: *And provided further*, That none of the increases provided herein shall be applicable to officers and employees who have received an increase in their compensation of more than $300 per annum during the current fiscal year.

"SEC. 3. That no post office shall be advanced to the next higher class as a result of the increases in compensation of postmasters herein provided.

"SEC. 4. That in order to provide for the increased compensation herein authorized, so much as is necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for the various classes of employees herein mentioned, in the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919."

And the Senate agree to the same.

H. STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
THOS. M. BELL,
Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS STERLING,
J. H. BANKHEAD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreement of the House to the amendment of the Senate to the joint resolution (H. J. Res. 151) entitled "Joint resolution to provide additional compensation for employees of the Postal Service, and making an appropriation therefor," submit the following written statement in explanation of the effect of the action agreed upon by the conferees as to said amendment:

The Senate amendment struck out all of the original resolution after the resolving clause and inserted new matter, entirely rewriting the bill. This included the same employees as covered by the original resolution, and in addition thereto enumerated employees in the Government-owned automobile service, railway substitute clerks, the assistant agent and clerks at the postal stamp agency, Dayton, Ohio, and employees of the mail-equipment shop. The House made a flat increase of $150 for all. The Senate amendment divided the employees into those receiving $1,000 or less per annum, who were increased $240; second, those receiving $1,100 or $1,200, who were increased $200; third, those receiving $1,300, $1,400, $1,500, or $1,600, who were increased $150, the same increase as provided in the House bill; and those receiving $1,700 to $2,500, who were increased $100, reducing the House figure by $50; and those receiving more than $2,500 per annum, who receive no increase.

The House receded from its disagreement to the $240 increase with an amendment making an increase of $200 to employees receiving $1,000, $1,100, and $1,200. The Senate agreed to the House provision of $150 increase as to employees of $1,300, $1,400, $1,500, and $1,600. As to employees receiving more than $1,600 and not more than $2,000, the House accepted the $125 increase proposed by the Senate, and likewise the House accepted $100 increase for employees receiving more than $2,000 and not more than $2,500, proposed by the Senate.

Village delivery carriers and other employees paid out of lump-sum appropriations receiving compensation of less than $1,000 per annum are given 20 per cent increase, instead of the $150 provided in the House bill.

Rural carriers on routes 11 miles or less in length under the conference measure are to be increased $75; on routes over 11 miles and under 20 miles, $100 increase; on routes of 20 miles and under 24 miles, $150 increase; on routes 24 miles and over, $200 increase; and carriers on triweekly routes are increased one-half of these amounts. This is an increase on all routes of 24 miles and over of $50.

Fourth-class postmasters, who under the House bill were to receive 10 per cent, are increased 15 per cent under the present measure.

The compensation of substitute, temporary, and auxiliary clerks and carriers was increased from 40 cents to 60 cents an hour in the House bill and remains so in the present measure.

In section 2 of the Senate amendment the increases were made retroactive, so as to take effect as of July 1, 1919. As agreed to in conference this provision is modified by a proviso that, as to substitute, temporary, and auxiliary clerks at first and second class post offices, and substitute, temporary, and auxiliary letter carriers in the City Delivery Service, and other employees paid from lump-sum appropriations, the increases shall be effective from and after the date of the passage of the act. There is also a further proviso that none of the increases provided for shall be applicable to officers or employees who have received an increase in their compensation of more than $300 during the current fiscal year.

Section 3 provides that no post office shall be advanced to the next higher class as a result of increases in compensation to postmasters herein provided for.

Section 4 makes the appropriation required to meet the increases.

H. STEENERSON,
MARTIN B. MADDEN,
W. W. GRIEST,
JOHN A. MOON,
THOS. M. BELL,
Managers on the part of the House.

Mr. STEENERSON. Mr. Speaker, I think this report and statement include everything that needs to be said. I want to add, however, that the bill as passed by the House, giving an increase of $150 to each employee, was estimated to carry about $40,000,000. I stated in my report, I believe, that I thought it would be about $38,000,000. The Senate proposition was estimated to carry a little over $41,000,000. The conferees, after considering these two propositions, succeeded in reducing the amount required for these increases by a considerable sum, so that the present bill as recommended by the conferees carries, it is estimated, only about $35,500,000.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BLANTON. I notice that the House provision with regard to fourth-class postmasters was changed by the Senate, the Senate proposing, in addition to the 15 per cent increase to be allowed to fourth-class postmasters, that where the office was situated in a separate, distinct building not used for any other purpose, such fourth-class postmaster should be allowed $50 a quarter to pay for rent, light, and fuel; in other words, $12.50 a month to cover rent, light, and fuel for a building used for no other purpose than post-office business.

Mr. RUCKER. Will the gentleman yield?

Mr. BLANTON. In just a moment.

Mr. RUCKER. The gentleman's statement is not quite correct.

Mr. BLANTON. I notice that the conferees have taken that provision out of the bill. Why was that done?

Mr. RUCKER. Before the gentleman from Minnesota answers the question, will he yield to me for one moment?

Mr. STEENERSON. Yes; I yield to the gentleman from Missouri.

Mr. RUCKER. The gentleman from Texas is slightly in error. The amendment put on the House bill in the Senate provided that in all cases where the post office is kept in a room or building in which no other business is conducted, a reasonable sum shall be allowed for rent, light, and fuel.

Mr. BLANTON. Not to exceed $50 a quarter.

Mr. RUCKER. Yes.

Mr. BLANTON. Well, that is practically the same thing; it was not exceeding $12.50 a month, and it occurred to me that that was as little as Congress could allow a postmaster for

furnishing a separate building, which could not be used for anything else, and even that little stipend was taken away by the conferees, as shown by the conference report.

Mr. STEENERSON. I will say that the conferees went carefully over that proposition, and they concluded it would be practically impossible to administer the provision referred to, and besides, the fourth-class postmasters are well taken care of already.

Mr. BLANTON. Will the gentleman let me call his attention to another case?

Mr. STEENERSON. I am trying to answer the gentleman's question. The postmasters of the fourth class are now receiving—those that receive $75 a quarter, or $300 a year, are by law given the first 100 per cent of that amount; that is, they are getting it all. The last appropriation bill gave them 20 per cent in addition. So that fourth-class postmasters who receive $300 a year get $60 more than the total receipts of the office. In addition to that we have now increased the allowance 15 per cent. So that the conferees thought there should be no further increase by allowance for rent in these small offices which are mostly in residences. I, perhaps, have as many in my district as has the gentleman from Texas. Some receive, perhaps, $20 a quarter in revenue. They are kept in the man's house. Of course, if they had an inducement like this they could easily put a lean-to on the house and get up to $50 additional for that.

Mr. BLANTON. There is a more serious case which I wish to call the gentleman's attention to for a moment.

Mr. STEENERSON. The fact is the conferees agreed that it was not wise to give them this allowance.

Mr. BLANTON. Will the gentleman let me call attention to a very serious case that has occurred in my district? A post office there which less than a year ago had about 400 people or less, to-day, by reason of large oil wells which have developed there, now has a population of about 25,000 people. Now——

Mr. STEENERSON. I decline to yield further. That is taken care of in another appropriation in an item for unusual conditions. The gentleman can get the allowance now from the department.

Mr. BLANTON. But the department says that this man has no remedy whatever.

Mr. STEENERSON. There is an appropriation for unusual conditions, and that is a case of that kind. I should be very glad if large oil wells developed in my district.

Mr. BLANTON. Will the gentleman give me two minutes to call attention to something he does not know about?

Mr. STEENERSON. Yes.

Mr. BLANTON. The department told me that they had called the attention of the Post Office Committee to the fact that the present law and regulations for postmasters required that this postmaster, until recently of the fourth class, should continue to work in a town of 25,000 inhabitants for $1,000 a year for a whole year and until the year expired before they could increase his salary a single cent.

That is something the Post Office Committee does not seem to know, and the gentleman does not seem to realize the fact that the department has compelled that postmaster to work a whole year in a town of 25,000 people, to furnish service to that whole population, at a salary of only $1,000, and that postmasters have resigned three different times. They have had three different men in charge and can not get a man now to take the position.

Mr. STEENERSON. In reply to the gentleman, the gentleman seems to know about this extraordinary case, but takes no note of the good fortune to have oil wells developed——

Mr. BLANTON. But it is not the good fortune of the postmaster who has to run a first-class post office a whole year for $1,000 salary.

Mr. STEENERSON. Will the gentleman let me have a minute? It is not every locality that has the good fortune to have an oil well. We did not know anything about that. We went on the assumption that every locality in the United States had a Congressman, and if he had a grievance like this he should come before the committee and present his case. The gentleman from Texas has never appeared before the Post Office Committee.

Mr. BLANTON. I have worn out three pairs of shoes going to the department about it, and Mr. Elsworth advised me that he had requested such emergency authorization from your committee.

Mr. MOON. Will the gentleman from Minnesota yield?

Mr. STEENERSON. I will.

Mr. MOON. I ask the gentleman to yield in order to ask the gentleman from Texas what are the receipts of that office?

Mr. BLANTON. The receipts show for the last quarter that it is a first-class office, and the postmaster is now receiving a salary of only $1,000 a year to handle this mail for 25,000 people, and there is no law to give him more.

Mr. MOON. It will ripen into a first-class office and he will get the salary.

Mr. BLANTON. Maybe he will get it if he lives long enough.

Mr. MADDEN. Will the gentleman from Minnesota yield?

Mr. STEENERSON. Certainly.

Mr. MADDEN. The gentleman from Texas knows very well that the talk he is making has no place in this bill and that the condition he speaks of can not be remedied in this report.

Mr. BLANTON. The Post Office Department told me that it had called the attention of the committee to this emergency and asked for an increased appropriation, and the committee would not give it to them.

Mr. MADDEN. I do not think the gentleman is stating the facts.

Mr. BLANTON. It is a fact, the Post Office Department told me, and if I am not mistaken the gentleman over there was present.

Mr. MADDEN. The Post Office Department already has all the appropriation it needs for these emergency cases.

Mr. STEENERSON. Now, Mr. Speaker, I decline to yield further. The House included, as we believe, all employees in the Postal Service who are entitled to consideration, but upon reflection we agreed with the Senate to add the employees in the Government automobile service, substitute clerks, assistant agents and clerks at the postal stamp agency, Dayton, Ohio, and the employees of the mail-equipment shop. All of these employees were not included in the House bill; for one reason, they are lump-sum employees, paid a salary fixed by the department, and not by Congress, but we agreed and they are included in this bill.

As I said, the conference measure here recommended reduced the appropriation required to make these increases, and we have estimated the amount at $35,500,000. We have increased those who are paid the smallest salaries the most. Those receiving $1,000 and $1,100 and $1,200 have been increased by $200 instead of $150, as proposed by the House bill. All those receiving more than $1,200 and up to $1,600 under this bill will receive $150, the same as carried in the bill as it passed the House. Those who receive more than $1,600 and up to $2,000 are given $125 increase, and those receiving between $2,000 and up to $2,500, $100 increase. All of those above $2,500 are omitted from the bill.

I want to say a word about that omission. The conferees yielded to the Senate on that point, because it was contended that this is an emergency measure, and that we should not include those whose salaries were as high as $2,500 and more, because it could not be claimed that it was necessary to increase their compensation on account of the cost of living. I want to say, however, that there is no class of employees that has borne the heavy strain of recent times in the Postal Service more worthily or well than the supervisory employees. The testimony before the Joint Commission to Investigate Postal Salaries has been that the eligible lists in all of the large cities have been exhausted, that they have been compelled to take in substitute, temporary, and auxiliary carriers and clerks, without any examination by the Civil Service Commission. Necessarily they have brought in thousands of men who were hardly prepared for this skilled service, and the burden of training and putting them in shape to do efficient work has fallen upon the supervisory officials. However, they have made no complaint about that, and, as I say, we yielded to the Senate provision in that regard. These increases are simply for the fiscal year ending June 30, 1920. As to those employees who are on the statutory roll, whose compensation has been fixed by Congress, it is retroactive to the 1st day of July, but as to all those paid out of the lump-sum appropriations, whose compensation is determined in the discretion of the department, the compensation is not retroactive.

Mr. RUCKER. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. RUCKER. The gentleman is now speaking of employees paid out of a lump sum?

Mr. STEENERSON. Yes.

Mr. RUCKER. Like the village delivery carriers?

Mr. STEENERSON. Yes.

Mr. RUCKER. Receiving a compensation at the rate of less than $1,000 per annum?

Mr. STEENERSON. Yes.

Mr. RUCKER. To be increased 20 per cent?

Mr. STEENERSON. Yes.

Mr. RUCKER. As I recall, the village delivery carriers who are paid less than $1,000 a year have had, under some

other legislation, a bonus allowed to them. What I want to know is this: Is the 20 per cent increase computed upon the salary and bonus together?

Mr. STEENERSON. Oh, yes; according to the bill reported by the conferees, this is in addition to the compensation that these employees are now receiving.

Mr. RUCKER. Let me present it in this way: A village delivery carrier is getting $60 a month salary and $10 a month bonus. Is the 20 per cent increase computed upon the $60 or upon the $70?

Mr. STEENERSON. I will answer in this way: I have here the official circular of the department with reference to village delivery, and they say that the annual salary of the carriers during the present fiscal year—that is, the village carriers—will be as follows: Where the salary is $600, with a 20 per increase, it will be $720; during the second year, where it is $690, with a 20 per cent increase, it will amount to $828; and the third year, with $780, with a 20 per cent increase, it makes $936 compensation, which they are now receiving. Here is what it will be under the conference bill. Is that what the gentleman wants?

Mr. RUCKER. Take the last salary which is mentioned, that of a man who has been in the service for three years, whose salary plus the bonus or increase is $936. Will the 20 per cent allowed in this bill be computed on the $936 or on the $780?

Mr. STEENERSON. It is based on the total compensation.

Mr. RUCKER. On the $936?

Mr. STEENERSON. Yes; and I have here a computation that gives the salary of each as it will be under the conference report: Present salary $936, 20 per cent increase, $1,123.20.

Mr. RUCKER. That answers the question.

Mr. STEENERSON. I might say further to the gentleman that there is a limitation, as he will notice in the bill, that no employee's salary shall be increased if he has already received an increase of $300 during the year; but I do not think that applies to village delivery carriers.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BRIGGS. Did not the original bill as it passed the House provide for a straight $150 increase in the salaries of the rural carriers?

Mr. STEENERSON. It did.

Mr. BRIGGS. What was the reason for the committee cutting that down as it appears to have done in the conference report?

Mr. STEENERSON. The reason is that there are two classes of rural carriers. There are carriers who have a standard route of 24 miles, and there are carriers who have a route of a less number of miles. The statutory compensation of all these carriers who have less than 24 miles is graded down in the original compensation act, so that if a man has only 11 miles, he is paid about half what he would be paid if he had 24. There is another class of carriers that carry only triweekly, and, of course, it would not be right to pay a man the same who did that as one who carried daily.

Mr. BRIGGS. Did not the House in its action on this matter make a straight, horizontal increase of $150?

Mr. STEENERSON. That is true; but the conferees agreed to change it.

Mr. BRIGGS. Was it not due to the fact that the high cost of living was so great that that increase they thought was justified by the demands and the necessities which fell on these rural carriers, in view of the small amounts they receive under existing law?

Mr. STEENERSON. The reason was because of the rise in the cost of living, and in addition to that was the extraordinary increase in the cost of maintenance of equipment of rural carriers. But it would not be fair to give the same increase. The man who carries 12 miles should not have the same as a man who carries 24 miles, and should not have the same increase, so we suggested what we thought was equitable and just.

Mr. BRIGGS. This condition, of course, obtains in a great many country districts where roads are not frequently good, and it frequently takes longer to go 12 miles than it does to go 24. In my district in many parts where the roads are very difficult of travel it takes a great deal of time and effort to get over those roads and carry the mail. And in other cases where the roads are very much better the person makes, perhaps, even longer distance in a shorter time, and yet he gets much more increase under this conference report.

Mr. STEENERSON. As a matter of public policy I do not think the United States Government has ever undertaken to reward a community for its poor roads, but we treat them alike and pay them the same.

Mr. BRIGGS. But I am speaking about the fact that if a man's time is all taken up, not on a mileage basis, but if his time is all taken up in carrying the mails, the increase, of course, ought to be the same as for the other man, as in cities there is no discrimination against a man who traverses the route of a city carrier of 12 blocks and a man who traverses 30 or 40 blocks.

Mr. STEENERSON. We contend that we have adjusted it fairly for the amount of service they perform, and the gentleman, I think, upon reflection will agree with us.

So many questions have been asked me recently about the compensation of postal employees and postmasters that I have thought it useful to compile the information in a series of statements and tables, which I will insert in the RECORD.

First, there is a statement showing the number of employees. Next, a statement in regard to third-class postmasters and their compensation and allowances; then fourth-class postmasters and their compensation, with illustrations. Then there is a memorandum from the First Assistant Postmaster General showing a computation by the department of the increased cost to the service of the increases provided for in the conference bill and a recapitulation thereof. Then follows a memorandum showing the number of officials and employees who are not included in the bill, whose salaries exceed $2,500 per annum. Then there are the official rules of the department covering the compensation of village delivery carriers; then a computation of the proposed increases of these village delivery carriers. Then follows a computation of the amount of the increases under the plan first proposed by the Senate.

From an examination of the department figures in the above statements it will be noted that the increases provided for in the conference measure amount to $35,698,400, as against $41,528,509 under the first proposition of the Senate, a saving of nearly $6,000,000.

	Approximately.
Total number of employees in the Postal Service	300,000
Number of employees included in the conference measure, including substitute clerks and carriers	185,400
Balance	114,600
Of this remainder of postal employees, there are:	
First-class postmasters	665
Second-class postmasters	2,539
(The others are persons employed by third and fourth class postmasters, but of whom the department has no record, and contractors, etc.)	
The number of persons employed in the Postal Service who are paid from lump-sum appropriations is	130,962
The number of statutory employees is	54,438

THIRD-CLASS POSTMASTERS.

The present compensation of third-class postmasters is determined under section 270 of the Postal Laws and Regulations, being from $1,000 per annum, where the gross receipts are $1,900 and not exceeding $2,100, increasing in even hundreds of dollars up to where the gross receipts are $7,000 and not exceeding $8,000, the salary in such case being $1,900.

In addition to this compensation, the third-class postmasters are allowed 3 cents each for the issuance of money orders, and there are several other minor allowances for the performance of extra duties, and in addition to this there is an allowance to cover the cost of clerical service based on the salary of the postmaster, as follows:

Postmaster's salary:	Allowance.
$1,000, $1,100, $1,200	$450
$1,300, $1,400, $1,500	600
$1,600, $1,700	750
$1,800, $1,900	1,200

The clerk-hire allowances above, contained in the act approved February 28, 1919, are 50 per cent higher than any previous allowances; and also that act provides for assistant postmasters to be paid a maximum salary of $900 in offices of the third class, where the postmasters' salaries are $1,800 or $1,900 per annum. Note: Such assistant postmasters are probably included in the class of lump-sum employees who are to receive 20 per cent increase. There is a lump-sum appropriation of $600,000 for their basic pay.

FOURTH-CLASS POSTMASTERS.

Postmasters of the fourth class embrace all those whose annual compensation, exclusive of their commissions on money orders, amounts to less than $1,000.

Their compensation is fixed upon the basis of the whole of the box rents collected and commissions upon canceled postage-due stamps and on postage stamps, stamped envelopes, postal cards canceled, on matter actually mailed at their offices, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold.

By the act of March 3, 1883 (22 Stat. L., 602), this compensation was fixed at 100 per cent of the first $50 or less per quarter, 60 per cent of the next $100 per quarter, 50 per cent of the next $200 per quarter, and 40 per cent of the balance for that quarter.

By the act of July 2, 1918, this was changed, as follows: 100 per cent of the first $80 or less per quarter (the other percentages remaining the same as above).

By the act of February 28, 1919, this was again changed, as follows: 100 per cent of the first $100 or less per quarter (the other percentages remaining the same as above).

And in addition to this the last-mentioned act provides that where the compensation of a fourth-class postmaster does not exceed $75 per quarter for any one quarter he shall receive an increase of 20 per cent of the compensation allowed under existing law. Now, the conference measure provides for an increase in the salaries of fourth-class postmasters by an amount equal to 15 per cent of their present compensation, which will be 10 per cent of such compensation for the present or current year, because as lump-sum employees their pay increase will date from the date of the passage of the act, which will probably be about November 1, leaving eight months for which they will receive an increase of 15 per cent.

Attached hereto are four examples of increases in pay of fourth-class postmasters.

Examples of compensation of fourth-class postmasters.

Gross receipts	$475	100 per cent of first $100	$100.00
	100		
	375	60 per cent of next $100	60.00
	100		
	275	50 per cent of next $200	100.00
	200		
	75	40 per cent of balance	30.00
Total compensation under existing law			290.00
15 per cent increase from Nov. 1			29.40
Total compensation, including present increase			319.40
Gross receipts	$300	100 per cent of first $100	$100.00
	100		
	200	60 per cent of next $100	60.00
	100		
	100	50 per cent of next $200	50.00
Total compensation under existing law			210.00
15 per cent increase from Nov. 1			21.10
Total compensation, including present increase			231.10
Gross receipts	$150	100 per cent of first $100	100.00
	100		
	50	60 per cent of next $100	30.00
Total compensation under existing law			130.00
15 per cent increase from Nov. 1			13.00
Total compensation, including present increase			143.00
Gross receipts	$75	100 per cent of first $100	75.00
20 per cent increase allowed under act of Feb. 28, 1919, where compensation for any one quarter does not exceed $75			15.00
Total compensation under existing law			90.00
15 per cent increase from Nov. 1			9.00
Total compensation, including present increase			99.00

Net loss to United States of $24 over total receipts.

NOTE.—There are 29,000 fourth-class postmasters whose compensation is $100 or less per quarter.

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POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, October 22, 1919.

HON. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. STEENERSON: In accordance with your request I am inclosing herewith a memorandum prepared showing the increased cost to the service of H. J. Res. 151 as agreed to in conference.

Sincerely, yours,

J. C. KOONS,
First Assistant Postmaster General.

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OCTOBER 22, 1919.

Memorandum showing probable increase in salaries and compensation of postal employees under House joint resolution 151, as agreed to in conference.

	Number.	Grades.	Increased rate.	Cost.
Fourth-class postmasters.	42,259	15 per cent increase		$1,522,300
Third-class postmasters.	2,595	$1,000, $1,100, and $1,200	$200	519,000
	3,633	$1,300, $1,400, $1,500, and $1,600.	150	544,950
	1,693	$1,700, $1,800, and $1,900	125	201,225
	7,921			1,265,175
Assistant postmasters	350	$1,000, $1,100, and $1,200	200	70,000
	1,442	$1,300, $1,400, $1,500, and $1,600.	150	216,300
	500	$1,700, $1,800, $1,900, and $2,000.	125	62,500
	26	$2,100, $2,200, $2,300, $2,400, and $2,500.	100	2,600
	2,318			351,400

Memorandum showing probable increase in salaries and compensation of postal employees under House joint resolution 151, as agreed to in conference—Continued.

	Number.	Grades.	Increased rate.	Cost.
Clerks, first and second class offices.	14,166	$1,000, $1,100, and $1,200	$200	$2,833,200
	28,472	$1,300, $1,400, $1,500, and $1,600.	150	4,270,800
	3,790	$1,700, $1,800, $1,900, and $2,000.	125	473,750
	332	$2,100, $2,200, $2,300, $2,400, and $2,500.	100	33,200
	46,760			7,610,950
City carriers	7,311	$1,000, $1,100, and $1,200	200	1,462,200
	28,194	$1,300, $1,400, $1,500, and $1,600.	150	4,229,100
	7	$1,700	125	875
	35,512			5,692,175
Railway Mail Service.	6,550	$1,000, $1,100, and $1,200	200	1,310,000
	5,280	$1,300, $1,400, $1,500, and $1,600.	150	792,000
	10,049	$1,700, $1,800, $1,900, and $2,000.	125	1,256,125
	132	$2,100, $2,200, $2,300, $2,400, and $2,500.	100	13,200
	22,011			3,371,325
Watchmen, messengers, and laborers.	2,125	$1,035	200	425,000
Substitute clerks		60 cents an hour instead of 40		3,700,000
Substitute carriers		do		2,361,906
Additional cost of overtime, account of increased compensation.				1,000,000
Printers, mechanics, and skilled laborers.	31	$1,150	200	6,200
	26	$1,265 and $1,380	150	3,900
	57			10,100
Employees, Government-owned automobiles.	902	$1,000, $1,100, and $1,200	200	120,266
	946	$1,201 to $1,600, inclusive	150	94,600
(Lump-sum appropriation.)	97	$1,601 to $2,000, inclusive	125	8,086
	16	$2,001 to $2,500, inclusive	100	1,066
	1,961			224,018
Clerks in post office, inspectors' headquarters.	20	$1,000, $1,100, and $1,200	200.00	4,000
	50	$1,300, $1,400, $1,500, and $1,600.	150.00	7,500
	30	$1,700, $1,800, $1,900, and $2,000.	125.00	3,750
	100			15,250
Requisition fillers, packers, and laborers.	29	$1,150	200.00	5,800
	1	$1,540	150.00	150
	30			5,950
Postal stamp agency, Dayton, Ohio.	4	$1,000, $1,100, and $1,200	200.00	800
	5	$1,300, $1,400, $1,500, and $1,600.	150.00	750
	1	$1,700, $1,800, $1,900, and $2,000.	125.00	125
	10			1,675
Village delivery carriers.	891	Less than $1,000, 20 per cent increase.		138,689
Rural carriers, daily routes.	50	11 miles or less	75.00	3,355
	1,546	Over 11 miles, under 20	100.00	154,600
	6,286	Over 20 miles, under 24	150.00	942,500
	34,019	24 miles and over	200.00	6,803,800
	41,901			7,904,650
Triweekly routes	5	11 miles or less	37.50	187
	144	Over 11 miles, under 20	50.00	7,200
	238	Over 20 miles, under 24	75.00	17,850
	726	24 miles and over	100.00	72,600
	1,113			97,837

OCTOBER 22, 1919.

Recapitulation of probable cost of increasing salaries and compensation under House joint resolution 151, as agreed to in conference.

Fourth-class postmasters	$1,522,300
Third-class postmasters	1,265,175
Assistant postmasters	351,400
Clerks, first and second class offices	7,610,950
City carriers	5,692,155
Railway Mail Service	3,371,325
Watchmen, messengers, and laborers	425,000
Printers, mechanics, and skilled laborers	10,100
Substitute clerks	3,700,000
Substitute carriers	2,361,906
Additional cost of overtime	1,000,000
Employees, Government-owned automobiles	224,018

Clerks, post-office inspectors' headquarters	$15,250
Requisition fillers	5,950
Postal stamp agency	1,675
Rural carriers, daily routes	7,904,650
Rural carriers, triweekly routes	97,837
Village delivery carriers	138,689
Total	35,698,400

Those who get no increase under this measure are:

Post-office inspectors, at $3,000	15
Special Assistant to Attorney General, at $6,000	1
Assistant postmasters, first and second class, at $4,000	5
Superintendents delivery, mails, money order, registry, at $3,200	10
Superintendents of mails, auditors, at $3,000	15
Assistant superintendents of mails, superintendents of deliveries, superintendents of mails, at $2,700	25
Assistant superintendents of mails, cashiers, superintendents of delivery, superintendents of mails, at $2,600	35
Assistant postmasters, at $3,000	60
Total	166

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VILLAGE DELIVERY SERVICE,
POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington.

POSTMASTER: The basic entrance salary of village carriers is at the rate of $600 per annum, and after one year's satisfactory service an increase of $90, making $690 per annum, is allowed. After two years' satisfactory service, $90 additional, making $780 per annum, is granted. In addition to the foregoing, during the current fiscal year, which ends June 30, 1920, an increase of 20 per cent is provided for the salary of village carriers by the terms of an act of Congress.

Accordingly, the annual salary of carriers during the present fiscal year is as follows:

$720 ($600 and 20 per cent) to those serving their first year.

$828 ($690 and 20 per cent) to those who have completed one year's service.

$936 ($780 and 20 per cent) to those who have completed two years' service.

The increase of $90, above mentioned, is allowed at the beginning of the first quarter after the completion of service of one or two years, as the case may be.

—

Village delivery carriers.

1.

AS PROPOSED BY THE HOUSE.		AS IN CONFERENCE BILL.	
Present salary	$720.00	Present salary	$720.00
Addition of $150	150.00	Addition of 20 per cent	144.00
Total	870.00	Total	864.00

2.

Present salary	828.00	Present salary	828.00
Addition of $150	150.00	Addition of 20 per cent	165.60
Total	978.00	Total	993.60

3.

Present salary	936.00	Present salary	936.00
Addition of $150	150.00	Addition of 20 per cent	187.20
Total	1,086.00	Total	1,123.20

In proposition No. 1 the 20 per cent increase is $6 less.
In proposition No. 2 the 20 per cent increase is $15.60 greater.
In proposition No. 3 the 20 per cent increase is $37.20 greater.

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POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, October 13, 1919.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. CHAIRMAN: In accordance with your telephonic request on the 11th instant, I am transmitting herewith statistical information relating to two proposed plans for increasing the salaries of employees in the Postal Service.

Sincerely, yours,

J. C. KOONS,
First Assistant Postmaster General.

—

SEPTEMBER 26, 1919.

Recapitulation of probable cost of increasing salaries and compensation under House joint resolution 151, under plan proposed by Senate committee.

Fourth-class postmasters	$2,283,450
First, second, and third class postmasters	1,262,370
Third-class postmasters	388,220
Assistant postmasters	7,702,300
Clerks, first and second class post offices	5,779,120
City delivery carriers	435,625
Watchmen, messengers, and laborers	6,730
Printers, mechanics, and skilled laborers	350,850
Employees, Government-owned automobiles	5,550,000
Substitute clerks	3,542,859
Substitute carriers	8,750
Post-office inspectors and clerks	4,460
Clerks, division headquarters	1,330
Requisition fillers	2,902,400
Postal stamp agency	7,904,650
Railway mail clerks	195,675
Rural carriers, daily routes	209,520
Rural carriers, triweekly	3,000,000
Village delivery carriers	41,528,509
Additional cost of overtime, account of increased salaries	
Total	

SEPTEMBER 26, 1919.

Memorandum showing probable cost of increasing salaries and compensation under House joint resolution 151, under plans Nos. 1 and 2 proposed by Senate committee.

PLAN NO. 1, SUGGESTED BY HON. CHARLES E. TOWNSEND, CHAIRMAN.

	Number.	Grades.	Increased rate.	Cost.
Fourth-class postmasters.	42,259	15 per cent increase		$2,283,450
Third-class postmasters.	728	$1,000, at	$240	174,720
	1,867	$1,100 and $1,200	200	375,400
	3,683	$1,300, $1,400, $1,500, and $1,600.	150	544,950
	1,693	$1,700, $1,800, and $1,900, at	100	169,300
	7,921			1,262,370
Assistant postmasters.	213	$1,000, at	240	51,120
	137	$1,100 and $1,200, at	200	27,400
	1,442	$1,300 $1,400, $1,500, and $1,600, at.	150	216,300
	934	$1,700, $1,800, and $1,900, at	100	93,400
	2,726			388,220
Clerks	6,100	$1,000, at	240	1,464,000
	8,066	$1,100 and $1,200, at	200	1,613,200
	28,472	$1,300, $1,400, $1,500, and $1,600, at.	150	4,270,800
	3,543	$1,700, $1,800, and $1,900, at	100	354,300
	46,181			7,702,300
City carriers	2,178	$1,000, at	240	522,720
	5,133	$1,100, and $1,200, at	200	1,026,600
	28,194	$1,300, $1,400, $1,500, and $1,600, at	150	4,229,100
	7	$1,700, $1,800, and $1,900, at	100	700
	35,512			5,779,120
Railway Mail Service.		$1,000, at	240	
	6,550	$1,100 and $1,200, at	200	1,310,000
	5,280	$1,300, $1,400, $1,500, and $1,600, at	150	792,000
	8,004	$1,700, $1,800, and $1,900, at	100	800,400
	19,834			2,902,400
Watchmen, messengers, and laborers.	2,125	$1,035, at	205	435,625
Printers, mechanics, and skilled laborers.	31	$1,150, at	150	4,650
	4	$1,265, at	135	540
	22	$1,380, at	70	1,540
	57			6,730
Substitute clerks		60 cents per hour instead of 40 cents.		5,550,000
Substitute carriers		60 cents an hour instead of 40 cents.		3,542,859
Additional cost of overtime, account of increased compensation.				3,000,000
Requisition filler, packers, and laborers.	29	$1,150, at	150	4,350
Superintendent, packers, and laborers.	1	$1,510, at	110	110
	30			4,460
Clerks in post-office inspectors' headquarters.	10	$1,035, at	205	2,050
	10	$1,150, at	150	1,500
	30	$1,380, at	70	2,100
	20	$1,540, at	110	2,200
	15	$1,760, at	40	600
	15	$1,980, at	20	300
	100			8,750
Postal stamp agency, Dayton, Ohio.	3	$840, at	160	480
	1	$1,100 and $1,200, at	200	200
	5	$1,300, $1,400, $1,500, and $1,600, at.	150	750
	1	$1,700, $1,800, and $1,900, at	100	100
	10			1,530
Village delivery carriers	873	Less than $1,000, at	240	204,520
Rural carriers, daily routes.	50	11 miles or less	75	3,750
	1,546	Over 11 miles, under 20 miles.	100	154,600
	6,286	Over 20 miles, under 24 miles.	150	942,500
	34,019	Over 24 miles	200	6,803,800
	41,901			7,904,650
Triweekly routes	5	11 miles or less	75	375
	144	Over 11 miles, under 20 miles.	100	14,400
	238	Over 20 miles, under 24 miles.	150	35,700
	726	Over 24 miles	200	145,200
	1,113			195,675

Memorandum showing probable cost of increasing salaries and compensation under House joint resolution 151, under plans Nos. 1 and 2 proposed by Senate committee.—Continued.

	Number.	Grades.	Increased rate.	Cost.
Employees, Government-owned automobile service.	.....	$1,000, at.....	$240	.....
	1,563	$1,100, at.....	200	$312,600
	255	$1,300, $1,400, $1,500, and $1,600, at.	150	38,250
	.....	$1,700, $1,800, and $1,900, at..	100	.....
	1,818			350,850

Mr. BLACK. If the gentleman has finished, I would like to discuss this proposition.

Mr. STEENERSON. Does the gentleman desire that I yield him some time; if so, how much?

Mr. BLACK. About 10 minutes.

Mr. STEENERSON. I yield the gentleman from Texas 10 minutes.

Mr. BLACK. Mr. Speaker, I think the House would naturally be interested in considering what relations the expenditures of the Post Office Department for the present fiscal year will bear to the estimated receipts. The appropriation bill which we passed in February of this year, and which is for the fiscal year 1920, carried an aggregate appropriation of something more than $400,000,000. Those figures did not include the $200,000,000 which we appropriated for the building of good roads and which, of course, has no connection with the Post Office Department. Now, the adoption of the present conference report and the resolution to which it relates will undoubtedly entail an additional appropriation, and does make an additional appropriation of something over $35,000,000, anywhere from that amount to about $38,000,000. Therefore the expenditures for the Post Office Department for the present fiscal year will be around $440,000,000. Now, the inquiry naturally arises, or ought to arise, in the minds of Members of Congress, What relation will the receipts of the Post Office Department for this fiscal year bear to the total amount of expenditure? In December, 1918, when we had up our appropriation bill for the present fiscal year in the House, I made a speech in which, in discussing the salary increase which it carried, I estimated that the total amount of the deficit for this year would be $25,000,000. That prediction was made upon the basis that for the last several years our increased postal receipts have been around 5 per cent each year. Now, if that calculation of mine that the percentage increase in postal receipts for the fiscal year of 1920 would be the usual average of 5 per cent over the year before had been correct, $25,000,000 or thereabouts would have been the deficit, not counting the $38,000,000 carried in this resolution, and we would have a prospective deficit around $60,000,000 for the present fiscal year.

Mr. MADDEN. Will the gentleman yield?

Mr. BLACK. Let me complete the statement and then I will yield. I am glad to state, however, that the present rate of increase in postal receipts over the normal average is much higher than the average, and since the beginning of the fiscal year the receipts have been around 12 or 15 per cent higher than the normal average, and I think we can safely estimate and safely count that they will be at least 10 per cent higher for this year and probably as high as 12 per cent. And if this is true, then, basing the estimate of increase over last year's receipts, we ought to have total receipts this year of $413,000,000, and that would leave us a deficit, a prospective deficit, of about $25,000,000. Now, I will yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. The gentleman has answered the question I had in mind.

Mr. BLACK. I thought probably I would, and that was the reason I asked to complete the statement. Therefore we can expect that this year the Post Office Department, instead of having a surplus, as has been the case during most of the years of Postmaster General Burleson's administration, will have a deficit of $25,000,000. Now, I am one of those——

Mr. STEENERSON. Will the gentleman yield?

Mr. BLACK. I will.

Mr. STEENERSON. The evidence before the joint postal commission from postmasters was that in the large cities, notably New York, the receipts during the late months have been practically the same as they were when the letter postage was 3 cents, and they figure that the amount of that increased postage for war purposes amounted to 17 per cent, possibly. Now, if their testimony is true, then the increase during the last four or five months must have been about 17 per cent, which would not give a deficit at all.

Mr. BLACK. I will state that the figures I have reviewed—and I reviewed them in the office of the First Assistant Postmaster General—do not indicate that the increase will be as high as 17 per cent, but that the increase will be at least 12 per cent and possibly higher, and that, of course, reduces the prospective deficit to where it will surely be not more than $25,000,000, and probably not so much. No one is more pleased than I that the pendulum is swinging toward a smaller deficit than at first seemed possible. But what I was about to say when I yielded to the gentleman from Minnesota [Mr. STEENERSON] was this, that while I do not advocate that the Post Office Department should be a profit-making institution, I have always advocated that it be made self-sustaining, as near as possible, and I think we might well consider the fact of the impending deficit in connection with some of the demands which are being made upon us for postal expenditures. And in this connection I want to make mention of the agitation that is now going on for the repeal of the zone postage law. We are all receiving propaganda every day about that matter. I received a marked editorial yesterday headed, in bold outlines, "Repeal the infamous zone postage law." Well, now, I contend that any law that simply seeks to collect for a service from the one who uses such service a fair proportion of the cost of that service is neither wrong nor infamous, and I further contend that any man who now advocates a repeal of the zone postage law, in the face of the fact that no one will contend that it anything like pays the cost of handling such mail matter, is either selfishly interested or is indifferent to the question of our public expenditures, because even with the collection of the new rates provided by the war-revenue law it amounted to an increase last year of only about $5,000,000, will make an increase this year of about $10,000,000, will make an increase next year of about $15,000,000, and a final increase in the fourth year of about $20,000,000, and even with these increases the receipts from that class of mail matter will be far short of paying for the service rendered. No one that is halfway posted on postal affairs will contend that the Post Office Department is self-sustaining, so far as second-class mail matter is concerned, even with the zone postage rates in full force.

And in the face of the certain deficit that now confronts us Congress should turn a deaf ear, and I believe it will turn a deaf ear, to all of this propaganda and agitation that is being carried on by certain newspapers and magazines for the repeal of the zone postage law. I predict that the law is here to stay, for the very sufficient reason that it is right and just.

Now, another thing that we might well consider at this time in connection with a discussion of postal matters is the cost of the transportation of the mails. I call your attention to the fact that the rates that we are now operating on, known as the space-basis rates, were made by Congress before the war, and the law in which these rates were carried gave the railroads the right to appeal the question to the Interstate Commerce Commission, and they have carried it there and it is now pending before that commission. And while I would not venture a prediction as to what that body will decide as to the merits of the question, yet I do say that in the face of an increase of 25 per cent in the freight rates of the country, and of 50 per cent in the passenger rates, and still a deficit in the operation of the transportation systems, we can hardly expect the mail service to be operated on the present basis for very long.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK. Will the gentleman from Minnesota allow me two minutes to complete my statement?

Mr. STEENERSON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 23 minutes.

Mr. STEENERSON. I yield two minutes more to the gentleman from Texas.

Mr. BLACK. Now, if the Interstate Commerce Commission should grant an increase in the charges for transporting mail equal to that which has been made for transporting the freight of the country, that would entail an additional expenditure on the Postal Service of at least $15,000,000.

Mr. STEENERSON. Will the gentleman yield?

Mr. BLACK. Yes; I yield.

Mr. STEENERSON. Is the gentleman aware of the fact that the case pending before the Interstate Commerce Commission not only involves the amount of pay that will be just under the space plan but involves the whole space plan, and whether we should pay on the weight basis as the old law provided, and that involves back pay as far as 1916, involving perhaps thirty or forty or fifty million dollars?

Mr. BLACK. I am glad the gentleman called my attention to that fact, because it is a matter which should not be left out of consideration in discussing these matters.

Mr. STEENERSON. I want to call the gentleman's attention to the fact, because it might reduce some of the surplus we have been boasting of heretofore.

Mr. BLACK. Well, I am glad that we have had the surpluses and congratulate the country on having a Postmaster General that believes in economy and evidences his belief by running his department within the limits of its receipts whenever that is possible. The reason I am discussing these matters, which might for the moment appear irrelevant to this conference report, is because of the fact that we now have a commission from the House and the Senate investigating the question of postal salaries with a view to reporting recommendations at the December session looking to permanent readjustments. And I have the utmost confidence in that commission. But the reason I am calling attention to these things is that demands are being made of that commission which, if they are acceded to in their full measure, why, even postage at 3 cents for first-class mail will not begin to take care of the deficit. And that is why I think we might well consider these facts at this time.

I believe that the Government should be a fair and just employer but not an extravagant one. I believe that the increases which we are providing in this present resolution meet the measure of this test, at least as a temporary measure. What the commission of which I have spoken will recommend in its report to the Congress I do not know, but I have confidence to believe that it will keep in mind a well-balanced regard for both the Government and the employees who are to be affected. [Applause.]

Mr. STEENERSON. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I do not ordinarily take up the time of the House in the discussion of matters not before us for consideration. I should not do so now except for some statements of the gentleman from Texas [Mr. BLACK] relative to the zone postal system. As a Member of the Congress that provided for the zone system for periodicals and newspapers, I should not be justified perhaps in referring to it as infamous, but if I were not a Member of the body that passed the act and were expressing my opinion relative to it, I should be tempted to say emphatically that it was infamous; and not only infamous, but in its effect, if it should remain on the statute books in the running of the years, harmful to a degree that we can not now realize.

If there is any one tendency that above all others we must constantly combat it is the tendency to provincialism. If there is any one sentiment above all others that it is our duty to encourage it is that of nationalism. If we do not maintain here under our flag a homogeneous people, actuated in the main by the same sentiments, holding in the main to the same views, guided by sound principles, we can not maintain a free government; we can not maintain here institutions of freedom and justice and liberty. And anything that tends to make us provincial, any legislation that has that effect, is a crime against the Republic and against the liberties of the world, as the hope of the world lies in the Republic.

Mr. RANDALL of California. Will the gentleman yield?

Mr. MONDELL. In a moment.

And I know of nothing, I can think of nothing, that would have so harmful an effect in the running of the years toward making us a provincial people as the building up of provincial and limited centers and circles of thought and view here, there, and elsewhere in the Republic.

Mr. BLACK. Mr. Speaker, will the gentleman yield for a question?

Mr. MONDELL. And the gentleman who views this matter from the standpoint of revenue has lost sight of the tremendously important fundamental propositions that lie at the base of it. If the postal rate is not high enough, make it high enough. If it is the proper thing to have newspapers and magazines pay their way, and the rate is not high enough, let us raise the rate. But let us avoid, as we would avoid the plague, the policy under which a man in Texas receives his information, his news, gets his ideas, largely from the immediately surrounding section, under which a man in Wyoming has to pay an extra tax, for if he secures the views of the east or west coast, a system under which, in the course of time, we will build up in various portions of the Republic local provincial centers of idea, view, and fashion.

The SPEAKER. The time of the gentleman has expired.

Mr. STEENERSON. I yield two minutes more to the gentleman.

Mr. MONDELL. Limited local centers of sentiment, of information, and of view.

I yield to the gentleman from California.

Mr. RANDALL of California. Is the gentleman aware that the majority of the newspapers in his own State have indorsed this law, and does he call that provincial?

Mr. MONDELL. Yes; I do think it provincial, and I have so advised them.

Mr. RANDALL of California. The gentleman is aware that the National Editorial Association has indorsed it?

Mr. MONDELL. I do not care who has indorsed it or whence the indorsement came. I know some gentlemen who run local papers imagine that it is to their advantage to have a policy established and maintained under which local people must read their papers, and can not read papers published elsewhere, because they cost too much. But I can not base my views, I can not hold views from the viewpoint of selfish interest. And I care not who holds to the contrary.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I hold it is a matter of tremendously important national policy, not to be determined from the standpoint of individual interest——

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. MONDELL (continuing). Not to be determined from the standpoint of revenues, but to be determined from the standpoint of the good of the American people.

I yield to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. The gentleman, of course, knows that there is no zone postage rate on the reading matter in the magazines?

Mr. MONDELL. Oh, no. There is a complicated system under which the reading matter falls under one classification and the advertisements under another.

Mr. BLACK. Does the gentleman think that the advertising matter is a commercial proposition or an educational one?

Mr. MONDELL. I am rather inclined to think that good advertising, well displayed, has an educational value; that while the reading matter is more important, there is some value in a nation-wide circulation of good advertisements——

Mr. MADDEN. Drawn by an artist.

Mr. MONDELL. But that is not the proposition. By placing an additional rate on advertising it is hoped and expected by certain gentlemen that zones will be built up in which they may make money by increasing the circulation of their local newspapers. I have no quarrel with that view from their personal pecuniary standpoint, but from the standpoint of the Nation and its interests we should have a flat rate. It should be possible to secure in any part of this Nation as freely and cheaply as in any other part of the Nation the journals that inform and instruct the people of the country.

Mr. STEENERSON. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. MOON].

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. MOON. Mr. Speaker, I believe there is nothing in this conference report that needs very much discussion. A motion for the previous question on agreeing to the conference report might very well be made now.

But I want to suggest that I think my friend from Wyoming [Mr. MONDELL], who has spoken on the question of the zone system, is not, to say the least of it, in accord with his brethren in the House on that question. [Applause on the Democratic side.] And he is in error as to the character of the bill that we passed. That bill, providing for a zone system, was practically passed unanimously in this House. The gentleman from Wyoming voted for it. [Applause on the Democratic side.] Now he says that that was an "infamous bill," that he would say so if Congress had not passed it.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. MONDELL. Does the gentleman say that I voted for the zone postal law?

Mr. MOON. It is my understanding that the gentleman did. If he did not, I will correct my statement.

Mr. MONDELL. That is a mistake. I opposed it, and I have always talked against it.

Mr. MOON. Very well. I will withdraw that statement. The gentleman did not vote on the bill, he says. Did he vote on the conference report on the bill? Did he vote on the conference report in favor of that bill?

Mr. MONDELL. The gentleman has been here long, and he knows that is pure rot.

Mr. MOON. Oh, the gentleman can not dodge that question. I say he voted for the conference report on the bill.

Mr. MONDELL. I am opposed to the zone system.

Mr. MOON. The gentleman has denounced a measure passed by this House as "infamous," and says that but for the fact that he is a Member of the House he would say that the bill is "infamous" now. Let the gentleman take the position that

he wants to. If he wants to place himself in the class of infamous legislators on public questions, it is his privilege to do it. But I deny that it is his right to place the whole membership of this House in that class of infamy. [Applause on the Democratic side.]

But aside from that, Mr. Speaker, the objection that the gentleman makes to the zone system is that it is parochial; that it is provincial; that it does not build up nationality. Mr. Speaker, is it parochial or provincial for a man who hauls a load for a thousand miles to charge more for it than is charged by a man who hauls the same load 1 mile? That is the issue in this zone system. Can this Government carry 100 tons of mail across the continent as cheaply as it can carry it 150 miles, or can carry it 300 miles as cheaply as 150 miles, or 600 miles as cheaply as 300 miles? That is the issue in this zone question. It is compensation for service performed. The railroads charge the Government full pay. Why should the Government of the United States carry the mails for these publishers at less than the railroads carry them for? Why should that bounty be given to the publishers? There is no reason for it. There is no sense in it. Take, for example, a certain publication: This Government pays $49,000 a year for its transportation and receives in revenue from it less than $5,000. Is the gentleman willing to appropriate $44,000 for them from his Government?

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. MONDELL. The gentleman is a member of the Committee on the Post Office and Post Roads. Why does he not raise the flat rate on these publications?

Mr. MOON. The flat rate is not the proper thing to raise on these publications. The zone rate is the scientific way of doing it, and to say that the zone rate is evidence of provincialism as distinguished from nationalism is the purest nonsense.

Now, Mr. Speaker, the Government of the United States a few years ago carried ever-increasing weights of this second-class matter, 2,450,000,000 pounds, at a loss of $85,000,000 to the Government of the United States, and that with respect to publications which in many instances were clearing as profits from $100,000 to millions of dollars; and yet the gentleman from Wyoming, professing to talk in the interests of the people, professing to speak in the interest of nationality, comes here and tells us that this subsidy should be continued to these publishers. [Applause on the Democratic side.]

We ought to raise the zone rate. That is the only mistake we have made. We ought to put it at the cost of transportation. We do not desire to make any money on the publications, but the reason for the policy of ever allowing a lower rate to newspapers and magazines was the supposed educational benefit to be derived from the circulation of these publications. That is not affected by the zone system, so far as the reading matter is concerned, but the purely commercial feature of the proposition, the advertisements, out of which they get money and derive great profits, are the things that are taxed, and that is the thing that the gentleman from Wyoming proposes to protect—the commercial interests of these publishers against the educational interest and the material interest of the people of this Government. We can not continue this policy with justice to the people. If second-class mail matter is made to pay approximately within 20 per cent of what it costs to carry it, you may pass this bill, you may meet the oncoming deficiency in the Treasury which has been spoken of and still have a surplus of money that belongs to the people, or that by justice and right ought to be theirs by law, of more than $20,000,000 in the next fiscal year.

Passing away from this question, which, of course, I can not fully discuss in 10 minutes, I want to say in reference to the measure before the House, the conference report, that it is not an effort to fix accurately or scientifically the salaries of these officers. It is only an emergency proposition to meet the present conditions. The bill that will come in later from the commission on the subject of salaries will be the result of a long-extended hearing upon this question. This is a measure intended to bridge over and give relief only temporarily. We have taken the lowest salaried people and given them an increase of $200. As the salaries rise we have reduced the amount of increase, the amounts being $150, $125, and $100 for the men drawing regular salaries. For the men working as substitutes and on lump-sum appropriations there has been an increase of about 20 per cent and on fourth-class postmasters about 15 per cent. [Applause.]

I yield back the remainder of my time.

Mr. STEENERSON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. STEENERSON. The gentleman from Tennessee yielded back some time.

The SPEAKER. He yielded back three minutes.

Mr. STEENERSON. That makes seven minutes.

The SPEAKER. That makes four minutes. The gentleman had one minute remaining.

Mr. STEENERSON. I understand the gentleman charged me with five minutes. I only yielded two minutes to the gentleman from Wyoming [Mr. MONDELL]. I yielded five minutes first and then two minutes.

I yield the remainder of my time to the gentleman from Illinois [Mr. MADDEN].

Mr. BLANTON. Mr. Speaker, the chairman of the Post Office Committee has inadvertently forgotten his promise to yield five minutes to me. I am forced to make the point of no quorum.

Mr. MADDEN. I hope the gentleman will not do that.

Mr. BLANTON. The chairman of the Post Office Committee promised me five minutes, but has forgotten it.

Mr. STEENERSON. I would yield it if I had any time to yield.

Mr. BLANTON. I think these promises ought to be kept.

The SPEAKER. The gentleman from Texas is out of order.

Mr. BLANTON. I make the point of no quorum.

Mr. MADDEN. If the gentleman will withdraw that point I will yield to him the time that has been allotted to me.

Mr. BLANTON. All right, I will withdraw it. All I want is the time that is coming to me.

Mr. MADDEN. I ask unanimous consent to extend my remarks on the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the bill. Is there objection?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I also have been promised five minutes, which I am not going to get. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas [Mr. MANSFIELD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, not long ago, in company with Mr. Johnson, who is chief clerk in Mr. Koons's office, we went to the office of Mr. Ellsworth, who has charge of the post office service, and Mr. Ellsworth stated to me that where through receipts a fourth-class post office suddenly increased to an amount authorizing it to be raised to a first-class office, the postmaster was required to continue working for a salary of $1,000 per annum for a whole year before his salary could be raised. I told him of a situation where a village of about 400 people in my district had suddenly grown to a city of 25,000 people. The post office there was in the hands of a man under the fourth-class status, who was being forced to hold that office with a salary of only $1,000 a year, notwithstanding the fact that the receipts of the office showed that it was a first-class office. Mr. Ellsworth and Mr. Johnson stated to me that under the law and under the regulations of the department based upon that law it would be necessary for that postmaster to continue to perform the service of a first-class office for 25,000 people for a whole year before his salary could be raised above $1,000 per annum. I will ask the chairman of the committee if that is not the law? I ask the distinguished gentleman from Illinois [Mr. MADDEN], the next ranking member on the committee, to state if that is not the law. They are silent. That is a condition that ought not to exist. Mr. Ellsworth stated to me that he had called the attention of our Post Office Committee to this emergency; and even though he had been granted an emergency fund, he could not pay that postmaster one single cent out of the emergency fund over and above his maximum of $1,000 a year for a fourth-class post office. Consequently you can hardly get a man to think of holding the office of postmaster in that thriving city. Postmaster after postmaster has tried it and resigned, and the citizens in that district to-day are standing in line two, three, and four hours, and some of them are paying $2 to get a place up at the front of the line near the window, in order to get their mail. The distinguished gentleman from Colorado [Mr. HARDY] stated to me a few minutes ago that this very condition existed at Cripple Creek years ago, and at other places in the mining districts of Colorado. Is it possible that this kind of an emergency has appeared in the past history of this country and that this splendid, efficient Post Office Committee has not taken some steps up to this time to remedy that situation?

Mr. STEENERSON. If the gentleman will yield, I will say to him that neither the Postmaster General nor anybody else in the Post Office Department has ever notified the Post Office Committee of the condition the gentleman speaks of.

Mr. BLANTON. Mr. Ellsworth stated to me that he had called on Congress repeatedly for a larger emergency fund, and that he could not get it, and that several times his department had called attention to these emergency situations without avail.

Mr. BLACK. If my colleague will yield, I think what he has in mind is that he came before the Committee on Appropriations for a deficiency. The Committee on the Post Office and Post Roads does not deal with deficiencies, so I am sure it has not been before our committee.

Mr. BLANTON. However uninformed the committee may have been heretofore, with regard to the emergency situations I have mentioned, they can not state that they are uninformed now, because I have brought it to their attention, and I hope they will remedy the situation, so that the people in a city of 25,000 population can get their mail without standing in line three, four, and five hours and paying $2 for a place every day or two in order to get their mail. Some of my constituents who are business men have been forced to order their mail sent to another post office 25 miles away, and to send their automobiles for it every day. This is an emergency that could happen in any part of the country. Five years ago it was never dreamed that oil was in this section, and to-day in two counties in my district there are 200,000 barrels of oil flowing out of the ground every day.

Mr. PARRISH. Can the gentleman suggest any way by which we can run the post offices in our section of the country so that the postmasters can get this increased compensation without having to wait for a year?

Mr. BLANTON. There is no way to do it until we change the existing law. My colleague who has just interrogated me represents another district in the same fix. The wonderful oil fields have been developed at Burkburnett and other places in his district, and he has postmasters doing service for a first-class office with first-class receipts, but still receiving a fourth-class postmaster's salary. It is simply outrageous and should be remedied immediately.

Mr. STEENERSON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

By unanimous consent Mr. STEENERSON and Mr. NOLAN were given leave to extend their remarks in the RECORD.

LEAVE TO ADDRESS THE HOUSE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that when the bridge bills about to be considered are disposed of, the gentleman from Maryland [Mr. BENSON] may be given leave to address the House for 10 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that after the disposition of the bridge bills the gentleman from Maryland [Mr. BENSON] address the House for 10 minutes. Is there objection?

There was no objection.

BRIDGE ACROSS PEARL RIVER, LA.

Mr. SANDERS of Louisiana. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9697) to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. WALSH. Reserving the right to object, there are seven bridge bills on the Unanimous Consent Calendar. Unless there is some urgency in connection with this particular measure, it seems to me that the bridge bills ought not to be taken up in this way. I would like to ask the gentleman if there is in this case some particular emergency?

Mr. SANDERS of Louisiana. The right to begin the construction of this bridge expires on the 7th of November. The advertisements are now out for the construction of the bridge, and it is impossible to begin work by November 7.

Mr. WALSH. I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge, authorized by act of Congress approved February 27, 1917, to be built across the Pearl River, at or near the fourth ward of the parish of Washington, State of Louisiana, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SANDERS of Louisiana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS POCOMOKE RIVER, MD.

Mr. COADY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3190) to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of the bill S. 3190, a bridge bill. Is there objection?

Mr. WALSH. Reserving the right to object, why should this be taken from the calendar at this time?

Mr. COADY. This bill authorizes the State roads commission of Maryland to build this bridge. The commission has now built the roads on each side of the river, and they want to build the bridge to connect them up. The material is on the ground, and the contract has been let, and they are ready to go ahead.

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State roads commission of the State of Maryland, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Pocomoke River at a point suitable to the interests of navigation and at or near Pocomoke City, in Worcester County, State of Maryland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COADY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, LA.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3096, to authorize the construction of a bridge across the Red River at or near Moncla, La.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of the bill S. 3096. Is there objection.

Mr. WALSH. Reserving the right to object, is there some emergency which requires this bill to be now taken up?

Mr. ASWELL. The county authorities are very urgent in their appeal to begin the erection of this bridge across the river. It is very important, for they want to begin the construction of the bridge right away.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the parish of Avoyelles, in the State of Louisiana, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, at or near Moncla, in said parish and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ASWELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE TO ADDRESS THE HOUSE.

The SPEAKER. The gentleman from Maryland [Mr. BENSON], by order of the House, is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland [Mr. BENSON] is recognized for 10 minutes.

Mr. BENSON. Mr. Speaker and gentlemen of the House, the Republican leaders in Congress and throughout the country seem to have a concerted plan to criticize the Democratic administration for extravagance, high taxes, and high cost of living. You have been in control for five months—what, let me ask, have you done to remedy conditions?

In the last session of the Sixty-fifth Congress we passed through the House the general appropriation bills in ample time, but they failed to pass the Senate. In order to force the President to call an early session of this Congress certain Republican Senators—among whom, I regret to say, the junior Senator from Maryland [Mr. FRANCE] was the most conspicuous—conducted a filibuster that prevented the passage of these necessary bills. By so doing you delayed the payment of allotments to the dependent relatives of our soldiers, sailors, and marines, and deprived the various Government departments of the necessary funds to conduct the Government. This was done under the pretense that it was necessary to have Congress in session in order that you might pass much needed constructive legislation for the benefit of the people. This Congress was called in extra session on May 19, more than five months ago. What has become of your promised legislation for relief to the people? [Applause on the Democratic side.] You have criticized the Democratic administration so persistently as to cause some of the people to feel that the Democrats are in power, whereas, as a matter of fact, you have control of the House by 50 majority and a workable majority in the Senate. You charge the Democratic Party with extravagance and incapacity, but with what justification? The Democratic Party was in full power for six years. During that period we passed the following laws: An income-tax law; a law providing for the election of United States Senators by direct vote of the people; corrupt-practice law, providing for the publication of campaign expenses; war-insurance law; ship-purchase law; Clayton antitrust law; Underwood tariff law; Federal reserve bank law; child-labor law; workmen's-compensation law; law providing for the safety of railroad employees; anti-injunction law; Sherwood pension law, which increased the average yearly pension paid the Union soldiers from $183.73 under President Roosevelt to $226.63 under President Wilson; rural-credits law, which gives the farmer an opportunity to borrow money on easier terms for a longer period and at a lower rate of interest; the Lever agricultural-extension law; good-roads law; and many other progressive and constructive laws in the interest of all the people and for the welfare of the Nation.

Which of these laws that were passed by the Democratic Congress and signed by a Democratic President have you repealed?

We conducted our part of the World War on a scale so great, so rapid, and so efficient as to have been largely instrumental in bringing the war to a successful termination more than a year ahead of the time when it was thought to be possible.

Our Army, which consisted at the beginning of the war of 82,000 regulars and about 220,000 State militia, making a total of approximately 300,000 men, was increased to 5,000,000 men—2,000,000 of whom were across the seas and most of whom are now back home, having accomplished one of the most glorious and wonderful performances in the history of the world. [Applause on the Democratic side.]

Our Navy was advanced from fourth place among the nations of the world to second place, and a close second at that. The work of our Navy in transporting and convoying our troops and supplies across the sea in the face of the submarine terror was simply superb, but no language of mine can do justice to the work of our Army and Navy.

That the Democratic Party did not play politics in the Army and Navy is shown by the fact that few, if any, to-day know the politics of Gen. Pershing or Admiral Benson.

This is a partial summary of the record of the Democratic Party before and during the war. Our friends on the Republican side have found nothing to complain of specifically, but in general terms are accusing us of extravagance—they are blaming us with the high cost of living, and because of the high Federal taxes.

I shall not attempt to say that there was no extravagance or waste in the conduct of this war. But let us consider what we did: We paid our soldiers more than any other nation, with the exception of Canada, where it was practically the same. English soldiers received from 36 to 50 cents per day, the French soldier from 5 to 8½ cents, the Italian soldier from 1 to 5 cents, while the minimum pay of the American soldier was $1 per day. The American soldiers were well paid, well fed, and well clothed—they had a right to be, and they have shown by their valiant service the wisdom of our methods.

We spent large sums of money in this country in building ships; in the manufacture of ammunition and ordnance, autotrucks, and airplanes; and large sums of money in France in constructing piers and docks and railroads from the seaports to the trenches. The amount of this money was large, and by some might be called extravagance, but let me ask you to pause and consider and answer fairly whether or not the money spent in this way was not the means of saving many lives and largely instrumental in bringing the war to an early and successful termination.

Let me contrast the ability of a Republican administration and a Republican Congress to handle the affairs of the Nation in an emergency.

A Republican investigation commission appointed by a Republican President, after being in session for more than 15 weeks, reported that during the War with Spain there was lacking in the general administration of the War Department that capacity to grasp the situation which was essential to high efficiency. This report of your own party's investigation commission shows the almost criminally inefficient and incompetent manner in which that war was conducted by a Republican administration, and brands your party as utterly incapable and incompetent to properly conduct a war even on a small scale. Among other things the report shows that operating tables, surgical instruments, beds, blankets—an entire hospital outfit, several carloads of supplies—were shipped to one of the camps here in the United States and were lost and not found until after the war. During this time Gen. Shafter was sending imploring telegrams to the War Department here in Washington for medicine and hospital supplies.

Large quantities of medicines and supplies were found in the holds of transports under heavy freight where they had been for many months, while our sick and wounded soldiers were dying because of the lack of medicine and other supplies. Camp Thomas, at Chickamauga, where we had 60,000 soldiers, was allowed to become infected with disease, and according to the testimony under oath of Maj. Helborn, of Kentucky, the Quartermaster Department failed to furnish tents, and the men, on rainy nights, having fever, measles, and other diseases, were exposed to the rain. These conditions were allowed to exist for weeks, although at the time there were immense stores piled up at St. Louis, only a few hundred miles away, and all the while Gen. Brooke, in command at this camp, was clamoring for tents, supplies, and medicines. The chief surgeon was obliged to wire Washington repeatedly for medical supplies. At one time he did not even have enough blanks on hand for keeping a record of the sick. The lack of these much-needed medicines and other supplies at Camp Thomas was due to the failure of the War Department to give Surg. Gen. Wrights, whose headquarters were at St. Louis, the necessary authority or orders to provide them.

The report further shows many guns were fitted to improper carriages and sent useless into the fields; it shows that small packages of medicine were shipped from one point to another in the United States by freight instead of express, and did not reach their destination for months, often too late to be of any use to many of the brave men. Incompetency and inefficiency existed everywhere. After the war was over it was discovered that many troops who were in the field since the beginning of the war had never been supplied with sufficient clothing or camp and garrison equipage.

Belts furnished the soldiers were a burden rather than a convenience on account of their poor quality, poor finish, and lack of room for cartridges. In the base hospitals, months after we entered the war, the only medicine on hand was a supply of salts, castor oil, and quinine. The report shows that months after we had entered the war, and after they had been mobilized here in our own country, soldiers died by the hundreds from lack of proper medicine which should have been furnished them.

The Democratic administration has been charged with the deliberate destruction of food, which upon investigation was shown to have been spoiled. But what, let me ask, can be done with spoiled food? Gen. Miles said that the beef furnished some of the soldiers in the Spanish-American War would not be good in any country in the stomach of any man. We are criticized for burning a few carloads of spoiled food, while the Republican administration fed it to our soldiers.

Mr. Speaker, I do not desire to accuse our Republican friends of being inhuman; I do not believe they are inhuman or that their political ancestors were inhuman. The Republican investigating commission excused the greater part of the inefficiency and incompetency of the Republican administration's conduct of the Spanish-American War because of the stupendous task of raising an army of 250,000 men and sending nearly 20,000 of them a few hundred miles to Cuba. We concur in the opinion of the investigating commission; it was too much to expect a Republican administration to do. [Laughter and applause on Democratic side.]

What would you have done had you been called upon to raise an army of 5,000,000 men and send 2,000,000 of them 3,000 miles, over seas infested with submarines, for the purpose of humiliating the proudest military machine that ever existed? What would have happened if the American Army in France

had been in command of a general of the Shafter type instead of Gen. Pershing? Compare the result accomplished by Gen. Pershing under a Democratic adminstration with the fiasco, the round robin, and the embalmed beef scandal under a Republican administration with Gen. Shafter in command. Compare the record of Secretary of War Baker in the World War with that of Republican Secretary of War Alger in the Spanish-American War. The people have a right to judge us, and will judge us by our records, and the memories of the people are not short, and if your memories are not short you will come to the conclusion that the less you attempt to criticize our conduct of the recent war the better it will be for you. We are not ashamed of our record; we are proud of it. We recognize that Republican boys as well as Democrat boys and the boys of all other political faiths fought his war, and they have every right to be proud of the result of their efforts; but the Democratic administration is proud of the fact that your boys and our boys were placed under efficient and capable leadership, well fed, well clothed and well paid—paid as much as any other soldiers in the World War and twice as much as our Regular Army men received prior to the war, and they were worth it and more; we never can pay them for their services and sacrifices.

Everyone recognizes that there is a spirit of unrest throughout the world, fortunately less so in the United States than elsewhere. We all recognize that the cost of living has increased, and that taxes have greatly increased as a result of the war. This has been so after every great war in the history of the world. We can not destroy man power, foodstuffs, fuel, steel, and other necessities of industry without creating a shortage in these essentials to normal activities. But in an attempt to take advantage of this spirit of unrest and put the blame upon our shoulders, you are constantly faultfinding, and criticizing the present administration, seemingly failing to realize that in doing so you are criticizing yourselves, and that no change can be made in the laws of the land except by an act of Congress, and that you are in control of the House and Senate. Do not try to fool the people into believing that you are in the minority in Congress. You criticize the President for his recent trip, stating that there are many domestic things to attend to here. The President upon two different occasions made certain specific recommendations to Congress relative to the high cost of living and to Federal taxation. What have you done about this, and what have you done of your own initiative to relieve the present high cost of living or toward simplifying and modifying or reducing Federal taxes?

The President recommended the following legislation:

First, to extend the life of the food-control act, and for the extension of same as to many other commodities, including food, foodstuffs, fuel, and clothing, and other necessities of life. It took you five months to pass this act, which was agreed to, finally, on the 11th of October, 1919.

The President also recommended certain cold-storage legislation, limiting the time during which goods may be kept in storage, prescribing the method of disposing of them if kept beyond the prescribed period, and requiring that goods released from storage shall in all cases bear the date of their receipt; that all goods released from storage for interstate shipment be plainly marked, upon each package, with the selling or market price at which they went into storage.

A bill, partially complying with the President's suggestion, passed the House on September 30. There has been no further action on it.

On May 20, 1919, the President recommended, with reference to Federal taxes, that our taxation be made to rest as lightly as possible on the productive resources of the country; that its rates be stable, and that it be constant in its revenue-yielding power. You have to date ignored this recommendation.

You have absolutely failed to pass any remedial legislation suggested in this recommendation of the President. You have failed to allow to come out of your committee a bill to repeal the luxury tax, or retail-dealers' tax, or to in any way modify the income or excess-profits tax as recommended by the President, and you have not initiated any constructive legislation in lieu thereof.

The President recommended tariff legislation in order to provide a weapon of retaliation in case other Governments should enact legislation unequal in its bearing on our products as compared with the products of other countries. You have taken no action upon this phase of the tariff question whatsoever, and the *tariff bills* that have been passed in the House are being held up by the Republican leader in the Senate, with no present prospect of any of them passing.

The President recommended legislation with regard to the return of telephone and telegraph lines, so as to make these systems uniform and a coordinated system which would afford those who use them as complete and certain means of communication with all parts of the country as has so long been afforded by the Postal System of the Government, and at rates as uniform and intelligible. You simply returned the telegraph and telephone lines to their owners without passing such legislation as was suggested by the President and without any of your own making.

What standing have your Republican orators for criticizing the President directly or indirectly because of the high cost of living and high taxes and blaming the Democratic administration because of them? We have been in session for more than five months, with your party in control of the House and Senate, and you have carried out only a small and insignificant part of the recommendations of the President and have passed no constructive legislation to remedy conditions you pretend to complain about. [Applause on the Democratic side.]

The Republican Party, chafing to again take hold of the reins of the Government, forced this extra session of Congress. What has been accomplished during the five months you have been in control here? Have you carried out any of the recommendations of the President to pass legislation to place the taxes where they least hamper the life and industry of the people? Have you attempted to repeal any of the minor taxes, retail taxes, or luxury taxes? Have you attempted to repeal or reduce the excess-profits tax or simplify the method of collection of the income or excess-profits tax?

I respectfully suggest that instead of criticizing us the public would like to know why you have not acted on these excellent suggestions of the President.

You spent four days in passing the budget bill—a bill that only two Members voted against, a wise regulation that was first adopted in this country by a Democratic governor and a Democratic legislature in the State of Maryland. Does it never occur to you when criticizing the extravagance of the Democratic administration that such waste of time is a waste of money and therefore extravagance?

Some of your orators have attempted in our State to criticize the administration because a large number of automobiles and automobile trucks at Camp Holabird are not being sold, and without knowledge of facts are charging the administration with allowing them to deteriorate. We know, or can easily learn if we care to make inquiry, that these machines are being kept well oiled and greased by engineers and mechanics who go over them each week and keep them in good order; far better care is taken of them than the average privately owned car when not in use, and the reason for their not being disposed of is that you have failed to pass appropriate legislation authorizing them to be turned over to the Agricultural Department for use upon the post roads of the various States, and to the Post Office Department for use in the delivery of mails. If we were to force these automobiles and autotrucks upon the market at public sale, then you would criticize us for selling these trucks at a sacrifice when they should have been transferred to these departments of the Government.

Gentlemen, you have your own responsibilities, and when you criticize the present administration you must realize that you are criticizing yourselves. You are now in the majority in the House and Senate. The President can not pass laws; he can only sign those that are passed here and presented to him. If you have the capacity, industry, and desire to pass any legislation for the benefit of the people of this country, you will find a most loyal support from those upon this side of the aisle. You will find that we are ready, and more than ready, to cooperate with you in any effort that you may show in the future, looking to the welfare of the country and placing the welfare of the country above partisan politics. And let me predict that unless you stop your rôle of critic and follow the advice of the President by passing the laws that he has suggested, or initiate laws of your own construction that will help stabilize conditions in this country and let business go back to its normal condition, you will be very much in the position of a distinguished gentleman who was candidate for judge in our county many years ago on the Republican ticket, who, although a very prominent gentleman, had never tried a case in court. He came to the polls, and my predecessor, the late Mr. Talbott, told a Mr. Bagley that that was Mr. Jones, candidate for judge, standing over there, and for him to go over and entertain him; whereupon Mr. Bagley went over to where Mr. Jones was, and the following dialogue ensued:

Mr. BAGLEY. Good morning, Mr. Jones. My name is Bagley.
Mr. JONES. I am very glad to know you, Mr. Bagley.
Mr. BAGLEY. Mr. Jones, they tell me you are candidate for judge.
Mr. JONES. Yes, Mr. Bagley; I am a candidate for judge.
Mr. BAGLEY. Mr. Jones, would you mind telling these gentlemen around here what important cases you ever tried? These people would like to hear—it won't take you long.

[Laughter on Democratic side.]

If you don't stop the filibustering in the Senate that you are conducting on the peace treaty and pass needed legislation for the solution of the railroad question, if you do not simplify and reduce the burden of taxation, if you do not cut out every unnecessary expense, you may find next fall your constituents entertaining you as Mr. Bagley entertained Mr. Jones, by saying, "You have had control of Congress for two years. Won't you kindly tell us what you did in those two years? The people would like to know—it won't take you long."

Gentlemen, I have tried to be fair in summarizing the record of the Democratic Party, and comparing it with the present Republican Congress, and I fervently hope that you may realize that little, if anything, is ever gained by abuse and unfair criticism. The people are going to judge the Republican Party by the record they make here in Congress, and for the good of the country, placing my country above partisan politics, I hope that you may see the necessities of your country first, and will so proceed with some real legislation for the benefit of the people without regard to partisan advantage, and that you may follow President Wilson's advice and readjust and reduce the most burdensome and annoying of our Federal taxes, and carry out his many other sensible recommendations to place the country upon a normal basis of peace and prosperity such as we enjoyed before the war, under a Democratic President with a Democratic Congress to help him. [Applause on Democratic side.]

PENSIONS.

Mr. FULLER of Illinois. Mr. Speaker, I call up the bill H. R. 9448, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois calls up a pension bill, H. R. 9448, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Jesse B Connelly, late second lieutenant of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward P. Carman, late of Company F, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lillie C. Marvin, former widow of Edward O. Crossman, late of Company E, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of Henry Jones, late of Companies D and B, Forty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Joseph Ford, late of Company G, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Louisana Thompson, widow of Cyrus B. Thompson, late of Company F, Fortieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Jourdan B. Roberts, late of Company I, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James T. Kent, ordinary seaman, U. S. S. *Huntress* and *Great Western*, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Matilda J. Haines, former widow of Samuel G. Mock, late of Company I, Forty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Amos Longfield, late of Company F, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin F. Haynes, late of Company I, Fourth Regiment Maine Volunteer Infantry, and ordinary seaman, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George H. Hughes, late of Company F, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marion W. Young, former widow of Carmi D. Knapp, late of Company L, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Henry Davis, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nimrod Brooks, late of Company A, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name oi Lorenzo D. Hargis, late of Company D, Fourteenth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Uriah T. Alley, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah C. Arnett, widow of Eber Arnett, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Samuel P. Beck, late of Company B, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob McKnight, late of Company B, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hugh L. Dicus, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin F. Kester, late of Company I, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joshua Griffith, late of Company H, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The names of Thalma Killion and Stephen E. Killion, minor children of John N. Killion, late private unassigned, Indiana Infantry, at the legal rate under the provisions and limitations of existing laws, except as to computation of soldier's length of service, or at the rate of $12 per month and $2 per month additional for each of the said minor children, payable to Edgar P. Killion, legal guardian of the said minor children, or such other legal guardian as may hereafter be designated. The minor, Thalma Killion, was born August 27, 1904, and her pension is to terminate August 26, 1920. The minor, Stephen E. Killion, was born August 18, 1910, and his pension is to terminate August 17, 1926.

The name of Martha Thornton, widow of Benjamin Thornton, late of Company D, Twentieth Regiment New York State Militia Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Sarah J. Rollins, former widow of William W. McClain, late of Companies F and S, Eighteenth Regiment Ohio Volunteer Infantry, and Company A, Ohio Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of Daisy Manore, helpless dependent daughter of Frank Manore, late of Company D, Ninety-fifth and Forty-seventh Regiments Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month, payable only to a legally appointed guardian during period of incompetency.

The name of William A. Pullen, late of Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Culbertson, late of Company D, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of William H. Sipolt, late of Company B, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ann Bullard, former widow of Adam Jack, late of Company F, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Marjorie A. Baker, widow of Seldon C. Baker, late of Company K, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Jennie Lego, widow of John William Lego, alias William Lago, late of Companies L and E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of William H. Crane, late of Company G, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Martin, widow of Andrew Martin, late of Company A, Eighty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Benjamin D. Barr, late of Company C, One hundred and seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. M. Culb, late of Company I, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew M. Graham, late of Company F, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Grozinger, late of Company G, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sophia A. Lint, widow of Conrad Lint, late of Company H, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Anna Efner, widow of Henry Efner, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Abner L. Phillips, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month.

The name of Elisha J. Melton, late of Company D, Stone County Battalion Missouri Home Guards, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew W. Hepler, late of Company E, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Horace W. Hunt, late of Company E, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel P. McReynolds, late of Company I, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Allen Byers, late of Company C, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza Murphy, former widow of Timothy Sullivan, late of Company I, Thirty-third Regiment, and Company K, One hundred and fortieth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Cora B. Kretz, widow of Herman Kretz, late of Company B and major Second Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Avril Harris, late of Company A, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna Smith, former widow of Samuel Jones, late of Company B, Second Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $25 per month.

The name of Georgie O. Austin, widow of Henry Austin, late of Battery F, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Samuel E. Rumsey, late of Company E, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna Boone, widow of John Boone, late of Company K, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of Mary Ann Fuller, widow of Wilber W. Fuller, late of Company C, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of George T. Smith, late of Company C, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elias C. Minium, late of Company I, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Freeman, late of Company G, Seventy-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ebenezer Codling, late of Company K, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth F. Humbert, widow of Joseph D. Humbert, late of Company I, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Agnes Gibbons, widow of William Gibbons, late of Company G, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Bessie M. Trenor, widow of Henry H. Trenor, late first lieutenant of Companies E and F, First Regiment New York Engineers, and pay her a pension at the rate of $25 per month.

The name of Emily Robinson, former widow of George P. Thornton, late of Company F, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Amanda Burlett, widow of Joseph A. Burlett, late of Company B, Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Thomas J. Brady, late of Company G, Forty-eighth Regiment, and Company A, One hundred and fifty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Allen, late scout and spy, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna Hills, widow of Francis M. Hills, late of Company M, Second Regiment Pennsylvania Volunteer Infantry, and lieutenant colonel Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Emma Mathes, widow of John Mathes, late of Twenty-first Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Walter Calhoun, late of Company B, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sherman G. Johnson, helpless and dependent son of Simon P. Johnson, late of Company I, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Ella R. Brown, widow of William M. Brown, late of Company D, Thirty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Henry E. Hurford, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Martha J. Sutherland, former widow of George W. Speelman, late of Company H, Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Rhoda A. Beatty, widow of Samuel T. Beatty, late of Company H, Thirty-sixth Regiment, Pennsylvania Emergency Militia Infantry, and pay her a pension at the rate of $25 per month.

The name of Susanah Cooper, widow of Jene Cooper, alias William Harris, late of Company K, Tenth Regiment, and Company G, Fifty-ninth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John H. Hayman, late of Company H, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Marinda E. Hays, former widow of John W. Sabin, late of Company B, Fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Mortimer L. Woodyard, late of Company G, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Weed, late of Company A, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Peter Shoemaker, late of Company D, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Houtze, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob L. Hatfield, late of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lulu V. Wainwright, widow of William T. H. Wainwright, late of Company G, Second Regiment United States Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William B. Haslett, late of United States Navy, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Sebra Colrider, widow of William L. Colrider, late of Battery E, West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Julia S. Dunn, former widow of George W. Graham, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and Company F, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Julia Agnes Held, widow of Charles W. Held, late of United States Navy, and pay her a pension at the rate of $25 per month.

The name of Adelia E. Lindsey, widow of Joseph W. Lindsey, late first lieutenant of Company B, Forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William T. Mills, late of unassigned company, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Chambers H. Kautz, late of Company H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Metts, late of Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George S. Holbrook, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Rebecca B. Tooley, widow of Patrick H. Tooley, late of Company K, Tenth Regiment New York Volunteer Heavy Artillery, and Company G, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of William A. Roberts, late of Company D, Sixty-second Regiment, and Company A, One hundred and fifty-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rebecca J. Kaylor, widow of Samuel F. Kaylor, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, and Company A, McLaughlin's squadron, Ohio Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Clara V. Ransom, widow of Andrew G. Ransom, late of Company E, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Theodore Walker, late of Company D, First Regiment New York Marine Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Paul E. Hyatt, late of Company H, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eliza C. Spears, widow of Simon Spears, late of Company I, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Jacob R. Warner, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen Goodbrand, former widow of Charles Myers, late of Company G, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension of $25 per month.

The name of William W. Green, late of Company F, Osage County (Mo.) Home Guards, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alice McDowell, widow of Charles McDowell, late of Company M, Fifteenth Regiment New York Engineers, and pay her a pension at the rate of $25 per month.

The name of Ambrose W. Kearsing, late of Company K, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Davis, late of Company E, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nancy Bennett, widow of James Bennett, late of Company G, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of McHenry Smith, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Studabaker, late of Company K, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Samuel W. Hayden, late private Sixth Independent Company Ohio Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Givens, late of Company A, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alonzo A. Kester, late of Company A, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Solomon Hoagland, late of Company M, Ninth Regiment Ohio Volunteer Cavalry, and Company H, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ephraim L. Schanck, late of Company H, One hundred and forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma A. Briles, former widow of George E. Hubbard, late second lieutenant of Company E, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William P. Dugan, late of Company K, One hundred and twenty-ninth Regiment, and Company A, One hundred and sixtieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Josiah Swick, late of Company C, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew J. Laramore, late of Company H, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Watson F. Bisbee, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank M. Grapes, late of Company I, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary S. Frame, former widow of James A. Wyant, late of Company E, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Eliza L. Sprague, widow of Wellington G. Sprague, late major United States Army (retired); also corporal Company A, First Wisconsin Heavy Artillery, captain Company H, United States Colored Infantry, second lieutenant Sixteenth United States Infantry and Thirty-fourth United States Infantry, and pay her a pension at the rate of $25 per month.

The name of Julia A. Loyd, widow of Milton Loyd, late of Company K, Twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Louisa E. Prickett, widow of William W. Prickett, late of Company I, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Emma Call, helpless and dependent daughter of Cyrus T. Call, late of Company K, One hundredth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William J. Opie, late of Company D, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John P. Gamblin, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William R. Zook, late of Company M, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary C. Donley, widow of Levi Donley, late of Company B, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Atala F. Allen, widow of James A. Allen, late of Company I, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Isaac Hawk, late of Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Arthur Orwig, late of Company G, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James King, late of Company B, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Minna Bechtold, former widow of Frederick Dorr, late of Company C, Fourth Regiment, and Company G, Thirty-sixth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Patrick Whalen, late of Company C, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Beahen, late of Company B, Veteran Battalion, Fourteenth and Fifteenth Regiments Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary L. Boyce, widow of James N. Boyce, late of Company A, Twenty-fifth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lillie May Fifield, helpless and dependent daughter of Henry Fifield, late of Company D, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Newell, late of Company E, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jennie Turner, widow of Evander V. Turner, late of Company H, Twenty-ninth Regiment, and Company I, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Baker A. Bannon, late of Company A, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John J. Jeffries, late of Company E, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Hodges, late of Company K, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edna May Williamson, helpless and dependent daughter of Horace Williamson, late of Seventh Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary M. Hancock, former widow of Granville S. Hancock, late of Company H, Thirtieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Mary E. Harding, former widow of Laban N. Harding, alias Newton Hardin, late of Company A, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Cyrus T. Reed, late of Company G, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret A. Davis, widow of Wilson H. Davis, late of Company F, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Charles Way, late of Company F, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Buckwheat, jr., helpless and dependent son of Benona Sarazin, alias William Buckwheat, late of Company A, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Charlotte I. Mallory, widow of John A. Mallory, late of Company B, Third Battalion, Eighteenth Regiment United States Infantry, and Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Mary L. Lake, widow of Joseph S. Lake, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of David Huffman, late of Company B, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucretia A. Crum, widow of Amos Crum, late second lieutenant of Guthrie's Company A, unattached, Pennsylvania, and Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $25 per month.

The name of Joseph S. Marquis, late of Company G, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Conley, late of Companies D and F, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James C. Baker, late of Company G, Sixth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frances M. Venable, widow of George F. Venable, late of Company A, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Elden B. Maddocks, late of Company D, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William C. Cowman, late of Company H, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William M. Shannon, late of Company G, Fourth Regiment West Virginia Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Cynthia M. Bowles, widow of Justus C. Bowles, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Albert B. Watrous, late of Company G, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martin Link, late first lieutenant Companies A and C, Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Henderson, late of Company K, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James W. Henderson, late of Company I, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Morand, widow of Alfred L. S. Morand, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $25 per month.

The name of William McCloud, late of Company A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Albert Sanders, late of Company C, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James A. H. Markwell, late of Company A, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Smith, late private, unassigned, Seventh Regiment Maine Infantry and First Maine Veteran Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elias W. Bowman, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Louise P. May, widow of Emory W. May, late of Company H, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William F. Brought, late of Company A, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cornelia F. Huckins, former widow of Jeremiah J. Hathaway, late of Company B, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Matilda M. Whitaker, widow of Robert D. Whitaker, late of Company A, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Ferdinand M. Sterrett, late of Company G, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Azubath Srofe, widow of John U. Srofe, late first lieutenant Company E, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John H. Bogardus, late of Company K, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Bailey, late of Company C, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret J. Cramp, widow of William N. Cramp, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Joseph Crites, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Reuben Hunt, late of Company A, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Carrie F. Titus, former widow of Daniel Whitman, alias David Whitman, late of United States ship *Little Ada*, United States Navy, and pay her a pension at the rate of $25 per month.

The name of Ransom House, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Margaret W. Mitchell, widow of Walter P. Mitchell, late of Captain Thatcher's Independent Company, Pettis County Missouri Home Guards, and Seventh Enrolled Missouri Militia, and pay her a pension at the rate of $25 per month.

The name of James L. Valley, late of Company C, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Johnson, late of Company K, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James M. Laubach, late of Company E, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Dunham, late of Company I, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Katharine Patridge, helpless and dependent daughter of Wesley Patridge, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adam Kern, late of Company C, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Godsey, late of Company I, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edmond R. Weaver, late of Company C, Fifty-fourth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Dillon, late of Company D, Fortieth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving

The name of Oscar Johnson, late of Second Independent Battery New Jersey Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Levi Lindenmuth, late of Company B, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Maria Mellinger, former widow of William K. Mellinger, late of Company G, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John Brenemon, late of Company E, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nathan Baker, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harriett U. Bland, widow of George W. Bland, late of Company B, Sixth Regiment, and Company G, Forty-fourth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Tyrus Fidler, late of Company F, One hundred and seventy-third Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Ramage, late of Company L, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas A. Moody, late of Company A, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harlow Sanders, late of Company K, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Calfee, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Daniels, late of Company K, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna A. Pearson, former widow of William Cooper, late of Company F, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William O. Parrish, late of Company B, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nelson I. Dean, late of Company C, late of Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. TOWNER. Mr. Speaker, I move to strike out the last word. I do this for the purpose of having read to the House a letter which I have received from the president of the Federal Land Bank of Omaha, Nebr., which shows the condition of these banks, which I think will be of interest and value to the House and to the country. I ask to have the letter read in my time.

The SPEAKER pro tempore (Mr. WALSH). Without objection the Clerk will read.

There was no objection, and the Clerk read as follows:

THE FEDERAL LAND BANK OF OMAHA,
Omaha, Nebr., October 20, 1919.

Hon. H. M. TOWNER, M. C.,
Washington, D. C.

DEAR JUDGE TOWNER: I am sure that you will be interested in knowing the progress of the farmers' cooperative Federal land banks authorized by Congress a few years ago. If those banks have furnished a valuable service to the farmers, Congress will no doubt enlarge their opportunities. If they have not served a useful purpose, they should be abolished. I will give you a short history of the operations of our bank up to the present time.

The Federal Land Bank of Omaha has been in operation a little over two years, having been chartered March 8, 1917. It is not at all a Government bank, as many people think, but is owned by its farmer borrowers, under Government supervision. Every borrower is required to take 5 per cent of his loan in stock, and all net earnings belong to borrowing stockholders. True, the Government furnished the initial capital, but that is being rapidly repaid, and could have been entirely repaid without greatly affecting the figures that follow. Practically all the expense connected with the $35,000,000 loans now on our books has been incurred and paid the first year. The net profit on those loans hereafter will, in our opinion, offset the retirement of the Government capital.

Our books show that the average borrowers' stock in this bank for the year 1919, estimating the last three months of the year, will be $1,502,488. Our total net earnings for the same period, estimating the last three months, will be $226,613.72, which makes a net profit on borrowers' stock for the year 1919 of a little over 15 per cent per annum. The law at present requires us to place 25 per cent of our net earnings semiannually to reserve account, which would leave 11¼ per cent to be paid in dividends. This reserve account is, however, loaned out and its earnings are added to stockholders' profits. If our net earnings of a little more than 15 per cent could all be distributed in dividends, it would reduce the net interest paid by borrowers to 5 per cent per annum. Our borrowers' mortgages call for 5½ per cent per annum.

This remarkable showing is all the more gratifying as we are working side by side with joint-stock land banks authorized by the Federal farm-loan act, which are operated by private capital for profit. Joint-stock land banks charge farmers 6 per cent per annum, with no share in the profits, which is practically a difference of 1 per cent per annum in favor of our borrowers. Joint-stock land banks solicit only large loans and operate only in territory where expenses are low. This is a very large item, when it is taken into consideration that there are probably $800,000,000 of mortgage loans outstanding in the Omaha Land Bank district. One per cent per annum on that amount would save our farmers $8,000,000 annually.

There is one serious defect in the Federal farm-loan act, however. Federal land banks are limited to a loan of $10,000 to one person, while joint-stock land banks are allowed to loan any amount to any person for any purpose. This gives the joint-stock land banks a monopoly on all loans above $10,000. We think that farmers who are operating their own land should be allowed to obtain their loans from us and thus save this 1 per cent per annum.

The ordinary farm unit in our district is from 160 to 240 acres and is worth from $30,000 to $50,000. We are allowed by law to loan one-half of the value of the land, but this $10,000 limitation prevents us from serving the needs of a very large majority of the farmers in our district. You will, therefore, perform a great and lasting service to the farmers in our district if you will support the amendment increasing our maixmum loan limit to $25,000, so that we can serve farmers operating standard farm units and save them this 1 per cent per annum. We believe a conscientious study of this important matter can only result in your earnest desire to see that this serious defect in the Federal farm-loan act is remedied without delay.

Furthermore, while there has been much profiteering in many lines of business, we are glad to be able to say that the Federal Land Bank of Omaha has been able to reduce the interest rate for the farmers below any rate heretofore in general effect. We are also proud to be able to say that in our monthly statement to Washington September 30 not a single instaliment of interest remained unpaid. The Federal Land Bank of Omaha operates in four States, with loans in each State as follows:

Iowa	$17,479,850
Nebraska	10,538,190
South Dakota	6,507,550
Wyoming	974,600
Total	35,500,190

I shall be glad to have you use the figures that I have given you in any way that you may wish. Our sole purpose is to serve the farmers of our district at the lowest rate of interest with such funds as they need to develop and operate their farms. We believe that by furnishing farmers with funds at a low rate of interest and on good terms we enable them to make greater production at a lower cost and thereby help to reduce the cost of living.

Yours, very truly,

D. H. HOGAN, *President.*

During the reading of the foregoing bill, the following amendments were severally offered by Mr. FULLER of Illinois, severally reported, and severally agreed to:

Page 5, strike out lines 9, 10, 11, and 12, being the case of Joshua Griffith.

Page 7, strike out lines 15, 16, 17, and 18, being the case of William H. Crane.

Page 15, line 23, strike out the word "she" and insert the word "he."

Page 25, line 20, strike out the word "if" and insert in lieu thereof the word "of."

Page 33, line 15, strike out the word "Patridge" and insert in lieu thereof the word "Partridge."

Page 33, line 16, strike out the word "Patridge" and insert in lieu thereof the word "Partridge."

Page 34, strike out lines 11, 12, 13, and 14, being the case of Oscar Johnson.

Page 35, line 9, correct the spelling of the word "volunteer."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. FULLER of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 4958. Jesse B. Connelly.
H. R. 5325. Edward P. Carman.
H. R. 5764. Lillie C Marvin.
H. R. 6718. Henry Jones.
H. R. 8703. Joseph Ford.
H. R. 847. Louisiana Thompson.
H. R. 957. Jourdan B. Roberts.
H. R. 1269. James T. Kent.
H. R. 1782. Matilda J. Haines.
H. R. 1833. Amos Longfield.
H. R. 1946. Benjamin F. Haynes.
H. R. 1952. George H. Hughes.
H. R. 1955. Marion W. Young.
H. R. 2393. Henry Davis.
H. R. 2786. Nimrod Brooks.
H. R. 2989. Lorenzo D. Hargis.
H. R. 2999. Uriah T. Alley.
H. R. 3064. Sarah K. Arnett.
H. R. 3191. Samuel P. Beck.
H. R. 3194. Jacob McKnight.
H. R. 3263. Hugh L. Dicus.
H. R. 3578. Benjamin F. Kester.
H. R. 4044. Joshua Griffith.
H. R. 4325. Edgar P. Killion, guardian.
H. R. 4336. Martha Thornton.
H. R. 4472. Sarah J. Rollins.
H. R. 4505. Daisy Manore.
H. R. 4529. William A. Pullen.
H. R. 4921. Charles Culbertson.
H. R. 4945. William H. Sipolt.
H. R. 5086. Ann Bullard.
H. R. 5178. Marjorie A. Baker.
H. R. 5335. Jennie Lego.
H. R. 5353. William H. Crane.
H. R. 5380. Mary E. Martin.
H. R. 5445. Benjamin D. Barr.
H. R. 5448. George W. M. Culb.
H. R. 5451. A. M. Graham.
H. R. 5457. John Grozinger.
H. R. 5658. Sophia A. Lint.
H. R. 5768. Anna Efner.
H. R. 5777. Abner L. Phillips.
H. R. 5864. Elisha J. Melton.
H. R. 5971. Andrew W. Hepler.
H. R. 6129. Horace W. Hunt.
H. R. 6390. Samuel P. McReynolds.
H. R. 6456. Allen Byers.
H. R. 6463. Eliza Murphy.
H. R. 6491. Cora B. Kretz.
H. R. 6535. Avril Harris.
H. R. 6777. Anna Smith.
H. R. 6782. Georgie O. Austin.
H. R. 6808. Samuel E. Rumsey.
H. R. 6824. Anna Boone.
H. R. 6828. Mary Ann Fuller.
H. R. 6940. George T. Smith.
H. R. 6962. Elias C. Minium.
H. R. 6969. Joseph Freeman.
H. R. 7058. Ebenezer Codling.
H. R. 7098. Elizabeth F. Humbert.
H. R. 7238. Bessie M. Trenor.

H. R. 7369. Agnes Gibbons.
H. R. 7322. Emily Robinson.
H. R. 7374. Amanda Burlett.
H. R. 7375. Thomas J. Brady.
H. R. 7396. William Allen.
H. R. 7422. Anna Hills.
H. R. 7452. Emma Mathes.
H. R. 7560. Walter Calhoun.
H. R. 7577. Sherman G. Johnson.
H. R. 7602. Ella R. Brown.
H. R. 7611. Henry E. Hurford.
H. R. 7621. Martha J. Sutherland.
H. R. 7665. Rhoda A. Beatty.
H. R. 7690. Susanah Cooper.
H. R. 7694. John H. Hayman.
H. R. 7695. Marinda E. Hays.
H. R. 7697. Mortimer L. Woodyard.
H. R. 7717. John Weed.
H. R. 7724. Peter Shoemaker.
H. R. 7774. John W. Houtze.
H. R. 7802. Jacob L. Hatfield.
H. R. 7803. Lulu V. Wainwright.
H. R. 7822. William B. Haslett.
H. R. 7829. Sebra Colrider.
H. R. 7855. Julia S. Dunn.
H. R. 7864. Julia Agnes Held.
H. R. 7892. Adelia E. Lindsey.
H. R. 7894. William T. Mills.
H. R. 7901. Chambers H. Kautz.
H. R. 7904. Samuel Metts.
H. R. 7909. George S. Holbrook.
H. R. 7910. Rebecca B. Tooley.
H. R. 7913. William A. Roberts.
H. R. 7936. Rebecca J. Kaylor.
H. R. 7939. Clara V. Ransom.
H. R. 7943. Theodore Walker.
H. R. 7955. Paul E. Hyatt.
H. R. 7960. Eliza C. Spears.
H. R. 8014. Jacob R. Warner.
H. R. 8059. Ellen Goodbrand.
H. R. 8088. William W. Green.
H. R. 8100. Alice McDowell.
H. R. 8103. Ambrose W. Kearsing.
H. R. 8107. Isaac Holley, alias Isaac Hawley
H. R. 8155. Samuel Davis.
H. R. 8278. Nancy Bennett.
H. R. 8279. McHenry Smith.
H. R. 8281. George W. Studabaker.
H. R. 8284. Samuel W. Hayden.
H. R. 8296. George W. Givens.
H. R. 8297. Alonzo A. Kester.
H. R. 8343. Solomon Hoagland.
H. R. 8344. Ephraim L. Schanck.
H. R. 8345. Emma A. Briles.
H. R. 8350. William P. Dugan.
H. R. 8405. Josiah Swick.
H. R. 8410. Andrew J. Laramore.
H. R. 8414. Watson F. Bisbee.
H. R. 8416. Frank M. Grapes.
H. R. 8418. Mary S. Frame.
H. R. 8420. Eliza L. Sprague.
H. R. 8429. Julia A. Loyd.
H. R. 8432. Louisa E. Prickett.
H. R. 8435. Emma Call.
H. R. 8452. William J. Opie.
H. R. 8454. John P. Gamblin.
H. R. 8466. William R. Zook.
H. R. 8467. Mary C. Donley.
H. R. 8470. Atala F. Allen.
H. R. 8501. Isaac Hawk.
H. R. 8503. Arthur Orwig.
H. R. 8504. James King.
H. R. 8506. Minna Bechtold.
H. R. 8508. Patrick Whalen.
H. R. 8510. John Beahen.
H. R. 8512. Mary L. Boyce.
H. R. 8514. Lillie May Fifield.
H. R. 8515. William Newell.
H. R. 8518. Jennie Turner.
H. R. 8523. Baker A. Bannon.
H. R. 8528. John J. Jeffries.
H. R. 8531. James H. Hodges.
H. R. 8532. Edna May Williamson.
H. R. 8553. Mary M. Hancock.
H. R. 8555. Mary E. Harding.
H. R. 8568. Cyrus T. Reed.
H. R. 8589. Margaret A. Davis.
H. R. 8590. Charles Way.
H. R. 8591. William Buckwheat, jr.
H. R. 8592. Charlotte I. Mallory.
H. R. 8597. Mary L. Lake.
H. R. 8603. David Huffman.
H. R. 8607. Lucretia A. Crum.
H. R. 8628. Joseph S. Marquis.
H. R. 8648. Thomas Conley.
H. R. 8663. James C. Baker.
H. R. 8664. Frances M. Venable.
H. R. 8681. Elden B. Maddocks.
H. R. 8682. William C. Cowman.
H. R. 8698. William M. Shannon.
H. R. 8702. Cynthia M. Bowles.
H. R. 8708. Albert B. Watrous.
H. R. 8710. Martin Link.
H. R. 8711. Thomas Henderson.
H. R. 8714. James W. Henderson.
H. R. 8717. Elizabeth Morand.
H. R. 8786. William McCloud.
H. R. 8804. Albert Sanders.
H. R. 8812. James A. H. Markwell.
H. R. 8817. Charles H. Smith.
H. R. 8825. Elias W. Bowman.
H. R. 8826. Louisa May.
H. R. 8854. William F. Brought.
H. R. 8855. Cornelia F. Huckins.
H. R. 8861. Matilda M. Whitaker.
H. R. 8880. Ferdinand M. Sterrett.
H. R. 8882. Azubath Srofe.
H. R. 8884. John H. Bogardus.
H. R. 8887. John W. Bailey.
H. R. 8888. Margaret J. Cramp.
H. R. 8889. Joseph Crites.
H. R. 8906. Reuben Hunt.
H. R. 8911. Carrie F. Titus.
H. R. 8912. Ransom House.
H. R. 8920. Margaret W. Mitchell.
H. R. 8929. James L. Vallely.
H. R. 8956. John Johnson.
H. R. 8959. James M. Laubach.
H. R. 8963. Henry Durham.
H. R. 8969. Katharine Partridge.
H. R. 8995. Adam Kern.
H. R. 8997. Samuel Godsey.
H. R. 8998. Edmond R. Weaver.
H. R. 9045. Thomas Dillon.
H. R. 9054. Oscar Johnson.
H. R. 9057. Levi Lindenmuth.
H. R. 9059. Maria Mellinger.
H. R. 9069. John Brenemon.
H. R. 9080. Nathan Baker.
H. R. 9082. Harriett V. Bland.
H. R. 9105. Tyrus Fidler.
H. R. 9107. William Ramage.
H. R. 9122. Thomas A. Moody.
H. R. 9125. Harlow Sanders.
H. R. 9136. William H. Calfee.
H. R. 9170. George Daniels.
H. R. 9212. Anna A. Pearson.
H. R. 9246. William O. Parrish.
H. R. 9350. Nelson I. Dean.

Mr. FULLER of Illinois. Mr. Speaker, I call up the bill H. R. 10107.

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10107) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Margaret M. Tennant, former widow of Edward J. Cadwell, late of Company I, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Albert Raymond, late of Company B, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James F. Scott, late of Company I, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mellville C. Sullivan, late of Company F, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James J. Healy, late of Company G, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joshua Westbrook, late of Company K, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Johnson, late ordinary seaman, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cora F. Mitchell, helpless and dependent daughter of Seth W. Mitchell, late of Company C, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Carrie C. Washburn, helpless and dependent daughter of John Washburn, late of Company E, Twenty-ninth Regiment, and Company D, Thirty-sixth Regiment, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josephine Walker, widow of George Walker, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Mary Redfield, former widow of Daniel W. Redfield, late of Company K, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Elizabeth A. Snook, helpless and dependent daughter of Dunbar Snook, late of Company E, Second Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martin Broderick, late of Company D, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah E. Mathis, widow of John Mathis, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Charles McHugh, late unassigned, Ninth Regiment Massachusetts Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Andrew Saylstrom, late of Company B, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cadle Burrell, late of Company G, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stinnett Bee, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth J. Atherton, widow of Benjamin Atherton, late of Company B, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William H. Atwell, late of Company F, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah C. Armstrong, former widow of James Clark, late of Companies I and D, Forty-first Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Wilson B. George, late of Company L, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Catherine Hartless, widow of Thomas Hartless, late of Company C, Eleventh Regiment, and Company D, Fourth Regiment, Illinois Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Joseph Miley, late of Company F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Marian A. Jaques, widow of Milton J. Jaques, late of Company H, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John C. Lazier, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oakaley Randall, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joshua Griffith, late of Company H, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Louis Sickenberger, late of Company A, Eighth Regiment Massachusetts Militia Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Henry M. Gifford, late of Company K, Third Regiment Massachusetts Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Margaret J. Miller, former widow of Jacob Benson, late of Company C, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Newton Sigsby, late private unassigned, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Robertson, late of Company D, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is receiving.

The name of James A. Wood, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Tomlinson, late of Company I, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Goodwin, late of Company L, Fifth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Bridget Mitchell, widow of Alexander Mitchell, late of Company A, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Ella A. Pollard, widow of Judson N. Pollard, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Sarah E. Tally, widow of Lewis F. Talley, late of Company F, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Wesley Koonce, late of Company H, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Crane, late of Company G, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rose E. Wicoff, widow of Joseph Wicoff, late of Company C, Cavalry Battalion, Mississippi Marine Brigade, and pay her a pension at the rate of $25 per month.

The name of John Bagent, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles C. Studley, late of Company E, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Caroline Pemberton, widow of Uriah Pemberton, late of Company G, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Roberta R. Havelick, former widow of Oswald H. Rosenbaum, late of Company G, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William S. Stockwell, late of Company B, Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Franklin Tyler, late first-class boy, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Riley A. Reeves, late of Company B, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David Holland, late of Company H, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martha J. Hilliard, former widow of Jesse H. Hudson, late of Company A, One hundred and sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Huldah A. Budd, former widow of Charles W. Stewart, late of Company F, Eleventh Regiment, and Company K, One hundred and seventy-fifth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John N. Jones, late of Company E, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jane E. Wilcox, widow of Henry F. Wilcox, late of Company H, Eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month

The name of Edward T. Jackson, late of Company E, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William L. Pratt, late of Company E, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Luella M. Peterson, widow of Benjamin F. Peterson, late of Second Battery, First Battalion Maine Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Adell J. Squires, widow of Nelson B. Squires, late of Company K, Twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of David C. Morgan, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Vandergrift, late of Company D, One hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charlotte I. Johnson, former widow of William M. Kist, late of Company D, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Ruth Gunsallus, helpless and dependent daughter of John Gunsallus, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Estelle Palmer, widow of George H. Palmer, late of Company G, First Regiment Illinois Volunteer Cavalry, and Company A, Eighty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Christ Stein, late of Company F, Captain Girardeau's battalion Missouri Volunteer Home Guards, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Malcolm G. Parsons, late of Company D, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William M. Swearingin, late of Company C, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hiram M. Stacey, late of Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah Cox, widow of James L. Cox, late of Company H, Sixty-third Regiment Missouri Enrolled Militia Infantry, and pay her a pension at the rate of $25 per month.

The name of Alfred Dobbins, late of Company G, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James D Smallwood, late of Company G, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas J. Rowlett, late of Company M, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Mary J. Martin, widow of William S. Martin, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $25 per month.

The name of John H. Dunkleburg, late of Company E, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George E. Cowell, late of Company C, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James McDaniel, late of Company G, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harriet J. Woodbury, former widow of Everett T. Woodbury, late of Company E, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Charles H. Crandall, late of Company I, Nineteenth Regiment, and Company B, Forty-second Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William P. Hughes, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Brainard D. Nelson, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Kittie Rickabaugh, widow of John G. Rickabaugh, late of Company I, Eighteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Philip Cox, late of Company F, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Bennett, former widow of Charles H. Ogle, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Reuben T. Berry, late of Company M, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Laura Jane Handshy, widow of Elijah S. Handshy, late of Company B, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of John Edmundson, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Brooks, late a nurse, United States General Hospital, West Philadelphia, Pa., and pay him a pension at the rate of $25 per month.

The name of Agnes M. Sims, widow of Lafayette Sims, late of Company G, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John J. Riggs, late of Company E, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Diantha Barnes, widow of Andrew J. Barnes, late of Third Battery, Vermont Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Lewis Holley, late of Company I, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary Belle Chitwood, widow of John E. Chitwood, late acting assistant surgeon, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Harriett E. Lightburn, widow of Joseph A. J. Lightburn, late brigadier general, Second Brigade, Second Division, Fifteenth Army Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of John L. Ware, helpless and dependent son of James B. Ware, late of Company A, Thirty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Angeline McVickers, widow of John C. McVickers, late of Company I, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Ellen Ragan, former widow of Francis M. Ragan, late of Company G, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Permelia Reeves, widow of John D. Reeves, late of Company B, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Charles H. Poole, late of Company G, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James D. Miller, late of Battery M, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jonathan M. Pyle, late of Company H, Eighthy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George B. Durnell, late of Mississippi Marine Brigade, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel R. Dick, late of Company D, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Otis Henry Cook, helpless and dependent son of Frederick Cook, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Charles A. Detrick, late of Company A, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac J. Green, late of Company F, Sixty-third Regiment, and Company A, One hundred and fifty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Johnson Hatfield, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William C. Wilson, late of Company I, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William P. Gilbert, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret A. Stobie, widow of George W. Stobie, late of Company G, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Louisa C. Southerland, widow of James C. Southerland, late of Capt. Gilbreath's company of Alabama Scouts and Guides, and pay her a pension at the rate of $25 per month.

The name of Hatch Chamberlin, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Nathaniel Haycock, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, and Company F, Fourth Regiment Veteran Volunteer Reserve Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew Pea, late of Company E, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amanda A. Osborn, former widow of Luther Seagrove, late of Company D, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Alice Benham, former widow of Joseph Hammel, late of Company C, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Jerome A. Butts, late of Company E, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Aaron Ready, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Kelley, late of Company A, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph F. Stove, late of Company E, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and master of arms on U. S. S. *Madilla*, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John R. Roe, late of Company B, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Dow Edwards, helpless and dependent son of John Edwards, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Etta F. Pickens, helpless and dependent daughter of John D. Pickens, late of Company C, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Livezey, late of Company I, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel R. Garman, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rachel J. Harland, widow of William J. Harland, late of Company A, Fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Emma J. McCumsey, widow of Isaac N. McCumsey, late of Company I, Twentieth Regiment Indiana Volunteer Infantry, and Company C, Seventh Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $25 per month.

The name of F. W. Gerding, late special agent, Ordnance Department, United States Army, and pay him a pension at the rate of $40 per month.

The name of John H. Eversole, late of Company I, One hundred and Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Mullet, late of Company C, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George N. Tompkins, late of Company D, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Finley, late of Company E, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Lawrence Vanderbosch, late of Company G, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Olive G. Hughes, widow of Nathan B. Hughes, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Dabner D. Wright, late of Company D, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac R. Rains, helpless and dependent son of John M. Rains, late of Company C, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of John Speer, late of Company D, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving, without recoupment by the Bureau of Pensions for amounts erroneously paid.

The name of Philip C. Cooter, late of Company E, Third Regiment, and Company A, Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Gilman A. H. Simmons, late of Company D, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Friedrich Lampe, late of Company B, Fifth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Bond, late of Company A, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Strong, late of Company A, One hundred and ninety-fourth Regiment, and band, Sixty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert A. Evins, late of Company E, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Chloe A. Bennett, helpless and dependent daughter of Rolley E. Bennett, late of Company G, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alpheus Danley, late of Company A, Seventh Regiment, and Independent Company B, West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mollie Reck, widow of William L. Reck, late of Company C, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Samuel Arnold, late of Company F, Ninety-ninth Regiment Indiana Volunter Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John J. Williams, late of Company A, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Aitken, late of Bourbon County Battalion Kansas Volunteer Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Garrett, widow of David Garrett, alias David Gard, late of Company F, Eighty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bessie Garrett, helpless and dependent daughter of said Martha and David Garrett, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Martha Garrett the name of said Bessie Garrett shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Martha Garrett.

The name of John H. Smith, late of Company I, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank R. Garland, helpless and dependent son of Sherebiah Garland, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Charles B. Mathews, late of Company H, Thirty-third Regiment, and Company H, Eleventh Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hattie E. Gilliland, widow of John M. Gilliland, late of Company G, Seventh Regiment California Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Georgia Tuley, widow of David Tuley, late of Company A, Ninth Regiment, and Company A, Twelfth Regiment, Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Allen W. Brewer, late of Company I, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucas Kirchmyer, late of Company I, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel G. Kreidler, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel Durham, helpless and dependent son of John N. Durham, late of Company B, Forty-eighth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month.

The name of Jacob Olinger, late of Company C, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James D. Ginger, late of Company D, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Helen A. Brown, widow of Gideon B. Brown, late of Company A, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Catharine Duncan, former widow of James W. Ulmer, late of Company I, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Katharine Baldes, widow of Adam Baldes, late of Company M, Fourth Regiment United States Reserve Corps, Missouri Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John C. McNaight, late of Company D, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Delia T. Owen, widow of John S. Owen, late of Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Effie Dean, former widow of Andrew Watery, late of Company K, Second Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of James A. Roche, alias James Brady, late of Company B, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Fike, late of Companies B and H, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Breeding, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James W. Calkins, late of Company M, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Pauline Ette, former widow of Wolf Becht, late of Company A, Carondolet Battalion, United States Reserve Corps, Missouri Volunteer Home Guards, and pay her a pension at the rate of $25 per month.

The name of Inezella Foy, former widow of William Foy, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of James Leming, late of Company I, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Laura A. Moore, widow of William T. Moore, late of Company D, Twenty-fourth Regiment Ohio Volunteer Infantry, and U. S. S. *Allegheny* and *Chicopee*, United States Navy, and pay her a pension at the rate of $25 per month.

The name of Anna Jenkins Dennis, widow of Charles P. Dennis, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John Teeter, late of Company K, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George F. Albro, late of United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet A. Green, former widow of Francis E. Skinner, late of Company I and Company H, Ninth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of William H. Hazzard, late of Company G, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Thomas, late of Company H, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stephen F. Fuller, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob H. Martz, late of Company D, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Bernard Lynch, late of Company H, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William M. Bishop, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Sumpter, former widow of Carter Sumpter, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William Owens, late of Capt. Hayne's company, Webster County, Mo., Home Guards, and Company D, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah E. Burkett, widow of John Burkett, late of Company C, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Garner Aldrich, late of Company F, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harrison Flinton, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Levi Morrill, late of Company I, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen Sanville, widow of Esclaim Sanville, late of Company G, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Warren G. Bent, late of Company M, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles C. Twyford, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, and Company H, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Mary Ellen R. Hatch, widow of Perry Hatch, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John L. Mead, late of Companies G and B, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hannah A. Clark, helpless and dependent daughter of Leander Clark, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marshall Caldwell, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucinda Hollowell, former widow of Washington Stroud, late of Company A, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William Snyder, late of Company F, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Devore, late of Company H, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Wilson, late of Company I, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Rennard, late of Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Francis A. Caughey, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Myrtle L. Hart, helpless and dependent daughter of Charles Hart, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cynthia M. James, former widow of George E. Stone, late of Company H, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Henry C. Jackson, late of Battery B, First Regiment Indiana Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah A. Vaughn, former widow of James E. Vaughn, late of Fifteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Simon H. Malott, late of Company H, Eighth Regiment Indiana Volunteer Infantry, and Company L, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Mary L. Tarbox, widow of William W. Tarbox, late of Company G, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Susannah Sprague, widow of John Sprague, late of Company A, Tenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Robert Ross, late of Company E, Second Regiment Indian Home Guards, Kansas Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Marshall P. Thatcher, late of Company K, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Minnie C. Waltenspiel, widow of Albert C. Waltenspiel, alias A. C. Waltenspiel, late of Company K, Thirtieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Sarah E. Allen, widow of Francis Allen, late of Company G, Third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Daniel Burket, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jackson Vail, late of Company D, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Leonard, late of Company L, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Kate Bressler, widow of Martin Bressler, late of Company A, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Henry Stahl, late of the Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret P. Black, former widow of Luther R. Black, late of Company E, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William F. Emrich, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Veach, late of Company D, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Peter Rider, late of Company C, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jane Jadwin, widow of Benjamin Jadwin, late of Company B, Ninetieth Regiment Ohio Volunteer Infantry, and of the One hundred and twenty-second Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of Minnie Points, helpless and dependent daughter of Abraham Points, late of Company C, Forty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan Sewell, widow of Sanford Sewell, late of Company H, Eleventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John Fasnacht, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rosetta M. J. Tischer, helpless and dependent daughter of Christian Tischer, late of Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Livingston, widow of Sherman Livingston, late of Company C, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of George W. Culbertson, late of Company I, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Bullock, alias George Sparks, late of Company K, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Thomas, former widow of Benjamin F. Magner, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Rebecca Murphy, former widow of Wilber H. Eldridge, late of Company G, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of John L. Hix, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jackson O'Darr, late of Company I, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth May, widow of William C. May, late of Company F, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of George F. Long, late of Company D, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Sanford Kirkpatrick, late of Company K, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Matthew Rowland, late of Company D, One hundred and seventy-seventh Regiment, and Company A, One hundred and eighty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Adella Easton, widow of Arago Easton, late of Company B, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Susan Lunger, widow of Isaac Lunger, late of Companies E and A, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Sarah A. Burgess, former widow of Thomas Ghere, late of Company E, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Lorenzo D. Crawley, late of Company I, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Barton, late of Company G, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary L. Taylor, former widow of Charles W. Brickell, late of Company D, Sixty-second Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Adam Landsittel, late of Company K, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah M. Doan, widow of William F. Doan, late of Company I, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John Mills, late of Company B, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ludlow B. Ward, late of Company K, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Ochs, widow of Joseph Ochs, late of Company C, Sixteenth Regiment, and Company F, Third Regiment, New York Volunteer Cavalry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nellie M. Ochs, helpless and dependent daughter of said Mary A. and Joseph Ochs, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary A. Ochs, the name of said Nellie M. Ochs shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Ochs.

The name of John Rowe, late of Company C, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of LaFayette Hackney, late of Company M, First Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Irwin, late of Company I, Seventh Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. H. Fitch, late of the Eighteenth Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Mills, late of Company F, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ananias Cameron, late of Company B, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Melissa O. Downs, widow of George Downs, late of Company D, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of James M. Baxter, late of Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Nichols, widow of Edwin Nichols, late of Company C, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Harry A. Nichols, helpless and dependent son of said Mary A. and Edwin Nichols, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary A. Nichols the name of said Harry A. Nichols shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Nichols.

The name of Susanna D. Clark, an Army nurse during the Civil War and War with Spain, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Charles M. Walker, late of Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Reece, late of Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna Bell Wyvill, helpless and dependent daughter of Thomas G. Wyvill, late of Company G, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Henry Athey, late of Company E, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Russell, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Patrick Devlin, late of Company K, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sarah E. Dieffenbacher, widow of James G. Dieffenbacher, late of Company B, Fifth Regiment Pennsylvania Volunteer Reserve Infantry, and pay her a pension at the rate of $25 per month.

The name of Sylvia Hitchcock, widow of George A. Hitchcock, late of Company A, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Henry Guy, late of Company G, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alfred W. Shipman, late of Company F, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel T. Lawrence, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel W. Conger, late of Company H, One hundred and eleventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James A. Butt, late of Company K, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rhoda A. Gambee, widow of Charles B. Gambee, late colonel Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William D. Reed, late of Company K, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William L. Luchte, alias Lucas, late of Company K, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Emma F. Smyth, former widow of John A. Smyth, jr., late of Company B, One hundred and seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Samuel H. Mitchell, helpless and dependent son of Richard P. Mitchell, late of First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Pennington, helpless and dependent son of Eliphalet R. Pennington, late of Company F, One hundred and seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of James M. Foss, late of Company A, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rebecca Johnson, widow of John Johnson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of William W. Blachly, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucy A. Dodson, former widow of Alexander A. Holstine, late of Company F, Sixth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $25 per month.

The name of Hannah M. Clark, widow of James Clark, late of Company K, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Elizabeth Rankin, helpless and dependent daughter of John Rankin, late of Company H, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a duly appointed guardian.

The name of Mary E. Peake, widow of James B. Peake, late of Company B, Fourth Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Frederick Mistel, late of Company B, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward J. Bean, late of Company G, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert C. Pollock, late of Company E, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of Mary F. Russell, widow of Alfred W. Russell, late of Company F, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $25 per month.

The name of Nancy Summers, widow of Joseph A. Summers, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Hester A. Phillips, widow of Benjamin B. Phillips, late of Company K, Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Francis M. Lowrey, late of Company D, Sixty-second Regiment Pennsylvania Volunteer Infantry, and Company K, First Regiment Veteran Volunteer Reserve Corps, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Phebe Morgan, widow of John H. Morgan, late of Company F, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Stanley L. Chapman, late of Company G, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 570. Margaret M. Tennant.
H. R. 572. Albert Raymond.
H. R. 617. James F. Scott.
H. R. 715. Melville C. Sullivan.
H. R. 821. James J. Healy.
H. R. 944. Joshua Westbrook.
H. R. 995. William Johnson.
H. R. 998. Cora F. Mitchell.
H. R. 1000. Carrie C. Washburn.
H. R. 1777. Josephine Walker.
H. R. 1831. Mary Redfield.
H. R. 1838. Elizabeth A. Snook.
H. R. 1862. Martin Broderick.
H. R. 1926. Sarah E. Mathis.
H. R. 2392. Charles McHugh.
H. R. 2741. Andrew Saylstrom.
H. R. 2988. Cadle Burrell.
H. R. 3037. Stinnett Bee.
H. R. 3042. Elizabeth J. Atherton.
H. R. 3043. William H. Atwell.
H. R. 3072. Sarah C. Armstrong.
H. R. 3994. Wilson B. George.
H. R. 4003. Catherine Hartless.
H. R. 4007. Joseph Miley.
H. R. 4029. Merian A. Jaques.
H. R. 4030. John C. Lazier.
H. R. 4038. Oakaley Randall.
H. R. 4044. Joshua Griffith.
H. R. 4143. Louis Sickenberger.
H. R. 4221. Henry M. Gifford.
H. R. 4318. Mary J. Titus.
H. R. 4518. Margaret J. Miller.
H. R. 4930. Newton Sigsby.
H. R. 4940. Samuel A. Robertson.
H. R. 4942. James A. Wood.
H. R. 4943. William Tomlinson.
H. R. 4948. William Goodwin.
H. R. 4966. Bridgett Mitchell.
H. R. 5050. Ella A. Pollard.
H. R. 5119. Sarah E. Tally.
H. R. 5342. Wesley Koonce.
H. R. 5353. William H. Crane.
H. R. 5565. Rose E. Wicoff.
H. R. 5775. John Bagent.
H. R. 5803. Charles C. Studley.
H. R. 5866. Caroline Pemberton.
H. R. 5875. Roberta R. Havelick.
H. R. 6120. William S. Stockwell.
H. R. 6267. Franklin Tyler.
H. R. 6285. Riley A. Reeves.
H. R. 6391. David Holland.
H. R. 6398. Martha J. Hilliard.
H. R. 6464. Huldah A. Budd.
H. R. 6487. John N. Jones.
H. R. 6530. Jane E. Wilcox.
H. R. 6632. Edward T. Jackson.
H. R. 6633. William L. Pratt.
H. R. 6705. Luella M. Peterson.
H. R. 6922. Adell J. Squires.
H. R. 7095. David C. Morgan.
H. R. 7096. George Vandergrift.
H. R. 7106. Charlotte I. Johnson.
H. R. 7141. Ruth Gunsallus.
H. R. 7167. Estelle Palmer.
H. R. 7169. Christ Stein.
H. R. 7170. Malcom G. Parsons.
H. R. 7226. William M. Swearingin.
H. R. 7228. Hiram M. Stacey.
H. R. 7240. Sarah Cox.
H. R. 7376. Alfred Dobbins.
H. R. 7383. James D. Smallwood.
H. R. 7384. Thomas J. Rowlett.
H. R. 7386. Mary J. Martin.
H. R. 7387. John H. Dunkleburg.
H. R. 7388. George E. Cowell.
H. R. 7402. James McDaniel.
H. R. 7426. Harriet J. Woodbury.
H. R. 7437. Charles H. Crandall.
H. R. 7439. William P. Hughes.
H. R. 7440. Brainard D. Nelson.
H. R. 7448. Kittie Rickabaugh.
H. R. 7523. Philip Cox.
H. R. 7564. Mary A. Bennett.
H. R. 7601. Reuben T. Berry.
H. R. 7610. Laura Jane Handshy.
H. R. 7619. John Edmundson.
H. R. 7670. Henry Brooks.
H. R. 7672. Agnes M. Sims.
H. R. 7681. John J. Riggs.
H. R. 7734. Diantha Barnes.

H. R. 7764. Lewis Holley.
H. R. 7860. Mary Belle Chitwood.
H. R. 7905. Harriett E. Lightburn.
H. R. 7906. John L. Ware.
H. R. 7935. Angeline McVickers.
H. R. 8004. Ellen Ragan.
H. R. 8018. Permelia Reeves.
H. R. 8021. Charles H. Poole.
H. R. 8058. James D. Miller.
H. R. 8283. Jonathan M. Pyle.
H. R. 8293. George B. Durnell.
H. R. 8300. Samuel R. Dick.
H. R. 8305. Otis Henry Cook.
H. R. 8330. Charles A. Detrick.
H. R. 8372. Isaac J. Green.
H. R. 8430. Johnson Hatfield.
H. R. 8449. William C. Wilson.
H. R. 8456. William P. Gilbert.
H. R. 8459. Margaret A. Stobie.
H. R. 8461. Louisa C. Southerland.
H. R. 8471. Hatch Chamberlin.
H. R. 8500. Nathaniel Haycock.
H. R. 8516. Andrew Pea.
H. R. 8522. Amanda A. Osborn.
H. R. 8524. Alice Benham.
H. R. 8529. Jerome A. Butts.
H. R. 8549. Aaron Ready.
H. R. 8559. William Kelley.
H. R. 8561. Joseph F. Stove.
H. R. 8564. John R. Roe.
H. R. 8570. Dow Edwards.
H. R. 8596. Etta F. Pickens.
H. R. 8606. Henry C. Livezey.
H. R. 8630. Daniel R. Garman.
H. R. 8643. Rachel J. Harlan.
H. R. 8646. Emma J. McCumsey.
H. R. 8650. F. W. Gerding.
H. R. 8671. John H. Eversole.
H. R. 8697. Jacob Mullet.
H. R. 8699. George N. Tompkins.
H. R. 8785. Joseph Finley.
H. R. 8800. Lawrence Vanderbosch.
H. R. 8809. Olive G. Hughes.
H. R. 8810. Dabner D. Wright.
H. R. 8813. Isaac R. Rains.
H. R. 8833. John Speer.
H. R. 8836. Philip C. Cooter.
H. R. 8838. Gilman A. H. Simmons.
H. R. 8844. Friederich Lampe.
H. R. 8845. John W. Bond.
H. R. 8875. Henry Strong.
H. R. 8876. Robert A. Evins.
H. R. 8883. Chloe A. Bennett.
H. R. 8886. Alpheus Danley.
H. R. 8893. Mollie Reck.
H. R. 8895. Samuel Arnold.
H. R. 8907. John J. Williams.
H. R. 8913. James Aitkne.
H. R. 8937. John H. Smith.
H. R. 8960. Frank R. Garland.
H. R. 8962. Charles B. Mathews.
H. R. 8965. Hattie E. Gilliland.
H. R. 8966. Georgia Tuley.
H. R. 8968. Allen W. Brewer.
H. R. 8973. Lucas Kirchmyer.
H. R. 8975. Samuel G. Kreidler.
H. R. 8984. Samuel Durham.
H. R. 8993. Martha Garrett.
H. R. 9001. Jacob Olinger.
H. R. 9008. James D. Ginger.
H. R. 9017. Helen A. Brown.
H. R. 9020. Catharine Duncan.
H. R. 9050. Katharine Baldes.
H. R. 9051. John C. McNaight.
H. R. 9056. Delia T. Owen.
H. R. 9061. Effie Dean.
H. R. 9076. James A. Roche, alias James Brady.
H. R. 9077. Joseph Fike.
H. R. 9078. John Breeding.
H. R. 9098. James W. Calkins.
H. R. 9101. Pauline Ette.
H. R. 9162. Inezella Foy.
H. R. 9163. James Leming.
H. R. 9164. Laura A. Moore.
H. R. 9165. Anna Jenkins Dennis.
H. R. 9169. John Teeter.
H. R. 9172. George F. Albro.
H. R. 9186. Harriet A. Green.
H. R. 9199. William H. Hazzard.
H. R. 9208. James Thomas.
H. R. 9227. Stephen F. Fuller.
H. R. 9239. Jacob H. Martz.
H. R. 9244. Bernard Lynch.
H. R. 9256. William M. Bishop.
H. R. 9266. Sarah J. Sumpter.
H. R. 9267. William Owens.
H. R. 9268. Sarah E. Burkett.
H. R. 9293. Garner Aldrich.
H. R. 9294. Harrison Flinton.
H. R. 9295. Levi Morrill.
H. R. 9304. Ellen Sapville.
H. R. 9305. Warren G. Bent.
H. R. 9306. Charles C. Twyford.
H. R. 9310. Mary Ellen R. Hatch.
H. R. 9312. John L. Mead.
H. R. 9326. Hannah A. Clark.
H. R. 9327. Marshall Caldwell.
H. R. 9330. Lucinda Hollowell.
H. R. 9338. William Snyder.
H. R. 9346. William Devore.
H. R. 9358. John Wilson.
H. R. 9359. Thomas Rennard.
H. R. 9361. Francis A. Caughey.
H. R. 9364. Myrtle L. Hart.
H. R. 9365. Cynthia M. James.
H. R. 9373. Henry C. Jackson.
H. R. 9376. Sarah A. Vaughn.
H. R. 9381. Simon H. Malott.
H. R. 9386. Mary L. Tarbox.
H. R. 9388. Susannah Sprague.
H. R. 9401. Robert Rose.
H. R. 9403. Marshall P. Thatcher.
H. R. 9404. Minnie C. Waltenspiel.
H. R. 9406. Sarah E. Allen.
H. R. 9409. Daniel Burket.
H. R. 9422. Jackson Vail
H. R. 9426. John C. Leonard.
H. R. 9439. Kate Bressler.
H. R. 9446. Henry Stahl.
H. R. 9447. Margaret P. Black.
H. R. 9462. William F. Emrich.
H. R. 9465. Charles W. Veach.
H. R. 9466. Peter Rider.
H. R. 9467. Jane Jadwin.
H. R. 9469. Minnie Points.
H. R. 9470. Susan Sewell.
H. R. 9477. John Fasnacht.
H. R. 9478. Rosetta M. J. Tischer.
H. R. 9481. Mary E. Livingston.
H. R. 9484. George W. Culbertson.
H. R. 9485. George Bullock, alias George Sparks.
H. R. 9490. Mary E. Thomas.
H. R. 9493. Rebecca Murphy.
H. R. 9495. John L. Hix.
H. R. 9500. Jackson O'Darr.
H. R. 9503. Elizabeth Day.
H. R. 9506. George F. Long.
H. R. 9508. Sanford Kirkpatrick.
H. R. 9514. Matthew Rowland.
H. R. 9515. Adella Easton.
H. R. 9516. Susan Lunger.
H. R. 9517. Sarah A. Burgess.
H. R. 9519. Lorenzo D. Crawley.
H. R. 9531. Samuel Barton.
H. R. 9532. Mary L. Taylor.
H. R. 9537. Adam Landsittel.
H. R. 9549. Sarah M. Doan.
H. R. 9551. John Mills.
H. R. 9552. Ludlow B. Ward.
H. R. 9556. Mary A. Ochs.
H. R. 9558. John Rowe.
H. R. 9562. LaFayette Hackney.
H. R. 9563. George W. Irwin.
H. R. 9574. William H. H. Fitch.
H. R. 9575. James Mills.
H. R. 9584. Ananias Cameron.
H. R. 9586. Melissa O. Downs.
H. R. 9595. James M. Baxter.
H. R. 9596. Mary A. Nichols.
H. R. 9608. Susanna D. Clark.
H. R. 9611. Charles M. Walker.
H. R. 9617. Hugh Reese.
H. R. 9633. Anna Bell Wyvill.
H. R. 9644. Henry Athey.
H. R. 9645. John Russell.
H. R. 9651. Patrick Devlin.
H. R. 9655. Sarah E. Dieffenbacher.
H. R. 9664. Sylvia Hitchcock.
H. R. 9678. Henry Guy.
H. R. 9701. Alfred W. Shipman.
H. R. 9711. Samuel T. Lawrence.
H. R. 9713. Daniel W. Conger.
H. R. 9717. James A. Butt.
H. R. 9725. Rhoda A. Gambee.
H. R. 9731. William D. Reed.
H. R. 9734. William L. Luchte, alias William L. Lucas.
H. R. 9740. Emma F. Smyth.
H. R. 9751. Samuel H. Mitchell.
H. R. 9759. John Pennington.
H. R. 9760. James M. Foss.
H. R. 9765. Rebecca Johnson.
H. R. 9767. William W. Blachly.
H. R. 9772. Luca A. Dodson.
H. R. 9784. Hannah M Clark.
H. R. 9790. Elizabeth Rankin.
H. R. 9793. Mary E. Peake.
H. R. 9795. Frederick Mistel.
H. R. 9857. Edward J. Bean.
H. R. 9863. Robert C. Pollock.
H. R. 9864. Mary F. Russell.
H. R. 9870. Nancy Summers.
H. R. 9893. Hester A. Phillips.
H. R. 9911. Francis M. Lowrey.
H. R. 9934. Phebe Morgan.
H. R. 10049. Stanley L. Chapman.

During the reading of the bill,

Mr. FULLER of Illinois. Mr. Speaker, on page 6, line 1, I move to amend by striking out "$30" and insert "$35."

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 1, strike out "$30" and insert in lieu thereof "$35."

The question was taken, and the motion was agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I regret to announce that in the last few days I have received notice that Mr. Louis Sickenberger, for whom the committee has recommended a pension of $72, has passed away after a very long, honorable, and very useful life up to within the last few years, since which time he has been wholly incapacitated on account of weight of years. I had intended to notify the gentleman from Illinois of that fact, but I overlooked it. I suggest to the gentleman that he move to strike out the paragraph.

Mr. FULLER of Illinois. Which paragraph?

Mr. BYRNS of Tennessee. The paragraph containing the pension for Mr. Louis Sickenberger.

Mr. FULLER of Illinois. Mr. Speaker, on page 6, I move to strike out lines 15, 16, 17, and 18.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, amend by striking out lines 15 to 18, inclusive.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

BILLS ON THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, three weeks ago when the bills on the Private Calendar were before the House there were three bills left over for a third reading and are now the unfinished business before the House, and I would like to have them called up.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up certain bills on the Private Calendar, which are the unfinished business.

HEIRS OF ROBERT LAIRD M'CORMICK.

Mr. EDMONDS. I call up the bill H. R. 6289, Private Calendar No. 20.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6289) for the relief of the heirs of Robert Laird McCormick, deceased.

The amendments were read.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERRY E. BORCHERS.

Mr. EDMONDS. Mr. Speaker, I call up the bill H. R. 646.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 646) for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox, while in the employ of the Navy Department in Cuba.

The amendment was read.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 35, noes none.

So the bill was passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMHERST W. BARBER.

Mr. EDMONDS. Mr. Speaker, I call up the bill S. 1377.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1377) for the relief of Amherst W. Barber.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills upon the Private Calendar.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Will this motion carry all bills that are objected to as well as those unobjected to?

The SPEAKER pro tempore. The Chair understands it takes the consideration of all bills on the Private Calendar.

Mr. BLANTON. Mr. Speaker, is it proper at this time for such a motion to be made, or should it rather be by unanimous consent?

The SPEAKER pro tempore. No; the motion is in order to-day for bills upon the Private Calendar. The question is on the motion of the gentleman from Pennsylvania.

The question was taken, and the Speaker pro tempore announced the ayes appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 46, noes 5.

Mr. BLANTON. Mr. Speaker, I think in the consideration of some of these bills there should be a quorum, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum, and the Chair will count. [After counting.] Evidently there is no quorum present. The question is upon resolving the House into the Committee of the Whole House for the consideration of bills upon the Private Calendar.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. There is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 255, nays 1, answered "present" 2, not voting 173, as follows:

YEAS—255.

Almon	Dunn	Larsen	Ricketts
Anderson	Dupré	Lazaro	Robinson, N. C.
Andrews, Nebr.	Echols	Lea, Calif.	Rogers
Ashbrook	Edmonds	Lehlbach	Romjue
Aswell	Elliott	Lesher	Rose
Ayres	Evans, Mont.	Linthicum	Rouse
Babka	Evans, Nebr.	Longworth	Rubey
Baer	Fairfield	Lufkin	Sanders, Ind.
Barbour	Ferris	Lubring	Sanders, La.
Bee	Fisher	McDuffie	Sanders, N. Y.
Begg	Focht	McFadden	Sanford
Bell	Foster	McGlennon	Schall
Benham	Freeman	McKenzie	Scott
Benson	French	McKeown	Sherwood
Black	Fuller, Ill.	McLaughlin, Mich.	Sinclair
Bland, Ind.	Fuller, Mass.	McPherson	Sinnott
Bland, Mo.	Gallagher	MacCrate	Small
Bland, Va.	Gallivan	MacGregor	Smith, Idaho
Box	Gard	Madden	Smith, Mich.
Briggs	Garland	Magee	Smithwick
Brinson	Glynn	Mann, S. C.	Snell
Brooks, Ill.	Goodwin, Ark.	Mapes	Steagall
Brooks, Pa.	Green, Iowa	Martin	Steenerson
Browne	Griest	Mays	Stephens, Ohio
Buchanan	Griffin	Mead	Stiness
Burroughs	Hadley	Merritt	Strong, Kans.
Butler	Hardy, Colo.	Michener	Strong, Pa.
Byrns, Tenn.	Harrison	Miller	Summers, Wash.
Caldwell	Hastings	Minahan, N. J.	Sweet
Campbell, Kans.	Hawley	Monahan, Wis.	Tague
Campbell, Pa.	Hayden	Moon	Temple
Candler	Hays	Mooney	Thompson
Caraway	Hernandez	Moore, Ohio	Tillman
Carew	Hersey	Morgan	Timberlake
Carss	Hersman	Mott	Towner
Carter	Hickey	Murphy	Upshaw
Casey	Hoch	Neely	Vaile
Chindblom	Holland	Nelson, Mo.	Venable
Christopherson	Howard	Nelson, Wis.	Voigt
Clark, Fla.	Huddleston	Newton, Minn.	Volstead
Clark, Mo.	Hudspeth	O'Connor	Walsh
Cleary	Hulings	Oldfield	Walters
Coady	Hull, Iowa	Oliver	Ward
Cole	Hull, Tenn.	Osborne	Wason
Connally	Humphreys	Padgett	Watkins
Cooper	Igoe	Paige	Watson, Pa.
Crago	Jacoway	Park	Weaver
Crisp	James	Parker	Webster
Currie, Mich.	Johnson, Wash.	Parrish	Welling
Curry, Calif.	Jones, Pa.	Phelan	Welty
Dale	Jones, Tex.	Platt	Whaley
Dallinger	Juul	Pou	White, Me.
Darrow	Kearns	Purnell	Williams
Davey	Keller	Quin	Wilson, Ill.
Davis, Minn.	Kelly, Pa.	Rainey, Ala.	Wilson, La.
Davis, Tenn.	Kennedy, R. I.	Raker	Wingo
Denison	King	Ramseyer	Wood, Ind.
Dickinson, Mo.	Kinkaid	Randall, Calif.	Woods, Va.
Dickinson, Iowa	Kitchin	Randall, Wis.	Woodyard
Dominick	Kleczka	Reavis	Wright
Donovan	Knutson	Reber	Yates
Doughton	Lampert	Reed, N. Y.	Young, N. Dak.
Dowell	Lanham	Reed, W. Va.	Young, Tex.
Dunbar	Lankford	Rhodes	

NAYS—1.

Blanton

ANSWERED "PRESENT"—2.

Sears Treadway

NOT VOTING—173.

Ackerman	Fordney	Layton	Rodenberg
Alexander	Frear	Lee, Ga.	Rowan
Andrews, Md.	Gandy	Little	Rowe
Anthony	Ganly	Lonergan	Rucker
Bacharach	Garner	Luce	Sabath
Bankhead	Garrett	McAndrews	Saunders, Va.
Barkley	Godwin, N. C.	McArthur	Scully
Blackmon	Goldfogle	McClintic	Sells
Boies	Good	McCulloch	Shreve
Booher	Goodall	McKiniry	Siegel
Bowers	Goodykoontz	McKinley	Sims
Brand	Gould	McLane	Sisson
Britten	Graham, Pa.	McLaughlin, Nebr.	Slemp
Browning	Graham, Ill.	Maher	Smith, Ill.
Brumbaugh	Greene, Mass.	Major	Smith, N. Y.
Burdick	Greene, Vt.	Mann, Ill.	Snyder
Burke	Hamill	Mansfield	Stedman
Byrnes, S. C.	Hamilton	Mason	Steele
Cannon	Hardy, Tex.	Mondell	Stephens, Miss.
Cantrill	Haskell	Montague	Stevenson
Classon	Haugen	Moore, Pa.	Sullivan
Collier	Heflin	Moore, Va.	Sumners, Tex.
Copley	Hicks	Moores, Ind.	Swope
Costello	Hill	Morin	Taylor, Ark.
Cramton	Houghton	Mudd	Taylor, Colo.
Crowther	Husted	Newton, Mo.	Taylor, Tenn.
Cullen	Hutchinson	Nicholls, S. C.	Thomas
Dempsey	Ireland	Nichols, Mich.	Tilson
Dent	Jefferis	Nolan	Tincher
Dewalt	Johnson, Ky.	O'Connell	Tinkham
Dooling	Johnson, Miss.	Ogden	Vare
Doremus	Johnson, S. Dak.	Olney	Vestal
Drane	Johnston, N. Y.	Overstreet	Vinson
Dyer	Kahn	Pell	Watson, Va.
Eagan	Kelley, Mich.	Peters	Webb
Eagle	Kendall	Porter	Wheeler
Ellsworth	Kennedy, Iowa	Radcliffe	White, Kans.
Elston	Kettner	Rainey, H. T.	Wilson, Pa.
Emerson	Kiess	Rainey, J. W.	Winslow
Esch	Kincheloe	Ramsey	Wise
Evans, Nev.	Kraus	Rayburn	Zihlman
Fess	Kreider	Riddick	
Fields	LaGuardia	Riordan	
Flood	Langley	Robsion, Ky.	

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. WHEELER with Mr. DRANE.

Mr. TINCHER with Mr. JOHNSON of Mississippi.

Mr. ACKERMAN with Mr. MCLANE.

Mr. BOIES with Mr. SEARS.

Mr. CRAMTON with Mr. JOHN W. RAINEY.

Mr. FULLER of Massachusetts with Mr. THOMAS.

Mr. LANGLEY with Mr. FIELDS.

Mr. TREADWAY with Mr. BOOHER.

Mr. KAHN with Mr. DENT.

Mr. ROWE with Mr. HARDY of Texas.

Mr. GREENE of Massachusetts with Mr. ALEXANDER.

Mr. FREAR with Mr. GANDY.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. BACHARACH with Mr. WILSON of Pennsylvania.

Mr. BOWERS with Mr. WEBB.

Mr. BRITTEN with Mr. WATSON of Virginia.

Mr. BROWNING with Mr. VINSON.

Mr. BURKE with Mr. TAYLOR of Colorado.

Mr. CANNON with Mr. TAYLOR of Arkansas.

Mr. MCKINLEY with Mr. MCKINIRY.

Mr. MCLAUGHLIN of Nebraska with Mr. MCCLINTIC.

Mr. MANN of Illinois with Mr. MCANDREWS.

Mr. MASON with Mr. LONERGAN.

Mr. MONDELL with Mr. LEE of Georgia.

Mr. MOORES of Indiana with Mr. JOHNSTON of New York.

Mr. HUTCHINSON with Mr. RAYBURN.

Mr. IRELAND with Mr. HENRY T. RAINEY.

Mr. JEFFERIS with Mr. OLNEY.

Mr. KENDALL with Mr. O'CONNELL.

Mr. TINKHAM with Mr. BRUMBAUGH.

Mr. VARE with Mr. BRAND.

Mr. COSTELLO with Mr. SUMNERS of Texas.

Mr. KENNEDY of Iowa with Mr. OVERSTREET.

Mr. KIESS with Mr. NICHOLLS of South Carolina.

Mr. WHITE of Kansas with Mr. BLACKMON.

Mr. CROWTHER with Mr. SULLIVAN.

Mr. DYER with Mr. STEVENSON.

Mr. KREIDER with Mr. MOORE of Virginia.

Mr. LAGUARDIA with Mr. MONTAGUE.

Mr. ELLSWORTH with Mr. STEPHENS of Mississippi.

Mr. ELSTON with Mr. STEELE.

Mr. WINSLOW with Mr. BARKLEY.

Mr. ZIHLMAN with Mr. BANKHEAD.

Mr. LAYTON with Mr. MANSFIELD.

Mr. LITTLE with Mr. MAJOR.
Mr. MORIN with Mr. JOHNSON of Kentucky.
Mr. MUDD with Mr. HEFLIN.
Mr. NEWTON of Missouri with Mr. HAMILL.
Mr. NICHOLS of Michigan with Mr. GOLDFOGLE.
Mr. RAMSEY with Mr. EVANS of Nevada.
Mr. ROBSION of Kentucky with Mr. EAGLE.
Mr. MCARTHUR with Mr. MAHER.
Mr. SHREVE with Mr. EAGAN.
Mr. SIEGEL with Mr. DOREMUS.
Mr. NOLAN with Mr. GOODWIN of Arkansas.
Mr. SMITH of Illinois with Mr. DOOLING.
Mr. GRAHAM of Pennsylvania with Mr. SCULLY.
Mr. GRAHAM of Illinois with Mr. SAUNDERS of Virginia.
Mr. EMERSON with Mr. STEDMAN.
Mr. FESS with Mr. SMITH of New York.
Mr. OGDEN with Mr. GARRETT.
Mr. PORTER with Mr. GARNER.
Mr. RADCLIFFE with Mr. GANLY.
Mr. HAMILTON with Mr. SABATH.
Mr. HASKELL with Mr. RUCKER.
Mr. HICKS with Mr. ROWAN.
Mr. HOUGHTON with Mr. RIORDAN.
Mr. SNYDER with Mr. DEWALT.
Mr. SWOPE with Mr. CULLEN.
Mr. TAYLOR of Tennessee with Mr. COLLIER.
Mr. TILSON with Mr. BYRNES of South Carolina.
Mr. GOOD with Mr. SISSON.
Mr. GOULD with Mr. SIMS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. REAVIS in the chair.

WILLIAM E. JOHNSON.

The CHAIRMAN. The House is in the Committee of the Whole House for the consideration of bills on the Private Calendar, the first of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 683) for the relief of William E. Johnson.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Does the gentleman from Pennsylvania intend to take up the bills as they appear in order on the calendar?

Mr. EDMONDS. This bill is not from our committee. The chairman of the Committee on Indian Affairs not being present, I would ask that this bill be passed over without prejudice.

The CHAIRMAN. Without objection, the bill will be passed without prejudice.

Mr. WALSH. Mr. Chairman, which bill is that? You can not pass it without prejudice until it is called up.

Mr. GARD. Do I understand we are taking up bills only from the Committee on Claims or are we calling the Private Calendar?

The CHAIRMAN. The Chair is not advised with reference to what is being called up.

Mr. EDMONDS. We are going to take up the bills in order on the Private Calendar. I suggest that the next bill, No. 23, on the calendar be taken up. Whenever it happens to be a bill from another committee, the chairman of the committee will be here to take care of it.

Mr. WALSH. Of course, the House is in Committee of the Whole House for the consideration of bills on the Private Calendar. The calendar number of this bill is No. 6. It should be reported to the House, and if they want to lay it aside and pass it over, that is the way to do it. What is the use of starting in the middle of the calendar?

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Is it not in order for the chairman of the committee to take up any bill he pleases without reference to its order?

The CHAIRMAN. The Chair would so hold.

Mr. EDMONDS. Mr. Chairman, I call up for consideration No. 12 on the Private Calendar.

Mr. CLARK of Missouri. Mr. Chairman, if there was no proposition that hedges this proposition to go into Committee of the Whole, then unanimous-consent bills are called up in the order in which they stand on the Private Calendar.

Mr. MONDELL. That is what is being done.

Mr. EDMONDS. As I understand, No. 6 has been called up.

Mr. HAYDEN. Mr. Chairman, No. 6 on the Private Calendar is my bill, and I would appreciate the opportunity to have it considered at the present time. I shall be glad again to explain the provisions of the bill, as I did when it was called up some weeks ago. The Private Calendar was then considered by unanimous consent, and the bill was fully discussed at that time, but a request was made that it be temporarily passed over. I shall be pleased to answer questions, if any Member desires further information.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 683) for the relief of William E. Johnson.

Be it enacted, etc., That to reimburse William E. Johnson, former chief special officer and special disbursing agent, for the expenditure made by him under the direction of the Commissioner of Indian Affairs in the defense of Juan Cruz, a noncommissioned officer engaged in the suppression of the liquor traffic among Indians, for the payment of which no appropriation was available, there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,853.95.

With a committee amendment as follows:

In line 10, on page 1, strike out the figures "$1,853.95" and insert in lieu thereof "$1,839.95."

Mr. HAYDEN. Does any Member desire to ask questions about this bill?

Mr. WALSH. Well, I would like to ask the gentleman some questions about the bill. Is there any appropriation in the Indian Bureau for the payment of officers employed to transact the business that this officer did?

Mr. HAYDEN. There was an appropriation available at that time of $50,000 for the suppression of the liquor traffic among the Indians. A posse man named Juan Cruz, who was employed and paid out of that appropriation, was charged with murder by reason of the fact that he was compelled to kill a man in enforcing the law. The chief special officer of the Indian Service, William E. Johnson, deemed it his duty to assist in the defense of this posse man, who he believed had acted lawfully and properly on that occasion. Mr. Johnson therefore went out to New Mexico to assist in his defense, and thought that he had a perfect right to pay the expenses incident thereto out of the fund for the suppression of the liquor traffic among the Indians. The Auditor for the Interior Department held that that appropriation was not available for the defense of the posse man and disallowed the account. The account was carefully examined and approved by the Department of the Interior, and the Secretary of the Interior in the report on this bill recommends that the amount be paid to Mr. Johnson.

Mr. WALSH. I think the gentleman misunderstood me. My question was, Is there no fund in the Department of the Interior or in the Bureau of Indian Affairs out of which an official of that department detailed on the duty on which he was engaged can be paid for the services he rendered?

Mr. HAYDEN. There was no appropriation of any kind available for this purpose, and it was so held by the Auditor for the Interior Department.

Mr. WALSH. Did not the officials of the Bureau of Indian Affairs know that when they sent this man out there?

Mr. HAYDEN. The officials of the Indian Bureau thought such expenses could be paid out of the appropriation for the suppression of the liquor traffic among the Indians, and so approved Mr. Johnson's accounts, but when the claim reached the auditor he said, "No; that was not the purpose contemplated by Congress when the appropriation for the suppression of the liquor traffic among the Indians was made."

Mr. WALSH. Why did this gentleman employ 12 or 15 posse men in the defense of one Juan Cruz?

Mr. HAYDEN. Mr. Johnson was at the head of the law-enforcement division in the Indian Bureau. These posse men were acting under him and were paid by the day. They may have been witnesses for the defense in the case against Juan Cruz, but he paid them for their time as posse men.

Mr. WALSH. If they were under summons as witnesses, they did not lose their salary, did they, as United States employees?

Mr. HAYDEN. That is what Mr. Johnson tried to do. He thought they were under salary, but the auditor held they could not be paid out of the appropriation that I have mentioned.

Mr. WALSH. What were they doing?

Mr. HAYDEN. They were assisting in the defense of the posse man, Juan Cruz.

Mr. WALSH. In court?

Mr. HAYDEN. In court and out of court.

Mr. WALSH. What sort of defense were these posse men conducting out of court?

Mr. HAYDEN. It was necessary to gather testimony for the defense.

Mr. WALSH. Well, they have got a lot of men running here from $42 down to $2 or $3. They were posse men. If they were summoned as witnesses in court, certainly the Department of Justice would pay the witness fees. If they were employees of

the United States under the jurisdiction of this special agent of the Bureau of Indian Affairs, the mere fact that they are summoned to court does not cut them off the salary roll, and if it does there is no reason why an extra appropriation should be asked for to pay them compensation when summoned to testify in a court when they are getting paid for their services as witnesses.

Mr. HAYDEN. There is no duplication of pay in this bill whatsoever.

Mr. WALSH. Well, do I understand that the Department of Justice has not paid these witness fees?

Mr. HAYDEN. The Department of Justice had nothing to do with preparing the defense of Juan Cruz. Of course, for the day that a man appeared as a witness in court he probably received his pay.

Mr. WALSH. Well, the pay is not confined simply to the day he is called to testify. He waits around two or three days, probably, until he is examined as a witness. I can not understand why they had these 15 or 20 posse men, paying them these various amounts here under the supervision of this special officer in connection with the defense of this posse man who was charged with murder and who went out and tried to round up somebody for illegal sales of liquor. Why did he have to call in the rest of the posse men in that district down there?

Mr. HAYDEN. The gentleman will understand that Mr. Johnson had authority as chief special officer to deputize anybody he pleased as a posse man. That is how the names of these men appear on the list as posse men.

Mr. CARTER. Mr. Chairman, if the gentleman will yield to me a moment, I want to say that this man Johnson was at that time chief enforcement officer over all the Indian territory. His range went from the State of the gentleman from Minnesota down to southern California and Arizona on the southwest and included Oklahoma, and it was necessary, of course, for him to have a great many posse men covering all those territories. I do not recall, because it is some time since we reported this bill, but I take it that these amounts here evidently were incurred in getting up the evidence necessary for the defense of this fellow who had this difficulty over the enforcement of the liquor laws—Juan Cruz, I believe his name was—and it was doubtless necessary to go about in communities somewhat antagonistic to the enforcement of this law in a great many instances and therefore very difficult to obtain testimony, and I have no doubt it took every man and every dollar that is set forth here to carry out that purpose.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. WALSH. Does the gentleman think that it would take a special agent of the bureau from 1911 to May 23, 1914, to settle up this case and prepare the defense?

Mr. CARTER. Well, that might depend on the action of the court. The case might have been continued; and if it was not brought for trial and new things developed, perhaps they had to come back at the instance of the defense in the case.

Mr. WALSH. Where was the trial held?

Mr. CARTER. I do not recall. I think my friend from Arizona can give you that information.

Mr. HAYDEN. The trial was held in the State of New Mexico.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes.

Mr. BEE. Does the gentleman from Arizona know whether Mr. Johnson paid out the money now contained in the bill, and whether the effect of the appropriation here would be a reimbursement to Mr. Johnson?

Mr. HAYDEN. The fact of the matter is that Mr. Johnson issued the warrants listed in the report to various people for their expenses in connection with the defense of Juan Cruz. All of such payments were disallowed by the Auditor for the Interior Department, and Mr. Johnson is out the amount due for their salary and expenses which he paid to them.

Mr. BEE. How much is that amount that is due to Mr. Johnson?

Mr. HAYDEN. I understand that about $600 is due to him for his personal expenses.

Mr. GARD. Mr. Chairman, this bill was up a month or six weeks ago, and the committee gave it investigation at that time. Since that time additional investigation has been made concerning it. The question in my mind was as to whether Mr. William E. Johnson, in presenting this bill as he has presented it, was asking for financial relief which in effect would be a double payment for his services, he at that time being an employee of the United States engaged in the suppression of the alcoholic liquor traffic among the Indians. It is possibly interesting to the members of the committee to know that this is the same William E. Johnson who is now in London under the auspices of the Anti-Saloon League.

Mr. CARTER. Does this Mr. Johnson in London go under the name of Pussyfoot Johnson?

Mr. GARD. Yes.

Mr. CARTER. It is the same man?

Mr. GARD. Yes. The name "Pussyfoot Johnson" is possibly better known in London than in New Mexico. I have made an investigation to find out whether this man is entitled to the money he claims or whether he was rendering services and had been paid as a marshal or something of that kind, and whether this would be double pay. Within the last hour and a half I have called up the office of the Secretary of the Interior and have had a conversation with Mr. Vogelsang, First Assistant Secretary of the Interior, and he informs me that this compensation should be paid to Mr. William E. Johnson, that the service which he rendered was outside of the scope of his employment, that it was necessary to be done and immediately done in the protection of his assistant, who was charged with murder; that the work was done; that the money was either paid out or obligated to be paid; that the claim has been very carefully audited; in fact, audited under three different assistant secretaries. Therefore I can advise the committee from my own private and personal investigation, made as lately as an hour and a half ago, that the bill is correct.

Mr. HAYDEN. I am very grateful to the gentleman from Ohio [Mr. GARD] for the statement that he has just made in support of this bill. With his usual care he has investigated the merits of the pending claim and I am sure that the committee will concur in the conclusion that he has reached.

Reference has been made to the fact that Mr. Johnson is now in England. The committee will be interested in the following newspaper account of his activities on that side of the Atlantic:

EXCITEMENT IN BRITAIN OVER "PERNICIOUS GOODNESS" FROM AMERICA.

Down in Fleet Street, London, the greatest newspaper center of the world, Mr. W. E. Johnson, of America, has recently opened a suite of offices, full of books and literature of various kinds, as well as posters and other typical American propaganda material. W. E. Johnson is no other than our old friend "Pussyfoot," one-time chief special officer of the United States Indian Service for the suppression of the liquor traffic among the Indians.

* * * * * * *

Finally the British press broke loose and said that Johnson was in Great Britain to put on a "pussyfoot" campaign for the American prohibitionists; that his office was importation headquarters for American campaign methods; that Johnson, himself, was actuated by the laudable, though immodest, intention of "gitting behind" the British people and dragooning them into prohibition whether or no. As a matter of fact, the whole scare was moonshine, as no American prohibition organization is putting up money for any British organization.

* * * * * * *

The scare, however, such as it was, still is. The newspapers are full of such headlines as "The Trail of Pussyfoot," "Pussyfoot: Pounds, Shillings, Pence," "The Pussyfoot Peril," etc. Everything unfavorable to the liquor trade is being credited to "American advertising." The Americans are called "blatant Yankee boomsters." Correspondence from America has heaped ridicule and contempt upon the ultra-goodness of the Americans, and the British people are being warned in an almost frantic way against invasion by this pernicious goodness.

Unless some other gentleman desires to ask a question, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The first question is on the committee amendment.

The committee amendment was agreed to.

Mr. HAYDEN. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

ORDER OF CALLING UP BILLS.

Mr. LONGWORTH. Mr. Chairman, with regard to the order in which these bills shall be taken up, I call the attention of the Chair to paragraph 4 of Rule XXIII, which provides that—

In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine.

I submit that it is for the committee to decide in what order these bills shall be taken up.

The CHAIRMAN. The Chair has been of the opinion that the order in which the bills were to be taken up was entirely in the control of the committee.

Mr. EDMONDS. Then I move that the bills be taken up in their regular order on the calendar.

The CHAIRMAN. The gentleman from Pennsylvania moves that the bills be taken up in the order in which they appear on the calendar.

Mr. CRISP. Mr. Chairman, I have no objection at all to the motion of the gentleman, but I would like to have the Chair look into the matter a little bit before he makes any decision

as to the method of calling up these bills. I think if the Chair will investigate he will find that when the House goes into the Committee of the Whole House to consider bills on the Private Calendar they are called in the order in which they appear on the calendar, giving preference under the rule on certain Fridays to war claims and on other Fridays to bills reported from other committees of the House. As I said, I have no objection whatever to the gentleman's motion, but in the interest of maintaining orderly procedure I make this suggestion to the Chair.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. LONGWORTH. There is no question of war claims in this connection. These bills are almost all from the Committee on Claims, and a few from the Committee on Indian Affairs, but mainly from the Committee on Claims. The rule is very well settled, as I understand it, that the Committee of the Whole determines in what order the bills shall be taken up.

Mr. CRISP. I should like to see that rule. That is the very proposition in controversy. If the gentleman from Ohio will look at the rule, he will find that on two Fridays in each month preferential consideration shall be given to pension claims, that on one of the two remaining Fridays preference shall be given to war claims, and on the other Friday to claims.

Mr. LONGWORTH. I do not see how that affects the present situation. The rule is very well settled. I read it, and here are some citations. I will read one:

The power of the committee to determine the order of considering bills on its calendars is construed to authorize a motion to establish an order or a motion to take up a specified bill out of its order.

The gentleman from Pennsylvania [Mr. EDMONDS] moves in effect that it be the sense of the committee that bills shall be taken up in their regular order on the calendar.

Mr. CRISP. Under the precedent cited by the gentleman it looks as though it is in order to move to adopt a different procedure from what would be followed if no motion were made. What I was contending was that under the ordinary practice when the House goes into the Committee of the Whole House on the Private Calendar, the bills are called in the order in which they appear on the calendar. It seems, under the citation the gentleman has made that the committee can do away with that and provide for a different order of calling up the bills.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. EDMONDS] that the bills be considered in the order in which they appear on the calendar.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

CLEVELAND TRINIDAD PAVING CO.

The next business on the Private Calendar was the bill (H. R. 5238) for the relief of the Cleveland Trinidad Paving Co.

The Clerk read the title of the bill.

Mr. GARD. Mr. Chairman, this bill was laid aside once before.

Mr. EDMONDS. It was laid aside once before on account of the absence of the gentleman who introduced it. Somebody in the House asked for an explanation.

Mr. MADDEN. Who introduced the bill?

Mr. EDMONDS. The gentleman from Ohio [Mr. EMERSON].

Mr. BEE. The gentleman from New York [Mr. MACGREGOR] made the report from the committee on the bill.

Mr. GARD. I ask that the bill be laid aside.

Mr. MACGREGOR. The bill is a perfectly simple one. I do not see why it should be laid aside simply because the Member who introduced it is not here. I can explain it.

Mr. MADDEN. Go ahead and explain it.

Mr. EDMONDS. I yield to the gentleman from New York sufficient time to explain the bill.

Mr. WALSH. What becomes of the request of the gentleman from Ohio?

Mr. GARD. I asked that the bill be temporarily laid aside because of the absence of the gentleman from Ohio. It is immaterial to me. If gentlemen want to proceed with it I will withdraw my suggestion.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that this bill be laid aside temporarily. Is there objection?

There was no objection.

JAMES A. SHOWEN.

The next business on the Private Calendar was the bill (H. R. 946) for the relief of James A. Showen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James A. Showen, of Spencer, Roane County, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $144, being six months' gratuity pay under the provision of the act of May 13, 1908, of Arthur J. Showen, late corporal of Company F, Second Regiment United States Infantry, who died in service on the 27th of July, 1908, from disease contracted in line of duty, leaving no widow, and without having designated a beneficiary under the said act.

Mr. EDMONDS. Mr. Chairman, this is simply a bill to pay to the parent of a man who was in the military service of the United States the amount of money that would come to him had he when he entered into the Army nominated this party as beneficiary. The amount to be paid is $144, which is the amount that he would have gotten if he had made out the application correctly when he entered the military service.

Mr. GARD. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Page 1, line 13, after the word "act" insert "the said James A. Showen being the father of said Arthur J. Showen, late corporal of Company F, Second Regiment United States Infantry"

Mr. GARD. Mr. Chairman, the bill is for the relief of James A. Showen, and is founded on the statute of May 11, 1908, which provides for payment to some one designated by the soldier. There was no designation by the soldier, and I think that inasmuch as there was no designation it should at least appear that it was some one of interest to the soldier. The report says that he was contributing to the support of his father. The bill in no place contains the averment that James A. Showen was the father of Arthur J. Showen. I think that should appear.

Mr. EDMONDS. Mr. Chairman, I will accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

OSCAR SMITH.

The next business on the Private Calendar was the bill (H. R. 644) for the relief of Oscar Smith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oscar Smith the sum of $108.04 for service performed by him in carrying the mail between the post office and railroad station at Pactola, S. Dak., messenger route No. 259020, from March 16, 1915, to September 29, 1915.

Mr. EDMONDS. Mr. Chairman, this is a bill to reimburse Oscar Smith for carrying the mails between the railroad station and a post office in South Dakota. It appears that when the bill was sent to the Post Office Department the auditor refused to pay this man because Oscar Smith was the father of the postmaster, and it is against the law to employ a relative of the postmaster to handle the mail. As the service was performed, the committee does not see why we should not pay the amount. It was unfortunate that the postmaster did not seem to understand the regulations which forbade any relative being employed in doing the work.

Mr. GARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 10, strike out the period, insert a semicolon, and insert the following: "That no claim for said sum or any other sum be made on the Post Office Department by said Oscar Smith."

Mr. GARD. Mr. Chairman, I offer that amendment because it appears in the report, page 2, that the department detailed an inspector for the purpose of advising the postmaster what course to pursue in regard to the payment of the man who was carrying the mail and happened to be a relative of his. The report says the inspector said he was of the opinion that the matter could be arranged so that the claimant would receive compensation heretofore paid to the messenger, and he would attend to the matter. There being nothing further done by the Post Office Department, it seems to me that if this appropriation is authorized from the general source, the post-office appropriation should be protected.

Mr. EDMONDS. The committee will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

ELLEN AGNES MONOGUE.

The next business on the Private Calendar was the bill (H. R. 909) for the relief of Ellen Agnes Monogue.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Ellen Agnes Monogue, widow of Joseph P. Monogue, a police officer who lost his life at Newport, Vt., on September 6, 1917, while rendering assistance to United States immigration officers in removing an insane alien from the United States, without fault or negligence of said Joseph P. Monogue.

Mr. EDMONDS. Mr. Chairman, this bill is to pay to the widow of a police officer in Newport, Vt., a sum of money to partially reimburse her for the loss of her husband, who happened to be a local policeman and who was asked by the United States immigration inspectors to assist them in deporting an insane alien. He left no money except $500, which was pretty well used up for his burial expenses. It seemed to the committee that the beneficiary of an outsider who was called in to assist the United States authorities and who lost his life should receive this reimbursement. There are a number of precedents for this. Men have been killed in rendering assistance in the matter of illicit whisky investigations in Kentucky, and we have paid this sum of money several times to their beneficiaries since I have been on the committee.

Mr. WALSH. Mr. Chairman, I desire to be recognized in opposition to the bill. I would like to ask the chairman of the committee how the committee arrived at this amount?

Mr. EDMONDS. It is the same amount of money that we have paid under similar circumstances in other cases.

Mr. WALSH. It is interesting to know that here is a man who was rendering a service to the Government in assisting the apprehension of an insane alien. He was killed by the very man whom they were attempting to take into custody. His widow and two children are to be given out of the bounty of the Congress $2,500. The other day we had a case where a soldier ran down an innocent bystander in the city of Omaha, a man who was rendering no service to the Government but who got in the way of an automobile driven by one of the soldiers of the Republic upon official business, while the country was at war during 1917. That man in Omaha left a widow and nine children. In his case the beneficiaries were paid out of the bounty of Congress $5,000. It would seem to me that in this case the widow and two children would be entitled to receive more than the $2,500.

Mr. EDMONDS. Is the gentleman asking me a question?

Mr. WALSH. Yes.

Mr. EDMONDS. I did not understand that he was. I will say to the gentleman that if the amount is too small I will be very glad to agree to an amendment.

Mr. CANDLER. Mr. Chairman, I suggest to the gentleman that in the Omaha case there were nine children while in this case there are only two, that may account for the difference in the amount of money.

Mr. WALSH. I would like to ask the distinguished expert upon the bounties of Congress, who comes from the Tombigbee section, what schedule he would recommend in a case where the deceased leaves only a widow?

Mr. CANDLER. According to the idea of the gentleman expressed a moment ago, I presume it would be reduced very much. I simply referred to the fact that in the Omaha case there were nine and in this case there were two.

Mr. WALSH. It does not make any difference, of course, in any of these cases whether there is any duty resting upon the Government to make these payments. They are just gratuities, pure and simple, paid out of the Treasury of the United States, and if there is any merit in any of them, I will say to the gentleman from Pennsylvania [Mr. EDMONDS], or ask him whether he does not think that there should be a distinction made in a case where a man is killed who is called upon by the United States officials to perform some work or duty which would warrant an award as great as that in the case of where a man is killed who is an innocent bystander.

Mr. EDMONDS. Mr. Chairman, I grant that there is a distinction, and I think this beneficiary is entitled to as much as the other beneficiary. I am frank to say that we established a new precedent in the House in connection with the other case, and it was left to the House and the House decided upon $5,000. We have a precedent in this case. In the case of moonshine-whisky making in Kentucky we have paid the beneficiaries of deputy marshals killed $2,500. This is exactly a similar case. If the gentleman cares to offer an amendment to make it $5,000, I would not oppose it.

Mr. WALSH. I do not imagine the gentleman would oppose it, nor would any other member of the committee.

Mr. BEE. Mr. Chairman, I would call the gentleman's attention to the fact that the bill was introduced by the gentleman from New York [Mr. SNELL], who asked that the sum of $2,500 be appropriated.

Mr. SNELL. Mr. Chairman, I would say that I fixed that amount after consultation with the Labor Department. That was the amount that they recommended. They had made very careful investigation in the case all the way through. That was their recommendation, and that was the reason I fixed that amount.

Mr. WALSH. Mr. Chairman, will the gentleman state whether the Labor Department has any precedents for this? Of course, moonshiners come under the Department of Justice and the Treasury Department. I wondered whether the Labor Department directed the gentleman's attention to other cases where men have been killed in an effort to enforce the immigration laws?

Mr. SNELL. No; they did not. They said that that was a sum that had been agreed upon, and that is all that I know about it.

Mr. WALSH. Mr. Chairman, I know it is useless to oppose bills of this sort, particularly after the precedent established the other day in the Omaha case. Nevertheless when the gentleman makes the motion to lay the bill aside with a favorable recommendation, and also when he attempts to secure its passage through the House, I intend to oppose it. I know how futile it is, in view of the sentiment expressed here on the Nebraska case the other day, to attempt to defeat this measure unless parliamentary obstructive tactics are resorted to, and I do not care to do that. I trust that the bill will be defeated.

Mr. GARD. Mr. Chairman, I desire to ask the chairman of the committee whether he has received any information from the State Department. I note that the report he has is from the Labor Department. Has he any information from the State Department as to whether the United States, because it pays compensation to the widow of an American citizen whose death was caused by a citizen of Canada, can be recompensed for the money paid out.

Mr. EDMONDS. I have made no inquiry of the State Department. The inquiries were made through the Department of Labor.

Mr. GARD. Would it not be well to have that sort of an inquiry made? Here is a proposition where an American citizen is killed by an insane person who was a resident of Canada, as I understand, Robert J. Priddey, who came to the United States by train, and so far as I understand from the bill Priddey was a Canadian subject. Now, if he be a Canadian subject, would there not be some difference, at least in so far as the final responsibility in payment of the United States was concerned?

Mr. EDMONDS. I am not an attorney and the gentleman is. The gentleman knows full well, in the first place, the Government of Canada did not send this man across the border. He was deported under the laws of the United States, and if there is any claim against the Government of Canada the passage of this bill does not remove it.

Mr. GARD. I understand that full well. Possibly the passage of this bill would be a precedent to a claim for some one to show something had been paid, but what I am interested in is to know whether or not the State Department has reported or if this committee has endeavored to ascertain whether this man's country, Canada, will be liable for his act in killing an American citizen?

Mr. EDMONDS. No; we have not made any inquiry along that line at all. The question never came up.

Mr. GARD. Does not the gentleman think that such an inquiry should be made?

Mr. EDMONDS. I do not think, in connection with the preparation of this bill, it should. I do not know why.

Mr. GARD. I certainly think it should.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. BLANTON. Division.

The committee divided; and there were—ayes 51, noes 3.

So the motion to lay aside with a favorable recommendation was agreed to.

EDITH CAROW ROOSEVELT.

Mr. STEENERSON. Mr. Chairman, I call up the bill H. R. 7138.

The CHAIRMAN. The Clerk will report the bill which the gentleman calls up.

The Clerk read as follows:

A bill (H. R. 7138) granting a franking privilege to Edith Carow Roosevelt.

Be it enacted, etc., That all mail matter sent by the post by Edith Carow Roosevelt, widow of the late Theodore Roosevelt, under her written autograph signature, be conveyed free of postage during her natural life.

Mr. BLANTON. Mr. Chairman, I offer a preferential motion which I would like to have considered.

Mr. STEENERSON. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Texas offers a preferential motion, which the Clerk will report.

Mr. BLANTON. Mr. Chairman, I move that the enacting clause be stricken out of the bill.

Mr. STEENERSON. Mr. Chairman, I make the point of order that that is not privileged.

The CHAIRMAN. The Chair does not think that is a preferential motion.

Mr. BLANTON. Does the Chair hold that to strike out the enacting clause is not privileged? Why, it has been so held many times, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota is recognized for debate.

Mr. BLANTON. Will the bill be read for amendment later—the second time?

The CHAIRMAN. It will.

Mr. BLANTON. It will be read a second time for amendment?

Mr. GARD. Has the bill been read?

The CHAIRMAN. The bill has not been read.

Mr. BLANTON. Yes; it was read once; it has been reported once.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STEENERSON. Mr. Chairman, this bill is in the usual form and is approved by the Postmaster General. He says:

I have to say that this bill is in line with the policy heretofore followed granting the franking privilege to widows of Presidents, and therefore has the approval of this department. (A. S. Burleson.)

It seems to me that this is——

Mr. JUUL. Will the gentleman yield for a question?

Mr. STEENERSON. Just in a minute. I would like to say a word——

Mr. JUUL. I would just like to ask the gentleman if the franking privilege was granted to Mrs. Cleveland?

Mr. STEENERSON. Yes.

Mr. JUUL. That is what I wanted to know. I am in favor of granting it, then, to Mrs. Roosevelt.

Mr. STEENERSON. If the gentleman will excuse me, I would like to say just a word or two. The author of the bill, Mr. HICKS, is not here, but as this is Roosevelt week, in which his name is on every tongue in the United States and honored in every heart, I think it a very exceptional thing if this bill should not be approved unanimously. There is no argument necessary, because it is simply in line with the precedents that have been established heretofore.

Mr. CANDLER. Will the gentleman yield for me to make a suggestion?

Mr. STEENERSON. I promised to yield to the gentleman from Georgia [Mr. BELL].

Mr. CANDLER. Is it not a fact that the franking privilege has been granted to Mrs. Cleveland, Mrs. Harrison, Mrs. McKinley, and to all the widows of our Presidents in all the times past? If so, certainly it ought to be granted to Mrs. Roosevelt. [Applause.]

Mr. STEENERSON. Yes.

Mr. BELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Chair holds that the amendment is not in order. The bill has been read for debate only.

Mr. BELL. I understood he was through with debate.

Mr. STEENERSON. Mr. Chairman, I would be willing to have the amendment read for the information of the committee.

The CHAIRMAN. The gentleman from Georgia asks that the amendment be read for information. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BELL: Page 1, line 3, after the word "all," insert the word "first-class."

Mr. BEE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. STEENERSON. For a question.

Mr. BEE. I wanted to rise in order to oppose the amendment; that is all.

Mr. SNELL. Mr. Chairman, was that reservation put in the other permits that have been granted?

Mr. BELL. No; it was not. The object of my amendment is to confine it to first-class mail matter, for the reason that the last bill of this nature which passed Congress was approved February 1, 1909. The parcels post was inaugurated on January 1, 1913, and it seems that it would be sufficient to grant this privilege as restricted to first-class mail matter.

Mr. SNELL. These other franking privileges were granted to any matter that went through the United States mail?

Mr. BELL. Apparently so; yes.

Mr. SNELL. Why should not this be exactly the same?

Mr. BELL. For the reason that the parcel post was not inaugurated at that time.

Mr. SNELL. They could send through parcel post by franking privileges. It should be granted to Mrs. Roosevelt, the same as it was granted to the widows of other Presidents.

Mr. STEENERSON. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, if there ever was a thing that ought to be done and done with grace, this is the one. There never was a man in America's life that did so much for America as Roosevelt, and surely his widow is entitled to respect and consideration. [Applause.] I do not think we ought to consider this question on the basis of cheeseparing. There ought not to be any doubt about what Congress will do. The widow of this great man ought to be given every privilege that the franking rights carry. [Applause.] It ought not to be a question of whether the privilege should apply to the first-class mail or any other class of mail, but it should be granted to its full limit, and there ought not to be any delay or any doubt about it. [Applause.]

Mr. STEENERSON. Mr. Chairman, for the information of the House I desire to say that there is a slight inaccuracy in the statement of the gentleman from Georgia [Mr. BELL] that the parcel post was inaugurated since 1909. There always has been some parcel post in the United States. It was limited to 4 pounds. The only thing we did in 1913 was to increase the size of the package and provide for a heavier weight. And I think we ought to pass this bill in the form it has always been passed in heretofore.

Mr. BLANTON. Mr. Chairman, I am the only one that seems to be opposed to the bill. I ask for a little time.

Mr. STEENERSON. Mr. Chairman, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, in view of the fact that by precedent, long established, the privilege provided for in this bill has been granted to the widows of Presidents of the United States, this same privilege proposed to be granted to Mrs. Roosevelt ought to be enthusiastically and unanimously accorded to her as the widow of our distinguished ex-President who has recently departed this life. It should be granted without limitation, just exactly as all other franking privileges were granted to the widows of our other Presidents.

Therefore I am opposed to the amendment suggested and offered by the gentleman from Georgia, my good friend, Mr. BELL. This privilege, unlimited, was granted by Congress to Mrs. Cleveland, Mrs. Harrison, Mrs. McKinley, and other widows of Presidents. To deny it to Mrs. Roosevelt would be resented by millions of American citizens. I met Mrs. Roosevelt while she was in the White House and feel proud that I had the opportunity to do so. She is a lovely woman and was greatly admired as the "First lady of the land" during President Roosevelt's administration. She gave her four boys to help fight the battles of our country. She richly deserves all this Government has done or may do for her. [Applause.] All over this Republic there is or soon will be a campaign to secure a voluntary fund to erect a memorial to that great and distinguished American ex-President, Col. Theodore Roosevelt. [Applause.] He had a warm place in the hearts of millions of Americans—men, women, boys, and girls. The fund will be promptly given and the memorial will be erected. As the people all over the land, in my State and in the State of every Member on this floor, will contribute to this fund and thus honor him, certainly this House will promptly pass this bill giving this small privilege to his widow, Mrs. Roosevelt. If left to the people, yes, if left to the old boys in "blue" or the old boys in "gray" or the younger generation in "khaki," all with unanimous acclaim would, I believe, say "Pass the bill." [Applause.] In my judgment this House ought to pass it by unanimous consent and without the semblance of opposition of any kind from any source. To do so will be in complete accord with every precedent, and I am sure will receive the full approval of the great and patriotic American people. [Applause and cries of "Vote!"]

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam.

EDITH CAROW ROOSEVELT.

The committee resumed its session.

Mr. STEENERSON. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BEE].

The CHAIRMAN. The gentleman from Texas is recognized for two minutes.

Mr. BEE. Mr. Chairman, I am not going to detain the committee except to say that I am opposed to the amendment offered by my friend from Georgia [Mr. BELL]. Col. Roosevelt organized the regiment of Rough Riders at San Antonio, my home. We may not have agreed with him politically in Texas, but we

hold him in high admiration. I think that to put any limitation on this legislation and say to this splendid woman, "The United States will limit your use of the franking privilege to this and you shall not use it for that," would simply amount to an insult to her, and would justify her in refusing to avail herself of it. [Applause.]

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. HUDSPETH. Would not every Democrat in Texas be in favor of this?

Mr. BEE. Yes. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, there is not a man in this House on either side of the aisle who loved Theodore Roosevelt more than I did, and there is not a man on either side of the aisle who more highly reveres his memory than I do. There was a time when this Congress and the membership of it had a chance to do justice to Theodore Roosevelt. What was your record at that time, I will ask some of my Democratic colleagues? I am one of the few Democrats in this House who, when the great Theodore Roosevelt, who had been the Commander in Chief of the American Army and Navy of the United States, asked permission to fight for his country in our hour of necessity, I am one of the few Democrats who then stood upon this floor and said, "If Theodore Roosevelt wants to go to France, let him go," and I voted to send him to France. [Applause.] And I want to say here that I believe it was a little petty act of jealousy on the part of the War Department that kept him from going. I am that kind of a Democrat. [Applause.] But I do not want to see this paternalism carried any further.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I was one of the few who——

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I regret that I can not yield. The gentleman from Minnesota has an hour. I have but five minutes. The gentleman can use his own time.

I want to say that I am one of the few men loving Theodore Roosevelt and his memory who voted against giving his widow $5,000, not because of any partisan spirit, because I had none, but because I would have voted just the same way if, unfortunately, it were Mrs. Wilson who was involved. I would have voted against a similar proposition to give any widow of a President, Democrat or Republican, a special gratuity unless she needed it and was in dire necessity.

I want to say that the time has come in the history of this country when we should pay attention to such splendid speeches as the one which was made upon the floor of this House this morning by the distinguished ex-general of the United States Army from Ohio, Gen. SHERWOOD. We should quit making idols of a special prominent few and let the many other deserving go without a thought.

One of the brave young men from my district went over to France, entering the service from Ballinger, Tex., as a private, but, because of special merit, bravery, and efficiency, returned to his native land, though maimed and crippled, as Maj. Ewing Taylor, who in France offered the sacrifice of everything he had on God's earth, including his life. He came back here maimed and crippled, a major in the service, if you please, he having worked his way up from the rank of a private. He lay at the point of death at Walter Reed Hospital for three long months, and then was sent home to die, and not even a monument has been placed upon his grave. What has been done for his family? Not one single thing. And thousands of our brave men are still in unmarked graves in France, and 75,000 sad, anxious mothers and fathers are still yearning for the return of their son's remains to his native land. I want to say that I am in favor of meting out equal justice to everybody in this land. I want to say it is not merely a little franking privilege; although it has been the precedent heretofore, it is a wrong precedent, and a bad precedent; and if it is in the face and in the teeth of our Constitution, if it is against the fundamental principles for which that flag stands, it is time that such a precedent should be departed from and the practice stopped. You gentlemen know you have not the right to do this, however much it has been done in the past. You gentlemen know you ought to stop and think and ponder on this subject. You gentlemen know that you ought to stop this favoritism toward a few of a favored class. This great man's beloved widow is well fixed financially. She has a splendid home, with a retinue of servants. She did not need this $5,000 a year of the people's money. She probably did not want it. She does not need this franking privilege. She has plenty of money with which to pay for her own postage stamps. I say unless you can do this for every brave soldier's mother and for every brave soldier's widow, you ought not to pick out one leading woman in the United States, however much beloved, and do it. I am against it, if I stand alone in this House. [Cries of "Vote!"]

Mr. STEENERSON. Mr. Chairman——

Mr. CRISP. Mr. Chairman, will the gentleman yield to me?

Mr. STEENERSON. Mr. Chairman, I want to say to the gentleman from Texas that the legislative branch of this Government——

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. GARD. Does the gentleman desire to ask a question?

Mr. STEENERSON. I thought the Chair recognized me. If he did not, then the gentleman from Ohio has the floor.

Mr. GARD. Gentlemen of the committee, the United States of America, Theodore Roosevelt's own United States of America, is to-day honoring itself by voluntary contributions to make a national monument to his memory. This is unnecessary in a way, because the great monument to Theodore Roosevelt will be neither of bronze nor granite, but the enduring estimate of the men and women and children of the United States of America. [Applause.] While he was always a partisan in politics and therefore stoutly met with divergent opinions among others, there never has been any divergent opinion as to the Americanism of Theodore Roosevelt. [Applause.] So his country will honor him, and now the Congress of the United States, or this branch of it, by a resolution seeks to provide a simple honor to his widow. One of the things which really endeared Theodore Roosevelt to the American people, the one thing which chains him to their hearts, is the fact of his great love and affection for his wife and for his children, four of whom went into the service of the United States, and one of whom died the death of a hero on the fields of France. This small tribute to this great, whole-hearted, home-loving family man, Theodore Roosevelt, is as little as we can do. It is true that Mrs. Roosevelt does not need the money. She does not need the pitiful franking privilege, but we are following legislative precedent, and it is a small and deserved recognition to the beloved wife of this beloved American. [Applause.]

Mr. STEENERSON. The gentleman from Texas says that Congress was blameworthy for not giving ex-President Roosevelt a chance to go to France, and I say that that point is not well taken because Congress did pass the act authorizing Mr. Roosevelt to go abroad to fight the battles of the country in France.

Mr. BLANTON. I was talking about the Democrats who voted against it.

Mr. CANDLER. I voted for it.

Mr. STEENERSON. The blame does not rest with the legislative branch but with the executive branch, if there is any blame anywhere. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman, it will always be one of my regrets that I had never the privilege of meeting the late President Theodore Roosevelt. While we differed politically, I always admired him very much as an American citizen and as a great man. He was intensely devoted to our country and ready at all times to make any sacrifice for it. He plead for the privilege of fighting in France for the land he loved, but was not permitted to do so, though I voted to permit him to go. The citizens in my State to-day, and they are nearly all Democrats, are contributing to raise a fund to honor this great patriot. The most prominent men in the various communities of my district are in charge of the plans to raise money to erect a memorial to the late President Roosevelt. Our people are happy in having the privilege to contribute to this noble cause. It is customary for this honor to be conferred upon the widow of the President of the United States, and as a Georgian, as a Democrat, it will afford me very great pleasure to vote for the resolution to give Mrs. Roosevelt this franking privilege without any limitation, and in so doing I know I voice the sentiment of my district. [Applause.]

The Clerk read the bill as follows:

A bill (H. R. 7138) granting a franking privilege to Edith Carow Roosevelt.

Be it enacted, etc., That all mail matter sent by the post by Edith Carow Roosevelt, widow of the late Theodore Roosevelt, under her written autograph signature, be conveyed free of postage during her natural life.

Mr. BLANTON. Mr. Chairman, I offer the following preferential amendment:

The Clerk read as follows:

Page 1, strike out the enacting clause.

Mr. BLANTON. Mr. Chairman, I am ready to go as far as any man in this House to do honor to our great ex-President Theodore Roosevelt. I am willing, when it comes to giving proper credit to this great American citizen, to go down into my own pocket as far as any man of my means will go and take my own money that belongs to me, to dispose of as I have a right,

to control absolutely—I am willing to go as far as any of you of similar financial means in building a proper memorial to this great man's memory, but when it comes to taking something out of the Treasury of the United States, whether it is a gift of $5,000 per annum or a special franking privilege, I am opposed to it, when in doing so we are singling out one prominent citizen to make public gifts to and forgetting many others who have given their all for their country.

As I say, there will be no man in this House of equal financial ability with myself who will give more than I will out of his own pocket to the Roosevelt memorial fund. But that is not the question. I am afraid that there are some gentlemen here in this Hall who are a little careful of their own funds but who are less careful when they are voting public funds out of the Treasury, with respect to bills that we are continually passing here on the floor of the House with 35 or 40 Members present when they are voted on in the committee and when the roll is first called for in the House. That is the point I am making. I want to say that Mrs. Roosevelt did not need the $5,000 per annum. She probably did not want it. She does not need this franking privilege. I dare say she does not want it, and I say that instead of picking out one person here and there among the great individuals of this Nation and making special gifts out of the Public Treasury to them, let us do honor first to the men who have come back from France, who risked everything over there, who risked their lives on the firing line, who gave everything on God's earth to the cause of our country. We have not done anything for them. We have not yet even had a bill presented to this House for consideration to do justice to the men in khaki who have fought and bled and died for that flag, and I say we ought to consider them first.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas [Mr. BLANTON].

I have had occasion to admire the sturdy character of the gentleman from Texas during his career in this House, and I know he is not afraid to stand up for his convictions.

The idea of extending this franking privilege to the widow of the deceased former President is not that the privilege is something that is needed, but it is a courtesy in the nature of a tribute, and I think the gentleman from Texas will conclude that it would be in rather poor taste for the Congress of the United States at this particular time, having extended this courtesy to the widows of other distinguished Presidents, suddenly to refuse to do so in this case. It is a privilege that will not cost the Government very much, no matter how extensive may be the correspondence of the person to whom the privilege is given, nor will it make very much difference in the receipts of the Post Office Department, if one wishes to consider it upon such sordid grounds. I believe, Mr. Chairman, that if the boys who went to France, who have returned here either maimed and wounded or free from wounds, were asked what they thought of the Congress of the United States extending this privilege to the widow of one of the greatest Americans who have adorned the pages of our history during their lifetime, they would say with one accord, "Grant the privilege!" [Applause.] I do not believe that we can afford to refuse to grant it.

I am a little bit sorry that the gentleman from Texas, in this particular instance, has expressed himself just as he has, because I know the gentleman to have a generous heart, and I know him to have a sense of righteousness, and usually he has excellent judgment.

Mr. HUDSPETH. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman.

Mr. HUDSPETH. I want to state, as a man born and raised in Texas, and who has held office in that State for 20 years, that I believe 99 per cent of the people of Texas would be opposed to the amendment offered by my colleague [Mr. BLANTON]. [Applause.]

Mr. WALSH. I believe that, and I think very likely the gentleman from Texas himself, upon calm reflection and further sober consideration, will perhaps agree that it would be unwise for the House at this time, and that we would be lacking in good taste to withhold this courtesy, particularly now, when on next Monday, throughout the length and breadth of this land, in the schools and pulpits and market places and homes of this country, the name and memory of this great American will be revered by all our people.

So I hope the gentleman will ask unanimous consent to withdraw his motion and let us pass this bill by a unanimous vote and say to the people of the land that we are glad in their name to extend this courtesy to Mrs. Roosevelt, and pay this humble tribute in so doing to the memory of our former President, that brilliant, courageous, and true American citizen. [Applause.]

Mr. STEENERSON. Mr. Chairman, I ask for a vote.

Mr. HUMPHREYS. Mr. Chairman, may the amendment be again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Texas.

There was no objection; and the Clerk again reported the amendment offered by the gentleman from Texas [Mr. BLANTON].

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I think the gentleman from Texas [Mr. BLANTON] has forgotten to some extent his own duties and the duties of this House when he offers the amendment which is now before us. Ever since this Congress was created it has exercised this power, and often found it proper to reward great men of the Nation and commemorate their memory in the manner which is now being done. If this were not the duty of Congress, if it were not one of its privileges, we would not have recently erected that great memorial which has been constructed to the memory of Abraham Lincoln. We do this not with our money but with the money of the people of the United States, and for and in their behalf. So now, when this Nation will soon be paying its tribute to the memory of this great American, we here in Congress on behalf of the Nation should express the sentiments which show how highly his memory is regarded by our people. This is but a little thing, and yet it goes far to show the world that Congress and the people of this country have not forgotten this great man—author, scientist, soldier, statesman, and, above all, an American. Whatever may have been his faults, and, like all great men, he had them, no man of this age has been more distinguished, and few, if any, have left such an impress upon social conditions. He numbered among his friends the great men of his day, and at the same time no man ever had a larger following among the masses of the people. To his other qualities he united that of a leader, whose voice and pen commanded hosts of devoted adherents. His restless and determined energy kindled a fire in his soul which all too soon consumed his strength, and the great man is gone. We know not who can fill his place, but we should at least make some public acknowledgment on behalf of the Nation. The bill as it stands is the very least that we ought to do, and the Nation will approve it.

Mr. STEENERSON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. FERRIS) there were—ayes 1, noes 103.

So the amendment was rejected.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bills with the amendments to the House, with the recommendation that the amendments be agreed to and that the bills amended and unamended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. REAVIS, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar, and had directed him to report back to the House the bills H. R. 683, 946, 644, with amendments, and the bills H. R. 909 and 7138, without amendments, with the recommendation that the amendments be agreed to and that the bills amended and unamended do pass.

Mr. EDMONDS. Mr. Speaker, I call up the bill H. R. 683, for the relief of William E. Johnson, with an amendment, and move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the title of the bill.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take up out of order the bill H. R. 7138, granting the franking privilege to Edith Carow Roosevelt.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take up out of order the bill H. R. 7138. Is there objection?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the title of the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and Mr. BLANTON demanded a division.

The House proceeded to divide.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON (interrupting the count). Mr. Speaker, at the request of our leader, I withdraw the point.

The SPEAKER. The gentleman from Texas withdraws the point of order that there is no quorum present. The question is on the passage of the bill.

The question was taken, and the bill was passed.

Mr. EDMONDS. Mr. Speaker, I ask consideration of the bill H. R. 946.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 946) for the relief of James A. Showen.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. EDMONDS. Mr. Speaker, I ask consideration of the bill H. R. 644.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 644) for the relief of Oscar Smith.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. EDMONDS. Mr. Speaker, I ask the immediate consideration of the bill H. R. 909.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 909) for the relief of Ellen Agnes Monogue.

The bill was ordered to be engrossed and read the third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 51, noes 5.

So the bill was passed.

On motion of Mr. EDMONDS, a motion to reconsider the votes by which the several bills were passed was laid on the table.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. JOHNSON of Washington. Will the gentleman withhold that for a moment?

Mr. BLANTON. I withhold it.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the title of the bill H. R. 6289, acted upon favorably a short time ago by the House, be changed so as to conform to the text, the text having been amended in the committee and adopted in the House.

The SPEAKER. The gentleman from Washington asks unanimous consent that the title of the bill referred to be amended to conform to the text. Is there objection? [After a pause.] The Chair hears none.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the conference report on the Post Office increase bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to revise and extend my remarks made on the bill just passed, granting the franking privilege to Mrs. Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Speaker, I make a similar request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CASE OF VICTOR L. BERGER, OF WISCONSIN.

Mr. DALLINGER, by direction of the special committee appointed under the authority of House resolution 6, concerning the right of Victor L. Berger, Representative elect from the State of Wisconsin, to be sworn in as a Member of the Sixty-sixth Congress, submitted a privileged report, which was referred to the House Calendar and ordered to be printed.

CONTESTED-ELECTION CASE OF CARNEY AGAINST BERGER.

Mr. DALLINGER, by direction of the Committee on Elections No. 1, submitted a privileged report in the contested-election case of Joseph P. Carney *v.* Victor L. Berger, from the fifth congressional district of the State of Wisconsin, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT.

Mr. EDMONDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until Saturday, October 25, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting preliminary examination of Bayou Texar, Fla. (H. Doc. No. 271); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to promote the efficiency of the United States Navy (H. Doc. No. 272); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of the Navy, transmitting estimate of appropriation required for the drainage of Margarita Island Swamp (H. Doc. No. 273); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Secretary of the Navy, transmitting tentative draft of a bill regarding the Naval Reserve Force of the United States Navy (H. Doc. No. 274); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the resolution (H. Res. 358) for the immediate consideration of the House committee substitute for S. 2775, reported the same without amendment, accompanied by a report (No. 409), which said resolution and report were referred to the House Calendar.

Mr. GOULD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, reported the same without amendment, accompanied by a report (No. 410), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NOLAN, from the Committee on Patents, to which was referred the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, reported the same without amendment, accompanied by a report (No. 411), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN, from the Committee on Military Affairs, to which was referred the bill (S. 2494) to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department, reported the same without amendment, accompanied by a report (No. 412), which said bill and report were referred to the House Calendar.

Mr. DALLINGER, from the Committee on Elections No. 1, to which was referred the contested-election case of Carney against Berger, submitted a report (No. 413) thereon, which said report was referred to the House Calendar.

He also, from the select committee on the right of seat of Victor L. Berger, submitted a report (No. 414) thereon, which said report was referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9903) granting an increase of pension to Charles W. Bryant; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5886) granting an increase of pension to Jacob W. Cline; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRISP: A bill (H. R. 10155) to deport from the United States certain aliens who withdrew their declaration of intention to become citizens to evade military service, and to suspend all immigration to the United States until January 1, 1930; to the Committee on Immigration and Naturalization.

By Mr. NOLAN: A bill (H. R. 10156) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. MASON: Resolution (H. Res. 359) expressing the sympathy of the House of Representatives for the Korean people; to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Resolution (H. Res. 360) for appointment of a special committee to consider and report on the various bills pending in the House providing for benefits to ex-service men of the late World War; to the Committee on Rules.

By Mr. MONTAGUE: Joint resolution (H. J. Res. 240) to provide for the return of the dead bodies of soldiers of the American Expeditionary Forces buried in France; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10157) granting an increase of pension to Michael Young; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 10158) granting a pension to Addison Inman; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 10159) granting a pension to Harriet E. Ritter; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 10160) granting an increase of pension to John W. Lane; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10161) granting an increase of pension to James M. Turley; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10162) granting an increase of pension to Benjamin T. Pool; to the Committee on Invalid Pensions.

By Mr. EVANS of Nebraska: A bill (H. R. 10163) granting an increase of pension to August Clair; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10164) granting an increase of pension to George Knaggs; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10165) granting a pension to William J. Shannon; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 10166) granting an increase of pension to Bonus W. Fontain; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 10167) granting an increase of pension to Morton Brandemere; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 10168) granting an increase of pension to Louis K. Lewis; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 10169) granting a pension to Edward G. Ast; to the Committee on Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 10170) granting an increase of pension to Helen Fitton; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 10171) granting an increase of pension to Sinclair Binkley; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10172) granting a pension to Joseph H. Sampson; to the Committee on Pensions.

Also, a bill (H. R. 10173) granting a pension to Mike Cattarini; to the Committee on Pensions.

By Mr TEMPLE: A bill (H. R. 10174) granting an increase of pension to William Dewalt; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10175) granting an increase of pension to Letitia A. Clifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10176) granting an increase of pension to Levi Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10177) granting a pension to Catherine McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10178) granting a pension to Ralph Erwin; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10179) for the relief of John M. Green; to the Committee on Military Affairs.

By Mr. MASON. Resolution (H. Res. 361) for the relief of Angie Medbury, widow of David W. Medbury, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the City Council of Ashland, Ohio, and of the Harry Higgins Post of the American Legion, favoring an embargo on sugar and the continuance of food administration control for 1920; to the Committee on the Judiciary.

By Mr. DARROW: Petition of the committee on currency and banking of the Philadelphia Board of Trade for the abolition of the Office of the Comptroller of the Currency, etc.; to the Committee on Banking and Currency.

By Mr. FOCHT: Papers to accompany H. R. 8594, granting a pension to Mrs. Susan Hixson; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 10118, granting an increase of pension to George B. Yocum; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 9548, granting a pension to Jemima Trueax; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Petition of W. M. McCormick, of Baltimore, Md., relative to the strike in the lower New York Harbor; to the Committee on the Judiciary.

By Mr. MEAD: Petition of Foster-Milburn Co., of Buffalo, N. Y., protesting against the passage of Senate bill 2904; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSON of Wisconsin: Petition of Wisconsin Daily League, in regard to increasing facilities for news service across the Pacific Ocean between the United States and the Far East; to the Committee on the Merchant Marine and Fisheries.

By Mr. TIMBERLAKE: Petition of the Denver Civic and Commercial Association, favoring vocational training for disabled soldiers, sailors, and marines; to the Committee on Education.

By Mr. YATES: Petition of Glaser, Crandell Co. and Gulbransen-Dickinson Co., Chicago, Ill., protesting against the closed shop; to the Committee on Labor.

Also, petition of Smurr & Kamen Co., Chicago, Ill., protesting against the closed shop; to the Committee on Labor.

Also, petition of C. F. Baum & Co., Chicago, Ill., protesting against agitation indorsed by organized labor concerning right of employer to contract with employees; to the Committee on Labor.

Also, petition of the Sipp Machine Co., Paterson, N. J., protesting against additional power being given to the Federal Trade Commission; to the Committee on the Judiciary.

Also, petition of Rockford Manufacturers' and Shippers' Association, Rockford, Ill., urging the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of John Brennan & Co., Detroit, Mich., protesting against granting more authority to the Federal Trade Commission; to the Committee on the Judiciary.

Also, petition of Wire Wheel Corporation of America, Chicago, Ill., urging the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Woman's City Club, of Chicago, Ill., urging the passage of House bill 2492 and Senate bill 1737, relative to the rank of United States Army nurses; to the Committee on Military Affairs.

Also, petition of Progressive Lodge No. 440, International Association of Machinists, Rockford, Ill., against enactment of law to punish strikers by fine and imprisonment; to the Committee on the Judiciary.

Also, petition of Montana State Press Association, Great Falls, Mont., indorsing the present second-class postage law and opposed to its repeal; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Agricultural Association, Chicago, favoring the Capper-Hersman bills, providing amendment to Clayton antitrust act giving farmers' organizations the right to bargain collectively without fear of prosecution; to the Committee on the Judiciary.

Also, petition of Bayonne Steel Casting Co., Bayonne, N. J., protesting against additional power being given to the Federal Trade Commission; to the Committee on the Judiciary.

Also, petition of United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, Detroit, Mich., protesting against the Cummins bill; to the Committee on Interstate and Foreign Commerce.